


# Minnesota Board of Water and Soil Resources. Minutes.


## Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.



Version 3
August 20, 2018

Minnesota Board of Water & Soil Resources

DATE: August 13, 2012

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

FROM: John Jaschke, Executive Director

SUBJECT: August 22-23, 2012 – BWSR Board Tour Details and Meeting Notice

The Board of Water and Soil Resources (BWSR) will tour southwestern Minnesota (Lincoln and Lyon Counties) on Wednesday, August 22, 2012. *See attached tour itinerary.* The Area II Minnesota River Basin Project, Inc., and Lincoln, and Lyon Soil and Water Conservation Districts are the local hosts, and the tour will highlight their conservation efforts.

**Tuesday, August 21st**

A van will depart from the BWSR office in St. Paul on Tuesday, August 21st about 2:00 PM. If you are interested in carpooling in the van to/from Marshall, please contact Mary Jo Anderson at 651-297-4290 or mary.jo.anderson@state.mn.us immediately to reserve a seat in the van.

The van will arrive at the Ramada Inn, 1500 East College Drive (Junction Hwy. 19 and Hwy. 23), in Marshall, about 5:00 PM on Tuesday. Directions to the hotel: http://www.ramada.com/hotels/minnesota/marshall/ramada-marshall/hotel-overview

Sleeping rooms have been reserved at the Ramada Inn in Marshall for Tuesday and Wednesday evenings, August 21 and 22. *See the attached room reservation list.* The rooms have been direct billed (you do not pay for the room unless noted on the rooming list). Please contact Mary Jo Anderson immediately if you will not need a sleeping room.

***Optional:*** *(Must let Mary Jo know if you plan to attend)*
Tuesday evening - Dinner at the Caldo Italian Kitchen (formerly known as Landmark Bistro), 100 West College Drive, [about five minutes west of the Ramada Inn on College Drive] in Marshall. Dinner reservations are at 6:00 PM. The Caldo Italian Kitchen is casual atmosphere; dinner has been direct billed (you do not pay). The menu features American items as well as Italian choices.


| Bemidji | Brainerd | Duluth | Fergus Falls | Mankato | Marshall | New Ulm | Rochester |
|---|---|---|---|---|---|---|---|
| 403 Fourth Street NW<br>Suite 200<br>Bemidji, MN 56601<br>(218) 755-2600 | 1601 Minnesota Drive<br>Brainerd, MN 56401<br>(218) 828-2383 | 394 S. Lake Avenue<br>Suite 403<br>Duluth, MN 55802<br>(218) 723-4752 | 1004 Frontier Drive<br>Fergus Falls, MN 56537<br>(218) 736-5445 | 1160 Victory Drive South<br>Suite 5<br>Mankato, MN 56601<br>(507) 389-6784 | 1400 East Lyon Street<br>Marshall, MN 56258<br>(507) 537-6060 | 261 Highway 15 South<br>New Ulm, MN 56073<br>(507) 359-6074 | 3555 9th Street NW<br>Suite 350<br>Rochester, MN 55901<br>(507) 206-2889 |

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

**Wednesday, August 22nd**

The Ramada Inn has a complimentary breakfast buffet served in the Breakfast Room from 6:00 AM – 9:00 AM for guests staying at the hotel.

Registration, introductions, and a brief overview of the day will be held at the Ramada Inn, in the Chaparral/Frontier Conference Room. A coach bus will promptly depart from the Ramada Inn at 8:30 AM.

The tour will consist of a few stops that we will be walking a short distance, wear your comfortable walking shoes, and casual attire. The tour will be held rain or shine, dress accordingly.

If you will not be present for the Wednesday coach bus tour, or if you do not need a room reservation on Tuesday or Wednesday evening at the Ramada Inn, please contact Mary Jo Anderson immediately, as we need to know the number of people attending. If you have special food needs, or require a vegetarian meal, please contact Mary Jo Anderson as soon as possible.

The narrated coach bus will travel through Lincoln and Lyon Counties. We will see flood control and road retention projects, wetland restoration, and have a coffee break at 10:00 AM at the Coot Wildlife Management Area (WMA) in Lincoln County hosted by the Area II Minnesota River Basin Projects, Inc., and the Lincoln SWCD. We will then travel west in Lincoln County and see Walk In Access sites. We will arrive at Hole in the Mountain County Park about 11:45 AM for lunch. Hole in the Mountain County Park is located on the west edge of the city of Lake Benton, just off U.S. Hwy. 14.

After lunch there will be a presentation from the Lincoln-Pipestone Rural Water System and Verdi Wellhead Protection Project. We will board the coach bus and depart from the Hole in the Mountain County Park about 1:00 PM. We'll tour sediment basins, wind towers, a series of CRP, RIM, and CREP sites, and then travel to the Southwest Sportsman's Club, Hwy. 68, in Minneota. There will be a presentation/discussion on economics-agriculture-conservation.

The coach bus will arrive back at the Ramada Inn in Marshall about 5:00 PM.

We have dinner reservations at the Marshall Country Club at 6:00 PM. The Marshall Country Club is located at 800 Country Club Drive, about five minutes from the Ramada Inn. Dinner is direct billed (you do not pay).

**Thursday, August 25th**

The Board of Water and Soil Resources (BWSR) will meet on Thursday, August 23rd beginning at 9:00 a.m. The meeting will be held at the Ramada Inn, Chaparrel/Frontier Conference Room, in Marshall. Parking is available behind the building. The following information pertains to agenda items:

**COMMITTEE RECOMMENDATIONS**

***Southern Water Planning Committee –*** *Please note that the following agenda items are contingent upon the Southern Water Planning Committee's review and recommendation. The Southern Water Planning Committee meets on Tuesday, August 21, in Marshall.*

1. **Cottonwood County Local Water Management Plan Amendment** - By Board Order, the Board of Water and Soil Resources (Board) approved the Cottonwood County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Cottonwood County to update the Plan's implementation section by July 1, 2012. Cottonwood County followed the amendment process guidelines established by the Board and submitted their 2012 - 2017 Local Water Management Plan Addendum on May 15, 2012. The Board's Southern Water Planning Committee (Committee) will meet on August 21, 2012 to review the Cottonwood County Plan Addendum. The Committee's recommendation of the Cottonwood County 2012 - 2017 Local Water Management Plan Addendum will be presented to the full Board for review and action. ***DECISION ITEM***

2. **Freeborn County Local Water Management Plan Amendment** - By Board Order, the Board of Water and Soil Resources (Board) approved the Freeborn County 2006 - 2015 Comprehensive Water Management Plan (Plan) on August 24, 2006. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Freeborn County to update the Plan's implementation section by December 31, 2011. Freeborn County followed the amendment process guidelines established by the Board and submitted their 2011 - 2015 Water Management Plan Addendum on March 8, 2012. The Board's Southern Water Planning Committee (Committee) will meet on August 21, 2012 to review the Freeborn County Plan Addendum. The Committee's recommendation of the Freeborn County 2011 - 2015 Local Water Management Plan Addendum will be presented to the full Board for review and action. ***DECISION ITEM***

3. **Houston County CLWMP Five-Year Update Extension Request** - Houston County currently has a Comprehensive Local Water Management Plan that will expire in December 2017. On March 21, 2012, Houston County approved and submitted a resolution requesting an extension of their required five-year update to the implementation section of their Plan. BWSR staff reviewed this request and

recommends approval. This extension request will be considered by the BWSR Southern Water Planning Committee, chaired by Paul Langseth, at their August 21, 2012 meeting. The Committee's recommendation will be presented to the full Board for review and action. The state's expectations for the extension request must be sent to Houston County. See attachments. ***DECISION ITEM***

4. **Murray County Local Water Management Plan Amendment -** By Board Order, the Board of Water and Soil Resources (Board) approved the Murray County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Murray County to update the Plan's implementation section by July 1, 2012. Murray County followed the amendment process guidelines established by the Board and submitted their 2012 - 2017 Local Water Management Plan Addendum on June 7, 2012. The Board's Southern Water Planning Committee (Committee) will meet on August 21, 2012 to review the Murray County Plan Addendum. The Committee's recommendation of the Murray County 2012 - 2017 Local Water Management Plan Addendum will be presented to the full Board for review and action. ***DECISION ITEM***

5. **Wabasha County CLWMP Extension Request -** Wabasha County currently has a Comprehensive Local Water Management Plan that will expire in December 2012. On June 28, 2012, Wabasha County approved and submitted a resolution requesting an extension of their current Plan. BWSR staff has reviewed this request and recommends approval. This extension request will be considered by the BWSR Southern Water Planning Committee, chaired by Paul Langseth, at their August 21, 2012 meeting. The Committee's recommendation will be presented to the full Board for review and action. The state's expectations for the extension request must be sent to Wabasha County. See attachments. ***DECISION ITEM***

**NEW BUSINESS**

1. **Establishment of An Audit Committee -** The Board of Water and Soil Resources is authorized by Minnesota Statutes 103B.101 to "adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law"; and to assess "board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management". BWSR staff and the Administrative Advisory Committee recommend approval of the establishment of an Audit Committee. ***DECISION ITEM***

2. **Preliminary 2012 Flood Response -** Presidential Declaration of a Major Disaster (DR-4069) includes Duluth and the northeast part of the state were hit by severe storms and flash floods June 19-21. The storms followed windstorms and floods in western and south-central counties. The President declared a major disaster for 15 counties and three tribal governments, qualifying them for Federal Emergency Management Agency (FEMA) Public Assistance funding. Individual Assistance funding was not authorized. A

Special Legislative Session is anticipated to provide the State portion of the funding. ***INFORMATION/DECISION ITEM***

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

If you are riding the van from Marshall, it will depart from the Ramada Inn immediately following the Board meeting; arriving in St. Paul late afternoon.

**Ramada Inn, Marshall**

**Rooming List for Board of Water and Soil Resources**

**Tuesday, August 21, 2012**

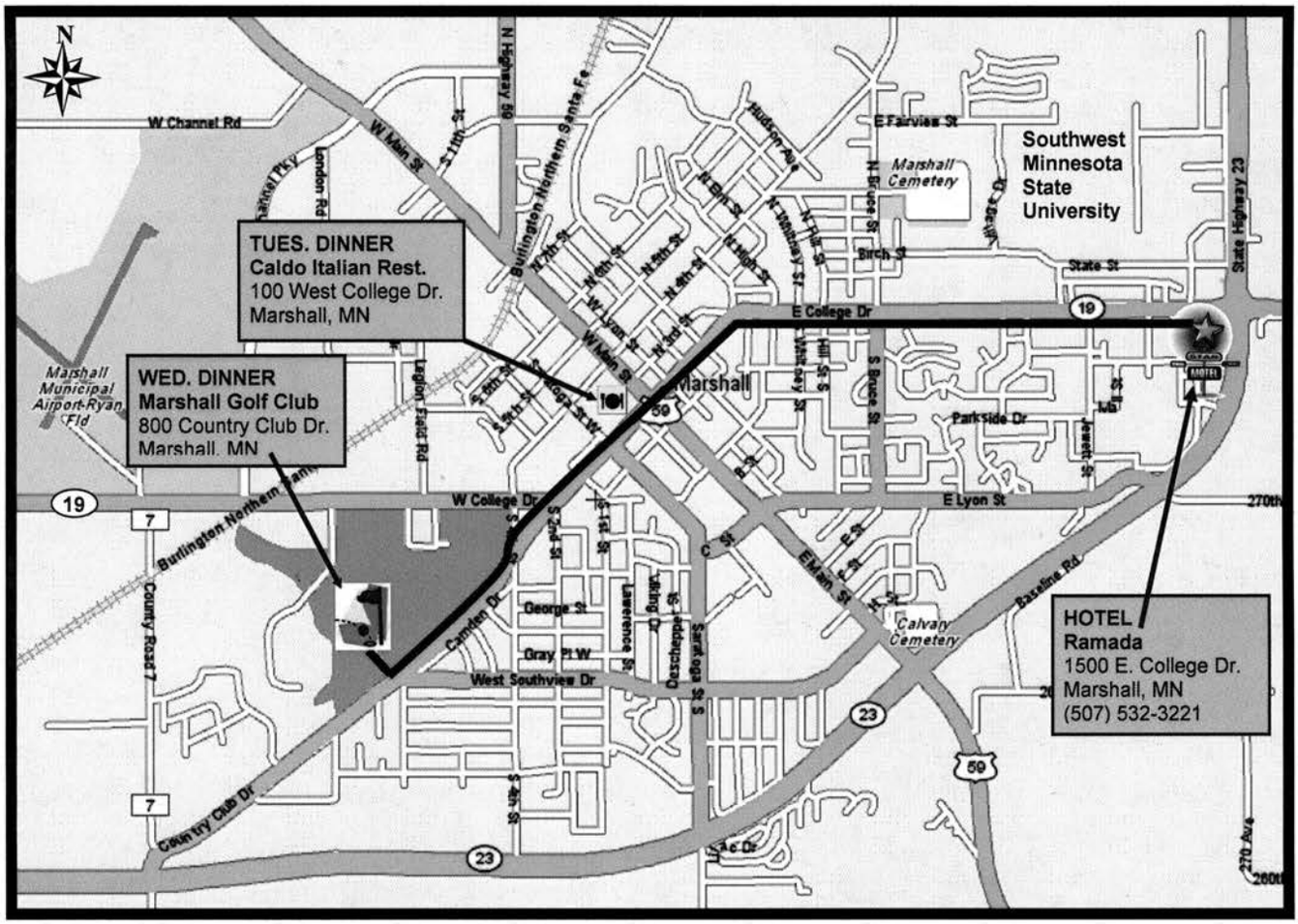
1. Mary Jo Anderson
2. Bob Burandt
3. Joe Collins
4. Jack Ditmore
5. Chris Elvrum ***
6. Quentin Fairbanks
7. Rebecca Flood ***
8. Christy Jo Fogarty
9. Todd Foster
10. Sandy Hooker
11. John Jaschke
12. Tom Landwehr ***
13. Paul Langseth
14. Jen Maleitzke
15. John Meyer
16. Keith Mykleseth
17. Brian Napstad
18. Jeff Nielsen
19. Rob Sip ***
20. Steve Sunderland
21. Gene Tiedemann
22. Tom Wenzel
23. Matt Wohlman ***
24. Gerald Van Amburg

**Wednesday, August 22, 2012**

1. Mary Jo Anderson
2. Bob Burandt
3. Joe Collins
4. Jack Ditmore
5. Chris Elvrum ***
6. Quentin Fairbanks
7. Rebecca Flood ***
8. Christy Jo Fogarty
9. Todd Foster
10. Sandy Hooker
11. John Jaschke
12. Tom Landwehr ***
13. Paul Langseth
14. Jen Maleitzke
15. John Meyer
16. Keith Mykleseth
17. Brian Napstad
18. Jeff Nielsen
19. Rob Sip***
20. Steve Sunderland
21. Gene Tiedemann
22. Tom Wenzel
23. Matt Wohlman ***
24. Gerald Van Amburg
25. Kevin Lines

*** will pay for room upon arrival

August 13, 2012


TUES. DINNER
Caldo Italian Rest.
100 West College Dr.
Marshall, MN
WED. DINNER
Marshall Golf Club
800 Country Club Dr.
Marshall, MN
HOTEL
Ramada
1500 E. College Dr.
Marshall, MN
(507) 532-3221
Southwest Minnesota State University
Marshall
W Channel Rd
W Main St
E College Dr
W College Dr
E Lyon St
E Fairview St
State St
Birch St
Parkside Dr
Marshall Cemetery
Calvary Cemetery
Marshall Municipal Airport-Ryan Fld
Burlington Northern Santa Fe
Camden Dr
George St
Gray Pl W
West Southview Dr
Country Club Dr
Basalt Rd
State Highway 23
19
59
23
7

# BWSR Board Tour Itinerary

## Wednesday August 22, 2012

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

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

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

**BOARD OF WATER AND SOIL RESOURCES**
**RAMADA INN**
**1500 EAST COLLEGE DRIVE**
**MARSHALL, MINNESOTA**
**THURSDAY, AUGUST 23, 2012**

**PRELIMINARY AGENDA**

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

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF JUNE 27, 2012 BOARD MEETING**

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

**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**
***Southern Water Planning Committee***

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

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

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

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

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

**NEW BUSINESS**

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

2. Preliminary 2012 Flood Response - John Jaschke - ***INFORMATION/DECISION 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 & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Tim Koehler

**UPCOMING MEETINGS**

- Next BWSR Board Meeting – September 26, 2012

**Noon** **ADJOURN**

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

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

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

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

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

DRAFT

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

**PLEDGE OF ALLEGIANCE**

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

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

**CONFLICT OF INTEREST DECLARATION – presented later on agenda.**

**INTRODUCTION OF NEW BWSR STAFF**

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

**REPORTS**

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

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

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

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

DRAFT

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

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

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

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

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

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

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

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

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

DRAFT

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

**COMMITTEE RECOMMENDATIONS**

***Metro Water Planning Committee***

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

** 12-47

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

** 12-48

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

** 12-49

**CONFLICT OF INTEREST DECLARATION**

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

DRAFT

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

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

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

***Southern Water Planning Committee***

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

DRAFT

**Minnesota River Board, Fiscal Year 2013 Work Plan and Grant** – Paul Langseth reported that this work plan is for BWSR oversight of administrative funding related to the efforts of the Minnesota River Board (MRB), formerly known as the Minnesota River Basin Joint Powers Board. The 2011 Minnesota Legislature appropriated administrative funding for the MRB, resulting in a fiscal year 2013 State General Funds grant of $42,000. The overall budget objectives are included in the work plan. Staff recommends approval of this work plan and execution of the administrative grant
** agreement for fiscal year 2013. Moved by Paul Langseth, seconded by Tom Landwehr,
12-51 to approve the Minnesota River Board, Fiscal Year 2013 Work Plan and Grant. Motion passed on a voice vote.

***Grants Program & Policy Committee***

**Proposed FY'13 SWCD Programs and Operations Grants Allocations** – Wayne Zellmer reported that the Grants Program & Policy Committee reviewed the proposed SWCD grant allocations on May 23, and recommends approval of the FY'13 allocations for the Conservation Delivery, Easement Delivery, Non-Point Engineering Assistance,
** and Cost-Share Base Grant Programs. Moved by Paul Langseth, seconded by Keith
12-52 Mykleseth, to approve the FY'13 SWCD Programs and Operations Grants Allocations as presented:

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

| | |
|---|---|
| State Cost Share Base Grants | $1,559,999 |
| Conservation Delivery Grants | $1,765,000 |
| Easement Delivery Grants | $ 290,996 |

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

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

3. Authorize SWCDs, to use all or part of their allocation for technical assistance, when the following conditions exist:
   i. Federal funds will be leveraged and they couldn't do the project otherwise; Or,
   ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2011 Financial Report indicates less than an 18-month fund balance; and
   iii. Board Conservationist approval.

Discussion followed. Motion passed on a voice vote.

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

** 12-53

BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR, and indicated on the attached spreadsheet PROPOSED FY'13 NATURAL RESOURCES BLOCK GRANTS; totaling:

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

and, for Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, Local Governmental Units will have the flexibility of determining the amount of the total of these three BWSR Programs, to allocate to each of their programs locally.

Discussion followed. Motion passed on a voice vote.

DRAFT

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

** 12-54

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

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

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

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

** 12-55

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

DRAFT

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

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

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

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

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

**NEW BUSINESS**

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

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

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

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

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

** 12-59

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

** 12-60 Moved by Gene Tiedemann, seconded by Matt Wohlman, to authorize the Conservation Easement Section Manager, in consultation with the Executive Director or Assistant Director, to: 1) Evaluate and document relevant factors related to the RIM CWF WPI's function and purpose in protecting the public's benefit and safety of the area being enrolled in determining an increased rate is justified and necessary; and 2) Adjust the RIM CWF WPI payment rate up to the current cropland rate for non-cropland areas enrolled in the program. Motion passed on a voice vote.

DRAFT

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

** 12-61

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

Discussion followed. Motion passed on a voice vote.

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

** 12-62

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

Motion passed on a voice vote.

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

**AGENCY REPORTS**

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

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

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

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

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

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

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

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

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

**UPCOMING MEETINGS**

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

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

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution Committee Report

**Meeting Date:** August 23, 2012

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

**Item Type:** ☐ Decision ☐ Discussion ☒ Information

**Section/Region:** Land and Water Section

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson

**Reviewed by:** _____ Committee(s)

**Presented by:** Gerald Van Amburg/Travis Germundson

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

## ACTION REQUESTED

None

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

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

Dispute Resolution Report
August 23, 2012
By: Travis Germundson

There are presently **13** appeals pending. All of the appeals involve WCA except File 10-10. There have been **2** new appeals filed since the last report given at the June 27, 2012 Board Meeting.

.

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

File 12-13-12 (8-3-12) This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit credits. The Stearns County Wetland Appeal Panel reversed an earlier staff decision to deny the application. At issue are the eligibility requirements for wetland bank credits. No decision has been made on the appeal.

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

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

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

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

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

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

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

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

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

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

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The North Fork Crow River Watershed District recently constructed two rock riprap grade control structures within the ditch and the landowner has disabled and removed some of the tile. Stearns County is looking into if applicable exemption standards. The appellant has granted BWSR additional time to make a decision on the appeal. No decision has been made on the appeal.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division. A settlement agreement was reached with NRCS. Continuance of the pre-hearing conference reconvened on July 18, 2011. Settlement discussions are ongoing.

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

File 09-3 (2-20-09) This is an appeal of a replacement plan decision in Anoka County. The appeal regards the approval of a wetland replacement plan for 11,919 square feet of impacts associated with a residential development. The appeal has been placed in abeyance and the replacement plan decision stayed for submittal of a revised replacement plan application. The applicant is considering a different design, but nothing has been submitted.

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

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

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

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

## Summary Table

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

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

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

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

**Filed July 30, 2012**
**Affirmed**
**Schellhas, Judge**

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

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

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

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

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

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

**U N P U B L I S H E D  O P I N I O N**

**SCHELLHAS**, Judge

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

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

## FACTS

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

---

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

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

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

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

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

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

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

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

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

This consolidated certiorari appeal by the district and DNR follows.

## DECISION

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

---

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

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

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

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

> A replacement plan for wetlands is not required for development projects and ditch improvement projects in the state that have received preliminary or final plat approval or have infrastructure that has been installed or has local site plan approval, conditional use permits, or similar official approval by a governing body or government agency, within five years before July 1, 1991.

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

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

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

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

*Whether Project Remained Active*

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

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

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

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

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

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

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

***Whether 1987 Conditional-Use Permit Documented Wetlands Impact***

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

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

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

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

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

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

*Unclear and Ambiguous*

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

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

*Deference*

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

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

Planning informed the Borglums on March 10, 1987, that the County did not consider the 'low area' on their property to be a wetland." We conclude therefore that the board's interpretation of "to the extent documented by the approval" to permit implied documentation was reasonable in this case and, consequently, defer to it.

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

The approved-development exemption provides: "Those elements of the project that can be carried out without changing the approved plan and without draining or filling must be done in that manner. If wetlands can be avoided within the terms of the approved plan, they must be avoided." Minn. R. 8420.0122, subp. 8 (2005). The district's board of supervisors found that "Borglum can continue the use approved in the 1987 CUP without additional impacts to wetlands." The board disagreed, finding that "[r]equiring [the Borglums] to avoid wetland impacts within the six acre portion of the parcel subject to their application is simply not consistent with the 'terms of the approved plan'" because "the 1987 CUP allows the Borglums to use the entire 11 acre parcel for outside storage of materials."

*Unclear and Ambiguous*

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

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

*Deference*

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

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

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

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

**Affirmed.**

**COMMITTEE RECOMMENDATIONS**

***Southern Water Planning Committee***

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

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

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

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

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

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Cottonwood County Local Water Management Plan Amendment**

**Meeting Date:** _____

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** Southern Region
**Contact:** Jeff Nielsen, Regional Supervisor
**Prepared by:** Mark Hiles, Board Conservationist
**Reviewed by:** Southern Water Planning Committee(s)
**Presented by:** Paul Langseth

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ 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 Cottonwood County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Cottonwood County to update the Plan's implementation section by July 1, 2012.

On October 4, 2011, the Cottonwood County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. The County followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by BWSR.

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

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

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

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

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

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

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

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

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

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

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

## FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

10. On August 21, 2012, the Board's Southern Water Planning Committee (Committee) reviewed the Cottonwood County 2012 Amendment, pursuant to 103B.301 and guidelines established by the Board.

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

12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2012 Amendment will be in effect until **July 1, 2017.**

## CONCLUSIONS

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

2. The Cottonwood County 2012 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section July 2012 – July 2017. The 2012 Amendment, as well as the previously approved Cottonwood County 2007 – 2017 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

## ORDER

The Board hereby approves the attached 2012 Amendment of the Cottonwood County Water Management Plan for July 2012 – July 2017. Cottonwood County will be required to provide for a complete update of its Water Management Plan prior to July 1, 2017.

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

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

**DATE:** July 26, 2012

**TO:** Jeff Nielsen, BWSR Southern Regional Supervisor

**FROM:** Mark L. Hiles, BWSR Board Conservationist

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

On June 27, 2007, the Board of Water and Soil Resources (BWSR), by board order, approved the Cottonwood County June 27, 2007 – July 1, 2017 ten-year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives, and action steps covering a five-year period of 2007 - 2012. The Board Order stipulated that Cottonwood County was required to revise / update this implementation section by July 1, 2012.

On October 4, 2011, the Cottonwood County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. The County followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by BWSR.

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

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

I have actively participated with and provided guidance and recommendations to Cottonwood County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and guidance developed by BWSR. I recommend approval of the Cottonwood County July 2012 - July 2017 Implementation Program Amendment. Finally - I look forward to assisting Cottonwood County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Kay Clark should be commended for her leadership throughout the plan amendment process.


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

*Brainerd*
217 S. 7th Street
Suite 202
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

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

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

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

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

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

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

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

## A. Executive Summary

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

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

### A.1 Purpose & Introduction

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

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

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

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

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

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

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

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

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

**2011-12 Local Water Management Plan Task Force Members**

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

**Other Participants**

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

### A.1.a Public and Internal Forums

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A.1.b Plan Adoption and Amendment

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

## A.2 Description of Priority Concerns

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

**Priority Concern 1. Improve Surface Water Quality.**

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

**Priority Concern 2. Protect Groundwater.**

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

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

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

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

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

**Priority Concern 1. Improve Surface Water Quality.**

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

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

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

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

**Priority Concern 2. Protect Groundwater.**

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

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

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

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

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

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

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

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

### A.4 Consistency with Local, State and Regional Plans

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

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

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

## B. Priority Concerns

### B.1 Identification of Priority Concerns

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

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

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

Local water management concerns and comments were received from:

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

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Freeborn County Local Water Management Plan Amendment**

**Meeting Date:**

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** Southern Region
**Contact:** Jeff Nielsen, Regional Supervisor
**Prepared by:** Chris Hughes, Board Conservationist
**Reviewed by:** Southern Water Planning Committee(s)
**Presented by:** Paul Langseth

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ 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 Freeborn County 2006 - 2015 Comprehensive Water Management Plan (Plan) on August 24, 2006. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Freeborn County to update the Plan's implementation section by December 31, 2011. Freeborn County followed the amendment process guidelines established by the Board and submitted their 2011 - 2015 Water Management Plan Addendum on March 8, 2012.

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

---

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

---

**Whereas**, on August 24, 2006, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Freeborn County 2006 – 2015 Comprehensive Local Water Plan Update (Plan), which contained a 2006 – 2011 five-year Implementation section; and

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

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

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

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

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

## FINDINGS OF FACT

1. On October 20, 2011, Freeborn County passed and submitted a resolution stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On April 27, 2011 and May 9, 2011, and May 17, 2011 Board staff provided information on the amendment process to Freeborn County.

3. On October 20, 2011 Freeborn County provided proper notice to local units of government and state agencies of the County's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

4. Freeborn County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health, Mower County, City of Glenville, and Moscow Township.

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

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

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

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

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

10. On August 21, 2012, the Board's Southern Water Planning Committee (Committee) reviewed the Freeborn County 2012 Amendment, pursuant to 103B.301 and guidelines established by the Board.

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

12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2012 Amendment will be in effect until **December 31, 2015.**

## CONCLUSIONS

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

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

## ORDER

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

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

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

**DATE:** May 4, 2012

**TO:** Jeff Nielsen, BWSR Southern Regional Manager

**FROM:** Chris Hughes, BWSR Board Conservationist

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

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

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

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

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

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


*Bemidji* 4 West Building 403 Fourth St. NW, Suite 200 Bemidji, MN 56601 (218) 755-2600

*Brainerd* 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383

*Duluth* 394 South Lake Ave., Room 403 Duluth, MN 55802 (218) 723-4752

*Fergus Falls* 1004 Frontier Drive Fergus Falls, MN 56537-2505 (218) 736-5445

*Marshall* 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060

*Mankato* 1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358 (507) 389-1967

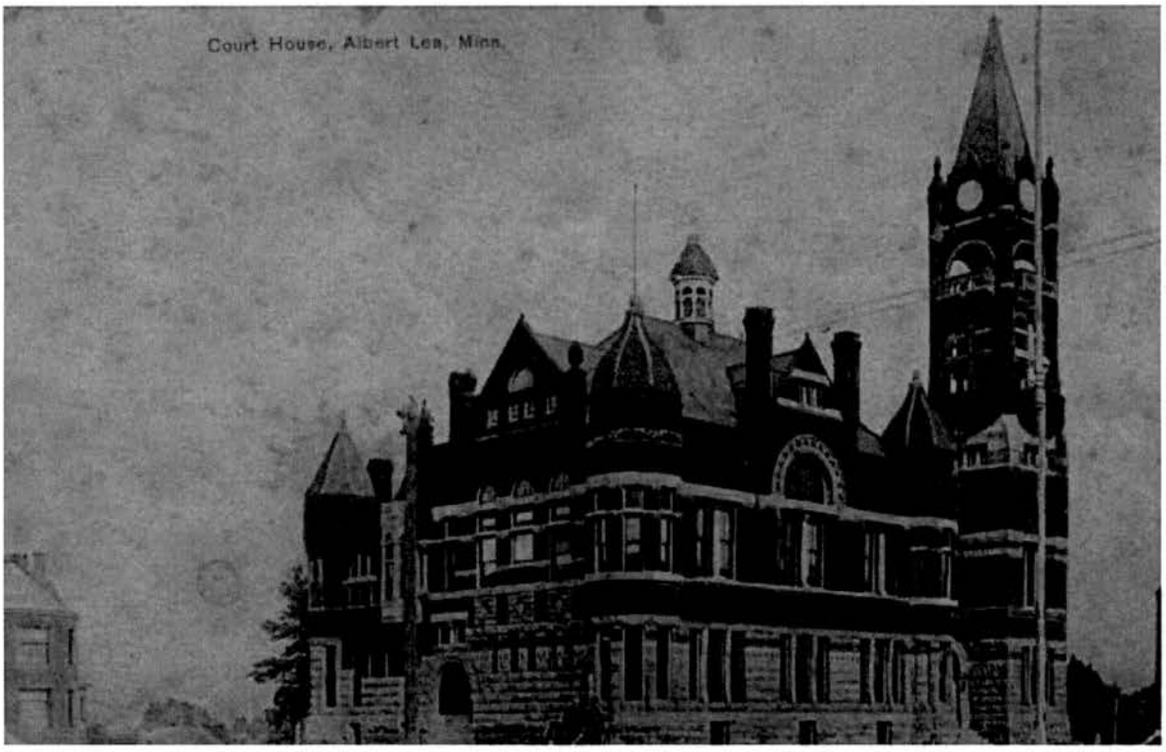
*New Ulm* 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074

*Rochester* 2300 Silver Creek Rd N.E. Rochester, MN 55906 (507) 206-2889

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

# FREEBORN COUNTY




# 2011 Mid-Term Amendments Comprehensive Water Plan 2006 - 2015

# FREEBORN COUNTY
# COMPREHENSIVE WATER PLAN
# 2006 – 2015

PREFACE . . . . . 4

INTRODUCTION . . . . . 5

## TABLE OF CONTENTS

GOAL – Protect Aquifer from Contamination by Water Wells . . . . . 8

GOAL – Protect Groundwater from Depletion and Degradation . . . . . 9

GOAL – Storm Water Management . . . . . 10

GOAL – Address Impaired Surface Waters . . . . . 10

GOAL – Protect Surface Water and Groundwater from Individual Sewage Treatment System (ISTS) Contamination . . . . . 12

GOAL – Enhance Protection of Surface and Groundwater Resources from Subsurface Sewage System Treatment Systems . . . . . 13

GOAL – Protect and Preserve Topsoil . . . . . 14

GOAL – Control Soil Erosion . . . . . 15

GOAL – Preserve Existing Wetlands . . . . . 16

GOAL – Protect Surface Water and Groundwater Resources from Feedlot And Animal Waste Contamination . . . . . 18

GOAL – Management of Animal Manure for Land Applications . . . . . 19

GOAL – Protect Surface Water and Groundwater from Municipal Waste Water Contamination . . . . . 20

GOAL – Protect Surface Water and Groundwater from Mixed Solid Waste Contamination . . . . . 21

GOAL – Protect Surface Water and Groundwater Resources From Hazardous Waste Pollution . . . . . 22

GOAL – Protect Surface Waters from Storm Water Drainage of Sediment, Nutrients and Chemicals . . . . . 23

GOAL – Manage Watersheds to Reduce Bacteria, Nutrients, Chemicals And Sediment from Entering Surface Waters . . . . . 25

GOAL – Manage Watersheds to Control Surface Water Run-Off . . . . . 26

GOAL – Protect and Preserve Existing Shorelands . . . . . 28

GOAL – Provide Recreational Opportunities on Public Waters . . . . . 29

GOAL – Protect Shoreland Areas . . . . . 30

WATERSHEDS AND THE LAKES . . . . . 31

PRIORITY SCOPING DOCUMENT . . . . . 34

PUBLIC PARTICIPATION. . . . . 38

ACKNOWLEDGEMENTS. . . . . 41



# Preface

The Citizens of Freeborn County share a good fortune of living in an area rich in water resources. Generations of families have weaved this land into their homes. A strong tradition of stewardship for land and water protection is reflected in this fourth generation waterplan. The 2011 mid-term amendments to this 2006 – 2015 plan were designed to guide those land and water decisions. It outlines a five year strategy for addressing these issues.

Protection of the water resources is primarily a responsibility of federal, state and local officials. Freeborn County officials support this water planning strategy and have accomplished resource planning through this local water plan. The citizen partnership in application of water planning goals results in a "protect and improve" attitude toward our surface and ground water resources. We have gained a spirit of cooperation and will continue to foster those accomplishments.

I invite your review of the 2006 – 2015 water plan and seek your assistance in implementation of this plan. Your involvement is critical in protecting, preserving and restoring water quality in Freeborn County.

Chairperson
Freeborn County Water Planning Advisory Committee

# INTRODUCTION

## Summary

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

## Purpose

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

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

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

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

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

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

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

## 2011 Amendment

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

## Priority Concerns

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

**Goals and Actions**

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

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

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

3) Top Soil – protect and preserve topsoil.

4) Wetlands – preserve existing wetlands.

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

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

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

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

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

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

11) Flooding – control surface water run-off.

12) Shoreland – protect and preserve existing shorelands.

13) Public Waters – provide recreational opportunities.

**Goals and Actions - 2011**

1) Protect groundwater from depletion and degradation.

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

3) Address impaired surface waters.

4) Management of animal manure for land applications.

5) Control soil erosion.

6) Storm water management.

7) Protect shoreland areas.

## Plan Consistency

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

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

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

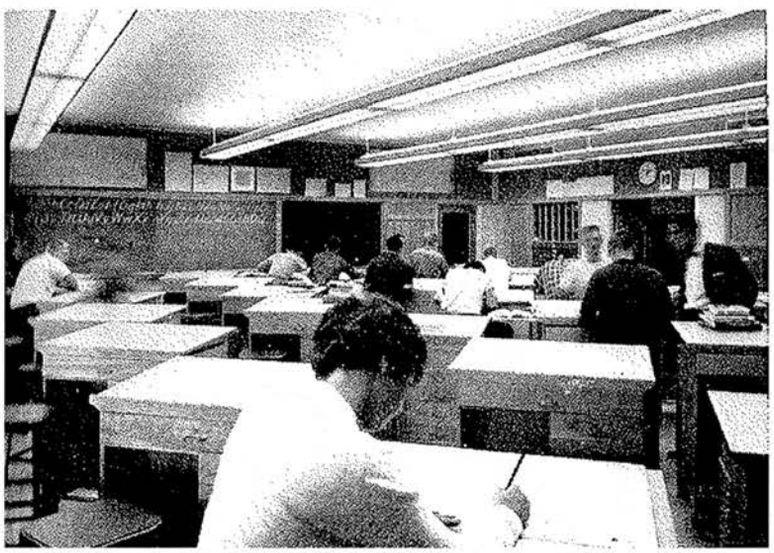
This plan incorporates some of Minnesota Department of Natural Resources Lake Management strategies. It contains targeted Best Management Practices from the Blue Earth River Basin total maximum daily load strategies. This Comprehensive Local Water Plan will incorporate Board of Water and Soil Resources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

## Recommended Amendments

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

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

Freeborn County adopts the 2011 amendments.



# FREEBORN COUNTY PRIORITY CONCERNS:

## AQUIFERS

In Freeborn County, groundwater exists in unconsolidated glacial deposits and in the underlying bedrock. These bedrock aquifers are among the highest water yielding in the United States. These groundwater supplies contained within the bedrock aquifer are adequate for present and foreseeable needs. Estimated water yields in glacial outwash range from 100 to 500 gallons per minute.

These aquifers are the:

- Cedar Valley – Maquoketa – Galena System
- St. Peter – Prairie du Chien – Jordan System
- Franconia – Ironton – Galesville System
- Mt. Simon – Hinckley System

Current data suggests good hydraulic connection between these bedrock units within each of the four aquifer systems. Most domestic and farm water wells draw supplies from the uppermost bedrock aquifer (Cedar Valley – Maquoketa – Galen Limestones). Specific aquifer recharge or discharge sites have not been identified in this county. A geologic atlas of Freeborn County presents subsurface geologic and hydrologic data is available for review in the Environmental Services Department.

**GOAL:** **Protect Aquifer From Contamination By Water Wells**

**Objective:** Require proper construction, maintenance, and abandonment of water wells.

**Action:** Target the cities of Albert Lea, Alden and Glenville for education of MDH Water Well Construction Standards, well sealing procedures and ground water protection strategies

Timeline: 2011 On-going

Implementation: Environmental Services Department, Minnesota Department of Health, Extension Agency

Estimated Cost: Annual – NRBG Grant

**Action:** Target the cities of Albert Lea, Alden and Glenville for inventory and mapping of existing water wells to prioritize abandonment policy

Timeline: 2011 On-going

Implementation: Environmental Services Department, MDH

Estimated Cost: NRBG Grant

**Action:** Assist the cities of Albert Lea, Alden and Glenville in applying for Federal and State Funding to assist landowner sealing water well costs

Timeline: 2011 On-going

Implementation: Environmental Services Department

Estimated Cost: NRBG Grant – In-kind

**Action:** Seek local cost-share funding for water well sealing

Timeline: 2011 On-going

Implementation: Freeborn County, Shell Rock River Watershed District, Turtle Creek River Watershed District

Estimated Cost: NRBG Grant

**Action:** Assist Public Water Suppliers with implementing wellhead protection plans

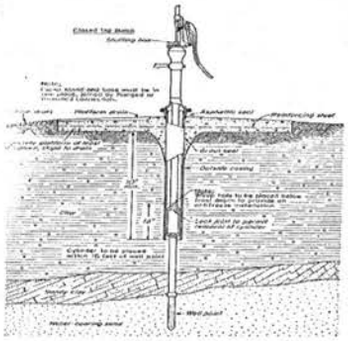
Timeline: 2011 On-going

Implementation: Freeborn County, Shell Rock River Watershed District

Estimated Cost: NRBG Grant

**GOAL:** **Protect Groundwater From Depletion and Degradation**

- Support Minnesota Rules Chapter 4725 "Guide to Water Wells and Borings" is followed during construction, maintenance, and abandonment of water wells
- Increase well head protection efforts in land use policy plans
- Promote wise and efficient use of groundwater resources
- Improve citizens/landowners access to local and regional groundwater data
- Collect water quantity and quality data for management decisions
- Sealing abandoned/unused wells
- Develop a water allocation plan to manage drought conditions/water shortages



## SURFACE WATERS

Freeborn County has 49 lakes covering approximately 21,000 acres. Department of Natural Resources protected waters consist of 21 lake basins, 33 water sources and 18 wetland basins. More than 50% of all these basins are affected by artificial drainage systems. A 2010 MPCA report listed three (3) lakes and three (3) rivers as impaired; these waters are considered hypereutrophic. This is typical for lakes in the western corn belt ecoregion. Water quality is affected by summer algae blooms. Chemical analysis of Freeborn County's surface waters indicate a high level of phosphorus contributing to the algae blooms. However, no public health concerns have been expressed by Federal or State Agencies dealing in surface water quality. Surface water quantity has historically remained stable. No evidence exists to suggest the quantity of surface waters will limit current or future lake uses. Agriculture in Freeborn County is dependent upon the public and private drainage systems; which are more than 350 miles of open ditches.

**GOAL:** **Storm Water Management**

- Provide assistance to municipalities for the development of stormwater control and treatment plans
- Participate with communities to develope and implement stormwater policies on flood and pollution mitigation plans
- Offer incentives on rain gardens, rain barrels, stormwater wetlands, and water storage pond construction
- Assist in educational events on urban best management practices to reduce run-off
- Identify areas in drainage systems to establish water retention/water infiltration ponds
- Support the use of drained wetland areas for water storage capacity
- Seek funding for surface water gauging stations
- Seek grant opportunities to fund wetland restoration in priority areas

**GOAL:** **Address Impaired Surface Waters**

- Provide technical assistance with outreach, education and demonstration sites to reduce agricultural chemical and nutrient impacts
- Support Aquatic Invasive Species Prevention Programs
- Assist the MPCA in development of "Total Maximum Daily Load" TMDL by major watershed for the following priority pollutants:

**CLEAN WATER ACT SECTION 303(d) LIST (Draft 2010) LIST OF IMPAIRED WATERS**

**STREAMS**

| Assessment Unit | ID | Impaired Use | Impairment Cause | Impairment Status |
|---|---|---|---|---|
| Blue Earth River, East Branch: Headwaters to Brush Cr | 07020009-554 | AqLife | Fishes Bioassessments | TMDL Required |
| Blue Earth River, East Branch: Headwaters to Brush Cr | 07020009-554 | AqLife | Turbidity | TMDL Required |
| Cobb River: T104R23W S34, south line to Little Cobb R | 07020011-568 | AqLife | Fishes Bioassessments | TMDL Required |
| Cobb River: T104R23W S34, south line to Little Cobb R | 07020011-568 | AqLife | Turbidity | Proposed Impairment Under USEPA Review |
| Shell Rock River: Albert Lea Lk to Goose Cr | 07080202-501 | AqLife | Ammonia (Un-ionized) | Removed from inventory - New Analysis Shows Attainment |
| Shell Rock River: Albert Lea Lk to Goose Cr | 07080202-501 | AqLife | Turbidity | TMDL Required |
| Shell Rock River: Albert Lea Lk to Goose Cr | 07080202-501 | AqLife | pH | TMDL Required |
| Shell Rock River: Albert Lea Lk to Goose Cr | 07080202-501 | AqRec | Fecal Coliform | TMDL Approved |
| Unnamed creek: Mud Lk to Fountain Lk | 07080202-516 | AqLife | Turbidity | Proposed Impairment Under USEPA Review |
| Woodbury Creek: Headwaters to Cedar R | 07080201-526 | AqRec | Fecal Coliform | TMDL Required |

**LAKES**

| Assessment Unit | ID | Impaired Use | Impairment Cause | Impairment Status |
|---|---|---|---|---|
| Fountain: East Bay | 24-0018-01 | AqRec | Nutrient/Euthrophication Biological Indicators | TMDL Required |
| Fountain: West Bay | 24-0018-02 | AqRec | Nutrient/Euthrophication Biological Indicators | TMDL Required |
| Albert Lea | 24-0014-00 | AqRec | Nutrient/Euthrophication Biological Indicators | TMDL Required |
| Pickerel | 24-0025-00 | AqRec | Nutrient/Euthrophication Biological Indicators | TMDL Required |

- Provide technical assistance throughout the TMDL study and implementation study. Freeborn County will share water quality/quantity data collected for use in identifying impaired waters.

- Seek local, state, and federal grant funding to protect surface waters
- Participate in low interest loan, cost share, and incentive programs for "Best Management Practice" implementation
- Develop plans to address subwatershed level impacts to reduce pollutants causing impairments, as part of an approved implementation plan.
- Continue support of citizen stream monitoring, citizen lake monitoring, and citizen precipitation monitoring programs
- Facilitate effective water resource management through education and public outreach (newsletters, articles, radio, county fair booth)
- Participate with MPCA on the Watershed Restoration and Protection (WRAP) Program starting in the following years:

| | |
|---|---|
| LeSuer River Watershed | 2008 |
| Cedar/Shell Rock River Watershed | 2009 |
| Cannon River Watershed | 2011 |
| Winnebago River Watershed | 2013 |
| Blue Earth River Watershed | 2017 |

- Coordinate with the Shell Rock River Watershed and Turtle Creek Watershed Districts efforts on remediating water quality through a comprehensive strategy on watershed management.
- Coordinate Agriculture Water Management Issues and Conservation Drainage Issues
- Designate a Lakes Management Subcommittee to participate with Department of Natural Resources and Ducks Unlimited in the development of management plans on Bear Lake and State Line Lake
- Continue systematic redetermination of benefits for ditch systems
- Implement consistent buffer initiatives according to current drainage law

**GOAL:** **Protect Surface Water And Groundwater From Individual Sewage Treatment System Contamination (ISTS)**

**Objective**: Follow Minnesota Pollution Control Agency approved design, construction and operation of SSTS.

**Action:** Follow MPCA Water Quality Division SSTS, Chapter 7080 thru 7083

Timeline: 2011 On-going

Agency: Environmental Services Department, MPCA

Cost: Two FTE Licensed Inspectors

**Action:** Seek licensing of all SSTS Designers, Installers, Pumpers and Septage Haulers that perform work in county

Timeline: 2011 On-going

Agency: MPCA, Environmental Services Department

Cost: NRBG In-kind

**Action:** Provide education to landowners on properly installed and functioning SSTS

Timeline: 2011 On-going

Agency: Freeborn County Environmental Services Department, Shell Rock River Watershed, Extension Agency

Cost: NRBG In-kind

**Action:** Apply for state and local cost-share funds for SSTS Installations

Timeline: 2011 On-going

Agency: Environmental Services Department, Freeborn County

Cost: NRBG In-kind

**GOAL:** **Enhance Protection of Surface and Groundwater Resources from Subsurface Sewage System Treatment Systems**

- Continue compliance with Minnesota Rules 7080 through 7083
- Provide County level FTE licensed and certified SSTS inspectors
- Develop an individual parcel county-wide compliance inspection program
- Provide continuing education to local SSTS professions and landowners
- Apply for state and local cost share programs to assist municipalities and income eligible landowners with waste water collection and treatment construction costs



## TOPSOIL

The soils in Freeborn County are mostly deep and loamy. These soils range from tight clays to porous sands and gravels. They formed extensively in glacial till and less extensively in glacial outwash, lacustrine sediments, alluvium and organic material. Varying parent materials, topography and native vegetation reflect the number of different soils present. A digitized soil survey exists for 13 broad soil descriptions. These broad classifications are a detailed inventory of 64 soil types. This general soil map is used for land use planning. Soil erosion has resulted from urban development and farming practices.

**GOAL:** **Protect and Preserve Topsoil**

**Action:** Educate landowners on soil erosion practices

Timeline: 2011 On-going

Agency: SWCD, NRCS, Extension Agency

Cost: SWCD Funding

**Action:** Participate in (Ag BMP) Minnesota Department of Agriculture Best Management Loan Program

Timeline: 2011 On-going

Agency: Freeborn County Environmental Services Department, SWCD

Cost: In-kind NRBG

**Action:** Implement Minnesota construction site erosion and sediment control planning

Timeline: 2011 On-going

Agency: Freeborn County Building Inspectors

Cost: NRBG In-kind

**Action:** Support enrollment of highly erodible lands into Federal Conservation Reserve Program (CRP), reinvest in Minnesota Program (RIM), Environmental Quality Incentives Program (EQUIP)

Timeline: 2011 On-going

Agency: SWCD, NRCS, Freeborn County Commissioners, Environmental Services Department

**GOAL:** **Control Soil Erosion**

- Preserve and protect top soil
- Promote conservation programs that reduce soil erosion
- Pursue grant opportunities for incentive funding of controlled tile drainage systems on ag fields
- Provide public education for the protection of sensitive lands
- Participate in demonstrations of effective conservation tillage methods
- Support wind erosion conservation practices (tree plantings, seeding of erosion area)
- Educate landowners on TMDL permit efforts to reduce sedimentation of creeks, ditches, and lakes.
- Enhance the promotion of buffer strips, filter strips, grassed waterways, and sediment control basins.
- Support the use of "Precision Agricultural Technologies" (PCT) and cover crops where appropriate.
- Engage local partners (NRCS, Conservation Groups, Lake Associations) to foster new relationships on conservation approaches.



## WETLANDS

Wetlands are lands transitional between terrestrial and aquatic systems that enhance biodiversity. The water table is usually at or near the surface of the land. Freeborn County has an estimated 10,000 acres of pre-settlement wetlands remaining. The following is a summary of Circular 39 Type Wetlands found in the National Wetland Inventory of Freeborn County:

| Circular 39 Type | Approximate Acres |
|---|---|
| 1 | 765 |
| 2 | 246 |
| 3 | 8,800 |
| 4 | 216 |
| 5 | 363 |
| 6 | 278 |
| 7 | 70 |
| Riverine | 200 |

Approximately 95% of the County is considered upland.

Freeborn County Officials support development and maintenance of wetlands for good water quality, serving as reservoirs for flood control, providing fish and wildlife habitat, acting as sediment and nutrient traps and providing recreational opportunities.

**GOAL:** **Preserve Existing Wetlands**

**Action:** Participate in Wetland Preservation Program (WPA)

Timeline: 2011 On-going

Agency: Freeborn County Commissioners, NRCS, SWCD

Cost: NRBG In-kind

**Action:** Freeborn County, acting as local governing unit for implementation of the Wetland Conservation Act will continue to follow US Corps of Engineers, DNR, BWSR Wetland Regulations

Timeline: 2011 On-going

Agency: Environmental Services Department, SWCD

Cost: NRBG

**Action:** Apply for state funding and assistance from MDA and DNR to control invasive species infestations on public and private wetlands

Timeline: 2011 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

**Action:** Complete wetlands inventory and prioritization for protection planning

Timeline: 2011 - 2016

Agency: Environmental Services Department, SWCD

Cost: NRBG

**Action:** Work to establish Federal, State and Local funding partnerships for wetland restoration land purchase.

Timeline: 2011 On-going

Agency: Freeborn County, Shell Rock River Watershed District, Turtle Creek River Watershed District

Cost: Unknown

**Action:** Develop and implement a 5 year wetland preservation education action plan

Timeline: 2011 On-going

Agency: Environmental Services Department, BWSR, DNR, SWCD, Extension Agency, U.S. Corps of Engineers

Cost: NRBG



## FEEDLOTS

Freeborn County has a detailed feedlot inventory database in the Environmental Services Department. Currently there are 464 feedlots in this county. This inventory shows the following information:

| Animal Units | Shoreland Area | Not in Shoreland Area | Total |
|---|---|---|---|
| 10 – 49 | 4 | 109 | 113 |
| 50 – 99 | 8 | 129 | 137 |
| 100 – 299 | 6 | 123 | 129 |
| 300 – 999 | 2 | 67 | 69 |
| 1,000 or More | 0 | 16 | 16 |

Freeborn County is a MPCA Delegated County to operate the feedlot permitting process. Existing feedlot sites receive random and scheduled on-site inspections from the feedlot officer or MPCA. When a new feedlot is planned, engineered plans are required for the manure storage pits. A conditional use permit maybe required dependent upon animal units at the site or the location of animal buildings. Land application of animal manure is a potential pollution issue. Specific manure storage requirements, manure application rates, set-back distances from water wells, surface waters and field tile inlets or culverts are enforced with all feedlot sites. Livestock production is an important livelihood in Freeborn County and will continue to be centered in Southern Minnesota.

**GOAL:** **Protect Surface Water and Groundwater Resources From Feedlot/Animal Waste Contamination**

**Action:** Enforce Minnesota Rules Chapter 7020 – MPCA Feedlot Permit Program Standards.

Timeline: 2011 On-going

Agency: Environmental Services Department, MPCA

Cost: .5 FTE Inspector

**Action:** Continue to provide education to feedlot owners/operators on best management of animal waste.

Timeline: 2011 On-going

Agency: Environmental Services Department, MPCA, Extension Agency

Cost: NRBG In-kind

**Action:** Pursue Federal and State Funding to mitigate or eliminate pollution from feedlots and animal manure.

Timeline: 2011 On-going

Agency: Environmental Services Department, SWCD, NRCS

Cost: NRBG Grant

**GOAL:** Management of Animal Manure for Land Applications

- Follow Minnesota Rules 7020 for animal feedlot, manure storage, and land application of liquid and solid waste products.
- Provide manure management workshops
- Require and provide construction inspections of new feedlot facilities
- Provide manure management plan review every four years with all producers
- Provide opportunities and incentives to owner/operators for planning and training of feedlot operations
- Continue to provide MPCA/Freeborn County Feedlot Officers and permitting process
- Utilize GPS for mapping of feedlot sites and identification of environmentally sensitive areas to control manure application
- Require soil sampling of manure application acres for nutrient analysis
- Host/participate in field demonstrations plots, new equipment displays, and calibration of injectors/spreaders
- Assist MPCA, MDA, U of M, and MN Extension Offices on grazing of lands and nutrient management plans
- Utilize GIS/GPS Technologies in developing Manure Management, Nutrient Management, Pasture Management, and Rotational Grazing Plans.
- Encourage involvement in the Livestock Environmental Quality Assurance (LEQA) Program
- Consider development of local Agricultural Advisory Committee for livestock producers
- Provide technical assistance with implementation of Best Management Practices to reduce impacts of manure land applications



## MUNICIPAL WASTEWATER

Freeborn County has prioritized municipal waste water treatment to protect their citizens and resources. A Blue Earth River Basin Fecal Coliform TMDL Presentation revealed waterborne pathogens to be present in southern Minnesota streams. Bacteria and Protozoan Parasites present from human waste impair Freeborn County's surface waters. Inadequately or improperly treated human waste impacts surface waters significantly. Currently one incorporated city within Freeborn County does not have a municipal waste water collection and treatment facility. Local, state and federal agencies are actively assisting all communities with waste water transportation and treatment options.

**GOAL:** **Protect Surface Water and Groundwater From Municipal Wastewater Contamination**

**Action:** Provide assistance to municipalities to construct and maintain wastewater treatment facilities

Timeline: 2011 On-going

Agency: Freeborn County Commissioners, Environmental Services Department, MPCA, MDH

Cost: NRBG In-kind

**Action:** Apply for federal/state/local funding for wastewater treatment facilities

Timeline: 2011 On-going

Agency: Environmental Services Department, MPCA, MAP, USDA RD

Cost: NRBG In-kind

**Action:** Seek priority placement on MPCA Wastewater Infrastructure Fund (WIF) for non-conforming wastewater treatment facilities

Timeline: 2011 On-going

Agency: Environmental Services Department, MPCA, MAP, USDA RD

Cost: Unknown

## SOLID WASTE

Pollution from landfills or dumpsites is an important concern to Freeborn County residents. If left unmanaged, mixed municipal waste, demolition debris or hazardous waste pose a threat to ground and surface waters. One closed solid waste landfill is managed by the City of Albert Lea. Two permitted demolition landfills are currently operating within Freeborn County. All mixed municipal waste generated within the County is transported to be landfilled outside of Freeborn County. Clandestine dump sites are recognized, cleaned up and closed. Freeborn County is committed to an effective policy, clearly defined, which applied practices minimize impacts from this pollutant source.

**GOAL:** **Protect Surface Water and Groundwater From Mixed Solid Waste Contamination**

**Action:** Maintain an effective solid waste management system

Timeline: 2011 On-going

Agency: FTE Solid Waste Officer

Cost: SCORE Funds, Solid Waste Assessment Fee

**Action:** Continue countywide recycling program

Timeline: 2011 On-going

Agency: FTE Solid Waste Officer

Cost: SCORE Funds, participant volunteer workers, Solid Waste Assessment Fee

**Action:** Continue to participate in agricultural waste chemical collections and agricultural waste pesticide container collection programs

Timeline: 2011 On-going

Agency: MDA, Environmental Services Department, Extension Agency

Cost: NRBG In-kind

**Action:** Provide public education on the reduction, reuse and recycling of solid waste

Timeline: 2011 On-going

Agency: Freeborn County Solid Waste Officer

Cost: SCORE Funds, Solid Waste Assessment Fee

**GOAL:** **Protect Surface Water and Groundwater Resources From Hazardous Waste Pollution**

**Action:** Continue countywide hazardous waste collection program

Timeline: 2011 On-going

Agency: Freeborn County Environmental Services Department, Community Volunteers

Cost: SCORE Funds, NRBG In-kind

**Action:** Develop public education program for residential/commercial/industrial hazardous waste disposal

Timeline: 2011 On-going

Agency: MPCA, Extension Agency, Environmental Services Department

Cost: SCORE Funds, NRBG In-kind

**Action:** Apply for federal/state funds for clandestine dumpsite clean-up

Timeline: 2011 On-going

Agency: Environmental Services Department, MPCA

Cost: NRBG In-kind, BWSR Challenge Grant

**Action:** Prompt discussion for legislation at the national level to require manufacturers to label products for proper end disposal and product stewardship

Timeline: 2011 On-going

Agency: Environmental Services Department

Cost: SCORE Funds, NRBG In-kind



## STORM WATER DRAINAGE

Freeborn County has an extensive drainage system that has a direct effect on water quality/quantity of receiving streams, rivers and lakes. It is our policy to reduce the nutrient and sediment loads carried in these waters. Approximately 400,000 acres of land is cropped, some 1,400 miles of roadway and 350 miles of open ditches are all contributors to storm water issues. We actively address establishment and maintenance of grass filter strips on both sides of ditches and roads. Erosion areas are scattered throughout Freeborn County (small concentration in the north central area). One percent (1%) is considered high erosion in the shoreland district and approximately 6% high erosion in other areas. Freeborn County as a whole consists of 94% low erosion priority area. Although approximately 1% is considered Urban Residential Land Use, they contribute significant amounts of storm water runoff. A surface water sampling effort is underway through the efforts of the Shell Rock River Watershed District that is providing diagnostic data on storm water quality. River, ditch, creek and lake water quality sampling program also continues. The City of Albert Lea is phasing in changes to the storm water catch basins along new urban development areas.

**GOAL:** **Protect Surface Waters From Storm Water Drainage of Sediment, Nutrients and Chemicals**

**Action:** Maintain or improve existing ditch system

Timeline: 2011 On-going

Agency: Freeborn County

Costs: Unknown

**Action:** Require vegetative buffer strips along public ditches upon redetermination

Timeline: 2011 On-going

Agency: Freeborn County, NRCS, SWCD

Costs: Unknown

**Action:** Encourage landowners of private ditches to establish and maintain vegetative buffer strips

Timeline: 2011 On-going

Agency: Freeborn County, SWCD, DNR

**Action:** Educate landowners on land treatment options and available cost-share programs to minimize transport of sediment

Timeline: 2011 On-going

Agency: Environmental Services Department, SWCD, BWSR, DNR, Extension Agency

Cost: NRBG In-kind

**Action:** Identify ditches that contribute excess sediment into surface waters

Timeline: 2011 On-going

Agency: Environmental Services Department, SWCD, Shell Rock River Watershed District, Turtle Creek River Watershed District

Cost: NRBG

**Action:** Measure surface water flows and analyze water for nutrient/chemical/sediment loading

Timeline: 2011 On-going

Agency: Environmental Services Department, MPCA, SWCD, MDH

Cost: NRBG

**Action:** Follow MPCA Total Maximum Daily Load (TMDL) recommendations for remediation of waters

Timeline: 2011 On-going

Agency: Freeborn County

Cost: Unknown



## WATERSHEDS

The general topographic relief of Freeborn County presents two distinctive features; gently rolling north-south moraines and the depressional basins with boggy and alluvial deposits located to the southeast and eastern areas. Both of these features are products of the last glacial period, and have subsequently affected soil development, vegetation and wildlife habitat. Small hilly areas exist and the most rugged tracts are in Section 16 of Newry Township and Sections 1 and 2 of Pickerel Lake Township (Hills Rise 50 to 100 feet). A majority of this county is drained southeastward through the Shell Rock and Cedar Rivers. The northwestern part drains to the Minnesota River via the LeSuer and Blue Earth River Basins. There are six major watersheds and 74 minor watersheds shaping this topography. An average altitude is about 1,250 feet above sea level, although extremes of altitude are between 1,150 feet above sea level in the northwestern corner to about 1,280 feet above sea level in the central part of the County. An important statement can be made about the watersheds in Freeborn County "We are a headwater County". The fact that water does not drain into this County make water resource protection an on-going priority.

**GOAL:** **Manage Watersheds to Reduce Bacteria, Nutrients, Chemicals and Sediments From Entering Surface Waters**

**Action:** Develop an education presentation on point and non-point pollution sources

Timeline: 2011 On-going

Agency: Environmental Services Department, MPCA, Extension Agency, SWCD

Cost: NRBG

**Action:** Apply for federal/state/local funding for Land Best Management Practices

Timeline: 2011 On-going

Agency: Environmental Services Department, SWCD

Cost: NRBG In-kind

**Action:** Require erosion and sediment control plan on construction sites (requirement in building permit)

Timeline: 2011 On-going

Agency: Freeborn County Building Inspectors

Cost: NRBG In-kind

**Action:** Assist municipalities on storm-water management issues

Timeline: 2011 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

**GOAL:** **Manage Watersheds to Control Surface Water Run-off**

**Action:** Require post-land development surface water run-off rates not exceed pre-land development run-off rates

Timeline: 2011 On-going

Agency: Freeborn County Environmental Services

Cost: NRBG In-kind

**Action:** Preserve flood plain areas

Timeline: 2011 On-going

Agency: Freeborn County Zoning Officials

Cost: NRBG In-kind

**Action:** Continue to participate in DNR Floodplain Management – MN Chapter 103.F

Timeline: 2011 On-going

Agency: Freeborn County Zoning Officials

Cost: NRBG Grant

**Action:** Apply for federal/state/local funds for construction of riparian buffers

Timeline: 2011 On-going

Agency: Environmental Services Department

Cost: NRBG In-kind

**Action:** Continue participation in MN Department of Agriculture Best Management Loan Program

Timeline: 2011 On-going

Agency: Freeborn County Agricultural Inspector, SWCD, BWSR

Cost: Annual Administration

**Action:** Prioritize drained wetlands for use as water holding basins and restore wetland use

Timeline: 2011 On-going

Agency: Environmental Services Department, DNR, SWCD

Cost: NRBG In-kind

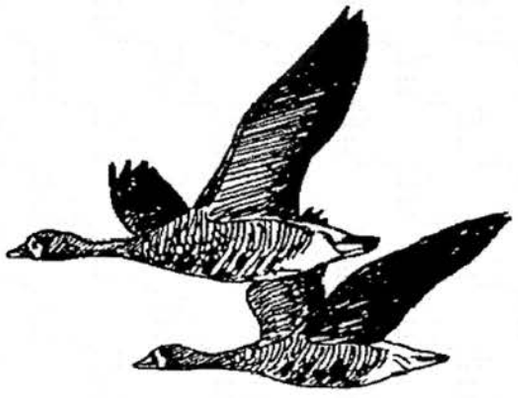
**Action:** Continue participation in volunteer citizen precipitation gauge monitoring program

Timeline: 2011 On-going

Agency: Environmental Services Department, SWCD

Cost: NRBG In-kind





## SHORELANDS

There are 49 lakes within Freeborn County, covering some 20,000 acres. Twenty-one (21) lakes, 33 water sources and 18 wetland basins are considered DNR protected. Geneva Lake, Bear Lake and Lower Twin Lakes have variable crest structures installed for the purpose of allowing temporary drawdown. Albert Lea Lake and State Line Lake are being considered for construction of variable crest structures. Freeborn County adopted the Minnesota Shoreland Act and has revised and adopted DNR Shoreland Rules. Freeborn County is a member of the 37 County Joint Powers addressing Minnesota Rivers Shoreland Issues. Currently Fountain Lake has the greatest density of residential units in a shoreland area of all Freeborn County Shoreland areas. Continued pressure for residential development of remaining shoreland areas make this a priority concern for soil erosion. Currently no evidence exists to suggest the quantity of surface water available within Freeborn County will limit immediate or future lake uses. No wake or limited wake issues are enforced during high water periods on selected lakes. Tourism appears to have minimal effects on surface waters. We have taken steps to stop shoreland degradation and anticipate residential building may increase.

**GOAL:** **Protect and Preserve Existing Shorelands**

**Action:** Follow MN DNR Standards for Management of Shoreland Areas – M.S. 6120

Timeline: 2011 On-going

Agency: Freeborn County Zoning, DNR

Cost: NRBG

**Action:** Provide educational opportunities on shoreland protection

Timeline: 2011 On-going

Agency: Environmental Services Department, DNR, SWCD

Cost: NRBG In-kind

**Action:** Work to preserve existing natural riparian vegetation or re-establish it

Timeline: 2011 On-going

Agency: Environmental Services Department

Cost: NRBG

**GOAL:** **Provide Recreational Opportunities on Public Waters**

**Action:** Support Department of Natural Resources Lake Management Plans

Timeline: 2011 On-going

Agency: Freeborn County

Cost: Unknown

**Action:** Work to up-grade public access onto Twin Lakes, Pickerel Lake, Bear Lake, State Line Lake, Geneva Lake, and Freeborn Lake.

Timeline: 2011 On-going

Agency: Environmental Services Department, DNR, Ducks Unlimited

Cost: Unknown

**Action:** Assist in development of local lake management plans

Timeline: 2011 On-going

Agency: Environmental Services, DNR, BWSR, Shell Rock River Watershed District, Turtle Creek Watershed District, Ducks Unlimited, and citizen participation

Cost: NRBG In-kind

**Action:** Apply for federal/state/local funding for lake management implementation

Timeline: 2011 On-going

Agency: Freeborn County

Cost: Unknown

**Action:** Protect/preserve/promote wildlife habitat

Timeline: 2011 On-going

Agency: Environmental Services Department, SWCD, DNR and Ducks Unlimited

Cost: NRBG In-kind

**Action:** Seek installation and operation of rough fish barriers on State Line Lake, Freeborn Lake, Fountain Lake, Albert Lea Lake, Twin Lakes, White Lake, Pickerel Lake, Geneva Lake and Bear Lake

Timeline: 2011 On-going

Agency: Environmental Services Department, DNR, Shell Rock River Watershed District and Ducks Unlimited

Cost: Unknown

**GOAL:** **Protect Shoreland Areas**

- Identify shoreland erosion sites and prioritize run-off sites for remediation
- Promote best management practices to reduce erosion and sedimentation on shoreland areas
- Promote vegetative buffers along shoreland areas
- Require animal grazing management practices to limit erosion potentials
- Pursue aquatic management areas
- Follow MN DNR Public Waters permitting and local shoreland ordinance practices (M.S. 6120)
- Require construction site erosion control standards
- Provide building contractor educational opportunities on erosion control practices
- Provide landowner information on sediment and erosion control practices
- Support DNR Lake Management Plans
- Support up-grades to public access areas on Freeborn, Bear, Pickerel, Upper Twin, Lower Twin, Geneva, Fountain, Albert Lea, Goose, and State Line Lakes in Freeborn County
- Preserve, enhance, and protect natural shoreland resources of all water bodies for wildlife habitat



## WATERSHEDS AND THE LAKES WITHIN FREEBORN COUNTY

Minnesota Department of Natural Resources (MN DNR) assigned unique watershed identification numbers during 1981 to each watershed in the state. These unique five digit numbers can be broken down into two parts. The first two digits represent a major watershed. The last three digits represent a minor watershed. These unique minor watershed identification numbers were assigned without regard to hydrologic relationships and therefore cannot be used to establish a hydrologic order among minor watersheds.

Watershed boundary lines follow the height-of-land delineation. Height-of-land assessment is described from contour data or contour lines. Land surface topography, natural waterways and artificial drainage ditch systems represent an accurate hydrologic boundary. Minor watershed boundaries that incorporate artificial surface water drainage systems are most accurate as they will increase reliability of environmental impacts and present land use.

MN DNR Lake Management Rules include:

- Shoreland Management Act
- Minnesota Law 1973, Chapter 379
- Minnesota Statute 105
- Floodplain Management Act
- Wild and Scenic Rivers Act
- Minnesota Rules Chapter 6120

They were all designed to control development on lakeshores. They were based on the water's chemical, physical and biological characteristics.

MN DNR Lake classification system for shoreland management was based on development density, lake size and shape, natural characteristics of this water body (and shoreland) as well as state/region/county water needs.

The following is MN DNR Lake and Stream Classification System:

- Natural Environment – Those waters needing significant protection from development

- Recreational Development – Those waters which can support additional development and recreational use

- General Development – Those waters which will support high density development, multiple use and have significant existing development

**MN DNR**
**UNIQUE NUMBER**

**30000** **Blue Earth River Watershed.** The west Central Part of Freeborn County lies within the Blue Earth River Major Watershed; the local drainage is from East to West along Foster Creek and the East Fork of the Blue Earth River.

Morin Lake

**32000** **LeSuer River Watershed.** The northwestern portion of Freeborn is primarily within the LeSuer River Watershed. Regional drainage is from South to North along the LeSuer River and South to Northwest along the Big Cobb River and Cobb Creek.

| | DNR Classification |
|---|---|
| Freeborn Lake | Natural Environment |
| Trenton Lake | Natural Environment |
| Penny Lake | Natural Environment |

**39000** **Cannon River Watershed.** The northeastern edge of Freeborn County lies within the Cannon River Major Watershed which drains to the North.

**48000** **Cedar River Watershed.** The eastern part of Freeborn County lies primarily within the Cedar River Major Watershed. The regional drainage is from West to Southeast along Deer Creek, Mud Lake Creek, Woodbury Creek and Turtle Creek.

| | DNR Classification |
|---|---|
| Geneva Lake | Natural Environment |
| Hickory Lake | Natural Environment |

**49000** **Shell Rock River Watershed.** The central portion of Freeborn County is within the Shell Rock River Watershed. In this area the local drainage is from North to South and major drainage channels are Bancroft Creek, Peter Lund Creek, Goose Creek and the Shell Rock River.

| | DNR Classification |
|---|---|
| Halls Lake | Natural Environment |
| Mud Lake | Natural Environment |
| Sugar Lake | Natural Environment |
| School Section Lake | Natural Environment |
| White Lake | Recreational Development |
| Pickerel Lake | Recreational Development |
| Albert Lea Lake | Recreational Development |
| Fountain Lake | General Development |
| Upper Twin Lake | Natural Environment |
| Lower Twin Lake | Natural Environment |
| Church Lake | Natural Environment |

**50000** **Winnebago River Watershed.** The southwestern portion of Freeborn County lies primarily within the Winnebago River Major Watershed. In this area the regional drainage is from North to South toward the Minnesota – Iowa border. Local drainage is toward Steward and Lime Creeks

| | DNR Classification |
|---|---|
| Bear Lake | Natural Environment |
| State Line Lake | Recreational Development |

## COOPERATIVE WORK WITH WATERSHED DISTRICTS

There are six major watersheds within Freeborn County. Within the Cedar River Watershed is Turtle Creek. A Turtle Creek Watershed District was initially formed in 1968. The Turtle Creek Watershed District revised their Management Plan to run 2003 – 2012. A Shell Rock River Watershed District was initially formed in 2003. The Shell Rock River Watershed District wrote their management plan in 2004. Both Watershed District's Management Plans were part of Freeborn County's local water plan review process. Both Watershed District's Managements Plans contained goals and objectives that were incorporated into this 2011 mid-term amendment, and the 2006 – 2015 Water Plan. Both Watershed Districts play an essential part in Freeborn County's local water planning. The pursuit of water resource protection is a common goal in all three Water Management Plans. Freeborn County supports the efforts of the Turtle Creek and Shell Rock River Watershed Districts protection of our water resources.



# FREEBORN COUNTY
# COMPREHENSIVE WATER MANAGEMENT PLAN
# 2006 – 2015

## PRIORITY CONCERNS SCOPING DOCUMENT

### INTRODUCTION

Freeborn County is the Gateway to Southern Minnesota. This County has a land area of 720 miles, a 2010 population of 31,255, 14 incorporated cities and 20 townships. The County Seat is Albert Lea, which is located approximately 100 miles south of Minneapolis, MN. Some 81% of this County is farmed or used for rotational pasture.

### LOCAL WATER MANAGEMENT PLAN

Freeborn County Environmental Health Coordinator is responsible for the Local Water Management Plan (LWMP). Development of an original Local Water Management Plan began in 1986. The first water plan was approved and adopted in 1990. This plan was revised in 1997, approved by the Board of Water and Soil Resources for a time period through December 31, 2005.

The 2006 – 2015 Plan is under implementation. The 2011 amendments enhance existing management efforts.

### PRIORITY CONCERNS IDENTIFICATION

Freeborn County Local Water Management planning process of addressing priority concerns has included the following steps/actions:

- September 7, 2004 - Freeborn County Board of Commissioners signed a resolution to update the Local Water Plan

- September 10, 2004 – Written notice was sent to 5 contiguous counties, all 20 townships in Freeborn County, all 14 incorporated cities within Freeborn County, the Turtle Creek Watershed Board, the Shell Rock River Watershed Board, State Agencies (MPCA, MNDNR, MDA, MDH, BWSR, EQB) Unites States Fish and Wildlife Service, Freeborn County Soil and Water Conservation District, Freeborn County Farm Service Agency, Freeborn County Natural Resources Conservation Service, Freeborn County Chamber of Commerce Lakes Committee, Fountain Lake Sportsmen Club, Fountain Lake Association, Pork Producers, Cattlemen Association, Dairy Association, Corn and Soybean Growers, Ducks Unlimited, Pheasants Forever, League of Women Voters, and the Deer Hunters Association. The notice requested copies of local plans and official controls and further requested identification of any conflicts, problems or opportunities they would like examined in this process. We requested this information returned by December 31, 2004.

- November 15, 2004 – Meeting with Dave Petersen of BWSR and Freeborn County Staff to discuss the revised updating process

## LIST OF PRIORITY CONCERNS

1. Minimize flood damage
2. Municipal storm water treatment/discharge
3. Individual sewage treatment systems
4. Preserve wetlands
5. Protect water resources from feedlot/animal manure
6. Protect and preserve existing shorelands

Attached is the summary of survey responses and the minutes from the November 22, 2004 public meeting.

## PRIORITY CONCERN SELECTION

The Water Planning Advisory Committee reviewed all written information received from these surveys and oral information received during public meetings. We identified and compiled concerns that were common among information received. Freeborn County's Priority Concerns and concerns identified from local, regional and state agencies are very similar.

## PRIORITY CONCERNS NOT ADDRESSED BY THIS PLAN

Local citizens, regional agencies and state government recognize agriculture practices dominate water quality in Freeborn County. Municipal waste water and storm water management was identified as concerns. All concerns identified in this input process are attempted to be included in this Water Management Plan.

## PRIORITY CONCERN SELECTION

Following is a list of priority concerns received from state and local governments and the public.

### State Agencies Priority Concerns:

#### MDH

1. Well head protection programs, plan development and plan implementation.
2. Non-community public water supply systems and the inner well management zone.
3. Water quality data bases for private wells

#### MPCA

1. Impaired waters/total maximum daily loads.
2. Lake monitoring and lake system management.
3. Drainage system management and open tile inlets.
4. Feedlots and land application of manure.
5. Involvement in watershed initiatives.

**MDA**

1. Conservation tillage and drainage.
2. Pesticides.
3. Manure management and individual sewage treatment systems

**BWSR**

1. Prevention of erosion of agricultural soils.
2. Drainage system maintenance and repair
3. Storm water runoff and sediment delivery from impervious surfaces

**DNR**

No comment received.

**EQB**

No comment received.

**Local Government Priority Concerns:**

**Turtle Creek Watershed District**

1. Intergovernmental cooperation
2. Restructure and expand the Citizens Advisory Committee to establish strong connections for the Turtle Creek Watershed District
3. Financing - utilize planning, education and partnerships to cost effectively fulfill district goals and address water resource management issues.
4. Encourage partners and residents to work together on a lake management plan for Geneva Lake
5. Maintain the drainage system, research new and innovative projects to protect and benefit the system
6. Increase miles of ditch filterstrips through a buffer initiative
7. Protect and preserve topsoil while reducing sedimentation runoff into Turtle Creek
8. Develop baseline monitoring data for each sub watershed in the Turtle Creek Watershed
9. Preserve at or below 100 year flood elevations
10. Examine cost effective options to reduce agricultural and urban flood damages through wetland restorations
11. Examine cost effective options to reduce agricultural and urban flood damages through researching culverts
12. Understand watershed concept
13. Understand water resources
14. Communications - residents, landowners, local, state and federal government will be given updates of district initiatives, projects and challenges

**Riceland Township**

1. Flooding of public roadways
2. The return of agricultural land into ponds next to roadways
3. Conservation tillage (gone bad)

**City of Hartland**

1. Storm water runoff (north and west part of city)
2. Storm water runoff (south and east part of city)
3. Reduction of phosphorus in rivers

**City of Myrtle**

1. Wastewater treatment system for the city

**City of Freeborn**

1. Erosion of shoreland on Freeborn Lake
2. Poor water quality of Freeborn Lake

**Freeborn County Soil and Water Conservation District**

1. Surface water runoff quality/quantity
2. Gully erosion
3. Individual sewage treatment systems.

# PUBLIC PARTICIPATION

Public Participation in the Freeborn County water planning process has included the following:

1986: On June 23, Freeborn County passed a resolution to develop a Comprehensive Water Plan.

1989: October 1, Freeborn County completed a draft plan and submitted it to affected local units of government for review and comment under Chapter 110B of Minnesota Statutes.

October 1, Freeborn County submitted its draft plan to the Minnesota Departments of Agriculture, Health, Natural Resources, Pollution Control Agency, State Planning Agency, and the Minnesota Geological Survey for preliminary review and comment.

December 13, a public hearing was held on pursuant to Section 110B.08 Subd. 4 for the purpose of obtaining public input into the Water Plan.

1990: May 1, Freeborn County submitted its Water Plan along with written comments received, a record of the public hearing, and a summary of changes incorporated as a result of the review process to the Minnesota Board of Water and Soil Resources.

September 18, the Minnesota Board of Water and Soil Resources provided written comments to Freeborn County on its final plan.

October 24, the Minnesota Board of Water and Soil Resources approved the Freeborn County Comprehensive Water Plan.

December 18, the Freeborn County Board of Commissioners approved and locally adopted its Comprehensive Water Plan.

Beginning in 1990: The Water Planning Advisory Committee meetings were held with the public participation in reviewing and discussing this water plan, and making recommendations for changes. Meeting dates were:

1991: January 10 and November 14.

1992: April 24 and June 15.

1993: January 22, April 30, May 18, July 1 and July 27.

1994: February 10 and April 13.

1995: February 15, Township Officers Meeting.

February 23, Public Information Meeting for revision of the Water Plan.

August 22, Consultant hired to provide technical assistance developing the revision of the County Water Plan.

1997: March 31, Township Officers Meeting.

October Revision of Comprehensive Water Plan distributed of State Agency and Local Units of Government review and comment.

Public participation is continuously received from interested individuals, municipalities, and local business which take an active interest in this process.

September 7, 2004: Freeborn County passed a resolution to revise the 1997 – 2005 Water Plan

September 10, 2004: Surveys were sent to state agencies, contiguous counties, city and township officials, agricultural organizations, environmental groups, watershed organizations, and interested individuals seeking input in development of the Priority Concern Document.

November 10, 2004: Freeborn County Water Planning Advisory Committee held a public meeting to update the public and seek additional input for development of the Priority Concerns that will be addressed in this water plan revision.

January 10, 2005: Water Planning Advisory Committee Public Meeting

February 1, 2005: Water Planning Advisory Committee Public Meeting

March 15, 2005: Water Planning Advisory Committee Public Meeting

April 12, 2005: Water Planning Advisory Committee Public Meeting

June 27, 2005: Water Planning Advisory Committee Public Meeting

July 18, 2005: Water Planning Advisory Committee Public Meeting

August 29, 2005: Water Planning Advisory Committee Public Meeting

December 14, 2005: Freeborn County submitted Priority Concerns Scoping Document to Minnesota Board of Soil and Water Resources (BWSR)

January 4, 2006: BWSR convene the Southern Minnesota Water Plan Review Committee to discuss Freeborn County 1997 – 2005 CWP and provide comment on resource protection, funding, staff and accomplishments as outlined in Priority Concerns Scoping Document

January 25, 2006: BWSR returns official comments pertaining to the State review of the Freeborn County Priority Concerns Scoping Document (PCSD) for the local water plan

March 27, 2006: Water Planning Advisory Committee Public Meeting – Recommend approval of the 2006 – 2015 Freeborn County Comprehensive Water Plan

May 2, 2006: Freeborn County held a public hearing at a regularly scheduled Commissioner Meeting to receive input on the proposed 2006 – 2015 Comprehensive Local Water Plan.

October 19, 2011: Notice of Decision to amend Water Plan and request for comments sent to State Agencies, contiguous counties, townships, cities and interested citizens.

November 16, 2011: Mower County comments on Water Plan Revision received.

November 21, 2011: Minnesota Pollution Control Agency comments received on CLWP Amendment.

November 29, 2011: Minnesota Department of Agriculture comments on Water Management Plan received.

November 30, 2011: Minnesota Department of Health comments received on amendments to Water Plan.

February 7, 2012: Freeborn County held a Public hearing at a regularly scheduled Commissioners Meeting to receive input on the proposed 2011 mid-term amendment to this Comprehensive Local Water Plan.

February 21, 2012: Resolution amending and adopting the 2011 Mid-Term Comprehensive Water Plan.

# Acknowledgements


### Freeborn County Board of Commissioners

| | |
|---|---|
| Glen Mathiason | Commissioner 1st District |
| Dan Belshan | Commissioner 2nd District |
| Jim Nelson | Commissioner 3rd District |
| Christopher Shoff | Commissioner 4th District |
| Mike Lee | Commissioner 5th District |

### Freeborn County Water Planning Advisory Committee

| | |
|---|---|
| Don Kropp | Soil and Water Conservation District Board |
| Tom Butler | Turtle Creek Watershed |
| Ken Nelson | Shell Rock River Watershed |
| Tony Trow | Urban Citizen |
| | Township Association |
| Dan Belshan | County Commissioner |
| Glen Mathiason | County Commissioner |
| Kyle Skov | City of Albert Lea |
| Andy Henschel | Watershed Field Technician |
| Richard Hoffman | Environmental Health Coordinator |

### County Agencies

Freeborn Environmental Services
Freeborn County Extension Service
Freeborn County Soil and Water Conservation District
Freeborn County Natural Resources Conservation Services

### State Agencies

Board of Water and Soil Resources
Land Management Information Center
Minnesota Department of Agriculture
Minnesota Department of Natural Resources
Minnesota Department of Health
Minnesota Extension Service
Minnesota Geological Survey
Minnesota Department of Transportation
Minnesota Pollution Control Agency
Water Resources Center, Mankato State University

February 23, 2012

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

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

**Meeting Date:** August 23, 2012

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

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Southern Region

**Contact:** Jeff Nielsen

**Prepared by:** Mary Kells

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

**Presented by:** Paul Langseth

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

## ACTION REQUESTED

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

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

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

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

---

In the Matter of Extending the Comprehensive Local Water Management Plan for Houston County

ORDER EXTENDING WATER MANAGEMENT PLAN

---

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

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

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

## FINDINGS OF FACT

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

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

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

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

## CONCLUSIONS

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

## ORDER

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

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

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

July 6, 2012

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FR: Mary Kells, BWSR Board Conservationist

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

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

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

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

MAR 23 2012

**RESOLUTION NO. 12-17**

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

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

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

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

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

*****CERTIFICATION*****

STATE OF MINNESOTA

COUNTY OF HOUSTON

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

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

(SEAL)

Charlene Meiners

Charlene Meiners, County Auditor

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Murray County Local Water Management Plan Amendment**

**Meeting Date:**

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** Southern Region
**Contact:** Jeff Nielsen, Regional Supervisor
**Prepared by:** Mark Hiles, Board Conservationist
**Reviewed by:** Southern Water Planning Committee(s)
**Presented by:** Paul Langseth

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

## ACTION REQUESTED

Decision

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
By Board Order, the Board of Water and Soil Resources (Board) approved the Murray County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on June 27, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Murray County to update the Plan's implementation section by July 1, 2012.

On November 22, 2011, the Murray County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. The County followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by BWSR.

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

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

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

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

---

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

---

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

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

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

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

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

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

## FINDINGS OF FACT

1. On November 22, 2011, Murray County passed and submitted a resolution stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

2. On February 3, 2012, Board staff provided information on the amendment process to Murray County.

3. On January 5, 2012, Murray County provided proper notice to local units of government and state agencies of the County's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

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

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

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

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

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

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

10. On August 21, 2012, the Board's Southern Water Planning Committee (Committee) reviewed the Murray County 2012 Amendment, pursuant to 103B.301 and guidelines established by the Board.

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

12. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

13. This 2012 Amendment will be in effect until **July 1, 2017.**

## CONCLUSIONS

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

2. The Murray County 2012 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section July 2012 – July 2017. The 2012 Amendment, as well as the previously approved Murray County 2007 – 2017 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

## ORDER

The Board hereby approves the attached 2012 Amendment of the Murray County Water Management Plan for July 2012 – July 2017. Murray County will be required to provide for a complete update of its Water Management Plan prior to July 1, 2017.

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

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

**DATE:** July 26, 2012

**TO:** Jeff Nielsen, BWSR Southern Regional Supervisor

**FROM:** Mark L. Hiles, BWSR Board Conservationist

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

On June 27, 2007, the Board of Water and Soil Resources (BWSR), by board order, approved the Murray County June 27, 2007 – July 1, 2017 ten-year Comprehensive Local Water Plan Update. The Plan contained an implementation section with goals, objectives, and action steps covering a five-year period of 2007 - 2012. The Board Order stipulated that Murray County was required to revise / update this implementation section by July 1, 2012.

On November 22, 2011, the Murray County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. The County followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by BWSR.

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

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

I have actively participated with and provided guidance and recommendations to Murray County and the task force throughout this amendment process. I believe the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and guidance developed by BWSR. I recommend approval of the Murray County July 2012 - July 2017 Implementation Program Amendment. Finally - I look forward to assisting Murray County in the implementation of this revision of their Local Water Management Plan. Water Plan Coordinator Chris Hansen should be commended for his leadership throughout the plan amendment process.

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

*Brainerd*
217 S. 7th Street
Suite 202
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

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

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

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

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

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

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

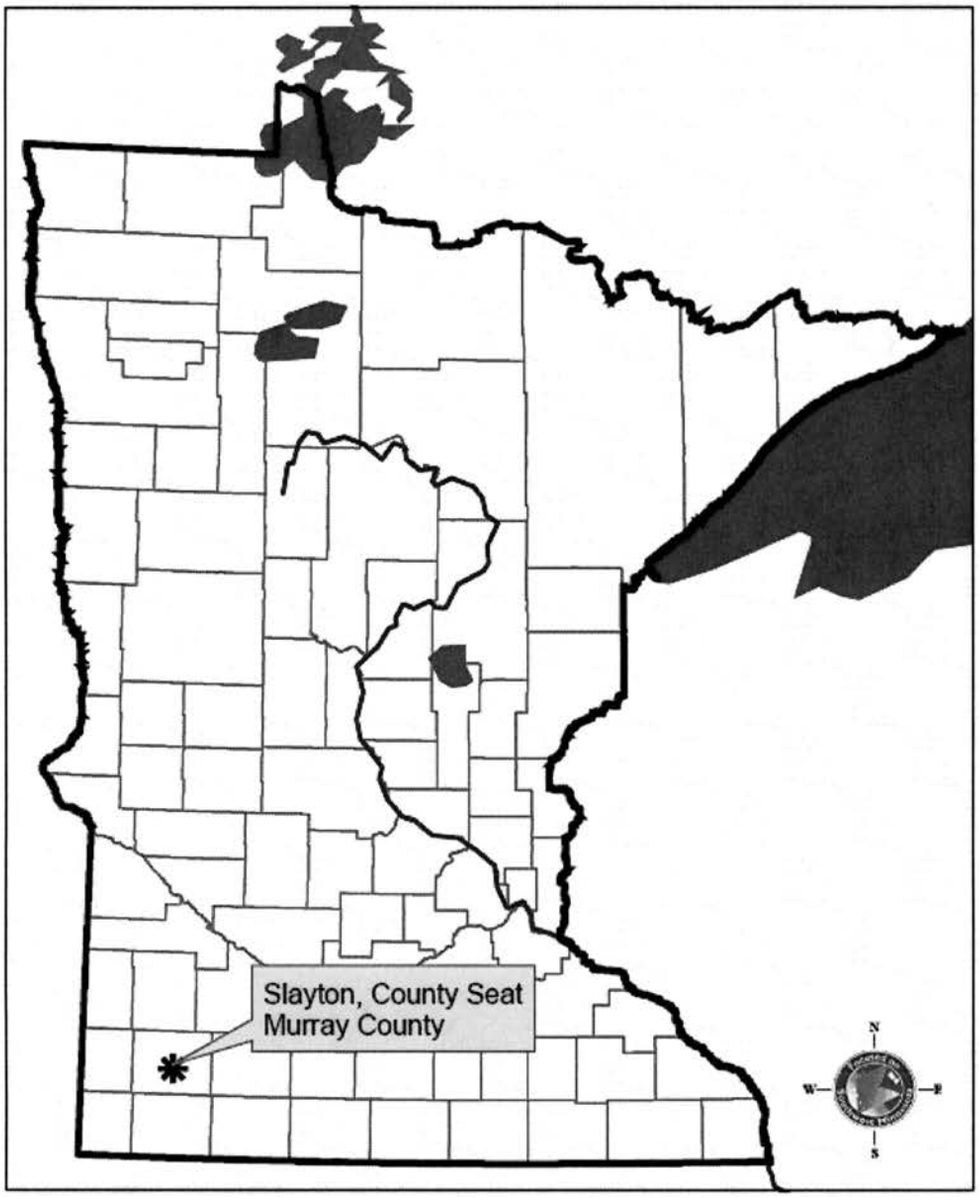
Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

# MURRAY COUNTY
# LOCAL WATER MANAGEMENT PLAN
# 2007-2017

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

**July 2012 Amendment**

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



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

**MURRAY COUNTY LOCAL WATER MANAGEMENT PLAN**
A 10-year plan with a 5-year implementation schedule.
July 2012 Amendment

I. Table of Contents


Page

A. Executive Summary ..... 1
   1. Purpose & Introduction
   2. Description of Priority Concerns
   3. Summary of Goals, Actions, and Projected Costs
   4. Consistency with Local, State and Regional Plans
   5. Summary of Recommended Amendments to Other Plans and Official Controls

B. Priority Concerns ..... 7
   1. Goals and Objectives to Address Priority Concerns
   2. Amended Priority Concerns

C. Implementation to Address Priority Concerns ..... 8

D. Implementation Schedule of Ongoing Activities ..... 15

E. Appendix ..... 17
   1. Acronyms Used
   2. Definitions

## A. Executive Summary

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

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

### A.1 Purpose & Introduction

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

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

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

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

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

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

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

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

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

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

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

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

Source: Murray County Ag/Solid Waste Department

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

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

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

Objective A3: Address TMDL Impaired Waters.

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

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

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

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

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

Objective B1: Encourage Well Head Protection planning.

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

Objective B3: Continue assistance to seal unused wells.

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

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

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

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

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

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

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

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

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

**2012 Local Water Management Plan Task Force Members**

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

### A.1.b 2012 Public and Internal Forums

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

### A.1.c Plan Adoption and Amendment

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

## A.2 TMDL Impaired Waters

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

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

**Streams**

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

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

**Lakes**

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

**Wetlands**

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

## B. Goals and Objectives to Address Priority Concerns

Goals and Objectives for local water management were selected by the Task Force based on the selected priority concerns. **Goals** are general statements that clearly communicate **what is to be accomplished** over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time. **Objectives** state **how the goal will be accomplished** by breaking it down into smaller, more specific measures that will be taken. Objectives are **MEASURABLE**.

### Priority Concern A. Improve Surface Water Quality.

*Goal A:* *Prevent further degradation of stream and lake water quality, with a priority for Des Moines River and Rock River watersheds.*

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

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

Objective A3: Address TMDL Impaired Waters.

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

**Priority Concern B. Protect Groundwater.**

*Goal B:* *Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.*

Objective B1: Encourage Well Head Protection planning.

Objective B2: Work to expand access to public water supplies.

Objective B3: Continue assistance to seal unused wells.

**Priority Concern C. Stormwater Retention.**

*Goal C:* *Prevent soil erosion through comprehensive drainage management, with a priority for the Des Moines River and Rock River watersheds.*

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

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

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

Objective C4: Promote the construction of water retention structures.

## C. Implementation to Address Priority Concerns

This section establishes the implementation program for local water management to address priority concerns. **Action items** describe **specific measures** that the County intends to implement, in cooperation with appropriate local, state and federal agencies.

### C.1 Priority Concern A. Improve Surface Water Quality.

*Goal A:* *Prevent further degradation of stream and lake water quality, with a priority for Des Moines River and Rock River watersheds.*

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

Actions:

A1.a Review and update Comprehensive Land Use Plan to incorporate goals and objectives to the Local Water Management Plan.
Who: ESO When: 20012 Cost: $1,000

A1.b Update zoning ordinances to minimize development impacts on surface waters.
Who: ESO When: 2012-2017 Cost: $10,000

A1.c Administer the Floodplain Ordinance to assure adherence to zoning regulations.
Who: ESO When: 2012-2017 Cost: Inkind

A1.d Provide funding for a yearly seminar that educates 50 children on environmental stewardship.
Who: ESO, MN 4-H When: 2012-2017 Cost: $600 per year

A1.e Help fund an annual environmental fair which educates 1,200 children from southwest Minnesota.
Who: ESO, SWCD, NRCS When: 2012-2017 Cost: $500 per year

A1.f Fund the Prairie Ecology Bus to allow them to provide a yearly educational seminar for each school in Murray County as well as an educational seminar at the County Fair.
Who: ESO When: 2012-2017 Cost: $1,800 per year

A1.g Provide 3 educational information classes per year to the area high schools regarding surface water quality.
Who: ESO, HIGH SCHOOL When: 2012-2017 Cost: Inkind

**Objective A2: Promote Ag Best Management Practices; complete Level 3 Feedlot Inventory.**

Actions:

A2.a Conduct yearly meetings with township officials and promote Ag BMP's.
Who: ESO When: 2012-2017 Cost: Inkind

A2.b Promote the Feedlot Registration program on a yearly basis through a booth at the County Fair.
Who: ESO When: 2012-2017 Cost: $200

A2.c Inspect 7% of all registered feedlots per year to verify they are in compliance with MN Statute 7020.
Who: ESO When: 2012-2017 Cost: $15,000

A2.d Provide technical assistance in distributing EQIP Funds and state cost-share to 100 projects over 5 years.
Who: ESO, SWCD, NRCS When: 2012-2017 Cost: Inkind

A2.e Conduct a Level Three Feedlot Inventory within the Des Moines River Watershed, and then proceed with the rest of the County when time allows.
Who: ESO, MPCA, BWSR When: 2012-2015 Cost: $45,360

A2.f Conduct bi yearly pit tile testing on all animal confinement units to verify pit watertightness. 31 pits are tested on the even years, 19 pits are tested on the odd years. Parameters tested are $NO^3$-N, Fecal Coliform, Chloride, Total Dissolved Solids, and $NH^3$.
Who: ESO, MN EXTENSION When: 2012-2017 Cost: $2,500 per year

A2.g Assist 25 producers with registered feedlots over 300 animal units to achieve a manure management plan for the proper manure application.
Who: ESO, MN EXTENSION When: 2012-2017 Cost: $15,000

A2.h Assist producers with 25 nutrient management plans.
Who: ESO, NRCS, MN EXTENSION When: 2012-2017 Cost: $25,000

A2.i Secure additional funding to fix existing feedlot issues.
Who: ESO, MPCA, BWSR, SWCD, HLWD When: 2012-2017 Cost: $750,000

Proposed feedlot upgrade sites:

- Feedlot, NW ¼, Section 35 Chanarambie Township, Beaver Creek Watershed
- Feedlot, NW ¼, Section 26, Chanarambie Township, Beaver Creek Watershed
- Feedlot, NE ¼, Section 23, Bondin Township, Heron Lake Watershed

**Objective A3: Address TMDL Impaired Waters.**

Actions:

A3.a Monitor lakes in July on a three year schedule within county with public accesses to get baseline data. The lakes that would be monitored in 2012 include: Currant Lake, Lake Wilson, Summit Lake, Round Lake, and Iron Lake. The lakes that would be monitored in 2013 include: Lake Sarah, Lake Shetek, Fox Lake, Bloody Lake, and Fremont Lake. The lakes that would be monitored in 2014 include: Fulda Lake, Lime Lake, Lake Louisa, Buffalo Lake, and Corabelle Lake. Parameters tested are nitrate-nitrite, ammonia nitrogen, total phosphorus, soluble reactive phosphorus, kjeldahl nitrogen, total suspended solids, dissolved oxygen, temperature, and conductivity.
Who: ESO, MNDNR, MPCA When: 2012-2017 Cost: $20,000

A3.b Provide technical assistance for the West Fork Des Moines River and Heron Lake TMDL Implementation Plan.
Who: ESO, SWCD, HLWD, MPCA When: 2012-2017 Cost: Inkind

A3.c Provide technical assistance for the Rock River Fecal Coliform and Turbidity TMDL Implementation Plan by providing input and help with their long-term, effectiveness, yearly, and milestone water sampling.
Who: ESO, SWCD, MPCA When: 2012-2017 Cost: Inkind

A3.d Provide technical assistance to help develop the Cottonwood River Fecal Coliform/E.coli TMDL Implementation Plan.
Who: ESO, SWCD, MPCA When: 2012-2017 Cost: Inkind

A3.e Provide technical assistance to help develop the Redwood River Fecal Coliform/E.coli TMDL Implementation Plan.
Who: ESO, SWCD, MPCA When: 2012-2017 Cost: Inkind

A3.f Provide technical assistance to help with the Redwood and Cottonwood River Turbidity TMDL Study.
Who: ESO, SWCD, MPCA When: 2012-2017 Cost: Inkind

### Objective A4: Encourage SSTS compliance; Continue septic loan program and seek additional funding

Actions:

A4.a Upgrade 40 non-compliant septic systems per year. This will be done through complaints and building permit upgrades.
Who: ESO When: 2012-2017 Cost: $10,000/system

A4.b Provide the Murray County Loan Program loan funds for 15 non-compliant septic systems per year in watersheds that do not have low-interest loan funds .
Who: ESO When: 2012-2017 Cost: $10,000/system

A4.c Seek additional loan funding or low income grants for SSTS construction with a prioritization for the Rock River and Redwood River watersheds.
Who: ESO, MPCA When: 2012-2015 Cost: Inkind

A4.d Provide technical assistance to the Shetek Area Water and Sewer Commission to sewer the remaining unsewered areas in the Shetek Area Water and Sewer District.
Who: ESO When: 2012-2017 Cost: Inkind

A4.e Create a GIS layer of all septic system installations throughout the County.
Who: ESO When: 2012-2015 Cost: Inkind

## C.2 Priority Concern B. Protect Groundwater.

*Goal B: Assure long-term quality and quantity of groundwater supplies, with a priority for Drinking Water Supply Management Areas (DWSMA) and surficial aquifer areas.*

### Objective B1: Encourage Well Head Protection planning.

Actions:

B1.a Educate cities on importance of Wellhead Protection through a news bulletin sent to all cities within Murray County every three years.
Who: ESO, MDH When: 2013 and 2016 Cost: $5,000

B1.b Assist the cities of Lake Wilson, Slayton, and Currie with completing their Wellhead Protection Plan.
Who: ESO, MDH When: 2012-2017 Cost: $5,000 per city

B1.c Conduct yearly free clinics for testing nitrate levels in well water. This event is held at the Murray County Fair and advertised in the newspaper and on the radio.
Who: ESO, MDH, Dept. of AG When: 2012-2017 Cost: $250 per year

B1.d Protect DWSMA and surficial aquifer areas from agricultural and industrial contamination through conditional use hearings.
Who: ESO When: 2012-2017 Cost: $7,500

B1.e Monitor 71 wells throughout the County for nutrient and bacteria levels. On even numbered years, 41 wells are tested. On odd numbered years, 31 wells are tested. These wells vary in depth as to get a representative sample of different aquifers within the County.
Who: ESO, MN EXTENSION When: 2012-2017 Cost: $4,800 per year

B1.f Create a GIS layer of wellhead protection areas throughout the County.
Who: ESO When: 2012-2017 Cost: Inkind

B1.g Continue to cooperate with Lincoln-Pipestone and Red Rock Rural Water on the expansion of the rural water systems and advise them about County programs that will help manage potential contamination sources.

Who: ESO, RRRW, LPRW When: 2012-2017 Cost: Inkind

B1.h Work with cities that have vulnerable areas within their drinking water supply management areas to sign up land into permanent buffer easements.
Who: ESO, RRRW, LPRW, MDH When: 2012-2017 Cost: $20,000

**Objective B2: Work to expand access to public water supplies.**

Actions:

B2.a Assist Rural Water suppliers with water exploration within the County.
Who: ESO, RRRW, LPRW When: 2014-2017 Cost: $2,500

B2.b Promote water conservation yearly at the Murray County Fair by using existing materials and resources.
Who: ESO, RRRW, LPRW When: 2012-2017 Cost: $1,500

**Objective B3: Continue assistance to seal unused wells.**

Actions:

B3.a Utilize County Fair exhibits and semi-annual newspaper advertisements to promote the proper well protection/abandonment.
Who: ESO When: 2012-2017 Cost: $150 per year

B3.b Prevent contamination of groundwater aquifers through the sealing of 25 unused wells per year.
Who: ESO When: 2012-2017 Cost: $16,000 per year

B3.c Assist 15 landowners over 5 years with proper farm site abandonment and demolition by making sure all storage tanks are removed, wells are sealed, and hazardous waste is disposed of prior to demolition.
Who: ESO When: 2012-2017 Cost: $1,250

## C.3 Priority Concern C. Stormwater Retention.

*Goal C: Prevent soil erosion through comprehensive drainage management throughout Murray County, with a primary priority for the Beaver Creek watershed, and a secondary priority for the Shetek, Rock River, and Heron Lake watersheds.*

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

Actions:

C1.a Improve the GIS layer of all public drainage systems and include: system name, watershed size, outlets, date established, system type, repair history, and improvement history.
Who: ESO, AUDITORS OFFICE, BWSR When: 2012-2015 Cost: $25,000

C1.b Assist producers in applying for cost share opportunities for conservation practices by sending out yearly SWCD newsletters describing the State Cost Share programs. Advertisements are also place in the Tri-County News.
Who: ESO, BWSR, NRCS, SWCD When: 2012-2017 Cost: In-Kind

C1.c Seek additional funding for water retention structures within the Beaver Creek watershed.
Who: ESO, SWCD, USDA, Area II When: 2012-2017 Cost: $250,000

C1.d Meet with 15 landowners per year and educate them on proper lakeshore and stream bank stabilization practices. Most of these landowners live around Lake Shetek and Lake Sarah.
Who: ESO, MN DNR When: 2012-2017 Cost: $5,000

Proposed bank stabilization project:

- Bank Stabilization, Kuehl's Point, SE ¼, Section 2, Mason Twsp., Lake Shetek Watershed, 500 lineal feet

C1.e Seek additional funding for stabilization practices for the stream banks of Beaver Creek.
Who: ESO, SWCD When: 2012-2017 Cost: $500,000

Proposed streambank stabilization project:

- Bank Stabilization, NE ¼, Section 10, Mason Township, Beaver Creek Watershed, 800 lineal feet

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

Actions:

C2.a Promote conservation tillage, EQIP, and Ag BMP's by contacting all County landowners through an informational bulletin sent by the SWCD. This bulletin is sent out on a yearly basis.
Who: ESO, SWCD, NRCS When: 2012-2017 Cost: $1,000 per year

C2.b Enroll 100 acres of marginal land into CREP buffer strip program in 5 years.
Who: ESO, SWCD When: 2012-2017 Cost: $300,000

C2.c Enforce the 1 rod buffer strip on all ditches that are improved within the County.
Who: ESO, SWCD When: 2012-2017 Cost: $200,000

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

Actions:

C3.a Provide technical assistance to the Wetland Technical Evaluation Panel (TEP) on approximately 15 sites in 5 years to minimize the amount of wetland conversions.
Who: ESO, SWCD, BWSR When: 2012-2017 Cost: $35,000

C3.b Work with the Des Moines River TMDL project to assist in converting 100 acres of drained wetlands over 5 years back to a vegetated state, using Wetland Reserve Program, Conservation Reserve Program and Continuous CRP.
Who: ESO, BWSR, SWCD, USFWS, HLWD When: 2007-2012 Cost: $20,000,000

Proposed wetland restoration project:

- Great Oasis lakebed, Lowville and Skandia Townships, Beaver Creek Watershed, ~6,000 acres

**Objective C4: Promote the construction of water retention structures.**

Actions:

C4.a Work with local landowners, State, and Federal agencies to secure funding for retention structures throughout the County with a priority for projects in the Beaver Creek watershed.
Who: ESO, SWCD, BWSR When: 2012-2017 Cost $2,500,000

Proposed water retention structures:

- Retention structure, NE ¼, Section 27 Chanarambie Township, Beaver Creek Watershed, ~2.0 acres
- Retention structure, SE ¼, Section 6, Cameron Township, Beaver Creek Watershed, 23.4 acres
- Retention structures, Sections 16 and 21, Cameron Township, Beaver Creek Watershed, 12.7 acres
- Retention structures, Sections 15 and 16, Cameron Township, Beaver Creek Watershed, 10.0 acres
- Retention structure, NE ¼, Section 18, Cameron Township, Beaver Creek Watershed, 13.0 acres
- Retention structure, SW ¼, Section 27, Cameron Township, Beaver Creek Watershed, 16.2 acres
- Retention structure, SE ¼, Section 22, Chanarambie Township, Beaver Creek Watershed, 12.2 acres
- Retention structure, SW ¼, Section 23, Chanarambie Township, Beaver Creek Watershed, 7.5 acres
- Retention structure, Sections 19 and 20, Mason Township, Beaver Creek Watershed, 8.0 acres
- Retention structure, SW ¼, Section 7, Slayton Township, Beaver Creek Watershed, 10.3 acres
- Retention structure, NW ¼, Section 9, Slayton Township, Beaver Creek Watershed, 2.4 acres

- Retention structure, NE ¼, Section 15 Iona Township, Des Moines River Watershed, 4.7 acres

## D. Implementation Schedule of Ongoing Activities

This section identifies other local activities and programs of the Murray County Environmental Services Office and cooperators which contribute towards the goals and objectives of local water management, in addition to those under the scope of the local water management plan. There are also many other public and private efforts at the regional, state and federal levels which serve to promote the regulatory and informational goals of sound water management. These particular ongoing activities typically encompass all watersheds in the county, reaching a broad cross-section of local residents and businesses.

### D.1 Priority Concern A. Improve Surface Water Quality.

- Administer and provide assistance for the State Revolving Fund for Ag BMP's.
- Continue to be a delegated County in the MPCA Feedlot Program and provide data to Elink.
- Inspect and assist producers in maintaining compliance with State rules.
- Promote and provide assistance for manure management plans and practices.
- Inspect and assist producers in maintaining compliance with County and State feedlot rules.
- Assist with testing and providing services for commercial pesticide applicators.
- Administer, permit, and inspect individual sewage treatment systems throughout Murray County.

### D.2 Priority Concern B. Protect Groundwater.

- Continue to promote and provide Household Hazardous Waste Program to correctly dispose of HHW.
- Provide a collection program for waste pesticides and empty containers.
- Promote recycling and solid waste management.
- Provide electronics and appliance disposal.
- Conduct nitrate testing at the County Fair.
- Provide cost-share assistance for well sealing.
- Sample well water from 71 wells throughout the County.
- Continue to sample all perimeter tiles around new animal confinement structures for groundwater for contamination.

### D.3 Priority Concern C. Stormwater Retention.

- Provide educational assistance to landowners for proper lakeshore stabilization.
- Provide funding for special projects, i.e. bank stabilization.
- Continue to administer Wetland Conservation Act.
- Promote technical assistance for conservation programs.
- Promote the SWCD tree program.
- Promote and help facilitate the CREP program.

**D.4 Additional Environmental Services Programs.**

- Assist landowners with land use permits and zoning regulations.
- Facilitate and track biological control of noxious weeds.
- Educate Townships on the noxious weed program.
- Help fund the Heron Lake Ecology Bus for the schools of Fulda and Slayton.
- Help fund the Heron Lake Ecology Bus for the Murray County Fair.
- Help fund the Southwest Minnesota 4-H Day Camp.
- Help fund the Southwest Minnesota Environmental Fair.
- Conduct yearly soil fertility tests on 9 sites throughout the County.
- Participate in the State's rainfall monitoring program.
- Administer Shoreland and Floodplain Management Program.

## E. Appendix

### E.1 Acronyms Used

Ag BMP's – Agricultural Best Management Practices
Area II – Area II Minnesota River Basin Projects, Inc.
BWSR – Board of Water and Soil Resources
CDP – Census Designated Place
CWP – Clean Water Partnership
DNR – Department of Natural Resources
DWSMA – Drinking Water Supply Management Area
ESO – Environmental Services Office
GIS – Geographic Information Systems
HLWD – Heron Lake Watershed District
ISTS – Individual Septic Treatment System (see SSTS)
LCMR – Legislative Commission on Minnesota Resources
L&CRWS – Lewis & Clark Rural Water System
LPRWS – Lincoln-Pipestone Rural Water System
MDA – Minnesota Department of Agriculture
MDH – Minnesota Department of Health
MPCA – Minnesota Pollution Control Agency
NRCS – Natural Resources Conservation Service
PCSD – Priority Concerns Scoping Document
PF – Pheasants Forever
RCRCA – Redwood-Cottonwood Rivers Control Area
RRRW – Red Rock Rural Water System
SAWSC – Shetek Area Water and Sewer Commission
SSTS – Sub-Surface Treatment System
SWCD – Soil and Water Conservation District
TMDL – Total Maximum Daily Load
USCOE – United States Corp of Army Engineers
USDA – United States Department of Agriculture
USFW – United States Fish and Wildlife
WRP – Wetland Reserve Program

### E.2 Definitions

**High Priority Erosion Problems.** "High priority erosion problems" means areas where erosion from wind or water is occurring equal to, or in excess of, 2 X T tons per acre per year or is occurring on any area that exhibits active gully erosion or is identified as high priority in the comprehensive local water management plan.

**High Priority Water Quality Problems.** "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated protected waters or to any high priority waters as identified in a comprehensive local water management plan, or discharge to a sinkhole or groundwater. The pollutant delivery rate to the water source is in amounts that will impair the quality or usefulness of the water resource.

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Wabasha County CLWM Plan Extension☐

**Meeting Date:** August 23, 2012

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

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Southern Region

**Contact:** Jeff Nielsen

**Prepared by:** Mary Kells

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

**Presented by:** Paul Langseth

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

### ACTION REQUESTED

Approval to extend the Wabasha County Comprehensive Local Water Management Plan until December 31, 2014.

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

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

| | |
|---|---|
| In the Matter of Extending the Comprehensive Local Water Management Plan for Wabasha County | ORDER EXTENDING WATER MANAGEMENT PLAN |

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

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

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

## FINDINGS OF FACT

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

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

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

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

## CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Wabasha County pursuant to Minnesota Statutes 103B.311, Subdivision 4 (a) (5).

## ORDER

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

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

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

July 6, 2012

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FR: Mary Kells, BWSR Board Conservationist

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

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

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

BWSR policy is to grant a one-time, two-year extension if requested and justified. I recommend approval of a two-year extension for the completion of the required update to the Wabasha County Plan and that the expiration date of the approved 5-Year Plan be December 31, 2014.

WABASHA COUNTY BOARD OF COMMISSIONERS

RESOLUTION 2012-110

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

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

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

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

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

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

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

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

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

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

By: _____
Board Chair

By: _____
Clerk to the Board

**NEW BUSINESS**

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

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

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Establishment of an Audit Committee**

**Meeting Date:** August 23, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:**
**Contact:** Tim Dykstal
**Prepared by:** Tim Dykstal
**Reviewed by:** John Jaschke Committee(s)
**Presented by:** John Jaschke

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

## ACTION REQUESTED

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

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

Resolution # _____

**Establishment of an Audit Committee**

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

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

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

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

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

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

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

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

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

_____ _____

Brian Napstad, Chair Date

Attachments:

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

Minnesota Board of Water & Soil Resources

# Audit Committee Charter

## Purpose

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

## Authority

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

## Composition of Committee

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

## Meetings

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

## Responsibilities

### A. Internal Audit and Fiscal Compliance

The Audit Committee shall:

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

### B. External Audit

The Audit Committee shall:

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

*Bemidji*
4 West Building
403 Fourth St. NW, Suite 200
Bemidji, MN 56601
(218) 755-2600

*Brainerd*
1601 Minnesota Drive
Brainerd, MN 56401
(218) 828-2383

*Duluth*
394 South Lake Ave., Room 403
Duluth, MN 55802
(218) 723-4752

*Fergus Falls*
1004 Frontier Drive
Fergus Falls, MN 56537-2505
(218) 736-5445

*Marshall*
1400 East Lyon Street
Marshall, MN 56258
(507) 537-6060

*Mankato*
1160 Victory Drive S., Suite 5
Mankato, MN 56001-5358
(507) 389-1967

*New Ulm*
261 Highway 15 South
New Ulm, MN 56073
(507) 359-6074

*Rochester*
2300 Silver Creek Rd N.E.
Rochester, MN 55906
(507) 206-2889

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

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

**C. Internal Controls and Risk Assessment**

The Audit Committee shall:

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

**D. Special Investigations**

The Audit Committee shall:

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

**E. Other Responsibilities of the Audit Committee**

The Audit Committee shall:

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

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

***ADMINISTRATIVE ADVISORY COMMITTEE (ACC)***

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

***Responsibility:***

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

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

***AUDIT COMMITTEE (AUD)***

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

***Responsibility:***

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

***Meetings:***

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

## ***DISPUTE RESOLUTION COMMITTEE (DRC)***

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

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

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

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

## ***GRANTS PROGRAM AND POLICY COMMITTEE (GP&PC)***

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

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

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

DRAFT

## ***PUBLIC RELATIONS, OUTREACH & STRATEGIC PLANNING COMMITTEE (PROSPC)***

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

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

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

## ***RIM RESERVE MANAGEMENT PLANNING COMMITTEE (RRMPC)***

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

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

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

DRAFT

## ***WETLANDS COMMITTEE***

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

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

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

## ***REGIONAL PLAN REVIEW COMMITTEES:***

***Membership:*** *Chair

| **North** | **South** | **Metro** |
|---|---|---|
| *Quentin Fairbanks – CC | *Paul Langseth - SWCD | *Bob Burandt – SWCD |
| Gerald Van Amburg – CIT | Tom Loveall – CC | Joe Collins - WD |
| Brian Napstad - CC | John Meyer – CIT | Faye Sleeper – UM/Extension |
| Keith Mykleseth – NMC | Todd Foster - WD | Jack Ditmore - CIT |
| Gene Tiedemann - WD | Sandy Hooker - TWP | Christy Jo Fogarty - MC |
| Matthew Wohlman – MDA | Matthew Wohlman – MDA | Rebecca Flood - PCA |
| Lori Dowling - DNR | Chris Elvrum - MDH | Jim Haertel, SMT staff |
| Ron Shelito, SMT staff | Steve Sunderland - SWCD | |
| | Jeff Nielsen, SMT staff | |

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

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

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

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



DRAFT

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** 2012 Flood Response - Preliminary☐

**Meeting Date:** August 23, 2012

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

**Item Type:** ☐ Decision ☐ Discussion ☒ Information

**Section/Region:** Statewide

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

**Prepared by:** John Jaschke

**Reviewed by:** None Committee(s)

**Presented by:** John Jaschke

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

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

**Fiscal/Policy Impact**

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☒ Other: Expected Future Fiscal Decsion

## ACTION REQUESTED

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

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

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

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

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

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

# BWSR Third Preliminary Damage Estimates: June 2012 Flood

(7/30/12)

Minnesota Board of Water & Soil Resources

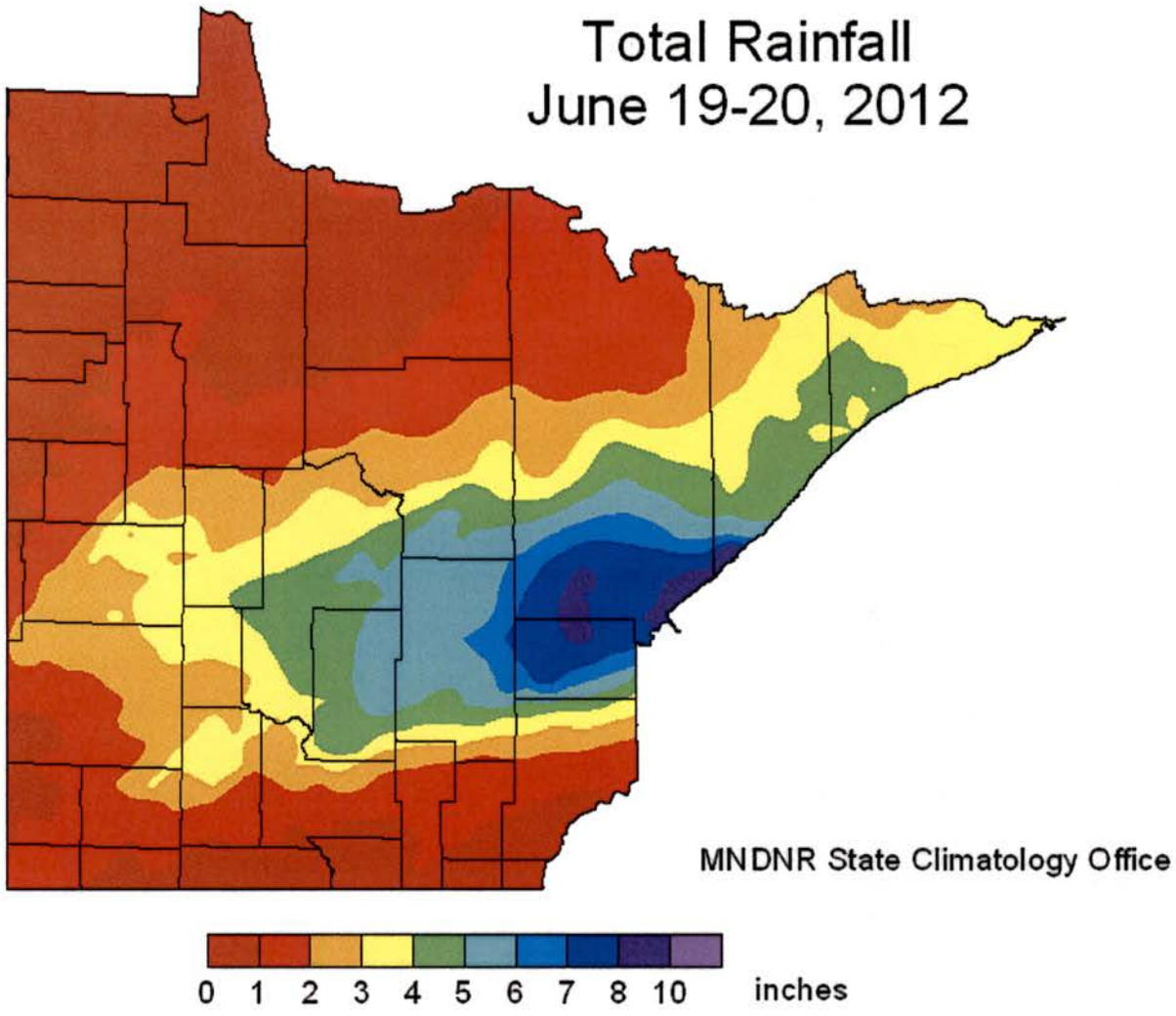
| Local Government | Estimated erosion control needed so far: | *Rough total projection based on evaluated area (erosion control)* | Estimated riparian floodplain damage and RIM funds needed so far | *Rough total projection based on evaluated area (RIM funds)* | Percent (%) of flood damaged area assessed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

No damage to report

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

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

## Duluth Area Flash Flood of June 19-20, 2012

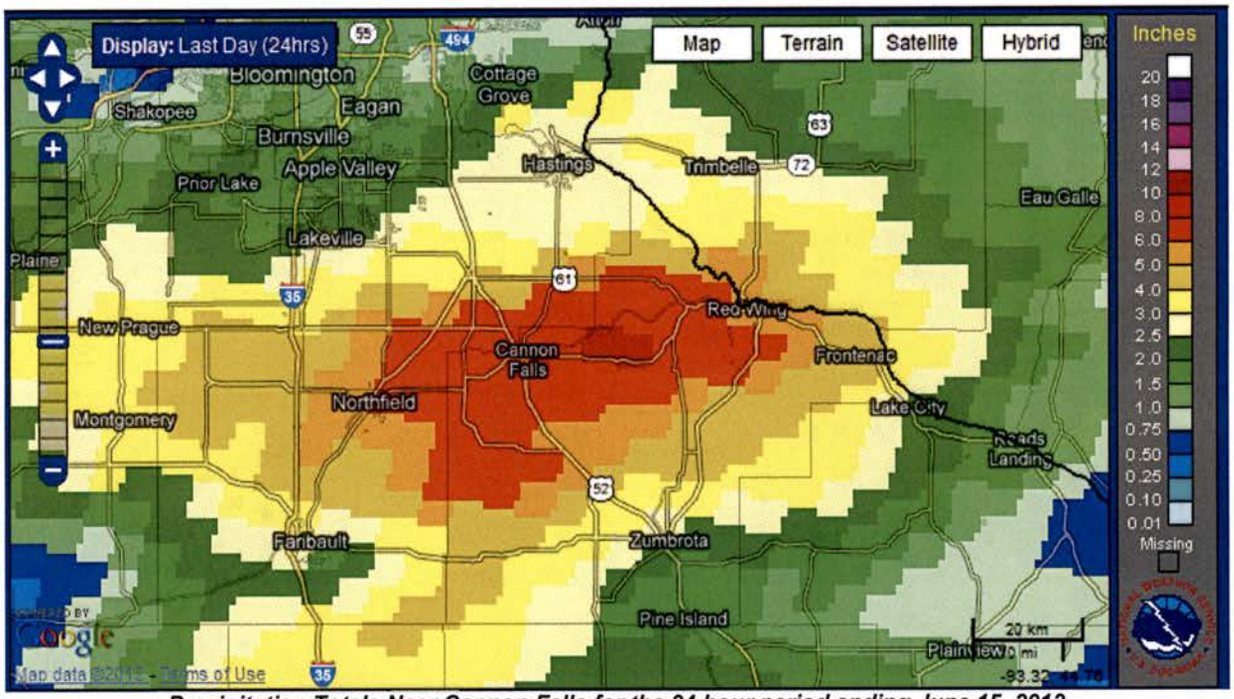



**The most damaging flood in Duluth's history.** The most damaging flood in Duluth's history began when heavy rains fell over already saturated ground, making the situation worse. The main event occurred from around noon on the 19th through about noon on the 20th. At the Duluth National Weather Service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

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

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

# Cannon Falls Flash Flood of June 14, 2012




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

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

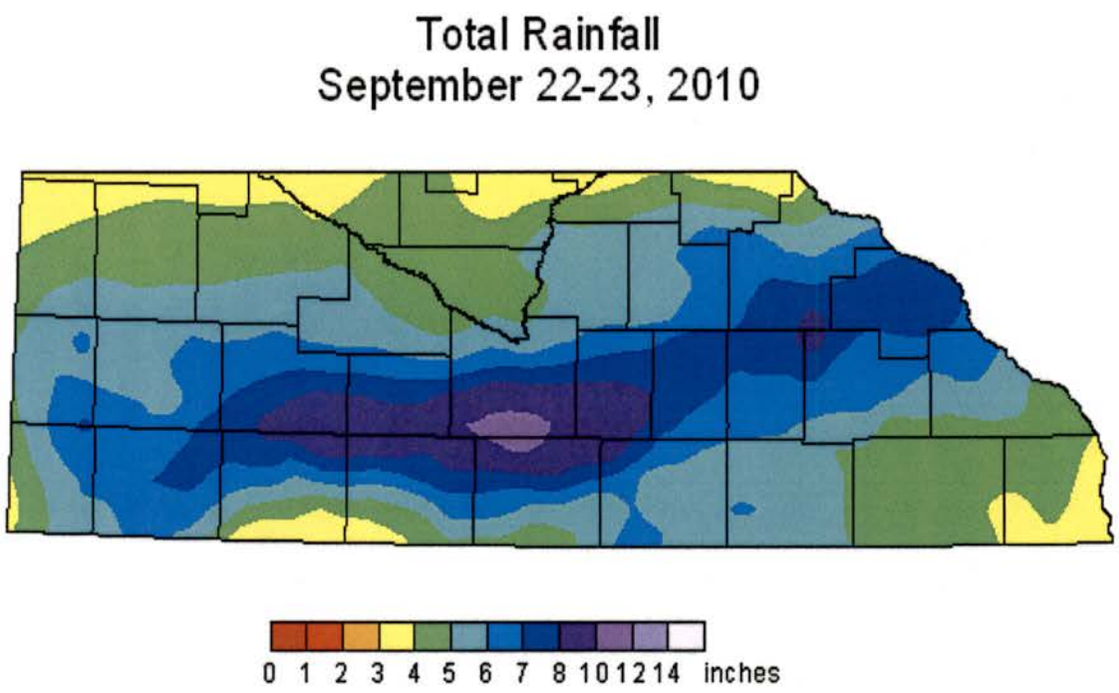
The 8.83 inches measured at Cannon Falls is the largest 24-hour total June rainfall measured at a Minnesota National Weather Service Volunteer Cooperative station in the history of the program. The previous record was 8.67 inches measured on June 17, 1957 at Minnesota.

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

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

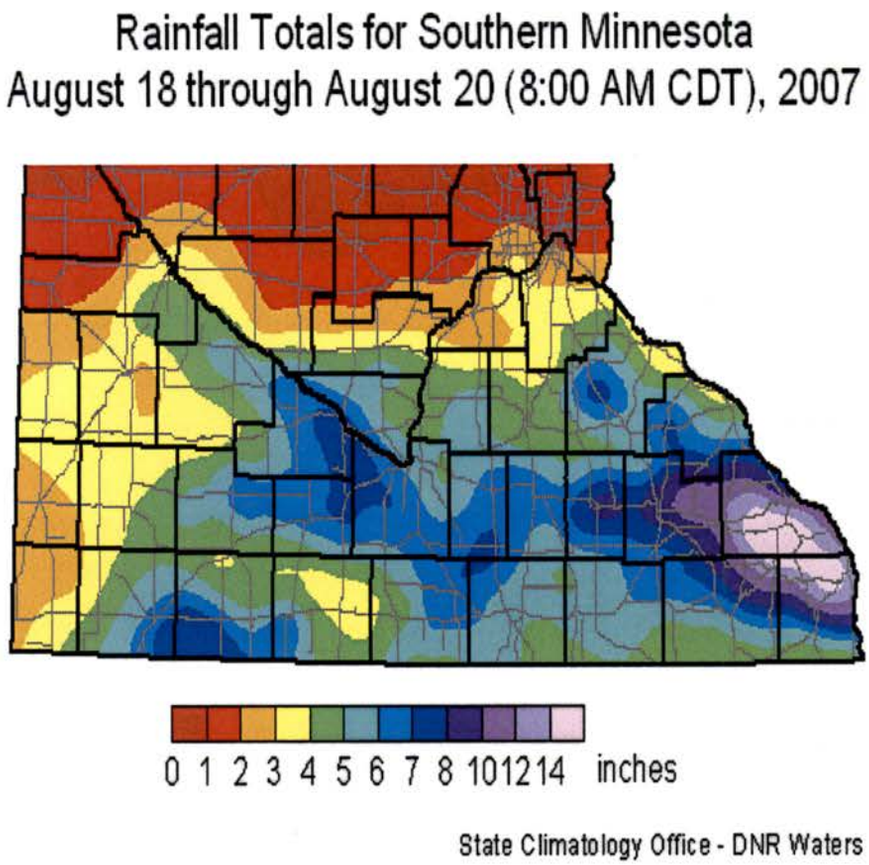
The Chanhassen National Weather Service has produced a summary about the June 14-15, 2012 flooding.

## 2010 Southern Minnesota




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

## 2007 Southeast Minnesota




**August 18-20, 2007: Southeast Minnesota**

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

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

Minnesota Board of Water & Soil Resources

# Flood recovery: recent appropriation summary

Prepared Aug. 8, 2012

## Land retirement via Reinvest in Minnesota (RIM) Conservation Easements

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

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

## Erosion, sediment and water quality control and watershed restoration projects

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

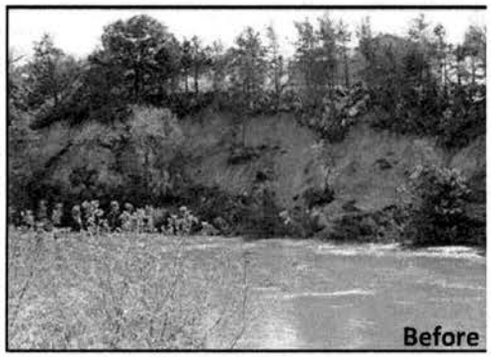
*Practices are still being applied ($380k balance)

# BWSR flood response: recent examples

August 2012

## Kellogg Streambank – 2010

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







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

## Minnesota City – 2007

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







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

## Other flood-relief conservation practices

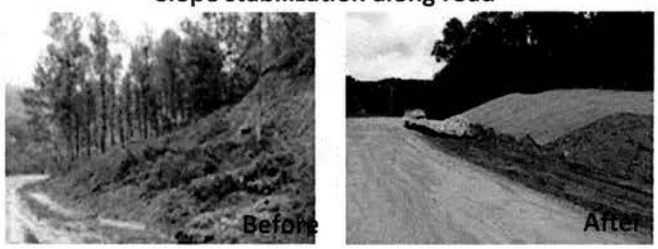
- Sediment and debris removal
- Critical area seeding
- Heavy use area protection
- Pond clean out
- Erosion control structure repairs
- Terrace repairs
- Grass waterway repairs
- Well sealing

**Spillway critical area stabilization**




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

**Slope stabilization along road**




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

**RIM conservation easements retire floodplain cropland**



Watonwan County: Floodplain cropland damaged by September 2010 flood.




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

## BWSR Authority

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

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

# FOR YOUR INFORMATION

**August 23, 2012**

- BWSR Board Member Listing
- BWSR Staff Listing
- BWSR "Snapshots"
- Celebrating 25 years of BWSR: 1987-2012
- Drainage Work Group Report
- Copy of Memorandum of Understanding for the protection, Restoration and Management of Minnesota's Prairies
- News Release, "MDA announces members of Agriculture Water Quality Certification advisory committee"
- Clean Water Summit 2012

# 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**<br>51227 Long Point Place, McGregor, MN 55760 | **County Commissioner**<br>bnapstad@yahoo.com | **2/03/10 - 1/06/14** | 218-426-3008<br>218-426-4662 | *Home*<br>*Office* |
| **Quentin Fairbanks**<br>16374N Blackduck Road NE, Hines, MN 56647 | **Co. Commissioner**<br>quentin@paulbunyan.net | **6/30/11 - 1/05/15** | 218-835-4184<br>218-553-0433 | *Home*<br>*Cell* |
| **Tom Loveall**<br>39290 200th St., Winnebago, MN 56098 | **Co. Commissioner**<br>tomcat56098@yahoo.com | **5/11/09 - 1/07/13** | 507-854-3572<br>507-854-3300 | *Home*<br>*Office* |
| **Jack Ditmore**<br>61 Flandrau Place, St. Paul, MN 55106 | **Citizen**<br>ditjc9999@msn.com | **3/29/12 – 1/04/16** | 651-774-7239 | *Home* |
| **Gerald Van Amburg**<br>4518 5th Street S., Moorhead, MN 56560 | **Citizen**<br>vanambur@cord.edu | **6/30/11 - 1/05/15** | 218-236-7659<br>218-790-2502 | *Home*<br>*Cell* |
| **John Meyer**<br>18689 Highway 248, Rollingstone, MN 55969 | **Citizen**<br>john@qhdairy.com | **5/11/09 - 1/07/13** | 507-689-2612<br>507-689-2457 | *Home*<br>*Office* |
| **Robert Burandt**<br>1340 Waconia Pkwy. S., Waconia, MN 55387 | **SWCD**<br>rlburandt@gmail.com | **5/11/09 - 1/07/13** | 952-442-4216 | *Home* |
| **Paul Langseth**<br>35505 280th St., Worthington, MN 56187 | **SWCD**<br>paul.langseth@gmail.com | **2/03/10 - 1/06/14** | 507-360-5844<br>507-376-5686 | *Office*<br>*Home* |
| **Steve Sunderland**<br>2030 20th Ave., SE, Montevideo, MN 56265 | **SWCD**<br>sunderland@mvtvwireless.com | **3/29/12 – 1/04/16** | 320-226-3550 | *Home* |
| **Todd Foster**<br>827 Chestnut Court, St. Cloud, MN 56303 | **Watershed**<br>iliketheoutdoors@gmail.com | **6/30/11 - 1/05/15** | 320-241-6041 | *Home* |
| **Gene Tiedemann**<br>13099 310th Ave., SW, Euclid, MN 56722 | **Watershed**<br>gtiedemann@rrv.net | **2/03/11 - 1/06/14** | 218-281-6723 | *Home* |
| **Joseph Collins**<br>534 West Orange Ave., St. Paul, MN 55117 | **Watershed**<br>jpcollins534@msn.com | **3/29/12 – 1/04/16** | 651-488-5108 | *Home* |
| **Sandra Hooker**<br>14418 618th Avenue, Mapleton, MN 56065 | **Townships**<br>sandy.hooker@mntownships.org | **3/29/12 – 1/04/16** | 507-869-3114 | *Home* |
| **Christy Jo Fogarty**<br>18946 Excalibur Trail, Farmington, MN 55024 | **Metro City**<br>cfogarty@charter.net | **9/21/09 - 1/07/13** | 651-460-8057<br>612-867-8875 | *Home*<br>*Office* |
| **Keith Mykleseth**<br>532 Summit Avenue, Crookston, MN 56716 | **Non-Metro City**<br>kmykleseth@tnc.org | **6/30/11 - 1/05/15** | 218-281-1801<br>218-521-0565 | *Home*<br>*Cell* |

### *State Agency Members:*

| | | | |
|---|---|---|---|
| **Matthew Wohlman**<br>Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155<br>Matthew.Wohlman@state.mn.us | **Department of Agriculture** | 651-201-6551<br>651-201-6120 | *Office*<br>*Fax* |
| **Chris Elvrum**<br>P.O. Box 64975, St. Paul, MN 55164-0975<br>chris.elvrum@state.mn.us | **Department of Health** | 651-201-4598<br>651-201-4986 | *Office*<br>*Fax* |
| **Tom Landwehr**<br>500 Lafayette Road, St. Paul, MN 55155<br>Tom.Landwehr@state.mn.us | **Department of Natural Resources** | 651-259-5555<br>651-296-4799 | *Office*<br>*Fax* |
| **Faye Sleeper**<br>Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108<br>fsleeper@umn.edu | **U of M/Extension** | 612-624-3738<br>612-625-1263 | *Office*<br>*Fax* |
| **Rebecca Flood**<br>520 Lafayette Road, St. Paul, MN 55155<br>Rebecca.Flood@state.mn.us | **Pollution Control Agency** | 651-757-2022<br>651-296-7923 | *Office*<br>*Fax* |

# 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 |
| Bonde, Karen | | 297-3998 |
| Buckhout, Don | | 296-0768 |
| Cabak, Mitchell | | 296-1243 |
| DeVoe, Natasha | | 205-4664 |
| Donnelly, Conor | | 282-3815 |
| Cell (612) 568-4677 | | |
| Dykstal, Tim | | 296-1287 |
| Engineers | Cell (651) | 485-8466 |
| Eisele, Bill | | 282-2929 |
| Fredbo, Tim | | 296-0880 |
| Germundson, Travis | | 297-4958 |
| 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, Melissa | | 297-4735 |
| Lewis, Michelle | | 296-2428 |
| Lines, Kevin | | 297-1894 |
| Luniewski, Jim | | 297-2622 |
| Mack, Kristie | | 215-9420 |
| Maleitzke, Jen | | 215-9008 |
| Cell (651) 315-5082 | | |
| Mohring, Eric | | 297-7360 |
| Cell (612) 309-1173 | | |
| Ogg, Tim | | 297-8024 |
| Cell (651) 295-5737 | | |
| Pellerin, Misty | | 296-0873 |
| Powell, Ken | | 215-1703 |
| Cell (763) 291-9078 | | |
| 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 | Cell (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 |
| Peterson, Lynda | Cell (612) | 201-9806 |
| Westrick, Marcey | | 284-4153 |
| Cell (651) 276-5976 | | |
| Wozney Brad | | 296-6068 |
| Cell (651) 233-6673 | | |

## Northern Regional Offices

### Bemidji

| | | |
|---|---|---|
| Fax # | | (218) 755-2672 |
| Dwight, Brian | | (218) 755-2679 |
| Cell (218) 820-2335 | | |
| Heinen, Ryan | Cell | (218) 239-0222 |
| Krystosek, Dale | | (218) 755-2603 |
| Cell (218) 820-9381 | | |
| Moore, Kathy | | (218) 755-2600 |
| Severts, Chad | | (218) 755-2671 |
| Cell (218) 766-7657 | | |
| Stensing, Jerry | Cell | (218) 647-9476 |

### Brainerd

| | |
|---|---|
| Fax # | (218) 828-6036 |
| Conference Room | (218) 833-8607 |
| Caughey, Donna | (218) 828-2383 |
| Grow, Keith | (218) 828-6035 |
| 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) 525-4939 | |
| 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 |
| Becker Kudelka, Angie | | (507) 389-1968 |
| Cell (612) 616-5112 | | |
| Gieseke, Jenny | Cell | (507) 381-3131 |
| Hughes, Chris | | (507) 389-6784 |
| Cell (507) 381-5040 | | |

### Marshall

| | |
|---|---|
| Fax # | (507) 537-6368 |
| DeBeer, Laura | (507) 537-6615 |
| Cell (507) 829-3520 | |
| 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

| | |
|---|---|
| Fax # | (507) 359-6018 |
| 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 |
| Maul, Jeremy | (507) 359-6090 |
| Cell (507) 272-5061 | |
| Nielsen, Jeff | (507) 359-6075 |
| Cell (507) 276-5386 | |
| Swanson-Cullen, Carla | (507) 359-6074 |

### Rochester

| | |
|---|---|
| Fax # | (507) 285-7144 |
| Erickson, Dorothy | (507) 206-2889 |
| Kells, Mary | (507) 206-2890 |
| Cell (507) 273-7338 | |
| Lawler, Stephan | (507) 206-2891 |
| Cell (507) 696-3617 | |
| 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 7/19/12

Minnesota Board of Water & Soil Resources

# BWSR Snapshots

August 2012

## Targeting riparian buffers through Clean Water and Outdoor Heritage Funds

**By Jen Maleitzke, Communications Director**

Like many landowners in Minnesota, David and Jeanette Stottrup (Litchfield) are contemplating what to do with their expiring Conservation Reserve Program (CRP) acres. The Strottrups have 162 acres currently enrolled in the program, all of which will expire in the next five years.

David Stottrup, a retired teacher, said the program has been great for his family—it allowed them to farm on a small scale while holding jobs in town.

"I grew up on a small low-tech farm in Pine County. The headwaters for Little Sand Creek began in the woods on our land at a spring, which came bubbling up out of the ground between three giant Norway Pines. Since then I've always had affection for little crick and ponds in the woods," Stottrup said.



*Jeanette and David Stottrup, Litchfield, Minn., recently enrolled 43 acres of their land into the RIM Riparian Buffer Easement program.*

Located next to a wildlife management area, near multiple waterfowl production areas and public waterways, the Stottrups plan to enroll 43 acres of their expiring CRP land in the Reinvest in Minnesota (RIM) Riparian Buffer Easement program.

Stottrup says knowing that his land along Battle Creek will permanently remain a sanctuary for trees, native grasses and wildlife long after he's gone gives him great joy.

Over the last 25 years, the United States Department of Agriculture's CRP has been the largest and most significant private lands conservation program in Minnesota history. An entire generation of Minnesotans have benefitted from improved water quality and enhanced wildlife habitat.

However, nearly 823,000 acres (60 percent) of Minnesota conservation lands enrolled in CRP will expire in the next five years *–a land area equivalent to Anoka, Hennepin and Ramsey counties combined.*

As an option for farmers to continue land conservation with expiring CRP acres, staff members at the Minnesota Board of Water and Soil Resources (BWSR) are working with local soil and water conservation districts (SWCDs) to offer the RIM Riparian Buffer Easement program.

| Expiring CRP acreage | |
|---|---|
| Year | Acres |
| 2012 | 292,429 |
| 2013 | 130,246 |
| 2014 | 207,841 |
| 2015 | 101,634 |
| 2016 | 90,803 |
| **Total** | **822,953** |

The only program funded through both Outdoor Heritage and Clean Water Funds (from the Clean Water, Land and Legacy Amendment), there is more than $10 million is available for RIM Riparian Buffer Easements, beginning July 19.

"The RIM Riparian Buffer Easement program offers another option for landowners to target conservation practices and serves as an investment for the long term health of their farm," said LeAnn Buck, Executive Director of the Minnesota Association of Soil and Water Conservation Districts. "By enrolling in the program, landowners are compensated to provide plant diversity and wildlife habitat and to keep valuable soil in place."
Both water quality and wildlife habitat enjoy benefits of riparian easements. Water quality is protected as buffers filter snowmelt and rainfall runoff, reducing soil erosion. Additionally, native vegetation captures sediment,

nutrients and pesticide residue, reducing nitrogen and phosphorus loading.

Wildlife species require food, water, and cover. Well managed riparian buffers generally support larger populations of wildlife because the buffer provides many habitat requirements.

Joe Duggan, a long-time conservationist and the vice president of Pheasants Forever, said, "We know that native grasses established in riparian buffer areas provide quality bird nesting habitat and also important winter survival cover for pheasants and other species when the snow arrives."

BWSR's five-year goal is to enroll 80,000 acres statewide of the most vulnerable riparian buffers and wetlands into permanent protection.

John Jaschke, BWSR Executive Director, said "Native plant buffer zones are imperative to protect wildlife habitat areas and to achieve clean water. This program offers the opportunity to get buffers on the ground in the many places where they are needed."

Interested landowners should contact their local SWCD for more information about the program, or visit www.bwsr.state.mn.us.

---

**Conservation progress reporting made easier**
**By Jen Maleitzke, Communications Director**

Dating back as early as 1986, the Board of Water & Soil Resources (BWSR) has required reports from local units of government that indicate progress made in protecting the state's resources. Throughout the years, the method to complete this reporting has changed, first from paper reports (1986-1996), to floppy disk submission (1997-2002) and finally to the online eLINK database (2003-2012).

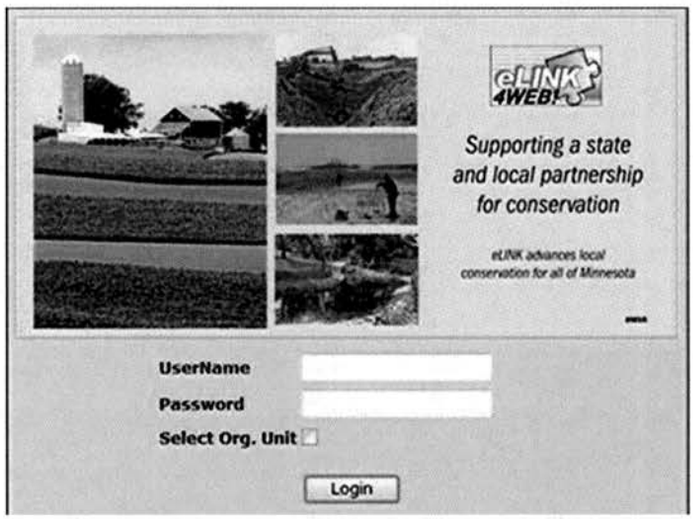
Based on feedback and assistance from local government partners, BWSR is now leading development of a new web-based system to track statewide conservation projects and activities, meant to improve efficiency, support partnerships, increase transparency for general public access and to provide for technology upgrades.

Melissa Lewis, BWSR project team lead, is working with contractor TetraTech to design the new database. According to Lewis, the new database will be much more user-friendly and allow for greater access to data by partners and members of the public.

"We want the new database to be easy to use and to provide the data that we know is in demand – data that shows results from implementation of conservation practices on the ground," Lewis said. "We are working hard to listen to our stakeholders and other users of the current eLINK system to ensure we make the appropriate upgrades."

With funding provided by the Clean Water Fund (from the Clean Water, Land and Legacy Amendment), the new system will integrate and streamline current grant processes such as applications, work plans, and reports; reducing data entry and bringing efficiencies to state and local governments. Improved speed and system response will provide data and results back more quickly to local government.

The new system will also provide public access to summarized grant and project information, and take advantage of the feature provided by the Legislative Coordinating Commission (LCC) Minnesota Legacy website which allows upload of data about legacy-funded projects.



*The current eLINK system is an online database, accessible on BWSR's website.*

Finally, the new system will include technology upgrades for speed and data entry, be accessible from multiple browsers, use the latest mapping technology, and will incorporate features such as password resets and messaging; all while ensuring the latest appropriate security protocols are followed.

Lewis said the goal of the new system follows the spirit of reporting requirements of the past – to tell the story of conservation successes across Minnesota. The new eLINK is expected to debut in April 2013. For more information about this project, contact Melissa Lewis at 651-297-4735 or Melissa.K.Lewis@state.mn.us.

---

**Reinvest in Minnesota (RIM) Shallow Lake Shoreland Protection: Wild Rice Lakes (Phase I & II)**
**By Dan Steward (Board Conservationist) and Seth Weeks (GIS Specialist)**

The RIM Shallow Lake Shoreland effort to protect wild rice lakes began in 2012 when the Lessard-Sams Outdoor Heritage Council (L-SOHC) provided funding to wild rice lake shoreline landowners through permanent shoreland conservation easements and, where needed, fee-title acquisition.

"Phase I" of this project protected more than 1,230 acres of wild rice lake shoreland habitat on 17 important shallow wild rice lakes in eight north central counties

The L-SOHC has identified wild rice protection as a top priority for the Northern Forest Planning Section, and a Phase II proposal is currently being reviewed by the council. Partners include Ducks Unlimited, DNR's Wildlife, SWCDs and private landowners. The goal is protection of existing habitat, and little (if any) restoration work is required.

**Three Distinct Features**

1. Permanent protection via Reinvest in Minnesota (RIM) easements acquired by BWSR.

2. Permanent protection via Ducks Unlimited easements for landowners interested in working with an NGO rather than working with a government agency.

3. Permanent protection via fee-title acquisition through the Minnesota DNR.

**Phase I Outcomes**

- Protection of 10 miles (1,200 acres+) of shoreland.
- Waterfowl disturbance kept to a minimum.
- Forestlands protected from development and fragmentation.
- Improved aquatic habitat indicators.
- Increased availability and improved condition of riparian forests and other habitat corridors.

**Project Partners:**

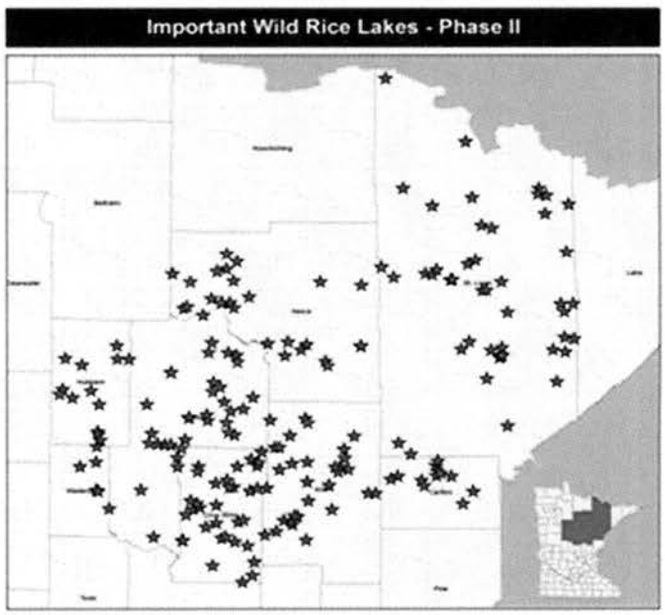
DUCKS UNLIMITED

MASWCD

Minnesota DEPARTMENT OF NATURAL RESOURCES





## LCCMR LiDAR Module Training a Success

**By Karen Bonde, Senior Engineering Technician**

In 2010, the University of Minnesota submitted a proposal to the Legislative-Citizen Commission on Minnesota Resources (LCCMR) to provide training for GIS and CAD users in conservation and natural resource fields on the use of Light Detection and Ranging (LiDAR) digital elevation data for managing, planning and engineering proposes.

With the completion of high resolution LiDAR flights across Minnesota, the need to utilize and analyze this data correctly and efficiently was the foundation for the proposal. Over a two year period (2011-2013), the University of Minnesota Water Resources Center developed six different training modules using LiDAR data. These training modules included basic LiDAR data management, terrain analysis, engineering, hydrologic applications, wetland mapping, and forestry and ecological applications.

Workshop developers and instructors were from the University of Minnesota, MN Department of Natural Resources, MN Board of Water and Soil Resources, and USDA-Natural Resources Conservation Service. The training modules were completed in January 2012 and are being taught in several locations around Minnesota throughout this year. So far attendance has been well received and survey results from the training modules have remained positive.

On behalf of BWSR, I was asked to provide technical assistance in developing a training module for LiDAR data and its application to engineering. I, along with Lea Holter from NRCS, offered support to Ann Johnson, an instructor in the Civil Engineering Department at the University of Minnesota, who would administer the training. Our goal for this module was to provide AutoCAD users, specifically Civil 3D users, with the knowledge to use LiDAR data in survey, digital terrain creation, watershed analysis, preliminary planning and design.

To date, two full-day training sessions on the engineering module have been given, one at the University of Minnesota and one at Minnesota State University, Mankato.The class covered the different types of LiDAR data available and how to best utilize that data within Civil 3D. In addition, the class was shown a variety of web sites and ftp sites where the LiDAR data can be accessed. Attendees of this training module included many staff from our conservation partnership agencies such as DNR, NRCS, BWSR, SWCDs and SWCD TSAs.



***Hillshade imagery was developed from LiDAR data for use in conservation applications.***

Training workshops are scheduled to be completed at the end of 2012 with a transition to web based training in 2013. The MnGeo website will be the permanent home for downloading LiDAR data and will also provide online technical information. New natural resource applications of LiDAR data will continue to be developed within the agencies and guides to their use will be posted as they become available.

---

Minnesota Board of Water & Soil Resources

# Celebrating 25 years of BWSR: 1987-2012

The Minnesota Board of Water and Soil Resources was created in 1987, when the Legislature combined the Soil and Water Conservation Board with two other organizations with local government and natural resource ties: the Water Resources Board and the Southern Minnesota Rivers Basin Council.

Legislation establishing the Board of Water and Soil Resources (reflected in Minnesota Statutes 103B.101) outlined its responsibilities to a variety of local governments. Upon inception, its membership included 17 members: three representing soil and water conservation districts; three representing watershed management organizations or watershed districts; three representing counties; three citizen members; and five agency members representing the University of Minnesota Extension Service, the Minnesota Department of Natural Resources, the Minnesota Department of Agriculture, the Minnesota Department of Health, and the Minnesota Pollution Control Agency. The board expanded in 2009 to include two representatives of cities (one in the Twin Cities Metro Area and one in Greater Minnesota) and one township representative.

***BWSR's mission is to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.***

**1937**

State Soil Conservation Committee established to organize soil and water conservation districts throughout the state, providing promotional, financial and administrative assistance.

**1950**

State Soil Conservation Committee became part of the University of Minnesota Soils Dept.

**1955**

Water Resources Board established.

**1967**

State Soil Conservation Committee name changed to Soil and Water Conservation Commission.

**1971**

Southern Minnesota Rivers Basin Council established.

Soil and Water Conservation Commission transferred from U of M to DNR.

**1975**

Soil and Water Conservation Commission name change to Soil and Water Conservation Board.

**1982**

Soil and Water Conservation Board transferred from DNR to MDA.

**1987**

Minnesota Board of Water and Soil Resources was created by combining the Soil and Water Conservation Board with the Water Resources Board and the Southern Minnesota Rivers Basin Council.

**2012**

*BWSR administers programs that prevent sediment and nutrients from entering our lakes, rivers and streams, enhance fish and wildlife habitat and protect wetlands. The board sets a policy agenda designed to enhance service delivery though the use of local government, including 90 soil and water conservation districts, 46 watershed districts, 23 metropolitan watershed management organizations, and 80 county water managers.*

## Drainage Work Group Report
## for August 23, 2012 BWSR Board Meeting

by Al Kean, BWSR Chief Engineer and DWG Facilitator

Since the last BWSR Board Meeting, the Drainage Work Group (DWG) met on Thursday, June 28, 2012 and Thursday, August 2, 2012, both meetings were held at the Association of Minnesota Counties building. Topics of discussion included:

**1) BWSR Conservation Drainage Program and Drainage Water Management Grants**
Kyle Skov, Conservation Drainage Engineer, and Al Kean provided an overview of the BWSR FY 2013 Clean Water Fund Conservation Drainage Program, including Targeted Drainage Water Management Grants and competitive grants that are part of the RFP for Clean Water Fund grants. These grant programs were approved by the BWSR Board on June 27, 2012. It was noted that both BWSR and NRCS have drainage water management initiatives this year and both will be able to cost-share on control structures for new pattern tile systems. It was also noted that the competitive BWSR Conservation Drainage Program includes a component for multipurpose drainage management planning for Chapter 103E public drainage systems. This planning component must involve the drainage authority, as the public drainage system governance entity.

**2) Red River Basin Technical and Scientific Advisory Committee (BTSAC) Briefing Paper No. 2**
This briefing paper is titled: "Water Management Options for Subsurface Drainage". Al Kean, who represents BWSR on the BTSAC, provided an overview presentation. The origin was a request by the Red River Retention Authority to help address the accelerating installation of pattern tile in agricultural fields in the Red River Basin and associated concerns about effects on flooding. The paper identifies increased annual volume of runoff via subsurface tile as providing risk of increased peak flows. Recommended preferred options for water management include control structures on tile systems and/or water storage trading. The DWG was also informed about ongoing Red River Water Management Board discussions regarding the recommendations in the briefing paper and coordinated member watershed district response in Minnesota.

**3) Continued discussions about Smith Partners LCCMR report recommendations – "MN Drainage Law Analysis and Evaluation"**
The DWG reviewed and discussed Recommendations 4.a. – 4.d. of the report and developed associated discussion points, which have been documented in a DWG document for this purpose and will be used as reference for DWG discussion of the associated statute changes proposed in the report.

**4) Corps of Engineers Proposed Regional General Permit (RGP-002-MN) regarding drainage on agricultural lands**
This proposed general permit went out for comment in May 2012. In response to requests for more time to review and comment, the Corps has extended the deadline for comments twice, until August 18, 2012. A number of DWG members met with Corps regulatory leadership staff (Tamara Cameron and Tim Smith) on July 26 at Minnesota Farm Bureau to discuss the proposed permit. Tim Smith also attended the DWG meeting on August 2, 2012. These discussions substantially clarified the general permit and associated concerns, primarily by agricultural drainage stakeholders.

**5) Next Meetings** The DWG plans to meet monthly through December 2012.

Minnesota Department of Natural Resources
500 Lafayette Road · Saint Paul, Minnesota · 55155-4037
Office of the Commissioner
651-259-5555

August 8, 2012

RECEIVED
AUG 10 2012
Bd. of Water & Soil Resources
St. Paul

Mr. John Jaschke, Executive Director
Minnesota Board of Water & Soil Resources
520 Lafayette Road
Saint Paul, Minnesota 55155

Dear Mr. Jaschke:

My sincerest thank you for your commitment to restoring Minnesota's prairie, grasslands and wetlands landscape! With your participation, we had an excellent MOU signing ceremony that has generated considerable discussion. The citizens of Minnesota have entrusted us with the natural and financial resources of the state to do the best job possible for future generations. I firmly believe the Prairie Plan will help us honor that trust.

Enclosed is a copy of the MOU for your file or display. Of course, this is just the beginning. It will take monumental commitment, effort and perseverance to fully realize the potential of this plan. I have no doubt this will be accomplished, as Minnesotans have time and again shown their dedication to our natural resources and outdoor recreation.

I look forward to exciting and fulfilling conservation adventures with you and all the partners. Thank you again for your commitment – future Minnesotans will be most appreciative!

Sincerely,

Tom Landwehr
Commissioner

# MEMORANDUM OF UNDERSTANDING

## for the Protection, Restoration and Management of Minnesota's Prairies

This Memorandum of Understanding (MOU) is by and between the following parties: the US Fish and Wildlife Service, the Minnesota Department of Natural Resources, the Minnesota Board of Water and Soil Resources, the USDA Natural Resources Conservation Service, The Nature Conservancy (a non-profit corporation of the District of Columbia), the Minnesota Prairie Chicken Society, The Conservation Fund, Audubon Minnesota, Pheasants Forever, Inc., and Ducks Unlimited, Inc.

WHEREAS, Native prairies are some of the most diverse plant and animal habitats in North America, and

WHEREAS, The rich and productive soils of Minnesota's prairie region are the foundation of a long-standing, strong and evolving agricultural economy, and

WHEREAS, Remaining native prairie in Minnesota covers less than two percent of its former extent, and

WHEREAS, Prairies, grasslands, wetlands, and other associated habitats along with the fish and wildlife, including both game and non-games species, dependent upon them are susceptible to further loss and degradation, and

WHEREAS, Waterfowl, pheasants, prairie chickens and other game species will benefit from prairie, grassland and wetland protection, restoration and enhancement on a landscape scale, and

WHEREAS, The Long Range Plan For the Pheasant In Minnesota and the Long Range Duck Recovery Plan identify the need for grassland conservation on a landscape scale, and

WHEREAS, The remaining prairie remnants and strategic grassland restorations must be protected, managed properly, and buffered and reconnected through habitat restoration to re-create functioning prairie ecosystems, and

WHEREAS, Establishment of large complexes and connecting corridors is the optimal means to maintain viable populations of grassland animals and plants as well as providing recreational opportunities for hunters, wildlife watchers, prairie enthusiasts, and others, and

WHEREAS, Native prairie habitat also provides additional benefits including water purification, watershed protection and improvement via water retention, and healthy soil and air via carbon sequestration; and

WHEREAS, Prairie, grassland, and wetland conservation activities will necessarily be accomplished within working landscapes that continue to be used for economic benefit, and

WHEREAS, Relevant data sets and analysis exist to support prioritization efforts to target prairie, grassland, and wetland conservation work in the state, and

WHEREAS, The parties acknowledge the need to enhance the coordination of prairie, grassland, and wetland conservation activities between agency programs, organizations and private landowners to maximize efficiency and effectiveness of conservation actions.

NOW THEREFORE, the parties agree as follows to:

1. Continue to participate in the Prairie Plan Working Group in order to implement the recommendations of the Minnesota Prairie Conservation Plan 2010 ("Prairie Plan"), see http://files.dnr.state.mn.us/eco/mcbs/mn_prairie_conservation_plan.pdf.

2. Strategically focus their prairie, grassland, and wetland conservation efforts towards the prairie core, adjacent corridor, and matrix areas consistent with the Prairie Plan.

3. Participate, as staffing allows, in core area working groups as they are established to coordinate and plan conservation activities within those areas, their connecting corridors, and surrounding matrix.

4. Collaboratively plan within the core area working groups to determine the desired protection status of each portion of the priority core areas, adjacent corridors, and surrounding matrix areas.

5. Coordinate efforts to identify and contact priority landowners to present the conservation options for protection, management, or restoration.

6. Work collaboratively to seek funding needed to carry out protection, management, and restoration activities. When opportunities allow, jointly apply with other parties to this MOU for funding through grants, contracts, and other types of agreements.

7. Jointly develop a landscape management plan for the core, adjacent corridor, and surrounding matrix areas that specifies the desired future condition for each priority parcel and how priority parcels together will be managed as a landscape. The management plan will usually include prescribed fire, weed control, conservation grazing, haying activities, and other grass-based economic activities.

8. Work cooperatively within the core and corridor areas to promote prairie-based economic activity that will help support private landowners and local communities.

9. Outside of the core areas, set priorities that complement the Prairie Plan or other relevant natural resource planning efforts within the prairie landscape region.

10. Within three years, update the Prairie Plan to incorporate or reference other habitat planning efforts in the prairie region including especially plans for fish and other aquatic resources.

This MOU reflects an entirely voluntary commitment between the parties. This MOU in no way obligates or restricts the activity of any party. Any party may withdraw from the MOU upon notification of the other parties. Nothing in this MOU shall obligate any of the parties to obligate, expend, or transfer any funds or otherwise commit any signatory to actions for which it lacks statutory or fiscal authority. Employees or volunteers of one party shall not be considered an agent or employee of another party for any purpose, and no joint venture or principal-agent relationship exists. No party shall have any right, power, or authority to create any obligation, expressed or implied on behalf of another party.

Each party hereto agrees that, to the extent allowed under law, it will be responsible only for its own acts or omissions and the results thereof, whether based in negligence, recklessness or willfulness, and no party shall be responsible for the negligent, reckless or willful acts or omissions of another party and the results thereof. Each party will therefore assume all risks and liability to itself, its agent and employees, for any injury to persons or

property resulting from actions or operations of itself, its agents or employees and for any loss, cost, damage or expense resulting at any time from any and all causes due to any acts, or negligence, or the failure to exercise proper precautions of or by itself or its own employees or agents to this MOU.

During the course of the performance of this MOU, the parties may have access to materials, data, strategies, systems or other information relating to the other parties and their programs which is intended for internal use only. Any such information shall not be used, published or divulged to any individual or corporation, in any manner or for whatever purpose, except through the party's previous written permission, which may be withheld by the respective party at its sole discretion.

Additional parties may, and are encouraged to, be added to the MOU at any time. All signatories will be notified of any additional party and will be given 30 days after the notification to determine if there is a conflict of interest. If a conflict of interest is identified the signatory may choose to withdraw from the MOU. If the signatory does not choose to withdraw, then the additional party with the conflict of interest may not be added to the MOU.

This MOU does not preclude the parties from establishing similar agreements and/or contracts with other individuals, corporations, agencies, and public or private organizations. The parties recognize the importance of continuing to cooperate and work with other partners in programs of mutual interest and to be able to, by means of a written document signed by all parties, invite other partners to participate in the activities implemented under this MOU.

# SIGNATURES TO THE MEMORANDUM OF UNDERSTANDING

July 31, 2012
Date

Minnesota Department of Natural Resources

Tom Landwehr, Commissioner

Pheasants Forever, Inc.

Howard Vincent, President and CEO

Minnesota Board of Water and Soil Resources

John Jaschke, Executive Director

Minnesota Prairie Chicken Society

Brian Winter, President

United States Fish and Wildlife Service

Tom Melius, Midwest Regional Director

The Conservation Fund

Steve Hobbs, Minnesota Project Director

Natural Resources Conservation Service

Don Baloun, State Conservationist

Ducks Unlimited, Inc.

Rebecca A. Humphries, Director of Operations,
Great Lakes-Atlantic Region

The Nature Conservancy

Peggy Ladner, State Director

Audubon Minnesota

Lee Pfanmuller, Interim Director

MINNESOTA DEPARTMENT OF AGRICULTURE

# NEWS RELEASE

**FOR IMMEDIATE RELEASE:**
Thursday, May 31, 2012

**CONTACT:**
Michael Schommer, Communications Director
651.201.6629, Michael.schommer@state.mn.us

## MDA announces members of Agriculture Water Quality Certification advisory committee

ST. PAUL, Minn. – The Minnesota Department of Agriculture (MDA) today announced the membership of the advisory committee that will help develop the Minnesota Agriculture Water Quality Certification Program. The new program is the result of an agreement between Governor Mark Dayton and federal officials, with the goal of enhancing Minnesota's water quality by accelerating adoption of on-farm water quality practices.

The committee will provide recommendations to MDA Commissioner Dave Frederickson regarding the development of the program, as well as its specific features.

"We received more than 60 nominations from around the state, and each one of them was impressive," Commissioner Frederickson said. "This is a strong and diverse committee, and we're looking forward to working with the members to develop a common-sense program that results in cleaner rivers, streams and lakes."

Membership will be as follows:

- Douglas Albin, farmer and Chairman of Yellow Medicine County Corn Growers
- Dennis Berglund, CEO and General Manager, Control Crop Consulting
- Nathan Collins, President, Swift County Farm Bureau and Murdock City Council Member
- Elizabeth Croteau-Kallstad, Executive Director, Cannon River Watershed Partnership
- Dean Fairchild, Assistant Vice President, Mosaic Company
- Dennis Fuchs, District Administrator, Stearns County Soil and Water Conservation District
- Kirby Hettver, farmer and member of Chippewa County Corn and Soybean Growers
- Jim Kleinschmit, Rural Communities Program Director, Institute for Agriculture and Trade Policy
- Bob Lefebvre, Executive Director, Minnesota Milk Producers Association
- Mike Myser, Mayor of Prior Lake
- Doug Peterson, President, Minnesota Farmers Union
- James Riddle, Supervisor, Winona County Soil and Water Conservation District
- Kris Sigford, Water Quality Director, Minnesota Center for Environmental Advocacy
- James (Tony) Thompson, farmer and member of North Heron Lake Game Producers Association
- Bill Zurn, farmer and Past President of Minnesota Soybean Growers

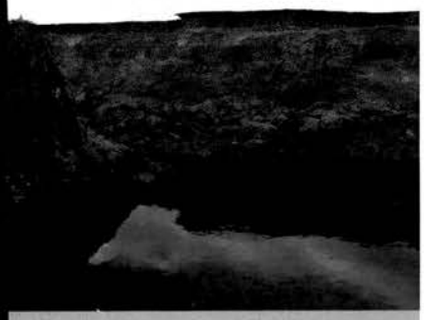
-30-

Minnesota Landscape ARBORETUM

# CLEAN WATER SUMMIT 2012

*Presented by the Minnesota Landscape Arboretum*
*In collaboration with Minnehaha Creek Watershed District*

**PUBLIC POLICY** | UNIVERSITY OF MINNESOTA



## *Green Infrastructure for Clean Water: The Essential Role of Soil*

**Thursday, September 13, 8:30 a.m.–4:30 pm. MacMillan Auditorium. Registration begins 8:00 a.m.**

***SOIL IS OUR FOUNDATION*** and an essential component of green infrastructure in stormwater management. It provides structure beneath our feet, stores nutrients for plant growth, filters contaminants from runoff, and regulates the movement of water.

The 2012 Summit will focus on the concept of "living" soil, how it functions, and the connection between healthy soil and clean water in our communities. Featured presentations will address policies and practices related to soil, from a landscape scale to an individual site, and motivate participants to protect our soil systems, rejuvenate disturbed soil, and use soil effectively for stormwater management.

***WHO SHOULD ATTEND***

Municipal stormwater managers, policy makers, planners, and staff • urban designers • engineers • contractors and installers • developers • landscape architects • students

### *FEATURED SPEAKERS AND SYMPOSIUM HIGHLIGHTS*

**KEYNOTE 1**
***Soil and the Water Connection***
**Presenter: Bill Hunt, Ph.D.,** Associate Professor, Extension Specialist, North Carolina State University

**KEYNOTE 2**
***The Science of Healthy, Living Soil***
**Presenter: Carl Rosen, Ph.D.,** Professor and Chair, Dept. of Soil, Water and Climate, University of Minnesota

**KEYNOTE 3**
***A Potential Future: Soil and Urban Agriculture as a Driver for Green Infrastructure***
**Presenters:**
**Tim Kenny, M.P.A., M.Ed.,** University of Minnesota Landscape Arboretum
**LaDonna Redmond,** Institute for Agriculture and Trade Policy

**CONCURRENT SESSION 1**

***Track A - Building and Growing Healthy Soil***
- Structural Soil
- Soil Amendments: Sources and Specifications
- Healthy Soil, Healthy Plants, Healthy Systems

***Track B - Site Assessment and Preserving Healthy Soil***
- Topsoil Policy and Land Development
- Soil Assessment for Stormwater
- Site Evaluation and Soil Preservation

**CONCURRENT SESSION 2**

***Track A - Soil: A Filter Beneath Your Feet***
- Pollutant Breakdown and Removal in Soil
- Soil and Pollutant Transport
- Enhanced Soil for Water Quality Treatment

***Track B - Urban Soil: Contamination and Compaction***
- Contaminated Soil – Now What?
- Process and Impacts of Soil Compaction
- Soil Compaction Mitigation

**Networking at the Arboretum – 4:30-5:30 p.m. – Cash bar with Minnesota beer and wine**

*Platinum Sponsor*

PENTAIR FOUNDATION

*Gold Sponsor*

MINNEHAHA CREEK WATERSHED DISTRICT

**GREEN INFRASTRUCTURE FOR CLEAN WATER SUMMIT** **THURSDAY, SEPTEMBER 13, 2012**

❑ $50/day – Arboretum member/Affiliate* (see reverse) ❑ $60/day – General registration *CEU equivalent hours/day available*

**Affiliates of sponsors, donors and endorsing organizations attend at the Arboretum member rate. Make checks payable to MINNESOTA LANDSCAPE ARBORETUM.*

Name _____

Organization _____ Title _____

Address _____ City _____ State _____ ZIP _____

Daytime Phone(s) _____ Email Address: _____

**Mail to:** Education Office, Minnesota Landscape Arboretum
3675 Arboretum Drive
Chaska, MN 55318

**To register by credit card, visit**
www.arboretum.umn.edu/2012greeninfrastructurecleanwater_essentialsoil.aspx
or contact the Arboretum Education Office at 952-443-1422.

Minnesota Landscape
ARBORETUM

EDUCATION OFFICE
3675 Arboretum Drive
Chaska, MN 55318

## CLEAN WATER SUMMIT 2012 – THURSDAY, SEPTEMBER 13

### *Green Infrastructure for Clean Water: The Essential Role of Soil*




*Photo: Julie Vigness-Pint, Ramsey-Washington Metro Watershed District*

**PLATINUM SPONSOR**

Pentair Foundation

**GOLD SPONSOR**

Minnehaha Creek Watershed District

**DONORS**

Capitol Region Watershed District
Plaisted Companies Inc.
Ramsey-Washington Metro Watershed District

**PATRONS**

American Engineering Testing, Inc.
American Society of Landscape Architects – Minnesota Chapter
Applied Ecological Services
Barr Engineering
Minnesota Nursery & Landscape Association
University of Minnesota Bioproducts and Biosystems Engineering
Wenck Associates

**ENDORSING ORGANIZATIONS**

Blue Thumb
Carver County Environmental Services
Dakota County Soil and Water Conservation District
Emmons & Olivier Resources
Metro Blooms
Minnesota Association of Professional Soil Scientists
Minnesota Erosion Control Association
Minnesota Pollution Control Agency
Minnesota Sea Grant
Northland NEMO Program
Rice Creek Watershed District
University of Minnesota Extension

**www.arboretum.umn.edu/2012greeninfrastructurecleanwater_essentialsoil.aspx**

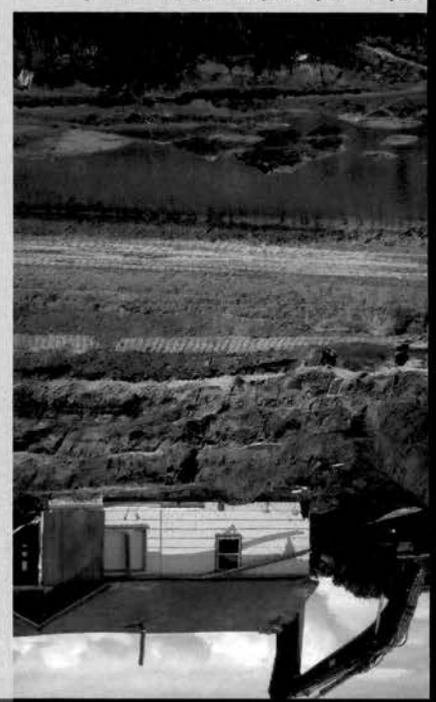


*Photo: John Bilotta, University of Minnesota Extension/Sea Grant*

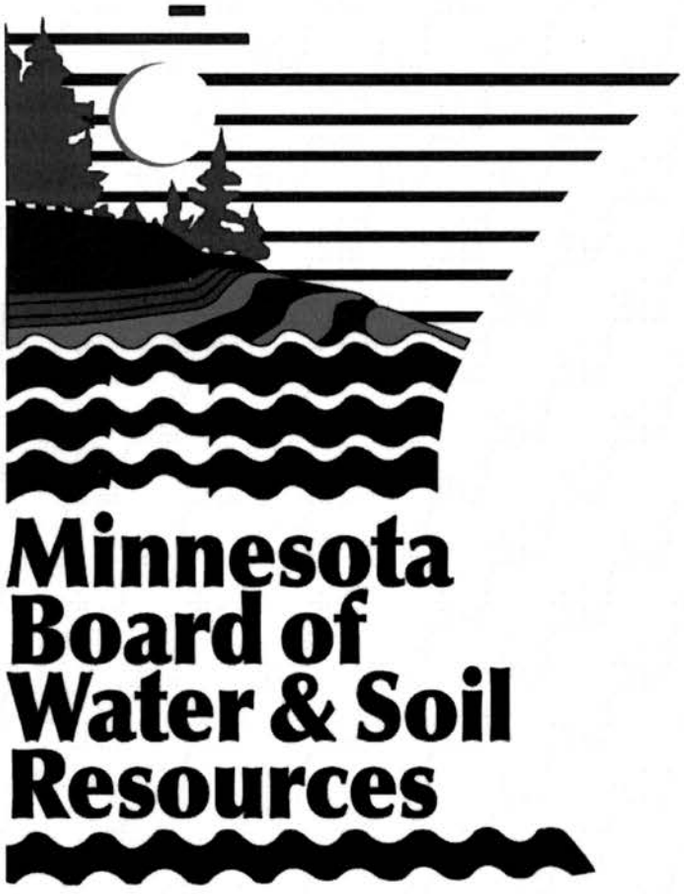
**PUBLIC POLICY**

Minnesota Landscape ARBORETUM

**CLEAN WATER SUMMIT 2012**

***Green Infrastructure for Clean Water: The Essential Role of Soil***

UNIVERSITY OF MINNESOTA

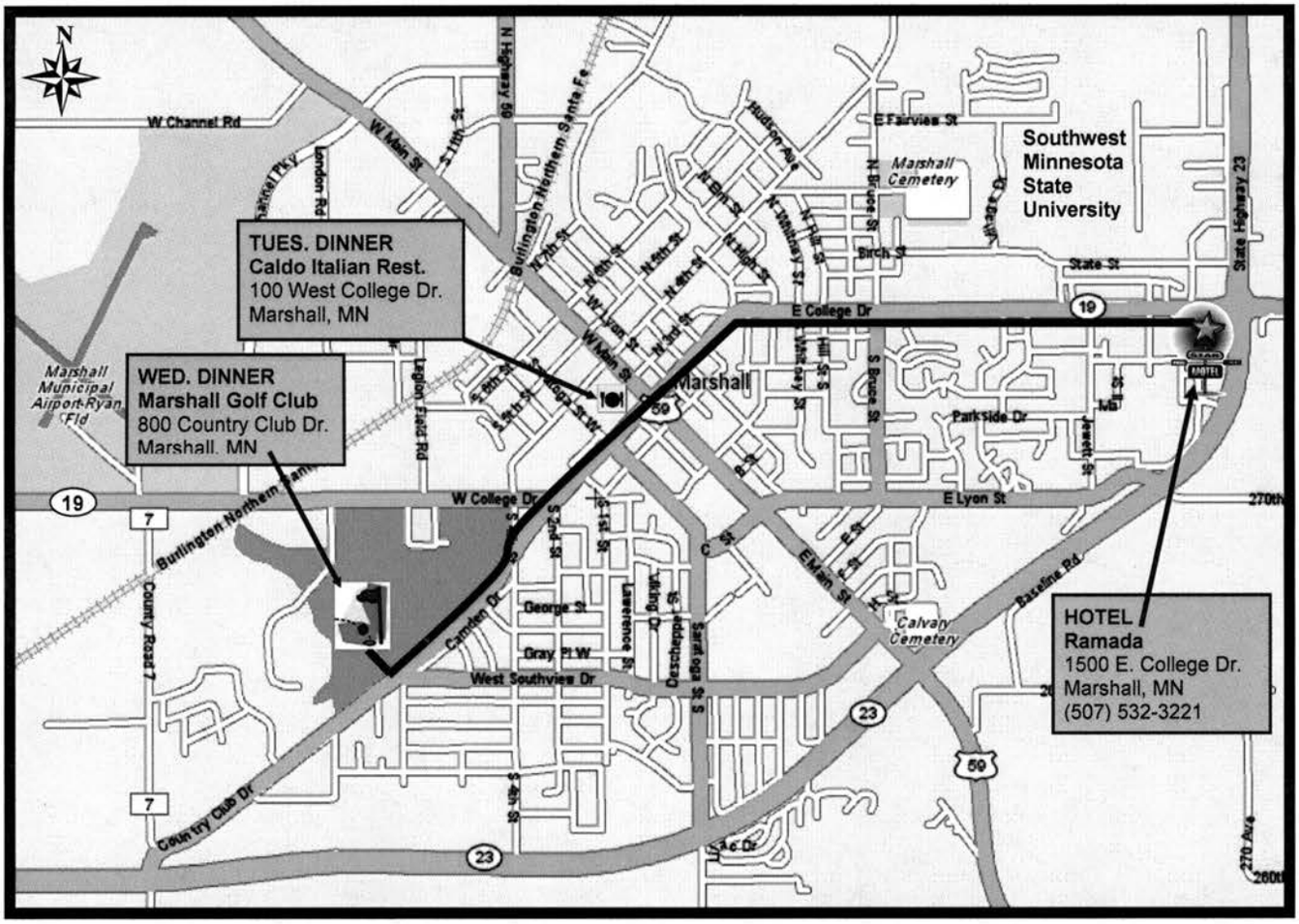



# BWSR Tour and Meeting

# Lincoln/Lyon Counties

# Marshall, MN

# August 22-23, 2012


TUES. DINNER
Caldo Italian Rest.
100 West College Dr.
Marshall, MN
WED. DINNER
Marshall Golf Club
800 Country Club Dr.
Marshall, MN
HOTEL
Ramada
1500 E. College Dr.
Marshall, MN
(507) 532-3221
Southwest Minnesota State University
Marshall
W College Dr
E College Dr
E Lyon St
W Main St
E Main St
Parkside Dr
State St
Birch St
E Fairview St
W Channel Rd
Marshall Municipal Airport-Ryan Fld
Marshall Cemetery
Calvary Cemetery
Burlington Northern Santa Fe
George St
Gray Pl W
West Southview Dr
Country Club Dr
Camden Dr
Baseline Rd
County Road 7
Legion Field Rd
London Rd
State Highway 23
19
59
23
7

**STATE OF MINNESOTA**
**REQUEST FOR APPROVAL OF SPECIAL EXPENSES**

Department of Employee Relations
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

Name of Requestor: Mary Jo Anderson | Title:

Phone: 651-297-4290 | Date of request: 7/3/12 | Requesting agency: BWSR

Expenses for which approval is requested (see Instructions on page 2)

The following may be approved by the appointing authority or designee:

- ☐ 1. Full cost of meal that is part of conference, etc.
- ☐ 2. Registration/tuition for conference, seminar, etc.
- ☑ 3. Refreshments for agency meeting where majority are not state employees
- ☑ 4. Refreshments, meals and other costs for agency sponsored conference
- ☐ 5. Refreshments/meals for agency meeting where majority are state employees
- ☑ 6. Refreshments/meals for meeting of board, council, etc.
- ☐ 7. Lodging for employee not in travel status
- ☐ 8. Expenses for employee's attendant
- ☐ 9. Expenses for State Fair work assignment
- ☐ 10. Employee award/recognition event

The following require approval of the appointing authority and the Commissioner of Employee Relations:

- ☐ 1. International travel
- ☐ 2. Employee award/recognition event beyond those in Provision A 10
- ☐ 3. Other (describe in space provided on page 2)

Full title of the event sponsor (do not use acronyms or initials): Board of Water + Soil Resources (BWSR)

Full title of the conference, workshop, seminar, meeting or other event: BWSR Tour + Meeting

Event location (title and address of host facility): Ramada Inn, 1500 E. College Dr., Marshall, MN 56258

Date(s) and time(s) of event: Aug. 21-23, 2012

Individuals for whom special expense approval is requested (check all that apply):

- ☐ Requestor only
- ☑ Additional state employees. List names and titles: See attached
- ☑ Other participants. List names, titles and organizations: See attached

| Description of Expense | Quantity | Unit Cost | Total |
|---|---|---|---|
| See attached | | | |

**TOTAL REQUESTED: $**

Explain why the State should pay these expenses: Informative, educational tour of conservation work on projects - opportunity to see coordinated efforts of local, state, federal agencies and partnerships.

Requestor's Signature: Mary Jo Anderson Date: 7/3/12

**AGENCY APPROVAL**

☐ Approved for an amount not to exceed: $_____ ☐ Not approved because:

Signature: [signature] Date: 7/9/12

**COMMISSIONER OF EMPLOYEE RELATIONS APPROVAL** (if required)

☐ Approved for an amount not to exceed: $_____ ☐ Not approved because:

Signature: _____ Date: _____

| Use this space to describe "Other" special expenses for which approval is requested: |
|---|
| |

## INSTRUCTIONS

Please include only special expense items on this form. It must contain sufficient detail to justify the expenditure of funds under the special expense provisions. For further information, refer to the Department of Employee Relations Administrative Procedure 4.4 - Special Expenses.

Submit a single request for all employees of a division and/or Other Participants attending the same meeting, conference, seminar or other event. Attach additional sheets if you need more space to provide the information requested.

| FIELD | INSTRUCTIONS |
|---|---|
| Date of request | Except as provided in Administrative Procedure 4.4, approval must be obtained in advance from the appointing authority or designee (and, where required, the Commissioner of Employee Relations). If approval is requested after the fact because of an emergency situation, the request must include an explanation of why prior approval could not be obtained. |
| Expenses for which approval is requested | Item numbers refer to provisions of the Administrative Procedure - Provision A for expenses approved by the agency head; Provision B for expenses which also require the approval of DOER. Refer to Administrative Procedure 4.4 for additional information and limitations on the use of each item.<br><br>Employees who are not in travel status must request approval of meals and lodging as special expenses. Employees in travel status need not request special expense approval unless meals exceed maximums allowed by the appropriate contract/plan. Maximum reimbursement rates apply unless acceptable justification is provided for greater amounts.<br><br>Registration/tuition fees are treated as special expenses but <u>prior</u> approval is required only if the cost per participant exceeds $500.<br><br>Refreshments are limited to relatively inexpensive beverages such as coffee, tea or soft drinks. Food items are not included. |
| Individuals for whom special expense approval is requested | List names, titles and organizations of Other Participants who will be individually reimbursed. If a restaurant or vendor will be paid directly for their expenses, list just the name of each separate group and the total number of participants from that organization. |
| Description of Expense | Itemize each different type of expense separately. For meals, list breakfasts, lunches, dinners and refreshments separately. |
| Agency Approval | Special expenses must be authorized by the appointing authority or a designee to whom approval authority has been formally delegated. Agency procedures may require additional approvals.<br><br>The appointing authority must sign all requests submitted to the Commissioner of Employee Relations for approval. |

# Special Expense Request
# BWSR Tour and Meeting
# August 21-23, 2012

| | | |
|---|---|---|
| **Tuesday, August 21** | | |
| Rental of mini-van St. Paul to Marshall & Return (Enterprise Car Rental) | | $ 300.00 |
| Dinner (Landmark Bistro) | 20 @ $18.00 | 360.00 |
| Lodging – Ramada Inn | 25 @ $84.60 | 2,115.00 |
| **Wednesday, August 22** | | |
| Coach Bus (Southwest Coaches, Inc.) | | 950.00 |
| Coffee/rolls (welcome/tour itinerary/introductions) | 60 @ $3.00 | 180.00 |
| Ramada Inn – meeting room charge | | 100.00 |
| Morning Break | | |
| Bottled water | 100 @ $.75 | 7.50 |
| Lunch (Pork Producers & Irene's by Julie Caterer) | 60 @ $9.50 | 570.00 |
| Afternoon Break | 60 @ $3.00 | 180.00 |
| Meeting Room (SW Sportsmens Club) | | 150.00 |
| Dinner (Marshall Golf Club) | 60 @ $18.00 | 1,080.00 |
| Lodging – Ramada Inn | 30 @ $84.60 | 2,538.00 |
| **Thursday, August 23** | | |
| Coffee for BWSR Board Meeting @ Ramada Inn | | 50.00 |
| Meeting Room @ Ramada Inn | | 100.00 |
| **TOTAL** | | **$8,680.50** |

(Per diem and mileage expenses not included)

**BWSR Staff Attending**

1. John Jaschke, Executive Director
2. Steve Woods, Assistant Director
3. Mary Jo Anderson, Executive Assistant
4. Jeff Nielsen, Southern Region Supervisor
5. David Sill, Board Conservation
6. Roxie Serreyn, Administrative Assistant
7. Tabor Hoek, Working Lands Initiative
8. Kane Radel, Wetland Specialist
9. Scott Santjer, Conservation Engineering Technician
10. Laura DeBeer, Wetland Specialist
11. Jen Maleitzke, Communications Director

**BWSR Board Members Attending**

12. Bob Burandt
13. Joe Collins
14. Jack Ditmore
15. Chris Elvrum, MDH
16. Quentin Fairbanks
17. Rebecca Flood, MPCA
18. Christy Jo Fogarty
19. Todd Foster
20. Sandy Hooker
21. Tom Landwehr, DNR
22. Paul Langseth
23. John Meyer
24. Keith Mykleseth
25. Brian Napstad
26. Steve Sunderland
27. Gene Tiedemann
28. Matt Wohlman, MDA
29. Gerald VanAmburg

**BWSR Advisory Members Attending**

30. Kathryn Kelly, MASWCD
31. Tim Koehler, NRCS

\+ 30 Local Officials

| 8/20/12 | BWSR Board Members and Alternates | Ride mini-van | Dinner @ Caldo Italian Kitchen | Room @ Ramada Inn 8/21 | BWSR Board Tour and Dinner/no | Room @ Ramada Inn 8/22 | BWSR Board Meeting |
|---|---|---|---|---|---|---|---|
| 1. | Bob Burandt | | | x | x | x | x |
| 2. | Joe Collins | | | x | x | x | x |
| 3. | Jack Ditmore | | | x | x | x | x |
| 4. | Chris Elvrum, MDH | | x | x | x | x | x |
| 5. | Quentin Fairbanks | | x | x | x | x | x |
| 6. | Rebecca Flood, MPCA | x | x | x | x | x | x |
| 7. | Christy Jo Fogarty | | | x | x | x | x |
| 8. | Todd Foster | | x | x | x | x | x |
| 9. | Sandy Hooker | | x | x | x | x | x |
| 10. | Paul Langseth | | x | x | x | x | x |
| 11. | Keith Mykleseth | | x | x | x | x | x |
| 12. | Brian Napstad | | | x | x | x | x |
| 13. | Rob Sip, MDA | | x | x | x | x | x |
| 14. | Steve Sunderland | | x | x | x | x | x |
| 15. | Gene Tiedemann | | x | x | x | x | x |
| 16. | Gerald VanAmburg | | | x | x | x | x |
| | **BWSR Staff** | | | | | | |
| 17. | Mary Jo Anderson | x | x | x | x | x | x |
| 18. | Laura DeBeer | | | | x/no | | |
| 19. | Tabor Hoek | | | | x | | |
| 20. | John Jaschke | x | x | x | x | x | x |
| 21. | Kevin Lines | | | | x | x | |
| 22. | Jen Maleitzke | x | x | x | x | x | x |
| 23. | Jeff Nielsen | | x | x | x | x | x |
| 24. | Kane Radel | | | | x/no | | x |
| 25. | Scott Santjer | | | | x | | |
| 26. | Roxie Serreyn | | | | x/no | | |
| 27. | David Sill | | | | x | | |
| 28. | Tom Wenzel | | | | x | x | x |
| | **BWSR Advisors & Others** | | | | | | |
| 29. | Kathryn Kelly, MASWCD | x | x | x | x | x | x |
| 30. | Michelle Mitchell, MMB | | | | x | | |
| 31. | Patrick Moore, CURE | | | | x | | |
| 32. | Sarina Otaibi, CURE | | | | x | | |
| | **Legislators/Others** | | | | | | |
| | Representative Dahms | | | | *Minneota* | | |
| 33. | Senator Ingebrigtsen | | | | x | | |
| | Rep. Joe Schomacker | | | | *Arco* | | |
| | Bill Weber w/Schomacker | | | | *Arco* | | |
| | Rep. Swedzinski | | | | *Minneota* | | |
| | Rep. Torkelson | | | | *Dinner only* | | |
| | Brad Carlson | | | | *Minneota* | | |
| | Dean Champine | | | | *Minneota* | | |
| | | | | | | | |
| | **SUB-TOTAL** | **4** | **15** | **21** | **33/30** | **23** | |

| | BWSR Board Members and Alternates | Ride mini-van | Dinner @ Caldo Italian Kitchen | Room @ Ramada Inn 8/21 | BWSR Board Tour and Dinner/no | Room @ Ramada Inn 8/22 | BWSR Board Meeting |
|---|---|---|---|---|---|---|---|
| | **Area II** | | | | | | |
| 34. | Rick Anderson | | | | x | | |
| 35. | Curt Blumeyer | | | | x | | |
| 36. | Don Evers | | | | x/no | | |
| 37. | Kerry Netzke | | | | x/no | | |
| 38. | John Schuller | | | | x | | |
| 39. | Rodney Stensrud | | | | x/no | | |
| | **Lincoln SWCD/County** | | | | | | |
| 40. | John Boulton | | | | x | | |
| 41. | Daniel Christianson | | | | x | | |
| 42. | Joan Jagt | | | | x/no | | |
| 43. | Randy Kraus | | | | x | | |
| 44. | Ron Madsen | | | | x | | |
| 45. | Robert Olson | | | | x/no | | |
| 46. | Conrad Schardin | | | | x | | |
| 47. | Dale Sterzinger | | | | x | | |
| 48. | Pauline VanOverbeke | | | | x | | |
| | **Lyon SWCD/County** | | | | | | |
| 49. | John Biren | | | | x/no | | |
| 50. | Jordan Croatt | | | | x | | |
| 51. | Gary Crowley | | | | x | | |
| 52. | Otto Nyquist | | | | x | | |
| 53. | Steve Prairie | | | | x | | |
| 54. | Steve Ritter | | | | x | | |
| | **NRCS** | | | | | | |
| 55. | Dennis Johnson | | | | x/no | | |
| 56. | Jamie Thomazin | | | | x | | |
| 57. | Gary Watson | | | | x | | |
| | **Others** | | | | | | |
| 58. | David Craigmile | | | | x | | |
| 59. | Mike Weckwerth | | | | x/no | | |
| | **SUB-TOTALS** | | | | **26/18** | | |
| | **GRAND TOTAL** | **4** | **15** | **21** | **60/50** | **23** | |

**Lunch at Hole in the Mountain County Park = 70 (best estimate)**

## Anderson, Mary Jo M (BWSR)

**From:** Serreyn, Roxie (BWSR)
**Sent:** Monday, August 13, 2012 11:05 AM
**To:** Anderson, Mary Jo M (BWSR)
**Cc:** Sill, David (BWSR); area2@starpoint.net
**Subject:** Caldo - Old Landmark Bistro

**Contact information:**

He did not have anything on the schedule for BWSR; I told him you would be contacting him.

**Caldo Italian Kitchen**
Kurt Struwe
Kurtstruwe@gmail.com
310-570-0711

Roxie Serreyn
MN Board of Water & Soil Resources
1400 East Lyon Street
Marshall, MN 56258
roxie.serreyn@state.mn.us
507-537-6060
507-537-6368 fax

## BOARD OF WATER AND SOIL RESOURCES
## INTERNAL REQUEST FOR GOODS OR SERVICES

| | | | |
|---|---|---|---|
| VENDOR | NAME<br>Caldo Italian Kitchen ATTENTION: Kurt Struwe | SHIPTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS<br>100 West College Drive | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP<br>Marshall, MN 56258 | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |
| REMI TTO | NAME | BI LLTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |

CONTRACT NO.

| LINE NO. | COMMODITY CODE | UNIT(S) ORDERED | DESCRIPTION | UNIT | UNIT PRICE $ | DISCOUNT $ | TOTAL PRICE |
|---|---|---|---|---|---|---|---|
| 1 | | 20 | Dinner for BWSR Board Members, Advisors, Staff | EA | 15.00 | | $ 300.00 |
| | | | on Tuesday, August 21, 2012 | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | SUBTOTAL | | | | $ 300.00 |
| | | | SALES TAX (only for catering or lodging) | | 0.099 | | $ 29.63 |
| | | | GRATUITY | | 0.20 | | $ 60.00 |
| | | | | | | TOTAL: | $ 389.63 |

ORDERED BY: Mary Jo Anderson
DATE: 8/13/2012
PHONE NUMBER: 651-297-4290

SUPERVISOR APPROVAL:
DATE: 8/16/12

## BOARD OF WATER AND SOIL RESOURCES
## INTERNAL REQUEST FOR GOODS OR SERVICES

| | | | |
|---|---|---|---|
| VENDOR | **NAME**<br>Irene's by Julie Catering (507) 275-3378 | SHIPTO | **NAME**<br>MN Board of Water and Soil Resources |
| | **ADDRESS**<br>P.O. Box 72 | | **ADDRESS**<br>520 Lafayette Road North |
| | **CITY, STATE, ZIP**<br>Hendricks, MN 56136 | | **CITY, STATE, ZIP**<br>St. Paul, MN 55155 |
| REMI TTO | **NAME** | BI LLTO | **NAME**<br>MN Board of Water and Soil Resources |
| | **ADDRESS** | | **ADDRESS**<br>520 Lafayette Road North |
| | **CITY, STATE, ZIP** | | **CITY, STATE, ZIP**<br>St. Paul, MN 55155 |

**CONTRACT NO.**

| LINE NO. | COMMODITY CODE | UNIT(S) ORDERED | DESCRIPTION | UNIT | UNIT PRICE $ | DISCOUNT $ | TOTAL PRICE |
|---|---|---|---|---|---|---|---|
| 1 | | 60 67 70 | BWSR Board Tour Lunch - salads/fruit/bars | EA | 5.00 | | $ ~~300.00~~ |
| | | | on Wednesday, August 22, 2012 to be delivered at 11:30 A | | | | $ 335.00 |
| | | | at Hole in the Mountain County Park - Chalet | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | SUBTOTAL | | | | $ ~~300.00~~ 335.00 |
| | | | SALES TAX (only for catering or lodging) | | | | $ - |
| | | | GRATUITY | | | | $ - |

**ORDERED BY:** Mary Jo Anderson
**DATE:** 7/3/2012
**PHONE NUMBER:** 651-297-4290

**SUPERVISOR APPROVAL:** [signature] 7/9/12
**DATE:**

**TOTAL:** $ ~~300.00~~ 335.00

# Marshall Golf Club

## Tara J. Plante

### MGC Clubhouse Manager


800 Country Club Dr
P.O. Box 502
Marshall, MN 56258
www.marshallgolfclub.com

Clubhouse: 507-532-2278
Golf Shop: 507-537-1622
Fax: 507-537-4608
Email: mgcgolf@iw.net

Home/Cell: 507-929-2278 /507-530-4340
Email: taraplante@hotmail.com




*Banquet Rooms Available for: Wedding Receptions, Groom's Dinners, Gift Opening Brunches, Meetings, Birthday Parties, Anniversary Parties, Class Reunions, Graduation Receptions, and much more ...*

## BOARD OF WATER AND SOIL RESOURCES
## INTERNAL REQUEST FOR GOODS OR SERVICES

| | | | |
|---|---|---|---|
| VENDOR | NAME<br>Marshall Country Club ATTENTION Tara Plante | SHIPTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS<br>800 Country Club Drive | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP<br>Marshall, MN 56258 | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |
| REMI TTO | NAME | BILLTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |

CONTRACT NO.

| LINE NO. | COMMODITY CODE | UNIT(S) ORDERED | DESCRIPTION | UNIT | UNIT PRICE $ | DISCOUNT $ | TOTAL PRICE |
|---|---|---|---|---|---|---|---|
| 1 | | 52 | Dinner for the BWSR Members, Advisors, Staff | EA | 15.00 | | $ 780.00 |
| | | | reservations at 6:00 PM on August 22, 2012 | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | SUBTOTAL | | | | $ 780.00 |
| | | | SALES TAX (only for catering or lodging) | | 0.099 | | $ 77.03 |
| | | | GRATUITY | | 0.20 | | $ 156.00 |
| | | | | | | TOTAL: | $ 1,013.03 |

Tara Plante Cash Credit

| | | | |
|---|---|---|---|
| ORDERED BY:<br>Mary Jo Anderson | DATE:<br>8/13/2012 | SUPERVISOR APPROVAL: | DATE:<br>8/16/12 |
| PHONE NUMBER:<br>651-297-4290 | | | |

## BOARD OF WATER AND SOIL RESOURCES
## INTERNAL REQUEST FOR GOODS OR SERVICES

| VENDOR | | SHIPTO | |
|---|---|---|---|
| NAME | Irene's by Julie Catering (507) 275-3328 | NAME | MN Board of Water and Soil Resources |
| ADDRESS | P.O. Box 72 | ADDRESS | 520 Lafayette Road North |
| CITY, STATE, ZIP | Hendricks, MN 56136 | CITY, STATE, ZIP | St. Paul, MN 55155 |
| **REMIT TO** | | **BILL TO** | |
| NAME | | NAME | MN Board of Water and Soil Resources |
| ADDRESS | | ADDRESS | 520 Lafayette Road North |
| CITY, STATE, ZIP | | CITY, STATE, ZIP | St. Paul, MN 55155 |

CONTRACT NO.

| LINE NO. | COMMODITY CODE | UNIT(S) ORDERED | DESCRIPTION | UNIT | UNIT PRICE $ | DISCOUNT $ | TOTAL PRICE |
|---|---|---|---|---|---|---|---|
| 1 | | 60 | BWSR Board Tour Lunch - salads/fruit/bars | EA | 5.00 | | $ 300.00 |
| | | | on Wednesday, August 22, 2012 to be delivered at 11:30 A | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | SUBTOTAL | | | | $ 300.00 |
| | | | SALES TAX (only for catering or lodging) | | | | $ - |
| | | | GRATUITY | | | | $ - |

| ORDERED BY: | DATE: | SUPERVISOR APPROVAL: | DATE: | TOTAL: | $ 300.00 |
|---|---|---|---|---|---|
| Mary Jo Anderson | 7/3/2012 | | 7/9/12 | | |
| PHONE NUMBER: 651-297-4290 | | | | | |

Tax ID #411438624

## BOARD OF WATER AND SOIL RESOURCES
## INTERNAL REQUEST FOR GOODS OR SERVICES

| | | | |
|---|---|---|---|
| VENDOR | NAME<br>Lincoln County Pork Producers ATTN: Randy Nielsen | SHIPTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS<br>1853 County Road 113 | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP<br>Tyler, MN 56178 | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |
| REMIT TO | NAME | BILL TO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |

CONTRACT NO.

| LINE NO. | COMMODITY CODE | UNIT(S) ORDERED | DESCRIPTION | UNIT | UNIT PRICE $ | DISCOUNT $ | TOTAL PRICE |
|---|---|---|---|---|---|---|---|
| 1 | | 60 | Pork Sandwiches for BWSR Board Tour Lunch | EA | 5.00 | | $ 300.00 |
| | | | on Wednesday, August 22, 2012 to be delivered at 11:30 A | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | **TAX ID #411438624** | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | SUBTOTAL | | | | $ 300.00 |
| | | | SALES TAX (only for catering or lodging) | | | | $ - |
| | | | GRATUITY | | | | $ - |
| | | | | | | TOTAL: | $ 300.00 |

ORDERED BY: Mary Jo Anderson
DATE: 7/3/2012
PHONE NUMBER: 651-297-4290

SUPERVISOR APPROVAL: [signature] DATE: 7/5/12

Lincoln County Pork Producers
ATTENTION: Randy Nielsen
1853 County Road 113
Tyler, MN 56178
TAX ID #411438624

Irene's by Julie
P.O. Box 72
Hendricks, MN 56136

Debbie 507.532.4043

## BOARD OF WATER AND SOIL RESOURCES
## INTERNAL REQUEST FOR GOODS OR SERVICES

| | | | |
|---|---|---|---|
| VENDOR | NAME<br>Southwest Coaches, Inc. ATTENTION: Debra Thooft | SHIPTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS<br>1500 Travis Road | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP<br>Marshall, MN 56258 | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |
| REMI TTO | NAME | BILLTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |

CONTRACT NO.

| LINE NO. | COMMODITY CODE | UNIT(S) ORDERED | DESCRIPTION | UNIT | UNIT PRICE $ | DISCOUNT $ | TOTAL PRICE |
|---|---|---|---|---|---|---|---|
| 1 | | 1 | Coach Bus for BWSR Board Tour on August 22, 2012 | EA | 950.00 | | $ 950.00 |
| | | | Arrive at Ramada Inn in Marshall by 7:45 AM - start to board | | | | $ - |
| | | | departure by 8:30 fo tour conservation projects in | | | | $ - |
| | | | Lincoln and Lyon Counties. Return to Ramada Inn in | | | | $ - |
| | | | Marshall by 5:00 PM | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | will provide 4 coolers | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | SUBTOTAL | | | | $ 950.00 |
| | | | SALES TAX (only for catering or lodging) | | | | $ - |
| | | | GRATUITY | | | | $ - |
| | | | | | | TOTAL: | $ 950.00 |

ORDERED BY: Mary Jo Anderson
651-297-4290

DATE: 7/3/2012

SUPERVISOR APPROVAL: [signature]

DATE: 7/9/12

Curt 507-828-6440

RAMADA®

Curt
fdm.ramada
@yahoo.com

**LONDA VANWINKLE**
*General Manager*

**Ramada**
1500 East College Drive · Marshall, MN 56258
507.532.3221 · Fax: 507.532.4089
generalmanager.ramada@yahoo.com

*Sister Property*

**Ramada Inn & Suites**

1525 West Havens Ave

Mitchell, SD 57301

**605.996.6501**

Fax: 605.996.3228

www.ramada.com

**Ramada Inn, Marshall** **507-532-3221**

**Rooming List for Board of Water and Soil Resources**

**Tuesday, August 21, 2012**

1. Mary Jo Anderson
2. ~~LeAnn Buck~~ *** Kathryn Kelly
3. Bob Burandt
4. Joe Collins
5. Jack Ditmore
6. Chris Elvrum ***
7. Quentin Fairbanks
8. Rebecca Flood ***
9. Christy Jo Fogarty
10. Todd Foster
11. Sandy Hooker
12. John Jaschke
13. ~~Tom Landwehr ***~~
14. Paul Langseth
15. Jen Maleitzke
16. ~~John Meyer~~
17. Keith Mykleseth
18. Brian Napstad
19. Jeff Nielsen
20. Rob Sip ***
21. Steve Sunderland
22. Gene Tiedemann
23. ~~Tom Wenzel~~
24. ~~Matt Wohlman ***~~
25. Gerald Van Amburg

**Wednesday, August 22, 2012**

1. Mary Jo Anderson
2. ~~LeAnn Buck~~*** Kathryn Kelly
3. Bob Burandt
4. Joe Collins
5. Jack Ditmore
6. Chris Elvrum ***
7. Quentin Fairbanks
8. Rebecca Flood ***
9. Christy Jo Fogarty
10. Todd Foster
11. Sandy Hooker
12. John Jaschke
13. ~~Tom Landwehr ***~~
14. Paul Langseth
15. Jen Maleitzke
16. ~~John Meyer~~
17. Keith Mykleseth
18. Brian Napstad
19. Jeff Nielsen
20. Rob Sip***
21. Steve Sunderland
22. Gene Tiedemann
23. Tom Wenzel
24. ~~Matt Wohlman ***~~
25. Gerald Van Amburg
26. Kevin Lines

*** will pay for room upon arrival

August ~~17~~ 20, 2012

## BOARD OF WATER AND SOIL RESOURCES
## INTERNAL REQUEST FOR GOODS OR SERVICES

| | | | |
|---|---|---|---|
| VENDOR | NAME<br>Ramada Inn ATTENTION: Shauna Rathod | SHIPTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS<br>1500 East College Drive | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP<br>Marshall, MN 56258 | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |
| REMI TTO | NAME | BI LLTO | NAME<br>MN Board of Water and Soil Resources |
| | ADDRESS | | ADDRESS<br>520 Lafayette Road North |
| | CITY, STATE, ZIP | | CITY, STATE, ZIP<br>St. Paul, MN 55155 |

CONTRACT NO.

| LINE NO. | COMMODITY CODE | UNIT(S) ORDERED | DESCRIPTION | UNIT | UNIT PRICE $ | DISCOUNT $ | TOTAL PRICE |
|---|---|---|---|---|---|---|---|
| 1 | | 19 | Sleeping rooms on Tuesday, August 21, 2012 | RM | 77.00 | | $ 1,463.00 |
| 2 | | 20 | Sleeping rooms on Wednesday, August 22, 2012 | RM | 77.00 | | $ 1,540.00 |
| 3 | | 1 | Meeting Room on Wednesday, August 22 | RM | 100.00 | | $ 100.00 |
| 4 | | 3 | Coffee for Meeting on Wednesday, August 22 | GAL | 17.00 | | $ 51.00 |
| 5 | | 1 | Meeting Room on Thursday, August 23 | RM | 100.00 | | $ 100.00 |
| 6 | | 2 | Coffee for Meeting on Thursday, August 23 | GAL | 17.00 | | $ 34.00 |
| | | | | | | | $ - |
| | | | for the BWSR Tour/Meeting | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | | | | | $ - |
| | | | SUBTOTAL | | | | $ 3,288.00 |
| | | | SALES TAX (only for catering or lodging) | 9.875 | | | $ 324.69 |
| | | | GRATUITY | 18% | 85.00 | | $ 15.30 |
| | | | | | | TOTAL: | $ 3,627.99 |

ORDERED BY:
Mary Jo Anderson

DATE:
8/13/2012

PHONE NUMBER:
651-297-4290

SUPERVISOR APPROVAL:

DATE:
8/16/12

Minnesota Board of Water & Soil Resources

June 7, 2012

# "INVITATION TO ATTEND"

## You are invited to Attend the Board of Water and Soil Resources (BWSR) Conservation Projects Tour August 22, 2012 in Marshall, Minnesota

Dear Invitee,

The Board of Water and Soil Resources (BWSR) invites you to attend a tour of conservation projects in southwestern Minnesota on August 22, 2012, in conjunction with the Board meeting on Thursday, August 23, 2012.

The Board tour will begin at 8:00 a.m. on Wednesday, August 22, at the Ramada Inn, 1500 East College Drive in Marshall, phone: 507-532-3221; hotel directions: http://www.ramada.com/hotels/minnesota/marshall/ramada-marshall/hotel-overview

The coach bus will promptly depart from the Ramada Inn at 8:30 a.m. The tour will highlight conservation projects in Lincoln and Lyon Counties. The Area II Minnesota River Basin and the Lincoln Soil and Water Conservation District (SWCD) and are the local hosts and the tour will feature their conservation efforts.

Please RSVP by August 10th to Mary Jo Anderson at: mary.jo.anderson@state.mn.us. If you have any logistical questions, feel free to call Mary Jo directly at 651-297-4290.

As always, let me know if you have any questions or need additional information. I can be reached by phone: 651-296-0878; cell: 612-202-3815; email: john.jaschke@state.mn.us. BWSR is hopeful you're available to join us for the informational tour on August 22, 2012.

Sincerely,

John Jaschke
Executive Director

cc: BWSR Board Members


| Bemidji | Brainerd | Duluth | Fergus Falls | Marshall | Mankato | New Ulm | Rochester |
|---|---|---|---|---|---|---|---|
| 4 West Building | 1601 Minnesota | 394 South Lake Ave., | 1004 Frontier Drive | 1400 East Lyon | 1160 Victory Drive S., | 261 Highway 15 | 2300 Silver |
| 403 Fourth St. NW, Suite 200 | Drive | Room 403 | Fergus Falls, MN | Street | Suite 5 | South | Creek Rd N.E. |
| Bemidji, MN 56601 | Brainerd, MN 56401 | Duluth, MN 55802 | 56537-2505 | Marshall, MN 56258 | Mankato, MN 56001-5358 | New Ulm, MN 56073 | Rochester, MN 55906 |
| (218) 755-2600 | (218) 828-2383 | (218) 723-4752 | (218) 736-5445 | (507) 537-6060 | (507) 389-1967 | (507) 359-6074 | (507) 206-2889 |

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

Minnesota Board of Water & Soil Resources

DATE: June 7, 2012

TO: *Legislators in Lincoln and Lyon Counties*
Representative Chris Swedzinski
Senator Gary Dahms
Representative Andrew Falk
Senator Lyle Koenen
U.S. Congressman Collin Peterson
U.S. Senator Amy Klobuchar
U.S. Senator Al Franken

FROM: John Jaschke, Executive Director

SUBJECT: Board of Water and Soil Resources (BWSR):
August 22, 2012 SOUTHWEST MINNESOTA TOUR

---

The Board of Water and Soil Resources (BWSR) will be conducting a tour in southwestern Minnesota (Lincoln and Lyon Counties) on Wednesday, August 22, 2012, in conjunction with our Board meeting on Thursday, August 23, 2012.

BWSR invites you and your staff to attend this tour of conservation practices in Lincoln and Lyon Counties as well as conservation efforts in partnership with Area II Minnesota River Basin Projects. The tour will highlight conservation projects with private landowners using state and federal funds with local implementation via the Soil and Water Conservation Districts. The tour will begin at 8:00 a.m. on Wednesday, August 22nd at the Ramada Inn in Marshall. The logistical details of the tour are in the planning stages. Look for a personal invitation with final details from the Lincoln and Lyon SWCDs.

David Sill, BWSR Board Conservationist, can be reached in our Marshall office at: david.sill@state.mn.us or (507) 537-6374, if you have any questions regarding southwestern Minnesota.

As always, let me know if you have any questions or need more information. I can be reached at phone: 651-296-0878; cell: 612-202-3815, e-mail: john.jaschke@state.mn.us. We are hopeful that you can join us for the tour on August 22, 2012.

cc: Brian Napstad, BWSR Board Chairman
BWSR Board Members


*Bemidji* 701 Minnesota Ave., Suite 234 Bemidji, MN 56601 (218) 333-8024
*Brainerd* 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383
*Duluth* 394 South Lake Ave., Room 403 Duluth, MN 55802 (218) 723-4752
*Fergus Falls* 1004 Frontier Drive Fergus Falls, MN 56537-2505 (218) 736-5445
*Marshall* 1400 East Lyon St., Box 267 Marshall, MN 56258 (507) 537-6060
*Mankato* 1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358 (507) 389-1967
*New Ulm* 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074
*Rochester* 2300 Silver Creek Rd N.E. Rochester, MN 559 (507) 206-2889

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

| | | |
|---|---|---|
| Brian Napstad<br>51227 Long Point Place<br>McGregor, MN 55760 | Tom Loveall<br>39290 200th Street<br>Winnebago, MN 56098 | Joe Collins<br>534 West Orange Avenue<br>St. Paul, MN 55117 |
| Robert Burandt<br>1340 Waconia Pkwy. S.<br>Waconia, MN 55387 | Christy Jo Fogarty<br>18946 Excalibur Trail<br>Farmington, MN 55024 | Quentin Fairbanks<br>16374N Blackduck Lake Rd. NE<br>Hines, MN 56647 |
| John Meyer<br>18689 Highway 248<br>Rollingstone, MN 55969 | Paul Langseth<br>35505 280th Street<br>Worthington, MN 56187 | Todd Foster<br>827 Chestnut Court<br>St. Cloud, MN 56303 |
| Jack Ditmore<br>61 Flandrau Place<br>St. Paul, MN 55016 | Gene Tiedemann<br>13099 310th Avenue SW<br>Euclid, MN 56722 | Steve Sunderland<br>2030 20th Avenue SE<br>Montevideo, MN 56265 |
| Keith Mykleseth<br>532 Summit Avenue<br>Crookston, MN 56716 | Gerald Van Amburg<br>4518 5th Street S.<br>Moorhead, MN 56560 | Matthew Wohlman<br>Department of Agriculture<br>Freeman Office Building<br>625 Robert St. N.<br>St. Paul, MN 55155 |
| Rebecca Flood<br>Pollution Control Agency<br>520 Lafayette Road<br>St. Paul, MN 55155 | Chris Elvrum<br>Department of Health<br>PO Box 64975, 625 N. Robert St<br>St. Paul, MN 55164-0975 | Tom Landwehr, Commissioner<br>Dept. of Natural Resources<br>500 Lafayette Road<br>St. Paul, MN 55155 |
| Sandy Hooker<br>Minnesota Association of Townships<br>14418 – 618th Avenue<br>Mapleton, MN 56065 | Faye Sleeper<br>U of M, Water Resources Center<br>Room, 173 McNeal Hall<br>1985 Upper Buford Avenue<br>St. Paul, MN 55108 | Dave Frederickson,<br>Commissioner<br>Department of Agriculture<br>Freeman Office Building<br>St. Paul, MN 55155 |
| John Jaschke<br>Mary Jo Anderson<br>Jeff Nielsen<br>David Sill<br>Roxie Serreyn | Tabor Hoek<br>Steve Woods<br>Kane Radel<br>Laura DeBeers<br>Scott Santjer | Dave Schad<br>Dept. of Natural Resources<br>500 Lafayette Road<br>St. Paul, MN 55155 |
| Rob Sip<br>Department of Agriculture<br>Freeman Office Building<br>625 Robert St. N.<br>St. Paul, MN 55155 | Linda Bruemmer<br>Department of Health<br>PO Box 64975<br>625 N. Robert St<br>St. Paul, MN 55164-0975 | Doug Wetzstein<br>Pollution Control Agency<br>520 Lafayette Road<br>St. Paul, MN 55155 |

Minnesota Board of Water & Soil Resources

DATE: August 28, 2012

TO: Jeff Nielsen, Southern Region Supervisor
Kevin Lines, Easements/Private Lands Conservation Section Manager
Al Kean, Chief Engineer

FROM: John Jaschke, Executive Director

SUBJECT: "Thank You" – Board Tour 2012

On behalf of the Board of Water and Soil Resources (BWSR), I would like to extend a sincere thank you to the BWSR Staff for the collaborative efforts during the BWSR Board Tour on August 22nd.

We recognize and appreciate all the time and effort of David Sill, Roxie Serreyn, Tabor Hoek, Scott Santjer, Kane Radel and Tom Wenzel. Their support provided us with great information to give us a better understanding of conservation projects in Lincoln and Lyon Counties.

We thank you for your hospitality, for assisting with details and logistics, and for all the coordination and extra effort that went into planning a great day in Lincoln and Lyon Counties!

cc: Brian Napstad, BWSR Chair
Steve Woods, Assistant Director
David Sill, Board Conservationist
Roxie Serreyn, Office & Administrative Specialist
Tabor Hoek, Private Lands Specialist
Scott Santjer, Engineering Technician
Kane Radel, Wetland Specialist
Tom Wenzel, Water Resources Engineer


| *Bemidji* | *Brainerd* | *Duluth* | *Fergus Falls* | *Mankato* | *Marshall* | *New Ulm* | *Rochester* |
|---|---|---|---|---|---|---|---|
| 403 Fourth Street NW<br>Suite 200<br>Bemidji, MN 56601<br>(218) 755-2600 | 1601 Minnesota Drive<br>Brainerd, MN 56401<br>(218) 828-2383 | 394 S. Lake Avenue<br>Suite 403<br>Duluth, MN 55802<br>(218) 723-4752 | 1004 Frontier Drive<br>Fergus Falls, MN 56537<br>(218) 736-5445 | 1160 Victory Drive South<br>Suite 5<br>Mankato, MN 56601<br>(507) 389-6784 | 1400 East Lyon Street<br>Marshall, MN 56258<br>(507) 537-6060 | 261 Highway 15 South<br>New Ulm, MN 56073<br>(507) 359-6074 | 3555 9th Street NW<br>Suite 350<br>Rochester, MN 55901<br>(507) 206-2889 |

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

Minnesota Board of Water & Soil Resources

August 28, 2012

Robert Moline, Chair
Area II Minnesota River Basin Projects, Inc.
1400 E. Lyon Street
P.O. Box 267
Marshall, MN 56268

Dear Chair Moline:

On behalf of the Board of Water and Soil Resources (BWSR), I would like to extend a sincere thank you to the Area II Minnesota River Basin Projects, Inc. for the collaborative efforts during the BWSR Board Tour on August 22nd.

We appreciate all the time that Kerry Netzke spent to provide us with great information to give us a better understanding of conservation projects in Lincoln and Lyon Counties.

We thank you for your hospitality, for providing water and soda throughout the day, and for all the coordination and extra effort that went into planning a great day in Lincoln and Lyon Counties!

Sincerely,

John Jaschke
Executive Director

cc: Brian Napstad, BWSR Board Chairman
Kerry Netzke, Area II Executive Director
John Schueller, Area II Board Vice Chair


| *Bemidji* | *Brainerd* | *Duluth* | *Fergus Falls* | *Mankato* | *Marshall* | *New Ulm* | *Rochester* |
|---|---|---|---|---|---|---|---|
| 403 Fourth Street NW<br>Suite 200<br>Bemidji, MN 56601<br>(218) 755-2600 | 1601 Minnesota Drive<br>Brainerd, MN 56401<br>(218) 828-2383 | 394 S. Lake Avenue<br>Suite 403<br>Duluth, MN 55802<br>(218) 723-4752 | 1004 Frontier Drive<br>Fergus Falls, MN 56537<br>(218) 736-5445 | 1160 Victory Drive South<br>Suite 5<br>Mankato, MN 56601<br>(507) 389-6784 | 1400 East Lyon Street<br>Marshall, MN 56258<br>(507) 537-6060 | 261 Highway 15 South<br>New Ulm, MN 56073<br>(507) 359-6074 | 3555 9th Street NW<br>Suite 350<br>Rochester, MN 55901<br>(507) 206-2889 |

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

Minnesota Board of Water & Soil Resources

August 28, 2012

Daniel Christianson, Chair
Lincoln SWCD
328 E. George Street
Ivanhoe, MN 56142

Dear Chair Christianson:

On behalf of the Board of Water and Soil Resources (BWSR), I would like to extend a sincere thank you to the Lincoln SWCD for the collaborative efforts during the BWSR Board Tour on August 22nd.

We appreciate the time and effort of Pauline VanOverbeke, Ron Madsen, Dale Sterzinger, and Randy Kraus, for providing us with information to give us a better understanding of conservation projects in Lincoln County.

We thank you for your hospitality, for providing delicious cookies for the morning break, for the trivia questions and great prizes, and for all the coordination and extra effort that went into planning a great day in Lincoln and Lyon Counties!

Sincerely,

John Jaschke
Executive Director

cc: Brian Napstad, BWSR Board Chairman
Pauline VanOverbeke, SWCD Manager
Ron Madsen, Engineering Technician
Dale Sterzinger, Conservation Technician
Randy Kraus, Farm Bill Technician


| *Bemidji* | *Brainerd* | *Duluth* | *Fergus Falls* | *Mankato* | *Marshall* | *New Ulm* | *Rochester* |
|---|---|---|---|---|---|---|---|
| 403 Fourth Street NW<br>Suite 200<br>Bemidji, MN 56601<br>(218) 755-2600 | 1601 Minnesota Drive<br>Brainerd, MN 56401<br>(218) 828-2383 | 394 S. Lake Avenue<br>Suite 403<br>Duluth, MN 55802<br>(218) 723-4752 | 1004 Frontier Drive<br>Fergus Falls, MN 56537<br>(218) 736-5445 | 1160 Victory Drive South<br>Suite 5<br>Mankato, MN 56601<br>(507) 389-6784 | 1400 East Lyon Street<br>Marshall, MN 56258<br>(507) 537-6060 | 261 Highway 15 South<br>New Ulm, MN 56073<br>(507) 359-6074 | 3555 9th Street NW<br>Suite 350<br>Rochester, MN 55901<br>(507) 206-2889 |

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

Minnesota Board of Water & Soil Resources

August 28, 2012

Mark Meulebroeck, Chair
Lyon SWCD
1424 E. College Drive, Suite 600
Marshall, MN 56258

Dear Chair Meulebroeck:

On behalf of the Board of Water and Soil Resources (BWSR), I would like to extend a sincere thank you to the Lyon SWCD for the collaborative efforts during the BWSR Board Tour on August 22nd.

We appreciate John Biren's time and effort in providing us with information on conservation projects in Lyon County.

We thank you for the coordination and extra effort that went into planning a great day in Lincoln and Lyon Counties!

Sincerely,

John Jaschke
Executive Director

cc: Brian Napstad, BWSR Board Chairman
John Biren, Lyon SWCD Administrator


| Bemidji | Brainerd | Duluth | Fergus Falls | Mankato | Marshall | New Ulm | Rochester |
|---|---|---|---|---|---|---|---|
| 403 Fourth Street NW<br>Suite 200<br>Bemidji, MN 56601<br>(218) 755-2600 | 1601 Minnesota Drive<br>Brainerd, MN 56401<br>(218) 828-2383 | 394 S. Lake Avenue<br>Suite 403<br>Duluth, MN 55802<br>(218) 723-4752 | 1004 Frontier Drive<br>Fergus Falls, MN 56537<br>(218) 736-5445 | 1160 Victory Drive South<br>Suite 5<br>Mankato, MN 56601<br>(507) 389-6784 | 1400 East Lyon Street<br>Marshall, MN 56258<br>(507) 537-6060 | 261 Highway 15 South<br>New Ulm, MN 56073<br>(507) 359-6074 | 3555 9th Street NW<br>Suite 350<br>Rochester, MN 55901<br>(507) 206-2889 |

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

# BWSR Board Summer Tour Route
## August 22, 2012

### Tour Highlights

1. Marshall Flood Control Project
2. Lyons 3 Road Retention Project
3. Black Rush Lake Wetland Restoration / Wetland bank
4. Lynd 32 CREP Site
5. Lynd 32 Dam
6. Island Lake 26 Road Retention
7. Lake Stay Outlet Structure
8. Coot WMA Wetland Restorations /Working Lands Initiative
9. Walk In Access Site
10. WLI Wetland Restoration Site
11. Walk In Access Sites
12. CREP Wetland Restoration
13. Lake Benton
14. Lunch -- Hole In The Mountain County Park Chalet
15. Medary Creek Protection Project
16. Drammen 15 Dam
17. CREP Wetland Restoration
18. Lake Shaokatan
19. Series of CRP and CREP Sites
20. Anderson Lake WMA and Surrounding Projects
21. CRP/RIM/WLI Wetland Restoration
22. View from Buffalo Ridge
23. Series of Road Retention Projects
24. Southwest Sportsman's Club – Presentation/Discussion
25. City of Ghent FEMA / Floodplain Mitigation







Map created by the Lyon County GIS Department.

For reference use only.

# 2012 BWSR Board Tour Site Guide

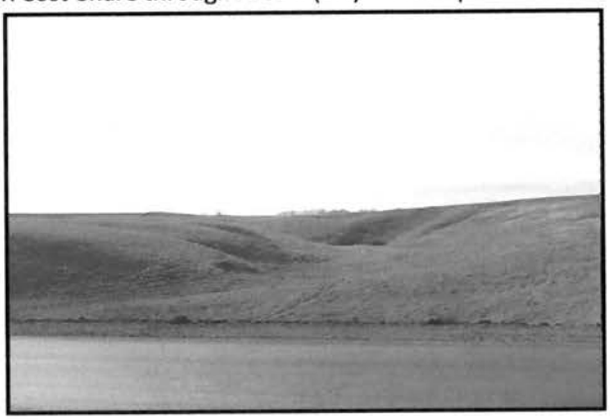
## Wednesday August 22, 2012

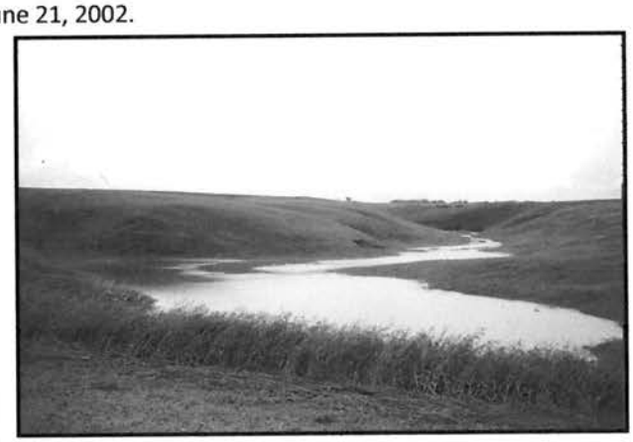
1. Marshall Flood Control Project — Mean Sea Level Elevation = 1190

In the Fall of 2000, the highly disputed diversion project was completed by the U.S. Army Corps of Engineers. This location is a natural "crossover" point between the Redwood and Cottonwood River watersheds where floodwaters will jump from watershed to the next due to the topography. The Area II watershed has several of these crossover points making it very unique. To come to agreement on this project, a flow distribution agreement was signed by the interested parties to allow 5,500 cfs to flow down the Redwood River. Any flows higher than 5,500 cfs will be diverted under MN Highway 23, into Meadow Creek, a tributary to the Cottonwood River watershed.

**2.** Lyons 3 Road Retention Project — Mean Sea Level Elevation = 1378 (flowline)

Constructed in 1996, this project was jointly designed by Area II and Lyon County Highway Department. As part of a planned highway improvement, the 6' x 6' concrete box culvert was replaced with a 60" diameter round concrete culvert and 24" low flow pipe. The project reduces the 100-year storm flows from 727 cfs to 140 cfs, a 81% reduction! The 2.7 square mile watershed will impound 351.5 acre-feet of floodwaters with a 28.5 acre pool. Total cost of the project was $202,408.30 as provided by Lyon County (42%), State of MN Bonding (26%), BWSR Challenge Grant (21%), Area II local funds (5%), and BWSR Cost-Share through Area II (6%). Flood photo date: June 21, 2002.





**3.** Black Rush Lake Wetland Restoration / Wetland bank *see HANDOUT — MSL Elevation = 1431

This 357-acre restored wetland was dedicated on September 2, 1999 after being drained nearly 70 years before by tiles. Lyon County's share of the wetland is 11.3% (40.5 acres). A portion of the wetland credit sales have been used to purchase a new county park. Total cost of the restoration was $284,408 and was funded by MN DNR (37%), Lyon County (19%), Ducks Unlimited (18%), BWSR Cost-Share through Area II (18%), U.S. Fish & Wildlife Service (7.5%), and local sportsmen's clubs (0.5%). Area II's financial involvement secured up to a 1' bounce for floodwaters, or 357 acre-feet of floodwater storage. See enclosed project sheet for more information.




September 2, 1999 Dedication Ceremony

**4.** Lynd 32 CREP Site — MSL Elevation = 1500

This 107-acre CREP easement was acquired in 2005. Two wetland basins were restored by removing and blocking private drainage tile. Basin #1 (nearest the road) is 2.3 acres in size with a 25-acre drainage area; Basin #2 (directly N of Basin #1) is 5.9 acres in size with a 55-acre drainage area. Lyon SWCD assisted BWSR staff in this marriage of RIM and CRP.

**5.** Lynd 32 Dam (STOP #1) — MSL Elevation = 1420 (flowline)

Completed in 2007, this grade stabilization dam provides 10 acre-feet of floodwater storage and 84% reduction of 100-year flows over a flowage easement area of 2.61 acres. The 16' high earthen dam is controlled by a 48" diameter riser/manhole with a 12" diameter concrete pipe through the dam. Excavated clay from the pond was used to construct the embankment. The 100-acre drainage area exhibits an elevation difference of 1515 MSL to 1420 MSL (95' drop in ½ mile). The impoundment prevents further erosion of this tributary that enters the Redwood River in Camden State Park at 1310 MSL (110' drop in ¾ mile). Total project cost was $56,939.00 as funded by LCMR (75%), Area II local matching funds (12.5%), and the landowner (12.5%).

**6.** Island Lake 26 Small Dam — MSL Elevation = 1490

This is a very typical small dam structure that was originally constructed in the 1950's and 1960's with the purpose of watering livestock, and often times, incorporated a small amount of floodwater storage. Few cost-share funding sources exist to rehabilitate these structures by replacing the corrugated metal pipes with concrete pipes. Federal EQIP and State of MN Bonding provides funding to landowners wishing to rehabilitate the structures. If the structure is called a "grade stabilization reinstallation", Clean Water Funding may be utilized.

*NOTE: The Lyon SWCD received grant funding in 1996 to conduct a county-wide inventory of the existing small dams. A physical inventory of the dams was completed with permission from those landowners wishing to participate. Most dams were evaluated and a priority listing of those in dangerous condition was made.*

**7.** Lake Stay Outlet Structure — MSL Elevation = 1646.9 (weir)

Due to age and ice jams, the sloped concrete apron outlet, constructed in 1916, eroded to a point where the 370-acre natural lake was drawn down to dangerous levels for aquatic life. Lincoln County requested Area II to design options to replace the outlet. From the options presented, a vinyl sheet pile structure was selected to rehabilitate the outlet and to bring the lake back to normal levels in 2008. Total project cost was $25,000: Lincoln County provided $20,000 and the Yellow Medicine River Watershed District provided $5,000. Area II provided the Geotechnical Exploration ($3,000) and project engineering and inspection ($1,500).





**8.** Coot WMA Wetland Restorations / WLI (STOP #2) MSL Elev = 1665 (weir crest)

By the numbers, this large complex involves 3 contractors, 4 landowners, 4 funding mechanisms (RIM/WLI/USFWS/CRP), and 5 basin restorations. The 823-acre watershed area holds conservation easements totaling 241 acres. Two options are available for the last basin to be restored: Option 1 – dam, and Option 2 – straighten the township roadway and include a Road Retention to create the impoundment. We'll depart the bus for a short hayride to the location for refreshments (provided by Area II and Lincoln SWCD) and to hear more about the site and cooperating partners. *see HANDOUT



Design by Justin Beaver, P.E.



Design by Tom Wensel, P.E., BWSR Engineer

***NOTE:*** *Due to Justin Beaver not being registered in the State of Minnesota, his design had to be relocated approximately 100' away to the new project location.*

**9.** Walk In Access Site – Section 17, Lake Stay Township MSL Elevation = 1623

This WIA site started as a 73.6-acre CREP easement established in 2001. It was planted with a native seed mix and included a small wildlife shrub and conifer planting.

10. WLI Wetland Restoration Site -- Section 19, Lake Stay Township MSL Elevation = 1660

This site was recently purchased by new landowners who have enrolled/re-enrolled the entire property into CRP under several different practices. They have improved the property for wildlife any way possible by planting native grasses and forbs, wildlife shrub and conifer plantings, wildlife food plots and wetland restorations. Funding sources: USDA, WLI (incentives and cost-share), DNR, and the landowners.

11. Walk In Access Sites – Section 35, Lake Stay Township MSL Elevation = 1720

This WIA site was established in 2011 as CRP CP-27 and CP-28 practices. The property was seeded with natives and included a $27,000.00 wetland restoration project. Funding sources: USDA, landowner, and Buffalo Ridge Chapter-Pheasants Forever. Across the road to the East in Ash Lake Township, Section 36 is a new 110-acre WIA made possible with WLI/CRP funding.

12. CREP Wetland Restoration – Section 1, Diamond Lake Township MSL Elevation = 1680

This site was initially signed up as two CREP contracts; 38.5 acres in 2001, and 13.8 acres in 2002. Later, the U.S. Fish and Wildlife Service purchased the property. The wetland restoration involved partial abandonment of a county drainage system as designed by BWSR Staff, Tom Wensel and Scott Santjer. The restoration was completed in 2006 at a cost $31,000.00. Uplands were planted with natives and small wildlife shrub and conifer plantings. Funding provided by: USDA, USFWS, BWSR, and the landowner.

13. Lake Benton MSL Elevation = 1745

In the late 1970's, Curly-Leaf Pondweed was identified in the 2,875-acre lake that stretches 7 miles long. Iron filings and plant harvesting were attempted to control the spread, however the attempts were not successful. By 2003, the entire lake was encompassed by the invasive plant. Two options were available: chemical treatment or complete draw down to freeze

*13. Lake Benton (continued)*

sediments. Lincoln County Commissioners, who stressed the importance of local control, created a Lake Improvement District in 2004 with taxing authority to collect approximately $40,000 per year to fund lake improvements. Starting in 2005, four consecutive, annual chemical treatments were made to the lake and have been successful in restoring its function and usage. Participating organizations include: Lincoln County, DNR, City of Lake Benton, City of Tyler, Lake Benton Township, and LIFE (Lake Improvements for Everyone).

14. LUNCH -- Hole In The Mountain County Park Chalet

Prepared by: Lincoln County Pork Producers and Irene's By Julie

Presentation by: Lincoln-Pipestone Rural Water Representative

Verdi Wellhead Protection Project, funded by the Clean Water Legacy Fund *see HANDOUT

15. Medary Creek Protection Project *see HANDOUT MSL Elevation = 1850

16. Drammen 15 Dam (STOP #3) MSL Elevation = 1916 (flowline)

Constructed in 2009, this earthen dam provides 57 ac-ft of floodwater storage and 80% reduction (229 cfs) of 100-year flows over a temporary pool area of 12.3 acres. The 18' high dam is controlled by a 48" diameter riser with a 24" diameter concrete pipe through the dam. Clay excavated from the 1.7-acre permanent pond was used to construct the embankment. Wetland credits of 0.70 acres were purchased from Lyon County as part of the wetland mitigation package along with 12.3 acres (4.2 acres required) of native prairie that was fenced and allowed to re-establish. Total project cost was $120,281 as funded by federal EQIP (38%), State of MN Bonding (37%), Area II local matching funds (17%), and the landowner (8%).





*NOTE: Highest Elevation in Lincoln County is in Section 18, Drammen Township MSL Elevation = 1995*

17. CREP Wetland Restoration – Section 15, Shaokatan Township MSL Elevation = 1800

This CREP site was established in 1999 and was seeded with natives and shrub plantings. The wetland restoration was completed in 2002 at a cost of $12,000 and involved a petition for abandonment of county drainage tile.

18. Lake Shaokatan MSL Elevation = 1778

The Yellow Medicine River Watershed District (YMRWD) has had an intensive interest in Lake Shaokatan beginning with a MPCA Clean Water Partnership in 1991. With that grant, a 3-year diagnostic study was successfully completed. Lincoln SWCD, NRCS, Shaokatan Lakeshore Association, DNR, Shaokatan Sportmans Club have all been key players and cost-share partners in this endeavor. Extensive research and water quality sampling was conducted and priority locations established. During the next 3-years with the implementation grant, projects were completed to address targeted pollution sources. From 1993 to 1996, the watershed district and its partners constructed a stream diversion channel to alter the course away from swine operation. A wetland was designed to absorb and control the excess nutrients before entry into the lake. A sealed containment pit on a dairy farm was installed. YMRWD worked cooperatively with Ducks Unlimited and U.S. Fish and

*18. Lake Shaokatan (continued)*

Wildlife Service to create additional wetlands and buffer strips around the perimeter of the lake. Shoreline septic system ordinances were established with help from the Lincoln County Commissioners and Environmental Office. Approximately $2,000,000 in grants and cost-share funds have been utilized in the effort to restore the quality of Lake Shaokatan.

19. Series of CRP and CREP Sites

This 19.5-acre RIM easement was funded through WLI, Lake Shaokatan Lake Association, and YMRWD and it helps protect a stream which flows into Lake Shaokatan. The newest WIA site was placed upon CRP. The 8.3-acre wetland restoration was completed in 2002 upon a 27.5-acre CREP easement.

20. Anderson Lake WMA and Surrounding Projects *see HANDOUT MSL Elevation = 1690

This shallow lake and surrounding landscape, while not a new project area, continues to provide outstanding multiple resource benefits and values. The Anderson Lake Wildlife Management Area consists of the 350-acre basin and 250 acres of upland. The lake's history is a rich story of many public and private organizations and landowners working together. Originally drained in 1920 by County Ditch 37, the shallow lake was restored in 1987 by installing a water control structure upon the ditch system. As much flood control was worked into the project as possible for larger flood events with strong support from the Yellow Medicine River Watershed District. Currently the shallow lake has been drawn down through a managed process to re-establish emergent and submergent vegetation. The hydrology will be restored this fall and next spring. NOTE: Recent RIM and RIM/WLI projects have emerged on neighboring lands adjacent to the WMA.

21. CRP/RIM/WLI Wetland Restoration – Section 5, Ash Lake Township MSL Elevation = 1700

The 2007 Rim easement consists of 66.8 acres and was signed up through the WLI. Native grasses and forbs were planted. The three wetland restorations involved MNDOT permits and totaled $33,000 in cost. Restorations were designed by BWSR Staff, Tom Wensel and Scott Santjer; assisted by Lincoln SWCD, NRCS, and DNR. Funding provided by WLI and USDA.

22. View from Buffalo Ridge MSL Elevation = 1323

This will speak for itself... the City of Canby lies directly to the northeast at Elevation 1220.

23. Series of Road Retention Projects

- Alta Vista 36 Road Retention (2006) *see HANDOUT MSL Elevation = 1248 (flowline)

- Limestone 1 Road Retention: (Under Construction) MSL Elevation = 1302.2 (flowline)

This multi-partnered project involves: 2 counties, 3 townships, 1 watershed district and Area II. The project consists of replacing the existing 48" diameter culvert with a 27" diameter culvert and raising the roadway 11'. This will create a temporary floodpool of 7 acres and reduces 100-year peak flows from 146 cfs to 61 cfs, a 58% reduction. A second part of the project involves removing the dangerously deficient bridge around the curve with a 27" culvert. Only the East/West roadway will impound water. Estimated project cost including flowage easements and right-of-way is $150,000. The 48" culvert will be salvaged and reused by the township as it was new in 1993 when the roadway was completed washed out by the notorious floods of that year. FEMA paid the damages at that time.

- Gorecki-Jeremiason Road Retention (1994) MSL Elevation = 1345 (flowline)

Also stemming from severe damages of the 1993 floods, this project involved replacing two 36" concrete culverts and a 96" x 120" metal culvert through two township roads with a single 42" diameter concrete culvert placed diagonally through the intersection of the two roadways. Additionally, the intersection was raised 16' to create the embankment. The project stores 120 acre-feet of water on 10.3 acres from the 1218-acre drainage area. 100-year flood flows are reduced from 427 cfs to 280 cfs, or 34%. Total project cost was $116,971.25 funded by Lyon County (32%), Limestone Township (21%), YMRWD (20.5%), Cost-share through Area II (18%), Area II local matching funds (6%), and Lincoln County Water Plan (2.5%).

*23. Series of Road Retention Projects (continued)*

• Nordland 7 Road Retention (1996) MSL Elevation = 1315 (flowline)

This project involved replacing a 84" diameter metal culvert with a 24" diameter concrete culvert with a 48" diameter riser structure. The roadway was raised 10' to create the embankment. The project holds 148 acre-feet of water on 15.8 acres from the 2.6 square mile drainage area. 100-year flood flows are reduced from 269 cfs to 175 cfs, or 35%. Total cost was $82,487.65 funded by Lyon County (32%), Cost-share through Area II (36%), and 1995 BWSR Challenge Grant (32%).

• Nordland 8 Road Retention (1990) MSL Elevation = 1250 (flowline)

This project involved replacing a deficient timber bridge, last remodeled in 1940, with a 10' x 10' box concrete culvert. The roadway was raised 9' to create the embankment. The project stores 98 acre-feet of water on 18.5 acres from the 4.8 square mile drainage area. 100-year flows are reduced 36%. Total cost was $37,343 funded by MNDOT Township Bridge Funds (88%), MNDOT Bridge Bonding (10%), and Nordland Township (2%).



Spring 2007





24. Southwest Sportsman's Club – Presentation/Discussion (STOP #4)

Tabor Hoek, BWSR Private Lands Coordinator, will facilitate a discussion led by Brad Carlson, University of MN Extension Educator of Crops, Water Quality and Drainage and Dean Champine, Lyon County Assessor. Discussion will focus on what it takes for landowners to adopt conservation practices in today's agricultural economics. Refreshments provided by the Schwan Food Company.

25. City of Ghent FEMA / Floodplain Mitigation MSL Elevation = 1164

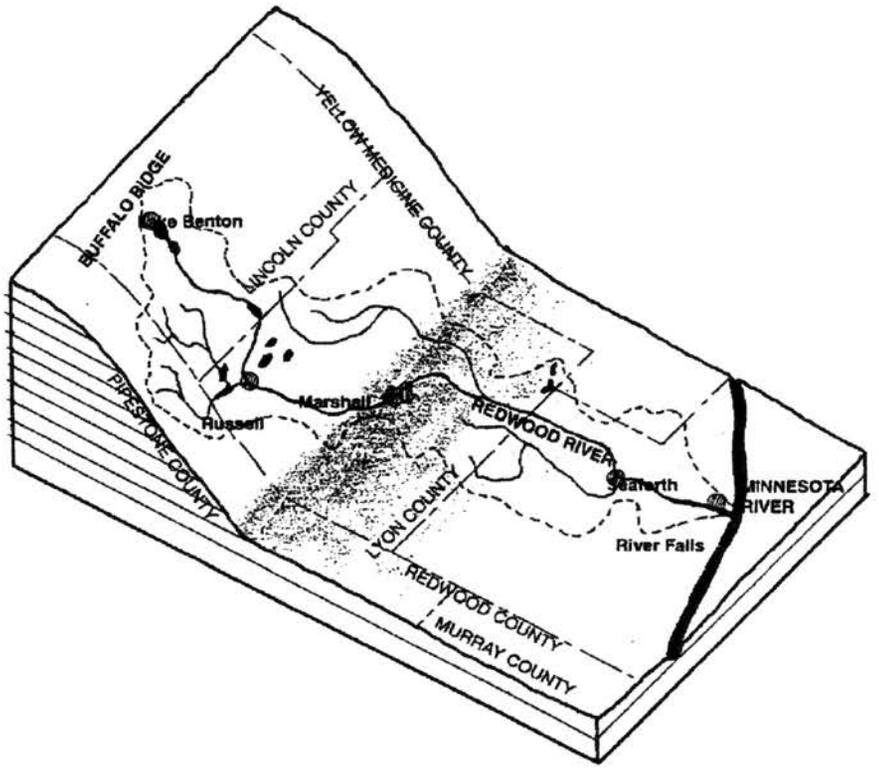
In November 2010, Lyon County adopted FEMA's updated Floodplain Maps. The newest subdivision of Ghent known as the Bluebird Addition is home to several recently built houses which were found to be in the floodplain according to FEMA's mapping. Aside from diking and other remedies, the City of Ghent is looking into upstream floodwater retention to reduce floodflows entering the City, primarily through the Bluebird Addition. Most recently, Area II is working with the City to locate and recommend the construction of retention sites with benefits to the City. A draft report is being compiled at this time. Of the three most feasible sites, flood elevations would be reduced 0.6' to 1.3' and flows reduced 169 cfs to 381 cfs by the individual projects.

**AREA II MINNESOTA RIVER BASIN PROJECTS, INC.**

1400 East Lyon Street
Marshall, MN 56258

Phone: 507-637-6369
Fax: 507-537-6368
Email: area2@starpoint.net
Website: www.area2.org





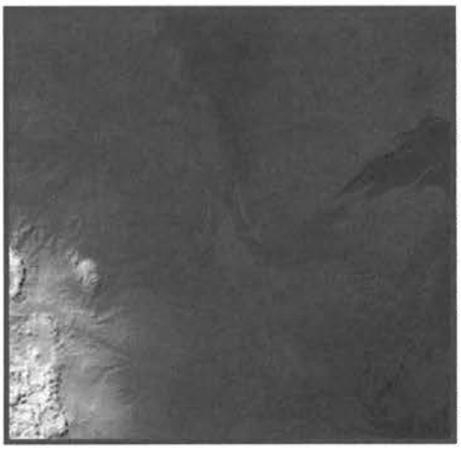

AREA II
MINNESOTA RIVER BASIN PROJECTS, INC.

# The Story of the Coteau des Prairies

The Coteau des Prairies is a glacial ridge running 200 miles in length and 100 miles wide from eastern South Dakota, through southwestern Minnesota, to northwestern Iowa.

Early French explorers from Quebec named the geologic feature: Coteau means "slope" in the French language. This flatiron shaped ridge (see photo at right) is over 900 feet thick in layers of glacial deposits.

The last glaciation formed the James River to the west side of the Coteau and the Minnesota River to the east side.



The portion of the Coteau in southwestern Minnesota is a distinct region known as "Buffalo Ridge," named for the great herds that once roamed the slopes .

At the tip of the Coteau lies Summit, SD at an elevation of 2014 MSL where drilled glacial deposits exceed 1,000 feet in thickness. The outlet of the Minnesota River is elevation 700 MSL, a 1314 foot difference. This difference is greater than the elevation of Minneapolis to the Gulf of Mexico.

Due to this severe elevation difference, the Area II portion of the Minnesota River watershed suffers from "crossover" flooding whereby floodwaters from one watershed jump into the adjoining watershed lying below (in a southeasterly direction) in stair-step fashion. This makes flooding two-fold within Area II.

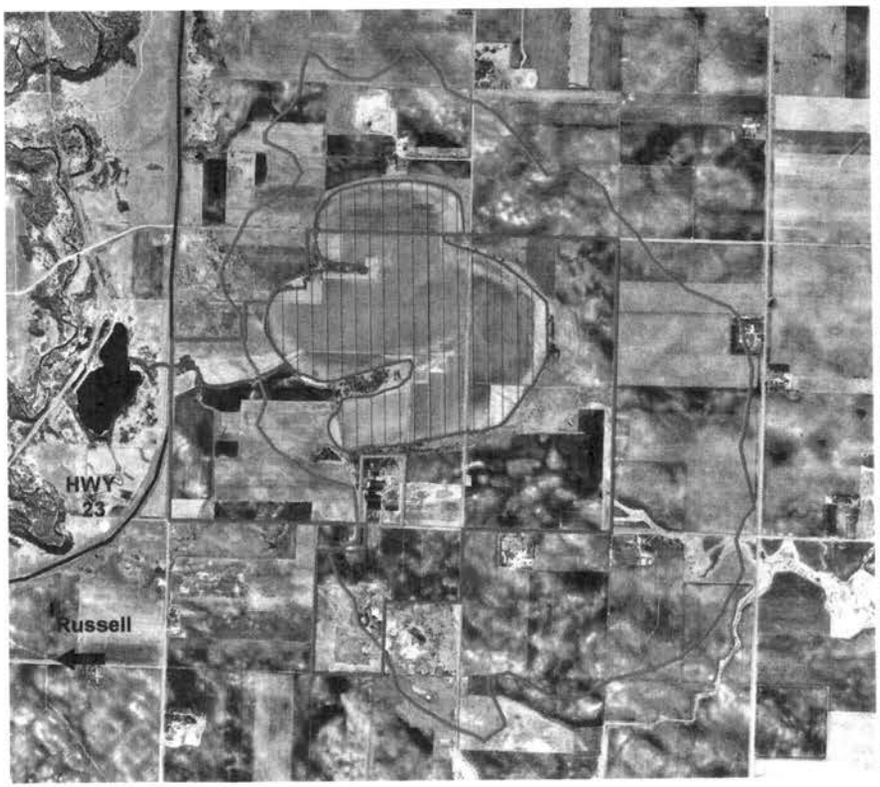
To understand the hydrology of the area, we must look back tens of thousands of years ago to the last glaciation. Carrying massive amounts of rock and debris, ice over a mile thick inched its way across Minnesota. On its melting retreat back to Canada, the glacier stopped in southwestern Minnesota and dropped debris over 600 feet thick. This geologic formation, a moraine called Buffalo Ridge, stretches NW to SE about 35 miles southwest of Marshall, MN. Glacial melt waters, flowing northeasterly, carved ravines and waterways. One of these streams, the Redwood River, falls 636 feet in its 40-mile trip from Pipestone County to Marshall. From Marshall to Redwood Falls, the river only falls 38 feet in the 38-mile distance. Marshall lies at the base of this ridge where the deposited soil creates a natural floodplain between the rushing slope waters and slower downstream segment. This explains the catastrophic flooding of this region as witnessed in 1927, 1957, 1969, and 1993.

# Black Rush Lake Project

Section 15,16,21
Lyons Township
Lyon County
Minnesota

0.5 0 0.5 Miles

County Road
FWS Boundary
Watershed Boundary
1751 ac.
Black Rush Lake
370 ac.
Outlet
Huck Bldg. Site
Hwy 23




The U.S. Fish and Wildlife Service acquired 990 acres to establish the Black Rush Lake Waterfowl Production Area (WPA) by using funds generated by the sale of Federal Duck Stamps. The area is located 8 miles south of Marshall and within one mile of the Redwood River.

The main feature of the project is restoration of Black Rush Lake, a drained 357-acre wetland. The control structure was constructed in November 1998 to manipulate water levels and restore vegetation. Fully restored, the basin will be 2-3' deep with a 50/50 mix of open water and emergent vegetation; ideal habitat for waterfowl. An additional 23 wetland basins were restored making a total of 413 wetland acres.

Approximately 350 acres of former surrounding cropland was planted with native grasses and flower seeds harvested from a rare piece of remnant native prairie in southwestern Minnesota. The remaining uplands were seeded with a mix of non-native grasses and will be converted to a native prairie plant community.

The project involves multiple benefits: floodwater retention, water quality improvement, environmental education, wildlife habitat, and recreation. The public can use the WPA for hiking, wildlife observation, photography, hunting, and trapping.

This project was made possible by the cooperative efforts of 15 organizations (listed below) working in partnership to provide the necessary funding and support for the acquisition and restoration of this site.

- Area II Minnesota River Basin Projects, Inc.
- Balaton Sportsmen's Club
- MN Board of Water and Soil Resources
- Cottonwood Sportsmen's Club
- Ducks Unlimited, Inc.
- Lyon County (Commissioners, Highway Dept, SWCD)
- MN DNR (Divisions of Wildlife, Trails & Waterways)
- North American Wetlands Conservation Council
- Pheasants Forever – Marshall Chapter
- Redwood River Sportsmen's Club
- Southwest Sportsmen's Club
- U.S. Fish and Wildlife Service

Partners

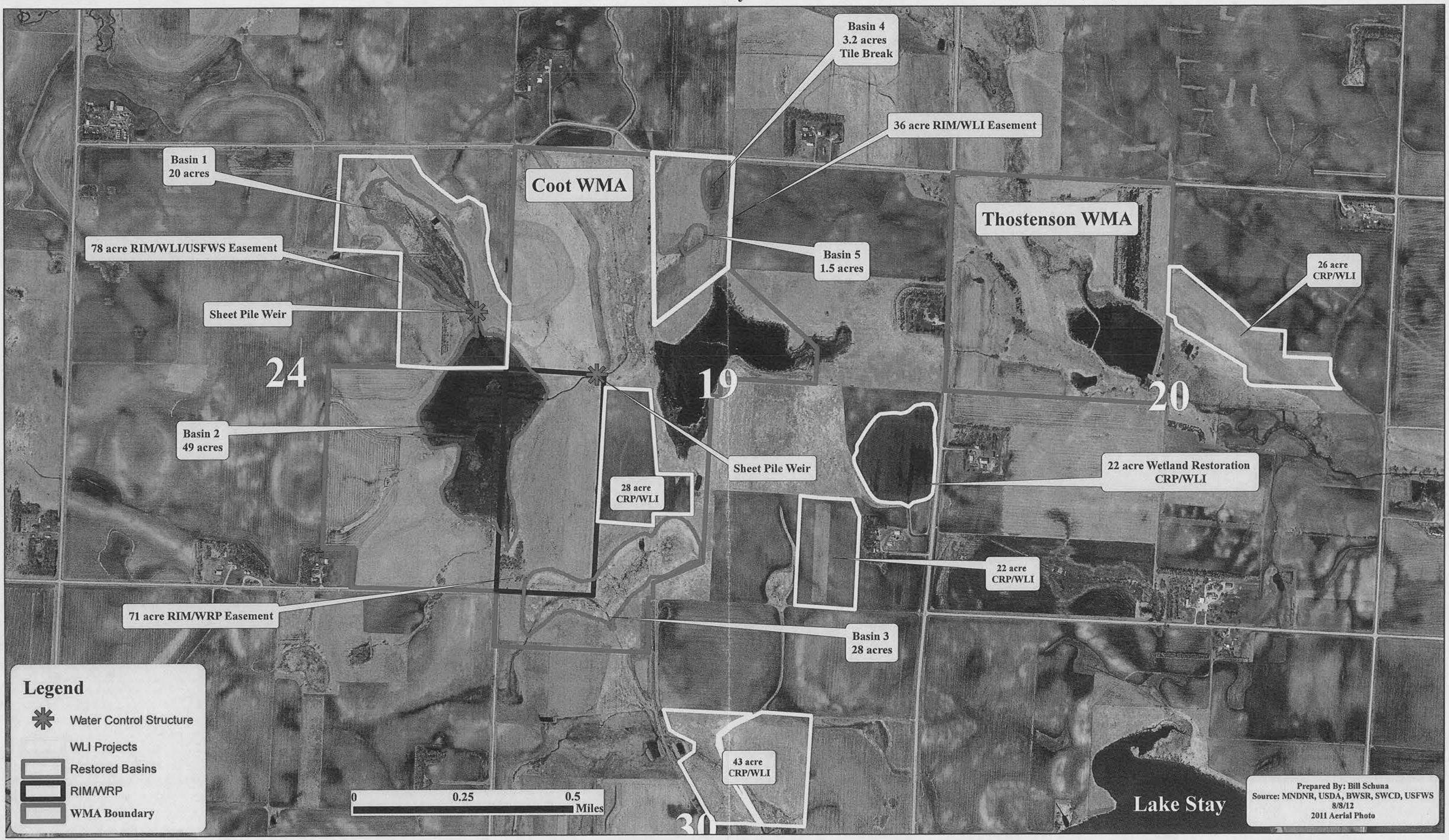
Lincoln SWCD | NRCS | FSA FARM SERVICE AGENCY | Local Landowners

# Working Land Initiative Wetland/Grassland Complex

## Arco Target Area - Lincoln County

## Ash Lake TWP T111N R45W Part of E1/2 Section 24

## Lake Stay TWP T111N R44W Parts of Sections 19, 20, 30




**Legend**

- Water Control Structure
- WLI Projects
- Restored Basins
- RIM/WRP
- WMA Boundary

Prepared By: Bill Schuna
Source: MNDNR, USDA, BWSR, SWCD, USFWS
8/8/12
2011 Aerial Photo

# FY2011-Clean Water Funds:
# Verdi Wellhead Protection Area Project

**Water of Concern:**
Ground Water Protection: Verdi Well Field

**CWF Grant Awarded:**
Verdi Well Field: $184,210

**Leveraged Funds:**
Lincoln-Pipestone Rural Water: $32,500
Landowners: $15,000

**Grant Funds Remaining:** $126,020.25

**Grant Period:** From: 1/1/2011-12/31/2012

## CWF Expenditures by Category

| Technical/Administrative Assistance Funds (as of August, 2012) | | |
|---|---|---|
| **Item:** | Total | Encumbered /Spent |
| **Administrative** | $9,210 | $4,796.75 |
| **Leveraged Funds: LPRW** | $32,500 | $20,738 |
| **Implementation Funds** | | |
| **Nutrient Mgmt Plan** | $60,000 | $33,040 |
| **Variable Rate Technology/Split N** | $10,000 | $2,566 |
| **Nitrogen Stabilizers** | $60,000 | $34,736 |
| **Filter Strips** | $45,000 | $57,600 |
| **Leveraged Funds: Landowners** | $15,000 | $73,124 |
| **Total Imp. Funding** | $145,000 | $127,942 |
| **Total CWF Budget** | $231,710 | $226,600.75 |


**PROJECT CONTACTS:**
Pauline VanOverbeke-Administration
Randy Kraus-Farm Bill Technician
Phone: 507-694-1630, Ext 3







## Project Partners

-Lincoln-Pipestone Rural Water
-Natural Resources Conservation Service
-Department of Natural Resources
-Department of Health
-Rural Water Association
-Department of Agriculture

## Overall Project Description

Project partners play a vital role in the implementation of the Verdi Wellhead Protection Plan and have made this water source a priority in lowering nitrate levels. The aquifer used by the wells in the Verdi Well Field consists of a sand and gravel horizon about 30' thick which overlies clay-rich till. The geological sensitivity in all five of the Verdi wells is classified as "high".

The Verdi Well Field supplies water to ten community water suppliers, 34 large rural users, and 1,126 rural hookups. Total population served by this water supply is about 7,500. It is the only water supply source Lincoln-Pipestone Rural Water has in Lincoln County and functions as a backup water source to both the Holland and Burr water sources.

Water quality monitoring indicates presence of nitrate nitrogen in the wells. The nitrate levels in the wells indicate that the wells pump groundwater that is under the influence of sources of nitrogen related to human activities.

Nutrients that are not effectively utilized by crops have potential to leach into groundwater or enter nearby surface waters via overland runoff or subsurface agricultural drainage systems. A major principle of crop nutrient management is to prevent the over-application of nutrients. These projects are designed to decrease surface runoff and filter sediment, nutrients, and pesticides before reaching surface and ground water. The goal of this project is to reduce nitrate levels in this water supply. This will be accomplished by providing landowners educational information and provide incentives to assist with the following: develop a nutrient management plan, utilize variable rate technology, utilize nitrogen stabilizers and nitrogen efficiency products and install filter strips.

## Projects Completed:

2011: 12-landowners, nutrient management plans (NMPs)-2,163 acres, cost-$17,304; 9-landowners, nitrogen stabilizer products-1,260 acres, cost-$17,754; and 1-landowner, Variable Rate Technology-108 acres, cost-$1,296 As of August, 2012: 11-landowners, NMPs-1,967 acres, cost-$21,622; 10-landowners, nitrogen stabilizer products-1,770 acres, cost-$20,878; 1-landowner, Split-N Application-127 acres, cost-1,270; and 2-landowners, filter strips-51.2 acres, cost-$57,600.

# MEDARY CREEK PROTECTION PROJECT

The Medary Creek Protection Project was funded through the Board of Water and Soil Resources Special Project Grant. The project is located in Section 5 of Verdi Township which flows into a tributary that goes into Medary Creek. Medary Creek flows south to the Big Sioux River, flowing into the Missouri River and then the Mississippi River. This project is also located within a mile and a half of the Drinking Water Supply Management Area for the Verdi Well Field.





Above: Severely eroded area at the property boundary on the upper reaches of the watershed. Right: Typical gully erosion that occurred throughout the project area.



Above: Outlet of the gully that was empting into Medary Creek in the background. Below: Established Living Snow Fence with a Water and Sediment Control Basin along the side.



The Medary Creek Protection project consists of the following:

- Constructed in 1999 were six-Water and Sediment Control Basins and in 2001 were two- Water and Sediment Control Basins (638's). Underground outlet consisted of a total of 6,025 feet of tile installed. Tile consisted of: 700 feet-12"; 880 feet-10"; 1,120 feet 8"and 3,250 feet-6".
- Cost of this project consisted of: total cost-$19,470; cost-share-$14,602 and landowner share-$4,868. Through the LARS Program, the sediment and phosphorus reductions were 162.56 tons and 162.56 pounds consecutively per year.

Other conservation practices installed on this parcel include:

- Four additional Water and Sediment Control Basins were installed in 1999 on the southwest part of the field through the regular State Cost-Share Program. This project consisted of underground outlet consisting of 698 feet of 8" tile and 1,827 feet of 6" tile. Total cost of the project was $7,677; cost-share-5,743 and landowner share-$1,924.
- A living snow fence, consisting of 840-Honeysuckle on 2,2 acres along with tree matting was established in the spring of 1999, in cooperation with the Lincoln SWCD and MN-DOT. It was planted through the CRP and protects State Highway 14.



Left: Medary Creek Protection Project basins established after construction. Right: Picture taken in 2012 of the basins, still doing their job.



Minnesota Board of Water & Soil Resources

Lincoln SWCD

YMRWD

Minnesota Department of Natural Resources

Ducks Unlimited

N

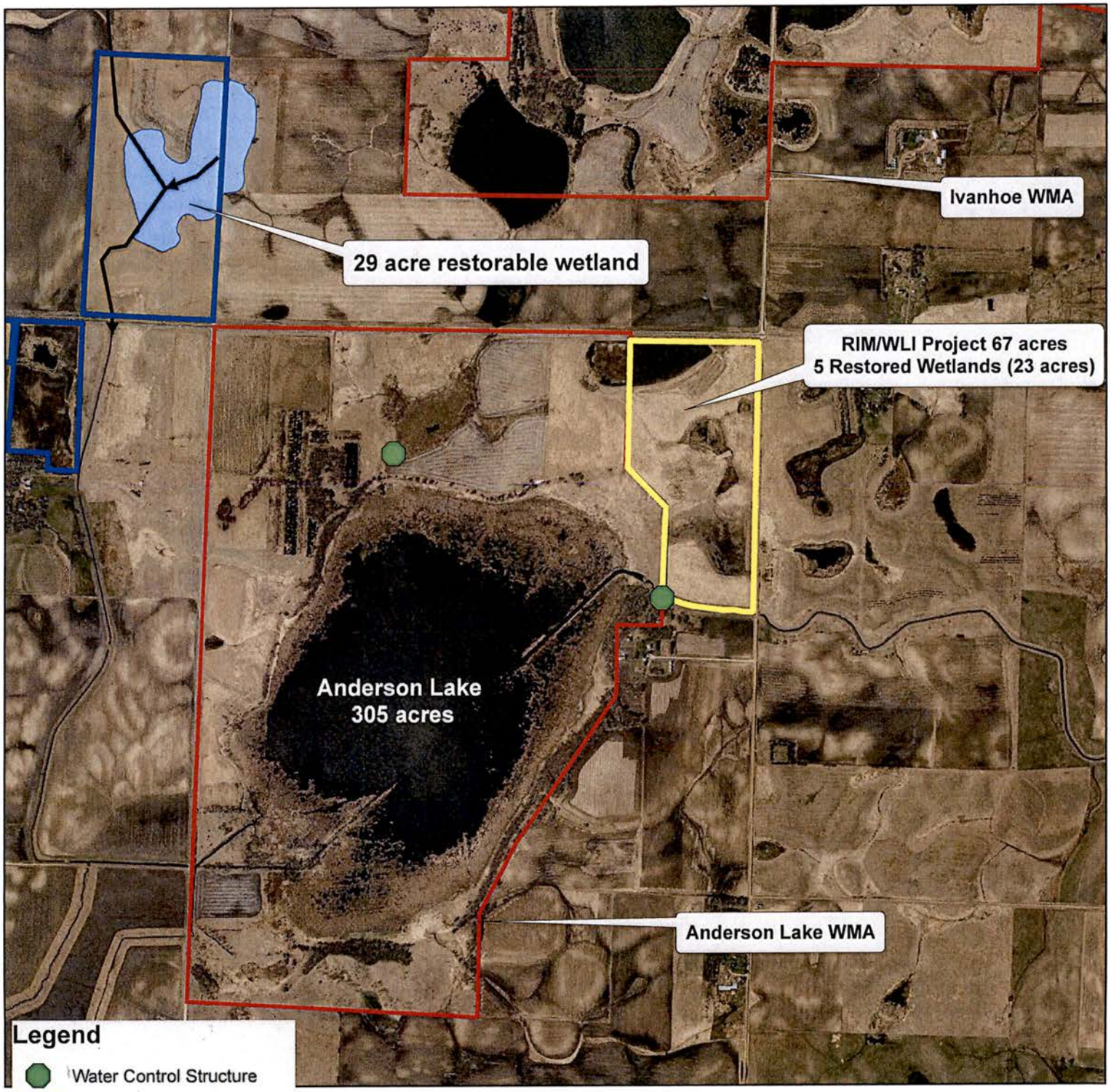
FSA Farm Service Agency

NRCS

Local Landowners

The Nature Conservancy — Protecting nature. Preserving life.

# Anderson Lake WMA and Surrounding Projects Lincoln County




**Legend**

- Water Control Structure
- WLI Projects
- Reinvest in Minnesota (RIM)
- CD 37
- Restorable Wetland
- WMA

0 0.5 1 Miles

Prepared By: Bill Schuna
Source: MNDNR, BWSR, USFWS, USDA
8/13/12
2011 Aerial Photo

BWSR Board Summer Tour

August 22, 2012



AREA II MN RIVER BASIN PROJECTS, INC.

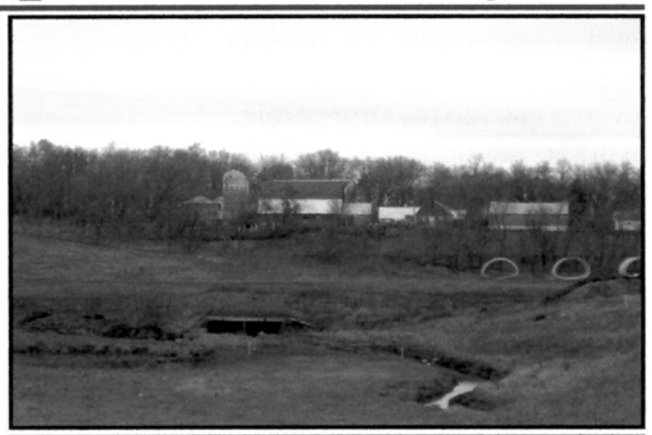
# Alta Vista 36 Road Retention

# Successful Result for Jointly Sponsored Project

As identified by the PL 87-639 Study, a joint study by the Soil Conservation Service and U.S. Army Corps of Engineers, this site was a natural place to retain floodwaters. With the pool area serving as a pasture for dairy cattle, it was only reasonable to incorporate floodwater retention into the replacement of the bridge.

With the project located on the Lincoln and Lyon County line, both counties worked cooperatively, with assistance from the Yellow Medicine River Watershed District (YMRWD) and Area II MN River Basin Projects, Inc.

Photos at the right display the before and after construction conditions.





A sag curve on Lincoln County CSAH 18 and a crest curve on Lyon County CSAH 10 created a dangerous intersection with poor sight and stopping distances. By raising the roadways, this safety issue was remedied and earned special Safety Improvement funding from MNDOT.

The project was completed the Fall of 2006.

The 5,120 acre drainage area is now controlled by a 32' high embankment with a 60" diameter concrete culvert through the road, 30" diameter low flow inlet, 60" diameter riser structure. The roadway was raised 16'.

**100-Year Flow Reductions:**

1146 cfs inflow,

556 cfs outflow ,

(51.5% reduction)

**Breakdown of Project Funding:**

| | |
|---|---|
| MNDOT Local Road Improvement Funds | $250,000 |
| State of MN Bonding | $155,000 |
| Lincoln County– MNDOT State Aid Funds | $73,104.66 |
| Lincoln County–County Funds (in-kind) | $58,521.98 |
| Yellow Medicine River Watershed District | $51,976.70 |
| Lyon County–County Funds | $70,000 |
| **Total Project Cost** | **$658,603.34** |

**Special acknowledgement :**

- *Difficulty was encountered obtaining the DNR Dam Safety permit due to excessive outlet velocities.*
- *Barr Engineering was hired to assist with the redesign of the energy dissipater.*
- *The design provides safer outlet velocities to downstream structures and also improves fish passage through the structure.*

## It Works!

Beginning in 2007, the project was put to the test with large rainfall events. With the record rainfall events of 2010, the project worked fabulously and often.

These photos are of a 10" rainfall — September 2010.





## 2 days later...

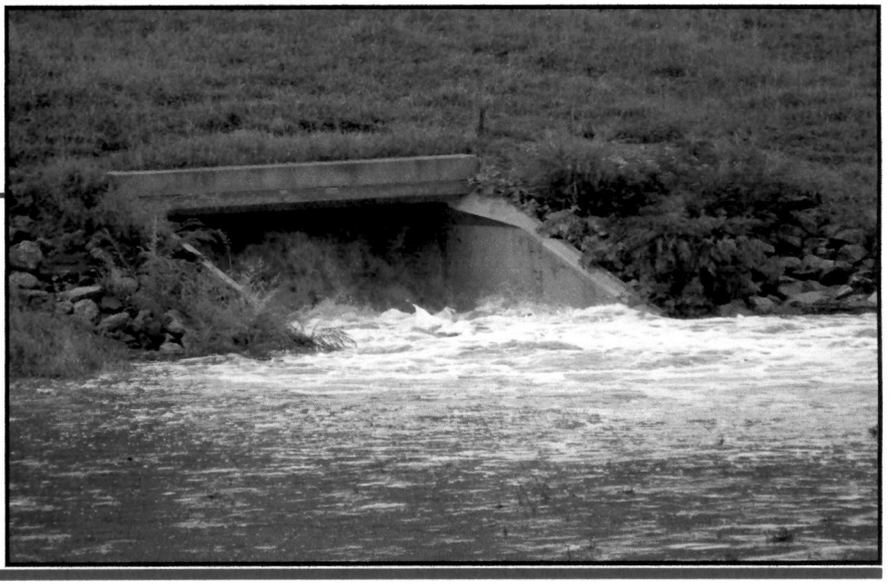
The volume of floodwaters held by the 100-year storm (5.8" of rainfall) is 562 acre-feet over an area of 44.8 acres.

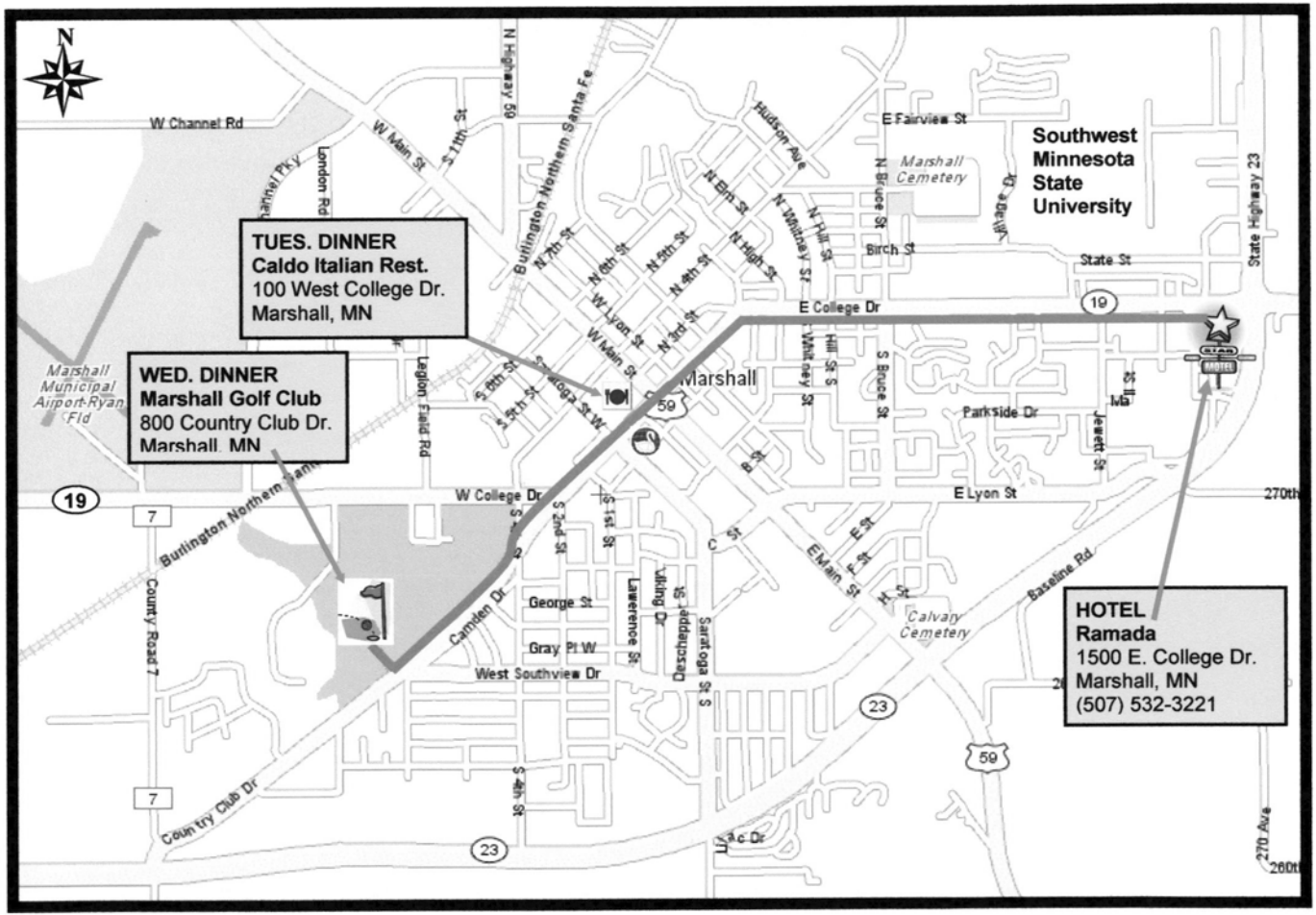
At maximum capacity, the project will hold 652 acre-feet of volume over 48.56 acres.

The pool will drain in 75 hours.

## Energy Dissipator at work

The purpose of the Energy Dissipator, also referred to as a Plunge Pool, is to take the energy out of the floodwaters as they exit the culvert. This reduces erosion to the receiving stream. This project required the use of baffle walls, or vertical concrete walls inside the pipe. Most other projects utilize a riprap-lined basin which is effective for lesser flows and velocities.




TUES. DINNER
Caldo Italian Rest.
100 West College Dr.
Marshall, MN
WED. DINNER
Marshall Golf Club
800 Country Club Dr.
Marshall, MN
HOTEL
Ramada
1500 E. College Dr.
Marshall, MN
(507) 532-3221
Southwest Minnesota State University
Marshall
W Channel Rd
W Main St
E Fairview St
Marshall Cemetery
Birch St
State St
E College Dr
W College Dr
E Lyon St
Parkside Dr
Calvary Cemetery
Baseline Rd
George St
Gray Pl W
West Southview Dr
Country Club Dr
Marshall Municipal Airport-Ryan Fld
Burlington Northern Santa Fe
Saratoga St W
Saratoga St S
Camden Dr
Lawerence St
Viking Dr
Hudson Ave
N Bruce St
S Bruce St
Whitney St
Hill St S
Jewett St
Iva St
State Highway 23
County Road 7
Laglon Field Rd
19
59
23
7
270th
270 Ave
260th



AES
Wind Generation







# Lake Benton, MN

# "AES Wind Generation"

**Lake Benton, MN**

In 1993, the Minnesota State Legislature voted to require Xcel Energy to provide 425 Megawatts of a renewable energy resource on their portfolio in exchange for 17 nuclear waste casts to be placed on the land. To obtain the MW required, Xcel contracted with developers.

There are approximately 1700 turbines on the Buffalo Ridge (8/15/12) from the South Dakota Border near Hendricks to Worthington, Minnesota. Several generations span the Buffalo Ridge producing electricity for Xcel Energy. For more information contact Lake Benton Convention & Visitors Bureau at 507-368-9577.

## GENERATION 1

These towers were built in 1994, they were the largest wind towers in the world in 1994. They stand 125 feet tall and their blades reach 40 feet. They are known as 330, each produces an average of 330 KW of electricity. That amount produces enough electricity to provide 125 homes with their electrical needs.

The light gray tower and black blades were built in Denmark. Originally, the towers were put up by the company Kennetech. After filing bankruptcy they were sold to Louisiana Gas and Electric (LG&E), and later sold to NextEra Energy. Cost $330,000

## GENERATION 2

These towers were built in 1997. They stand 223 feet tall and their blades reach 70-80 feet. They are known as Vestas 660, each produces an average of 660 KW of electricity. That amount produces enough electricity to provide 250 homes with their electrical needs.

## GENERATION 3

These towers were built in 1998. They stand 175 feet tall and their blades reach 80 feet. They are known as Zond 750, each produces an average of 750 KW of electricity. That amount produces enough electricity to provide 250-275 homes with their electrical needs.

Zond component weights are:

Nacelle – 53,000 pounds, Blades – 8,000 pounds

Generator – 8,000 pounds, Blade length – 80'

Originally, the towers were put up by the company Enron. After filing bankruptcy they were sold to General Electric, and later sold to AES Wind Generation.

## GENERATION 4

These towers were built in 2006. They stand over 250 feet tall and their blades reach over 120 feet. They are known as 1.5 MW towers, each produces an average of 1500 KW of electricity. That amount produces enough electricity to provide over 500 homes with their electrical needs annually. The blades are white with a white tower base. Cost $1,500,000.00

# FUN FACTS

**THE WIND:**

- Windpower is a free, clean energy source that causes no pollution.
- Buffalo Ridge has an average wind speed between 12-15 mph.
- What makes for a good wind farm site? Tops of smooth hills, open plains, shorelines and mountain gaps.
- Why do you think this area was chosen?

**THE TOWER:**

- Base uses 250 yards of concrete that goes 20-30 feet down with 10 ton steel bolt cage.
- The Tower is a 1-1 ½ inch thick steel with a ladder system inside that you climb straight up.

**THE POWER:**

Who buys the power: Xcel Energy
www.xcelenergy.com

**THE BLADES:**

The Buffalo Ridge is the only place with black blades. It was believed that the black blades would absorb the sun's heat and release the ice build up. No difference between the white and the black has been found. Companies are returning to the white blade, because it blends into the sky and is easier on people's eyes. The blades are all made of fiberglass.

**THE TRADE of WINDSMITH:**

www.mnwest.mnsuc.edu/academics/technical/index-technical.html

**More Websites:**

www.awea.org, http://www.windpower.org/en/kids/index/htm

# *BWSR TOUR NOTES*

*TOUR HOSTS:*

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

***August 22, 2012***

## *APPROACH*

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

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

Area II's approaches to flood damage reduction include:

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

Visit www.area2.org for more information.

## *AREA II BOARD OF DIRECTORS*

(County Commissioners)

***BROWN COUNTY***

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

***COTTONWOOD COUNTY***

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

***LAC QUI PARLE COUNTY***

Mr. Harold Solem (320) 769-2063
Mr. Todd Patzer (320) 668-2626

***LINCOLN COUNTY***

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

***LYON COUNTY***

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

***MURRAY COUNTY***

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

***PIPESTONE COUNTY***

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

***REDWOOD COUNTY***

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

***YELLOW MEDICINE COUNTY***

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

# *AREA II MINNESOTA RIVER BASIN PROJECTS, INC.*


**1400 East Lyon Street**
**Marshall, MN 56258**

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

AREA II
MINNESOTA RIVER BASIN PROJECTS, INC.

1400 East Lyon Street • P.O. Box 257 • Marshall, MN 56258 • 507-537-6369

## ORGANIZATIONAL PURPOSE

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

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

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

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



## HISTORY

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

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

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



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

## PAST BONDING APPROPRIATIONS

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

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

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

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

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

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

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

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

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

## Lyon Soil & Water Conservation District (SWCD)

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

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



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



### Lyon Soil & Water Conservation District (SWCD)

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

***Land Use in Lyon County:***

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

SWCD SOIL AND WATER CONSERVATION DISTRICTS...

"Helping bring YOU clean water"

# Lyon Soil & Water Conservation District

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




**Get to Know Us!**

Lyon Soil & Water
Conservation District

**1424 E College Drive—Suite 600**
**Marshall MN 56258**

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

# Lyon Soil & Water Conservation District

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## The River of the Yellow Medicine Watershed District

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

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

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

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

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

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




**Yellow Medicine River Watershed District**

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

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




## Yellow Medicine River Watershed District

**Est. August 26, 1971**

*****

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

**Major River: Yellow Medicine: 107 miles long**

**River Source: Lake Shaokatan (Lincoln Cty.)**

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

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



Yellow Medicine River near Granite Falls, MN

# Watershed District



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



South Branch -Yellow Medicine River

# Watershed District Projects

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

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

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

## Board of Managers

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

Current Board Members:

John Boulton……..……..Lincoln County

Don Oerter……..…...Lincoln County

Jeff Hoffman……Yellow Medicine Cty.

Corey Hoffman……...…Yellow Medicine Cty.

Tim Buysse……..Lyon County

Office Staff:

Cindy Potz……...District Administrator

Mike Weckwerth……District Technician

**Yellow Medicine River Watershed District**

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

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

## ACRONYMS

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

# LINCOLN SOIL AND WATER CONSERVATION DISTRICT . . .

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

Helping Bring YOU Clean Water

## LINCOLN COUNTY, MINNESOTA

### LINCOLN COUNTY FACTS

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

### LAKES

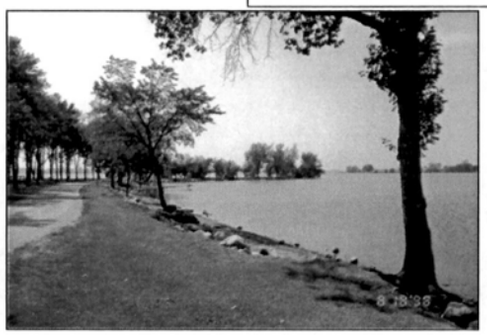
Major Lakes in Lincoln County (depths - 9 to 12 feet):

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

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

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

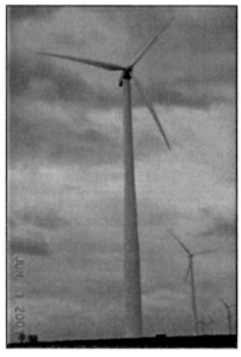


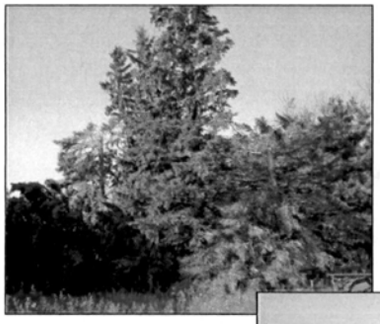




### WIND TURBINES

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











### TORNADO DAMAGE

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

### PARKS, CAMPGROUNDS, HISTORIC SITES

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

*Listed on the National Registry of Historic Buildings

## CREATING "LINCOLN COUNTY"



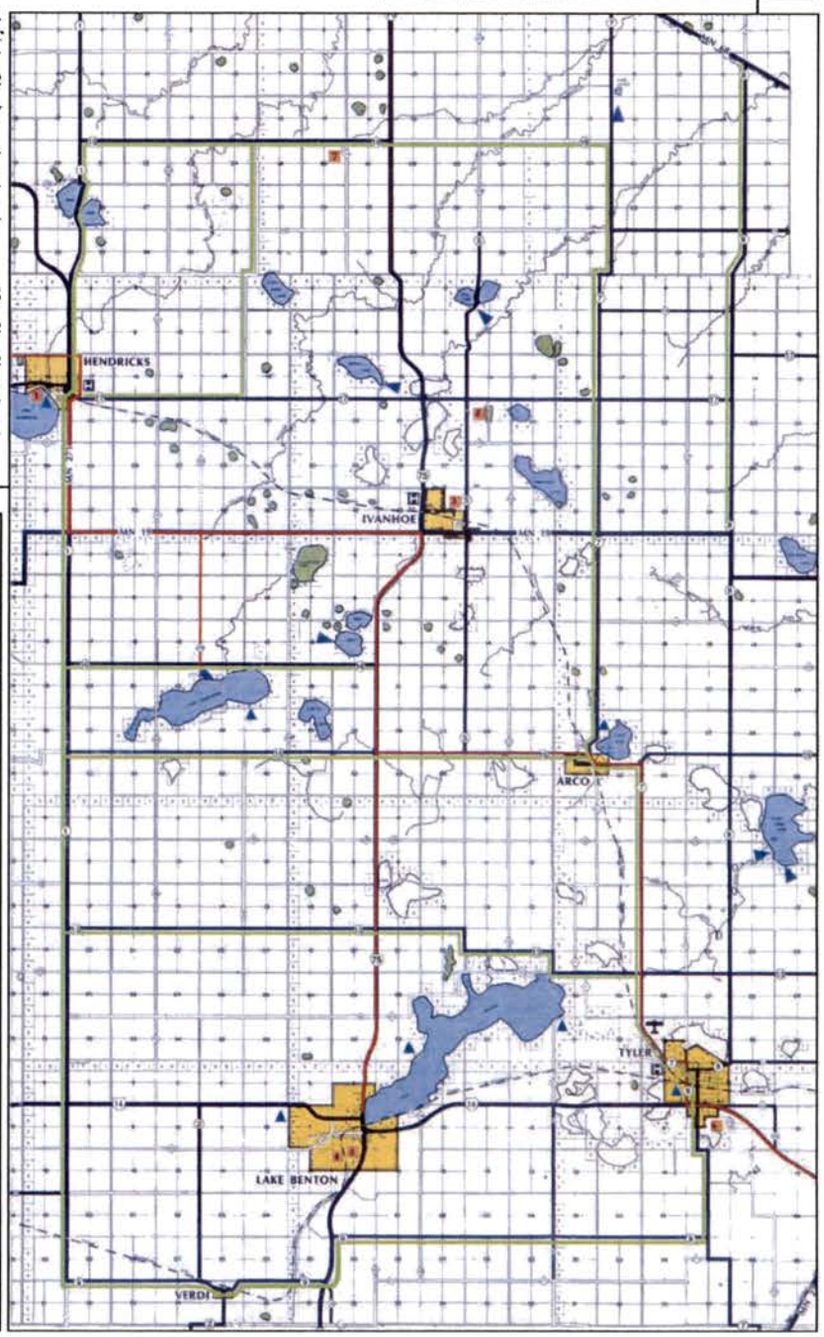
Lincoln County, named after Abraham Lincoln, was created by the Minnesota Legislature on March 6, 1873. But what we know today as Lincoln County was not Minnesota's first attempt to honor the assassinated president.

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

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

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

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




## MORE LINCOLN COUNTY FACTS:

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

# LINCOLN SOIL AND WATER CONSERVATION DISTRICT

SWCD SOIL AND WATER CONSERVATION DISTRICTS...

"Helping bring YOU clean water"

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

## - 2011 Annual Report -

### MISSION OF THE LINCOLN SWCD

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

### LINCOLN SWCD MEETS WITH STATE LEGISLATORS

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



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

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

New Mailing Address for the Lincoln SWCD/NRCS office:

**328 E George St**
**Ivanhoe, MN 56142**

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

### LINCOLN SWCD BOARD MEETINGS

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

## ORGANIZATION

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

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

## INTRODUCTION

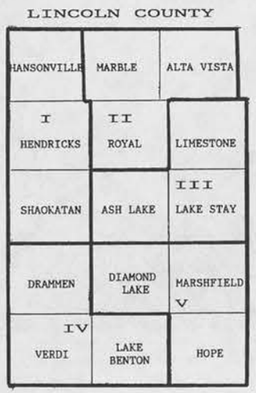
We are very fortunate to work with county commissioners, legislators, land owners, operators and citizens of Lincoln County that care about the protection of our land and water resources. This report will give you the opportunity to see first hand some of the programs the Lincoln SWCD and their partners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

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



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

## LINCOLN SWCD SUPERVISORS




## ROLE OF A SUPERVISOR

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

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

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

## LINCOLN SWCD AND NRCS STAFF

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



## STAFF RESPONSIBILITIES

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

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

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

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

### NATURAL RESOURCES CONSERVATION SERVICE (NRCS) STAFF

Dennis Johnson, District Conservationist
Randy Sheik, Soil Conservation Technician

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

## THANK-YOU

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

## LINCOLN SWCD PRIORITY CONCERNS

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

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

The plan also addresses the following:

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

District Programs

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

Federal Programs (assisted by the Lincoln SWCD)

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

Administer the Water Management Plan

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

Work with other agencies

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

## CO-SPONSORED EDUCATION PROGRAMS

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

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



Above: Lake Benton Public School



Left: Lincoln HI Public School

## DISTRICT TREE PROGRAM

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

| | | | |
|---|---|---|---|
| -2003 - 54,000 | -2005 - 124,000 | -2007 - 52,000 | -2009 - 35,000 |
| -2004 - 100,400 | -2006 - 85,000 | -2008 - 62,000 | -2010 - 17,500 |
| | | | -2011 - 14,000 |

Practices installed in 2011:

| Practice | 2011 | 2003 - 2010 |
|---|---|---|
| Farmstead shelter belts | 42,851 ft (15.7 ac) | 197.0 acres |
| Riparian buffer | | 1,436.4 acres |
| Wildlife tree plantings | 12.2 ac | 137.8 acres |
| Living Snow fences | 900 ft (0.17 mi) | 9.87 miles |
| Field windbreak plantings | 8,270 ft (1.57 mi) | 7.42 miles |
| Working Lands Initiative | | 8.3 acres |

PLANTING The District is available to plant the trees they sell. The District also has available for rent a power tree auger and a tree planter, for trees purchased through the District.

MAINTENANCE OF TREES

- Tubex - Tree shelter that protects individual trees from wind, equipment, and animals.
- Plantskydd Tree Repellent - Animals avoid trees before they bite, not after. Plantskydd repels by emitting an odor (not unpleasant to applicators) browsing animals associate with predator activity.
- Matting Material - Material that is put down around the trees that suppresses weeds, moderates soil temperature and conserves moisture to create a favorable root development of the trees.






Above: Snow being removed off of Highway 19; Right: An established living snow fence on Highway 14.

*"Someone's sitting in the shade today because someone planted a tree a long time ago."*

Warren Buffett

Cost-Share assistance from 1998 - 2011 (Tree Practices)

| | | | |
|---|---|---|---|
| '98-'07 DNR Wildlife Tree Plantings | $151,716 | '08 State Cost-Share | $ 7,808 |
| 2005 Lake Benton Sportsmen Club | $ 3,000 | '09 State Cost-Share | $ 14,199 |
| MN DOT 2000 - 2006 | $ 12,542 | '10 State Cost-Share | $ 11,960 |
| '05-'07 County Highway Dept. | $ 4,381 | '10 CRP | $ 17,506 |
| '05 Lake Stay Township | $ 200 | '10 County Highway Dept. | $ 740 |
| '06-'07 Pheasants Forever | $ 1,775 | '10 Reinvest In Minnesota | $ 4,000 |
| '08-'09 DNR Wildlife Tree Plantings | $ 21,461 | '10 DNR | $ 8,000 |
| '09 MN-DOT | $ 10,190 | '10 EQIP | $ 2,236 |
| '05 State Cost-Share | $ 9,893 | '11 CRP | $ 27,998 |
| '06 State Cost-Share | $ 12,471 | '11 State Cost-Share | $ 12,032 |
| '07 State Cost-Share | $ 21,522 | '11 DNR | $ 9,774 |
| | | '11 EQIP | $ 7,545 |
| State Cost-Share dollars are reflected in the total's under the State Cost-Share Program | | | $371,584 |

## STATE COST-SHARE PROGRAM

The State Cost-Share Program provides landowners with financial assistance (up to 75% c-s) to offset the cost of installing conservation practices that protect and improve water quality by reducing sedimentation and controlling soil erosion. Some eligible practices include:

-Wastewater/Feedlot Runoff Control - Terraces/Diversions
- Water/Sediment Control Basins - Field Windbreaks
- Farmstead Windbreaks - Grassed Waterways

SWCD Technical assistance available:

- Conduct a site investigation with the landowner/operator
- Work with landowner to determine the best management practice;
- Survey and design the project;
- Produce a rough cost-estimate;
- Assist with appropriate cost-share if applicable;
- Provide landowner with a design plan for submission of bids;
- Perform a pre-construction conference with the contractor and the landowner;
- Supervise construction; and certify completion of project.



Erosion in a road ditch.



An established Waterway.





Right: Gully Erosion before Water & Sediment Control Basins were installed (above).

*"Soil erosion is second only to population growth as the biggest environmental problem the world faces. Yet, the problem, which is growing ever more critical, is being ignored because who gets excited about dirt?"*

David Pimentel

State Cost-Share Dollars for Conservation Practices

| | | | |
|---|---|---|---|
| 1997 | $ 14,479 | 2003 | $ 21,863 |
| 1998 | $ 11,584 | 2004 | $ 22,062 |
| 1998-Rollover-Lake Hendricks Watershed | $ 51,200 | 2005 | $ 23,062 |
| 1999 | $ 14,479 | 2006 | $ 24,062 |
| 2000 | $ 20,062 | 2007 | $ 25,062 |
| 2000-Special Project | $ 17,500 | 2008 | $ 26,062 |
| 2000-MN River Basin-LHW* | $ 40,000 | 2008-Native Buffer | $ 3,835 |
| 2001-Special Project | $ 11,775 | 2009 | $ 27,062 |
| 2001MN River Basin-LHW* | $ 40,000 | 2010 | $ 14,883 |
| 2001-Feedlot Grant | $ 49,999 | 2011 | $ 15,036 |
| 2001 | $ 20,062 | 2012 | $ 20,186 |
| 2002 | $ 20,062 | Total from 1997 to present | $534,377 |

*LHW=Lake Hendricks Watershed

*"The nation that destroys its soil destroys itself."*

Franklin D. Roosevelt

## WETLAND CONSERVATION ACT (WCA)

The Lincoln SWCD is the local Governmental Unit for the Wetland Conservation Act (WCA) in Lincoln County. There are three main definitions that pertain to the State of MN Wetland Conservation Act on Agricultural and Non-Agricultural lands: *Fill, Drainage, and Excavation.*

- Fill means any solid material added to or re-deposited in a wetland that would alter its cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a non-wetland.
- Drainage means any method for removing or diverting waters from wetlands. The methods shall include, but are not limited to, excavation of an open ditch, installation of subsurface drainage tile, filling, diking, or pumping. (This includes the use of the moldboard plow leaving a dead furrow to drain a wetland).
- Excavation means the displacement or removal of substrate, sediment of other materials by any method.

In 2011, the District provided wetland related technical assistance to 615 landowners and 332 in-field inspections. Other specifics include: 3-exemptions, 5-no-loss determinations, 1-cease and desist order, 14-wetland violations.



Three wetlands restored prior to entering Lake Shaokatan. The wetland closest to the lake is part of a WCA replacement plan.

### Wetlands on Ag Land in Minnesota

U.S. and Minnesota laws were enacted a couple of decades ago to address the draining and filling of wetland areas. Both sets of laws rely on the knowledge and actions of landowners to assure compliance with their requirements. It is important for agricultural producers to be aware of these regulations in order to limit their risk. Landowners need to know that just because they are in compliance with the one program doesn't always mean they are in compliance with others.

Federal requirements (i.e. Swampbuster)? Since 1985, the Wetland Conservation provision of the federal farm bills (Swampbuster) requires all agricultural producers to protect the wetlands on the farms they own or operate in order to be eligible for USDA farm program benefits. Producers will not be eligible if they plant an agricultural commodity on a converted wetland that was converted by drainage, leveling, or any other means after December 23, 1985, or convert a wetland for the purpose of or to make agricultural commodity production possible after November 28, 1990.

State law (Wetland Conservation Act-WCA)? WCAThe Minnesota Wetland Conservation Act (WCA) is a state law that regulates activities that result in the draining, filling, or excavating of wetlands in Minnesota, including those on agricultural land. It is administered by local government units; in Lincoln County this is the Lincoln Soil and Water Conservation District (SWCD). The Lincoln SWCD also provides technical assistance to landowners.

What should agricultural landowners do before starting a project, including drainage and maintenance, that may impact a wetland? 1) Complete your "AD1026" form for your local USDA office, and 2) Bring a copy to the Lincoln SWCD and explain what you plan to do.

Contractors who conduct projects that will impact a wetland are required to notify the local government. The Contractor Responsibility and Landowner Statement Form is available at www.bwsr.state.mn.us/wetlands/forms (see "Replacement Plan Forms") and must be mailed to the local government prior to starting work.



To avoid unnecessary delays to your project, call the Lincoln SWCD/NRCS office in Ivanhoe well in advance of doing your tiling project.

Communication is the key! Compliance with USDA does not mean compliance with other wetland laws. A quick call or stop at the Lincoln SWCD prior to beginning your project will help you comply with the laws and save a project from potential additional costs and delays.

## LINCOLN COUNTY WATER MANAGEMENT PLAN

Alternative Tile Intakes (Rock inlets) have been popular through the Water Management Plan cost-share assistance program. These inlets not only provide environmental benefits, such as reducing phosphorous and sedimentation loading, they are easier to farm around and maintain than conventional open surface inlets. Program funding/number of inlets installed from 2006-2011 include:

FY06 - 13- $4,000 FY09 - 13 -$4,400
FY07 - 16- $5,000 FY10 - 12- $4,336
FY08 - 20- $7,184 FY11 - N/A

Well Sealing Program was established to help owners seal their high priority abandoned wells. Wells sealed from 1992 through 2011 (figures shown are for the FY dollars/year):

| | | | | | |
|---|---|---|---|---|---|
| -1992 - 1996 | 241 wells | $74,183 | -FY2009 | 5 wells | $ 1,500 |
| -1997 - 2003 | 245 wells | $64,755 | -FY2010 | 18 wells | $ 6,252 |
| -FY04 - 08 | 147 wells | $33,994 | -FY2011 | 25 wells (to date) | $ 6,938 |
| | | | Total wells sealed | 681 Wells | $187,622 |

Conserving Use Acres Program is designed for operators to plant small grain in order to install conservation practices during the summer months. This program helps the technical staff survey and design the project for tiling and construction work to be completed before the busy fall season. Through this program the following practices were constructed:

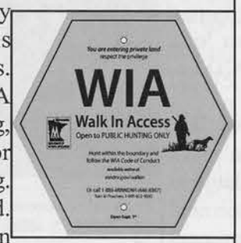
| | | | |
|---|---|---|---|
| -2003-2005-18 landowners | 45-WSCB's | -2009-7 landowners | 13-WSCB's; 1,100 ft W'way |
| -2006-2007-12 landowners | 39-WSCB's | -2010-6 landowners | 6-WSCB's; 10.4 ac W'way |
| -2008 - 9 landowners | 26 WSCB's' 1 W'way | -2011-1 landowner | 8-WSCB's |

Ag Best Management Practices (BMP) Low Interest Loan Program provides low interest financing to farmers, rural landowners, and ag supply businesses to encourage best management practices that reduce existing water quality problems caused by agricultural activities. Eligible practices include: feedlot improvements; spreading and incorporation equipment; WSCB's, conservation tillage equipment; and repair of individual sewage treatment systems. The maximum amount any one individual can borrow at a given time cannot exceed $100,000. In 2011, the following Ag BMP low interest loans were made:

| # Loans | Practice | Acres | Amount |
|---|---|---|---|
| 2 | Conservation Tillage Equipment | 2,775 - Ac. | $174,230 |
| 1 | Ag Waste | | $ 28,300 |
| 2 | Conservation Practices (BMP's)-WSCB's | 12 - Ea. | $ 15017 |
| 6 | Septic System Upgrades | 6 - Ea. | $ 48,800 |
| 11 | | | $266,347 |

## WALK-IN-ACCESS (WIA) PROGRAM

The Walk-In Access (WIA) program aims to provide new hunting opportunities on private land that is already enrolled in existing conservation programs or lands with high quality wildlife cover. Walk-In Access sites are open during any legal hunting season from Sept. 1 to May 31. Only walk-in hunting traffic is allowed on enrolled acres. Land enrolled in the WIA program is not open to trapping, trap shooting, dog training or activities other than hunting. No vehicle traffic is allowed. Parking is along roads or in designated parking areas. In Lincoln County, 19 landowners signed up for the Walk-In-Access Program for a total 21 sites with 1,874.3 acres.






Left: Working Lands Initiative Project.

Below: Newly established CRP Project.



## FARM BILL PRORGRAMS

Provisions of the Federal Farm Bill increase the amount of native grasses and wetlands on the landscape to enhance water quality, reduce soil erosion and increase fish and wildlife habitat.

Reinvest in Minnesota (RIM) in 2011, paid $4,755.75 for a FY08 RIM Easement to complete a wetland restoration.

Conservation Reserve Program (CRP) acres enrolled in 2011 (calendar year January-December) include the following practices: trees, filter strips, wetland, general, CP38-SAFE, waterways and wellhead protection:

| Year | CRP Contracts | Practice | Acres | Pollution Reductions Phos.#/Yr | Pollution Reductions Sed.Tons/Yr | Soil Saved Tons/Year |
|---|---|---|---|---|---|---|
| 2011 | 16 | Trees | 27.6 | 61 | 70 | 138 |
| | 19 | Filter Strips | 192.7 | 845 | 598 | 576 |
| | 20 | Wetland | 498.3 | 1,594 | 997 | 748 |
| | 12 | General | 163.3 | 326 | 489 | 326 |
| | 1 | CP38-SAFE | 8.0 | 17 | 10 | 18 |
| | 7 | Waterways | 10.0 | 40 | 35 | 45 |
| Totals | 75 | | 899.9 | 2,883 | 2,199 | 1,851 |

Total (CRP) Payments: issued in 2011 to producers in Lincoln County with the SAFE dollars being included in the total:

| Year | Payment Type | Contracts | Acres | Dollars to Landowners |
|---|---|---|---|---|
| 2011 | CRP | 1367 | 14,133.9 | $2,586,483 |
| 2011 | SAFE Program | 65 | 1,229.9 | N/A |
| 2011 | C-S Payments | 144 | | $ 181,609 |
| Totals | | | 15,363.8 | $2,768,092 |

*"Erosion is a slow and insidious process. Yet, controlling soil erosion is really quite simple: The soil can be protected with cover crops when the land is not being used to grow crops."*

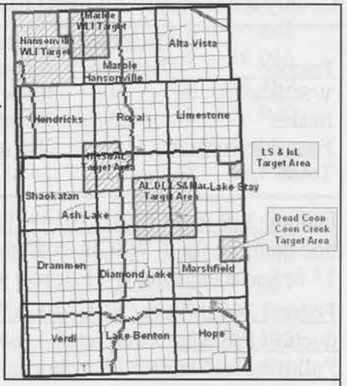
David Pimentel

## MINNESOTA "WORKING LANDS FOR WILDLIFE INITIATIVE"

The "Working Lands For Wildlife Initiative" (WLI) is a public/private partnership for wildlife development. Priority areas are those where a significant investment has already been made or major components of habitat are already in place. "Working Lands" can add the remaining management or restoration activity to complete the system, thereby maximizing wildlife benefits on minimal acres. Lincoln County has six targeted areas (see map). Working Lands consist of:

- Focus areas will concentrate on specific wetland/grassland complexes.
- Each complex should strive to include 40% total grassland acres (1/2 in permanent grassland) and 20% total wetland acres (1/2 in seasonal and temporary basins).

Funded projects include:




| Year | Number | Incentive Bonus | Easement | Title Ins. | Seed/Restoration | Total |
|---|---|---|---|---|---|---|
| 2007 .... | 2 | $ 37,192.50 | $ 30,405.50 | $ 400.50 | | $ 67,998.50 |
| 2008 .... | 8 | $173,173.31 | $114,909.36 | $ 728.00 | $28,684.23 | $317,494.90 |
| 2009 .... | 14 | $373,665.00 | $151,185.43 | $1,242.00 | | $526,092.43 |
| 2010 .... | 12 | $219,452.49 | | | $12,349.00 | $231,801.49 |
| 2011 .... | 3 | $ 38,450.76 | | | | $ 38,450.76 |

In 2007, other funding sources were: 319 Funds-$9,750; YMRWD-$1,950; Shaokatan Sportsmen-$1,950.

## DRILL/SEED PROGRAM

The District utilized two Haybuster Drills. In 2011, 43-operators used the drills for a total of 929-acres being planted. Practices include: Windbreaks (between rows)-3.3 Ac.; Pasture/Alfalfa inter-seeding-15 Ac.; Construction projects/roadsides-17.5 Ac.; CRP, Filter Strips, Native Buffers-893.2 Ac.; with the average acres per operator being-21.6 c. The District provides a seed program to owners/operators needing seed for CRP/CCRP and other conservation practices. In 2011, the District sold seed to 37 customers totaling 803 acres.

## CONSERVATION PRACTICES

The following reflect conservation practices installed in Lincoln County in 2011.

Federal Programs: Due to Federal Data Privacy Policy, projects and funding for Federal Programs could not be shown: Conservation Stewardship Program (CSP); and Environmental Quality Incentive Program (EQIP).

| | | |
|---|---|---|
| Lincoln SWCD | 5 -Ea. | Feedlot Assessments (assisted SWPTSA) |
| | 33 -Ea. | Water and Sediment Control Basins-completed |
| | 3.6 -Ac | Waterways |
| SWPTSA | 5 -Ea. | Feedlots (all different stages) |
| RCRCA | 1 -Ea. | Grade Stabilization w/Area II MN River Basin |
| | 1 -Ea. | WSCB |

State Cost-Share: Practices with the program and Fiscal Year shown. *Includes an Amendment.

| Year | Number/ Contracts | Practice | Cost-Share Amount | Landowner Share | Units |
|---|---|---|---|---|---|
| 2011 | 6 | Farmstead | $ 7,355 | $4,822.68 | 16,310 Ft |
| 2011 | 1 | Field Windbreak | $ 3,312 | $1,707.75 | 8,200 Ft |
| Totals | 7 | | $10,667 | $6,530.43 | 24,510 Ft |

South Branch TMDL-CWL2007-319 Project: Implemented one feedlot project (filter strip/sediment trap), incentive payment of $10,000. Pollution reductions: Phosphorus #/yr-5; Nitrogen #/yr-15; and Fecal Coliform - (cfu) 1.4E+13.

Yellow Medicine Watershed-2009 Clean Water Legacy Grant (administered through the Lyon SWCD) completed 2-contracts for 6-WSCB's; cost-share-$24,020; landowner share-$14,264.33. Pollution reductions: Phosphorus #/yr-26.42; Sediment tons/yr-22.97 and Soil Saved tons/yr-101.57.

2010-Clean Water Funds Grant shows the amount of funds spent and projects completed in 2011 (Lincoln County totals only). All funds have been encumbered.

| Practice | Number/ Contracts | Units/ Amount | C-S Amount | Landowner Share | Pollution Reductions Phos.#/Yr | Pollution Reductions Sed.Tons/Yr | Soil Saved Tons/Yr |
|---|---|---|---|---|---|---|---|
| WSCB's | 4 | 12-ea | $31,255 | $14,174.47 | 218.76 | 190.22 | 213.8 |
| Intakes | 13 | 37-ea | $11,736 | $ 4,666.47 | 55.5 | 37.0 | |
| Farmable Wetland | 1 | 38.5 ac | $ 9,387 | $31,011.75 | 49.34 | 35.24 | 56.0 |
| Totals | 18 | | $52,378 | $49,852.69 | 323.6 | 262.46 | 269.8 |

Federal 319 grant (2010-2014) "Redwood River Watershed Nonpoint Pollution Reduction Project" completed one contract for 1-WSCB, cost-share-$5,590 landowner share-$1,864. Pollution reductions: Phosphorus #/yr-15.8; Sediment tons/yr-15.8; soil saved tons/yr-15.8.

Federal 319 dollars (2010-2013) "Redwood and Cottonwood River Watershed Conservation and Nutrient Reduction Projects" completed 1-grade stabilization project, cost-share-$14,708.25; landowner share-$4,902.75. Pollution reductions: Phosphorus #/yr-760; Sediment tons/yr-760; Soil saved tons/yr-760.

Redwood CWP projects completed include: third and final payment for the 2007 CWL Strip Till Project and the third and final payment for the Nutrient Management Project.

| Funding Source | Practice | Number/ Contracts | Units/ Amount | C-S Amount | Landowner Share | Pollution Reductions Phos.#/Yr | Pollution Reductions Sed.Tons/Yr | Soil Saved Tons/Year |
|---|---|---|---|---|---|---|---|---|
| -CWL | Intakes | 1 | 9-Ea | $ 2,700 | $ 900 | 13.5 | 9 | |
| -CWL | Strip Till | 1 | | $ 3,708 | | 100 | 77 | 173 |
| -CWL | Nutrient Mgt | 1 | 250-Ac | $ 3,750 | $ | | | |
| | | 3 | | $10,158 | $ 900 | 113.5 | 86 | 173 |

## COST-SHARE ASSISTANCE/INCENTIVES

Cost-share dollars brought into Lincoln County for Conservation Practices since 1997. Various tree project dollars are located under the Tree Program section of the report. Federal dollars not reported in 2011 due to data privacy policy.

| | |
|---|---|
| State Cost-Share Dollars (1997 - 2011) | $ 534,377 |
| Federal Cost-Share Dollars | |
| 1997 ECP-Flood | $ 138,402 |
| 1997-98 ACP-$297,581; and Interim EQIP-$132,000 | $ 429,581 |
| 1997 EQIP | $ 43,000 |
| 1997-99 WQIP | $ 95,000 |
| 1998 EQIP-Norwegian Creek Watershed | $ 37,856 |
| 1998 EQIP-Lake Hendricks Watershed | $ 21,225 |
| 1998 & 2001-EQIP-Yellow Medicine Watershed | $ 478,775 |
| 1999 - 2001 EQIP-Verdi Well Field Area | $ 300,297 |
| 2001-EQIP-Lac qui Parle Watershed | $ 83,550 |
| 2003 - 2009-EQIP-Lincoln County Wide | $1,707,876 |
| 2010-EQIP-Lincoln County Wide | $ 212,510 |
| '05, '09 & 2010 CSP: 14 5-yr contracts written for total payout over the life of the contracts | $1,534,683 |
| Total Federal Dollar's from 1997 to 2010 | $5,082,755 |
| Redwood River Watershed | |
| RCRCA- 1994-2001; 2004; 2008 | $ 462,279 |
| RCRCA-Lincoln/Redwood Rest. CWP - 2005 | $ 62,518 |
| RCRCA-Phosphorus TMDL CWP - 2007 | $ 40,516 |
| RCRCA-All-Federal 319 (2009-2011 Projects) | $ 58,382 |
| Redwood SWCD - 2007 - 2008 CWL/319 $'s (2008-2011 Projects) | $ 83,079 |
| Total Redwood River Watershed dollars brought into Lincoln County | $ 706,774 |
| Yellow Medicine River Watershed | |
| MPCA-319 Funds - 2000-2003 | $ 155,035 |
| Yellow Medicine River Watershed-CRP/WLI Enhancement Dollars | $ 14,160 |
| CWP Cost-Share - 2002-2005 | $ 63,373 |
| GYMR II - 2004-2008 | $ 117,484 |
| South Branch CWL2007-319 TMDL Project (2008-2011 Projects) | $ 115,543 |
| Shaokatan Sportsmen's Club C-S Projects (2009-2010 Projects ) | $ 16,842 |
| Lyon SWCD - 2009 Clean Water Legacy (2010-2011 Projects) | $ 38,045 |
| Lincoln SWCD - 2010-Clean Water Fund (2010-2011 Projects) | $ 56,467 |
| Total Yellow Medicine River Watershed dollars brought into Lincoln County | $ 576,949 |
| Lac qui Parle-Yellow Bank River Watershed | |
| Lac qui Parle River Watershed District-FY08-CWL (2009 - 2010 Projects) | $ 44,870 |
| Other Funding Sources | |
| CREP/RIM Payments through 2004 | $ 989,983 |
| CREP/RIM C-S Practices through 2006 | $ 296,746 |
| USFWS CREP Project - 2006/2007 | $ 23,687 |
| FY 2005 - CRP annual payments | $2,540,392 |
| FY 2006 - CRP annual payments | $2,645,132 |
| FY 2007 - CRP annual payments (1,466 Contracts) | $2,707,401 |
| FY 2008 - CRP annual payments | $2,688,182 |
| FY 2009 - CRP annual payments (1,301 contracts; 27,873 acres) | $2,223,913 |
| FY 2010 - CRP annual payments (1,404 contracts; 28,897 acres; includes SAFE & C-S) | $2,532,744 |
| FY 2011 - CRP annual payments (1,432 contracts; 15,363.8 acres; includes SAFE & C-S) | $2,768,092 |

*"Conservation means the wise use of the earth and its resources for the lasting good of men."*

Gifford Pinchot

CLEAN WATER FUNDS

The Clean Water Fund was established to implement part of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting groundwater and drinking water sources from degradation. The Lincoln SWCD has received two grants through the Clean Water Funds. 1) SWCD'S CWF 2010 - Yellow Medicine Major Watershed Project for $90,125 and 2) CWF 2011 - Verdi Wellhead Protection Area Project for $184,210.

CLEAN WATER LAND & LEGACY AMENDMENT

## FY2010-Clean Water Funds: Yellow Medicine Major Watershed Project

**Water of Concern:** Ground Water Protection: Yellow Medicine Watershed

**CWF Grant Awarded:** $90,125

**Leveraged Funds:** $67,210

**Grant Period:** From: 1/1/2010 - 12/31/2013

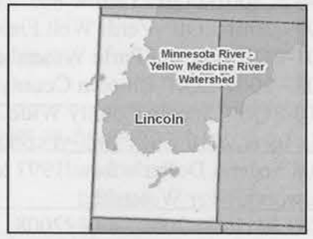
### CWF Expenditures by Category

| Technical/Administrative Assistance Funds | | |
|---|---|---|
| **Item:** | Total Grant Est. | Encumbered/ Spent |
| **Administrative** | $4,506 | $4,506.00 |
| **Technical** | $9,845 | $9,845.00 |
| **Implementation Funds** | | |
| **BMP's** | $33,375 | $33,375.00 |
| **Alternative Intakes** | $23,625 | $23,625.00 |
| **Farmable Wetland Incentive** | $9,387 | $9,387.00 |
| **Riparian Buffer Incentive** | $9,387 | $9,387.00 |
| **Leveraged Funds: Landowners** | $67,210 | $79,307.16 |
| **Total Imp. Funding** | $142,984 | $155,081.16 |
| **Total CWF Budget** | $147,948 | $169,432.16 |


**PROJECT CONTACT:**

Pauline VanOverbeke - Administration
Ronald Madsen - Engineering Technician
Randy Kraus - Farm Bill Technician
507.694.1630 x3 - www.lincolnswcd.net




### Overall Project Description

Over the years, the landscape of the Yellow Medicine Watershed has changed through drainage and loss of wetland areas. The Soil and Water Conservation Districts of Lincoln, Lyon and Yellow Medicine counties work cooperatively with the Yellow Medicine River Watershed District to oversee implementation of conservation practices in this watershed. Based on previous Clean Water

Partnership diagnostic studies, it is known the river is receiving an excessive loading of nutrients, phosphorus and suspended solids. These conditions have led to declining dissolved oxygen levels as a result. The Yellow Medicine Watershed District has maintained an extensive database and a long-term monitoring program that substantiates these findings.

Within the Yellow Medicine Watershed, we are targeting priority sub-watersheds, 1,000 feet from a body of water or directly out letting into a body of water.

Water clarity and the reduction of nutrients are the desired outcomes for the receiving waters. Installation of conservation practices consisting mainly of water and sediment control basins and farmed wetlands increase the amount of water being impounded and reduces the velocity flowing of water. This delay in runoff allows for better infiltration of water and nutrients as well as the ability for sediment to stabilize on the bottom of the pooling area. Alternative intakes and filter strips also reduce sediment and phosphorus loads and serve to improve the water quality in the river system.

### Conservation Practices Planned

| Practice | Total Cost-Share/ Incentive | Landowner Share | Estimated Pollution Red. Phos/Lbs/Yr | Estimated Pollution Red. Sed/Tons/Yr |
|---|---|---|---|---|
| BMPs-WSCBs | $30,000 | $7,500 | 721 | 627 |
| Alt. Intakes | $27,000 | $9,000 | 135 | 90 |
| Farmable Wetlands Inc. | $9,387 | $51,603 | 88 | 60 |
| Riparian Buffer Inc. | $9,387 | $51,603 | 77 | 63 |

### Actual Conservation Practices Implemented (Totals - to date)

| County And Number of Contracts | Number and Practice | Total Cost | Total Cost-Share/ Incentive | Landowner Share | Actual Pollution Red. Phos/Lbs/Yr | Actual Pollution Red. Sed/Tons/Yr | Est. Savings of Soil Saved |
|---|---|---|---|---|---|---|---|
| Lincoln-4 | 12-WSCB's | $45,429 | $31,255 | $14,174 | 218.76 | 190.22 | 213.8 |
| Lyon-1 | 1-WSCB | $2,827 | $2,120 | $707 | 1.64 | 1.42 | 6.3 |
| Lincoln-18 | 55-Alt. Intakes | $23,665 | $16,425 | $7,240 | 82.5 | 55 | N/A |
| Lyon-2 | 7-Alt. Intakes | $3,400 | $2,100 | $1,300 | 10.5 | 7 | N/A |
| Lincoln-1 | 38.5 Ac. Farm. Wetlands | $40,399 | $9,387 | $31,012 | 49.34 | 35.24 | 56 |
| Yellow Medicine-1 | 25.3 Ac-Filter Strip | $34,961 | $9,387 | $25,574 | 654.14 | 398.92 | 62.67 |
| Totals | | $150,681 | $65,985 | $79678 | 994.38 | 672.8 | 338.77 |

Pictures of Water and Sediment Control Basins - Before - During - After Construction



# FY2011-Clean Water Funds: Verdi Wellhead Protection Area Project

**Water of Concern:**
Ground Water Protection: Verdi Well Field

**CWF Grant Awarded:**
Verdi Well Field: $184,210

**Leveraged Funds:**
Lincoln-Pipestone Rural Water: $32,500
Landowners: $15,000

**Grant Funds Remaining:** $126,020.25

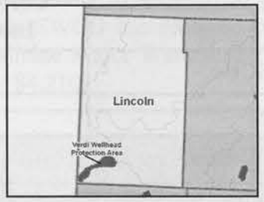
**Grant Period:** From: 1/1/2011-12/31/2013

**CWF Expenditures by Category**

| Technical/Administrative Assistance Funds | | |
|---|---|---|
| **Item:** | Total | Encubered/ Spent |
| **Administrative** | $9,210 | $3,456.75 |
| **Leveraged Funds: LPRW** | $32,500 | $8,116.00 |
| **Implementation Funds** | | |
| **Nutrient Mgmt Plan** | $60,000 | $17,304.00 |
| **Variable Rate Technology** | $10,000 | $1,296.00 |
| **Nitrogen Stabilizers** | $60,000 | $13,858.00 |
| **Filter Strips** | $45,000 | $22,275.00 |
| **Leveraged Funds: Landowners** | $15,000 | $49,973.22 |
| **Total Imp. Funding** | $145,000 | $54,733.00 |
| **Total CWF Budget** | $231,710 | $66,305.75 |

**PROJECT CONTACTS:**
Pauline VanOverbeke-Administration
Randy Kraus-Farm Bill Technician
Phone: 507-694-1630, Ext 3






## Project Partners

-Lincoln-Pipestone Rural Water
-Natural Resources Conservation Service
-Department of Natural Resources
-Department of Health
-Rural Water Association
-Department of Agriculture

## Overall Project Description

Project partners play a vital role in the implementation of the Verdi Wellhead Protection Plan and have made this water source a priority in lowering nitrate levels. The aquifer used by the wells in the Verdi Well Field consists of a sand and gravel horizon about 30' thick which overlies clay-rich till. The geological sensitivity in all five of the Verdi wells is classified as "high".

The Verdi Well Field supplies water to ten community water suppliers, 34 large rural users, and 1,126 rural hookups. Total population served by this water supply is about 7,500. It is the only water supply source Lincoln-Pipestone Rural Water has in Lincoln County and functions as a backup water source to both the Holland and Burr water sources.

Water quality monitoring indicates presence of nitrate nitrogen in the wells. The nitrate levels in the wells indicate that the wells pump groundwater that is under the influence of sources of nitrogen related to human activities.

Nutrients that are not effectively utilized by crops have potential to leach into groundwater or enter nearby surface waters via overland runoff or subsurface agricultural drainage systems. A major principle of crop nutrient management is to prevent the over-application of nutrients. These projects are designed to decrease surface runoff and filter sediment, nutrients, and pesticides before reaching surface and ground water. The goal of this project is to reduce nitrate levels in this water supply. This will be accomplished by providing landowners educational information and provide incentives to assist with the following: develop a nutrient management plan, utilize variable rate technology, utilize nitrogen stabilizers and nitrogen efficiency products and install filter strips.

## Projects Completed:

In 2011: 12-landowners utilized nutrient management plans on 2,163 acres for a cost of $17,304; 9-landowners used nitrogen stabilizer products on 1,260 acres for a cost of $17,754; and 1-landowner used Variable Rate Technology on 108 acres for a cost of $1,296

Fun Farm Facts

- Pork is the most widely eaten meat in the world.
- The average person consumes 584 pounds of dairy products a year.
- 160 degrees Fahrenheit is the correct cooking temperature to ensure safe and savory ground beef.
- Elevators in the Statue of Liberty use a soybean-based hydraulic fluid.
- The average dairy cow produces seven gallons of milk a day, 2,100 pounds of milk a month, and 46,000 glasses of milk a year.
- Agriculture employs more than 24 million American workers (17% of the total U.S. work force).
- Today's American farmer feeds about 155 people worldwide. In 1960, that number was 25.8.
- Raising beef cattle is the single largest segment of American agriculture.
- One pound of wool can make 10 miles of yarn. There are 150 yards (450 feet) of wool yarn in a baseball.
- Soybeans are an important ingredient for the production of crayons. In fact, one acre of soybeans can produce 82,368 crayons.
- Cows have four stomachs and can detect smells up to six miles away!
- There are 350 squirts in a gallon of milk.
- In a full grown rye plant, the total length of the roots may reach 613 kilometers (380 miles).
- Wheat is the world's most widely cultivated plant. It is grown on every continent except Antarctica.

Some of the "Fun Farm Facts" are from farmersfeedus.org.

Conservation Practices



Newly established Water and Sediment Control Basin.



Established Water and Sediment Control Basins.

*"Conservation is a state of harmony between men and land."*
Aldo Leopold



Established Living Snow Fence.



Established Waterway.

**Lincoln SWCD 2011 Annual Report**

**Lincoln SWCD**
**328 E George St**
**Ivanhoe, MN 56142**

**Lincoln Pipestone Rural Water**
East Highway 14, P.O. Box 188
Lake Benton, MN 56149-0188
1-800-462-0309

August 22, 2012

## BACKGROUND INFORMATION:

The Lincoln Pipestone Rural Water System (LPRW) was established in 1979 pursuant to Minnesota Statute 116A through a joint powers agreement pursuant to Minnesota Statute 471.59 under the jurisdiction of the Fifth Judicial District.

The MISSION of LPRW is ***"To enhance the quality of life for the people in the southwest Minnesota area by acquiring and providing reliable, high quality, affordable water in an environmentally responsible manner through a publicly-owned system."***

LPRW provides service in Jackson, Lac qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, Rock and Yellow Medicine Counties. LPRW's customer base, as of January, 2012, consists of: a) 3,860 rural customers using less than one million gallons per year per customer; b) 227 rural customers using more than one million gallons per year per customer; c) 28 incorporated cities; d) 4 unincorporated community water systems; and e) supplemental water supplied to Red Rock Rural Water and Marshall Municipal Utilities.

## WATER PRODUCTION AND USE:

Water is produced from well fields near Burr, Verdi and Holland, and supplemental water supplies are purchased from Osceolla (Iowa) Rural Water System and the City of Adrian. In 2011 an average of 3,408,000 gallons per day were provided across the system, serving an estimated population of over 20,800.

At the Burr well field and treatment plant, average daily production was 1,489,000 gallons per day provided to 1,636 customers and an estimated population of 7,942. Additional water resources are badly needed to meet the demand for water in this service area.

At the Verdi well field average daily production was 1,205,000 gallons provided to 1,181 customers and an estimated population of 7,987. The Verdi well field is the original LPRW water source, and water quality remains high enough so that treatment is not currently required. However, recent irrigation development around the well field threatens both the quality and quantity of water available from this source.

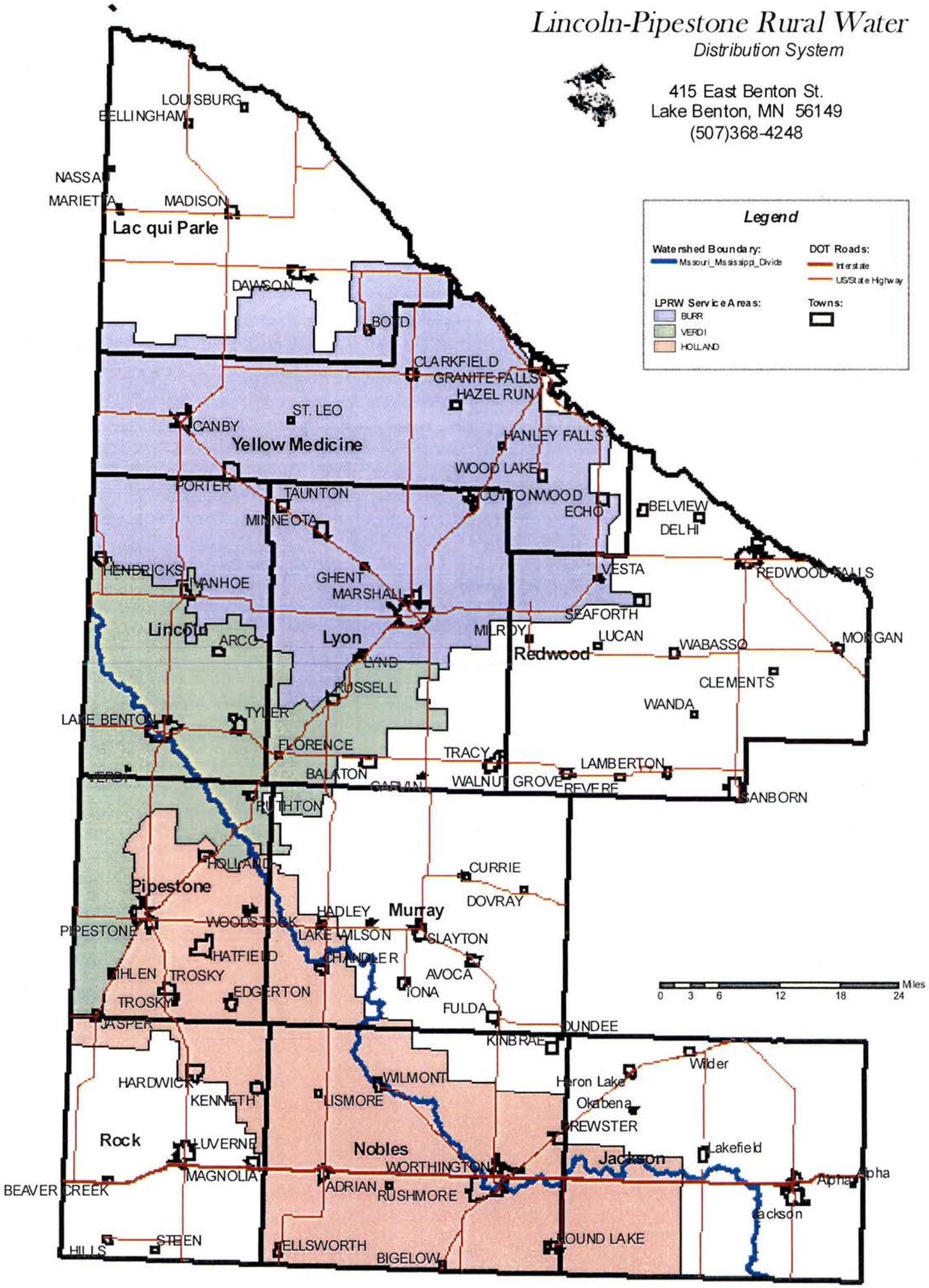
At the Holland well field and treatment plant, average daily production was 999,000 gallons plus an additional 424,000 gallons per day was purchased from the Osceolla RWS. This water was provided to 1,127 customers and an estimated population of 4,882. The Holland treatment plant and well field has been upgraded in 1999, but increasing irrigation demands and regulatory limits threaten to severely limit the Holland resource. Longer-term improvements such as the Lewis & Clark Regional Water System are needed to meet the needs for expanded service in this service area.

Protection and improvement of our water supplies is an on-going process, and a top LPRW priority. LPRW is working with both the Lincoln County SWCD and the Pipestone County SWCD to protect the vulnerable Verdi and Holland water sources for future generations. Recent projects include updates to the Verdi and Holland Well Protection Plans, Verdi Clean Water Fund Wellhead Protection Project, Source Water Protection Plan Implementation Project, and Water Exploration and Development Projects. Funding has been provided by BWSR and MDH for many of these activities, but the key to success in most cases has been the broad range of cooperation from local, state and federal agencies with support from local residents.

# *Lincoln-Pipestone Rural Water*

*Distribution System*

415 East Benton St.
Lake Benton, MN 56149
(507)368-4248



Minnesota Board of Water & Soil Resources

DATE: September 17, 2012

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

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – September 26, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 26, 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. **Brown's Creek Watershed District Amendment to Watershed Management Plan** - The Brown's Creek Watershed District (District) was established from the Brown's Creek Joint Powers Agreement Watershed Management Organization in October 1997. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order. ***DECISION ITEM***

2. **Black Dog Watershed Management Organization Revised Watershed Management Plan** - The Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the Organization and its members, and lists implementation tasks to achieve the goals. The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the revised Plan per the attached draft Order. ***DECISION ITEM***


| Bemidji | Brainerd | Duluth | Fergus Falls | Mankato | Marshall | New Ulm | Rochester |
|---|---|---|---|---|---|---|---|
| 403 Fourth Street NW<br>Suite 200<br>Bemidji, MN 56601<br>(218) 755-2600 | 1601 Minnesota Drive<br>Brainerd, MN 56401<br>(218) 828-2383 | 394 S. Lake Avenue<br>Suite 403<br>Duluth, MN 55802<br>(218) 723-4752 | 1004 Frontier Drive<br>Fergus Falls, MN 56537<br>(218) 736-5445 | 1160 Victory Drive South<br>Suite 5<br>Mankato, MN 56601<br>(507) 389-6784 | 1400 East Lyon Street<br>Marshall, MN 56258<br>(507) 537-6060 | 261 Highway 15 South<br>New Ulm, MN 56073<br>(507) 359-6074 | 3555 9th Street NW<br>Suite 350<br>Rochester, MN 55901<br>(507) 206-2889 |

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

***Northern Water Planning Committee***

1. **Cook County Priority Concerns Scoping Document** - The Cook County Board of Commissioners adopted a resolution March 22, 2011 to revise and update their current comprehensive local water management plan. The County distributed their Priority Concerns Scoping Document to the required state agencies for review July 20, 2012. Comments were received from the Environmental Quality Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agency comments will be incorporated into the final plan, as recommended by the Board Conservationist at the September 12, 2012 Northern Water Planning Plan Committee meeting. The Northern Water Planning Committee unanimously recommended approval by the full BWSR Board at their meeting. ***DECISION ITEM***

2. **Mille Lacs County Five Year Plan Amendment** - On August 24th, 2007, the Board of Water and Soil Resources approved Mille Lacs County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by 2011. On May 3rd, 2011, the county passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on August 6, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment and recommended approval of the update through December 2016. ***DECISION ITEM***

3. **Sherburne County Five Year Plan Amendment** - On August 24th, 2007, the Board of Water and Soil Resources approved Sherburne County's Comprehensive Local Water Management Plan for a ten year period from 2007-2017 with a required amendment by 2012. On February 6, 2012, the County passed a resolution to begin the amendment process. The amended plan was submitted the Brainerd field office on July 31st, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment and recommends approval of the update through December 2016. ***DECISION ITEM***

4. **Red River Basin Watershed District Plan Expiration Date Extension** - In the interest of promoting greater coordination of the MPCA's efforts to assess the water quality of the states 81 major watersheds with that of watershed district and county local comprehensive water management planning efforts in the Red River Basin a resolution to allow for the extension of plan expirations dates of these plans is presented to the BWSR for consideration. ***DECISION ITEM***

5. **Wilkin County CLWM Five-Year Update Extension** - Wilkin County requested an extension to the required five-year update of the implementation section of the Wilkin County Local Water Plan to December 31, 2014. The extra time will enable the Wilkin Local Water Plan and Buffalo Red River Watershed District Plan Update to happen simultaneously. ***DECISION ITEM***

**NEW BUSINESS**

1. **Clean Water Council Budget Development Process** – Keith Hanson, CWC Chairman, will present information on the Clean Water Fund proposed budget recommendation for the 2014-2015 biennium. ***INFORMATION ITEM***

2. **Grants Monitoring Report** – This item was tabled at the June 27, 2012 Board Meeting; at the August 23, 2012 Board Meeting John Jaschke stated that the Grants Monitoring Report will be expected on the agenda at the September Board Meeting.
   ***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 September 26th!

**BOARD OF WATER AND SOIL RESOURCES**
**520 LAFAYETTE ROAD N.**
**LOWER LEVEL CONFERENCE ROOM**
**ST. PAUL, MINNESOTA 55155**
**WEDNESDAY, SEPTEMBER 26, 2012**

**PRELIMINARY AGENDA**

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

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF AUGUST 23, 2012 BOARD MEETING**

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

**CONFLICT OF INTEREST DECLARATION**

**INTRODUCTION OF NEW BWSR STAFF**

- Tim Gillette, Conservation Drainage Engineer
- Tim Koehler, RIM Program Coordinator
- Dennis Rodacker, Senior Wetland Specialist

**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. Brown's Creek Watershed District Amendment to Watershed Management Plan – Melissa Lewis – ***DECISION ITEM***

2. Black Dog WMO Watershed Management Plan Revision – Melissa Lewis – ***DECISION ITEM***

***Northern Water Planning Committee***

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

2. Mille Lacs County Five Year Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***

3. Sherburne County Five Year Plan Amendment – Quentin Fairbanks - ***DECISION ITEM***

4. Red River Basin Watershed District Plan Expiration Date Extension – Gene Tiedemann – ***DECISION ITEM***

5. Wilkin County CLWM Five-Year Update Extension – Rob Sip – ***DECISION ITEM***

**NEW BUSINESS**

1. Clean Water Council Budget Development Process – Keith Hanson, Chairman, Clean Water Council - ***INFORMATION ITEM***

2. Grants Monitoring Report – Tim Dykstal – ***INFORMATION ITEM***

**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 & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Krista Olson

**UPCOMING MEETINGS**

- BWSR Board Meeting – October 24, 2012
- Wetland Committee: immediately following September 26th Board Meeting
- PROSP Committee: TBD

**Noon** **ADJOURN**

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

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

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

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

**OTHERS PRESENT:**
Kathryn Kelly, MASWCD
Tom Kresko, DNR

DRAFT

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

**PLEDGE OF ALLEGIANCE**

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

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

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

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

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

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

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

DRAFT

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

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

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

John reviewed information in Board Members' packets.

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

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

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

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

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

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

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

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

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

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

** 12-67

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

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

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

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

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

DRAFT

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

**NEW BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

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

**AGENCY REPORTS**

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

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

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

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

**ADVISORY COMMENTS**

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

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

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

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

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

Respectfully submitted,

Mary Jo Anderson
Recorder

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution Committee Report

**Meeting Date:** September 26, 2012

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

**Item Type:** ☐ Decision ☐ Discussion ☒ Information

**Section/Region:** Land and Water Section

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson

**Reviewed by:** _____ Committee(s)

**Presented by:** Gerald Van Amburg/Travis Germundson

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

## ACTION REQUESTED

None

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

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

Dispute Resolution Report
September 26, 2012
By: Travis Germundson

There are presently **14** appeals pending. All of the appeals involve WCA except File 10-10. There have been **2** new appeals filed since the last report given at the August 23rd Board Meeting.

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

File 12-15 (9-6-12) This is an appeal of a wetland bank plan decision in Itasca County. The appeal regards the approval of a wetland banking plan requesting a total of 442.77 acres of credit. At issue is the allocation of 100 percent credit for the area of ditches within the proposed restoration area. No decision has been made on the appeal.

File 12-14 (8-9-12) This is an appeal of an amended restoration order in Rock County. The appeal regards the unauthorized draining of approximately 20 acres of wetlands through the installation of agricultural drain tile and ditching. A previous appeal of the restoration order (File 12-6) was denied. The restoration order was amended requiring additional tile removal and ditch channel stabilization, and now the amended restoration order is being appealed. No decision has been made on the appeal.

File 12-13(8-3-12) This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit credits. The Stearns County Wetland Appeal Panel reversed an earlier staff decision to deny the application. At issue are the eligibility requirements for wetland bank credits. The appeal has been remanded for the LGU to develop an adequate record.

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

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

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

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

File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The North Fork Crow River Watershed District recently constructed two rock riprap grade control structures within the ditch and the landowner has disabled and removed some of the tile. Stearns County is looking into if applicable exemption standards. The appellant has granted BWSR additional time to make a decision on the appeal.

File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division. A settlement agreement was reached with NRCS. Continuance of the pre-hearing conference reconvened on July 18, 2011. Settlement discussions are ongoing.

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

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

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

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

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

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

# Summary Table

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

**COMMITTEE RECOMMENDATIONS**

***Metro Water Planning Committee***

1. Brown's Creek Watershed District Amendment to Watershed Management Plan – Melissa Lewis – ***DECISION ITEM***

2. Black Dog WMO Watershed Management Plan Revision – Melissa Lewis – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Black Dog WMO Watershed Management Plan Revision**

**Meeting Date:** September 26, 2012

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

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

**ACTION REQUESTED**
Approval of the Black Dog WMO Watershed Management Plan

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The WMO is bound by Scott County to the west, the Lower Minnesota River Watershed District to the north, Gun Club WMO to the northeast, and the Vermillion River Joint Powers Organization to the southeast. The majority of the watershed is fully developed and outlets through the Lower Minnesota Watershed District to the Minnesota River, with a small portion of the watershed that outlets towards the Credit River.

The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the Organization and its members, and lists implementation tasks to achieve the goals. The vision of the Organization is that water resources and related ecosystems are managed to sustain their long-term health and aesthetic beauty in order to contribute to the well-being of the citizens within the watershed.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on November 11, 2011. A public hearing was held on May 16, 2012 and there were no comments received. The final draft of the revised Plan was received by the Board on July 20, 2012.

The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the revised Plan per the attached draft Order.

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

**In the Matter** of the review of the Watershed Management Plan for the **Black Dog Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER APPROVING WATERSHED MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Black Dog Watershed Management Organization (Organization) submitted a Watershed Management Plan (Plan) dated July 20, 2012, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

## FINDINGS OF FACT

1. **Watershed Organization Establishment.** The Black Dog Watershed Management Organization (Organization) was established in 1985 through a joint powers agreement. The vision of the Organization is that water resources and related ecosystems are managed to sustain their long-term health and aesthetic beauty in order to contribute to the well-being of the citizens within the watershed.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current Organization watershed management plan was approved by Board Order on January 23, 2002. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.

3. **Nature of the Watershed.** The Organization encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Organization is bound by Scott County to the west, the Lower Minnesota River Watershed District to the north, Gun Club Watershed Management Organization to the northeast, and the Vermillion River Joint Powers Organization to the southeast. The majority of the watershed is fully developed and outlets through the Lower Minnesota Watershed District to the Minnesota River, with a small portion of the watershed that outlets towards the Credit River.

4. **Plan Development and Review.** The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the Organization and its members, and lists implementation tasks to achieve the goals.

   The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on November 11, 2011. A public hearing was held on May 16, 2012 and there were no comments received. The final draft of the revised Plan was received by the Board on July 20, 2012.

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

   City of Burnsville. The city requested clarification of a number of terms and statements within the Plan and of the intent of the Organization in regards to the Ferric Chloride system. The city also noted concern with the variability in the stormwater standards and the long term impact of this variability in meeting water quality goals. The Organization addressed all comments.

   City of Lakeville. The city provided corrections to some tables and content, and indicated the goal of no net wetland loss may be difficult to obtain. The Organization addressed all comments.

   Dakota Soil and Water Conservation District (SWCD). The SWCD noted the passive language in the Plan, requested performance standards be strengthened with clear guidelines and detail, identified the conflict in the plan between the need for proactively retrofitting water quality practices in the fully developed watershed and the lack of a redevelopment performance standard, and noted the vagueness of the implementation plan. The Organization addressed all comments.

   Dakota County and Vermillion River Joint Powers Organization. The county requested acknowledgement that infiltration can sometimes have an adverse effect on groundwater and requested inclusion of a policy to assess the potential for groundwater impacts of stormwater infiltration. The Organization addressed all comments.

6. **Metropolitan Council Review.** The Council recognized the responsibilities of the member communities in implementation of the Plan, requested strengthening the goals and policies of the plan, clarified requirements for sewer service hook ups, requested the WMO set more proactive standards, and identified that the lack of specificity in implementation projects may result in multiple future plan amendments. All comments were addressed.

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

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

9. **Department of Natural Resources Review.** The DNR concurred with the comments provided by the Board and indicated additional land use and natural communities and rare species data that could be incorporated into the plan. The DNR suggested strengthening policies, supported

conducting in-lake treatments only after all external sources of nutrients are addressed, and provided techniques and guidelines for in-lake nutrient management. The DNR also suggested stream bank project prioritization criteria and indicated concern with highly engineered solutions for stream bank stabilization. The Organization addressed all comments.

10. **Pollution Control Agency Review.** The PCA provided updates to impairment references, the MS4 permit, and Total Maximum Daily Load Studies (TMDLs); and requested clarification of wetland categories, the organization's criteria for choosing strategic waterbodies, impairment status related to swimming support, and how the organization intends to work with the PCA on future TMDL projects. The PCA also noted the lack of consistent stormwater performance standards and the lack of funding detail for projects and recommended water monitoring data be submitted to the PCA water quality database. The Organization addressed all comments.

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

12. **Board Review.** Board staff recognized and supported the Organization's intent to minimize duplication of efforts and maximize the member city involvement in water resource management. Board staff identified lack of clarity on the goals and policies and a lack of information in the implementation program. Board staff requested clarifications and revisions to these goals, policies, and additional information in the implementation program; recommended incorporating monitoring of watershed outlets to the Minnesota River and Black Dog Fen; requested inclusion of a table identifying expected community costs, and requested revisions to a few procedures. The Organization addressed all comments.

13. **Plan Summary and Highlights.** The Plan recognizes the importance of a coordinated approach to identifying and resolving water resource management problems through the following guiding principles:
    - Keep regulation at the local level—the Organization will not administer a permit program.
    - Assist member communities with intercommunity floodplain and runoff planning and with mediation of water management disputes between communities.
    - Monitor, classify and manage strategic water resources to meet their intended use. Strategic resources are waterbodies that have broad watershed significance.
    - Monitor, evaluate and/or model stormwater runoff quality.
    - Improve the quality of the stormwater runoff reaching the Minnesota River.
    - Manage intercommunity stormwater runoff, flooding and other water quantity issues.
    - Develop policies to be implemented by the cities to protect the Organization's water resources.
    - Assess performance of the Organization and the member cities toward achieving the goals stated in this plan.
    - Provide member cities with useful information about the Organization, its activities, and water resource management.
    - Educate all watershed citizens and member cities in water resource issues and Organization activities.

- Assist member cities with funding water quality projects through grants and other funding available directly to watershed organizations.

The Plan identifies and discusses the status of problems and major issues within the watershed in the following topic areas: water quality; water quantity and flooding; erosion and sedimentation; wetlands and habitat; shoreland, habitat, and open space; groundwater protection; and implementation responsibility. Next, the Plan presents goals and the policies or strategies for achieving the stated goals and addressing the issues, including stormwater performance standards for member cities. Finally, the plan describes the implementation program, including projects, studies, programs, and official controls.

14. **Metro Water Planning Committee Meeting.** On September 5, 2012, the Board's Metro Water Planning Committee and staff met with representatives from the Organization in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Joe Collins, Jack Ditmore, Rebecca Flood, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance was Metro Region Supervisor Jim Haertel. The representatives from the Organization were Organization Board Chair Roger Baldwin and Organization consultants Karen Chandler and Greg Williams. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

## CONCLUSIONS

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

## ORDER

The Board hereby approves the attached Plan, dated July 20, 2012, as the Black Dog Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 26th day of September, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

# Executive Summary

The Black Dog Watershed Management Organization (BDWMO) *Watershed Management Plan* (WMP) sets the vision and guidelines for managing surface waters within the boundaries of the BDWMO. The WMP provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the BDWMO and its members, and lists implementation tasks to achieve the goals. The WMP is organized into five major sections. The general content and highlights of each section follows:

## Section 1 - Introduction

Section 1 provides background information on the BDWMO as well as the regulatory environment in which the BDWMO operates. Background content includes information on the location and history of the BDWMO as well as the vision, mission, and management structure of the organization. Regulatory information includes the regulatory authority of the BDWMO, and an overview of the major federal, state, and regional regulatory agencies with authority over water resources.

## Section 2 - Physical Environment Inventory

This section provides technical information describing the surface and subsurface conditions of the Black Dog watershed. This data provides the context for understanding the issues and management challenges the BDWMO faces. Section 2 presents a watershed-wide inventory of land use, climate and precipitation, topography, soils, geology, groundwater, MDNR public waters, wetlands, natural communities and rare species, and a description of the major surface water bodies and drainage systems. Section 2 also includes information on water quality monitoring programs and studies within the BDWMO, local flooding issues and the water body classification system used for managing water bodies. This section also provides specific information on many of the BDWMO's water bodies including:

- Water body classification
- Amenities
- Impairment status
- Outlet information
- Land uses within the water body watershed
- Fisheries survey results

## Section 3 - Assessment of Issues and Opportunities

This section identifies and discusses the status of problems and major issues within the watershed, in the following topic areas:

- Water quality
- Water quantity and flooding
- Erosion and sedimentation
- Wetlands and habitat
- Shoreland, habitat, and open space management
- Groundwater protection
- Implementation responsibility

Within each topic area, general issues are discussed first, followed by more specific issues. Issues are addressed through relevant policies (Section 4) and the implementation program (Section 5). The major unresolved or ongoing management issues discussed in Section 3 include:

### Water Quality

Under this topic, the WMP discusses general stormwater runoff quality issues (e.g., nonpoint source runoff and phosphorus loadings), impaired waters, and TMDL issues. Information on the water quality and impairment status of significant BDWMO water bodies is also included in this section.

### Water Quantity and Flooding

Under this subtopic, the plan discusses general issues (e.g. impacts of land development on stormwater rates and volumes, landlocked basin issues, flooding damages, and level of service/level of protection) and flooding concerns with respect to specific water bodies.

## Section 4 - Goals and Policies

Section 4 presents the WMP's goals and the policies or strategies for achieving the stated goals. This section also includes stormwater performance standards for member cities. The policies and performance standards in this section are intended to address the problems and issues identified in Section 3. The plan's goals by each topic are:

### Water Quality

- Maintain or restore the water quality of the BDWMO water resources to meet state water quality standards and allow for the continuation or enhancement of existing intended uses.

- Improve the quality of stormwater runoff reaching the Minnesota River by reducing nonpoint source pollution (including sediment) carried with stormwater runoff.

- Maintain or improve the quality of stormwater runoff reaching the calcareous fen (Black Dog fen) and the nearby trout streams.

### Water Quantity and Flooding

- Manage intercommunity stormwater flows.
- Minimize flood damage to private and public property, and protect against increased flooding caused by development and redevelopment activities.

### Erosion/Sedimentation

- Limit and/or decrease erosion and sedimentation through controls to protect water quality, habitat, and infrastructure.

### Wetland and Habitat Management

- Preserve the ecological quality of wetlands for water retention, recharge, soil conservation, habitat, aesthetics, and natural enhancement of water quality.
- Achieve no net loss of wetlands in the BDWMO, while conforming to the Minnesota Wetland Conservation Act (WCA) and associated rules (Minnesota Rules 8420).

### Shoreland, Habitat and Open Space Management

- Protect and enhance fish and wildlife habitat within the BDWMO.
- Maintain or improve shoreland integrity, preserving and enhancing the ecological quality of shoreland areas as it relates to wildlife habitat, aesthetics, soil conservation, and natural improvement of water quality.
- Preserve and enhance the quality of open spaces.
- Protect and increase recreation opportunities within the BDWMO.

### Groundwater

- Protect the quality and quantity of groundwater resources.

### Administration

- Promote local regulation of water resources by delegating day-to-day management of the BDWMO's water resources to the member cities.
- Provide administrative guidance to member cities through this plan and the review and approval of local water management plans.
- Provide periodic review of projects proposed to meet policies/goals for strategic waterbodies established in this plan.

- Minimize duplication of federal and state rules and standards.
- Supplement existing federal and state regulations with specific design standards and criteria that address unique needs of BDWMO resources described in this plan.

### Education and Public Involvement

- Increase awareness and education level of residents, local officials, and city staff regarding water resources and stormwater management.
- Provide the public with data they need to protect water resources and to understand the impact of land use decisions on water resources.

## Section 5 - Implementation Program

This section describes the significant components of the BDWMO's WMP implementation program. The program is shaped by the BDWMO's current authority and goals. The BDWMO is not a permitting authority and thus uses the following methods for implementing its program:

1. Ensuring that the member cities adopt and implement the policies and standards in the BDWMO Plan
2. Managing, and assisting member communities with, intercommunity runoff and water management issues
3. Assessing the performance of the BDWMO and the member cities and their progress toward achieving the goals stated in the BDWMO Plan

The implementation program is presented at the end of Section 5 in a table (Table 5-1) that lists the projects, studies, and the programs and official controls implemented by the BDWMO. The table shows the cost estimate, proposed year of implementation, and proposed financing method for each element of the implementation program. Table 5-2 summarizes the costs of Table 5-1 by member city. Potential future projects are described in Table 5-3, including projects described in the TMDL implementation plan for Crystal, Keller, and Lee Lakes (Barr, 2011). Minor plan amendments will be performed as necessary to move potential projects from Table 5-3 to Table 5-1. Another table (Table 5-5) lists the various implementation activities that have been completed since the development of the 2002 BDWMO Plan. This section also discusses the various funding approaches available to WMOs and the approaches used by the BDWMO.

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Brown's Creek WD Amendment to Watershed M

**Meeting Date:** September 26, 2012

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

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Metro

**Contact:** Jim Haertel

**Prepared by:** Melissa Lewis

**Reviewed by:** Metro Water Planning Committee(s)

**Presented by:** Melissa Lewis

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

## ACTION REQUESTED

Approval of Amendment to the Brown's Creek Watershed District Watershed Management Plan

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

The Brown's Creek Watershed District (District) was established from the Brown's Creek Joint Powers Agreement Watershed Management Organization in October 1997. The District is located exclusively in Washington County in the east-central portion of the Metropolitan Area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The watershed contains several land uses and is a developing watershed with a number of significant natural resources, including Brown's Creek which is a designated trout stream.

The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. Washington County and the Minnesota Department of Transportation (MNDOT) requested clarification of expected involvement for the County and MNDOT in the projects. The comments were addressed.

The Metro Water Planning Committee met on Sept. 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order.

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

**In the Matter** of the review of the Amendment to the Watershed Management Plan for the **Brown's Creek Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

**ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Brown's Creek Watershed District (District) submitted an Amendment to the Watershed Management Plan (Plan) dated August 14, 2012, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

## FINDINGS OF FACT

1. **Watershed District Establishment.** The District was established from the Brown's Creek Watershed Management Organization in October 1997.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on October 26, 2005. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District is located exclusively in Washington County in the east-central portion of the Metropolitan Area. It is bound by the Valley Branch Watershed District to the south, the Middle St. Croix Watershed Management Organization to the southeast, the Carnelian Marine Watershed District to the northeast, and the Rice Creek Watershed District to the east. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The watershed contains several land uses and is a developing watershed with a number of significant natural resources.

4. **Amendment Development and Review.** The District circulated a copy of the draft Amendment to the Board, other state agencies, Metropolitan Council, and local governments for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7 on June 4, 2012. A summary of comments received and the District's response was received on August 2, 2012. A public hearing was held on August 13, 2012. No comments were received. The final draft of the Amendment was received by the Board on August 16, 2011.

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

   Washington County. The County noted the formal process for requesting projects be added to the County's Capital Improvement Plan, indicated the County may or may not be able to accommodate a request, and specified that a cooperative construction agreement and maintenance agreement would be needed. The District addressed all comments.

6. **Metropolitan Council Review.** The Council commended the District for their proactive management of water resources.

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

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

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

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

11. **Department of Transportation Review**. The DOT requested clarification of the expected DOT involvement in the projects in relation to the total maximum daily load implementation for Brown's Creek. The District addressed all comments.

12. **Board Review.** Board staff found the amendment to be consistent with Minnesota Statute and Rule and did not request changes.

13. **Amendment Summary.** The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved.

14. **Metro Water Planning Committee Meeting.** On September 5, 2012, the Board's Metro Water Planning Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Joe Collins, Jack Ditmore, Rebecca Flood, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance was Metro Region Supervisor Jim Haertel. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

## CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Brown's Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

## ORDER

The Board hereby approves the attached Amendment, dated August 14, 2012, to the Brown's Creek Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 26th day of September, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

# V. Implementation Program

The implementation program of this Plan includes both structural (capital improvement) and programmatic elements. The implementation program identifies the specific projects, studies and other activities necessary to implement the BCWD's goals and policies. This implementation plan identifies the items summarized in the policy, goal, and implementation tables in Section IV and includes other activities such as:

- Annual Administrative Activities
- Annual Operations and Maintenance
- Annual Data Collection and Monitoring Activities
- Non-Annual Administrative Activities
- Non-Annual Data Collection and Monitoring Activities
- Non-Annual Studies
- Capital Projects

Inclusion of a structural or programmatic action in the implementation plan is not a decision to implement that action. Implementation rests on further Board decisions to budget for and fund the action, and in some cases may require further legal procedures and/or the approval or participation of other parties. Further, the Board engages in ongoing evaluation of water resource needs within the watershed and, as a result, priorities may shift during the 10-year term of the Plan.

In addition, while the implementation plan includes specific actions for review of BCWD official controls (rules and permitting requirements), the BCWD continuously assesses its official controls as they are applied to land use and development projects that come before it. The Board intends that the BCWD technical and citizens' advisory committees engage in a periodic (annual or biennial) review of its Rules and regulatory program. It reserves the prerogative of revising the controls, through required rulemaking proceedings, as the Board believes appropriate.

Similarly, over the period of ten years, as priorities evolve, new concerns emerge or new approaches are developed, the Board may choose to undertake an action not included in the implementation plan. The listing of actions in the implementation plan is not intended to exclude other actions consistent with the issues, goals and policies identified in Section IV. In some cases, undertaking an action not in the implementation plan may require first amending the Plan or other procedures.

## *V-1. Funding of District Activities*

The BCWD obtains the majority of its revenues for water resource programs and projects from the taxing of real property within the watershed. Other sources of revenue include

grants or cost-share participation from other governmental bodies, expenditures by program/project partners, permit fees and contract payments.

Minnesota Statutes §103D.905 specifies the funds a watershed district in Minnesota may maintain, along with limits on the amount of tax a district may levy for that fund, how frequently it may levy, and other constraints.

The fund for basic operations is the general fund, for which a district may levy annually in an amount not to exceed 0.048 percent of taxable market value of real property in the watershed or $250,000 whichever is less (because the taxable market value of real property within the BCWD exceeds a certain level, in the case of the BCWD this means a $250,000 annual levy authorization). This fund is to be used "for general administrative expenses and for the construction or implementation and maintenance of projects of common benefit to the watershed district." The BCWD levies annually under this authority to fund the basic expenses to maintain administrative staff, consultant retainers, office space and equipment, insurance, manager per diems and similar basic administrative expenses.

Other funds authorized by §103D.905 include a start-up organizational expense fund, a bond fund, a construction fund, a repair and maintenance fund, a survey and data acquisition fund, and funds to maintain project monies obtained through grants and loans.

However, for the BCWD and other metropolitan watershed districts, tax levy and fund accounting procedures are greatly simplified. Under Minnesota Statutes §103B.241, a metropolitan district "may levy a tax to pay the increased costs of preparing a plan ... and for projects identified in an approved and adopted plan necessary to implement the purposes of [Chapter 103B]." This levy authority is unlimited in amount and funds may be accumulated to pay for projects and programs. Chapter 103B, at §103B.251, also authorizes a separate levy for maintenance of existing projects.

Each year, by September 15 the Board must approve a budget and certify to the Washington County Auditor the amount of the BCWD levy for the following year. This levy may be adjusted before December 28. The County then includes the BCWD levy in its tax statement, collects the levy and distributes the proceeds to the BCWD, half the following July and half the January thereafter. (See Washington County Financial and Budget Policy #2403.)

If the BCWD unexpectedly requires funds outside of the levy cycle, it may obtain loans from Washington County or a commercial lender on negotiated terms. County loans were instrumental in the first two years of the BCWD's existence, but were paid off before their due date and have not been required since.

This levy authority highlights the importance of the Plan for BCWD activities. The Plan defines the programs and projects for which the BCWD may exercise its taxing authority. The Minnesota Board of Water and Soil Resources, which oversees watershed district activity, has confirmed that the §103B.241 levy may be used broadly to fund the

preparation of the water resources plan and both the administrative and project costs of carrying out the implementation program in the plan. Accordingly, the BCWD, like most metropolitan watershed districts, levies each year under ~~just two authorities: the~~ general fund authority of §103D.905 and the management plan authority of §103B.241. Also like other metropolitan watershed districts, the BCWD may fund the construction of capital improvements projects by levying under the authority in § 103B.251; if the BCWD elects to fund a project or projects under this authority, it will provide notice as described in Washington County Financial and Budget Policy #2403.

The BCWD can exercise a levy on real property in three basic ways:

1. Watershed-wide ad valorem: An ad valorem levy is a levy on real property in which the amount of the levy corresponds to property value. The watershed-wide levy produces tax revenue from all taxable properties within the watershed.

2. Subwatershed ad valorem: An ad valorem levy can be certified to the County Auditor with the direction that it be applied to a specified set of land parcels that constitute just a part of the watershed. The watershed law allows this form of levy provided that the BCWD specifies in the Plan the properties constituting the taxing district, the purpose of the subwatershed tax, the amount of the charges, how they will be determined, and the duration of the levy. This levy may be appropriate, for example, where a BCWD expense relates predominantly to certain property within the watershed or the benefits of program or project will fall disproportionately on certain property.

3. Special assessment: For certain types of projects, the BCWD may assess costs to property owners without respect to property values and solely on the basis of benefits received. This form of taxation generally must follow very exacting legal procedures by the Board to authorize a project and determine damages and benefits to specific properties resulting from the project.

To date, of the three taxing methods the BCWD has used only a watershed-wide ad valorem levy. This has been based on the Board's judgment that the BCWD's programs and projects are directed toward watershed-wide goals in which all watershed residents have a stake and that over time, any localized benefits of specific BCWD actions will tend to distribute themselves roughly equally among watershed residents. This reasoning has allowed the BCWD to avoid the substantially greater costs to watershed taxpayers of administering a subwatershed levy or special assessment. Notwithstanding, the Board will continue to be mindful of equity issues in how BCWD programs and projects are funded, and will continue to consider methods other than the watershed-wide levy in the case where a significant BCWD expenditure would have a very localized benefit or where otherwise appropriate.

The BCWD also pursues funds through grants, donations, in-kind services and/or participation by other governmental units or agencies. The financial burden on watershed residents has been greatly moderated in recent years by, for example, the BCWD's

success in securing grant or cost-share funds from the Minnesota Board of Water and Soil Resources, the Minnesota Department of Natural Resources and the Metropolitan Council; shared project responsibility with the Cities of Stillwater and Oak Park Heights; and providing in-kind services to landowners in exchange for easements needed for capital projects.

Finally, §103D.345 of the watershed law authorizes watershed districts to recover permit processing, inspection and enforcement costs from those who apply for and perform work under a watershed permit. This has allowed the BCWD to recover a substantial portion of the cost to implement its permit program. On May 12, 2003 the BCWD adopted Resolution 03-03 establishing a permit fee schedule that is reviewed by the Board annually. The schedule is based on the expected BCWD cost to administer its permitting requirements for the type and scale of work proposed.

A permit fee is submitted at the time of application, held in escrow by the BCWD, and applied to the cost of permit review. On permit approval, the permittee must replenish the escrow deposit to the originally required amount before the permit will be issued, in order to cover actual costs the BCWD incurs to monitor the work and address any permit non-compliance. When the work has been completed, the escrow balance is returned to the permittee. If the BCWD has incurred costs exceeding the escrow deposit, the permittee is billed for the additional amount. Table V-1 identifies the estimated annual tax per residence in the District based upon incremental project costs.

**Table V-1. Approximate Annual Tax Levy Per Residence [$][(a)]**

| Estimated Ad Valorem Levy | Residential Property Taxable Market Value | | | | |
|---|---|---|---|---|---|
| | $75,000 | $100,000 | $150,000 | $200,000 | $250,000 |
| $50,000 | $2.62 | $3.49 | $5.24 | $6.99 | $8.74 |
| $100,000 | $5.24 | $6.99 | $10.48 | $13.98 | $17.47 |
| $200,000 | $10.48 | $13.98 | $20.96 | $27.95 | $34.94 |
| $500,000 | $26.21 | $34.94 | $52.41 | $69.88 | $87.35 |

[(a)] Based upon the 2006 Net Tax Capacity figures provided by Washington County.

## *V-2. Regulatory Controls and Enforcement*

The BCWD has in force, and applies to land use and development activities, rules and permitting requirements. The BCWD Rules were adopted on October 29, 1999 and took effect on January 1, 2000. The Rules govern six categories of water resource impact: stormwater management (Rule 2.0), erosion control (Rule 3.0), Lake, stream and wetland buffers (Rule 4.0), shoreline and streambank alterations (Rule 5.0), stream and lake crossings (Rule 6.0) and floodplain and drainage alterations (Rule 7.0). Additional chapters specify procedural requirements such as permit processing, permit fees, surety requirements, variances and enforcement.

The authority of the BCWD to adopt and implement rules is contained in the watershed laws at Minnesota Statutes §103B.211, 103D.335, 103D.341 and 103D.345. Under these statutes, new rules or revisions to existing rules are adopted through a formal process that includes public distribution of a proposed rule, a public hearing and a 45-day opportunity for the Minnesota Board of Water and Soil Resources and transportation authorities to submit comments. Ordinarily, the BCWD expands the legally required process to include some or all of the following: involvement of citizens' advisory and/or technical advisory bodies in rule development and review; preparation of a Statement of Need and Reasonableness (SONAR) to accompany the proposed rule, explaining the proposed changes, the water resource need they are intended to address, and why the BCWD believes they are reasonable; a period for receipt of written public comments; and coordination with local units of government and relevant state agencies.

The BCWD has been engaged in a comprehensive review of all of its rules in parallel with development of this Plan. The intent of this review is to have the BCWD Rules reflect the goals, priorities, approaches and new information contained in the Plan. In particular, three subjects that will receive particular new attention are stormwater management requirements for landlocked basins, stormwater volume control, and protection of groundwater-dependent natural resources. The rulemaking process nears completion and therefore it is likely that the Board shortly will approve rule revisions that may be substantial in some respects.

Permit applications are submitted on standard forms available through the BCWD Administrator and processed in accordance with standard procedures set forth in BCWD Rule 1.0 and the BCWD permit processing guidelines adopted by Resolution 99-10 (October 28, 1999). Pursuant to Resolutions 02-04 (October 14, 2002) and 04-02 (January 12, 2004), the Board has delegated to the Administrator the authority to issue all Rule 3.0 (erosion control) permits and permits under Rules 4.0 (lake, stream and wetland buffer), 5.0 (shoreline and streambank alteration) and 7.0 (floodplain and drainage alterations) meeting certain criteria. All other applications must come before the Board, as must any request for a variance or any application that the Administrator finds raises a technical, policy or legal issue, or concerns public controversy, that warrants Board review. An application within the Administrator's approval authority that the Administrator finds should be denied may be brought before the Board on the applicant's request.

A permit may be approved with certain conditions that must be met before the permit will be issued. These may include things such as additional notations on erosion control plans or stormwater facility plan revisions as well as provision of sureties to guarantee permit compliance and recordation of perpetual landowner maintenance responsibilities for stormwater conveyances, stormwater management facilities and vegetated buffers.
The District engineer monitors ongoing work under BCWD permits. Permit noncompliance is subject to a formal compliance order from the Board, a civil order of the District Court, and/or criminal misdemeanor prosecution. If permit non-compliance occurs, typically the BCWD engineer or administrator will issue a written "Notice of Probable Violation" directing that the site be brought into compliance within a specified

time. If a violation is not willful, the BCWD will provide technical guidance to gain compliance and improve the performance of site protection measures. Typically noncompliance is resolved at this stage.

Failure to achieve compliance will result in a formal compliance hearing before the Board. In the case of extensive noncompliance or significant actual or threatened environmental harm, a hearing before the Board may be noticed immediately. In particularly severe cases, the BCWD may proceed directly to court for enforcement. In responding to permit violations, the BCWD also will cooperate with the local unit of government and state agencies with enforcement jurisdiction.

In all cases of noncompliance, BCWD costs will be borne by the permittee and the BCWD may use the project surety if needed to cover the costs of bringing the site into compliance.

Work performed without a required permit is in important respects a greater concern than is work that is not complying with a BCWD permit. In the latter case, the permittee is generally aware of site protection requirements and the site is under active BCWD oversight. In the former case, work may be occurring without knowledge of or concern about sound protection practices. Further, as the BCWD is not aware of the work, water resource impacts may occur for some time before action is taken.

The BCWD's implementation plan includes measures to increase awareness within the watershed of BCWD regulatory requirements and BCWD awareness of land use and development activity occurring in the watershed. Presently, cities and townships within the watershed are not systematically informing people who come for local permits or guidance about BCWD requirements. Local water plans submitted for review under this Plan must specify how the municipality will help reduce the incidence of unpermitted work by informing residents, developers, builders and other relevant parties about BCWD regulatory requirements.

This Plan has been developed pursuant to the requirements of the metropolitan watershed law, Minnesota Statutes §§103B.201 to 255. Under this law, metropolitan watershed districts identify the needs, priorities and standards for water resource management within the watershed in a comprehensive plan. Then, each city or township within the watershed is required to prepare a plan governing its own role in addressing the identified needs. The local plan must be consistent with the watershed plan and approved by the watershed district.

The watershed law requires that watershed districts adopt and implement official controls (rules and permitting requirements) to protect water resources from land use and development impacts. Cities and towns also typically regulate against water resource impacts directly or indirectly through zoning, subdivision and other development code requirements. Under the watershed law, a property owner or developer must obtain permits as necessary from both the municipality and the watershed district, and meet the requirements of each.

However, the metropolitan watershed law also provides that once a watershed district has approved a local water plan, the district, with limited exceptions, ceases to apply its official controls and defers entirely to the municipality to regulate land use and development, if the municipality so chooses. The BCWD encourages municipalities within the watershed that wish to assume sole permitting authority on BCWD approval of the local plan. For the BCWD to approve the local plan, however, it must:

- Include adopted ordinances providing for at least the same level of water resource protection as the BCWD's official controls, or draft ordinances and obligates the municipality to adopt them, without material change, within 180 days of BCWD plan approval.

- Recognize the municipality's obligation to amend its ordinances within 180 days of a substantial revision of the BCWD Rules.

- Demonstrate that the municipality is prepared to devote adequate technical and financial resources to its regulatory program.

- Include a procedure for the BCWD to be timely provided copies of development applications and access to plans for review and the opportunity to comment.

Because the BCWD considers its regulatory program to be evolving, it intends its Rules as incorporated into this Plan to include any amendments to the Rules while the Plan is in effect. When the BCWD reviews a local water plan for approval, it will compare local ordinances with BCWD Rules in effect at the time. This may include amendments to BCWD rules up until the time a local plan is approved, if the municipality was aware of the BCWD rulemaking process and it otherwise is reasonable to expect municipal conformance to the amended BCWD rule.

Where a municipality chooses to assume the sole regulatory role, this decision will be documented in a memorandum of understanding between the municipality and the BCWD. The memorandum will, among other things:

- Document the specific rules that the BCWD will no longer apply;

- State, consistent with the watershed law, that BCWD approval will be required where a development application requires a variance or amendment of the municipality's water resource ordinance;

- Provide for periodic reporting and/or meetings between the municipality and the BCWD to review permitting activity;

- State the circumstances under which the BCWD will reassume regulatory authority; and

- If the municipal ordinances have not yet been adopted or are not yet in effect, provide that the BCWD's withdrawal of its regulatory role will commence only when the ordinances take effect.

Some municipalities may prefer that the BCWD continue to apply its rules and permitting requirements within the municipality, either because they welcome the additional attention and resources for water resource protection, or because they choose not to amend their own ordinances to meet BCWD criteria. The BCWD finds this choice acceptable as well. In such situations, the BCWD will continue to implement its regulatory program but also will be open to exploring means of coordinating regulatory standards, permit review, surety requirements, inspections, enforcement and other regulatory program activities with the municipality.

## *V-3. Impacts on Local Units of Government*

Minnesota Rules 8410.0110 requires that the Watershed Management Plan assess the financial and administrative impacts of the Plan on local units of government. The assessment is to include an analysis of the financial impact of implementation of the proposed regulatory controls and programs identified under part 8410.0100 of the rules. At a minimum, it is to consist of an estimate of the costs associated with the Plan's implementation and anticipated sources of revenue.

The regulatory controls and programs proposed in this Plan will not have a significant financial or other impact on local governments within the meaning of the indicated rule since they are voluntary. The local planning requirement of Minnesota Statutes §103B.235 will involve each local government in creating and implementing a water resource plan. The cost of this activity is mandated by the statute and is not a consequence of the Watershed Management Plan. Some municipalities may find that additional costs are associated with the implementation of the municipality's local water resource plan if local programs do not currently include stormwater facility maintenance, street sweeping, and other local activities specified in Minnesota Rule 8410.

The Watershed Management Plan includes a number of strategies and programs that the District may pursue in fulfilling its water resource mission. Many of these will involve local government participation. Examples include:

- Inventory of local stormwater control standards
- Review of local land use ordinances for water resource impacts
- Development of a landlocked basin regulation and a flood contingency plan
- Education and outreach programs
- Monitoring and data acquisition programs

The majority of the programs identified in the Plan, however, do not compel local government involvement. In pursuing a specific activity under the Plan, the District will

seek the voluntary cooperation of affected local governments. If an affected local government does not wish to participate, the District either will undertake the activity without the involvement of that body or will forego the activity.

This Plan requires, as a criterion of local plan approval, that the official controls of the local government, as adopted and enforced, be at least as protective of water resources as the District's rules. Local governments will incur costs in implementing official controls for water resource protection. However, the District permits a local government to meet the criterion of sufficiently protective controls simply by authorizing the District's continued application of its rules and permit requirements within the boundaries of the local government unit. While the District will cooperate with local governments that wish to assume sole responsibility for water resource permitting and enforcement, it also will retain and continue to exercise permitting authority where a local government so chooses or where the local government is not meeting the implementation requirements of the District. Accordingly, under this Plan, local governments are not compelled to expand their regulatory programs and therefore will incur no costs related to those programs unless they so choose. The status of local governmental official controls is summarized in Table V-2.

**Table V-2. Status of Local Ordinances**

| Community | Erosion Control Ordinances | Stormwater Management Ordinances | Wetland Ordinances | Shoreland Ordinances |
|---|---|---|---|---|
| Grant | √ Source: City Ordinances | √ Source: City Ordinances | √ Source: City Ordinances | √ Source: City Ordinances |
| Hugo | √ Source: Municipal Code | √ Source: Municipal Code | √ Source: Municipal Code | √ Source: Municipal Code |
| Lake Elmo | √ Source: Municipal Code | √ Source: Municipal Code | √ Source: Municipal Code | √ Source: Municipal Code |
| May TWP | √ Source: County Ordinance | √ Source: County Ordinance | √ Source: County Ordinance | √ Source: County Ordinance |
| Oak Park Heights | √ Source: City Ordinances | √ Source: City Ordinances | √ Source: City Ordinances | √ Source: City Ordinances |
| Stillwater | √Source: City Code | √Source: City Code | √Source: City Code | √Source: City Code |
| Stillwater TWP | √ Source: County Ordinance | √ Source: County Ordinance | √ Source: County Ordinance | √ Source: County Ordinance |

NA = Not Applicable

In developing this Plan, the District is required by Minnesota Rules 8410.0070 to solicit and consider the water management goals and policies of local governments within the District, the Metropolitan Council, Washington County, the Washington Soil and Water Conservation District, the Board of Water and Soil Resources, the Pollution Control Agency and the Departments of Natural Resources, Agriculture and Health, and to explain and justify any inconsistencies between those goals and policies and the goals and policies of the District as stated in the Plan. Under 8410.0110, the District also is to

solicit from Washington County and the local governments any concerns as to their administrative and financial capabilities to adopt and enforce the controls and programs required by the Plan.

Figure II-1 and the text accompanying it describe the process that has been used in developing the Plan. This process has included the substantial involvement of Washington County, the Washington Soil and Water Conservation District, the Metropolitan Council, the Board of Water and Soil Resources and the Department of Natural Resources.

In distributing this draft, the District specifically is asking each indicated governmental unit to respond to the District with respect to any of its water management goals or policies relevant to and not reflected in, or contradicted by, the Plan. Similarly, it is asking the County and the affected cities and towns to submit comments regarding their capabilities to implement the controls and programs required herein. As noted above, it is the District's assessment that the Plan will not impose burdens on the administrative or financial capabilities of local governments. If any affected governmental unit believes otherwise, it is asked to specifically advise the District of its views. Any comments received will be reviewed and considered in finalizing the Plan.

## *V-4. Implementation Plan Summary Tables*

Table V-3 lists the costs and potential partners for high priority projects. The projects identified as high priority are those that the District plans to complete within the 10-year term of the Plan. Table V-4 lists the low priority projects. The low priority projects include all other potential implementation items. These items will be reviewed on an annual basis, reprioritized as appropriate, and completed as time and money allow. Table V-5 identifies all of the proposed Capital Improvement Projects as well as estimated costs, potential partners, and an estimated implementation year. The Board of Managers will review and update the implementation plan annually in July with the Citizen Advisory Committee (CAC) contributing to the review at the August CAC meeting. The Board will finalize the implementation program review in conjunction with budget planning.

## *V-5. Capital Improvement Projects – 2012 Amendment*

Over the past five years the BCWD has implemented the water resources protection and improvement plan described in chapters IV and V of this Plan, completing in collaboration with other local governmental entities and citizen groups lake management plans for Lake McKusick, Woodpile Lake, Benz Lake, Long Lake and Masterman Lake, as well as a Total Maximum Daily Load (TMDL) study and implementation plan for Brown's Creek. (The Brown's Creek TMDL study and implementation plan were finalized and approved in December 2010.) As intended, the lake management plans and

TMDL implementation plan identified specific capital improvements – along with best management practices and other management actions – that could be implemented to achieve BCWD-established water-quality goals. The completion of these plans allowed the BCWD to add specificity to this Plan with regard to the schedule, cost and location of capital projects the BCWD will undertake or consider undertaking. For two lakes – McKusick Lake and Long Lake – BCWD undertook further resource assessment to develop specific projects and approaches beyond those identified in the associated management plans to achieve water quality improvement targets.[1] The specific projects that resulted from these processes are provided in Table V-6 – BCWD 2012 CIP. (Some of the specific projects listed in Table V-5 do not appear in Table V-6. The BCWD has determined not to develop these projects for possible implementation.)

The BCWD does not intend to complete all of the projects in Table V-6 in the next five years. Because the BCWD intends to continue to refine its plans for implementing capital projects to most cost-effectively address water-resource improvement goals in the watershed, the BCWD has identified criteria that will be weighed by the Board of Managers to determine which projects should be undertaken. The analysis of projects by the Board of Managers according to the criteria will allow the BCWD to determine projects for which feasibility studies will be conducted. The Board of Managers then will consider the findings of such studies, along with input from watershed cites, Washington County, state agencies and watershed citizens, when determining which projects will be ordered for construction. This process will allow the BCWD to undertake construction without the need for further amendment of this Plan. In some cases, consideration of a completed feasibility study and input from stakeholders in light of the criteria may lead to approval of a project from Table V-6 in modified, improved form, or may lead to reprioritization or rescheduling of the projects in the CIP. The criteria include:

- Availability of grant funding;

[1] The McKusick Lake Management Plan (Wenck 2007) identified target load reductions in the watersheds draining to McKusick Lake. A required reduction of 148 pounds of phosphorous was identified for the northwest annexed area which includes the McKusick Lake diversion drainage area. Three main tributaries converge at the McKusick Lake diversion structure, in which the highest estimated phosphorous loading is conveyed via the western branch. The Settler's Glen 5th Addition Iron-Enhanced Sand Filter, situated within the western branch catchment area, is projected to remove approximately 118 pounds of total phosphorus, achieving 80 percent of the target required reduction in this area. Monitoring has shown phosphorous loading from the contributing tributaries to the McKusick Lake diversion structure. BCWD is committed to reducing total phosphorous loading to meet the targeted reduction goal of 148 pounds of phosphorus from the entire annexed area watershed. To reduce an additional 30 pounds of phosphorous, reduction projects such as volume control (infiltration), source control or filtration will be implemented within the catchment area of the McKusick Lake Diversion Structure.

The North Marketplace Targeted Subwatershed Implementation Plan was developed as a followup to the Long Lake Management Plan of 2006. The intent of the North Marketplace plan was to build on the implementation portion of the Long Lake Plan by providing greater detail on the types and locations of specific water quality improvement projects. The Long Lake Management Plan had identified a phosphorus reduction goal for this subwatershed and the number and type of various BMP types that could be used to achieve the goal. The North Marketplace plan took that information a step further by finding specific locations where the various BMPs would be best suited. The resulting implementation plan is a detailed map showing potential small, residential boulevard raingarden locations, tree trenches and locations for larger, regional BMPs on City of Stillwater and private properties.

- Availability of funding assistance from regional, state and federal sources;
- Expressed interest in and capacity for partnership among local governmental entities, especially as makes property available for a CIP project;
- Expressed community and private entity support, especially as makes property available for a CIP project; and
- Technological and/or design advancements improving the expected performance and/or cost-effectiveness of a particular CIP project.

Ordering of CIP projects will be conducted in accordance with statutory processes for implementation of actions intended to achieve water resources goals described in this Plan:

- First, all proposed actions constituting capital projects will be ordered following the procedure specified in Minnesota Statutes § 103B.251. This section requires that a public hearing be held to consider the merits of the proposal, with prior published notice as well as written notice, with a copy of or the availability of project plans, to Washington County and cities and townships within the watershed. The Board of Managers will hear and consider all public comments and make funding decisions in open public meeting.
- Second, spending for project implementation is set annually through the BCWD's budgeting process. This is a public process that occurs in July and August each year. It includes a public hearing required by statute at which any interested person may address the Board of Managers on the proposed budget.
- Third, all proposed project activities will be presented to the District's citizens advisory committee. The Board of Managers carefully considers all committee review and input.

Table V-6 – BCWD 2012 CIP

| Item Description by Plan: | BCWD and other Government Involvement | BCWD Watershed Management Plan Section - Policy #) Goal Letter - Item # | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 and beyond |
|---|---|---|---|---|---|---|---|---|
| **Projects Identified in BCWD Third Generation Watershed Management Plan** | | | | | | | | |
| Long Lake Management Plan Implementation Activities | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | | | |
| LL-14 Pond Improvements | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | $101,250 | | |
| OPH-25 Pond Improvements | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | | | $67,500 |
| OPH-24 Pond Improvements | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | $67,500 | | | | |
| Small to Medium Raingardens | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | $10,000 | $10,000 | $10,000 | $10,000 | |
| Community Scale Raingardens | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | $25,000 | $25,000 | $65,000 |
| Community Scale Infiltration Trenches | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | $10,000 | $10,000 | $10,000 | $60,000 |
| Infiltration Basins/Wet Ponds/Created Wetlands | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | $10,000 | $10,000 | $10,000 | $60,000 |
| Lakeshore Buffer Creation | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | $10,000 | | | |
| Mendel Wetland Restoration | BCWD, WCD | 3.3.a-2) A1 | | | | | | $100,000 |
| **SUB-TOTAL** | | | | **$77,500** | **$40,000** | **$156,250** | **$55,000** | **$352,500** |
| **McKusick Lake Management Plan** | | | | | | | | |
| Settler's Glen 5th Addition Iron-Enhanced Sand Filter | BCWD, City of Stillwater, DNR | 4.3.a-3) A1, 4.3.a-3) A2 | $210,000 | | | | | |
| McKusick Diversion Drainage Load Reduction Projects | BCWD, City of Stillwater, DNR | 4.3.a-3) A1, 4.3.a-3) A2 | | | $150,000 | | | |
| **SUB-TOTAL** | | | **$210,000** | **$0** | **$150,000** | **$0** | **$0** | **$0** |
| **Woodpile Lake Management Plan** | | | | | | | | |
| Vegetative Buffer; 83rd Street | BCWD, City of Grant, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | $25,000 | | |
| 83rd Street Regrading | BCWD, City of Grant, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | $500 | | | | | |
| Sediment Traps; Keats and 83rd Street | BCWD, City of Grant, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | | $10,000 | |
| Vegetative Buffer; South Shore | BCWD, City of Grant, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | $5,000 | | | | |
| **SUB-TOTAL** | | | **$500** | **$5,000** | **$0** | **$25,000** | **$10,000** | **$0** |

* All costs in 2011 dollars

** The BCWD anticipates that the government entities identified in the Brown's Creek TMDL Implementation Plan will take the lead on implementation of these projects.

Table V-6 – BCWD 2012 CIP

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Long Lake Management Plan/North Marketplace Subwatershed Assessment** | | | | | | | | |
| Raingardens | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | $30,000 | $30,000 | $30,000 | $30,000 | |
| Community Thread BMPs | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | $10,000 | | | | | |
| Benson Park South Raingarden | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | $12,500 | | |
| Oakridge Community Church Ponding | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | | | $40,000 |
| Benson Park North Raingarden | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | | | $16,000 | |
| Tree Trench | BCWD, City of Stillwater, WCD | 4.3.a-1) A1, 4.3.a-1) A2, 4.3.a-1) A3, 4.3.a-1) A4, 4.3.a-1) A5, 4.3.a-1) A6, 4.3.a-1) A7, 4.3.a-1) A8 | | | $21,000 | | | |
| **SUB-TOTAL** | | | **$10,000** | **$30,000** | **$51,000** | **$42,500** | **$46,000** | **$40,000** |
| **Brown's Creek TMDL Implementation Plan** | | | | | | | | |
| PUBLIC PROJECTS: | | | | | | | | |
| Stormwater BMPs - 96 and Oakhill Avenue N | Stillwater TWP**, BCWD, MnDOT | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $33,340** |
| Pond Retrofit - P1065 | BCWD, City of Stillwater** | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $18,725** |
| Pond Retrofit - P1045 | BCWD | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $44,650 |
| Pond Retrofit - P1044 | BCWD | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $38,275 |
| Pond Retrofit - P1043 | BCWD | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $8,425 |
| Pond Retrofit - P1042 | City of Stillwater** | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $128,888** |
| Pond Retrofit - P1184 | BCWD | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $89,300 |
| Pond Retrofit - P1217 | City of Stillwater** | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $50,375** |
| Pond Retrofit - P1048 | BCWD | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $23,225 |
| Ravine & Bluff Stabilization Project | BCWD, MNDNR, Washington County, City of Stillwater, Stillwater TWP | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | $34,000 | | | | | |
| Catch Basin Retrofits: McKusick Road (4) | BCWD, Washington County, Stillwater TWP** | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $30,540** |
| Catch Basin Retrofits: Stonebridge Trail | BCWD, Washington County, MnDOT, City of Stillwater** | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $25,050** |
| McKusick Wetland Outlet Modification | BCWD, MNDNR, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $188,500 |
| Neal Avenue Stormwater Area | BCWD, City of Stillwater** | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $278,990** |
| Stone Arch Bridge Streambank Stabilization | BCWD, Stillwater TWP | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $13,000 |
| Brown's Creek Rehabilitation Project | BCWD, MNDNR, Washington County | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | $20,000 | $100,000 | | | | |
| McKusick Road Improvements | BCWD, Washington County**, City of Stillwater, Stillwater TWP | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $106,400** |
| Stream Geomorphology + Thermal Buffer Improvements: | | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | |

* All costs in 2011 dollars

** The BCWD anticipates that the government entities identified in the Brown's Creek TMDL Implementation Plan will take the lead on implementation of these projects.

Table V-6 – BCWD 2012 CIP

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Reach 1 | BCWD, MNDNR, MNDOT, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | $5,833 | | | | | |
| Reach 3 | BCWD, Washington County, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $120,000 |
| Reach 4 | BCWD, Stillwater TWP | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $38,400 |
| Reach 6 | BCWD, MNDNR, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | $10,833 | | | | | |
| Reach 8 | BCWD, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | $8,833 | | | | | |
| Reach 9 | BCWD, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | $12,200 | |
| Reach 10 | BCWD, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $25,600 |
| Reach 11 | BCWD, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | $64,000 | |
| Reach 12 | BCWD, Stillwater TWP | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | $109,000 | |
| Reach 13 | BCWD, Stillwater TWP | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | $186,000 | | | |
| Reach 14 | BCWD, City of Grant | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | | | | | | $12,000 |
| PRIVATE PROJECTS: | | | | | | | | |
| Countryside Auto Repair BMP project | BCWD, MNDNR, Washington County, City of Stillwater | 5.3.a-1) A1, 5.3.a-1) A2, 5.3.a-1) A3, 5.3.a-1) A4, 5.3.a-1) A5 | $20,000 | $80,000 | | | | |
| **SUB-TOTAL** | | | **$99,499** | **$180,000** | **$186,000** | **$0** | **$185,200** | **$601,375** |
| **TOTAL** | | | **$319,999** | **$292,500** | **$427,000** | **$223,750** | **$296,200** | **$993,875** |

* All costs in 2011 dollars

** The BCWD anticipates that the government entities identified in the Brown's Creek TMDL Implementation Plan will take the lead on implementation of these projects.

**COMMITTEE RECOMMENDATIONS**

***Northern Water Planning Committee***

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

2. Mille Lacs County Five Year Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***

3. Sherburne County Five Year Plan Amendment – Quentin Fairbanks - ***DECISION ITEM***

4. Red River Basin Watershed District Plan Expiration Date Extension – Gene Tiedemann – ***DECISION ITEM***

5. Wilkin County CLWM Five-Year Update Extension – Rob Sip – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Cook County PCSD

**Meeting Date:** September 26, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** North
**Contact:** Ryan Hughes
**Prepared by:** Ryan Hughes
**Reviewed by:** North Region Water Plan Committee(s)
**Presented by:** TBD

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

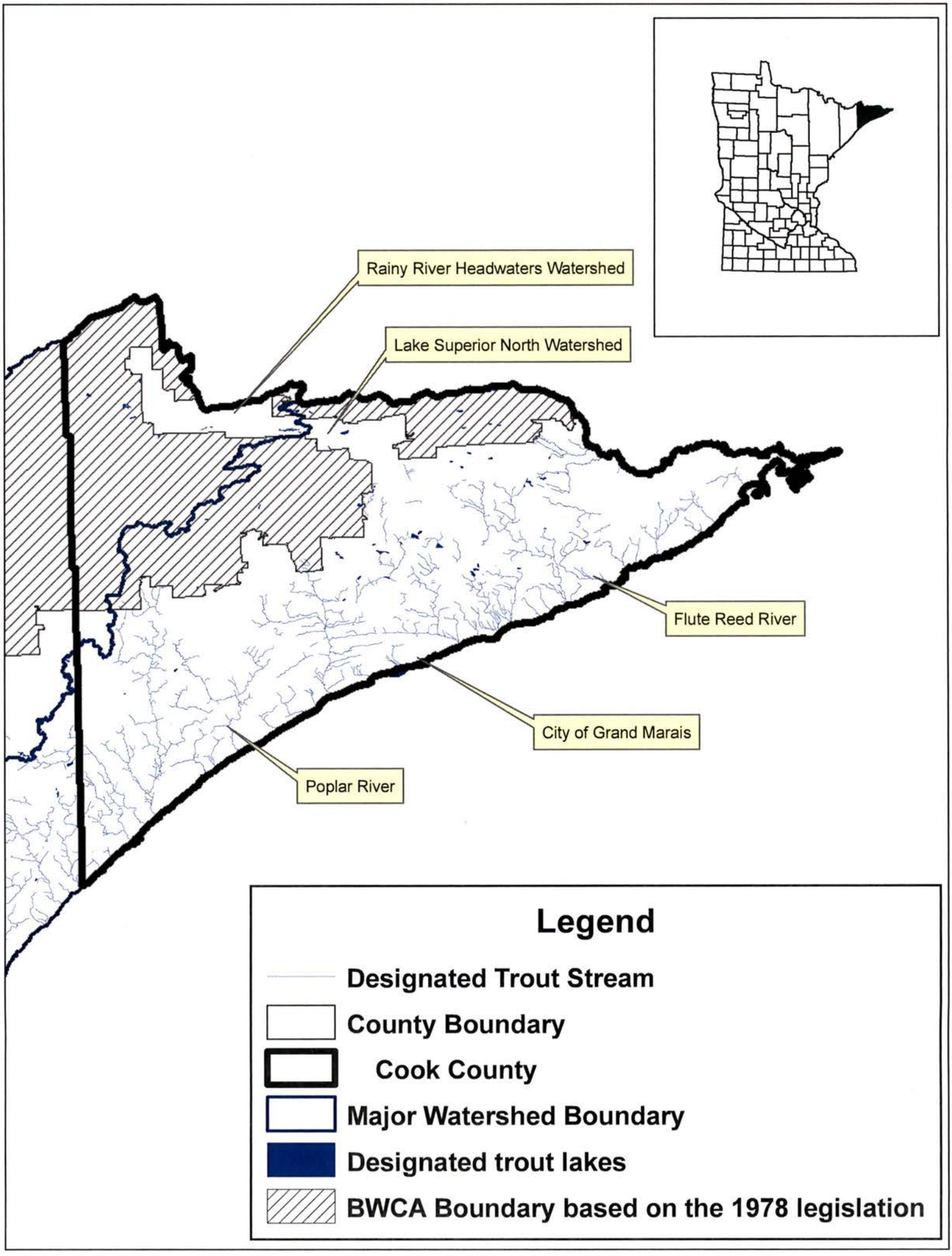
☐ Other: _____

**ACTION REQUESTED**
Approve the Cook County Priority Concerns Scoping Document (PCSD) and the letter to the County regarding the Official Comments pertaining to the State Review of the Cook County PCSD.

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Cook County received approval for a two year extension of their current plan on June 22, 2011. The extended expiration date of the current plan is October 26, 2014. The extension was requested to allow new staff at the County and SWCD responsible for development of the update administration of the water plan time to become familiar with the local issues and processes to create a more effective, updated plan.

As required, the Cook County PCSD was distributed to State agencies for review. Comments were received from the Environmental Qaulity Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agencies commended the process to identify the priority concerns and concurred with the selected priority concerns. As recommended by the Board Conservationist at the BWSR North Region Water Plan Committee, all agency comments will be incorporated into the final plan.

The BWSR North Region Water Plan Committee determined the Cook County PCSD satisfies the requirements of M.S. 103B.312 at their September 12, 2012 regular meeting and unanimously recommended full BWSR approval.


Rainy River Headwaters Watershed
Lake Superior North Watershed
Flute Reed River
City of Grand Marais
Poplar River
Legend
Designated Trout Stream
County Boundary
Cook County
Major Watershed Boundary
Designated trout lakes
BWCA Boundary based on the 1978 legislation

# Cook County Local Water Management Plan 2013-2023Update

## Priority Concerns Scoping Document



*The mission of Cook County Soil & Water (SWCD) is to improve water quality in Cook County by fostering responsible land use and by controlling soil erosion and non-point source pollution. The Board will encourage local conservation efforts by providing educational, technical, and financial assistance for local land users.(adopted June 2000)*

*Prepared by:*
Cook County SWCD
Cook County Court House
411 West 2nd Street
Grand Marais, MN 55604

## Table of Contents

Introduction . . . . . p.2

List of Priority Concerns . . . . . p. 4

Priority Concern Identification . . . . . p. 4

Priority Concern Selection . . . . . p. 5

Priority Concerns not addressed by the plan . . . . . p. 8

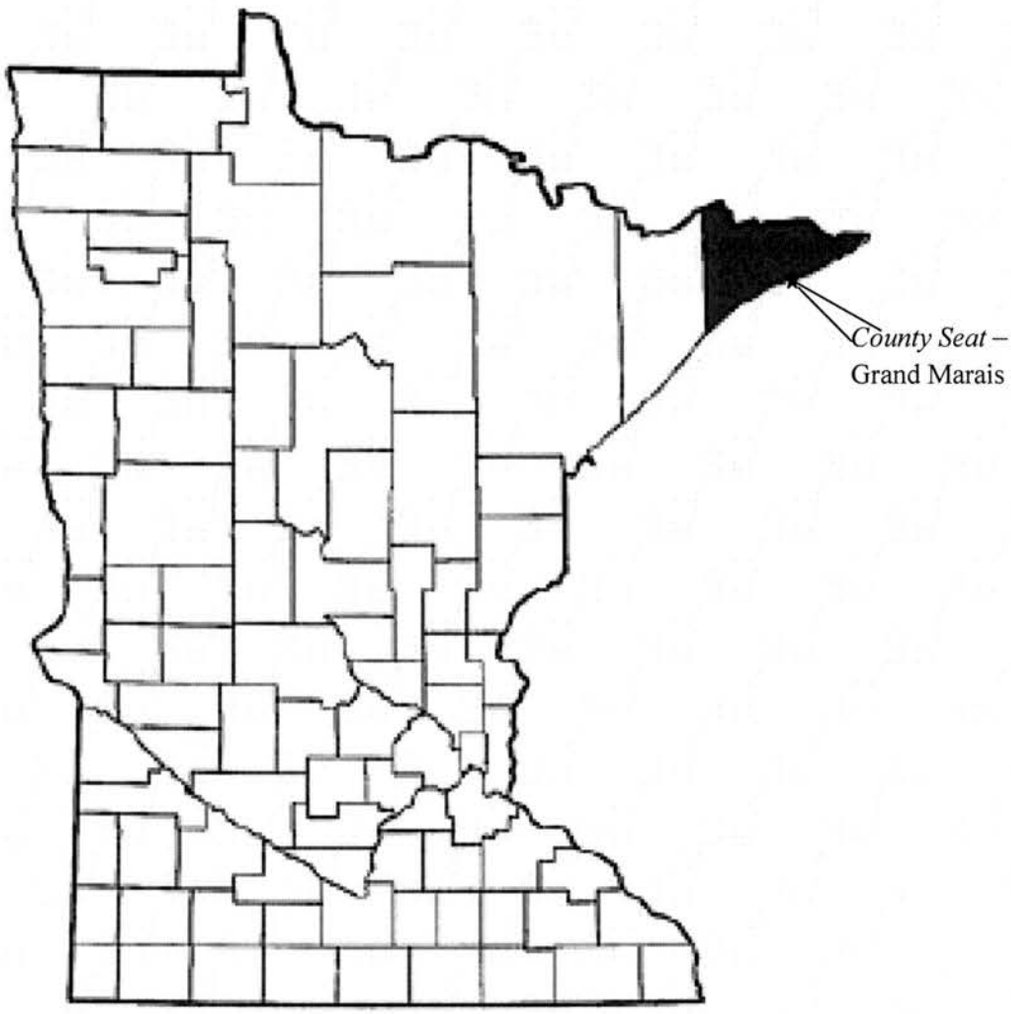
Appendix 1 – Summary of Citizen Concerns . . . . . p. 9

## Cook County Priority Concerns Scoping Document

### A. Introduction

The following Priority Concerns Scoping Document was developed in accordance with the changes to the Comprehensive Local Water Management Act; Statues 103B.304-103B.355. This scoping document lists the priority concerns that the Cook County Water Plan Advisory Committee has chosen along with a detailed account of how these concerns were identified and chosen.

***County Primer***



***Population and Projected Trends***

Cook County is located in northeastern Minnesota, sharing one boundary with Lake Superior, another with Canada and the other with Lake County. The county seat is located in the City of Grand Marais. Cook County is comprised of three townships (Schroeder, Tofte, Lutsen) and two cities (Grand Marais, Grand Portage). Grand Portage is located within tribal land on the Grand Portage Reservation.

The 2000 United States Census reported a county population of 5,168 people. The 2010 United States Census reported a county population of 5,176 people, a 0.2% increase in population over 10 years.

According to the United States Census Bureau the population trend for Cook County is as follows:

| *Area* | *2000* | *2010* | *Change Actual* |
|---|---|---|---|
| East Cook UT | 814 | 775 | -39 |
| West Cook UT | 1671 | 1616 | -55 |
| Grand Portage | 557 | 565 | 8 |
| Grand Marais | 1353 | 1351 | - 2 |
| Lutsen Twsp | 360 | 415 | 55 |
| Schroeder Twsp | 187 | 205 | 18 |
| Tofte Twsp | 226 | 249 | 23 |
| *Total* | *5168* | *5176* | *8* |

*Source:* US Census –factfinder2.census.gov

The population of Cook County is not predicted to change much in the future. The long-term population projections for Cook County suggest stable to possibly slightly declining for year round residents and increases are predicted for seasonal or part-time residents.

***Dominant Land Use/ Projected Trends***

Cook County covers a total area of 3,339.72square miles; 1,450.60 square miles of the area is land and 1,889.12 square miles of the area is water. Cook County is part of the Lake Superior North basin and the Rainy River basin. The dominant land use is public forest management by federal, tribal or state management. Approximately 9% of land base is in private ownership.

*Land use in Cook County:*

| **Description** | **Acres** | **Percent of Total** |
|---|---|---|
| Urban/Industrial | 832.4 | <0.1 |
| Farmsteads and Rural Residences | 338.0 | <0.1 |
| Other Rural Developments | 2309.2 | 0.2 |
| Cultivated Land | 0.0 | 0.0 |
| Grassland | 2745.1 | 0.3 |

| | | |
|---|---|---|
| Shrubby Grassland | 13871.7 | 1.3 |
| Regeneration/Young Forest | 86219.2 | 8.4 |
| Mixed Forest | 520700.8 | 50.7 |
| Deciduous Forest | 114543.3 | 11.1 |
| Coniferous Forest | 117114.5 | 11.4 |
| Wetlands: Bogs | 33582.2 | 3.3 |
| Wetlands: Marsh and Ferns | 24043.0 | 2.3 |
| Water | 110424.4 | 10.7 |
| Gravel Pits and Open Mines | 664.5 | 0.1 |
| Bare Rock | 190.5 | 0.0 |
| **Total** | **1027578.8** | **100%** |

*Source: The Land Management Information Center (LMIC)1999*

***Plan Information***

Cook County Soil and Water Conservation District is the local government unit responsible for the local water management plan in Cook County.

Cook County adopted a water management program on January 1, 1994, revised the plan in 1998 and adopted the revision on July 13, 1999. During 2004, the Local Water Plan Committee met to begin revision of the water plan. The plan expired on December 31, 2005. It was completed and the water plan was revised for 2006-2011. Due to staff turnover, an extension was granted to Cook SCWD on June 22, 2011 for a two year extension for the Water Plan update. The extension is granted until October 26, 2014.

**B. List of the Priority Concerns**

- Land use and Development Impact on Watersheds
- Sub-surface Sewer Treatment Systems
- Education and Engagement
- Groundwater
- Stormwater
- Wetlands
- Surface Water Quality Monitoring
- Impaired Waters Restoration

**C. Priority Concerns Identification**

***Public and Internal Forums to gather information***

- *Public comment -Citizen Surveys* – August 15, 2011 – December 22, 2011

Surveys were distributed in the summer in an attempt to reach seasonal residents while they are in the area. They were available to the public for an extended amount of time in an attempt to gather as many surveys as possible. Announcements of the update and calls for citizen concerns were in the form of a news article in the local paper and on the community website: boreal.org along with surveys readily available at different locations. Surveys were located at:

Grand Marais Public Library, Cook County Court House – SWCD office, Cook County Fair, Hovland Post Office, Clearview General Store (Lutsen), North Shore Market (Tofte), summer best management practices workshops and the Cook County SWCD website. Input is provided as Appendix I – Citizen Survey Summary.

- *Notification of Plan Update* – October 13, 2011 – November 30, 2011

Notice of intent to update the plan and a request to submit comments on priority concerns were sent out. Requests were sent to the Biology and Environment Department of the Grand Portage Band of Chippewa, Board of Adjustments, BWSR, Cook County CoLA, City of Grand Marais, Grand Portage Tribal Council, Township of Hovland, Township of Lutsen, Township of Schroeder, Township of Tofte, Cook County Visitors Bureau, Department of Natural Resources (fisheries), Environmental Quality Board, Cook County Extension Office, U.S.Forest Service (Grand Marais office), Gunflint Trail Association, Cook County Highway Department, Lake County SWCD, MN Department of Ag, MN Department of Health, MPCA, NRCS, Grand Marais Park and Recreation Board, Cook County Planning and Zoning, Cook County Planning Commission, Poplar River Management Board, Cook County SWCD board, Tofte-Schroeder Sewer and Sanitary District, and TSA 3.

Comments were returned from the Biology and Environment Department of the Grand Portage Band of Chippewa, BWSR, City of Grand Marais, Flute Reed Partnership, Cook County Highway Department, Minnesota Department of Health, Minnesota Pollution Control Agency, NRCS, Grand Marais Park and Recreation Board, Cook County Planning and Zoning, Poplar River Management Board, Cook County SWCD Advisory Board, Tofte-Schroeder Sewer and Sanitary District, and TSA 3.

- *Water Advisory Committee Meetings* – August 15,2011, September 21,2011, October 10, 2011, November 21,2011, January 17,2012, February 23,2012, March 28, 2012, April 25,2012, May 21, 2012, June 18, 2012, July 16, 2012.

The task force consisted of the seven members of the Water Plan Advisory Committee, the Cook County SWCD Water Planner, Cook County SWCD District Manager, one personnel from Cook County Planning and Zoning, one member from the MPCA and one local contractor.

The committee met throughout the process to decide on the citizen survey, organizations to include for input, review citizen surveys and agency input and then select priority concerns. A summary of all input is provided as Appendix II –Summary of Local Government Input.

**D. Priority Concerns Selection**

***How priority concerns were chosen***

The following priority concerns were selected upon evaluation of public input and discussion of the priority concerns by the Water Plan Advisory Committee task force at the following meetings: February 23, March 28, April 25, and May 21, 2012.

**Land Use and Development Impact on Watersheds**

Land use and development appears in a variety of forms in the County. Due to the limited amount of private land in the county, the task force felt that development is a continuing, if not an increasing concern in the area. It was also selected as a second priority concern by citizens in the County. Development occurring in the area is increasing around lakes and within the immediate sub-watersheds of inland lakes and Lake Superior. If it is not done properly, development could impact both surface and groundwater water quality. It can also impact natural habitat destruction, the third ranked concern of the citizens. The group shares the common understanding that what happens on the land will impact the water.

Increased development leads to additional clearing, and an increase in numbers of driveways and roads, eventually altering the natural flow of water through a watershed. Flow path changes can lead to increased water velocity, sediment load, and flooding. There will also be additional demand for drinking water.

Forestry is a common land use in the County. Forestry on public land follows specific regulations and does not need support provided in the water plan. Disturbance on land greater than 20 acres has support through various programs. Development and logging on private property, often less than 20 acres, has very little support for reforestation and re-vegetation. Assisting private landowners with acreage under 20 acres, forestry in riparian and shore land zones, and education are topics the task force would like to address in the water plan.

**Sub-surface Sewer Treatment Systems**

Citizen surveys ranked sub-surface sewer treatment systems (SSTS) as their number one concern for resources in the county. The Committee also feels this is a top priority as it is a situation that needs continued attention and support. Cook County has a shallow soil profile, high development around lakes, and a rolling landscape. Lakes with failing systems in their sub watersheds have shown an increase in nutrient levels.

Improvement of wastewater management is a priority in the county. The county accomplished improvements through an SSTS inventory and inspection program around prioritized lakes. The county has witnessed the benefits of this project. The inventory and inspection program has proven effective and the task force feels it would be beneficial to incorporate the program into the water plan. Incorporating the program will ensure more inspections are done systematically on prioritized lakes.

**Education and Engagement**

The Cook County task force and citizens feel education is a very necessary aspect of the Water Plan and could be improved. Thus Cook County decided to make education and engagement its

own priority concern. Education and engagement will be beneficial to the residents of the community if it has a more local and regional focus.

The task force will be incorporating education and engagement activities into the water plan which may include such topics as, impaired waters, TMDLs and best management practices, and lake water use by households. Other priority concerns within the water plan will be focused under this priority. The education and engagement priority is a valuable tool to successfully implement and maintain healthy watersheds.

**Groundwater**

Groundwater was not a top priority concern of the citizens or of other groups and agencies contacted. Upon discussion, the task force concluded that, in planning for the future of Cook County, this is a topic that needs more support in the water plan. Various issues have been brought into the forefront lately regarding the County's groundwater.

The Minnesota Department of Health has seen problems with contaminated ground water for drinking as a result of septic systems and the soil cover. The East end of the County, in particular, has problems with excessive groundwater mineralization due to local geology. The task force discussed procedures to incorporate into the water plan that might help address the problem: creating a geological atlas, well testing to determine yield and water quality and quantity, sealing unused wells and unsealed wells, and general education about groundwater.

**Stormwater**

The combination of steep slopes and thin soil cover makes stormwater a continual concern. Over the past few years, the area has received large rainfalls causing erosion, flooding, and increased sediment load entering rivers, inland lakes and Lake Superior. Some areas in the county are more prone to stormwater problems than others.

The task force feels that a few ways to address the stormwater concerns of the areas more prone to stormwater problems are through collaboration, hydrological modeling and assessment, and administration of subdivision ordinances. The development of a strategy/plan for a county -wide plan (county, townships, and city) is also a beneficial tool mitigating stormwater. Timely maintenance of culverts and retention ponds are also part of stormwater mitigation. Located in the county is a stormwater retention area, known as the village ditch; the committee would like to work towards having the county and the city of Grand Marais manage this area more efficiently and effectively.

**Wetlands**

The majority of the wetlands in the county are pristine and intact. Wetlands are a valuable part of clean water quality. Public lands in the county fall under the Wetland Conservation Act and have

their own wetland management plan. Items to be included in the revision are continuing the work of maintaining healthy wetlands, addressing education and collaboration, wetland banks, enforcement of maintaining wetland regulations and a wetland management plan.

**Surface Water Quality Monitoring**

The county has been monitoring the health of lake water through grants since 2008. This has been valuable in identifying issues, working with landowners to promote healthy waters, and creating a water quality baseline of lakes in the area for future reference. Monitoring both ground water and surface water are valuable for maintaining the viability of our lakes and for mitigating potential problems in our region. Also included in the monitoring is beach monitoring of e-coli levels. Additional monitoring could be done with non-point source pollution. Monitoring streams within watersheds will help locate areas of stream instability and sources of increased sedimentation.

**Impaired Waters Restoration**

Cook County has two impaired streams for sediment and several lakes impaired for mercury. As a more intensive study of the area takes place over the next several years with the MPCA more impaired waters may be discovered. The committee would like to focus this priority on restoring habitats and water quality of impaired waters. It will also be important to minimize stressors creating non-point source pollutants.

**E. Priority Concerns not addressed by the Plan**

The following priority concerns were not selected upon evaluation of public input and discussion of the priority concerns by the Water Plan Advisory Committee task force at the following meetings: February 23, March 28, April 25, and May 21, 2012.

Roads were not selected as a priority concern and instead will be addressed as action items within the plan. The task force felt this was a concern but many aspects are already working well such as permitting and collaboration between Planning and Zoning and the contractors. Areas that will be further explored into include private road design and construction, maintenance of roads and culverts, fish passage culverts, and education for county employees.

Environmental Impacts will not be addressed as they are already covered by the Cook County Planning and Zoning office in their ordinances.

Aquatic Invasive Species are adequately addressed by the Minnesota Department of Natural Resources and therefore will not be included on the revision.

Lake Classification is currently done by the Department of Natural Resources. Additional research and information about different classifications needs to be done but will not be included at this time in the plan.

Taconite Harbor is an area of concern regarding point source pollution. The MPCA is the governing body working with the Harbor and any pollution issues. Cook County has no responsibility here.

*Appendix I* – **Summary of citizen Concerns from the Citizen Survey**

**Citizen Concerns:**

***Watersheds:***

**Lake Superior:** 63 surveys

**Rainy Lake:** 2 surveys

**Total:** 67 surveys returned (not all surveys indicated the watershed)

***Top Problems in Cook County:***

Failing Septic Systems: 43
Development pressure/impacts: 31
Natural Habitat Destruction:25
Stormwater/ Drainage management: 22
Lack of Environmental Education: 17
Erosion: 17
Over-application of fertilizers: 17
Declining Water Clarity: 17
Other: 17 (*See Other Comments)*
Lack of Regulations: 15
(*See Lack of Regulations)*
Contaminated Runoff: 14
Groundwater Contamination: 11

***Other Comments:***

Impact of rental vacation home
No wake zones needed
Motorized Recreation Erosion Impacts
(5) Lack of Enforcement of Current Regulations
Inconsistent Enforcement
Inconsistent Interpretation
Lack of BMP's on Shoreland
(2) Impervious Surface and Prescribed Burning
(3)Prescribed Burns
Long Term Effects of Mining
Fluoride in city water
Why is this survey geared to making us choose the worst things? Surely you should be able to find some good examples in our area, such as, our Lake Superior has the cleanest, clearest water in the world!

***Lack of Regulations Comments:***

Enforcement of Clearing Buildings
Conformance to regs that are constantly changing

**Most Threatened Resources:**

1 -Lakes
2 -Streams/rivers
3- Wetlands
4 - Groundwater

***Actual numbers:***

| *Rating* | *Groundwater* | *Wetlands* | *Lakes* | *Streams/Rivers* | *Other* |
|---|---|---|---|---|---|
| 1 | 6 | 11 | 33 | 9 | 1 |
| 2 | 6 | 16 | 6 | 24 | 1 |
| 3 | 13 | 13 | 15 | 10 | |
| 4 | 26 | 14 | 1 | 9 | |
| 5 | 2 | | | | 2 |

***Other Concerns:***
Native Plant Community
Watersheds Around Lakes
Undeveloped land Management
Forests

**Additional Comments:**
Septic Systems:

- When property is sold, septic should be inspected.
- Concerned that failed septic systems are not being replaced. No carrot? No stick? Unfortunate owners were not given deadline to replace. Were options explained to them, told 3% low interest loans available through Soil and Conservation? Ideal situation would be for State of MN to require all systems upgraded at time of sale (surely not everyone would go across the border to purchase a cabin).
- Get serious about point-of-sale septic inspections. Require realtors to include this requirement in closing statements.
- Hire contractors to do follow-up inspections of septic systems that have failed.
- Abuse of holding tanks. Some using them use gray water systems or dump waste water directly on the ground to avoid the high cost of pumping the tanks.
- There needs to be a mandated pumping schedule especially for those living here full time.
- Strong septic ordinances imperative with proper enforcement if systems fail.
- The county needs to pass and implement a strong septic system ordinance in order to protect the pristine lakes in Cook County and also protect our wetlands and groundwater.
- I checked failing septic systems because that is the ONLY area of concern that I have about the watershed. I am hesitant to even state that as I have concerns about government over-regulation regarding septics. The most helpful thing that the county can do in this is to continue to offer financial assistance. No one wants a failing septic, but the cost to repair is so high, people can't afford to do the right thing. Also, the county should offer assistance to people who want to get rid of outhouses & install septics - not just the repair of failing systems.

Invasive Species:

- Invasive Exotic Species: 1. Aquatic prevention 2. Terrestrial prevention and control

- Aquatic Invasive Species

Boating:

- We need to keep after speed boats-hard on water quality!
- No Wake zones are needed on lakes

Enforcement:

- More enforcement of existing regulations.
- Educate county commissioners regarding importance of existing regulations which require oversight.
- Actually all of the above need to be addressed. Regulations enforced regardless of wealth and/or business.

Ground Water

- I am extremely concerned about possible groundwater contamination in cook County due to present mining exploration.

Other:

- The poplar river system is getting too much emphasis and tax dollars-natural erosion has always existed!
- Poplar River over developed with condos, golf course, ski hill, selling off of upper river properties, removal of too much vegetation.
- West End- more resort owners.
- Fragmentation of sections of Cascade River
- Department of Transportation needs to be accountable for soils disturbance, land clearing and alteration, and seed (species) used for stabilization/re-vegetation.
- Would appreciate assistance and efforts on native landscaping especially at wetland areas.
- Thank you for taking the time to do this survey and work on public awareness.
- I am extremely concerned about connection between the economic meltdown occurring nationwide/globally and the ideas promoted by conservation politicians to do away with environmental regulations. That is absolutely the wrong path to take and we must be diligent in this county to preserve our natural resource treasures.
- Stopped prescribed burning
- Stop prescribed burning
- This survey is a bit skewed, as there is no option to enter "no problem."
- With only 9% of the land in our county available for any sort of development (existing or future), I don't think there are major watershed concerns. With all of the protected, natural lands, the little bit of developed area in our county is not going to harm the watershed. Even if all 9% was mismanaged (which it is not, previous generations have been mindful of caring for the earth), all of the protected areas more than mitigate any problems.
- I don't think more government oversight is needed. If anything, the government needs to give people more freedom to do what they want with their own land.

- Stop with the surveys & regulations, we are being regulated to death now! Don't you realize that our county is mostly Federal & State lands, that our privately owned lands are very limited. Our children aren't able to build without putting so much money out, due to the regulations on both the septic & wet lands controls now in effect, that they can't afford to stay in the county!! Can't even build an outhouse without having to get specs from the County and have to build it exactly, or get fined. Don't people realize too, that we as locals haven't destroyed our area, in the centuries our families have lived in and protected the area. We consider this our own "Part of God's Green Earth", to live in, work in, and, enjoy! We truly do want to see it survive for our descendants!
- What about fluoride in municipal water supplies in the Great Lakes watershed? It's a totally toxic chemical that is not meant to be ingested by humans. Who knows what it does to aquatic life? The Fluoride Action Network website has a lot of time to stop this crazy practice and perhaps pressure from your organization can help.

*Appendix II* – **Summary of Agency and Local Units of Government Input**

# Draft Priority Concerns for Cook County


| | |
|---|---|
| Development | 1 |
| Roads | 3 |
| Sub-surface Treatment Systems | 6 |
| Education | 9 |
| Groundwater | 10 |
| Forestry | 11 |
| Stormwater | 12 |
| Wetlands | 15 |
| Other considerations | 17 |

# Development

*PRIORITY CONCERN:* **Water Quality Management - General Land Use and Development**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?*** Continue to encourage and enhance enforcement of existing and future conditional land use permits to property owners as they affect ***overall*** water quality including surrounding properties affected by proposed changes.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Landscape scale land management and land-use impacts to water quality and quantity.**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Sustaining or improving water quality and quantity in North Shore streams and Lake Superior is primarily dependent on the management and land-uses of the terrestrial environment. MPCA has already identified at least two streams (Poplar River, Flute Reed River) in which water quantity and/or quality is compromised in the lower reaches.

The lower reaches of many of the subwatersheds in Cook County's portion of the Lake Superior watershed are a mix of public and private ownership. Achieving desired water-related outcomes will require a collaborative approach at a variety of scales ranging from individual subwatershed to broad landscape scales.

MPCA expects to begin intensive monitoring of Lake Superior watershed in 2013. (For details see: http://www.pca.state.mn.us/index.php/water/water-types-and-programs/surface-water/watershed-approach/watershed-approach.hml

Developing relationships now among land management agencies, private landowners or landowner groups for collaborative planning, decision-making and implementation of management needs identified through the MPCA process will improve the likelihood, efficiency and success of implementing strategies to meet water quality standards. The cook County SWCD's role in water resources planning and focus on work with private landowners and local units of government make it an essential partner in working to address landscape scale land management issues collaboratively in order to meet water quality standards.

***What actions are needed?*** Continue and improve working relationship with MPCA, NRCS, Broaden or establish working relationships with land managers, i.e. Superior National Forest, MNDNR and local watershed groups like the Flute Reed Partnership. One important avenue for this would be participation in the North Shore Forest Collaborative (NSFC).

***What resources may be available to accomplish the actions?***

For NSFC contact Rebecca Bartol at rbartol@fs.fed.us or 218-387-3207.

***What area(s) of the county is high priority?***
Areas with mixed public/private ownership.

*PRIORITY CONCERN:* **Development**
***Why is it important the plan focus on this concern (include or cite relevant data)?***
To keep up with development.

***What actions are needed?***
Need zoning to cover this. Education and Demonstration Projects

***What resources may be available to accomplish the actions?***
County Board, Soil and Water Office, BWSR

***What area(s) of the county is high priority?***
Lake Superior and Rivers

## Roads

*PRIORITY CONCERN:* **Road/Design, Construction, and Long Term Impact**
***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?*** Provide assistance with older developments to improve water quality issues and fix problems with older roads.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Ditch Erosion**
***Why is it important the plan focus on this concern (include or cite relevant data)?***
The erosion of ditches is important in that effects the hydraulic functionality of ditches. Additionally, erosion of soils can be deposited in culverts and thus reducing the capacity of the effected culverts.

***What actions are needed?*** Continue to monitor ditches for erosion. Repair any damage to ditches and ensure that vegitative cover and/or other soil stablilization measures are utilized.

***What resources may be available to accomplish the actions?*** General Highway Funds

***What area(s) of the county is high priority?*** Areas of roadways near Lake Superior where roadway longitudinal grades can be excessive due to terrain.

*PRIORITY CONCERN:* **Water Quality Management – Roads/Design, Construction and Long Term Impacts (Priority Concern #3D in 2006-2012 Cook County Water Plan)**
***Why is it important the plan focus on this concern (include or cite relevant data)?***
Conventional culvert design focuses on the structure's ability to pass water without affecting road stability with little to no regard for long-term stream stability or the movement of aquatic organisms through the structure. Transport of sediment through the structure is also frequently neglected in design. The result, even when constructed as designed, is often an undersized structure that alters the overall combined water & sediment transport capacity of the stream, inhibits fish migration, and destabilizes the stream causing erosion and sedimentation.

***What actions are needed?*** A commitment to fund the design of road crossings to include the critical functions of: 1) sediment transport, 2) aquatic organism movement, and 3) water passage. Road crossing structures that achieve all three of these functions will often be either bridges or culverts larger than would have been selected using historic design criteria, which may cost slightly to moderately more initially but typically carry less long-term maintenance and/or emergency repair costs.

For reference, Chapter 4 ("Cost Analysis and Comparison of MESBOAC and Other Alternative Culvert Designs") of the *Center for Transportation Studies Research Report* #2009-2020 sponsored by MNDOT and the University of Minnesota serves as an example of design methodology that can be used as an alternative to traditional culvert design. (http://www.cts.umn.edu/Publications/ResearchReports/reportdetail.html?id=1796)

***What resources may be available to accomplish the actions?*** Cook SWCD, the MNDNR Two Harbors Area Hydrologist, MNDOT, the U.S. EPA's Great Lakes Restoration Initiative (http://www.epa.gov/glnpo/glri/), and various other local, state and federal agencies.

***What area(s) of the county is high priority?*** Highest priority is on the designated trout streams and tributaries within the Lake Superior watershed, but all public waters stream crossings in Cook County are a priority.

*PRIORITY CONCERN:* **Sedimentation associated with construction and road maintenance.**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Where there has been some improvement, road construction and maintenance projects supervised or regulated by the County continue to lake effective erosion controls. Contractors often waste time and resources installing silt fence along the edges of projects in upland areas, while paying little attention to waters and wetlands. Flow down exposed ditches is often left unimpeded, or is only lightly addressed by a minimal number of erosion control structures. Ditch cleaning operations have been done with no erosion control at all. These operations sometimes have been so extensive that they result in actual drainage of wetlands along the ditches. Excavation of ditches on County Road 60 are an example. Ditch erosion is compounded by the tendency to use ditches to gather water and direct it to one culvert, when the flows involved should actually be channeled through several culverts to keep those flows on the landscape. An example would be the ditch along County Road 16.

***What actions are needed?*** County employees and all contractors must be made aware of required erosion control practices, and must strive to make effective use of erosion control measures. Penalties for inadequate erosion controls should be written into construction contracts, and should be enforced. Excavation and clearing of ditches should be minimized. Where erosion or heavy vegetation are recurring problems, ditches should be armored with riprap, and structures should be placed to slow flows (as was done on County Road 4). All flowages should be culverted with properly sized and placed culverts - ditches should not be used to collect and concentrate flows.

***What resources may be available to accomplish the actions?*** Inland lakes and streams with public and private access and Lake Superior.

***What area(s) of the county is high priority?*** Lake Superior watershed, where there are many small, high-gradient streams and terrain (for roads and streams) is challenging.

*PRIORITY CONCERN:* **Fish Passage**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Many culverts currently in place on private and county roads are undersized and badly placed. These culverts block fish passage by creating drop barriers or high velocities. The use of flat-bottomed concrete culverts exacerbates the problem. Beyond fish passage concerns, these culverts also have an adverse effect on water quality, since they are prone to washing out, and often erode stream beds and banks downstream.

***What actions are needed?*** In almost every case, old culverts, when due for replacement, should be replaced with larger units, sized and placed following MESBOA guidelines. The worst existing culverts (regardless of condition) should be scheduled for replacement based on potential improvements in fish passage. Culverts at crossings where stream gradients are high, or culverts that would have to be long to accommodate roadbed slopes, should be replaced with bridges.

***What resources may be available to accomplish the actions?***

In the Lake Superior watershed, several agencies provide funding for fish passage improvements. Cook County has worked with some of those agencies, and is familiar with their application processes. Funding may also be available for Legacy Amendement Outdoor Heritage Fund through the Lessard-Sams Council.

***What area(s) of the county is high priority?*** Streams in the Lake Superior watershed, trout streams, and selected trout stream tributaries.

*PRIORITY CONCERN:* **Work with Cook County Highway Department**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

A DNR study, early 2000: showed roads were biggest contributor to sediment in our rivers.

***What actions are needed?*** To have SWCD help the Hwy Department understand how important they are for water quality. Encourage them to follow the Storm Water Ordinance and prioritize the use of erosion control blankets, etc.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

**PRIORITY CONCERN: Roads**

***Why is it important the plan focus on this concern (include or cite relevant data)?*** **Private** Roads and Water Flow, Erosion/sediment/pollution

***What actions are needed?*** Need to update and educate owners

***What resources may be available to accomplish the actions?*** Citizen Groups to review

***What area(s) of the county is high priority?*** Inland Lakes and Tourist Industry

# Sub-surface Treatment Systems

*PRIORITY CONCERN:* **In reference to your Item 3B, Water Quality Management - Septic Systems and Sewage Management**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?***

- Continue to support a strong SSTS management plan in the county.
- Provide sewer system as-built specifications to new owners at the time of sale, and implement a written management plan that can be updated when the property is sold.
- Create an easily-accessed public record of as-built systems and track changes as above.
- Incorporate ***all*** subsurface septic treatment systems into the plan (not just private property).

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Nutrient loading from failed septic systems**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Lakes in Cook County tend to be low-productivity waters, with phosphorus a limiting factor. Many shallow lakes in the area are able to maintain game fish populations only because their productivity is so low. Many deeper lakes are able to maintain trout populations for the same reason. Increase nutrient flows from septic systems threaten those lakes by increasing the probability that shallow lake swill winterkill, and that deeper lakes will lose their hypolimnetic oxygen, essential to maintaining trout over the summer.

***What actions are needed?*** Continue inspecting septic and other waste treatment systems, and require systems to be upgraded when no longer in compliance. Create a fund to help owners pay for the costs of upgrades. Maintain large lot sizes on developed lakes by denying re-zoning requests.

***What resources may be available to accomplish the actions?*** Funding may be available from the Legacy Amendment Clean Water Fund.

***What area(s) of the county is high priority?*** Target shallow lakes and trout lakes with significant shoreline development. Specific lakes include: Clara, Tait, Christine, Caribou (in Lutsen), Bigsby, Devil Track, Pike Hungry Jack, Deer Yard, Trout, Lost, Birch, Mayhew, Clearwater, Kemo, Pine (Trestle-Pine), West Twin, East Twin, Talus, Gust Mink, Gunflint, Greenwod, Sea Gull, Leo, Flour, East Bearskin, West Bearskin, Aspen, Road, and Squint.

*PRIORITY CONCERN:* **Septic systems**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?*** Monitor and test

***What resources may be available to accomplish the actions?*** Planning and Zoning

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Subsurface Sewage Treatment Systems in Riparian and Shoreland Areas**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The Cook SWCD in cooperation with the County submitted a fiscal year 2012 Board of Water and Soil Resources Clean Water Fund application to address inspections and improvements to subsurface sewage treatment systems (SSTS) on lakes with increased development. Addressing SSTS issues, specifically failing systems, will reduce pollutants entering local rivers, streams, lakes and groundwater.

***What actions are needed?***

- Continued partnership between the Cook SWCD and the County to pursue funding to complete inspections and compliance efforts in riparian and shoreland areas.
- Prioritize lakes and riparian areas to complete inventory and compliance checks.
- Development of an SSTS inventory and compliance database.

***What resources may be available to accomplish the actions?***

- Clean Water, Land and Legacy Amendment Funds - Ryan Hughes 218-723-4923
- Minnesota Pollution Control Agency - 218-723-4660
- Cook County Planning and Zoning

(include contact names, funding sources, partnerships, citizen volunteers, etc.)

***What area(s) of the county is high priority?*** Riparian and shoreland areas.

*PRIORITY CONCERN AND ACTIONS:*

Septic systems and sewage management, We have completed our initial listing of lakes identified for our Lakeshore Septic Compliance Program, and have tentatively identified a few additional lakes to continue on provided there is funding to do so. It is a concern of the P & Z and Environmental Health Department to make sure that all of the septic systems that had been determined to be failing as a result this inspection program are replaced or repaired in accordance with the Minnesota Rules. It is also a priority of the department to produce a more exhaustive listing of the next prioritization of lake areas for the continuation of the Lakeshore Septic Compliance Program. It is also another priority of the department to finish up and adopt a new septic management ordinance to ensure a clear understanding of the requirements for the property owners, septic contractors, realtors and other interested parties within the county. Lastly, it is a priority to monitor the success of the current Septage de-watering and composting process, and to have pre-planned alternatives should that process fail to success in the long run.

*PRIORITY CONCERN:* **In reference to your Item 3B, Water Quality Management - Septic Systems and Sewage Management**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?***

- Continue to support a strong SSTS management plan in the county.
- Provide sewer system as-built specifications to new owners at the time of sale, and implement a written management plan that can be updated when the property is sold.
- Create an easily-accessed public record of as-built systems and track changes as above.
- Incorporate ***all*** subsurface septic treatment systems into the plan (not just private property).

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

## Education

*PRIORITY CONCERN:* **Education**
***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?*** Images, BMPs, examples of good and bad practices, case studies, information to schools

***What resources may be available to accomplish the actions?*** Grants

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Education**
***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?*** TSSSD believes strongly in continuing education initiatives and we encourage and will continue to support joint efforts among water management groups such as our co-sponsorship of the successful annual workshops on clean water issues.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

## Ground Water

*PRIORITY CONCERN:* **Protect ground water-based drinking water sources within Cook**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The remainder of Cook County's citizens depend on ground water for drinking water. Wellhead protection efforts will result in public water suppliers developing and implementing wellhead protection plans in the future. Pubic water suppliers within the county should be listed within the county management plan: Pine Mountain Mobile Home Court. Private wells also need protection from potential contaminant sources. This can be accomplished by maintaining proper setbacks to potential contaminant sources and related land use educational efforts.

***What actions are needed?*** Acknowledgement and support of public water supply wellhead protection areas within the county. Consider wellhead protection areas when making land use decisions. Work with community and non-community public water suppliers in development and implementation of wellhead protection activities. When requested by a public water supplier, provide aid in efforts to locate wells for ground water modeling efforts undertaken in wellhead protection. Develop a water quality data base to track contaminants of concern in the ground water. The MDH may be able to offer technical assistance in this effort.

***What resources may be available to accomplish the actions?*** State, County and other local units of government or public water supplier staff time to provide input into development and implementation of wellhead protection plans and county-wide land use planning.

***What area(s) of the county is high priority?*** As community and non-community non-transient public water suppliers complete wellhead protection plans there will be designated "drinking water supply management areas". As these areas are approved by the MDH they are posted on the above listed website. All non-community transient public water suppliers have a 200-foot radius surrounding the well that is designated as the wellhead protection area.

## Forestry

PRIORITY CONCERN: **Forested Land**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

While it may be stable in total acres some of it especially along the shore is declining in health. The birch trees are dying and there really isn't a lot of understory present to replace them. A healthy forest will provide better water quality from reduced erosion as one example. There is also a greater chance for invasive species to grasp a foothold in these areas since the canopy is quite open. And let's not forget climate change.

***What actions are needed?***

***What resources may be available to accomplish the actions?***

NRCS (to eligible folks), the North Shore Forest Collaborative

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Forest Land Management for Landowners of Less than 20 Acres**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Forest land management has a direct influence on water quality. Forest land management can be connected to trout stream impairments (turbidity, temperature, nutrient loading), habitat degradation (land fragmentation) and soil loss (erosion control). In addition, forest species management can play a role in snow melt duration and retention of rain water on the land.

***What actions are needed?***

- Focus on assisting landowners with forest management practices.
- Develop an inventory of forested landowners owning less than 20 acres. As part of the inventory indicated if property is within a riparian or shoreland zone and if the property is in a watershed with an impaired waterbody. This inventory will assist in prioritizing and targeting landowners for participation in conservation.
- Public outreach to new landowners and landowners of less than 20 acres.
- Coordination between local, state and federal land holders.
- Continued participation on local special interest groups.

***What resources may be available to accomplish the actions?***

- Cook SWCD - Kerrie Fabius
- Clean Water, Land and Legacy Amendment Funds - Ryan Hughes 218-723-4923
- North Shore Forestry Collaborative - Cheryl Erickson cle329@gmail.com
- Minnesota Forestry Association - http://www.minnesotaforestry.org/
- Minnesota Forest Resources Council - Lindberg Ekola 320-256-8300

(include contact names, funding sources, partnerships, citizen volunteers, etc.)

***What area(s) of the county is high priority?***

Landowners of less than 20 acres, specifically on riparian and shoreland forested lands.

## Stormwater

*PRIORITY CONCERN:* **Support and Demonstrate Rainwater harvesting systems for alternative water source, storm water control, non-point source pollution prevention, fire water source, and irrigation. There has been an expressed interest in using rainwater harvesting systems for the fire suppression systems put in place in areas without access to pump from a lake.**

***Why is it important the plan focus on this concern (include or cite relevant data)?***
To allow demonstration and actual on the ground projects.

***What actions are needed?*** Pass an ordinance allowing rainwater collection for potable (with treatment) and non-potable uses. Support the department of labor and industry adoption of a statewide RWH rule and/or adoption of the universal plumbing code (WPC) and/or Iampolh.5 Regs

***What resources may be available to accomplish the actions?***
Dave Stark
arlsa.org
319 Grants
Promote RHS through
educational seminars
training

***What area(s) of the county is high priority?*** All areas with non-point pollution or poor ground or surface water quality. Demonstrate a RHS with measurable results on storm water flows.

*PRIORITY CONCERN:* **Culverts that are undersized and poorly designed**
***Why is it important the plan focus on this concern (include or cite relevant data)?***
SWCD Coastal Grant Study

***What actions are needed?*** Replace culverts and "do it right"

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Stormwater Management to Address Non-point Soil Erosion**
***Why is it important the plan focus on this concern (include or cite relevant data)?***
Recent historical weather trends indicate more frequent flooding and associated soil erosion. Cook County was included in federal disaster declarations for severe storms and flooding in 2009. This event had a significant impact on the City of Grand Marais and the surrounding area.

***What actions are needed?***
- Consider implementing design standards to address high rainfall events.

- Consider utilizing SWCD staff to assist in stormwater and erosion plan review and site inspections for temporary and permanent erosion control practices.
- Update the Cook County Property Owner's Resource Guide. Current version is dated 2007.

***What resources may be available to accomplish the actions?***
- Minnesota Lake Superior Coastal Program - http://www.dnr.state.mn.us/waters/lakesuperior/index.html
- Cook SWCD - Kerrie Fabius 218-387-3649
- Minnesota Department of Transportation - Todd Campbell 218-725-2744
- Board of Water and Soil Resources - Ryan Hughes 218-723-4923

(include contact names, funding sources, partnerships, citizen volunteers, etc.)

***What area(s) of the county is high priority?*** County - wide.

*PRIORITY CONCERN:* **Continued Improvement in Storm Water Management and Erosion Control & Erosion and Sediment Control**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The preponderance of clay soils and bedrock make development with adequate Best Management Practices (BMP) a priority. Disturbed soils can quickly enter lakes and streams and create further negative impacts, even water quality impairments. Disturbed areas can also lead to larger problems like major land slumps that can threaten road networks and building foundations and other infrastructure.

***What actions are needed?*** Recommended actions include continuing efforts to educate contractors in BMP designs that minimize/mitigate disturbance impacts, assessment of the effectiveness of the county ordinance and interaction with the state permit program to ensure full compliance for all development.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?*** High priority areas of the County are countywide.

*PRIORITY CONCERN:* **Storm Water Management**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The City Parks are on Lake Superior at the bottom of the watershed and have been effected in the past during storm events and flash flooding. The marina suffers from annual silt/sedimentation deposited directly from a 15" culvert terminating through the bulkhead. The park also maintains a large settling pond above the pool which flows out into a "dry creek" through the campground.

***What actions are needed?***

Inter-agency collaboration for planning and design of the city wide storm water system.
Progressive ideas and incentives for alternative means of ice control in the winter - phase out salt sanding.
Dedicated funding for implementation and maintenance of storm water treatment structures.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

The City of Grand Marais

*PRIORITY CONCERN:* **Stormwater and Erosion Control**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?***

Continue to monitor stormwater controls that will focus on maintenance of private property and subdivisions.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

## Wetlands

*PRIORITY CONCERN:* **Wetland Protection Wetlands are critical to the maintenance and protection of surface and groundwater.**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Wetlands serve as groundwater discharge and recharge areas, filter nutrients and sediment, sustain wildlife and aquatic organisms, and store water critical to the base flow of streams and health of watersheds. Threats to wetland integrity include inundation, excessive loading of nutrients and sediment, and physical disturbances.

Section 401 of the Clean Water Act provides the state with the authority to certify that issuance of federal licenses and permits do not lead to the degradation of public waters. This federal authority is also reinforced in Minn. R. chs. 7050 and 7052, which set standards for water bodies in the state, including wetlands. Similarly, wetland protection is reinforced in a number of policy documents like the lake Superior Basin and lake Superior lake-wide Management Plan.

***What actions are needed?*** Recommended actions include identification of source water wetlands, development of incentives and policy that limit wetland losses and encourage wetland mitigation within the watershed/basin and development of trend monitoring to assess wetland acreage and quality.

***What resources may be available to accomplish the actions?***

***What are(s) of the county is high priority?*** High priority areas of the County are; Lake Superior coastal area, headwaters of subwatersheds, subwatersheds that may be wetland poor per the National Wetland Inventory map coverage's.

*PRIORITY CONCERN:* **Wetland Management Plan**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Address a wetland mitigation bank. – It will id wetlands and the impact that is allowed on them. It will allow the County to make it's own rules, streamline and make more related to Cook County. It is a priority of the P & Z Department to pursue the drafting and adoption of a county-wide wetlands management plan to help in unique and challenging process of wetlands mitigation, restoration and banking within Cook County.

***What actions are needed?***

Inventory and identify wetlands; Create a wetland management plan; make it more localized

***What resources may be available to accomplish the actions?***

Joan Wait – Coastal Program; David Demmer; Wetland Team

***What area(s) of the county is high priority?***

Cook County wetlands

*PRIORITY CONCERN:* **Coastal Wetlands**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Areas of the Rec Park have been delineated and unique, coastal wetlands have been identified and mapped. The wetlands are vital to a healthy eco-system, as well as an attractive resource for visitors to experience. The Park Master Plan map depicts an interpretive wetlands trail on our coastline that would be an attraction for visitors.

***What actions are needed?*** Maintain current, protective policies (rules) for wetlands.
Funding for the relocation of the City garages which sit adjacent to the wetlands.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?*** All coastal zones that include wetlands.

*PRIORITY CONCERN:* **Wetland Management**
***Why is it important the plan focus on this concern (include or cite relevant data)?***

***What actions are needed?*** Create a local wetlands bank to help homeowners establish yards and driveways while preserving ***local*** wetlands.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

## Other Considerations

*PRIORITY CONCERN, WHY, AND ACTION:* Environmental impact review (to include erosion control & storm water run-off and project design evaluations) – This is not to be confused with the official types of environmental review such as the EAW and EIS, although they may be a part of this concern. Even though we have seen a decline in the number of development projects, we do wish to make sure that all of the projects going through the official county level types of review and approvals adequately address the evaluations necessary for proper erosion control and storm water run-off infrastructure. This may be in conjunction with a simple land use permit, or through a more complex planned unit development. We would also like to continue to seek out those project areas that would benefit from the utilization of the Alternative Urban Area-wide Review (AUAR) form of environmental review as we have seen the benefits of a more comprehensive review of project areas rather than the narrowly focused EAW's and EIS's.

Essentially we are looking for a continuation of the all the concerns and priorities that were listed in the previous adopted water plan, but at this time, and in consideration of the current economic circumstances we are focusing more on the continued improvements in failing septic systems throughout the county ahead of the declining number of development projects.

*PRIORITY CONCERN:* **Household Lake Water Use**
***Why is it important the plan focus on this concern (include or cite relevant data)?***
Possible health threats depending on how water is being treating.
Also possible septic issues if not disposing of the water properly.

***What actions are needed?*** Create a work plan for household water uses for lakes.
Inventory the lakes and household water use for developed lakes.

***What resources may be available to accomplish the actions?*** SWCD, Joseph Routh, BWSR Implementation Grant

***What area(s) of the county is high priority?*** Developed lakes

*PRIORITY CONCERN:* **Water Quality Monitoring of Impaired Waters**
***Why is it important the plan focus on this concern (include relevant data)?***
In 2004 the MPCA listed the Poplar River as an impaired water for mercury and turbidity. This triggered accelerated monitoring and the development of a study to define the total Maximum Daily Load. The TMDL will be complete in 2012 for the Poplar River. Best Management Practices have been or are being implemented through efforts of the Poplar River Management Board (PRMB) formed in August 2005. Water Quality improvements have been documented. It is important that monitoring by Cook County, the State of Minnesota and the Federal Government continue to document improvements.

***What actions are needed?***Monitoring of impaired waters to track water quality improvements as best management practices (BMPs) are implemented so that delisting can be done as soon as standards are met.

***What resources may be available to accomplish the actions?***

The State and Federal Government and the University of Minnesota are funded to monitor water quality, manage the database and analyze the results. Priority is given to impaired waters. Local involvement by Cook County the Cook Soil and Water Conservation District, the University of Minnesota and the PRMB can reduce cost, improve quality and focus priorities of monitoring activities.

***What area(s) of the county is high priority?***
Impaired waters primarily located on the north shore of Lake Superior.

*PRIORITY CONCERN:* **Implement Best Management Practices**
***Why is it important the plan focus on this concern (include relevant data)?***
Considerable effort has been expended to identify priority areas for implementing corrective actions on the Poplar River. The reduction in sources of erosion and sedimentation has been significant. The remaining priority areas need to be implemented so that sediment reductions can be achieved and water quality standards met. Through December 31, 2011, large investments have been made by PRMB landowners and other stakeholders in implementing BMP's in the watershed. Landowner members of the PRMB have invested $582,388 in cash, and a large amount of in-kind labor. In addition, Grants secured through this date total $1,097,000. Thus a total of $1,679,388 in cash has been committed to date, plus in-kind labor by stakeholders.

***What actions are needed?***County needs to update the Local Water Plan so that coordination of local units of government, landowners and federal and state agencies is provided, funds are allocated to the priorities and the remaining sources are removed. Landowner contracts are the primary method of implementing BMPs. The county is most often the contract administrator for projects.

***What resources may be available to accomplish the actions?***
The County, SWCD, local units of government, the PRMB and others can focus available resources according to the Water Plan priorities. Funding opportunities are available from private and public sources to fund plans and projects if they are consistent with the local water plan.

***What area(s) of the county is high priority?***
Impaired waters and high value resource waters in the county should be the focus of BMP implementation.

*PRIORITY CONCERN:* **Water Quality Monitoring**
***Why is it important the plan focus on this concern (include or cite relevant data)?***
***What actions are needed?***
Continue to monitor and protect the ***entire*** Lake Superior Basin and all its tributaries as well as the inland lakes. We encourage you to continue monitoring and to create a better data management plan.

***What resources may be available to accomplish the actions?***
***What area(s) of the county is high priority?***
All inland lakes and Lake Superior

*PRIORITY CONCERN:* **Obtain Funding for Water Quality Monitoring and BMP Implementation**
***Why is it important the plan focus on this concern (include relevant data)?***
It is important that the Local Water Plan identify funding as a priority because the cost of implementing BMP's and monitoring progress is high. As noted above, $1,679,388 has been committed to date to the Poplar River

watershed, and we estimate that this represents about half the cost needed to complete all BMP's necessary to comply with water quality standards.

***What actions are needed?*** Preparation of applications, administration and management of project funds is needed by the County and the SWCD. The County needs to prioritize its limited resources and allocate them to the most important cost effective projects. This allows the County to seek funding from other available sources. Monitoring coordination and management is an important function that is most cost effectively administered locally. Applications for funding for monitoring should be provided through the County.

***What resources may be available to accomplish the actions?*** Cost share is required for most grants. The actions of the County, SWCD, PRMB and landowners are used for cost share. Efficient use of available resources are needed in order to complete projects and to improve, maintain and monitor water quality.

***What area(s) of the county is high priority?*** Impaired waters and high value resource waters in the county should be the focus of resource allocations including grants and associated cost share.

*PRIORITY CONCERN:* **Aquatic Invasive Species**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Aquatic (and terrestrial) invasive species are a major cause of biological diversity loss throughout the world, and are considered "biological pollutants." Their populations can disrupt native aquatic plan communities and crowd out native species. By changing habitat, they can also affect species beyond those they may directly displace. They can cause problems for both recreational and industrial users of lakes and streams. Once established, invasive species rarely can be eliminated.

Introduction of invasive species into County aquatic systems can negatively impact water quality, composition, structure and function of aquatic ecosystems and recreational use of lakes and streams.

***What actions are needed?*** Engage in educational activities to reinforce and locally tailor and expand MNDNR efforts to prevent introduction of aquatic invasives into area lakes and streams. Partner with/use established relationships with Cook County lake Associations to educate lakeshore owners and engage them in existing volunteer opportunities to prevent introduction of aquatic invasives into area lakes and streams. Establish AIS monitoring strategies to identify an AIS introduction quickly on individual lakes.

Educate and engage Cook County resort and outfitting businesses to prevent introduction of aquatic invasives into area lakes and streams.

With both of the above groups, develop applicable Best Practices protocols to prevent introduction of aquatic invasives into area lakes and streams and meet the legal requirements for use in their own activities and for promotion with their customers.

Consider establishing boat/equipment cleaning stations at various locations inland and on Lake Superior.

See http://www.dnr.state.mn.us/grants/aquatic_invasive/index.hml for grant opportunities.

***What resources may be available to accomplish the actions?*** Inland lakes and streams with public and private access and Lake Superior.

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Re-evalute the inland lake classifications for the County.**
***Why is it important the plan focus on this concern (include or cite relevant data)?***
Many lakes in NE MN have been identified as eutorphic when in fact they are dystrophic. This affects how a lake is managed.

***What actions are needed?*** The evaluator would need to understand both the marl to dystrophic sequence and the oligotrophic to eutrophic sequence. My guess is that Poplar Lake and some of the other highly stained lakes are dystrophic. What that means from a management perspective is that dystrophic lakes tend to have much higher concentrations of nitrogen and phosphorus without nasty algae blooms because light penetration doesn't allow for algae to bloom with the higher nutrients present. And, dystrophic lakes often have very nice vegetation growing in them which can be very pesky to lake shore homeowners. Wild rice waters are dystrophic. When lakes have aged from marl to dystrophic they have become nitrogen limited instead of phosphorus limited. In the earlier phase, marl, calcium concentrations are relatively high, nutrients are higher then oligotrophic lakes and staining is moderate. In part because of the calcium concentrations fen vegetation is often present.

***What resources may be available to accomplish the actions?*** Parameters that help in this investigation are nutrients (total phosphorus, total nitrogen, chlorophyll-a, dissolved organic carbon or color). And, sechhi depths range from around a meter and a half to less than a meter.

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* **Continued Improvement in Wastewater Management Wastewater affects public health, and beneficial uses of surface water and groundwater.**
***Why is it Important the plan focus on this concern (include or cite relevant data?):***
Cook County continues to have some of the highest water quality in the state and phosphorus loads introduced from wastewater can have a devastating impact on the resource.

***What actions are needed?*** Recommended actions are continuing efforts already begun including lake by lake assessments, inspections completed within the Tofte-Schroeder Sanitary Sewer District (TSSSD) boundaries and complete updating of the ordinance. Develop a process during subdivision reviews to better identify wastewater systems requiring state permits (this references specifically the state rule related to multiple systems within one-half mile of each other all managed or developed by a common developer). Community development plans should consider regional planning efforts for areas like Lutsen. Consider shared wastewater designs, small package plants, and water conservation measures.
***What resources may be available to accomplish the actions?*** Resources that may be available include MPCA wastewater staff and the Public Financing Authority.

***What area(s) of the county is high priority?*** High priority areas of the County are Lake Superior near shore areas, inland lakes with development, and areas of higher density or growth (Lutsen, Tofte).

*PRIORITY CONCERN:* **Development and Implementation of Watershed Protection Strategies Many of the watersheds and water bodies in northeast Minnesota are still of very high quality.**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

As a consequence, it is incumbent upon the County and its municipalities to work collaboratively with state and federal partners and citizenry to safeguard the condition of these resources. Protection strategies differ from restoration approaches in that they are designed to head off expensive restoration and retrofitting efforts. They also protect property values and improve recreational opportunities for residents and visitors. While restoration and protection approaches share many of the same characteristics, they differ markedly in approach. Protection strategies emphasize innovative land use policies (e.g., low impact development, conservation design), watershed and lake association development, water resource education, civic engagement and the maintenance of physical and biological systems.

The lake Superior Basin Plan identified the protection of high quality watersheds as its top ranked priority. The emphasis on protection is also echoed by the Clean Water legacy Act and by ongoing efforts of state resource agencies to define a state-wide approach to watershed protection.

***What actions are needed?*** Recommended actions include identifying high quality water bodies including identifying and ranking stressors and threats. Develop a range of strategies to protect these resources (e.g., innovative zoning techniques/ordinance updates, conservation easements, reforestation efforts, civic engagement and watershed education). Implement strategies and track success rates. Monitor and track watershed and water quality trends /development impacts to water resources.

***What resources may be available to accomplish the actions?*** Resources that may be available include various state and federal grant opportunities, active participation in the MPCA major watershed restoration and protection process scheduled to start in 2013, MPCA/BWSR/EPA lake and Stream Management Plan guidance, MN Waters lake Management Plan guidance and MPCA watershed staff.

***What area(s) of the county is high priority?*** High priority areas of the County are; wild rice lakes, trout streams and lakes, Outstanding Resource Value Waters, intact wetlands and flowages and lake Superior coastal area. Minn. R. 7081.0040 and Minn. Stat. 115.55 are required to be followed.

*PRIORITY CONCERN:* **Source Water Protection for the City of Grand Marais**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The public drinking water supply for Grand Marais is from Lake Superior and its adjacent watersheds. This surface water based drinking water system is highly susceptible to potential contaminants entering the public water supply at a level that may result in an adverse human health impact. Protecting the drinking water for many citizens of Cook County is a wise and relatively inexpensive investment in the community's future. Additional information regarding this city's drinking water supply can be found in the Source Water Assessment located at: www.health.state.mn.us/divs/eh/water/swp/swa/index.htm.

***What actions are needed?***

Development and implementation of a comprehensive source water protection plan as a component of a broader, county-wide water resource/land use management plan.

***What resources may be available to accomplish the actions?*** The following agencies and local units of government provided assistance in assessing the source water: Cook County, Grand Marais water utility, City of Grand Marais, Minnesota Pollution Control Agency, Minnesota Board of Water and Soil Resources, University of Minnesota Water Resources Center/Sea Grant, Minnesota Department of Health, and the public. Over the past several years there have been diverse groups of interest discussing water quality issues within Lake Superior watersheds. There has been systematic surface water quality data collection and educational outreach programs. In addition, the Minnesota Department of Health recently established a grant program to assist public water suppliers with source water protection activities.

***What area(s) of the county is high priority?*** The area identified as the Inner Emergency Response Area in the Source Water Assessment was considered to have the highest priority for protecting the water supply. In addition, the outer source water management area for Grand Marais which includes the inner emergency response area and the Devil Track River watershed, Fall River watershed, and un-named watershed that connects the Devil Track River and Fall River watersheds is important.

*PRIORITY CONCERN:* **Sealing unused, unsealed wells**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

Proper well abandonment is an effective means of protecting ground water from potential contaminants that may be carried into an aquifer. Also, unused, unsealed wells can pose a safety hazard to children or animals and a potential liability to the well owner.

***What actions are needed?*** Inventory where unused, unsealed wells may be located. Develop a cost share program to aid property owners in sealing unused, unsealed wells.

***What resources may be available to accomplish the actions?*** Local units of government staff for inventory purposes. Consider county board action to establish and fund a well sealing program. Planning and zoning awareness to encourage well sealing where appropriate in land use decisions.

***What area(s) of the county is high priority?*** Wellhead protection areas. Based upon the detail of inventory, unused, unsealed wells that reach or penetrate to the same aquifer used by a public water supply system should be sealed first.

*PRIORITY CONCERN:* **Impaired Waters/Total Maximum Daily Loads (TMDLs)**

***Why is it important the plan focus on this concern (include or cite relevant data)?***

The federal Clean Water Act requires states to adopt water quality standards to protect the nation's waters. These standards define how much of a pollutant can be in a surface and/or groundwater while still allowing it to meet its designated uses, such as for drinking water, fishing, swimming, irrigation or industrial purposes. Many of Minnesota's water resources cannot currently meet their designated uses because of pollution problems from a combination of point and nonpoint sources.

***What actions are needed?***

Addressing impaired waters in LWM plans is voluntary. However, the MPCA strongly encourages counties to consider how their LWM plans address impaired waters, as identified on the "Draft 2010 List of Impaired Waters" available below.

It is suggested the LWM plan:

- identify the priority the County places on addressing impaired waters, and how the County plans to participate in the development of TMDL pollutant allocations and implementation of TMDLs for impaired waters
- include a list of impaired waters and types of impairment(s) (see table below)
- identify the pollutant(s) causing the impairment (see MPCA website)
- address the commitment of the County to submit any data it collects to MPCA for use in identifying impaired waters, provide plans, if any, for monitoring as yet unmonitored waters for a more comprehensive assessment of waters in the County
- describe actions and timing the County intends to take to reduce the pollutant(s) causing the impairment, including those actions that are part of an approved implementation plan for TMDLs MPCA recommends counties address waters listed for pollutants/stressors other than mercury and polychlorinated biphenyls (PCB) in their LWM plans.

The Draft 2010 two-year list of impaired waters will be finalized or updated shortly upon approval from the EPA.

***What resources may be available to accomplish the actions?*** The County should consider participating with other units of government in the watershed to develop and implement TMDL implementation plans once TMDL studies receive final approval by the EPA. Grant funding applications for implementation projects often request citations from local water plans identifying water bodies as County priorities. This documented commitment by the County may improve an application's ranking and ultimately the County's ability to secure implementation funding.

***What area(s) of the county is high priority?*** Areas of the County that should be considered priority waters are the impaired water bodies and reaches of impaired water bodies on the Clean Water Act 303 fd] TMDL List. We believe the County should consider impaired waters as a top priority for discussion in the LWM plan.

MPCA Environmental Data Access System The water quality section of MPCA's Environmental Data Access system allows visitors to find and download data from surface water monitoring sites located throughout the state. Where available, conditions of lakes, rivers, or streams that have been assessed can be viewed. We encourage the County to visit this site for water quality monitoring data which may be useful with LWM planning efforts:
*http://www.pca.state.mn.us!index.phP/datalenvironmental-data-access.html.*

*PRIORITY CONCERN:* **Point Source Pollution- Tactonite Harbor**

***Why is it important the plan focus on this concern (include or cite relevant data)?***
Issues with ash and cold storage

***What actions are needed?***
County access to the data and reports

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

*PRIORITY CONCERN:* What are the finding in the monitoring wells?
***Why is it important the plan focus on this concern (include or cite relevant data)?*** There are many monitoring wells around town, sometimes very close together. The public does not know what they are finding, how long they intend to monitor and what they expect to do about it. Is there any closure?

***What actions are needed?*** Education of the public and land owners.

***What resources may be available to accomplish the actions?*** MPCA, testing and lab results, corrective action plans- including closing cases and capping wells.

***What area(s) of the county is high priority?*** Grand Marais

*PRIORITY CONCERN:* Why is the property owner closest to the lake responsible for stormwater mitigation of all the properties above them.

***Why is it important the plan focus on this concern (include or cite relevant data)?*** There is a stormwater management issue in the recreation park where the city would like to create a community connection.

***What actions are needed?*** Funding to help build a stormwater retention/settlement basin that fits with the community connection.

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?*** Grand Marais Recreation Area

*PRIORITY CONCERN:* Large storm event verses average storm event
***Why is it important the plan focus on this concern (include or cite relevant data)?*** At what point do we need to mitigate runoff from storms?

***What actions are needed?***

***What resources may be available to accomplish the actions?***

***What area(s) of the county is high priority?***

*PRIORITY CONCERN LIST:*

- On the rivers and streams the enter into lake superior an assessment of stream stability for rivers that are impaired for turbidity or sediment. This could consist of historical analysis of watershed impacts and disturbances. Assessment of stream channel in relation to whether they are connected to their floodplains and assessment of bank instability From this analysis an assessment of projects that could be completed to address stream stability issues. Some example watersheds could be Cascade River, Devil Track River, Kadunce, etc.

- Flooding and untreated stormwater in existing developed areas of the county, i.e. Tofte, Grand Marais, etc.
- Stream connectivity primarily through culverts that are improperly sized or perched at the outlet end.
- Ditch erosion on private and public roadways in the steep areas of the county, for example the ridge near Lake Superior and inland areas around the Gunflint Trail.
- Development on and near bluff areas causing unstable slopes to develop near Lake Superior or inland lakes and streams.

Minnesota Board of Water & Soil Resources

**DATE:** September 4, 2012

**TO:** BWSR North Region Water Plan Committee

**FROM:** Ryan Hughes, BWSR Board Conservationist RH

**SUBJECT:** Review of Cook County Priority Concerns Scoping Document (PCSD)

---

The expiration date of the current Cook County Local Water Plan (LWP) is October 26, 2014. Due to changes in staff and to allow completion of the BWSR Lake Protection Challenge Grant information so it could be included in the updated plan, the expiration date was extended on June 22, 2011

On March 22, 2011 the Cook County Board of Commissioners adopted a resolution to commit to revise and update the Cook County LWP. Cook County has actively sought input for their PCSD since August 15, 2011 through the Cook County Water Management Plan Advisory Committee, which is comprised of representatives from the SWCD, County Board, Hovland area, Poplar Lake Association, Caribou Lake Association, Road Lake Association and Tait Lake Association.

**Significant Changes from Previous Plan**

Cook County is currently operating under a BWSR two-year extension for a plan scheduled to expire October 26, 2012. The priority concerns identified in the current plan are the following

1. Water Quality Monitoring
2. Wetland Management
3. Water Quality Management
    A. General Land Use Management
    B. Septic Systems and Sewage Management
    C. Stormwater and Erosion Control
    D. Roads/Design, Construction, and Long-Term Impacts
4. Water Related Initiatives and New Resources

In my opinion the proposed priority concerns for the updated water plan are very similar to the current water plan, but prioritized in a different order. The proposed priority concerns have been prioritized to (1) address recent increased development in the area and the impacts to watersheds, (2) failing septic systems and (3) education on these priorities and other priority concerns.


| Bemidji | Brainerd | Duluth | Fergus Falls | Mankato | Marshall | New Ulm | Rochester |
|---|---|---|---|---|---|---|---|
| 403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600 | 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383 | 394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752 | 1004 Frontier Drive Fergus Falls, MN 56537 (218) 736-5445 | 1160 Victory Drive South Suite 5 Mankato, MN 56601 (507) 389-6784 | 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060 | 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074 | 3555 9th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889 |

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

**Interesting Data**

The 2010 census reported a population of 5,176 people in the County, which is a 2% increase in 10 years. Cook County covers a total area of 3,339 square miles; 1,450 of which is land and 1,889 is water. Approximately 9% of the land in the county is in private ownership.

**Priority Concerns Input Process**

Cook County received responses from the following entities after requesting input for priority concerns:

- Grand Portage Band of Chippewa
- Flute Reed Partnership
- Poplar River Management Board
- Tofte-Schroeder Sewer and Sanitary District
- Cook County
- Cook County Soil and Water Conservation District (SWCD)
- City of Grand Marais
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Department of Health (MDH)
- Minnesota Pollution Control Association (MPCA)

Cook County also developed the following processes to receive public input related to water resources priority concerns:

- News articles in local papers and community website (www.boreal.org)
- Grand Marais Public Library
- Cook County Courthouse
- Cook County Fair
- Hovland Post Office
- Clearview General Store in Lutsen
- North Shore Market in Tofte

The responses to the public input processes are summarized in the PCSD.

**Selected Priority Concerns**

Based on the input received through the public input process, the Cook County Water Management Plan Advisory Committee selected the following priority concerns:

1. Land Use and Development Impact on Watersheds
2. Sub-surface Sewer Treatment Systems
3. Education and Engagement
4. Groundwater
5. Stormwater
6. Wetlands
7. Surface Water Quality Monitoring
8. Impaired Waters Restoration

On July 20, 2012 Cook County distributed the PCSD to the appropriate state agencies for review. The comments are summarized as follows:

**EQB**
The agency thanked the County for sending the documents but due to a reduced level of staff they may no longer support commenting on water plans.

**MDH**
The agency strongly recommends the "Groundwater" priority concern be amended to "Protect Ground Water-based Drinking Water Sources Within Cook" due to the 104 currently registered Public Water Suppliers, 21 appropriate surface water for their domestic drinking water needs. The agency felt the process to identify the priority concerns was commendable. Additional MDH comments included background information on the susceptibility of surface water-based drinking systems to contaminants as well as recommending the County develop and implement a comprehensive source water protection plan.

*BC Response*
Based on prior discussions with the County Water Planner and BWSR Clean Water Fund applications the County is aware of this concern. MDH recommendations will be incorporated into the final plan.

**MDA**
MDA did not have any specific comments but directed the County to an MDA developed website that discusses and illustrates MDA priority concerns and recommended courses of action for local county water plans. The website is available at
http://www.mda.state.mn.us/protecting/waterprotection/waterplanning.aspx
MDA did comment that they realize the County does not have high levels of traditional crop and livestock production compared to other parts of the State but the MDA website comments related to drainage and targeting BMPs may have some potential relevance.

*BC Response*
I concur with the MDA. The MDA website will be reviewed for relevant priorities to be included in the final plan.

**DNR**
The DNR concurs with the priority concerns identified and feels the process to identify the priority concerns was adequate. The DNR commented about inclusion of supporting information related to failing sub-surface sewer treatment systems; education on invasive species identification, impacts and management; erosion control measures for road construction.

*BC Response*
I concur with the DNR. The DNR comments will be required to be incorporated into the final plan.

**MPCA**

The MPCA concurs with the priority concerns identified and believes the process to identify priority concerns was commendable. The MPCA comments include addressing the MPCA watershed approach in the final plan, specifically which watersheds where work will begin and when, and provide access information for the Environmental Data Access System.

*BC Response*

Information pertaining to the MPCA watershed approach timeline and watersheds will be included in the final plan.

**Board Conservationist's Recommendation**

The Cook County PCSD satisfies the requirements of M.S. 103B.312, therefore I recommend the BWSR North Region Water Plan Committee approve the Cook County PCSD and forward this document to the full board for approval.

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Mille Lacs County CLWMP 5 Year Amendment**

**Meeting Date:** September 26, 2012

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

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

## ACTION REQUESTED

Approval of the Five Year Amendment of the Mille Lacs County Comprehensive Local Water Management Plan

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On January 24, 2007, the Board of Water and Soil Resources approved the Mille Lacs County Comprehensive Local Water Management Plan with a date range from 2006 to 2016. The Board required a five year update of the plan by 2011.

The County passed a resolution to amend the plan on May 31st, 2011 and submitted the updated plan to the Brainerd field office on August 6th, 2012. As part of the submission, the Mille Lacs County Water Planner included the recommended inclusions from the Department of Natural Resources, the Department of Health, the Department of Agriculture, and the Pollution Control Agency. In addition, the water planner included documentation of the required public hearing.

The five year plan update was presented to the northern water planning committee on September 12th, 2012. As the plan update met state statutes, was recommended for approval by state agency partners, and is non-controversial, the committee recommended forwarding the plan to the full board for approval.

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

---

In the Matter of Reviewing the Local Water Management Plan Amendment for **Mille Lacs County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

---

**Whereas**, the **Mille Lacs** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **August 6, 2012** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

## FINDINGS OF FACT

1) On **January 24, 2007**, the Board of Water and Soil Resources approved the Mille Lacs County Comprehensive Local Water Management Plan from 2006 to 2016 with a requirement for an update by 2011.

2) On **May 3, 2011,** the Mille Lacs County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.

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

   A) The Cumulative Effects of Development on Surface and Groundwater
   B) Development of TMDLs for Impaired Waters

4) On **August 6, 2012,** the BWSR received the **Mille Lacs** County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **September 12, 2012,** the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Mille Lacs** County Plan Amendment. The Northern Water Planning Committee forwarded the plan to board with a recommendation for approval with the following recommendations for additional action items:

   A) Under Priority Concern 1, Objective A, include a work plan item indicating the county will work with the Department of Natural Resources to monitor and control zebra mussels and other aquatic invasive species.

B) Under Priority Concern 1, Objective C, include a work plan item to identify groundwater contributions to surface water quality. Andrew Streitz of the MPCA should be able to provide good documentation.

6) This update will be in effect until **December 31, 2016.**

## CONCLUSIONS

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

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

## ORDER

The Board hereby approves the attached five year amendment of the **Mille Lacs County** Local Water Management Plan **January 1, 2006 to December 31, 2016.**

Dated at **St. Paul,** Minnesota, this **twenty sixth day of September, 2012.**

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

DATE: SEPTEMBER 5, 2012

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

RE: REVIEW OF THE FIVE YEAR UPDATE FOR THE MILLE LACS COUNTY FINAL LOCAL WATER MANAGEMENT PLAN (LWMP)

On May 3, 2011, Mille Lacs County adopted a resolution to begin the five year update process for their Comprehensive Local Water Management Plan. The County submitted their Five Year Update for the Local Water Management Plan to the Brainerd office of the BWSR on August 6, 2012. From my observation of the update and review process, I find that the local water management plan five year update meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314.

During the update process, the county maintained their existing Priority Concerns, which were:

1. The Cumulative Effects of Development on Surface and Groundwater

2. Development of TMDLs for Impaired Waters

In addition to reviewing their priority concerns and ensuring that they were still applicable for the remaining five years of the plan, the county water resources advisory committee reviewed the action items under each priority concern. These actions items were modified to indicate which ones were completed, which ones had different departmental supervision, and to add new ones to reflect current conditions in the county. The Water Resources Advisory Committee also reviewed the budget for each action item and modified the calendar to reflect updated scheduling for completion of tasks. Amended sections of the water plan are in red.

The Water Resources Advisory Committee held a public hearing before the Mille Lacs County Planning Commission on January 9, 2012 during the normally schedule Commission meeting. During this hearing, the water planner reviewed comments provided by other agencies and planning groups. There were no comments from the public.

The updated water plan was sent to the appropriate state agencies that provided the feedback below:

- DNR: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted.

- MN Dept of Health: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The Department of Health commends the county for activities that help protect local groundwater and drinking resources as well as assisting with well protection planning and implementation activities. The agency looks forward to continuing partnerships on groundwater and

Minnesota Board of Water & Soil Resources

drinking water protection issues.

- MPCA: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. These comments were submitted over the telephone with formal documentation not having arrived by the time of the committee packet mailing deadline.

Based upon the comments from the public hearing and the state agencies, there is public support for the Five Year update of the Mille Lacs County Local Water Management Plan. The state agency comments were in support of the amendment and all recommended approval. During my review of the submitted update, I find that the plan is still consistent with state statute, rule, and BWSR policy. Therefore, I recommend that the Northern Region Water Planning committee forward the plan update to the full Board with a recommendation to approve the five year update.

Enclosures: Water Plan Update
Public Hearing Minutes
State Agency Comments

# Mille Lacs County Local Water Resource Management Plan

RECEIVED
AUG 0 6 2012
BD OF WATER & SOIL
RESOURCES-BRAINERD

## January 1, 2006 – December 31, 2016

## 2012 Amendments






Prepared by the Mille Lacs Soil and Water Conservation District
and the Mille Lacs County Local Water Planning Advisory Committee

**TABLE OF CONTENTS** **Page Number**


**Mille Lacs County Local Water Management Plan Contributors....4**
2012 Amendment Contributors....5
**A. EXECUTIVE SUMMARY:....6**
**Introduction....6**
2012 Executive Summary Amendment....6
**Purpose....7**
**Accomplishments from the 1995 Water Management Plan....7**
**Summary Description of Priority Concerns, Goals and Objectives....8**
**Organizations and Associations....10**
**Consistency with Other Plans....10**
**Recommendations to Other Plans and Controls....11**
**B. PRIORITY CONCERNS....12**
**Areas of Priority Concern....12**
**Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater....12**
**Priority Concern 2: Development of TMDLs for Impaired Waters....13**
**C. BACKGROUND....15**
**Surface Waters:....16**
**Watersheds....16**
Rum River Watershed....17
Snake River Watershed....18
Mississippi-St.Cloud Watershed....19
**Wetlands....19**
Types....20
Protections....20
Wetland Conservation Act (WCA)....20
Department of Natural Resources (DNR)....21
Army Corp of Engineers (ACOE)....21
Natural Resources Conservation Service (NRCS)....21
Mille Lacs Band of Ojibwe (MLBO)....21
County Ditches....21
**Forestry....23**
**Soils – Surface Water....23**
**Ground Water:....25**
**Aquifers....25**
**Soils – Ground Water....26**
2012 Amendments to Background Information....30
**Surface Waters:....30**
**D. ASSESSMENTS....32**
**Surface Water Assessment:....32**
**Wetlands....33**
Development....33
Forestry....34
Invasive Species....34
County Roadway Influences....35
**How Soil Type Affects Surface water....35**
**Ground Water Assessment:....35**

**How Soil Type Affects Groundwater** ..... 35
**Aquifers** ..... 36
Groundwater Contamination Susceptibility ..... 36
**Impaired Waters Assessment:** ..... 37
**Mille Lacs County Mercury Impairments** ..... 37
**PCA and MDH Limits for Mercury** ..... 38
**Implications of Mercury Impairments** ..... 38
**Need For Additional Monitoring Of Other County Waters** ..... 38
**Summary of Assessments:** ..... 39
2012 Amendments to Assessment Information ..... 40
**E. IMPLEMENTATION SCHEDULE AND ACTIVITIES** ..... 45
**Clean Water Legacy 2006 Funding** ..... 45
Clean Water Fund (Amendment) Funding ..... 46
**F. APPENDICES** ..... 55
**Appendix A - List of Acronyms Used In This Plan** ..... 55
**Appendix B - Glossary of Terms** ..... 56
**Appendix C – Mille Lacs County Population Projections** ..... 59
**Appendix D - Circular 39, USFWS Wetland Types** ..... 60
**Appendix E – Forest Inventory for Mille Lacs County** ..... 61
**Appendix F – Impaired Waters List for Mille Lacs County** ..... 62
**Appendix G - References** ..... 63
**Appendix H - Priority Concerns Scoping Document** ..... 64
**Appendix I – 2006 Mille Lacs County Local Water Management Plan Contributors.** 86
Appendix J – Mille Lacs County Well Head Protection Maps ..... 87
Appendix K – Minnesota Department of Agriculture water table sensitivity map* .... 92

# Mille Lacs County Local Water Management Plan Contributors

## Local Lead Agency

Mille Lacs Soil & Water Conservation District
Susan Shaw, District Manager
900 Hwy 23 West
Milaca, MN 56353
(320) 983-2160

Board Supervisors: Kurt Beckstrom, Chair
Ray Schultz
Marcella Hoefert
Gene Gerth
Jim Miller

## Mille Lacs County Commissioners

Jack Edmonds - District 1
Roger Neske - District 2
Phil Peterson - District 3
Robert Hoefert - District 4
Frank Courteau - District 5

## Advisory Committee & Technical Assistance

Shannon Bengtson
NRCS District Conservationist

Tim Crocker
DNR Hydrologist

Bill Dilks
Snake River Watershed Coordinator

Kriste Ericsson
Friends of the Rum River

Karen Evens
MN Pollution Control Agency

Keith Grow
Board of Water and Soil Resources

Marlin Hage
DNR Forestry

Scott Hanson
Mille Lacs Band of Ojibwe

Robert Hoefert
Mille Lacs County Commissioner

Kay Keimig, Chair
Mille Lacs County Public Health

Mike & Barbara Macioch
Mille Lacs Lake Watershed Mgmt Group

Michele McPherson, Vice Chair
Mille Lacs County Zoning & Environmental Services

Jay Munson, Assistant Engineer
Mille Lacs County Highway Department

Dave Pauly
DNR Wildlife

Tim Pharis
DNR Wildlife

Ray Schultz
Mille Lacs SWCD Board Supervisor

Susan Shaw, Water Plan Coordinator
Mille Lacs SWCD

Cade Steffenson
Mille Lacs County Zoning & Environmental Services

Barb Zeroth
Mille Lacs SWCD

Lori Wolff
US Fish & Wildlife Service

# 2012 Amendment Contributors

## Local Lead Agency

| | |
|---|---|
| Susan Shaw, District Manager | Mille Lacs Soil & Water Conservation District (SWCD) |

## Advisory Committee & Technical Assistance

Voting Members:

| | |
|---|---|
| Jack Edmonds | Mille Lacs County Commissioner |
| Michele McPherson | Mille Lacs County Land Services Director – Advisory Committee Chair |
| Janelle Schroeder | Mille Lacs County Community and Veterans Services |
| Susan Shaw | Mille Lacs SWCD - Water Plan Coordinator, Vice Chair |
| Ray Schultz | Mille Lacs SWCD Board Supervisor |
| Lynn Carter | Mille Lacs SWCD |

Ex-officio members:

| | |
|---|---|
| Shannon Carpenter | Natural Resources Conservation Service |
| Bruce Cochran | Mille Lacs County Public Works |
| Cade Steffenson | Mille Lacs County Land Services – Wetland Specialist |
| Teresa Bearce | Snake River Watershed Coordinator |
| Mike & Barbara Macioch | Mille Lacs Lake Watershed Mgmt Group |
| Tim Crocker | Minnesota Department of Natural Resources - Hydrologist |
| Eric Altena | Minnesota Department of Natural Resources - Fisheries |
| Marlin Hage | Minnesota Department of Natural Resources - Forestry |
| Bonnie Finnerty | Minnesota Pollution Control Agency |
| Scott Hanson | Mille Lacs Band of Ojibwe DNR |
| Jason Weinerman | Board of Water and Soil Resources |
| Holly Nelson | Isanti County Water Management Planner |

Mille Lacs County Commissioners:

| | |
|---|---|
| Jack Edmonds | District 1 |
| Dan Whitcomb | District 2 |
| Phil Peterson | District 3 |
| Roger Tellinghuisen | District 4 |
| Frank Courteau | District 5 |

Mille Lacs Soil & Water Conservation District Board Supervisors:

| | |
|---|---|
| Linda Evans | District 1 |
| Kurt Beckstrom | District 2 |
| Ray Schultz | District 3 |
| Barbara Eller | District 4 |
| Robert Hoefert | District 5 |

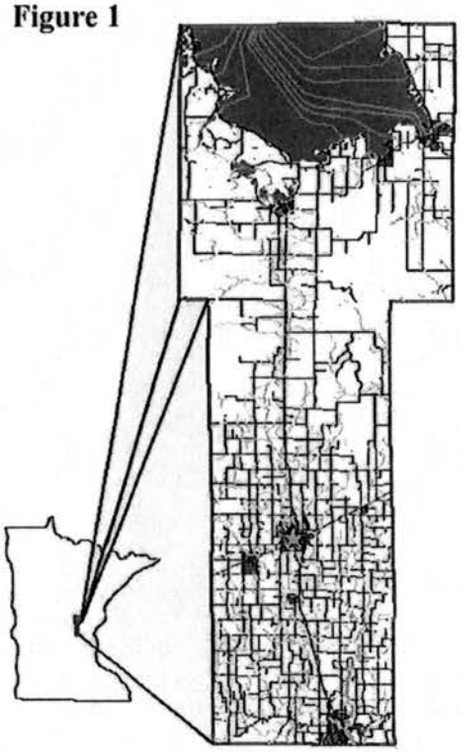
# A. Executive Summary:

## Introduction

Mille Lacs County is located in east central Minnesota 70 miles north of St. Paul, 115 miles southwest of Duluth and 29 miles east of St. Cloud. Sherburne to the south, Aitkin to the north, Benton and Morrison to the west, and Kanabec and Isanti counties on the east border it. Mille Lacs County has a total area of 574 sq miles (367,360 acres). **Figure 1** shows the location of Milaca, the County seat, and the geographic location of the County in Minnesota.

**Mille Lacs County**

**Figure 1**



**Local Water Resource Management Plan Background**

The Mille Lacs County water management planning process began in the fall of 1989 when the Mille Lacs County Board of Commissioners voted unanimously to begin the process of creating a Comprehensive Water Management Plan for the county.

This event was the first purposeful comprehensive planning, preparation and designing done for the protection for all types of water to all residents in Mille Lacs County.

From that time forward, the lakes, streams, rivers, public and private well water, all groundwater, wetlands, precipitation and even run-off were recognized for the significance and meaning they provided to the quality of life in the county.

The Mille Lacs Soil & Water Conservation District has been charged with development and implementation of the Local Water Management Plan with the assistance of other county departments since its inception.

By February of 1990, the Mille Lacs Comprehensive Water Management Task Force was established with 39 members representing townships, municipalities, industry, private sector, farming and single family home ownership. Federal, state and county employees were ad hoc members to the committee. An aggressive 24 month timeline from March, 1990 through March, 1992 was established to develop the county wide plan. The first update of the Comprehensive Water Management Plan was completed in 1995.

The 2006 update was the second update and the third Water Management Plan for Mille Lacs County. This plan continues the tradition of promoting good planning and management of shared resources and will serve as a guide for resource protection through the year 2016.

### 2012 Executive Summary Amendment

In 2011, the mid-point in this 10 year plan, the Mille Lacs County Local Water Management Advisory Committee reviewed the entire Water Management Plan to identify any issues that may have changed our priority concerns. The Advisory Committee determined that the priority concerns continue to be appropriate even given changes to the fiscal environment. Additional resource information applicable to

the Background and Assessments chapters of this plan has become available since 2006 and has been included as a January 2012 amendment summary following each discussion. Amendments to action steps within the Priority Concerns list and Implementation Schedule have been italicized within those sections.

# Purpose

The Rum River Watershed and significant tributaries of the Snake River Watershed begin in Mille Lacs County. What occurs in these watersheds not only affects the water resources used by the citizens of Mille Lacs County, but also affects the water resources of other Minnesotans living downstream in the Mississippi and St. Croix River corridors.

Mille Lacs County recognizes that without a long term mechanism for managing water resources, the opportunity will be lost to make intelligent local choices that anticipate or prevent water resource problems before the costs escalate and options are limited.

**The Mille Lacs County Local Water Management Plan is a plan for the entire County and covers all municipalities within Mille Lacs County.**

The Mille Lacs County Local Water Management Plan (LWMP) is developed and written under the legislative authority of the "Comprehensive Local Water Management Act" (M.S. 103B.301-103B.355) and is meant to function as a long term planning document. The plan seeks to identify existing and potential problems, opportunities for protection, management and development of water and related land resources in the County. Problems or opportunities identified through the planning process are prioritized and addressed within the context of watershed units and groundwater systems. Objectives and action steps to address identified priorities are based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management of activities that impact these resources.

The Mille Lacs Soil & Water Conservation District's role in the development and implementation of the Local Water Management Plan is to act as the catalyst for the water management planning process, and the integration of local initiatives with funding sources. Through involvement with the Water Management Plan Advisory Committee, local citizens, representatives from local organizations, associations and agency staff, work together to achieve efficient management and local ownership of water management initiatives.

# Accomplishments from the 1995 Water Management Plan

Since the adoption of the Mille Lacs County Local Water Management Plan many local resource projects have been implemented. The plan has sponsored annual private well water nitrate testing clinics, and many land and water treatment projects and educational activities.

One notable educational activity was a project partnering with Mille Lacs Academy students to rear Purple Loosestrife leaf eating beetles. Purple Loosestrife had been a major natural threat to wetlands in the county. An aggressive biological control program using the Purple Loosestrife leaf-eating beetles (*Galerucella* spp.) was very successful. The project was accomplished through cooperative efforts between the Minnesota Department of Natural Resources (DNR), Mille Lacs Band of Ojibwe, Mille Lacs County Agricultural Inspector, and volunteers. The Mille Lacs Band of Ojibwe began a biological control effort using the leaf-eating beetles provided by the Minnesota DNR. Once the loosestrife on Whitefish Lake was successfully controlled by the beetles they were harvested and shared with the Mille Lacs County Agricultural Inspector student volunteer group and released onto Purple Loosestrife infestations throughout Mille Lacs County.

Other successful educational programs sponsored through the water management plan have been the Area III Envirothon and 5th Grade Education Days. Both events provide an opportunity for students to participate in outdoor educational learning experiences.

Many local resource concerns have received attention following identification through the water planning process. A large water quality improvement project was undertaken with assistance from the Resource Conservation & Development to address the City of Bock's failing, 1930's era, wastewater treatment system. Discharge from that failing system was impacting Bogus Brook, a tributary of the Rum River. The improvement was completed in 2003 by piping waste water from the City of Bock to the City of Milaca's treatment facility.

Funding assistance was received through a Clean Water Partnership grant to do a three year water quality study of Mille Lacs Lake. Mille Lacs County has also partnered with the Snake River Watershed Management Board to implement land and water projects within that watershed. Additional information on the results of the Mille Lacs Lake water quality study and Snake River watershed activities are included in the surface water assessments.

## Summary Description of Priority Concerns, Goals and Objectives

As Mille Lacs County began the process of updating the Local Water Management Plan, input was sought from the public. A public input survey was made available to citizens through the Mille Lacs SWCD website and advertised in the local papers to be returned to the SWCD. Three public input meetings were conducted during the Local Water Management Plan update process. They were held near Princeton, Milaca and Onamia, the three main geographic areas of Mille Lacs County. An example of surveys used and a summary of the responses received have been included in the Priority Concerns Scoping Document found in the **Appendix H**.

### Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater

Mille Lacs County is experiencing increased development pressure on the County's lakes, rivers and agricultural resources. To respond to this development pressure, the County has established the following goals:

1) To seek the protection of surface and groundwater quality in Mille Lacs County, and
2) Enhance surface and groundwater quality where degradation has already occurred.

To achieve these goals, three objectives have been identified:

Objective A Encourage development patterns that protect, enhance, maintain or restore surface and groundwater quality.

Objective B Improve stormwater runoff quality throughout the county.

Objective C Maintain or improve groundwater quality throughout the county.

### Priority Concern 2: Development of TMDLs for Impaired Waters

Total Maximum Daily Loads (TMDLs) determine if water resources can meet their designated uses. The goal of the water plan is to determine the status of TMDLs of the various water resources and protect those that currently support their designated uses, and where needed, improve those that do not.

To achieve this goal two objectives have been identified.

Objective A Assess the ability of water resources in Mille Lacs County to meet their designated uses.

Objective B Work with land managers, land owners and operators in Mille Lacs County, regardless of land use, to encourage best management practices.

Action steps identified to achieve these Objectives are found within this document under **Section B, Priority Concerns.**

# Organizations and Associations

There are a number of organizations and associations in Mille Lacs County working to protect, preserve, repair or enhance water quality. Some of these entities and the assistance programs they provide include:

| ORGANIZATION | CONTACT INFORMATION |
|---|---|
| DNR Wildlife Division Private Lands Program | Tim Pharis-Private Lands Specialist |
| ▪ Wildlife habitat, native grassland development, wetland restoration | (763) 689-7110 |
| U.S. Fish and Wildlife Service | Lori Wolff-Wildlife Biologist |
| ▪ Wetland Restoration - Partners for Fish and Wildlife Program | (320) 253-4682 |
| Friends of the Rum River | RumRiverWatershedNews-owner@yahoogroups.com |
| Lake Mille Lacs Association | www.mnlakes.org/SubAssociations |
| Mille Lacs Band of Ojibwe | www.millelacsojibwe.org |
| Mille Lacs County Zoning/Environmental Services | www.co.mille-lacs.mn.us |
| Mille Lacs County Public Health | (320) 983-8318 |
| Mille Lacs Lake Watershed Management Group | www.millelacswatershed.com |
| Mille Lacs Soil & Water Conservation District (SWCD) | www.millelacsSWCD.org |
| ▪ Erosion & water quality – State Cost Share Program | (320) 983-2160 |
| ▪ Low interest financing for water quality improvement – Agricultural Best Management Practices Loan Program (AgBMP) | |
| Natural Resources Conservation Service (NRCS) | (320) 983-2154 |
| Soil & Water Quality Assistance for Agricultural Producers | |
| ▪ Environmental Quality Incentive Program (EQIP) | |
| ▪ Conservation Security Program (CSP) | |
| ▪ Grassland Reserve Program (GRP) | |
| ▪ Continuous Conservation Reserve Program (CCRP) | |
| Soil & Water Quality Assistance for Ag & Non-Ag Landowners | |
| ▪ Wildlife Habitat Incentive Program (WHIP) | |
| Snake River Watershed Management Board | (320) 679-6310 |

# Consistency with Other Plans

During development of the original comprehensive local water management plan, previous updates, and now the 2006 update, the most recent plans available from surrounding counties and watershed management organizations were examined to ensure consistency with their goals and objectives. Every attempt has been made to ensure that the plans were compatible with all existing local, state and regional plans and controls, and no conflicts or problems were identified.

Plans reviewed were the Mille Lacs County Comprehensive Plan of 1990, Rum River Management Plan of 1978, Wetland Guidance for the Anoka Sand Plain of September 2000, Snake River Watershed Annual Plan for 2002, Mille Lacs Lake Clean Water Partnership Report of 2003, Forest Resource Management Plan of 2005 and Water Management Plans from adjacent Counties.

## Recommendations to Other Plans and Controls

Mille Lacs County is currently starting the process to revise several county ordinances and update its development code. Action items in this document encourage ordinance changes that would address issues of development impacts, stormwater management and sensitive ground and surface water concerns.

Improved protection of wetland resources could occur through a Local Comprehensive Wetland Management Plan. A community-based revision of the 1978 Rum River Management Plan which acknowledges current development pressures and patterns may improve the protection of the Rum River corridor while balancing the need for economic development in the County.

# B. Priority Concerns

Mille Lacs County is experiencing increasing development, especially on lakes and rivers. Through the planning process, public, local government and state agency input received pointed toward two key priority concerns. These concerns were identified as the cumulative effects of development on surface and groundwater, and the development of total maximum daily load (TMDL) information to identify potential impairment of waters.

## Areas of Priority Concern

Assessments of the vulnerability of water resources in Mille Lacs County led to the identification of the Rum River Watershed as an area of high priority, with specific concern in the Mille Lacs Lake sub-watershed, West Branch of the Rum River and Anoka Sand Plain areas.

The following is an outline of the Objectives and Action Steps identified to address the two priority concerns.

## Priority Concern 1: The Cumulative Effects of Development on Surface and Groundwater

Mille Lacs County is experiencing increased development pressure on the County's lakes, rivers and agricultural resources. To respond to this development pressure, the County has established the following goals: 1) To seek the protection of surface and groundwater quality in Mille Lacs County, and
2) Enhance surface and groundwater quality where degradation has already occurred.

To achieve these goals, three objectives with action steps have been identified.
Objective A Encourage development patterns that protect, enhance, maintain or restore surface and groundwater quality.
Action steps to implement Objective A include:

1. Develop a process that provides a coordinated approach to resource management as it relates to development. The process would address natural resource issues that overlap the scope of individual efforts by planning & zoning entities, Wetland Conservation Act (WCA) technical evaluation panel (TEP), Soil & Water Conservation District (SWCD), and others. This process will provide decision makers and land use planners with the information they need to make informed land use decisions by providing technical expertise. Specifically, best management practices (BMPs), focusing in the areas of erosion, sedimentation, and stormwater control.
2. Educate residents on restoring and preserving natural shoreline areas.
3. Assist landowners with shoreland and riparian best management practices and provide cost-share assistance through existing programs.
4. Educate and provide developers and communities with guidance and incentives to incorporate the use of innovative waste treatment alternatives such as cluster septic systems where appropriate.
5. Encourage the use of buffers around wetlands to ensure that wetland function is somewhat protected from direct encroachment of development and human activity within this designated buffer area. This buffer area can provide space between which human activities such as recreation, lawns, parking, storage, agriculture, etc. and wetland functions like runoff filtration, wildlife habitat, etc can coexist.
6. Develop a Geographic Information System (GIS) to assist in mapping natural resources and development activities for improved analysis of impacts. GIS is a means of electronically mapping information at the County level. Utilizing a parcel map in electronic format, a variety of information can be "layered" for the purpose of analysis. For example, a map of tax forfeited

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Sherburne County CLWMP 5 Year Amendment**

**Meeting Date:** September 26, 2012

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

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

**ACTION REQUESTED**
Approval of the Five Year Amendment of the Sherburne County Comprehensive Local Water Management Plan

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On May 23, 2007, the Board of Water and Soil Resources approved the Sherburne County Comprehensive Local Water Management Plan with a date range from 2007 to 2017. The Board required a five year update of the plan by 2012.

The County passed a resolution to amend the plan on February 6, 2012 and submitted the updated plan to the Brainerd field office on July 31st, 2012. As part of the submission, the Sherburne County Water Planner included the recommended inclusions from the Department of Natural Resources, the Department of Health, the Department of Agriculture, and the Pollution Control Agency. In addition, the water planner included documentation of the required public hearing.

The five year plan update was presented to the Northern Water Planning Committee on September 12th, 2012. As the plan update met state statutes, was recommended for approval by state agency partners, and is non-controversial, the Committee recommends approval of the Plan amendment.

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

---

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

---

**Whereas**, the **Sherburne** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **July 31, 2012** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

## FINDINGS OF FACT

1) On **May 23, 2007**, the Board of Water and Soil Resources approved the Sherburne County Comprehensive Local Water Management Plan from 2007 to 2017 with a requirement for an update by 2012.

2) On **February 6, 2012** the Sherburne County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.

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

   1. Impaired and degraded lakes and streams in the Elk River Watershed
   2. Increasing urban and residential land use replacing agriculture, forest and open spaces creates a concern about water quantity and quality due to increased impervious areas
   3. Quality and quantity of riparian and aquatic vegetation

4) On **July 31, 2012,** the BWSR received the **Sherburne** County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On **September 12, 2012,** the Northern Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Sherburne** County Plan Amendment. The Northern Water Planning Committee forwarded the plan to board with a recommendation for approval. The committee would also like to commend the County for its proactive stance in seeking to manage the Mississippi River Corridor.

6) This update will be in effect until **January 31, 2017.**

## CONCLUSIONS

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

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

## ORDER

The Board hereby approves the attached five year amendment of the **Sherburne County** Local Water Management Plan **February 1, 2007 to January 31, 2017.**

Dated at **St. Paul,** Minnesota, this **twenty sixth day of September, 2012.**

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

DATE: SEPTEMBER 5, 2012

TO: BWSR NORTHERN REGION WATER PLANNING COMMITTEE

FROM: JASON WEINERMAN

RE: REVIEW OF THE FIVE YEAR AMENDMENT FOR THE SHERBURNE COUNTY FINAL LOCAL WATER MANAGEMENT PLAN (LWMP)

On November 8th, 2011, Sherburne County adopted a resolution to begin the five year amendment process for their Comprehensive Local Water Management Plan. The County submitted their Five Year Amendment for the Local Water Management Plan to the Brainerd office of the BWSR on July 31, 2012. From my observation of the update and review process, I find that the local water management plan five year amendment meets the guidelines established by BWSR, as well as the requirements of 103B.313-103B.314.

During the amendment process, the county maintained their existing Priority Concerns, which were:

1. Impaired and degraded lakes and streams in the Elk River Watershed

2. Increasing urban and residential land use replacing agriculture, forest and open spaces creates a concern about water quantity and quality due to increased impervious areas

3. Quality and quantity of riparian and aquatic vegetation

In addition to reviewing their priority concerns and ensuring that they were still applicable for the remaining five years of the plan, the county water resources advisory committee reviewed the action items under each priority concern. These actions items were modified to indicate which ones were completed, which ones had different departmental supervision, and to add new ones to reflect current conditions in the county. The Water Resources Advisory Committee also reviewed the budget for each action item and modified the calendar to reflect updated scheduling for completion of tasks. Amended sections of the water plan are in red.

The Water Resources Advisory Committee held a public hearing on July 24, 2012 during the normally schedule Committee meeting. During this hearing, the water planner reviewed comments provided by other agencies and planning groups. There were no comments from the public.

The updated water plan was sent to the appropriate state agencies that provided the feedback below:

- DNR: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The DNR offered the following comments for consideration:

*Bemidji* 4 West Building 403 Fourth St. NW, Suite 200 Bemidji, MN 56601 (218) 755-2600

*Brainerd* 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383

*Duluth* 394 South Lake Ave., Room 403 Duluth, MN 55802 (218) 723-4752

*Fergus Falls* 1004 Frontier Drive Fergus Falls, MN 56537-2505 (218) 736-5445

*Marshall* 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060

*Mankato* 1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358 (507) 389-1967

*New Ulm* 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074

*Rochester* 2300 Silver Creek Rd N.E. Rochester, MN 55906 (507) 206-2889

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

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

Minnesota Board of Water & Soil Resources

- Educate, implement and install conservation (managed) drainage systems to focus on slowing down drainage water carrying sediments and nutrients from agricultural fields and urban areas. As new agricultural drainage systems are install and old systems fail and are replaced, this would be an excellent opportunity to install these managed drainage systems to spread out run off events over a longer period of time and hold water at appropriate levels below crops to "irrigate" from below by managing local ground water levels. These same systems can be utilized in the fall after crops are harvested to hold water on fields in Type 1 wetlands for migratory waterfowl up until approximately 10 days before fields are worked up again in the spring to allow time to dry out soils for planting.

- Educate and implement the utilization of shallow lake wildlife management and designation to aide in the reestablishment of aquatic submergent and emergent vegetation in shallow lakes.

- Educate and utilize local ecotype wild rice as part of aquatic vegetation restoration efforts.

- Ensure that the City of Saint Cloud posts their test results of drinking water in their seasonal newsletter as they have done up to 2011, instead of just posting a link to a web page where the information can be seen like they did in 2012.

- Educate and utilize the new "Restorable Wetland Inventory" & LiDAR GIS layers available through the MN DNR Data Deli at http://deli.dnr.state.mn.us/ to aide in the restoration of wetlands in Sherburne County.

- Educate and utilize managed rotational grazing techniques to provide better grazing forage and wildlife habitat.

- Educate and strongly encourage the maintaining and installation of buffer and filter strips, as well as grass waterways in addition to upland grassland habitat to reduce soil erosion, sedimentation, and provide critical wildlife habitat.MN Dept of Health: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The Department of Health commends the county for activities that help protect local groundwater and drinking resources as well as assisting with well protection planning and implementation activities. The agency looks forward to continuing partnerships on groundwater and drinking water protection issues.

- MN Dept. of Health: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. The Department commends the county for recognition and identification of activities that help protect groundwater and drinking water. The county continues to assist local communities with wellhead protection plans and the department looks forward to future partnerships.

Minnesota Board of Water & Soil Resources

- MPCA: The plan does not violate any statutory or rule requirements and recommend approving the entire plan as submitted. These comments were submitted over the telephone with formal documentation not having arrived by the time of the committee packet mailing deadline.

Based upon the comments from the public hearing and the state agencies, there is public support for the Five Year update of the Sherburne County Local Water Management Plan. The state agency comments were in support of the amendment and all recommended approval. During my review of the submitted update, I find that the plan is still consistent with state statute, rule, and BWSR policy. Therefore, I recommend that the Northern Region Water Planning committee forward the plan update to the full Board with a recommendation to approve the five year update.

Enclosures: Water Plan Update
Public Hearing Minutes
State Agency Comments

*Bemidji*
4 West Building
403 Fourth St. NW, Suite 200
Bemidji, MN 56601
(218) 755-2600

*Brainerd*
1601 Minnesota Drive
Brainerd, MN 56401
(218) 828-2383

*Duluth*
394 South Lake Ave., Room 403
Duluth, MN 55802
(218) 723-4752

*Fergus Falls*
1004 Frontier Drive
Fergus Falls, MN 56537-2505
(218) 736-5445

*Marshall*
1400 East Lyon Street
Marshall, MN 56258
(507) 537-6060

*Mankato*
1160 Victory Drive S., Suite 5
Mankato, MN 56001-5358
(507) 389-1967

*New Ulm*
261 Highway 15 South
New Ulm, MN 56073
(507) 359-6074

*Rochester*
2300 Silver Creek Rd N.E.
Rochester, MN 55906
(507) 206-2889

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615
www.bwsr.state.mn.us TTY (800) 627-3529 An equal opportunity employer

# Sherburne County

# Local Water Management Plan

## 2007 through February, 2017
## Amended July, 2012




DRAFT

Prepared by the Sherburne Soil and Water Conservation District
and the
Sherburne County Water Plan Advisory Committee

RECEIVED

JUL 31 2012

BD OF WATER & SOIL
RESOURCES-BRAINERD

## Contents

Acronyms and Phrases ..... 3
2007 County Water Plan Advisory Committee ..... 5
2012 Amendment Contributors: ..... 6
1.0 Executive Summary ..... 7
1.1 Background on Local Water Management Planning ..... 8
1.2 The Purpose and Scope of the Sherburne County Local Water Management Plan ..... 8
1.3 Surface Water, Ground Water and Related Resources ..... 9
1.4 Assessment of Surface Waters: ..... 9
Minnesota's Watershed Approach: ..... 11
1.5 Water Plan Priorities ..... 12
1.6 The Implementation Plan ..... 12
1.7 Consistency with other Local, State and Regional Plans ..... 13
2. Priority Concerns ..... 15
2.1 Identifying Priority Concerns ..... 15
2.2 Assessment of Priority Concerns ..... 15
2.3 Goals and Objectives ..... 21
3. Implementation Program –Amended- February 2012 ..... 22
4. On-going Water Management Activities ..... 27

Appendices

Appendix A Sherburne County Local Water Management Plan 2007-2017

Appendix 1 Surface Water, Ground Water and Related Resources

Appendix 2 Tables

Appendix 3 Maps and Figures

DRAFT

**Acronyms and Phrases**

BMP .....Best Management Practice
BWSR .....Board of Soil and Water Resources
County.....Sherburne County
CRP .....Conservation Reserve Program
CWP .....Clean Water Partnership
DNR .....Minnesota Department of Natural Resources
EDA .....Environmental Data Access
ERWS .....Elk River Watershed.
ERWA.....Elk River Watershed Association Joint Powers Board
EPA.....U.S. Environmental Protection Agency
EQIP.....NRCS' Environmental Quality Incentive Program
FEMA .....Federal Emergency Management Agency
FSA .....Farm Service Agency of the U.S. Department of Agriculture
IBI .....Index of Biotic Integrity
LAP.....Lake Assessment Program
LCMR .....Legislative Commission on Minnesota Resources
LID.....Low Impact Development.
LGU .....Local Government Unit
MCD.....Metro Conservation District
MDA .....Minnesota Department of Agriculture
MDH .....Minnesota Department of Health
MGS.....Minnesota Geological Survey
mg/L.....Milligrams per liter (equals parts per million)
MNDOT.....Minnesota Department of Transportation
MPCA .....Minnesota Pollution Control Agency
MSC.....Mississippi River (St. Cloud) Watershed
MS4.....Municipal Separate Storm Sewer System
MWRPP.....Major Watershed Restoration and Protection Plan
NALMS.....North American Lake management Society
NEMO.....Non-Point Education for Municipal Officials
NPDES.....National Pollution Discharge Elimination System

DRAFT

NRCS .....Natural Resources Conservation Service of the U.S. Department of Agriculture

NWR .....National Wildlife Refuge

OBWELL.....Observation Well

OHWM .....Ordinary High Water Mark

PPB .....Parts per billion (equals ug/L)

PPM.....Parts per million (equals mg/L)

PUD.....Planned Unit Development

RAL's .....Recommended Allowable Limits

RIM.....Reinvest in Minnesota

SNA.....Scientific and Natural Area

STORET.....The EPA's water quality data base (maintained in Minnesota by the MPCA)

SWCD.....Soil and Water Conservation District

SWPPP.....Stormwater Pollution Prevention Plan

TEP .....Technical Evaluation Panel

TMDL .....Total Maximum Daily Load

ug/L.....micrograms per liter (equals parts per billion)

USDA.....U.S. Department of Agriculture

USFWS .....U.S. Fish and Wildlife Service

USGS .....U.S. Geological Survey

VOC.....Volatile Organic Compounds

WCA.....Wetland Conservation Act

WHIP .....NRCS' Wildlife Habitat Incentive Program

WMA .....Wildlife Management Area

DRAFT

**2007 County Water Plan Advisory Committee**

| Committee Members: | Board, Agency or City/Township of Residence |
|---|---|
| John Riebel | Sherburne County Board |
| Lee Schlosser | Sherburne SWCD |
| Bryan Adams | Livonia Township |
| Garry Anderson | East St. Cloud |
| Roger Nelson | Blue Hill Township |
| Nels Andersen | Livonia Township |
| C. Perry Schenk | Palmer Township |
| John Weicht | Elk River |
| Barbara Tucker | Clear Lake Township |
| Terry Polsfuss | Palmer Township (member through March, 2006) |
| **Alternates:** | |
| Tiffany Babich | Big Lake Township |
| John Barr | Becker Township |
| **County and State Advisors:** | |
| Mark Basiletti, Water Plan Coordinator | Sherburne SWCD |
| Gina Hugo, Secretary | Sherburne SWCD |
| Nicola Blake-Bradley | Sherburne County Zoning (member through January, 2006) |
| Jennifer Oknich | Sherburne County Zoning |
| Vonna Henry | Sherburne County Public Health |
| Tana Haugen-Brown | Sherburne County Extension |
| Margaret Leach | Minn. Pollution Control Agency |
| Jason Weinerman | Minn. Board of Water and Soil Resources |

DRAFT

**2012 Amendment Contributors:**

**Local Lead Agency**

| | |
|---|---|
| Tiffany Determan, Water Resource Specialist | Sherburne Soil and Water Conservation District |

**2012 County Water Plan Advisory Committee**

| **Committee Members:** | **Board, Agency or City/Township of Residence** |
|---|---|
| John Riebel | Sherburne County Board |
| David Berg | Sherburne SWCD |
| Nels Andersen | Livonia Township |
| Garry Anderson | East St. Cloud |
| John Barr | Becker Township |
| Tom Hammer | Clear Lake Township |
| C. Perry Schenk | Palmer Township |
| John Weicht | Elk River |
| Barbara Tucker | Clear Lake Township |
| Richard Dahlman | Elk River (Alternate) |
| Terrance Vander Eyk | Clear Lake Township (Alternate) |
| **County and State Advisors** | |
| Frances Gerde, District Aide | Sherburne SWCD |
| Bill Bronder, Interim District Manager | Sherburne SWCD |
| Francine Larson, Office Manager | Sherburne SWCD |
| Gina Hugo, Resource Specialist | Sherburne SWCD |
| Lynn Waytashek | Sherburne County Zoning |
| David Katzner | Sherburne County Zoning |
| Phil Votruba | Minn. Pollution Control Agency |
| Mary Monte | NRCS |
| Jason Weinerman | Minn. Board of Water and Soil Resources |
| **Sherburne Soil & Water Conservation District Board Supervisors:** | |
| Douglas Hipsag | District 1 |
| David Berg | District 2 |
| Larry Goenner | District 3 |
| Jason Selvog | District 4 |
| Roger Nelson | District 5 |
| **Sherburne County Commissioners:** | |
| Larry Farber | District 1 |
| Ewald Petersen | District 2 |
| John Riebel | District 3 |
| Felix Schmiesing | District 4 |
| Rachel Leonard | District 5 |
| **Others Contributors: THANK YOU!** | |
| Town of Big Lake | Board Supervisors |
| Livonia Township | Board Supervisors |
| Benton SWCD | Staff |
| Baldwin Township | Board Supervisors |
| MN Department of Health | Mark Wettlaufer |
| MN Department of Agriculture | Robert Sip |

DRAFT

## 1.0 Executive Summary

This section is an amendment to the 2007 version of the Sherburne County Water Management Plan. In 2012, the mid-point in this 10 year plan, the Sherburne County Local Water Plan Advisory Committee reviewed the Water Management plan to identify any objective, goal or action item that required amendments. The Water Plan Advisory Committee was delegated the responsibility of overseeing the development of the amended Implementation Plan. The Water Plan Committee conducted two meetings during the planning process to review and update the goals, objectives and action addressed in the plan. The Water Plan Committee also requested input from public local government units (LGU) State and Federal Agencies via a public meeting, request for comment letters and numerous requests reported in local media,. The three Priority Concerns for the 10 year plan have not changed however goals, objectives and action items have changed. The items mentioned above were added, modified or deleted depending upon the current issues and concerns.

Those items that have been amended appear in red text.

This is the fourth version of the Sherburne County Local Water Management Plan (Water Plan). The first version was adopted by the County in 1992 and was revised in 1995 and in 2002. This version of the Water Plan is in effect through February 28, 2017. The Implementation Program outlined in Section 3 focuses on the first five years of the effective time frame of the plan. In 2012, the plan will be amended to update the Implementation Program for the final five years. The Sherburne Soil and Water Conservation District has been delegated the responsibility for developing and implementing the Local Water Management Plan.
Sherburne County is located in east central Minnesota. The County Seat is located in Elk River. Elk River is approximately 35 miles northwest of Minneapolis and 30 miles southeast of St. Cloud.

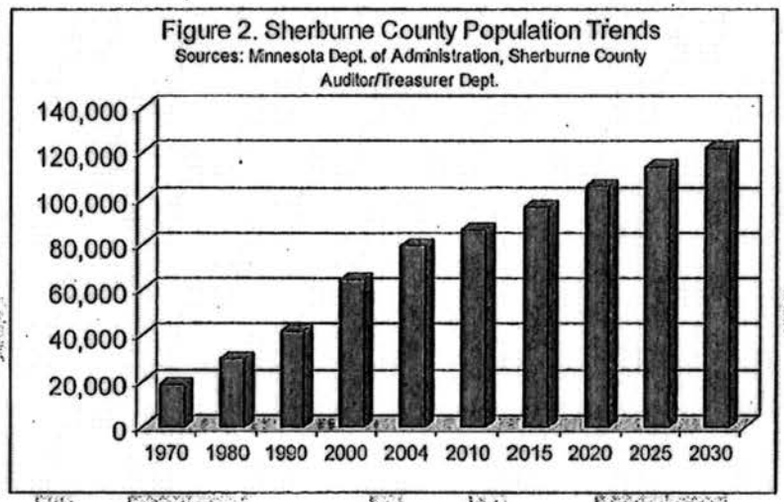



Figure 1. Location of Sherburne County

The estimated 2010 population of Sherburne County is 86,350 with 49,280 residing within incorporated areas. The County has experienced rapid population growth in recent decades and is one of the fastest growing Counties in Minnesota (Figure 2). Based on birth rate statistics provided by the Sherburne County Public Health Department, the projected population increase may be conservative.

The rapid population growth of Sherburne County is primarily due to its proximity to the Twin Cities metropolitan area and the St. Cloud urban area.

According to the U.S. Census, from 2000-2010, Sherburne County's population grew from 64,417 to 88,499 (37%). Six other counties in Minnesota experienced more overall growth. But when it comes for township population growth, Sherburne County's ten townships added 8,191 persons, more than twice as many as Beltrami (+3,408), Mille Lacs (+2,489), Scott (+2,309) and St. Louis (+2,083) counties.




## 1.1 Background on Local Water Management Planning

Comprehensive Local Water Planning began at the state level in 1985 when a statewide planning committee was formed to make recommendations to the legislature about local water planning. The Legislature, after a yearlong effort, passed Comprehensive Local Water Planning into law as Chapter 110B in the spring of 1986. In 2003, the statute governing County Water Plans was revised and is currently found in M.S. 103B. The County Water Plans are now referred to as "Local Water Management Plans".

The Sherburne County Board determined on August 2, 1989 that the Sherburne Soil and Water Conservation District (SWCD) Board of Supervisors should be the lead agency in the local water plan. The Sherburne County Water Planning Task Force, appointed by the SWCD Supervisors and County Board to represent the county's interest, met monthly starting in March 1990. It established the issues, goals, objectives, actions, and implementation strategies, and was the principal architect of the first version of the Sherburne County Water Plan. Following adoption of the County Water Plan in 1992, the County Board appointed a Water Plan Advisory Commiittee to review plan implementation and to update the Water Plan every five years.

## 1.2 The Purpose and Scope of the Sherburne County Local Water Management Plan

The Water Plan focuses on the quality and quantity of surface water and groundwater, and related land uses that effect water resources. The purpose of the Water Plan is:

1. To identify existing and potential problems or opportunities for the protection, management, and development of water resources and related land resources in the County

2. To identify priority concerns to be addressed during the effective time frame of the plan, and

3. To develop and implement a plan of action to address priority concerns.

The Water Plan applies to the entire geographic area of Sherburne County including incorporated and unincorporated areas.

### 1.3 Surface Water, Ground Water and Related Resources

To facilitate the planning process, the county has assembled and studied available information relating to the physical environment, surface and groundwater resources, and related land use. This information is summarized in **Appendix 2** in the context of watershed units and ground water systems.

The Water Plan Advisory Committee used the assembled information to better understand the nature and condition of the County's water and water related resources.

DRAFT

### 1.4 Assessment of Surface Waters:

Impaired Waters and TMDLs:

The federal Clean Water Act (CWA) requires states to adopt water-quality standards to protect waters from pollution. These standards define how much of a pollutant can be in the water and still allow it to meet designated uses, such as drinking water, fishing and swimming. The standards are set on a wide range of pollutants, including bacteria, nutrients, turbidity and mercury. A water body is "impaired" if it fails to meet one or more water quality standard.

To identify and restore impaired waters, Section 303(d) of the Clean Water Act requires states to:
1) Assess all waters of the state to determine if they meet water-quality standards.
2) List waters that do not meet standards (also known as the 303d List) and update every even-numbered year.
3) Conduct TMDL studies in order to set pollutant reduction goals needed to restore waters.

MPCAs responsibilities include performing assessment activities, listing impaired waters, and conducting TMDLs in Minnesota. The agency also coordinates closely with other state and local agencies on restoration activities.

The Clean Water Legacy Act, passed in June 2006, allocates first-year funding to accelerate water monitoring, TMDL development and restoration activities throughout the state.

Impaired Waters:

Below is the MPCA 2010 Clean Water Act Section 303 (d) list of impaired waters in the county. The MPCA recommends counties address waters listed for pollutants/stressors other than mercury and Polychlorinated Biphenyls (PCB) in their amended LWM plans.

## Stream Impairments

| Reach Name | Reach Description | River ID # | Affected designated use | Pollutant or stressor | TMDL Status |
|---|---|---|---|---|---|
| Battle Brook | CD 18 to Elk Lk | 07010203-535 | Aquatic life | Aquatic macroinvertebrate bioassessments | Not Underway |
| Elk River | Elk Lk (71-0141-00) to St Francis R | 07010203-579 | Aquatic life | Aquatic macroinvertebrate bioassessments | Not Underway |
| Elk River | Elk Lk (71-0141-00) to St Francis R | 07010203-579 | Aquatic recreation | Fecal Coliform | Underway |
| Elk River | Elk Lk (71-0141-00) to St Francis R | 07010203-579 | Aquatic life | Turbidity | Underway |
| Mississippi River | Sauk R to CSAH 7 in St Cloud | 07010203-574 | Aquatic recreation | *Escherichia coli* | Underway |
| Mississippi River | Clearwater R to Elk R | 07010203-510 | Aquatic recreation | Fecal Coliform | Underway |
| Mississippi River | Clearwater R to Elk R | 07010203-510 | Aquatic life | Fish bioassessments | Not Underway |
| Mississippi River | Clearwater R to Elk R | 07010203-510 | Aquatic life | Mercury in Fish tissue | TMDL Approved |
| Mississippi River | Elk R to Crow R | 07010203-503 | Aquatic consumption | PCB in Fish Tissue | Not Underway |
| Mississippi River | Elk R to Crow R | 07010203-503 | Aquatic consumption | Mercury in Fish tissue | Completed |
| Mississippi River | Sauk R to University Dr S bridge in St. Cloud | 07010203-574 | Aquatic consumption | Escherichia coli0 | TMDL Underway |
| Mississippi River | Sauk R to University Dr S bridge in St. Cloud | 07010203-574 | Aquatic consumption | Mercury in Fish tissue | TMDL Approved |
| Mississippi River | University Dr S bridge in St. Cloud to St. Cloud Dam | 07010203-575 | Aquatic consumption | Mercury in Fish tissue | TMDL Approved |
| Rice Creek | Rice Lk to Elk R | 07010203-512 | Aquatic life | Oxygen, Dissolved | TMDL Underway |
| Rice Creek | Rice Lk to Elk R | 07010203-512 | Aquatic life | Turbidity | TMDL Underway |

Lake Impairments

| Reach Name | Reach Description | Lake or wetland ID# [County# + Lake#] | Affected designated use | Pollutant or stressor | TMDL Status |
|---|---|---|---|---|---|
| Big Elk | Lake or Reservoir | 71-0141-00 | Aquatic recreation | Nutrient/Eutrophication Biological Indicators | Underway |
| Birch | Lake or Reservoir | 71-0057-00 | Aquatic recreation | Nutrient/Eutrophication Biological Indicators | Not Underway |
| Briggs | Lake or Reservoir | 71-0146-00 | Aquatic recreation | Nutrient/Eutrophication Biological Indicators | Not Underway |
| Julia | Lake or Reservoir | 71-0145-00 | Aquatic recreation | Nutrient/Eutrophication Biological Indicators | Not Underway |
| Lower Orono | Lake or Reservoir | 71-0013-02 | Aquatic recreation | Nutrient/Eutrophication Biological Indicators | Not Underway |
| Upper Orono | Lake or Reservoir | 71-0013-01 | Aquatic recreation | Nutrient/Eutrophication Biological Indicators | Not Underway |
| Big | Lake or Reservoir | 71-0082- | Aquatic consumption | Mercury Infish Tissue | TMDL Approved |
| Lower Orono | Lake or Reservoir | 71-0013-02 | Aquatic consumption | Mercury In Fish Tissue | TMDL Approved |
| Upper Orono | Lake or Reservoir | 71-0013-01 | Aquatic consumption | Mercury Infish Tissue | TMDL Approved |
| Mitchell | Lake or Reservoir | 71-0081-00 | Aquatic consumption | Mercury Infish Tissue | TMDL Approved |

DRAFT

**Minnesota's Watershed Approach:**

The 10 year watershed cycle for Intensive Watershed Monitoring (IWM) Phase I began in the spring of 2009 for the Mississippi River St. Cloud (8 digit HUC) watershed under a separate contract. Monitoring and field data collected during the Phase I assessment is in the process of being compiled. In 2010, work will begin to conduct a watershed wide assessment and monitoring effort that will result in the final deliverable of an implementation plan that will prescribe restoration and protection strategies for the surface water resources within the Mississippi River (St. Cloud) watershed. Ongoing Total Maximum Daily Load (TMDL) projects within the watershed (e.g. Elk River Watershed Association TMDL and the Upper Mississippi River Bacteria TMDL) will continue in accordance with their existing specific project work plan.

The major threats to this watershed include:
1. Loss of shoreline buffers and habitat due to development.
2. Introduction of large amounts of phosphorus, sediment, and bacteria from urban and rural sources to surface waters.
3. The combination of long, moderately steep slopes and easily erodible sandy loam soil that is inherently high in phosphorus.
4. Increased nutrient, contaminant and sedimentation loading from storm water run-off from development and other non-point sources.
5. Protecting drinking water supplies from bacteria impairments.
6. Loss of biodiversity due to competition from invasive species.
7. Relatively high percentage of agricultural and urban/residential land uses within the watershed.

## 1.5 Water Plan Priorities

The process through which priority concerns were selected is described in Section 2. The following three concerns were identified as high priority for this planning period:

(1) Impaired and degraded lakes and streams in the Elk River Watershed;

(2) Increasing urban and residential land use replacing agriculture, forest and open space creates a concern about water quantity and quality due to increased impervious areas; and

(3) Quality and quantity of riparian and aquatic vegetation.

## 1.6 The Implementation Plan

The implementation plan specifies goals, objectives, and specific actions to address issues and concerns identified in the plan. Where appropriate, priority watersheds for actions are specified.

**Goals**, in the context of this plan, are general statements that clearly communicate what is to be accomplished over the long-term to address the priority concerns. Goals are achievable in a reasonable period of time.

**Objectives** state how the goal will be accomplished by breaking it down into smaller, more specific measures that will be taken. Objectives are measurable.

**Actions** are specific activities that the county has identified as being necessary to achieve the goals and objectives identified in this plan. Actions include activities such as educational programs, land treatment projects, monitoring of water resources and development of ordinances and land use controls.

DRAFT

Major Projects-Completed and/or In Progress which may guide water planning action priorities:

- Mississippi River (St. Cloud) Major Watershed Restoration and Protection Project
- ERWA TMDLs (Approved June 2012)
- City of St. Cloud Landscape Retrofit Project
- City of Elk River Landscape Retrofit Project
- Sub-Watershed Analysis Projects
- Briggs Lake Chain Infrared Detection Fly-Over

The following list identifies the goals and actions as identified through the Water Planning Process (2007) as well as the amendment process (2012).

**Priority Concern 1.**
Goal 1. Reduce pollutant levels for impaired lakes and streams and maintain water quality where resources meet state standards. Actions focus on the implementation of the following objectives:

- Implement land use practices that reduce nutrient loading to surface water resources.

Goal 2. Work with MPCA as well as other federal, state and local watershed agencies to complete Major Watershed Restoration and Protection Plans (MWRPP) and associated Total Maximum Daily Loads (TMDLs). Actions focus on the implementation fo the following objectives:

- Collect and complete data supporting the MWRPP process.
- Maximize effectiveness of completed TMDLs and the MPCA's MWRPP implementation strategies.

**Priority Concern 2.**
Goal 3. Mitigate the quantitative and qualitative storm water impacts to surface water from urban and residential development. Actions focus on the implementation of the following objectives:

- Retrofit stormwater treatment for developed areas with no or inadequate treatment.
- Use local controls and ordinances to reduce impacts from stormwater runoff
- Identify innovative practices to reduce stormwater runoff

**Priority Concern 3.** Actions focus on the implementation of the following objectives:
Goal 4. Protect, improve and establish native riparian and aquatic vegetation

- Establish riparian buffers on agricultural land
- Preserve and establish buffers of native vegetation on lakes and streams in urban and rural - residential areas.
- Provide education to landowners and LUGs regarding quality and quantity of riparian and aquatic vegetation

DRAFT

The total cost estimate for the implementation program is $1,274,065 for 2012 through 2017. This cost includes existing staff time, grant funds (some of which is currently in place) USDA – NRCS funding, LGU budgets, funding by private organizations, volunteer time, and contributions from landowners for installing land treatment projects.

Some objectives and actions from the previous Water Plan version are considered **on-going** and will be continued. These initiatives come under the areas of enforcing existing ordinances and policies for water resource protection and the continuation of programs funded through on-going local, state and federal programs. These actions are considered essential for on-going protection of water resources in Sherburne County. These objectives and actions are listed in Section 4 of the Water Plan.

### 1.7 Consistency with other Local, State and Regional Plans

The following plans were reviewed in preparation of this plan:
Isanti Counties
Comprehensive Plans for Sherburne County, Elk River, Big Lake, Zimmerman, Becker, Clear Lake and St. Cloud
Storm Water Pollution Prevention Plans for Sherburne County, Elk River, St. Cloud
City of Zimmerman Comprehensive Storm Drainage Plan
The Minnesota 2001-2005 Non Point Source Management Program Plan (NSMPP), MPCA
Upper Mississippi River Basin Water Quality Plan, Headwaters to the Rum River at Anoka, MPCA
Minnesota Watermarks Gauging the Flow of Progress 2000 – 2010, Environmental Quality Board

Local Controls reviewed in the preparation of this plan:

Sherburne County zoning ordinance, subdivision ordinance, floodplain ordinance, recreational and scenic rivers ordinance
City of Becker subdivision ordinance, floodplain ordinance
City of St. Cloud subdivision ordinance, shoreland management ordinance, scenic rivers ordinance, floodplain ordinance
City of Elk River land development regulations, wild and scenic rivers ordinance, floodplain ordinance, shoreland management ordinance
City of Clear Lake zoning ordinance, subdivision ordinance
Zimmerman zoning ordinance, subdivision ordinance, erosion and sediment control ordinances,
City of Big Lake zoning ordinance, subdivision ordinance, floodplain ordinance, wetlands overlay district, shoreland ordinance.

The Sherburne County Local Water Management Plan is consistent with the existing local, state and regional plans reviewed.

**Plans Considered during the 2012 Amendment Process:**
In addition to those plans mentioned above, completed Total Maximum Daily Load Studies (TMDLs), and lake and management plans overlaying Sherburne County were been considered in the completion of this document. Additionally, plans from neighboring counties were reviewed to ensure consistency in the protection of regional water resources. There are no known conflicts between the Sherburne County Water Plan and other local plans regarding water resources.

DRAFT

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Red River Basin Watershed District Plan Expiration Date Extension**

**Meeting Date:** September 26, 2012

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

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** north region

**Contact:** Steve Woods/Ron Shelito

**Prepared by:** Brian Dwight

**Reviewed by:** Northern Water Planning Committee(s)

**Presented by:** Gene Tiedemann

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

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

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

## ACTION REQUESTED

Approve a resolution to extend the expiration dates of watershed district plans in the Red River Basin

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The reason for extending the expiration date of these plans is to "synchronize" the Watershed District water management plan update schedule and process with the MPCA's water quality monitoring and assessment schedule for Minnesota's 81 major watersheds. By synchronizing the watershed district plans with the MPCA assessment work we accomplish a couple of things: The watershed districts will be provided with detailed water quality assessments which can be incorporated into their plans. Secondly, both the MPCA assessment and the watershed district plan update process will be used to engage the public and stakeholders in developing an implementation plan. By synchronizing these efforts it will allow for more efficiency of local planning efforts.

The need for a resolution is primarily to offset a BWSR policy related to the LGU eligibility to apply for BWSR grants. BWSR Clean Water Fund policy states: "Eligible applicants include local governments (counties, watershed districts, watershed management organizations, soil and water conservation districts, and cities) or local government joint power boards working under a current state approved and locally adopted local water management plan or soil and water conservation district (SWCD) comprehensive plan…" Without this resolution extending the watershed district water management plan expiration dates, the watershed districts would not be eligible Clean Water Fund applicants

The resolution also includes a more flexible approach to the synchronizing of county local water management planning with the WRAP/watershed district planning schedule. With many counties having portions of multiple major watersheds within their boundaries it is difficult to set an adjusted schedule. Allowing them to petition BWSR gives them the ability to make plan adjustments that best suits county circumstances.

Resolution # _____

**Red River Basin Watershed District Plan**
**Expiration Date Extension**

**WHEREAS,** the Associations of Soil and Water Conservation Districts, Counties, and Watershed Districts put forth a joint proposal to the legislature in 2012 to advance policy supporting mechanisms for increasing the effectiveness of watershed based management and diminishing the administrative burden of excessive planning ; and

**WHEREAS,** The Legislative session of 2012 produced statute changes to allow the Board of Water and Soil Resources to develop an alternative local water planning structure to promote greater local coordination and the resulting multiple benefits in the development of comprehensive watershed management plans; and,

**WHEREAS,** Water management plans need to address water management from a comprehensive perspective including but not limited to ground water and surface water quality and quantity concerns, land use, water usage, recreational use, and fish and wildlife habitat; and

**WHEREAS,** Multiple local, state, and federal governmental agencies are authorized by statute to engage in watershed assessment and planning efforts, often in partnership with non-governmental organizations; and

**WHEREAS,** The Board of Water and Soil Resources (BWSR) is authorized by M.S. 103B, 103C, and 103D; to oversee and approve local governmental unit (LGU) plans and implementation efforts; and

**WHEREAS,** Watershed District plans as authorized by M.S. 103D.401 and M.S. 103D. 405 are comprehensive watershed based plans which address water management issues including water quality; and

**WHEREAS,** The Red River Basin has nearly complete coverage with watershed districts that have generally been coordinating water management on a major-watershed or larger basis; and

**WHEREAS,** The Minnesota Pollution Control Agency (MPCA) has initiated a water quality assessment program which has a 10 year cycle to assess major watersheds within Minnesota; and

**WHEREAS,** There are advantages to synchronize the 10 year MPCA monitoring and assessment schedule with the 10 year watershed district plan updates; and

**WHEREAS,** A schedule synchronizing watershed district plan updates in Red River Basin with the MPCA water quality assessment schedule has been prepared by BWSR and MPCA.

**NOW THEREFORE BE IT RESOLVED,** For the purpose of effectively synchronizing comprehensive watershed planning efforts; the BWSR will recognize the individual Watershed District plan expiration dates as follows:

| Watershed District | Plan expiration date |
|---|---|
| Joe River Watershed District | April 2016 |
| Bois de Sioux Watershed District | April 2017 |
| Two River Watershed District | October 2017 |
| Wild Rice Watershed District | October 2017 |
| Red Lake Watershed District | October 2018 |
| Roseau River Watershed District | April 2019 |
| | |

**BE IT FURTHER RESOLVED:** For the purpose of effectively synchronizing county comprehensive water management planning efforts; the BWSR will allow counties in the Red River Basin to petition BWSR to extend county local water management plan expiration dates to enable more effective coordination with partner watershed district(s).

_____ _____

Brian Napstad, Chair Date

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Wilkin County CLWM Five-Year Update Extension**

**Meeting Date:** September 26, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** Northern Region
**Contact:** Pete Waller
**Prepared by:** Pete Waller
**Reviewed by:** Northern Water Planning Committee(s)
**Presented by:** Rob Sip

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☒ **Order** ☐ **Map** ☐ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☐ Other: _____

## ACTION REQUESTED

Approval to extend the required five-year update of the implementation section of the Wilkin County Local Water Management Plan until December 31, 2014.

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Wilkin County submitted a request for an extension of the required five-year update of the implementation section of the Wilkin County Local Water Management Plan (Plan). The existing deadline for the update of the Plan implementation section is December 31, 2012. This extension would enable the Wilkin Plan to coincide with the updating of the Buffalo-Red River Watershed District (BRRWD) Overall Plan, which is required by April 2014. Recall the required BRRWD Plan Update is included in the April 26, 2012, Order to enlargement the BRRWD which added about 320 square miles within Wilkin County to the BRRWD. The Wilkin County area now included in the BRRWD is 553 square miles. The rest of Wilkin County (184 sq miles) is within the Bois de Sioux Watershed District. The BDSWD Plan will be updated by April 2017.

BWSR staff deemed the extension request acceptable and recommended a two-year extension, which would make the Implementation Plan update deadline December 31, 2014. The Northern Water Planning Committee met September 12, 2012 and will recommend approval at the September 26, 2012 Board meeting.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55107

---

In the Matter of Extending the Comprehensive Local Water Management Plan for Wilkin County

ORDER EXTENDING WATER MANAGEMENT PLAN

---

**Whereas**, the Wilkin County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan that is in effect until December 31, 2017 pursuant to Minnesota Statutes 103B.301; and

**Whereas**, the Board Order, dated May 28, 2008, required Wilkin County to update the implementation section (Goals, Objectives and Actions) of the Plan by December 31, 2012.

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

## FINDINGS OF FACT

On May 28, 2008, the Board approved the Wilkin County Comprehensive Local Water Management Plan, and Wilkin County adopted this Plan via resolution on June 9, 2008. The approved Plan is effective for a ten-year period until December 31, 2017, with a required update to the implementation section (Goals, Objectives and Actions) by December 31, 2012.

On June 19, 2012, Wilkin County approved and submitted a resolution requesting an extension of their required update to the implementation section of their Plan. This extension is requested to enable the Wilkin Plan to coincide with the Updating of the Buffalo-Red River Watershed District (BRRWD) Overall Plan.

On April 26, 2012, the Board approved the expansion of the BRRWD to include an additional 430 square miles, of which 320 square miles are within Wilkin County. The Order further required the BRRWD Overall Plan be amended or updated by April 25, 2014.

On September 5, 2012, Board staff reviewed and recommended approval of the extension request by Wilkin County.

On September 12, 2012, the North Region Water Planning Committee met in Brainerd, Minnesota to discuss Wilkin County's request for extension. The Committee's decision was to present to the Board a recommendation of approval to extend Wilkin County's update to the implementation section of the Comprehensive Local Water Management Plan until December 31, 2014.

## CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the update of the implementation section of the Comprehensive Local Water Management Plan Update of Wilkin County.

## ORDER

The Board hereby approves the extension of the required five-year update of the implementation section of the Wilkin County Comprehensive Local Water Management Plan until December 31, 2014.

Dated at St Paul, Minnesota, this twenty-sixth eighth day of September 2012.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

**NEW BUSINESS**

1. Clean Water Council Budget Development Process – Keith Hanson, Chairman, Clean Water Council - ***INFORMATION ITEM***

2. Grants Monitoring Report – Tim Dykstal – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Clean Water Council Budget Development Process**

**Meeting Date:** September 26, 2012

**Agenda Category:** ☐ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☐ Decision ☐ Discussion ☒ Information

**Section/Region:**

**Contact:** John Jaschke

**Prepared by:** John Jaschke

**Reviewed by:** Committee(s)

**Presented by:** Keith Hanson, Chair of Clean Water Council

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget

## ACTION REQUESTED

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Clean Water Council is seeking comments on its proposed Clean Water Fund budget for the 2014-2015 biennium. The Council will make budget recommendations to the Governor and the Minnesota Legislature in December.

A public comment period began September 4 and continues through Sept. 28, 2012. The Council is asking the public to comment on questions that are to be found on the Clean Water Council's webpage at www.pca.state.mn.us/cleanwatercouncil.

The Clean Water Council needs to meet a $185 million target for fiscal years 2014-2015 and is seeking public input . The Council is also seeking comments on how to build the long-term capacity of local government agencies to improve their ability to implement water-quality practices.

Also, the agencies with roles and responsibilities for Clean Water Fund work recently sent a letter the Council suggesting a joint effort to shape a long term vision for the Clean Water Fund.

Minnesota Pollution Control Agency

Minnesota Department of Natural Resources

Minnesota Department of Agriculture

Minnesota Board of Water & Soil Resources

Minnesota MDH Department of Health

Metropolitan Council

PFA

September 13, 2012

Mr. Keith Hanson, Chair
Clean Water Council
520 Lafayette Road N.
St. Paul, MN 55155

Dear Mr. Hanson:

As agencies with responsibilities for implementing the Clean Water Fund (BWSR, DNR, MDA, MDH, PFA, Met Council and PCA), our staff have submitted preliminary suggestions for Clean Water funding to the Council for fiscal year 2014-15.

Collectively, we seek to address Minnesota's long term clean water needs in preparation for the upcoming biennial budget development. During our preliminary discussions it has become evident, as it presumably also has to the Clean Water Council (CWC) members, that we need to continue to look well beyond the upcoming two year budget in order to make the most of current and future efforts.

As you know, our waters are threatened or impaired in many areas of our state. In other areas, we need to protect the high quality assets of our lakes, rivers, wetlands and groundwater. We know that ongoing funding is needed to accomplish the initial monitoring and analysis to define problems and formulate solutions. Accelerated funding is needed to secure commitments from local governments, agencies, non-government organizations and landowners to carry out targeted, science-based action plans focused on getting projects and practices in place that provide clean water. All of this work must show progress – progress that builds the tomorrow's result on today's wise investments.

We are interested in meeting with the CWC to explore a partnership discussion to anticipate and coordinate plans for Clean Water Fund (CWF) looking at short-term, mid-term and 25 year goals; we believe a 5-year increment for these goals makes sense. If you and members of the Council are similarly interested, please let us know and we will direct the inter-agency CWF coordination team to begin making arrangements as soon as possible.

Sincerely,

John Linc Stine, Commissioner
Pollution Control Agency

Tom Landwehr, Commissioner
Department of Natural Resources

Dave Frederickson, Commissioner
Department of Agriculture

Dr. Ed Ehlinger, Commissioner
Department of Health

John Jaschke, Executive Director
Board of Water and Soil Resources

Susan Haigh, Chair
Met Council

Jeff Freeman, Executive Director
Public Facilities Authority

cc: Inter-Agency CWF Coordination Team Members

**The Clean Water Council's proposed budget recommendations are in these categories:**

- **Monitoring and assessment programs (11-15 percent of total budget): Continue steady funding levels to systematically determine the health of Minnesota's waters over 10 years, the first cycle of which ends in 2017.**

- **Watershed restoration and protection strategies (11-14 percent): Continue steady funding to determine the causes and solutions to pollution problems and threats until strategies have been completed in all the state's 81 watersheds.**

- **Groundwater/drinking water protection (7-9 percent): Increase funding over the minimum of 5 percent required by the constitutional amendment to protect groundwater and drinking water sources.**

- **Point and nonpoint source implementation activities (57-60 percent): Increase funding for on-the-ground activities that address runoff from fields and streets, as well as to improve infrastructure for sewage treatment and urban stormwater.**

- **Applied research and tool development (6-8 percent): Steady funding to better target and ensure that implementation efforts are successful.**

**The Clean Water Council, created through the 2006 Clean Water Legacy Act, advises on the administration and implementation of Clean Water Fund dollars that are to protect, enhance and restore Minnesota's water resources. Approved by the voters in 2008, the Clean Water Fund is constitutionally dedicated funding that is appropriated every two years by the legislature. For more information, contact Celine Lyman (phone 651-757-2541, email celine.lyman@state.mn.us) or Jeff Risberg (phone 651-757-2670, email jeff.risberg@state.mn.us).**

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; **8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.** |
|---|---|---|---|---|---|---|---|---|
| 1 | **MPCA** | **Continue monitoring & assessment efforts to meet the 10-year cycle:** Statewide monitoring and assessment work is on track to meet the 10-year schedule, at a rate of about 10 percent of the watersheds each year. By the end of 2012, intensive watershed monitoring will be completed in 52 percent of the state's watersheds and 62 percent in 2013. Intensive watershed monitoring includes biological, chemical, and habitat monitoring at an average of about sixty sites per watershed to assess the water conditions. Assessments determine what waters are impaired and serve as a basis for further analysis of watershed problems and watershed planning efforts. The program goal of assessing data for each monitored watershed within one year of completion of intensive watershed monitoring is being met. | $15.000M | $14.800M | $ 15,000,000 | | $ 15,000,000 | |
| 2 | MPCA | Red River Watch Program | $0.346M | $0.200M | $ - | | $ - | |
| 3 | MPCA | St. Croix Watershed Monitoring | $0.500M | -- | $ - | | $ - | |
| 4 | MPCA | Wastewater Treatment Monitoring – EDCs | $0.896M | -- | $ - | | $ - | |
| 5 | MPCA | Wild Rice study | -- | $1.500M | $ - | | $ - | |
| 6 | **MDA** | **Monitoring for Pesticides in Surface Water and Groundwater**: Ongoing monitoring using clean water funded state-of-the-art laboratory instruments which provides increased capability and greater capacity. | $0.675M | $0.700M | $ 700,000 | | $ 700,000 | |
| 7 | MDA | Root River Demonstration Project: Field evaluation of agricultural best management practices at multiple scales using a nested watershed approach. | $0.395M | -- | $ - | | $ - | |
| 8 | DNR | Water quality assessment | $3.7M | | $ - | | $ - | |
| 9 | **DNR** | **Stream Flow Monitoring** Collect stream flow information to calculate pollution loads for TMDL studies and pollution reduction plans, and to calibrate watershed models. | | $3.65M | $ 4,250,000 | | $ 4,250,000 | (revised CWF Activity description from DNR) |
| 10 | **DNR** | **Lake IBI Assessment** Develop an Index of Biotic Integrity for a more holistic assessment of lake health. | | $2.3M | $ 2,900,000 | | $ 2,900,000 | * (revised CWF Activity description from DNR) |
| 11 | **DNR** | **Fish Contamination Assessment** | | $0.260M | $ 270,000 | | $ 270,000 | |
| | | **Monitoring and assessment total** | **$21.512M** | **$23.410M** | **$ 23,120,000** | **$20.35M-$27.75M (11-15%)** | **$ 23,120,000** | |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC. |
|---|---|---|---|---|---|---|---|---|
| 12 | MPCA | **TMDL development: Fund TMDL projects and staff:** Beginning in 2008, the MPCA launched a new "watershed approach" to systematically and comprehensively conduct the state's water-quality monitoring, and restoration and protection planning needs on a 10-year cycle (10 percent of the state's 81 major watersheds per year). As the assessment process is completed in each watershed, TMDLs will be developed for impaired waters and protection strategies for unimpaired waters. These projects are called Watershed Restoration and Protection Strategies (WRAPs), and will set the reduction goals, milestones and measures to guide state and local government in their implementation efforts. Anticipated WRAP strategies will be underway in 45 of 81 watersheds by FY13. MPCA's work includes technical assistance to local government, review and preliminary approval of TMDLs and overall WRAPs , contract management, stressor identification, coordination with EPA and other state and federal agencies. | $18.000M | $18.800M | $ 18,800,000 | | $ 18,800,000 | * **9/14 BOC: more discussion needed with CWC** |
| 13 | DNR | **Watershed Restoration and Protection Strategies** Regional Technical Assistance and Statewide Coordination for Clean Water. Work with interagency teams to provide expertise data, analysis, and support for MPCA's major watershed studies. Provide information which is used in planning watershed assessments, identifying pollution types and sources, and developing watershed protection and restoration strategies that provide clean water and other ecological benefits. Coordinate statewide CWF work with DNR and external partners to ensure funds are spent in the most effective and efficient manner. | $2.100M | $3.460M | $ 3,935,000 | | $ 3,935,000 | * (revised CWF Activity description from DNR) |
| | **Watershed restoration / protection strategies total** | | **$20.100M** | **$22.260M** | **$ 22,735,000** | **$20.35M-$25.9M (11-14%)** | **$ 22,735,000** | |
| 14 | MPCA | **Groundwater assessment:** Continue to enhance ambient network, modeling to support TMDL stressor ID, continued effort to look for CECs in subset of monitoring wells. | $2.250M | $2.250M | $ 2,250,000 | | $ 2,250,000 | * |
| 15 | MPCA | Groundwater protection: ($4M reapprop. to DNR) | $-- | -- | $ - | | $ - | |
| 16 | MPCA | EQB I94 study (transfer) | -- | $0.450M | $ - | | $ - | |
| 17 | MPCA | **Enhanced county inspections / SSTS corrective actions:** In state fiscal years 2014-15, the MPCA will continue to provide $1,500 per year/per county for SSTS funding, and requests that the Clean Water Fund supplement the County SSTS program implementation at $2.5 million per year, in addition to funding two MPCA SSTS staff positions. | -- | $1.570M | $ 5,400,000 | | $ 5,400,000 | * **9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of $8.4M + (see #17, 40, 63)** |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC. |
|---|---|---|---|---|---|---|---|---|
| 18 | MDA | **Nitrates in Groundwater:** Actions to protect and restore groundwater from nitrates. Promote and evaluate regional and crop-specific nutrient Best Management Practices. Work directly with local communities dealing with identified nitrate problems. Facilitate planning by community public water suppliers, local farmers and fertilizer dealers. Design and implement low cost private well monitoring networks to evaluate nitrate trends in high risk areas and regionally | $1.125M | $1.700M | $ 4,000,000 | | $ 1,700,000 | * * **9/14 BOC: more discussion needed with CWC** |
| 19 | MDA | **Irrigation Water Quality Protection:** Nitrogen contributions to groundwater under Irrigated agriculture can be significant in some parts of Minnesota. Funding will provide a regional irrigation water quality specialist via a contract with U of M extension. This position will develop irrigation water quality BMPs and provide supporting education and guidance. | -- | -- | $ 220,000 | | $ 220,000 | |
| 20 | DNR | Drinking water planning and protection activities. | $1.125M | | $ - | | $ - | |
| 21 | DNR | **Aquifer Monitoring for Drinking Water Protection** Monitor Minnesota's observation well network to collect critical aquifer level data needed for drinking water protection. | | $3.000M | $ 5,600,000 | | $ 1,000,000 | **8/3 BOC: Reduced from $3M to $1M** (revised CWF Activity description from DNR) **9/14 BOC: more discussion needed with CWC** |
| 22 | DNR | Metropolitan groundwater monitoring and protection. | $4.000M | $1.000M | $ - | | $ - | |
| 23 | DNR | **Water appropriation electronic permitting development:** An electronic permitting system will increase efficiency of tracking water appropriations and substantially reduce workload for staff that currently process individual "paper" permits. The system will screen permit applications, automatically issue permits as appropriate, and send permits that require additional review to hydrologists for processing. | | $0.900M | $ 200,000 | | $ - | ** |
| 24 | BWSR | **Permanent conservation easements: wellhead protection:** Permanent Conservation Easements on wellhead protection areas under MS 103F.515 Subd. 2, paragraph (d). Must be in drinking water supply management areas designated as high or very high by the Commissioner of Health. | | $2.6M | $ 3,600,000 | | $ 2,600,000 | **8/3 BOC: Reduced from $3.6M to $2.6M** |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC. |
|---|---|---|---|---|---|---|---|---|
| 25 | MC | **Twin Cities metro water supply plan implementation:** Metropolitan Council's responsibility for implementing the Twin Cities Metropolitan Area Master Water Supply Plan ensures that local water supply development is coordinated and aligned with both regional and local growth and land use policies to achieve a sustainable water supply. In 2015/2016, all 186 communities in the seven-county metropolitan area will begin updating their local water supply and comprehensive plans. Water supplies in these communities support over half of Minnesota's population. Providing tools and information early in the planning process ensures a more coordinated and regionally sustainable approach to meeting half of the state's municipal water demand. Implementation of the Twin Cities Metropolitan Area Master Water Supply Plan will result in multiple projects that support protection, better management, and sustainable development of the region's water supplies. Project results will help guide land-use decisions and resource-monitoring strategies, prioritize management activities, and avoid adverse water resource impacts from projected land use changes. | $0.800M | $1.000M | $ 1,400,000 | | $ 800,000 | ** **9/14 BOC: more discussion needed with CWC** |
| 26 | MC | **Regional groundwater recharge areas – identification and classification:** The project will identify and rank regional recharge areas to protect and enhance the drinking water supply in the metropolitan area. This project will demonstrate how water supply planning can be aligned with regional development planning. Project results will be used to help: 1. Guide land use decisions, resource monitoring strategies, and to prioritize management activities that support the sustainable development and operation of our region's water supply systems. 2. Inform community plan development by providing local recharge area information, potential locations for artificial recharge and protection priorities to support local water supply management. | | | $ 166,000 | | $ 166,000 | |
| 27 | MDH | **Contaminants of emerging concern program:** With tens of thousands of chemicals in use and guidance available for only a few hundred, it is important that the CEC program is sustained over the long-term. The program will continue to develop guidance for contaminants (which supports the work of other state agencies who monitor for these contaminants) to protect human health, advance the science of risk assessment through contracted research programs, and provide outreach and education materials to the public. | $1.335M | $2.040M | $ 2,500,000 | | $ 2,000,000 | ** **8/3 BOC: Increased from $1M to $2M** **9/14 BOC: more discussion needed with CWC** |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; **8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.** |
|---|---|---|---|---|---|---|---|---|
| 28 | MDH | **Source water protection:** MDH has set a goal to have wellhead protection plans approved for all 935 community water suppliers that use groundwater by 2020, providing CWF funding continues. The Source Water Protection Grant Program which supports the efforts by public water suppliers to protect sources of public drinking water will likely continue throughout the extent of the Clean Water Land and Legacy Amendment. | $2.415M | $2.830M | $ 3,500,000 | | $ 3,500,000 | |
| 29 | MDH | **County Well Index enhancement:** The County Well Index (CWI) is the principle statewide database of well construction and related information that is used by the public and private sectors to understand and manage Minnesota's groundwater resources. There has never been long-term funding available to maintain or update the CWI even though it is used extensively by a wide range of stakeholders (realtors, well contractors, counties, home owners, etc.). Among the improvements to CWI, this initiative will 1) link well data housed at other state agencies so it is available to users; 2) eliminate a backlog of 70,000 well records; 3) update and edit another 430,000 records to eliminate errors and reflect understanding of subsurface hydrogeological conditions; and 4) define CWI capabilities needed by internal and external users for well construction, subsurface geological and well water-quality data. | -- | $0.668M | $ 1,000,000 | | $ 1,000,000 | **9/14 BOC: more discussion needed with CWC** |
| 30 | MDH | **Well Sealing Cost Share:** There will be an ongoing need to fund well sealing into the foreseeable future. There are between 250,000 and 500,000 unused unsealed wells. Approximately 6000 wells are sealed per year. Funding from the Clean Water Fund supplements other efforts to properly seal these wells which protects public health and groundwater. | -- | $0.500M | $ 1,000,000 | | $ 500,000 | **8/3 BOC: Reduced from $1M to $0.5M 9/14 BOC: more discussion needed with CWC** |
| 31 | MDH | **Private Well Water Supply Protection** | | | $ 1,000,000 | | $ - | ** |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; **8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.** |
|---|---|---|---|---|---|---|---|---|
| 32 | MDH | **Lake Superior Beach Monitoring:** This program was funded through EPA last year. At this time there is no funding in the proposed EPA budget for the next year. If funds become available through EPA, no funds would be required from the Clean Water Fund. All 80 beaches will be initially characterized as to extent of recreational use, past monitoring results, potential risks and other factors. Based on this evaluation, 40 beaches will be selected and placed into two categories with different monitoring frequencies; once per week or twice per week. Changes in conditions may cause a beach to change categories. Monitoring results will be used to inform the public, find the sources of bacterial contamination and address polluted runoff from improper waste disposal. | | | $ 250,000 | | $ - | ** |
| | **Groundwater / drinking water total** | | **$13.050M** | **$17.908M** | **$ 32,086,000** | **$12.95M-$16.65M (7-9%)** | **$ 21,136,000** | |
| 33 | MPCA | **Great Lakes restoration project:** Great Lakes restoration projects in agreement with the U.S. Army Corps of Engineers, conducting sediment assessments. Requires at least a 65:35 non-state local match for every CWF dollar. | $0.950M | $1.500M | $ 1,500,000 | | $ 1,500,000 | |
| 34 | MPCA | Wastewater Beneficial Reuse Grant | $4.669M | -- | $ - | | $ - | |
| 35 | MPCA | **Clean Water Partnership:** Provides grants to protect and improve the basins and watersheds of Minnesota; provides financial and technical assistance to study water bodies with non-point source pollution problems, develop action plans to address the problems, and plan implementation to fix the problems. | $2.500M | $2.000M | $ 2,000,000 | | $ 2,000,000 | * Maintain funding level but coordinate with BWSR protection / restoration grants process or move program to BWSR **9/14 BOC: more discussion needed with CWC** |
| 36 | MDA | **AgBMP Loan Program:** Provides low interest loans throughout the state to farmers and rural landowners to help finance practices, structures and other improvements that reduce or eliminate water pollution. This loan program is administered by local governments, has very low transaction cost, and as loans are repaid, the repayments are used to fund additional projects. | $4.500M | $9.000M | $ 3,000,000 | | $ 3,000,000 | |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; 8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC. |
|---|---|---|---|---|---|---|---|---|
| 37 | MDA | **Technical Assistance:** Provide technical assistance on impaired waters issues in agricultural landscapes. Ensure that current and accurate technical information on agricultural practices is provided to farmers and other end users and to promote the adoption of BMPs. BMP implementation and effectiveness will be examined, tools will be developed to target conservation practices to critical areas of the landscape and more precise information on non-point contributions to impaired waters will be obtained. Pilot projects and demonstration sites will be implemented that empirically validate and demonstrate cropping BMPs and recommended drainage practices. Includes funding to support the new MN Agricultural Water Quality Certification Program. | $2.265M | $1.550M | $ 7,500,000 | | $ 2,000,000 | ** **9/14 BOC: more discussion needed with CWC** |
| 38 | DNR | **Nonpoint source restoration and protection activities** Provide expertise to help local communities restore and manage landscapes for clean water and long-term ecosystem health. Provide support with targeting conservation efforts, designing and implementing projects, and building community capacity to manage for healthy watersheds.<br><br>**(8/28 DNR comment:** This portion of the former "shoreland stewardship" work needs to be re-categorized to the Nonpoint Source Restoration and Protection Category to accurately reflect the nature of the work.) | $0.500M | | $ 2,000,000 | | $ 2,000,000 | Change made 8/28: DNR recommends split funding: $2M for Nonpoint source restoration and protection activities (#38); $1.919M for Applied Research and Tools (#57). |
| 39 | DNR | Mississippi River Critical Area | $0.500M | -- | $ - | | $ - | |
| 40 | BWSR | **Surface and drinking water protection / restoration grants:** Grant and incentive funding for clean surface and source water best management practices and projects provided through grants and contract with local units of government (of this amount, $3M is for county SSTS implementation).<br><br>• BOC proposal is to allocate $2.5M for local capacity. | $39.324M | $27.5M | $ 36,000,000 | | $ 36,000,000 | **8/3 BOC: Use $2.5M for local capacity 9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of $8.4M + (see #17, 40, 63)** |
| 41 | BWSR | **Targeted local resource protection and enhancement grants:** Enhance local government efforts to develop and implement water resource protection and management measures that go beyond state minimum standards for wetlands, shorelands, stormwater, sewage treatment, etc. and undertake related projects to restore impaired waters and protect high quality resources. | | $6.0M | $ 7,000,000 | | $ 7,000,000 | |
| 42 | BWSR | **Measures, results and accountability:** Conservation quality assurance by providing oversight, assessment, assistance and reporting of local government performance and results. | | $1.8M | $ 1,800,000 | | $ 1,800,000 | |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; **8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.** |
|---|---|---|---|---|---|---|---|---|
| 43 | BWSR | **Conservation drainage management and assistance:** For conservation drainage program in consultation with the Drainage Work Group to improve surface water management by providing grants for pilot projects to retrofit existing drainage management systems with water quality improvement and retention practices | | $2.0M | $ 3,400,000 | | $ 3,400,000 | |
| 44 | BWSR | **Permanent conservation easements: riparian buffers:** Purchase and restore permanent conservation easements on riparian lands adjacent to public waters, except wetlands. Establish buffers of native vegetation that must be at least 50 feet where possible and no more than 100 feet. | | $12.0M | $ 16,000,000 | | $ 16,000,000 | **9/14 BOC: more discussion needed with CWC** |
| 45 | BWSR | **Technical evaluation:** Statutory mandate to annually evaluate a sample of up to 10 habitat restoration projects, beginning July 1, 2011. BWSR and DNR have been collaborating on implementing state statute (Laws of MN 2011, First Special Session, Ch. 6) that requires restoration evaluations to be conducted on habitat restoration projects completed with funds from the Clean Water Fund, Outdoor Heritage Fund and Parks and Trails Fund. | | $168K | $ 168,000 | | $ 168,000 | |
| 46 | BWSR | **Community Partners Clean Water Program:** Increasing citizen participation in implementing water quality projects and programs to increase long term sustainability of water resources. The efforts and resources of active and engaged community groups, such as lake associations, non-profits, and conservation groups, will be supported. This effort will be delivered through local collaboration using a new 'small grants partners' program. | | $3.00M | $ 5,000,000 | | $ 5,000,000 | |
| 47 | MDA | **Manure Applicator Education:** Funding to develop training manuals, for resource materials and for a contract specialist educator for training two levels of manure applicators (senior applicators and field hands). Manure application can be a significant source of nutrient losses and current efforts are not adequate. | -- | -- | $ 410,000 | | $ 200,000 | ** Moved to nonpoint source implementation category. **9/14 BOC: more discussion needed with CWC** |
| | **Nonpoint source implementation total** | | **$54.708M** | **$69.118M** | **$ 85,368,000** | **Total implementation range (PS and NPS): $105.45M - $111M (57-60%)** | $ 79,868,000 | |
| 48 | MPCA | Incorporate civic engagement into new and current Clean Water Fund watershed projects. | $0.250M | -- | | | | |
| | **Education and civic engagement total** (For FY14-15, funding for this activity will be allocated to existing clean water projects, rather than through a separate line item in the proposed Council budget.) | | **$0.250M** | -- | $ - | | $ - | Eliminate category and embed civic engagement into existing projects |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; **8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.** |
|---|---|---|---|---|---|---|---|---|
| 49 | MPCA | Coal tar stormwater research BMP | $0.500M | -- | $ - | | $ - | |
| 50 | MPCA | **TMDL research and database development:** Incrementally connect data management systems, and eventually develop a Watershed Portal that will interface with existing systems to provide staff with a central location for reporting, analysis, and data management of the watershed data. | $0.500M | $2.300M | $ 2,300,000 | | $ 2,300,000 | * |
| 51 | MPCA | **Interagency water database and portal development:** The Watershed Data Integration Project (WDIP) continues to improve the accessibility to a breadth of water-related data from multiple MPCA water programs. WDIP will continue for the next 2 biennia (state fiscal years 2014-17), at a cost of $2 million/biennium (plus inflationary increases). After state fiscal year 2017, WDIP will cease to operate as a stand-alone IT project, and will become incorporated into the overall MPCA IT budget for on-going maintenance. An interagency team has begun developing a watershed data portal concept. The portal would allow a user to access data from multiple agencies from one webpage, versus having to search multiple agencies' websites. The project scope has been preliminarily narrowed to the ~30 highest priority data sources, but is still a very large undertaking. The creation of the portal is estimated at this time to be about $17 million over ten years. The initial request for state fiscal years 2014-15 would be $3 million of that total. | | | $ 3,000,000 | | $ - | ** **8/3 BOC: Increase to $0.5M? $0.25M? Leave at $0M? 9/14 BOC: more discussion needed with CWC** |
| 52 | MPCA | FY11 Legislative Priority: Nitrate-Nitrogen rule | $0.600M | -- | $ - | | $ - | |
| 53 | MPCA | **Application of Water Standards:** Proposed new effort to identify and pilot options for implementing standards, not to develop new standards. The proposed new funding would allow the MPCA to work with regulated parties to identify new or more efficient ways of meeting standards at wastewater treatment facilities (municipal and industrial). Examples include:1) Newly proposed, or soon-to-be-proposed standard (for example the anticipated standard for nonylphenol ethoxylates) or the standard development and rulemaking effort is already underway. The requested funding requested would be used to work with permittees to identify the best treatment or pollution prevention options. 2) Existing standard that is being newly applied to regulated facilities as a result of new data. Examples include chloride and sulfate, which are being identified as pollutants of concern for significantly more permitted facilities. | | | $ 1,500,000 | | $ - | ** |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; **8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.** |
|---|---|---|---|---|---|---|---|---|
| 54 | **MPCA** | **Stormwater research and guidance:** Minimal Impact Design Standards (MIDS) Project - MPCA's MIDS Project received clean water funding in FY10 11 and FY12-13. Through the MIDS Project the MPCA is creating a package of stormwater runoff performance goals, credits, easy-to-use calculator and ordinance goals for better stormwater quality and reduced runoff volumes by mimicking natural hydrology. To date, the MPCA developed a new development performance goal (treat the first 1.1 inches of runoff from impervious surfaces), beta calculator and foundational science for crediting best management practices (BMPs) for Minnesota conditions. MPCA expects to complete the MIDS Project by the end of FY2013. | $0.145M | $0.800M | $ 550,000 | | $ 2,350,000 | **8/3 BOC: Increased from $0.55M to $2.35M**<br>**9/14 BOC: more discussion needed with CWC** |
| 55 | **MDA** | **Academic Research/Evaluation**: Projects focus on supporting the development of agricultural BMPs and quantifying agricultural contributions to impaired waters with a focus on gaining a better understanding of the processes that underlie these contributions. BMPs will be developed and evaluated to protect and restore water resources while maintaining productivity. | -- | $2.100M | $ 2,100,000 | | $ 2,100,000 | |
| 56 | **MDA** | **Research Inventory Database**: Funding to develop, populate and promote a database that contains existing water-related research. This user-friendly, searchable database will provide researchers, water planners, and the public with fast access to a centralized inventory of all types of research related to water in, or relevant to, Minnesota. Currently, many research findings are scattered across websites, reports, journals and other media and are not readily accessible to most people. | -- | $0.350M | $ 250,000 | | $ 250,000 | |
| 57 | **DNR** | **Applied research and tools**<br>Provide hydrologic expertise to improve understanding of the implications of drainage on watershed health; maintain & update watershed boundaries, integrate LiDAR with watershed modeling; assess risks to forested watersheds; biomonitoring database. | -- | $3.450M | $ 1,919,000 | | $ 1,919,000 | **<br>**8/3 BOC: Increased from $3.45M to $3.919M**<br>Change made 8/28: DNR recommends split funding: $2M for Nonpoint source restoration and protection activities (#38); $1.919M for Applied Research and Tools (#57).<br>(revised CWF Activity description from DNR) |
| 58 | DNR | High resolution elevation data | $5.600M | $2.700M | $ - | | $ - | |

## BOC worksheet for proposed FY14-15 budget development

*Revised DRAFT 9-14-12*

| # | Agency | Clean Water Fund Activity | Approp. FY10-11 | Approp. FY12-13 | Agency Proposals FY14-15 | % Funding Range recommendations for categories | BOC Proposals FY14-15 | NOTES: * Activities where feedback is especially requested; ** BOC recommended reductions for consideration; **8/3/12 changes are in blue. 8/28 changes in green (for public comment draft). 9/14 identified activities that need more discussion with CWC.** |
|---|---|---|---|---|---|---|---|---|
| 59 | DNR | **County geologic atlases:** Work with the Minnesota Geological Survey to complete or update County Geologic Atlases that provide critical groundwater and geology information to local governments. | $1.000M | -- | $ 850,000 | | $ 850,000 | (revised CWF Activity description from DNR) |
| | **Applied research and tool development total** | | **$9.755M** | **$11.700M** | **$ 12,469,000** | **$11.1M-$14.8M (6-8%)** | $ 9,769,000 | |
| 60 | MPCA | **NPDES wastewater/stormwater TMDL implementation:** Staffing costs for implementation efforts. | | $1.600M | $ 2,000,000 | | $ 2,000,000 | |
| 61 | PFA | **TMDL grants (WWTP and stormwater):** Provides 50% grants up to $3 million to help municipalities implement wastewater and stormwater projects to comply with wasteload reductions required by TMDL implementation plans. | $21.650M | $22.370M | $ 28,000,000 | | $ 28,000,000 | |
| 62 | PFA | Phosphorus reduction grants | $8.550M | $8.550M | $ - | | $ - | |
| 63 | PFA | **Small Community Wastewater Treatment Program:** Provides loans and grants to assist small communities to replace non-complying septic systems with new individual and cluster subsurface sewage treatment systems (SSTS) that will be publicly owned and operated. Technical assistance grants up to $40,000 to contract with consultants and licensed SSTS professionals for feasibility studies and technical assistance. Construction financing up to $500,000 per year through 1% loans, with 50% grants if below average MHI. | $2.500M | $2.500M | $ 4,500,000 | | $ 4,500,000 | **9/14 BOC: more discussion needed with CWC; concern with overall budget total for SSTS of $8.4M + (see #17, 40, 63)** |
| | **Point source implementation total** | | **$32.700M** | **$35.020M** | **$ 34,500,000** | **Total implementation range (PS and NPS): $105.45M - $111M (57-60%)** | **$ 34,500,000** | |
| 64 | MPCA | **Clean Water Council budget** | - | - | $ - | | **$ 350,000** | Continued administration by MPCA; line item added to increase transparency |
| | **Total** | | **$151.200M** | **$179.429M** | **$ 210,278,000** | **FY14-15 Target: $185,000,000** | **$ 191,128,000** | |

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Grants Monitoring Report

**Meeting Date:**

**Agenda Category:** ☐ Committee Recommendation ☒ New Business ☐ Old Business
**Item Type:** ☐ Decision ☐ Discussion ☒ Information
**Section/Region:** Land and Water Section
**Contact:** Tim Dykstal
**Prepared by:** Tim Dykstal
**Reviewed by:** Committee(s)
**Presented by:** Tim Dykstal

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other:

## ACTION REQUESTED

None. Information only.

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On June 22, 2011, the Board adopted the Grant Monitoring, Reconciliation, and Verification Policy. Staff will present the first report on these activities as provided in this Policy.

# FY2012

# Grants Monitoring, Reconciliation and Verification Report

# September 2012

**Introduction**

On June 22, 2011 the Board adopted the Grants Monitoring, Reconciliation and Verification Policy which provided that:

- BWSR staff will annually monitor all grants;
- Competitive conservation program grants will be paid in three scheduled payments; and,
- Financial verification of grant reconciliations will be performed on ten percent of all BWSR grants annually.

This policy was implemented beginning in FY2012. The implementation plan provided that the BWSR Grants Administrator will annually present a grants monitoring report at the June meeting of the Board.

**Policy Implementation**

BWSR staff have implemented the policy consistent with the Implementation Plan reviewed by the Board when the Policy was adopted.

1. Conservation Program and Operations Grant (CPOG) Monitoring. The Policy called for BWSR staff to review and approve all required annual reports consistent with the appropriate deadline, which is February 1 for grants activity that occurred in calendar year 2011 and July 31 for grants that expired on June 30, 2011. In January 2012, staff installed a grant monitoring journal in eLINK to further document informal conversation, emails, and other contact with grant recipients as part of the BWSR oversight and monitoring process.

Implementation of the new Biennial Budget Request (BBR) process coincided with this emphasis on recording grants monitoring activity. As a result, eLINK may not fully reflect all the monitoring that occurred on BWSR 2011 grants. An update will be provided at the meeting.

2. Project Grants Payments Schedule. The FY2012 Clean Water Fund Competitive Grants that were approved by the Board on December 14, 2011 included the following grant payment schedule:

- An initial payment of 50% after the grant agreement is executed;
- A midterm payment of 40% after a midterm reconciliation has been approved by BWSR; and
- A final payment of 10% will be made upon final grant reconciliation.

Beginning with FY13, competitive project grants are being paid on this schedule.

3. Grant Verifications. In a grant verification, BWSR staff meet with staff from the selected grantee to review documentation that funds were expended consistent with the grant agreement. A variety of

documents and information is provided by the grantee that includes: position descriptions, timesheets, payroll records, payment records, contracts, and technical project information.

Staff selected the following counties for the initial round of grant verifications:

- Aitkin
- Mahnomen
- Pope
- Stearns
- Freeborn
- Goodhue
- Meeker
- Nobles
- Carver

These first grant verifications were conducted on a pilot basis and used as a means to test and develop procedures and identify how and what information is necessary to document the expenditure of grant and match funds. No grantees were found to be out of compliance with BWSR grant requirements. However, in almost all verifications tracking of grantee staff time to grant activities was not adequately done. This is important when grant and match funds are being used to pay staff time.

Another concern identified during verifications is that grant funds by some grantees lost their "identity" by being deposited into a general fund. In all cases, grantees were able to demonstrate expenses that met or exceeded BWSR grant funds plus any required match, but it was not always possible to ensure that grant funds paid for grant related activities.

Next Steps. In early 2012, BWSR contracted with the DNR for an audit that would review BWSR's internal controls over compliance with applicable laws and policies pertaining to its grant functions. While the audit noted that "great strides have been made" in BWSR's grant process "towards the goal of constructing an effective and efficient control structure that addresses risks and maintains compliance, without excessively burdening business practices and customer relations," the audit also identified some discrepancies in BWSR's approved exceptions to Office of Grants Management (OGM) policies that will need to be addressed to bring BWSR into full compliance. Responding to the recommendations in the audit will a part of our work in the coming year.

The addition of Tim Dykstal as the Fiscal Compliance Director offers BWSR additional skills to ensure the Policy is being implemented as effectively and efficiently as possible. Tim and an ad-hoc staff team mapped the competitive grants process in great detail this summer, in preparation to fully assess the risks within it, and to assist in the development of additional internal controls. The Grants Monitoring Team is also conducting three early grant verifications this September and October, so that changes to strengthen BWSR's Grants Monitoring, Reconciliation and Verification Policy can be in place before FY2013's regularly scheduled round of verifications.

# FOR YOUR INFORMATION

September 26, 2012

- ☐ BWSR Committees, September 2012
- ☐ BWSR Advisory Members
- ☐ Updated BWSR Staff Roster
- ☐ BWSR Snapshots
- ☐ 2012 flood: BWSR response
- ☐ Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetlands Policy
  - *Project Framework and Process*
  - *Stakeholder Discussion Issues*
- ☐ Map of Watershed Districts and Management Organizations in the Twin Cities Metropolitan Area

# BOARD OF WATER AND SOIL RESOURCES
# COMMITTEES
# September 2012

## *ADMINISTRATIVE ADVISORY COMMITTEE (ACC)*

| | | |
|---|---|---|
| ***Membership:*** | Brian Napstad, chair | county commissioner |
| | Gerald Van Amburg, vice-chair | citizen |
| | Paul Langseth | soil & water conservation district |
| | Gene Tiedemann | watershed district/WMO |
| | Keith Mykleseth | non-metro city |
| | John Jaschke | staff |
| | Mary Jo Anderson | staff |

***Responsibility:*** *The ACC consists of the Board's chair and vice-chair and the chairs of the Board's standing committees. The AAC will make evaluations and recommendations to the Board on various Board issues including ethics; expenses/per diem; bylaws; and legislation and budgets. The AAC will act as the personnel committee for personnel actions relating to the Board's executive director. The chairman may include additional members ad hoc to address special or unique topics or issues.*

***Meetings:*** *The committee will meet at the call of the chair.*

## *AUDIT COMMITTEE (AUD)*

| | | |
|---|---|---|
| ***Membership:*** | Brian Napstad, chair | county commissioner |
| | Gerald Van Amburg, vice-chair | citizen |
| | Jack Ditmore | citizen |
| | Keith Mykleseth | non-metro city |
| | Steve Sunderland | soil & water conservation district |
| | Tim Dykstal | staff |

***Responsibility:***

*The AUD consists of the Board's chair, vice-chair, and three at-large members. It appraises the effectiveness of the agency's internal controls and risk assessment, and provides an avenue of communication between BWSR's internal audit function and external auditors, management, and the Board. In addition, the AUD receives reports on BWSR's fiscal compliance.*

***Meetings:***

*The AUD will meet at least twice during the year or at the call of the chair or a majority of the members.*

## *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 is appointed by the board chair.*

***Meetings:*** *The Committee will meet as needed to process appeals that have been filed with the Board.*

## *GRANTS PROGRAM AND POLICY COMMITTEE (GP&PC)*

| | | |
|---|---|---|
| ***Membership:*** | Paul Langseth, chair | soil & water conservation district |
| | Bob Burandt | soil & water conservation district |
| | Steve Sunderland | soil & water conservation district |
| | John Meyer | citizen |
| | Todd Foster | watershed district/WMO |
| | Gene Tiedemann | watershed district/WMO |
| | Christy Jo Fogarty | metro cities |
| | Keith Mykleseth | non-metro cities |
| | Rebecca Flood | Pollution Control Agency |
| | Faye Sleeper | University of Minnesota Extension |
| | Wayne Zellmer | staff lead |
| | Dave Weirens | SMT staff |

***Responsibility:*** *The GP&PC is responsible for reviewing cost-share, non-point engineering, clean water, natural resources block grants, local water management grants and related grant allocations, policies, and rules and making recommendations to the Board.*

***Meetings:*** *The GP&PC will meet at least two times a year or as needed to review allocations or policies for base grants, competitive grants and special grants.*

## *PUBLIC RELATIONS, OUTREACH & STRATEGIC PLANNING COMMITTEE (PROSPC)*

| | | |
|---|---|---|
| ***Membership:*** | Keith Mykleseth, chair | non-metro cities |
| | John Meyer | citizen |
| | Steve Sunderland | soil & water conservation district |
| | Joe Collins | watershed district/WMO |
| | Sandy Hooker | townships |
| | Christy Jo Fogarty | metro cities |
| | Chris Elvrum | Department of Health |
| | Faye Sleeper | University of Minnesota Extension |
| | Don Buckhout | staff lead |
| | Steve Woods | SMT staff |

***Responsibility:*** *The PROSPC is responsible for the development of strategic and outreach strategies and plans for the Board including identification of key outcomes, partnerships and opportunities. The PROSPC is also responsible for the Performance Review and Assistance Program (PRAP) oversight.*

***Meetings:*** *Committee will meet twice a year or at the call of the chair.*

## *RIM RESERVE MANAGEMENT PLANNING COMMITTEE (RRMPC)*

| | | |
|---|---|---|
| ***Membership:*** | Gene Tiedemann, chair | watershed district/WMO |
| | Gerald Van Amburg | citizen |
| | Tom Loveall | county commissioner |
| | Bob Burandt | soil & water conservation district |
| | Paul Langseth | soil & water conservation district |
| | Chris Elvrum | Department of Health |
| | Matthew Wohlman | Department of Agriculture |
| | Tom Landwehr | Department of Natural Resources |
| | Kevin Lines | SMT staff/staff lead |

***Responsibility:*** *The RRMPC is responsible for overseeing all aspects of the Reinvest in Minnesota (RIM) Reserve conservation easement program; for reviewing RIM Reserve Program statutes, rules, policies, guidelines, payment rates and projects; for developing strategic plans, operational partnerships, and opportunities to enhance the agency's conservation easements and related programs; and for making the resulting recommendations to the Board.*

***Meetings:*** *The committee will meet, as called by the BWSR chair or the RRMPC chair in consultation with staff.*

## ***WETLANDS COMMITTEE***

| | | |
|---|---|---|
| ***Membership:*** | Gerald Van Amburg, chair | citizen |
| | Jack Ditmore | citizen |
| | Tom Loveall | county commissioner |
| | Brian Napstad | county commissioner |
| | Quentin Fairbanks | county commissioner |
| | Sandy Hooker | townships |
| | Tom Landwehr | Department of Natural Resources |
| | Matthew Wohlman | Department of Agriculture |
| | Rebecca Flood | Pollution Control Agency |
| | Les Lemm | staff lead |
| | Dave Weirens | SMT staff |

***Responsibility:*** *The Wetlands Committee is responsible for reviewing Wetland Conservation Act (WCA) and wetland banking rules, policies, guidelines and projects and making recommendations to the Board.*

***Meetings:*** *The committee will meet twice during the year or at the call of the chair.*

## ***REGIONAL PLAN REVIEW COMMITTEES:***

***Membership:*** *Chair

**North**
*Quentin Fairbanks – CC
Gerald Van Amburg – CIT
Brian Napstad - CC
Keith Mykleseth – NMC
Gene Tiedemann - WD
Matthew Wohlman – MDA
Lori Dowling - DNR
Ron Shelito, SMT staff

**South**
*Paul Langseth - SWCD
Tom Loveall – CC
John Meyer – CIT
Todd Foster - WD
Sandy Hooker - TWP
Matthew Wohlman – MDA
Chris Elvrum - MDH
Steve Sunderland - SWCD
Jeff Nielsen, SMT staff

**Metro**
*Bob Burandt – SWCD
Joe Collins - WD
Faye Sleeper – UM/Extension
Jack Ditmore - CIT
Christy Jo Fogarty - MC
Rebecca Flood - PCA
Jim Haertel, SMT staff

***Responsibility:*** *Each committee has the responsibility to review county water plans, water management organization plans, watershed district plans, comprehensive wetland plans, and amendments to same and to advise the Board on the adequacy of the plans. The committees also hold hearings and make recommendations on establishment, dissolution, boundary changes and other specific local government plans and governance matters.*

***Meetings:*** *The committee will meet as necessary to review the local plans and amendments and hold hearings as ordered by the Board. The BWSR northern, southern, and metro regional supervisors will coordinate meeting schedules with members.*

CC = county commissioner
CIT = citizen
SWCD = soil and water conservation district
WD = watershed district
WMO = watershed management organization
MC = metro cities
NMC = non-metro cities
TWP = townships

***NOTE:*** *Committee membership and proceedings are included in the Board Bylaws.*

September 2012

# BWSR Advisors

**BWSR Advisors receive notices of BWSR Board Meetings and may participate as advisors to inform Board or Committee proceedings.**

*Local Government Organizations*

- ❑ *Association of Minnesota Counties (AMC) – Annalee Garletz, Policy Analyst*
- ❑ *Minnesota Association of Conservation District Employees (MACDE) – Matt Solemsaas, President*
- ❑ *Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck, Executive Director*
- ❑ *Minnesota Association of Townships (MAT) – Sandy Hooker, Director*
- ❑ *Minnesota Association of Watershed Districts (MAWD) – Ray Bohn, Coordinator*
- ❑ *Minnesota County Planning and Zoning Administrators (MACPZA) – Mandy Landkamer, President*
- ❑ *League of Minnesota Cities (LMC) – Craig Johnson, Intergovernmental Relations Representative*

*Federal Agencies*

- ❑ *U.S. Army Corps of Engineers (USACoE) – Tamara Cameron, Chief of Regulatory Branch*
- ❑ *U.S. Fish and Wildlife Service (USF&WS) – Tom Melius, Regional Director*
- ❑ *USDA Farm Services Agency (FSA) – Linda Hennan, Executive Director*
- ❑ *USDA Natural Resources Conservation Service (NRCS) – Krista Olson, Acting Assistant State Conservationist*

*State Agencies*

- ❑ *Met Council – Leisa Thompson, General Manager/Environmental Services Division*
- ❑ *Minnesota Department of Transportation (MNDOT) – Frank Pafko, Director/Environmental Services*

*Interest Organizations*

- ❑ *Allete Minnesota Power – Blake Francis, Supervisor/Water Quality & Waste Management Division*
- ❑ *Audubon Minnesota – Lee Pfannmuller, Executive Director*
- ❑ *Builders Association of the Twin Cities – James Vagle, Public Policy Director*
- ❑ *Fish and Wildlife Legislative Alliance – Lance Ness*
- ❑ *Iron Mining Association of Minnesota – Craig Pagel, President*
- ❑ *Izaak Walton League – Bill Grant, Associate Executive Director*
- ❑ *Minnesota Agricultural Water Resources Coalition – Warren Formo, Executive Director*
- ❑ *Minnesota Agri-Growth Council – Daryn McBeth, President*
- ❑ *Minnesota Association of Professional Soil Scientists – Steve Lawler, President*
- ❑ *Minnesota Association of Realtors – Ryan Hamilton, Director/Governmental Affairs*
- ❑ *Minnesota Association of Wheat Growers – Dave Torgerson, Executive Director*
- ❑ *Minnesota Barley Research & Promotion Council – Marv Zutz, Executive Director*
- ❑ *Minnesota Cattlemen's Association – Don Schiefelbein, President*
- ❑ *Minnesota Center for Environmental Advocacy – Scott Strand, Executive Director*
- ❑ *Minnesota Conservation Federation – Gary Botzek, Executive Director*
- ❑ *Minnesota Com Growers Association – Tim Gerlach, Executive Director*
- ❑ *Minnesota Ducks Unlimited – Jon Schneider, Director of Conservation Programs*
- ❑ *Minnesota Environmental Partnership – Steve Morse, Executive Director*
- ❑ *Minnesota Farm Bureau Federation – Kevin Paap, President*
- ❑ *Minnesota Farmers Union – Doug Peterson, President*
- ❑ *Minnesota Land Trust – Kris Larson, Executive Director*
- ❑ *Minnesota Milk Producers Association – Bob Lefebvre, Executive Director*
- ❑ *Minnesota Native Wildflowers/Grass Producers Association – Keith Fredrick, President*
- ❑ *Minnesota Pork Producers Association – Dave Preisler, Executive Director*
- ❑ *Minnesota Sierra Club – Luther Dale, Chapter Chair*
- ❑ *Minnesota Soybean Growers Association – Jim Palmer, Executive Director*
- ❑ *Minnesota Timber Producers Association – Wayne Brandt, Executive Vice-President*
- ❑ *Minnesota Turkey Growers Association – Steve Olson, Executive Director*
- ❑ *Minnesota Viewers Association – Ron Ringquist, Secretary/Treasurer*
- ❑ *Minnesota Waterfowl Association – Brad Nylin, Executive Director*
- ❑ *Minnesota Waters – Lois Sinn Lindquist, Executive Director*
- ❑ *Minnesota Wetland Professionals Association – Jed Chesnut, Member at Large*
- ❑ *Pheasants Forever – Matt Holland, Senior Field Supervisor, and Joe Duggan, Vice President*
- ❑ *Red River Valley Sugarbeet Growers Association, Nick Sinner, Executive Director*
- ❑ *The Nature Conservancy – Isis Stark, Government Relations Director*
- ❑ *Water Resource Coordinators Group – Leslie Stovring, Group Coordinator*

*Contact Mary Jo Anderson at mary.jo.anderson@state.mn.us if you have changes or wish to be included in this listing.*

# PHONE NUMBERS FOR BWSR STAFF

**Main Line: 651-296-3767 - Fax: 651-297-5615 - BWSR Conference Room: 651-297-8025**

## Metro Office

Haertel, Jim 297-2906
Kells, Mary 296-0874
Peterson, Lynda Cell (612) 201-9806
Rodacker, Dennis 296-6736
Westrick, Marcey 284-4153
Cell (651) 276-5976
Wozney Brad 296-6068
Cell (651) 233-6673

## Central Office

Anderson, Mary Jo 297-4290
Bonde, Karen 297-3998
Engineers Cell (651) 485-8466
Buckhout, Don 296-0768
Cabak, Mitchell 296-1243
DeVoe, Natasha 205-4664
Donnelly, Conor 282-3815
Cell (612) 568-4677
Dykstal, Tim 296-1287
Eisele, Bill 282-2929
Fredbo, Tim 296-0880
Germundson, Travis 297-4958
Gillette, Tim 297-8287
Jaschke, John 296-0878
Cell (612) 202-3815
Johnson, Sherri 296-3767
Kean, Al 297-2907
Cell (651) 245-6531
Keating, Kari 297-8029
Koehler, Tim 296-6745
Larson, Greg 297-7029
Cell (612) 751-3060
Lemm, Les 296-6057
Cell (651) 341-4208
Lennon, Megan 296-1285
Lewis, Melissa 297-4735
Lewis, Michelle 296-2428
Lines, Kevin 297-1894
Luniewski, Jim 297-2622
Mack, Kristie 215-9420
Maleitzke, Jen 215-9008
Cell (651) 315-5082
Mohring, Eric 297-7360
Cell (612) 309-1173
Ogg, Tim 297-8024
Cell (651) 295-5737
Pellerin, Misty 296-0873
Powell, Ken 215-1703
Cell (763) 291-9078
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
Tyma, Karli Cell (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

## Northern Regional Offices

### Bemidji

Dwight, Brian (218) 755-2679
Cell (218) 820-2335
Fax Number (218) 755-2672
Heinen, Ryan Cell (218) 239-0222
Krystosek, Dale (218) 755-2603
Cell (218) 820-9381
Moore, Kathy (218) 755-2600
Severts, Chad (218) 755-2671
Cell (218) 766-7657
Stensing, Jerry Cell (218) 647-9476

### Brainerd

Caughey, Donna (218) 828-2383
Conference Room (218) 833-8607
Fax Number (218) 828-6036
Grow, Keith (218) 828-6035
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 Number (218) 723-4794
Flemming, Mary Jo (218) 723-4752
Hughes, Ryan (218) 723-4923
Cell (218) 525-4939
Weyandt, Joan (218) 723-4607
Cell (218) 349-1834

### Fergus Falls

Fax Number (218) 736-7215
Hofstad, Steve (218) 736-5445 x119
Cell (218) 770-2767
Waller, Pete (218) 736-5445 x104
Cell (218) 770-3802

### Detroit Lakes

Wilken, Bruce (218) 329-0774

## Southern Regional Offices

### Mankato

Becker Kudelka, Angie (507) 389-1968
Cell (612) 616-5112
Fax Number (507) 345-6036
Gieseke, Jenny Cell (507) 381-3131
Hughes, Chris (507) 389-6784
Cell (507) 381-5040

### Marshall

DeBeer, Laura (507) 537-6615
Cell (507) 829-3520
Fax Number (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, Dave (507) 537-6374

### New Ulm

Drewitz, Matt (507) 359-6076
Cell (507) 766-5020
Fax Number (507) 359-6018
Fischer, Tom (507) 359-6091
Hedtke, Jeff (507) 359-6092
Cell (651) 485-8470
Hiles, Mark (507) 359-6077
Maul, Jeremy (507) 359-6090
Cell (507) 272-5061
Nielsen, Jeff (507) 359-6075
Cell (507) 276-5386
Swanson-Cullen, Carla (507) 359-6074

### Rochester

Erickson, Dorothy (507) 206-2889
Fax Number (507) 285-7144
Lawler, Steve (507) 206-2891
Cell (507) 696-3617
Preston, Jesse (507) 206-2893
Cell (507) 273-4678
Ragan, Terry (507) 206-2892
Cell(507) 450-3644

Revised 9/24/12

Minnesota Board of Water & Soil Resources

# BWSR Snapshots September 2012

## Maplewood Mall unveils clean water features

**By Marcey Westrick, Clean Water Fund Specialist**

Shopping at Maplewood Mall is suddenly looking a lot greener.

Through the efforts of the Ramsey-Washington Metro Watershed District (District), Ramsey County, the city of Maplewood and the owners of Maplewood Mall, 375 trees and 55 rainwater gardens have been installed over the past three years to control stormwater runoff.

Of the total $6.5 million project cost, 60 percent was funded through two grant sources: Clean Water Fund grants (from the Clean Water, Land and Legacy Amendment) through the Minnesota Board of Water and Soil Resources (BWSR) and U.S. EPA Section 319 grants through the Minnesota Pollution Control Agency.

The mall's parking lot now incorporates a whole new system of treatment technologies, specifically tree trenches designed to reduce the amount of runoff and pollutants reaching Kohlman Lake.

Cliff Aichinger, District Administrator, said the District learned runoff from roads and parking lots is one of the major contributors to polluting nearby Kohlman Lake, which is listed as one of the state's impaired waters.

"The District approached the mall's owners to see if a partnership could be established to retrofit the mall's parking areas," Aichinger said. "Capturing at least one inch of runoff would result in a large reduction in phosphorus entering Kohlman Lake."




Known as "vertical rain gardens," trees offer multiple benefits. When planted properly in urban environments, trees can capture rainwater and runoff. The solution is to design a system of underground reservoirs that provide water and good growing conditions for the trees but that also retain rain and melting snow so that it soaks into the ground instead of running off into storm sewers.




The trees at Maplewood Mall form rows between the parking lanes and are rooted in a special mixture of rock and soil that allows room for their roots to grow. Drainage features direct runoff from the parking lot into the infiltration trenches where some of the water gets absorbed by the trees, while the rest either soaks into the ground or is filtered and cleaned by the layers of rock before reaching the storm sewer system.

Another major part of the project was the expansion and reconstruction of the Mall entrance plaza. The existing main Mall entrance was expanded in size and includes a number of rain gardens and a large cistern that captures a portion of the runoff from the Mall roof. In addition, interactive educational features have been designed for visitors to help explain the impact of stormwater on the watershed and what individuals can do to help keep waters clean.

---

## Digging up bones on the Grand Marais
**By Brian Dwight, Board Conservationist**

As the Red Lake Watershed's "Grand Marais Creek Outlet Restoration Project" progresses, it does not come without challenges and delays. The latest delay is of particular interest. No, it is not environmental permitting, landowner opposition, or even financial support. It relates to past land use activities. It appears the site chosen to install one of two drop structures to reduce severe bed and bank erosion in a cut off channel of the Grand Marais Creek to the Red River (constructed in the early 1900's) was previously chosen (about 8,000 years earlier) as an encampment site by the people of the early Archaic period. After an "in-depth" archeological dig the Archeologist reported:

"*The site is represented primarily by bison bone fragments. Several lithics (stone tools) were also found. These were made of Knife River flint and Swan River chert--both common materials in this region. The Phase I survey only sampled a very small portion of the site, but based on the finds, what we found is probably part of a habitation site on the Red River. Radiocarbon (C14) testing dates the site to BC 5680 ± 50 (7692 years old). This places this site in the early Archaic period. The people of the early Archaic period led a semi-nomadic lifestyle that revolved around the hunting of large game and collecting of wild food stuffs. It was in this period that the first long-term habitation sites and food storage first began in Minnesota. The site, preserved in a deeply buried paleosol, represents a resource with very-high research potential and importance.*"

The find leaves the District with a couple of options: complete a full recovery of the artifacts, or move the location of the structure. They decided to move the location of the structure and leave the remains where they lie.

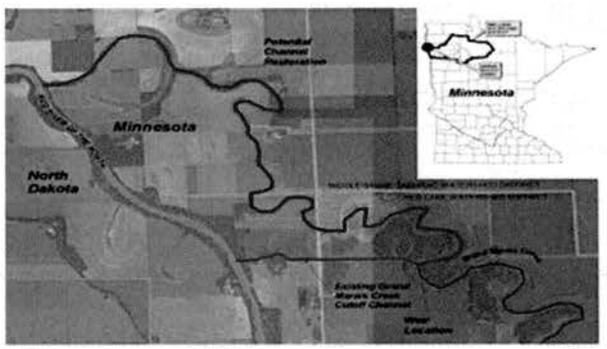
A previous project has affected the encampment. The cut- off channel constructed in the early 1900s appears to have gone right through the heart of the encampment removing many artifacts or leaving them to erode away with sloughing of the banks of the cut channel.








This outlet repair and restoration project is an integral component of the 2003 Governor's Cleanwater Cabinet Pilot Project, the "Grand Marais Creek Subwatershed Flood Damage Reduction Project." The Grand Marais Creek is a tributary of the Red River of the North. The project area is located in a rural setting 7 miles north of East Grand Forks. In the early 1900s, a joint State-County effort constructed a 1¼-mile cutoff channel to the Red River to eliminate an alleged public nuisance and drainage problem. The cut-off abandoned about six miles of the Grand Marais Creek's natural channel, which resulted in the loss of aquatic and riparian habitat. The cut-off itself has relatively little environmental value in its present state. The steep gradients are a hindrance to fish passage and are causing significant bank sloughing and erosion.




**RED LAKE WATERSHED DISTRICT**
**Grand Marais Creek Outlet Restoration**

Project components include:

- Installation of a weir to divert base flows into the natural channel with high flows spilling over the weir and flowing to the Red River of the North by means of the cut-off channel
- Excavation in the natural channel to remove sediment and restore the six miles of natural channel
- Fish passage/grade control structures, and re-sloping of the cut-off channel, which stabilizes this channel
- Creation of a riparian buffer along the restored channel
- Culverts and other infrastructure

Funding for the Outlet Restoration Project:

1. Land acquisition and vegetation establishment:
   - $675,000 R.I.M. Red River Valley Restoration Initiative program.
   - $132,500 DNR working land initiative.
2. Cut-off channel stabilization and fish passage:
   - $662,000 Clean Water Funds
   - $150,000 U.S. Fish and Wildlife Service
   - $250,000 Polk county ditch funds
   - $250,000 Red Lake Watershed District
3. Old channel Restoration:
   - $2.32 million Lessard-Sams Outdoor Heritage
4. Other funding sources used to support undetermined aspects of the project:
   - $1.3 million DNR flood damage reduction funds
   - $800,000 Red River Water Management board
   - $500,000 Red lake Watershed District



***Managers Dale Nelson and Gene Tiedemann inspecting one of the Grand Marais Creek cut off channel drop structures.***

**If you would like a detailed accounting of the find, or** project, or have questions, feel free to query Gene Tiedemann.

---

## The Year of Soil

**By Megan Lennon, Soil Specialist**

2012 has been a remarkable year for soils in Minnesota. In April, the Minnesota Legislature designated the Lester soil series as the Official Minnesota State Soil. With this declaration, Lester joined the ranks of iconic Minnesota symbols like the loon, walleye and the pink and white lady's slipper.

Lester soils are found in 17 counties in south-central Minnesota, covering more than 500,000 acres. These soils formed under alternating prairie and forest vegetation and the majority is now in agricultural production. Lester soils are extremely productive and are of significant importance to the Minnesota economy. Declaring an official state soil and recognizing the importance of Minnesota's soil resource set the stage for soil-related outreach and education.




***Extent of Lester Soil Series***

2012 not only marked the designation of Lester, but also implementation of a Soil Health initiative by the Minnesota NRCS office as well as the beginning of the University of Minnesota Department of Soil, Water and Climate's Centennial Celebration.

The Minnesota NRCS office provided training for all field office staff to better integrate soil health practices into the day to day operations and interactions with private landowners. The Minnesota NRCS, in coordination with the Land Stewardship Project and the Minnesota Grazing Lands Conservation Association, hosted a statewide Soil Health workshop for producers, crop advisors and natural resource professionals. The University of Minnesota's Department of Soil, Water and Climate's 100th anniversary is in 2013, but centennial celebrations kickoff this September with the start of the Special Seminar Series.

In November, the Smithsonian exhibit *Dig it! The Secrets of Soil* is on display at the University of Minnesota's Bell Museum of Natural History. Soil claimed a prominent role in the 2012 Clean Water Summit which focused on *Green Infrastructure for Clean Water: The Essential Role of Soil.*

The multitude of outreach, education and training events focused on soils provides a venue to discuss the importance of soil to Minnesotan's everyday life. The BWSR continues promoting activities to improve soil quality, communicating soil's fundamental role in achieving water quality goals and building an appreciation for Minnesota's soil resource.

Although BWSR submitted a proposal to the LCCMR in 2012 to support "The Year of Soil" that did not get selected, we are working with NRCS and other partners to help contribute to making the connection between soil health, agricultural productivity and water quality.



*A teaspoon of quality topsoil contains up to one billion bacteria and over 4,000 species*

---

### The Grant that keeps on giving
**By Jen Maleitzke, Communications Director**

If you've visited Ramsey Park in Redwood County lately, you may notice it's looking a lot tidier.

In early September, National Guard units from Redwood Falls and Hutchinson worked in the park to remove two more acres of the invasive plant, buckthorn, which is smothering out native plants.

From equipment purchased through BWSR's Cooperative Weed Management Program, the Redwood Soil and Water Conservation District (SWCD) has partnered with the National Guard for the past four years to battle this invasive plant.

"We were awarded an $8,000 grant in 2008, and the Guard removed 4.5 acres of buckthorn in Ramsey Park in 2009-2010," Marilyn Bernhardson, Redwood SWCD District Administrator, said. "This has been the grant that keeps on giving. Even though the grant expired, the equipment we were able to purchase through those funds continues to provide benefits to our community through additional removal and control of this invasive plant."



*A member of the National Guard cut and hauled away buckthorn at Ramsey Park in Redwood Falls this September.*

The BWSR Cooperative Weed Management Program started in 2008 and has aided the development of twenty partnerships around the state to cooperatively manage invasive species. Redwood SWCD chose to focus on buckthorn, as it is a highly invasive plant that out-competes native plants for nutrients, light and moisture, and degrades wildlife habitat. It is spread widely by birds, so its control at Ramsey Park will prevent it from being spread to other parts of the county.

Mark Hiles, BWSR Board Conservationist, said this project embodies what the grant program is all about. "After a minimal initial investment by the state, a long-term effort is now in place to remove buckthorn and to restore native plant communities. This project is a great example of a local, state and federal partnership that makes a lasting impact in our community."

---

### Fish Lake conservation drainage retrofit project
**By Matt Drewitz, Clean Water Specialist**

Fish Lake, which is a headwater to the Watonwan River and located in both Jackson and Cottonwood counties, is an important regional water resource. The lake itself is a regionally significant fishery due to its relatively deep depth (>20') for this region, lack of a muddy bottom, and a naturally reproducing small mouth bass fishery. This project, which is nearly complete, will help restore Fish Lake's water quality by installing practices to reduce inputs from upland areas of nitrogen and phosphorus.

A number of drainage water management and erosion control practices are being installed around the lake, including nine wood chip bioreactors, drainage water control structures, open tile intake replacements, and four grade stabilization structures. In order to make this innovative project become a reality, the Jackson and Cottonwood SWCDs have worked with a number of

local and regional partners, including local landowners, the Fish Lake Association, Cottonwood County Game & Fish Protective League, Minnesota Department of Natural Resources, Minnesota Department of Agriculture, University of Minnesota, and the US Fish and Wildlife Service.

Earlier this summer, the Jackson and Cottonwood SWCDs held a field day that attracted more than 50 lakeshore landowners, farmers, county, and state and federal staff who gathered for an informative discussion on this innovative project. This event showcased the great collaborative nature of this project, perspectives from landowners and local staff working on the project, and current work being done by universities and agencies to monitor the lakes water quality to assess the effectiveness of installed practices.

To learn more about this project, contact Brian Nyborg, Jackson SWCD at 507-662-6682, ext. 3 or Kay Clark or David Bucklin, Cottonwood SWCD at 507-831-1153, ext. 3. Other project information can be found at the following webpage www.cottonwoodswcd.org.



***Before: Active eroding shoreland gully depositing sediment and agricultural drainage water directly into Fish Lake.***



***After: Gully stabilized and bioreactor and water control structures installed nearby up in the watershed to stabilize flows and to reduce nitrogen inputs into the Fish Lake.***



***Before: Active eroding gully and head cut a source of sediment to Fish Lake.***



***After: Gully stabilized and bioreactor and water control structure installed up in watershed to stabilize flows and to reduce nitrogen inputs into the lake.***



***Fish Lake***

---

# 2012 flood: BWSR response

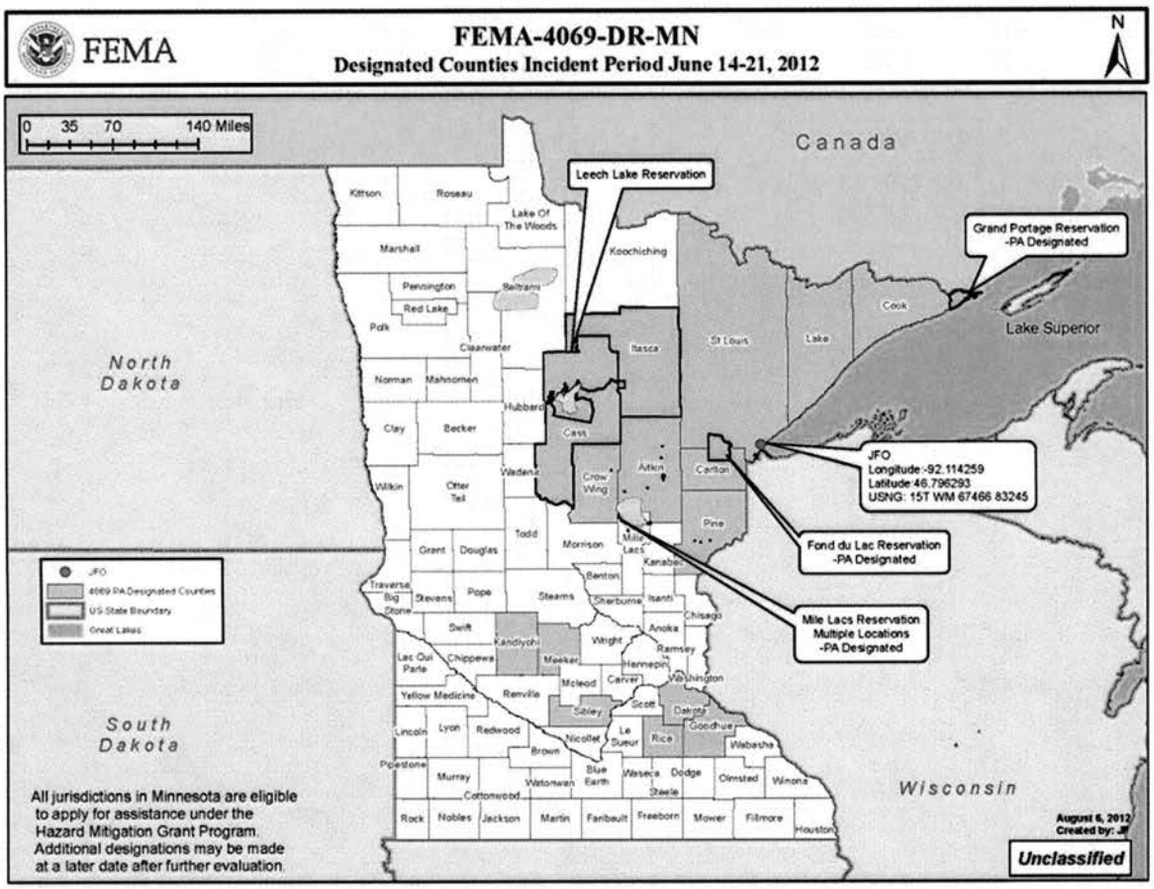
**September 2012**

During the time period of June 14-21, 2012, severe storms and flooding caused damage to infrastructure, private/public property and natural environments in several Minnesota counties. A Presidential Major Disaster was declared (FEMA, DR-4069) on July 6, 2012. Anticipating the passage of the disaster relief bill, the BWSR Board approved two flood-related resolutions and a 2012 Flood Policy at its meeting on August 23, 2012. The following day, Governor Mark Dayton signed a $167 million disaster relief bill, which appropriated $12.5 million to BWSR to repair flood-damaged land, streams and related infrastructure.

The bill also granted BWSR with the authority to establish alternative Wetland Conservation Act (WCA) procedures when needed to accomplish timely response to the counties affected by the June 2012 flood events. The standards allow some temporary flexibility in the timelines and procedures associated with performing certain emergency work that may affect wetlands. The WCA Emergency Alternative Standards are effective 8-30-12 through 8-31-13 for Aitkin, Carlton, Lake, Pine, and St. Louis Counties.

Since the August BWSR Board meeting, a number of activities have begun, including:

- ✓ Initial allocations to SWCDs in late August 2012.
- ✓ MN Recovers Task Force 2012 Request For Assistance Applications due by October 24, 2012.
- ✓ MN Recovers Task Force, Natural Resources Subcommittee to review SWCD and other LGU applications after 10-24-12, with funding recommendations anticipated November 2012.
- ✓ BWSR RIM sign-up planned for late fall 2012. Emphasis to focus on flood damaged lands and flood storage lands.




**Initial SWCD flood relief allocations**

| | |
|---|---|
| Aitkin | $8,000 |
| Carlton | $85,000 |
| Cass | $0 |
| Cook | $0 |
| Crow Wing | $10,000 |
| Dakota | $75,000 |
| Goodhue | $50,000 |
| Itasca | $25,000 |
| Kandiyohi | $50,000 |
| Lake | $250,000 |
| Meeker | $0 |
| Pine | $0 |
| Rice | $50,000 |
| Sibley | $50,000 |
| S. St. Louis | $250,000 |
| N. St. Louis | $0 |

Minnesota Board of Water & Soil Resources

# Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetlands Policy

## *Project Framework and Process*

### Background

Governor Dayton has directed the Board of Water and Soil Resources with support from the Department of Natural Resources, Department of Transportation, Mn Department of Agriculture and Pollution Control Agency to assess and evaluate policy options to maintain the State goal of no net loss of wetlands as well as to advance the long-term protection and enhancement of Minnesota's wetland resources.

### Intentions

*The expected end results that will be used to judge the long-term success of this project.*

1. Changes and improvements to wetland regulations, including interagency coordination, to:
    a. Ensure that regulatory processes are efficient and equitable; and
    b. Ensure that regulatory processes optimize the health of the wetland resource of all types across the State of Minnesota.
2. Informed and effective investments in the conservation and restoration of wetland resources to achieve multiple benefits such as improved wildlife populations and associated recreational opportunities, improved water quality, and improved management of hydrological flows in Minnesota watersheds.

### Outcomes

*The expected outcomes of this Project.*

1. Recommendations for changes to the Wetland Conservation Act (WCA).
2. Recommendations regarding coordination of resources to support wetland restoration to achieve multiple benefits.
3. Identify and recommend additional opportunities for improved coordination of wetlands regulation by local, state and federal government agencies.
4. Identify and recommend additional opportunities to refine Minnesota wetlands policy to enhance wetland resources.
5. Identify issues that warrant further consideration.

### Values

*Principles and tradeoffs that are guiding the Project.*

- Meet the Governor's Expectations for meaningful recommendations.
- Complete the process with sufficient time for BWSR Board review and submission to the Governor by December 15.
- Decision making and public input processes will be supported with existing and readily available information.

**Focus**

*What is in and out of scope of for the project in terms of breadth and perspectives.*

Includes actions that:

- BWSR and cooperating state agencies can do under discretionary authority.
- BWSR and cooperating state agencies can do under existing rule making authority.
- BWSR and cooperating state agencies can do in partnership with federal agencies.
- BWSR and cooperating state agencies can do with statute changes.

Excludes:

- The development of new or revised wetland data and plans.
- New detailed data analysis or modeling or detailed spatial wetland targeting.
- Federal policy proposals or initiatives.

**Context**

*The setting of the project – risks, assumptions, constraints, and other elements required to understand the project.*

This project is being pursued after intense legislative debate over specific changes to the Wetland Conservation Act that were considered 2012, some of which were enacted. The time frame remaining is very limited and no budget resources were appropriated to complete this project. At the same time there are a range of concurrent stakeholder processes that require time and energy from many of the key stakeholders. This effort will seek to achieve efficiency with targeted and focused stakeholder input opportunities. It is assumed that diverse voices from different sectors and regions of the state will help BWSR and cooperating agency staff frame and develop recommendations quickly.

While specific recommendations may result from this process, it is likely that there will be ideas and concepts forwarded for additional work beyond December 15. When the report's recommendations include continued discussions, it will provide information on the processes that will be used to further these recommendations.

This project does face certain risks. State agencies have a history of partnership with federal agencies in wetlands regulation and conservation, but there is little ability to drive federal compliance with state recommendations. Also stakeholder perspectives and concerns regarding wetlands regulation and conservation are diverse and often intense. Any recommendations made, will have accounted for the concerns and interests expressed, but may not represent deep and broad consensus.

**Stakeholder Engagement Process**

Input will be solicited from stakeholders through a range of meetings. These meetings will be based on three strategies. Input and insights captured from these different meetings will be documented and made available to other stakeholders to ensure transparency.

1. **Sector Outreach:** BWSR will seek to leverage existing multi-organizational forums and umbrella groups that have a stake in wetlands policy. Targeted discussions that address the issues identified in EO 12-04 will be tailored around those sector's perspective and concerns. The time frame for discussion will be based on the availability and interest of the organizations and their scheduling. Sectors identified include:

   **a.** Agriculture (First Meeting: August 27)

   **b.** Environmental and Conservation Groups (TBD)

   **c.** Business and Industry (First Meeting: September 24)

   **d.** Local Government (First Meeting: September 18)

2. **Regional Outreach:** BWSR will convene four regional meetings to invite input from stakeholders. These forums will be tailored to draw out different regional perspectives on the issues identified in EO12-04 in the context of the regional economies, wetland resources, and related natural resource or environmental conditions. BWSR will invite diverse stakeholders from these regions. Forums will be held in:

   **a.** Mankato – September 27, 1:00 p.m. to 4:00 p.m.
   Blue Earth County Library
   100 East Main Street, Mankato, 56001
   (directions/map: http://beclibrary.org/mankatodirections.php)

   **b.** Bemidji – October 10, 1:00 p.m. to 4:00 p.m.
   Bemidji City Hall – Chamber Room
   317 4th Street NW, Bemidji, MN 56601
   (directions/map:
   http://www.mapquest.com/maps?address=317+4th+St+NW&city=Bemidji&state=MN&zipcode=56601&latitude=47.47158&longitude=-94.882957&geocode=ADDRESS&redirect=true)

   **c.** Chisholm – October 11, 1:00 p.m. to 4:00 p.m.
   Minnesota Discovery Center (formerly Ironworld) – Dining Room
   1005 Discovery Drive Chisholm, MN 55719
   (directions/map: http://www.mndiscoverycenter.com/info)

   **d.** Twin Cities – October 16, 1:00 p.m. to 4:00 p.m.
   Shoreview Community Center – Turtle Lake Side
   4580 Victoria Street North, Shoreview, MN 55126
   (directions/map:
   http://www.shoreviewcommunitycenter.com/pdfs/help/directions.pdf)

   Additional meetings may be scheduled.

3. **Core Stakeholder Meetings:** BWSR will convene two meetings in the Twin Cities of the identified stakeholder groups to develop input and cross interest dialogue regarding wetlands policy in Minnesota.

   a. *Preliminary Input Meeting:* The first meeting will seek to help frame the issues needing to be addressed and capture a range of input and insights from the participants relating to the issues identified in EO 12-04.

      Meeting: September 19, 1:00 p.m. to 4:00 p.m.
      Bunker Hills Regional Park, Activity Center - Oak Room
      550 Bunker Lake Boulevard NW, Andover, Minnesota 55304
      (directions/map:
      http://www.anokacountyparks.com/parks/bunker_hills_regional_park/directions.html)

   b. *Review and Response Meeting:* The second meeting will be focused on reviewing and responding to 1) input captured by BWSR and 2) preliminary or draft recommendations developed by BWSR and the interagency team.

      Meeting: October 23, 1:00 p.m. to 4:00 p.m.
      Shoreview Community Center – Snail Lake Side
      4580 Victoria Street North, Shoreview, MN 55126
      (directions/map:
      http://www.shoreviewcommunitycenter.com/pdfs/help/directions.pdf)

BWSR and cooperating agencies will also encourage organizations to develop and submit written comments as appropriate throughout the process. Summaries of key input received in various forums will be provided to the broader list of stakeholders to ensure transparency. E-mail will be the primary form of communication in order to ensure transparency and elicit consensus or consent were possible and appropriate.

Development of the report will occur in October and November. All input received in this process will be considered in the development of the report. A draft of the final document will be presented to the BWSR Wetlands Committee and the report as recommended by the Committee will be submitted to the BWSR Board for their review on December 13.

# Invited Stakeholders

**Agriculture**

1) Minnesota Agricultural Water Resources Center
2) Minnesota Agri-Growth Council
3) Minnesota Association of Wheat Growers
4) Minnesota Corn Growers Association
5) Minnesota Farm Bureau Federation
6) Minnesota Farmers Union
7) Minnesota Soybean Growers Association

**Business**

8) Aggregate Ready-Mix Assoc. of Minnesota
9) Builders Association of Minnesota
10) Builders Association of the Twin Cities
11) Iron Mining Association of Minnesota
12) Minnesota Association of Realtors
13) Minnesota Chamber of Commerce
14) Minnesota Timber Producers Association/Minnesota Forest Industries
15) Utilities - Allete Minnesota Power

**Environment/Conservation**

16) Audubon Minnesota
17) Fish and Wildlife Legislative Alliance
18) Izaak Walton League - Minnesota Division
19) Minnesota Center for Environmental Advocacy
20) Minnesota Conservation Federation
21) Minnesota Ducks Unlimited
22) Minnesota Environmental Partnership
23) Minnesota Sierra Club - North Star Chapter
24) Minnesota Waterfowl Association
25) Pheasants Forever

**Local Government**

26) Association of Minnesota Counties
27) League of Minnesota Cities
28) Minnesota Inter-County Association
29) Minnesota Association of Conservation District Employees
30) Minnesota Association of Soil and Water Conservation Districts
31) Minnesota Association of County Planning and Zoning Administrators
32) Minnesota Association of Townships
33) Minnesota Association of Watershed Districts
34) Minnesota County Engineers Association
35) Minnesota Rural Counties Caucus

**Other Organizations**

36) Minnesota Association of Professional Soil Scientists
37) Minnesota Viewers Association
38) Wetland Professionals Association

**Federal Government**

39) U.S. Army Corps of Engineers
40) U.S. Fish and Wildlife Service
41) USDA Natural Resources Conservation Service
42) U.S. Environmental Protection Agency

# Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetlands Policy

## *Stakeholder Discussion Issues*

### Scope of Executive Order

The Executive Order (EO) provides 8 issues to address in cooperation with partner state agencies and invited stakeholders. All stakeholders will have the opportunity to identify issues that they believe should be addressed, even those that are not specifically included in the EO. Two of the issues included in the EO are overarching and should be considered during the discussion of the issues outlined below, these are:

EO 1. Assess potential changes to current policies that will improve wetland conservation in Minnesota in a manner that maintains and restores the integrity of Minnesota's wetlands, while recognizing that the ecology, distribution and type of wetland resources vary statewide.

EO 4. Identify opportunities to improve coordination of wetland regulatory efforts between state and federal agencies by improving the processes for landowners, permit applicants, local governments and regulators so that greater efficiency and cost-effectiveness are realized.

The process outlined above will address the issues that are discussed below.

- Issue #1: De minimus Exemption (EO 2a).
- Issue #2: Alignment of Pre-Settlement Zones on Watershed Boundaries (EO 2b).
- Issue #3: Consistent Review, Approval and Implementation (EO 2c)
- Issue #4: Adequacy of Wetland Bank Program Funding (EO 2d).
- Issue #5: Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed (EO 2e).
- Issue #6: Strategic Use of Funding Sources to Achieve Continued Restoration of Drained Wetlands (EO 3)

*Issue #1: De minimus Exemption (EO 2a).*

The de minimus exemption (Minn. Stat. 103G.2241, subd. 9; Minn. Rule 8420.0420, subp. 8) is structurally complex making it a challenge to properly apply. Different amounts of exempt wetland impacts are allowed depending on the presettlement wetland area (or 11-county metro area), wetland type, and relationship to several shoreland zones. Application is further complicated by restrictions on cumulative use of this exemption on an individual wetland. In addition, Minn. Stat. 103G.2243 and Minn. Rule 8420.0830, subp. 4. F. allows flexibility in the application of the exemptions under a Local Comprehensive Wetland Protection and Management Plan.

**Stakeholder Discussion Issues:**

- What is your impression on how de minimus impacts contribute to loss/net loss of wetlands?
- Should different de minimus amounts apply to different wetland types?
- Should different de mimimus amounts apply to different geographic areas?
  - Pre-settlement wetland areas – (a) greater than 80%; (b) between 50 % and 80%; and (c) less than 50%.
  - 11-County Metropolitan Area.
  - Shoreland wetland protection zone and shoreland building setback zone

- Are the cumulative impact provisions still important and needed?
- Would a simpler de minimus enhance compliance?
- What kind of flexibility would make sense under a Local Comprehensive Wetland Protection and Management Plan?

*Issue #2: Alignment of Pre-Settlement Zones on Watershed Boundaries (EO 2b).*
Presettlement wetland areas were established along county boundaries in State law when WCA was enacted in 1991. Presettlement wetland areas are applicable to:

(1) determining allowable wetland impacts under the de minimus exemption;
(2) determining replacement ratios; and
(3) in the siting of replacement wetlands.

Environmental and ecological management is increasingly looking to use watershed boundaries. In fact, the Wetland Bank Service Areas (Minn. Rule 8420.0522, subp. 7) that were established in the 2009 rule are watershed based. However, these areas do not follow the presettlement wetland areas.

**Stakeholder Discussion Issues:**

- What are the challenges with the existing 3 pre-settlement areas system?
- What if the state is divided into two regions (i.e. greater than 80% and less than 80%)?
- Is it important to have boundaries follow county lines?
- If it were to follow Bank service areas – which are largely major basins – will this cause undue operational difficulties?
- How should the St. Croix River Basin be addressed; it includes parts of the greater than 80%, 50 to 80% and less than 50%; is also partially in the 11-county metropolitan area for purposes of the de minimus exemption.
    - Should Chisago and Washington Counties be treated as part of the less than 50% area?
    - Should the watershed be shifted to one region or another?
    - Should it be a universe unto itself (regulations that only apply here)?
- Will alignment changes (statewide and for the St. Croix) make implementation easier?
- How might alignment changes affect the Wetland Banking Program?
- Are there any outcomes that will cause this to be unfair to anyone?
    - Are there ways to mitigate those concerns

*Issue #3: Consistent Review, Approval and Implementation (EO 2c)*
Regulatory simplification and coordination has been an issue with water resources before enactment of WCA, and it continues to be an issue today, as evidenced by the programs that may apply to activities in wetlands and waters: WCA (BWSR); Public Waters Program (DNR); Permit to Mine (DNR); Clean Water Act Section 401 Certifications (MPCA); Stormwater Management (MPCA); Clean Water Act Section 404 (US Army Corps of Engineers); and Swampbuster (USDA-Natural Resources Conservation Service) are the more significant requirements.

There are currently several separate efforts that are looking to ways to streamline existing regulatory processes (in addition to this one):

1) Executive Order 11-04 (Environmental Permitting Efficiency), MPCA and DNR;
2) Water Permit Streamlining for Transportation Projects (Laws of Minnesota 2012, Chapter 287, Article 3, Section 63), MnDOT; and
3) Water Governance Evaluation Project (Laws of Minnesota 2011, 1st Special Session, Chapter 2, Article 4, Section 33), MPCA.

**Stakeholder Discussion Issues:**

- As discussed above, there are a number of programs that may apply to a given project or activity, where do these programs cause problems?
- Where are their opportunities to streamline regulatory oversight?
- What drives the inconsistencies between programs?
  - Regulatory jurisdiction, location, mitigation requirements, decision-making process, other?
- There is a tension between state-wide uniformity and tailoring programs and processes to account for regional variability and local situations.

*Issue #4: Adequacy of Wetland Bank Program Funding (EO 2d).*

The Minnesota Wetland Banking Program is the largest wetland banking program in the country with 3,959 acres of wetland credits available in 202 banks. In addition to overall responsibility for the implementation of WCA, BWSR has several responsibilities regarding the wetland banking program. These include:

- Participating on local technical evaluation panels to consider wetland banking plans reviewing monitoring reports, and requests for deposit of credits;
- Developing and accepting easements on bank sites;
- Periodically inspect wetland banks, including the easement conditions, after the required monitoring period associated with bank establishment, generally every five years;
- Manage wetland bank accounting, deposits, withdrawals, transfers, etc.;
- Collect wetland banking fees; and
- Compliance/Enforcement.

These responsibilities are financially supported by State General Funds, wetland bank fee revenue, and agreements with other state and federal agencies. Regarding wetland bank fees, BWSR collects this fee at the time of wetland bank establishment or transactions. This fee generally operates similar to the sales tax and generates approximately $230,000 in revenue annually that is used to support wetland banking responsibilities.

Current funding is generally adequate to support current activities. There are two areas of concern for the agency, these are:

(1) Stable funding for the costs of long-term monitoring, especially as the number of bank sites grows; and
(2) Funding for any necessary maintenance or management that is required at bank sites, such as to a water control structure.

**Stakeholder Discussion Issues:**

- How should the State's costs for the wetland banking program be funded (i.e. fees, General Fund, Bond Funds, etc)?
- Statute changes in 2012 allow innovative forms of wetland banking, how should these be funded?
- Is this simply a General Fund function and the taxpayer should be on the hook or is this the responsibility of banking parties to provide as they secure enduring benefits?
- How can long-term maintenance be funded?
  - A wetland tax incentive to assist landowners in meeting maintenance costs?
  - Ecosystem trading?
- What happens if two or three landowners and decades down the road….nobody remembers the deal and the benefits are long spent or just assumed?
- When should (or if) monitoring stop and let nature run its course (i.e. when should a banked wetland be viewed the same as a natural wetland)?

- Should monitoring be the same as regulatory compliance after some number of years with less rigorous/frequent inspections?
    - What about wetland bank sites that utilize constructed facilities, such as water control structures, berms etc.?
    - What about invasive species and vegetative management?
    - Does wetland quality matter?
- Are there technologies that can automate or otherwise reduce the cost of monitoring and compliance?

*Issue #5: Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed (EO 2e).*
WCA statute and rule requires wetland impacts to be replaced by a wetland replacement siting priority order that places an emphasis on replacing wetland impacts as close to the impact site as possible. The rule incents replacement close to the impact site by increasing the replacement ratio, as follows:

- For project-specific replacement, the required replacement ratio increases when the replacement is going to occur outside of the major watershed where the impact occurs; and
- For replacement by wetland banking, the required replacement ratio increases when the replacement is going to occur outside the bank service area where the impact occurs.

Outside of the greater than 80% area, wetland replacement is generally readily available through either wetland banking within the bank service area or by restoring or creating a wetland on-site or within the major watershed. To address wetland replacement concerns in the greater than 80% area, BWSR contracted with Barr Engineering in 2009 to identify potential wetland replacement opportunities in northeast Minnesota. This study identified a limited amount of potential wetland replacement and made several recommendations to continue working on these issues. The concerns over wetland replacement in this area have grown as mining expansions have been moving forward.

In the past year a BWSR-DNR-MPCA-Corps of Engineers staff team have begun working to addressing wetland regulations in Northeast Minnesota, with a focus on mining and other large projects. It is proposed that the work of this team will provide recommendations to address issue #5. As this work progresses, the stakeholders for this EO process will be kept informed.

**Stakeholder Discussion Issues:**

- A fundamental premise is that you first look for credits in the same watershed - Is this valid?
- How much effort should be exerted to exhaust opportunities prior to moving further out?
- Should impacts in a less than 50% area be allowed to secure credits from the greater than 80% area?
- Should replacement for impacts that occur in the greater than 80% area be encouraged to seek credits in the less than 50% area?
- If so, how could these objectives of allowing greater flexibility in the location of wetland replacement be achieved?
    - Regulatory requirement.
    - Use an incentive such as reducing the replacement ratio.
    - Narrow the cost differential.
        - Establish a flat fee for credits in the wetland banking program.
        - Subsidize credits in areas where they provide greater public value.
        - In Lieu Fee Programs.
- If moving replacement to a different presettlement wetland area is encouraged should it be allowed anywhere or should it be directed to specific conservation priority areas as a condition of this regulatory flexibility (i.e. should replacement wetlands be "steered" to where they will provide the greatest benefit)
- How can the economic incentive to use the lowest cost land be addressed?
- How does wetland preservation fit into the geographic location of wetland mitigation?

*Issue #6: Strategic Use of Funding Sources to Achieve Continued Restoration of Drained Wetlands (EO 3)*
There are currently a wide-array of sources available to finance wetland restorations. A considerable amount of coordination currently occurs among the entities that manage conservation funds, but are there additional opportunities to achieve maximum value and multiple benefits of these efforts?

Funding opportunities include the following:

- Federal
  - US Fish and Wildlife Service
  - Farm Bill Programs: Wetland Reserve Program/Conservation Reserve Program/Environmental Quality Incentives Program
  - US Army Corps of Engineers

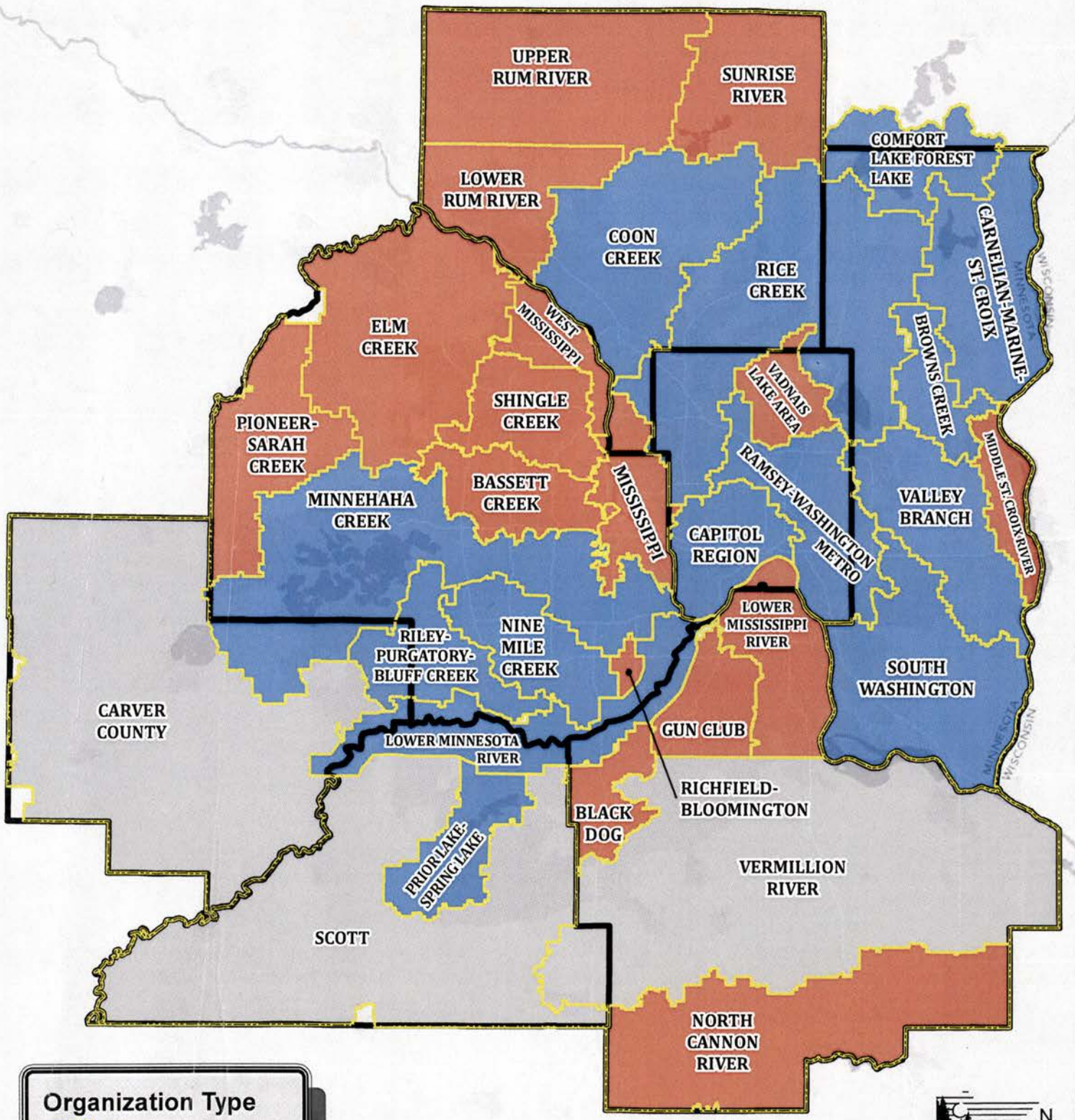
- State
  - Game and Fish Fund.
  - Bonding.
  - Lessard-Sams Outdoor Heritage Committee.
  - Legislative-Citizens Commission on Minnesota Resources.
  - Clean Water Fund.
  - Parks and Trails Fund.
  - Mitigation funds from public wetlands impacts.
  - Fines and judgments.

- Local Government
  - Storm Water Management.
  - Parks and Recreation.

- Private Sources
  - Non-Governmental Organizations
  - Landowner Cash and In-Kind.
  - Corporate Sustainability Programs.

**Stakeholder Discussion Issues:**
- What should be the goals of wetland restoration programs?
- Do we need additional plans, methods, or tools to further coordination and achieve multiple benefits?
  - Examples of current plans - Wetland Restoration Strategy, Duck Plan, Prairie Plan, Comprehensive Wetland Plans, Local Water Management Plans, TMDL Implementation Plans, etc.
- Do we need to improve our capacity to monetize multiple benefits?
  - Water retention, water quality, habitat, etc.
- If we use water quality money – do we expect/tolerate different wetland management conditions. i.e. more bounce in restored wetlands?
- Are current funding levels adequate and sufficiently stable?
- Is funding being coordinated and targeted to maximize public benefits?
- Are the existing array of programs getting the desired results in regards to wetland restorations?
- If not, what are the impediments to strategic wetland restorations?

# Watershed Districts and Management Organizations in the Twin Cities Metropolitan Area




**Organization Type**

- Watershed District
- Joint Powers WMO
- County

N

Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Updated September 2012

Minnesota Board of Water & Soil Resources

DATE: October 16, 2012

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – October 24, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 24, 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. **Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment** - The plan amendment incorporates by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010. By incorporating the Engineer's Report the amendment recognizes the project is a water resource-based program encompassing a slate of capital project and program activities, provides more detailed descriptions of each component including refined estimated construction costs, provides for the project to be implemented over a period of time, and commits the district to a public process prior to ordering and implementing individual project components. The Metro Water Planning Committee met on October 1, 2012 and after review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order. ***DECISION ITEM***

2. **Elm Creek WMO Plan Amendment -** The final draft Amendment to the Elm Creek WMO Watershed Management Plan was filed with the Board on September 20, 2012. The amendment proposes to revise the implementation section by re-prioritizing programs and studies and adding capital improvement projects, and other implementation activities, in addition to extending the plan expiration to October 2014, the maximum timeframe of ten years allowed under statute. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee met on October 1, 2012 and after review of the information unanimously voted to recommend approval of the Amendment per the attached draft Order. ***DECISION ITEM***

3. **Chisago County Priority Concerns Scoping Document (PCSD)** - BWSR received the Chisago County Priority Concerns Scoping Document (PCSD) on August 10, 2012. The state review agencies were notified and submitted their comments to BWSR. The BWSR Metro Water Planning Committee (Committee) met on October 1, 2012, to discuss the content of the PCSD, state review agency comments and recommendations for the content of the final Plan. All required components of the PCSD have been covered and the priority concerns to be addressed are deemed to be appropriate. The Committee voted unanimously to recommend the attached draft official state comment letter pertaining to the review of the Chisago County PCSD be considered and sent to the county. ***DECISION ITEM***

**NEW BUSINESS**

1A. **Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve programs (Rule Chapter 8400) -** The Board is being requested to adopt the recommendation of the Grants Program and Policy Committee regarding the Erosion Control and Water Management Program and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400). These rules have been under development for more than two years, and following recent discussions with soil and water conservation districts, is now ready to proceed to final adoption. ***DECISION ITEM***

1B. **Adoption of the Proposed Erosion Control and Water Management Program Policy** - Statutory changes enacted in 2009 require the Board to adopt a policy for the Erosion Control and Water Management Program (commonly referred to as Cost-Share). The draft policy has been developed by staff concurrently with the Rule that is the subject of the above agenda item. ***DECISION ITEM***

2. **2013 Proposed BWSR Board Meeting Schedule** – The BWSR Board meets the fourth Wednesday of the month (unless noted). The proposed meeting dates for 2013 will be considered for adoption. ***DECISION ITEM***

3. **2012 Strategic Plan Report Card** - The Strategic Plan Report Card is an annual summary of accomplishments for each of the action items in the BWSR 2012 Strategic Plan Update. The Public Relations, Outreach, and Strategic Planning (PROSP) Committee has committed to provide such a report to the Board each year. It is also listed as one of the action items in the plan. The PROSP Committee will be meeting the evening before the Board meeting to finalize the report card and pass it on to the Board. The final version of the Report Card will be distributed to Board members as a handout at the meeting. ***INFORMATION ITEM***

4. **BWSR 25th Anniversary** – The Board of Water and Soil Resources was established in October 1987. A short presentation will highlight some of the BWSR accomplishments the past 25 years. ***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 October 24th!

**BOARD OF WATER AND SOIL RESOURCES**
**520 LAFAYETTE ROAD N.**
**LOWER LEVEL CONFERENCE ROOM**
**ST. PAUL, MINNESOTA 55155**
**WEDNESDAY, OCTOBER 24, 2012**

**PRELIMINARY AGENDA**

**9:00 AM** **CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF SEPTEMBER 26, 2012 BOARD MEETING**

**PUBLIC ACCESS FORUM** (10-minute agenda time, two-minute limit/person)

**CONFLICT OF INTEREST DECLARATION**

**INTRODUCTION OF NEW BWSR STAFF**
- Tim Koehler, Interim RIM Coordinator

**RECOGNITION OF KEVIN LINES' RETIREMENT**

**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. Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment – Melissa Lewis – ***DECISION ITEM***

2. Elm Creek WMO Plan Amendment – Brad Wozney – ***DECISION ITEM***

3. Chisago County Priority Concerns Scoping Document (PCSD) – Mary Kells – ***DECISION ITEM***

**NEW BUSINESS**

1A. Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400) – Dave Weirens – ***DECISION ITEM***

1B. Adoption of the Proposed Erosion Control and Water Management Program Policy – Dave Weirens – ***DECISION ITEM***

2. 2013 Proposed BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

3. 2012 Strategic Plan Report Card – Don Buckhout – ***INFORMATION ITEM***

4. BWSR 25th Anniversary – Jen Maleitzke/John Jaschke – ***INFORMATION ITEM***

**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 & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Krista Olson

**UPCOMING MEETINGS**

- BWSR Academy, October 29 – 31, Brainerd
- Next BWSR Board Meeting – December 12, 2012
- MAWD Annual Meeting, November 29 – December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Bloomington
- AMC Annual Meeting, December 3-4, St. Cloud

**Noon** **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES**
**520 LAFAYETTE ROAD N.**
**LOWER LEVEL CONFERENCE ROOM**
**ST. PAUL, MINNESOTA 55155**
**WEDNESDAY, SEPTEMBER 26, 2012**

**BOARD MEMBERS PRESENT:**
Greg Buzicky, MDA; Joe Collins, Jack Ditmore, Quentin Fairbanks, Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Doug Wetzstein, MPCA

**BOARD MEMBERS ABSENT:**
Bob Burandt
Chris Elvrum, MDH
Christy Jo Fogarty
Todd Foster
John Meyer

**STAFF PRESENT:**
Mary Jo Anderson, Angie Becker-Kudelka, Tim Dykstal, Travis Germundson, Tim Gillette, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jen Maleitzke, Dennis Rodacker, Dave Weirens

**OTHERS PRESENT:**
Keith Hanson, Clean Water Council

DRAFT

**Chair Napstad called the meeting to order at 9:05 a.m.**

**PLEDGE OF ALLEGIANCE**

** 12-77 **ADOPT AGENDA** – Moved by Quentin Fairbanks, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-78 **MINUTES OF AUGUST 23, 2012 BOARD MEETING** – Moved by Keith Mykleseth, seconded by Gerald Van Amburg, to approve the minutes of August 23, 2012 as circulated. Motion passed on a voice vote.

**INTRODUCTION OF NEW BWSR STAFF**

- Tim Gillette, Conservation Drainage Engineer
- Dennis Rodacker, Senior Wetland Specialist

**REPORTS**

**Chair's Report** – Brian Napstad reported that he attended the EQB meeting last week; discussion included the controversial topic of mining frac sands in southeast Minnesota. The industry perspective in support of mining frac sands was presented. EQB has provided an opportunity for all sides to present information as the assessment and evaluation continues.

Chair Napstad reported that the Governor's Executive Order directed EQB to host an Environmental Congress that will be held in February 2013; with citizen forums to be held statewide in November and December. State leaders will be engaging with Minnesotans about the present and future of our state's environmental and economic health, key points to review include the permitting process and efficiencies. Chair Napstad encouraged board members to attend. The EQB is scheduled to review improvements to environmental governance and coordination, with adoption of an environment and energy report card in November.

Chair Napstad reported that the Wetland Committee will be working on the Governor's Executive Order on wetlands.

Chair Napstad attended the Red River Watershed Management Board (RRWMB) meeting and tour last week in Thief River Falls; he expects further conservation and flood control efforts via the multi-agency mitigation agreement.

**Administrative Advisory Committee (AAC)** – Brian Napstad reported that the AAC did not meet this morning.

**Executive Director's Report** – John Jaschke reported that Kevin Lines announced his retirement this week. A recognition and celebration for Kevin will be held on October 4. BWSR will recruit to fill his position.

John reported that 11 candidates interviewed for the assistant director position, follow-up interviews are in progress.

John acknowledged the new BWSR banner in the shared Board room. John reviewed information in Board Members' packets.

Tom Landwehr reported that he had the pleasure of working with Kevin Lines at DNR and at BWSR. He would like BWSR to recognize the success of the RIM program under Kevin's leadership. Moved by Tom Landwehr, seconded by Sandy Hooker,
** 12-79 to establish a resolution to be presented to Kevin Lines recognizing him for tremendous accomplishments and achievements in conservation. Motion passed on a voice vote. Tom Landwehr will work with staff to develop a resolution to be presented to Kevin.

Steve Sunderlund stated there's interest in a meeting to be held in southwestern Minnesota on the WCA Executive Order. He stated that meetings are being held in other parts of the state but not in the southwest.

Chair Napstad thanked Steve Sunderlund, Jack Ditmore, Keith Mykleseth, and Gerald Van Amburg for their interest to serve on the new BWSR Audit Committee.

**Dispute Resolution Committee (DRC)** – Travis Germundson reported that there are currently 11 appeals pending; he provided a brief status report on the appeals. Travis reported that he is developing a training session for the DRC to be held in the near future.

**Wetlands Committee** – Gerald Van Amburg reported that the Wetlands Committee will meet today immediately following adjournment of the Board meeting. Stakeholder sector outreach meetings are being conducted statewide. Joe Collins asked about public comment if persons are unable to attend the statewide meetings; Gerald stated that written comments could be submitted.

**Grants Program & Policy Committee** – Paul Langseth reported that the Grants Program and Policy Committee will meet on November 28, 2012.

**Public Relations, Outreach & Strategic Planning Committee** (PROSPC) – Keith Mykleseth reported that the PROSPC will meet on October 23, 2012.

**Drainage Work Group** – Tom Loveall reported that the Drainage Work Group met on September 20, 2012; he presented information discussed at their meeting. The next Drainage Work Group meeting is October 11, 2012. Discussion followed.

**COMMITTEE MEETINGS**

***Metro Water Planning Committee***

**Brown's Creek Watershed District Amendment to Watershed Management Plan** – Melissa Lewis reported that the Brown's Creek Watershed District was established from the Brown's Creek Joint Powers Agreement Watershed Management Organization in October 1997. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. The Metro Water Planning Committee met on September 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment. Moved by Keith Mykleseth, seconded by Joe Collins, to approve the Brown's Creek Watershed District Amendment to the Watershed Management Plan. Motion passed on a voice vote.

** 12-80

**Black Dog Watershed Management Organization Revised Watershed Management Plan** – Melissa Lewis reported that the Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the WMO and its members, and lists implementation tasks to achieve the goals. The Metro Water Planning Committee reviewed the information on September 5, 2012, and unanimously voted to recommend approval of the revised watershed management plan. Moved by Faye Sleeper, seconded by Joe Collins, to approve the Black Dog Watershed Management Organization Revised Watershed Management Plan. Motion passed on a voice vote.

** 12-81

Chair Napstad suggested conducting a refresher session on water plans in the metro area and greater Minnesota at an upcoming Board meeting.

***Northern Water Planning Committee***

**Cook County Priority Concerns Scoping Document** – Quentin Fairbanks reported that the Cook County Board of Commissioners adopted a resolution March 22, 2011 to

revise and update their current comprehensive local water management plan. The County distributed their Priority Concerns Scoping Document to the required state agencies for review July 20, 2012. Comments were received from the Environmental Quality Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agency comments will be incorporated into the final plan, as recommended by the Board Conservationist. The Northern Water Planning Committee met on September 12, 2012, reviewed the Cook County Priority Concerns Scoping Document and unanimously recommends approval. Moved by Quentin Fairbank, seconded by Tom Loveall, to approve the Cook County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

** 12-82

**Mille Lacs County Five Year Plan Amendment** – Gerald Van Amburg reported that on August 24, 2007, the Board of Water and Soil Resources approved Mille Lacs County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by 2011. On May 3, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted to the Board Conservationist on August 6, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment, suggested that Mille Lacs County add an implementation schedule dealing with invasive species in the Plan, and recommends approval of the update through December 2016. Moved by Gerald Van Amburg, seconded by Quentin Fairbanks, to approve the Mille Lacs County five year Plan amendment. Keith Mykleseth reported that Molly McGregor quickly added the inclusion of the aquatic invasive species concerns to the Plan. Discussion followed. Joe Collins asked how we handle the costs involved and expense components for the Plan. Motion passed on a voice vote.

** 12-83

Jack Ditmore asked what BWSR does when the plan expires. John Jaschke explained that the plan is not required to update at five years; however, statute requires an update at ten years or the plan expires. Jack also asked where can he see the plan before the Board meetings. John explained that the plan is available on the County website or BWSR staff can provide a copy of the plan. Joe Collins requested that the web-link to the plan be made available to board members. Steve Sunderland asked about Robert Hoefert listed as an SWCD supervisor and county commissioner in the Mille Lacs County Plan– a conflict of interest or an error.

**Sherburne County Five Year Plan Amendment** – Keith Mykleseth reported that on August 24, 2007, the Board of Water and Soil Resources approved Sherburne County's Comprehensive Local Water Management Plan for a ten year period from 2007-2017 with a required amendment by 2012. On February 6, 2012, the County passed a resolution to begin the amendment process. The amended plan was submitted to the

Board Conservationist on July 31, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment and recommends approval of
** the update through December 2016. Moved by Keith Mykleseth, seconded by Quentin
12-84 Fairbanks, to approve the Sherburne County five year Plan amendment as recommended. Jack Ditmore asked if agency comments are addressed. John stated that comments are addressed unless noted. Chair Napstad stated that the board conservationist memo to the regional water planning committees vary from the northern and southern region. Chair Napstad suggested that a format/outline be used by board conservationists for consistency. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:43 a.m. The meeting reconvened at 10:55 a.m.

**Red River Basin Watershed District Plan Expiration Date Extension** – Gene Tiedemann reported that the reason for extending the expiration date of these plans is to synchronize the Watershed District water management plan update schedule and process with the MPCA's water quality monitoring and assessment schedule for
** Minnesota's 81 major watersheds. Moved by Gene Tiedemann, seconded by Keith
12-85 Mykleseth, to approve the extension dates for the purpose of effectively synchronizing county comprehensive water management planning efforts; the BWSR will allow counties in the Red River Basin to petition BWSR to extend county local water management plan expiration dates to enable more effective coordination with partner watershed districts. Discussion followed.

John stated that the synchronized dates are important as the resolution is tied to a BWSR policy related to the LGU eligibility to apply for BWSR grants. BWSR Clean Water Fund policy states that eligible applicants include local governments or joint powers boards working under a current state approved and locally adopted local water management plan or SWCD comprehensive plan. The resolution would provide a more flexible approach to synchronizing county local water management planning with watershed district planning schedule.

Chair Napstad stated the importance of the synchronized dates; MPCA to recognize the effort needed to stay on schedule. Doug Wetzstein stated that MPCA is on board with this and is working on efficiencies. Keith Mykleseth and Gerald Van Amburg commented that MPCA does have good committed staff working on the plans. John thanked all the partners involved for efforts to get this done. Motion passed on a voice vote.

**Wilkin County CLWM Five-Year Update Extension** – Keith Mykleseth reported that Wilkin County requested an extension to the required five-year update of the implementation section of the Wilkin County Local Water Plan to December 31, 2014.

The extra time will enable the Wilkin County Local Water Plan and Buffalo Red River Watershed District Plan update to happen simultaneously. The Northern Water Planning Committee reviewed the request and recommend approval of the extension.

** 12-86 Moved by Keith Mykleseth, seconded by Paul Langseth, to approve the Wilkin County five year extension until December 31, 2014. Motion passed on a voice vote.

**NEW BUSINESS**

**Clean Water Council (CWC) Budget Development Process** – Keith Hanson, CWC Chairman, distributed the CWC FY14-15 Funding Priorities and provided background information. Keith explained that in November 2008, Minnesotans passed the Clean Water, Land and Legacy Amendment to the Minnesota Constitution to: protect drinking water sources; to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater. Thirty-three percent of the sales tax revenue from the Legacy amendment is dedicated for the Clean Water Fund, and may only be spent to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation. At least five percent of the Clean Water Fund must be spent to protect drinking water sources. 2011 Special Session law requires the Clean Water Council recommend to the governor and legislature the manner in which money from the Clean Water Fund monies be appropriated.

Keith briefly commented on the Budget Outcomes Committee (BOC) proposed appropriation recommendations to BWSR. It was noted that funding guidance from Minnesota Statute 114D is nearly the same as the Minnesota Constitution language.

Keith Mykleseth strongly advocated the River Watch Program. Gerald Van Amburg stated that the educational aspect of the River Watch Program is for our youth and important. Gerald Van Amburg thanked Keith Hanson and the CWC for what they do. Keith stated that the CWC is looking to improve where the funding is appropriated; he looks to BWSR for their support. Chair Napstad thanked Keith for his presentation.

**Grants Monitoring Report** – Tim Dykstal reported that on June 22, 2011, BWSR adopted the Grants Monitoring, Reconciliation and Verification Policy, which provided that BWSR staff will annually monitor all grants; competitive conservation program grants will be paid in three scheduled payments; and financial verification of grant reconciliations will be performed on ten percent of all BWSR grants annually. The Grants Monitoring Report was tabled at the June 27, 2012 Board Meeting and requested to be on the agenda today. Tim reviewed the Conservation Program and Operations Grant Monitoring; Project Grants Payments Schedule; and Grant Verifications. Tim explained the next steps will be to continue to improve its grants

monitoring efforts in the coming year; and the report will come before the newly established BWSR Audit Committee. Keith Mykleseth commended staff on their adaption of what needs to be done and how effectively they do it. Greg Buzicky asked Tim about tracking his time for grants monitoring. John Jaschke explained the proportional and efficiency approach, to oversee grants; it's a balance between compliance and cooperation. Chair Napstad thanked Tim for his thorough report.

**AGENCY REPORTS**

**Minnesota Department of Agriculture (MDA)** – Greg Buzicky reported that the next meeting of the Minnesota Ag Water Quality Certification Program (MAWQCP) is October 29; the Advisory Committee will meet on November 13-14. Chair Napstad thanked Greg for attending the meeting today on behalf of Matt Wohlman.

**Minnesota Department of Natural Resources (DNR)** – Tom Landwehr attended the Red River Watershed Management Board meeting and tour last week in the Red River Valley. He stated that there are good outcomes from that meeting, and the importance of attaining more multi-benefit projects in the northwest. He is calling on DNR staff to actively support and use public funding to get projects implemented for natural resource enhancements.

Tom reported on an article in the *StarTribune* on September 23, 2012, regarding the loss of grasslands, native prairies and CRP – this is significant as it effects water quality, and wildlife depends upon grasslands. Agencies and other organizations are recognizing the effects; and are exploring new ideas such as a grazing incentive to keep grass on the landscape as an agricultural base. The Minnesota Prairie Plan outlines how to target protection and restoration in future years. Tom stated that BWSR has a big role in grassland restoration with the RIM Program, the need is there for BWSR's continued and expanded involvement.

**Minnesota Extension Service (MES)** – Faye Sleeper reported that the Water Resources Center is hosting a seminar by Otto Doering, "Looking Back to the Coming Farm Bill: The More Things Change the More They Stay the Same!" on October 4, at the University of Minnesota. Faye reported that the Annual Water Resources Conference will be held October 16-17, at St. Paul River Center. Faye encouraged board members attendance. If interested, information is available on the website: http://wrc.umn.edu/news/index.htm

**Minnesota Pollution Control Agency (MPCA)** – Doug Wetzstein reported that the Clean Water Act marks its 40th anniversary on October 18. Doug reported that MPCA Commissioner Stine will meet with Wisconsin officials on September 28 in the middle of the St. Croix River; an event to recognize the multi-state effort.

## ADVISORY COMMENTS

**Minnesota Association of Townships (MAT)** – Sandy Hooker reported that MAT directors and staff will be meeting with school districts and cities to discuss issues of common interest to provide a united front before the legislature. Sandy reported that the MAT Annual Conference will be held November 15-17, at the River's Edge Conference Center in St. Cloud; board members were invited to attend. Sandy stated that she appreciated the great Board tour on August 22 in Lincoln and Lyon Counties.

## UPCOMING MEETINGS

- BWSR Board Meeting – October 24, 2012
- Wetland Committee: immediately following September 26th Board Meeting
- PROSP Committee: Oct. 23
- MAWD Annual Meeting, November 29 – December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Bloomington
- AMC Annual Meeting, December 3-4, St. Cloud

** 12-87 Moved by Sandy Hooker, seconded by Paul Langseth, to adjourn the meeting at 12:15 p.m. Motion passed on voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution Committee Report

**Meeting Date:** October 24, 2012

**Agenda Category:** ☐ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☐ Decision ☐ Discussion ☒ Information

**Section/Region:** Land and Water Section

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson

**Reviewed by:** _____ Committee(s)

**Presented by:** Gerald Van Amburg/Travis Germundson

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

**ACTION REQUESTED**
None

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Dispute Resolution Committee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report
October 12, 2012
By: Travis Germundson

There are presently **9** appeals pending. All of the appeals involve WCA except File 10-10. There have been **no** new appeals filed since the last report given at the September 26th Board Meeting.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 12-13 (8-3-12) This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit credits. The Stearns County Wetland Appeal Panel reversed an earlier staff decision to deny the application. At issue are the eligibility requirements for wetland bank credits. The appeal has been remanded for the LGU to develop an adequate record.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. The appeal has been granted and a Pre-Hearing Conference has been scheduled for October 22nd.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application and confirmation of required mitigation.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system. The landowner has committed to restoring the site and the TEP plans to conduct a site visit this fall to verify that restoration has occurred.

~~File 10-3 (2-1-10) This is an appeal of a restoration order in Stearns County. The appeal regards the placement of agricultural drain tile and the straightening and rerouting of a county ditch that resulted in over 12 acres of wetland impacts. The North Fork Crow River Watershed District recently constructed two rock riprap grade control structures within the ditch and the landowner has disabled and removed some of the tile. Stearns County is looking into if applicable exemption standards. The appellant has granted BWSR additional time to make a decision on the appeal.~~ The appeal has been dismissed. Certificate of Satisfactory Restoration has been issued.

~~File 09-13 (8-20-09) This is an appeal of an exemption decision in Otter Tail County. The appeal regards the denial of an exemption request for agricultural/drainage actives. A previous denial of the same exemption decision had been appealed (File 09-6). The appeal was remanded for further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted. A pre hearing conference convened on November 12, 2009. At which time parties agreed to hold off scheduling written briefs until the petition before NRCS is concluded. The appeal has been placed in abeyance by mutual agreement until there is a final decision by the Department of Agriculture National Appeals Division. A settlement agreement was reached with NRCS. Continuance of the pre-hearing conference reconvened on July 18, 2011. Just received notice that a settlement agreement has been signed by the parties, however, I do not have a fully executed copy.~~ Settlement Agreement.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court; however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue are wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

## Summary Table

| Type of Decision | Total for Calendar Year 2011 | Total for Calendar Year 2012 |
|---|---|---|
| Order in favor of appellant | 2 | 1 |
| Order not in favor of appellant | 2 | 4 |
| Order Modified | 2 | |
| Order Remanded | | 2 |
| Order Place Appeal in Abeyance | 4 | 1 |
| Negotiated Settlement | 1 | |
| Withdrawn/Dismissed | 2 | 4 |

**COMMITTEE RECOMMENDATIONS**

***Metro Water Planning Committee***

1. Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment – Melissa Lewis – ***DECISION ITEM***

2. Elm Creek WMO Plan Amendment – Brad Wozney – ***DECISION ITEM***

3. Chisago County Priority Concerns Scoping Document (PCSD) – Mary Kells – ***DECISION ITEM***

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Comfort Lake Forest Lake WD Plan Amendment

**Meeting Date:** October 24, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** Metro
**Contact:** Jim Haertel
**Prepared by:** Melissa Lewis
**Reviewed by:** Metro Water Planning Committee(s)
**Presented by:** Melissa Lewis

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☒ **Order** ☒ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

## ACTION REQUESTED

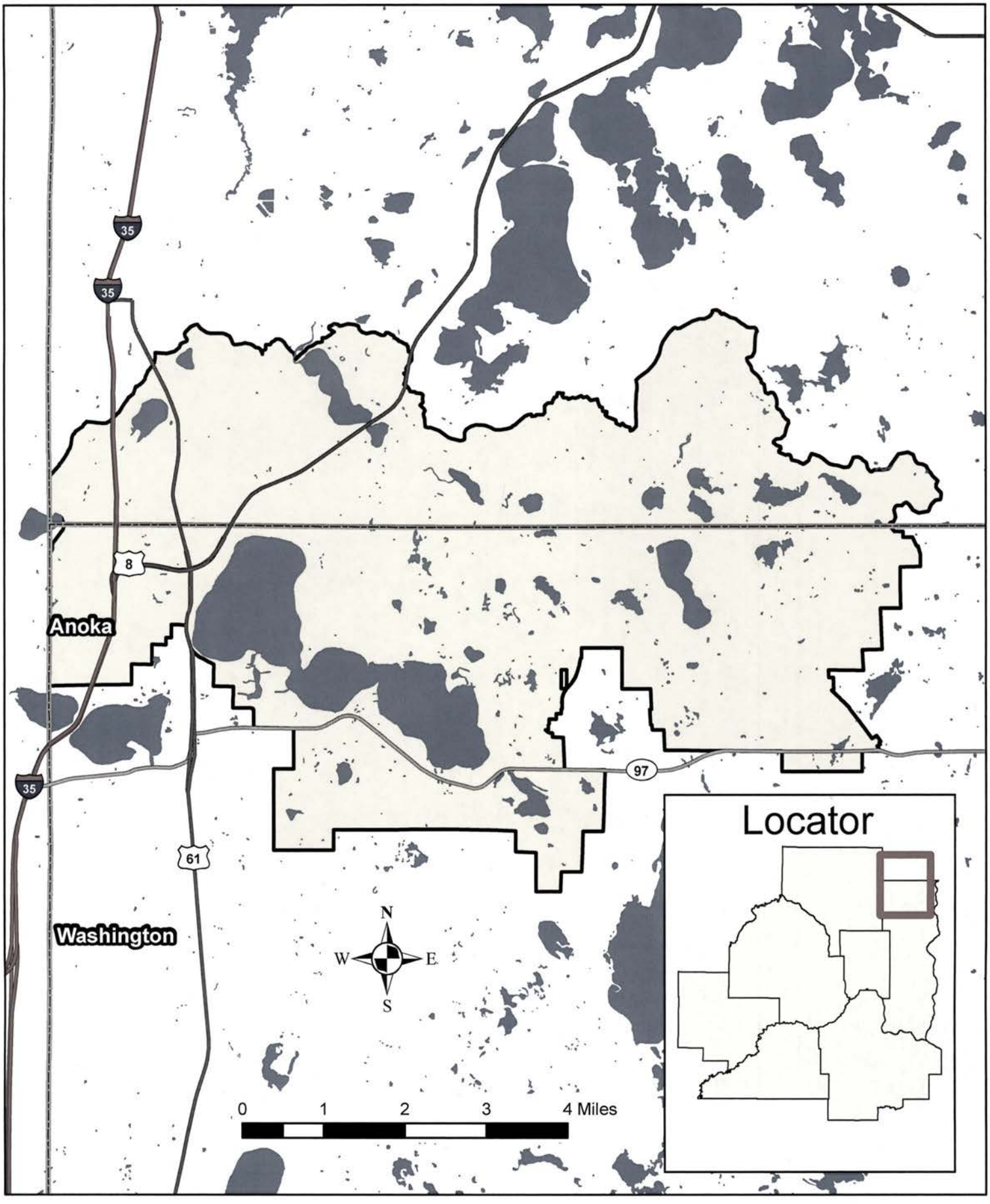
Approval of Amendment to the Comfort Lake Forest Lake Watershed District Watershed Management Plan

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D and achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session. The District encompasses approximately 47 square miles in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County. Portions of the Cities of Forest Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The watershed outlets to the northwest to the Sunrise River, which flows northeast through Chisago County before discharging to the St. Croix River.

The Amendment incorporates by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010. By incorporating the Engineer's Report the amendment recognizes the project is a water resource-based program encompassing a slate of capital project and program activities, provides more detailed descriptions of each component including refined estimated construction costs, provides for the project to be implemented over a period of time, and commits the district to a public process prior to ordering and implementing individual project components.

The Metro Water Planning Committee met on October 1, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment per the attached draft Order.

# Comfort Lake-Forest Lake Watershed District



Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

**In the Matter** of the review of the Amendment to the Watershed Management Plan for the **Comfort Lake Forest Lake Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

**ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Comfort Lake Forest Lake Watershed District (District) submitted an Amendment to the Watershed Management Plan (Plan) dated April 26, 2012, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

**Whereas**, the Board has completed its review of the Amendment;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions and Order:

## FINDINGS OF FACT

1. **Watershed District Establishment.** The Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D and achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on September 28, 2011. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The District encompasses approximately 47 square miles in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County; and bound by the Sunrise River Watershed Management Organization to the west, the Rice Creek Watershed District to the south and west, the Carnelian-Marine-St. Croix Watershed District to the south and east, and no watershed management organizations to the north in Chisago County. Portions of the Cities of Forest

Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The watershed outlets to the northwest to the Sunrise River, which flows northeast through Chisago County before discharging to the St. Croix River.

4. **Amendment Development and Review.** The District circulated a copy of the draft Amendment to the Board, other state agencies, Metropolitan Council, and local governments for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7 on May 14, 2012. A summary of comments received and the District's response was received on July 17, 2012. A public hearing was held on August 23, 2012. No comments were received. The final draft of the Amendment was received by the Board on August 31, 2012.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.

6. **Metropolitan Council Review.** The Council indicated the amendment was a comprehensive approach to improving the area's drainage system and did not request changes.

7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

8. **Department of Health Review.** The MDH did not comment on the Amendment.

9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

10. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.

11. **Department of Transportation Review**. The DOT did not comment on the Amendment.

12. **Board Review.** Board staff found the amendment to be consistent with Minnesota Statute and Rule and did not request changes.

13. **Amendment Summary.** The Amendment incorporates by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010.

14. **Metro Water Planning Committee Meeting.** On October 1, 2012, the Board's Metro Water Planning Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Joe Collins, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

## CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Comfort Lake Forest Lake Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

## ORDER

The Board hereby approves the attached Amendment, dated April 26, 2012, to the Comfort Lake Forest Lake Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 24th day of October, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

**Proposed Plan Amendment (April 26, 2012)**

**(Insert on page 53 of CLFLWD Watershed Management Plan – October 2011)**

**I. (CIP) Sunrise River Water Quality and Flowage Project, Phased Implementation: Project descriptions 5229A through 5229H identify specific actions that the District may take to implement this petitioned project. The need for the project, as defined in the original petition of the Chisago County Board of Commissioners (Appendix B), is to improve water quality, seasonal flooding and other water quantity conditions within the subwatershed that drains to the Sunrise River and Comfort Lake. The project therefore is not a single action but rather a water resource-based program encompassing a slate of capital projects and program activities that the Board, on the basis of staff and engineer analysis, finds will cost-effectively advance the project goals. In addition, for reasons related to the District's budget and spending capacity, the timing of landowner interest and the benefit of basing actions on results of preceding work (adaptive management approach), projects will be implemented over a period of time.**

**Project description 5229I establishes a foundation for programs and capital projects that the Board may identify over the planning period as appropriate for implementation, in addition to or in place of those identified in projects 5229A through 5229H. Because the District intends to take advantage of opportunities as they arise, without delay or undue administrative process, a procedure is described here to identify and approve such actions without the need for further plan amendment procedures.**

**The foundation of project selection will be the report of the District engineer prepared as a part of the petitioned process. This report is a comprehensive review of hydraulic, hydrologic and ecologic data for the subwatershed and contains feasibility analyses for actions including capital projects, stormwater system retrofits and rough fish management. Pursuant to statutory process (Minnesota Statutes §103D.745), the engineer's report will be finalized and accepted by the Board only after review by the Minnesota Board of Water and Soil Resources, the Department of Natural Resources, Chisago and Washington Counties and the cities and townships within the watershed, as well as interested members of the public. The District will undertake an implementation action only after a Board finding that it is consistent with the engineer's report. The final engineer's report is incorporated into and, by reference, made a part of this Watershed Management Plan.**

**Implementation actions that the Board identifies as consistent with the engineer's report would be subject to several further process steps.**

- **First, spending for project implementation will be set annually through the District's workplan and budgeting process. This is a public process that occurs in August and early September each year. It includes a public notice and hearing required by statute at which any interested person may address the Board of Managers on the proposed budget.**

- **Second, all proposed project activities will be presented to the District's citizens' advisory committee under Minnesota Statutes §103D.331. The Board of Managers will carefully consider all committee review and input.**

- **Third, all proposed actions constituting capital projects will be approved for funding and implementation only after following the procedure of Minnesota Statutes §103B.251. This section requires that a public hearing be held to consider the merits of the proposal, with prior published notice as well as written notice, with a copy of or the availability of project plans, to Chisago and Washington Counties, cities and townships within the watershed. The Board of Managers will hear and consider all public comments and make funding decisions in open public meeting.**

**The estimated cost for project implementation, beyond the sum estimated for 5229A through 5229H, is $2,700,000 over the planning period. District costs to implement project actions will be funded through the *ad valorem* property tax levied annually on property within the watershed. The District also will seek grants and other forms of funding assistance from regional, state and federal sources and will seek voluntary collaboration with public and private parties. In addition, some program actions, such as stormwater system retrofits, may be funded by cost-sharing arrangements with participating local units of government or property owners.**

**The District does not intend to establish water management districts or stormwater fee systems for localized funding; if that intent changes, the District would propose to amend this program description and a public process to do so would follow. The financial impact of project implementation on local units of government will be very limited, as financial participation or other commitments (such as assuming the responsibility to maintain stormwater facilities) will be voluntary.**

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Elm Creek WMO Plan Amendment

**Meeting Date:** October 24, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Metro

**Contact:** Brad Wozney, Board Conservationist

**Prepared by:** Brad Wozney, Board Conservationist

**Reviewed by:** Metro Water Planning Committee(s)

**Presented by:** Brad Wozney

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☒ **Order** ☒ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED

Approval of Amendment to the Elm Creek Watershed Management Organization Watershed Management Plan

### SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

WMO Background

The Elm Creek WMO is located exclusively in Hennepin County in the west/northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Mississippi and Crow Rivers to the north, on the east by the West Mississippi and Shingle Creek Watershed Management Organizations, on the south by Bassett Creek WMO and Minnehaha Creek Watershed District, and on the west by the Pioneer – Sarah Creek WMO. The Elm Creek watershed covers approximately 130.5 square miles. There are 21 lakes and four major streams in the Elm Creek watershed. The watershed predominantly drains directly to the Mississippi River with a small portion immediately tributary to the Crow River. The watershed continues to be heavily influenced by agriculture and rural residential development, with some high density housing, commercial, and townhouse developments in the cities of Maple Grove, Plymouth, and Rogers.

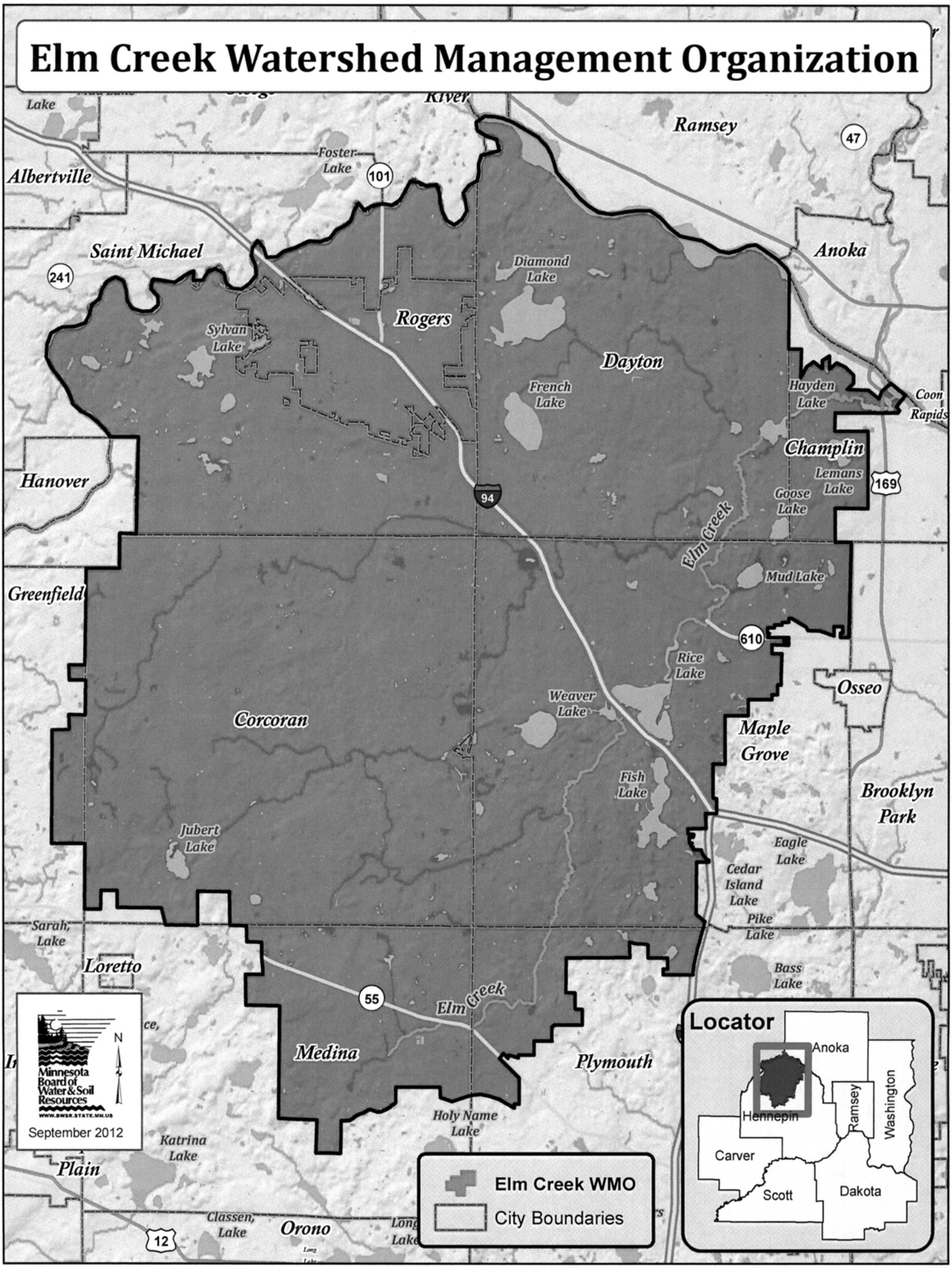
The Commission was formed on February 1, 1973, through a Joint Powers Agreement (JPA) with all or part of the following eight communities: Champlin, Corcoran, Dayton, Hassan Township, Maple Grove, Medina, Plymouth, and Rogers. The City of Rogers recently annexed Hassan Township. The Commission adopted their first Watershed Plan in 1983. Their current watershed management plan was approved in October 2004.

Amendment Summary

The Amendment proposes to revise the implementation program by adding details and re-prioritizing programs, studies, capital improvement projects, and other implementation activities in the Watershed Management Plan. In addition the Amendment clarifies the plan's amendment section by extending the plan expiration to October 2014, which is the maximum timeframe of ten years allowed under statute following the Board's original plan approval. The current plan was scheduled to be originally Board approved in 2003;

however, the Board required the joint powers agreement to be fully executed prior to plan approval and this did not occur until 2004.

The Metro Water Planning Committee met on October 1, 2012. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated September 20, 2012, to the full Board per the attached draft Order.


Elm Creek Watershed Management Organization
Albertville
Foster Lake
Ramsey
47
101
Saint Michael
241
Anoka
Diamond Lake
Rogers
Sylvan Lake
Dayton
French Lake
Hayden Lake
Coon Rapids
Champlin
Hanover
Lemans Lake
169
Goose Lake
94
Elm Creek
Greenfield
Mud Lake
610
Rice Lake
Osseo
Weaver Lake
Corcoran
Maple Grove
Fish Lake
Brooklyn Park
Jubert Lake
Eagle Lake
Cedar Island Lake
Pike Lake
Sarah, Lake
Loretto
Bass Lake
55
Elm Creek
Medina
Plymouth
Holy Name Lake
Katrina Lake
Plain
Classen, Lake
Orono
12
Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
N
September 2012
Locator
Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota
Elm Creek WMO
City Boundaries

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

**In the Matter** of the review of the Amendment to the Watershed Management Plan for the **Elm Creek Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

**ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN**

**Whereas**, the Board of Commissioners of the Elm Creek Watershed Management Organization (Commission) submitted a Watershed Management Plan Amendment dated September 2012 (Amendment), to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

**Whereas**, the Board has completed its review of the Amendment;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions and Order:

## FINDINGS OF FACT

1. **WMO Establishment.** The Commission was formed on February 1, 1973, through a Joint Powers Agreement (JPA) with all or part of the following eight communities: Champlin, Corcoran, Dayton, Hassan Township, Maple Grove, Medina, Plymouth, and Rogers. The City of Rogers recently annexed Hassan Township. The Commission adopted their first Watershed Plan in 1983. Their current watershed management plan was approved in October 2004.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.

3. **Nature of the Watershed.** The Elm Creek WMO is located exclusively in Hennepin County in the west/northwest portion of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the Mississippi and Crow Rivers to the north, on the east by the West Mississippi and Shingle Creek Watershed Management Organizations, on the south by Bassett Creek WMO and Minnehaha Creek Watershed District, and on the west by the Pioneer – Sarah Creek WMO. The Elm Creek watershed covers approximately 130.5 square miles. There are 21 lakes and four major streams in the Elm Creek watershed. The watershed predominantly drains directly to the Mississippi River

DRAFT

with a small portion immediately tributary to the Crow River. The watershed continues to be heavily influenced by agriculture and rural residential development, with some high density housing, commercial, and townhouse developments in the cities of Maple Grove, Plymouth, and Rogers.

4. **Amendment Development and Review.** The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on June 14, 2012. The Commission received a comment letter from the Metropolitan Council and the Board. The Commission held a public hearing on September 12, 2012 and no suggested changes were offered. The final draft Amendment was submitted to the Board and plan review agencies on September 20, 2012, for final review and approval.

5. **Metropolitan Council Review.** Met Council commended the Commission for proactive management of the water resources stating the Amendment is consistent with the Council's *Water Resources Management Policy Plan*.

6. **Department of Agriculture Review.** The MDA did not comment on the Amendment.

7. **Department of Health Review.** The MDH did not comment on the Amendment.

8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.

9. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.

10. **Department of Transportation Review.** The DOT did not comment on the Amendment.

11. **Local Review.** The Commission circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, and received no comments.

12. **Amendment Summary.** The Amendment proposes to revise the implementation program by adding details and re-prioritizing programs, studies, capital improvement projects, and other implementation activities in the Watershed Management Plan. In addition the Amendment clarifies the plan's amendment section by extending the plan expiration to October 2014, which is ten years beyond the Board's original approval of the plan.

13. **Board Review.** Board staff requested clarification on specific action items and reminded the Commission that annual activity reports must include a summary of the annual assessment of each member community's local water plan implementation. In addition BWSR staff strongly recommended that funds be set aside as a separate line item to continue to foster relationships and offer technical assistance to agricultural producers

DRAFT

and landowners. All comments were addressed. Board staff commended the Commissions for maintaining a current Plan.

14. **Metro Water Planning Committee Meeting.** The Board's Metro Water Planning Committee met on October 1, 2012, to review and discuss the Amendment. Those in attendance from the Board's Committee were Joe Collins, Rebecca Flood, Faye Sleeper, and Bob Burandt, chair. Board staff in attendance was Metro Region Supervisor Jim Haertel and Board Conservationist Brad Wozney. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

## CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Elm Creek Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Elm Creek Watershed Management Organization's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.

4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

DRAFT

## ORDER

The Board hereby approves the attached Amendment dated September 2012 to the Elm Creek Watershed Management Organization's Watershed Management Plan.

Dated at Saint Paul, Minnesota this 24th day of October 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

DRAFT

## SECTION V

# V. IMPLEMENTATION PROGRAM / PRIORITIES

Based on the information developed in **Sections II through IV**, the Commission has developed a water resource management program that reflects the needs and concerns of the Commission, its member communities, and the residents. In order to reasonably and responsibly identify and prioritize capital improvements, the Commission has established Capital Improvement Program Standards and Guidelines. A prioritized listing of the studies, programs, and capital improvements that have been identified as necessary to respond to the water resource needs within the ~~Commission~~ watershed is outlined on the following tables. The items in these tables were identified through extensive member and public input. This implementation program will be reviewed annually by the Commission.

Capital projects that have been identified for inclusion in the Commission's capital improvement program will be funded in accordance with the Commission's Capital Improvement Program Cost Share Policy. The studies and capital improvements identified in this section of the plan may be entirely or partially completed by the member community, the Commission, or a joint effort between the Commission and a member community. The Commission's schedule for implementing the studies, improvements, and programs is provided on the following tables. The cost identified within the tables reflects the amount of work anticipated to complete these items. ~~However, it is unlikely the Commission will be able to undertake these projects without securing grants or other outside funding within the timeline shown.~~

~~Due to the funding constraints of the Commission, rather than attempting to spread its resources over many projects, the Commission has determined it will primarily focus on a few projects at a time and consider doing other projects as funding becomes available.~~ **~~Therefore, the Commission intends to focus on working to stabilize Elm Creek (CIP-1).~~**

In order to secure funding for ~~this~~ projects ~~and others~~, the Commission intends to undertake one or more of the following activities ~~to secure funding~~:

- Encourage member communities to provide funds to the Commission for a project, study, or program listed in this Plan by agreeing to make it a high priority project if funding is available.

- Actively work to find matching grants or low interest loans for the project, study, or program. Community money and secured grants/loans would then be used for projects, studies, or programs within the member city(ies) that provided the initial funding.

- Commission may contribute funds towards a project if deemed appropriate and reasonable by the Commission. All funding mechanisms will be in accordance with the provisions of the Joint Powers Agreement.

- Multiple communities can collaborate together to provide funds for a joint project that the Commission will then work towards finding available grants/loans.

~~If other projects, programs, or studies come up, the Commission will evaluate their priority and adjust the implementation accordingly. The projects, programs, and studies listed within the Commission's Plan in **Tables V-1B, V-2, and V-3** that are identified to be partially or completely the responsibility of the local community must be included in the local Stormwater Management Plan.~~

## TABLE ~~V-1A~~ V-1

## ~~CURRENT~~ CAPITAL IMPROVEMENT PROJECTS

| No. | Priority [1] | Project Description | Total Project Cost Estimate [2,3] | Estimated Cost to be Funded by Commission [2,3] | Potential Funding Sources [3] | Timeline | 2011 | 2012 | 2013 | 2014 | Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|
| ~~CIP-1~~ | ~~High~~ | ~~Undertake bank stabilization and erosion control project within Elm Creek based on study.~~ | ~~$250,000 to $2,000,000~~ | ~~$125,000 to $2,000,000~~ | ~~Grants, Three Rivers Park District, local communities, General Fund, ad valorem tax~~ | | | | | | ~~Commission has determined this item to be highest priority and thus its imple- mentation focus in the foreseeable future.~~ Individual projects are identified below. |
| CIP-1 | High | Construct rate control/water quality pond to help reduce runoff into Elm Creek from Hamel Road/Tower Drive as part of road improvement project. Pond will reduce TP 12.19#/yr and TSS 3.88 tons/yr. | $275,000 | $68,750 | Medina | | | | | $68,750 | |
| CIP-2 | High | Undertake 1200-ft bank stabilization and erosion control project within Elm Creek Reach D. Increase channel area, lower hydraulic shear stress. Plant native vegetation to stabilize bank and buffer stream from adjacent turf management practices. Relocate or lower underground utilities to prevent channel obstruction. | $180,000 | $45,000 | Plymouth, Commission | | | | | | Project identified in 2007 Channel Study, to be funded in 2015 and beyond |
| CIP-3 | High | Undertake 600-ft bank stabilization and erosion control project within Elm Creek Reach K (2007 Channel Study). Increase channel area and lower hydraulic shear stress. Increase x-sectional area and meander width, plant disturbed areas with native floodplain forest vegetation to prevent erosion and increase habitat value. | $90,000 | $22,500 | Maple Grove, Three Rivers Park District (TRPD), Commission | | | | | | Project identified in 2007 Channel Study, to be funded in 2015 and beyond |
| CIP-4 | High | Develop channel protection volume storage, flood storage and associated water quality improvements within wetland complex (DNR#27043700) at Maple Grove/Corcoran boundary by providing extended detention within the storage basin. | $75,000 | $18,750 | Commission, Corcoran, Maple Grove | | | | | | Project identified in 2007 Channel Study, to be funded in 2015 and beyond |
| CIP-5 | High | Undertake 1000-ft bank stabilization and erosion control project within Rush Creek Reach M (2007 Channel Study). Widen stream along existing alignment, plant native vegetation to prevent erosion. | $150,000 | $37,500 | Maple Grove, Commission | | | | | | Project identified in 2007 Channel Study, to be funded in 2015 and beyond |
| CIP-6 | High | Undertake 1100-ft bank stabilization and erosion control project within Elm Creek Reach O (2007 Channel Study). Construct new channel alignment within floodplain, improve habitat in stream corridor. | $165,000 | $41,250 | TRPD, Commission | | | | | | Project identified in 2007 Channel Study, to be funded in 2015 and beyond |
| CIP-7 | High | Undertake 2000-ft bank stabilization and erosion control project within Elm Creek Reach R (2007 Channel Study). Remove fallen tress to increase channel capacity and reduce bank scour. Reduce channel bank side slopes at existing toe locations, stabilize with riprap and native floodplain forest vegetation to prevent erosion and increase habitat value. | $300,000 | $75,000 | TRPD | | | | | | Project identified in 2007 Channel Study, to be funded in 2015 and beyond |
| CIP-8 | High | Undertake bank stabilziation/erosion control project with a boulder toe, native plantings within Elm Creek Reach X from 0.25 miles upstream of Cartway Road. Riparian restoration of 2000 feet through Jo Nunn Park. Reduce TP 73#/yr; TSS 86tons/yr | $300,000 | $75,000 | Champlin, Commission | | | | $75,000 | | |
| CIP-9 | High | Creek Channelization and Stream Restoration - 3,000 feet from 0.5 mile upstream of Cartway Road to Hayden Lake including bank stabilziation and channelization, riprap to protect toe of stream bank and native vegetation. | $450,000 | $112,500 | Champlin, Commission | | | | | | Possible project to be funded in 2015 and beyond |
| CIP-10 | High | Reconstruct Mill Pond Dam incuding construction of bridge over spillway. Total project cost is $3,400,000. This phase would restore stream edge at dam outfall by stabilizing stream bank from toe to point 5-8 feet above normal flow. Repair plunge pool and improve spillway. Revegetate slopes above riprap section. | $250,000 | $62,500 | Champlin, Commission, West Miss WMO | | | | $62,500 | | |
| CIP-11 | High | Stone's Throw Wetland Restoration. Acquire easements and restore 135 acre wetland adjacent to Rush Creek. | $450,000 | $112,500 | TRPD, Rogers, Corcoran, Commission | | | | | | Projected funding 2015 and beyond |
| CIP-12 | High | Bass Lake Road South. Retrofit street stormsewers with hydrodynamic separators and SAFL baffles in existing storm sewer circuits where construction of ponds is not feasible, reducing TP loading (50-60%) and TSS loading (75-90%) to Edward Lake and Elm Creek. | $250,000 | $62,500 | Maple Grove, Commission | | | | | $62,500 | |
| CIP-13 | High | Cobblestone Hills. Retrofit street stormsewers with hydrodynamic separators and SAFL baffles in existing storm sewer circuits where construction of ponds is not feasible, reducing TP loading (50-60%) and TSS loading (75-90%) to Weaver Lake and Elm Creek. | $100,000 | $25,000 | Maple Grove, Commission | | | | $25,000 | | |

## TABLE ~~V-1A~~ V-1

## ~~CURRENT~~ CAPITAL IMPROVEMENT PROJECTS

| No. | Priority [1] | Project Description | Total Project Cost Estimate [2, 3] | Estimated Cost to be Funded by Commission [2, 3] | Potential Funding Sources [3] | Timeline | 2011 | 2012 | 2013 | 2014 | Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|
| CIP-14 | High | Stabilize and restore approx.11,000 feet of Rush Creek east of I-94 and west of Fernbrook Lane, significantly reducing potential for bank erosion and sediment transport to Elm Creek. Restore native vegetation to provide habitat for wildlife, creating natural area for city demonstration. | $1,650,000 | $250,000 | Maple Grove, Commission | | | | | | Projected funding 2016 |
| CIP-15 | High | Restore hydrology and plant community of 55-acre wetland located between 101st-105th Streets, west of Ranchview Lane. Restore function of wetland including flood and stormwater attenuation, vegetative diversity and integrity, wildlife, amphibian and invertebrate habitat, aesthetic, recreation and educational values and groundwater recharge. | $200,000 | $50,000 | Maple Grove, Commission | | | | $50,000 | | |
| CIP-16 | High | Stabilize and restore approx. 4,500 feet of Rush Creek north of 101 Avenue, significantly reducing potential for bank erosion and sediment transportion to Elm Creek. Restore native vegetation to provide habitat for wildlife. | $675,000 | $168,750 | Maple Grove, Commission | | | | $84,375 | $84,375 | |
| CIP-17 | High | County Road 30. Retrofit street stormsewers with hydrodynamic separators and SAFL baffles in existing storm sewer circuits where construction of ponds is not feasible, reducing TP loading by 50-65%, TSS loading by 75-90% to Rice Lake and Elm Creek. | $200,000 | $50,000 | Maple Grove, Commission | | | | | | Projected funding 2015 |
| CIP-18 | High | Stonebridge. Retrofit street stormsewers with hydrodynamic separators and SAFL baffles in existing storm sewer circuits where construction of ponds is not feasible, reducing TP loading by 50-60%, TSS loading by 75-90% to Rice Lake and Elm Creek. | $200,000 | $50,000 | Maple Grove, Commission | | | | | | Projected funding 2016 |
| CIP-19 | High | Rice Lake Water Quality Improvements. Implement plans to restore the native aquatic plant community, elimnate rough fish and re-establish a healthy fish population that is beneficial to improved water quality. | $120,000 | $30,000 | Maple Grove, Commission | | | | | $30,000 | |
| CIP-20 | High | Fox Creek Streambank Stabilization - Segment 1 - Edison Court. Provide stabilization and protection along 200 feet of streambank, enhance/expand adjacent wetland, reduce sediment transport and provide habitat enhancement and wooded upland protection. Sediment load reduction = 6.4-12.8 tons/year; TP reduction = 6.4-12.8#/year | $48,750 | $12,188 | Rogers, Commission | | | | $12,188 | | |
| CIP-21 | High | Fox Creek Streambank Stabilization - Segment 2 - Creekview Drive. Provide stabilization and protection along 1000 feet of streambank, reducing sediment transport and providing habitat enhancement and wooded upland protection. Sediment load reduction = 21-42 tons/year; TP reduction = 21-42#/year | $150,000 | $37,500 | Rogers, Commission | | | | $37,500 | | |
| CIP-22 | High | Fox Creek Streambank Stabilization - Segment 3- I-94/Hyacinth Drive. Provide stabilization and protection along 3000 feet of streambank, reducing sediment transport and providing habitat enhancement and wooded upland protection. Sediment load reduction = 48-96 tons/year; TP reduction = 48-96#/year | $360,000 | $90,000 | Rogers, Commission | | | | | $90,000 | |
| CIP-23 | High | South Pointe Streambank Stabilization. Provide stabilization and protection along 600 feet of streambank tributary to Fox Creek at its headwaters, reducing sediment transport and providing habitat enhancement and wooded upland protection. Sediment load reduction = 12-24 tons/year; TP reduction = 12-24#/year | $90,000 | $22,500 | Rogers, Commission | | | | | | Projected funding 2016 |
| | | TOTAL | ~~*$250,000 to $2,000,000 $6,728,750*~~ | ~~*$125,000 to $2,000,000 $1,519,688*~~ | | | 0 | 0 | 346,563 | 335,625 | |

~~1. The Commission has determined that the highest priority is to focus on the stabilization of Elm Creek. While the Commission agrees that the other items shown on these tables are important, the Commission has limited resources and has determined that focusing on one area at a time will be more effective. The Commission will re-evaluate its priorities on an annual basis.~~

~~2. Estimated funding level is included here for planning purposes only. Actual costs may vary greatly from estimates provided. This amount is subject to change based on future adjustments to the Joint Powers Agreement, funding and grant availability, or changes in funding levels defined by the annual budget defined by the Commission.~~

~~3. Cost share from the member communities will be based on the Joint Powers Agreement. Subsequent feasibility studies that define the benefit of the project may change the fee/cost share.~~

## TABLE V-1B

## FUTURE CAPITAL IMPROVEMENT PROJECTS

| No. | Priority | Project Description | Total Project Cost Estimate[1,2] | Estimated Cost to be Funded by Commission[1,2] | Potential Funding Sources | Timeline | Comments |
|---|---|---|---|---|---|---|---|
| CIP-2 | High | Complete water quality improvements based on study for Fish Lake (Maple Grove) | $20,000 to $50,000 | $0 | Local community | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-3 | Medium | Undertake bank stabilization and erosion control project within Rush Creek based on study | $250,000 to $2,000,000 | $125,000 to $2,000,000 | Grants, local communities, general fund, ad valorem tax | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-4 | Medium | Undertake bank stabilization and erosion control project within North Fork Rush Creek | $250,000 to $2,000,000 | $125,000 to $2,000,000 | Grants, local communities, general fund, ad valorem tax, | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-5 | Medium | Undertake bank stabilization and erosion control project within Diamond Creek | $200,000 to $1,500,000 | $100,000 to $1,500,000 | Grants, Three Rivers Park District, local communities, General Fund, ad valorem tax | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-6 | Low | Complete water quality improvement project for Elm Creek based on study | $50,000 to $2,000,000 | $25,000 to $2,000,000 | Grants, Three Rivers Park District, local communities, General Fund | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-7 | Low | Complete water quality improvement project for Mill Pond based on study (Champlin) | $300,000 to $1,300,000 | $50,000 to $650,000 | Local community, grant, general fund | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-8 | Low | Complete water quality improvements based on study for Rice Lake, Mud Lake, and Weaver Lake (Maple Grove) | $80,000 to $200,000 | $0 | Local community, | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-9 | Low | Complete water quality improvements based on study for Mud Lake (Plymouth) | $20,000 to $50,000 | $0 | Local community, | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-10 | Low | Complete water quality improvements based on study for Hayden Lake and Diamond Lake (Dayton) | $40,000 to $100,000 | $0 | Local community, | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-11 | Low | Complete water quality improvements based on study for Lemans Lake (Champlin) | $20,000 to $50,000 | $0 | Local community, | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-12 | Low | Complete water quality improvements based on study for Sylvan Lake (Hassan Twp) | $20,000 to $50,000 | $0 | Local community, | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-13 | Low | Complete water quality improvement project for Goose Lake | $30,000 to $100,000 | $15,000 to $100,000 | Grants, Three Rivers Park District, local communities, General Fund, | Project to be undertaken at future date to be determined based on funding availability | Included in SMS-1, funded in 2015 and beyond |
| CIP-14 | Low | Complete water quality improvement project for Crow River based on study | $30,000 to $100,000 | $15,000 to $100,000 | Grants, local communities, general fund, | Project to be undertaken at future date to be determined based on funding availability | Responsibility of others. |
| | | TOTAL | $1,540,000 to $11,450,000 | $580,000 to $10,350,000 | | | |

1. Estimated funding level is included here for planning purposes only. Actual costs may vary greatly from estimates provided. This amount is subject to change based on future adjustments to the Joint Powers Agreement, funding and grant availability, or changes in funding levels defined by the annual budget defined by the Commission.

2. Cost share from the member communities will be based on the Joint Powers Agreement. Subsequent feasibility studies that define the benefit of the project may change the fee/cost share.

**Note to reviewing agencies: This Table is being removed in its entirety. All items are included in Table V-3, SMS-1, or are the responsibility of others.**

## TABLE V-2
## STORMWATER MANAGEMENT PROGRAMS

| No. | Priority [1] | Project Description | Total Cost Estimate [1, 2] | Estimated Cost to be Funded by Commission [1, 2] | Funding Sources | Timeline | 2011 | 2012 | 2013 | 2014 | Comments<br>The following programs occur as part of the Commission's ongoing activities and are included as line items in the Commission's Operating Budget. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| SMP-1 | High | Undertake plan review for development projects for areas where Commission is local permitting authority | ~~$10,000 to $20,000~~ $82,000 annually | ~~$10,000 to $20,000~~ $82,000 annually | General fund | Program is ongoing | 80,000 | 77,000 | 81,000 | 84,000 | 2012 budget, lines 11-15 |
| ~~SMP-2~~ | ~~High~~ | ~~Conduct periodic review and inspection of projects authorized by the permitting authority~~ | ~~$3,000 to $8,000 annually~~ | ~~$3,000 to $8,000 annually~~ | ~~General fund~~ | ~~Program is ongoing~~ | | | | | included in SMP- 1 |
| ~~SMP-3~~ | ~~High~~ | ~~Undertake enforcement responsibilities when there is no local plan or community is not enforcing policies.~~ | ~~$0-$20,000 annually~~ | ~~$0-$20,000 annually~~ | ~~General fund~~ | ~~Program is ongoing~~ | | | | | ~~included in SMP-5~~ |
| ~~SMP-4~~ | ~~High~~ | ~~Annually review development plan review process with local communities~~ | ~~$5,000 to $10,000 annually~~ | ~~$5,000 to $10,000 annually~~ | ~~General fund~~ | ~~Program is ongoing~~ | | | | | included in SMP- 1 |
| ~~SMP-5~~ SMP-2 | High | Undertake LGU responsibility for the Wetland Conservation Act for those cities that choose to utilize this service | ~~$4,000 to $10,000~~ $10,000 annually | ~~$4,000 to $10,000~~ $10,000 annually | General fund | Program is ongoing | 12,750 | 10,000 | 10,200 | 10,200 | 2012 budget, lines 17-21 |
| ~~SMP-6~~ | ~~High~~ | ~~Provide NPDES Phase II assistance for member communities, if requested~~ | ~~$10,000 to $80,000 annually~~ | ~~$0~~ | ~~Local community~~ | | | | | | included in SMP-4 |
| ~~SMP-7~~ SMP-3 | High | Continue the water quality monitoring program for lakes and streams | ~~$20,000 to $120,000~~ $40,000 annually | ~~$20,000 to $120,000~~ $40,000 annually | ~~Grant,~~ General fund ~~local community~~ | Program is ongoing | 39,700 | 39,758 | 40,798 | 41,125 | 2012 budget, lines 23-35 |
| ~~SMP-8~~ | ~~High~~ | ~~Implement water quantity monitoring program for lakes and streams~~ | ~~$10,000 to $50,000 annually~~ | ~~$10,000 to $50,000 annually~~ | ~~Grant, general fund, local community~~ | ~~Program is ongoing~~ | | | | | included in SMP-3 |
| ~~SMP-9~~ SMP-4 | High | Develop and implement a public education program in conformance with NPDES Phase II rules | ~~$5,000 to $20,000~~ $14,000 annually | ~~$5,000 to $20,000~~ $14,000 annually | General fund~~, grants,~~ local community | Program is ongoing | 12,000 | 14,000 | 14,500 | 15,500 | 2012 budget, lines 37-49 |
| ~~SMP-10~~ | ~~High~~ | ~~Implement program to ensure stormwater ponds are maintained and adopt a stormwater system maintenance plan (local community).~~ | ~~$5,000 to $25,000 annually per community~~ | ~~$0~~ | ~~Local community~~ | | | | | | Local community responsibility |
| ~~SMP-11~~ | ~~High~~ | ~~Sweep City-owned paved rural section streets once annually and urban section streets twice annually (local community).~~ | ~~$10,000 to $80,000 annually per community~~ | ~~$0~~ | ~~Local community~~ | | | | | | Local community responsibility |
| ~~SMP-12~~ | ~~Medium~~ | ~~Review progress and policies relating to Total Maximum Daily Load (TMDL's) as they become available.~~ | ~~$0 to $10,000 annually~~ | ~~$0 to $10,000 annually~~ | General fund, ~~grants,~~ local community | | | | | | included in SMS-1~~, SMS-8,~~ and SMP-5~~, and SMP-6~~. |
| ~~SMP-13~~ | ~~Medium~~ | ~~Pursue grant funding to assist public education efforts for local communities~~ | ~~$0 to $10,000 annually~~ | ~~$0~~ | ~~Local community~~ | | | | | | included in SMP-4 |
| ~~SMP-14~~ | ~~Medium~~ | ~~Provide conservation practice technical assistance to farmers who request this service~~ | ~~$0 to $50,000 annually~~ | ~~$0 to $50,000 annually~~ | ~~Grants, HCD, NRCS,~~ | | | | | | included in ~~SMP-1,SMP-6~~ SMP-5 and SMS-1 |
| ~~SMP-15~~ | ~~Medium~~ | ~~Identify and maintain an erosion and sedimentation problem area list for future projects by the Commission or local communities.~~ | ~~$500 - $5,000 annually~~ | ~~$500 - $5,000 annually~~ | ~~General fund, grants,~~ | | | | | | included in ~~SMS-8 and SMP-5~~ SMP-5 ~~and SMS-8~~ |
| ~~SMP-16~~ | ~~Medium~~ | ~~Act as mediator for deadfall removal issues as requested~~ | ~~$0 to $10,000 annually~~ | ~~$0 to $10,000 annually~~ | ~~General fund, local community~~ | | | | | | Local community responsibility |
| ~~SMP-17~~ | ~~Medium~~ | ~~Cooperate with the Minnesota Department of Health to ensure abandoned and unsealed wells are properly sealed (local community).~~ | ~~$0 to $10,000 annually per community~~ | ~~$0~~ | ~~Local community~~ | | | | | | Local community responsibility |
| ~~SMP-18~~ | ~~Low~~ | ~~Remove deadfall in creek that is no longer attached to the land (local community)~~ | ~~$0 to $30,000 annually per community~~ | ~~$0~~ | ~~Local community~~ | | | | | | Local community responsibility |
| ~~SMS-10~~ ~~SMP-5~~ | ~~Medium~~ ~~High~~ | ~~Review local stormwater management plans for conformance with Third Generation Elm Creek Watershed Plan~~ | ~~$8,000 to $40,000~~ | ~~$8,000 - $40,000~~ | ~~General fund~~ | ~~2005-2006~~ | | | | | ~~budgeted in 2015 and 2016~~ |
| ~~SMP-6~~ SMP-5 | High | Assist member cities in developing BMP implementation programs to incentivize residents to install and maintain rain gardens and other best management practices and, initiate/reinforce relationships with and offer technical assistance to agricultural producers and landowners to reduce phosphorus loading to local streams, lakes. | $25,000/year | $3,000/year | Commission education grant | | | | $3,000 | $3,000 | 2012 budget, lines 37-49 |
| | | TOTAL | $187,000 | ~~$575,000 to $3,330,000~~ *$165,000* | | | 144,450 | 140,758 | 149,498 | 153,825 | |

~~1. Estimated funding level is included here for planning purposes only. Actual costs may vary greatly from estimates provided. This amount is subject to change based on future adjustments to the Joint Powers Agreement, funding and grant availability, or changes in funding levels defined by the annual budget.~~
~~2. Cost share from the member communities will be based on the Joint Powers Agreement. Subsequent feasibility studies that define the benefit of the project may change the fee/cost share.~~

# TABLE V-3
## STORMWATER MANAGEMENT STUDIES

| No. | Priority | Project Description | Total Cost Estimate ~~1, 2~~ | Estimated Cost to be Funded by Commission ~~1, 2~~ | Funding Sources | Timeline | 2011 | 2012 | 2013 | 2014 | Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|
| SMS-1 | High | Undertake watershed-wide Total Maximum Daily Load (TMDL). Develop water quality and quantity goals for specific water bodies within the watershed to determine adequacy of water quality and quantity protection policies. | ~~$10,000 to $40,000~~ $460,000 | ~~$10,000 to $40,000~~ $137,000 | MPCA Grant, general fund, ~~local community,~~ Three Rivers Park District | ~~Study to be undertaken at future date to be determined based on funding availability~~ 2010-2014 | 12,000 | 25,000 | 25,000 | 37,500 | 2012 budget, lines 65-71, 96 |
| ~~SMS-2~~ | ~~High~~ | ~~Complete Wetland Management Plan including an inventory and functions and values assessments of wetlands as funds become available (with local communities)~~ | ~~$320,000 to $800,000~~ | ~~$0 to $400,000~~ | ~~Grant, local community~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | responsibility of member cities, complete by 2014 |
| ~~SMS-3~~ | ~~High~~ | ~~Develop buffer width standards for wetlands, storm ponds, lakes, streams (local community).~~ | ~~$10,000 to $50,000~~ | ~~$0~~ | ~~Local community~~ | | | | | | included in ~~SMS-6~~ SMS-7 |
| ~~SMS-4~~ | ~~High~~ | ~~Develop criteria for prioritization of water bodies for water quality.~~ | ~~$5,000 to $20,000~~ | ~~$5,000 to $20,000~~ | ~~General fund~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | included in ~~SMS-6~~ SMS-7 |
| ~~SMS-5~~ | ~~High~~ | ~~Develop criteria for prioritization of flooding problems.~~ | ~~$5,000 to $20,000~~ | ~~$5,000 to $20,000~~ | ~~General fund~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | included in ~~SMS-6~~ SMS-7 |
| ~~SMS-6~~ | ~~High~~ | ~~Develop and adopt floodplain management ordinance in conformance with this Plan (local community).~~ | ~~$5,000 to $50,000~~ | ~~$0~~ | ~~Local community, grant~~ | | | | | | included in ~~SMS-6~~ SMS-7 |
| ~~SMS-7~~ | ~~High~~ | ~~Develop and adopt a shoreland management ordinance in conformance with this Plan (encouraged - local community).~~ | ~~$5,000 to $50,000~~ | ~~$0~~ | ~~Local community, grant~~ | | | | | | included in ~~SMS-6~~ SMS-7 |
| ~~SMS-8~~ | ~~High~~ | ~~Develop and adopt erosion and sediment control ordinance in conformance with this Plan (local community)~~ | ~~$5,000 to $50,000~~ | ~~$0~~ | ~~Local community, grant~~ | | | | | | included in ~~SMS-6~~ SMS-7 |
| ~~SMS-9~~ | ~~High~~ | ~~Compile a wellhead protection zone map as information becomes available from member communities~~ | ~~$5,000~~ | ~~$5,000~~ | ~~General fund~~ | ~~To be developed as information becomes available~~ | | | | | Complete with general funds |
| ~~SMS-10~~ | ~~Medium~~ | ~~Review local stormwater management plans for conformance with Elm Creek Watershed Plan~~ | ~~$8,000 to $40,000~~ | ~~$8,000 - $40,000~~ | ~~General fund~~ | ~~2005-2006~~ | | | | | ~~now SMP-5~~ |
| ~~SMS-11~~ | ~~Medium~~ | ~~Complete hydraulic/hydrologic modeling for watershed and/or locate funding for local communities to complete modeling~~ | ~~$25,000-$150,000~~ | ~~$0 to $25,000~~ | ~~General fund, local community~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | Completed as part of 2007 Channel Study |
| ~~SMS-12~~ | ~~Medium~~ | ~~Update study on Elm Creek erosion problems~~ | ~~$10,000 to $200,000~~ | ~~$10,000 to $200,000~~ | ~~General fund, grants~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | Completed as part of 2007 Channel Study |
| ~~SMS-13~~ | ~~Medium~~ | ~~Complete study on Rush Creek erosion problems~~ | ~~$10,000 to $200,000~~ | ~~$10,000 to $200,000~~ | ~~General fund, grants~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | Completed as part of 2007 Channel Study |
| ~~SMS-14~~ | ~~Medium~~ | ~~Complete study on North Fork Rush Creek erosion problems~~ | ~~$10,000 to $200,000~~ | ~~$10,000 to $200,000~~ | ~~General fund, grants~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | Completed as part of 2007 Channel Study |
| ~~SMS-15~~ | ~~Medium~~ | ~~Complete study on Diamond Creek erosion problems~~ | ~~$10,000 to $200,000~~ | ~~$10,000 to $200,000~~ | ~~General fund, grants~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | Completed as part of 2007 Channel Study |
| ~~SMS-16~~ | ~~Medium~~ | ~~Complete water quality improvement study for Elm Creek~~ | ~~$10,000 to $50,000~~ | ~~$10,000 to $50,000~~ | ~~General fund, grants~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | included in SMS-1 |

## TABLE V-3
## STORMWATER MANAGEMENT STUDIES

| No. | Priority | Project Description | Total Cost Estimate ~~1, 2~~ | Estimated Cost to be Funded by Commission ~~1, 2~~ | Funding Sources | Timeline | 2011 | 2012 | 2013 | 2014 | Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|
| ~~SMS-17~~ | ~~Medium~~ | ~~Complete water quality improvement study for Goose Lake~~ | ~~$10,000 to $50,000~~ | ~~$10,000 to $50,000~~ | ~~General fund, grants~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | included in SMS-1 |
| ~~SMS-18~~ | ~~Medium~~ | ~~Complete water quality improvement study for Crow River~~ | ~~$10,000 to $50,000~~ | ~~$10,000 to $50,000~~ | ~~General fund, grants,~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | Responsibility of others |
| ~~SMS-19~~ SMS-2 | ~~Medium~~ High | Develop model ordinance and/or standards for manure management and livestock fencing and setback standards. | ~~$5,000 - $15,000~~ $5,000 | ~~$5,000 - $15,000~~ $5,000 | General fund, ~~grants~~ | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | 5,000 | 2012 budget, line 53 |
| ~~SMS-20~~ | ~~Medium~~ | ~~Complete water quality study for Rice Lake, Mud Lake, and Weaver Lake (Maple Grove)~~ | ~~$15,000 to $90,000~~ | ~~$0~~ | ~~Local community, grant~~ | | | | | | included in SMS-1 |
| ~~SMS-21~~ | ~~Medium~~ | ~~Complete water quality study for Mud Lake (Plymouth)~~ | ~~$5,000 to $30,000~~ | ~~$0~~ | ~~Local community, grant~~ | | | | | | included in SMS-1 |
| ~~SMS-22~~ | ~~Medium~~ | ~~Complete water quality study for Hayden Lake and Diamond Lake (Dayton)~~ | ~~$10,000 to $60,000~~ | ~~$0~~ | ~~Local community, grant~~ | | | | | | included in SMS-1 |
| ~~SMS-23~~ | ~~Medium~~ | ~~Update study on water quality improvements for Mill Pond and complete study for Lemans Lake (Champlin)~~ | ~~$10,000 to $60,000~~ | ~~$0~~ | ~~Local community, grant~~ | | | | | | included in SMS-1 |
| ~~SMS-24~~ | ~~Medium~~ | ~~Complete water quality study for Sylvan Lake (Hassan Twp)~~ | ~~$5,000 to $30,000~~ | ~~$0~~ | ~~Local community, grant~~ | | | | | | included in SMS-1 |
| ~~SMS-25~~ SMS-3 | ~~Medium~~ Low | Update flood studies within the watershed | ~~$50,000 to $100,000~~ $0 | ~~$50,000 to $100,000~~ $0 | Local communities, general fund | ~~Study to be undertaken at future date to be determined based on funding availability~~ | | | | | Will consider when FEMA update is published. |
| ~~SMS-26~~ | ~~Low~~ | ~~Assist cities in obtaining 2-foot topography or locate funding to assist local communities in obtaining 2-foot topography for selected areas.~~ | ~~$40,000 to $300,000~~ | ~~$0~~ | ~~Local community~~ | | | | | | Being completed by State and County - LiDAR. |
| ~~SMS-27~~ SMS-4 | Low | ~~Complete~~ Utilize the Minnesota Land Cover Classification System (MLCCS) as a planning tool as needed by the local community ~~(local community)~~ to set priority corridor areas in watershed. | ~~$10,000 to $100,000~~ | ~~$0~~ | Local community ~~(need to be determined by local community)~~ | | | | | | Currently used by Commission Staff. Will be included in SMS-7. |
| ~~SMS-4~~ SMS-5 | High | Undertake study to determine opportunity to develop channel protection volume storage within wetland complex at Maple Grove/Corcoran boundary. | $30,000 | $15,000 | Commission, Corcoran, Maple Grove | | | | $7,500 | $7,500 | 2012 budget, line 80 |
| ~~SMS-5~~ SMS-6 | High | Undertake Elm Creek Channel and Hydraulic Study from Mill Pond to Hayden Lake to improve the hydraulic model of Elm Creek and review stream alignments, stream bank erosion and riparian buffers; prescribe channel design; and recommend design features including structural improvements. | $22,000 | $11,000 | Champlin, Commission | | | | | | Funded in 2015 or beyond |
| ~~SMS-6~~ SMS-7 | High | Develop Third Generation Watershed Management Plan | $70,000 | $70,000 | General fund | | | $20,000 | $25,000 | $25,000 | |
| TOTAL | | | ~~$578,000 to~~ $2,920,000 $735,500 | ~~$113,000 to~~ ~~$1,525,000~~ $296,250 | | | 12,000 | 45,000 | 57,500 | 75,000 | |

~~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.~~

## VII. AMENDMENT PROCEDURES

It is the intention of the Elm Creek Watershed Management Commission to have this Watershed Management Plan reviewed and approved by the Board of Water and Soil Resources (BWSR). Once approved, no significant changes to this plan can be facilitated without the approval of the proposed revisions by the BWSR. Significant or major changes to the Commission's Plan shall be made known to the following parties:

1. The member communities' City Council or Township Board
2. The Metropolitan Council
3. The Elm Creek Watershed Commission Board
4. Hennepin County
5. Hennepin Conservation District
6. Minnesota Board of Water and Soil Resources and all review agencies as set forth in Minnesota Rules, Chapter 8410.
7. A public meeting must be held to explain the amendments and a legal notice of this public meeting must be published twice at least 7 days and 14 days prior to the date of the public meeting.

Following notification of the above parties, there will be 45 days to comment on the proposed revisions. Failure to respond within 45 days constitutes approval.

Minor changes to the plan shall be defined as the following:

- Recodification of the plan
- Revision of a procedure meant to streamline administration of the plan
- Clarification of the intent of a policy
- Inclusion of additional data not requiring interpretation
- Revisions to the standards outlined in **Appendix F**
- Any other action that will not adversely affect the member cities or diminish the Commission's ability to achieve the plan goals or implementation program.

Adjustment to subwatershed boundaries will be considered minor changes, provided that the change will have no significant impact on the rate or quality in which stormwater runoff is discharged from the Commission's boundaries. Minor changes to this plan can be made by the Commission Board with the above-noted public notification process. Any changes not listed here are considered a major revision and requires a ~~fill~~ full plan update per Minnesota Statute 103B.231. This plan will be in effect through ~~July 2013~~ October 2014 unless significant changes to the plan are deemed necessary prior to that date.

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Chisago Priority Concerns Scoping Document

**Meeting Date:** October 24, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Metro Region

**Contact:**

**Prepared by:** Mary Kells

**Reviewed by:** Metro Water Planning Committee(s)

**Presented by:** Mary Kells

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☒ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other:

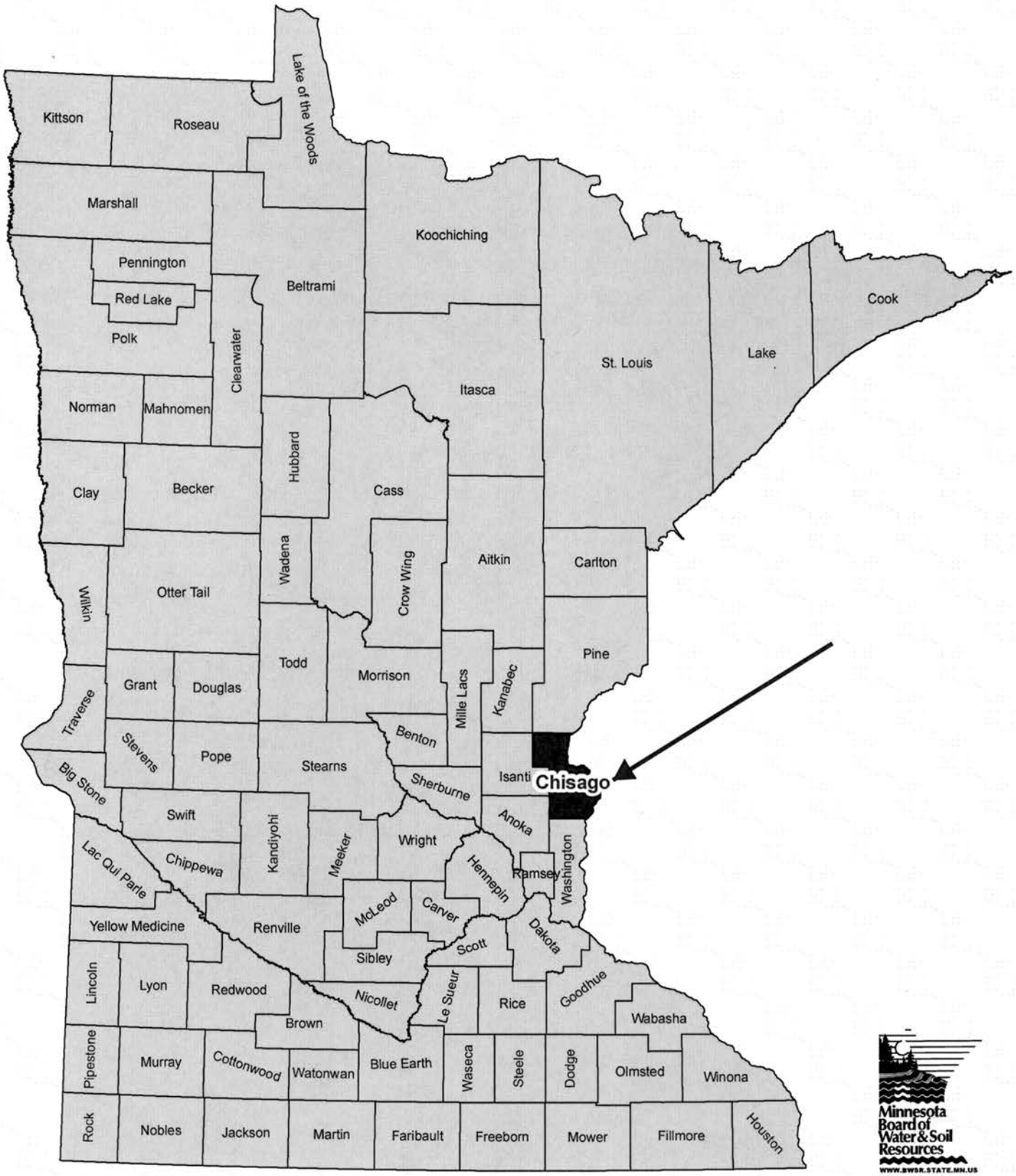
## ACTION REQUESTED

Approval of Chisago County Priority Conerns Scoping Document (PCSD) pertaining to their third generation Water Plan Update (Plan)

## SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

BWSR received the Chisago County PCSD on August 10, 2012. The state review agencies were notified and submitted their comments to BWSR. The BWSR Metro Water Planning Committee (Committee) met on October 1, 2012, to discuss the content of the PCSD, state review agency comments and recommendations for the content of the final Plan. All required components of the PCSD have been covered and the priority concerns to be addressed are deemed to be appropriate. The Committee voted unanimously to recommend the draft official state comment letter pertaining to the review of the Chisago County PCSD be considered and sent to the county.

# Chisago County




Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US

Minnesota Board of Water & Soil Resources

October 24, 2012

Chisago County Commissioners
c/o Jerry Spetzman, Water Plan Coordinator
Department of Environmental Services/Zoning
313 North Main Street
Center City, Minnesota 55012

**RE: Official State Comments Pertaining to the Review of Chisago County Priority Concerns Scoping Document (PCSD) for the Third Generation Water Management Plan Update**

Dear Chisago County Commissioners:

Pursuant to MS Section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns that Chisago County has chosen to address in the update of their Comprehensive Local Water Management (LWM) Plan. The Board of Water and Soil Resources (BWSR) received the Chisago County PCSD on August 10, 2012. The State review agencies received notification on August 13, 2012, and submitted their comments to BWSR.

Chisago County has reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the revision of the LWM Plan as listed below.

1. To protect the quality and quantity of ground water used for drinking water.
2. The introduction or spread of aquatic invasive species and the negative effect on water quality, navigation recreation and fisheries.
3. Septic systems which are failing, noncompliant or an imminent threat to public health.
4. The influence of agricultural, rural and urban land use practices on water quality.
5. That citizens and elected officials receive accurate, understandable information to make informed decision.
6. To obtain sufficient resources to achieve goals established in the Water Plan.

BWSR received comments from the MPCA, MDA, MDH and MDNR during the official review period. No agency comments were received from the Environmental Quality Board. The MPCA, MDA, and MDH concur with the priority concerns identified and felt the priority concern identification process was commendable. MPCA and MDNR offered additional comments to be considered when drafting the LWM Plan. MDNR noted that the PCSD does not violate any statutory or rule requirements administered by their agency. Agency staff have been engaged throughout the PCSD development process.


| Bemidji | Brainerd | Duluth | Fergus Falls | Mankato | Marshall | New Ulm | Rochester |
|---|---|---|---|---|---|---|---|
| 403 Fourth Street NW<br>Suite 200<br>Bemidji, MN 56601<br>(218) 755-2600 | 1601 Minnesota Drive<br>Brainerd, MN 56401<br>(218) 828-2383 | 394 S. Lake Avenue<br>Suite 403<br>Duluth, MN 55802<br>(218) 723-4752 | 1004 Frontier Drive<br>Fergus Falls, MN 56537<br>(218) 736-5445 | 1160 Victory Drive South<br>Suite 5<br>Mankato, MN 56601<br>(507) 389-6784 | 1400 East Lyon Street<br>Marshall, MN 56258<br>(507) 537-6060 | 261 Highway 15 South<br>New Ulm, MN 56073<br>(507) 359-6074 | 3555 9th Street NW<br>Suite 350<br>Rochester, MN 55901<br>(507) 206-2889 |

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer

The BWSR Metro Water Planning Committee (Committee) met on October 1, 2012, to discuss the content of the PCSD, state review agency comments and recommendations for the content of the final LWM Plan.

The Committee commends Chisago County for the process they used to select the concerns – including soliciting input from local government, citizens, and state agencies that involved surveys, public forums, and many one-on-one contacts with county partners – and incorporating that information into the six priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the Subcommittee does not recommend or require any changes to the PCSD as drafted. We look forward to participating in the completion of your plan and its ultimate implementation.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Robert Sip, MDA
David L. Johnson, MPCA
Michele Hanson, MDNR
Art Persons, MDH
Jess Richards, MEQB
Jim Haertel, BWSR
Mary Kells, BWSR

DRAFT

**NEW BUSINESS**

1A. Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400) – Dave Weirens – ***DECISION ITEM***

1B. Adoption of the Proposed Erosion Control and Water Management Program Policy – Dave Weirens – ***DECISION ITEM***

2. 2013 Proposed BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

3. 2012 Strategic Plan Report Card – Don Buckhout – ***INFORMATION ITEM***

4. BWSR 25th Anniversary – Jen Maleitzke/John Jaschke – ***INFORMATION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400)**

**Meeting Date:** October 24, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Land and Water Section/Easement Section

**Contact:** Dave Weirens/Tim Koehler

**Prepared by:** Dave Weirens

**Reviewed by:** Grants Program and Policy Committee(s)

**Presented by:** Dave Weirens

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other:

### ACTION REQUESTED

The Grants Program and Policy Committee is meeting on October 23, 2012 to review and consider the:

1. Proposed Amendments to the Permanent Rules (Rules Chapter 8400) Relating to Land and Water Treatment Program (i.e. Erosion Control and Water Management Program (State Conservation Cost–Share) and Reinvest in Minnesota Reserve Programs); and
2. Proposed Erosion Control and Water Management Program Policy.

Staff are asking the Committee on October 23 to recommend the Board adopt these documents and authorize completion of the rulemaking process. The Board will be asked to consider the Committee's recommendation on October 24.

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Amendments to the statutes that govern the State Conservation Cost Share and Reinvest in MInnesota Reserve Programs were enacted in 2009. Amendments to these rules have been under development for more than two years, and a Notice of Intent to Adopt (the Rules) Without a Public Hearing was published in the State Register on May 7, 2012. This Notice established a comment period through June 6, 2012. This Notice was later amended to extend the comment period through June 11, 2012. 41 requests for a public hearing were received. The Administrative Procedures Act provides that a public hearing must be held if at least 25 requests are received during the public comment period.

Commenters raised several issues, chief among them was a proposed change that would allow BWSR to implement the RIM program through "authorized agents". To address the issues raised in the comments, a meeting was held on August 27 with the individuals that had requested a public hearing and representatives of the Mn Association of Soil and Water Conservation Districts. Several changes were made to the proposed rule and draft policy as a result of this meeting. Subsequently, 21 of the 41 requests for a public hearing were withdrawn. Staff are now proposing to continue the rulemaking process.

Minnesota Board of Water & Soil Resources

Resolution # _____

**Cost Share and Reinvest in Minnesota (RIM) Reserve Programs:**

- **Adopt Rule Amendments and Authorize Completion of the Rulemaking Process; and**
- **Adopt the Erosion Control and Water Management Policy.**

**WHEREAS**, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to adopt rules to implement the Erosion Control and Water Management Program (Cost Share), and Minnesota Statutes 103F.531 authorizes the Board to adopt rules governing the RIM Reserve Program; and

**WHEREAS**, a notice of request for comments on planned amendments to these rules governing the Erosion Control and Water Management Program (Cost Share) and the RIM Reserve Program was published in the State Register on June 21, 2010; and

**WHEREAS**, the BWSR Staff Cost Share Work Group has met beginning in March 2009 to:

- draft rule amendments,
- draft Erosion Control and Water Management Policy that accompanies the rule and is required to Minnesota Statutes 103C.501, and
- update the Statewide Program Manual that will guide program implementation by soil and water conservation districts; and

**WHEREAS**, soil and water conservation districts were notified of the proposed rule changes and new Policy on June 21, 2010, November 2, 2010, May 4, 2012, August 31, 2011June 20, 2012, July 13, 2012 and October 15, 2012; and,

**WHEREAS**, the proposed rule includes changes necessary to:

i) Incorporate statutory changes that have occurred in the RIM Reserve Law (103F.505 to 103F.531);
ii) Incorporate statutory amendments to the Cost-Share Program enacted in 2009, including a directive to adopt Program Policies (103C.501);
iii) Increase the administrative efficiencies for both SWCDs and BWSR;
iv) Respond to evolving resource management strategies by accommodating greater use of other Best Management Practices (BMPs); and
v) Improving the clarity of the permanent rule; and

**WHEREAS**, the Board's Grants Program and Policy Committee met on December 16, 2009, June 8, 2010, March 10, 2011, May 23, 2012 and October 23, 2012 to review the draft rule, review the draft policy, provide direction to staff, and develop a recommendation regarding adoption of the rule for the Board consideration; and

**WHEREAS**, the RIM Reserve Management Planning Committee met on February 23, 2011 to review the draft rule, provide direction to staff, and develop a recommendation regarding adoption of the rule for the Board consideration; and

**WHEREAS,** Notice of Intent to Adopt (the Rules) Without a Public Hearing was published in the State Register on May 7, 2012. This Notice established a comment period through June 6, 2012. This Notice was later amended to extend the comment period through June 11, 2012; and

**WHEREAS,** 41 requests for a public hearing were received during the public comment period; and

**WHEREAS,** the Administrative Procedures Act provides that a public hearing must be held if 25 requests are received during the public comment period; and

**WHEREAS,** a meeting was held on August 27, 2012 with the individuals that had requested a public hearing and representatives of the Mn Association of Soil and Water Conservation Districts to address the issues raised during the public comment period; and

**WHEREAS,** several changes were made to the proposed rule and draft policy as a result of this meeting and, subsequently, 21 of the 41 requests for a public hearing were withdrawn; and

**WHEREAS,** the Board's Grants Program and Policy Committee met on October 23, 2012 to review the draft rule, review the draft policy, provide direction to staff, and is recommending the Board adopt the Rule and the Erosion Control and Water Management Policy; and

**NOW THEREFORE BE IT RESOLVED**, the Board of Water and Soil Resources hereby:
(1) Adopts the Erosion Control and Water Management Program (commonly referred to as State Cost Share) and the RIM Reserve Program (Minn. Rule Chapter 8400), approves the Statement of Need and Reasonableness and authorizes staff to complete the processes necessary to adopt the rule; and
(2) Adopts the Erosion Control and Water Management Policy.

_____ _____

Brian Napstad, Chair Date

# CHAPTER 8400

## BOARD OF WATER AND SOIL RESOURCES

## LAND AND WATER TREATMENT ~~COST-SHARE~~ PROGRAM

8400.0050 PURPOSE.

~~DEFINITIONS~~ EROSION CONTROL AND WATER MANAGEMENT PROGRAM
8400.XXXX AUTHORITY.
8400.0100 DEFINITIONS.
~~8400.0200 AUTHORITY.~~

STATE BOARD FUNCTIONS
8400.XXXX PROGRAM POLICY
8400.0300 APPROVED CONSERVATION PRACTICES.
8400.XXXX MINIMUM COST-SHARE AMOUNTS.
8400.0500 MAXIMUM COST-SHARE RATES.
8400.XXXX RECORDING CONSERVATION PRACTICES.
8400.0600 STATE BOARD ALLOCATION OF FUNDS TO ~~CONSERVATION~~ DISTRICTS.
~~8400.0700 PROGRAM REPORTING AND MONITORING.~~

DISTRICT FUNCTIONS
~~8400.0800 APPLICATION FOR FUNDS BY DISTRICTS.~~
8400.0900 ~~CONSERVATION~~ DISTRICT ADMINISTRATION OF PROGRAM FUNDS.
~~8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS.~~
~~8400.1100 GROUP PROJECT.~~
~~8400.1200 COOPERATIVE AND JOINT PROJECTS OF CONSERVATION DISTRICTS.~~
~~8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION.~~
~~8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.~~
~~8400.1400 CONSERVATION DISTRICT APPROVAL.~~
~~8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT.~~
~~8400.1460 RETURN OF ALLOCATED FUNDS.~~
~~8400.1500 CONSERVATION DISTRICT RECORDS.~~
~~8400.1600 EXECUTING THE COST-SHARE CONTRACT~~.
8400.1650 RECORDING CONSERVATION PRACTICES.
8400.1700 MAINTENANCE.
8400.1750 PRACTICE SITE INSPECTIONS.
8400.1800 APPEALS.
8400.1900 REPORTS TO STATE BOARD.

~~COST-SHARE RATES~~ CONSERVATION EASEMENT PROGRAM
~~8400.2900 DISTRICT RATES.~~
8400.3000 AUTHORITY.
8400.3030 DEFINITIONS.
8400.3060 CRITERIA FOR ALLOCATION OF FUNDS.
8400.3110 DURATION OF CONSERVATION EASEMENTS.
8400.3130 LOCAL PRIORITY SETTING.
8400.3160 CRITERIA FOR ELIGIBLE LAND.

8400.3200 MAXIMUM ENROLLMENT.
8400.3210 DELEGATION OF PROGRAM TO ANOTHER DISTRICT.
8400.3230 APPLICATION BY LANDOWNERS.
8400.3260 LAND IN MORE THAN ONE DISTRICT.
8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.
8400.3330 CRITERIA FOR DISTRICT BOARD REVIEW.
8400.3360 DISTRICT ACTION ON APPLICATIONS.
8400.3390 EASEMENT ACQUISITION PROCEDURES.
8400.3400 CONSERVATION AGREEMENT FOR EASEMENT.
8400.3460 TITLE REQUIREMENTS.
8400.3500 EASEMENT CONVEYANCE.
8400.3530 EASEMENT PAYMENT RATES.
8400.3560 PAYMENT SCHEDULE.
8400.3600 RENEWAL AND EXTENSION OF CONSERVATION EASEMENTS.
8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.
8400.3630 APPROVED PRACTICES.
8400.3700 COST-SHARED PRACTICES.
8400.3730 FAILURE OF APPROVED PRACTICES.
8400.3800 OPERATION AND MAINTENANCE.
8400.3830 VIOLATIONS AND ENFORCEMENT.
8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS.
8400.3930 RECONSIDERATION AND APPEAL.

**8400.0050 PURPOSE.**

The ~~state cost-share~~ land and water treatment program is administered through ~~local conservation~~ districts to provide financial and technical assistance to land occupiers for the application of conservation practices that reduce erosion, control sedimentation, ~~or~~ improve and protect water quality, or address water quantity problems due to altered hydrology to ensure the sustainable use of Minnesota's natural resources.

**Statutory Authority:** *MS s 103C.501*
**History:** *20 SR 2185*
**Posted**: *October 4, 2001*

**~~DEFINITIONS~~ EROSION CONTROL AND WATER MANAGEMENT PROGRAM**

**8400.XXXX AUTHORITY.**

Minnesota Statutes, section 103C.501, authorizes the state board, in cooperation with the districts, to administer a program of cost-sharing with land occupiers for the installation of soil and water conservation practices. Parts 8400.0050 to 8400.1900 provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to districts, and standards and guidelines that the district boards shall use in allocating funds to land occupiers.

**8400.0100 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of parts 8400.0050 to 8400.~~1800~~1900, the definitions in this part, in addition to those in Minnesota Statutes, chapter 103C, apply.

Subp. 1a. [Repealed, 20 SR 2185]

Subp. 2. [Repealed, 20 SR 2185]

~~Subp. 2a. **Administrative Guidelines.** "Administrative Guidelines" means the Administrative Guidelines for the State Cost-Share Program, being the most current compilation of the approved practices, practice guidelines, administrative guidelines, and examples of administrative forms provided to conservation districts by the state board to assist in locally administering the state cost-share program. The publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

Subp. 3. **Annual work plan.** "Annual work plan" means a plan prepared by the ~~conservation~~ district pursuant to Minnesota Statutes, section 103C.331, subdivision 11, paragraph (~~c~~f), and according to the most recent policy ~~version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans~~ published by the state board. ~~That publication is not subject to frequent change, is available at the State Law Library, and is incorporated by reference.~~

~~Subp. 4. **Approved practice.** "Approved practice" means a conservation practice that qualifies for state cost-sharing and that has been approved by the state board.~~

Subp. 5. [Repealed, 20 SR 2185]

Subp. 5a. **Comprehensive local water plan.** "Comprehensive local water plan" means a local water plan authorized under Minnesota Statutes, section 103B.311; a watershed overall plan required under Minnesota Statutes, section 103D.401; a watershed management plan required under Minnesota Statutes, section 103B.231; or a county groundwater plan authorized under Minnesota Statutes, section 103B.255.

Subp. 6. [Repealed, 20 SR 2185]

Subp. 7. [Repealed, 9 SR 2439]

Subp. 7a. [Repealed, 20 SR 2185]

Subp. 8. **Comprehensive plan.** "Comprehensive plan" means a long-range plan adopted by the ~~conservation~~ district pursuant to Minnesota Statutes, section 103C.331, subdivision 11, and according to the most recent policy ~~version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans~~ published by the state board. ~~That publication is not subject to frequent change, is available in the State Law Library, and is incorporated by reference.~~

Subp. 8a. [Repealed, 20 SR 2185]

Subp. 9. **~~Conservation d~~District.** "~~Conservation d~~District" means a soil and water conservation district organized under Minnesota Statutes, chapter 103C.

Subp. 10. **~~Conservation d~~District board.** "~~Conservation d~~District board" means the board of supervisors of a soil and water conservation district as organized under Minnesota Statutes, chapter 103C.

~~Subp. 10a. **Conservation district technical representative.** "Conservation district technical representative" means a district employee assigned by the conservation district board or other designee who has expertise in the design and application of conservation practices.~~

Subp. 10b. **Conservation practices.** "Conservation practices" means practices applied to the land for the purpose of controlling or preventing soil erosion, sedimentation, nutrient runoff, or other water pollution to maintain the sustainable use of soil and water and other natural resources.

Subp. 11. [Repealed, 20 SR 2185]

Subp. 12. [Repealed, 20 SR 2185]

Subp. 13. [Repealed, 20 SR 2185]

Subp. 14. **Effective life.** "Effective life" means the time span for which a conservation practice effectively fulfills its intended purpose.

Subp. 14a. [Repealed, 20 SR 2185]

~~Subp. 14b. **Farm Service Agency**. "Farm Service Agency" means the Farm Service Agency, an agency of the United States Department of Agriculture.~~

~~Subp. 15. **Field Office Technical Guide**. "Field Office Technical Guide" means the document providing technical standards and specifications for conservation practices as provided by the Natural Resource Conservation Service and adopted by the conservation district board.~~

~~Subp. 16. **Group spokesperson**. "Group spokesperson" means a principal land occupier designated by the individuals involved in a group project who is authorized to speak for the entire group in negotiations with a conservation district for cost-share assistance.~~

~~Subp. 16a. **High priority erosion problems**. "High priority erosion problems" means areas where erosion from wind or water is occurring equal to, or in excess of , 2 x T tons per acre per year or is occurring on any area that exhibits active gully erosion or is identified as high priority in the comprehensive local water plan or the conservation district's comprehensive plan.~~

~~Subp. 16b. **High priority water quality problems**. "High priority water quality problems" means areas where sediment, nutrients, chemicals, or other pollutants discharge to Department of Natural Resources designated protected waters or to any high priority waters as identified in a comprehensive local water plan or the conservation district's comprehensive plan, or discharge to a sinkhole or groundwater. The pollutant delivery rate to the water source is in amounts that will impair the quality or usefulness of the water resource.~~

Subp. 17. [Repealed, 9 SR 2439]

Subp. 18. **Land occupier**. "Land occupier" means a person, corporation, or legal entity that holds title to or is in possession of land within a ~~conservation~~ district as an owner, lessee, tenant, or otherwise.

~~Subp. 18a. **Landowner**. "Landowner" means a person, corporation, or legal entity that holds title to a parcel of land.~~

~~Subp. 18b. **Natural Resource Conservation Service**. "Natural Resource Conservation Service" means the Natural Resource Conservation Service, an agency of the United States Department of Agriculture.~~

Subp. 19. [Repealed, 20 SR 2185]

~~Subp. 19a. **Other recognized technical practices**. "Other recognized technical practices" means any conservation practice or compilation of such practices not on the approved list of conservation practices that have been approved by the state board for cost-share assistance on a case-by-case basis.~~

Subp. 20. [Repealed, 20 SR 2185]

~~Subp. 20a. **Protected waters**. "Protected waters" means those waters of the state identified as public waters or wetlands under Minnesota Statutes, section 103G.005, subdivision 15, and inventoried under Minnesota Statutes, section 103G.201, and identified on a protected waters inventory map available in a county auditor's office.~~

~~Subp. 20b. **Registered professional engineer**. "Registered professional engineer" means a person who is duly registered to practice professional engineering according to Minnesota Statutes, sections 326.02 to 326.15.~~

Subp. 20c. [Repealed, 20 SR 2185]

~~Subp. 20d. **Sinkhole**. "Sinkhole" means a depression or hole in the earth's surface caused by dissolving of underlying limestone carbonate bedrock and subsequent settling or collapse of surficial soils.~~

Subp. 21. [Repealed, 20 SR 2185]

Subp. 22. [Repealed, 20 SR 2185]

~~Subp. 22a. **Special project.** "Special project" means a conservation project or program including but not limited to those projects or programs that accelerate implementation of innovative soil and water conservation activities.~~

Subp. 23. **State board.** "State board" means the state Board of Water and Soil Resources created in Minnesota Statutes, section 103B.101.

Subp. 24. [Repealed, 9 SR 2439]

~~Subp. 25. **T.** "T" means the soil loss tolerance that is the maximum average annual rate of soil loss from sheet and rill erosion or wind erosion, expressed in tons per acre per year, that is allowed yet still sustains the productive capacity of the soil to produce food and fiber over the long term.~~

~~Subp. 26. **2 x T.** "2 x T" means soil erosion at the rate of two times T.~~

~~Subp. 27. **Technical approval authority.** "Technical approval authority" means the authorization granted in accordance with the administrative guidelines for the state cost-share program to a conservation district technical representative to provide comprehensive technical assistance for individual conservation practices, including associated technical sign-off as the conservation district technical representative of record.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; L 1987 c 358 s 34; 20 SR 2185*
**Posted:** *October 4, 2001*

**~~8400.0200 AUTHORITY.~~**

~~Minnesota Statutes, section 103C.501, authorizes the state board, in cooperation with the conservation districts, to administer a program of cost-sharing with land occupiers for the installation of soil and water conservation practices. Parts 8400.0050 to 8400.1800 provide procedures and criteria to be followed by the state board in allocating cost-sharing funds to conservation districts, and standards and guidelines that the conservation district boards shall use in allocating funds to land occupiers.~~

Statutory Authority: *MS s 40.036; 103C.501*
History: *9 SR 2439; L 1987 c 358 s 34; 20 SR 2185*
Posted: *October 4, 2001*

## STATE BOARD FUNCTIONS

**8400.xxxx PROGRAM POLICY.**

The State board shall adopt policies providing for administration and implementation of Parts 8400.0500 to 8400.1900.

**8400.0300 APPROVED CONSERVATION PRACTICES.**

~~Subpart 1. **Approved practices.** The state board, in consultation with the conservation districts, shall maintain a list of practices that are eligible for cost-share funds, along with guidelines pertaining to the components of the practices that are eligible or ineligible for cost-share funds. The list includes farmstead windbreaks and is contained in the Administrative Guidelines.~~

Subp. 2. **Criteria for approved conservation practices.** Practices ~~approved by the state board~~ eligible for cost-share funds must meet the criteria in items A to D.

~~A. The primary purpose of all practices must be the control of soil erosion, sedimentation, or chemical or nutrient runoff or infiltration that impairs water quality. Farmstead windbreaks are exempt from this requirement.~~

The objectives of these approved conservation practices may include, but are not limited to, activities that:

(1.) control nutrient runoff;

(2.) control sedimentation;

(3.) divert runoff to protect and improve water quality;

(4.) reduce wind erosion;

(5.) control gully, rill, or sheet erosion;

(6.) protect shoreland from erosion;

(7.) control stormwater runoff;

(8.) protect or improve surface water and groundwater quality;

(9.) provide energy conservation and snow protection; or

(10.) alleviate water quantity problems due to altered hydrology.

B. ~~All practices cost-shared under this program must be designed and maintained for a minimum effective life of ten years. The beginning date for a practice's effective life is the same date the conservation district board approves the final payment and the project is considered complete.~~ Restoration, protection or enhancement of natural wildlife, aquatic or native plant habitat practices are eligible when used in combination with the practices listed in item A.

C. No cost-share funds shall be furnished for conservation practices designed primarily ~~only~~ to increase land productivity.

D. All conservation practices must be consistent with the district's comprehensive plan.

~~Subp. 3. Objectives of approved practices. The Administrative Guidelines contains a list of approved practices. The objectives of these approved practices may include, but are not limited to, activities that:~~

~~A. control nutrient runoff;~~

~~B. stabilize critical erosive areas;~~

~~C. divert runoff to protect and improve water quality;~~

~~D. reduce wind erosion;~~

~~E. control gully, rill, or sheet erosion;~~

~~F. protect shoreland from erosion;~~

~~G. control stormwater runoff; or~~

~~H. protect or improve surface water and groundwater quality;~~

~~Approved practices must meet the criteria listed in subpart 2.~~

**Statutory Authority:** *MS s 40.036; 103C.501; L 1999 c 231 s 203*
**History:** *9 SR 2439; 20 SR 2185; 24 SR 1240*
**Posted:** *October 4, 2001*

**8400.0400** [Repealed, 20 SR 2185]
Posted: *October 4, 2001*

**8400.0500 MAXIMUM COST-SHARE RATES.**

The maximum cost-share rates established by the state board represent the maximum percent or amount of the total cost of a conservation practice that may be funded ~~by~~ using state cost-share funds. ~~Where state and federal funds are cost-shared on the same project, their combined amount shall not exceed the maximum cost-share rate.~~

**Statutory Authority**: *MS s 40.036*
**Posted:** *October 4, 2001*

**8400.xxxx RECORDING CONSERVATION PRACTICES**

The state board may determine that long-term maintenance of a conservation practice is desirable and may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under 84.65.

**8400.0600 STATE BOARD ALLOCATION OF FUNDS TO ~~CONSERVATION~~ DISTRICTS.**

~~Subpart 1. **Comprehensive plan.** Before the state board can allocate cost-share funds to a conservation district it must approve the conservation district's comprehensive plan, including its most recent amendment and the annual work plan. that includes the application and justification for needed cost-share funds. The plans must be in a format required by Minnesota Statutes, section 103C.331, subdivision 11, and the state board.~~

Subp. 2. [Repealed, 9 SR 2439]

~~Subp. 3. Review criteria. The state board shall review all conservation district applications for cost-share funds based on the following criteria:~~

~~A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district comprehensive and annual plans and comprehensive local water plan;~~

~~B. priorities for the control of soil erosion or water quality problems as established in the Administrative Guidelines of the state board;~~

~~C. historical success of the conservation district in applying soil and water conservation practices;~~

~~D. availability of cost-share funds from other sources; and~~

~~E. the ability of the conservation district to expend the funds in a timely manner.~~

Subp. 4. **Grants to ~~conservation~~ districts.** The state board ~~may~~ shall ~~annually~~ allocate cost-share funds to ~~conservation~~ district boards that have fully complied with Minnesota Statutes, section 103C.501, subdivision 3; all ~~state cost-share~~ erosion control and water management program rules; and program policies ~~and comprehensive and annual planning guidelines as prescribed by the state board.~~ ~~At least 70 percent of the cost-sharing funds available statewide will be allocated to conservation districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. The remaining cost-share funds may be allocated by the board to conservation districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services.~~

Subp. 5. **Other ~~state and federal~~ funds.** Other funds received by the state board may be allocated to ~~conservation~~ districts for the treatment of erosion, sedimentation, ~~or~~ water quality problems, or water quantity problems due to altered hydrology. These additional funds may be incorporated with existing ~~cost-share~~ erosion control and water management program funds and their use may be governed by the program policy ~~Administrative Guidelines~~ or may be subject to other ~~administrative~~ policies or guidelines required to fully implement the intent for which these additional funds were appropriated.

**Statutory Authority:** *MS s 40.036; 103C.501*
**History**: *9 SR 2439; 20 SR 2185*
**Posted**: *October 4, 2001*

**~~8400.0700 PROGRAM REPORTING AND MONITORING.~~**

~~For the purpose of reporting and monitoring the progress of the program and use of funds, each conservation district shall submit an annual report of the year's accomplishments according to the guidelines and requirements established by the state board. The state board shall require additional special reports, including, but not limited to, summaries of practice site inspections and special projects.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History**: *9 SR 2439; 20 SR 2185*
**Posted**: *October 4, 2001*

## DISTRICT FUNCTIONS

**~~8400.0800 APPLICATION FOR FUNDS BY DISTRICTS.~~**

~~Each district shall apply for funds as indicated in part 8400.0600.~~

**Statutory Authority:** *MS s 40.036*
**Posted:** *October 4, 2001*

**8400.0900 ~~CONSERVATION~~ DISTRICT ADMINISTRATION OF PROGRAM FUNDS.**

Subpart 1. **General**. Following receipt of grant funds from the state board, a ~~conservation~~ district is responsible for administration of the funds in accordance with Minnesota Statutes, chapter 103C, ~~the Administrative Guidelines, and all other applicable laws. The conservation district board shall make all decisions concerning use of these funds in accordance with~~ parts 8400.0050 to 8400.~~1800~~ 1900, ~~the Administrative Guidelines~~ program policies, and all other applicable laws. All funds allocated to ~~conservation~~ districts must be used for the purposes designated by the state board.

Subp. 2. **Maximum cost-share rate ~~percentage~~.** Prior to considering any applications from land occupiers for cost-share assistance, the ~~conservation~~ district board shall establish cost-share rates for conservation practices to be installed under the program, up to the maximum rates established by the state board. ~~The maximum percent of the total eligible cost of the practices installed using state cost-share funds must not exceed 75 percent. Other state or federal funds from any source, when used in combination with cost-share funds of this program, must not exceed the maximum payment rate of 75 percent of the total eligible costs. The conservation district board shall establish cost-share rates based on the following factors:~~

~~A. the extent of high priority erosion or water quality problems in the conservation district as outlined in the conservation district's comprehensive and annual plans;~~

~~B. advice of technical experts familiar with the conservation district;~~

~~C. cost-share rates currently in effect under the agricultural conservation program administered by the United States Farm Service Agency and other assistance programs;~~

~~D. conservation district priorities as established in the conservation district's comprehensive and annual plans and comprehensive local water plan;~~

~~E. cost-share funds available; and~~

~~F. the state board's Administrative Guidelines.~~

~~The maximum cost-share rates must be identified in the conservation district's annual plan and other documents containing the policies of the conservation district.~~

Subp. 3. ~~**Reencumbering funds**. Prior to the end of the grant period for which the state board has granted the cost-share funds, a conservation district board may reencumber all funds resulting from canceled projects or from those projects that did not use the full amount encumbered. For unencumbered funds remaining after the grant period, the conservation district board shall follow the procedures described in part 8400.1460.~~

**Criteria for district board review**. The district board shall use the following factors to determine practice eligibility and review of applications for conservation practice funding:

A. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:

(1) grant the district's representatives access to the parcel where the conservation practice will be located;

(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and

(3) be responsible for operation and maintenance of conservation practices applied under this program according to an operation and maintenance plan prepared or approved by ~~the~~ a district technical representative or its delegate.

B. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.

C. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.

D. Conservation practices where construction has begun prior to district approval are ineligible for financial assistance. The Board may waive this requirement for emergency needs.

Subp. 4. **Entering into a contract.** After completion of the district board, or its delegate, review of practice eligibility, the district board, or its delegate, shall either approve or deny the application.

**Statutory Authority**: *MS s 40.036; 103C.501*
**History**: *9 SR 2439; 20 SR 2185*
**Posted**: *October 4, 2001*

~~**8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS.**~~

~~Land occupiers seeking assistance under this program shall apply to the conservation districts on forms provided by the state board and available from the conservation district office. Each application must be filled out in its entirety and must be signed by the land occupier. If the land occupier is not the landowner, the application must also bear the landowner's signature.~~

**Statutory Authority:** *MS s 40.036; 103C.501*

**History**: *9 SR 2439; 20 SR 2185*
**Posted**: *October 4, 2001*

**~~8400.1100 GROUP PROJECT.~~**

~~Where the cooperation of several land occupiers is required to solve an erosion or water quality problem, the conservation district may share the cost of such a group project if all of the land occupiers are eligible as individuals and the practices satisfy the criteria of the program. The land occupiers must reach agreement on division of payments and designate a group spokesperson. The spokesperson must sign the application on behalf of the group and negotiate all project details with the conservation district. Payment for the conservation district's share of the practice shall be issued to the group spokesperson who will be responsible for executing the division of payment plan prepared by the group.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; 20 SR 2185*
**Posted:** *October 4, 2001*

**~~8400.1200 COOPERATIVE AND JOINT PROJECTS OF CONSERVATION DISTRICTS.~~**

~~Subpart1. **Land in more than one conservation district.** If a project involves land in more than one conservation district, application for the entire project must be made to the conservation district containing the majority of the project lands.~~

~~Subp. 2. **Pooling cost-share allocation for joint projects.** Conservation district boards may enter into an agreement to pool all or portions of their collective cost-share allocations to implement joint projects. Cooperative and joint projects may be undertaken to accomplish watershed-based resource management goals or other goals of mutual benefit as identified in the county's comprehensive local water plan or the district's comprehensive plan.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; 20 SR 2185*
**Posted:** *October 4, 2001*

**~~8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION.~~**

~~A determination of the effectiveness of a practice to address the erosion or water quality problem and a cost estimate must be made by the conservation district technical representative prior to the conservation district board's review of the application for cost-share funds. The assessment and cost estimate must be conducted by an individual with the appropriate level of technical approval authority or by a registered engineer with expertise in the design of the conservation practices.~~

**Statutory Authority:** *MS s 103C.501*
**History:** *20 SR 2185*
**Posted:** *October 4, 2001*

**~~8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW.~~**

~~Criteria for conservation district board review:~~

~~A. The practice needed to solve the problem must be on the list of approved practices presented in the Administrative Guidelines or must have received approval from the state board.~~

~~B. The primary purpose of the requested practice must be to treat a high priority erosion problem or high priority water quality problem, except for farmstead windbreaks.~~

~~C. The requested practice must be consistent with conservation district plans and priorities.~~

~~D. The application must be signed by the land occupier and the landowner, if different, indicating their agreement to:~~

~~(1) grant the soil and water conservation district's representatives access to the parcel where the conservation practice will be located;~~

~~(2) obtain all permits required in conjunction with the installation and establishment of the practice prior to starting construction of the practice; and~~

~~(3) be responsible for operation and maintenance of practices applied under this program according to an operation and maintenance plan prepared by the conservation district technical representative.~~

~~E. Costs to repair damage to conservation practices installed with state cost-share dollars are eligible if the damage was caused by reasons beyond the control of the land occupier.~~

~~F. If the practice has fully met or exceeded its designed effective life, the cost to reconstruct the practice is eligible for cost-share assistance.~~

**Statutory Authority:** *MS s 40.036; 103C.501; L 1999 c 231 s 203*
**History**: *9 SR 2439; 20 SR 2185; 24 SR 1240*
**Posted**: *October 4, 2001*

**~~8400.1400 CONSERVATION DISTRICT APPROVAL.~~**

~~Subpart . 1. **General.** After completion of the conservation district board review, the conservation district board shall either approve or deny the application. If it is approved, the conservation district board shall instruct the chair or acting chair to sign the application. Once it is signed, the application becomes the contract between the conservation district and land occupier and serves as the authorization to construct the practice according to the approved conservation practice plan. Practices where construction has begun prior to conservation district approval are ineligible for financial assistance. Changes in any provisions of the contract are subject to review and approval by the conservation district board pursuant to part 8400.1600, subpart 1.~~

~~If the application is denied, the conservation district board shall notify the land occupier in writing within 30 days after conservation district board action of the reason for denial.~~

~~Subp. 2. **Conservation practice plans.** The project plans for conservation practices must be prepared according to standards in the Field Office Technical Guide or other standards approved by the state board and must be approved by a conservation district technical representative with the appropriate level of technical approval authority. Plans prepared by a registered professional engineer must meet Field Office Technical Guide standards, meet other standards approved by the state board, or be certified as appropriate standards by the registered professional engineer. Upon completion and technical approval of the plan, one copy must be given to the land occupier and one copy retained with the project file located in the conservation district office.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; 17 SR 1279; 20 SR 2185*
**Posted:** *October 4, 2001*

**~~8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT.~~**

~~Subpart 1. Time limit and cancellation. Projects not started within 18 months after conservation district board approval must be canceled unless an amendment to the project contract has been approved by the conservation district board. Projects not completed by the end of the state's third fiscal year after initial conservation district board approval must be canceled unless prior written approval of the state board has been received.~~

~~Subp. 2. Partial payment. In cases where weather or other unanticipated circumstances beyond the control of the land occupier force postponement of certification of completion until the following construction season,~~

~~the conservation district board may issue a partial payment for the work that has been completed. The conservation district board shall not consider issuing a partial payment unless:~~

~~A. the anticipated completion date complies with subpart 1;~~

~~B. the completed work meets the requirements of part 8400.1400, subpart 2; and~~

~~C. the conservation district technical representative has reviewed the work and has defined the total percent of construction that is complete.~~

~~Subp. 3. Partial payment conditions. If the conservation district issues a partial payment under subpart 2, the following conditions apply:~~

~~A. payment percentages must comply with part 8400.0900, subpart 2;~~

~~B. the balance of the project must be paid by the conservation district board upon the satisfactory completion of the total project;~~

~~C. all expenses incurred to correct damage caused by the land occupier's failure to expeditiously complete the conservation practice must be borne by the land occupier;~~

~~D. land occupiers receiving partial payments must complete the project with in a time deemed reasonable by the conservation district board; and~~

~~E. land occupiers not completing partially paid projects shall be considered as violating part 8400.1700 and shall be directed, unless otherwise authorized by the state board as provided elsewhere in part 8400.1700, to return the amount of financial assistance received.~~

~~Every request for partial payment will be considered by the conservation district board on its own merits.~~

~~Subp. 4. Denial. If theconservationdistrictboarddeniesarequestforpartialpaymentundersubpart 2, the board shall notify the land occupier within 30 days of the reasons for denial of the request.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; 20 SR 2185*
**Posted:** *October 4, 2001*

**~~8400.1460 RETURN OF ALLOCATED FUNDS.~~**

~~Cost-share funds unencumbered by the conservation district board after the grant period must be returned to the state board within 30 calendar days following the end of that grant period.~~

**Statutory Authority:** *MS s 103C.501*
**History:** *20 SR 2185*
**Posted:** *October 4, 2001*

**~~8400.1500 CONSERVATION DISTRICT RECORDS.~~**

~~The conservation district shall maintain a current ledger of all cost-share contracts on forms provided by the state board. The ledger must specify the land occupiers with whom the conservation district has contracted, the practices involved, the status of construction, and a total of funds encumbered. The conservation district shall also document efforts to identify and contact land occupiers with high priority erosion problems.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; 20 SR 2185*
**Posted:** *October 4, 2001*

**~~8400.1600 EXECUTING THE COST-SHARE CONTRACT.~~**

~~Subpart 1. **Amending cost-share contracts.** Because of extreme circumstances such as, but not limited to, weather and unforeseen geologic conditions, it may be desirable to amend the original cost-share contract. If changes to the original cost-share contract are needed, an amendment must be approved by the conservation district board. The conservation district board shall not approve amendments that increase the originally approved cost-share percentage, nor shall the conservation district board approve any amendments after the approval to issue final payment on the original contract has been made.~~

~~Subp. 2. **Construction of practice**. Construction of the practices must be monitored by the conservation district board to ensure compliance with part 8400.1400, subpart 2. Upon completion, the conservation district technical representative with appropriate technical approval authority or the registered engineer shall certify whether the practice has been satisfactorily constructed according to the approved conservation practice plans and meets the design criteria of the practice as specified in the Field Office Technical Guide or other standards certifiable by a registered professional engineer or other standards approved by the state board. No certification shall be made until all specifications have been satisfied. Exceptions for partial completion must be according to part 8400.1405, subpart 3. Upon certification of completion, the land occupier shall contact the conservation district for payment and shall present documentation of all costs incurred in the installation of the practice in the form of receipts or invoices.~~

~~Subp. 3. **In kind services and materials.** In kind services and materials provided by the land occupier such as, but not limited to, earth work, seedbed preparation, seeding, and permanent fencing materials may be credited toward the land occupier's share of the total cost of the practice. The conservation district board shall determine whether charges for in kind services and materials are practical and reasonable.~~

~~Subp. 4. **Actual cost different than estimated cost.** In cases where the actual cost of the practice exceeds the estimated cost, the conservation district may only share the approved percentage of the estimated cost, except when an amendment to increase the cost estimate listed on the cost-share contract has been approved by the conservation district board. Where the actual cost is less than the estimated cost, the conservation district shall only share the approved percentage of the actual cost of the practice.~~

~~Subp. 5. **Issuing cost-share payments**. The conservation district board shall review the receipts or invoices provided by the land occupier to determine the actual cost of the practice. When the conservation district determines that all claims are practical and reasonable, it shall authorize issuance of a check for the conservation district's share of the practice. If the conservation district board determines that certain claims are not justified, it shall notify the land occupier in writing of the unjustified claims within 30 days. The conservation district board shall then authorize the issuance of a check for the conservation district's share of the justified claims.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; 20 SR 2185*
**Posted:** *October 4, 2001*

**8400.1650 RECORDING CONSERVATION PRACTICES.**

When a district board, or its delegate, determines that long-term maintenance of a conservation practice is desirable, the board, or its delegate, may require that maintenance be made a covenant upon the land for the effective life of the conservation practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under 84.65. ~~The size, location, and effective life of the soil and water conservation practices that have received cost-share payments under this program equal to or in excess of $50,000 shall be recorded by the conservation district on the property title. The conservation district board may require the recording of practices where cost-share payments are less than $50,000 where such action is considered appropriate by the conservation district board. Recording procedures, including the prescribed forms, are described in the administrative guidelines for the state cost-share program.~~

**Statutory Authority:** *MS s 103C.501*
**History:** *20 SR 2185*

**Posted:** *October 4, 2001*

**8400.1700 MAINTENANCE.**

Subpart 1. **Land occupier maintenance responsibilities**. The land occupier is responsible for operation and maintenance of conservation practices applied under this program to ensure that their conservation objective is met and the effective life~~, a minimum of ten years,~~ is achieved. Should the land occupier fail to maintain the conservation practices during their effective life, the land occupier is liable to the ~~state of Minnesota~~ district for up to one-hundred-fifty percent ~~the full amount~~ of financial assistance received to install and establish the conservation practice. The land occupier is not liable for cost-share assistance received if the failure was caused by reasons beyond the land occupier's control, or if ~~soil and water~~ conservation practices are applied at the land occupier's expense which provide equivalent protection of the soil and water resources.

Subp. 2. **Reapplication ~~or removal~~ of conservation practices.** In no case shall a ~~conservation~~ district provide cost-share assistance to a land occupier for the reapplication of conservation practices which were removed by the land occupier during their effective life or that failed due to improper maintenance. ~~The conservation district board may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.~~

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; 20 SR 2185*
**Posted:** *October 4, 2001*

**8400.1750 PRACTICE SITE INSPECTIONS.**

~~As a condition to receive grant funds from the state board, the conservation district shall ensure compliance with the maintenance provisions of part 8400.1700 and Minnesota Statutes, chapter 103C, by monitoring all cost-share contracts made with land occupiers.~~ The ~~conservation~~ districts or its delegate shall conduct site inspections of conservation practices installed with cost-share funds to determine if the land occupier is in compliance with the operation and maintenance requirements under part 8400.1700 and the policy, guidelines, and requirements of the state board. ~~Site inspection procedures, including the prescribed forms and frequency, are described in the Administrative Guidelines for the State Cost-Share Program.~~

**Statutory Authority:** *MS s 103C.501*
**History:** *20 SR 2185*
**Posted:** *October 4, 2001*

**8400.1800 APPEALS.**

Land occupiers may appeal a ~~conservation~~ district's action within 60 days of receiving notice of the action by submitting a written request to the ~~conservation~~ district board asking the board to reconsider its decision. Should the land occupier and the ~~conservation~~ district board reach an impasse, the land occupier may petition to appeal the ~~conservation~~ district board's decision to the state board within 60 days of receiving notice of the district board's final decision. ~~If an informal hearing is granted, the state board or its appointed mediator shall hear all testimony offered, and shall accept written testimony for ten days after the hearing. The mediator, if one is used, shall report the findings and recommendation to the state board.~~ The state board or its executive director shall review and grant the petition unless it is deemed without sufficient merit within 30 days of the receipt of the petition. The state board shall make its decision on the appeal, if granted, within 60 days of ~~the~~ a hearing date ~~or 60 days after receiving the mediator's report~~. The state board's decision may uphold, remand, reverse or amend ~~upholding, reversing, or amending~~ the decision of the ~~conservation~~ district board.

**Statutory Authority:** *MS s 40.036; 103C.501*
**History:** *9 SR 2439; 17 SR 1279; 20 SR 2185*

**Posted:** *October 4, 2001*

**8400.1900 REPORTS TO STATE BOARD.**

For the purpose of reporting and monitoring the progress of the program and use of funds, each ~~conservation~~ district shall submit an ~~annual report of the year's~~ accomplishments report according to the guidelines and requirements established by the state board. ~~Each district shall submit to the state board the reports identified in part 8400.0700.~~

**Statutory Authority:** *MS s 40.036*
**Posted:** *October 4, 2001*

8400.1950 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2000 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2100 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2200 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2300 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2400 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2500 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2600 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2700 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2705 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

8400.2800 [Repealed, 20 SR 2185]

Posted: *October 4, 2001*

~~COST-SHARE RATES~~ EASEMENT PROGRAM

~~**8400.2900 DISTRICT RATES.**~~

~~Each district shall establish its cost-share rates as provided in part 8400.0900.~~

**Statutory Authority:** *MS s 40.036*
**Posted:** *October 4, 2001*

**8400.3000 AUTHORITY.**

Minnesota Statutes, sections 84.95, 103A.209, and 103F.501 to 103F.531, authorize the state board, in consultation with districts, private groups, and state and federal agencies, to implement a program to ~~(a)~~ acquire ~~permanent~~ easements on land ~~containing type 1, 2, 3, or 6 wetlands; (b)~~ to retire certain marginal agricultural land ~~from agricultural crop production or pasturing~~ and protect environmentally sensitive areas to enhance soil and water quality, minimize damage to flood-prone areas, sequester carbon, and support native plant, fish, and wildlife habitats and to reestablish perennial cover and restore wetlands on that land~~; and (c) to enhance and protect other private lands~~. Parts 8400.3000 to 8400.3930 provide procedures and criteria to be followed by the state board and district boards in implementing Minnesota Statutes, sections 103F.501 to 103F.531. The state board shall implement the RIM Reserve program with district boards whenever practical, but may also implement the program directly ~~or through its authorized agents~~.

**Statutory Authority:** *MS s ~~40.45;~~ 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3030 DEFINITIONS.**

Subpart 1. **Scope.** The definitions in this part apply to parts 8400.3000 to 8400.3930.

Subp. 2. **Agricultural crop production.** "Agricultural crop production" means an agricultural activity:

A. including but not limited to tillage, planting, or harvesting operations; and

B. devoted to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops.

Subp. 3. [Repealed, 14 SR 1928]

Subp. 3a. **Agricultural land.** "Agricultural land" means land devoted for use as pasture or hayland for domestic livestock or dairy animals, or to agricultural crop production, or to growing nursery stocks, or for use as animal feedlots, and may include contiguous land associated with these uses.

Subp. 4. **Annual plan.** "Annual plan" means a plan prepared by the district under Minnesota Statutes, section 103C.331, subdivision 11, and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is subject to periodic change. The current version is available at the district office and state board office and is incorporated by reference.

Subp. 5. **Approved practice.** "Approved practice" means a soil and water conservation practice or wildlife habitat enhancement that may be established on an easement area and is described in the easement program practice specifications.

~~Subp. 6. **Authorized farm corporation.** "Authorized farm corporation" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

~~Subp. 6a. **Authorized farm partnership.** "Authorized farm partnership" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

Subp. 7. [Repealed, 14 SR 1928]

Subp. 8. [Repealed, 19 SR 550]

Subp. 9. **Conservation agreement.** "Conservation agreement" means a written contract stating the terms and conditions for conveying a conservation easement by the landowner to the state.

Subp. 10. **Conservation easement.** "Conservation easement" has the meaning given for "conservation easement" in Minnesota Statutes, section 84C.01, paragraph (1).

~~Subp. 10a. **Conservation easement handbook.** "Conservation easement handbook" means the current edition of the state board's publication containing detailed procedures and guidelines for implementing the conservation easement programs administered by the state board. This publication is subject to periodic change, is available at the state board office and at district offices, and is incorporated herein by reference.~~

Subp. 10b. **Conservation easement program.** "Conservation easement program" refers to both the RIM reserve program, as defined in subpart 42, and the permanent wetlands preserve program, as defined in subpart 36a.

Subp. 11. **Conservation plan.** "Conservation plan" means a written description and map of the approved practices that must be applied to or that already exist on the easement area.

Subp. 11a. **Cost-shared practice.** "Cost-shared practice" means an approved practice which qualifies for cost-sharing through a conservation easement program administered by the state board.

Subp. 12. [Repealed, 19 SR 550]

Subp. 13. [Repealed, 19 SR 550]

Subp. 14. **District.** "District" means a ~~local~~ soil and water conservation district organized under Minnesota Statutes, chapter 103C.

Subp. 15. **District board.** "District board" means the board of supervisors of a soil and water conservation district as organized under Minnesota Statutes, chapter 103C.

Subp. 16. [Repealed, 19 SR 550]

Subp. 17. **District technical representative.** "District technical representative" means a district employee or other designee assigned by the district who has expertise in the design and application of approved practices.

Subp. 17a. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to reduce its natural function ~~render the land suitable for agricultural crop production. The alteration must have occurred before~~

~~December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources.~~

Subp. 17b. **Easement program practice specifications.** "Easement program practice specifications" means the detailed descriptions of the approved practices that are allowed on lands enrolled in the conservation easement programs. ~~This information is contained in the current edition of the conservation easement handbook, a publication of the state board that is defined in subpart 10a.~~

Subp. 18 [Repealed, 19 SR 550]

~~Subp. 19. **Family farm.** "Family farm" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

~~Subp. 20. **Family farm corporation.** "Family farm corporation" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

~~Subp. 20a. **Family farm partnership.** "Family farm partnership" has the meaning given in Minnesota Statutes, section 500.24, subdivision 2.~~

Subp. 20b. **Farmed wetland.** "Farmed wetland" means a wetland, as defined in subpart 48, that has been devoted to agricultural crop production, as defined in subpart 2, since December 23, 1985.

Subp. 21. [Repealed, 19 SR 550]

Subp. 22. [Repealed, 19 SR 550]

Subp. 23. **Food plot.** "Food plot" means an area established for the purpose of providing food for wildlife.

~~Subp. 24. **Highway windbreak.** "Highway windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway.~~

~~Subp. 25. **Hydric soils.** "Hydric soils" means soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. A current list of hydric soils is available at the state board office and the district office, is subject to periodic change, and is incorporated herein by reference.~~

~~Subp. 26. **Hydrophytic vegetation.** "Hydrophytic vegetation" means macrophytic plant life growing in water, soil, or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.~~

Subp. 27. **Individual.** Individual" means a person or legal entity, whether or not a resident of Minnesota.

~~Subp. 28. **Inherently unproductive.** "Inherently unproductive" means that the soil properties of available water capacity, bulk density, and pH in the uppermost 100 centimeters (39 inches) of a soil are present so that an unfavorable rooting environment exists for agricultural crop production.~~

Subp. 29. **Introduced hayland.** "Introduced hayland" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation

easement program. These areas must have been harvested by mechanical methods at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 30. **Introduced pasture.** "Introduced pasture" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation easement program. These areas must have been harvested by grazing at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 31. **Landowner.** "Landowner" means an individual~~, family farm, family farm partnership, authorized farm partnership, family farm corporation, authorized farm corporation, estate, or testamentary trust,~~ or entity that is not prohibited from owning agricultural land under MS 500.24 and who either owns eligible land or is purchasing eligible land under a contract for deed in Minnesota.

Subp. 31a. **Land with crop history.** "Land with crop history" means land that has produced horticultural, row, or close grown crops or that has been enrolled at a cropland rate in a federal or state conservation program at least two of the five years prior to applying for enrollment in a conservation easement program, or land that meets the definition of introduced hayland in subpart 29, or land that meets the definition of introduced pasture in subpart 30. For the purposes of parts 8400.3000 to 8400.3930, land with crop history includes acres devoted to "set aside" or "conserving use" for the United States Department of Agriculture programs.

~~Subp. 32. **Local emergency.** "Local emergency" means an emergency declared under Minnesota Statutes, section 12.29.~~

Subp. 33. **Marginal agricultural land.**

"Marginal agricultural land" means land that is:

(1) composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or

(2) similar to land described under clause (1) and identified under a land classification system selected by the board.

~~If the state selects a land classification system as provided by clause (2), the state board will provide districts with a list of soil mapping units indicative of marginal agricultural land. Districts, upon state board approval, may change the list as necessary to reflect local soil characteristics. A current list is available at the state board office and at district offices, is subject to periodic change, and is incorporated herein by reference.~~

Subp. 33a. **Pasture.** "Pasture" means land used for grazing by domestic livestock and land which is not considered land with crop history as defined in subpart 31a.

Subp. 33b. **Pastured hillside.** "Pastured hillside" means land on a hillside that is used for pasture as defined in subpart 33a or used for introduced pasture as defined in subpart 30.

Subp. 34. [Repealed, 19 SR 550]

Subp. 35. [Repealed, 19 SR 550]

Subp. 36. **Perennial cover.** "Perennial cover" means the water area created by restoring a drained wetland or the perennial vegetation established under a conservation easement program, or the perennial vegetation or the water or wetland areas that already exist on the easement area.

Subp. 36a. **Permanent wetlands preserve program.** "Permanent wetlands preserve program" means the program established under Minnesota Statutes, section 103F.516.

Subp. 37. [Repealed, 19 SR 550]

Subp. 38. [Repealed, 19 SR 550]

Subp. 39. [Repealed, 19 SR 550]

Subp. 39a. **Public waters.** "Public waters" means waters as defined in Minnesota Statutes, section 103G.005, subdivision 15, and inventoried under Minnesota Statutes, section 103G.201. A copy of the inventory is available in the district office.

Subp. 39b. **Public waters wetlands.** "Public waters wetlands" means wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

~~Subp. 39c. **Replacement wetland.** "Replacement wetland" means a wetland that has been replaced under Minnesota Statutes, section 103G.2242.~~

~~Subp. 40. **Restorable drained wetland.** "Restorable drained wetland" means a drained wetland as defined in subpart 17a that is practical to restore and for which the state board is able to secure the necessary land rights of adjacent landowners.~~

Subp. 41. [Repealed, 19 SR 550]

Subp. 42. **RIM reserve program.** "RIM reserve program" means the program established in Minnesota Statutes, sections 103F.515 ~~and 103F.525~~.

Subp. 42a. **Riparian land.** "Riparian land" means land adjacent to public waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a comprehensive local water plan, as defined in Minnesota Statutes, section 103B.3363, subdivision 3~~.

Subp. 43. **Screening committee.** "Screening committee" means a group established by the district board to assist in implementing the conservation easement programs. The screening committee is chaired by a district board member, or their delegate, and is composed of representatives of private, state, and local organizations or clubs, and local, state, and federal agencies with an interest in the conservation easement programs.

Subp. 43a. **Sensitive groundwater area.** "Sensitive groundwater area" means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. These areas may be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the state board. Wellhead protection areas and land that is adjacent and draining to a sinkhole may be designated as a sensitive groundwater area.

~~Subp. 44. **Significant potential environmental impact.** "Significant potential environmental impact" means that the use of agricultural land may result in surface water or groundwater quality degradation or deposition of eroded sediments on property of adjacent landowners due to the soil properties of erosion potential, permeability, runoff potential, slope stability, or depth to water table.~~

Subp. 45. **Soil and water conservation practice.** "Soil and water conservation practice" means structural or vegetative practices applied to land for the purposes of controlling soil erosion, sediment, agricultural nutrients or waste, or other water pollutants.

~~Subp. 46. **Soil mapping unit.** "Soil mapping unit" means a unit or type of soil or combination of soils shown on a soil survey map.~~

Subp. 47. [Repealed, 14 SR 1928]

Subp. 47a. **State board.** "State board" means the Board of Water and Soil Resources.

Subp. 48. **Wetland.** "Wetland" means ~~land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation~~ wetlands as defined in Minnesota Statutes, section 103G.005, subd. 1a.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550; L 1996 c 462 s 43*
**Posted:** *October 4, 2001*

~~A. the need for soil erosion or sediment control, protection or improvement of water quality, or improvement of fish and wildlife habitat, within a specified geographical area as determined by the state board, or as identified in the annual plan of each district or in any comprehensive local water plans prepared pursuant to Minnesota Statutes, section 103B.231, 103B.255, 103B.311, 103D.401, or 103D.405;~~

~~B. the cumulative degree of soil erosion or sediment control, protection or improvement of water quality, or improvement of fish and wildlife habitat likely to be accomplished by the enrollment of selected easement areas; and~~

~~C. the expressed interest and readiness of each district board, as well as cooperating groups and agencies, to implement the conservation easement programs.~~

~~The allocated funds may be increased, decreased, or shifted by the state board as necessary to maximize the use of available funds among districts. In selecting land for enrollment in the RIM reserve program, highest priority must be given to permanent conservation easements pursuant to Minnesota Statutes, section 103F.515, subdivision 2, paragraph (f).~~

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3100** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

**8400.3110 DURATION OF CONSERVATION EASEMENTS.**

For purposes of the RIM reserve program, a conservation easement may be permanent or of limited duration. A conservation easement acquired on restorable drained wetlands, replacement wetlands, or land for highway windbreak purposes, must be of permanent duration. A conservation easement of

limited duration may be acquired on other eligible land within a district if it is for a period not less than 20 years and only if the state board has approved enrollment of limited duration conservation easements in that district.

All permanent wetlands preserve program conservation easements must be of permanent duration.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*

**History:** *14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3130** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3160** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3200** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3210 DELEGATION OF PROGRAM TO ANOTHER DISTRICT.**

A district board may enter into an agreement with other district boards as authorized by Minnesota Statutes, section 103C.231, to delegate to another district board the responsibility for administering any conservation easement program of the state board. Where such delegation has been mutually agreed upon, each district board must so notify all landowners in their respective district and each district must so notify the state board.

**Statutory Authority:** *MS s 103F.531*
**History:** *19 SR 550*
**Posted:** *October 4, 2001*

**8400.3230** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3260 LAND IN MORE THAN ONE DISTRICT.**

If an application involves land in more than one district, the participating districts may jointly delegate to one of the districts the responsibility for review and prioritization of that application. If that application is accepted for enrollment, the affected districts may also jointly delegate to one of the districts the responsibility for completing all of the tasks necessary for conveyance of the conservation easement to the state board.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.**

The state board may direct districts to utilize a local screening process or committee to prioritize local project areas or applications. The criteria for screening committee prioritization are as follows:

A. consistency with the purpose and policy of the respective conservation easement program;

~~B. the parcel's relationship to the priorities previously determined in part 8400.3130;~~

~~C~~B. the parcel's potential impact on reducing soil erosion and sedimentation, improving water quality, reducing flooding, and enhancing fish and wildlife habitat;

C. compatibility with established priorities of the organizations and agencies participating in the screening process; and

D. highest priority must be given to permanent easements pursuant to Minnesota Statutes, section 103F.515, subdivision 2, paragraph ~~(f)~~ (e).

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3330** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3360** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3390** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3400 CONSERVATION AGREEMENT FOR EASEMENT.**

The district board shall direct its staff or the district technical representative to develop conservation agreements as prescribed by the state board and in a recordable form for all approved applications which incorporate the minimum requirements stated in Minnesota Statutes, section 103F.515, subdivisions 4 and 5. In addition, each conservation agreement must require the landowner to:

A. pay, when due, all taxes and assessments that may be levied against the easement area;

B. remove any existing structures as required by the district board or the state board prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place, erect, or construct any temporary or permanent structures on the easement area;

C. remove any existing hazardous and toxic substances or any pollutants and contaminants prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place such substances, pollutants, or contaminants on the easement area;

D. properly seal all abandoned wells on the easement area prior to the conveyance of the conservation easement, with all associated costs being the responsibility of the landowner; and

E. allow the state board and its employees and agents to enter the easement area for the purposes of inspection and enforcement of the terms and conditions of the conservation easement.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3430** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

**8400.3460 TITLE REQUIREMENTS.**

The landowner must have good and marketable title that is insurable under a title insurance policy. In addition, the title must not be subject to any prior liens or encumbrances determined to be objectionable by the Attorney General. Objectionable title defects, liens, or encumbrances must be promptly removed or corrected by the landowner prior to easement conveyance.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3500** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3530**

Subpart 1. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 2. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 2a. [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 3. [Repealed, 19 SR 550, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

Subp. 4. [Repealed, 19 SR 550, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3560** [Repealed, L 2009 c 172 art 2 s 32; c 176 art 1 s 52]

**Posted:** *July 2, 2009*

**8400.3600 RENEWAL AND EXTENSION OF CONSERVATION EASEMENTS.**

A. When a conservation easement of limited duration expires, a new conservation agreement and conservation easement for an additional period of not less than 20 years may be acquired by agreement of the state board and the landowner under the rules in force at that time. The state board may adjust payment rates as a result of renewing a conservation agreement and conservation easement after examining the condition of the established cover, conservation practices, and land values.

B. The easement duration may be lengthened through mutual agreement of the current landowner with the state board, in consultation with the commissioners of agriculture and natural resources, if the state board determines that the changes are consistent with the purpose of the conservation easement program. When converting limited duration easements to permanent easements, the payment is the difference between the amount that would be paid per acre for the permanent easement as established for the most recent sign-up period and the amount already paid for the limited duration easement on the area.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.**

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;

B. a letter from the district board recommending either approval or disapproval of the proposed change;

C. a letter from the Department of Natural Resources ~~area wildlife manager~~ recommending either approval or disapproval of the proposed change; and

D. other supporting documents, including:

(1) an aerial photo identifying the requested change;

(2) a soil survey map of the area;

(3) cropping history information; and

(4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3630 APPROVED PRACTICES.**

Subpart 1. **Criteria.** Approved practices must have as their primary purpose the control of soil erosion or sedimentation, protection or improvement of water quality, reduction of flooding, or enhancement of fish and wildlife habitat. Approved practices ~~are~~ may be further specified in the easement program policies or practice specifications. Practices that do not qualify as approved practices include, but are not limited to, Christmas tree plantations and fruit orchards. Food plots are not eligible for conservation easement program cost-sharing, but are considered an approved practice and, therefore, are allowed on enrolled acres ~~if they are included~~ as specified in the easement conservation plan.

Subp. 2. **Establishment of approved practices.** A landowner is responsible for the establishment of all approved practices on the easement area in accordance with the easement program practice specifications. Establishment of approved practices must be monitored by the district board or its delegate to ensure compliance with the conservation plan and the conservation easement. Upon establishment or partial completion of an approved practice, a district technical representative shall certify whether or not the approved practice, in whole or part, has been satisfactorily performed.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3660** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

**8400.3700 COST-SHARED PRACTICES.**

Subpart 1. **Approved practices eligible for cost-sharing.** The state board shall determine which approved practices are eligible for conservation easement program cost-sharing, consistent with the

criteria as described in part 8400.3630, subpart 1, ~~and consistent with the payment limits in Minnesota Statutes, section 103F.515, subdivision 6, paragraph (a), clauses (1) and (2)~~.

Subp. 2. **Eligible costs for cost-shared practices.**

A. Upon satisfactory performance under part 8400.3630, subpart 2, the landowner shall present receipts or invoices to the district board, or their delegate, of the costs incurred in the installation of the cost-shared practice. The district board shall review the receipts or invoices to determine the costs eligible for conservation easement program payment. If the district board determines that the costs requested for reimbursement are reasonable and necessary, it shall recommend payment to the landowner by submitting certification of satisfactory performance and providing documentation of reimbursable practice costs to the state board on forms provided by the state board. If the district board determines that certain costs requested for reimbursement are not eligible or reasonable, it shall notify the landowner in writing of this determination. The landowner may request reconsideration of this determination by the district board within 30 days of receipt of the determination. If additional costs are determined to be eligible and reasonable, the district board shall then recommend payment for the approved amount. The state board reserves the right to approve whether costs requested for reimbursement are eligible and reasonable.

B. Eligible costs for approved practices are limited to those prescribed by the State Board as allowed in Minnesota Statutes, section 103F.515, subdivision 6, ~~paragraph (a), clauses (1) and (2), and to the total state funds encumbered for the cost-shared practices designated in the conservation plan. The amount of encumbered funds may be increased, within the statutory limits, after a landowner request, which has been properly executed on forms prescribed by the state board, has been approved by the state board.~~

C.~~-~~The state board reserves the right to approve and provide funding for cost-shared practices directly ~~or through its authorized agents~~.

Subp. 3. **Payment for in-kind services.** In-kind services provided by the landowner including, but not limited to, earthwork, seedbed preparation, and seeding, may be credited to the landowner's share of the total cost of establishing the cost-shared practice. The district board shall credit only those costs it determines to be practical and reasonable and to approve receipts or invoices directly or through its ~~authorized agents~~ delegate.

Subp. 4. **Funds from other sources.** Conservation easement program cost-sharing funds may be augmented by funds from other agencies, organizations, or individuals. ~~Securing these funds is the responsibility of the landowner.~~

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3730 FAILURE OF APPROVED PRACTICES.**

Subpart 1. **Cost-shared practices.** A landowner is not in violation of the conservation easement if the failure, in whole or part, of a cost-shared practice was caused by reasons beyond the landowner's control such as extreme weather conditions. In these instances, the district board may recommend to the state board that conservation easement program cost-sharing funds be encumbered for reestablishment of the cost-shared practice. The encumbrance must comply with the limits ~~in Minnesota Statutes, section~~

~~103F.515, subdivision 6, paragraph (a), clauses (1) and (2)~~ prescribed by the State Board. In no case may a district board authorize conservation easement program financial assistance to a landowner for the reestablishment of cost-shared practices that were removed or altered by the landowner, or that have failed due to improper maintenance during the term of the conservation easement.

Subp. 2. **All other approved practices.** A landowner is not in violation of the conservation easement if the failure of approved practices was caused by reasons beyond the landowner's control.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3760** [Repealed, 14 SR 1928; 19 SR 550]

**Posted:** *October 4, 2001*

**8400.3800 OPERATION AND MAINTENANCE.**

A landowner is responsible for the operation and maintenance of approved practices designated in the conservation plan.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3830 VIOLATIONS AND ENFORCEMENT.**

Subpart 1. **District board action.** The district board may take such measures as are necessary to ensure landowner compliance with the conservation agreement, conservation easement, and conservation plan. If the district board is unsuccessful at obtaining landowner compliance, the district board shall notify the state board of the violation and may recommend appropriate measures to be taken to correct violations.

Subp. 2. **State board action.** Upon notification ~~by the district board~~ or discovery of a violation of a conservation agreement, conservation easement, or conservation plan, the state board shall take action to resolve the violation.

A landowner who violates the terms of a conservation agreement, conservation easement, or conservation plan under this chapter, or induces, assists, or allows another to do so, is liable to the state for treble damages if the violation is willful or double damages if the violation is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

If the state board is not successful in resolving the violation, it may request the state attorney general to commence legal action to enforce the conservation agreement, conservation easement, or conservation plan.

Subp. 3. **Attorney general action.** Upon request by the state board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce Minnesota Statutes, sections 103F.501 to 103F.531 in district court in the

county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

Conservation easements remain in effect even if maintenance violations have occurred.

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

**8400.3860** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

**~~8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS.~~**

~~The state board may supplement payments made under federal or other state land retirement programs to the extent of available appropriations other than bond proceeds. The payments must be used to establish perennial cover on land or to supplement payments for land enrolled in land retirement programs approved by the state board.~~

**Statutory Authority:** *MS s 103F.531*
**History:** *19 SR 550*
**Posted:** *October 4, 2001*

**8400.3900** [Repealed, 19 SR 550]

**Posted:** *October 4, 2001*

**8400.3930 RECONSIDERATION AND APPEAL.**

Subpart 1. **Reconsideration by district board.** An affected landowner may request the district board to reconsider its:

A. recommendation or determination regarding that landowner's application for enrollment in a conservation easement program;

B. recommendation or determination to cancel that landowner's conservation agreement;

C. determination regarding that landowner's eligible and allowable costs to be reimbursed by the state board;

D. request to that landowner to correct any alleged noncompliant conditions regarding that landowner's enrolled easement area; or

E. recommendation to disapprove that landowner's request to change an enrolled easement area.

Subp. 2. **Time for reconsideration by district board.** A landowner requesting reconsideration under subpart 1 shall mail a written request to the district board within 15 days of receipt of notice of the

district board's determination or recommendation of the matters specified in subpart 1. The request for reconsideration shall include the specific reasons for the request and evidence to support the landowner's claims. The district board shall notify the landowner in writing of its final recommendation and the reasons for the recommendation within 60 days of receipt of the landowner's request for reconsideration.

Subp. 3. **Appeal to state board.** An affected landowner may appeal to the state board from a final recommendation made by the district board pursuant to subpart 2. The landowner shall mail a written appeal to the state board within 15 days after receipt of the district board's final recommendation. The appeal shall include the specific reasons for the request and evidence to support the landowner's claims. The state board shall notify in writing the landowner and the district board of its final decision and the reasons for the decision within 60 days of receipt of the landowner's appeal.

Subp. 4. [Repealed, 14 SR 1928]

**Statutory Authority:** *MS s ~~40.45~~; 103F.531*
**History:** *13 SR 1055; 14 SR 1928; 19 SR 550*
**Posted:** *October 4, 2001*

DRAFT

**STATE OF MINNESOTA**
**BOARD OF WATER AND SOIL RESOURCES**

**In the Matter of the Proposed Adoption of Amendments to Rules Governing the Cost-share Program and the Reinvest in Minnesota Reserve Program, Minnesota Rules Chapter 8400.0050 to 8400.3930.**

# STATEMENT OF NEED AND REASONABLENESS

**October 9, 2012**

## PURPOSE

The principal purpose of this rulemaking is to conform the rule to statutory amendments made to Minnesota Statutes 103C and 103F in 2009. Additional goals are to position the Cost-share and RIM Reserve Programs for increased direction via Board of Water and Soil Resources (BWSR) Board policies and to reduce the administrative burden of these programs.

## INTRODUCTION

**Agency Background:** BWSR is the state's administrative agency for 90 soil and water conservation districts (SWCD), 46 watershed districts, 18 metropolitan watershed management organizations, and 80 county water managers. The agency's purpose, working through local government, is to protect and enhance the state's soil and water resources by implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private lands in Minnesota. The BWSR Board consists of 20 members, including local government representatives that deliver BWSR programs, state agencies, and citizens.

**Rulemaking Background:** BWSR administers several natural resources conservation programs through SWCDs. The proposed amendments to this rule (8400.0050 to 8400.3930) govern the Erosion Control and Water Management (commonly referred to as the State Conservation Cost-Share Program) and Reinvest in Minnesota (RIM) Reserve Programs. Both of these programs are voluntary, non-regulatory programs. This Statement of Need and Reasonableness will discuss the proposed rules changes as they relate to each of these programs.

The Cost-share Program provides state funds to SWCDs so they can provide technical and financial assistance to land occupiers to install conservation practices that reduce erosion, control sedimentation, improve and protect water quality or address water quantity problems due to altered hydrology on the lands they own or manage. Under the RIM Reserve Program, BWSR provides funds to SWCDs so they can provide technical and financial assistance to land occupiers to acquire conservation easements on certain marginal agricultural lands and wetlands.

The scope of this rulemaking is to improve the application of these programs by:

1. Incorporating statutory changes that have occurred in the RIM Reserve Law (103F.505 to 103F.531);

2. Reflecting statutory amendments enacted in 2009, including a directive to adopt Cost-share Program Policies (103C.501);
3. Streamlining the administration to increase efficiencies for both SWCDs and BWSR;
4. Respond to evolving resource management strategies by accommodating greater use of other Best Management Practices (BMPs) ; and
5. Improving the clarity of the permanent rule.

The Cost-share rules were initially promulgated in 1977, with the most recent revision occurring in 2003. The proposed revisions make the rule consistent with the amended statute.

The RIM rules were initially promulgated in 1994. The proposed revisions make the rule consistent with the amended statute.

**ALTERNATIVE FORMAT.**

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact:

Dave Weirens
Land and Water Section Manager
Mn Board of Water and Soil Resources
520 Lafayette Road
St. Paul, MN 55155
651-297-3432 (phone)
651-297-5615 (fax)
david.weirens@state.mn.us

**STATUTORY AUTHORITY.**

Minnesota Statutes 103C.501 authorizes the BWSR, through districts, to enter into cost-share contracts with landowners for erosion control and water management. Minnesota Statutes 103C.501, Subd. 6 authorizes the board to adopt administrative rules for the Cost-share Program.

Minnesota Statutes 103F.501 to 103F.531 authorizes BWSR to implement a program to acquire conservation easements to restore certain marginal agricultural lands and protect environmentally sensitive areas to enhance soil and water quality, minimize damage to flood prone areas, sequester carbon, and support native plant, fish, and wildlife habitats. Minnesota Statutes 103F.531 authorizes the board to adopt administrative rules for the RIM Reserve Program.

In addition, the board has general rule making authority for carrying out all its programs pursuant to Minnesota Statutes, section 103B.101, subdivision 7.

DRAFT

## REGULATORY ANALYSIS

**Determination of the Classes of Persons affected by the Proposed Rules.**
No class of person is required to comply with either the Cost-share or RIM Programs, as they are not regulatory, but voluntary land and water conservation programs. The proposed rule will directly affect SWCDs who receive funds under and implement the Cost-share and RIM programs. The work of SWCDs under these programs entails significant interaction with landowners to market and implement conservation practices and/or conservation easements. In addition, landowners that choose to participate in either program will be affected. However, the changes are intended to implement statutory changes, reduce administrative costs and provide increased implementation flexibility.

These rule changes should result in result in increased efficiency and effectiveness in achieving program goals.

**Determination of Alternative, Less Costly or Less Intrusive Methods for Achieving the Purpose of the Proposed Rules.**
There is no known alterative to the proposed rule that is less costly or less intrusive. The current and proposed rule is necessary to implement statute. An alternative to the proposed rule would be to develop a rule that details all requirements for implementing these programs. However, this would run counter to legislative direction that requires BWSR to adopt policies to implement these programs. Furthermore, a detailed rule would reduce flexibility in program implementation that is possible through BWSR Board adopted policies.

**Probable Costs of Complying with the Proposed Rules.**
The rule as proposed will not increase the state's costs, costs borne by SWCDs, and costs borne by landowners. On the contrary, the rule is expected to reduce the costs of SWCDs and the state due to streamlined administrative processes. The rule should have no effect on landowners.

**Probable Costs or Consequences of not Adopting the Proposed Rules.**
The consequences of not adopting the proposed rule amendments would be a rule that does not comply with statute. These inconsistencies would increase costs and negatively affect conservation opportunities due to not implementing the flexibility as required by statute.

**Assessment of Differences between the Proposed Rules and Existing Federal Regulations.**
As stated previously, neither the Cost-share nor the RIM Programs are regulatory and have no direct connection to any federal regulatory program. However, both programs have corollary programs with those implemented by federal agencies (Environmental Quality Incentives Program and Wetland Reserve Program) and are often closely coordinated at the state and local government levels. Partnerships and coordinated implementation are key elements of the 2007 BWSR Board Strategic Plan. The proposed rule will allow increased reliance on BWSR Board adopted policy and this flexibility will help ensure these programs continue to be closely coordinated.

DRAFT

**Description of How the Agency Considered and Implemented the Policy to Adopt Rules that Emphasize Superior Achievement in Meeting the Agency's Regulatory Objectives and Maximum Flexibility for the Regulated Part and Agency in Meeting these Goals.**

The proposed rule amendments have two objectives: (1) consistency with statute, and (2) implement the statutory directive to adopt policies and the programmatic flexibility that these policies will bring. This flexibility will assist BWSR in meeting objectives of a continued focus on a federal, state, and local conservation partnership, an improved ability to coordinate these programs with the dedicated Constitutional Clean Water and Outdoor Heritage funds, and the ability to adjust program priorities and administrative requirements to meet future needs.

**ADDITIONAL NOTICE.**

A. The Request for Comments was published on June 21, 2010 and was distributed by email to approximately 200 individuals with SWCDs and other local governments that have been engaged in these programs.

B. The rule development process was largely a product of BWSR staff. However, at several stages in this process, agency staff consulted with SWCDs to receive input on rule issues. In addition, the draft rule and statutorily required Board Cost-share Program Policy were posted on the BWSR website on November 5, 2010. Approximately 200 individuals were notified by email of the availability of these documents and were encouraged to provide comments.

Three comments were received in response to these two efforts to inform and encourage input on the proposed rule.

C. BWSR intends to send a copy of the Notice of Intent to Adopt Rules Without a Public Hearing to:

- All individuals who have registered with BWSR for the purpose of receiving notice of rule proceedings as required by Minn. Stat. 14.14, subd. 1a;
- All SWCDs, all watershed districts, all watershed management organizations, and all county water managers;
- All individuals and representatives of associations that BWSR has on file as interested and affected parties;
- Minn. Stat. 14.116 requires a copy of the notice, the rules, and SONAR be sent to the chairs and ranking minority members of the committees with jurisdiction over the subject matter of the proposed rules. This statute also states that if the mailing of the notice is within two years of the effective date of the law granting rulemaking authority that the agency must make reasonable efforts to send a copy of the notice and SONAR to all sitting legislators who were chief authors of the bill granting the rulemaking authority. Under this statutory directive, the following legislators will be sent the above referenced documents: the chairs and ranking minority members of (1) the House Environment, Natural Resources and Energy Policy and Finance Committee; (2) the Senate Environment and Natural Resources Committee; and (3) the chief authors of legislation amending the Cost-share and RIM statute, Representative David Dill and Senator Satveer Chaudhary.

DRAFT

- In addition, a copy of the notice, proposed rule, and draft SONAR will be posted on the BWSR website.

Because of the limited impact of the proposed rule amendments and the broad distribution of the Request for Comments, the broad distribution of the Notice of Intent to Adopt Without a Public Hearing, and as copies of the proposed rule are available on the BWSR website, BWSR believes a thorough effort to reach significantly affected persons has been accomplished.

**NOTIFICATION TO THE COMMISSIONER OF AGRICULTURE.**

Minn. Stat. 14.111 requires that before an agency adopts or repeals rules that affect farming operations, the agency must provide a copy of the proposed rule to the Commissioner of Agriculture no later than 30 days prior to publication of the proposed rule in the State Register. Both the Cost-share and RIM Programs are often implemented on agricultural lands and thereby affect agricultural operations. However, these programs are voluntary so they will have a minimal impact on agriculture.

Based on this assessment, the Commissioner of Agriculture was sent a copy of the proposed rule on March 25, 2011. This notification, while required by statute, is in addition to the participation of the Department of Agriculture on the BWSR Board.

**CONSULT WITH MINNESOTA MANAGEMENT AND BUDGET ON LOCAL GOVERNMENT IMPACT.**

As required by Minn. Stat. 14.131, BWSR has consulted with the Commissioner of Minnesota Management and Budget to help evaluate the fiscal impact of the proposed rule. We did this on March 29, 2011 by sending to the Commissioner of Minnesota Management and Budget copies of the draft rule amendments and SONAR.

**DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION.**

Minn. Stat., section 14.128 requires determining whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule. As stated previously, the Cost-share and RIM Programs are not regulatory and local governments will not be required to adopt or amend an ordinance or other regulation as a result of the proposed rule amendments.

**COST OF COMPLYING FOR SMALL BUSINESS OR CITY.**

The Cost-share and RIM Programs are implemented by SWCDs based on voluntary participation by landowners. Cities are not affected by these programs and therefore will not incur any additional costs. Similarly, small businesses will not incur additional costs under these rules. Most projects under these programs are implemented through SWCDs contracting with small businesses. These contractual relationships will not be affected by the proposed rule amendments.

## RULE BY RULE ANALYSIS

(citations based on the Proposed Rule as approved by the Revisor of Statutes)

**Overview.**

The rule amendments largely consist of non-substantive changes that are driven by the following:

- Improving the clarity of the rule by simplifying, updating and re-organizing the language;
- Presenting rule provisions based on local or state responsibility;
- Deleting definitions no longer used in the rule;
- Deleting provisions which will be addressed via statutorily required BWSR Board adopted policy; and
- Updating statutory and rule references.

The requirement for the Board to adopt a program policy warrants further discussion. The process by which policies are generated begins with staff developing a proposal, usually in consultation with affected interests, which is reviewed by a Board Committee, before going to the Board for consideration. Meetings of Board Committees and the Board are public meetings and notice is provided to numerous agencies, organizations, and interested individuals, including the Minnesota Association of Soil and Water Conservation Districts. Also, three Board members are SWCD supervisors.

An important goal of the Cost-share Program Policy will be to make this program consistent with other BWSR grant programs, most significantly the Clean Water Fund programs. Increased consistency and uniformity of requirements and procedures will enable these programs to work together and reduce SWCD and BWSR administrative costs.

The Cost-share Program Policy will be considered by the Board at the same meeting as the rule. The Policy includes the following:

- Purpose
- Eligible Activities
- Technical and Administrative Components
- Cost-share Rates
- Technical Expertise
- Expenditure of Funds on Practices and Contracts
- Practice Sign-off and Payment
- Post-Construction and Follow-Up Activities
- District Reporting Requirements
- BWSR Program Monitoring, Closeout, and Penalty Procedures
- Conservation Districts Cost-share Program Policy

The 2009 amendments to the RIM statute authorize but do not require the Board to adopt a program policy. BWSR will consider adopting a RIM policy in the future based on program needs.

**8400.0050 PURPOSE.**

Revisions to this part are intended to ensure the rule is consistent with statute and to change the title of the program to "Land and Water Treatment Program" which is a more accurate statement of the purposes of the program.

DRAFT

**8400.0060 AUTHORITY.**

This part is moved from its current location of 8420.0200, with a minor rule reference change, as the statement of the statutory authority of the Board to develop the cost-share program should be one of the first provisions of the rule.

**8400.0100 DEFINITIONS.**

The following definitions are deleted as they are no longer used in the rule; some of which will be considered for use in implementing the required program policy:

Subp 2a. **Administrative Guidelines;**
Subp. 4. **Approved practice;**
Subp. 10a. **Conservation district technical representative;**
Subp. 14b. **Farm Service Agency;**
Subp. 15. **Field Office Technical Guide;**
Subp. 16. **Group spokeperson;**
Subp. 16a. **High priority erosion problems;**
Subp. 16b. **High priority erosion problems;**
Subp. 18a. **Landowner;**
Subp. 18b. **Natural Resource Conservation Service;**
Subp. 19a. **Other recognized technical practices;**
Subp. 20a. **Protected waters;**
Subp. 20b. **Registered professional engineer;**
Subp. 20d. **Sinkhole;**
Subp. 22a. **Special project;**
Subp. 25. **T;**
Subp. 26. **2 x T;** and
Subp. 27. **Technical approval authority.**

Subp. 3. **Annual work plan.** This definition is modified to: (1) delete references to obsolete documents, (2) rely on the development of a policy as required by statute, and (3) be consistent with the RIM Reserve portion of this chapter.

Subp. 8. **Comprehensive Plan.** This definition is modified to delete references to obsolete documents and for this definition rely on the development of a policy as required by statute.

Subp. 9. **Conservation district** and Subp. 10 **Conservation district board** have been modified to be consistent with the RIM Reserve portion of this chapter (8420.3030, Subps. 14 and 15).

Subp. 18. **Land occupier.** This definition has been modified to be consistent with the remainder of the proposed rule amendments.

DRAFT

**8400.0200 AUTHORITY.**

This part is moved from its current location to immediately precede the definitions as the statement of the statutory authority of the Board to develop the Cost-share Program should be one of the first provisions of the rule.

**8400.0250 PROGRAM POLICY.**

This is a new part that implements the 2009 statutory amendment in Minn. Stat. 103C.501, subd. 6 that requires the Board to adopt policies.

**8400.0300 APPROVED CONSERVATION PRACTICES.**

The title of this part is revised to specify the kind of practices that are allowed under this program.

Subp. 1 **Approved practices**. This subpart is deleted as the Board will address approved practices in the required policy. Including a practice list or practice categories in policy will be a flexible approach to ensuring the Cost-share program meets the needs of SWCDs and maximizes conservation opportunities with Legislatively appropriated funding.

Subp. 2 **Criteria for approved conservation practices**. The revisions to this subpart are to delete redundant language, such as item A which is already addressed in 8400.0050. The objectives of approved practices are moved from subp. 3 to item A for a more logical rule organization. In addition, new objectives are added to the approved practice categories to cover the types of projects that should be eligible for the Cost-share Program and to ensure consistency with 8400.0050.

The deletion in item B allows the effective life of projects to be addressed in the Board policy. Moving this issue to policy will allow a more flexible approach to project effective life and enable different effective life terms based on the type of project. This is important as different project types have different water quality and soil erosion benefits, different costs, and different expected life spans.

The new language in item B addressing habitat practices recognizes that an important secondary benefit of conservation practices is wildlife habitat, and that the program needs to include habitat practices under the limited, specified conditions in the proposed rule.

Language revisions to items C and D are for clarity and consistency within the rule.

**8400.0500 MAXIMUM COST-SHARE RATES.**

The language revisions in this part are for clarity and consistency within the rule. The last sentence is deleted to remove a disincentive to seek federal funds to implement projects.

**8400.0550 RECORDING CONSERVATION PRACTICES**

This part operates in concert with 8400.1650.The revisions improve clarity and flexibility for the Board to require recording conservation practices on property titles when it is determined to be necessary to ensure maintenance of the conservation practice. As an enforceable provision it is necessary to be included in the rule.

DRAFT

**8400.0600 STATE BOARD ALLOCATION OF FUNDS TO CONSERVATION DISTRICTS**

Subp. 1. **Comprehensive Plan**. This subpart is deleted as it is redundant with Minn. Stat. 103C.501, subd. 2.

Subp. 3. **Review criteria**. This subpart is deleted from rule and review criteria and will be addressed in the required program policy. As appropriated funds have been reduced by the Legislature, the advent of the Clean Water Fund, and changing conservation needs all point to an improved ability to meet locally identified needs of SWCDs through Board adopted policy.

Revisions to subparts 4 and 5 are to provide administrative flexibility in program administration and to improve clarity and ensure consistency with statute. The deleted language at the end of subpart 4 is identical to statute and is unnecessary in the rule. However, this language has been included in the proposed policy so that is combined with all requirements that govern how BWSR allocates funds to districts, including biennial appropriations that often provide directives that differ from those in 103C.501.

**8400.0700 PROGRAM REPORTING AND MONITORING**

This part is deleted as it is, in part, redundant with part 8400.1900 and may be included in the required program policy.

**8400.0800 APPLICATION FOR FUNDS BY DISTRICTS**

This part is deleted as it is redundant with part 8400.0600.

**8400.0900 CONSERVATION DISTRICT ADMINISTRATION OF PROGRAM FUNDS**

Subp. 1. **General**. Revisions to this subpart are for clarity, to ensure consistency with the statute, and delete rule requirements that will be addressed in the required program policy.

Subp. 2. **Maximum cost-share rate**. A portion of this subpart is deleted which portion will be addressed in the required program policy. The current rate of 75 percent is not in statute, and flexibility that is possible through policy will increase the ability to coordinate funding for important conservation practices with other state and federal programs. Other factors discussed in this subpart are either obsolete or are not intended elements of future program implementation.

Subp. 4. **Criteria for district board review**. This is a new subpart that largely consists of the current part 8400.1300 which is relocated to be in a more logical sequence of SWCD responsibility under the Cost-share Program. Language changes improve clarity and administrative flexibility for SWCDs.

Subp. 5. **Entering into a contract**. This a new subpart that consists of language relocated from the current part 8400.1400, sub. 1.

**8400.1000 APPLICATION FOR FUNDS BY LAND OCCUPIERS**

This part is deleted as it is redundant with 8400.0900, subp. 3.

**8400.1100 GROUP PROJECTS**

This part is deleted as it will be included in the required program policy.

**8400.1200 COOPERATIVE AND JOINT PROJECTS BY DISTRICTS**

This part is deleted as it will be included in the required program policy.

**8400.1250 TECHNICAL ASSESSMENT AND COST ESTIMATE DETERMINATION**

This part is deleted as it will be included in the required program policy.

**8400.1300 CRITERIA FOR CONSERVATION DISTRICT BOARD REVIEW**

This part has been largely moved to 8400.0900 to be in a more logical sequence of SWCD responsibility under the Cost-share Program. In addition, some parts are redundant with 8400.0300.

**8400.1400 CONSERVATION DISTRICT APPROVAL**

This part is deleted as portions have been relocated to 8400.0900, subp. 4 and other portions will be included in the required program policy.

**8400.1405 PROJECT DEADLINES AND PARTIAL PAYMENT**

This part is deleted as it will be included in the required program policy.

**8400.1460 RETURN OF ALLOCATED FUNDS**

This part is deleted as it will be included in the required program policy.

**8400.1500 CONSERVATION DISTRICTS**

This part is deleted as it will be included in the required program policy.

**8400.1600 EXECUTING THE COST-SHARE CONTRACT**

This part is deleted as it will be included in the required program policy.

**8400.1650 RECORDING CONSERVATION PRACTICES**

This part operates in concert with 8400.0550 (Recording Conservation Practices). The revisions improve clarity and flexibility for SWCDs to require recording conservation practices on property titles when it is determined to be necessary to ensure maintenance of the practice. As an enforceable provision it is necessary that this be included in the rule. In addition, the $50,000 threshold that is deleted in the rule is proposed to be included in the proposed policy. Including this threshold in policy will allow flexibility to address future situations.

**8400.1700 MAINTENANCE**

The revisions to this part improve clarity, and consistency with Minn. Stat. 103C.501, subd. 5(b).

**8400.1750 PRACTICE SITE INSPECTIONS**

The revisions to this part add administrative flexibility and deletes provisions that will be addressed under the required program policy.

**8400.1800 APPEALS**

DRAFT

This part has been modified to be consistent with the RIM Reserve portion of this chapter. The changes eliminate portions of the appeals process that has never been used in this program, and adds new processes that are consistent with other conflict resolution processes administered by BWSR. These changes provide a clear and understandable process for addressing appeals made to BWSR under the Cost-share Program.

**8400.1900 REPORTS TO THE STATE BOARD**

The revisions to this part ensure consistency with changes made to 8400.0700 and the RIM Reserve portion of this chapter.

**8400.2900 District Rates.**

This part has been deleted as it is redundant with 8400.0900, subpart 2.

**8400.3000 AUTHORITY**

This subpart is revised to be consistent with Minn. Stat. 103F.505 which was amended in 2009. The last sentence in this part is added to provide BWSR with additional flexibility in administering the RIM program ~~and to address increased diversity of program funding and program partners that has occurred in recent years, and is expected to continue as the implementation of the Clean Water, Land and Legacy Constitutional Amendment~~ when a district either does not exist in a part of the state or a district board has opted to not implement the program.

**8400.3030 DEFINITIONS**

The following definitions are deleted as they are no longer used in the rule:

Subp. 6. **Authorized farm corporation.**
Subp. 6a. **Authorized farm partnership.**
Subp. 10a. **Conservation Easement Handbook.**
Subp. 19. **Family farm.**
Subp. 20. **Family farm corporation.**
Subp. 20a. **Family farm partnership.**
Subp. 24. **Highway windbreak.**
Subp. 25. **Hydric soils.**
Subp. 26. **Hydrophytic Vegetation.**
Subp. 28. **Inherently unproductive.**
Subp. 32. **Local emergency.**
Subp. 39c. **Replacement wetland.**
Subp. 40. **Restorable drained wetland.**
Subp. 44. **Significant potential environmental impact.**
Subp. 46. **Soil mapping unit.**

The following definitions are changed to be consistent with Minn. Stat. 103F.511:

Subp. 17a. **Drained wetland.**
Subp. 17b. **Easement program practice specifications.**
Subp. 31. **Landowner.**

Subp. 42. **RIM reserve program.**
Subp. 42a. **Riparian land.**
Subp. 43. **Screening committee.**

Subparts 14 **District** and 15 **District board** are modified to specify the statute under which soil and water conservation districts are organized.

Subp. 33. **Marginal agricultural land** is modified to delete language that allows the Board to adopt land capability systems that are different than those employed by the Unites States Department of Agriculture. This flexibility has not been used and will not be used in the future due to the close working relationship that exists between the Board and the United States Department of Agriculture.

Subp. 45. **Soil and water conservation practice** has been modified to acknowledge that the practices included in this definition are intended to address agricultural nutrients as well as agricultural waste.

The definition in Subpart 48 **Wetland** was changed to be consistent with Minn. Stat. 103G.005, subd. 19a. This change will ensure improved application consistent with other environmental management programs.

**8400.3060 CRITERIA FOR ALLOCATION OF FUNDS**
This part is proposed to be deleted as funds are not currently, nor are they expected to be generally available for annual allocation as currently described in this part. Funds are allocated to SWCDs for specific activities associated with inspecting existing easements and for assistance in acquiring and restoring new easements.

**8400.3130 LOCAL PRIORITY SETTING**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3160 CRITERIA FOR ELIGIBLE LAND**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3200 MAXIMUM ENROLLMENT**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3230 APPLICATION BY LANDOWNERS**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS**
This part has been revised to allow BWSR to utilize local district screening committees to help prioritize local project areas or applications to assist in making funding decisions. The new language makes the use of screening committees optional as some program sign-ups may have continuous, non-competitive sign-up periods where ranking of applications is unnecessary. The criteria have also been modified to add reduction of flooding consistent with statute.

Item B is deleted as it refers to section 8400.3130 which was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52. Item D is deleted as it is not a criterion, but reflects issues that would prevent the State from acquiring an easement.

**8400.3330 CRITERIA FOR DISTRICT BOARD REVIEW**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3360 DISTRICT ACTION ON APPLICATIONS**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3390 EASEMENT ACQUISITION PROCEDURES**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3500 EASEMENT CONVEYANCE**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3530 EASEMENT PAYMENT RATES**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3560 PAYMENT SCHEDULE**
This part was repealed by Laws of Minnesota 2009, Chapter 172, Article 2, Section 32 and Laws of Minnesota 2009, Chapter 176, Article 1, Section 52.

**8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS**
The deletion in item C recognizes that a letter regarding a change to an easement as described in this part is still required from the Department of Natural Resources, but may not originate with the area wildlife manager.

**8400.3630 APPROVED PRACTICES**
This part has been modified to add reduction of flooding consistent with statute. Additional changes are for clarity, to provide districts with flexibility, and to address items for a potential future Board policy.

**8400.3700 COST-SHARED PRACTICES**
Subp. 1. **Approved practices eligible for cost-sharing**. This subpart is revised to be consistent with Minn. Stat. 103F.515, subd. 6. This statute was amended in 2009 to eliminate references to payment limits.

Subp. 2. **Eligible costs for cost-sharing practices**. This subpart is revised to be consistent with Minn. Stat. 103F.515, subd. 6 and to allow district boards to delegate review of receipts and invoices. In addition, the Board is authorized by Minn. Stat. 103F.531 to adopt policy to implement the RIM Reserve program, and this rule part refers the establishment of eligible costs for approved practices to a potential future Board policy.

Item C ~~and subpart 3 (**Payment for in-kind services**)~~ has been amended to provide BWSR with additional flexibility in administering the RIM program ~~and to address increased diversity of program funding and program partners that has occurred in recent years, and is expected to continue as the implementation of the Clean Water, Land and Legacy Constitutional Amendment~~ when a district either does not exist in a part of the state or a district board has opted to not implement the program.

Subp. 3 **Payment for in-kind services** has been amended to provide districts with additional flexibility in administering the RIM program.

Subp. 4. **Funds from other sources.** The last sentence is deleted as securing additional funds is often conducted by the SWCD as well as the SWCD, which is contrary to the language of this sentence.

**8400.3730 FAILURE OF APPROVED PRACTICES**

Subp. 1. **Cost-shared practices**. This subpart is revised to eliminate the reference to payment limits to be consistent with Minn. Stat. 103F.515 subd. 6, as this statute was amended in 2009. In addition, the Board is authorized by Minn. Stat. 103F.531 to adopt policy to implement the RIM Reserve program, and this rule part refers the establishment of encumbrances to a potential future Board policy.

**8400.3830 VIOLATIONS AND ENFORCEMENT**

Subp. 2. **State board action.** The proposed changes to this subpart are to reflect that BWSR may discover a landowner violation, and that action may be taken by BWSR accordingly.

**8400.3870 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE PROGRAMS**

This rule provision is deleted as it unnecessarily addresses a discretionary authority of the Board.

DRAFT

# Erosion Control and Water Management Program Policy

**(commonly known as the State Cost Share Program)**

## Table of Contents


1.0 Purpose ..... 1
2.0 Eligible Activities ..... 2
3.0 Technical and Administrative Components ..... 2
4.0 Cost Share Rates ..... 3
5.0 Technical Expertise ..... 3
6.0 Expenditure of Funds on Practices and Contracts ..... 4
7.0 Practice Sign-off and Payment ..... 5
8.0 Post-Construction and Follow-Up Activities ..... 6
9.0 District Reporting Requirements ..... 6
10.0 BWSR Program Monitoring, Closeout, and Penalty Procedures ..... 7
11.0 Conservation District Cost-share Program Policy ..... 8


## 1.0 Purpose

The Erosion Control and Water Management Program, commonly known as the State Cost Share Program, was created through Minnesota Statutes, §103C.501 to provide funds to Soil and Water Conservation Districts (Districts) to share the cost of conservation practices for erosion control, sedimentation control, or water quality improvements that are designed to protect and improve soil and water resources. The purpose of this policy is to provide clear expectations for the implementation of funds appropriated to BWSR associated with the Erosion Control and Water Management Program.

District board and staff are responsible for the administration and decisions concerning the local use of these funds in accordance with: Minnesota Statutes, chapter 103C.501; Minnesota Administrative Rules, chapter 8400; BWSR policies; and all other applicable laws. BWSR will use grant agreements as contracts for assurance of deliverables and compliance. Willful disregard of relevant statutes, rules, and policies may lead to imposition of financial penalties on the grant recipient.

Funds are allocated by BWSR based on the following minimum criteria to districts that have fully complied with all program rules and policies:

- Extent of high priority erosion or water quality problems in the district, as indicated in the district comprehensive and annual plans or their equivalent.
- Priorities for the control of soil erosion or water quality problems as established by the BWSR.
- Historic success of the district in applying conservation practices.

- Ability of the district to expend the funds in a timely manner.
- Legislative appropriation.

BWSR will allocate at least 70 percent of the cost-sharing funds available to districts in the form of grants for conservation practices addressing high priority erosion, sedimentation, or water quality problems. The remaining cost-share funds may be allocated by the board to districts for conservation practices for lower priority erosion, sedimentation, or water quality problems and for technical and administrative assistance or to carry out special projects or programs, except not more than 20 percent of the total funds may be allocated for technical and administrative services. The limitation on the use of cost-sharing funds for administrative and administrative services may be modified as provided in 3.0 of this policy.

## 2.0 Eligible Activities

The primary purpose of activities funded with Erosion Control and Water Management funds is to assist with structural or vegetative practices to correct existing problems. Specific preventative practices may also be allowed through policy or appropriation.

**2.1 Practice Standards.** All practices must be consistent with the NRCS Field Office Technical Guide (FOTG) or be professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the life of the given practice, including an inspection schedule and procedure. Practices where runoff or sediment from the contributing watershed prevents the practice from achieving the intended purpose with normal operation and maintenance are ineligible. Vegetative practices must follow the BWSR Native Vegetation Guidelines.

**2.2 Effective Life.** All ~~structural~~ practices must be designed and maintained for a minimum effective life of ten years. ~~Vegetative practices must be designed to achieve water quality improvements or erosion or sedimentation control and be maintained for a minimum effective life of fifteen years.~~ The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete.

**2.3 Repair of Damaged Practices.** Repair of damage to a conservation practice is eligible if the practice was installed using approved standards, damage was caused by reasons beyond the control of the land occupier, and damage or failure of the practice was not due to improper maintenance or removal of the practice within the effective life.

**2.4 Ineligible Practices.** Incentive payments for ongoing maintenance, writing of conservation plans, payments to adopt land management practices such as tillage or residue management, payments to cover crop damage during construction, payments to repair or install septic systems, payments for easements, and/or feedlot expansions are ***not allowable practices with these funds.*** ~~These activities may be eligible for other grants available through BWSR.~~

## 3.0 Technical and Administrative Components

Erosion Control and Water Management funds may be used for technical and administrative expenses.

**3.1 Technical and Administrative (TA) Expense.** The BWSR Board has established the maximum amount allowed for TA expenses to be twenty percent (20%) of the total grant as provided in 1.0 of this policy. Remaining funds must be provided as cost share to achieve the purpose of these funds,

unless otherwise indicated in specific appropriation language. Districts may use up to 100% of the grant for TA when:

- federal funds will be leveraged and they couldn't do the project otherwise, or
- funds are used on a project that is State Cost Share Program or EQIP eligible and their most recent Financial Report indicates less than an 18-month fund balance, and
- approved by the Board Conservationist.

**3.2 TA Activities.** Activities eligible for TA include the following: grant administration, staff training to maintain appropriate technical approval authorities or licenses, site investigations and assessments, design and cost estimates, construction supervision, and inspections.

## 4.0 Cost Share Rates

Cost share rates represent the percent of the installation cost of a practice that may be provided to a land occupier for materials and labor necessary to install the practice. The BWSR Board establishes cost share rates through policy and implements these rates through grant agreements with Districts.

**4.1 Maximum Rates.** For the Erosion Control and Water Management Program, the BWSR Board has established the maximum cost share rate to a land occupier for installation of a practice at seventy-five percent (75%) of the installation cost, except for unused well sealing and practices installed for energy conservation and snow protection which are established at fifty percent (50%).

**4.2 Match and In-Kind.** A land occupier may provide the remainder of the installation cost through services, in-kind, or non-state or non-federal funds. The District board shall determine whether charges for in-kind services and materials are practical and reasonable. Standard rates for in-kind services should be identified in the conservation district's cost share program policy.

**4.3 Local Rates.** Prior to receiving any applications from land occupiers, conservation district boards may set different cost share rates up to the maximum identified in BWSR policy. These rates should be identified in the District's cost share program policy.

## 5.0 Technical Expertise

The District Board and staff have the responsibility to ensure that the designated technical staff have the appropriate technical expertise, skills and training for their assigned role(s). Appropriate expertise may include, but is not limited to, the following: conservation partnership Technical Approval Authority, professional licensure, reputable vendor with applicable expertise and liability coverage, or other applicable credentials, training and/or expertise.

**5.1 Staff Skills.** A description of staff skills, training, or credentials; or a description of other means the District will use to insure projects meet the requirements of this policy and are installed and maintained according to the standards and specifications of the practice(s) must be included in the District's cost-share program policy.

**5.2 BWSR Review.** BWSR reserves the right to review the licensure and credentials of all technical staff selected by the District where appropriate.

## 6.0 Expenditure of Funds on Practices and Contracts

BWSR finds that the District Board of Supervisors has the authority and responsibility to approve expenditure of funds within their own organization.

**6.1 Cost Share Contract.** A contract between the District and land occupier(s) receiving state funds is required to provide a legal standing to insure practices are installed and maintained according to approved standards and specifications. The required contract can be found on the BWSR website. Land occupier means a person, corporation, or legal entity that holds title to or is in possession of land as an owner, lessee, tenant, or otherwise. If the land occupier is not the landowner, the application must also bear the landowner's signature.

a) **Contract Modifications.** Modifications to the contract may be made prior to execution and with prior approval from the District legal counsel and BWSR.

b) **Contract Amendments.** Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the District Board. The required amendment form can be found on the BWSR website. Prior to approving an amendment, technical staff must attest that the amendment has merit. Amendments shall not be considered or approved after the end of the contract or after approval to issue final payment on the original contract has been made. Amendments are limited to changes in practice specifications, installation dates, land occupier information, practice components, or cost share rates and amounts.

c) **Group Projects.** Where the cooperation of several land occupiers is required for implementation of a project; and the land occupiers have agreed to the project, division of payments for the project, and signed a group project addendum to the cost-share contract; the District may enter into a contract with only the group spokesperson of the contract. A group project addendum form can be found on the BWSR website.

d) **Projects that Cross a District Boundary.** If a project involves land in more than one District, application for the entire project must be made to the District containing the majority of the project lands.

e) **Pooling cost-share allocation for joint projects.** District Boards may enter into an agreement to pool portions or all of their collective cost-share allocations to implement joint projects. Cooperative and joint projects may be undertaken to accomplish watershed-based resource management goals or other goals of mutual benefit as identified in the county's comprehensive local water plan or the District's comprehensive plan.

**6.2 Contract Approval.** District Boards must approve or deny the contract. The action taken must be documented in the District's meeting minutes. Approval of a contract is considered approval for expenditure of funds.

**6.3** Projects where construction has begun prior to District Boards approval are ineligible for financial assistance.

**6.4 Project Timeframe.** District Boards have the authority to adopt timely starting and completion dates. Entering into a contract with a land ~~owner~~ occupier must occur within the grant period. Completion dates can be no longer than two years after approval of the District Board. Projects not completed within this timeframe must be cancelled unless prior written approval of the State board has been received.

**6.5 Canceled Projects.** Funds from canceled projects or remaining from completed projects ~~that did not use the full amount encumbered~~ where the final cost was less than the estimated amount may be re-encumbered ~~for projects~~ to a new contract as long as District Board approval occurs prior to the end of the grant period.

**6.6 Removal of Practices.** District Boards may authorize the removal of a practice installed under this program provided the land occupier can show good cause for removal of the practice and the purpose of the original practice has been achieved.

**6.7 Delegation.** District Boards may delegate signing contracts and supporting program documents to District staff. This delegation must be identified in the District's cost share program policy.

**6.8 Recording Practices.** The size, location, and effective life of the soil and water conservation practices that have received cost-share payments under this program equal to or in excess of $50,000 shall be recorded by the conservation district on the property title. Instructions and forms for recording practices can be found on the BWSR website.

## 7.0 Practice Sign-off and Payment

Prior to payment, technical staff must attest that the practice was properly installed and completed according to the plans and specifications, including technically-approved modifications, and that vouchers and receipts are accurate. Project costs for the purposes of determining cost share amounts include the materials and labor necessary to complete the project.

**7.1 Reimbursement.** Land occupiers must incur all expenses for project implementation and provide vouchers and invoices or copies of paid receipts to verify all expenses prior to requesting reimbursement. A payment voucher form is available on the BWSR website.

a) **Partial Payments.** Partial payments are allowed. Prior to authorization for partial payment, technical staff must attest to the District Board that the request for partial payment has merit, the payment request is equal to or less than the percent of construction that is complete, and that the project will still be completed within the contract timeline. Land occupiers not completing partially paid projects shall be considered as violating MN Rule, part 8400.1700 and shall be directed, unless otherwise authorized by the state board as provided elsewhere in this part, to return ~~the~~ to the district up to one hundred fifty percent (150%) of the amount of financial assistance received. All expenses incurred to correct damage caused by the land occupier's failure to expeditiously complete the project must be borne by the land occupier.

b) **Service Charges.** District or Technical Service Area charges for services such as administration, field investigations, design, and monitoring to establish the practice shall not be included in calculating the project cost for purposes of determining cost-share payment amounts to the land occupier. Service charges such as tree planting or mechanical weed control are eligible to be included.

c) **Actual Cost Different Than Estimated Cost.** In cases where the actual cost of the practice exceeds the estimated cost, the district may only share the additional amount when an amendment to the cost share contract has been approved per policy 6.1. Where the actual cost is less than the estimated cost, the conservation district shall only share the approved percentage of the actual cost of the practice.

DRAFT

**7.2 Project Review.** After receiving a request for final reimbursement, technical staff must review for each project; the as-built plan, vouchers, and invoices or copies of paid receipts submitted by the land occupier for completion and technical approval.

**7.3 Combining Funding Sources.** Payment amounts from combined state and federal sources shall not exceed the maximum cost share rate set by the BWSR Board in Section 4.0 of this policy. Calculation of payment amounts does not include incentive payments.

**7.4 Final Plans.** One copy of the final approved plan must be given to the land occupier and one copy retained with the project file located in the conservation district office.

## 8.0 Post-Construction and Follow-Up Activities

Identifying operation and maintenance activities specific to the installed practices is critical to ongoing performance of installed practices as well as to planning and scheduling those activities. Scheduled site inspections by qualified staff are necessary to ensuring operation and maintenance has been taking place.

**8.1 Operation and Maintenance Plan.** Qualified technical staff must prepare an operation and maintenance plan specific to the practice and the site where it is located. The operation and maintenance plan must detail the maintenance activities that are likely to be needed for practice and contributing watershed, specify how and when to accomplish them, and identify the inspection schedule. The plan should be prepared and reviewed with the land occupier before installation of the conservation practices begins.

**8.2 Inspections.** Qualified technical staff shall ensure that the operation and maintenance plan is being followed and the practices have not been altered or removed by conducting periodic site inspections. Inspections are to:

a) Verify that all components of the practice remain in place and are in good repair, and/or
b) Identify repairs necessary in accordance with the operation and maintenance plan; and/or
c) Identify further assessment or action necessary if necessary repairs are beyond the scope of the operation and maintenance plan (need cross-reference to non-compliance policy).

**8.3 Failure to Maintain Practices.** Should the land occupier fail to maintain the practices during their effective life according to the operation and maintenance plan, the land occupier is liable to the ~~State of Minnesota~~ district for up to one hundred fifty percent (150%) of the financial assistance received to install and establish the practice as per MN Rule, part 8400.1700 as determined by the District board. Funds received by a district from a landowner who has failed to maintain a practice, must be used according to this policy and Minnesota Rules 8400.0050 to 8400.1900.

## 9.0 District Reporting Requirements

To ensure the continued success of the Erosion Control and Water Management Program, regular reporting of accomplishments and benefits is required. This reporting is accomplished through entries and documentation in eLINK. Guidance for reporting in eLINK is available on the BWSR website.

**9.1 Annual Reporting.** Districts must annually enter information on activities accomplished with the grant funding in eLINK. Reporting is required for grant fund expenditures from the prior calendar year and is to be completed by BWSR established reporting deadlines.

**9.2 Grant Closeout Reporting.** Within thirty (30) calendar days of the conclusion of each grant agreement or expenditure of all grant funds, whichever occurs first, Districts are required to provide the following to BWSR:

a) Entry of information on all projects completed with the grant funding in eLINK;
b) Signed Final Financial Report from eLINK;
c) Documentation of District Board approval of the Final Financial Report; and
d) Return any unspent or unencumbered funds, if applicable, as instructed on the Returned Check Form, found on the BWSR website.

**9.3 Unencumbered Funds.** Grant funds unencumbered by the District board after the grant period must be returned to the state board thirty (30) calendar days ~~following the end of the grant period~~. Unencumbered funds are those funds remaining from cancelled projects or completed projects where the final cost was less than the estimated amount.

**9.4 Records Retention.** Project files must be retained by the District pursuant to Minnesota Statutes, §138.17 and consistent with ongoing records retention schedules.

**9.5 Non-compliance with Reporting Requirements.** Any District that does not complete these requirements will not be eligible to receive funds from this program until all past reporting has been completed. Financial penalties on the grant recipient may be applied.

## 10.0 BWSR Program Monitoring, Reconciliation, Verification and Penalty Procedures

**10.1 Monitoring, Reconciliation, and Verification.** BWSR will annually monitor all Districts reporting for compliance with reporting requirements of the Erosion Control and Water Management Program Policy above and will reconcile and verify all grants according to the ~~June 22, 2011~~ current Grants Monitoring, Reconciliation, and Verification policy.

**10.2 Penalties.** Grant penalties can be applied when it has been determined the conservation district is not in compliance with relevant statutes, rules, and state policies. Noncompliance is ranked by the degree of departure from recommended administrative procedures to violations of rules, statutes, or grant agreements. Penalties may include the district requiring a land occupier to return the cost-share funds received, the district repaying the State with non-state funds, and/or the district taking a yearly reduction in cost-share grant payments(s) until the violation amount is satisfied. Minnesota Statutes, §103C.401 establishes BWSR's obligation to assure program compliance.

a) All state base grants (State Cost Share, Easement Services, and General Services) for which funding is requested may be reduced by five percent if satisfactory comprehensive or annual plans are not received by the annual deadline, with an additional five percent reduction for each month late. No base grant funds will be allocated until a satisfactory plan is received.

b) If the state becomes aware of cases where a conservation district knowingly participates in accepting fraudulent receipts or invoices to calculate cost-share claims, the state may deny future cost-share funds for the conservation district.

## 11.0 District Cost Share Program Policies

The following items are recommended to be identified in local cost share program policies, either on a project-by-project or annual basis:

a) Identify or describe available staff skills, training, credentials, or other means the District will use to insure projects are installed and maintained according to standards and specifications (see policy 5.)
b) Set District cost share rates to be less than or equal to rates set by the State Board (see policy 4.)
c) Establish maximum flat rates for in-kind services and materials provided by land occupiers (see policy 4.)
d) Identify practice standards to be used for design, construction, operation, and maintenance (see policy 2.)
e) Set criteria for project selection, i.e. priority watershed or location, priority practices, recording practices, consideration of other activities in the area, etc. (see policy 6)
f) Establish a process and local policy for addressing cost-share contract noncompliance (see policy 6).
g) Other policies as necessary and applicable to the program.

**For additional guidance see the BWSR Grants Manual at:**
**http://www.bwsr.state.mn.us/grants/manual/index.php#/Purpose%20&%20Scope/7/top**

DRAFT

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** 2013 BWSR Board Meeting Schedule

**Meeting Date:**

**Agenda Category:** ☐ Committee Recommendation ☒ New Business ☐ Old Business
**Item Type:** ☐ Decision ☐ Discussion ☐ Information
**Section/Region:**
**Contact:**
**Prepared by:** Mary Jo Anderson
**Reviewed by:** John Jaschke Committee(s)
**Presented by:** John Jaschke

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

## ACTION REQUESTED

Approval of the proposed 2013 BWSR Board Meeting dates.

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The BWSR Board meets the fourth Wednesday of each month unless noted on the attached '2013 BWSR Board Meeting Schedule'.

Minnesota Board of Water & Soil Resources

**Board Resolution # _____**

## Proposed 2013 BWSR Board Meeting Schedule

*(Fourth Wednesday of the month unless noted)*

January 23

February - no meeting

March 27

April 24

May 22

June 26

July – no meeting

August 28-29 - Tour and Meeting

September 25

October 23

November – no meeting

December 18

_____ Date _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** 2012 STRATEGIC PLAN REPORT CARD[1]

**Meeting Date:** October 24, 2012

**Agenda Category:** ☐ Committee Recommendation ☐ New Business ☐ Old Business
**Item Type:** ☐ Decision ☐ Discussion ☒ Information
**Section/Region:** Statewide
**Contact:** Don Buckhout
**Prepared by:** Steve Woods, Don Buckhout
**Reviewed by:** Public Relations, Outreach & Strategic Planning Committee(s)
**Presented by:** Don Buckhout

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

## ACTION REQUESTED
Receive Report

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
In January 2012 BWSR approved an update of the 2007 strategic plan. While this plan does not address all the work and accomplishments of the agency, it identifies and focuses on issues needing particular attention. At the time the 2012 Update was approved, the Public Relations, Outreach and Strategic Planning Committee made a commitment to provide annual updates to the Board of progress on strategic issues.
This 2012 Strategic Plan Report Card identifies accomplishments to date on each of the action items in the plan.

The report card document will be distributed at the Board meeting.

Minnesota Board of Water & Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** BWSR 25th Anniversary

**Meeting Date:** October 24, 2012

**Agenda Category:** ☐ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☐ Decision ☐ Discussion ☒ Information

**Section/Region:**

**Contact:**

**Prepared by:** Jen Maleitzke

**Reviewed by:** John Jaschke Committee(s)

**Presented by:** Jen Maleitzke

☒ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other:

## ACTION REQUESTED

For your information, 25 years of BWSR

## SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

This brief presentation will highlight BWSR's history and will outline some of BWSR's accomplishments over the past 25 years, including BWSR's role in the Wetland Conservation Act, Conservation Reserve Enhancement Program and supporting LGUs through local water planning.

Minnesota Board of Water & Soil Resources

# Celebrating 25 years of BWSR: 1987-2012

The Minnesota Board of Water and Soil Resources (BWSR) was created in 1987, when the Legislature combined the Soil and Water Conservation Board with two other organizations with local government and natural resource ties: the Water Resources Board and the Southern Minnesota Rivers Basin Council.

Legislation establishing the Board of Water and Soil Resources (reflected in Minnesota Statutes 103B.101) outlined its responsibilities to a variety of local governments. Upon inception, its membership included 17 members: three representing soil and water conservation districts; three representing watershed management organizations or watershed districts; three representing counties; three citizen members; and five agency members representing the University of Minnesota Extension Service, the Minnesota Department of Natural Resources, the Minnesota Department of Agriculture, the Minnesota Department of Health, and the Minnesota Pollution Control Agency. The board expanded in 2009 to include two representatives of cities (one in the Twin Cities Metro Area and one in Greater Minnesota) and one township representative.

***BWSR's mission is to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners.***

**1937**

State Soil Conservation Committee established to organize soil and water conservation districts throughout the state, providing promotional, financial and administrative assistance.

**1950**

State Soil Conservation Committee became part of the University of Minnesota Soils Dept.

**1955**

Water Resources Board established.

**1967**

State Soil Conservation Committee name changed to Soil and Water Conservation Commission.

**1971**

Southern Minnesota Rivers Basin Council established.

Soil and Water Conservation Commission transferred from U of M to DNR.

**1975**

Soil and Water Conservation Commission name change to Soil and Water Conservation Board.

**1982**

Soil and Water Conservation Board transferred from DNR to MDA.

**1987**

Minnesota Board of Water and Soil Resources was created by combining the Soil and Water Conservation Board with the Water Resources Board and the Southern Minnesota Rivers Basin Council.

**2012**

*BWSR administers programs that prevent sediment and nutrients from entering our lakes, rivers and streams, enhance fish and wildlife habitat and protect wetlands. The board sets a policy agenda designed to enhance service delivery through the use of local government, including 90 soil and water conservation districts, 46 watershed districts, 23 metropolitan watershed management organizations and 80 county water managers.*

# FOR YOUR INFORMATION

October 24, 2012

- BWSR Board Member Listing, October 2012
- BWSR Snapshots, October 2012
- Tracking Conservation Progress is about to Change…
- 2010-2011 Biennial Report to the Minnesota Legislature
- Annual Conventions
  - MAWD, November 29 – December 1, Alexandria
  - MASWCD, December 2-4, Bloomington
  - AMC, December 3-4, St. Cloud

# 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**<br>51227 Long Point Place, McGregor, MN 55760 | **County Commissioner**<br>bnapstad@yahoo.com | **2/03/10 - 1/06/14** | 218-426-3008<br>218-426-4662 | *Home*<br>*Office* |
| **Quentin Fairbanks**<br>16374N Blackduck Road NE, Hines, MN 56647 | **Co. Commissioner**<br>quentin@paulbunyan.net | **6/30/11 - 1/05/15** | 218-835-4184<br>218-553-0433 | *Home*<br>*Cell* |
| **Tom Loveall**<br>39290 200th St., Winnebago, MN 56098 | **Co. Commissioner**<br>tomcat56098@yahoo.com | **5/11/09 - 1/07/13** | 507-854-3572<br>507-854-3300 | *Home*<br>*Office* |
| **Jack Ditmore**<br>61 Flandrau Place, St. Paul, MN 55106 | **Citizen**<br>ditjc9999@msn.com | **3/29/12 – 1/04/16** | 651-774-7239 | *Home* |
| **Gerald Van Amburg**<br>4518 5th Street S., Moorhead, MN 56560 | **Citizen**<br>vanambur@cord.edu | **6/30/11 - 1/05/15** | 218-236-7659<br>218-790-2502 | *Home*<br>*Cell* |
| **John Meyer**<br>18689 Highway 248, Rollingstone, MN 55969 | **Citizen**<br>john@qhdairy.com | **5/11/09 - 1/07/13** | 507-689-2612<br>507-689-2457 | *Home*<br>*Office* |
| **Robert Burandt**<br>1340 Waconia Pkwy. S., Waconia, MN 55387 | **SWCD**<br>rlburandt@gmail.com | **5/11/09 - 1/07/13** | 952-442-4216 | *Home* |
| **Paul Langseth**<br>35505 280th St., Worthington, MN 56187 | **SWCD**<br>paul.langseth@gmail.com | **2/03/10 - 1/06/14** | 507-360-5844<br>507-376-5686 | *Office*<br>*Home* |
| **Steve Sunderland**<br>2030 20th Ave., SE, Montevideo, MN 56265 | **SWCD**<br>sunderland@mvtvwireless.com | **3/29/12 – 1/04/16** | 320-226-3550 | *Home* |
| **Vacant** | **Watershed** | **1/05/15** | | |
| **Gene Tiedemann**<br>13099 310th Ave., SW, Euclid, MN 56722 | **Watershed**<br>gtiedemann@rrv.net | **2/03/11 - 1/06/14** | 218-281-6723 | *Home* |
| **Joseph Collins**<br>534 West Orange Ave., St. Paul, MN 55117 | **Watershed**<br>jpcollins534@msn.com | **3/29/12 – 1/04/16** | 651-488-5108 | *Home* |
| **Sandra Hooker**<br>14418 618th Avenue, Mapleton, MN 56065 | **Townships**<br>sandy.hooker@mntownships.org | **3/29/12 – 1/04/16** | 507-869-3114 | *Home* |
| **Christy Jo Fogarty**<br>18946 Excalibur Trail, Farmington, MN 55024 | **Metro City**<br>cfogarty@charter.net | **9/21/09 - 1/07/13** | 651-460-8057<br>612-867-8875 | *Home*<br>*Office* |
| **Keith Mykleseth**<br>532 Summit Avenue, Crookston, MN 56716 | **Non-Metro City**<br>keith243@ymail.com | **6/30/11 - 1/05/15** | 218-281-1801<br>218-521-0565 | *Home*<br>*Cell* |

### *State Agency Members:*

| | | | |
|---|---|---|---|
| **Matthew Wohlman**<br>Freeman Office Bldg., 625 Robert St. N., St. Paul, MN 55155<br>Matthew.Wohlman@state.mn.us | **Department of Agriculture** | 651-201-6551<br>651-201-6120 | *Office*<br>*Fax* |
| **Chris Elvrum**<br>P.O. Box 64975, St. Paul, MN 55164-0975<br>chris.elvrum@state.mn.us | **Department of Health** | 651-201-4598<br>651-201-4986 | *Office*<br>*Fax* |
| **Tom Landwehr**<br>500 Lafayette Road, St. Paul, MN 55155<br>Tom.Landwehr@state.mn.us | **Department of Natural Resources** | 651-259-5555<br>651-296-4799 | *Office*<br>*Fax* |
| **Faye Sleeper**<br>Room 173 McNeal Hall, 1985 Buford Avenue, St. Paul, MN 55108<br>fsleeper@umn.edu | **U of M/Extension** | 612-624-3738<br>612-625-1263 | *Office*<br>*Fax* |
| **Rebecca Flood**<br>520 Lafayette Road, St. Paul, MN 55155<br>Rebecca.Flood@state.mn.us | **Pollution Control Agency** | 651-757-2022<br>651-296-7923 | *Office*<br>*Fax* |

Minnesota Board of Water & Soil Resources

# BWSR Snapshots

October 2012

**Northeast White Cedar Plant community restoration project**
**By Dale Krystosek, Wetland Special Projects Lead**

The Board of Water and Soil Resources received a $250,000 LCCMR appropriation in 2011 for the Northeast White Cedar Plant community restoration project. Northern white cedar (*Thuja occidentalis*) wetland plant communities have been declining in Minnesota for decades. One of the goals of this project is to reverse the decline of northern white cedar wetland plant communities in the state through establishment of restoration and preservation demonstration projects and training local and state government land managers on restoration and protection techniques.

Currently, white cedar regeneration success is extremely rare in Minnesota due to seedling damage from deer, snow shoe hare, rodents and unsuitable seedbed conditions. Many mature white cedar stands have been lost due to high water levels caused by poorly designed road crossings in wetlands. Northern white cedar provides unique wetland functions in Minnesota including:

- thermal cover for white tailed deer and other wildlife during winter;
- critical habitat for pine, marten, fisher, songbirds; and
- provide thermal buffering for cold water fisheries (brook trout streams).

The first goal of the project is to reverse the decline of northern white cedar wetland plant communities in Minnesota. The project will achieve its goals by evaluating and prioritizing white cedar stands for restoration and preservation and through the establishment of demonstration restoration and preservation projects. The second goal of the project will be to improve the quantity and quality of white cedar plant communities in northeast and north central Minnesota. The project will accomplish this by development of a training program for local government resource managers regarding restoration techniques for white cedar plant communities regarding site preparation and re-

vegetation techniques and protecting white cedar from damage by poorly designed wetland crossings for roads and trails. ***The project has made the following accomplishment to date:***

- **The core project team** has been assembled and includes: Dale Krystosek, BWSR Project Manager; Jerry Stensing BWSR Project Technician; Dr. Rodney Chimner (Michigan Tech University) Technical Advisor; Kurt Johnson, University of Minnesota Duluth, Natural Resource Research Institute; Rick Dahlman (retired DNR Forestry Best Management Practice Coordinator), Brian Fredrickson, and Tom Estabrooks, Minnesota Pollution Control Agency. Additional advisors from DNR and local units of government have also participated in the project and an additional advisory committee will be established which will include additional DNR staff, U.S. Army Corps of Engineers, U.S. Forest Service and local units of government.
- The project team has **reviewed potential sites for high priority white cedar restoration and preservation demonstration sites** using the Northeast Wetland Mitigation Inventory, and Land Type Association data and forest inventory data using geographic information system expertise from the University of Minnesota Duluth, Natural Resources Resource Institute. Potential sites were reviewed in Cook, Lake, St. Louis, Koochiching, Beltrami, Lake of the Woods, Itasca, Aitkin, Cass, Crow Wing, Aitkin, Hubbard, Wadena, Kanabec, Pine, Clearwater and Carlton County.
- The **project team spent four days on field investigations of potential demonstration sites**, coordinating closely with Minnesota DNR foresters and ecologists and County Land Department foresters.
- **Seven demonstration sites** in Beltrami County, Koochiching County, St. Louis County and Lake were identified and **restoration plans and prescribed treatment plans** were developed for the seven sites.

- **Plant materials including white cedar seedlings, transplants and seed have been ordered** and reserved for the restoration work.
- The team is currently **researching suitable seedling protection** to prevent white tailed deer damage to white cedar seedlings and transplants.
- The team is currently working on **developing contracts with several land departments** to implement demonstration sites.
- **Several project tour sites have been identified** including:
  - *A site in Beltrami County that starkly demonstrates the impacts of hydrologic manipulation (roads and ditches) to white cedar regeneration and northern white cedar plant community understory composition and diversity. The diversion and drainage of natural hydrology on these sites had drastic impacts not only on white cedar regeneration, but also on the understory and diversity of the plant community.*
  - *Sites in St. Louis County that demonstrate impacts of hydrologic manipulation on white cedar plant communities.*
  - *Site in Koochiching County that demonstrates the importance of maintaining seed trees to promote white cedar regeneration.*

---

**An Ugly Problem: Controlling the common carp**
**By Brad Wozney, Metro Board Conservationist**



Originally from Europe, common carp (*Cyprinus carpio*) were imported in the 1870s by the U.S. Government to satisfy the requests of European immigrants. Carp are fairly intelligent and long-lived, with life spans exceeding 50 years. They can become a water quality nightmare as they scavenge the bottom for worms and other tiny organisms, scouring up to several inches deep in lake, wetland and river bottoms. This causes the uprooting of native vegetation and the re-suspension of bottom sediments, and as a result phosphorus is released. This can eventually lead to algae-dominated (turbid) lake conditions, especially in shallow lakes, that no longer sustain waterfowl and other species.

Attempts at controlling carp over the last several decades through the use of the fish toxin rotenone and lake drawdowns were met with mixed long-term results and can be expensive and damaging to native fish populations. Recently, significant strides have been made in understanding the life cycle and behavior of common carp from pioneering research by the University of Minnesota (U of M).

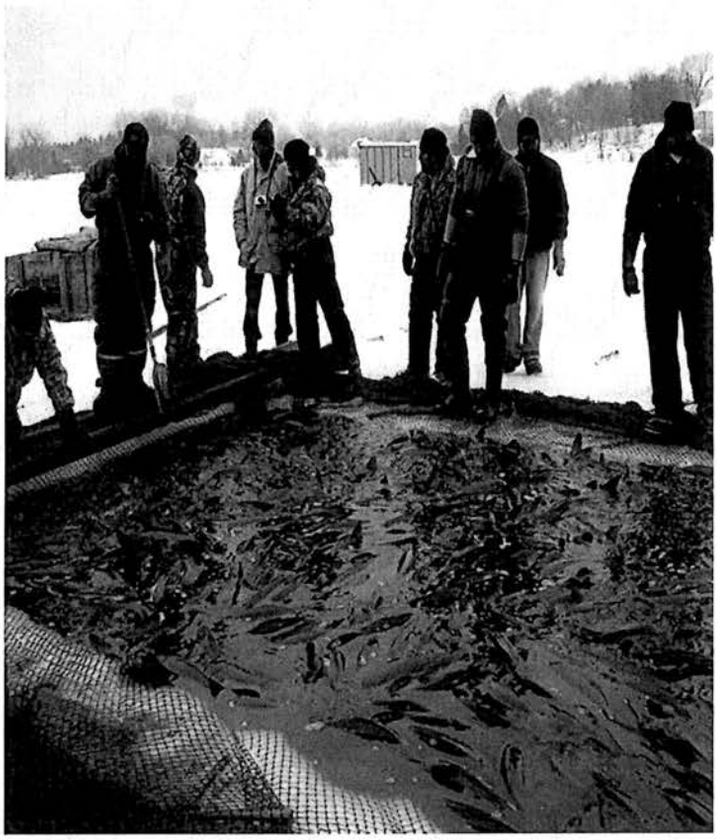
An important discovery in this groundbreaking research, led by biology professor Peter Sorensen and research assistant professor Przemek Bajer, found that although adult carp are tough and long-lived, their eggs and larvae are extremely vulnerable to predation and require predator-free habitats to survive. If such habitats are not available, carp's life cycle is broken and their populations will decline. Using telemetry the U of M researchers showed that adult carp employ interesting strategy to overcome this important limitation.

In the spring, hundreds or even thousands of adults will leave the lakes in which they overwinter and migrate to shallow interconnected marshes to spawn. They do so because shallow marshes often winterkill and are devoid of carp egg and larvae predators such as bluegills. However, if these migration routes are blocked or if marshes are aerated to prevent winterkills, carp's predator-avoidance strategy fails and sustainable control of carp populations becomes much easier to implement. In fact, Bajer, Sorensen and their colleagues have already shown that carp populations can be effectively controlled in entire chains of lakes if winterkills in shallow marshes are prevented.

In addition to determining how carp's reproductive strategy can be controlled, the U of M team showed how the adult carp that are already present in lakes in large numbers can be effectively and selectively removed without using toxins or harming native biota.

Radio-tagged carp, originally dubbed as "Judas fish" by carp researchers in Australia, are used to pinpoint the fish in the winter as they congregate in large numbers

under the ice. Nearly 95 percent of carp from some lakes have been removed in a few nettings. Pheromones are also being considered as an aggregation technique.



***Carp removal on Lake Gervais, Ramsey County. Photo courtesy of the University of Minnesota.***

Reducing the carp population to a manageable level and ultimately sustaining improved water quality is a complex process. It will likely require comprehensive, ecosystem-wide approaches and tools that target specific elements of carp's life history. The installation of fish barriers to prevent the migration of carp to areas prone to winterkill or the use of Judas carp to remove winter aggregations of adults are two such tools. The implementation of common carp management strategies need to be conducted with minimum impact on native biota, because the U of M research shows that diverse native fish communities are key in controlling common carp populations.

Once carp are reduced to manageable levels another challenge is establishing desirable native aquatic plants while preventing development of nuisance populations of curlyleaf pondweed and Eurasian watermilfoil which is the latest research led by U of M's Dr. Ray Newman.

The U of M has forged solid partnerships with the Riley-Purgatory-Bluff Creek and Ramsey-Washington Metro Watershed Districts to battle the well-established and invasive common carp. Additionally the University received LCCMR appropriated funds. The applied research and control techniques have yielded success in the Riley-Purgatory-Bluff Creek Watershed District. After several years of intense work, there is enough evidence as of September 2012 to indicate that adult carp **are at manageable populations and there are no young-of-the-year carp in the entire Riley Creek chain of lakes according to the University researchers. This has resulted in immediate water quality improvements.**



***Construction of a fish barrier to prevent carp migration. Photo courtesy of the University of Minnesota.***

References:


1. Bajer P.G., C Chizinski, J. Silbernagel, and Sorensen P. W. 2012. Variation in native micro-predator abundance explains reproductive success of a mobile invasive fish, the common carp, in naturally unstable environment. Biological Invasions 14:1919-1929.
2. Bajer, P.G, and Sorensen, P.W. 2010. The superabundance of common carp in interconnected lakes in Midwestern North America can be attributed to the propensity of adults to reproduce in outlying habitats that experience winter hypoxia. *Biological Invasions* 12: 1101-1112.
3. Bajer, P. G., Sullivan, G., & Sorensen, P. W. (2009, 10 1). Effects of a rapidly increasing population of common carp on vegetative cover and waterfowl in a recently restored Midwestern shallow lake. *Hydrobiologia, 632*(1), pp. 235-245.
4. Sorensen Lab/University of Minnesota website. 2012:

   http://sorensenlab.cfans.umn.edu/


---

*Minnesota Board of Water & Soil Resources.*
*October 2012.*

# Tracking Conservation Progress is about to Change...

The Board of Water & Soil Resources (BWSR) is leading development of a new web-based system to track statewide conservation projects and activities. This replacement for eLINK is due out in April 2013.

***What is eLINK?***

eLINK is a software package that provides local government partners with integrated administrative, operational, and decision-making system to help manage and report on conservation projects. It also provides BWSR staff the means to efficiently provide oversight and monitor state-funded conservation projects. The data collected in eLINK has been instrumental in telling the story of conservation successes across Minnesota.

***Why was an upgrade commissioned?***

The technology behind the current system has reached the end of its effective life. At the same time, increases in conservation funding through the Clean Water Land & Legacy Amendment has increased the demands on eLINK beyond its capabilities.

***What will change?***

The new system will integrate and streamline current grant processes to bring efficiencies to both state and local governments. Improved speed and system response will provide data and results back more quickly. Technology upgrades for speed and intuitive data entry, accessibility from multiple browsers, the latest mapping technology, and features such as password resets and messaging will all be incorporated. Finally, the system will provide public access to summarized grant and project information, and allows upload of data about legacy-funded projects to the Legislative Coordinating Commission (LCC) Minnesota Legacy website.

For more information about this project, contact Melissa Lewis at 651-297-4735 or Melissa.K.Lewis@state.mn.us.

**www.bwsr.state.mn.us/outreach/eLINK/index.html**

Minnesota Board of Water & Soil Resources

CLEAN WATER LAND & LEGACY AMENDMENT

## Project Milestones

**Summer 2012**
Local government partners and BWSR staff met with developer to outline system requirements.

**Fall 2012**
Finalizing system requirements, design beginning. First iteration of system build begins.

**Winter 2012 - 2013**
Build will be ongoing and testing with BWSR and local government partners begins. Data migration planning begins

**Winter/Spring 2013**
Testing, building, and revising continue until final version is ready for data migration and deployment in April. Training starts. System will first be used for FY2014 Competitive grant program applications.

# 2010-2011 Biennial Report to the Minnesota Legislature







Minnesota Board of Water & Soil Resources

**Minnesota Board of Water and Soil Resources**
520 Lafayette Road North
St. Paul, MN 55155
651-296-3767
www.bwsr.state.mn.us

*This page was left intentionally blank.*

# LETTER FROM THE BOARD CHAIR

Dear Friends and Colleagues,

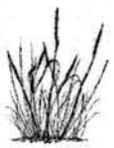
Ideas for improving coordination among local, state and federal organizations with water management duties have been discussed for many years, and in fiscal years 2010-2011 (FY10-11), the Minnesota Board of Water and Soil Resources was instrumental in turning those ideas into reality. The Board has continually worked to find ways to coordinate programs and optimize resources in ways that achieve the best results and have the results understood by many others. This report highlights those accomplishments.

BWSR managed significant changes in FY10-11. We successfully implemented changes to grant programs through the Clean Water Legacy Act and other legislatively prescribed programs. We continued to collaborate with other agencies, local governments and interest groups to streamline administration and implementation of the Wetland Conservation Act. We developed a more systematic and comprehensive local government fiscal management oversight program. Our efforts to implement $25 million of Reinvest in Minnesota (RIM) Reserve funds were very successful, and our partnership with the USDA Natural Resources Conservation Service (NRCS) Wetlands Reserve Program leveraged $40 million in federal funding. This federal partnership, made possible with expertise from local Soil and Water Conservation Districts (SWCDs), has become the premier wetland restoration program in the nation. We have done all of this while retaining a small staff.

The practices on the land are what determine the fate of our waters. With a focus on the privately owned working lands of the state, BWSR is ready, willing and able to make major contributions to protect and improve the water and land resources of Minnesota -- in partnership with local, state, and federal organizations and private landowners.

We are proud to present the 2010-2011 Biennial Report, which highlights some of our main accomplishments for the biennium.

*Brian Napstad, Chairman*
*Minnesota Board of Water and Soil Resources*



# TABLE OF CONTENTS


Executive Summary ..... 1
Accomplishment & Environmental Benefits ..... 2
BWSR Mission ..... 3
Board Membership & Staff ..... 6
Program & Budget Overview ..... 9
Program & Policy Overview ..... 12
- Conservation Easements ..... 15
- Wetland Conservation Act ..... 19
- Grant Program Categories ..... 23
- Disaster Assistance ..... 29
- Local Conservation Delivery ..... 31
- Technical Services ..... 35
- Training ..... 38
- Communications ..... 40




BWSR is an equal opportunity employer.

Information contained in this report is available in an alternative format upon request.

Pursuant to Minn. Stat. § 3.197, the cost of preparing this report was approximately $3,000.

**October 2012**

# EXECUTIVE SUMMARY

Fiscal years 2010-2011 (FY10-11) was a time of challenges and opportunities for the Minnesota Board of Water and Soil Resources (BWSR).

The 2009 Legislative Session delivered tumultuous changes to BWSR's budget. In order to address the nearly $1 billion state general fund deficit, BWSR received substantial budget reductions to grant programs funded out of the state general fund, including 17 percent decrease to Cost Share Grants, five percent decrease to Natural Resources Block Grants, 1.8 percent decrease to Conservation Delivery Grants and 8.8 percent decrease for BWSR administration.

While the agency's general fund dollars were reduced, BWSR gained supplemental funding through passage of the Clean Water, Land and Legacy Amendment, which resulted in more than $39 million in additional funding for implementation projects through grants to local governments.

Despite all of the budget changes, the agency continued its mission to improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners. BWSR's core functions included implementing the state's soil and water conservation policy, comprehensive local water management, and the Wetland Conservation Act.

## Recommendations

Pursuant to Minn. Stat. 103B.101, the following report includes recommendations for any program or board membership changes necessary to improve state and local efforts in water and soil resources management. Those recommendations include:

1. Additional funding for RIM Reserve to continue achieving multiple benefits for wildlife habitat, water quality, potential bio-energy production and economic benefits.

2. Additional funding for local governments to continue implementing WCA effectively.

3. Additional funding for wetland banking to begin projects that will provide enough replacement credit to meet projected demand.

4. Additional Clean Water Funding for implementation projects, an agency planning process in cooperation with local governments to evaluate funding needs in future fiscal years.

5. Additional funding for state and/or local staffing with the technical expertise to design and supervise construction of conservation projects, which will enable Minnesota to make the most efficient use of local, state and federal dollars, and will allow BWSR to implement Executive Order 11-03.

6. Execution of the Metro Water Planning Rules Advisory Committee's recommendations to develop a results-oriented framework which would consist of periodically updated inventories and goals and frequently updated implementation and capital improvement plan sections.

7. Continuation of the agency's role in implementing specific training geared toward local units of government.

8. Development of an external strategic communications plan that sets measurable objectives and a specific structure for how BWSR will implement external communications work.

# ACCOMPLISHMENTS AND ENVIRONMENTAL BENEFITS

BWSR's fundamental purpose is to get more conservation installed on the ground. In FY10-11, local governments and other partners decreased sediment and nutrients entering lakes, rivers, and streams and increased fish and wildlife habitat, while slowing wetland losses. These environmental outcomes have been realized in spite of intensification of agriculture, greater demands for forest products, and rapid urbanization in many parts of the state.

Because 78 percent of the state's land is held in private ownership, BWSR's focus on private lands is critical to attaining the state's goals for clean water, clean air, and abundant fish and wildlife. Managed wisely, these working lands - Minnesota's farms, forests, and urban areas - contribute greatly to the production of environmental goods and benefits including cleaner air and water, fish and wildlife habitat, and preservation of open spaces.

During FY10-11, some highlights of BWSR's accomplishments and environmental benefits include:

| Accomplishment | Environmental Benefit |
|---|---|
| **In seven programs, BWSR acquired 543 conservation easements.** | • 28,540 acres of easements were established, reducing soil erosion, phosphorus and nitrogen loading.<br>• Easements improve wildlife habitat and flood attenuation, permanently restore wetlands, adjacent native grassland wildlife habitat complexes and establish permanent riparian buffers. |
| **Through the wetland banking program, more than 2,200 deposits were made to the state's bank.** | • Wetlands provide habitat for thousands of species of aquatic and terrestrial plants and animals, absorb excess nutrients, sediment and other pollutants before they reach rivers, lakes and other water bodies. |
| **Four grant programs from the state's general fund provided 558 grants, totaling $21,120,273.** | • More than 15,209 tons/year of soil were saved from entering Minnesota waterways.<br>• More than 10,374 tons/year of sediment was reduced from entering Minnesota waterways .<br>• More than 6,054 pounds/year of total phosphorus was reduced from entering Minnesota waterways. |
| **Approximately $24 million in Clean Water Fund grants were distributed, leveraging another $37.1 million in local and federal funds.** | • 2,095 acres of native buffers were established, reducing pollution in lakes and rivers.<br>• 141 septic systems replaced, preventing more than 10 million gallons of sewage per year from entering waterways.<br>• 28 abandoned wells have been sealed, eliminating potential sources of groundwater contamination.<br>• 60 feedlots have fixed, eliminating runoff to nearby streams.<br>• More than 100 acres in vulnerable wellhead protection areas have been permanently protected. |

# BWSR MISSION

*"Improve and protect Minnesota's water and soil resources by working in partnership with local organizations and private landowners."*

## Strategic Plan

BWSR's Strategic Plan was adopted January 23, 2008, and is available on the BWSR website (www.bwsr.state.mn.us/publications/Strategic_Plan.pdf). In FY10-11, the Board's Public Relations, Outreach and Strategic Planning Committee began the process of preparing a plan update. They surveyed board members to determine emerging issues that needed to be addressed. In April 2011, the committee decided to pursue an update with additions rather than making major revisions or completely rewriting the plan. That process was underway at the end of the biennium.

The BWSR Strategic Plan includes three strategic issues, 1) creating an effective conservation delivery system, 2) delivering conservation programs in ways that maximize their impact on the land and water resource, and 3) making accomplishments known to those who have influence on BWSR's mission.

## Beliefs

- Real-world effectiveness. The mission is focused on water resources and soil conservation. The success of BWSR 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.

## Strategic Issues

1. What do we do to create the effective local delivery system and partnerships to accomplish our mission? 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 (SWCDs), watershed districts (WDs) and metropolitan watershed management organizations (WMOs). BWSR can only accomplish its mission if it has an effective delivery system. Leverage points:
    a. Lead LGU 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.

    b. 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.

    c. 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.

    d. 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 partner with others who utilize these powers.

2. How do we redevelop and deliver our conservation programs so we maximize their impact on the land? 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 percent of its General Fund budget on external program activities (LGU grants, technical and administrative support, cost-share, etc.), with the remaining 25 percent 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 flexibility in how it distributes a large and growing portion of the funding. Leverage points:
    a. The method by which BWSR delivers programs (need-based vs. competitive). BWSR has the power to allocate the resources to projects that make the most impact.

    b. The method by which BWSR monitors performance. BWSR can do more than measure its and its partner's successes.

    c. The guidelines that determine eligible and priority activities for each program. Focusing resources on priority issues is one method to effect change.

d. BWSR staff work planning. Time invested in setting strategies and priorities will result in increased efficiencies and effectiveness for the agency and its partners.

3. How do we make our accomplishments and the state's resource conservation needs well known among those having significant influence over our mission? 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. Leverage points:
    a. Performance and its measurement. Telling a story about effectiveness requires the actual measurement and documentation.
    b. 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.
    c. 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.

4. The BWSR Strategic Plan lists the following next steps, which began in 2007 and have continued through 2010-2011:
    - 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 evidence, 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. 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.

# BOARD MEMBERSHIP & STAFF

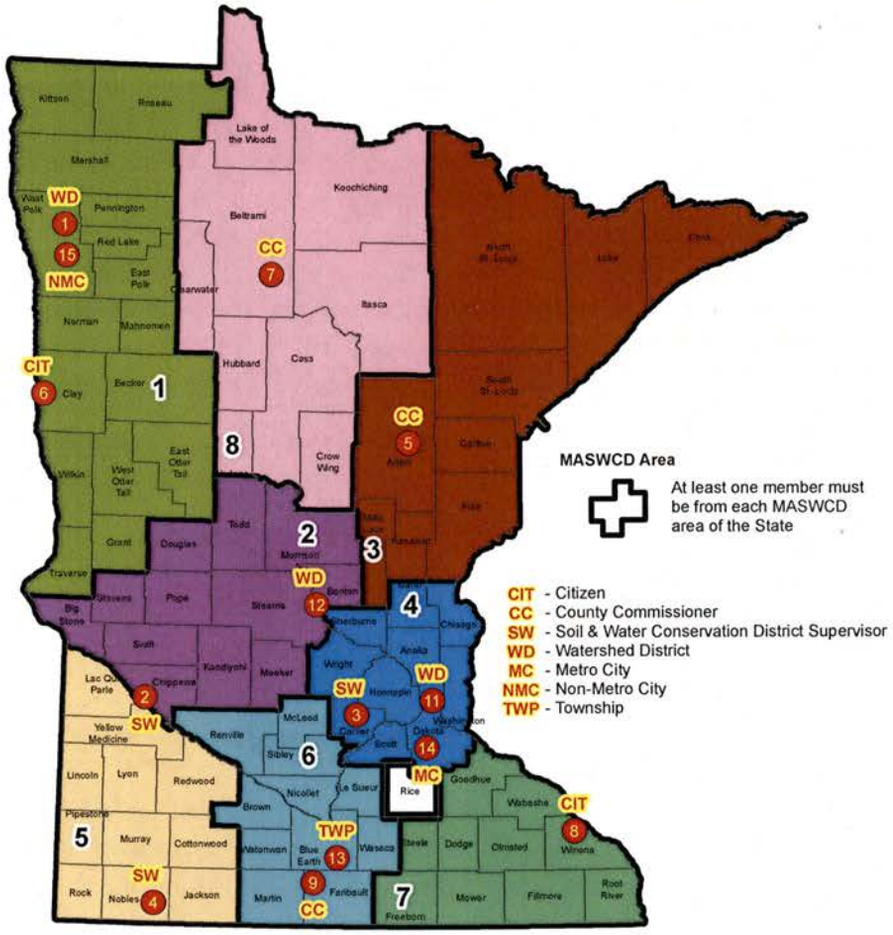
**Board Members**

**ID, Member, Yr. Appt. Ends**

- 1, Gene Tiedmann, 2014
- 2, Louise Smallidge, 2012
- 3, Robert Burandt, 2013
- 4, Paul Langseth, 2014
- 5, Brian Napstad, Chair, 2014
- 6, Gerald Van Amburg, 2015
- 7, Quentin Fairbanks, 2015
- 8, John Meyer, 2013
- 9, Tom Loveall, 2013
- 10, Paul Brutlag, Vice Chair, 2012
- 11, LuAnn Tolliver, 2012
- 12,Todd Foster, 2015
- 13, Sandra Hooker, 2012
- 14, Christy Jo Fogarty, 2013
- 15, Keith Mykleseth, 2015

**Agency Seats**

16, Matthew Wohlman, MDA
17, Linda Bruemmer, MDH
18, Tom Landwehr, DNR
19, Faye Sleeper, UME
20, Rebecca Flood, MPCA




The structure and authorities of the board is a key element of accomplishing the agency's mission. Each board meeting is a public forum where ideas are exchanged among state and local government representatives and citizens from different areas of the state and decisions are made with full transparency and accountability. The Governor appoints Board members based on geographic diversity and representation of different types of local governments.

The Legislature expanded the board from 17 to 20 members in 2009 to add city and township elected officials. The makeup of the 20-member board is specified in Minnesota Statutes Chapter 103B.101 and consists of three county commissioners; three soil and water conservation district supervisors; three watershed district or watershed management organization representatives; three citizens; one township officer; two elected city officials, one of whom must be from a city located in the metropolitan area; and the Commissioners or their delegates from the following agencies:

- Minnesota Department of Agriculture;
- Minnesota Department of Health;
- Minnesota Department of Natural Resources;

- Minnesota Pollution Control Agency; and
- **The Director of the University of Minnesota Extension Services.**

Nine BWSR board committees function to gathering information, preside over public hearings, make findings and bring recommendations to the board. The committees include:

- Administrative Advisory Committee
- Dispute Resolution Committee
- Grants Program & Policy Committee
- Public Relations, Outreach, and Strategic Planning Committee
- RIM Reserve Management Planning Committee
- Wetland Committee
- Metro Water Planning Committee
- Northern Water Planning Committee
- Southern Water Planning Committee

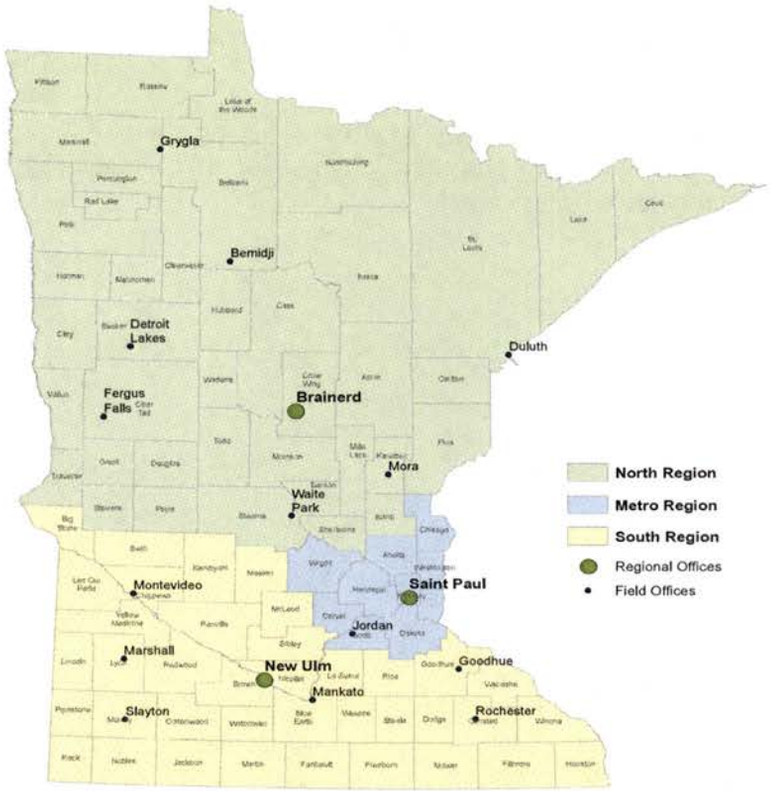
Finally, each year, the board tours a region of the state to see projects that have been implemented. In August 2009, the board toured the southeastern part of the state, including Fillmore, Winona and Houston counties. In August 2010, the board toured the Red River Valley, including Becker, Clay and Wilkin counties.

**The board's membership and public processes provide a means for citizens and local governments to take direct ownership of conservation issues, instead of having a one-size-fits-all approach to conservation.**

## Staff

BWSR has approximately 80 **employees housed in nine offices** located throughout Minnesota.

Most of the duties of the board and **staff are accomplished by working in** partnership with local organizations. **BWSR staff provides financial,** technical, and administrative assistance to local governments for implementation of the state's soil and water conservation policy, resource protection programs required by the Wetland Conservation Act (WCA), local water management planning, and for implementing conservation projects on privately owned lands.



The main duties of the board and staff include:

- Serving as the state soil conservation agency (M.S. 103B.101),
- Implementing best management practices that reduce nonpoint source pollution, promote native vegetation establishment and control invasive plant species by providing financial, technical and administrative assistance to local government units, and working with private landowners (M.S. 103B, 103C, 103D),
- Evaluating the performance of and, where necessary, providing assistance to each local water management entity (M.S. 103B.102),
- Providing planning assistance to ensure that local water resource planning is linked with comprehensive land use planning and reviewing all local water management plans (M.S. 103B),
- Resolving water policy disputes (M.S. 103A.211, 103A.305, 103A.315, 103A.311),
- Implementing all comprehensive local water management acts (M.S. 103B.201, 103B.255, 103B.301),
- Providing a public forum for citizens and a broad range of interests to make decisions on complex water and soil conservation policies (M.S. 103B.101),
- Protecting wetlands from being drained or filled implementing the Wetland Conservation Act (M.S. 103G),
- Coordinating local, state, and federal resources to achieve the most effective conservation outcomes for the state's investment, and
- Leading the multi-interest Drainage Workshop to ensure wise use of the drainage infrastructure and protection for water and soil and related resources (MS 103B.101).

The board's balanced mix of perspectives and experiences is a critical element of the practical and credible conservation policy and program development that is achieved in Minnesota. No changes to the board membership are recommended.

# PROGRAM & BUDGET OVERVIEW

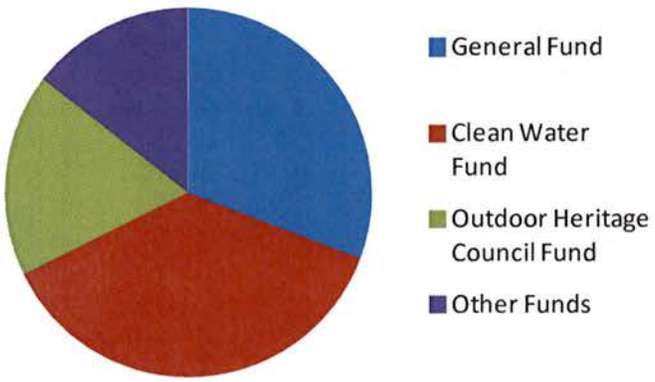
BWSR receives appropriations from the Legislature through the biennial budget process. The General Fund is the state's primary revenue source fund. The Clean Water Fund and Outdoor Heritage Fund are two new fund sources in FY10-11, and are from the Clean Water Land and Legacy Amendment approved by voters in 2008.

BWSR also has statutory authority to receive other funds, such as from other state agencies, the federal government, and other entities. The Other Funds category is made up of interagency transfers, federal funds, and special revenue funds.

** All of the dollar amounts in the tables below are in thousands.*

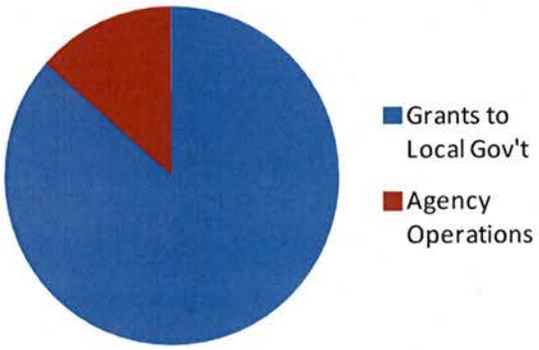
## Revenue for 2010-2011 Biennium

| | |
|---|---|
| General Fund | $33,961 |
| Clean Water Fund | $39,324 |
| Outdoor Heritage Fund | $15,953 |
| Other Funds | $14,700 |
| **Total** | **$103,938** |



## Expenditures for 2010-2011 Biennium

| | |
|---|---|
| Grants to Local Government Units | $90,352 |
| Agency Operations | $13,586 |
| **Total Estimated Expenditures** | **$103,938** |




"Grants to Local Government Units" is the amount of appropriations and revenue sources that were granted to various local government units (LGUs) to spend on approved programs. The primary recipient LGUs are soil and water conservation districts (SWCD), counties, watershed districts, watershed management organizations, and cities.

The table below breaks out the grants in program types, which correspond to the various programs highlighted elsewhere in this report.

## Breakdown of Expenditures: Grants

| | |
|---|---|
| Natural Resources Block Grants | $7,800 |
| SWCD General Services Grants | $7,000 |
| State Conservation Cost-Share Grants | $4,750 |
| Clean Water Fund Grants | $36,978 |
| Easements* | $26,428 |
| Other Grants | $7,396 |
| **Total Grants Expenditure Budget** | **$90,352** |

*Easement purchases made from Outdoor Heritage Funds and U.S. Army Compatible Use Buffer funds.

In the summary expenditure table above, $13,586 million is identified as Agency Operations cost. These are detailed below by expenditure category.

## Breakdown of Expenditures: FY10-11 Agency Operations

| | |
|---|---|
| Personnel (salaries plus employer-paid benefits) | $11,902 |
| Occupancy (rent = $346) | $384 |
| Information Technology (computer systems) | $452 |
| Travel (vehicles and mileage) | $496 |
| Other administrative costs | $352 |
| **Total Agency Operations Budget** | **$13,586** |

## Bonding

BWSR also receives funds through bonding appropriations. These appropriations span time frames of four to six fiscal years. FY10-11bonding appropriations total $67.3 million, broken down by the following primary programs:

| | |
|---|---|
| Reinvest in Minnesota (RIM) Reserve | $49,500 |
| Public Road Replacement Program | $12,762 |
| Other bonding grants passed through to LGUs | $5,000 |
| **Total** | **$67,262** |

## Minnesota's Environment and Natural Resources Trust Fund

BWSR also receives appropriations from the Trust Fund through the Legislative-Citizen Commission on Minnesota Resources (LCCMR). These appropriations generally span two years. Appropriations to BWSR total $3 million. Projects included: MN Farm Bill Asssistance Program, County Digital Soil Survey, Statewide Ecological Ranking of Conservation Reserve Program (CRP) and other Critical Lands and Minnesota Conservation Apprenticeship Program.

# PROGRAM & POLICY OVERVIEW

The mission of the Board of Water and Soil Resources is to work in partnership with local organizations and private landowners to protect and improve water and soil resources. Minnesota Statutes authorize BWSR to implement conservation programs and policies via a unique statewide partnership that leverages state, local, and federal efforts to protect and restore the state's waters, wetlands, working lands, soils, woodlots, prairies, and related natural habitats.

BWSR programs primarily are delivered through local governments, and they have resulted in less sediment and nutrients entering lakes, rivers and streams; greater fish, wildlife and native plant habitat; and conservation measures being implemented on public drainage systems. These outcomes are achieved despite more intense agricultural practices, greater demands for forest products and urbanization in many parts of the state.

BWSR's mission is accomplished through the following strategies:

- Develop and implement targeted grant programs that encourage voluntary adoption of land management practices and projects that protect and improve Minnesota's natural environment,
- Assist local government units in the development of comprehensive water and resource planning and implementation programs that target investments in conservation to obtain the greatest ecological benefit,
- Administer the state's Wetland Conservation Act to support the goal of no net loss of wetlands through coordinating the regulatory functions of federal and state agencies, and
- Provide an essential interface between the executive branch agencies and local government units so that water, soil and habitat conservation and protection programs are fully integrated.

## Land and water conservation projects

The major focus of BWSR is getting land and water conservation projects on the ground, in the locations that provide the best environmental outcomes. BWSR grants provide funding to local governments to implement programs and to provide cost-share to landowners who install conservation practices on their land to benefit state water and soil resources. Conservation easements are land-use agreements where landowners receive a payment to establish conservation practices such as restored wetlands and prairies in vulnerable resource areas. These BWSR programs address high-priority state and local resources concerns, such as:

- Keeping water on the land
- Maintaining healthy soils
- Reducing pollutants in ground and surface water
- Insuring biological diversity

- Reducing flooding potential
- Maintaining stream integrity

The Clean Water Legacy Act of 2006 provided new one-time funding for projects that accomplish these goals, and additional funding has been appropriated to BWSR through the Clean Water, Land & Legacy Amendment to the constitution, approved by Minnesota voters on November 4, 2008. The Amendment increases the sales and use tax rate by three-eighths of one percent on taxable sales, starting July 1, 2009, continuing through 2034. Those dollars are dedicated to four funds: Outdoor Heritage Fund, Clean Water Fund, Parks and Trails Fund, and Arts and Cultural Heritage Fund. BWSR has received appropriations from the Outdoor Heritage Fund and the Clean Water Fund.

## Resource planning and delivery effectiveness

BWSR provides for targeted resource planning and evaluates the effectiveness of conservation efforts in two ways: 1) organizational evaluations of local government units that implement conservation programs and 2) evaluations of environmental outcomes. These goals are accomplished by:

- Providing technical, administrative and financial support to a core network of conservation delivery professionals in more the 240 local governments,
- Assisting and providing guidance to local governments in the development of comprehensive resource management plans that address critical state and local needs and priorities,
- Increasing the skill base of local governments through a comprehensive training program,
- Systematically reviewing the performance of local governments in meeting the goals of their own management plans,
- Evaluating the ecological integrity of restoration evaluations while assuring that conservation easements are maintained in the state's best interest, and
- Maintaining stream integrity.

## Resource protection rules and laws

BWSR is responsible for administering the Wetland Conservation Act (WCA) and providing oversight to drainage authorities operating under drainage law (M.S. 103E). Ensuring compliance with environmental laws, rules, and regulations is accomplished by:

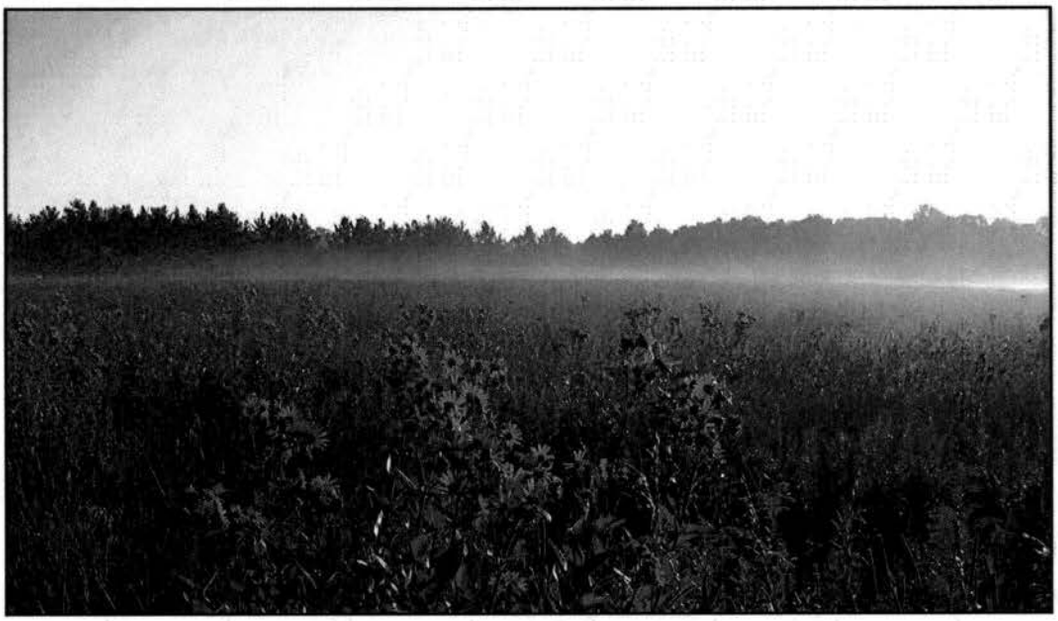
- Providing oversight of local WCA implementation through annual reporting and adjudicating or mediating disputes elevated through an appeals process of local government decisions,
- Managing and administering the state wetland bank system,
- Coordinating inter-agency funding to local governments for implementation of the

DNR Shoreland Management Program, PCA Subsurface Sewage Treatment System Program, PCA Feedlot Permit Program, and BWSR Comprehensive Local Water Management Program, and

- Facilitating the Drainage Work Group in developing consensus recommendations of updates to drainage law to be adopted by the Legislature without controversy.

## Board administration and agency operations

Goals related to administrative efficiency and effectiveness are accomplished through board and administrative leadership, internal business systems and operational support. Board administration and agency operations include financial and accounting services, legislative and public relations, information technology services, communications and human resources.



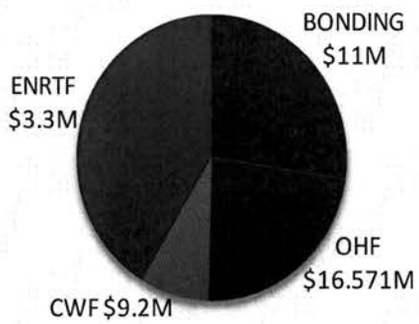
# CONSERVATION EASEMENTS

Reinvest in Minnesota (RIM) Reserve increases public and private investment in private lands to improve water quality, create wildlife habitat, and increase flood storage capacity. Voluntary conservation easements with private landowners are administered in partnership with soil and water conservation districts (SWCDs) and focus on restoring drained wetlands and enrolling highly erodible, riparian, and sensitive groundwater lands.

BWSR staff provides the necessary administrative, legal, and engineering duties to be able to secure the conservation easements with landowners and fully restore hydrology and vegetation. Easements are inspected annually by SWCD staff for the first five years then every third year thereafter.

The BWSR received the following appropriations/funds during FY10-11 for acquisition of conservation easements and associated activities.

## State Funding Sources FY10 and FY11




| | Amount | Source | Activity |
|---|---|---|---|
| **FY10** | $500,000 | Bonding | RIM Reserve |
| | $500,000 | Bonding | Disaster Relief (FEMA-1830-DR) NW MN floods |
| | $3,250,000 | Clean Water Fund | Riparian Buffers |
| | $1,000,000 | Clean Water Fund | Wellhead Protection Areas |
| | $1,500,000 | Environment and Natural Resources Trust Fund | Granite Rock Outcrop |
| | $618,000 | Outdoor Heritage Fund | Little Nokasippi River Wildlife Management Area |
| | $9,058,000 | Outdoor Heritage Fund | RIM-WRP Partnership |
| **FY11** | $10,000,000 | Bonding | Disaster Relief (FEMA-1941-DR) 2010 S. MN floods |
| | $3,650,000 | Clean Water Fund | Riparian Buffers |
| | $1,300,000 | Clean Water Fund | Wellhead Protection Areas |
| | $1,800,000 | Environment and Natural Resources Trust Fund | Granite Rock Outcrop |
| | 6,895,000 | Outdoor Heritage Fund | RIM-WRP Partnership |

## RIM Reserve - Wetlands Reserve Program (WRP) Partnership

RIM-WRP is a local-state-federal partnership that combines the state's Reinvest in Minnesota Reserve conservation easement program with the USDA Wetlands Reserve Program, administered by the USDA Natural Resources Conservation Service (NRCS). Minnesota's SWCDs implement the program at the local level.

The RIM-WRP Partnership received the 2009 Partnership of the Year Award at the 2009 Environmental Initiative Awards ceremony, presented by Minnesota Environmental Initiative and continues to be the premier wetlands conservation partnership in the nation. It has also been used as a model nationally by USDA to encourage other states to increase their own partnership activity. Using a combination of bonding and Outdoor Heritage Fund (OHF) dollars, 155 easements totaling approximately 15,940 acres of wetlands and adjacent prairie grasslands were established. The average wetland to prairie ratio is 1:2.

*The RIM-WRP Partnership has enabled Minnesota to leverage $1.4 federal dollars for every $1 in state RIM funds.*

*According to the NRCS, Minnesota continues to be one of the leading states in the nation in dollars allocated and wetland acres set to be restored through the Wetlands Reserve Program (WRP).*

Economic benefits are also generated by RIM-WRP. Easement programs that restore wetlands require a broad range of skilled workers in the public and private sectors throughout Minnesota. According to the USDA NRCS, the RIM-WRP partnership in 2010-11 generated the following economic benefits:

- $47.7M spent in Minnesota
- More than $61 million in total economic output
- 445 jobs created or maintained

## RIM Reserve Flood Recovery Easements



In response to the flooding in the Red River Valley in 2009, using a combination of disaster relief targeted and general RIM bonding dollars, the BWSR acquired five easements in the disaster relief area. These five easements protected 223 acres.

The following year, in response to the floods in southern Minnesota in 2010, BWSR has allocated $12.8M ($10M plus an additional $2.8M in available bond funds to acquire conservation easements in the disaster area. Approximately $9.56M easements have been funded in the target area. This represents approximately 87 easements and 4,840 acres.

## Riparian Buffers

$6.9M was appropriated from the Clean Water Fund to this activity during FY10-11. Two sign-ups have been held thus far, resulting in 215 easements and 1,691 acres being enrolled. Additional appropriations afforded the opportunity to further these efforts. Future enrollments will combine OHF, CWF and bonding dollars and incorporate habitat and marginal ag land eligibility types. This allows for larger parcels and associated easement payments, both of which are more desirable to the state and the landowner.

## Wellhead Protection

$2.3M was appropriated to this activity during FY10-11. Two sign-ups have been held thus far, resulting in nine easements and 757 acres being enrolled. Eligibility criteria have been modified, which will allow future sign-ups to attract more applications. Additional outreach efforts have been made to ensure increased success for this initiative.

## Granite Rock Outcrop

$3.3M in Environmental Natural Resource Trust Fund (ENRTF) dollars was appropriated to the BWSR in cooperation with the Renville SWCD to acquire perpetual easements of unique granite rock outcrops, located in the Upper Minnesota River Valley. Thirty-one easements totaling 1,309 acres have been acquired.

## Little Nokasippi River Wildlife Management Area

$618K in OHF funds was appropriated to acquire interests in land for wildlife management areas within the boundaries of the Minnesota National Guard Army Guard Compatible Use Buffer (ACUB) program via an agreement with the Department of Natural Resources. Thirteen easements were acquired for 944 acres.

## Army Compatible Use Buffer Program (ACUB)

BWSR provides easement acquisition services on a fee-for-service basis to the Army National Guard for their Army Compatible Use Buffer (ACUB) program. Participating landowners voluntarily enroll in an easement and agree to keep the land in a natural state or in agricultural production, but not to subdivide it or convert it to other commercial or residential uses. The project insures that development in nearby Fort Ripley does not encroach on key areas near Camp Ripley. The ACUB easements protect existing fish and wildlife habitat and protect water quality by preventing residential or commercial development, and prevent increased loading of phosphorous, sediment, and other pollutants associated with urbanization.

During the FY10-11 biennium, Camp Ripley was awarded $3.76M in funding for easement acquisition. This is among the highest award levels in the nation. BWSR receives 7.5 percent ($282K) of these dollars for its administrative services; half of those dollars are granted to SWCD(s) with ACUB activity for their services. Twenty-eight easements, totaling approximately 2,836 acres were acquired.

## Minnesota Farm Bill Assistance Project

$1M was appropriated from the ENRTF to provide funding for technical staff to assist in the implementation provisions of conservation programs, including the federal farm bill conservation programs. This effort provided 16 full-time equivalents at the field level with a goal to establish or restore 50,000 acres of grassland and wetlands during the two-year period ending June 1, 2011. This goal was exceeded with a total enrollment of 69,081 acres, resulting in $79M of USDA program payments coming to Minnesota landowners for implementing conservation practices on their land.

## Walk-in Access

BWSR is assisting the DNR with the administration of this program via an Inter-Agency Cooperative Agreement. Acting as BWSR's authorized agents, 19 SWCDs have been paid $4,210 each for a total of $79,990 for their assistance in marketing and enrolling the program to landowners. First payments to enrolled landowners were made in June 2012.

## RIM Services Grants

BWSR is authorized to grant funds for Reinvest in Minnesota Reserve implementation to SWCDs under Minnesota Statutes 103.401, subd. 4. The RIM Services Grant is considered as support to assist BWSR with implementation associated with easement monitoring and conducting spot-checks.

In FY10-11, BWSR issued 157 RIM Services Grants, totaling $627,007.

***Recommendation #1***

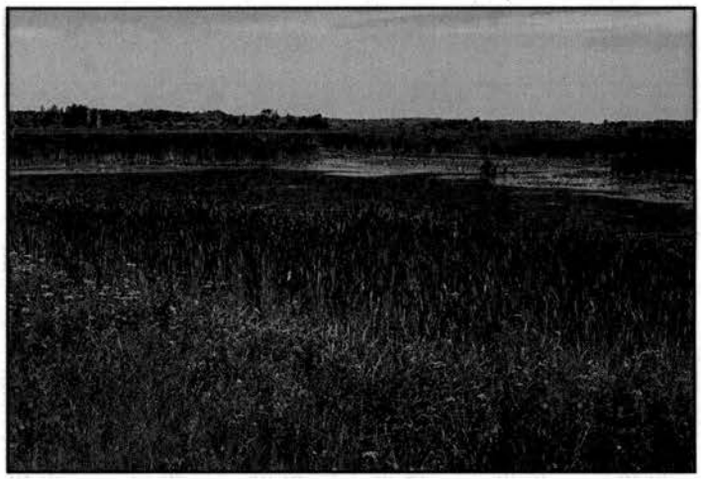
*BWSR recommends additional funding for RIM Reserve to continue achieving multiple benefits for wildlife habitat, water quality, potential bio-energy production, and economic benefits.*

# WETLAND CONSERVATION ACT

The Wetland Conservation Act (WCA) was enacted in 1991 to stem the losses of wetlands in Minnesota. Minnesota has more than 10 million acres of wetlands statewide, which is about 50 percent of the wetland acres in the state at the time of European settlement. The law protects wetland resources by requiring individuals to avoid draining or filling wetlands or to replace wetlands if avoiding a wetland impact is impossible.

Minnesota Statute 103A.201 contains the policy statement for WCA; that it is in the public's interest to:

1. Achieve no net loss in the quantity, quality and biological diversity of Minnesota's existing wetlands,
2. Increase the quantity, quality and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands,
3. Avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality and biological diversity of wetlands, and
4. Replace wetland values where avoidance of activity is not feasible and prudent.



From 2006 to 2009, BWSR worked with a broad range of stakeholders to revise Minnesota Rules Chapter 8420. This rulemaking process culminated in the adoption of the current WCA rule on August 10, 2009. In 2011, several changes were made to WCA statutes (Minnesota Statute103G). The primary changes made to the statute were:

- Establish the Department of Natural Resources as the local government unit for wetland banking projects established solely for replacing wetland impacts under a permit to mine,
- Granted BWSR authority to establish wetland banking fees at a lower rate for single-use banks, and capped the fees that can be charged for wetland banks used for mining,
- Allowed WCA-related notices and project documents to be sent via electronic mail,
- Simplified the replacement wetland siting criteria,
- Removed the mandate for a local appeals process for decisions made by designated local government staff and clarified BWSR appeal procedures, and
- Removed the public ownership eligibility prerequisite for allocating replacement credit for certain wetland preservation projects.

More information on the 2009 permanent WCA Rule, the 2011 statute changes, and other WCA-related information can be found on the Wetlands page of the BWSR website at: www.bwsr.state.mn.us/wetlands.

## Wetland Enforcement Actions

Enforcement of WCA is carried out by the Department of Natural Resources (DNR) Water Resources Enforcement Officers and other licensed peace officers. Local government units and soil and water conservation districts (SWCDs) also have important roles in enforcement. When a possible wetland violation is identified, local government staff typically inspects the site and/or review available information to determine whether the activity is a likely violation. For ongoing violations, the DNR enforcement officer will issue a cease and desist order to stop further wetland impacts from occurring.

The DNR Division of Enforcement reported the following information for 2010 and 2011:

| Year | Violations | Resolved | Outstanding |
|---|---|---|---|
| **2010** | 124 | 42 | 82 |
| **2011** | 80 | 24 | 56 |

After a violation is identified, SWCD staff inspects the site to determine the appropriate course of action and develop a wetland restoration plan. The plan is then incorporated into a wetland restoration order and served to the landowner by the enforcement officer. Landowners who are issued a cease and desist order or restoration order have the opportunity to submit an application for approval to the local government unit and/or appeal the order to BWSR. BWSR staff and DNR enforcement officers are currently working with local government staff to resolve all remaining outstanding cases.

## Wetland Banking

Wetland banking provides a source of replacement wetlands - principally from restoring previously drained wetlands - that are used by individuals and road authorities to replace impacted wetlands as required by the Wetland Conservation Act. The federal Clean Water Act and state Wetland Conservation Act generally require wetland impacts to be replaced in advance.

The banking program includes two types of accounts: private and BWSR-held. In a private account, a private entity establishes and maintains the ecological integrity of the replacement site. In a BWSR-held account, the Board establishes and maintains the ecological integrity of the replacement site. BWSR-held accounts are solely used for replacing eligible impacts caused from city, county and township road projects. As required by M.S. 103G.222, Subd. 1(m), the Local Government Roads Wetland Replacement Program transfers responsibility for replacing wetlands from the local road authority to BWSR. The Board administers the banking program, including the tracking of credits and debits to all accounts and monitoring all replacement sites. The goal of this program is to provide high-quality restored wetlands that will continue to provide replacement credits that meet the standards of state and federal wetland regulations.

BWSR has the technical, financial, and project management expertise to complete high quality, cost-effective wetland restoration projects that generate replacement credit for local road authorities. BWSR has capitalized on this expertise by entering into a partnership with MNDOT that benefits both agencies by streamlining wetland replacement for state and local road projects. Summary of 2010-2011 wetland banking activity:

| Year | Deposits (credits) | Withdrawals (credits) |
|---|---|---|
| **2010** | 804.57 | 180.4 |
| **2011** | 1773.69 | 195.2 |

## Wetland Bank Site Monitoring

BWSR inspects wetlands in the Minnesota Wetland Bank to ensure that the wetlands continue to provide wetland functions and values, according to their respective bank plan, and to ensure compliance with recorded easement restrictions and covenants. BWSR staff monitor the ecological integrity of privately held banking sites, and provide technical support during the establishment of BWSR-held accounts, including maintenance and monitoring of BWSR-held accounts after establishment. Tasks include the inspection of monitoring reports submitted by the private account holder; performing site inspections of both private and BWSR-held accounts, especially focusing on the quality of vegetative cover; performing or having performed corrective actions such as invasive species control; providing technical support to other Board staff, local government and private sector personnel; preparation of monitoring reports for BWSR-held bank sites; and collaborating with officials from the U.S. Army Corps of Engineers to ensure that banking sites continue to meet federal standards.

In FY10-11, BWSR staff inspected 75 privately held wetland bank sites to perform long-term monitoring, completed spot checks on eight project-specific wetland replacement sites, and monitored 23 BWSR-sponsored bank sites to establish credits for the Local Government Roads Wetland Replacement Program.

## Interagency Coordination with USDA NRCS

Annual contribution agreements have continued with the USDA Natural Resource Conservation Service (NRCS) to continue support of the Wetlands Reserve Program (WRP) monitoring effort in Minnesota. In 2010, BWSR conducted three training sessions focusing on vegetation management issues on conservation easements during the month of March. BWSR had a total of 137 participants from NRCS offices, soil and water conservation districts and other partner employees and contractors. BWSR continued monitoring efforts of WRP easements through remote sensing (high resolution aerial imagery) of 200 easements and field verification checks of 100 easements. BWSR also produced an additional 20 pages for the plant identification guide featuring plants commonly found on restoration sites in Minnesota. In 2011, BWSR completed on-site reviews of 50 WRP easements as assigned by NRCS to determine if each site was progressing as planned to meet program goals.

In September 2011, BWSR entered into an agreement with NRCS to improve coordination and consistency in regards to implementation of WCA and the wetland conservation provisions of the federal farm program (Swampbuster). The agreement includes provisions for consistent wetland determinations, joint review of certain agricultural projects, establishment of an agricultural wetland banking program, and continued work towards improved program coordination.

Targeted changes to the Wetland Conservation Act (WCA) are underway to continue to protect wetlands and to maximize administrative efficiencies between local operations and federal programs. Local governments play a key role in implementation and have been contributing an ever-increasing portion of the funding. Current county levy limits have brought the decreasing portion of state funding to the forefront of local concerns. The lack of adequate funding for implementing this regulation is even more pronounced with the increase in tiling projects on agricultural land.

BWSR-developed wetland credits can also be used to meet Clean Water Act, Section 404 requirements after they are certified by the US Army Corps of Engineers. The Corps previously allowed BWSR a two-year grace period to approve wetland replacement credits for local road projects. Federal policy is changing to eliminate this grace period and require BWSR to operate on a current basis. Failure to provide all credits prior to an impact will increase regulatory compliance costs for the Local Government Roads Wetland Replacement Program. The process of generating new wetland credit takes several years, from identifying a suitable site, planning and developing the project, and monitoring the project by BWSR and the Corps of Engineers to certify the credits.

### *Recommendation #2*

*BWSR recommends additional funding for local governments to continue implementing WCA effectively.*

### *Recommendation #3*

*BWSR recommends additional funding for wetland banking to begin projects that will provide enough replacement credit to meet projected demand.*

# GRANT PROGRAM CATEGORIES

## Conservation Cost Share Program

BWSR provides cost-share grants to SWCDs to help **landowners offset the costs** of installing conservation practices that protect water quality and control erosion. Landowners are required to match a percentage of the total project cost, using their own funds in combination with other state, federal or local sources. Local SWCD boards set local priorities for projects in conjunction with the state's overall priorities set through BWSR.



***A Wellhead Protection Area in Rock County Rural Water adjacent to fields is used for agricultural production.***

**These dollars leverage non-state dollars, including local and federal dollars. About $16 million each year** from the combined local-state-federal funding sources pays for land and water treatment practices, such as soil erosion control, feedlot, and septic system upgrades. Overviews of selected projects funded through BWSR grants are available on the BWSR website: www.bwsr.state.mn.us/projects.

In FY10-11, BWSR issued 184 cost-share grants, totaling $2,306,824.

## Natural Resources Block Grants

**The Natural Resources Block Grant (NRBG) is a composite of base grants available to counties to help** them implement programs designed to protect and improve water resources. Individual programs under this grant include:

- Comprehensive Local Water Management
- Wetland Conservation Act (Counties provide $5,000 or 15 percent, whichever is higher, of this grant to their Soil and Water Conservation District to assist with implementation of WCA)
- Minnesota Department of Natural Resources Shoreland Management Program
- Minnesota Pollution Control Agency Feedlot Permit Program
- Minnesota Pollution Control Agency Individual Subsurface Sewage Treatment Systems Program

Counties are the only eligible applicants for these grants. A county is eligible to receive any or all of these

grant components. In addition, a county is responsible for providing the required match. To be eligible for the NRBG, a county must have a locally adopted and BWSR approved comprehensive local water management plan, and must have submitted an annual report.

In FY10-11, BWSR issued 177 Natural Resources Block Grants, totaling $12,900,319.

## Conservation Delivery Grants

This program provides each district with a portion of the funds needed for general administration and operation. The grants are intended to provide districts a certain degree of funding stability. The state contribution assists in providing resources for staff and operating expenses associated with delivery of all state conservation programs.

In FY10-11, BWSR issued 181 Conservation Delivery Grants, totaling $3,793,130.

## Nonpoint Engineering Assistance

Cost-share and other financial assistance programs help offset landowners' costs of installing conservation practices, but the technical assistance is the key to accomplishing the environmental benefits of installing those practices. "Technical assistance" refers to the scientific and practical knowledge and guidance on how to properly design, engineer, install and maintain conservation practices.

BWSR administers the Nonpoint Engineering Assistance Program (NPEA), which enables eight joint powers groups of SWCDs to share staff with technical expertise, including licensed engineers and engineering technicians. Some conservation practices require greater technical expertise than others, so the joint powers agreements allow each SWCD to have permanent staff that has the expertise necessary for the majority of their projects, and access to an engineer on more complex projects on an as-needed basis. NPEA staff support many state and federal financial assistance programs, including the State Conservation Cost-Share Program, Clean Water Legacy, state Feedlot Water Quality Management Cost-Share, Ag BMP Loan Program, USDA Environmental Quality Incentives Program (EQIP) and the EPA Section 319 Grant Program. BWSR engineering staff provides technical and administrative support for this program.

In FY10-11, BWSR issued 16 Nonpoint Engineering Assistance grants, totaling $2,120,000.

## Dedicated Constitutional Funds




In 2008, Minnesota's voters passed the Clean Water, Land and Legacy Amendment (Legacy Amendment) to the Minnesota Constitution to: protect drinking water sources; to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater.

The Legacy Amendment increases the state sales tax by three-eighths of one percent beginning on July 1, 2009 and continuing until 2034. The additional sales tax revenue is distributed into four funds as follows: 33 percent to the Clean Water Fund; 33 percent to the Outdoor Heritage Fund; 19.75 percent to the Arts and Cultural Heritage Fund; and 14.25 percent to the Parks and Trails Fund.

## Clean Water Fund

The funds directed toward the Clean Water Fund are earmarked to protect, enhance, and restore water quality in lakes, rivers, streams and groundwater with at least five percent of the fund spent to protect drinking water sources.

Working through Minnesota's local governments enables BWSR to be strategic in granting funds to meet locally identified water quality goals within the larger scope of Minnesota's clean water efforts. BWSR has a number of Clean Water Fund grant and easement programs that encourage strategic collaboration and partnerships and utilize a wide range of conservation practices and tools. BWSR's unique mission and structure provides for effective and efficient use of Legacy dollars. BWSR's reporting and tracking requirements ensure measurable and specific results.

The Legislature appropriated $39.324 million to BWSR from the Clean Water Fund to implement nonpoint source pollution reduction programs.

BWSR distributed approximately $24 million in FY10-11 through a competitive grant process. BWSR also allocated $3.69 million for permanent conservation easement projects to establish buffer strips adjacent to public waters and is in the process of allocating $1.43 million for conservation easements in wellhead protection areas.

| Year | Total BWSR Clean Water Fund appropriations | Dollars for competitive grants | Dollars requested by grant applicants | Dollars leveraged |
|---|---|---|---|---|
| 2010 | $18.7 million | $10.9 million | $44.1 million (4:1) | $21.9 million |
| 2011 | $20.7 million | $13.8 million | $32.3 million (2:1) | $15.2 million |

In addition, BWSR received direct appropriations for:

- $400,000 in FY10 and $600,000 in FY11 for the Anoka Conservation District for the metropolitan landscape restoration program for water quality and improvement projects in the seven-county metro area.
- $500,000 in FY10 to Hennepin County for riparian restoration and stream bank stabilization in the county's ten primary stream systems.
- $500,000 in each year of the biennium for the Conservation Corps of Iowa and Minnesota (formerly Minnesota Conservation Corps) for installation of conservation practices benefitting water quality.

## Overall Clean Water Fund Accomplishments

- 187 easements will permanently protect more than 1,486 acres of native buffer in 23 counties.
- More than 100 acres in vulnerable wellhead protection areas have been permanently protected.
- 28 abandoned wells have been sealed, eliminating potential sources of groundwater contamination.
- 60 feedlots have fixed, eliminating runoff to nearby streams.
- 2,095 acres of native buffers have been established along waterways, reducing pollution in our lakes and rivers.
- 141 septic systems have been replaced, preventing more than 10 million gallons of sewage per year from entering our waterways.

### *Recommendation #4*

*BWSR recommends an increase in Clean Water Funding for implementation projects and that the agency undergoes a planning process in cooperation with local governments to evaluate funding needs in future fiscal years.*

## Featured Projects

### Restoring Upper Porter and Picha Creeks



More than thirty miles of stream bank erosion have been documented along Sand Creek and its tributaries. These streams are considered impaired due to high levels of sediment in them. Sand Creek and Picha Creek are also listed as having impaired fish habitat.

This project targeted Upper Porter and Picha Creeks in Scott County in efforts to reduce sediment. As a result of the project, over 3,100 linear feet of Porter and Picha Creeks were reconstructed or repaired. The completed project will prevent an estimated 2,690 tons per year of sediment from entering these water bodies.

### Project Recharge!



The Crow Wing County Soil and Water Conservation District initiated Project Recharge to apply a protection strategy to address declining water quality trends of large lakes within the county. The project focused on restoring native vegetation along shorelines and installing residential raingardens and bioinfiltration basins.

As a result of this project, collectively, more than two tons of sediment, 16 pounds of phosphorus, and six million gallons of annual runoff is prevented from entering Pelican, Serpent, Crosslake, Rush, East and West Fox Lakes.

## Outdoor Heritage Fund

**Thirty-three percent of the sales tax revenue from the Clean Water, Land and Legacy amendment is distributed to the Outdoor Heritage Fund. Those funds may be spent only to restore, protect, and enhance wetlands, prairies, forest and habitat for fish, game, and wildlife.**

BWSR's spending from the Outdoor Heritage Fund was for a proposed set of projects recommended by the Lessard-Sam's Outdoor Heritage Council (LSOHC).

| Fiscal Year | Project | Dollar Amount Awarded | Leveraged Dollars |
|---|---|---|---|
| 2010 | Little Nokasippi River Wildlife Management Area | $0.843 Million | $1.3 Million |
| 2010 | Re-Invest in Minnesota | $6.895 Million | $9.7 Million |
| 2011 | Re-Invest in Minnesota | $13.0 Million | $20.8 Million |

Accomplishments:

- 79 easements totaling more than 11,200 acres have been permanently protected.
- Acquisition of 252 acres to the Little Nokasippi River Wildlife Management Area along with over 1,000 acres of permanent conservation easements buffering the Wildlife Area.

## Environmental Trust Fund

Lottery proceeds have been used to build the principal of the Trust Fund. The Minnesota Constitution provides that up to 5.5 percent of the market value of the trust fund can be spent on environmental projects "for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources."

For FY10-11, the BWSR's spending from the Environmental Trust Fund was for a proposed set of projects recommended by the Legislative-Citizen Commission of Minnesota Resources (LCCMR).

| Fiscal Year | Project | Dollar Amount Awarded |
|---|---|---|
| 2010 | MN Farm Bill Assistance Program | $1.0 Million |
| 2010 | County Digital Soil Survey | $0.4 Million |
| 2010 | Statewide Ecological Ranking of Conservation Reserve Program (CRP) and other Critical Lands | $0.107 Million |
| 2011 | Minnesota Conservation Apprenticeship Program | $0.368 Million |

# DISASTER ASSISTANCE

## Flood Relief

On September 22-23, 2010, record rains – more than 10 inches in less than 24 hours in some communities – fell on saturated ground, causing flooding across the southern third of the state and affecting 35 counties. A state of emergency was declared in 17 counties and 30 cities. A Presidential Major Disaster was declared on October 13. On October 18, 2010, in Special Session, the Minnesota Legislature appropriated to BWSR $3M for erosion, sediment, and water quality control cost share and $10M for Reinvest in Minnesota (RIM) conservation easements.

On October 27, 2010, BWSR began allocating funds in 21 counties for projects to restore, repair, and install conservation practices on privately owned lands, including projects that control feedlot runoff, repair septic systems or reduce soil erosion from cropland or riparian areas.

### Featured Project: Kellogg Streambank - 2010

Severe flooding during September 2010 resulted in streambank erosion along the south bank of the Zumbro River just east of Highway 61 in the City of Kellogg. The erosion resulted in a series of slope failures that threatened several homes located on the southern perimeter of the river bank. The project was designated as an eligible Emergency Watershed Protection (EWP) program site by the Natural Resources Conservation Service (NRCS), which provided cost-share funding through designated Minnesota Flood Relief funds.





| | State and local investment | Federal leverage |
|---|---|---|
| Design / engineering | $60,000 | $29,000 |
| Construction | $120,000 | $349,500 |
| Total restoration costs | $180,000 | $378,500 |
| Total investment | $558,500 | |

## RIM Reserve Flood Recovery Easements

In response to the flooding in the Red River Valley in 2009, using a combination of disaster relief targeted and general RIM bonding dollars, the BWSR acquired five easements in the disaster relief area. These five easements protected 223 acres.

The following year, in response to the floods in southern Minnesota in 2010, BWSR allocated $12.8M ($10M plus an additional $2.8M in available bond funds) to acquire conservation easements in the disaster area. Approximately $9.56M easements have been funded in the target area, representing approximately 87 easements and 4,840 acres.

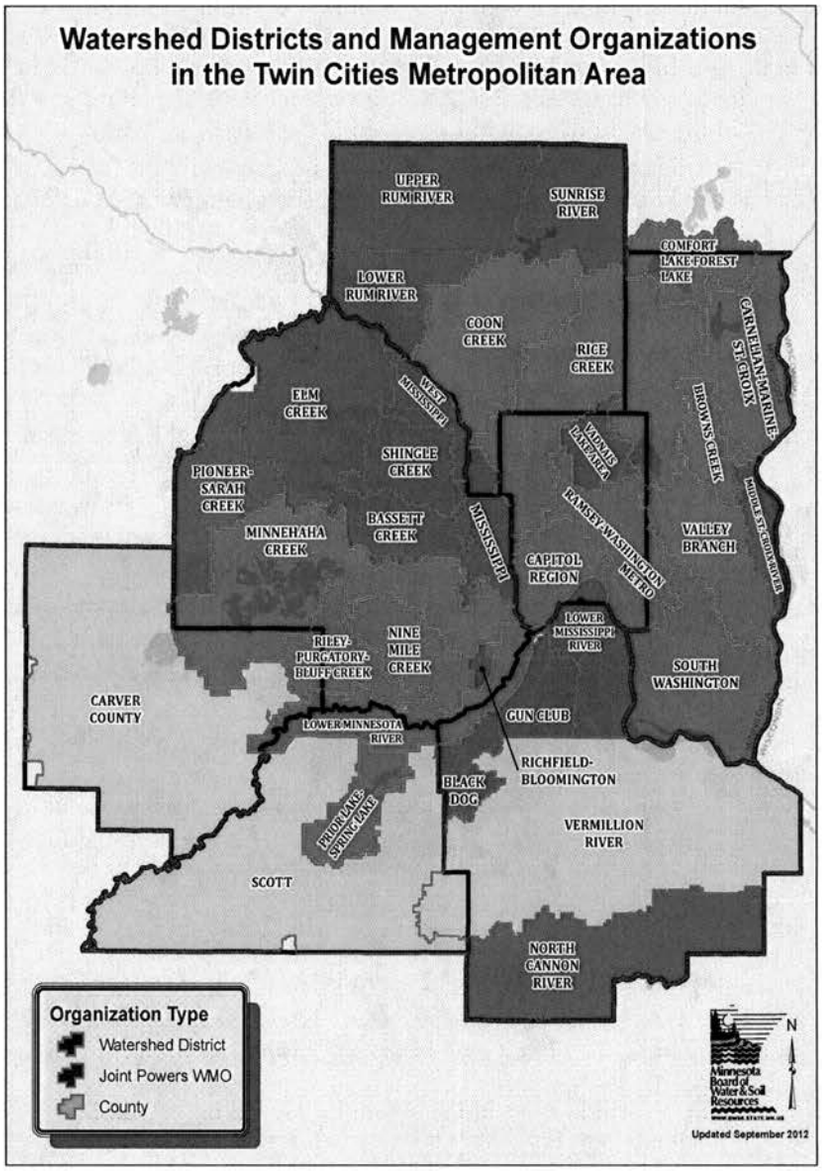
### *Recommendation #5*

*BWSR recommends additional funding for state and/or local staffing with the technical expertise to design and supervise construction of conservation projects, which will enable Minnesota to make the most efficient use of local, state, and federal dollars, and will allow BWSR to implement Executive Order 11-03.*

# LOCAL CONSERVATION DELIVERY

## Metro Area

All local units of government in the seven-county metropolitan area have been involved in the preparation and implementation of surface water management plans since passage of the Metropolitan Surface Water Management Act in 1982. Watershed management organizations (WMO), including watershed districts (WD) and some metropolitan counties, must have watershed management plans that are reviewed and approved by BWSR. The plan preparation, review and approval process is guided by Minnesota Rules Chapter 8410.




**The Metro Water Planning Rules** Advisory Committee convened several times during FY10-11 to discuss possible changes to the Metropolitan Area Watershed Management Rule, Chapter 8410. **The committee's goal** was 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.

Committee members are Karen Chandler, Barr Engineering; Eric Evenson, Minnehaha Creek Watershed District; Jim Haertel, BWSR, 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; and Brian Watson, Dakota Soil and Water Conservation District.

**The committee recommended changes in four categories: 1) Plan Content, 2) Plan Development Process,**

3) Intergovernmental Coordination and 4) Organization Capacity. Some of the recommended changes will require changes to Minnesota Statutes 103B.201-103B.255.

***The following is a brief summary, by category, of the Committee's recommended changes, and those that would require changes in statutes are noted. BWSR will work with the Legislature to develop specific proposals that would result in a more efficient and effective planning process:***

1. Plan content - "Building efficiency toward implementation." Rule change recommendations:
   - "Revolving" plans around priority issues, provides rational for funding
   - More dynamic administrative and capital implementation programs
   - Periodically updated inventories and goals (ten year plans)
   - Frequently updated implementation and capital improvement plan sections
   - **Remaining issues: specific format for incorporating TMDL/303d**

2. Plan development process - "Upfront involvement to prioritize." Rule change recommendations:
   - Eliminate obstacles for pursuing local preferences
   - 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
   - Remaining issues: Streamlining and shortening the plan review process (statute change completed 2009 session)

3. Intergovernmental coordination - "Connection with local land use and state regulations." Rule change recommendations:
   - Better link between local comprehensive land use plans and metro water management plans
   - **Procedures if local preferences conflict with state standards**
   - Remaining issues: Improving groundwater/surface water interactions (statute change)

4. Organization capacity - "Accountability for a consistent level of implementation metro-wide." 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"
   - **Remaining issues: No issues identified**

***A revised rule was drafted by BWSR staff that the Rules Advisory Committee will review and discuss. In addition** to the new streamlined rule and resultant plans, the committee will continue to explore how the watershed management plans could substitute for other required plans and programs, such as the stormwater pollution prevention program.*

## *Recommendation #6*

*BWSR supports the Metro Water Planning Rules Advisory Committee's recommendations to develop a results-oriented framework which would consist of periodically updated inventories and goals, and frequently updated implementation and capital improvement plan sections.*

## Comprehensive Local Water Management

BWSR reviews and approves Comprehensive Local Water Management Plans for counties in Greater Minnesota. These local plans focus on priority concerns, defined goals and objectives, and measurable outcomes. Minnesota's counties, with their planning and land-use authorities, are uniquely positioned to link many land-use decisions with local goals for surface and groundwater protection and management.

BWSR field staff oversees the development and implementation of these plans to assure that local water plans are prepared and coordinated with existing local and state efforts and that plans are implemented effectively. Competitive grants that are awarded by BWSR and other agencies usually require a locally adopted, state-approved plan to assure that the dollars are spent on high-priority projects and that those priorities were developed through an open process. In FY10-11, BWSR staff reviewed and board members approved 22 county water plan updates and reviewed and approved 15 amendments to implementation schedules in active water plans.

BWSR staff duties include mentoring local government staff toward improving their ability to engage stakeholders, to incorporate measurable outcomes in their plans, to implement high-priority projects, and to measure and evaluate their effectiveness in accomplishing those outcomes that are stated in their plans.

To assist counties in carrying out priority projects and programs in their plans, BWSR provides financial assistance to them through the Natural Resources Block Grant. With the adoption of the Clean Water Land and Legacy Amendment in 2008, county water plans are now playing an even more integral role in prioritizing projects for Clean Water funding. Counties are able to apply for Clean Water funding through BWSR to achieve the goals of their plan.

## Performance Review and Assistance Program

**The Performance Review and Assistance Program (PRAP) is based on a legislative mandate for closer oversight** of BWSR's local government delivery system. PRAP focuses on the long range water management plans of Minnesota's watershed districts, soil and water conservation districts, counties and metro-area watershed management organizations to systematically measure progress and accomplishments. BWSR uses a set of **performance standards designed to objectively survey the LGU's operational effectiveness. These methods are used at different levels of review by BWSR staff--a program coordinator and existing field staff--to meet** the legislative mandates for both an overall assessment of LGU performance and in-depth evaluations of plan implementation (see sidebar).

**PRAP also includes an assistance component that targets training, services, and consultants to address specific** performance-related needs that are revealed through all levels of review.

Finally, PRAP reports address both the performance review results and highlight the positive accomplishments of the LGUs, including awards and recognition by statewide associations and government. As required by statute, BWSR submitted two program reports (February 2010 and 2011) to the legislature describing program accomplishments and outlining future direction.

During the biennium, BWSR completed 15 Level II performance reviews and started seven new reviews. A Level III review and specialized assistance was provided to one LGU.

**The BWSR website provides access to reports and additional program information:** www.bwsr.state.mn.us/PRAP/reporting/index.php

***Levels of PRAP Review***

*Level I: Annual tabulation of required reports and plan updates for all 244 PRAP LGUs statewide*

*Level II: Routine, interactive performance review with 6-8 selected LGUs per year measuring performance standards compliance and plan implementation.*

*Levels III and IV: As needed or requested in-depth review and assistance for LGUs facing challenges in program delivery, operational performance, or plan implementation. One such review was conducted during the biennium.*

# TECHNICAL SERVICES

BWSR's technical services section includes staff with engineering, conservation drainage, soils, groundwater hydrology and vegetation expertise. These key functions of the agency provide technical assistance, project management, expert consultation and technical review and training support to local units of government, other agencies, conservation partners, consultants and contractors.

The following provides a brief summary of the functions and accomplishments for these areas of expertise during FY10-11.

## Engineering

BWSR's engineering section supported wetland restorations through surveying, planning, designing, and constructing a variety of wetland restoration projects across the state. The projects varied in scope from relatively simple restorations on small conservation easements to the restoration of large, shallow drained lakebeds and other complex wetland mitigation sites.

The design of these projects required extensive on-site topographic surveys and geotechnical investigations. Comprehensive watershed analysis and hydrologic modeling was performed, along with the development of project reports and engineering construction plans, which staff presented to county and watershed district drainage authorities, and other permitting entities when local permits and approvals were needed to implement them.

BWSR engineering staff provided consultation and review of reports and construction plans for projects to ensure they were in accordance with program standards and requirements. Further, staff assisted in developing and maintaining numerous technical guidance documents and design standards in support of agency programs, and provided training and presentations to local government units, other agencies, conservation partners, consultants, and contractors at various forums. During FY10-11, specific program training events included the BWSR Academy, Minnesota Wetlands Conference, and other engineering and conservation partnership meetings and workshops.

## Drainage Management

BWSR's key functions and roles in FY10-11 included management of the Clean Water Fund Conservation Drainage Management Program, coordination and facilitation of drainage stakeholders, advisory review of water district engineer's reports, technical consultation to interagency committees, public drainage authorities and local government technical assistance providers, as well as dissemination of information and education materials to a broad range of stakeholders.

In FY10, the Conservation Drainage Management Program was established to provide cost-share through local government units for conservation drainage practices on public and private agricultural drainage systems that protect and improve water quality. The appropriation in FY10-11 was $600,000, which funded a total of eight conservation drainage grants with multiple practices. BWSR provided technical and administrative management for this program.

BWSR facilitated the Drainage Work Group in accordance with 103B.101, Subd. 13 and during FY10, the group recommended state cost-share funding for public drainage records modernization. The Legislature appropriated funding for this purpose in FY11 ($100,000), which assisted 5 drainage authorities to modernize their Chapter 103E drainage system records.

In FY10-11, BWSR staff conducted 20-25 advisory reviews of watershed district engineer reports on projects such as agricultural drainage, flood damage reduction impoundments, stream stabilization and wetland restoration.

BWSR provided expert conservation engineering expertise for a number of interagency committees during the biennium, including but not limited to the Clean Water Fund Research Advisory Committee, Red River Basin Technical and Scientific Advisory Committee, and the Erosion and Stormwater Management Advisory Committee. Finally, BWSR engineering staff provided conservation drainage management information and education presentations to various stakeholder groups at various forums, including Drainage Work Group meetings, Minnesota Association of Watershed Districts Annual Drainage Seminars, several conservation drainage workshops and field days, UMN Water Resources Conference, Minnesota Association of Soil and Water Conservation Districts Annual Conference, and other events.

## Soils

BWSR staff provided soils expertise to effectively implement agency programs that protect Minnesota's soil resources, including on-call technical assistance and consultation to field staff and local governments for wetland conservation and soil erosion reduction, training and education, facilitating technical partnerships and soil survey information dissemination.

In the fall of 2009, BWSR hosted seven training sessions with the purpose of educating SWCDs and other LGUs on the proper use of RUSLE2, a common tool used for estimating reductions in soil erosion and sedimentation in agricultural systems. Further training was provided by BWSR staff on NRCS's wind erosion model, WEPS, at the 2010 BWSR Academy.

In FY10-11, BWSR funded research at the University of Minnesota to characterize mechanisms and to quantify soil erosion. The goal of this research is to develop a LIDAR-integrated model that quickly quantifies soil erosion and soil organic carbon movement across agricultural landscapes. During the biennium, BWSR continued developing estimators of pollution reduction.

Finally, BWSR continued work on the Soil Survey Project, which aims to complete a statewide digital soil survey in partnership with the USDA Natural Resources Conservation Service and counties. Through ENTRF funding, together with federal and local cost-share, more than 750,000 acres of soils were mapped in the 2010-2011 biennium, including St. Louis, Cook, Lake, Koochiching, Crow Wing and parts of Pine counties.

## Native vegetation/landscape ecology

In FY10-11, BWSR's key functions and roles in native vegetation and landscape ecology included program support, on-call technical assistance and consultation, promotion of native vegetation innovation and research, training, education and outreach, facilitating technical partnerships and coordination of BWSR vegetation grant programs.

These activities were implemented to provide technical leadership related to native vegetation establishment and management, landscape ecology, and conservation/restoration methods, as well as to effectively implement and manage BWSR projects, to guide BWSR partnerships, and to promote the advancement of conservation and restoration practices.

BWSR staff developed wetland banking vegetation restoration plans for the Local Road Wetland Replacement Program, provided technical support to local government units and the public related to vegetation and landscape ecology issues, collaborated with researchers regarding native vegetation establishment and management to improve field practices, developed numerous technical outreach materials related to vegetation establishment and management, and provided numerous presentations. Staff also coordinated the Cooperative Weed Management Area and Native Buffer Cost-Share programs.

## Groundwater and wetland hydrology

In FY10-11, BWSR provided hydrology expertise, assistance, and coordination to various efforts in the areas of wetland conservation, local water management, soil and water conservation, and other areas of natural resource management at the state and local levels.

The biennium saw a markedly increased emphasis on support of wetland restoration activities, especially in the hydrologic monitoring of "road bank" wetland restoration sites. Work included design of hydrologic monitoring plans, including seven sites that were instrumented for intensive hydrologic monitoring to measure the success of wetland restoration, and continuation of monitoring on four existing sites. This work is necessary for state and federal certification of local road wetland bank credits.

In FY10-11 there was also an increase in attention to other wetland bank plans and projects, involving the review and evaluation of wetland bank plans, assistance to develop wetland hydrologic monitoring and evaluation of hydrologic monitoring data collected by partners.

# TRAINING

With Clean Water, Land and Legacy Amendment funding for conservation and water quality practices currently estimated at $150 million/year for 25 years, BWSR recognizes the increased opportunity for program delivery and the need to ensure programs are implemented with quality efficiencies that are connected to on-the-ground results.

BWSR believes in the value of connecting learning to performance. In the community of soil and water conservation, well-trained assistance for local delivery of conservation programs and practices is crucial to ensure that dollars spent have impacts on water and soil resources - ultimately connecting us to the outcomes within watersheds.

In the fall of 2009, BWSR hired a training coordinator to provide coordination, support and administration of BWSR's training work. In 2010, BWSR conducted a training needs assessment of our local government partners and BWSR staff and began implementing the training strategy:

- Training Needs Assessment: www.bwsr.state.mn.us/training/2010_Training_needs_assmnt_final_report.pdf
- Training Strategy: www.bwsr.state.mn.us/training/2010_Training_Strategy_final.pdf

In FY10-11, training highlights included increasing communications on training opportunities designed for local government staff, ramping-up BWSR Academy performance and tracking, and starting online training (webinar) development and delivery for Clean Water Fund and Easement programs. Training numbers:

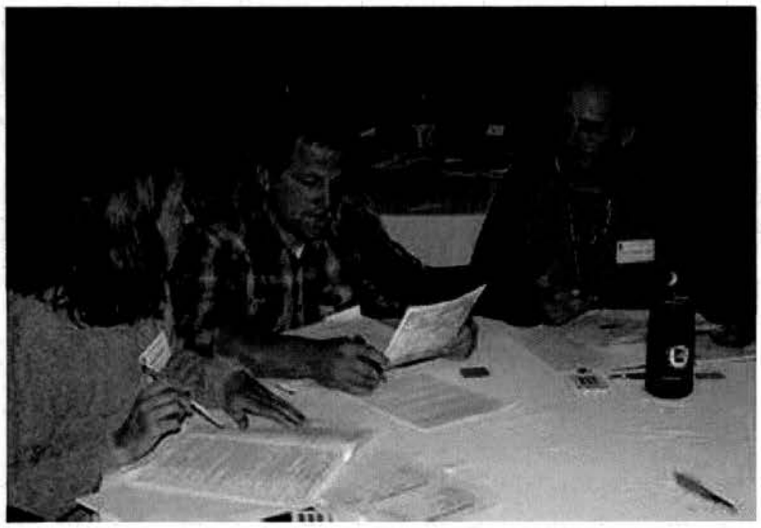
| FY10 | FY10 (partial only) | 2009 Academy Sessions | Total |
|---|---|---|---|
| Number of Sessions | 36 | 33 | 69 |
| Number of Participants | 860 | 260 | 1120 |
| Staff Hours | 1020 | NA | 1020 |
| Learning Hours (# of training hours x # of participants) | 3785 | NA | 3785 |

| FY11 | FY11 | 2010 Academy Sessions | Total |
|---|---|---|---|
| Number of Sessions | 47 | 34 | 81 |
| Number of Participants | 1190 | 280 | 1470 |
| Staff Hours | 981 | NA | 981 |
| Learning Hours (# of training hours x # of participants) | 7323 | NA | 7323 |

## BWSR Academy

BWSR Academy Goal: To provide high quality training for local government staff that maintains and improves the delivery of conservation work and meets the shared expectations of BWSR and local resource management boards.

One local government participant commented on the Academy, "Great ideas that I can incorporate immediately. Helpful info on what everyone can use. I liked having a tool that I can take back."



*A small group discusses issues at BWSR Academy.*

### Looking forward to the future

In FY12-13, BWSR training staff will:

- Find staff synergies to deliver training, communications and project management.
- Continue BWSR's role in implementing specific training events, such as the BWSR Academy and WCA/WDCP programs, gathering relevant evaluation data on learning objectives/outcomes and level of effort (staff hours).
- Determine BWSR's niche in priority training areas, such as: conservation marketing, personnel management, fund-seeking, grant writing, outcomes and measures, planning and pollution estimators.
- Increase effectiveness of learning strategies and trainer roles into all BWSR delivered trainings through program design support and coaching.
- Benchmark/inventory technical skills and need to help build technical training partnership with NRCS and others.

> ***Recommendation #7***
>
> *BWSR recommends continuing the agency's role in implementing specific training geared toward local units of government.*

## COMMUNICATIONS

Government agencies are constantly being scrutinized by the public, media and legislature to provide information and transparency about activities, and to show results. Though the bulk of BWSR's communications has been primarily to its local government partners, the agency does not currently operate with a formal external strategic communications plan. Due to this gap, determining communication priorities is sometimes challenging because clear direction has not been established and the best tools and mode of communication may be missed.

### *Recommendation #8*

*BWSR recommends the agency develop an external strategic communications plan that sets measurable objectives and a specific structure for how BWSR will implement external communications work.*

*This page was left intentionally blank.*

## Upcoming Annual Meetings

- MAWD, November 29 – December 1, Alexandria
- MASWCD, December 2-4, Bloomington
- AMC, December 3-4, St. Cloud

# MAWD 2012 Annual Meeting & Trade Show

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC

*Land and Water Shall be Preserved*

**November 29 - December 1, 2012**

**Arrowwood Conference Center**

**Alexandria, MN**

# Hotel Reservation Form

**November 29 - December 1, 2012 - Arrowwood Conference Center**

**Please note:** Please register for the MAWD Annual Meeting on the Registration Form.
**This form does not register you for the MAWD Annual Meeting.**

Name: _____

Address: _____

City: _____ Zip _____

Phone: (Day)_____ (Evening)_____ Email_____

**Please send completed form to Arrowwood by November 16, 2012.** (Phone reservations not accepted - fax or mail only.)
Send to: 2100 Arrowwood Lane, Alexandria, MN 56308 Fax: 320-762-0133 Phone: 866-386-5263

**Lodging** - deadline November 16, 2012 • One form per party please - copy as needed.

- Please select **one room plan** per party.
- The room rates are for 1-4 persons
- All guestrooms are now non-smoking
- Big Splash Indoor Water Park discount tickets at $10 per person per day are available for MAWD.

| | | |
|---|---|---|
| ☐ **Lodging I** | Thursday and Friday - November 29-30 | $179.56 |
| ☐ **Lodging II** | Friday only - November 30 | $89.78 |

☐ **Townhouse units:** $89.78 per bedroom/night plus tax

Select Unit Type desired: ☐ 3 bedroom/3bath ☐ 4 bedroom/3bath
(No elevators. Specify a first floor unit)

**Guaranteed Payment:** ____Visa/MasterCard ____ American Express _____ Other

Card Number: _____ Exp. Date: _____

Signature: _____

All rooms must be guaranteed. Individual reservations cancelled within 72 hours of the scheduled arrival date will be charged one night lodging on the date of cancellation. Check-in time is 4:00 p.m. Checkout time is 12:00 noon.

# Minnesota Association of Watershed Districts
# 2012 Annual Meeting & Trade Show
# Agenda

## Thursday, November 29, 2012

| | | |
|---|---|---|
| 3:00 pm | Director's Meeting | Executive Board Room II |
| 6:00 - 9:00 p.m. | Registration | Trade Show Floor |
| 7:00 - 9:30 p.m. | MAWD Trade Show | Tennis Center |

**7:00 - 8:00 p.m. Concurrent General Session I**

**Seminar A: Nine Mile Creek Watershed District Chloride TMDL – 3 years of implementation**

In September 2009, a chloride TMDL study was finalized for Nine Mile Creek. It was determined that chloride loads had to decrease by 62% in order for the creek to meet water quality standards. Nine Mile Creek Watershed District (NMCWD) determined that in order to achieve this reduction, they needed to develop an education program targeting all applicators, from road authorities to residential, on Winter Best Management Practices. This presentation will introduce the Chloride TMDL, and then will describe the approaches, outcomes and next steps that have followed from this multi-tiered education program.

Presenters: Kevin Bigalke, Nine Mile Creek WD
Claire Bleser, Riley Purgatory Bluff Creek WD

**Seminar B: Agricultural BMP:**

**Part I: Tracking the Effectiveness of Minnesota's Agricultural BMPs**

The Ag BMP Database was created to provide a comprehensive collection of information related to agricultural BMPs and their application toward cleaner waters in Minnesota. A primary focus of its development was to hold and provide reports on the observed effectiveness of agricultural BMPs at reducing sediment, nutrient, and pesticide loadings to surface waters. The database also has a tracking component to its design, where users can log in and track the implementation of BMPs within their service area. This feature is particularly useful to resource managers without another mechanism for logging their successes. The focus of this presentation will be to inform local managers of this newly-available resource and to highlight its use in tracking and reporting on BMP implementation.

Presenters: Stephanie Johnson, Ph.D., P.E., Houston Engineering, Inc.

**Part II: MN Agricultural BMP Handbook**

The MN Agricultural BMP Handbook represents the first regional, research-based Agricultural BMP handbook created. Containing a bibliography with over 400 entries, this handbook summarizes agricultural water research in the upper Midwest from nutrient management and cover crops, to controlled drainage and stream bank stabilization. The primary focus was on empirical data collected from field research conducted in the region and an inventory of current MN agricultural BMPs research that address water quality impairments. Additional research from other regions and modeling studies were also included to supplement data when local empirical data was lacking. In addition, research gaps were identified and ongoing research documented. This presentation will focus on what is contained in the handbook and how the water quality practitioner can apply it in their work.

Presenter: Thomas Miller, EOR

## Thursday programming continued:

**Seminar C: Integration of MPCA HUC 8 HSPF Modeling Initiative and Watershed Restoration and Protection (WRAP) Studies**

Watershed-based analysis of our waters enables comprehensive planning, restoration, and protection. Watershed Restoration and Protection (WRAP) studies and HSPF (Hydrologic Simulation Program Fortran) models are being conducted on 8-digit HUC (Major) Watersheds as part of an MPCA initiative. WRAPs create the opportunity for large-scale, watershed-based management of Minnesota waters that satisfy TMDL requirements for current impairments and consider strategies for protection against future listings. HSPF models simulate water quality conditions across the entire watershed, filling in gaps left by monitoring data at discrete locations. Such is the case for the Mustinka and Bois de Sioux River watersheds (two 8-digit HUCs) in the Bois de Sioux Watershed District of the Red River Basin, which are currently undergoing both WRAPs and HSPF modeling. Planning and coordination between WRAP and HSPF contract work has maximized efficiencies for completing tasks of each project and has added value to deliverables. The administrative techniques and technical approach for integration of watershed-based WRAP and HSPF projects will be discussed. Other important considerations include how these MPCA-lead efforts fit with local watershed district planning and the MPCA's HUC 8 management vision.

Presenters: Jason Naber, Emmons & Olivier Resources, Inc.
Nancy-Jeanne LeFevre, Emmons & Olivier Resources, Inc.
Jon Roeschlein , Bois de Sioux Watershed District

8:00 p.m. **Welcome Reception** Trade Show Floor

## Friday, November 30, 2012

7:00 - 9:00 a.m. Breakfast Buffet - Tennis Center

8:00 a.m Registration - Trade Show Floor

8:00 a.m. Resolutions Committee Meeting

8:00 a.m. MAWD Trade Show - Tennis Center

8:15 a.m. **Plenary Session-**
**Conservation Drainage: The Producers Perspective**

**9:00 a.m. MAWD Business Meeting**

Presiding - President Jerome Deal

* President's Report
* Secretary's Report
* Treasurer's Report
* Presentation of 2012 Proposed Budget
* 2012 Farm Bill Update

**9:00 - 10:00 a.m. Concurrent Association of District Administrators Technical Session**

## Friday, November 30, 2012 continued

**Tech Session I**

**Terrain Analysis as a Practical tool in Strategic BMP Planning**

The Buffalo River and its South Branch are listed as impaired for turbidity. In support of developing an implementation strategy to improve water quality within the Buffalo River watershed, the Buffalo-Red River Watershed District completed LIDAR-based advanced terrain analysis. The upper South Branch of the Buffalo River was selected as a test watershed for completing the analysis for BMP planning. Two products were developed through the analysis: the Stream Power Index (SPI) and RUSLE. The SPI is an indicator of gully formation potential and RUSLE is an estimate of the sediment coming off the landscape. The LIDAR-based terrain analysis benefits the Watershed District and their conservation partners by allowing strategic implementation of BMP's.

Presenters: David P. Friedl, MN DNR Clean Water Legacy Specialist
Erik Jones, PE, Houston Engineering, Inc.

**Tech Session II**

**Evaluating Watershed Recharge and Implications for Supporting Surface Water Uses**

Within a watershed, groundwater is recharged primarily by precipitation that infiltrates through the soil and reaches the water table. The recharged groundwater, in turn, supplies an important component to the base flow of streams and groundwater-dependent wetlands. New methods have been developed that couple models of surface hydrology with groundwater models, allowing managers to make decisions on how best to protect both surface water and groundwater in a holistic manner. We present to examples from Minnesota that apply coupled models to the problem of recharge – the Little Rock Creek watershed (a protected trout stream in Benton County) and the 11-County Twin Cities Metro Area.

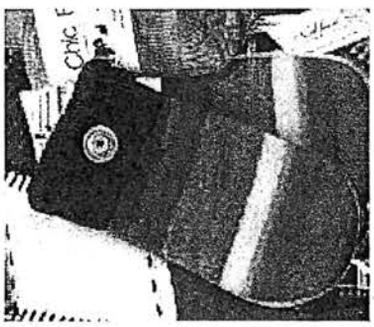
Presenters: Greg Wilson, Barr Engineering
Evan Christianson, Barr Engineering
Ray Wuolo, Barr Engineering

**Tech Session III**

**Effects of fisheries management and the timing in stratification on the eutrophication of Square Lake, Washington County**

Over the past 20 years, increased algae have caused a decrease in water clarity in Square Lake, Washington County. Though algae have increased, phosphorus has not, suggesting that altered food web structure may be responsible for the eutrophication trend. Large-bodied Daphnia abundance is known to be negatively correlated with algal biomass in Square Lake and Daphnia abundances have declined over the past decade. We investigated diets of zooplanktivores (including stocked trout) to determine which predators consume Daphnia. Historical temperature/oxygen data were examined to evaluate changes in the volume of Daphnia refuge habitat over time. We propose that predation on Daphnia refuge and earlier stratification diminish Daphnia refuge and may be responsible for the eutrophication trend.

Presenter: Meghan Jacobson, Emmons & Olivier Resources, Inc.



**9:30 a.m. Spouses Tour - Northland Woolens**

Northland Woolens, a small family-run company specializes in wool-based recycled products. Come take a tour and watch Minnesota's only hosiery mill at work, see mechanical knitting machines from the 1940's in use, learn how they utilized recycled wool sweaters to make Twice Baked mittens and have the opportunity to purchase items similar to those that you saw in the manufacturing process. Northland Woolens makes hats, scarves, mittens, and has a full line of childrens clothing all with recycling in mind. **Visit www.northlandwoolens.com**

## Friday, November 30, 2012 continued

10:00 a.m. Break - MAWD Trade Show Floor - Tennis Center
10:30 a.m. 2012 Resolutions Committee Report

11:30 a.m. Regional Caucuses
Region I
Region II
Region III
Administrators Meeting

12:15 p.m. Buffet Luncheon - Tennis Center
**Guest Speaker - David Legvold - "A View from the Tractor Seat"**

DNR Watershed District of the Year Award
Steve Hirsch, Director, Division of Ecological and Water Resources

BWSR Outstanding Watershed District Employee of the Year
John Jaschke, BWSR Executive Director

1:30 p.m. Break - MAWD Trade Show Floor

**2:00 - 3:00 p.m. Concurrent General Session II**

**Seminar A: Water Quality Standards: What They Are, How They Work, and Why They Matter**
Water quality standard have been adopted into state rule (MN Rules Chapter 7050 and 7052) and are foundational to managing the water resources of Minnesota. They reflect societal goals of water uses and establish water quality needs/expectations through beneficial use classification, narrative and numeric criteria and antidegradation. Standards are used as comparative benchmarks to assess monitoring data, develop the list of impaired waters, identify TMDL endpoints and set effluent limits for point source controls. Site- or case-specific refinements to standards can be made through standards adjustments or implementation tools to account for unique situations. The presentation will provide an overview of water quality standards and discuss their use in water quality assessments, permitting, and TMDLs. The process of reviewing and revising water quality standards as well as work currently underway to enhance the standards review process will also be discussed.
Presenters: Shannon Lotthammer, Mark Tomasek, MPCA

**Seminar B: LTFS Overview and 20% flow reduction Strategy – Bois de Sioux Watershed District**
The increase in frequency and magnitude of flooding in the Red River basin is unmistakable. The spring flood of 1997 that decimated the metropolitan center of Grand Forks-East Grand Forks and gravely threatened areas throughout the basin introduced a decade of flooding. Since 2000, the basin has experienced damaging flooding in all but 2 years. Since 1997, most sites along the main stem Red River have seen levels of flooding at or close to 100-year levels, some in more than one flood event. And tributary areas have experienced up to 500-year flood levels during the past decade. We need to expect and prepare for even larger floods than that experienced in 1997 has already been proven true in this decade. One approach to floodplain management is flow reduction of peak flood waters by means of basin wide retention. A goal of a 20 percent reduction in peak flows on the Red River main stem from 1997 flood levels was tested and found to be feasible. Inventories of current storage were completed, together with initial estimates from sub-watershed modeling of the capacities for retention, and an estimate of 1.5 million acre feet was determined as the total required retention to be achieved in the U.S. portion of the basin.
**Presenters:** Lance Yohe – RRBC Executive Director
Jon Roeschlein, Administrator, BdSWD,

## (Friday programming continued)

**Seminar C: New Technical Paper 40 (TP-40) Presentation**

TP-40 is the hydrologist's source for nearly all storm rainfall events we design conveyance systems, flood protection and water quality treatment….. the 1-yr, 2-yr, 5-yr, 10-yr, 25-yr, 50-yr and 100-yr events. The current TP-40 was published in 1960 and was developed using limited rainfall records and was heavily affected by the ten drought years during the dust bowl era. A new TP-40 is just about to be published that incorporates all the rainfall records used to the preparation of the old TP-40 plus the 50 years of rainfall records since the old TP-40 was published. With storm sewers, drainage ways, detention ponds, levees and treatment basins all being designed for certain rainfall events, it will be timely and important for watershed managers to understand what this new document might mean for facilities they manage. Based on the new TP-40 will existing facilities now be deemed undersized? Will ordinances need to be changed? What will people adopt as standard design for storm sewers, detention basins levees, and treatment facilities? Will levees that have recently been certified have to be modified and recertified, and will the FEMA floodplain plain maps have to be redone?

Presenters: Steve Klein, PE, PH, ASID, Barr Engineering
Steve Baun, NOAA

**3:00 - 3:30 p.m. Break - MAWD Trade Show Floor**

**3:30 - 4:30 p.m. Concurrent General Session III**

**Seminar A : Aquatic Invasive Species; Update and Panel Discussion**

Hear about the latest in the fight against AIS. Recent legislative action has given the DNR more tools to combat AIS and allows the DNR more flexibility in working with local units of government. Also hear from those watershed districts on the front lines working with other local governments and state agencies in the battle against AIS.

Presenters: Brian Johnson, Moderator, So. Washington WD
Tera Guetter, Pelican River WD
Steve Hirsh, DNR Eco Services
Eric Evenson, Minnehaha Creek WD

**Seminar B: Identify the Lower Whitewater River Restoration Priorities through HEC-RAS Hydraulic Modeling**

As part of the current efforts to improve the Whitewater River, this study utilizes HEC-RAS modeling capabilities to simulate steady state, unsteady state and sediment transport conditions to achieve the following:

Identify stressors and quantify their impacts.
Determine restoration needs.
Assess sediment transport in the Lower Whitewater system.
Correlate process based with form based assessments.

Combined with the geomorphic assessments and on-going field measurements, the results of this process based approach can be correlated to address various applications within the Lower Whitewater and potentially other sand dominated systems in the Southeast Minnesota region. Through policy and best management practices, the results of this study can help local governmental units reestablish floodplain beneficial functions.

Presenters: Kevin Zytkovicz, Ecological and Water Resource Division, DNR
Salam Murtada, P.E., CFM, Ecological and Water Resource Division, DNR

## (Friday programming continued)

**Seminar C: Basin Technical and Scientific Advisory Committee (BTSAC): Water Management Option for Subsurface Drainage**

During and after the record 2009 Red River of the North flood, a number of public statements surfaced inferring that the region's flooding problems were caused by the extensive network of surface and subsurface agricultural drainage systems. Although the statements could well be dismissed as rhetoric or opinion, the fundamental issues and underlying questions posed are valid and have largely been unanswered in the Red River Basin using objective and defendable scientific methods. The Red River Retention Authority commissioned the establishment of a Basin Technical Advisory Committee (BTSAC) consisting of stakeholder technical representations from various local, state, and federal agencies with an interest in subsurface drainage. The BTSAC was charged with evaluating the hydrologic effects from extensive and widespread tile drainage within the Red River Basin and developing recommendations for Red River Basin Water managers.

Presenter: Charles Fritz, International Water Institute

6:00 p.m. Social Hour (Cash Bar)

7:00 p.m. Association Banquet
MAWD Awards
***Entertainment –TBD***

## Saturday, December 1, 2012

7:00- 9:00 a.m. Breakfast Buffet

**9:00 a.m. Concurrent General Session IV**

**Seminar A: Weather-Extreme Trends: The Minnehaha Creek Watershed Stormwater Adaptation Study**

The extreme rainfall event on June 20th, 2012 in Duluth, MN – and the significant amount of damage it caused – is a good reminder that our existing stormwater infrastructure can only handle so much water. Most of our infrastructure is designed to manage flow based on a "design storm", which is related to the probability that a storm of a given magnitude will occur. But what if that probability is significantly changing? Climate research indicates we are experiencing extreme rain events more frequently than in the past, putting communities at increased risk for overwhelmed stormwater management systems and flooding-related issues. The Minnehaha Creek Watershed Stormwater Adaptation Study is designed to investigate local infrastructure vulnerability to changing precipitation patterns, and how both growing and fully developed communities can reduce future risk of localized flooding by adapting stormwater management systems. We will report on the results of this ongoing study, including technical modeling as well as a stakeholder engagement process.

Presenters: Leslie Yetka , Minnehaha Creek Watershed District
Trisha Moore, Saint Anthony Falls Laboratory

## (Saturday programming continued)

**Seminar B: Golf, trains, highways - Addressing Three Unique Impairments to Brown's Creek**
The Brown's Creek Watershed District (BCWD) has recently completed two stream rehabilitation projects in their effort to improve the cold-water fishery of their namesake. A third stream project in partnership with the Department of Natural Resources (MNDNR) is also currently underway. Each of these projects addresses a distinctly different but common impairment of Minnesota streams. The presentation will touch on the impairments, solutions vetted, funding, cost, metrics of success and lessons learned along the way. Project #1: Improved fish passage; Project #2: Coldwater stream restoration; and Project #3: Restoring floodplain connectivity.
Presenter: Kevin Biehn, Emmons & Olivier Resources, Inc.

**Seminar C: Suspended-Sediment Concentrations, Particle Size Distributions, Bedload, and Turbidity in the Wild Rice River, in Northwestern MN during water years 2007 – 2010**
Excessive sediment transport and deposition pose substantial environmental and economic challenges for many watersheds. As a result, the USGS, working in cooperation with the WRWD and the MPCA, studied SSC, particle sizes, turbidity, and bedload at five sites in the WRWD from 2007 through 2010. These data will be used to help design and determine longevity for proposed water retention sites and diversion projects, and provide insight into the Wild Rice River's turbidity impairment.
**Presenters:** Christopher A. Ellison – U.S. Geological Survey
Jerry Bents – Houston Engineering, Inc.

10:15 a.m. **MAWD Business Meeting (Continued)**
Presiding – President Jerome Deal
* BWSR Report
* MAWD Administrative Report
* Region Reports
* Watershed District Administrators Report
* Final Report on Attendance
* Audit Committee Report
* 2013 Budget Adoption
* 2013 Annual Meeting Location
* Introduction of new MAWD Board Members

11:30 a.m. Meeting Adjourned

***BOARD OF DIRECTORS MEET FOR REORGANIZATION 12:00 NOON***
***or fifteen minutes after adjournment — BOARD ROOM II***

# 2012 MAWD Pre-Conference Session

Thursday, November 29, 2012

## Basic Watershed Managers Workshop

**"for new & experienced managers and staff"**

Watershed Districts are an interesting blend of missions and authorities. Understanding how they fit into the big picture is critical to new and Managers. Your organization has broad powers to tackle issues the citizenry has determined other governments either cannot, or will not, address. It's a big deal...and as a new manager, it is now your responsibility.

9:15 **Welcome and Introductions**

**Watershed Districts, BWSR, and the World**
Your WD is just one organization in a world full of state, federal, non-profit, citizen, and municipal interests with their own mandate to work for the public good.

**Government Basics**
The public and private sectors operate differently. (Hold secret strategy meetings if you want to learn the hard way...) Ethics, open meeting laws, and other board responsibilities will be explored.

10:30 Break

10:45 **Your Role as Leader**
Your county appointed you to the Board and expects you to make sure the organization is effective. There are a few skills that will help you make your organization excel.

**Powers, Duties, and Responsibilities of Managers from the Statutes**
Managers have their own compact chapter of law - MN Statutes Chp 103D. This overview of the structure and content will demystify the nuances it contains. Whether or not your WD regulates, you'll hear some specifics about your powers to compel individuals or other government to do things.

12:00 - 1:15 Lunch

1:15 **Signaling Your Intentions Through Planning**
Every organization on the planet from the Cub Scouts to the US Army has some sort of strategic plan to guide them. WD plans set priorities, outline tactics, and explain where the tax money will come from.

2:30 Break

2:45 **Getting Projects Authorized, Permitted, Funded and Built**
Managers set direction for their staff or consultants. This session will cover the statutes staff utilize to get projects airborne in a format as close as possible to the desires of the Board.

**Open Q&A time**

Presenters: Louis Smith, Smith Partners
Watershed District Staff
BWSR Staff

Register on Page 14

Minnesota Association of Watershed District

# 2012 MAWD Pre-Conference Session

Thursday, November 29, 2012

## Communicating in Challenging Situations

*For Managers, Administrators and Staff*

**9:00-12 Noon**

What do you think of when you think of communication?
How adept are you at communicating with others?
Do you and your colleagues seem to be speaking in two different languages?
And, how about people who are disrespectful and rude – how do you deal with that?
Have you ever had a difficult group that you had to present to?
Or calm down an irate landowner?

Communication skills are important in working and living together effectively.

- Learn to practice essential communication skills of listening and paraphrasing.
- Identify roadblocks that prevent you from delivering difficult messages
- Use assertiveness techniques to communicate more effectively
- And much more!!!

**12:00 Noon Lunch**

**1:00 – 4:00 p.m.**

Communication skills are important in working and living together effectively. Whether we are communicating with coworkers, team members, and customers or with family and friends, communication plays a pivotal role in your relationships with others. This session will help you to be a more effective communicator and facilitator of those difficult situations.

Learn to:

- Identify roadblocks that prevent you from delivering difficult messages
- Use 10 assertiveness techniques to communicate more effectively.
- Discuss group leader's responsibilities in facilitating a group
- Explore facilitator tactics in dealing with challenging groups

**Dr. Susan Strauss**

Susan is a national and international speaker, trainer and consultant. She conducts training on a variety of topics and her specialty areas include Management/Leadership Development, Harassment, and Communication. She is an Organization Development Consultant specializing in management coaching, teambuilding and conflict.

Register on Page 14

# 2012 MAWD Pre-Conference Session

Thursday, November 29, 2012

## Minnesota Drainage Workshop

8:00 a.m. **Registration**

9:00 a.m. **Drainage Law Update**
Presenter: Kurt Deter, Rinke-Noonan Law Firm

9:45 a.m. **Drainage Work Group Update**
Presenter: Al Kean, Chief Engineer, BWSR

10:05 a.m. **Conservation Drainage Management Cost-Share**
Presenter: Al Kean, Chief Engineer, BWSR

10:30 a.m. **Break**

10:45 a.m. **Redetermination of Benefits and Lead Viewers Shortage; Discussion and Solutions**
Panel: Al Kean, BWSR moderator
Kurt Deter, Rinke-Noonan
Ron Ringquist, MN Viewers Association
Jerome Deal, Manager, Bois de Sioux Watershed District

12 Noon **Lunch**

1:00 p.m. **LCCMR Drainage Project Study: Intensified Tile Drainage Evaluation**
A comparative assessment of hydrologic changes in watersheds with and without intensive tile drainage was conducted to determine the effects of climate and tile drainage in creating more erosive river conditions. Understanding the effect of artificial drainage is critical to designing strategies and BMPs to improve water quality.
Presenter: Shawn Schottler, Science Museum of MN, St. Croix Research Station

1:45 p.m **2012 Conservation Drainage Workshops / Field Days, with Producer Experience**
Presenters: Mark Dittrich, MDA, Field Day Producers

2:30 p.m. **Break**

2:45 p.m. **Challenges of Implementing Conservation Drainage**
Mark Dittrich, MDA

3:30 p.m. **Corps of Engineers Agricultural Drainage Regional General Permit Status**
John Kolb, Rinke-Noonan

4:00 pm **Conclusion**

**Register on Page 14**

MASWCD
Minnesota Association of Soil and Water Conservation Districts

## MASWCD 76th ANNUAL MEETING & 22nd ANNUAL TRADE SHOW

**DECEMBER 2-4, 2012**
**DoubleTree Hotel Bloomington - Minneapolis South - Bloomington, MN**

# ------ MASWCD Annual Convention at a Glance ------

### SUNDAY, DECEMBER 2, 2012

| | |
|---|---|
| 5:00 - 7:00 pm | Registration Open |
| 7:30 - 9:30 pm | Convention Kickoff Social |

### MONDAY, DECEMBER 3, 2012

| | |
|---|---|
| 6:30 - 8:15 am | Continental Breakfast/Hospitality Area Open |
| 7:00 am | Registration Opens |
| 8:30 am - 4:30 pm | Trade Show Open |
| 8:30 - 9:00 am | Business Meeting |
| 9:00 - 10:00 am | Keynote: **Chad Pregracke** - ***Leading America's Movement for Clean Rivers*** |
| 10:00 - 10:30 am | Refreshment Break |
| 10:30 - 11:30 am | Panel Discussion: **Celebrating Our Conservation Achievements, Looking to the Future - *SWCD, NRCS and BWSR statewide conservation achievements and SWCD view of future needs*** |
| 11:45 am - 1:45 pm | Awards Luncheon |
| 1:45 - 2:30 pm | Refreshment Break |
| 2:30 - 3:30 pm | Concurrent Sessions<br>▪ **Putting Targeting into Practice: Understanding and Winning the Confidence of Landowners**<br>▪ **SWCD Role in Emergency Management**<br>▪ **SWCD Showcase: Special Taxing for Projects, Sharing Staff, Wild Rice Lake Easements**<br>▪ **NRCS's Conservation Delivery Streamlining Initiative** |
| 3:30 - 4:00 pm | Refreshment Break |
| 4:00 - 5:00 pm | Concurrent Sessions<br>▪ **Conservation Easement Stewardship and Long-term Funding**<br>▪ **Climate Change and Impacts for Which SWCDs Should Prepare, Mitigate and Adapt**<br>▪ **Civic Engagement on a Shoe-String**<br>▪ **NRCS's Conservation Delivery Streamlining Initiative (*repeated*)** |
| 5:30 - 7:00 pm | Dinner and Entertainment |
| 7:00 - 8:30 pm | Silent Auction for Conservation |
| 7:30 - ??? pm | Live Auction for Conservation |

### TUESDAY, DECEMBER 4, 2012

| | |
|---|---|
| 6:30 - 8:15 am | Continental Breakfast/Hospitality Area Open |
| 7:30 am | Registration Opens |
| 8:30 - 9:30 am | Outstanding Conservationist Program:<br>**Kelly Applegate (*invited*), Wildlife Biologist, Mille Lacs Band of Ojibwe - *Purple Martins & Ojibwe Culture*** |
| 8:30 - 10:00 am | Business Meeting |
| 8:30 - 10:00 am | Employee Sessions<br>▪ **Choosing the Right Plant Material for Your Soil Type**<br>▪ **Effectively Using SWCD Web Sites as Communication Tools**<br>▪ **DNR Conservation Partners Legacy Grant Program** |
| 9:30 - 11:30 am | Outstanding Conservationists Photos |
| 10:00 - 10:30 am | Refreshment Break |
| 10:30 - noon | Business Meeting (*continued*) |
| 10:30 - noon | Employee Sessions<br>▪ **Minnesota Agricultural BMP Handbook and the USDA NRCS Field Office Technical Guide**<br>▪ **Operational Policies - By-Laws, Personnel Handbooks, and Record Retention Schedules**<br>▪ **Writing Grants to Ensure Adequate Technical Assistance for Project Implementation** |
| 12:15 - 2:15 pm | Outstanding Conservationist Luncheon and Awards, Closing Comments |

Minnesota Association of Soil and Water Conservation Districts
790 Cleveland Avenue South, Suite 201, St. Paul, MN 55116 | Phone (651) 690-9028 | Fax (651) 690-9065 | www.maswcd.org

Minnesota Association of Soil & Water Conservation Districts

# 76th Annual Convention & 22nd Annual Trade Show

December 2, 3, 4, 2012

Doubletree Hotel Bloomington - Minneapolis South - Bloomington, Minnesota

## REGISTRATION FORM

*Please use a separate form for each person or couple.*
*Registrations must include full payment and must be received in the MASWCD office by **November 12**.*
*Cancellations received by November 21 will be refunded less a $75 cancellation fee. No refunds for cancellations after November 21.*

NAME _____

☐ SWCD Supervisor
☐ SWCD Employee

SWCD _____

MASWCD Area _____

☐ Outstanding Conservationist
☐ Other Award Recipient

(Outstanding Conservationists and other award recipients *do not pay registration fee*)

SWCD _____

☐ BWSR ☐ NACD
☐ NRCS ☐ DNR
☐ MPCA ☐ MDA

Other _____

| **REGISTRATION FEE** | **Quantity** | | | **Amount** |
|---|---|---|---|---|
| Complete Convention Registration | _____ | @ $200.00 | = | $ _____ |
| Monday Only Registration | _____ | @ $140.00 | = | $ _____ |
| Tuesday Only Registration | _____ | @ $140.00 | = | $ _____ |

| **MEALS** | | | | |
|---|---|---|---|---|
| Monday Awards Luncheon | _____ | @ | $25.00 = | $ _____ |
| Monday Dinner | _____ | @ | $32.00 = | $ _____ |
| Tuesday Outstanding Conservationist's Luncheon** | _____ | @ | $25.00 = | $ _____ |

** ***note*** – There is reserved seating for Tuesday's luncheon; reservations can be made at the registration desk.

**OTHER**

**Convention Kickoff Social – Cash Bar**
**Sunday**, 7:30 pm ..... _____ @ no charge

**Continental Breakfast/Hospitality Area**
**Monday**, 6:30 – 8:15 am, near pool area ..... _____ @ no charge
**Tuesday**, 6:30 – 8:15 am, near pool area ..... _____ @ no charge

*While there is no fee for these three events, we ask you to please indicate here if you plan to participate so we can plan accordingly.*

**TOTAL REGISTRATION AND MEAL FEES** ..... $ _____

**Please enclose check for the *full* amount payable to MASWCD.**
Mail to: MASWCD, 790 Cleveland Avenue South, Suite 201, St. Paul, MN 55116.

**Hotel Information:** Individuals are responsible for booking their own hotel rooms.

| | |
|---|---|
| Location: | Doubletree Hotel Bloomington - Minneapolis South, 7800 Normandale Boulevard, Minneapolis, MN 55439<br>Phone: 952-835-7800 |
| Group Rate: | $85 for single or double occupancy, plus tax. |
| Cut-off Date: | Reservations must be received by the hotel on or before **November 12, 2012**. After this, any rooms in the block that have not been reserved get released and made available for general public sale. |
| Reservations: | By phone - 1.800.HILTONS or 1.800.222.TREE. Mention room block name "Soil & Water Annual Convention."<br>or<br>On-line - visit www.maswcd.org and follow the link for convention lodging reservations. |

**Donations:** **MASWCD is a 501(c)(3) non-profit organization and welcomes your tax deductible donations.**

Please indicate whether you are enclosing a donation in the amount of: ☐ $50 ☐ $100 ☐ $150 ☐ other amount: _____

# 2012 AMC ANNUAL CONFERENCE SCHEDULE OF EVENTS

## Sunday, December 2

| | |
|---|---|
| 2:00 – 5:00 p.m. | AMC Board of Directors Meeting |
| 5:00 – 6:30 p.m. | AMC Committees & Advisory Board Meetings<br>• Agriculture & Rural Development Advisory<br>• Indian Affairs Advisory |
| 6:30 - 8:00 p.m. | Women in Leadership Forum |
| 6:30 – 9:00 p.m. | Minnesota Rural Counties Caucus (MRCC) Meeting |

## Monday, December 3

| | |
|---|---|
| 7:00 a.m. | Fitness Walk |
| 7:00 a.m. | Conference Registration Open |
| 7:00 – 8:00 a.m. | Planning Committee Breakfast |
| 8:00- 10:00 a.m. | AMC Policy Committees<br>• Environment & Natural Resources<br>• General Government<br>• Health & Human Services<br>• Public Safety<br>• Transportation |
| 8:30 – 9:30 a.m. | Concurrent Workshops I |

Effectively Using County Websites As Communications Tool: How To Provide Valuable Information To Citizens No Matter What Your Budget

County websites are a key tool in educating and informing citizens regarding information and services. Is your county's website being utilized to its fullest potential? Does your website meet citizen expectations by allowing users to find the information they want? In this interactive workshop, learn firsthand some best practice examples that all counties can implement no matter what the size or budget to better inform and engage citizens, while leveraging valuable organizational resources.

*Panel:* *Jessica Beyer, Blue Earth County Communications Manager & Business Analyst*
*Danna MacKenzie, Cook County Director of Information Systems*
*Sona Mehring, CEO, CaringBridge*
*Christopher Voss, CEO, RightSource Compliance*
*Laurence Reszetar, Attorney, Maslon Edelman Borman & Brand, LLP*
*David Asp, Attorney, Lockridge Grindal Nauen, P.L.L.P.*

Integrating LEAN Thinking in Government

This panel discussion will focus on LEAN thinking – concepts, techniques, and tools designed to reduce waste and improve the efficiency in any type of organization. Lean fundamentals can help you make the most of your resources, improve organizational performance and provide excellent customer service. The panel includes representatives from the State of Minnesota, Anoka, Winona and Crow Wing Counties. Learn about the Lean program/efforts within their organization(s) as well as their experiences with implementation.

*Panel:* *Tom Baumann, Director, Office of Continuous Improvement for the State of Minnesota*
*Kelly Anderson, Winona County Administrative Aide in Administration, Personnel and Finance*
*Doug Hansen, Crow Wing County Sr. GIS Specialist*
*Mike Roff, Anoka County Associate County Administrator-Special Projects*

Stearns County's Pre-Trial Mandatory Drug Court: Proven Crime Reduction

Operational since 2002, Stearns County's Drug Court is the only pre-trial and mandatory drug court program in the nation. Appropriate bail addressing drug addicts' danger to the public results in the immediate ability to intervene with offenders when it will matter the most. Recidivism data is significantly stronger than in traditional drug court models. Hear how this model may work in your community, through bringing system partners together to problem solve.

*Presenters:* *Janelle Kendall, Stearns County Attorney*
*Mark Sizer, Stearns County Human Services Director*

(Concurrent Workshops I, continued)

Sharing Employees: Joint Employer Liability

Counties often collaborate to share resources, including employees. However, counties must protect themselves from potential liability in a joint employer situation. Attendees learn the questions they should answer when determining how best to share personnel with another entity to minimize exposure to potential liability.

*Presenter:* *Karen Clayton Ebert, Staff Attorney for Program Management, MCIT*

Addressing Emerging Land Uses

Counties are sometimes faced with technological catalysts which create the need for understanding the impact of new land use types and communicating issues effectively with the public and county officials. Recent examples of emerging land uses include digital billboards, wind energy, silica sand mining and telecommunication towers. This presentation will focus on effective land use planning tools addressing emerging issues in order to protect health, safety and welfare while responding to new industry.

*Presenter:* *Jason Gilman, Director, Planning and Environmental Services, Winona County*

| | |
|---|---|
| 9:00 - 10:00 a.m. | MCIT Board Meeting |
| 9:00 a.m. - 5:00 p.m. | Vendor Fair Open |
| 9:30 a.m. - 2:30 p.m. | Association of Minnesota Emergency Managers (AMEM) |
| 9:30 – 10:15 a.m. | Break Inside Vendor Fair<br>*"SurpriZe Drawing"* |
| 10:00 a.m. - 3:00 p.m. | Minnesota Association of Professional County Economic Developers (MAPCED) |
| 10:15-11:30 a.m. | Opening Session<br>• National Anthem<br>• Pledge of Allegiance<br>• AMC President's Welcome<br>• Host County Welcome<br>• **KEYNOTE SPEAKER:** St. John's University Coach John Gagliardi<br>Coach John Gagliardi is the winningest coach in college football history! In his 60 seasons as head coach of the Johnnies, Gagliardi's success is attributable to more than just football strategy and tactics. |



| | |
|---|---|
| 11:30 a.m. – 1:00 p.m. | Lunch<br>*Served inside the exhibit hall.* |
| 11:30 a.m. - 1:00 p.m. | AMC Extension Committee |
| 11:30 a.m. - 1:00 p.m. | MAGIC Fund Annual Meeting |
| 12:00 - 1:00 p.m. | AMC Officer Candidate Screening |
| 12:00 - 1:00 p.m. | Concurrent Workshops II |

Creating a Culture of Civility

The attributes of civility are easy enough to name: tolerance, respect, politeness, a basic decency in conduct—all ideals encapsulated in the Golden Rule. Similarly, Thumper's law, "If you can't say something nice, don't say nothing at all," seems an apt reminder of the need for restraint in everyday communication. Yet, in a world of conflict, and in the context of a free society in which individuals fiercely cherish the right to air their differences—a good thing for democracy—the larger question may be how we can be nice without having to bite our tongues. In this workshop participants will explore and learn the definitions of civility and incivility; the legality of civility, and recommended actions to promote a culture of civility.

*Presenters:* *Tobias Spanier, University of Minnesota Extension*
*Kim Boyce, University of Minnesota Extension*

Financing Energy Conservation Improvements

Recent interest in funding energy conservation improvements to public and private buildings has generated a whole new set of financing acronyms – QECB, PACE, and PBEEEP to name just a few. We will explain how these funding tools can be applied to county projects, and how they relate to design/bid/build and performance contracting processes.

*Panel:* *Bruce Kimmel, Senior Financial Advisor, Ehlers*
*Additional Panelists TBA*

(Concurrent Workshops II, continued)

### County Management Options

Minnesota Statute allows counties to choose from five forms of professional management: administrator, elected executive, manager, at-large chair or auditor/administrator. This class is a facilitated discussion about three management models; administrator, coordinator and a new team approach being tested in NW Minnesota. They will discuss the strengths and challenges of each role and how the models differ in their interaction with commissioners.

*Panel:* *Moderator, Jack Swanson, Roseau County Commissioner*
*Jeff Pelowski, Roseau County Coordinator*
*Tom Shea, Steele County Administrator*
*Jan Fransen, Jackson County Coordinator*
*John Hoscheid, Lake of the Woods Auditor*

### Reducing Costs of Out-of-Home Placement by Investing in Prevention

Five years ago, Chippewa County Commissioners challenged Family Services' staff to develop programs to prevent out of home placement, and their costs. At that time, 85% of our out of home placement costs were correctional so this is where we needed to focus our attention. We used a three-prong approach by creating a Circle Sentencing program, an Out of Home Placement Prevention Team and a program to support existing activities for children.

*Panel:* *Betty Christensen, Director, Chippewa County Family Services*
*Additional Panelists TBA*

### Introduction to Juvenile Justice Reform / JDAI (101) (Part 1)

Justice Reform / JDAI and how it has been implemented thus far in four jurisdictions in MN over the last 6 years. Presenters will provide the audience with data that demonstrates decreased detention numbers, a reduction in disparities, reduced recidivism, cost savings, better outcomes for youth, and an increase in public safety as a result of this reform.

*Presenters:* *Brian Smith, JDAI Coordinator*
*Toni Carter, Ramsey County Commissioner, AMC Second Vice President*

1:00 – 1:30 p.m. Break Inside Vendor Fair

1:45 – 2:45 p.m. Concurrent Workshops III

### Faster, Cheaper, Better Services – Olmsted County LEAN Journey

Continuous Improvement (CI) culture and LEAN principles are used to streamline and simplify work processes in order to increase efficiency, customer satisfaction and employee engagement. A brief history and vision will be provided, as well as specific process improvement examples and the outcomes of these. One example is E-Reimbursement, a simple and effective way to process employee reimbursement requests electronically.

*Presenter:* *Wilfredo Román Cátala, Director of Business Operations, Olmsted County Public Health*

### Sidestep Pitfalls When Conducting Public Hearings

County commissioners may find it tricky to reconcile a citizen's right to be heard in a public hearing or comment period with the orderly operation of the forum or other legal constraints, such as the Minnesota Government Data Practices Act. This workshop discusses citizens' rights and potential pitfalls of which commissioners should be aware when managing the public input process.

*Presenter:* *Jennifer Wolf, Staff Counsel for Risk Control, MCIT*

### The Courage to Change: A vision for Uncompromising Service and Performance

Can government cultivate a service culture that rivals that of businesses known for their legendary service; or have systems and processes as efficient and price sensitive as those known for being the low price leaders? Experience one county's journey to becoming a performance driven organization. Hear how they're tapping into the voice of the customer, leveraging leaders, engaging employees, using metrics to assess performance and developing a total rewards approach to compensation and benefits.

*Panel:* *Moderator, Rachel Nystrom, Crow Wing County Commissioner*
*Tamra Laska, Crow Wing County Human Resource Director*
*Tim Houle, Crow Wing County Administrator*
*Robert Sicora, President Sicora Consulting*

### Stearns County's Repeat Felony Domestic Violence Court – Proven Crime Reduction

Operational since 2009, Stearns County's Repeat Felony Domestic Violence Court's data shows that intensive, targeted supervision not only reduces crime, but continues to reduce criminal behavior after graduation to traditional probation. Data also shows offenders who end up in prison tend to re-offend quickly upon release. Hear what we've learned, potential statutory changes we're prepared to recommend, and how your county could similarly reduce crime and increase victim and family safety for this violent population.

*Presenters:* *Janelle Kendall, Stearns County Attorney*
*Mark Sizer, Stearns County Human Services Director*

(Concurrent Workshops III, continued)

### Juvenile Justice Reform / JDAI (201) Practical Application (Part 2)

A panel consisting of Law Enforcement, Corrections Administration, County Attorney's Office, Public Defenders Office, Judges, Schools, and Community will discuss how they have worked together to implement juvenile justice reform in their jurisdictions. Discussion will range from success, obstacles, real collaboration, and a new paradigm shift that has resulted in new ways of doing business and better outcomes for the juvenile justice system, youth, families and communities.

*Presenters:* *Brian Smith, JDAI Coordinator*
*Toni Carter, Ramsey County Commissioner, AMC Second Vice President*

12:00 - 3:30 p.m. Solid Waste Administrators Association (SWAA)

1:00 - 3:30 p.m. Minnesota County Engineers Association (MCEA)

2:30 -4:30 p.m. County Board of Appeal and Equalization Training

2:45 – 3:00 p.m. Break Inside Vendor Fair
*"SurpriZe Drawing"*

3:00 – 4:00 p.m. Concurrent Workshops IV

### Emergency Management - Unity of Effort - Role of Government Officials

Definition/Phases/Principles of Emergency Management - Components - all hazards, phases, impacts, & stakeholders - Integrated, Collaborative, Coordinated, Flexible, Professional Unity of Effort - MN collaborative initiatives throughout all phases of Emergency Management - Unfunded state/federal requirements/working with professional associations Government Official Roles - Elected Officials bear responsibility for how their jurisdiction responds to/recovers from disasters - Leadership through policy decision-making during disasters - Understand legal role. Powers/duties under Local Emergency Declaration - Public information process

*Presenters:* *Debra Paige, Director Emergency Management, Washington County*
*Judson Freed, Director Emergency Management & Homeland Security Ramsey County*

### Human Services Redesign

In this session, a panel of Human Services Directors will provide examples of recent multi-county redesign efforts from across the state. The directors will provide overviews of the projects, challenges encountered, and potential benefits of redesigning their business. Some potential examples that may be included: Southeastern Minnesota project, Southwest Health and Human Services and Northeastern Minnesota electronic documents collaboration.

*Panel:* *Julie Ring, AMC Intergovernmental Services Coordinator*
*Additional Panelists TBA*

### 10 Winning Strategies in Grievance Arbitration

Learn 10 winning strategies to help improve grievance arbitration outcomes. Based on numerous arbitration decisions, find out what works and what does not work in front of an arbitrator. Ten winning strategies will be outlined and discussed, providing practical help to Counties. Best practices will be shared which can be immediately implemented by management staff.

*Presenter:* *Marylee Abrams, Abrams & Schmidt LLC*

### Drainage Law in Minnesota

Due to the fact that we have old undersized systems, wet conditions, high land values, high commodity prices, concern over future regulation and agriculture doing reasonably well, landowners throughout the State are looking at 100 year old systems that need improvement and/or replacement. Also, assessments are based on 100 year old viewers' reports which results in redetermination issues. This presentation will address the process and procedure regarding the issues under Minnesota Statutes 103E.

*Presenter:* *Kurt Deter, Attorney, Rinke Noonan Law Firm*

### Moving County Economic Development from Ideas to Action

Counties effectively reaching out to businesses are successful in economic development. Moving from ideas to action involves three essential steps – Think, Decide, Do. This workshop will highlight the techniques used by University of Minnesota Extension's Business Retention & Expansion (BR&E) team to convert outreach efforts into informed action. We will share the strategies and methods learned from working with many communities and counties around Minnesota, including recent innovations for getting the communities to action.

*Presenters:* *Michael Darger, Extension Specialist - Community Economics, U of M Extension*
*Brigid Tuck, Analyst/Writer - Community Economics, U of M Extension.*

3:30 - 5:00 p.m. MCIT Annual Meeting
*Registration at 3:30 p.m./Meeting begins at 4:00 p.m.*

(Monday p.m., continued)

5:00 - 6:00 p.m. Social Hour
*Inside the exhibit hall.*

6:00 – 8:30 p.m. Dinner & Awards Banquet
- Presentation of MCIT Annual Awards
- Presentation of AMC Annual Awards
- Presentation of AMC President's Award
- Outgoing AMC President's Address
- Performance by the St. John's Boys' Choir




8:30 p.m. County Choir Practice*
**Immediately following the St. John's Boys' Choir.*

# Tuesday, December 4

7:00 A.M. Fitness Walk

7:30 – 8:30 a.m. Breakfast Session
- Screening Committee Reports
- AMC Officer Candidate Presentations

8:00 a.m. - 12:00 p.m. Vendor Fair Open

8:30 – 9:00 a.m. Break - Inside Vendor Fair
*Final chance to complete the 'booth map' for the grand prize drawing at the conclusion of the conference!*

9:00 – 10:00 a.m. Concurrent Workshops V

### The Paperless County

We will explore the importance of achieving a "Certified Green County" with examples of initiatives currently underway in County operations. We will discuss the challenges, overcoming obstacles, where to begin, setting milestones, goal setting and how to recognize and reward success. Some of the questions that we will explore are how much will this cost us? Does this make more work for me? How will constituents benefit? How long will this take?

*Presenter: Thomas Girtz, CEyO, RtVision, Inc*

### MN Border to Border Broadband Goals: Where are Counties?

2015. How is your county faring? Do you have gaps that need to be addressed? Don't know how to ask the right questions to find out? Representatives from the MN Governor's Broadband Task Force will be available with individualized maps and provider information for each county and be ready to talk to county leaders about the issues in their communities.

*Panel: Danna MacKenzie, Director of Information Systems, Cook County, MN Governor's Task Force on Broadband in conjunction with ConnectMN*
*Diane Wells, Broadband Development Office, MN Department of Commerce*
*William (Bill) Hoffman, State Program Manager, Connect Minnesota*

### Social Media and the Workplace

Although there are benefits to social media as a new mode of communication, public sector employers need to be aware of how its use in the workplace may expose the organization to risk and how to manage those risks. This workshop examines three specific situations: 1) employees' personal use of social media; 2) the use of social media and Internet searches when making hiring decisions; and 3) employment references on social media sites. It is crucial that counties consider how the use of social media in the workplace could put them at risk for lawsuits so they can devise systems to reduce their exposure.

*Presenter: Sonya Guggemos, Staff Counsel for Risk Control; MCIT*

(Concurrent Workshops V, continued)

### Libraries and How They Affect Counties

Pennington County Commissioner Daryl Tveitbakk and Polk County Commissioner Craig Buness will host a round table discussion on libraries and how they impact the counties and the problem that counties are having funding them. Tveitbakk is on the Northwest Regional Library Board and Buness is on the Lake Agassiz Regional Library Board. This will be an open participation discussion for the participants attending to try and bring out the various concerns and issues.

*Presenters:*
*Craig Buness, Polk County Commissioner*
*Daryl Tveitbakk, Pennington County Commissioner*

### Public Health in an Elevator: What City and County Officials NEED to Know about Public Health...in 30 Seconds or Less

In this session representatives of the Local Public Health Association will share key public health messages that all county and city officials and staff should know – our "30-second elevator speech" on the importance of public health. We will draw on the knowledge and examples of a panel of senior LPHA leaders to unpack those 30 seconds one "talking point" at a time.

*Panel: Gretchen Musicant, Commissioner of Health, City of Minneapolis*
*Additional Panelists TBA*

9:00 – 11:30 a.m. Group/Affiliate Meetings
- Minnesota Association of Community Corrections Act Counties (MACCAC) Board Meeting
- Minnesota Association of County Administrators (MACA) Business Meeting
- Minnesota Association of County Planning & Zoning Administrators (MACPZA)
- Minnesota Association of County Surveyors (MACS)
- Northern Land Use Coordinating Board and Consolidated Conservation/Natural Resources Board Joint Meeting

10:15 – 11:15 a.m. Concurrent Workshops VI

### New ADA Implementation Requirements For Counties

Polk County Engineer Richard Sanders and Mike Marti from SRF will make a presentation on the work that the Research Implementation Committee completed for ADA transition planning for counties. This has been a multi-year study that was recently completed and the seminar will address the findings and how they will impact counties.

*Presenters: Richard Sanders, Polk County Highway Engineer*
*Mike Marti, SRF Consulting*

### Cost/Benefit Analysis of Chemical Dependency Care

The DHS Rate Reform Initiative (effective July 1, 2011) mandated that "the county share for each chemical dependency treatment placement authorized through the CCDTF is 22.95 %". This presentation is designed to review Rule 25 assessment and referral methods and explore the "most cost efficient, least restrictive CD Care alternatives possible, consistent with individual need." Alcohol or other drugs of choice, most specifically opiates, are discussed separately.

*Presenters: Dennis Medved, Lakeplace Retreat Center Director*
*Dr. Suzanne Lee, DNP, APRN-BC, Certified Registered Nurse Advanced Practice, CARN-AD*

### Free Recycling Programs for Businesses and Residents in Minnesota

The Recycling Association of MN has created several state-wide recycling programs that are free and easy to use. Recycling reduces waste, improves our local environment and saves money. We have recycling programs that local units of governments can use to promote to their residents or to use at their government offices.

*Presenters: Ellen Telander, Executive Director; Recycling Association of Minnesota*
*Maggie Mattacola, Marketing Director; Recycling Association of Minnesota*

(Concurrent Workshops VI, continued on next page)

(Concurrent Workshops VI, continued)

### Crow Wing County Land Use Ordinance Revision-How is it working?

By unanimous vote of the County Board on May 8, 2011, Crow Wing County achieved a substantial and unprecedented overhaul of its Land Use Ordinance. Hailed as one of the "most progressive in the state" by MPR, the new ordinance establishes innovative performance standards as a regulatory approach to protecting the natural resources in the Brainerd Lakes Area. The workshop will discuss implementation of the ordinance, examples of projects and future water planning efforts.

*Presenter: Chris Pence, Land Services Supervisor; Crow Wing County - Land Services Department*

### Park & Trails Legacy Fund - The 175 Study

The Greater Minnesota Regional Park & Trail Coalition, a Minnesota Nonprofit Corporation, was directed by the 2011 Legislature to: Establish protocols to determine the origin and potential users of non-metropolitan regional parks, Collect details on the facilities within non-metropolitan regional parks, Develop evaluation criteria to determine non-metropolitan regional park and trail acquisition and development priorities. $175,000.00 was allocated for this project and we would like to make an interim report to the county leaders.

*Panel: Jeff Schoenbauer, Senior Principal, Co-Founder, Schoenbauer Consulting, LLC*
*Donald 'Al' Lieffort, Douglas County Park Superintendent, Project Manager for the Greater Minnesota Regional Park and Trail Coalition*
*Kathy Schoenbauer, President & Co-Founder, Schoenbauer Consulting LLC*

**11:15 – 11: 45 a.m.** Break - Vendor Fair Finale!
*Silent Auction bidding ends at 11:30 sharp! Please visit the registration desk to pay for your items.*

**12:00 p.m.** Lunch Served
*Performance by AMC's County Choir*



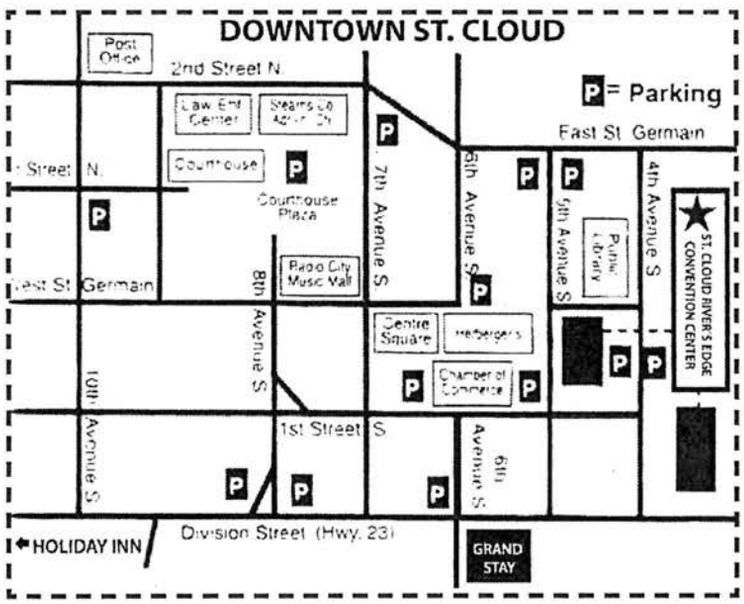
- KEYNOTE SPEAKER: University of Minnesota President Eric Kaler

**1:00 p.m.** AMC Business Meeting
- Secretary/Treasurer Report
- AMC Platform Amendments
- Executive Director's Report
- Elections & Installation of Officers
  *President*
  *First Vice President*
  *Second Vice President*
  *Secretary/Treasurer*
  *New AMC President's Address*

**3:00 p.m.** Grand Prize Drawing & Adjourn

# Lodging Options

You are responsible for making your own hotel reservations, but be sure to mention the Association of Minnesota Counties (or AMC) room block to receive the group rates listed here.




## BEST WESTERN PLUS KELLY INN

100 4th Avenue South, St. Cloud
Phone: 320-253-0606 or 1-800-528-1234
www.bestwesternstcloud.com

**Per Night Rate: $77 Single/ $87 Double (government rate) +tax**
**Reservation Deadline: 11/3/12**

## LE ST. GERMAIN SUITE HOTEL *(formerly the Radisson)*

404 West St. Germain, St. Cloud
Phone: 320-654-1661
www.lestgermainsuitehotel.com

**Per Night Rates: Oversized Queen Suite $112 +tax**
**Master Double Suite $122 +tax**
**Whirlpool Suite $152 +tax**
**Reservation Deadline: 11/3/12**

## HOLIDAY INN & SUITES

75 South 37th Avenue (at Hwys. 15 & 23), St. Cloud
Phone: 320-253-9000
www.holidayinn.com/hotels/us/en/st.-cloud/stcmn/hoteldetail

**Per Night Rate: $76.95 +tax**
**Reservation Deadline: 11/2/12**

## COUNTRY INN & SUITES EAST

235 Park Ave S, St. Cloud
Phone: 320-259-8999 or 1-800-456-4000
www.countryinns.com/stcloudmn_west

**Per Night Rate: $77+ tax**
**Reservation Deadline: 11/9/12**

- Elections & Installation of Officers
- New AMC President's Address

**3:00 p.m.** **Grand Prize Drawing & Adjourn**







## Association of Minnesota Counties

# ANNUAL CONFERENCE REGISTRATION

**December 3 & 4, 2012 | River's Edge Convention Center, St. Cloud**

'Early Bird' Registration Fee: $350 per attendee on or before 11/9/12 - Regular Registration Fee: $375 per attendee after 11/9/12

**COUNTY/ ORGANIZATION:** _____

**ADDRESS:** _____

**PHONE:** _____ **FAX:** _____

**CONTACT E-MAIL:** _____

**REGISTRANT(S):**

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

The conference fee is $350 per attendee if received before November 9, 2012, and $375 after that date.

Refunds will be granted less a $100 cancellation fee if notice is received November 26-30, 2012. No refunds granted after that date.

**AMOUNT DUE: $** _____

PLEASE CHECK ONE OF THE FOLLOWING METHODS OF PAYMENT:

❑ **CHECK ENCLOSED**
(make checks payable to AMC)

Please send this form with payment to:
Association of Minnesota Counties
PO Box 64689
St. Paul, MN 55164

❑ **BILL COUNTY**

Please fax this form to:
651-224-6540, Attn: Suzanne

❑ **VOUCHER**

Please send this form with voucher to:

Association of Minnesota Counties,
Attn: Suzanne
125 Charles Avenue
St. Paul, MN 55103-2108

***Or register on-line at www.mncounties.org!***

Minnesota Board of Water & Soil Resources

DATE: November 30, 2012

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director

SUBJECT: BWSR Board Meeting Notice – December 12, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, December 12, 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 RECOMMENDATIONS**

***Southern Water Planning Committee***

1. **Olmsted County Local Water Management Plan Update** - Olmsted County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review August 28, 2012. On November 1, 2012, the Board's Southern Water Planning Committee (Committee) reviewed the recommendation of the state review agencies regarding final approval of the Olmsted County Local Water Management Plan Update. The Committee recommends approval. The Findings of Fact, Conclusions and Order are drafted for the full Board to review and take action on. ***DECISION ITEM***

2. **Kandiyohi County Priority Concerns Scoping Document -** Kandiyohi County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Board's Southern Water Planning Committee, chaired by Paul Langseth, met with Kandiyohi County on November 1, 2012, to discuss: the content of the PCSD; state agency review comments on the PCSD; and recommendations for the content of the final Comprehensive Local Water Management Plan. The Committee's recommendation for the PCSD will be provided to the full Board for review and action. The state's expectations for the final plan must be sent to Kandiyohi County. ***DECISION ITEM***

3. **McLeod County Priority Concerns Scoping Document -** McLeod County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Board of Water and Soil Resources Southern Water Planning Committee, chaired by Paul Langseth, met with McLeod County on November 1, 2012, to discuss: the content of the PCSD; state agency review comments on the PCSD; and recommendations for the content of the final Comprehensive Local Water Management Plan. The Committee's recommendation for the

PCSD will be provided to the full Board for review and action. The state's expectations for the final plan must be sent to McLeod County. ***DECISION ITEM***

4. **Meeker County Priority Concerns Scoping Document** - Meeker County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Board's Southern Water Planning Committee, chaired by Paul Langseth, met with Meeker County on November 1, 2012, to discuss: the content of the PCSD; state agency review comments on the PCSD; and recommendations for the content of the final Comprehensive Local Water Management Plan. The Committee's recommendation for the PCSD will be provided to the full Board for review and action. The state's expectations for the final plan must be sent to Meeker County. ***DECISION ITEM***

5. **Renville County Priority Concerns Scoping Document** - Renville County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Board of Water and Soil Resources Southern Water Planning Committee, chaired by Paul Langseth, met with Renville County on November 1, 2012, to discuss: the content of the PCSD; state agency review comments on the PCSD; and recommendations for the content of the final Comprehensive Local Water Management Plan. The Committee's recommendation for the PCSD will be provided to the full Board for review and action. The state's expectations for the final plan must be sent to Renville County. ***DECISION ITEM***

6. **Kandiyohi County Comprehensive Local Water Management Plan Extension Request** - Kandiyohi County has a Comprehensive Local Water Management Plan (Plan) that will expire December 31, 2012. On October 5, 2012, the Board of Water and Soil Resources (Board) received a request for an extension of the Plan from Kandiyohi County. On November 1, 2012, the Board's Southern Water Planning Committee, chaired by Paul Langseth, met with Kandiyohi County to discuss the extension request. The Committee's recommendation will be presented to the full Board for review and action. The state's expectations for the extension request must be sent to Kandiyohi County. ***DECISION ITEM***

7. **McLeod County Comprehensive Local Water Management Plan Extension Request** McLeod County has a Comprehensive Local Water Management Plan (Plan) that will expire December 31, 2012. On September 24, 2012, the Board of Water and Soil Resources (Board) received a request for an extension of the Plan from McLeod County. On November 1, 2012, the Board's Southern Water Planning Committee, chaired by Paul Langseth, met with McLeod County to discuss the extension request. The Committee's recommendation will be presented to the full Board for review and action. The state's expectations for the extension request must be sent to McLeod County. ***DECISION ITEM***

8. **Meeker County Comprehensive Local Water Management Plan Extension Request** - Meeker County has a Comprehensive Local Water Management Plan (Plan) that will expire December 31, 2012. On October 9, 2012, the Board of Water and Soil Resources (Board) received a request for an extension of the Plan from Meeker County. On November 1, 2012, the Board's Southern Water Planning Committee, chaired by Paul Langseth, met with Meeker County to discuss the extension request. The Committee's recommendation will be presented to the full Board for review and action. The state's expectations for the extension request must be sent to Meeker County. ***DECISION ITEM***

9. **Renville County Comprehensive Local Water Management Plan Extension Request -** Renville County has a Comprehensive Local Water Management Plan (Plan) that will expire December 31, 2012. On October 11, 2012, the Board of Water and Soil Resources (Board) received a request for an extension of the Plan from Renville County. On November 1, 2012, the Board's Southern Water Planning Committee, chaired by Paul Langseth, met with Renville County to discuss the extension request. The Committee's recommendation will be presented to the full Board for review and action. The state's expectations for the extension request must be sent to Renville County. ***DECISION ITEM***

***Metro Water Planning Committee***

1. **Delivery of Conservation Services in Hennepin County** – Hennepin County intends to propose legislation to dissolve the Hennepin Conservation District directly by the legislature and not by the BWSR Board as statute currently requires. During the past ten years, the District has functioned at a low level and County staff has delivered almost all of the conservation services. The County has determined it can deliver the conservation services more efficiently, more consistently and at less cost than the District. BWSR staff have been working with County staff to develop compromise language that would keep the decision authority with the BWSR Board and ensure continued delivery of conservation services. BWSR staff recommend approval of a draft resolution that is consistent with the compromise language. The Metro Water Planning Committee met and discussed the matter with representatives from the District, the County and MASWCD. The Committee unanimously recommended inclusion on the BWSR Board meeting agenda, however no decision was made on the draft resolution. ***INFORMATION ITEM***

***Grants Program and Policy Committee***

1. **FY2013 CWF Competitive Grants Program Funding Recommendation** – The Board authorized staff to proceed with a Request for Proposals for the FY2013 Clean Water Fund Competitive Grants on June 27, 2012. Applications were accepted from August 1, 2012 through September 14, 2012. Total applications received were 286 requesting nearly $68 million across six grant programs. These applications were reviewed by BWSR staff and all were scored either by or with the input of staff from our partner State agencies. ***DECISION ITEM***

2. **Reallocation of a Targeted Drainage Water Management Grant** – The Board authorized seven Targeted Drainage Water Management Grants on June 27, 2012. Since that time the Bois de Sioux Watershed District has declined the grant. However, the two SWCDs in the area (Lac qui Parle and Yellow Medicine) have agreed to accept the grant. The proposed action is to amend the list of grant recipients accordingly. ***DECISION ITEM***

***Wetlands Committee***

1. **Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy** – Governor Dayton issued Executive Order 12-04 on May 3, 2012. This Order directed BWSR, in cooperation with our partner State agencies and invited stakeholders, to evaluate a series of wetland policies. Staff implemented a process to receive input from stakeholders on the issues included in the Order, as well as other issues that were identified by stakeholders. BWSR staff, in consultation with our partner State agencies developed recommendations based on stakeholder derived input as requested by the Governor. The Wetland Committee has reviewed the draft report on November 28 and will be doing so again on December 11. This report must be delivered to the Governor by December 15, 2012.

The draft report that was reviewed by the Wetland Committee on November 28, 2012 and is available on the BWSR website: http://bwsr.state.mn.us/wetlands/executive_order_12-04/. A revised draft report will be prepared and sent to all Board members on Friday, December 7. This draft report may be further modified by the Wetland Committee at its December 11, 2012 meeting. ***DECISION ITEM***

2. **Wetland Banking Fee Policy Update** - BWSR collects fees for the management of the wetland banking program. Some of the fees are based on the value of the wetland credits that have been deposited into the Bank. The Board annually updates the calculated wetland values that account holders may use to pay the required fees. ***INFORMATION ITEM***

3. **2013 Local Road Wetland Replacement Program Project Selection Process** — This decision item is to direct BWSR staff to develop a project selection process for utilizing $6M in bonding money to generate wetland credits for the Local Road Wetland Replacement Program (LRWRP). BWSR is responsible for generating wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act. To generate wetland replacement credits, BWSR restores wetlands on private lands by obtaining easements and implementing projects as well by agreeing to purchase credits from projects conducted by private landowners through agreements with the state. ***DECISION ITEM***

**NEW BUSINESS**

1. **Water Governance Study Recommendations** – The statutory requirement for this report is found in Minnesota Session Laws, 1st Special Session, Chapter 2, Article 4, Section 33, which reads: EVALUATION REQUIRED
   (a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management.
   (b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013. MPCA Commissioner John Linc Stine will present information to the Board. ***INFORMATION ITEM***

2. **Clean Water Fund RIM Reserve Edge Area Eligibility and Sign-Up Procedures** – The RIM Reserve Management Planning Committee met on November 28, 2012, and recommends authorization of staff to work with Goodhue, Olmsted, Wabasha, and Winona SWCDs to implement the acquisition of RIM Reserve Wellhead Protection and Edge Area easements in the targeted areas. ***DECISION 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 2:00 p.m.; lunch will be provided. I look forward to seeing you on December 12th!

**BOARD OF WATER AND SOIL RESOURCES**
**520 LAFAYETTE ROAD N.**
**LOWER LEVEL CONFERENCE ROOM**
**ST. PAUL, MINNESOTA 55155**
**WEDNESDAY, DECEMBER 12, 2012**

**PRELIMINARY AGENDA**

**9:00 AM** **CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF OCTOBER 24, 2012 BOARD MEETING**

**PUBLIC ACCESS FORUM** (10-minute agenda time, two-minute limit/person)

**CONFLICT OF INTEREST DECLARATION**

**RECOGNITION OF QUENTIN FAIRBANKS**

**INTRODUCTION OF NEW BWSR STAFF**

- Amber Steele, Board Conservationist

**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**

***Southern Water Planning Committee***

1. Olmsted County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

2. Kandiyohi County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

3. McLeod County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

4. Meeker County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

5. Renville County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

6. Kandiyohi County Comprehensive Local Water Management Plan Extension Request – Paul Langseth – ***DECISION ITEM***

7. McLeod County Comprehensive Local Water Management Plan Extension Request – Paul Langseth – ***DECISION ITEM***

8. Meeker County Comprehensive Local Water Management Plan Extension Request – Paul Langseth – ***DECISION ITEM***

9. Renville County Comprehensive Local Water Management Plan Extension Request – Paul Langseth – ***DECISION ITEM***

**COMMITTEE RECOMMENDATIONS**

***Metro Water Planning Committee***

1. Delivery of Conservation Services in Hennepin County – Jim Haertel – ***INFORMATION ITEM***

***Grants Program and Policy Committee***

1. FY2013 CWF Competitive Grants Recommendation – Dave Weirens – ***DECISION ITEM***

2. Reallocation of a Targeted Drainage Water Management Grant – Tim Gillette – ***DECISION ITEM***

***Wetlands Committee***

1. Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy – Dave Weirens and Les Lemm – ***DECISION ITEM***

2. Wetland Banking Fee Policy Update – Dave Weirens – ***DECISION ITEM***

3. 2013 Local Road Wetland Replacement Program Project Selection Process – Ken Powell – ***DECISION ITEM***

**NEW BUSINESS**

1. Water Governance Study Recommendations – John Linc Stine, MPCA – ***INFORMATION ITEM***

2. CWF RIM Reserve Edge Area Eligibility and Sign-Up Procedures – Gene Tiedemann and Tabor Hoek – ***DECISION ITEM***

**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 & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Sandy Hooker
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Krista Olson

**UPCOMING MEETINGS**

- Next BWSR Board Meeting – January 23, 2013

**2:00 PM** **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES**
**520 LAFAYETTE ROAD N.**
**LOWER LEVEL CONFERENCE ROOM**
**ST. PAUL, MINNESOTA 55155**
**WEDNESDAY, OCTOBER 24, 2012**

**BOARD MEMBERS PRESENT:**
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Matthew Wohlman, Gerald Van Amburg

**BOARD MEMBERS ABSENT:**
Quentin Fairbanks
Sandy Hooker
John Meyer

**STAFF PRESENT:**
Mary Jo Anderson, Angie Becker-Kudelka, Don Buckhout, Travis Germundson, Tabor Hoek, John Jaschke, Al Kean, Mary Kells, Tim Koehler, Melissa Lewis, Greg Larson, Jen Maleitzke, Ron Shelito, Dave Weirens, Brad Wozney

**OTHERS PRESENT:**
Kevin Lines
Krista Olson, NRCS

DRAFT

**Chair Napstad called the meeting to order at 9:05 a.m.**

**PLEDGE OF ALLEGIANCE**

** 12-88 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Matt Wohlman, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-89 **MINUTES OF SEPTEMBER 26, 2012 BOARD MEETING** – Moved by Gerald Van Amburg, seconded by Joe Collins, to approve the minutes of September 26, 2012 as circulated. Motion passed on a voice vote.

**INTRODUCTION OF NEW BWSR STAFF**

- Tim Koehler, Interim RIM Coordinator

Chair Napstad congratulated Tim on his retirement from NRCS; welcomed Tim to BWSR and looks forward to working with Tim at the state level.

**RECOGNITION OF KEVIN LINES' RETIREMENT**

On behalf of the BWSR, Chair Napstad acknowledged Kevin Lines' retirement on October 4. In appreciation of 37 years of outstanding service to the State of Minnesota, John Jaschke and Chair Napstad presented Kevin with a proclamation recognizing his achievements in conservation, and the 'Legacy-Minnesota' print by wildlife artist Scot Storm. Chair Napstad congratulated Kevin for successful restoration and protection of the lands in Minnesota and on his retirement and thanked him for his accomplishments.

**REPORTS**

**Chair's Report** – Brian Napstad reported that he attended the EQB meeting last week; items discussed included the Governor's Executive Orders on environmental review, the controversial issue of mining frac sands and the Environmental Congress.

Chair Napstad reported that he has been attending statewide meetings on the Governor's Executive Order 12-04, discussing recommendations and modifications to the Wetland Conservation Act and other wetland programs.

**Administrative Advisory Committee (AAC)** – Chair Napstad reported that the AAC met this morning; items discussed included the board member appointments process, committee updates, and preliminary legislative proposals for policy and budget items. Chair Napstad reported that Board member Todd Foster resigned from the Sauk River Watershed District; thus, a vacancy on the BWSR Board. John Jaschke stated that the open appointments vacancy and application process will be followed. John stated that slot on BWSR committees will remain vacant until a new appointment is made.

DRAFT

**Executive Director's Report** – John reported that newly hired Assistant Director Sarah Strommen will be introduced at the meeting later this morning. John reviewed information in Board Members' packets. John stated that Board Members interested in attending the MAWD, MASWCD, AMC annual meetings need to submit registration information to Mary Jo Anderson by October 26.

**Dispute Resolution Committee (DRC)** – Travis Germundson reported that there are currently eight pending appeals; he provided a brief status report on the appeals. Travis stated that he is working with the Attorney General's office to conduct a workshop for the DRC regarding statutory authority, management, roles and responsibilities. The workshop is tentatively scheduled for January. Chair Napstad thanked Travis for his report.

**Wetlands Committee** – Gerry Van Amburg reported that Wetlands Committee and staff have been attending statewide meetings regarding the Governor's Executive Order 12-04. Gerry thanked Dave Weirens and Les Lemm for their work as they compile comments from the meetings on the spirited discussions; the comments will be put into preliminary recommendations, the recommendations do not include all of the material received. Gerry stated that the information will be on the BWSR website soon. The Wetlands Committee meets on November 28; the Committee recommendations will come before the Board at the December 12 Board meeting. Chair Napstad appreciates the e-mails board members received from Gerry encouraging attendance at the meetings.

**Grants Program & Policy Committee** – Paul Langseth reported that the Grants Program & Policy Committee met last night; the recommendations are on the agenda later today. Paul stated that the Grants Program & Policy Committee is tentatively scheduled to meet on November 28.

**Public Relations, Outreach & Strategic Planning Committee** – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met last night; discussion items included minor revisions to PRAP and the 2012 Strategic Plan Report Card. Keith stated that the Public Relations, Outreach & Strategic Planning Committee is tentatively scheduled to meet in January.

**RIM Reserve Management Planning Committee** – Gene Tiedemann reported that the RIM Reserve Management Planning Committee will meet in November, date to be determined.

**Drainage Work Group** – Tom Loveall reported that the Drainage Work Group met on October 11, 2012; he presented information discussed at their meeting. Al Kean

reported that MAWD has a drainage workshop at the start of their annual meeting on November 29. Gerry VanAmburg asked if there is a way to educate tiling applicators about conservation techniques. Al stated that BWSR and NRCS provide drainage water management using outreach opportunities through SWCDs, encouraging technical service providers (TSPs) to use more sediment control basins. Steve Sunderland stated that the SWCD and county in his area hold workshops for local contractors. Steve asked about drainage viewer qualifications. Al stated that the Minnesota Viewers Association provides training, recognizing the need to work with drainage viewers, MAWD provides thorough and consistent training. Tom stated that the lead viewer will be able to train other viewers. Al stated that the Drainage Work Group has tried to promote opportunities for training. Keith asked about groundwater recharge; Bob Burandt stated that controlled drainage would help. Matt Wohlman stated that MDA has co-sponsored statewide educational opportunities for farmers. Rebecca Flood asked about certification for viewers, clarification is needed on records authority for drainage systems. Discussion followed. Chair Napstad thanked Tom and Al for the update.

John Jaschke reported that a report is in board members' packets, providing a status update on PRAP Assistance Grants. John also reported that the BWSR Academy will be held October 29-31, near Brainerd.

**COMMITTEE MEETINGS**

***Metro Water Planning Committee***

**Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment** – Melissa Lewis reported that the Comfort Lake Forest Lake Watershed District Watershed Management plan amendment incorporates by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010. By incorporating the Engineer's Report the amendment recognizes the project as a water resource-based program encompassing a slate of capital project and program activities, provides more detailed descriptions of each component including refined estimated construction costs, provides for the project to be implemented over a period of time, and commits the district to a public process prior to ordering and implementing individual project components. The Metro Water Planning Committee met on October 1, 2012, reviewed the information, and unanimously recommends approval of the Amendment. Moved by Bob Burandt, seconded by Faye Sleeper, to approve the Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment. Motion passed on a voice vote.

** 12-90

**Elm Creek WMO Plan Amendment** – Brad Wozney reported that the final draft Amendment to the Elm Creek WMO Watershed Management Plan was filed with the Board on September 20, 2012. The amendment proposes to revise the implementation

section by re-prioritizing programs and studies and adding capital improvement projects, and other implementation activities, in addition to extending the plan expiration to October 2014, the maximum timeframe of ten years allowed under statute. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee met on October 1, 2012, reviewed
** the information, and unanimously recommends approval of the Amendment. Moved by
12-91 Bob Burandt, seconded by Rebecca Flood, to approve the Elm Creek WMO Plan Amendment. Motion passed on a voice vote.

**Chisago County Priority Concerns Scoping Document (PCSD)** – Mary Kells reported that BWSR received the Chisago County Priority Concerns Scoping Document (PCSD) on August 10, 2012. The state review agencies were notified and submitted their comments to BWSR. The BWSR Metro Water Planning Committee met on October 1, 2012, discussed the content of the PCSD, state review agency comments and recommendations for the content of the final Plan. All required components of the PCSD have been covered and the priority concerns to be addressed are deemed to be appropriate. The Committee
** unanimously recommends approval of the Chisago County PCSD. Moved by Bob
12-92 Burandt, seconded by Joe Collins, to approve the Chisago County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:48 a.m.

John Jaschke introduced Sarah Strommen, newly hired assistant director. Sarah stated that she's excited to begin work at BWSR. Sarah's start date is November 19, 2012. Chair Napstad welcomed Sarah.

**NEW BUSINESS**

**Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve programs (Rule Chapter 8400)** – Paul Langseth reported that the Grants Program and Policy Committee met last night regarding the Erosion Control and Water Management Program and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400). These rules have been under development for more than two years, and following recent discussions with soil and water conservation districts, is now ready to proceed to final adoption. Paul Langseth reported that changes were made at the Grants Program and Policy Committee meeting last evening; the changes were distributed to board members today. Paul stated that the Committee and staff have worked diligently to put this is place. Jack Ditmore had questions regarding appeal processes. Paul and Dave Weirens clarified the rulemaking and policy aspects. Jack would like the state board or executive director declaration of authority for processing the appeal to be determined in the rulemaking. John Jaschke stated that the

procedure for delegation authority could be included in the rule as clarification. Discussion followed.

** 12-93 Moved by Keith Mykleseth, seconded by Jack Ditmore, to amend the draft document on page 14, 8400.1800 APPEALS, include 'as delegated,' -- the sentence will state, "The state board or its executive director, as delegated, shall review and grant the petition unless it is deemed without sufficient merit within 30 days of the receipt of the petition." Motion passed on a voice vote.

Tom Landwehr questioned 8400.0300 APPROVED CONSERVATION PRACTICES, Subp.2.A. #10. Tom stated his concern for problems and possible misuse and

** 12-94 would like to clarify #10. Discussion followed. Moved by Chris Elvrurn, seconded by Paul Langseth, to amend the draft document on page 6, retain #10, change the word alleviate to address. #10 would read, "~~alleviate~~ address water quantity problems due to altered hydrology." Motion passed on a voice vote. Paul clarified that projects are reviewed by staff and SWCDs, some problems can be addressed with more flexibility.

Paul reviewed the line-by-line changes on the draft document as recommended by the

** 12-95 Grants Program & Policy Committee last night. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to adopt the rule document as approved by the Committee, with amendments as voted on today. Tom Landwehr, as directed by statute103C.501, asked staff and the Grants Program & Policy Committee to review #10 and follow-up on the policy and clarification. Motion passed on a voice vote.

**Adoption of the Proposed Erosion Control and Water Management Program Policy** – Paul Langseth reported that statutory changes enacted in 2009 require the Board to adopt a policy for the Erosion Control and Water Management Program (commonly referred to as Cost-Share). The draft policy has been developed by staff concurrently with the Rule and the Grants Program & Policy Committee recommends

** 12-96 approval. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the Committee's recommendation, with rule amendments, the policy becomes effective July 1, 2013. The Committee will review and address issues at their next meeting, with the possibility that policy may change before it's implemented. Paul reported that the Grants Program & Policy Committee will meet in November. Motion passed on a voice vote.

** 12-97 Moved by Paul Langseth, seconded by Christy Jo Fogarty, to approve the Resolution, that BWSR hereby: (1) Adopts the Erosion Control and Water Management Program (commonly referred to as State Cost Share) and the RIM Reserve Program (Minn. Rule Chapter 8400), approves the State of Need and Reasonableness and authorizes staff to complete the processes necessary to adopt the Rule; (2) Adopts the Erosion Control

and Water Management Policy; and (3) Provides that the amended Rule and Erosion Control and Water Management Policy become effective July 1, 2013 for grants that will be made to soil and water conservation districts in State Fiscal Year 2014. Motion passed on a voice vote.

**2013 Proposed BWSR Board Meeting Schedule** – John Jaschke reported that the BWSR Board meets the fourth Wednesday of the month (unless noted). John presented the 2013 proposed Board meeting dates: January 23; March 27; April 24; May 22; June 26; August 28-29 (tour and meeting); September 25; October 23; December 18. The
** Board does not meet in February, July, November. Moved by Keith Mykleseth,
12-98 seconded by Gerald Van Amburg, to approve the 2013 Board meeting dates as presented. Motion passed on a voice vote.

**2012 Strategic Plan Report Card** – Don Buckhout reported that the Public Relations, Outreach, and Strategic Planning (PROSP) Committee met last night and approved the Strategic Plan Report Card, an annual summary of accomplishments for each of the action items in the BWSR 2012 Strategic Plan Update. The final version of the Report Card was distributed to Board members. Chair Napstad thanked Don for his report.

**BWSR 25th Anniversary** – Jen Maleitzke acknowledged the Board of Water and Soil Resources' 25th anniversary, established in October 1987. BWSR history, milestones, accomplishments, and highlights were presented. Ron Shelito presented history of local water planning efforts over the years; Tabor Hoek presented accomplishments of the Conservation Reserve Enhance Program (CREP) and Greg Larson presented BWSR's role in the Wetland Conservation Act (WCA) during the past 25 years. Jack Ditmore stated that the Board and staff should be proud of the accomplishments over the last 25 years. Chair Napstad thanked staff for putting together the presentation.

**AGENCY REPORTS**

**Minnesota Department of Natural Resources (DNR)** – Tom Landwehr reported that it's hunting season: the pheasant opener was October 13; the rifle deer hunting season opens November 3; and the first wolf hunt season opens November 3. Tom reported that DNR is working through the budget process, including a joint agency effort to hone the outcomes of the Clean Water Funding; and addressing non-point needs as a high priority.

**ADVISORY COMMENTS**

**Natural Resource Conservation Service (NRCS)** – Krista Olson, acting program manager, distributed information on NRCS programs (WRP, GRP, FRPP) and provided a brief overview.

**UPCOMING MEETINGS**

- BWSR Academy, October 29-31, Brainerd
- BWSR Grants Program & Policy Committee Meeting, November 28
- BWSR Wetlands Committee Meeting, November 28
- Next BWSR Meeting, December 12
- MAWD Annual Meeting, November 29-December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Bloomington
- AMC Annual Meeting, December 3-4, St. Cloud

** 12-99 Moved by Tom Landwehr, seconded by Paul Langseth, to adjourn the meeting at 1:00 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution Committee Report[1]

**Meeting Date:** December 12, 2012

**Agenda Category:** ☐ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☐ Decision ☐ Discussion ☒ Information

**Section/Region:** Land and Water Section

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson

**Reviewed by:** _____ Committee(s)

**Presented by:** Gerald Van Amburg/Travis Germundson

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

## ACTION REQUESTED

None

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

Dispute Resolution Committee Report. The report provides a monthly update on the number of appeals filed with the BWSR.

Dispute Resolution Report
November 26, 2012
By: Travis Germundson

There are presently **9** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeals filed since the last report given at the October 24th Board Meeting.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 12-16 (11-16-12). This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit 9.9 acres of credit. A previous appeal (File 12-13) was remanded for the LGU to develop an adequate record, and now that new decision is being appealed. At issue are the eligibility requirements for banking credits. No decision has been made on the appeal.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. A verbal settlement agreement has since been reached that includes submittal of a replacement plan application. The appeal is placed in abeyance by mutual agreement to determine the viability of a wetland replacement plan application.

File 11-1 (1-20-11) This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 1.77 acres of wetland and 0.69 acres of excavation. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application and confirmation of required mitigation.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. A mediated settlement agreement was reached with the condition that if the watershed district fails to carry out Option D the appeal shall go forward. The appeal has been placed in abeyance.

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system. The landowner has committed to restoring the site and the TEP plans to conduct a site visit this fall to verify that restoration has occurred.

File 09-10 (7-9-09) This is an appeal of a banking plan application in Aitkin County. The appeal regards the LGU's denial of a banking plan application to restore 427.5 acres of wetlands through the use of exceptional natural resource value. The appeal has been accepted and pre-hearing conferences convened on October 13 and 30, and December 14, 2009. Settlement discussions are on hold while the appellant addresses permitting issues with the Corps of Engineers. The appeal has been placed in abeyance by mutual agreement on determining the viability of a new wetland banking plan application.

File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

File 06-23. (05/19/06) This is an appeal of a replacement plan decision in Kanabec County. The LGU denied the wetland replacement plan application. A previous denial of the same replacement plan application had been appealed, the appeal was remanded for a hearing, and now the current denial has been appealed. The appeal has been placed in abeyance pending the outcome of a lawsuit between the landowner and the county. The lawsuit concerns the county's possible noncompliance with the 60-day rule. The county prevailed in district court; however the decision was appealed to the Court of Appeals where the county again prevailed. An appeal to the Minnesota Supreme Court was denied review.

File 05-1. (01/13/05) This is an appeal of a replacement plan decision by the Rice Creek Watershed District. The District previously made a decision that was appealed which resulted in a remand for an expanded TEP. Now there is an appeal of the decision made under remand since the decision differed from the TEP report. At issue are wetland delineation and the Comprehensive Wetland Protection and Management Plan that BWSR approved. After a hearing before the DRC, the board remanded the matter for new wetland delineation and for submission on an updated, complete replacement plan application. On 12-9-09 the District made a new wetland delineation decision. The applicant has not yet submitted an updated replacement plan application.

## Summary Table

| Type of Decision | Total for Calendar Year 2011 | Total for Calendar Year 2012 |
|---|---|---|
| Order in favor of appellant | 2 | 1 |
| Order not in favor of appellant | 2 | 4 |
| Order Modified | 2 | |
| Order Remanded | | 2 |
| Order Place Appeal in Abeyance | 4 | 1 |
| Negotiated Settlement | 1 | |
| Withdrawn/Dismissed | 2 | 4 |

**COMMITTEE RECOMMENDATIONS**

***Southern Water Planning Committee***

1. Olmsted County Local Water Management Plan Update – ***DECISION ITEM***

2. Kandiyohi County Priority Concerns Scoping Document – ***DECISION ITEM***

3. McLeod County Priority Concerns Scoping Document – ***DECISION ITEM***

4. Meeker County Priority Concerns Scoping Document – ***DECISION ITEM***

5. Renville County Priority Concerns Scoping Document – ***DECISION ITEM***

6. Kandiyohi County Comprehensive Local Water Management Plan Extension Request – ***DECISION ITEM***

7. McLeod County Comprehensive Local Water Management Plan Extension Request – ***DECISION ITEM***

8. Meeker County Comprehensive Local Water Management Plan Extension Request – ***DECISION ITEM***

9. Renville County Comprehensive Local Water Management Plan Extension Request – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Olmsted County Comprehensive Local Water Management Plan 2013-23 Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** South Region
**Contact:** Jeff Nielsen
**Prepared by:** Mary Kells
**Reviewed by:** Southern Water Planning Committee(s)
**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☒ **Order** ☐ **Map** ☐ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget
☐ Other:

### ACTION REQUESTED

Approval of the Omsted County Comprehensive Local Water Management (CLWM) Plan 2013-2023.

### LINKS TO ADDITIONAL INFORMATION

Link to Olmsted County CLWM Plan:

http://www.co.olmsted.mn.us/environmentalresources/waterresourcemanagement/Pages/CountyWaterManagementPlan.aspx

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Board of Water and Soil Resources (BWSR) provided official comments pertaining to the State Review of the Olmsted County Priority Concerns Scoping Document (PCSD) on March 24, 2010.

On October 26, 2010, Olmsted County submitted a request to BWSR for a one-year extension to its existing Plan to complete the Plan update. The BWSR officially approved a two-year extension at its regular board meeting held on December 15, 2010. The extended end date of the current Plan is December 31, 2012.

Olmsted County submitted the final draft Plan to the BWSR on August 28, 2012 as required for final review by state agencies. I have completed my final review of the Olmsted County Plan and find that it does meet the requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the PCSD;
- assesses the priority concerns and sets forth appropriate goals and objectives;
- provides an implementation program with measurable actions, timeline and budget; and
- includes all required sections.

State agency comments were received from:

- Minnesota Department of Agriculture (MDA) – recommends approval, no additional comments

- Minnesota Department of Health (MDH) – recommends approval, with the following comments: The MDH believes sources water protection for public and private consumption is an important component of local water resources management. We commend Olmsted County for recognizing the value of protecting and preserving groundwater quality and quantity, specifically the action items that support the implementation of wellhead protection plans.

- Minnesota Pollution Control Agency (MPCA). – recommends approval, with the following comments:

The County's LWM Plan is a very detailed and thorough document that addresses the concerns MPCA shares in this area. Reference is made multiple times to the benefit of regional cooperation being the key to the cusses of the goals laid out in the LWM Plan. The County staff is connected to the region through various work groups and, therefore, is already showing commitment to this ideal. Also, the acknowledgement that watershed based TMDL studies are an improvement over the previous TMDL structure is encouraging.

Comments on changes that should be made:

Page 15 "A turbidity TMDL study has been approved for the Zumbro River and an implementation plan is expected to be completed in 2013"

The Implementation Plan was approved in September, 2012.

Below is an encouraging statement that follows the previous comment about working relationships in this area. To have the link between TMDLs/implementation Plans and LWM Plans called out is encouraging.

Page 16. "As they are approved by the MPCA, the priorities indentified in TMDL Implementation Plans will be considered to be consistent with the priorities of the Olmsted County Local Water management Plan."

- Minnesota Department of Natural Resources (MDNR) – Noted that the Plan does not violate any statutory or rule requirement administered by our agency.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Update for Olmsted County (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

**Whereas**, the Olmsted County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board on August 28, 2012 pursuant to M.S. Section 103B.315, Subd. 5, and

**Whereas**, the Board has completed its review of the Plan Update;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

## FINDINGS OF FACT

1. On December 30, 2009, the Board of Water and Soil Resources received a Priority Concerns Scoping Document (PCSD) from Olmsted County, pursuant to M.S. Section 103B.312.

2. On March 24, 2010 the Board of Water and Soil Resources approved official comments on the Olmsted County PCSD, which were mailed to the county on March 24, 2010.

3. The priority concerns the PCSD and Plan Update addresses include:

   A) Drinking Water and Groundwater Protection
   B) Agricultural Erosion and Sediment Control, Nutrient Management, and Chemical Use
   C) Impaired Waters, TMDLS, and Watershed Management
   D) Urban/Suburban Storm Water Quality and Quantity
   E) Wetland Resources and Natural Corridors

4. On October 26, 2010, Olmsted County submitted a request to BWSR for a one-year extension to its existing Plan to complete the Plan Update. The BWSR officially approved a two-year extension at its regular board meeting held on December 15, 2010. The extended end date of the current Plan is December 31, 2012.

5. On August 28, 2012, the BWSR received the Olmsted County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On November 1, 2012, the Southern Water Planning Committee of the Board reviewed the following state agency comments, commendations and approval recommendations regarding the final approval of the Olmsted County Plan Update:

   A) Minnesota Department of Agriculture (MDA) recommends approval.
   B) Minnesota Department of Health (MDH) recommends approval.
   C) Minnesota Pollution Control Agency recommends approval.
   D) Minnesota Department of Natural Resources (MDNR) noted Plan Update does not violate any statutory or rule requirement administered by MDNR.
   E) Minnesota Environmental Quality Board provided no comments.
   F) Minnesota Board of Water and Soil Resources regional staff recommends approval.
   G) Board Water Plan Review Committee Meeting recommends approval.

7. This update will be in effect until December 31, 2023.

## CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Olmsted County pursuant to Minnesota Statutes, 103B.315, Subd. 5.

2. The Olmsted County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

## ORDER

The Board hereby approves the attached update of the Olmsted County Local Water Management Plan 2013-2023 with a required update to the Implementation section (Goals, Objectives, and Action) by December 31, 2017.

Dated at St Paul, Minnesota this December 12, 2012.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Kandiyohi County Priority Concerns Scoping Document Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** South Region

**Contact:** Jeff Nielsen

**Prepared by:** Thomas Fischer

**Reviewed by:** Southern Water Planning Committee(s)

**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED

Approval of the Kandiyohi County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

### LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current Kandiyohi County Comprehensive Local Water Management Plan will expire on December 31, 2012. Kandiyohi County passed a resolution to begin the updating process on October 4, 2011. The Kandiyohi County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on September 4, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. These comments were reviewed by BWSR.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Kandiyohi County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Kandiyohi County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Kandiyohi County PCSD will need to be sent to Kandiyohi County.

Minnesota Board of Water & Soil Resources

December 12, 2012

Kandiyohi County Commissioners
c/o Jeff Bredberg, Water Plan Coordinator
400 SW Benson Avenue
Willmar, MN 56201

Dear Kandiyohi County Commissioners:

**RE: Official Comments Pertaining to the State Review of the Kandiyohi County Priority Concerns Scoping Document**

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Kandiyohi County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Kandiyohi County Priority Concerns Scoping Document (PCSD) on September 4, 2012. The PCSD shows that Kandiyohi County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Protect and Improve Surface Water Quality – Reduce Priority Pollutants
  - Soil Erosion and Sedimentation
  - Proactively work to get waters off the MPCA's 303(d) list of Impaired Waters (TMDLs)
  - Feedlots and Nutrient Management
  - Subsurface Sewage Treatment Systems (SSTS)
  - Aquatic Invasive Species and Lake Management
  - Land and Wastewater Management

- Surface Water Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention

- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality
  - Groundwater Monitoring

- Plan Administration and Coordination
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the Kandiyohi County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was commendable; encourages the county to consider development of a local drainage management and technical team to further inform local policy decisions regarding: technical drainage issues, permitting processes and procedures, drainage education and outreach initiatives and activities, and general drainage issues; and recommends consideration of developing a drainage management plan for the county.

MDH concurs with the priority concerns identified; felt the priority concern identification process was adequate; commends the county for recognizing the value of protection and preserving groundwater quality and quantity, specifically the initiatives that support development and implementation of wellhead protection plans and the support of sealing unused, unsealed wells.

MPCA concurs with the priority concerns identified; felt the priority concern identification process was adequate; strongly recommends, but does not require, the Watershed Approach be included as a priority issue; encourages the county to visit the MPCA's Environmental Data Access System (via MPCA website) for water quality monitoring data which may be useful with water planning efforts.

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. No other comments were provided.

The BWSR Southern Water Planning Committee (Committee) met with Kandiyohi County on November 1, 2012, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan. The Committee's findings were presented to the BWSR board at its meeting on December 12, 2012.

The Committee commends Kandiyohi County for the process they used to select the priority concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the four priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWM Plan.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Jess Richards, EQB
Art Persons, MDH
Cathi Fouchi, DNR
David L. Johnson, MPCA
BWSR Southern Water Planning Committee
Kandiyohi Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Thomas Fischer, Board Conservationist

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Mcleod County Priority Concerns Scoping Document Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** South Region

**Contact:** Jeff Nielsen

**Prepared by:** Thomas Fischer

**Reviewed by:** Southern Water Planning Committee Committee(s)

**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED

Approval of the McLeod County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

### LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current McLeod County Comprehensive Local Water Management Plan will expire on December 31, 2012. McLeod County passed a resolution to begin the updating process on November 29, 2011. The McLeod County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on August 20, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. These comments were reviewed by BWSR.

On November 1, 2012, the BWSR Southern Water Planning Committee met with McLeod County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the McLeod County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the McLeod County PCSD will need to be sent to McLeod County.

Minnesota Board of Water & Soil Resources

December 12, 2012

McLeod County Commissioners
c/o Roger Berggren, Water Plan Coordinator
830 East 11th Street
Glencoe, MN 55336

Dear McLeod County Commissioners:

**RE: Official Comments Pertaining to the State Review of the McLeod County Priority Concerns Scoping Document**

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns McLeod County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the McLeod County Priority Concerns Scoping Document (PCSD) on August 20, 2012. The PCSD shows that McLeod County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Surface Water Quantity - Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetland Restorations

- Surface Water Quality – Reducing Priority Pollutants
  - Erosion & Sediment Control
  - TMDL Implementation
  - Feedlot/Livestock Management
  - Subsurface Sewage Treatment Systems
  - Aquatic Invasive Species

- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality

- Plan Administration and Coordination
  - Watershed Focus
  - Raising Public Awareness

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the McLeod County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was commendable; and encourages the county to consider development of a local drainage management and technical team to further inform local policy decisions regarding: technical drainage issues, permitting processes and procedures, drainage education and outreach initiatives and activities, and general drainage issues.

MDH concurs with the priority concerns identified; felt the priority concern identification process was adequate; commends the county for recognizing the value of protection and preserving groundwater quality and quantity, specifically the initiatives that support: the development and implementation of wellhead protection plans and the support of sealing unused, unsealed wells, groundwater education efforts, and water quality testing.

MPCA concurs with the priority concerns identified; believes the priority concern identification process was commendable; encourages the county to visit the MPCA's Environmental Data Access System (via MPCA website) for water quality monitoring data which may be useful with water planning efforts.

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. No other comments were provided.

The BWSR Southern Water Planning Committee (Committee) met with McLeod County on November 1, 2012, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan. The Committee presented its findings to the BWSR board at its meeting on December 12, 2012.

The Committee commends McLeod County for the process they used to select the priority concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the four priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWM Plan.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Jess Richards, EQB
Art Persons, MDH
Cathi Fouchi, DNR
David L. Johnson, MPCA
BWSR Southern Water Planning Committee
McLeod Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Thomas Fischer, Board Conservationist

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Meeker County Priority Concerns Scoping Document Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** South Region

**Contact:** Jeff Nielsen

**Prepared by:** Thomas Fischer

**Reviewed by:** Southern Water Planning Committee(s)

**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED

Approval of the Meeker County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

### LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current Meeker County Comprehensive Local Water Management Plan will expire on December 31, 2012. Meeker County passed a resolution to begin the updating process on November 1, 2011. The Meeker County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on September 10, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. These comments were reviewed by BWSR.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Meeker County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Meeker County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Meeker County PCSD will need to be sent to Meeker County.

Minnesota Board of Water & Soil Resources

December 12, 2012

Meeker County Commissioners
c/o Paul Virnig, Water Plan Coordinator
325 Sibley Avenue North
Litchfield, MN 55355

Dear Meeker County Commissioners:

**RE: Official Comments Pertaining to the State Review of the Meeker County Priority Concerns Scoping Document**

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Meeker County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Meeker County Priority Concerns Scoping Document (PCSD) on September 10, 2012. The PCSD shows that Meeker County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Protect and Improve Surface Water Quality – Reducing Priority Pollutants
  - Proactively Work to Get Waters Off the MPCA's 303(d) list of Impaired Waters (TMDLs)
  - Feedlots and Nutrient Management
  - Subsurface Sewage Treatment Systems (SSTS) & Wastewater Management
  - Shoreland and Lake Management
  - Land Management
- Erosion and Sediment Control
- Surface Water Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention
- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality
  - Groundwater Monitoring
- Plan Administration and Coordination
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness

DRAFT

*Bemidji* 701 Minnesota Ave., Suite 234 Bemidji, MN 56601 (218) 333-8024
*Brainerd* 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383
*Duluth* 394 South Lake Ave., Room 403 Duluth, MN 55802 (218) 723-4752
*Fergus Falls* 1004 Frontier Drive Fergus Falls, MN 56537-2505 (218) 736-5445
*Marshall* 1400 East Lyon St., Box 267 Marshall, MN 56258 (507) 537-6060
*Mankato* 1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358 (507) 389-1967
*New Ulm* 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074
*Rochester* 2300 Silver Creek Rd N.E. Rochester, MN 55906 (507) 206-2889

*Central Office / Metro Office* 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the Meeker County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was commendable; and encourages the county to consider development of a local drainage management and technical team to further inform local policy decisions regarding: technical drainage issues, permitting processes and procedures, drainage education and outreach initiatives and activities, and general drainage issues; recommends that the county consider the development of a drainage management plan.

MDH concurs with the priority concerns identified; felt the priority concern identification process was adequate; commends the county for recognizing the value of protection and preserving groundwater quality and quantity, specifically the initiatives that support: the development and implementation of wellhead protection plans, sealing unused, unsealed wells, groundwater education efforts, and water quality testing.

MPCA concurs with the priority concerns identified; believes the priority concern identification process was adequate; strongly recommends, but does not require, that the Watershed Approach should be included as a priority issue (provided MPCA website links for details); encourages the county to visit the MPCA's Environmental Data Access System (via MPCA website) for water quality monitoring data which may be useful with water planning efforts.

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. No other comments were provided.

The BWSR Southern Water Planning Committee (Committee) met with Meeker County on November 1, 2012, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan. The Committee presented its findings to the BWSR board at its meeting on December 12, 2012.

The Committee commends Meeker County for the process they used to select the priority concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWM Plan.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Becky Balk, MDA
Princesa VanBuren Hansen, EQB
Art Persons, MDH
Cathi Fouchi, DNR
David L. Johnson, MPCA
Matthew Wohlman, MDA
Linda Bruemmer, MDH
Thomas Fischer, Board Conservationist
Paul Langseth, BWSR Board
Tom Loveall, BWSR Board
Joe Martin, BWSR Board
John Meyer, BWSR Board
Sandra Hooker, BWSR Board
Meeker Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Renville County Priority Concerns Scoping Document Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** South Region

**Contact:** Jeff Nielsen

**Prepared by:** Thomas Fischer

**Reviewed by:** Southern Water Planning Committee(s)

**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED

Approval of the Renville County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

### LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current Renville County Comprehensive Local Water Management Plan will expire on December 31, 2012. Renville County passed a resolution to begin the updating process on October 25, 2011. The Renville County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on August 30, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, and Minnesota Pollution Control Agency. These comments were reviewed by BWSR.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Renville County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Renville County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Renville County PCSD will need to be sent to Renville County.

Minnesota Board of Water & Soil Resources

December 12, 2012

Renville County Commissioners
c/o Diane Mitchell, Water Plan Coordinator
410 East DePue Avenue
Olivia, MN 56277

Dear Renville County Commissioners:

**RE: Official Comments Pertaining to the State Review of the Renville County Priority Concerns Scoping Document**

Pursuant to Minnesota Statutes 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Renville County has chosen to address in the update of their Comprehensive Local Water Management Plan (CLWM Plan). The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the Renville County Priority Concerns Scoping Document (PCSD) on August 30, 2012. The PCSD shows that Renville County reviewed the identified concerns raised during the public input process and selected the following priority concerns for inclusion in the update of the CLWM Plan.

- Reducing Priority Pollutants – Surface Water Quality
  - TMDL Implementation
  - Feedlots/Livestock Management
  - Subsurface Sewage Treatment Systems
  - Aquatic Invasive Species
- Erosion and Sediment Control
- Surface Water Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention
  - Shoreland Management
- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality
- Plan Administration and Coordination
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Department of Health (MDH), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the Renville County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was commendable; and encourages the county to consider development of a local drainage management and technical team to further inform local policy decisions regarding: technical drainage issues, permitting processes and procedures, drainage education and outreach initiatives and activities, and general drainage issues; recommends that the county consider the development of a drainage management plan.

MDH concurs with the priority concerns identified; felt the priority concern identification process was commendable; commends the county for recognizing the value of protection and preserving groundwater quality and quantity, specifically the initiatives that support the development and implementation of wellhead protection plans and the support for sealing unused, unsealed wells.

MPCA concurs with the priority concerns identified; believes the priority concern identification process was adequate; encourages the county to visit the MPCA's Environmental Data Access System (via MPCA website) for water quality monitoring data which may be useful with water planning efforts.

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. No other comments were provided.

The BWSR Southern Water Planning Committee (Committee) met with Renville County on November 1, 2012, to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWM Plan. The Committee presented its findings to the BWSR board at its meeting on December 12, 2012.

The Committee commends Renville County for the process they used to select the priority concerns – including soliciting input from local government, citizens, and state agencies – and incorporating that information into the five priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWM Plan.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Jess Richards, EQB
Art Persons, MDH
Cathi Fouchi, DNR
David L. Johnson, MPCA
BWSR Southern Water Planning Committee
Renville Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
Thomas Fischer, Board Conservationist

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Kandiyohi County Comprehensive Local Water Management Plan Extension Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** South Region

**Contact:** Jeff Nielsen

**Prepared by:** Thomas Fischer

**Reviewed by:** Southern Water Planning Committee(s)

**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED

Approval of the Kandiyohi County Comprehensive Local Water Management Plan extension request.

### LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Kandiyohi County Comprehensive Local Water Management Plan (CLWMP) will expire on December 31, 2012. On October 5, 2012, the Board of Water and Soil Resources (BWSR) received a resolution from Kandiyohi County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Kandiyohi County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Kandiyohi County extension request and bring this recommendation forward to the full BWSR Board for review and action. BWSR's official state comment letter pertaining to the extension will need to be sent to Kandiyohi County.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Extending the
Comprehensive Local Water Management Plan
for Kandiyohi County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

**Whereas**, the Kandiyohi County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012, pursuant to Minnesota Statutes 103B.301; and

**Whereas**, Kandiyohi County has submitted a resolution requesting an extension of its Plan; and

**Whereas**, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

## FINDINGS OF FACT

On October 5, 2012, the Board received a resolution from Kandiyohi County requesting an extension of their Plan. The request is based on: the Priority Concerns Scoping Document (PCSD) has been submitted to the Board for state agency review; Kandiyohi County will meet with the Board on November 1, 2012 to review and discuss the PCSD; the draft Plan will be available for public review in November 2012; Kandiyohi County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by the end of 2012; extension of the effective date until May 31, 2013, in order to complete the update process.

On October 16, 2012, Board staff reviewed and recommended approval of the extension request made by Kandiyohi County. Board staff recommendation was for a five-month extension.

On November 1, 2012, the Board's southern region water planning committee (Committee) met with representatives of Kandiyohi County to discuss the extension request. The Committee deemed the extension request to be appropriate. The Committee's decision was to present to the Board a recommendation of approval of the Kandiyohi County extension; effective until May 30, 2013.

On December 12, 2012, the Committee presented its recommendation of approval of the Kandiyohi County extension request to the Board. The Board adopted the Committee's recommendation.

## CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Kandiyohi County pursuant to Minnesota Statutes 103B.3367.

## ORDER

The Board hereby approves the extension of the Kandiyohi County Comprehensive Local Water Management Plan until May 30, 2013. Kandiyohi County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 12th day of December 2012.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

October 16, 2012

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

I received an official resolution from Kandiyohi County (County) requesting an extension of their current Local Water Management Plan (Plan). This current Plan is effective until December 31, 2012.

The Board of Water and Soil Resources (BWSR) does have the authority to grant extensions of up to one year for an existing Plan's effective date. To provide some background information when considering the County's extension request, I offer the following chronology of the County's Plan updating process.

- On August 5, 2011, I met with all four local water plan coordinators from Kandiyohi, McLeod, Meeker, and Renville counties to review the Plan updating process and provided each with guidance materials. (These four counties have worked together since the beginning of local water planning, utilizing a consultant to develop each generation's Plan.)

- On September 26, 2011, I met with the four counties local water plan coordinators and the four counties' joint powers board to briefly review the Plan updating process. The joint powers board also discussed the process for obtaining a consultant to lead the Plan updating process.

- On October 4, 2011, the County passed a resolution to update the Plan; received by the BWSR on October 5, 2011.

- On December 8, 2011, the joint powers board selected the consultant.

- On March 7, 2012, the County started the process for development of its Priority Concerns Scoping Document (PCSD).

- On September 3, 2012, the County submitted their completed PCSD to BWSR and other State agencies for review and comment.

- On October 2, 2012, the County board of commissioners passed a resolution requesting an extension of its Plan; received by the BWSR on October 5, 2012.


*Bemidji*
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

*Brainerd*
1601 Minnesota Drive
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

*Duluth*
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

*Fergus Falls*
1004 Frontier Trail
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

*Marshall*
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

*New Ulm*
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

*Rochester*
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

*Saint Paul*
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

Initial discussions I had with the County and its consultant indicated that the extension request was going to be for just a few months beyond December 31, 2012. Because of the chronology I previously listed and the time it has taken the consultant to complete steps throughout the process, I encouraged the County to look at a date of May 30, 2012.

The extension request resolution submitted by the County includes the following:

- The County is currently updating its Plan.
- The County's PCSD has been submitted to BWSR and State agencies for official review.
- The County will meet with the BWSR on November 1, 2012 to discuss the PCSD.
- The draft County Plan will be available for public review in November 2012.
- The County anticipates submitting the Plan to the BWSR for final review by the end of 2012.
- The County is requesting an extension of the effective date of its current Plan until May 31, 2012.

I believe the County and its consultant have had adequate time to complete the Plan updating process; however, the consultant's working on four plans at the same time may have led to the need for the extension request. I do not recommend an extension of one year. I do recommend an extension of five months—new effective date of May 31, 2012.

If you have questions or need additional information, please feel free to contact me at 507-359-6091 or at Tom.D.Fischer@state.mn.us

Sincerely,

Thomas Fischer

Thomas Fischer
Board Conservationist

OCT 05 2012

**Kandiyohi County**
**Board of Commissioners**

**Resolution**
**Request for Comprehensive Water Management Plan EXTENSION**
**October 2, 2012**

**WHEREAS,** Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan, and

**WHEREAS,** the current Kandiyohi County Comprehensive Local Water Management Plan is effective until December 31, 2012, and

**WHEREAS,** Kandiyohi County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103 B.301, and

**WHEREAS,** Kandiyohi County has submitted its Priority Concerns Scoping document (PCSD) to the Minnesota Board of Water and Soil Resources (BWSR) and other State agencies for official review; and

**WHEREAS,** members of the Kandiyohi County Water Planning Task Force are expected to meet with BWSR on November `1, 2012, to review the PCSD; and

**WHEREAS,** the draft Kandiyohi County Water Plan will be available for public review in November 2012; and

**WHEREAS,** Kandiyohi County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, with an anticipated date for submission to BWSR for final review by the end of 2012; and

**WHEREAS,** the Act gives the Minnesota Board of Water and Soil Resources the authority to extend the ending date for a period of one up to one year.

**NOW, THEREFORE, BE IT RESOLVED,** the Kandiyohi Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until May 31, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B. 301.

---

**CERTIFICATION**

State of Minnesota
Office of Auditor/Treasurer
County of Kandiyohi

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Kandiyohi at a duly authorized meeting thereof held on the 2nd day of October 2012.

Mark Thompson
(Print Name) Mark Thompson
(Print Title) Interim Auditor/Treasurer

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Mc Leod County Comprehensive Local Water Management Plan Extension Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** South Region

**Contact:** Jeff Nielsen

**Prepared by:** Thomas Fischer

**Reviewed by:** Southern Water Planning Committee(s)

**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

## ACTION REQUESTED

Approval of the McLeod County Comprehensive Local Water Management Plan extension request.

## LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The McLeod County Comprehensive Local Water Management Plan (CLWMP) will expire on December 31, 2012. On September 24, 2012, the Board of Water and Soil Resources (BWSR) received a resolution from McLeod County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On November 1, 2012, the BWSR Southern Water Planning Committee met with McLeod County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the McLeod County extension request and bring this recommendation forward to the full BWSR Board for review and action. BWSR's official state comment letter pertaining to the extension will need to be sent to McLeod County.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Extending the Comprehensive Local Water Management Plan for McLeod County

ORDER EXTENDING WATER MANAGEMENT PLAN

**Whereas**, the McLeod County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012, pursuant to Minnesota Statutes 103B.301; and

**Whereas**, McLeod County has submitted a resolution requesting an extension of its Plan; and

**Whereas**, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

## FINDINGS OF FACT

On September 24, 2012, the Board received a written notification and resolution from McLeod County requesting an extension of their Plan. The resolution identifies what has been completed and what remains to be completed, and requests the extension to provide sufficient time to complete the Plan and submit to the Board for final state agency review. Furthermore, it states that McLeod County assures continued effort toward completion of the Plan update, and requests an extension of the effective date until May 30, 2013, in order to complete the update process.

On October 16, 2012, Board staff reviewed and recommended approval of the extension request made by McLeod County. Board staff recommendation was for a five-month extension.

On November 1, 2012, the Board's Southern Water Planning Committee (Committee) met with representatives of McLeod County to discuss the extension request. The Committee deemed the extension request to be appropriate. The Committee's decision was to present to the Board a recommendation of approval of the McLeod County extension; effective until May 30, 2013.

On December 12, 2012, the Committee presented its recommendation of approval of the McLeod County extension request to the Board. The Board adopted the Committee's recommendation.

## CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of McLeod County pursuant to Minnesota Statutes 103B.3367.

## ORDER

The Board hereby approves the extension of the McLeod County Comprehensive Local Water Management Plan until May 30, 2013. McLeod County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota, this 12th day of December 2012.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

October 16, 2012

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

I received an official resolution from McLeod County (County) requesting an extension of their current Local Water Management Plan (Plan). This current Plan is effective until December 31, 2012.

The Board of Water and Soil Resources (BWSR) does have the authority to grant extensions of up to one year for an existing Plan's effective date. To provide some background information when considering the County's extension request, I offer the following chronology of the County's Plan updating process.

- On August 5, 2011, I met with all four local water plan coordinators from Kandiyohi, McLeod, Meeker, and Renville counties to review the Plan updating process and provided each with guidance materials. (These four counties have worked together since the beginning of local water planning, utilizing a consultant to develop each generation's Plan.)

- On September 26, 2011, I met with the four counties local water plan coordinators and the four counties' joint powers board to briefly review the Plan updating process. The joint powers board also discussed the process for obtaining a consultant to lead the Plan updating process.

- On November 29, 2011, the County passed a resolution to update the Plan; received by the BWSR on December 8, 2011.

- On December 8, 2011, the joint powers board selected the consultant.

- On February 24, 2012, the County started the process for development of its Priority Concerns Scoping Document (PCSD).

- On August 20, 2012, the County submitted their completed PCSD to BWSR and other State agencies for review and comment.

- On September 18, 2012, the County board of commissioners passed a resolution requesting an extension of its Plan; received by the BWSR on September 24, 2012.


*Bemidji*
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

*Brainerd*
1601 Minnesota Drive
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

*Duluth*
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

*Fergus Falls*
1004 Frontier Trail
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

*Marshall*
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

*New Ulm*
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

*Rochester*
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

*Saint Paul*
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

Initial discussions I had with the County and its consultant indicated that the extension request was going to be for just a few months beyond December 31, 2012. Because of the chronology I previously listed and the time it has taken the consultant to complete steps throughout the process, I encouraged the County to look at a date of May 30, 2012.

The extension request resolution submitted by the County includes the following:

- The County is currently updating its Plan.

- The County has completed the following items:
  - County resolution to update the Plan
  - notices sent to state and local groups to provide input
  - Priority Concerns Scoping Document (PCSD) developed and submitted to BWSR and State agencies for official review

- The County needs to complete:
  - BWSR southern region review committee meeting with the County to discuss the PCSD, and then make its recommendation to the full BWSR Board
  - develop the Plan based on inputs received from partners to address the priority concerns
  - conduct a public hearing to solicit final review comments
  - submit the Plan to the BWSR for State agency review and final approval

- The County is requesting an extension to:
  - provide for sufficient time to complete the Plan
  - provide sufficient time for all to review the final Plan
  - ensure the Plan meets the state's standards and the goals of the County

- The County is requesting an extension of the effective date of its current Plan until May 30, 2012.

I believe the County and its consultant have had adequate time to complete the Plan updating process; however, the consultant's working on four plans at the same time may have led to the need for the extension request. I do not recommend an extension of one year. I do recommend an extension of five months—new effective date of May 31, 2012.

If you have questions or need additional information, please feel free to contact me at 507-359-6091 or at Tom.D.Fischer@state.mn.us

Sincerely,

Thomas Fischer

Thomas Fischer
Board Conservationist

# County of McLeod

830 11th Street East
Glencoe, Minnesota 55336
FAX (320) 864-3410

**COMMISSIONER RAY BAYERL**
1st District
Phone (320) 485-2181
20778 Cable Avenue
Lester Prairie, MN 55354
Ray.Bayerl@co.mcleod.mn.us

**COMMISSIONER KERMIT D. TERLINDEN**
2nd District
Phone (320) 864-3738
1112 14th Street East
Glencoe, MN 55336
Kermit.Terlinden@co.mcleod.mn.us

**COMMISSIONER PAUL WRIGHT**
3rd District
Phone (320) 587-7332
15215 County Road 7
Hutchinson, MN 55350
Paul.Wright@co.mcleod.mn.us

**COMMISSIONER SHELDON A. NIES**
4th District
Phone (320) 587-5117
1118 Jefferson Street South
Hutchinson, MN 55350
Sheldon.Nies@co.mcleod.mn.us

**COMMISSIONER BEV WANGERIN**
5th District
Phone (320) 587-6869 817 Colorado
Street NW Hutchinson, MN 55350
Bev.Wangerin@co.mcleod.mn.us

**COUNTY ADMINISTRATOR**
**PATRICK T. MELVIN**
Phone (320) 864-1363
830 11th Street East, Suite 110
Glencoe, MN 55336
Pat.Melvin@co.mcleod.mn.us


## McLeod COUNTY BOARD OF COMMISSIONERS
## RESOLUTION # 12-CB-30
## Request for Comprehensive Water Management Plan EXTENSION
## September 18, 2012

**WHEREAS,** Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan, and

**WHEREAS,** the current McLeod County Comprehensive Local Water Management Plan is effective until December 31, 2012, and

**WHEREAS,** McLeod County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301, and

**WHEREAS,** McLeod County has completed the following items:

1) The county resolution to update the water plan, and
2) Notices sent to state and local groups inviting input on the plan update, and
3) The priority concerns scoping document has been developed and submitted to BWSR for the State Agency review, and

**WHEREAS,** McLeod County needs to complete the following:

1) The BWSR southern region review committee needs to schedule and meet with the county to review the priority concerns scoping document and then make its recommendation to the full BWSR Board, and
2) Develop the water plan based on inputs received from partners addressing priority concerns identified, and
3) Conduct a public hearing to solicit final review comments, make adjustments as necessary, and then submit the water plan to BWSR for State agency review and final approval by the BWSR Board, and

**WHEREAS**, McLeod County is hereby requesting an extension to:

1) Provide for sufficient time to complete the water plan, and
2) Provide for sufficient time for all to review the final water plan, and
3) Ensure that the updated water plan meets the states standards and the goals of the county, and

**WHEREAS,** McLeod County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, and

**WHEREAS,** the Act gives the Minnesota Board of Water and Soil Resources the authority to extend the ending date of a current local water management plan for a period of up to one year.

**NOW, THEREFORE, BE IT RESOLVED,** the McLeod County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until May 30, 2013, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

---

CERTIFICATION

State of Minnesota
Office of (County Administrator or County Auditor)
County of McLeod

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of McLeod at a duly authorized meeting thereof held on the 18 day of September 2012.

McLeod County Board Chair

Patrick Melvin

McLeod County Administrator

SEP 24 2012

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Meeker County Comprehenisve Local Water Management Plan Extension Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** South Region
**Contact:** Jeff Nielsen
**Prepared by:** Thomas Fischer
**Reviewed by:** Southern Water Planning Committee(s)
**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED
Approval of the Meeker County Comprehensive Local Water Management Plan extension request.

### LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Meeker County Comprehensive Local Water Management Plan (CLWMP) will expire on December 31, 2012. On October 9, 2012, the Board of Water and Soil Resources (BWSR) received a resolution from Meeker County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Meeker County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Meeker County extension request and bring this recommendation forward to the full BWSR Board for review and action. BWSR's official state comment letter pertaining to the extension will need to be sent to Meeker County.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Extending the
Comprehensive Local Water Management Plan
for Meeker County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

**Whereas**, the Meeker County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012, pursuant to Minnesota Statutes 103B.301; and

**Whereas**, Meeker County has submitted a resolution requesting an extension of its Plan; and

**Whereas**, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

## FINDINGS OF FACT

On October 9, 2012, the Board received a resolution from Meeker County requesting an extension of their Plan. The request is based on: the Priority Concerns Scoping Document (PCSD) has been submitted to the Board for state agency review; Meeker County will meet with the Board on November 1, 2012 to review and discuss the PCSD; the draft Plan will be available for public review in November 2012; Meeker County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by the end of 2012; extension of the effective date until May 31, 2013, in order to complete the update process.

On October 16, 2012, Board staff reviewed and recommended approval of the extension request made by Meeker County. Board staff recommendation was for a five-month extension.

On November 1, 2012, the Board's southern region water planning committee (Committee) met with representatives of Meeker County to discuss the extension request. The Committee deemed the extension request to be appropriate. The Committee's decision was to present to the Board a recommendation of approval of the Meeker County extension; effective until May 30, 2013.

On December 12, 2012, the Committee presented its recommendation of approval of the Meeker County extension request to the Board. The Board adopted the Committee's recommendation.

## CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Meeker County pursuant to Minnesota Statutes 103B.3367.

## ORDER

The Board hereby approves the extension of the Meeker County Comprehensive Local Water Management Plan until May 30, 2013. Meeker County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 12th day of December 2012.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

October 16, 2012

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

I received an official resolution from Meeker County (County) requesting an extension of their current Local Water Management Plan (Plan). This current Plan is effective until December 31, 2012.

The Board of Water and Soil Resources (BWSR) does have the authority to grant extensions of up to one year for an existing Plan's effective date. To provide some background information when considering the County's extension request, I offer the following chronology of the County's Plan updating process.

- On August 5, 2011, I met with all four local water plan coordinators from Kandiyohi, McLeod, Meeker, and Renville counties to review the Plan updating process and provided each with guidance materials. (These four counties have worked together since the beginning of local water planning, utilizing a consultant to develop each generation's Plan.)

- On September 26, 2011, I met with the four counties local water plan coordinators and the four counties' joint powers board to briefly review the Plan updating process. The joint powers board also discussed the process for obtaining a consultant to lead the Plan updating process.

- On November 1, 2011, the County passed a resolution to update the Plan; received by the BWSR on November 2, 2011.

- On December 8, 2011, the joint powers board selected the consultant.

- On March23, 2012, the County started the process for development of its Priority Concerns Scoping Document (PCSD).

- On September 10, 2012, the County submitted their completed PCSD to BWSR and other State agencies for review and comment.

- On October 2, 2012, the County board of commissioners passed a resolution requesting an extension of its Plan; received by the BWSR on October 9, 2012.


*Bemidji*
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

*Brainerd*
1601 Minnesota Drive
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

*Duluth*
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

*Fergus Falls*
1004 Frontier Trail
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

*Marshall*
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

*New Ulm*
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

*Rochester*
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

*Saint Paul*
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Initial discussions I had with the County and its consultant indicated that the extension request was going to be for just a few months beyond December 31, 2012. Because of the chronology I previously listed and the time it has taken the consultant to complete steps throughout the process, I encouraged the County to look at a date of May 30, 2012.

The extension request resolution submitted by the County includes the following:

- The County is currently updating its Plan.
- The County has submitted its PCSD to BWSR and State agencies for official review;
- The County will meet with the BWSR on November 1, 2012 to discuss the PCSD.
- The draft County Plan will be available for public review in November 2012.
- The County anticipates submitting the Plan to the BWSR for final review by the end of 2012.
- The County is requesting an extension of the effective date of its current Plan until May 30, 2012.

I believe the County and its consultant have had adequate time to complete the Plan updating process; however, the consultant's working on four plans at the same time may have led to the need for the extension request. I do not recommend an extension of one year. I do recommend an extension of five months—new effective date of May 31, 2012.

If you have questions or need additional information, please feel free to contact me at 507-359-6091 or at Tom.D.Fischer@state.mn.us

Sincerely,

Thomas Fischer

Thomas Fischer
Board Conservationist

**MEEKER COUNTY BOARD OF COMMISSIONERS**
**REQUEST FOR COMPREHENSIVE WATER MANAGEMENT PLAN EXTENSION**
**RESOLUTION # 2012-16**

**WHEREAS,** Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan; and

**WHEREAS,** the current Meeker County Comprehensive Local Water Management Plan is effective until December 31, 2012; and

**WHEREAS,** Meeker County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301; and

**WHEREAS,** Meeker County has submitted its Priority Concerns Scoping Document (PCSD) to the Minnesota Board of Water and Soil Resources (BWSR) and other State agencies for official review; and

**WHEREAS,** members of the Meeker County Water Plan Task Force are expected to meet with BWSR on November 1, 2012, to review the PCSD; and

**WHEREAS,** the draft Meeker County Water Plan will be available for public review in November 2012; and

**WHEREAS,** Meeker County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, with an anticipated date for submission to BWSR for final review by the end of 2012; and

**WHEREAS,** the Act gives the Minnesota Board of Water and Soil Resources the authority to extend the ending date of a current local water management plan for a period of up to one year.

**NOW, THEREFORE, BE IT RESOLVED,** the Meeker County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until May 30, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

Passed and Adopted by the Board of Commissioners of Meeker County, MN, on this 2nd day of October 2012.

By: James O Swenson
Meeker County Board Chair

Attest: Barbara Loch
Barbara Loch, County Auditor

STATE OF MINNESOTA

MEEKER COUNTY

I, Barbara Loch, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of Commissioners of said Meeker County, that I have compared the above resolution with the original passed and adopted by the Board of Commissioners of said Meeker County at a regular meeting thereof held on the 2nd day of October 2012 at 8:30 AM, that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this 2nd day of October 2012, and have hereunto affixed the seal of the County.

Barbara Loch
County Auditor/Board Clerk

(SEAL)

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Renville County Comprehensive Local Water Management Plan Extension Approval**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** South Region
**Contact:** Jeff Nielsen
**Prepared by:** Thomas Fischer
**Reviewed by:** Southern Water Planning Committee(s)
**Presented by:** Paul Langseth, chair

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☒ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

## ACTION REQUESTED

Approval of the Renville County Comprehensive Local Water Management Plan extension request.

## LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Renville County Comprehensive Local Water Management Plan (CLWMP) will expire on December 31, 2012. On October 11, 2012, the Board of Water and Soil Resources (BWSR) received a resolution from Renville County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On November 1, 2012, the BWSR Southern Water Planning Committee met with Renville County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Renville County extension request and bring this recommendation forward to the full BWSR Board for review and action. BWSR's official state comment letter pertaining to the extension will need to be sent to Renville County.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, Minnesota 55155

In the Matter of Extending the
Comprehensive Local Water Management Plan
for Renville County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

**Whereas**, the Renville County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until December 31, 2012, pursuant to Minnesota Statutes 103B.301; and

**Whereas**, Renville County has submitted a resolution requesting an extension of its Plan; and

**Whereas**, the Minnesota Board of Water and Soil Resources (Board) has authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions, and Order:

## FINDINGS OF FACT

On October 11, 2012, the Board received a resolution from Renville County requesting an extension of their Plan. The request is based on: the Priority Concerns Scoping Document (PCSD) has been submitted to the Board for state agency review; Renville County will meet with the Board on November 1, 2012 to review and discuss the PCSD; the draft Plan will be available for public review in November 2012; Renville County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by the end of 2012; extension of the effective date until May 30, 2013, in order to complete the update process.

On October 16, 2012, Board staff reviewed and recommended approval of the extension request made by Renville County. Board staff recommendation was for a five-month extension.

On November 1, 2012, the Board's southern region water planning committee (Committee) met with representatives of Renville County to discuss the extension request. The Committee deemed the extension request to be appropriate. The Committee's decision was to present to the Board a recommendation of approval of the Renville County extension; effective until May 30, 2013.

On December 12, 2012, the Committee presented its recommendation of approval of the Renville County extension request to the Board. The Board adopted the Committee's recommendation.

## CONCLUSIONS

All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Renville County pursuant to Minnesota Statutes 103B.3367.

## ORDER

The Board hereby approves the extension of the Renville County Comprehensive Local Water Management Plan until May 30, 2013. Renville County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 12th day of December 2012.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

October 16, 2012

Jeff Nielsen
Board of Water and Soil Resources
261 Highway 15 South
New Ulm, MN 56073

Dear Jeff:

I received an official resolution from Renville County (County) requesting an extension of their current Local Water Management Plan (Plan). This current Plan is effective until December 31, 2012.

The Board of Water and Soil Resources (BWSR) does have the authority to grant extensions of up to one year for an existing Plan's effective date. To provide some background information when considering the County's extension request, I offer the following chronology of the County's Plan updating process.

- On August 5, 2011, I met with all four local water plan coordinators from Kandiyohi, McLeod, Meeker, and Renville counties to review the Plan updating process and provided each with guidance materials. (These four counties have worked together since the beginning of local water planning, utilizing a consultant to develop each generation's Plan.)

- On September 26, 2011, I met with the four counties local water plan coordinators and the four counties' joint powers board to briefly review the Plan updating process. The joint powers board also discussed the process for obtaining a consultant to lead the Plan updating process.

- On October 25, 2011, the County passed a resolution to update the Plan; received by the BWSR on November 9, 2011.

- On December 8, 2011, the joint powers board selected the consultant.

- On April 11, 2012, the County started the process for development of its Priority Concerns Scoping Document (PCSD).

- On August 30, 2012, the County submitted their completed PCSD to BWSR and other State agencies for review and comment.

- On October 9, 2012, the County board of commissioners passed a resolution requesting an extension of its Plan; received by the BWSR on October 11, 2012.


*Bemidji*
701 Minnesota Avenue
Suite 234
Bemidji, MN 56601
phone (218) 755-4235
fax (218) 755-4201

*Brainerd*
1601 Minnesota Drive
Brainerd, MN 56401
phone (218) 828-2383
fax (218) 828-6036

*Duluth*
394 S. Lake Avenue
Room 403
Duluth, MN 55802
phone (218) 723-4752
fax (218) 723-4794

*Fergus Falls*
1004 Frontier Trail
Fergus Falls, MN 56537
phone (218) 736-5445
fax (218) 736-7215

*Marshall*
1400 E. Lyon Street
Box 267
Marshall, MN 56258
phone (507) 537-6060
fax (507) 537-6368

*New Ulm*
261 Highway 15 S.
New Ulm, MN 56073
phone (507) 359-6074
fax (507) 359-6018

*Rochester*
2300 Silver Creek
Road N.E.
Rochester, MN 55906
phone (507) 281-7797
fax (507) 285-7144

*Saint Paul*
520 Lafayette Road N.
Saint Paul, MN 55155
phone (651) 296-3767
fax (651) 297-5615

Web: www.bwsr.state.mn.us TTY: (800) 627-3529 An equal opportunity employer Printed on recycled paper

Initial discussions I had with the County and its consultant indicated that the extension request was going to be for just a few months beyond December 31, 2012. Because of the chronology I previously listed and the time it has taken the consultant to complete steps throughout the process, I encouraged the County to look at a date of May 30, 2012.

The extension request resolution submitted by the County includes the following:

- The County is currently updating its Plan.
- The County submitted its PCSD to BWSR and State agencies for official review.
- The County will meet with the BWSR on November 1, 2012 to discuss the PCSD.
- The draft County Plan will be available for public review in November 2012.
- The County anticipates submitting the Plan to the BWSR for final review by the end of 2012.
- The County is requesting an extension of the effective date of its current Plan until May 30, 2012.

I believe the County and its consultant have had adequate time to complete the Plan updating process; however, the consultant's working on four plans at the same time may have led to the need for the extension request. I do not recommend an extension of one year. I do recommend an extension of five months—new effective date of May 31, 2012.

If you have questions or need additional information, please feel free to contact me at 507-359-6091 or at Tom.D.Fischer@state.mn.us

Sincerely,

Thomas Fischer

Thomas Fischer
Board Conservationist

SERVICE * STEWARDSHIP * SHARED RESPONSIBILITY

# RENVILLE COUNTY

Bob Fox, Chair
Renville County Board of Commissioners
Renville County Government Services Center
Suite 315
105 South 5th Street
Olivia, MN 56277-1484

Phone: 320-523-3710
Fax: 320-523-3748

Affirmative Action - Equal Opportunity Employer

**RENVILLE COUNTY BOARD OF COMMISSIONERS**
**RESOLUTION # 49-12**
**Request for Comprehensive Water Management Plan Extension**

**WHEREAS,** Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan; and

**WHEREAS,** the current Renville County Comprehensive Local Water Management Plan is effective until December 31, 2012; and

**WHEREAS,** Renville County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301; and

**WHEREAS,** Renville County has submitted its Priority Concerns Scoping Document (PCSD) to the Minnesota Board of Water and Soil Resources (BWSR) and other State agencies for official review; and

**WHEREAS,** members of the Renville County Water Plan Task Force are expected to meet with BWSR on November 1, 2012, to review the PCSD; and

**WHEREAS,** the draft Renville County Water Plan will be available for public review in November 2012; and

**WHEREAS,** Renville County assures continued effort toward completion of the Comprehensive Local Water Management Plan update, with an anticipated date for submission to BWSR for final review by the end of 2012; and

**WHEREAS,** the Act gives the Minnesota Board of Water and Soil Resources the authority to extend the ending date of a current local water management plan for a period of up to one year.

**NOW, THEREFORE, BE IT RESOLVED,** the Renville County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources an extension of the effective date of the current County Comprehensive Local Water Management Plan until May 30, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

---

**CERTIFICATION**

State of Minnesota
Office of County Administration
County of Renville

I do hereby certify that the foregoing resolution is a true and correct copy of a resolution presented to and adopted by the County of Renville at a duly authorized meeting thereof held on the 9th day of October 2012.

Sara Folsted

Sara Folsted, Renville County Administrator

**COMMITTEE RECOMMENDATIONS**

***Metro Water Planning Committee***

1. Delivery of Conservation Services in Hennepin County – ***INFORMATION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Delivery Of Conservation Services In Hennepin County**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☐ Decision ☐ Discussion ☐ Information

**Section/Region:** Metro

**Contact:** Jim Haertel

**Prepared by:** Jim Haertel

**Reviewed by:** Metro Water Planning Committee(s)

**Presented by:** Jim Haertel

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

**ACTION REQUESTED**
Decision

**LINKS TO ADDITIONAL INFORMATION**

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The attached BWSR staff report covers the history of the delivery of conservation services in Hennepin County over the past ten years by the Hennepin Conservation District and the Hennepin County Environmental Services Department. The report evaluates the results of a suvey, presents analysis and conclusions.

Hennepin County proposed legislation the previous two years to dissolve the Hennepin Conservation District. The proposed legislation would have bypassed the statutory requirements of having at least 500 resident owners sign a citizen petition, holding a referendum, and requiring the BWSR to make a decision on the petition. The proposed legislation was not enacted. Some Hennepin County Commissioners, including the Chair, have informed BWSR they will propose legislation again in the 2013 session and aggressively seek enactment.

BWSR staff have been working with County staff to develop compromise language that would have the BWSR Board make a decision without a referendum on a dissolution petition that the Hennnepin County Board could bring, while ensuring the continued delivery of conservation services in Hennepin County. The bill would be specific to Hennepin County. However, before undertaking the considerable effort to bring forth and support a compromise bill, Hennepin County wants a clear understanding of where the BWSR Board stands if compromise legislation is proposed and enacted.

BWSR staff support proposed compromise language by Hennepin County that would dissolve the Hennepin Conservation District through a decision of the BWSR Board without a referendum based on a petition filed by Hennepin County. The staff position is in consideration of the low functional capacity of the Hennepin Conservation District during the past ten years and the commitment of the County and its staff for delivering conservation services during that time. The County has determined it can deliver the conservation services more efficiently, more consistently, and at less cost than the District. A draft resolution, Version 1, is attached.

The Metro Water Planning Committee met on November 16. The meeting was attended by representatives of the Hennepin Conservation District, Hennepin County and MASWCD. Following a lengthy and robust discussion with many questions from the Committee members to the representatives, the Committee did not make a decision on the draft resolution and unanimously recommended the matter be on the BWSR Board meeting agenda.

At the meetig the MASWCD representative questioned whether the District would, in fact, be dissolved or if it would be a transfer of duties to the Hennepin County Board. An additional draft resolution, Version 2, is attached that includes an option for the transfer of duties from the Hennepin Conservation District to the Hennepin County Board instead of dissolving the District.

*D R A F T – Version 1*

**Minnesota Board of Water and Soil Resources Resolution No. 12-____**

# Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department

**WHEREAS,** after several years of informal intervention and assessment, BWSR staff has prepared a report titled "Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department" dated November 13, 2012, summarizing the status and relevant history of Hennepin Conservation District operations; and,

**WHEREAS,** Hennepin County intends to again propose legislation to dissolve the Hennepin Conservation District; and,

**WHEREAS,** Hennepin County staff, in consultation with BWSR staff, have drafted legislative language that would allow Hennepin County to file a dissolution petition with BWSR and the Board making a decision on the petition without a referendum; and,

**WHEREAS,** the Hennepin Conservation District has not had and does not have sufficient resources to support their statutory responsibilities; and,

**WHEREAS,** the Hennepin County Environmental Services Department has been carrying out the delivery of conservation programs for the past ten years and is committed to continuing to do so in the absence of the Hennepin Conservation District; and,

**WHEREAS,** the Board's Metropolitan Water Planning Committee reviewed the staff report and discussed options directing Board staff to work with Hennepin County officials to pursue legislation consistent with the analysis and conclusions of the report.

**NOW THEREFORE BE IT RESOLVED,** that the Board endorses the staff report dated November 13, 2012 and directs Board staff to work with Hennepin County officials to pursue legislation consistent with the analysis and conclusions of the report.

Dated at St. Paul, Minnesota this 12th day of December, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

*DRAFT – Version 1a*

**Minnesota Board of Water and Soil Resources Resolution No. 12-__**

## Delivery of Conservation Services in Hennepin County

**WHEREAS,** Hennepin County has indicated its intention to again propose legislation to dissolve the Hennepin Conservation District; and,

**WHEREAS,** the Hennepin County Environmental Services Department has been carrying out the delivery of conservation programs in Hennepin County for the past 10 years and the County has stated its commitment to continuing to do so should the Hennepin Conservation District be discontinued; and,

**WHEREAS,** the Hennepin Conservation District has not had, and continues to struggle to obtain, sufficient resources to support the District's statutory responsibilities; and,

**WHEREAS,** after several years of informal intervention and assessment, Board of Water and Soil Resources (BWSR) staff has prepared a report titled "Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department" dated November 13, 2012, summarizing the status and relevant history of Hennepin Conservation District operations; and,

**WHEREAS,** Minnesota Statutes, section 103C.225 provides for the dissolution of a district and the filing of an application to discontinue the district with the Secretary of State following either; (1) a resolution to discontinue the district adopted by the majority of the district board, or (2) a petition filed by a prescribed number of residents of the district, the conduct of a referendum at the next general election and a decision by the Board of Water and Soil Resources that the continued operation of the district is not administratively feasible; and,

**WHEREAS,** Board and Hennepin County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with the Board and would have the Board make a decision on the petition without a referendum; and,

**WHEREAS,** the Board's Metropolitan Water Planning considered the staff report and recommendation to direct Board staff to work with Hennepin County officials to pursue legislation consistent with the analysis and conclusions of the November 13, 2012 report at a meeting on November 16, 2012 and determined to bring the matter to the full Board for consideration without a recommendation of the Committee.

**NOW, THEREFORE, BE IT RESOLVED,** that, based on the unique history and circumstances of Hennepin County and the Hennepin Conservation District and staff conclusions in the staff report dated November 13, 2012, the Board directs Board staff to work with Hennepin County officials to pursue legislation specific to Hennepin County that is consistent with the following:

1. Allows the Hennepin County Board of Commissioners to directly petition the Board of Water and Soil Resources to transfer the duties and authorities of the Hennepin Conservation District to the Hennepin County Board of Commissioners, including the authorization for the County Board to assign the execution of these duties to an organizational unit of the County (e.g., the Hennepin County Department of Environmental Services). Such a provision will allow the County to petition BWSR with a decision to be made without the referendum required in Minnesota Statutes, section 103C.225.

2. Allows the Board of Water and Soil Resources to:

   a. Determine if sufficient mechanisms exist for progress toward achieving the goals in Minnesota Statutes, section 103C.005 and other responsibilities with a discontinuance of the Hennepin Conservation District.

   b. Review the implementation of soil and water conservation efforts in Hennepin County to determine if Hennepin County is sufficiently carrying out the duties of a soil and water conservation district and, if necessary, take action to assure the duties are carried out. These actions may include reducing, withholding, or redirecting grant funding or re-establishing the Hennepin Conservation District without a requirement for a referendum.

3. Permits Hennepin County to retain the same eligibility to receive state grant funds as the Hennepin Conservation District enjoyed.

Dated at St. Paul, Minnesota this 12th day of December, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

# Delivery of Conservation Services by the Hennepin Conservation District and the Hennepin County Environmental Services Department

Jim Haertel, Board of Water and Soil Resources
November 13, 2012

## Introduction

Hennepin County proposed legislation the previous two years to dissolve the Hennepin Conservation District (HCD). The proposed legislation would have bypassed the statutory requirements of having at least 500 resident owners sign a citizen petition, holding a referendum, and requiring the Board of Water and Soil Resources (BWSR) to make a decision on the petition. The proposed legislation was not enacted. Some Hennepin County Commissioners, including the Chair, have informed BWSR they will propose legislation again in the 2013 session.

BWSR staff have been working with Hennepin County staff to develop compromise language (Attachment A) that would have the BWSR Board make a decision without a referendum on a dissolution petition that the Hennepin County Board could bring. The bill would be specific to Hennepin County. However, before undertaking the considerable effort to bring forth and support a compromise bill, Hennepin County wants a clear understanding of where the BWSR Board stands if compromise legislation is enacted.

## History of HCD

HCD was largely defunded by the County in the winter of 2003. Because of internal turmoil within HCD, the Hennepin County Board withdrew all of its funding from the District in a vote on February 18, 2003. The County conducted a thorough and extensive assessment involving local government units and stakeholders that analyzed various service options and elected to assume most of the District's functions in a separate vote later that spring. Though the conservation district still exists, most of its previous functions are carried out by the Hennepin County Department of Environmental Services (HCES) through about a dozen staff. The District continues to function primarily through the grants it receives from BWSR, although the District has been subsidized by the County. The following table shows the various grants from BWSR to HCD, although the Natural Resources Block Grant to Hennepin County is not shown because the portion the County transfers to HCD requires a 1:1 match, thus there is no net gain in funds for HCD.

## Hennepin Conservation District

| | RIM Services | General Services | Cost Share | Metro WCA | Total |
|---|---|---|---|---|---|
| **2005** | $1,440 | $33,071 | $21,072 | | $55,583 |
| **2006** | $2,359 | $33,071 | $22,072 | | $57,502 |
| **2007** | $2,383 | $33,071 | $23,072 | | $58,526 |
| **2008** | $2,423 | $33,071 | $23,072 | $10,000 | $68,566 |
| **2009** | $2,364 | $31,417 | $23,072 | $10,000 | $66,853 |
| **2010** | $2,180 | $27,623 | $12,040 | $9,500 | $51,343 |
| **2011** | $1,459 | $25,093 | $12,968 | $9,500 | $49,020 |
| **2012** | $1,423 | $25,930 | $17,409 | | $44,762 |
| **2013** | $1,394 | $25,930 | $17,409 | | $44,733 |

The turn of events over the past ten years represents a departure from the District's previous successes. Many believe that the District as it once existed was one of the best in the state having a large number of staff with staff specialists such as a limnologist, hydrogeologist, and engineer. In addition to the standard SWCD role of working with local landowners, District employees used to provide extensive technical services to cities and Watershed Management Organizations (WMOs), especially in the less developed western portions of the County. The District was also a leader in groundwater modeling work and played an important role in environmental education efforts. One measure of the District's success was the response by other local entities when Hennepin County withdrew its funding. At least fourteen cities and townships, six WMOs, and five federal and state agencies contacted the County to urge it to provide replacement services.

By nearly all accounts, the District's problems came about as a result of infighting on the District's board. In November 2000, Hennepin County voters elected to the District board a former District employee who had been fired and who had subsequently engaged the District in a legal battle over her dismissal. This new board member challenged the legality of some District actions and the honesty of some of its employees. Board meetings became contentious. The other members of the board brought two lawsuits against the dissenting board member in July 2001, charging that she had publicly disparaged the District and inundated District staff with requests for records and files under the Data Practices Act. She countersued. The expense to the County of providing legal services by the County Attorney continued to increase.

As the turmoil on the board worsened, there were also concerns that the District would lose it capabilities through attrition of its experienced staff. The District's former manager personally initiated conversations with Hennepin County administrators and commissioners regarding the possibility of absorbing the District's functions. Meanwhile, Hennepin County and the District sought special legislation to make the District the only SWCD in the state with an appointed board. The proposed legislation failed.

In another development, a constituent dissatisfied with a District determination regarding wetlands on his property collected enough signatures to force a county-wide referendum on the District's dissolution. The referendum failed in the November 2002 election. However, in that same election, voters replaced two of the existing board members. Another two board members resigned shortly after the election, leaving the dissenting board member as the sole holdover from the previous board. In its first meeting with its new membership, the District's board fired its legal counsel and made the dissenting board member its (1) media and public affairs officer, and (2) representative on labor issues. The Hennepin County Board defunded the District shortly after this meeting and began a process of consultation with stakeholders to determine which of the District's functions the County should assume. All of the District's previous staff left the District in the wake of the defunding decision. Most of the previous staff took positions carrying out similar responsibilities with HCES. After the defunding vote, the dissenting board member resigned as well.

HCD's board was left with statutory authorities but without a budget and staff sufficient to carry them out. The District was able to draw upon cash reserves and BWSR base grant funding to hire a single staff person. However, the District sold or gave away many of its assets and retrenched to a very low level of activity. It distributed some cost-share conservation funds received through BWSR and worked on some wetlands issues. A review of the organization's minutes for 2003 and 2004 suggests that the vast majority of the board's time was devoted to internal administrative matters.

The organization muddled along until attrition and the November 2004 election produced another almost complete turnover of the board membership. The new chair, a leadership trainer who conducted workshops for SWCD board members around the state, led the new board in a series of discussions to examine its options. The board concluded that it could best serve the residents of the County by acting primarily as an advisory and advocacy committee. HCD approached Hennepin County to have County staff, who were essentially the District's pre-2003 personnel now under County auspices, carry out all of the functions of the District. A cooperative agreement was finalized in November 2006.

Board membership continued to turnover frequently. During the past five years, 13 different board members have rotated through the five positions and a board position has frequently been vacant. The past year is typical. A vacancy has existed on the board since February, one board member did not seek re-election, and one board member seeking re-election was unseated, thus 2013 will begin with three new board members. The other two members each have less than one year on the board. HCD has required more than its fair share of BWSR staff time without favorable results.

The November 2006 cooperative agreement had a term of four years with allowance for up to 3 one year amendments. The agreement was amended for 2011 and 2012. After 2013 the Hennepin County Board would need to take further action to continue the agreement. However, it is very unlikely an agreement would be continued after 2013 given the Hennepin County Board's actions to dissolve HCD. Hennepin County and HCD have yet to amend the agreement for 2013, although there appears to be an agreement in principle. The amended agreement would

no longer have County staff providing administrative services, instead HCD has hired a part time staff person for approximately $20,000 per year.

Although Hennepin County essentially defunded HCD ten years ago, the County has subsidized HCD by providing technical and administrative services. HCD does not have sufficient funds to cover the County contribution. In 2011 the County relieved HCD of repaying approximately $40,000 for services rendered to HCD by HCES staff. In 2011, County staff participated on 45 Technical Evaluation Panels, had 29 wetland violation cases in progress, prepared 6 restoration orders and imposed liens on property as a result of the landowner failing to comply with a restoration order. Similarly, from January 1 to September 30, 2012, services provided by HCES were approximately $58,000, however HCD had a total of approximately $46,000 in available funds. The gap will widen in the last quarter of 2012, especially since HCD has hired a part time staff person.

In 2013, under the proposed cooperative agreement amendment, the County will continue to provide technical services regarding the implementation of the Wetland Conservation Act (WCA) and Re-Invest in Minnesota (RIM) inspections at approximately $28,000 below the actual cost. The County believes these programs are important and is willing to provide the necessary staff resources without full reimbursement. The implementation of WCA and RIM inspection responsibilities do not require formal board action and are routinely provided by County staff under County supervision. HCD board action is required for the approval of cost-share projects and contracts. To maintain the HCD board takes two dollars in administrative services for every dollar of cost-share provided by HCES. It is continually difficult for the County to justify expenditures to HCD when administrative costs are so high relative to the funds provided.

**Surveys**

Twenty-six surveys (Attachments B, C, D) were recently sent to local governments in Hennepin County, HCD and HCES to assess the conservation services that HCD and HCES provide and to help gauge any decline in those services if HCD no longer existed. Eight responses were received. Except for the HCD response, all of the responses to the surveys indicate:

- The only service HCD provides is associated with Technical Evaluation Panels required by the Wetland Conservation Act.
- HCES staff could provide the Wetland Conservation Act services that HCD does.
- There would be no decline in services if HCD did not exist.
- In the absence of HCD, the lack of elected SWCD supervisors would be no disadvantage.

HCD responded:

> "HCD is invaluable to Hennepin County soil and water resources, residents and this is delineated (sic) in that HCD oversees the largest WCA workload in the State of Minnesota and the largest enforcement caseload in the State. Hennepin County had a referendum on the ballot in 2002, and the public voted to retain HCD (74% for, 25% against). Residents of Hennepin County defeating this referendum see clear value in having a citizen represented Soil and Water Conservation Board of Supervisors in Hennepin County.
>
> Several newly appointed HCD Supervisors are diligently working to develop new strategies for the function and purpose of HCD. These new strategies include seeking additional funding mechanisms through grants and new partnerships with Watershed Districts, Watershed Management Organizations, adjacent Soil and Water Conservation Districts and private businesses/citizens. The HCD Board of Supervisors is also cultivating an alliance with an outside consultant whom HCD expects to take over administrative duties from Hennepin Environmental Service staff in 2013, which will reduce government costs, streamline services and allow HCD to be more nimble and effective."

**Analysis**

It is clear that Hennepin County has greatly reduced funding to HCD over the past ten years. The reduction in funding has resulted in a crippled HCD that relies on base grant funding from BWSR and substitute services from Hennepin County. There has been excessive turnover on the board of supervisors and current staffing is less than one full time equivalent. For ten years HCES staff have been doing almost all of the work that HCD used to do. The County has found this option to be less costly, more efficient, more consistent and less problematic. It should be no surprise that Hennepin County no longer wants the burden of having to support an elected HCD board whose services can be, and are being, carried out in a well-managed way by HCES.

HCD cannot obtain other grants because they have no one to write the grant applications and they do not have the money to meet match requirements of 25% or more that is typically required for grants. There has been rapid turnover on the HCD board resulting in inexperienced board members. HCD has required more than its fair share of BWSR staff time without favorable results.

HCD contends BWSR has not fairly assessed their work and that the District will improve in the future as new strategies are pursued.

## Conclusions

This report would not exist if it were not for the fact that Hennepin County is proposing legislation to dissolve HCD. BWSR has had a long history of promoting and partnering with SWCDs. In consideration of this partnership, it may be difficult to accept a recommendation to support the dissolution of a SWCD. BWSR staff support proposed Hennepin County legislation that would dissolve HCD through a decision of the BWSR Board without a referendum based on a petition filed by Hennepin County for the following reasons:

- Hennepin County is unique due to its population, tax base, full coverage by WMOs, and well-staffed and funded environmental services department.
- Frequent turnover of HCD board members has resulted in a lack of continuity and, coupled with a steep learning curve, a lack of historical perspective and education that hinders making informed decisions.
- HCD has required more than its fair share of BWSR staff time without favorable results.
- HCD has a disproportionate amount of administrative costs compared to project and program funding.
- It is important to keep the proposed legislation pertaining solely to Hennepin County and avoiding a precedent for the legislature getting involved in unique local issues directly. The BWSR Board is an appropriate venue for those decisions given the suite of other BWSR duties and authorities.
- Try not to make it easier for other counties to dissolve their SWCDs by allowing counties to petition BWSR directly for dissolution. There are some SWCDs in poor positions with their counties presently.
- It would be best not to open up legislative discussion regarding SWCDs and lowering the petitioner threshold. Keep the proposed legislation confined to Hennepin County.
- BWSR has been having issues with the administration of HCD, likely because it is not given a high priority under the cooperative agreement with Hennepin County.

## Attachment A

## DRAFT

11/6/12

relating to local government; discontinuing Hennepin Conservation District and transferring duties; proposing coding for new law in Minnesota Statutes, chapter 383B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [383B.76] **DISCONTINUANCE OF HENNEPIN CONSERVATION DISTRICT; TRANSFER OF DUTIES.**

(a) Notwithstanding Chapter 103C.225, the Hennepin County Board of Commissioners may petition the Board of Water and Soil Resources to transfer the duties and authorities of the Hennepin Conservation District to the Hennepin County Board of Commissioners operating through the Hennepin County Department of Environmental Services or other organizational unit as assigned by the County board thereby discontinuing the District without a referendum which would otherwise be required under section 103C.225.

(b) If the Board of Water and Soil Resources determines that sufficient mechanisms exist for progress toward achieving the goals in section 103C.005 and other responsibilities with a discontinuance of the Hennepin Conservation District, then the Board of Water and Soil Resources may discontinue the District indefinitely without a referendum.

(c) Under a discontinuance of the Hennepin Conservation District, the Hennepin County Board of Commissioners operating through the Hennepin County Department of Environmental Services or other organizational unit as assigned by the County board has the duties and authorities of the District and retains the eligibility of the District for state grant funds .

(d) Upon a determination by the Board of Water and Soil Resources under (b) to discontinue the Hennepin Conservation District, all contracts entered into, to which the District or District board was a party, remain in force and effect for the period provided in the contracts. The Hennepin County Board of Commissioners operating through the Hennepin County Department of Environmental Services or other organizational unit as assigned by the County board shall be substituted for the District or District board as party to the contracts and succeed to the District's rights and duties. Any assets of the District on the date of discontinuance of the District are transferred to the Hennepin County Board of Commissioners for the purposes of implementing the transferred duties and responsibilities.

(e) If the Board of Water and Soil Resources finds that the Hennepin County Board of Commissioners operating through the Hennepin County Department of Environmental Services

or other organizational unit as assigned by the County board is not sufficiently carrying out the duties and responsibilities of a soil and water conservation District under chapter 103C, the Board of Water and Soil Resources may, in order:

(1) reduce, withhold, or redirect grants and other funding if deficiencies have not been corrected as prescribed in a notice from the Board of Water and Soil Resources within one year from the date of the notice; and

(2) reestablish the Hennepin Conservation District without a referendum after holding a public hearing and re-establish supervisor nomination Districts and appoint new supervisors to serve until supervisors are elected at the next general election.

## Attachment B

Survey - Local Government Units

1. What water and land management programs and activities does Hennepin Conservation District provide for you or are you associated with?

2. What water and land management programs and activities does Hennepin County Environmental Services provide for you or are you associated with?

3. Which services currently provided by the Hennepin Conservation District could be covered by Hennepin County Environmental Services?

4. Which services currently provided by the Hennepin Conservation District would no longer be provided if the District did not exist?

5. What are the strengths and weaknesses of the Hennepin Conservation District?

6. What are the strengths and weaknesses of Hennepin County Environmental Services?

7. If Hennepin County Environmental Services did the work of the Hennepin Conservation District do you feel the lack of elected soil and water conservation District supervisors would be a disadvantage?

## Attachment C

Survey – Hennepin County Environmental Services Department

1. What are the strengths and weaknesses of the Hennepin Conservation District?

2. What are the strengths and weaknesses of Hennepin County Environmental Services?

3. Which services currently provided by the Hennepin Conservation District could be covered by Hennepin County Environmental Services?

4. Which services currently provided by the Hennepin Conservation District would no longer be provided if the District did not exist?

5. If Hennepin County Environmental Services did the work of the Hennepin Conservation District how would the planning and prioritization of services be done in the absence of the SWCD Comprehensive Plan?

6. If Hennepin County Environmental Services did the work of the Hennepin Conservation District do you feel the lack of elected soil and water conservation District supervisors would be a disadvantage?

## Attachment D

Survey – Hennepin Conservation District

1. Where has HCD made the most progress in implementing long range goals and objectives in the past five years?

2. Which goals and objectives has HCD had the most difficulty in making progress on? What are the most likely reasons for this lack of progress?

3. How often does the Board review progress?

4. What are the strengths and weaknesses of the Hennepin Conservation District?

5. What are the strengths and weaknesses of Hennepin County Environmental Services?

6. Which services currently provided by the Hennepin Conservation District could be covered by Hennepin County Environmental Services?

7. Which services currently provided by the Hennepin Conservation District would no longer be provided if the District did not exist?

8. If Hennepin County Environmental Services did the work of the Hennepin Conservation District do you feel the lack of elected soil and water conservation District supervisors would be a disadvantage?

***COMMITTEE RECOMMENDATIONS***

***Grants Program and Policy Committee***

1. FY2013 CWF Competitive Grants Recommendation – Dave Weirens – ***DECISION ITEM***

2. Reallocation of a Targeted Drainage Water Management Grant – Tim Gillette – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

# Conflict of Interest Disclosure for Grant Application Reviewer

**Grant Program:** **FY2013 CWF Competitive Grants** **Date: December 12, 2012**

**Name of Review Group: Grants Program and Policy Committee**

**Grant Making Meeting Procedure**
Meetings that are part of the grant making process will include an agenda item to identify and disclose actual or perceived conflicts of interest. During this agenda item, the chair of the meeting shall make a statement that defines what a conflict of interest is and a request that meeting participants disclose any actual or perceived conflicts. This statement is as follows:

Chair Statement: *"A conflict of interest whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today's business."*

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest accordingly.

All grant reviewers must complete and sign a conflict of interest disclosure form. The grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, but is not required to explain the reason for the conflict of interest on this disclosure form as this form is considered public data under Minn. Statute 13.599- Grants, but must discuss with appropriate agency or grant program personnel. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definition of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this Grant Program.

## Description of actual, potential, and perceived conflicts of interest

### Actual conflict of interest:
An actual conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer or other agency personnel determines that a decision or action by the grant reviewer would compromise a duty to another party.

OGM Policy 08-01 determines that an actual conflict of interest exists when any one of the following conditions is present:

1. A state employee or a grant reviewer uses his/her status or position to obtain special advantage, benefit, or access to the grantee or grant applicant's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.

2. A state employee or a grant reviewer receives or accepts money or anything else of value from a state grantee or grant applicant or has equity or a financial interest in or partial or whole ownership of an applicant organization.

3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee applicants or is a family member of anyone involved in the grantee or grant applicant's agency.

**Potential Conflict of Interest:**
A potential conflict of interest may exist if a grant application reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, a grant reviewer that serves in a volunteer capacity for an applicant organization has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

A disclosed potential conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify the nature of the relationship, affiliation, or other interest and mitigate any potential conflicts.

**Perceived Conflict of Interest**:
Per OGM Policy 08-01, a perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

A disclosed perceived conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify and mitigate any perceived conflicts.

---

**As a grant reviewer, I certify that I have read and understand the description of conflict of interests explained above and in OGM Policy 08-01 and (check one of the three boxes below):**

☐ I do not have any conflicts of interest relating to this program's grant applicants or proposed projects and I will participate in the review process.

☐ I have reviewed the list of applicants, and I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. I will still participate in the review process and I will abstain from scoring, discussing and making decisions on any issues in relation to the applicant(s) listed below. *(The grant reviewer must state any and all applicants with which he/she has a conflict of interest and may describe the nature of the conflict in the space below, but a description is not required on this form since this form is considered public data.*

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

☐ After reviewing the Conflict of Interest Disclosure Form and OGM Policy 08-01, I am UNABLE or CHOOSE NOT to participate in this review process.

If at any time during the review process I discover a conflict of interest, I will stop reviewing any grant applications I may have received and disclose that conflict immediately to appropriate agency or grant program personnel.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Fy 2013 Competive Grants Program Funding Recommendation**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:** Land and Water Section
**Contact:** Dave Weirens
**Prepared by:** Dave Weirens and Clean Water Specialists
**Reviewed by:** Grants Program and Policy Committee(s)
**Presented by:**

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Other:

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget

## ACTION REQUESTED

The Board is requested to consider the recommendation of the Grants Program and Policy Committee to award Clean Water Grant Funds to local government applicants in the following program categories: Clean Water Assistance, Livestock Waste Management, SSTS Abatement, Accelerated Implementation, Community Partners Conservation Program, and Conservation Drainage.

## LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On June 27, 2012 the Board adopted resolution #12-54 which authorized staff to conduct an request for proposals from eligible local governments for Clean Water Fund projects in seven program categories: Clean Water Assistance, Livestock Waste Management, SSTS Abatement, Accelerated Implementation, Community Partners Conservation Program and Conservation Drainage.

Applications were accepted from August 1, 2012 until September 14, 2012. A total of 286 applications were received that requested nearly $68 million. Total available grant funds are $18,342,362. BWSR staff conducted multiple processes to review and score applications, all of them involving staff from other agencies.

The attached recommendation overview, spreadsheets, and resolution contain detail on the applications and proposed funding awards.

Board Resolution # 12-

# FY 2013 COMPETITIVE GRANTS PROGRAM FUNDING RECOMMENDATION

**WHEREAS,** Laws of Minnesota 2011, 1st Special Session, Chapter 6, Article 2, Section 7 appropriated Clean Water Fund (CWF) funds to the Board of Water and Soil Resources (BWSR); and,

**WHEREAS,** Laws of Minnesota 2011, 1st Special Session, Chapter 6, Article 2, Section 7(j) authorize the Board to shift funds to "leverage federal or other non-state funds or to address oversight responsibilities or high-priority needs identified in local water management plans", and;

**WHEREAS,** BWSR has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and water conservation districts, watershed districts, joint powers organizations and other special purpose districts and authorities with jurisdiction in water and related land resources management when a proposed project or activity implements a county water plan, watershed management plan or county groundwater plan; and,

**WHEREAS,** BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be "spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation", and that "dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute"; and,

**WHEREAS,** BWSR has previously endorsed an inter-agency granting strategy that includes the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Health (MDH), and BWSR with the goal of effectively coordinating water quality projects funded by the CWF; and,

**WHEREAS,** the CWF implementation strategy incorporates Minn. Stat. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

**WHEREAS**, the CWF implementation strategy recognizes that funding decisions should be based on the best available scientific information and directed to where clean water protection, enhancement and restoration work is most needed and most effective; and,

**WHEREAS,** on June 27, 2012 (Board Resolution # 12-54) the Board:

1. Authorized staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2013 Clean Water Fund and Competitive Grants Program consistent with the provisions of Clean Water Fund appropriations made in Laws of Minnesota 2011, 1st Special Session, Chapter 6, Article 2, Section 7, Minn. Stat. 103B.3369 and this Board resolution; and,
2. Adopted the FY2013 Clean Water Fund Competitive Grants Policy; and,

DRAFT

**WHEREAS,** FY 2013 CWF competitive grant funds in the following amounts were made available to local governments through the RFP process that was open for applications from August 8 to September 20, 2011:

A. $18,342,362 from the CWF appropriated to BWSR, in the following categories:
    1. $14,000,000 for Clean Water Assistance Grants, including targets of $2.0 million for Livestock Waste Management Grants and $1.5 million for SSTS Abatement;
    2. $2,000,000 for Accelerated Implementation Grants;
    3. $942,362 for Conservation Drainage Management Grants;
    4. $1,400,000 for Community Partners Conservation Program Grants; and
B. Up to $4.5 million of Agricultural Best Management Practices Loan Program CWF Funds appropriated to the MDA; and,

**WHEREAS,** BWSR staff implemented a communication effort that included:

- email notification to eligible grantees on July 13, 2012, July 30, 2012, and published in the State Register on July 30, 2012 of the available CWF grant funds;
- webinars were held on July 12, July 16, July 17, July 19, July 31, August 1 and August 7 to review the grant programs; and
- a question and answer document were established on the BWSR website to provide an accessible information outlet; and,

**WHEREAS,** local governments throughout the state submitted 211 applications that requested $48,355,552 in state funds for Clean Water Assistance projects; and,

**WHEREAS,** the FY 2013 Clean Water Assistance project proposals were initially assessed by BWSR staff and then evaluated and scored by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

1. Project Description: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and community involvement within the project area,
2. Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, groundwater or drinking water protection, hydrologic restoration, or aquatic health improvement,
3. Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award, and
4. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL, and;

**WHEREAS,** local governments throughout the state submitted applications that requested $6,812,654 in state funds for 64 Livestock Waste Management projects; and,

**WHEREAS,** the FY 2013 Clean Water Assistance-Livestock Waste Management project proposals were initially assessed by BWSR staff and then evaluated and scored by BWSR staff with input by MPCA staff based on the following criteria:

DRAFT

1. Anticipated Outcomes,
2. Prioritization and Relationship to Plan,
3. Located in Riparian Zone, and;

**WHEREAS,** local governments throughout the state submitted 12 applications that requested $1,631,156 in state funds for SSTS Abatement Grants; and,

**WHEREAS,** the FY 2013 SSTS Abatement project proposals were initially assessed by BWSR staff and then evaluated and scored by BWSR staff with input by MPCA staff based on the following criteria:

1. Prioritization and Relationship to Plan,
2. SSTS Located in a Riparian Zone,
3. SSTS identified, and;

**WHEREAS,** local governments throughout the state submitted 54 applications that requested $6,900,000 in state funds for Clean Water Accelerated Implementation projects; and,

**WHEREAS,** the FY 2013 Clean Water Accelerated Implementation project proposals were initially assessed by BWSR staff and then evaluated and scored by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

1. Clarity of project's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects,
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL,
3. Means and measures for assessing the program's impact and capacity to measure project outcomes, and
4. Timeline for implementation, and;

**WHEREAS,** local governments throughout the state submitted 26 applications that requested $2,300,000 in state funds for Community Partners Conservation Program projects; and,

**WHEREAS,** the FY 2013 Community Partners Conservation Program project proposals were initially assessed by BWSR staff and then evaluated and scored by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

1. Clarity of project goals, projected impact, and involvement with community partners,
2. Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL,
3. Plan for assessing the programs impact and capacity to measure project outcomes, and
4. LGU capacity to implement the local grant program processes and protocols, and;

**WHEREAS,** local governments throughout the state submitted 13 applications that requested $1,970,000 in state funds for Conservation Drainage Projects; and,

**WHEREAS,** the Conservation Drainage project proposals were initially assessed by BWSR staff and then evaluated and scored by the Drainage Management Team, which consists of staff from the MDA, the DNR, the MPCA, University of Minnesota, USDA-Natural Resources Conservation Service, Minnesota State University-Mankato, and the BWSR based on the following criteria:

1. Problem Identification & Relationship to Plan,
2. Consistency with Conservation Drainage Program Purposes,
3. Project Located on a Public Drainage System,
4. Project Evaluation Plan,
5. Public Outreach Plans, and
6. Overall Proposal Quality and Completeness, and;

**WHEREAS,** the BWSR Senior Management Team reviewed the proposed FY 2013 CWF Competitive Grant allocations on November 13, 2012; and

**WHEREAS,** the Grants Program and Policy Committee reviewed FY2013 CWF Competitive Grants Program proposals developed by staff on November 28, 2012.

**NOW THEREFORE BE IT RESOLVED,** the Board hereby:

1) Approves allocations to implement the FY 2013 CWF Competitive Grant Program according to the attached funding recommendation spreadsheets and the attached scoring results and funding recommendations document for the following programs and recommended allocation amounts shown below:

| Grant Program | Allocated Funds |
|---|---|
| A. Clean Water Assistance Grants | $10,500,000 |
| B. Livestock Waste Management Grants | $1,668,199 |
| C. SSTS Abatement Grants | $1,631,794 |
| D. Accelerated Implementation Grants | $2,000,000 |
| E. Conservation Drainage Grants: | $ 942,362 |
| F. Community Partners Conservation Program Grants | $1,400,000 |

2) Authorizes staff to forward a recommendation to the MDA to allocate $262,638 of Agricultural BMP Loan Program funds to projects and activities proposed through BWSR-led competitive grant making processes, and

3) Authorizes staff to use the proportion of the amount leveraged or match as a tiebreaker for equal project scores to award available funds, and

4) Authorizes staff to:
   A. approve project workplans,
   B. enter into grant agreements consistent with this resolution and Legislative appropriations,

DRAFT

C. assign funds , noted in (1) that may become available, to unfunded projects, in rank order, if funded projects are withdrawn, do not receive workplan approval by March 1, 2013 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project, and

D. assign prior fiscal year CWF grant funds that were previously awarded and unallocated fiscal year 2013 funds in following priority order:

1. Fully funds projects that were partially funded in the following priority order:
   a. Accelerated Implementation Grant Program projects;
   b. Clean Water Assistance Grant Program projects; and
   c. Community Partners Conservation Program projects.
2. Unfunded Accelerated Implementation Grant Program projects in rank order; and
3. Clean Water Assistance Grant Program projects in rank order

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments:

1. FY2013 Clean Water Assistance Grant Recommendations
2. FY2013 Livestock Waste Management Grant Recommendations
3. FY2013 SSTS Abatement Grant Recommendations
4. FY2013 Accelerated Implementation Grant Recommendations
5. FY2013 Community Partner Conservation Program Grant Recommendations
6. FY2013 Conservation Drainage management Program Grant Recommendations
7. FY2013 Clean Water Fund: Scoring Results and Funding Recommendations

DRAFT

## BOARD OF WATER AND SOIL RESOURCES

FY2013 Clean Water Fund Competitive Grants
November 28, 2012

Applications for the FY2013 Clean Water Fund Competitive Grants were accepted from August 1 through September 14. Local governments submitted 286 applications requesting $67,974,634 in Clean Water Funds. For purposes of reviewing and scoring the applications, they were divided into the following categories:

- **CWF Competitive Grants:** Clean Water Assistance (except for Livestock Waste Management and SSTS Abatement); Accelerated Implementation; and Community Partners Conservation Program.
- **CWF Clean Water Assistance Grants:** Livestock Waste Management and SSTS Abatement.
- **Conservation Drainage Management Grants.**

The Interagency Scoring Team consisting of staff from BWSR, DNR, MDA, MDH, and MPCA met on November 1 and 2 to score the CWF Competitive Grants. BWSR Clean Water Specialists met on October 16 to review and score the Livestock Waste Management and SSTS Grant applications. The Drainage Management Team met on November 8 to score the Conservation Drainage applications. The resulting funding recommendations were reviewed by the BWSR Senior Management Team on November 13.

**CWF Competitive Grants.**
The FY2013 CWF Competitive Grants consists of 5 separate funds, as shown below:

| FY2013 Competitive CWF Competitive Grant Programs | FY13 Available Funds | Requested Funds |
|---|---|---|
| Clean Water Assistance Grants | $10,500,000 | $48,355,552 |
| Clean Water Assistance Grants: Livestock Waste Management | $2,000,000 (target) | $6,812,654 |
| Clean Water Assistance Grants: SSTS Abatement | $1,500,000 (target) | $1,631,156 |
| Clean Water Accelerated Implementation Grants | $2,000,000 | $6,900,000 |
| Community Partners Conservation Program Grants | $1,400,000 | $2,300,000 |

| | | |
|---|---|---|
| Conservation Drainage Grants | $942,362 | $1,970,000 |
| MDA Ag BMP Loans | $4,500,000 | $262,638 |
| **Total** | **$22,900,000** | |

**Clean Water Assistance Grants:**

Funds are to be used to protect, enhance and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Activities include structural and vegetative practices to reduce runoff and retain water on the land, livestock water quality projects, Subsurface Sewage Treatment System (SSTS) abatement grants for low income individuals, and stream bank, stream channel and shoreline protection projects.

A total of 211 applications for Clean Water Assistance Grant Funds were received. Of this total, 145 applications were scored. Seventy-two applications were not scored as they were assessed as low (53 applications) by BWSR staff or determined to be ineligible (13 applications). The criteria used in the BWSR assessments and interagency scoring are shown below.

| **Clean Water Assistance Ranking Criteria** | |
|---|---|
| **Ranking Criteria** | **Maximum Points Possible** |
| Project Description: The proposed project demonstrates a high potential of long-term success based on project organization and management structure, partner support and community involvement within the project area. | 20 |
| Anticipated Outcomes: The outcomes expected upon completion of the project initiatives on the water resources are identified, including a description of the resulting primary and secondary public benefits such as pollution reduction, groundwater or drinking water protection, hydrologic restoration, or aquatic health improvement. | 35 |
| Project Readiness: The application has a set of specific initiatives that can be implemented soon after grant award. | 20 |
| Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL. | 25 |

| | |
|---|---|
| **Total Points Available** | **100** |

***Recommendation:***

1. Fully fund the highest scoring 47 applications and partially fund the 48th (CWF13-16, Chisago SWCD) by using $200,007 in funds not proposed to be used to fund Livestock Waste Management projects.
2. CWF 13-96, Greater Blue Earth River Basin Alliance (#5) and CWF13-102, Renville County (#35) are recommended for 50% funding due to non-specific project locations.
3. CWF 13-150, Goodhue SWCD (#21) and CWF13-71, Aitkin SWCD (#104) are recommended to seek Flood Disaster Response Funds.

---

**Clean Water Assistance – Livestock Waste Management Grants:**

BWSR set a target of $2,000,000 of the Clean Water Assistance funds to be allocated towards livestock waste management projects in FY2013. A total of 64 individual feedlots requesting $6,812,654 were determined to be eligible for funding and were scored by the BWSR Clean Water Specialists using the scoring criteria shown below.

| **Livestock Waste Management Ranking Criteria** | |
|---|---|
| **Ranking Criteria** | **Maximum Points Possible** |
| Anticipated Outcomes | 45 |
| Prioritization and Relationship to Plan | 20 |
| Located in Riparian Zone | 35 |
| **Total Points Available** | **100** |

***Recommendation:***

1. Fully fund the highest scoring 13 livestock waste management applications that include 17 feedlots.
2. Re-allocate $128,794 to SSTS Abatement.
3. Re-allocate $203,007 to Clean Water Assistance.

Feedlot projects scored below 75 were not recommended for funding due to the fact that the proposed project's pollution reduction potential and outcomes were significantly less than the projects of score 75 and above.

---

**Clean Water Assistance – SSTS Abatement Grants:**

BWSR set a target of $1,500,000 of the Clean Water Assistance funds to be allocated towards SSTS Abatement projects in FY2013. A total of 12 applications requesting $1,631,794 were determined to be eligible for funding and were scored by the BWSR Clean Water Specialists using the scoring criteria shown below.

| SSTS Abatement Ranking Criteria | |
|---|---|
| **Ranking Criteria** | **Maximum Points Possible** |
| Prioritization and Relationship to Plan | 15 |
| SSTS Located in a Riparian Zone | 40 |
| SSTS identified | 45 |
| **Total Points Available** | **100** |

***Recommendation:***
Fully fund all identified low-income SSTSs including 4 community systems in cooperation with the Public Facilities Authority by using all of the $1,500,000 target plus $131,794 in funds not proposed to be used to fund Livestock Waste Management projects.

---

**Accelerated Implementation Grants:**

These funds are for projects and activities (such as ordinances, organizational capacity, and state of the art targeting tools and planning) that complement, supplement, or exceed current state standards for protection, enhancement, and restoration of water quality in lakes, rivers, streams and tributary Chapter 103E drainage systems or that protect groundwater from degradation.

A total of 54 applications for Accelerated Implementation Grant Funds were received. Of this total, 37 applications were scored. Seventeen applications were not scored as they were assessed as low (15 applications) by BWSR staff or determined to be ineligible (2 applications). The criteria used in the BWSR assessments and interagency scoring are shown below.

| Clean Water Accelerated Implementation Grants Ranking Criteria | |
|---|---|
| **Ranking Criteria** | **Maximum Points Possible** |
| Clarity of project's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects. | 40 |
| Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL. | 25 |
| Means and measures for assessing the program's impact and capacity to measure project outcomes. | 20 |
| Timeline for implementation. | 15 |
| **Total Points Available** | **100** |

***Recommendation:***
Fully fund the 13 highest scored applications, and partially fund Cook County SWCD (#14). In addition, application CWF13-124-South St. Louis SWCD (#24) is recommended to seek Flood Disaster Response Funds.

---

**Community Partners Conservation Program Grants:**

These funds are to be used for community partners within a LGUs jurisdiction to implement structural and vegetative practices to reduce stormwater runoff and retain water on the land to reduce the movement of sediment, nutrients and pollutants. LGUs will be the primary applicant and provide sub-grants to community partners who are implementing practices to accomplish restoration, protection or enhancement of water quality in lakes, rivers and streams and/or protection of groundwater and drinking water.

A total of 26 applications for Community Partners Conservation Program Grant Funds were received. Of this total, 21 applications were scored. Five applications were not scored as they were assessed as low (3 applications) by BWSR staff or determined to be ineligible (2 applications). The criteria used in the BWSR assessments and interagency scoring are shown below.

| **Community Partners Conservation Program Grant Ranking Criteria** | |
|---|---|
| **Ranking Criteria** | **Maximum Points Possible** |
| Clarity of project goals, projected impact, and involvement with community partners. | 40 |
| Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan or address pollutant load reductions prescribed in an approved TMDL. | 30 |
| Plan for assessing the programs impact and capacity to measure project outcomes. | 20 |
| LGU capacity to implement the local grant program processes and protocols. | 10 |
| **Total Points Available** | **100** |

***Recommendation:***
Fully fund the 15 highest scoring applications. This recommendation leaves $26,965 in unallocated funds.

---

**Conservation Drainage Management Grants**

The purpose of these grants is to facilitate the installation of conservation practices on drainage systems through planning and project implementation to improve water quality and local hydrologic conditions.

A total of 13 applications for Conservation Drainage Management Grant Funds were received. Of this total, 6 applications were scored. Seven applications were not scored as they were assessed as low (4 applications) by BWSR staff or determined to be ineligible (3 applications). The criteria used in the BWSR assessments and interagency scoring are shown below.

| **Conservation Drainage Management Grant Ranking Criteria** | |
|---|---|
| **Ranking Criteria** | **Maximum Points Possible** |
| Problem Identification and Relationship to Local Plan | 20 |
| Consistency with Conservation Drainage Management Program Purposes | 30 |
| Project Located on a Public Drainage System | 10 |
| Project Evaluation Plan | 10 |
| Outreach Plan | 10 |
| Overall Proposal Quality and Completeness | 20 |
| **Total Points Available** | **100** |

**Recommendation:**
Fully fund the highest scoring 5 applications and partially fund the sixth (CWF12-254-Sauk River Watershed District).

---

**Agriculture Best Management Practices Loan Funds.**

A total of $262,638 in Agriculture BMP Loan Funds were requested, all in combination with the Clean Water Assistance - Livestock Waste Management Grants.

**FY13 Conservation Drainage Grant Allocation Recommendations**

| CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Problem Identification and Relationship to Local Plan (20) | Consistency with Conservation Drainage Management Program Purposes (30) | Project Located on a Public Drainage System (10) | Project Evaluation Plan (10) | Outreach Plan (10) | Overall Proposal Quality and Completeness (20) | Average Score (100) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CWF13-112 | North Fork Crow River Watershed District | Multi-County | $ 65,810 | $ 65,810 | $ 16,453 | North Fork Crow River Watershed District Alternative Drainage Practices | The purpose of this project is to implementing 100 Alternative Inlets and 2 saturated buffer in efforts to reduce the nutrients, sediment and volume of water being transported by field tile. | 17.9 | 27.2 | 9.6 | 8.8 | 8.1 | 17.0 | 88.6 |
| CWF13-242 | Faribault Soil and Water Conservation District | Faribault | $ 188,500 | $ 188,500 | $ 47,125 | Drainage Management Planning for Faribault County's Future | The purpose of this project is to develop comprehensive Multipurpose Drainage Management Plans that protect landowner drainage needs, while focusing on applicable best management practices that will reduce on-field and in-channel peak flow and erosion. | 18.1 | 25.2 | 9.9 | 8.7 | 7.8 | 16.7 | 86.3 |
| CWF13-258 | Rock County SWCD | Rock | $ 63,775 | $ 63,775 | $ 24,400 | Rock River Conservation Drainage Water Management Demonstration Sites | The purpose of this project is to install, demonstrate and expand water drainage conservation within the Rock River Watershed. Up to four sites will be chosen based upon local selection criteria, installed and demonstrated to the public in 2013 and 2014. | 17.5 | 26.7 | 0.5 | 8.5 | 8.7 | 17.8 | 79.8 |
| CWF13-241 | Buffalo-Red River Watershed District | Multi-County | $ 333,590 | $ 333,590 | $ 83,400 | Clay County Ditches 9, 32, and 33 Water Quality Improvement | The purpose of this project is to retrofit Clay County Ditches 9, 32, and 33 just south of Moorhead, MN. The project involves the installation of an estimated 87 side inlet sediment controls and 35 acres of bufferstrips. | 17.4 | 22.0 | 9.9 | 7.3 | 4.6 | 13.2 | 74.4 |
| CWF13-227 | Martin County Drainage Authority | Martin | $ 62,100 | $ 62,100 | $ 15,525 | Martin County Conservation Drainage Methods Public Watershed Improvements Analysis | The purpose of this project is o examine four potential public drainage projects within the County and analyze the cost/benefit of using conservation practices within these public drainageshed areas. | 12.6 | 22.7 | 9.5 | 6.2 | 6.7 | 11.9 | 69.6 |
| CWF13-254 | Sauk River Watershed District | Stearns | $ 270,500 | $ 228,587 | $ 68,000 | Upland Drainage Conservation and Ravine Stabilization Project | The purpose of this project is to target three identified drainage systems contributing to one tributary outfall to Long Lake. Alternative intake structures to manage for nutrients and mitigative measures will be implemented to retain water on the upland properties. Intakes and outfalls will be enhanced with iron filtration to target reduction in soluble phosphorus. | 14.7 | 19.1 | 9.2 | 7.1 | 6.3 | 11.3 | 67.7 |

**FY13 Community Partners Grant Allocation Recommendations**

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Clarity of Project (40 pts) | Prioritization and Relationship to Plan (30 pts) | Plan for Assessing the Programs (20 pts) | LGU Capacity (10 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | CWF13-34 | Dakota County Soil and Water Conservation District | Dakota | $ 100,000 | $ 100,000 | $ 25,000 | Dakota County Clean Water Community Initiative | The purpose of this project is to provide cost share funding to organizations and associations to construct medium-sized water quality best management practices in Dakota County. | 33.8 | 22.2 | 15.8 | 8.8 | 80.4 |
| 2 | CWF13-155 | Ramsey Conservation District | Ramsey | $ 150,000 | $ 150,000 | $ 50,000 | Ramsey County Community Partners | The purpose of this project is provide opportunities to community partners to install 6-12 stormwater best management projects that will help protect and improve water quality of county lakes. Properties within a subwatershed of a TMDL or completed subwatershed assessment will be targeted. | 33.8 | 21.7 | 15.3 | 8.7 | 79.3 |
| 3 | CWF13-148 | Cass County Environmental Services | Cass | $ 59,800 | $ 59,800 | $ 14,950 | Cost Effective Stormwater Control in Cass County | The purpose of this project is to engage local lake associations and other local non-profits to partner in community efforts to retrofit areas in their communities by installing curb cut raingardens at strategic locations. | 33.8 | 22.3 | 14.4 | 7.8 | 78.3 |
| 4 | CWF13-193 | Washington Conservation District | Washington | $ 123,930 | $ 123,930 | $ 30,983 | Large Turf Areas Conversion to Native Plantings | The purpose of this project is to engage community partners to reduce overall phosphorus contributions to Lake St. Croix by converting maintained turf grass areas to native plant cover. The goal of this project is to install 30 projects. | 30.8 | 23.1 | 15.3 | 8.5 | 77.8 |
| 5 | CWF13-141 | East Otter Tail Soil and Water Conservation District | Otter Tail | $ 150,000 | $ 150,000 | $ 39,375 | Otter Tail County Community Partners Conservation Sub-grant Program | The purpose of this project is to enable community groups to go beyond planning and take action to protect their water resources. Community groups that participate will emerge with an engaged and energized membership, a better understanding of how to positively influence their water quality, and well positioned to identify and implement future water quality protection projects. | 32.5 | 21.3 | 15.1 | 8.3 | 77.1 |
| 6 | CWF13-222 | Douglas Soil and Water Conservation District | Douglas | $ 54,735 | $ 54,735 | $ 13,752 | Partners for Clean Water-Douglas County Conservation Grant Program | The purpose of this project is to enable community groups to take action to improve their water resources. Engaging citizens directly in project development and installation efforts provides immediate water quality benefits and develops a community of active stewardship. | 32.5 | 21.5 | 14.1 | 7.8 | 75.9 |
| 7 | CWF13-249 | Hubbard SWCD | Hubbard | $ 100,000 | $ 100,000 | $ 25,000 | Hubbard County Community Partners Conservation Program | The purpose of this project is to give community groups the resources necessary to build interest in and awareness of the water quality challenges facing their lakes and empower them to make positive improvements in the form of reduced stormwater runoff. Additionally, this program will share the cost of implementing the structural and vegetative practices. | 32.5 | 20.7 | 14.3 | 7.6 | 75.1 |
| 8 | CWF13-126 | Cook County Soil and Water Conservation District | Cook | $ 149,855 | $ 149,855 | $ 37,500 | Lake Superior Basin Stormwater Management Implementation Projects | The purpose of the project is to provide sub-grant opportunities to community partners in the Lake Superior Basin who would like to implement rain gardens to reduce the stormwater footprint on Lake Superior. It is projected that 4 to 5 rain gardens could be completed providing stormwater treatment to approximately 18 to 30 acres in the Cook County. | 32.5 | 21.3 | 13.8 | 7.3 | 74.9 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Clarity of Project (40 pts) | Prioritization and Relationship to Plan (30 pts) | Plan for Assessing the Programs (20 pts) | LGU Capacity (10 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 9 | CWF13-135 | Fillmore SWCD | Fillmore | $ 45,240 | $ 45,240 | $ 17,750 | Fillmore County Community Partners Stormwater Mini-Grant Program | The purpose of this project is to provide an opportunity to work with non-profits and other groups in local communities to implement stormwater practices that improve infiltration, storage and treatment of stormwater before it discharges into streams and rivers. | 31.7 | 21.2 | 14.3 | 7.6 | 74.8 |
| 10 | CWF13-20 | Aitkin County Soil & Water Conservation District | Aitkin | $ 35,475 | $ 35,475 | $ 8,900 | Aitkin County Partnerships for Clean Water | The purpose of this project is to partner with the Aitkin County Lakes and Rivers Association, Lake Associations, as well as other eligible community partners to reduce the impacts of stormwater runoff and retain water on the land. A mini-grant program will be implemented to install rain gardens and native vegetation buffers along shorelines. | 32.1 | 20.6 | 13.6 | 7.7 | 73.9 |
| 11 | CWF13-175 | Pine Soil and Water Conservation District | Pine | $ 35,000 | $ 35,000 | $ 14,100 | St. Croix River Community Low Impact Development Implementation Projects | The purpose of this project is to improve water quality by reducing the sediment and phosphorus delivery to the Kettle and St. Croix River Watersheds | 31.7 | 20.5 | 13.8 | 7.3 | 73.3 |
| 12 | CWF13-45 | Ramsey-Washington Metro Watershed District | Multi-County | $ 150,000 | $ 150,000 | $ 37,500 | Targeting Faith Organizations for Water Quality Improvement | The purpose of this project is to collaborate with faith organizations in high priority areas to implement stormwater volume reduction retrofit projects. High priority areas are defined as areas with limited to no stormwater treatment before reaching a water body and/or areas that drain to an impaired water. | 27.1 | 21.7 | 15.7 | 8.2 | 72.6 |
| 13 | CWF13-191 | Riley-Purgatory-Bluff Creek Watershed District | Hennepin | $ 150,000 | $ 150,000 | $ 37,500 | Restoring our Waters through our Community | The purpose of this project is to implement medium sized Best Management Practices that would infiltrate and reduce pollutant loads to the waters in the Riley-Purgatory-Creek Watershed District . This will be accomplished by creating a mini grant program for area non-profits, community groups and lake associations. | 28.8 | 21.7 | 13.8 | 7.8 | 72.1 |
| 14 | CWF13-217 | Faribault SWCD | Faribault | $ 37,500 | $ 37,500 | $ 10,000 | Faribault County Stormwater Mini Grant Program | The purpose of this project is to develop a mini grant program that will allow us to partner with area non-profits, community groups and lake associations to implement stormwater management practices that will intercept, treat, filtrate and/or infiltrate runoff which will reduce phosphorus and sediment loads into high priority and TMDL impaired waters in Faribault County. | 30.8 | 20.0 | 13.1 | 7.8 | 71.7 |
| 15 | CWF13-83 | Rice County Environmental Services | Rice | $ 31,500 | $ 31,500 | $ 7,875 | Ensuring Stewardship: Rice County Community Environmental Partnership Program | The purpose of this project is to increase awareness of environmental stewardship practices by providing up to five subgrants to local partners to engage the public, provide education on Best Management Practices, and create practices, including rain gardens, vegetative buffers, and wetland restorations. | 30.8 | 20.4 | 12.8 | 7.4 | 71.5 |
| 16 | CWF13-70 | Carver County WMO | Carver | $ 149,990 | $ - | $ 37,500 | East Chaska Creek Area Community Partnership Initiative | The purpose of this project is to work with community partners in the East Chaska Creek Watersheds and specifically targeting the areas that surround the Lake Grace chain of lakes. | 29.6 | 20.2 | 12.8 | 7.0 | 69.5 |
| 17 | CWF13-186 | Morrison Soil and Water Conservation District | Morrison | $ 47,450 | $ - | $ 12,000 | City of Royalton Rain Garden Initiative | The purpose of this project is to install up to 11 rain gardens in the City of Royalton. | 30.0 | 19.0 | 12.9 | 7.6 | 69.5 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Clarity of Project (40 pts) | Prioritization and Relationship to Plan (30 pts) | Plan for Assessing the Programs (20 pts) | LGU Capacity (10 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 18 | CWF13-18 | Chisago SWCD | Chisago | $ 30,920 | $ - | $ 7,800 | Helping Chisago County Community Partners Implement Best Management Practices | The purpose of this project is to provide cost share funding for community partners in Chisago County to implement Best Management Practices on their property. Practices may include rain gardens, vegetated swales, pervious pavement, tree pits, and other practices that reduce stormwater runoff volume, velocity, and the resulting erosion. | 28.8 | 18.4 | 11.6 | 7.3 | 66.0 |
| 19 | CWF13-281 | City of Independence | Hennepin | $ 50,060 | $ - | $ 12,515 | Lake Independence and Lake Sarah: Improving Our Waters Together | The purpose of this project is to solicit proposals from active organizations such as the Lake Independence Citizens Association, the Lake Sarah Improvement Association and other interested homeowner's associations that have the necessary capacity to implement projects that treat stormwater. | 29.6 | 17.3 | 11.0 | 6.7 | 64.5 |
| 20 | CWF13-213 | Le Sueur County | Le Sueur | $ 149,950 | $ - | $ 37,525 | Community Partnerships for Le Sueur County Water Resources | The purpose of this project is to provide funding opportunities for local nonprofit and nongovernmental groups to implement projects that improve water quality and reduce pollutants from reaching surface waters in Le Sueur County. | 26.3 | 17.9 | 11.8 | 6.8 | 62.8 |
| 21 | CWF13-263 | Wright Soil and Water Conservation District | Wright | $ 164,458 | $ - | $ 41,115 | Wright County Lake Priority Lake Grant | The purpose of this project is to provide a more comprehensive funding mechanism for lake associations within Wright County. O | 25.4 | 15.2 | 10.9 | 6.8 | 58.3 |

**FY13 Accelerated Implementation Grant Allocation Recommendations**

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Clarity of Project (40pts) | Prioritization and Relationship to Plan (25 pts) | Means and Measures (20 pts) | Timeline for Implementation (15 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | CWF13-239 | Wadena Soil and Water Conservation District | Wadena | $ 145,000 | $ 145,000 | $ 40,000 | Accelerated Ground Water Protection Through Irrigation Water Management | The purpose of this project is to establish a shared Irrigation Specialist through the Hubbard, Todd and Wadena SWCD's to work with irrigation producers. Most of the tri-county irrigated acreage consists of highly permeable, low water holding capacity, sandy textured soils overlying very susceptible aquifers. | 35.0 | 21.5 | 17.3 | 12.9 | 86.8 |
| 2 | CWF13-148 | Cass County Environmental Services | Cass | $ 40,680 | $ 40,680 | $ 12,500 | East and West Sylvan Township Septic Sweep Compliance Inspections | This purpose of this project is to conduct 500 compliance inspection of ISTS systems in East and West Sylvan Townships which lie in the extreme southern part of Cass County. The majority of systems are located within the Shoreland Zone and have been classified as having soils sensitive to nitrate contamination. | 32.1 | 19.5 | 16.3 | 12.3 | 80.1 |
| 3 | CWF13-104 | Sauk River Watershed District | Stearns | $ 72,950 | $ 72,950 | $ 18,300 | SRWD's Advance Watershed-wide BMP Implementation Strategy | The purpose of this project will address impaired water resources throughout the Sauk River Watershed District by providing the necessary tools for the SRWD and local agencies to work together to target priority areas, install the necessary BMPs, and track what has been completed to achieve reduction goals for each impaired waterbody. | 32.5 | 20.3 | 13.7 | 13.2 | 79.7 |
| 4 | CWF13-176 | Mille Lacs SWCD | Mille Lacs | $ 257,120 | $ 257,120 | $ 110,000 | Accelerated Outreach to Agricultural Producers to Advance BMP Implementation. | The purpose of this project is to provide an agricultural technician who will work directly with producers to answer questions, identify sensitive natural resource features and provide conservation plans that will result in the implementation of best management practices to protect local soil and water resources. | 31.7 | 19.3 | 15.6 | 11.5 | 78.1 |
| 5 | CWF13-141 | East Otter Tail Soil and Water Conservation District | Otter Tail | $ 42,400 | $ 42,400 | $ 12,400 | Otter Tail County Lake Assessments Phase II | The purpose of this project is to work in conjunction with RMB Labs to complete Individual Lake Assessments on the remaining 38 lakes in Otter Tail County that have enough data for an assessment. This information, along with the information from the first lake assessment project, will be incorporated into the Otter Tail County Comprehensive Water Management Plan. | 30.4 | 18.8 | 15.3 | 11.8 | 76.3 |
| 6 | CWF13-258 | Rock County SWCD/Land Mgt | Rock | $ 69,510 | $ 69,510 | $ 17,378 | Rock River Watershed BMP Targeting Tools | The purpose of this project is to utilize LiDAR topographic data to determine areas of high effectiveness for BMP implementation on the 570 square mile Rock River Watershed. This will be Phase I of a focused approach to address the areas of the watershed that will provide the best return on dollars spent for BMPs in each county. | 32.1 | 18.8 | 15.0 | 9.6 | 75.4 |
| 7 | CWF13-132 | Lac qui Parle-Yellow Bank Watershed District | Multi-County | $ 66,572 | $ 66,572 | $ 16,643 | Lac qui Parle Yellow Bank Watershed GIS Terrain Analysis | The purpose of this project is to contract with the Water Resource Center at the Minnesota State University in Mankato to complete terrain analysis for the watershed. It will concentrate on the impaired reaches of the Lac qui Parle and Yellow Bank Rivers and tributaries. This analysis will provide valuable data for future planning and prioritizing of projects. | 28.8 | 18.3 | 15.9 | 12.0 | 74.9 |
| 8 | CWF13-61 | SE SWCD Technical Support JPB | Multi-County | $ 613,047 | $ 613,047 | $ 153,262 | Accelerated NPEA Engineering Assistance in SE MN | The purpose of this project is to continue to fully fund 3 Non Point Engineering Assistance JPB positions in cooperation with the NPEA Base Funding anticipated at $130,000 per year. This will allow a 2nd Professional Engineer to be retained in addition to a Lead Engineer and Technician. | 30.0 | 18.8 | 14.8 | 11.0 | 74.6 |
| 9 | CWF13-51 | Benton SWCD | Benton | $ 79,276 | $ 79,276 | $ 19,819 | Mayhew Lake Nutrient Management, Feedlot and Pasture Assessments | The purpose of this project is to inventory, assess and design projects, focusing on feedlot runoff, for inclusion in future grant applications and federal funding opportunities. Efforts will be located in Benton County based on high priority work areas identified in TMDL plans. | 30.4 | 18.6 | 15.2 | 10.2 | 74.3 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Clarity of Project (40pts) | Prioritization and Relationship to Plan (25 pts) | Means and Measures (20 pts) | Timeline for Implementation (15 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 10 | CWF13-113 | Redwood-Cottonwood Rivers Control Area (RCRCA) | Multi-County | $ 52,600 | $ 52,600 | $ 18,000 | Redwood-Cottonwood River Watersheds LIDAR BMP Prioritization Targeting Tool | This purpose of this project is to accelerate conservation efforts to reduce overland runoff and bacteria, sediment and nutrient loadings through further refinement of already targeted sub-watersheds in the Redwood and Cottonwood rivers as outlined in TMDL studies. Activities through this project seek to create a suite of maps showing focus areas based on environmental sensitivity variables through GIS analysis using precision LIDAR DEM data. | 30.4 | 17.8 | 13.5 | 11.7 | 73.3 |
| 11 | CWF13-129 | Pope Soil and Water Conservation District | Pope | $ 30,350 | $ 30,350 | $ 7,588 | Ravine Inventory and Preliminary Design for Lake Minnewaska's South Shore | The purpose of this project is to do a full inventory of the ravines on the south shore of Lake Minnewaska. Lake Minnewaska is the largest body of water in Pope County and is a highly used recreational lake. The erosion in these ravines is causing large amounts of sediment and phosphorus to be dumped directly into Lake Minnewaska. | 29.6 | 17.8 | 14.8 | 10.8 | 73.0 |
| 12 | CWF13-189 | Morrison Soil and Water Conservation District | Morrison | $ 71,250 | $ 71,250 | $ 18,000 | Morrison County SSTS Compliance Ordinance Pilot Implementation - Fish Trap Lake | The purpose of this project is to implement a new SSTS compliance ordinance by piloting comprehensive septic inventory inspection on Fish Trap Lake with cooperation of the Fish Trap Lake Association. | 28.3 | 17.3 | 14.4 | 11.3 | 71.4 |
| 13 | CWF13-62 | SE SWCD Technical Support JPB | Multi-County | $ 333,120 | $ 333,120 | $ 83,280 | Accelerated Feedlot Technical Assistance in SE MN | The purpose of this project is to extend 2 feedlot technical positions initially created and funded by a FY2011 CWF Feedlot Water Quality Grant that assess and help fix animal waste runoff from small feedlots. | 28.3 | 17.0 | 16.1 | 9.9 | 71.3 |
| 14 | CWF13-200 | Cook County Soil and Water Conservation District | Cook | $ 228,343 | $ 126,125.00 | $ 96,290 | Targeting nutrient loading reduction from prioritized shoreline SSTS inspections | The purpose of this project is to conduct ISTS inspections on Tom Lake, Greenwood Lake, and McFarland Lake. Incorporated into the process will be development of a database system and GIS mapping to be implemented into future inspections. Upon successful completion of the project, new septic inspection protocols will be developed and amended into new septic ordinances. | 27.9 | 18.1 | 13.8 | 11.2 | 70.9 |
| 15 | CWF13-201 | Crow Wing Soil and Water Conservation District | Crow Wing | $ 43,050 | $ - | $ 11,000 | Gull Lake Subwatershed Feedlot and Grazing Inventory | The purpose of this project is to investigate and quantify sources of a fecal coliform, phosphorus and sediment to Sibley and Mayo lakes by completing a feedlot and grazing inventory of Gull Lake Subwatershed. | 28.8 | 17.3 | 11.8 | 10.8 | 68.6 |
| 16 | CWF13-36 | Scott Watershed Management Organization | Scott | $ 106,800 | $ - | $ 26,700 | Accelerated Implementation to Reduce Near Channel Sediment Sources, Scott County | The purpose of this project is reduce sediment into Sand Creek which has significant channel bank and bluff erosion by prioritizing near channel sediment source areas, and completing feasibility studies for prioritization and maturation of capitol improvement projects at a more accelerated rate than we can on our own. | 27.1 | 16.6 | 14.2 | 10.3 | 68.2 |
| 16 | CWF13-299 | North Central MN Joint Powers Board | Multi-County | $ 249,000 | $ - | $ 62,250 | Protecting Some of Minnesota's Greatest Water Resources for Future Generations | The purpose of this project is to fund a Water Quality Project Targeting Specialist who is skilled in water quality and spatial data analysis and watershed modeling, stormwater management project design, and BMP project implementation for the North Central Area . | 29.6 | 16.9 | 12.3 | 9.2 | 67.9 |
| 18 | CWF13-268 | Redwood SWCD | Redwood | $ 171,600 | $ - | $ 171,600 | Targeted Water Quality Conservation Implementation and Outreach | The purpose of this project is fund a person on-the-ground to directly contact landowners within 9 small subwatersheds with in Redwood County that poses major concerns for water quality for the Cottonwood River due to the erodibility of the soils, steep topography, and land use patterns. | 27.1 | 17.3 | 12.8 | 10.4 | 67.7 |
| 19 | CWF13-127 | Cook County Soil and Water Conservation District | Cook | $ 40,550 | $ - | $ 10,200 | Stream Restoration Assessment of Woods Creek | The purpose of this project is to develop a prioritized list of restoration projects along Woods Creek which has suffered from significant erosion and stream destabilization at many locations, likely due to development, beaver dams, ponding, and stream re-channelization by landowners. | 27.1 | 15.9 | 13.3 | 11.0 | 67.3 |
| 20 | CWF13-118 | Todd SWCD | Todd | $ 231,240 | $ - | $ 57,810 | Todd SWCD Engineering Technician | The purpose of this project is to fund an engineering technician for Todd SWCD to assist with the backlog of 15 projects in need of engineering assistance for various feedlot and shoreland best management practices. | 27.9 | 16.3 | 12.8 | 9.6 | 66.6 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Clarity of Project (40pts) | Prioritization and Relationship to Plan (25 pts) | Means and Measures (20 pts) | Timeline for Implementation (15 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21 | CWF13-2 | Becker County Planning and Zoning | Becker | $ 152,640 | $ - | $ 38,160 | Shoreland Individual on-site Sewage Treatment Compliance and Education Program | The purpose of this project is to assure that all individual sewage treatment systems (ISTS) within 267 feet of the lakeshore are in compliance with Minnesota Pollution Control standards of MN Chapter 7080. | 25.8 | 16.5 | 14.0 | 10.1 | 66.4 |
| 22 | CWF13-133 | Pomme de Terre River Association | Multi-County | $ 81,372 | $ - | $ 20,343 | Pomme de Terre Accelerated Technological Capacity and BMP Targeting | The purpose of this project is to increase the technological capacity of the partners of the Pomme de Terre JPB, establish high level priority sites based on LiDAR derived data on a sub-watershed level, and establish a parcel map database in Grant County to complete parcel data collection in the watershed. | 27.1 | 16.0 | 13.6 | 9.7 | 66.3 |
| 23 | CWF13-222 | Douglas Soil and Water Conservation District | Douglas | $ 33,795 | $ - | $ 9,015 | Douglas County Lakeshed Retrofit Analysis | The purpose of this project is perform subwatershed analysis to identify potential pollution reducing BMPs for each subwatershed of a number of targeted lakes This provides a priority basis to implement pollution reduction efforts around water bodies of concern without excessive investments in field work and data collection. | 27.5 | 16.3 | 13.3 | 8.6 | 65.7 |
| 24 | CWF13-124 | South Louis | St. Louis | $ 91,520.0 | $ - | $ 24,560 | Accelerated Implementation of Bank Stabilization Projects on Flood-Damaged Duluth Streams | The purpose of this project is to provide salary and benefits for one engineering technician for 12 months in order to provide accelerated stream recovery assistance to riparian landowners ho reported damages from the 500-year rain event of June, 2012, when extreme peak flows tore away banks along almost every stream in Duluth. | 27.5 | 16.5 | 13.3 | 8.3 | 65.6 |
| 25 | CWF13-99 | Renville Soil and Water Conservation District | Renville | $ 6,300 | $ - | $ 1,600 | Renville County Controlled Drainage Inventory | The purpose of this project is to use LiDAR topographic data and Renville County drainage maps to inventory potential sites for controlled drainage projects in the watershed which would allow the SWCD to then target priority wetland restoration and saturated buffer projects for future funding. | 28.3 | 16.9 | 10.8 | 8.1 | 64.1 |
| 26 | CWF13-267 | City of Prior Lake | Scott | $ 34,300 | $ - | $ 10,000 | Arctic Lake Subwatershed Analysis and Targeted BMP Implementation Plan | The purpose of this project is to perform a sub-watershed assessment for the Arctic Lake watershed which will result in a prioritized list of Best Management Practice focus areas. | 25.8 | 15.4 | 12.8 | 9.8 | 63.8 |
| 27 | CWF13-120 | Todd SWCD | Todd | $ 38,240 | $ - | $ 9,560 | BMP Prioritization Plan | The purpose of this project is to purchase GIS software, spatial analyst and 3D analyst to develop a model that will identify high priority areas based on soil K factor, slope, land use, land cover, proximity to sensitive features and elevation. Once all data is aggregated, minor watersheds will then be ranked and prioritized by vulnerability, which would then allow staff to prioritize their workflow to target sub-watersheds. | 26.3 | 15.5 | 12.3 | 9.1 | 63.1 |
| 28 | CWF13-264 | Bois de Sioux Watershed District | Multi-County | $ 64,444 | $ - | $ 16,112 | Mustinka River Watershed BMP Implementation Planning Tools | The creation of a geospatial database in the form of parcel mapping will provide a streamlined means of identifying and contacting landowners whose property would benefit from the implementation of Best Management Practices for water quality improvement. The database will be incorporated into a web based geographic information system created for Traverse and Grant Counties, as well as the state-of-the-art GIS application BMP ranking tool developed by the International Water Institute allowing resource managers the ability to automatically produce maps, reports, and generate contact information. | 25.8 | 14.8 | 11.8 | 8.8 | 61.3 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Clarity of Project (40pts) | Prioritization and Relationship to Plan (25 pts) | Means and Measures (20 pts) | Timeline for Implementation (15 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 29 | CWF13-260 | Red River Valley Conservation Service Area | | $ 230,640 | $ - | $ 57,660 | Accelerated Application of Precision Conservation for Water Quality | The purpose of this project is to build off of the Water Quality Decision Support Application that was developed for the Red River Valley to effectively target locations to reduce field erosion. Specifically, this project will further analyze priority Lakesheds and sub-watersheds to effectively target sediment and nutrient sources. This information will be incorporated in the Local Water Management Plans and provide direction to resource managers and policy makers in the Red River Valley. | 23.0 | 15.3 | 12.7 | 10.3 | 61.2 |
| 30 | CWF13-263 | Wright Soil and Water Conservation District | Wright | $ 60,000 | $ - | $ 12,288 | Wright County Healthy Lakes Project | The purpose of this project is to organize and increase the capacity of 16 key lakes associations in Wright County through the development of a relevant lake management plan. | 24.2 | 14.8 | 11.8 | 9.0 | 59.8 |
| 31 | CWF13-68 | Carver County WMO | Carver | $ 37,570 | $ - | $ 9,900 | Carver County BMP Water Quality Targeting Tools | The purpose of this project is to develop detailed GIS-based hydrologic data and targeting tools to assist in the identification of areas with high potential for sediment and bacterial loading for approximately 200 square miles of Carver County. The data will be used to identify target areas for best management practices necessary for watershed restoration and protection efforts. | 25.4 | 15.8 | 10.3 | 8.3 | 59.8 |
| 32 | CWF13-63 | Rice SWCD | Rice | $ 276,000 | $ - | $ 72,000 | Going Blue in the Cannon River Watershed | The purpose of this project is the creation of an "Urban Conservationist" position that would be shared among 4 MS4 cities within the Cannon River Watershed. Our goal would be to have at least 25 practices designed and installed by the end of the project in the cities that participate as well as laying firm ground for continuing this work into the future. | 25.0 | 14.3 | 11.0 | 8.8 | 59.2 |
| 33 | CWF13-15 | Comfort Lake Forest Lake Watershed District | Washington | $ 35,964 | $ - | $ 15,500 | North Shore Trail Sub-Watershed Assessment | The purpose of this project is to conduct a sub-watershed assessment along the North Shore Trail which drains to Forest Lake which has shown a recent decline in water quality. The assessment will identify, evaluate, prepare concept plans and cost estimates for feasible projects, and then prioritize those projects based on cost and their water quality benefit to Forest Lake. | 22.9 | 14.0 | 11.5 | 9.8 | 58.3 |
| 34 | CWF13-281 | City of Independence | Hennepin | $ 30,060 | $ - | $ 7,515 | Targeting Lake Independence and Lake Sarah Priority Water Quality Projects | The purpose of this project is to create a targeted list of projects for the City of Independency by utilizing the latest in remote sensing technology and stormwater quality modeling. These projects would reduce nutrients to Lake Independence and Lake Sarah. | 21.7 | 13.7 | 8.8 | 9.0 | 53.2 |
| 35 | CWF13-98 | Shell Rock River Watershed District | Freeborn | $ 107,600 | $ - | $ 26,900 | Precision Conservation in Impaired Waters of the Shell Rock River | The purpose of this project is to expand on the GIS and modeling work initiated in Bancroft Creek subwatershed by identifying Critical Contributing Area as the basis for defining Priority Management Zones in the four subwatershed groups in the Shell Rock River Watershed. This will result in completing a comprehensive assessment of existing BMPs in priority management zones and implementing a minimum of 10 best management practices. | 22.5 | 13.7 | 8.5 | 6.8 | 51.4 |
| 36 | CWF13-287 | Mille Lacs County | Mille Lacs | $ 100,000 | $ - | $ 25,000 | Mille Lacs County Ditch Records Modernization Project (DRMP) | The purpose of this project are to convert existing ditch records from paper to electronic, accurately map in the field ditch centerlines, inlets and outlets, and electronically identify benefitting parcels and drainage areas by integrating the modernized records with the County's GIS basemap which includes aerial photos and LiDAR data. | 20.8 | 11.8 | 10.1 | 7.7 | 50.4 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Clarity of Project (40pts) | Prioritization and Relationship to Plan (25 pts) | Means and Measures (20 pts) | Timeline for Implementation (15 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 37 | CWF13-297 | Wright Soil and Water Conservation District | Wright | $ 25,190 | $ - | $ 6,527 | Targeted Fertilizer Application Reduction Project | The purpose of this project is to achieve a 10% reduction in phosphorus fertilizer application rates on 4,000 acres of targeted cropland within the Ditch 10 subwatershed while still realizing full yield goals. The Ann Lake Nutrient TMDL has identified Ditch 10 as a major contributor of the phosphorus load and this watershed is comprised of 79% agricultural land use. | 19.2 | 10.8 | 9.1 | 7.2 | 46.2 |

**FY13 SSTS Grant Allocation Recommendations**

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Prioritization and Relationship to Plan (15 pts) | Riparian (40 pts) | SSTS Identified (45 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | CWF13-266 | City of Afton | Washington | $ 259,700 | $ 259,700 | $ 13,060 | SSTS Abatement to Eliminate Surface/Groundwater Contamination and Detrimental Health Impacts | The Old Village area of Afton is unsewered and wastewater needs are currently being met by subsurface sewage treatment systems (SSTS) located in the 100 year floodplain, which poses risks for contamination during flooding and high rain fall events. | 15 | 40 | 45 | 100 |
| 2 | CWF13-179 | Pennington SWCD | Pennington | $ 26,450 | $ 26,450 | $ 1,323 | Pennington County Failing SSTS Abatement Grant | The SSTS abatement grant money would be used fix two septic system that pose an imminent threat to health and public safety. These problems not only impact the individual landowners, but landowners adjacent to this property and within the watershed. | 15 | 40 | 45 | 100 |
| 3 | CWF13-29 | Pope County | Pope | $ 158,900 | $ 63,560 | $ 3,200 | Septic System Assistance for Low Income Households in Pope County | Our objective is to provide septic system assistance to four(4) low income homeowners whose systems are posing an imminent health threat to themselves, the community, or the environment. | 15 | 40 | 45 | 100 |
| 4 | CWF13-65 | Winona County SWCD | Winona | $ 205,945 | $ 178,815 | $ 14,678 | Winona County SWCD Imminent Public Health Threat SSTS Abatement Program | This project provides funding assistance to low income households in order to fix septic systems that pose an Imminent Threat to Public Health and Safety (ITPHS) within Winona County. | 15 | 31 | 45 | 91 |
| 5 | CWF13-168 | Lake of the Woods County | Lake of the Woods | $ 35,000 | $ 35,000 | $ 1,750 | Lake of the Woods County SSTS Abatement Project | Lake of the Woods County is striving to achieve an upgrade of all failing or imminent threat to public health and safety (IHTPHS) septic systems. This project will help in meeting that ultimate goal. | 15 | 30 | 45 | 90 |
| 6 | CWF13-19 | Todd County | Todd | $ 68,870 | $ 68,870 | $ 18,500 | Todd County Low Income Septic Cost Share | Todd County Planning and Zoning staff will implement a cost share program for low income landowners to upgrade 10 failing systems with compliant systems so as to reduce water quality impacts from these systems. | 15 | 28 | 45 | 88 |
| 7 | CWF13-287 | Mille Lacs County | Mille Lacs | $ 140,000 | $ 140,000 | $ 8,400 | Mille Lacs County SSTS Abatement Assistance - Low Income Residents | The SSTS Abatement Assistance project will replace 13 SSTS that are imminent public health threats (IPHT). Residents have voluntarily identified their systems as needing their SSTS fixed. | 15 | 11 | 45 | 71 |
| 8 | CWF13-69 | Stearns County | Stearns | $ 153,925 | $ 153,925 | $ 7,810 | Abatement of ITPHS SSTS Systems in Stearns County | Stearns County will provide funding to 14 landowners meeting low income standards to fix their imminent health threat septic systems. | 15 | 0 | 45 | 60 |
| 9 | CWF13-88 | Chisago County | Chisago | $ 216,600 | $ 216,600 | $ 10,830 | Amador Township-Almelund Subordinate Sewer District Wastewater Cluster System | This project is apart of the overall development of a community solution to solve waster water issues in Amador Township, Chisago County. This project will help fund 6 landowners that are apart of the overall solution. | 15 | 0 | 45 | 60 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Prioritization and Relationship to Plan (15 pts) | Riparian (40 pts) | SSTS Identified (45 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 10 | CWF13-274/277 | Lac qui Parle County | Lac qui Parle | $ 292,840 | $ 292,840 | $ 14,639 | City of Louisburg Action Plan to Bring Septic Systems into Compliance | This City of Louisburg is an unsewered community in north central Lac qui Parle County. This project will result in the development of a community system to treat 22 imminent health threat systems. | 15 | 0 | 45 | 60 |
| 11 | CWF13-58 | McLeod County | McLeod | $ 95,000 | $ 95,000 | $ 4,750 | City of Biscay Wastewater Cluster System | The City of Biscay in Mc Leod County will be installing a community cluster system and also some individual SSTS to address sewage that is currently discharging directly in the North Fork of the Crow River. | 15 | 0 | 45 | 60 |
| 12 | CWF13-101 | St. Louis County | St. Louis County | $ 101,304 | $ 101,034 | $ 75,000 | St. Louis County Imminent Public Health Threat SSTS Abatement Program | The St Louis County Imminent Public Health Threat SSTS Abatement Program will provide ten low income property owners in the St. Louis River and Rainy River Headwaters watersheds. | 15 | 0 | 45 | 60 |

**FY13 Livestock Waste Management Grant Allocation Recommendations**

| Row | CWF ID | Applicant | Landowner | Amount Requested | Amount Recommended | Amount Leveraged | Anticpated Outcomes (45 pts) | Prioritization and Relationship to Plan (20 pts) | Riparian (35 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | CWF13-51 | Benton Soil and Water Conservation District | CWF13-51 - #1 | $ 100,000 | $ 100,000 | $ 308,563 | 45 | 20 | 35 | 100 |
| 2 | CWF13-244 | Kanabec Soil and Water Conservation District | CWF13-244 - #1 | $ 30,000 | $ 30,000 | $ 7,500 | 40 | 20 | 35 | 95 |
| 3 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 -#1 | $ 97,360 | $ 97,360 | $ 24,340 | 40 | 20 | 35 | 95 |
| 4 | CWF13-135 | Fillmore Soil and Water Conservation District | CWF13-135 - #1 | $ 175,043 | $ 175,043 | $ 154,801 | 35 | 20 | 35 | 90 |
| 5 | CWF13-259 | Nobles Soil and Water Conservation District | CWF13-259 - #1 | $ 76,935 | $ 76,935 | $ 22,300 | 35 | 20 | 35 | 90 |
| 6 | CWF13-259 | Nobles Soil and Water Conservation District | CWF13-259 - #2 | $ 99,998 | $ 99,998 | $ 31,588 | 35 | 20 | 35 | 90 |
| 7 | CWF13-99 | Renville Soil and Water Conservation District | CWF13-99 - #1 | $ 21,200 | $ 21,200 | $ 8,000 | 35 | 20 | 35 | 90 |
| 8 | CWF13-258 | Rock County Soil and Water Conservation District | CWF13-258 - #1 | $ 36,149 | $ 36,149 | $ 10,435 | 35 | 20 | 35 | 90 |
| 9 | CWF13-59 | Dodge County Environmental Services | CWF13-59 - #1 | $ 8,935 | $ 8,935 | $ 2,234 | 30 | 20 | 35 | 85 |
| 10 | CWF13-192 | Morrison Soil and Water Conservation District | CWF13-192 - #1 | $ 135,575 | $ 135,575 | $ 35,000 | 30 | 20 | 35 | 85 |
| 11 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #2 | $ 97,360 | $ 97,360 | $ 24,340 | 30 | 20 | 35 | 85 |
| 12 | CWF13-265 | Wabasha Soil and Water Conservation District | CWF13-265 - #1 | $ 125,943 | $ 125,943 | $ 34,626 | 30 | 20 | 35 | 85 |
| 13 | CWF13-51 | Benton Soil and Water Conservation District | CWF13-51 - #2 | $ 100,000 | $ 100,000 | $ 239,683 | 25 | 20 | 35 | 80 |
| 14 | CWF13-120 | Todd Soil and Water Conservation District | CWF13-120 - #1 | $ 46,260 | $ 46,260 | $ 20,000 | 25 | 20 | 35 | 80 |
| 15 | CWF13-265 | Wabasha Soil and Water Conservation District | CWF13-265 - #2 | $ 261,741 | $ 261,741 | $ 81,227 | 25 | 20 | 35 | 80 |
| 16 | CWF13-52 | Mower Soil and Water Conservation District | CWF13-52 -#1 | $ 107,450 | $ 107,450 | $ 33,750 | 20 | 20 | 35 | 75 |
| 17 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #1 | $ 148,250 | $ 148,250 | $ 46,700 | 20 | 20 | 35 | 75 |
| 18 | CWF13-222 | Douglas Soil and Water Conservation District | CWF13-222 - #1 | $ 52,650 | $ - | $ 17,550 | 15 | 20 | 35 | 70 |
| 19 | CWF13-110 | Root River Soil and Water Conservation District | CWF13-110 - #1 | $ 271,374 | $ - | $ 67,844 | 15 | 20 | 35 | 70 |
| 20 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #2 | $ 20,500 | $ - | $ 64,000 | 15 | 20 | 35 | 70 |

| Row | CWF ID | Applicant | Landowner | Amount Requested | Amount Recommended | Amount Leveraged | Anticpated Outcomes (45 pts) | Prioritization and Relationship to Plan (20 pts) | Riparian (35 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|
| 21 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #3 | $ 103,250 | $ - | $ 31,700 | 15 | 20 | 35 | 70 |
| 22 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #4 | $ 20,500 | $ - | $ 21,000 | 15 | 20 | 35 | 70 |
| 23 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #3 | $ 8,680 | $ - | $ 2,170 | 15 | 20 | 35 | 70 |
| 24 | CWF13-59 | Dodge County Environmental Services | CWF13-59 - #2 | $ 165,940 | $ - | $ 41,485 | 10 | 20 | 35 | 65 |
| 25 | CWF13-135 | Fillmore Soil and Water Conservation District | CWF13-135 - #2 | $ 170,083 | $ - | $ 367,211 | 45 | 20 | 0 | 65 |
| 26 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #4 | $ 8,680 | $ - | $ 2,170 | 5 | 20 | 35 | 60 |
| 27 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #5 | $ 99,660 | $ - | $ 29,790 | 40 | 20 | 0 | 60 |
| 28 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #6 | $ 92,360 | $ - | $ 23,090 | 40 | 20 | 0 | 60 |
| 29 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #7 | $ 99,360 | $ - | $ 31,840 | 35 | 20 | 0 | 55 |
| 30 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #5 | $ 87,750 | $ - | $ 58,000 | 35 | 20 | 0 | 55 |
| 31 | CWF13-51 | Benton Soil and Water Conservation District | CWF13-51 - #3 | $ 80,235 | $ - | $ 26,742 | 30 | 20 | 0 | 50 |
| 32 | CWF13-51 | Benton Soil and Water Conservation District | CWF13-51 - #4 | $ 100,000 | $ - | $ 36,462 | 30 | 20 | 0 | 50 |
| 33 | CWF13-51 | Benton Soil and Water Conservation District | CWF13-51 - #5 | $ 100,000 | $ - | $ 146,216 | 30 | 20 | 0 | 50 |
| 34 | CWF13-150 | Goodhue Soil and Water Conservation District | CWF13-150 - #1 | $ 295,402 | $ - | $ 89,361 | 30 | 20 | 0 | 50 |
| 35 | CWF13-265 | Wabasha Soil and Water Conservation District | CWF13-265 - #3 | $ 357,784 | $ - | $ 109,355 | 30 | 20 | 0 | 50 |
| 36 | CWF13-110 | Root River Soil and Water Conservation District | CWF13-110 - #2 | $ 19,689 | $ - | $ 4,923 | 30 | 20 | 0 | 50 |
| 37 | CWF13-192 | Morrison Soil and Water Conservation District | CWF13-192 -#2 | $ 99,930 | $ - | $ 25,000 | 25 | 20 | 0 | 45 |
| 38 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #6 | $ 8,250 | $ - | $ 2,100 | 25 | 20 | 0 | 45 |
| 39 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #7 | $ 25,500 | $ - | $ 26,000 | 25 | 20 | 0 | 45 |
| 40 | CWF13-65 | Winona County Soil and Water Conservation District | CWF13-65 - #1 | $ 70,883 | $ - | $ 25,000 | 25 | 20 | 0 | 45 |

| Row | CWF ID | Applicant | Landowner | Amount Requested | Amount Recommended | Amount Leveraged | Anticpated Outcomes (45 pts) | Prioritization and Relationship to Plan (20 pts) | Riparian (35 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|
| 41 | CWF13-65 | Winona County Soil and Water Conservation District | CWF13-65 - #2 | $ 17,528 | $ - | $ 3,438 | 25 | 20 | 0 | 45 |
| 42 | CWF13-139 | Lincoln Soil and Water Conservation District | CWF13-139 - #1 | $ 45,397 | $ - | $ 12,561 | 20 | 20 | 0 | 40 |
| 43 | CWF13-182 | Lyon Soil and Water Conservation District | CWF13-182 - #1 | $ 59,752 | $ - | $ 17,567 | 20 | 20 | 0 | 40 |
| 44 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #8 | $ 8,680 | $ - | $ 2,170 | 20 | 20 | 0 | 40 |
| 45 | CWF13-65 | Winona County Soil and Water Conservation District | CWF13-65 - #3 | $ 277,251 | $ - | $ 80,312 | 20 | 20 | 0 | 40 |
| 46 | CWF13-65 | Winona County Soil and Water Conservation District | CWF13-65 - #4 | $ 425,673 | $ - | $ 110,000 | 20 | 20 | 0 | 40 |
| 47 | CWF13-65 | Winona County Soil and Water Conservation District | CWF13-65 - #5 | $ 59,508 | $ - | $ 31,829 | 20 | 20 | 0 | 40 |
| 48 | CWF13-65 | Winona County Soil and Water Conservation District | CWF13-65 - #6 | $ 31,988 | $ - | $ 6,100 | 20 | 20 | 0 | 40 |
| 49 | CWF13-59 | Dodge County Environmental Services | CWF13-59 - #3 | $ 11,988 | $ - | $ 2,997 | 15 | 20 | 0 | 35 |
| 50 | CWF13-59 | Dodge County Environmental Services | CWF13-59 - #4 | $ 20,755 | $ - | $ 5,189 | 15 | 20 | 0 | 35 |
| 51 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #8 | $ 53,250 | $ - | $ 15,000 | 10 | 20 | 0 | 30 |
| 52 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #9 | $ 18,250 | $ - | $ 29,000 | 10 | 20 | 0 | 30 |
| 53 | CWF13-225 | Stearns County Soil and Water Conservation District | CWF13-225 - #10 | $ 68,250 | $ - | $ 20,000 | 10 | 20 | 0 | 30 |
| 54 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #9 | $ 82,360 | $ - | $ 20,590 | 10 | 20 | 0 | 30 |
| 55 | CWF13-118 | Todd Soil and Water Conservation District | CWF13-118 - #10 | $ 8,680 | $ - | $ 2,170 | 10 | 20 | 0 | 30 |
| 56 | CWF13-265 | Wabasha Soil and Water Conservation District | CWF13-265 - #4 | $ 350,059 | $ - | $ 109,831 | 10 | 20 | 0 | 30 |
| 57 | CWF13-265 | Wabasha Soil and Water Conservation District | CWF13-265 - #5 | $ 92,088 | $ - | $ 28,792 | 10 | 20 | 0 | 30 |
| 58 | CWF13-59 | Dodge County Environmental Services | CWF13-59 - #5 | $ 493,209 | $ - | $ 123,303 | 5 | 20 | 0 | 25 |
| 59 | CWF13-59 | Dodge County Environmental Services | CWF13-59 - #6 | $ 50,011 | $ - | $ 12,503 | 5 | 20 | 0 | 25 |
| 60 | CWF13-150 | Goodhue Soil and Water Conservation District | CWF13-150 - #2 | $ 178,671 | $ - | $ 47,383 | 5 | 20 | 0 | 25 |

| Row | CWF ID | Applicant | Landowner | Amount Requested | Amount Recommended | Amount Leveraged | Anticpated Outcomes (45 pts) | Prioritization and Relationship to Plan (20 pts) | Riparian (35 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|
| 61 | CWF13-110 | Root River Soil and Water Conservation District | CWF13-110 - #3 | $ 285,384 | $ - | $ 2,527 | 0 | 20 | 0 | 20 |

**FY13 Clean Water Assistance Grant Allocation Recommendations**

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | CWF13-279 | Rice County Environmental Services | Rice | $ 31,500 | $31,500 | $ 7,875 | Targeted Cost-Share Well Sealing in Rice County DWSMAs | The purpose of this project is to provide cost-share well sealing funds to target sealing of unused wells located in highly vulnerable areas within both the City of Faribault, and the City of Northfield's DWSMAs, and other vulnerable areas of Rice County. | 17.2 | 28.8 | 17.0 | 21.5 | 84.5 |
| 2 | CWF13-203 | Blue Earth County | Blue Earth | $ 30,000 | $30,000 | $ 30,000 | Blue Earth County Water Well Sealing Cost Share Project | The purpose of this project is to expand the County's long standing, locally-funded well sealing cost share program and allow for improved targeting efforts. | 17.0 | 28.6 | 18.0 | 20.0 | 83.6 |
| 3 | CWF13-201 | Crow Wing Soil and Water Conservation District | Crow Wing | $ 329,750 | $329,750 | $ 85,000 | Stormwater Retrofit as an Asset: Brainerd Community Mississippi Revitalization | The purpose of this project is to install raingardens, shoreline stabilizations, and bioretention areas within the Little Buffalo Creek subwatershed. The project goals and prioritization are from a recently completed Little Buffalo Creek Stormwater Best Management Practice Retrofit Analysis report. | 17.2 | 24.7 | 16.1 | 20.8 | 78.8 |
| 4 | CWF13-259 | Nobles SWCD | Nobles | $ 285,508 | $285,508 | $ 81,992 | Nobles County Erosion Control Practices | This purpose of this project is to install eighteen conservation practices throughout Nobles County to address the Turbidity impairments in streams within Nobles County. | 15.7 | 25.0 | 16.8 | 18.8 | 76.3 |
| 5 | CWF13-96 | The Greater Blue Earth River Basin Alliance | Multi-County | $ 850,000 | $425,000 | $ 250,000 | Targeting and Addressing Ravines in the Greater Blue Earth Basin | The purpose of this project is to install best management practices to address severe ravines and gullies in targeted specific locations with the Greater Blue Earth River Basin. | 15.4 | 26.5 | 14.5 | 19.5 | 75.9 |
| 6 | CWF13-121 | Stearns County Soil and Water Conservation District | Stearns | $ 46,624 | $46,624 | $ 14,780 | Thiel Creek Streambank and Watershed Stabilization for Phosphorus Reduction | The purpose of this project is to stabilize nine streambank failure sites utilizing bioengineering methods. There will also be two water and sediment basins installed to reduce the impact of overland flow. | 15.1 | 25.6 | 16.2 | 19.1 | 75.9 |
| 7 | CWF13-41 | Dakota County Soil and Water Conservation District | Dakota | $ 300,000 | $300,000 | $ 80,000 | Dakota County Clean Water Retrofit Partnership | The purpose of this project is to continue and build on the momentum developed through the successful Stormwater Retrofit Partnership that received Clean Water Funds in 2010 and 2012.The project will complete up to 20 additional stormwater retrofit projects. | 15.5 | 22.3 | 15.8 | 20.3 | 74.0 |
| 8 | CWF13-128 | Two Rivers Watershed District | Multi-County | $ 200,000 | $200,000 | $ 50,000 | Lake Bronson Watershed Runoff Reduction Project - Phase III | The purpose of this project is to reduce runoff and decrease movement of sediment, nutrients and bacteria by targeting, prioritizing and installing vegetative practices and installing Side Water Inlets within the Lake Bronson watersheds. | 15.0 | 24.3 | 15.3 | 19.1 | 73.7 |
| 9 | CWF13-81 | Nicollet SWCD | Nicollet | $ 683,950 | $683,950 | $ 170,988 | Seven Mile Creek Watershed Riparian Enhancements for Water Quality | The purpose of this project is to target conservation work to ravines as the principal source of sediment to Seven Mile Creek. This project will also include installation of grassland buffers, water and sediment control basins, and riparian restoration and revegetation. | 14.4 | 24.3 | 15.3 | 19.5 | 73.5 |
| 10 | CWF13-252 | Clearwater SWCD | Clearwater | $ 119,089 | $119,089 | $ 36,581 | Protecting the Clearwater River Watershed through Buffers and Other BMPs | The purpose of this project is to address turbidity and bacteria impairments in the Clearwater River watershed in cooperation with the Natural Resources Conservation Service and the Red Lake Watershed District. Livestock exclusion, buffer strips and bank stabilization practices will be installed along the Clearwater River and its tributaries. | 15.0 | 24.6 | 15.8 | 17.9 | 73.3 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11 | CWF13-207 | Brown's Creek Watershed District | Washington | $ 72,500 | $72,500 | $ 27,000 | Brown's Creek Restoration with Countryside Auto Repair and MNDNR Trails | The purpose of this project is to achieve significant thermal and sediment reductions in the biologically impaired Brown's Creek by installing one large scale rain garden with infiltration, one pretreatment chamber for sediment capture off of parking and drive lanes, and a two cell bio-filtration garden. | 14.1 | 23.5 | 16.0 | 19.7 | 73.3 |
| 12 | CWF13-165 | Morrison Soil and Water Conservation District | Morrison | $ 18,575 | $18,575 | $ 10,000 | Fletcher Creek and Mississippi River Shoreline Restoration and Runoff Abatement. | The purpose of this project is to stabilize a severely eroded section of streambank at the outlet of Fletcher Creek, which enters the Mississippi River. This site is contributing large amounts of sediment and is one of the worst erosion sites identified along the Mississippi River in Morrison County. | 14.1 | 25.3 | 16.1 | 17.3 | 72.8 |
| 13 | CWF13-220 | Clearwater River Watershed District | Stearns | $ 277,900 | $277,900 | $ 276,300 | Cedar Lake Watershed Protection and Improvement Project | The purpose of this project is to target nutrient reductions to the largest watershed sources of nutrient to Cedar and Swartout Lakes by installing iron sand filters to remove soluble phosphorus currently exported from degraded wetlands and lakes. | 14.9 | 23.0 | 15.8 | 18.3 | 72.0 |
| 14 | CWF13-163 | City of Roseville | Ramsey | $ 359,100 | $359,100 | $ 90,000 | Evergreen Park Drainage and Water Quality Improvements | The purpose of this project is to retain water on the land before entering a storm sewer connected to several significant regional water bodies. The proposed improvements will consist of an underground storage chamber and a storm water re-use system to irrigate ball fields. Above ground bioretention basins will also be constructed to provide additional improvement to water quality and volume reduction. | 15.7 | 22.2 | 16.3 | 17.5 | 71.6 |
| 15 | CWF13-44 | Pine SWCD | Pine | $ 115,000 | $115,000 | $ 28,750 | City of Sturgeon Lake Wellhead Protection Plan Implementation Project | The purpose of this project is to seal over 50% of the unused wells within the limits of the City of Sturgeon Lake. This project will seal between 75-100 unused wells, focusing on wells within the Drinking Water Supply Management Area. | 14.5 | 24.2 | 15.0 | 17.5 | 71.2 |
| 16 | CWF13-125 | West Polk SWCD | Polk | $ 208,610 | $208,610 | $ 52,153 | Burnham Creek Watershed Restoration Project, Phase I | The purpose of this project is the restoration of a 2-mile portion of Burnham Creek to address turbidity. The project will install eight rock weirs, and include channel stabilization, creatation of a natural diversion, creatation of pool habitat/cover, and improved fish passage. | 14.8 | 23.1 | 15.6 | 17.6 | 71.0 |
| 17 | CWF13-264 | Bois de Sioux Watershed District | Traverse | $ 258,280 | $258,280 | $ 71,400 | Mustinka River TMDL Advanced Turbidity Reduction Project | The purpose of this project is to reduce sediment and nutrients from entering the Mustinka River. Several high priority projects will be constructed including: three water and sediment control basins and four sediment basins. In addition, staff time and resources will be provided for project development, promotion, and technical assistance for an estimated 1,680 acres of buffers, 126 acres of wetland restorations. | 15.2 | 22.3 | 15.0 | 17.8 | 70.3 |
| 18 | CWF13-113 | Redwood-Cottonwood Rivers Control Area (RCRCA) | Multi-County | $ 560,000 | $560,000 | $ 494,000 | Redwood-Cottonwood River Watersheds JPB Sediment and Nutrient Reduction Project | The purpose of this project is to work with individual landowners within the Redwood and Cottonwood watersheds through planning, technical assistance activities and 50% cost-share funds associated with the implementation of 10 water and sediment control basins, 9560' of grassed waterways, 2550' of stream bank protection, and 6 grade stabilization projects. | 14.4 | 23.6 | 14.2 | 18.0 | 70.2 |
| 19 | CWF13-290 | City of Chanhassen | Hennepin | $ 155,474 | $155,474 | $ 75,000 | Ravine #2 Stabilization Project | The purpose of this project is to stabilize a ravine which is tributary to Bluff Creek and the Minnesota River. | 13.9 | 23.3 | 14.8 | 17.8 | 69.7 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 20 | CWF13-261 | Martin SWCD | Martin | $ 314,750 | $314,750 | $ 83,500 | New Ways to Think About Streams and Floodplains | The purpose of this project is to manage streambanks and floodplains using site specific techniques and the Rosgen Geomorphic Channel Design along Elm Creek in Martin County in order to improve water quality and reduce erosion. | 14.8 | 22.7 | 14.3 | 17.8 | 69.6 |
| 21 | CWF13-150 | Goodhue SWCD | Goodhue | $ 131,700 | Flood Disaster $ | $ 42,633 | Cannon River Streambank Protection Project - Toewood | The purpose of this project is to install toewood protection along approximately 1,000 feet of eroding bank of the Cannon River in Welch, MN. In addition, two J-hooks will also be constructed. | 14.6 | 23.3 | 14.4 | 17.3 | 69.5 |
| 22 | CWF13-75 | Ramsey Conservation District | Ramsey | $ 57,420 | $57,420 | $ 15,000 | Lambert Creek Stream Bank and Buffer Restoration Project | The purpose of this project is to restore a severely eroded portion of streambank along Lambert Creek. A buffer will also be restored as part of this project. | 14.4 | 21.0 | 15.4 | 18.5 | 69.3 |
| 23 | CWF13-87 | Sherburne Soil and Water Conservation District | Sherburne | $ 92,450 | $92,450 | $ 26,050 | St. Cloud Stormwater Treatment Project | The purpose of this project is to target an older residential area that does not have permanent water quality treatment in St. Cloud. Rain gardens with pre-treatment devices will be strategically placed, as identified in the completed sub-watershed assessment, to maximize water quality benefits. | 15.0 | 21.6 | 14.5 | 18.3 | 69.3 |
| 24 | CWF13-112 | North Fork Crow River Watershed District | Multi-County | $ 149,543 | $149,543 | $ 37,386 | NFCRWD Water Retention/Wetland Restoration Projects | The purpose of this project is to restore wetlands at 3 locations. The project also involves two additional project sites to mitigate County Ditch drainage above Rice Lake. | 14.3 | 23.6 | 12.6 | 18.8 | 69.3 |
| 25 | CWF13-43 | Scott Watershed Management Organization | Scott | $ 381,430 | $381,430 | $ 190,715 | Blakeley Trail Ravines Stabilization, Scott County | The purpose of this project is to reduce sediment to the Minnesota River by implementing ravine stabilization techniques. Approximately eight check dams and 1 to 2 large Water and Sediment Control Basins were selected for implementation based on a Feasibility Study completed in early 2012. | 13.7 | 23.2 | 14.7 | 17.7 | 69.2 |
| 26 | CWF13-133 | Pomme de Terre River Association | Multi-County | $ 480,228 | $480,228 | $ 149,617 | Pomme de Terre River Watershed 2013 BMP Implementation Initiative | The purpose of this project is to implement best management practices including rain gardens, streambank and lakeshore restorations, buffers and wetland restorations utilizing CRP and WRP signups as well as other Federal programs. A total of 935 acres of buffers and wetlands will be protected and restored, 54 water and sediment control basins, 20 rain gardens, 1 streambank and lakeshore restoration, and 1 terrace project will be implemented. | 14.3 | 23.6 | 13.0 | 18.2 | 69.0 |
| 27 | CWF13-238 | Buffalo-Red River Watershed District | Multi-County | $ 336,860 | $336,860 | $ 84,250 | Upper South Branch BMP Strategic Implementation Plan - Part 2 | The purpose of this project is to continue the strategic implementation of BMPs within the Upper South Branch of the Buffalo River watershed. In addition, this project will result in approximately 305 acres of new filter strips, 50 side inlet sediment control structures, and 8 sediment control basins being installed. | 14.7 | 22.9 | 14.7 | 16.8 | 69.0 |
| 28 | CWF13-223 | Lower Minnesota River Watershed District | Multi-County | $ 220,800 | $220,800 | $ 75,000 | Bluff Ravine Stabilization at Seminary Fen | The purpose of this project is for the design and implementation of a gully stabilization to protect the Seminary Fen from degradation. | 15.0 | 22.3 | 15.3 | 16.3 | 68.9 |
| 29 | CWF13-139 | Lincoln SWCD | Lincoln | $ 197,473 | $197,473 | $ 166,875 | Lake Shaokatan and Yellow Medicine Sub-Watersheds Implementation Project | The purpose of this project is to target best management practices in the watersheds of Lake Shaokatan, main stem and south branch of the Yellow Medicine River Watershed. Currently, 20 projects and willing landowners are identified and scheduled to be surveyed, designed and ready for construction starting in the spring of 2013. | 13.0 | 22.2 | 14.6 | 17.8 | 67.6 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 30 | CWF13-153 | City of Eden Prairie | Hennepin | $ 53,025 | $53,025 | $ 25,000 | Iron-enhanced Filtration Bench - Stormwater Pond 22-13-B | The purpose of this project is to retrofit a water quality pond in the City of Eden Prairie, that drains to Staring Lake, with iron enhanced sand filtration. | 13.9 | 21.7 | 14.1 | 17.8 | 67.5 |
| 31 | CWF13-269 | Wright Soil and Water Conservation District | Wright | $ 98,300 | $98,300 | $ 33,550 | Crow River Gully Stabilization to Reduce Turbidity | The purpose of this project is to stabilize five of the most active gully erosion sites in the targeted DNR 11 digit HUC 07010204160 on the Crow River, as well as use the installed best management practices to help promote future conservation practices. | 14.6 | 22.6 | 14.1 | 16.3 | 67.5 |
| 32 | CWF13-161 | Becker Soil & Water Conservation District | Becker | $ 398,800 | $398,800 | $ 99,700 | Buffalo-Red River Watershed Shallow Lakes Restoration Project | The purpose of this project is the installation of 50 water and sediment control basins and 20 acres of vegetative buffer strips adjacent to nine impaired lakes. | 13.6 | 23.3 | 13.3 | 17.2 | 67.4 |
| 33 | CWF13-160 | Scott Watershed Management Organization | Scott | $ 320,000 | $320,000 | $ 80,000 | Cleary Lake Regional Park Water Quality Retrofits | The purpose of this project is to cost effectively incorporate stormwater improvements into the parking lot and access road at Cleary Lake Regional Park. There currently is no direct treatment of stormwater from the road and parking lot prior to discharge to Cleary Lake and installation of seven biofiltration facilities will bring the system up to current water quality standards. | 14.3 | 21.0 | 14.4 | 17.6 | 67.3 |
| 34 | CWF13-235 | Mower Soil and Water Conservation District | Mower | $ 42,500 | $42,500 | $ 35,500 | Upper Iowa River Upland Restoration Project | The purpose of this project is to treat overland flow by constructing grass waterways in the upper reaches of the watershed and treat that water all the way down to the streambank. Directly adjacent to the streambank, an earthen structure will be built, to trap, treat and release the water back into the Upper Iowa at a responsible rate. | 13.9 | 22.7 | 15.3 | 15.2 | 67.0 |
| 35 | CWF13-102 | Renville County | Renville | $ 199,700 | $99,850 | $ 49,928 | Hawk Creek Watershed Runoff and Sedimentation Reduction Project | The purpose of this project is to improve and protect water quality through implementation of small-scale Best Management Practices within the watershed to reduce runoff and decrease movement of sediment and nutrients. BMPs will be targeted in areas with waters that have been deemed impaired. | 14.4 | 22.6 | 12.8 | 17.2 | 66.9 |
| 36 | CWF13-233 | Cormorant Lakes Watershed District | Becker | $ 142,900 | $142,900 | $ 35,725 | Cormorant Lakes Prioritized Erosion and Sediment Reduction Project | The purpose of this project is to proactively implement erosion and sediment control best management practices using results from a LIDAR-based terrain analysis completed in 2010 and 2011. | 14.5 | 21.7 | 13.8 | 16.9 | 66.9 |
| 37 | CWF13-107 | Sauk River Watershed District | Stearns | $ 538,575 | $538,575 | $ 145,000 | SRWD Municipal Stormwater Management and Retrofit Project | The purpose of this project is to address stormwater runoff concerns within the communities of Sauk Centre, Cold Spring and St. Cloud by providing treatment through bioretention and infiltration. Located adjacent to the Sauk River, each city has stormwater outfalls that directly discharge to the river creating a negative impact on water quality. | 14.1 | 22.3 | 13.1 | 17.3 | 66.8 |
| 38 | CWF13-39 | Red Lake County SWCD | Red Lake | $ 40,400 | $40,400 | $ 10,150 | Stormwater Runoff Improvement Project along the Clearwater River | The purpose of this project is to install a bioswale and raingarden to address stormwater runoff from a large parking lot adjacent to the Clearwater River. | 13.4 | 21.8 | 15.3 | 15.6 | 66.1 |
| 39 | CWF13-84 | City of Apple Valley | Dakota | $ 158,214 | $158,214 | $ 55,000 | Phosphorus Reduction Enhancements to Public Water 19022500 | The purpose of this project is the installation of an iron enhanced sand filter to the banks of an existing stormwater pond. In addition, a phased application of alum will be applied to the pond. | 13.1 | 22.3 | 13.3 | 17.3 | 66.0 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 40 | CWF13-146 | South Washington Watershed District | Washington | $ 566,500 | $566,500 | $ 169,950 | SWWD Water Re-Use and Lake Restoration | The purpose of this project is to install two large scale water re-use systems. The water re-use systems at Eagle Valley and Prestwick Golf Courses will capture urban runoff and excess nutrients that would otherwise flow into Colby and Bailey Lakes and use it for irrigation. | 12.4 | 22.7 | 14.5 | 16.3 | 65.9 |
| 41 | CWF13-154 | City of Plymouth | Hennepin | $ 363,750 | $363,750 | $ 100,000 | The 400 Project | The purpose of this project is to reduce 80 acres of existing impervious surface within the City of Plymouth and increase infiltration through the implementation and use of porous pavement(s) and/or reinforced turf technology. The long term goal is to eliminate 400 acres of existing impervious surface within the next 15 years. | 15.3 | 21.7 | 11.5 | 17.5 | 65.9 |
| 42 | CWF13-224 | Minnehaha Creek Watershed District | Hennepin | $ 321,945 | $321,945 | $ 186,900 | Implementing Community Stormwater Management Projects using Master Water Stewards | The purpose of this program is to install pollution prevention projects on both residential and commercial properties and educate citizens in their neighborhoods to reduce urban runoff and nutrient loads. These projects will be led by community leaders who have been identified, educated and certified as Stewards. | 15.2 | 20.0 | 14.0 | 16.8 | 65.9 |
| 43 | CWF13-181 | Middle St. Croix WMO | Washington | $ 75,670 | $75,670 | $ 25,000 | Quixote Avenue Retrofit Project - Lakeland, MN | The purpose of this project is to implement previously identified and targeted water quality improvement projects on Quixote Avenue by building a number of stormwater treatment features including bioretention features and a stable armored outlet to convey treated runoff outletting from the stormwater treatment features, down the bluff to Lake St. Croix River. | 14.7 | 20.8 | 13.4 | 16.9 | 65.8 |
| 44 | CWF13-171 | City of Chaska | Carver | $ 49,098 | $49,098 | $ 97,250 | Birdie Lane East Ravine Improvements | The purpose of this project is to eliminate ravine erosion and provide water quality treatment for an 8.2-acre watershed to reduce Total Phosphorus reaching Lake Hazeltine. | 13.6 | 22.0 | 13.6 | 16.5 | 65.7 |
| 45 | CWF13-209 | Brown's Creek Watershed District | Washington | $ 45,000 | $45,000 | $ 20,000 | Brown's Creek Restoration - Retrofitting Neal Ave Neighborhood | The purpose of this project is to install 9-12 street side raingardens in a residential development in Stillwater that currently has no treatment and directly contributes stormwater to Brown's Creek, a DNR designated trout stream currently impaired for turbidity and lack of cold water assemblage. This project was identified as a high priority in the Brown's Creek TMDL Implementation Plan. | 13.4 | 21.6 | 12.8 | 17.9 | 65.7 |
| 46 | CWF13-246 | Scott SWCD | Scott | $ 155,883 | $155,883 | $ 39,500 | Native Grasses and Filter Strips for Runoff and Pollution Reduction | The purpose of this project is to continue the successful Scott SWCD/WMO Native Grass Program and Filter Strip Program. Designed to reduce runoff and moderate stream flows. The Scott WMO has a long-term strategy to reduce runoff volumes and targeted pollutants in priority areas, with native grass crops and filter strips identified as key practices. Being targeted are 50 and 20 acres of native grasses and filter strips, respectively. | 13.5 | 21.3 | 13.1 | 17.8 | 65.7 |
| 47 | CWF13-205 | Valley Branch Watershed District | Washington | $ 453,300 | $453,300 | $ 115,000 | Valley Creek Infiltration and Ravine Stabilization Projects | The purpose of this project is to minimize sediment erosion in the ravines adjacent to Valley Creek, protect trout stream habitat, and reduce sediment and phosphorus loads to Lake St. Croix. Overall, two ravines will be stabilized. | 13.4 | 22.0 | 12.5 | 17.7 | 65.6 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 48 | CWF13-16 | Chisago SWCD | Chisago | $ 115,000 | $68,483 | $ 50,000 | Pleasant Hill Park Stormwater Retrofit | The purpose of this project is to create biofiltration features within Pleasant Hill Park located in Lindstrom, MN. This area was identified as a high priority due to the high volume of untreated stormwater that discharges directly into South Lindstrom Lake. | 13.8 | 20.6 | 14.4 | 16.7 | 65.4 |
| 49 | CWF13-24 | Sand Hill River Watershed District | Polk | $ 326,000 | $ - | $ 81,500 | Carlson Channel Stabilization Project – Sand Hill River Watershed | The purpose of this project is to provide an ecologically sustainable natural outlet for 7,900 acres immediately upstream of the Carlson Coulee to the Sand Hill River. This sub-watershed project will reduce flow velocities and volumes entering the coulee with the installation of armored drop structures, side water inlets, sedimentation ponds along laterals, and geosynthetic reinforced grassed swales. | 14.0 | 20.0 | 13.7 | 17.2 | 64.8 |
| 50 | CWF13-247 | Hubbard SWCD | Hubbard | $ 100,000 | $ - | $ 25,000 | The Hubbard County Long Lake Water Quality Improvement Project | The purpose of this project is to address sources of declining water clarity. Specific areas of concern will be identified and Best Management Practices such as shoreline stabilization and re-vegetation, storm water sediment basins, and rain gardens will be install within the Lakeshed of Long Lake. | 14.3 | 20.7 | 13.1 | 16.8 | 64.8 |
| 51 | CWF13-251 | Scott SWCD | Scott | $ 269,266 | $ - | $ 67,500 | Targeted BMP's for Sediment and Nutrient Reduction – Lower Minnesota River | The purpose of this project is to implement at least 40 structural BMPs to reduce sediment and phosphorus to the Minnesota River and local tributaries by treating ravine head cut, streambank, ephemeral channel and cropland gully erosion, as well as open inlet drainage systems. Targeted BMPs include grade control structures, grassed/lined waterways, water-and-sediment-control basins, shoreline stabilization and closed-tile inlets. | 12.7 | 21.6 | 13.5 | 17.1 | 64.8 |
| 52 | CWF13-57 | Heron Lake Watershed District | Multi-County | $ 35,410 | $ - | $ 10,215 | Heron Lake Pollution Reduction Projects | The purpose of this project is to construct one sediment basin in Jackson County and one shoreline restoration project in Murray County as a means to reduce the amount of sediment and phosphorus delivered to Heron Lake. | 12.7 | 22.3 | 13.6 | 15.8 | 64.3 |
| 53 | CWF13-89 | Elk River Watershed Association JPB | Multi-County | $ 118,000 | $ - | $ 35,250 | Elk River Priority Parcel Bacteria Reduction Practices | The purpose of this project is to implement up to 30 bacteria reduction best management practices, focusing efforts on targeted parcels in the riparian zone as identified in the approved Elk River TMDL Implementation Plan. | 13.8 | 21.2 | 11.8 | 17.4 | 64.3 |
| 54 | CWF13-137 | Stearns County Soil and Water Conservation District | Stearns | $ 189,365 | $ - | $ 64,250 | City of Paynesville Industrial Area Storm Water Treatment Improvements | The purpose of this project is to install a dual phase storm water treatment system consisting of a pretreatment detention basin followed by an infiltration/bioretention basin to treat runoff from the City's industrial area before entering the North Fork Crow River. | 12.0 | 21.3 | 14.3 | 16.5 | 64.2 |
| 55 | CWF13-130 | Pope Soil and Water Conservation District | Pope | $ 118,600 | $ - | $ 29,650 | Pelican Lake and Lake Reno-Little Chippewa River Watershed Restoration | The purpose of this project is to complete 10 water and sediment control basins in the watersheds of 3 impaired lakes. | 12.5 | 20.7 | 14.5 | 16.4 | 64.1 |
| 56 | CWF13-151 | Anoka Conservation District | Anoka | $ 158,586 | $ - | $ 39,647 | Golden Lake Iron Enhanced Sand Filter and Rain Garden Network | The purpose of this project is to treat stormwater directly discharging into the nutrient impaired Golden Lake. This project will retrofit an existing stormwater pond with an Iron Enhanced Sand Filter and install 10 curb-cut rain gardens in a neighborhood draining to the stormwater pond. | 12.5 | 21.3 | 12.3 | 18.0 | 64.1 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 57 | CWF13-105 | Carver SWCD | Carver | $ 70,000 | $ - | $ 17,500 | Installation of priority BMP's in impaired watersheds | The purpose of this project is to install best management practices already identified as high priority. Survey and design of BMP's for these areas is currently underway. The high priority BMP's include several large grade stabilization structures, water & sediment control basins, grassed water ways, and streambank stabilization. | 12.7 | 21.6 | 13.3 | 16.4 | 64.0 |
| 58 | CWF13-162 | Washington Conservation District | Washington | $ 218,560 | $ - | $ 100,000 | Fixing the Top 50 Phosphorus Sources of Lake St. Croix (Top50P!)-Phase II | The purpose of this project is to continue to the implementation of highly ranked projects already identified by the Top 50 P assessment. Implementing these practices will work towards achieving phosphorus reduction to Lake St. Croix and the St. Croix River. | 10.4 | 21.3 | 12.8 | 19.4 | 64.0 |
| 59 | CWF13-293 | Olmsted SWCD | Olmsted | $ 57,393 | $ - | $ 14,814 | Improving Water Quality With Conservation Best Management Practices( Ag BMP's) | The purpose of this project will be to install grassed waterways, terrace systems and Water and Sediment Control Basins in the upper reaches of the watershed. These best management practices help to reduce peak flows and slow run-off from cropland while minimizing soil erosion and pollutant delivery. | 13.6 | 22.6 | 13.8 | 14.0 | 64.0 |
| 60 | CWF13-258 | Rock County SWCD/Land Mgt | Rock | $ 167,255 | $ - | $ 256,841 | Rock County Infra-structure Protection with Stream Bank Stabilization plus Technical Assistance | The purpose of this application is for steam bank restoration projects that have been prioritized by highest pollution reduction and protection of infrastructures such as roads, bridges, power lines and rural water lines. These projects also include installation of grass buffers along these reaches of the stream to further protect the project area and filter runoff. | 13.1 | 21.0 | 13.8 | 16.1 | 63.9 |
| 61 | CWF13-108 | Stearns County Soil and Water Conservation District | Stearns | $ 79,170 | $ - | $ 26,254 | Hester Park Neighborhood Stormwater Treatment Project | The purpose of this project is to retrofit the Hester Park neighborhood with stormwater treatment practices to help protect the Saint Cloud surface water intake and invest in long-term water quality benefits that reduce the amount of phosphorus, sediment and stormwater volume reaching the Mississippi River. | 13.3 | 21.0 | 13.8 | 15.8 | 63.8 |
| 62 | CWF13-149 | Otter Tail County SWCDs | Otter Tail | $ 292,040 | $ - | $ 83,000 | Otter Tail River Watershed BMP implementation Plan | The purpose of this project is to promote and implement various best management practices in a targeted area focused on a 2 mile radius of the Otter Tail River, impaired for turbidity immediately downstream from Otter Tail County, along with tributaries and a 1 mile radius around lakes connected to the river. | 11.4 | 22.0 | 12.7 | 17.6 | 63.7 |
| 63 | CWF13-249 | Hubbard SWCD | Hubbard | $ 40,000 | $ - | $ 10,000 | The Hubbard County Palmer Lake Water Quality Improvement Project | The purpose of this project is to reverse a documented three-foot decline in water clarity on Palmer Lake. Specific areas of concern will be identified and cost share will be made available for the installation of best management practices such as shoreline stabilization and native vegetation restoration, storm water sediment basins and rain gardens, and low impact development design. | 13.8 | 20.7 | 13.3 | 15.8 | 63.7 |
| 64 | CWF13-106 | Stearns County Soil and Water Conservation District | Stearns | $ 58,230 | $ - | $ 19,410 | St. Cloud 10th Avenue North Targeted Neighborhood Stormwater Treatment Project | The purpose of this project is to incorporate stormwater treatment within a neighborhood that currently has no treatment for stormwater in conjunction with a street and utility reconstruction project. | 12.8 | 19.8 | 15.0 | 15.8 | 63.4 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 65 | CWF13-242 | Faribault SWCD | Faribault | $ 26,000 | $ - | $ 20,000 | Faribault County BMP's for Sediment, Peak Flow & Pollutant Reduction | The purpose of this project is to install up to 9 structural and vegetative practices in partnership with EQIP for conservation projects that protect and improve soil and water quality. Identified practices approved for EQIP include two grade stabilization structures and two grassed waterways. | 13.6 | 20.7 | 14.2 | 15.0 | 63.4 |
| 66 | CWF13-212 | Anoka Conservation District | Anoka | $ 210,352 | $ - | $ 52,588 | Rum Riverbank Stabilization at Anoka County Parkland | The purpose of this project is to stabilize nearly one-quarter mile of the Rum River in the Cedar Creek Conservation Area and Rum River Central Regional Park. Additionally, this project protects and compliments a 65-acre native prairie restoration that is being planted in 2012 immediately adjacent to this riverbank. | 13.7 | 20.0 | 13.7 | 15.8 | 63.2 |
| 67 | CWF13-145 | South Washington Watershed District | Washington | $ 258,850 | $ - | $ 66,000 | Trout Brook and Lake St. Croix Restoration Phase II | The purpose of this project is to make improvements to the Afton Alps property that will benefit water quality to Trout Brook and Lake St. Croix. By using unique hybrid filter swales to intercept, filter, and cool runoff from ski slopes and by re-grading and replacing roadway surface material problematic sedimentation will be reduced. | 11.8 | 21.6 | 13.8 | 15.9 | 63.0 |
| 68 | CWF13-38 | Red Lake County SWCD | Red Lake | $ 26,100 | $ - | $ 6,600 | Accelerated Grade Stabilization Project in the Red Lake River Watershed | The purpose of this project is to reduce the amount of sediment that is entering the Black River by installing a grade stabilization structure to stabilize an existing gully. | 13.2 | 20.6 | 13.6 | 15.6 | 62.9 |
| 69 | CWF13-219 | Mahnomen County SWCD | Mahnomen | $ 186,490 | $ - | $ 180,000 | Lower Wild Rice River Turbidity Project- Marsh Creek Sub-Watershed | The purpose of this project is to continue to implement Phase 1 of the Lower Wild Rice River Turbidity TMDL Implementation Plan by installing erosion control practices such as water and sediment control basins and side inlet structures in the targeted Marsh Creek sub-watershed. | 13.9 | 19.6 | 13.5 | 15.8 | 62.9 |
| 70 | CWF13-83 | Rice County Environmental Services | Rice | $ 94,980 | $ - | $ 23,750 | Cannon River Wilderness Area Ravine Stabilization Project | The purpose of this project is to restore a 350 foot ravine that has suffered significant slumping and channel erosion/gulling. The ravine, which is located 500 feet from the turbidity impaired Cannon River, contributes to the poor water quality. | 13.7 | 20.0 | 13.3 | 15.7 | 62.7 |
| 71 | CWF13-240 | CITY OF CRYSTAL | Hennepin | $ 313,580 | $ - | $ 78,395 | Sunrise River Flowage Water Quality Restoration | The purpose of this project is the construction of the Bixby Park Water Quality Improvement Wetland, and acquisition of land rights within the Wyoming Wetland Enhancement, and/or a Shallow Pond Restoration project . | 13.8 | 20.7 | 13.1 | 14.8 | 62.3 |
| 72 | CWF13-31 | Comfort Lake-Forest Lake Watershed District | Washington | $ 969,262 | $ - | $ 316,000 | Phosphorous and Sediment Reduction - Twin Lakes TMDL | The purpose of this project is to construct 80 rain gardens and six storm water sump manholes to reduce the nutrient loading to the impaired Twin Lakes. | 12.5 | 20.2 | 11.7 | 17.9 | 62.3 |
| 73 | CWF13-51 | Benton SWCD | Benton | $ 152,736 | $ - | $ 38,184 | Protecting water clarity in the Mississippi River via urban BMPs | The purpose of this project is to reduce sediment and algae loading to the Mississippi River through the installation of urban and residential best management practices. | 12.8 | 20.3 | 11.9 | 16.8 | 61.8 |
| 74 | CWF13-92 | Norman County SWCD | Norman | $ 93,000 | $ - | $ 52,500 | Wild Rice River Greenway Project | The purpose of this project is to identify and install 15 acres of riparian forest buffers in a long term effort to create a continuous greenway along the mainstem of the Wild Rice River. | 13.3 | 20.1 | 11.8 | 16.4 | 61.7 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 75 | CWF13-135 | Fillmore SWCD | Fillmore | $ 134,520 | $ - | $ 33,863 | Restoring Capacity of Conservation Ponds to Reduce Sediment Delivery | The purpose of this project is to clean out the sediment in existing sediment basin that are beyond their 20 year life span to restore their capacity for holding water and allowing particles to settle out. 30 cleanout projects will be targeted in trout stream watersheds over the next three years. | 11.1 | 21.9 | 12.3 | 16.3 | 61.7 |
| 76 | CWF13-292 | Martin SWCD | Martin | $ 125,950 | $ - | $ 31,525 | East Fork Des Moines River: Streambank Restorations and Floodplain Stabilizations | The purpose of this project is to install critical area stabilizations along the East Fork of the Des Moines River and use the Rosgen Geomorphic Channel Design method to manage streambanks and floodplains. | 13.3 | 20.6 | 13.1 | 14.7 | 61.7 |
| 77 | CWF13-46 | Pope Soil and Water Conservation District | Pope | $ 145,230 | $ - | $ 36,310 | Native Lakeshore Restoration | The purpose of this project is to continue outreach, technical assistance, and/or cost share to landowners who want to restore their degraded shoreline to a native vegetated shoreline. Landowners will be required to plant at least 25 feet of native buffer on 75% or more of their lakeshore. | 13.7 | 18.8 | 13.9 | 14.8 | 61.2 |
| 78 | CWF13-218 | Anoka Conservation District | Anoka | $ 517,780 | $ - | $ 267,000 | Oak Glen Creek Stormwater Pond Expansion and IESF Retrofit | The purpose of this project is to expand and modify an existing stormwater pond with an iron-enhanced sand filter in an area that currently has very little stormwater infrastructure. | 13.1 | 20.4 | 13.8 | 13.7 | 61.0 |
| 79 | CWF13-110 | Root River SWCD | Houston | $ 250,000 | $ - | $ 64,000 | Houston County Bacteria and Sediment Reduction Project | The purpose of this project is to implement 12 sediment reduction conservation practices and 3 waste management systems within known "hotspots" of the Root River Watershed. | 12.6 | 20.6 | 12.3 | 15.4 | 60.9 |
| 80 | CWF13-86 | Stearns County Soil and Water Conservation District | Stearns | $ 196,586 | $ - | $ 51,658 | St. Cloud State University Q Parking Lot Pollution Reduction Project | The purpose of this project is to reduce the amount of untreated stormwater runoff entering the Mississippi River by capturing and treating the first 1" of rainfall in a series of bioretention infiltration basins from the 8-acre St. Cloud State University Q-Lot Parking lot. | 12.3 | 19.5 | 14.6 | 14.3 | 60.7 |
| 81 | CWF13-45 | Ramsey-Washington Metro Watershed District | Ramsey | $ 198,705 | $ - | $ 49,676 | Casey Lake Neighborhood Stormwater Retrofit Project | The purpose of this project is to improve water quality in Casey Lake and ultimately Kohlman Lake through the installation of approximately 25 rain gardens on priority properties. Priority properties were identified as part of the Casey Lake Urban Stormwater Retrofit Assessment completed by Ramsey Conservation District in 2011. | 12.5 | 18.3 | 12.8 | 16.9 | 60.6 |
| 82 | CWF13-284 | Rice County Environmental Services | Rice | $ 32,000 | $ - | $ 8,000 | Rice County Environmental Service SSTS Enhancement and Education Program | The purpose of this project is to enhance the Rice County SSTS program by providing additional activities to aid in upgrading systems that have been deemed an Imminent Threat to Public Health & Safety. | 11.8 | 19.8 | 12.7 | 16.3 | 60.6 |
| 83 | CWF13-134 | Carnelian Marine St. Croix Watershed District | Washington | $ 80,963 | $ - | $ 21,115 | St. Croix National Scenic Riverway Ravine Repair & Stormwater BMPs | The purpose of this project is to repair three eroding gullies which are contributing nutrient and sediment directly to the St. Croix River. | 9.8 | 20.7 | 12.7 | 17.1 | 60.3 |
| 84 | CWF13-91 | Shell Rock River Watershed District | Freeborn | $ 159,200 | $ - | $ 39,800 | Broadway Avenue Storm Water Treatment - Historic Downtown Albert Lea | The purpose of this project is to design and install rain gardens and sediment chambers during street reconstruction in historic downtown Albert Lea. | 12.9 | 17.8 | 13.5 | 15.9 | 60.2 |
| 85 | CWF13-222 | Douglas Soil and Water Conservation District | Douglas | $ 11,910 | $ - | $ 3,970 | Indian Lake Gully | The purpose of this project is to repair an approximately 25 feet wide and 15 feet deep gully in the Indian Lake watershed. | 12.4 | 19.3 | 14.9 | 13.5 | 60.2 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 86 | CWF13-185 | Morrison Soil and Water Conservation District | Morrison | $ 18,575 | $ - | $ 10,000 | Severe Gully Erosion Abatement | The purpose of this project will continue the successful efforts of erosion and sediment reduction in the Rum River watershed to improve a sever gully that is eroding. 5 water and sediment control basins and one terrace will be installed to alleviate the sediment runoff to receiving waters of the Rum River. | 11.5 | 20.8 | 12.9 | 14.9 | 60.1 |
| 87 | CWF13-138 | Aitkin County Soil & Water Conservation District | Aitkin | $ 80,155 | $ - | $ 43,430 | Protecting Mille Lacs Lake and Its Watershed | The purpose of this project is to protect Mille Lacs Lake by stabilize eroding shorelines, restoring native vegetation buffers, and managing stormwater runoff. | 10.6 | 20.0 | 12.7 | 16.8 | 60.1 |
| 88 | CWF13-65 | Winona County SWCD | Winona | $ 232,250 | $ - | $ 163,758 | Winona County Gulley Grade Stabilization and Structure Rehabilitation/Cleanout Project | The purpose of this project is to repair and cleanout small ponds serving as grade stabilization structures in Winona County that have either filled with sediment over the last 20-50 years or the pipe outlets have rusted away. The repair and cleanout of these older structures will restore the sediment storage ability and help in the reduction of turbidity in the streams of Winona County. | 12.2 | 20.3 | 11.5 | 15.9 | 59.8 |
| 89 | CWF13-156 | Stearns County Soil and Water Conservation District | Stearns | $ 218,623 | $ - | $ 58,046 | Stump and Sagatagan Lakes Sub-Watershed Stormwater Infiltration Projects | The purpose of this project is to retrofit sub-catchment drainage areas on St. John's University campus that drain untreated runoff directly into the Stump and Sagatagan Lakes. In all, 8 separate stormwater infiltration areas would be constructed to treat the areas of runoff from impervious parking lots, sidewalks and buildings. | 10.1 | 20.0 | 13.6 | 15.8 | 59.4 |
| 90 | CWF13-270 | Bassett Creek Watershed Management Commission | Hennepin | $ 350,000 | $ - | $ 119,000 | Schaper Pond Improvement Project | The purpose of this project is to increasing the phosphorus removal performance of Schaper Pond as recommended in Sweeney Lake TMDL implementation plan. | 11.5 | 20.4 | 11.4 | 16.1 | 59.4 |
| 91 | CWF13-77 | Le Sueur SWCD | Le Sueur | $ 130,750 | $ - | $ 36,500 | Le Sueur SWCD Shovel Ready Water and Sediment Control Basin's BMP's | The purpose of this project is to install 28 water and sediment control basins to reduce farmland soil loss and provide short term upland storage during rain events. | 12.8 | 18.9 | 13.9 | 13.5 | 59.1 |
| 92 | CWF13-14 | Yellow Medicine Soil & Water Conservation District | Yellow Medicine | $ 95,406 | $ - | $ 29,262 | Erosion Control Project Florida Creek - LQP River Watershed | The purpose of this project is the installation of water and sediment control basins within the priority area of Florida Creek in the Lac qui Parle Watershed. | 12.7 | 19.7 | 12.4 | 13.8 | 58.5 |
| 93 | CWF13-37 | Red Lake County SWCD | Red Lake | $ 48,800 | $ - | $ 12,500 | Accelerated Streambank & Shoreland Project in the Clearwater River Watershed | The purpose of this project is to stabilize a 300 feet erosion sight with banks ranging from 10-12 feet in height that is directly contributing sediment to the Clearwater River. | 12.0 | 17.3 | 13.4 | 15.8 | 58.5 |
| 94 | CWF13-136 | Stearns County Soil and Water Conservation District | Stearns | $ 216,594 | $ - | $ 72,348 | Scenic Drive and Pine Cone Road Stormwater Pollution Reduction Project | The purpose of this project is to correct the flooding and streambank erosion issues by installing 10 raingardens into two neighborhoods located in Sartell, MN to capture and treat stormwater. | 10.4 | 21.6 | 9.9 | 16.6 | 58.5 |
| 95 | CWF13-100 | Lac qui Parle Soil & Water Conservation District | Lac qui Parle | $ 266,490 | $ - | $ 85,875 | Erosion Control for Lac qui Parle River West Branch | The purpose of this project is to repair 2 severe erosion sights in sub-minor watersheds of the Lac qui Parle River through the installation of a complex of multiple water and sediment control basins or terraces. | 12.0 | 18.7 | 13.2 | 14.6 | 58.4 |
| 96 | CWF13-147 | South St. Louis Soil & Water Conservation District | St. Louis | $ 454,000 | $ - | $ 800,000 | Knowlton Creek Sediment/Erosion Reduction and Trout Stream Restoration Project | The purpose of this project is the prevention of sediment to Knowlton Creek and the St. Louis River Estuary by constructing a series of check dams, swales, and conveyance systems to collect excess runoff for transport to a treatment pond. | 12.6 | 20.2 | 11.8 | 13.7 | 58.3 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 97 | CWF13-268 | Redwood SWCD | Redwood | $ 161,041 | $ - | $ 44,715 | Targeted Water Quality Conservation Implementation and Outreach | The purpose of this project is to concentrate conservation efforts that will reduce runoff and erosion in small sub-watersheds that feed into the Cottonwood River in efforts to intensify the water quality, water recreation, and wildlife habitat benefits. | 12.6 | 19.3 | 10.2 | 15.9 | 58.0 |
| 98 | CWF13-167 | Becker Soil & Water Conservation District | Becker | $ 117,442 | $ - | $ 29,360 | Cormorant Lakes Area Water Quality Project | The purpose of this projects is the installation of best management practices in 5 lake watersheds which will include water and sediment control basins on agricultural land, rain gardens to control runoff from impervious surfaces near the lakeshore, and vegetative restoration of the immediate lakeshore. | 10.7 | 20.3 | 11.9 | 14.9 | 57.8 |
| 99 | CWF13-239 | Wadena Soil and Water Conservation District | Wadena | $ 77,550 | $ - | $ 26,250 | Crow Wing River Implementation and Protection Project | The purpose of this project is to promote and implement BMP practices including shoreline restoration and stream bank stabilization, buffers, forestry practices, and rain gardens within a targeted area that is focused on a 1 mile radius of the Crow River and selected tributaries and a 1 mile radius around Blueberry, Stocking and Upper and Lower Twin Lakes. | 13.0 | 19.7 | 11.3 | 13.8 | 57.8 |
| 100 | CWF13-282 | Blue Earth County SWCD | Blue Earth | $ 167,928 | $ - | $ 41,982 | Madison Lake Urban Storm Water Treatment | The purpose of this project is to retrofit the existing storm water conveyance system within the City of Madison Lake by constructing two low-flow control structures that will provide treatment to approximately 139 acres of urban runoff prior to discharge to Madison Lake. | 11.9 | 18.3 | 13.1 | 14.2 | 57.5 |
| 101 | CWF13-216 | Shingle Creek Watershed Management Commission | Hennepin | $ 200,000 | $ - | $ 175,000 | Connections at Shingle Creek | The purpose of this project is the ecological restoration of 1,400 feet of Shingle Creek, an Impaired Water for low dissolved oxygen and impaired biota, in Brooklyn Center and Brooklyn Park. | 11.4 | 17.8 | 12.1 | 15.9 | 57.2 |
| 102 | CWF13-85 | Snake River Watershed Management Board | Kanabec | $ 91,095 | $ - | $ 22,840 | Snake River Watershed Nutrient and Sediment Reduction Project | The purpose of this project is to implement 9 best management practices in priority areas within the Snake River Watershed that address the Total Maximum Daily Load impairments and will reduce nutrient and sediment loadings, and improve biotic conditions for fish and macroinvertebrates. | 12.3 | 19.0 | 11.3 | 14.6 | 57.2 |
| 103 | CWF13-99 | Renville SWCD | Renville | $ 80,760 | $ - | $ 20,250 | Renville County Sediment Reduction Project | The purpose of this project is to install bank stabilization structures on Lake Allie to improve the water quality and improve fishing opportunities in this lake, as well as Buffalo Creek which the lake outlets into. | 11.4 | 18.7 | 12.7 | 14.3 | 57.1 |
| 104 | CWF13-71 | Aitkin County Soil & Water Conservation District | Aitkin | $ 143,150 | $ - | $ 41,970 | Repairing Flood Damage in the Upper Mississippi River Watershed | The purpose of this project is to repair flood damage in the Big Sandy Lake Watershed and Mississippi River Watershed of Aitkin County. Best management practices include stabilizing eroding shorelines, restoring native vegetation buffers, and installing rain gardens to manage and control stormwater runoff. | 11.6 | 18.0 | 12.3 | 14.8 | 56.7 |
| 105 | CWF13-278 | Beltrami Soil & Water Conservation District | Beltrami | $ 324,600 | $ - | $ 86,500 | Lake Bemidji Lakeshed Protection Project | The purpose of this project is to raise awareness of the sensitivity of Lake Bemidji as a precious resource that needs to be protected. There are three main components to this project including public education and awareness, stormwater management, and shoreline stabilization. | 12.6 | 19.0 | 11.6 | 13.1 | 56.3 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 106 | CWF13-173 | Pennington SWCD | Pennington | $ 34,346 | $ - | $ 8,594 | City of Thief River Falls Greenwood Street Bridge Streambank Stabilization | The purpose of this project is to stabilize 150 feet of the Red Lake River streambank to protect infrastructure plus improve water quality in an impaired water system. | 11.9 | 19.2 | 11.3 | 13.8 | 56.2 |
| 107 | CWF13-213 | Le Sueur County | Le Sueur | $ 129,140 | $ - | $ 57,691 | Installing Shoreland BMPs on Nine Le Sueur County Lakes | The purpose of this project is to install 30 shoreland improvement projects on 9 area lakes. | 11.9 | 18.0 | 11.8 | 14.5 | 56.2 |
| 108 | CWF13-76 | Ramsey Conservation District | Ramsey | $ 85,010 | $ - | $ 125,000 | East Vadnais Lake Stormwater Quality Improvement Project | The purpose of this project is to treat stormwater runoff from a 7.4 acre section of urban land that drains directly into East Vadnais Lake, a drinking water supply for numerous cities in Ramsey County. | 11.3 | 17.6 | 11.8 | 15.4 | 56.1 |
| 109 | CWF13-166 | Becker Soil & Water Conservation District | Becker | $ 71,600 | $ - | $ 17,900 | Exceptional Water Resources Protection Project | The purpose of this project is to implement priority water quality improvements on 5 Becker County lakes that have been identified as having exceptional water quality. The management focus on all five lakes will be shoreline restoration, installation of rain gardens, and managing impervious surface runoff by using pervious materials. | 10.7 | 19.3 | 10.7 | 15.1 | 55.7 |
| 110 | CWF13-169 | Middle St. Croix WMO | Washington | $ 32,425 | $ - | $ 8,500 | Lily Lake Stormwater Retrofit Project - Phase III | The purpose of this project is to implement priority stormwater treatment projects that were identified in the recently completed Lily Lake Stormwater Retrofit Assessment. This project will be the third phase of stormwater treatment implementation projects within the Lily Lake watershed. | 8.8 | 19.3 | 11.3 | 16.2 | 55.7 |
| 111 | CWF13-221 | Shingle Creek Watershed Management Commission | Hennepin | $ 80,000 | $ - | $ 80,000 | Shingle Creek Public Art Reaeration Structures | The purpose of this project is the design, fabrication and installation of mechanical or passive stream reaeration structures for Shingle Creek that are artistic in design and appearance and practical in function. These structures will be installed in three locations in public parks. | 11.3 | 16.6 | 13.3 | 14.4 | 55.7 |
| 112 | CWF13-123 | Upper Minnesota River Watershed District | Multi-County | $ 87,720 | $ - | $ 23,000 | Central Park Storm Water Erosion Control Project | The purpose of this project is to begin the second phase of a three-phase project to reduce the sediment and nutrient loading from the Central Park storm water system to Big Stone Lake. | 10.9 | 17.3 | 13.5 | 13.8 | 55.6 |
| 113 | CWF13-184 | Morrison Soil and Water Conservation District | Morrison | $ 35,825 | $ - | $ 10,000 | Chippewa County: Dry Weather Creek and County Road 35 Project | The purpose of this project is to armor the bank of Dry Weather Creek with bio-engineering techniques such as tow mats, root wads and/or stream barbs to help move the channel back away from Chippewa County Road 35 in efforts to keep the stream from sloughing the road and, at the same time, reduce the amount of TSS, Turbidity and Phosphorus loading into the stream and subsequently the Chippewa River. | 10.9 | 18.0 | 13.0 | 13.3 | 55.2 |
| 114 | CWF13-35 | Chippewa SWCD | Chippewa | $ 67,560 | $ - | $ 16,890 | Chippewa County: Dry Weather Creek and County Road 35 Project | The purpose of this project to stabilize a section of Dry Weather Creek by armoring the bank with bio-engineering techniques such as tow mats, root wads and/or stream barbs to help move the channel back away from a county road that is in jeopardy due to the excessive erosion. | 12.0 | 17.0 | 12.8 | 13.3 | 55.2 |
| 115 | CWF13-131 | Kittson Soil and Water Conservation District | Kittson | $ 75,000 | $ - | $ 18,750 | Red River of the North Watershed Runoff Reduction Project – Phase II | The purpose of this project is to reduce runoff by targeting, prioritizing and installing vegetative practices along with potentially installing Side Water Inlets within the Red River of the North and upland subwatersheds. | 11.3 | 19.0 | 11.3 | 13.5 | 55.1 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 116 | CWF13-300 | Chippewa County | Chippewa | $ 311,700 | $ - | $ 78,400 | Chippewa River and Major Tributary Near Channel Erosion Control | The purpose of this project is to use bioengineering techniques to address near-channel and in-channel erosion issues along the Chippewa River and its major tributaries, East Branch Chippewa River, Little Chippewa River, and Dryweather Creek. These streams are listed as impaired turbidity. | 11.8 | 19.3 | 10.4 | 13.3 | 54.7 |
| 117 | CWF13-188 | Washington Conservation District | Washington | $ 281,830 | $ - | $ 72,000 | Carnelian Marine St Croix Multi-Lakes TMDL Implementation – 100 Pound Phosphorus Load Reduction by 2015 | The purpose of this project is to implement watershed load reduction practices to restore three water bodies in the Carnelian Marine St.Croix Watershed District in northeast Washington County. | 8.6 | 18.8 | 8.6 | 18.6 | 54.6 |
| 118 | CWF13-288 | Bassett Creek Watershed Management Commission | Hennepin | $ 304,000 | $ - | $ 130,000 | Four Seasons Mall Area Water Quality Improvement Project | The purpose of this project is to install a new pond with iron enhanced sand filtration that would treat 140 acres of watershed that currently receive no treatment and complete streambank stabilization of approximately 2,375 feet of a tributary to North Branch Bassett Creek. | 11.5 | 18.6 | 10.8 | 13.0 | 53.8 |
| 119 | CWF13-248 | Minnehaha Creek Watershed District, City of Minnetrista | Hennepin | $ 670,245 | $ - | $ 223,415 | Lake Minnetonka/Halstead Bay Ravine Restoration | The purpose of this project is to restore a 3,200 foot long eroded ravine back into a vegetated woodland swale dominated by native plants and eliminate erosion and reduce the amount of phosphorus and other pollutants entering Halstead Bay on Lake Minnetonka. | 11.3 | 17.0 | 11.8 | 12.6 | 52.8 |
| 120 | CWF13-72 | Vermillion River Watershed Joint Powers Organization | Scott | $ 76,250 | $ - | $ 20,000 | Sediment Load Reduction Projects in the Etter Creek Subwatershed | The purpose of this project is to work with landowners, provide technical assistance, and construct best management practices within the Etter Creek subwatershed to reduce the sediment load to the turbidity impaired lower Vermillion and South Metro Mississippi Rivers and Lake Pepin. | 8.8 | 18.7 | 10.3 | 14.9 | 52.7 |
| 121 | CWF13-17 | Chisago SWCD | Chisago | $ 100,800 | $ - | $ 50,000 | St. Croix River Watershed Agricultural Best Management Practices | The purpose of this project is to install up to 10 agricultural BMPs within the Small Streams, Dry Creek, and Lawrence Creek subwatersheds identified in the Lake St. Croix TMDL study. | 11.3 | 17.5 | 10.8 | 13.0 | 52.6 |
| 122 | CWF13-115 | Stearns County Soil and Water Conservation District | Stearns | $ 96,418 | $ - | $ 32,147 | Paynesville Stormwater Outfall Erosion Control Project | The purpose of this project is to modify four stormwater outfalls that are perched and continually eroding the stream bank of the North Fork of the Crow River. | 9.3 | 16.9 | 12.8 | 13.3 | 52.3 |
| 123 | CWF13-272 | City of Champlin | Hennepin | $ 512,840 | $ - | $ 130,000 | Phase 2 Elm Creek Stream Bank Stabilization Project | The purpose of this project is to stabilize 2,000 feet of stream bank and install aeration structures on Elm Creek. Elm Creek is an impaired water for low dissolved oxygen. | 11.5 | 15.8 | 11.4 | 13.3 | 52.1 |
| 124 | CWF13-5 | Upper Minnesota River Watershed District | Multi-County | $ 62,181 | $ - | $ 15,545 | Minnesota River Headwaters and Whetstone River Restoration Project | The purpose of this project is to restore the historic Whetstone River channel between Big Stone Lake and Minnesota River. The restoration will improve ecological integrity and water quality on Big Stone Lake, the headwaters of the Minnesota River. | 11.4 | 17.0 | 10.5 | 13.1 | 52.0 |
| 125 | CWF13-56 | Southeast Minnesota Water Resources Board | Multi-County | $ 32,352 | $ - | $ 8,500 | Facilitating Proper Disposal of Pharmaceutical Waste in Southeast Minnesota | The purpose of this project is to educate local citizens about the importance of properly disposing of pharmaceutical wastes and inform citizens of the location of drop box facilities in the county. | 12.2 | 15.4 | 12.6 | 11.8 | 52.0 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 126 | CWF13-289 | Crow River Organization of Water | Multi-County | $ 58,600 | $ - | $ 14,650 | Reducing Erosion with Weir Structure on Big Swan Lake | The purpose of this project is to reduce bank failure on Big Swan Lake, while improving water quality and aquatic habitat using a weir structure. This project will stabilize and mitigate several severely slumping banks by placing a weir upstream of the lake outlet to restrict outflow during normal to low water conditions and ultimately reducing the lake bounce that ranges from two to ten feet. | 10.8 | 17.5 | 10.5 | 12.8 | 51.5 |
| 127 | CWF13-250 | City of Hopkins | Hennepin | $ 389,700 | $ - | $ 18,595,000 | Cottageville Park Water Quality Protection and Habitat Enhancement Project | The purpose of this project is to implement a wide variety of stormwater BMP's including raingardens, wildflower plantings, biofiltration and infiltration areas, stormwater re-use systems, channel buffers and bank stabilization practices. | 10.5 | 15.7 | 12.2 | 12.5 | 50.8 |
| 128 | CWF13-23 | East Polk Soil and Water Conservation District | Polk | $ 121,075 | $ - | $ 30,269 | Agassiz Environmental Learning Center Streambank Stabilization Project- Fertile, MN | The purpose of this project is to stabilize an approximate 1,000 feet segment of the Sand Hill River located in the Agassiz Environmental Learning Center. | 10.6 | 14.5 | 12.4 | 12.8 | 50.3 |
| 129 | CWF13-178 | Murray Soil & Water Conservation District | Murray | $ 30,700 | $ - | $ 7,675 | Ed Lotterman's Sediment and Nutrient Reduction Project | The purpose of this project is to construct a water and sediment control basin within the Rock River watershed. | 8.0 | 17.2 | 11.7 | 13.2 | 50.1 |
| 130 | CWF13-95 | Shell Rock River Watershed District | Freeborn | | $ - | $ 41,500 | Fountain Lake Urban Stormwater Treatment | The purpose of this project is to design and install four rain gardens to treat urban stormwater runoff prior to discharge into Fountain Lake in Albert Lea MN. | 10.4 | 15.5 | 11.4 | 12.1 | 49.4 |
| 131 | CWF13-273 | Wright Soil and Water Conservation District | Wright | $ 140,775 | $ - | $ 46,925 | Ann Lake Carp Barriers | The purpose of this project is to improve water quality in Ann Lake by controlling carp with strategically placed barriers and increased commercial harvests. | 9.9 | 15.3 | 11.0 | 13.1 | 49.3 |
| 132 | CWF13-33 | Comfort Lake-Forest Lake Watershed District | Washington | $ 311,300 | $ - | $ 89,750 | Hilo Lane - Urban Stormwater Management Retrofit Project | The purpose of this project is to implement a stormwater retrofit and shoreline stabilization project in the Hilo Lane development on the south shore of Forest Lake. | 10.1 | 14.4 | 10.3 | 14.3 | 49.1 |
| 133 | CWF13-280 | Bassett Creek Watershed Management Commission | Hennepin | $ 143,000 | $ - | $ 50,000 | Lakeview Park Pond Construction Project | The purpose of this project is to construct a 0.7-acre stormwater pond in Lakeview Park. The Lakeview Park Pond would provide removal of suspended solids and phosphorus from stormwater before it reaches Medicine Lake. | 9.2 | 14.6 | 11.5 | 12.8 | 48.0 |
| 134 | CWF13-208 | Washington Conservation District | Washington | $ 62,500 | $ - | $ 15,625 | White Bear Lake Shoreline Protection Project | The purpose of this project is to implement an extensive shoreline protection project along the entire shoreline of White Bear Yacht Club (WBYC) on White Bear Lake in Dellwood, Minnesota. | 8.5 | 14.6 | 12.5 | 12.0 | 47.6 |
| 135 | CWF13-276 | Wright Soil and Water Conservation District | Wright | $ 873,200 | $ - | $ 291,067 | Wetland Restoration- City of Annandale | The purpose of this project is a wetland restoration project in the City of Annandale. The project includes restoring existing agricultural sod fields to shallow wetlands that will assist in eliminating pollutants to Clearwater Lake generated by the significant untreated drainage area from development prior to stormwater regulations. | 10.3 | 15.2 | 9.7 | 11.8 | 46.8 |
| 136 | CWF13-80 | Pine Soil & Water Conservation District | Pine | $ 230,000 | $ - | $ 105,500 | Multi-County Shoreland Restoration Projects in the St. Croix River Watershed | The purpose of this project is to construct 25 native shoreline buffers within the Kettle and St. Croix River Watersheds. | 9.8 | 13.3 | 9.8 | 12.5 | 45.4 |
| 137 | CWF13-226 | City of Eden Prairie | Hennepin | $ 108,800 | $ - | $ 50,000 | Riley Creek Bank Stabilization - Reach H | The purpose of this project is to stabilize high priority erosion sites located within Riley Creek. | 9.8 | 13.6 | 9.8 | 10.5 | 43.7 |

| Row | CWF ID | Applicant | County | Amount Requested | Amount Recommended | Amount Leveraged | Title | Project Abstract | Project Description (20 pts) | Anticipated Outcomes (35 pts) | Project Readiness (20 pts) | Prioritization and Relationship (25 pts) | Average Score (100 pts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 138 | CWF13-30 | Buffalo Creek Watershed District | Multi-County | $ 735,609 | $ - | $ 183,902 | Marsh Water Project - Water Quality BMPs | The purpose of this project is to construct two water quality Best Management Practices (BMPs). One is a rain garden which will receive and treat stormwater from a large industrial complex. The other is a stormwater wetland, placed in-line with the existing ditch to treat stormwater from agricultural, industrial, and residential land uses. | 9.6 | 12.4 | 9.5 | 11.4 | 42.9 |
| 139 | CWF13-93 | Norman County SWCD | Norman | $ 45,700 | $ - | $ - | County Road 1 Erosion Control Project | The purpose of this project is to excavate and reshape a very eroded ditch on County Road 1. This project will reduce sedimentation and also minimize levels of nitrogen and phosphorus. | 9.6 | 12.8 | 10.3 | 9.0 | 41.7 |
| 140 | CWF13-294 | Itasca SWCD | Itasca | $ 195,561 | $ - | $ 58,055 | Rainwater retention gardens for stormwater treatment in Grand Rapids | The purpose of this project is to implement raingardens. | 8.6 | 11.5 | 9.3 | 11.6 | 41.0 |
| 141 | CWF13-25 | Sand Hill River Watershed District | Polk | $ 162,630 | $ - | $ 40,658 | Fertile Airport Tight Tile Erosion Control | The purpose of this project is to stabilize approximately 13,000 lineal ft. of drainage channel which serves the Ferile Airport while discharging into Kittleson Creek. | 8.2 | 12.4 | 9.8 | 10.1 | 40.5 |
| 142 | CWF13-94 | Norman County SWCD | Norman | $ 60,700 | $ - | $ 15,200 | County Road 181 Diversion Project | The purpose of this project is to divert water from an open channel in a county ditch prone to erosion because of it's location in the beach ridge of Lake Agassiz. Sedimentation will be eliminated by diverting water through an underground pipe to a stable outlet on Coon Creek, which is a tributary of the Wild Rice River, which flows into the Red River of the North. | 7.3 | 9.5 | 8.6 | 12.1 | 37.4 |
| 143 | CWF13-49 | Carver County | Carver | $ 69,000 | $ - | $ 17,500 | Benton Lake Fish Biotic Restoration | The purpose of this project is to reduce the number of common carp in Benton Lake by installing a fish barrier at the outlet of Benton Lake and applying rotenone. | 8.3 | 11.0 | 6.9 | 8.7 | 34.8 |

Minnesota Board of Water & Soil Resources

# Conflict of Interest Disclosure for Grant Application Reviewer

**Grant Program: Reallocation of Targeted Drainage Water Management Grant**
**Date: December 12, 2012**
**Name of Review Group: Grants Program and Policy Committee**

**Grant Making Meeting Procedure**
Meetings that are part of the grant making process will include an agenda item to identify and disclose actual or perceived conflicts of interest. During this agenda item, the chair of the meeting shall make a statement that defines what a conflict of interest is and a request that meeting participants disclose any actual or perceived conflicts. This statement is as follows:

Chair Statement: *"A conflict of interest whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today's business."*

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest accordingly.

All grant reviewers must complete and sign a conflict of interest disclosure form. The grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, but is not required to explain the reason for the conflict of interest on this disclosure form as this form is considered public data under Minn. Statute 13.599- Grants, but must discuss with appropriate agency or grant program personnel. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definition of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this Grant Program.

## Description of actual, potential, and perceived conflicts of interest

### Actual conflict of interest:
An actual conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer or other agency personnel determines that a decision or action by the grant reviewer would compromise a duty to another party.

OGM Policy 08-01 determines that an actual conflict of interest exists when any one of the following conditions is present:

1. A state employee or a grant reviewer uses his/her status or position to obtain special advantage, benefit, or access to the grantee or grant applicant's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.

2. A state employee or a grant reviewer receives or accepts money or anything else of value from a state grantee or grant applicant or has equity or a financial interest in or partial or whole ownership of an applicant organization.

3. A state employee or a grant reviewer is an employee or board member of a grant applicant or grantee applicants or is a family member of anyone involved in the grantee or grant applicant's agency.

**Potential Conflict of Interest:**
A potential conflict of interest may exist if a grant application reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, a grant reviewer that serves in a volunteer capacity for an applicant organization has the potential to, but does not necessarily create a conflict of interest, depending on the nature of the relationship between the two parties.

A disclosed potential conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify the nature of the relationship, affiliation, or other interest and mitigate any potential conflicts.

**Perceived Conflict of Interest:**
Per OGM Policy 08-01, a perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

A disclosed perceived conflict of interest warrants additional discussion between the grant reviewer and appropriate agency or grant program personnel in order to identify and mitigate any perceived conflicts.

---

**As a grant reviewer, I certify that I have read and understand the description of conflict of interests explained above and in OGM Policy 08-01 and (check one of the three boxes below):**

☐ I do not have any conflicts of interest relating to this program's grant applicants or proposed projects and I will participate in the review process.

☐ I have reviewed the list of applicants, and I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. I will still participate in the review process and I will abstain from scoring, discussing and making decisions on any issues in relation to the applicant(s) listed below. *(The grant reviewer must state any and all applicants with which he/she has a conflict of interest and may describe the nature of the conflict in the space below, but a description is not required on this form since this form is considered public data.*

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

☐ After reviewing the Conflict of Interest Disclosure Form and OGM Policy 08-01, I am UNABLE or CHOOSE NOT to participate in this review process.

If at any time during the review process I discover a conflict of interest, I will stop reviewing any grant applications I may have received and disclose that conflict immediately to appropriate agency or grant program personnel.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Reallocation of a Targeted Drainage Water Management Grant ⊥**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business
**Item Type:** ☒ Decision ☐ Discussion ☐ Information
**Section/Region:**
**Contact:** Tim Gillette
**Prepared by:** Tim Gillette
**Reviewed by:** Grants Program and Policy Committee(s)
**Presented by:** Tim Gillette

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget
☒ Other: Amended resolution for grant allocation requested

## ACTION REQUESTED

Amend BWSR Board resolution approved in June 2012 allocating Targeted Drainage Water Management grants to replace the Bois de Sioux Watershed District with a partnership of Wilkin and Traverse SWCDs.

## SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The 2012 Legislature appropriated an additional $700,000 for the CWF Conservation Drainage Program for FY 2013, with a focus on drainage water management. The Board approved Targeted Drainage Water Management Grants to 7 local government units in June 2012. One of the grantees was the Bois de Sioux Watershed District, which was targeted to receive $170,000. By resolution of the Board of Managers, the Bois de Sioux WD has declined the grant, due to concerns about workload, ongoing conservation practice monitoring responsibilities and a perspective that SWCDs could implement this funding better than their WD, based on SWCD experience with conservation practice implementation and monitoring.

Because the Bois de Sioux WD has been very active with permitting of agricultural drainage projects and includes substantial applicable 0 - 2 % slope lands, it would be a great loss to the purpose and plan of the targeted DWM grant program if the applicable funding could not be used in that area of the state. Therefore, BWSR staff coordinated with the SWCDs in the area, resulting in Wilkin and Traverse SWCDs agreeing to form a partnership to implement this targeted grant, including coordination with the Bois de Sioux WD and its permitting program.

Minnesota Board of Water & Soil Resources

# Board Resolution #_____

## BWSR Targeted Drainage Water Management Grants

**WHEREAS,** the BWSR Board passed Resolution 12-55 on June 27, 2012 specifying the recipients of the FY 2013 BWSR Targeted Drainage Water Management (DWM) Grants; and

**WHEREAS,** One of the grantees was the Bois de Sioux Watershed District, which was targeted to receive $170,000; and

**WHEREAS,** By resolution of the Board of Managers, the Bois de Sioux WD has declined the grant, due to concerns about workload, ongoing conservation practice monitoring responsibilities and a perspective that SWCDs could implement this funding better than their WD, based on SWCD experience with conservation practice implementation and monitoring; and

**WHEREAS,** the Bois de Sioux WD has been very active with permitting of agricultural drainage projects and includes substantial applicable 0 - 2 % slope lands, it would be a great loss to the purpose and plan of the targeted DWM grant program if the applicable funding could not be used in that area of the state; and

**WHEREAS,** BWSR staff coordinated with the SWCDs in the area, resulting in Wilkin and Traverse SWCDs agreeing to form a partnership to implement this targeted grant of $170,000, including coordination with the Bois de Sioux WD and its permitting program.

**NOW THEREFORE,** the Board hereby resolves to amend the list of BWSR Targeted Drainage Water Management Grant recipients to remove the Bois de Sioux WD and include the Wilkin and Traverse SWCDs as indicated in the attached revised Background and Grant Allocation Information.

_____ Date:_____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment:

A) BWSR Targeted Drainage Water Management Grants, Background and Grant Allocation Information

# FY 2013 Clean Water Fund
# Targeted Drainage Water Management Grants
# Background and Grant Allocation Information

## Overview

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams in addition to protecting ground water and drinking water sources from degradation. These funds must supplement traditional sources of funding and may not be used as a substitute to fund activities or programs. The appropriation language governing the use of these funds for FY 2013 is in Laws of Minnesota 2012, Chapter 264.

The 2012 Legislature provided an additional $700,000 for FY 2013 to the Board of Water and Soil Resources in Chapter 264, Section 7 (d) for the Conservation Drainage Program, with a legislative intent to be used for drainage water management in coordination with the USDA Natural Resources Conservation Service practice standards and federal funds. The appropriation language defines a purpose for conservation practices on drainage systems that will result in water quality improvements. The appropriation language also removed a previous provision limiting use of Conservation Drainage Program funding to retrofits of existing drainage systems (i.e. funding can be used for both existing and new drainage systems). Drainage water management (DWM) includes controlled subsurface drainage, denitrifying bioreactors, nutrient management on associated acres, design and operation planning, and implementation incentives on existing and new tile drainage systems to improve water quality. BWSR Conservation Drainage Program and NRCS Environmental Quality Incentive Program funds will not be used for new pattern tile.

A rapid response is necessary due to the amount of pattern drain tile being installed in agricultural areas of Minnesota and the legislative intent for this additional funding. A competitive request for proposal (RFP) process would not enable cost-share funds to be available for use with tile installation in the fall of 2012. In order to meet the current need and legislative intent, a targeted grant process was developed. The proposed method is to identify a number of LGUs based on the LGU area having high tiling activity, cropland with slopes less than 2% that is suitable for controlled subsurface drainage, and proven LGU ability to implement practices in a timely and efficient manner.

## BWSR Clean Water Fund Grants Policies

This targeted drainage water management grants program will utilize the same BWSR policies as will be used for the FY 2013 Clean Water Fund competitive grants.

## Determination of Grantees and Recommended Funding Allocation

Soil and Water Conservation Districts, Counties, Watershed Districts, Water Management Organizations and JPBs of these local government units were considered as eligible grantees.

Preference was given to organizations containing multiple LGUs. Eligibility criteria for the FY13 Clean Water Fund grants apply.

Figure 1 is a map of the state showing areas with 0-1% slopes and 1-2% slopes and in agricultural crop production.

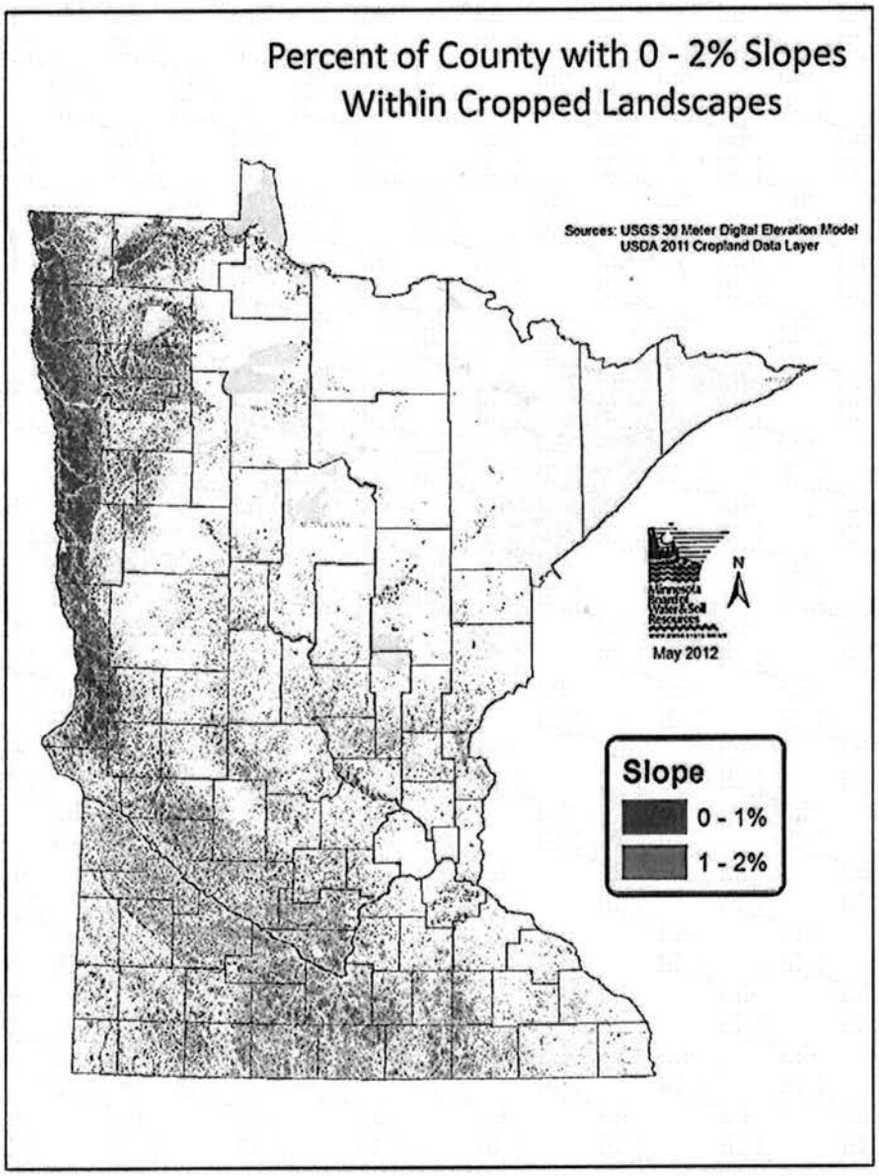



Figure 1

Further processing of the data resulted in the creation of Figure 2, showing a county by county percentage of agricultural land suitable for drainage water management.

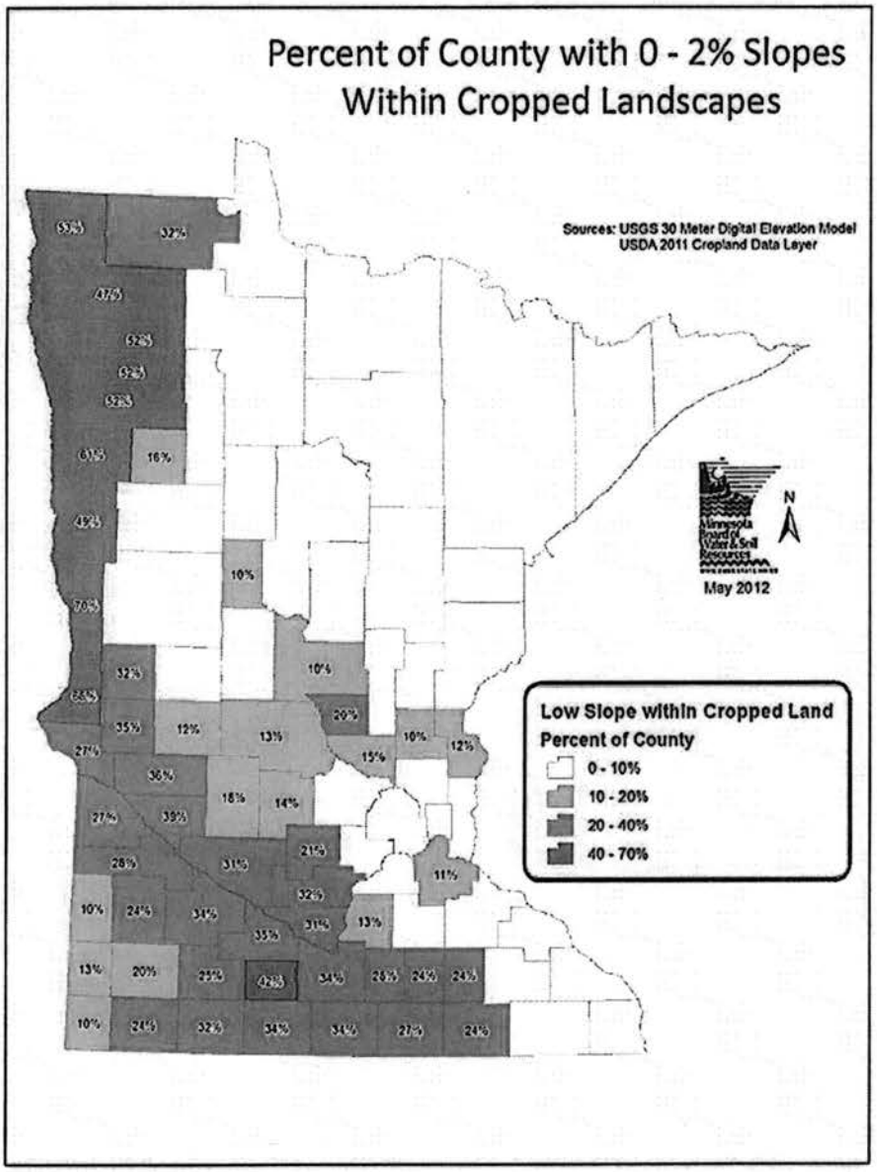



Figure 2

After establishing the likely areas of the state for DWM, Regional Supervisors, Board Conservationists and Clean Water Specialists working in the areas of the state suitable for DWM were consulted to determine which LGUs were good candidates for the targeted grants along with geographic distribution. From these discussions, a list of eight LGUs was developed. Initial telephone calls were made to the managers of the eight organizations to determine interest. One LGU being considered declined, with the other seven all very interested.

Once interest was determined, the LGUs were asked to estimate how much need they had in their area of work for DWM. The response was great, with most LGUs indicating they could use more funds than are available. BWSR staff then gauged the LGU's interest along with the amount of tiling activity, suitable land area within the LGU's boundary and proven

implementation ability to determine the funds allocation. Figure 3 was developed to show the percentage of agricultural land within each LGU's area suitable for DWM.

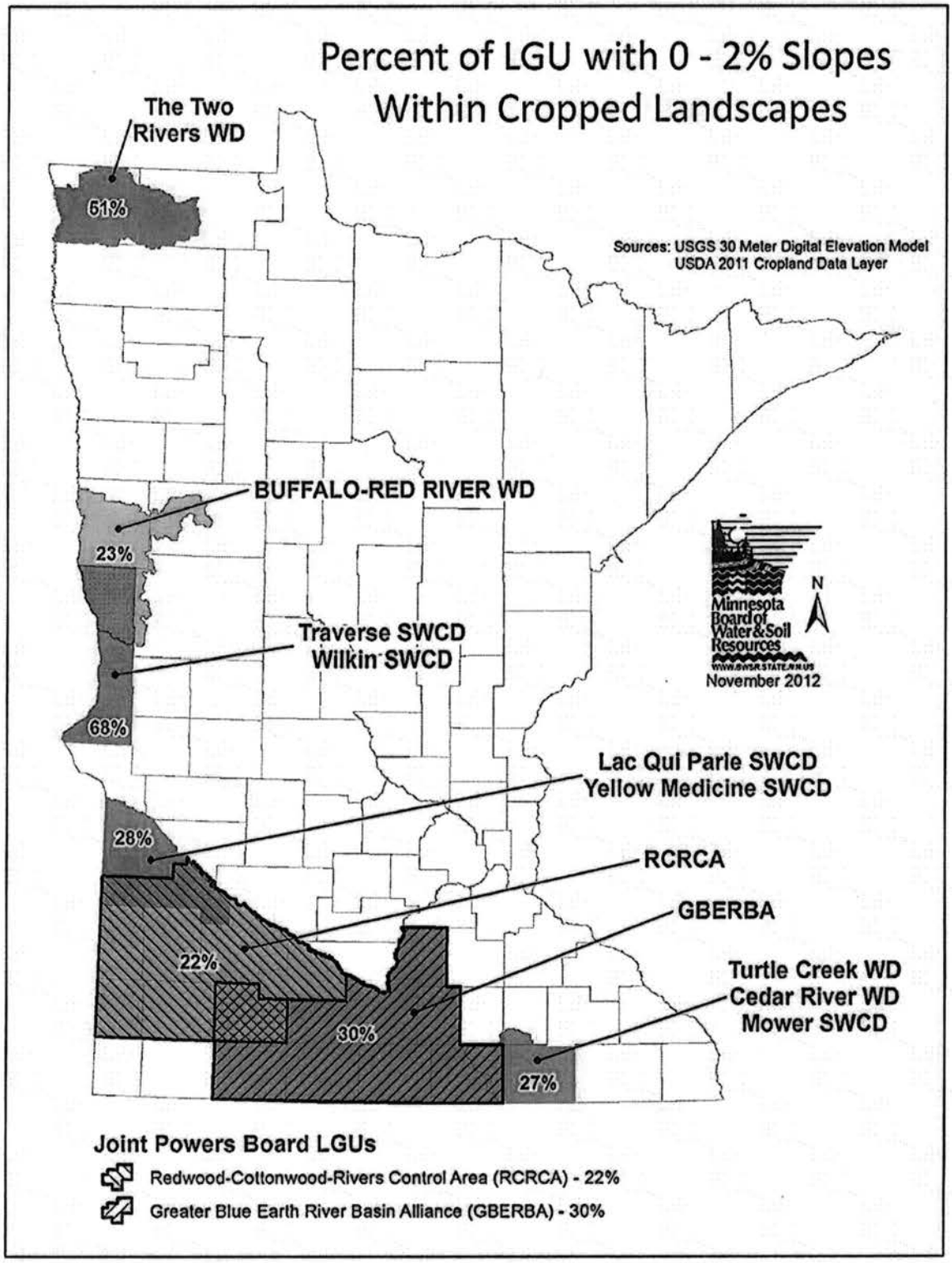



Figure 3

The following is a summary of the recommended grantees and a recommendation for allocation of funds:

| | |
|---|---|
| Traverse SWCD, Wilkin SWCD Partnership | $170,000.00 |
| GBERBA (Greater Blue Earth River Basin Alliance) | $170,000.00 |
| Mower SWCD, Cedar River Watershed District, Turtle Creek Watershed District Partnership | $100,000.00 |
| RCRCA (Redwood Cottonwood River Control Area) | $100,000.00 |
| Buffalo Red River Watershed District | $70,000.00 |
| Lac qui Parle SWCD, Yellow Medicine SWCD Partnership | $60,000.00 |
| Two Rivers Watershed District | $30,000.00 |
| Total | $700,000.00 |

***COMMITTEE RECOMMENDATIONS***
***Wetlands Committee***

1. Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy – Dave Weirens and Les Lemm – ***DECISION ITEM***

2. Wetland Banking Fee Policy Update – Dave Weirens – ***DECISION ITEM***

3. 2013 Local Road Wetland Replacement Program Project Selection Process – Ken Powell – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Executive Order 12-04: Supporting And Strengthening Implementation Of The State's Wetland Policy**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Land and Water Section

**Contact:** Dave Weirens

**Prepared by:** Dave Weirens

**Reviewed by:** Wetland Committee(s)

**Presented by:** Dave Weirens and Les Lemm

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☐ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED

The Board is requested to accept the Executive Order 12-04 Report and authorize staff to forward it to the Office of Governor Dayton.

### LINKS TO ADDITIONAL INFORMATION

**http://bwsr.state.mn.us/wetlands/executive_order_12-04/**

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Governor Mark Dayton issued Executive Order 12-04 on May 3, 2012 which directed BWSR to evaluate "how to maintain No Net Loss of Wetland as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources" in cooperation with the Departments of Agriculture, Natural Resources, Transportation and the Pollution Control Agency and with the invited participation of stakeholders by December 15, 2012.

A plan to implement the Order was developed that included a series of meetings designed to gather input from a variety of stakeholders and worked with a team of staff from the above state agencies. Staff evaluated the input provided by stakeholders and developed a series of wetland policy recommendations organized in seven categories that are included in the report "Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy, December 2012".

The Wetland Committee met on September 26, 2012 to review the Order and the process that will be used to comply with it. The Committee initially reviewed the draft report on November 28, 2012, and is scheduled to meet on December 11, 2012 to complete this review and make a recommendation to the Board. A final draft report will be provided at the December 12, 2012 Board meeting, however, the curret draft along with supporting materials are on the BWSR website: http://bwsr.state.mn.us/wetlands/executive_order_12-04/.

Board Resolution #_____

# EXECUTIVE ORDER 12-04: SUPPORTING AND STRENGTHENING IMPLEMENTATION OF THE STATE'S WETLAND POLICY

## Report

**WHEREAS,** Governor Mark Dayton issued Executive Order 12-04 on May 3, 2012; and

**WHEREAS,** by this Order BWSR was directed to evaluate "how to maintain No Net Loss of Wetland as a State goal under the Wetland Conservation Act and to further advance the long-term protection and enhancement of Minnesota's wetland resources" in cooperation with the Departments of Agriculture, Natural Resources, Transportation and the Pollution Control Agency and with the invited participation of stakeholders by December 15, 2012; and

**WHEREAS,** BWSR developed and implemented a plan to implement the Order that included a series of meetings designed to gather input from a variety of stakeholders and worked with a team of staff from the Departments of Agriculture, Natural Resources, Transportation and the Pollution Control Agency; and

**WHEREAS,** staff evaluated the input provided by stakeholders and developed a series of wetland policy recommendations organized in the following categories that are included in the report "Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy, December 2012":

- De minimis Exemption;
- Alignment of Pre-settlement Zones on Watershed Boundaries;
- Consistent Review, Approval and Implementation;
- Adequacy of Wetland Bank Program Funding;
- Costs and Benefits of Wetland Mitigation Targeted to Specific Watershed;
- Strategic Use of Funding Sources to Achieve Continued Restoration of Drained Wetlands; and
- Other Issues – No Net Loss and Agricultural Drainage; and

**WHEREAS,** the Wetland Committee reviewed the draft report on November 28, 2012 and December 11, 2012.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources accepts the draft report and authorizes staff to forward it to Governor Dayton.

**BE IT FURTHER RESOLVED THAT,** the Minnesota Board of Water and Soil Resources will work with partner agencies to prioritize the Report's recommendations and authorizes staff to pursue implementation strategies for the prioritized recommendations.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **Wetland Banking Fee: Update Calculated Wetland Credit Fee Schedule**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Land and Water Section

**Contact:** Dave Weirens

**Prepared by:** Dave Weirens and Natasha Devoe

**Reviewed by:** Wetland Committee(s)

**Presented by:** Dave Weirens

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☒ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other: _____

## ACTION REQUESTED

The Board is requested to adopt the recommendation of the Wetland Committee to amend the wetland banking fee policy by updating the calculated wetland credit values

## LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Statute requires the Board to collect fees to support the administration of the wetland banking program. Fees are paid by wetland bank account holders when they establish an account, deposit and transfer credits, when credits are withdrawn, and annually to maintain the accounts. The fees for withdrawal of credits are basd on the value of the credits. Account holders have the option of using the actual sale value of the credits or the calculated values provided by the Board. The basis of these calculated values are land value data provided by the Department of Revenue, which are collected annually, and in turn used annually by BWSR staff to ensure these values are up to date.

Board Resolution # 12-

## Wetland Banking Fee:
## Update Calculated Wetland Credit Fee Schedule

---

**WHEREAS,** BWSR is directed pursuant to Minn. Stat. 103G.2242, Subd. 14 and 15 to collect fees for administering the state wetland bank program; and,

**WHEREAS,** BWSR Board action 03-93 established the Wetland Banking Fee Policy, which included use of the average agricultural land values (as provided by the Minnesota Department of Revenue) as the basis for determining credit values for purposes of assessing the fee; and,

**WHEREAS,** BWSR Board action 07-88 updated the previous policy by taking the 2006 tillable land value multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action #03-93; and,

**WHEREAS,** BWSR Board action 08-113 updated the wetland credit calculated values by taking the 2008 tillable land values, seasonal recreational land values, or green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action #07-88; and,

**WHEREAS,** BWSR Board action 11-09 updated the wetland credit calculated values by taking the 2010 tillable land values, rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action # 08-113; and,

**WHEREAS,** BWSR Board action 11-98 updated the wetland credit calculated values by taking the 2011 tillable land values, rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action # 11-09; and,

**WHEREAS,** staff are proposing the current wetland credit calculated values be updated by applying the 2012 land values to the existing fee formula as established in Board Action 11-98; and,

**WHEREAS,** account holders have the option to reduce the fee by reporting actual sales value on a withdrawal application along with a signed purchase agreement or other proof of payment; and,

**WHEREAS,** the Wetland Committee reviewed the calculated values on November 28, 2012 and is recommending updating these values for purposes of calculating wetland banking fees and publishing a fee schedule.

**NOW THEREFORE BE IT RESOLVED,** that the BWSR update the wetland credit values by using:

- the 2012 tillable land values, or
- rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or
- the average of the before and after deferral green acres values.

These values are multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 11-98 as indicated on the attached Fee Schedule.

**BE IT FURTHER RESOLVED,** that this revised policy is effective on January 1, 2013 and applies to wetland bank credit sales made after this date.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments:

1. 2013 Calculated Values for Wetland Bank Fee Determination Spreadsheet
2. 2013 Wetland Credit Fee Schedule

# Wetland Banking Fee Policy:
# Update Calculated Wetland Credit Values

November 28, 2012

**Background.**
Minnesota Statutes 103G.2242, Subds. 14 and 15, require the Board of Water and Soil Resources to collect fees for administering the state wetland banking program.

The statute reads:

**Subd. 14. Fees established.** (a) Fees must be assessed for managing wetland bank accounts and transactions as follows:

(1) account maintenance annual fee: one percent of the value of credits not to exceed $500;

(2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed $1,000 per establishment, deposit, or transfer; and

(3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

(b) The board may establish fees at or below the amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

(c) Fees for single-user or other dedicated wetland banking accounts established pursuant to section 103G.005, subdivision 10e, clause (4), are limited to establishment of a wetland banking account and are assessed at the rate of 6.5 percent of the value of the credits not to exceed $1,000.

Subd. 15. **Fees paid to board.**
All fees established in subdivisions 9 and 14 must be paid to the Board of Water and Soil Resources and are annually appropriated to the board for the purpose of administration of the wetland bank and to process appeals under section 103G.2242, subdivision 9.

Description of Wetland Bank Fee Policy and determination and use of the Calculated Values.
(from the existing policy available on the BWSR website)

The fee structure and procedures described in Part III were implemented beginning Jan. 1, 2004, and are subject to regular evaluation and change.

**III. Fee Structure and Procedures**
- **A. Account Establishment and Deposit Fees.**
- **B. Account Maintenance Fee.**
- **C. Account Transfer Fee.**
- **D. Withdrawal Fee.**

The 2013 values will go into effect for wetland bank credit sales made after January 1, 2013. A signed / dated copy of the purchase agreement must accompany applications received after that date if alternate values are used to calculate fees. The policy provisions on determining the value of the credits are shown below.

**E. Value of Credits.** The value of wetland credits for the purpose of assessing fees will be determined as follows:

1. Credit Value ($/acre) = Avg. (a) tillable land values ($/acre), or (b) rural/vacant land values ($/acre) when the ratio of tillable acres to rural/vacant acres is less than 20% in the county where the bank is located, or (c) the average of the before and after deferral green acres values ($/acre), in the county where the bank is located x Wetland Credit Value Coefficient (currently 6.0).

The Wetland Credit Value Coefficient reflects the value added to the land by the wetland credits. It is determined by BWSR based on the average ratio of credit sale price to county land value for credits that BWSR has purchased from existing bank accounts statewide. The current coefficient is based on credit sales from 1999-2007. This coefficient will be updated by BWSR Board Policy to reflect recent wetland credit market values. For the purposes of the formula above, the 2012 tillable land values, 2012 rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or the average of the 2012 before and after deferral green acres values, multiplied by the wetland credit value coefficient of 6.0. All land value data is provided by the Minnesota Department of Revenue. Increases are limited to 75% of the previous value.

2. For determining withdrawal or transfer fees, account holders may present other evidence to BWSR demonstrating the value of credits, such as actual sales values. When using actual sales data to determine credit values, account holders will be required to submit to BWSR actual bills of sale as documentation.

The Calculated Wetland Value spreadsheet (attached) uses the tillable land value, the rural/vacant land value, and green acres land value data from the Minnesota Department of Revenue. The preferred data for calculating these values are tillable land. However, for some counties the tillable land base is inadequate or nonexistent. For a number of northern counties, the rural/vacant land value is used. For Hennepin and Ramsey Counties, the average of the before and after deferral Green Acres values are used. The policy adopted in 2007 limits the increase to 75%. The attached listing includes only one county that exceeds this threshold: Ramsey County.

**Proposed 2013 Calculated Values for Wetland Bank Fee Determination.**

**November 28, 2012**

Table Legend.

The data in Columns 2, 3, 4, 5 was provided by the Department of Revenue based on county data.

*Column 1: County Name.*

*Column 2: Tillable Acreage.* Total number of acres of land classified as tillable in each county.

*Column 3: Tillable $/acre.* Average value of an acre of tillable land in each county.

*Column 4: Rural/Vacant Acreage.* Total number of acres of land classified as rural/vacant in each county.

*Column 5: Rural/Vacant $.* Average value of an acre of rural/vacant land in each county.

*Column 6: % Tillable vs. Rural/Vacant.* The percent of tillable land as compared to rural/vacant land. For counties that have a percentage of less than 20%, the rural/vacant average land value is used for determining the calculated value (numbers shaded in pink). Counties that are above 20% use the tillable average value.

*Column 7: 2013 Calculated Value.* The 2013 calculated value is determined by multiplying 6 (the Wetland Credit Value Coefficient) by either the tillable or vacant/rural value as provided in Column 6 (except for Hennepin and Ramsey Counties).

*Column 8: 2012 Value.* The 2012 Calculated Values as approved by the Board on December 14, 2011.

*Column 9: % Change from 2012.* This column presents the percent change in the calculated values from 2012 to 2013. In prior years the Board has capped increases at 75% above the previous year's values. No counties reached this threshold this year.

*Column 10: Fee cost per credit.* This column shows the fee cost per credit by multiplying the 2013 Calculated Values in column 7 by the fee amount (6.5%).

## Proposed 2013 Calculated Values for Wetland Bank Fee Determination [1]

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|
| County Name | Tillable Acreage | Tillable $/Acre | Rural/ Vacant Acreage | Rural/ Vacant $/Acre | % Tillable vs Rural/ Vacant | 2013 Calc Value | 2012 Value | % Change from 2012 | Fee Cost per Credit |
| Aitkin^ | 15,759 | $1,075 | 359,433 | $1,303 | 4% | $7,820 | $7,943 | -2% | $508 |
| Anoka | 30,248 | $7,542 | 22,812 | $2,559 | 133% | $45,253 | $52,431 | -14% | $2,941 |
| Becker | 250,771 | $2,245 | 215,559 | $1,388 | 116% | $13,467 | $11,852 | 14% | $875 |
| Beltrami | 118,507 | $846 | 224,296 | $1,127 | 53% | $5,079 | $4,991 | 2% | $330 |
| Benton | 125,482 | $2,638 | 54,714 | $1,728 | 229% | $15,829 | $15,831 | 0% | $1,029 |
| Big Stone | 245,579 | $3,282 | 26,250 | $831 | 936% | $19,693 | $16,236 | 21% | $1,280 |
| Blue Earth | 360,149 | $5,665 | 38,510 | $2,052 | 935% | $33,990 | $28,713 | 18% | $2,209 |
| Brown | 311,973 | $5,809 | 7,035 | $860 | 4435% | $34,856 | $28,278 | 23% | $2,266 |
| Carlton^ | 124 | $1,289 | 197,816 | $1,066 | 0% | $6,399 | $6,752 | -5% | $416 |
| Carver | 116,368 | $6,739 | 9,659 | $3,417 | 1205% | $40,435 | $38,461 | 5% | $2,628 |
| Cass^ | 55,114 | $1,519 | 293,289 | $1,955 | 19% | $11,732 | $11,875 | -1% | $763 |
| Chippewa | 303,003 | $5,043 | 7,653 | $1,161 | 3959% | $30,256 | $23,521 | 29% | $1,967 |
| Chisago | 79,376 | $2,689 | 43,534 | $1,688 | 182% | $16,131 | $16,563 | -3% | $1,049 |
| Clay | 496,216 | $2,916 | 36,261 | $969 | 1368% | $17,498 | $14,326 | 22% | $1,137 |
| Clearwater | 100,032 | $829 | 92,917 | $970 | 108% | $4,976 | $4,982 | 0% | $323 |
| Cook^ | 0 | | 56,035 | $3,192 | 0% | $19,153 | $22,444 | -15% | $1,245 |
| Cottonwood | 363,875 | $5,396 | 7,483 | $951 | 4863% | $32,378 | $25,900 | 25% | $2,105 |
| Crow Wing^ | 38,508 | $1,922 | 261,730 | $1,752 | 15% | $10,509 | $11,569 | -9% | $683 |
| Dakota | 161,179 | $6,440 | 18,828 | $5,167 | 856% | $38,643 | $37,224 | 4% | $2,512 |
| Dodge | 229,285 | $5,607 | 12,095 | $2,521 | 1896% | $33,644 | $28,115 | 20% | $2,187 |
| Douglas | 192,348 | $2,118 | 80,073 | $2,076 | 240% | $12,709 | $12,720 | 0% | $826 |
| Faribault | 391,975 | $5,331 | 16,268 | $1,085 | 2409% | $31,984 | $28,561 | 12% | $2,079 |
| Fillmore | 332,559 | $4,755 | 58,485 | $2,199 | 569% | $28,530 | $22,525 | 27% | $1,854 |
| Freeborn | 370,222 | $5,233 | 1,600 | $1,410 | 23139% | $31,397 | $27,051 | 16% | $2,041 |
| Goodhue | 313,509 | $4,874 | 49,484 | $1,410 | 634% | $29,242 | $26,077 | 12% | $1,901 |
| Grant | 263,194 | $2,800 | 12,576 | $1,172 | 2093% | $16,799 | $15,889 | 6% | $1,092 |
| Hennepin* | 35,784 | $21,458 | 12,722 | $11,438 | 281% | $81,012 | $86,656 | -7% | $5,266 |
| Houston | 160,963 | $3,533 | 143,158 | $2,145 | 112% | $21,201 | $18,231 | 16% | $1,378 |
| Hubbard | 56,640 | $2,216 | 177,784 | $1,618 | 32% | $13,295 | $12,100 | 10% | $864 |
| Isanti | 97,975 | $3,211 | 65,455 | $1,615 | 150% | $19,267 | $20,893 | -8% | $1,252 |
| Itasca^ | 28,166 | $1,430 | 567,469 | $1,325 | 5% | $7,949 | $8,510 | -7% | $517 |
| Jackson | 374,866 | $5,969 | 6,828 | $1,340 | 5490% | $35,817 | $28,649 | 25% | $2,328 |
| Kanabec | 66,823 | $1,447 | 153,014 | $1,234 | 44% | $8,684 | $8,976 | -3% | $564 |
| Kandiyohi | 350,878 | $4,618 | 51,587 | $1,498 | 680% | $27,706 | $22,584 | 23% | $1,801 |
| Kittson | 462,900 | $1,312 | 128,592 | $467 | 360% | $7,872 | $6,631 | 19% | $512 |
| Koochiching^ | 6,519 | $691 | 362,295 | $619 | 2% | $3,712 | $3,725 | 0% | $241 |
| Lac Qui Parle | 381,679 | $3,524 | 7,477 | $998 | 5105% | $21,143 | $18,457 | 15% | $1,374 |
| Lake^ | 611 | $1,502 | 192,304 | $1,637 | 0% | $9,819 | $11,589 | -15% | $638 |
| Lake/Woods | 71,964 | $638 | 130,264 | $624 | 55% | $3,827 | $3,813 | 0% | $249 |
| Le Sueur | 194,589 | $5,709 | 25,358 | $4,629 | 767% | $34,253 | $29,063 | 18% | $2,226 |
| Lincoln | 272,635 | $3,940 | 10,200 | $558 | 2673% | $23,640 | $19,914 | 19% | $1,537 |
| Lyon | 388,768 | $5,059 | 12,682 | $1,279 | 3066% | $30,356 | $24,843 | 22% | $1,973 |
| Mahnomen | 161,982 | $1,762 | 71,468 | $612 | 227% | $10,572 | $8,965 | 18% | $687 |
| Marshall | 809,990 | $1,413 | 100,106 | $553 | 809% | $8,476 | $6,949 | 22% | $551 |
| Martin | 389,692 | $6,217 | 104 | | | $37,299 | $29,797 | 25% | $2,424 |
| McLeod | 229,764 | $5,087 | 22,857 | $1,921 | 1005% | $30,523 | $27,836 | 10% | $1,984 |
| Meeker | 269,505 | $4,037 | 42,098 | $1,631 | 640% | $24,224 | $21,490 | 13% | $1,575 |
| Mille Lacs | 67,776 | $2,211 | 130,764 | $1,062 | 52% | $13,268 | $12,622 | 5% | $862 |
| Morrison | 215,779 | $2,634 | 130,567 | $1,258 | 165% | $15,803 | $15,488 | 2% | $1,027 |
| Mower | 381,985 | $5,306 | 12,317 | $1,743 | 3101% | $31,834 | $26,167 | 22% | $2,069 |
| Murray | 386,574 | $4,915 | 20,444 | $567 | 1891% | $29,491 | $24,015 | 23% | $1,917 |

## Proposed 2013 Calculated Values for Wetland Bank Fee Determination [1]

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|
| Nicollet | 213,172 | $6,495 | 10,371 | $1,707 | 2055% | $38,971 | $31,512 | 24% | $2,533 |
| Nobles | 398,343 | $5,880 | 27,395 | $1,044 | 1454% | $35,279 | $27,883 | 27% | $2,293 |
| Norman | 460,108 | $2,386 | 36,365 | $562 | 1265% | $14,318 | $11,321 | 26% | $931 |
| Olmsted | 230,520 | $4,594 | 43,224 | $3,223 | 533% | $27,563 | $24,758 | 11% | $1,792 |
| Otter Tail | 535,364 | $1,858 | 345,379 | $2,162 | 155% | $11,147 | $10,908 | 2% | $725 |
| Pennington | 294,134 | $1,064 | 54,574 | $511 | 539% | $6,385 | $5,113 | 25% | $415 |
| Pine | 108,987 | $1,490 | 425,949 | $1,000 | 26% | $8,938 | $9,374 | -5% | $581 |
| Pipestone | 232,819 | $4,687 | 53 | $2,712 | 439281% | $28,122 | $23,040 | 22% | $1,828 |
| Polk | 950,091 | $2,025 | 110,463 | $729 | 860% | $12,149 | $10,414 | 17% | $790 |
| Pope | 266,923 | $2,743 | 84,554 | $1,107 | 316% | $16,456 | $14,502 | 13% | $1,070 |
| Ramsey* | 175 | $62,974 | 0 | | | $198,961 | $238,310 | -17% | $12,932 |
| Red Lake | 218,777 | $1,016 | 30,795 | $723 | 710% | $6,098 | $5,447 | 12% | $396 |
| Redwood | 472,825 | $5,845 | 8,899 | $1,040 | 5313% | $35,072 | $28,476 | 23% | $2,280 |
| Renville | 530,811 | $6,180 | 13,595 | $1,000 | 3904% | $37,083 | $29,733 | 25% | $2,410 |
| Rice | 195,360 | $5,406 | 46,186 | $2,996 | 423% | $32,436 | $28,378 | 14% | $2,108 |
| Rock | 248,597 | $6,464 | 84 | $2,338 | 295949% | $38,784 | $31,025 | 25% | $2,521 |
| Roseau | 504,205 | $721 | 157,399 | $589 | 320% | $4,325 | $3,557 | 22% | $281 |
| Scott | 81,514 | $7,679 | 20,862 | $5,364 | 391% | $46,074 | $43,866 | 5% | $2,995 |
| Sherburne | 67,851 | $4,259 | 43,417 | $2,708 | 156% | $25,554 | $26,110 | -2% | $1,661 |
| Sibley | 296,638 | $5,686 | 42,938 | $1,238 | 691% | $34,117 | $28,581 | 19% | $2,218 |
| St Louis^ | 35,966 | $913 | 1,099,615 | $967 | 3% | $5,803 | $6,099 | -5% | $377 |
| Stearns | 488,312 | $3,235 | 56,223 | $2,641 | 869% | $19,408 | $18,731 | 4% | $1,262 |
| Steele | 210,505 | $5,022 | 26,729 | $1,223 | 788% | $30,130 | $24,961 | 21% | $1,958 |
| Stevens | 307,641 | $3,671 | 2,158 | $2,284 | 14256% | $22,023 | $18,328 | 20% | $1,432 |
| Swift | 389,603 | $3,876 | 17,748 | $819 | 2195% | $23,256 | $20,012 | 16% | $1,512 |
| Todd | 247,070 | $1,534 | 184,769 | $1,198 | 134% | $9,204 | $9,128 | 1% | $598 |
| Traverse | 333,664 | $3,603 | 10,418 | $925 | 3203% | $21,618 | $17,951 | 20% | $1,405 |
| Wabasha | 212,929 | $4,142 | 78,227 | $2,192 | 272% | $24,854 | $21,327 | 17% | $1,615 |
| Wadena | 85,458 | $1,596 | 160,183 | $994 | 53% | $9,576 | $8,396 | 14% | $622 |
| Waseca | 235,229 | $5,179 | 9,852 | $1,207 | 2388% | $31,074 | $27,435 | 13% | $2,020 |
| Washington | 53,782 | $11,716 | 31,652 | $7,776 | 170% | $70,297 | $73,689 | -5% | $4,569 |
| Watonwan | 242,523 | $5,445 | 10,066 | $632 | 2409% | $32,671 | $26,136 | 25% | $2,124 |
| Wilkin | 426,387 | $2,937 | 6,995 | $747 | 6096% | $17,623 | $16,447 | 7% | $1,146 |
| Winona | 172,733 | $3,992 | 124,380 | $2,278 | 139% | $23,950 | $21,623 | 11% | $1,557 |
| Wright | 199,432 | $5,202 | 65,201 | $2,991 | 306% | $31,212 | $30,901 | 1% | $2,029 |
| Yellow Medicine | 394,235 | $4,864 | 10,056 | $1,018 | 3920% | $29,182 | $23,776 | 23% | $1,897 |

| | GREEN ACRE VALUES | | | | |
|---|---|---|---|---|---|
| | $/acre before deferral | $/acre after deferral | Average before & after $/acre | Green Acre acreage | Calculated value (average *6) |
| Hennepin | $21,804 | $5,200 | $13,502 | 23,368 | $81,012 |
| Ramsey | $61,713 | $4,607 | $33,160 | 171 | $198,961 |

1 Land value and acreage data is provided by the Minnesota Dept. of Revenue

^ County calculated values that are based on Rural/Vacant land value when the ratio of Tillable acres is less than 20% of the Rural/Vacant acres.

* County calculated values based on Green Acres land values.

# Wetland Credit Fee Schedule
## 2013

| County Name | Fee cost per credit |
|---|---|
| Aitkin^ | $508 |
| Anoka | $2,941 |
| Becker | $875 |
| Beltrami | $330 |
| Benton | $1,029 |
| Big Stone | $1,280 |
| Blue Earth | $2,209 |
| Brown | $2,266 |
| Carlton^ | $416 |
| Carver | $2,628 |
| Cass^ | $763 |
| Chippewa | $1,967 |
| Chisago | $1,049 |
| Clay | $1,137 |
| Clearwater | $323 |
| Cook^ | $1,245 |
| Cottonwood | $2,105 |
| Crow Wing^ | $683 |
| Dakota | $2,512 |
| Dodge | $2,187 |
| Douglas | $826 |
| Faribault | $2,079 |
| Fillmore | $1,854 |
| Freeborn | $2,041 |
| Goodhue | $1,901 |
| Grant | $1,092 |
| Hennepin* | $5,266 |
| Houston | $1,378 |
| Hubbard | $864 |
| Isanti | $1,252 |
| Itasca^ | $517 |
| Jackson | $2,328 |
| Kanabec | $564 |
| Kandiyohi | $1,801 |
| Kittson | $512 |
| Koochiching^ | $241 |
| Lac Qui Parle | $1,374 |
| Lake^ | $638 |
| Lake/Woods | $249 |
| Le Sueur | $2,226 |
| Lincoln | $1,537 |
| Lyon | $1,973 |
| Mahnomen | $687 |
| Marshall | $551 |

| County Name | Fee cost per credit |
|---|---|
| Martin | $2,424 |
| McLeod | $1,984 |
| Meeker | $1,575 |
| Mille Lacs | $862 |
| Morrison | $1,027 |
| Mower | $2,069 |
| Murray | $1,917 |
| Nicollet | $2,533 |
| Nobles | $2,293 |
| Norman | $931 |
| Olmsted | $1,792 |
| Otter Tail | $725 |
| Pennington | $415 |
| Pine | $581 |
| Pipestone | $1,828 |
| Polk | $790 |
| Pope | $1,070 |
| Ramsey* | $12,932 |
| Red Lake | $396 |
| Redwood | $2,280 |
| Renville | $2,410 |
| Rice | $2,108 |
| Rock | $2,521 |
| Roseau | $281 |
| Scott | $2,995 |
| Sherburne | $1,661 |
| Sibley | $2,218 |
| St Louis^ | $377 |
| Stearns | $1,262 |
| Steele | $1,958 |
| Stevens | $1,432 |
| Swift | $1,512 |
| Todd | $598 |
| Traverse | $1,405 |
| Wabasha | $1,615 |
| Wadena | $622 |
| Waseca | $2,020 |
| Washington | $4,569 |
| Watonwan | $2,124 |
| Wilkin | $1,146 |
| Winona | $1,557 |
| Wright | $2,029 |
| Yellow Medicine | $1,897 |

^ Values are based on Rural/Vacant land value when the ratio of Tillable acres is less than 20% of the Rural/Vacant acres.

* Values are based on Green Acres land values.

**NOTE:** The fees above are based on Department of Revenue data and estimated added value provided by enrollment in the wetland bank system. Fees may vary based on actual sale price if a transaction application is accompanied by a signed purchase agreement or other proof of payment.

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** **2013 Local Road Wetland Replacement Program Project Selection Process**

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Land & Water

**Contact:** Ken Powell, Wetland Bank Coordinator

**Prepared by:** Ken Powell

**Reviewed by:** Wetland Committee(s)

**Presented by:** Ken Powell

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☒ Other: Bond Funds

### ACTION REQUESTED

Adopt resolution authorizing staff to develop and implement the Local Road Wetland Replacement Program project selection process in 2013.

### LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
BWSR has been charged by the Legislature to generate wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act. The local road wetland replacement program (LRWRP) provides wetland credits for local public transportation authorities that follow specified notification procedures and have qualifying projects. To generate wetland replacement credits, BWSR typically receives a bonding appropriation to restore wetlands and generate wetland replacement credits. Six million dollars in bonding money was allocated to BWSR in 2012 for the LRWRP. This resolution provides authorization for staff to develop a project selection process to utilize the bonding money to meet the program purpose.

# Board Resolution #_____

## Local Road Wetland Replacement Program
## 2013 Project Selection Process

**WHEREAS** the Legislature appropriated $6 million to the Board of Water and Soil Resources (BWSR) in 2012 for the local road wetland replacement program; and

**WHEREAS** the BWSR has been charged with generating wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) under Minnesota Rules 8420.0544; and

**WHEREAS** BWSR strives to establish and maintain an adequate reserve of wetland credits in each bank service area over time; and

**WHEREAS** the BWSR has effectively utilized bonding money in the past to fund the program and produce sufficient credits to fulfill its statutory obligation; and

**WHEREAS** wetland banking projects have specific needs that limit the number of available projects because of wetland credit requirements under Minnesota Rules 8420; and

**WHERAS** the BWSR has used two approaches for generating credits for the road program in the past: an easement program sign-up and a request for proposals (RFP) process; and

**WHEREAS** these two approaches have been effective in generating credits in the past; and

**WHEREAS** the use of two different approaches to obtain credits balances the needs of efficient wetland credit acquisition, is compatible with current BWSR staff capabilities, enhances the ability to attract good projects, and facilitates the involvement of the private sector; and

**WHEREAS** Soil and Water Conservation Districts (SWCDs) have been effective partners in the easement program sign-up approach that involves identifying potential projects, assisting in easement acquisitions, and project implementation; and

**WHEREAS** the easement sign-up approach necessitates defining SWCD assistance payment rates to facilitate their necessary local participation in the program; and

**WHEREAS** the easement sign-up approach necessitates defining a reasonable payment rate to landowners that reflects land values while simultaneously attracting landowner interest in the program; and

**WHEREAS** current foreseeable wetland credit needs have been identified within bank service areas 4, 7, and 9/10 plus the 7-county metro area. This includes all or portions of the following counties: Scott,

Carver, Hennepin, Ramsey, Washington, Anoka, Isanti, Wright, Sherburne, McLeod, Meeker, Stearns, Morrison, Mille Lacs, Aitkin, Crow Wing, Kandiyohi, Douglas, Pope, Swift, Stevens, Grant, Otter Tail, Becker, Mahnomen, Crow Wing, Todd, Wilkin, Clearwater, Norman, Clay, Wilkin, Grant, Traverse, Big Stone, Lac Qui Parle, Yellow Medicine, Renville, Lincoln, Lyon, Pipestone, Murray, Cottonwood, Jackson, Martin, Faribault, Freeborn, Waseca, Blue Earth, Nicollet, Brown, Watonwan, Redwood, Sibley, Le Sueur, Dakota, Rock, Jackson, Nobles, and Rice; and

**WHEREAS** project selection will depend on a number of technical, economic, and public value-related criteria.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Develop and implement an easement sign-up program and a request for proposal (RFP) process to obtain projects to generate needed wetland credits.
2. Establish an easement payment rate consistent with current Reinvest in Minnesota (RIM) rates with the flexibility to increase it by up to 25% on a case-by-case basis if it is justified based on the program's credit needs and criteria.
3. Establish project evaluation criteria including cost, credit yield, location, restoration feasibility, success potential, and functional benefit, and public value.
4. Establish a review team of BWSR staff and members of the wetland banking Interagency Review Team to evaluate and rank projects.

Dated at Saint Paul, Minnesota this 12th day of December, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

**Date:** November 20, 2012

**To:** Minnesota Board of Water and Soil Resources (BWSR)

**From:** Ken Powell, BWSR Wetland Banking Coordinator

**Re:** Background information regarding proposed draft resolution for 2013 local road wetland replacement program (LRWRP) project selection.

BWSR has been charged by the legislature to generate wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act. The LRWRP provides wetland credits for local public transportation authorities that follow specified notification procedures and have qualifying projects. To generate wetland replacement credits, BWSR typically receives a bonding appropriation to restore wetlands and generate wetland replacement credits. These wetland restorations are primarily conducted on private lands with cooperating landowners. All restorations and associated credits are processed and entered into the State wetland banking system as "road replacement banks", and all are required to be protected by a permanent wetland conservation easement specific to wetland banks. Given the uncertainty and variability of wetland replacement needs associated with qualifying transportation projects, BWSR strives to keep a healthy surplus of wetland credits in each bank service area (see map). Having readily available wetland credits allows public road projects to move forward more quickly and reduces overall wetland replacement requirements due to increased replacement requirements when replacement is not provided ahead of or concurrent with wetland impacts. In addition, if enough surplus credits are available, BWSR can offer those credits to public road authorities for their non-qualifying road project impacts.

Six million dollars in bonding money was allocated to BWSR in 2012 for the LRWRP. Fifteen percent of this money ($900K) will be used for program expenses and the remaining $5.1M is available for specific wetland banking projects. An analysis of credit status and needs was conducted to identify areas to target for credits with this 2012 bonding money. The following table shows the results of the analysis.

| BSA | Credits Required[1] | Credits Available[2] | Anticipated Credits[3] | Reserve/Deficit | Avg. Annual Credit Use | Supply (Yrs) |
|---|---|---|---|---|---|---|
| 1 (Great Lakes) | 7 | 10 | 144 | 147 | 10.9 | 13.5 |
| 2 (Rainy River) | 20 | 222 | 0 | 202 | 7.9 | 25.6 |
| 3 (Red River North) | 78 | 740 | 44 | 706 | 19.7 | 35.8 |
| 4 (Red River South) | 12 | 13 | 0 | 1 | 10.6 | 0 |
| 5 (Upper Mississippi North) | 38 | 50 | 131 | 173 | 24.1 | 7.2 |
| 6 (St Croix River) | 27 | 243 | 79 | 295 | 14.9 | 19.8 |
| 7 (Upper Mississippi South) | 91 | 0 | 146 | 55 | 48.7 | 1.1 |
| 8 (Lower Mississippi) | 10 | 130 | 16 | 136 | 8.1 | 16.8 |
| 9 (Minnesota River) & 10 (Missouri River) | 50 | 25 | 106 | 81 | 24.9 | 3.3 |
| Seven-County Metro | 68 | 0 | 41 | -27 | 21.1 | 0 |

[1]Current credit needs based on pending applications
[2]Current credits available in the road bank
[3]Conservative estimate of pending credits from projects in progress

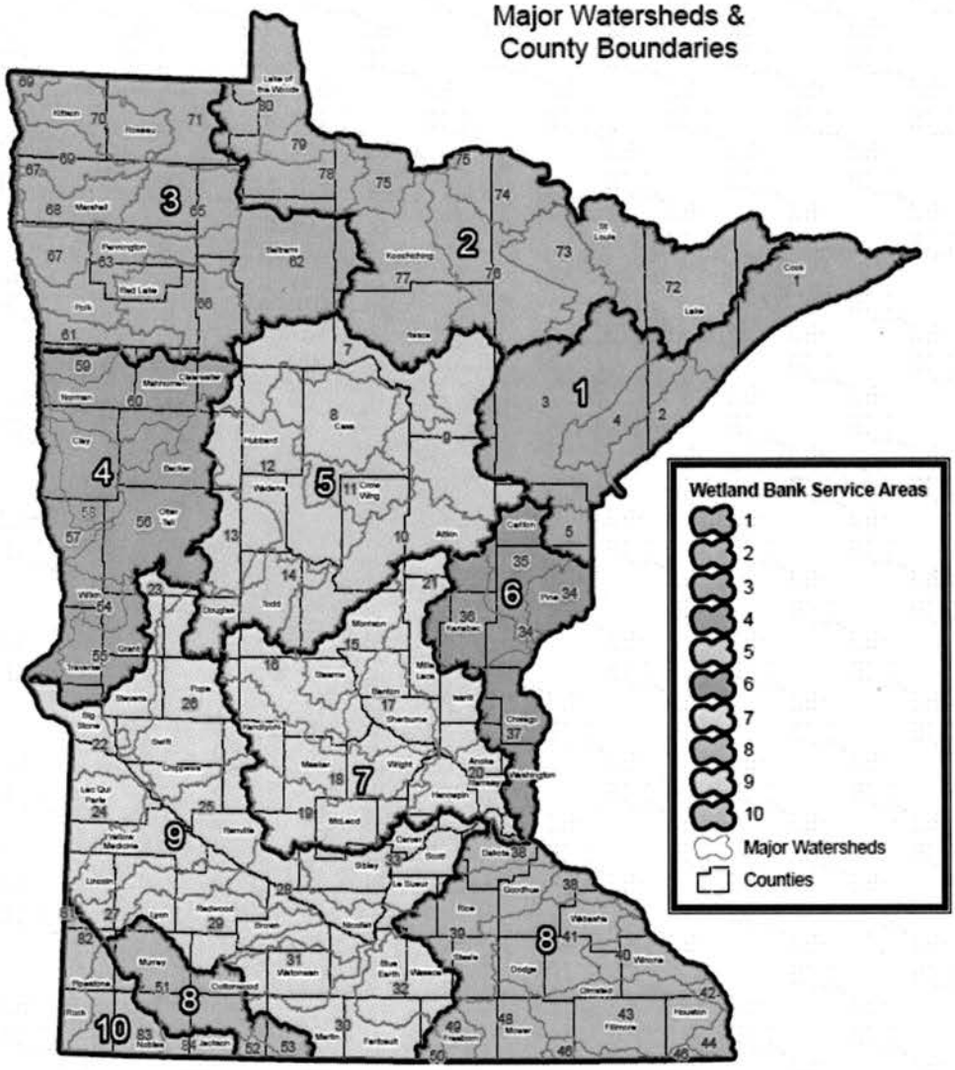
Minnesota Board of Water & Soil Resources

The following order of priority by BSA is based on the above table.

1. Seven County Metro
2. 4 (Red River South)
3. 7 (Upper Mississippi South)
4. 9 (Minnesota River) & 10 (Missouri River)
5. 8 (Lower Mississippi)
6. 1 (Great Lakes)
7. 5 (Upper Mississippi North)
8. 2 (Rainy River)
9. 6 (St Croix River)
10. 3 (Red River North)

## Wetland Bank Service Areas

With
Major Watersheds &
County Boundaries



Minnesota Board of Water & Soil Resources

Since the inception of the LRWRP, BWSR has pursued different means to generate credits with bonding dollars. One method (Method 1) has been to purchase an easement from a landowner that allows for BWSR staff to design and implement a wetland restoration project. BWSR typically contracts with the local soil and water conservation district to assist, and contractors are hired by the landowner to implement the BWSR-developed plan. Contractor payments from the landowner are reimbursed by BWSR. The landowner is compensated for the cost of obtaining the easement. In some areas of the state, Method 1 tends to be the most efficient means (in terms of cost per credit) of producing wetland credit and credit generation is likely once the easement is purchased. However, this method involves a significant BWSR staff commitment and may not be an attractive option for landowners wishing to seek greater compensation for the value of the wetland credits generated on their land.

Another method (Method 2) is to send out a request for proposals (RFP) from landowners and/or other entities in partnership with landowners to submit proposed wetland restoration projects. The proposals include a cost per credit that the landowner would sell to BWSR. This method requires BWSR to enter into a contract with the landowner to purchase wetland credits at a specified price once they are generated by the landowner through project implementation. In some areas of the State this method can result in a higher cost per credit compared to Method 1. However, this method requires significantly less BWSR staff time and could potentially attract landowners willing to front the cost of project implementation in exchange for the higher payment for wetland credits as compared to the lower payment for wetland easement acres. Another advantage of this method is that it requires the involvement of consultants to design and implement projects, thereby providing an opportunity for the private sector to further develop expertise in wetland restoration design and implementation. Such expertise and experience in the private sector is needed for the successful functioning of private sector wetland banking.

The following table compares and contrasts the methods with the Reinvest in Minnesota (RIM) conservation program in terms of process and responsibilities:

| Major Task/Step | Method 1 (Easement Purchase) | Method 2 (Request for Proposals) | RIM |
|---|---|---|---|
| Site identification | SWCD | Landowner/Applicant | SWCD |
| Site Data Collection | SWCD | Landowner/Applicant | SWCD |
| Existing wetland status and boundaries assessment | SWCD | Landowner/Applicant | N/A |
| Preliminary Credit Yield Assessment | SWCD | Landowner/Applicant | N/A |
| Site Selection | BWSR | BWSR | BWSR |
| Scoping Plan | BWSR/SWCD | Landowner/Applicant | N/A |
| Technical Evaluation Panel Scoping Assessment | BWSR/SWCD | Landowner/Applicant | N/A |
| Legal Boundary Survey | SWCD | Landowner/Applicant | N/A |
| Easement Acquisition (working with BWSR staff) | SWCD | Landowner/Applicant | SWCD |
| Concept Plan | BWSR | Landowner/Applicant | BWSR |
| Technical Evaluation Panel Concept Plan Assessment | BWSR/SWCD | Landowner/Applicant | N/A |
| Complete Application | BWSR | Landowner/Applicant | N/A |
| Implementation | BWSR/SWCD | Landowner/Applicant | BWSR/SWCD |
| Construction Certification | BWSR/SWCD | Landowner/Applicant | BWSR/SWCD |
| Monitoring and Credit Allocation | BWSR/SWCD | Landowner/Applicant | N/A |
| SWCD Services Payment | $3K/easement, $4K max for implementation[1] | N/A | $2K/easement, $3K max for implementation[2] |
| Easement Acquisition Payment Rate per Acre | RIM rate + 25%[1] | N/A | RIM rate |

[1]Proposed
[2]Current

Minnesota Board of Water & Soil Resources

We are again proposing two methods for generating wetland credits for the LRWRP. The target for project funding between the two identified methods is to utilize 60% of available project funding ($3.06M) for purchasing conservation easements (Method 1) and 40% ($2.04M) for purchasing wetland credits (at a specified price through contracts) from landowners who generate those credits via approved wetland banking projects (Method 2). This arrangement balances the needs of efficient wetland credit acquisition, working within current BWSR staffing capabilities, enhanced ability to attract good projects, and involvement of the private sector. The process to identify and evaluate potential projects is described for each method as follows. If there are insufficient proposed projects of merit utilizing one of the methods, money will be shifted to project utilizing the other method.

## Conservation Easement Sign-Up ($3.06M program funding target)

BWSR will conduct an easement application sign-up of potential wetland banking sites in BSAs 4, 7, and 9/10 plus the 7-county metro area . This sign-up will be facilitated through our local government partners, specifically Soil and Water Conservation Districts (SWCDs). SWCDs will utilize their local knowledge and expertise to identify potential wetland banking projects and willing landowner participants. SWCDs will gather site information and assist landowners in completing application materials. Payment rates ($ per acre) for easement acquisition are proposed to follow RIM rates up to an additional 25%. The higher easement payment is justified because:

- Wetland banking projects have specific needs (e.g. ability to generate wetland credit via State and Federal wetland regulatory rules) and geographic limitations (confined to bank service areas) that limit the number of available projects as compared to RIM projects. For example, banking projects are limited to an upland/wetland area ratio of 1:1 for crediting as compared to a maximum 4:1 for RIM. This serves to eliminate a number of potential projects from banking consideration as compared to RIM. Because of this, the road replacement program is competing with conservation programs for a limited number of project sites that meet the specific credit needs. Only by offering a higher payment rate can we attract the limited landowners with sites that meet are wetland credit needs.

- In general, sites that offer the most value for wetland banking in terms of credit yield potential are those that are the most altered (i.e. with the most effective drainage) and thus the most valuable in terms of economic value (agricultural uses). Therefore, a higher payment rate is justified for many banking project sites as compared to the relatively less altered (and of relatively less economic value) RIM project sites in the same geographic area.

- Conservation easements for wetland banking have a higher level of landowner liability due to the regulatory ties to the project (wetland impacts from multiple projects will be authorized on the basis of the project success and maintenance) and the additional ability of a Federal regulatory agency (Army Corps of Engineers) to enforce easement conditions. This extra scrutiny helps justify the higher payment rate.

The sign-up period (pending BWSR Board approval) will start in early 2013 and last for 2-3 months. Prior to the sign-up period SWCDs will be provided application information, instructions, and required submittal documents. The process and submittal information will be similar to the RIM-WRP partnership sign-up. SWCDs will be encouraged to work with local landowners in putting applications together. For each successfully funded easement, the SWCD will receive a fixed payment for their services in helping secure the easement. They will also have the opportunity to receive payment for additional services they provide in project implementation. Approximate payment rates to SWCDs for services associated with selected projects will be $3000 per easement acquired and $1000 to $4000 for project implementation services depending on project size and the scope of services provided. This is slightly higher

Minnesota Board of Water & Soil Resources

than the typical SWCD payment for projects under RIM/WRP ($7000 versus $5000). This higher SWCD payment is justified for the following reasons:

- Assistance with restoration projects associated with wetland banking is not strictly part of a conservation program, but is instead primarily a regulatory compliance program. Thus, the conservation mission of the SWCD is not tied to the banking program as it is to conservation grant programs like RIM. Therefore, compensation for services should better reflect the level of effort required for these banking projects to succeed.

- There are many tasks required of the SWCD to facilitate the development of wetland bank projects that are either unique to the banking program or require more effort in comparison to RIM. Some of these tasks are as follows:

    - Unlike RIM and other conservation programs, the SWCD will need to evaluate aspects of these sites such as the status of jurisdictional wetlands and potential wetland credit actions and associated credit allocation. This often involves extensive historical aerial photo review, drainage scope and effect calculations/determinations, and other technical methods.

    - Because legal surveys are required for all wetland banks, the SWCD will have increased involvement in facilitating a legal boundary survey of proposed easements.

    - In contrast to most conservation programs, establishment of a wetland bank involves a 3-step process of scoping, concept, and final plans. Each of these phases is reviewed by multiple agencies (including Army Corps of Engineers, DNR, USFWS, EPA, local government units). The SWCD will play a significant role in facilitating the development of these plans to meet multiple-agency requirements and expectations.

    - Because of the regulatory requirements of wetland banks, the SWCD will have more monitoring and documentation responsibilities to justify credit allocation.

To be eligible for selection, all applications will have to meet WCA replacement and construction standards in terms of ecological suitability, long-term sustainability, and being a true restoration. Applications will be reviewed in light of the following criteria:

1. Credit yield per easement acre

2. Functional benefit for the watershed (i.e. functional lift)

3. Wetland type in terms of rarity - extra consideration for projects that would restore wetlands that are particularly rare or rarely restored once impacted.

4. Restoration feasibility – local staff capacity to assist with implementation, vendor/contractor availability, etc.

5. Potential restoration cost – based on estimated cost of construction and materials.

In general, the review criteria will be qualitatively evaluated and placed into broad categories (high, medium, and low) based on the experience and knowledge of the review team members. An exact quantitative determination of review criteria is not possible or desirable when estimating proposed conditions.

Final project selection will weigh the rankings for each of the five review criteria and then consider those in terms of the geographic location priority list. For easement applications with similar rankings, efforts will be made to distribute selected projects evenly amongst priority areas.

## Request for Proposals ($2.04M program funding available)

Simultaneous with the easement sign-up, BWSR will solicit a request for proposals (RFP) for wetland bank projects in BSAs 4, 7, and 9 plus the 7-county metro area. Applicants will have to provide certain site and project information to be specified in the RFP. In addition, applicants will need to propose a price per credit that they are willing to sell their credits to BWSR for the road program.

For consideration all project proposals will have to meet WCA replacement and construction standards in terms of ecological suitability, long-term sustainability, and being a true restoration. Projects will be reviewed in light of the following criteria:

1. Price per credit

2. Functional benefit for the watershed (i.e. functional lift)

3. Wetland type in terms of rarity - extra consideration for projects that would restore wetlands that are particularly rare or rarely restored once impacted.

4. Chance of success – includes such aspects as qualification of identified contractors/consultants, level of technical difficulty, potential for high cost fixes, ability to justify credit allocation amounts, etc.

In general, the review criteria will be qualitatively evaluated and placed into broad categories (high, medium, and low) based on the experience and knowledge of the review team members. An exact quantitative determination of review criteria is not possible or desirable when estimating proposed conditions.

Final project selection will weigh the rankings for each of the four review criteria and then consider those in terms of the geographic location priority list. For project applications with similar rankings, efforts will be made to distribute selected projects evenly amongst priority areas.

## Review Team

Projects will be reviewed and ranked by BWSR staff (wetland specialists, wetland leadership team, engineering and technical services) and the wetland bank Interagency Review Team that includes representatives from our resource partners at the Department of Natural Resources, Pollution Control Agency, Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers. Based on the results of the review, a list of recommended projects and alternates will be composed by the bank coordinator and presented to the Board for final approval.

Minnesota Board of Water & Soil Resources

## Schedule (Anticipated)

Dec 2012 – BWSR Board approval of the process
January 2013 – Program sign-up and RFP
April/May 2013 – Project reviews
June/July 2013 – BWSR Board approval of projects

***NEW BUSINESS***

1. Water Governance Study Recommendations – John Linc Stine, MPCA – ***INFORMATION ITEM***

2. CWF RIM Reserve Edge Area Eligibility and Sign-Up Procedures – Gene Tiedemann and Tabor Hoek – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Water Governance Evaluation Report

**Meeting Date:** December 12, 2012

**Agenda Category:** ☐ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☐ Decision ☐ Discussion ☒ Information

**Section/Region:**

**Contact:** John Jaschke

**Prepared by:** John Jaschke

**Reviewed by:** N/A Committee(s)

**Presented by:** John Linc Stine, MPCA Commissioner

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

☐ Other:

**ACTION REQUESTED**

**LINKS TO ADDITIONAL INFORMATION**

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The statutory requirement for this report is found in Minnesota Session Laws, 1st Special Session, Chapter 2, Article 4, Section 33, which reads:
EVALUATION REQUIRED
(a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management.
(b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013.

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** RIM CWF Wellhead Additional $1M For Edge Areas

**Meeting Date:** December 12, 2012

**Agenda Category:** ☒ Committee Recommendation ☒ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Section/Region:** Conservation Easements

**Contact:** Tim Koehler

**Prepared by:** Tim Koehler

**Reviewed by:** RIM Reserve Management Planning Committee(s)

**Presented by:** Tabor Hoek

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☒ **Resolution** ☐ **Order** ☐ **Map** ☒ **Other Supporting Information**

**Fiscal/Policy Impact**

☐ None
☒ Amended Policy Requested
☐ New Policy Requested

☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☒ Clean Water Fund Budget

☐ Other: _____

### ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize staff to work with the SWCD's in Goodhue, Olmsted, Wabasha and Winona Counties to implement the acqusition of RIM Reserve Wellhead Protection and Edge Area easements in the targeted areas with the highest prioirty being on the Decorah Bedrock Edge Areas.

### LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The RRMPC met on November 28, 2012 to review and recommend that the Conservation Easement Section Manager work to successfully implement additions to the RIM Reserve CWF Wellhead Protection Inititiative. This new resolution addresses the $1 million of additional appropriation and the inclusion of Bedrock Edge areas in Goodhue, Olmsted, Wabasha and Winona Counties as eligible areas as a part of the CWF Wellhead Protection Initiative.

# Board Resolution #_____

## Establish Eligibility and Sign-up Procedures for Additional $1 Million Allocation of Clean Water Funded Permanent RIM Reserve Edge Areas Added to the Wellhead Protection Easement Program

**WHEREAS** the Minnesota State Legislature appropriated $2.6 million of Clean Water Funds (CWF) to the Board of Water & Soil Resources (BWSR) in the 2011, 1st Special Session Law Chapter 6, Article 2, Section 7(f) Board of Water and Soil Resources, to purchase and restore permanent RIM Reserve Conservation easements on wellhead protection areas under Minnesota Statutes, section 130F.515, subd.2, paragraph (d);

**WHEREAS** the Minnesota State Legislature appropriated an additional $1 million of CWF to the Board of Water and Soil Resources (BWSR) in Session Law 2012, Chapter 264, Sec. 3. that amended Session Laws 2011, First Special Session chapter 6, Article 2, Section 7(f) to the previously appropriated $2.6 million;

**WHEREAS** the Minnesota State Legislature in the second appropriation also allowed funds to be used in the Decorah and St. Lawrence Edge areas of Winona, Goodhue, Olmsted, and Wabasha counties after coordination with the United State Geological Survey (USGS), the commissioners of health and natural resources, and local communities;

**WHEREAS** by previous Board Resolution #11-19 the Permanent RIM Reserve easement payment rate for cropland and non-cropland has been established;

**WHEREAS** by previous Board Resolution #11-70 the Eligibility and Sign-up procedures for the original $2.6 million appropriation was established;

**WHEREAS** BWSR coordinated with USGS, the Minnesota Geological Survey, Minnesota Department of Health, Minnesota Department of Natural Resources, local counties and SWCD's to define eligibility criteria and identify priority areas in the four county area;

**WHEREAS** local SWCD's in the four counties have identified priority areas within their counties that will receive focused outreach assistance to secure applications for potential RIM Reserve easements;

**WHEREAS** the Reinvest in Minnesota (RIM) Reserve conservation easement program is administered by the Board of Water and Soil Resources (BWSR) in cooperation with local Soil and Water Conservation Districts (SWCD);

**WHEREAS** the SWCDs will be reimbursed for their services related to wellhead protection and edge areas easement acquisition and conservation plan development at the BWSR's current RIM services rate;

**WHEREAS** a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts within the WPA or edge areas and will be limited to areas with the majority of the offer having cropping history; and

**WHEREAS** the BWSR RIM Reserve Management Planning Committee met on November 28, 2012 to review and recommend the following provision to successfully implement the additional $1 million for the RIM Reserve Wellhead Protection Conservation Easement Program including the inclusion of bedrock edge areas in the four designated counties as now being eligible;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources authorizes staff to work with the SWCD's in Goodhue, Olmsted, Wabasha and Winona to implement the acquisition of RIM Reserve Wellhead Protection and Edge Area easements in the targeted areas with the highest priority being on Decorah Bedrock Edge Areas.

Dated at Saint Paul, Minnesota this 12th day of December 2012

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Board of Water and Soil Resources

# RIM Reserve Clean Water Fund-
# Decorah/St.Lawrence Edge
# SWCD Program Guidance

**DRAFT- 11/5/12**

## Introduction

Up to $2.3M available for FY2013 with Decorah Shale/St. Lawrence edge focus and ongoing Wellhead Protection Areas covered under separate guidance.

The intent of this guidance document is to outline the enrollment criteria and conditions that will govern the landowner application sign-up for this RIM Reserve conservation easement program on eligible Sensitive Groundwater areas in areas of Goodhue, Olmsted, Wabasha and Winona counties. This guidance should be considered additive to existing RIM policy and procedure.

## Statute requirements / conditions:

1. Easements will be acquired via the RIM Reserve program (MS 103F.501).
2. Permanent easements only.
3. Enrollment must occur in the most vulnerable areas of Decorah Shale and St. Lawrence Edge that contribute to groundwater contamination.
4. Eligible land must have been owned by the landowner for 1 year prior to application.
5. Eligible landowners – any individual or entity that is not prohibited from owning ag land under MS 500.24 Corporate Farm Law. *Farm corporations need to be certified by the MN Dept. of Agriculture, contact 651-297-2200.*

## Sign-up criteria:

1. Continuous sign-up until all available funds are encumbered. Contact BWSR Easement staff for prior approval of the project application. Applications do not need to be ranked or prioritized by the SWCD prior to submittal to BWSR.
2. Must be identified as Decorah or St. Lawrence formation as the uppermost bedrock identified by County Geologic Atlas. Due to lack of information on the St. Lawrence formation, priority will be place upon the Decorah edge.
3. Buffers at the focused groundwater discharge/recharge areas at the Decorah edge outcroppings are designed to interrupt, intercept and remove nitrogen and other pollutants from shallow groundwater flows and seep discharge.
4. Focus enrollment on areas with crop history or expiring CRP. Additional acres of non crop can be added to capture any non crop wetland recharge areas or to square off the boundary. Compensation limited to 50% of the eligible cropland acres.
5. Minimum adjacent buffer width of 100ft upslope and downslope. Maximum extent determined by onsite investigation of site to enroll sufficient upslope catchment area and downslope recharge zone.

6. May extend the end of contour to end of the field.
7. May include whole field where greater than 75% of the field is eligible or less than 1 acre remains.
8. Minimum acreage size 10ac. unless prior approval from easement staff.
9. Use easement numbering xx-xx-12-10.

**Easement Payment rates**

Annually the BWSR establishes payment rates for easement programs. See the most current rate table for this information. Cropland is defined as cropped to an annually planted crop 2 of the last 5 years. CRP with previous crop history is considered cropland for this sign-up. Payment rates will be provided to SWCDs.

**Conservation Practice Payments**

For land in existing CRP contracts, no changes in vegetative cover will be required unless agreed by all parties. These practice areas should be listed as RR1b Introduced Grasses already established or RR 2b Native Grasses already established on the Conservation Easement Practice Payment Worksheet (CEPPW) form. Any new or re-establishment seeding is eligible for up to 100% of practice costs not to exceed $300/ac. These new planting practice areas should be listed as RR 2a Native Grasses to be established on the CEPPW.

**Forms and items needed to complete the RIM application materials**

A complete application package containing all the items listed in the document titled *'RIM Reserve application materials to submit for CWL buffers and wellhead protection easements'* should be prepared and submitted directly to BWSR St. Paul RIM staff. DO NOT SEND TO YOUR BWSR Board Conservationist.

Minnesota Board of Water & Soil Resources

# FOR YOUR INFORMATION

December 12, 2012

- ☐ "BWSR Snapshots"
- ☐ Updated BWSR Staff Roster
- ☐ Local Water Management Summary

Minnesota Board of Water & Soil Resources

# BWSR Snapshots

December 2012

## NE MN June 2012 Flood Success Story: Knife River Clean Water Fund Streambank Stabilization Project

**By Ryan Hughes, Duluth Board Conservationist**

The Knife River, a 23.8 mile river located near Two Harbors, is a popular trout fishing river along the North Shore of Lake Superior. In 1998, the river was listed as "impaired" by the MPCA for excess turbidity (excessive sediment and algae in the water). In 2010, the South St. Louis SWCD and MPCA completed a Total Maximum Daily Load (TMDL) study, which was then approved by the United States Environmental Protection Agency.

The plan to improve Knife River focused on addressing peak flows (fast water running through the stream channel during and after rain storms or snow melt) and eroding clay streambanks contributing sediment to the river.



*"Before" view of bank failure on the Knife River. Photo courtesy of South St. Louis SWCD (2011).*

Through a BWSR Clean Water Fund grant, the South St. Louis SWCD cooperated with fifteen private and public partners to implement strategies to help restore the water quality of the Knife River and make progress towards delisting the river as an impaired waterbody. One project associated with the grant was an innovative streambank stabilization. The project used all organic materials, which included tree trunks, root wads, brush, clay, fine soil, and sod mats of willow, dogwood and alder, used as 'toe-wood' and placed in layers along the streambank with the help of some heavy equipment as seen in the photos.




*Floodplain shelf construction using layers of organic material as observed by the Area 3 SWCD JPB/TSA Engineer. Photo courtesy of South St. Louis SWCD (2011).*

In June 2012, parts of the northeast Minnesota region received approximately 10 inches of rain in a 24 hour period. The rainfall event was considered a 500-year event.

Many implementation success stories have emerged following a post storm event assessment. One encouraging project was the 'toe-wood' project on the Knife River, which included the carefully engineered use of woody materials and native plantings. Not only did this project prevent erosion at the site during the 500-year rainfall event but it provides evidence that the use of organic materials in streambank stabilization projects can be successful.



***Project site post construction. Photo provided by BWSR Duluth office (2011)***

This project was the result of a multi-local and state government effort utilizing scientific information in a collaborative decision making process to target and prioritize implementation activities. The South St. Louis SWCD, Lake SWCD, Area 3 SWCD Joint Powers Board/Technical Service Area (JPB/TSA), PCA, DNR and BWSR partnered on the study, plan, grant procurement, landowner participation, design and implementation of this successful, innovative stream-bank stabilization project. For more information and photos or videos on the project or other projects visit the South St. Louis SWCD website or Facebook site.



***Project site following June 2012 storm event that delivered over 10 inches of rain in 24 hours. The project was not damaged as a result of the flood. Photo courtesy of South St. Louis SWCD (2012).***

---

## 2012 BWSR Academy Summary

**By Jenny Gieseke, Statewide Training Coordinator**

BWSR held the 5th Annual BWSR Training Academy on October 29-31, 2012 in Brainerd, MN. The goal of the BWSR Academy is to provide high quality training for local government staff that maintains and improves the delivery of conservation work and meets the shared expectations of BWSR and local resource management boards. Over 300 people at this year's Academy, and feedback has been very positive.

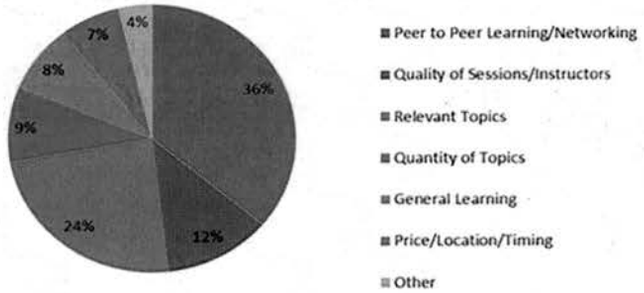
Participants identified two training goals they wanted to learn, apply or be better at as a result of the Academy. The most commonly cited goals pertained to Organizational Capacity or the Wetland Program and 89% of survey respondents indicated they received information at the Academy to meet their goals.

Overall, participants stated the most effective sessions at the Academy were those that were interactive and offered concise information and ideas that could be utilized immediately upon returning to work. The following sessions were identified by participants as most effective.

| Session Title |
|---|
| Color Communication |
| Practical Project Management |
| Technical Writing |
| Year End Requirements |
| The Ins and Outs of Performance Management |
| Ditches, Dams and Stream Connectivity |
| Drainage Systems-Setbacks, WCA Exemptions and Restorations |
| Watershed Based Local Water Management Planning |

Finally, we asked participants if they would attend a future Academy or recommend it to others. 99% of the respondents indicated they would attend a future Academy, and 100% said they would recommend the BWSR Academy to others.

**Reasons for returning to or recommending the BWSR Academy**




---

## Flood Damage Recovery in Dakota, Goodhue and Rice Counties

**By Mary (Kells) Peterson, Metro Board Conservationist**

Significant damage on agricultural and private lands from the June 2012 floods are estimated to total over $2.6 million dollars in Dakota, Goodhue and Rice Counties. The estimate is from SWCD assessments based on recently submitted MN Recovers Task Force applications. The three counties will be eligible for some of the $11 Million BWSR 2012 Flood Relief Cost-Share funds approved by the State in August 2012.

BWSR staff has been coordinating meetings with Dakota, Goodhue and Rice SWCD staff and NRCS/FSA partners to discuss Flood Recovery policy and implementation including how Federal Emergency Program policy, funding and timelines link with State funds to maximum flood damage repairs. Peterson has met with Dakota County partners to review the status of project implementation and to discuss local methods for prioritizing the funding needs for the spring construction season and beyond.





***Typical large scale gullies in fields that did not have conservation practices installed.***

In general, SWCD staff reported that existing conservation practices, such as grassed waterways, that were professionally designed and installed performed well and withstood the raging waters caused by over 9 inches of rain in less than 24 hours. In other cases where no waterway existed or was under-designed, gullies washed out fields and carried sediment and nutrients into streams.



***A waterway that functioned well under high flows. This waterway prevented soil erosion and filtered flood waters before they reached the river. Photos courtesy of Dakota SWCD.***

A BWSR funding recommendation will include information from these meetings and be forwarded to the MN Recovers Task Force Natural Resources Subcommittee, which BWSR co-chairs, near the end of December.

---

## Hydrology Monitoring of Wetland Restoration Sites Continues…

**By Eric Mohring, Hydrologist**

What is "hydrology monitoring"? The phrase can mean different things to different people, but in the case of the Road Program, it has mostly meant keeping track of water levels with a combination of staff gauges and shallow water table monitoring wells. These are read manually or with data loggers.

While BWSR staff has been monitoring wetland restorations for over 10 years, the **hydrology monitoring** of wetland restoration sites did not begin in earnest until late 2006. There has been a focus on hydrology monitoring for wetland mitigation bank sites, especially those associated with the Cooperative Road Wetland Replacement Program (or "Road Program").

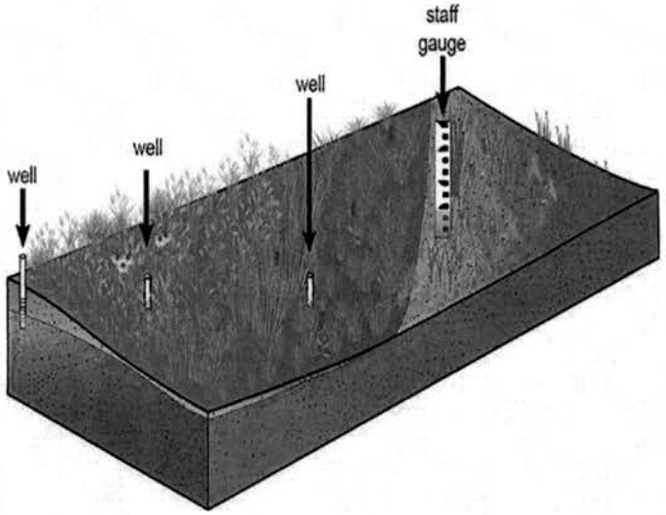



**Figure 1:** ***Some "tools of the trade" for hydrologic monitoring of wetlands: staff gauge and shallow water table monitoring wells.***

Hydrology monitoring is done to answer specific questions – in our case questions such as: "*has wetland hydrology been restored to the site?*" or "*what is the depth, duration, and frequency of saturation or inundation?*" These are questions that need to be answered in order to get credit for a successful wetland restoration. We have been monitoring hydrology at 14 wetland mitigation bank sites (Figure 2), and have installed 170 monitoring wells or staff gauges.

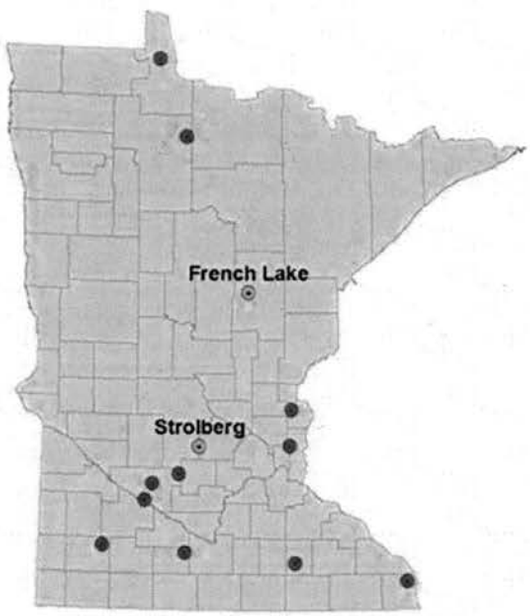



**Figure 2**: ***Wetland bank sites monitoring hydrology.***

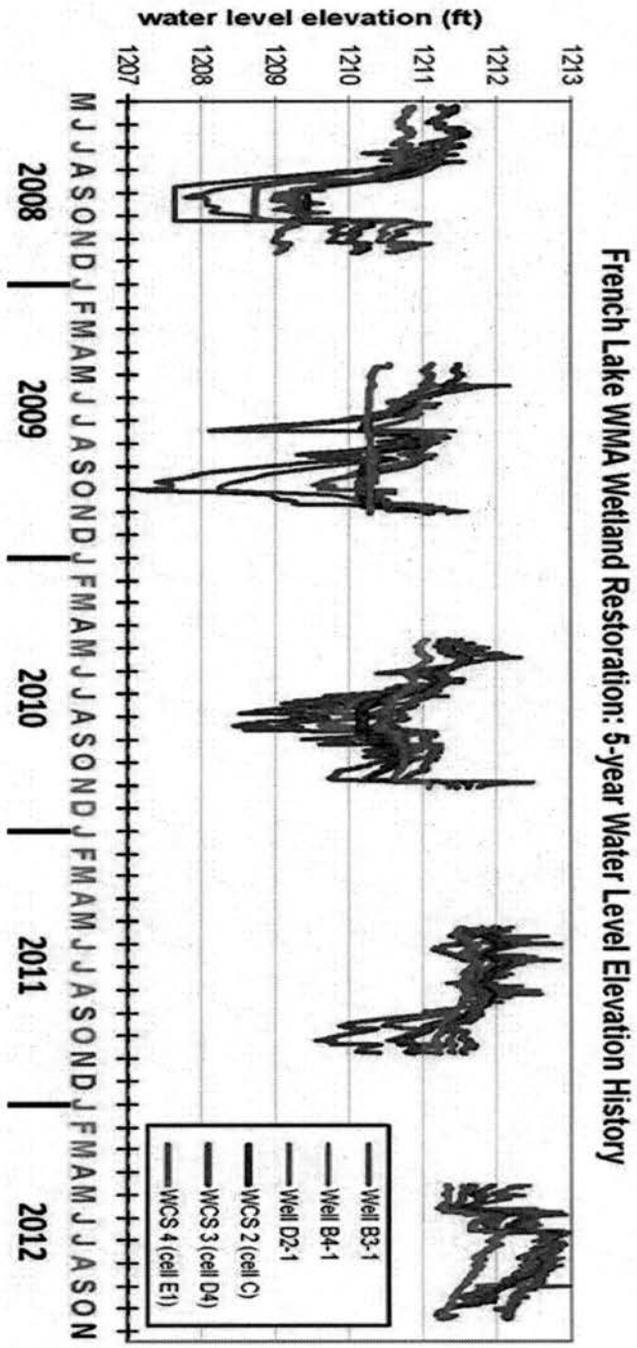



**Figure 3:** ***Five-year water level elevation history of French Lake WMA wetland bank showing restoration of wetland hydrology. The colors of the month labels indicate wet (blue), normal (green) or dry (red) precipitation conditions.***

At several of the sites, we now have four or five growing seasons worth of monitoring data. It has been gratifying to be able to witness and document the return of wetland hydrology to these sites over a period of years (Figure 3).

However it is not enough simply to keep track of water levels. The water level data must be interpreted in the context of climatic conditions. Periods of abnormally wet or abnormally dry conditions can throw a wrench in

our efforts to determine whether wetland hydrology will be present under normal precipitation conditions. Luckily, Minnesota is blessed with one of the best State Climatology Offices in the country. Using the State Climatology Office tools on the web, precipitation records and statistical tools are available from anywhere in the state to help determine what is "normal".

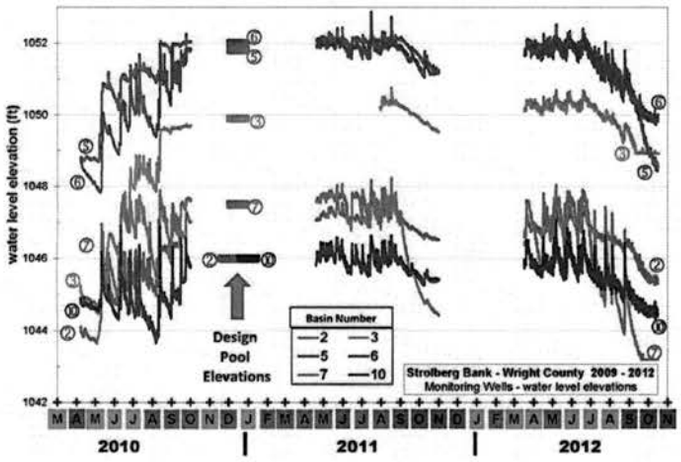



**Figure 4:** ***Three years of water level elevation data from the Strolberg wetland bank in Wright county. The colors of the month labels indicate wet (blue), normal (green) or dry (red) precipitation conditions. The "design" or "target" elevations are also shown.***

For example, consider the data in **Figure 4**. Have the water levels in the different basins achieved the "design" (or "target") elevations? This would be difficult to determine if we were not able to interpret the water levels in the context of climate. Looking at one year's worth of data (**Figure 5**), we can see the effects of individual rainfall events as well as the overall wet, normal, or dry conditions.

A particularly useful tool is the "30-day rolling sum" of daily precipitation – the squiggly lighter-blue line in the graph at the bottom of **Figure 5**. Each point on the line represents the sum of the past 30 days of precipitation. This can be compared to the range of normal monthly precipitation (between the red and darker blue lines on the graph) to delineate wet, normal, or dry periods (bottom of graph). This helps us make much more sense of what the water levels are doing! What do you think? In which basins did we meet our targets"?

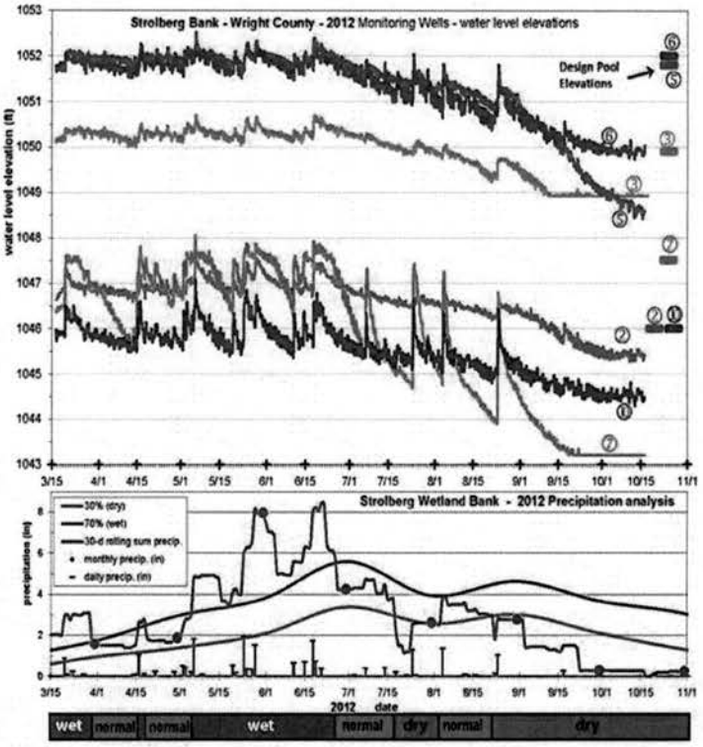



**Figure 5:** ***Top: 2012 Water level elevations for several basins in the Strolberg wetland restoration, Wright county compared to "design" water level elevations, Bottom: analysis showing daily, monthly, and the 30-day rolling sum of daily precipitation, together with the range of normal precipitation. With this we can determine which periods are "wet", "normal", or "dry," greatly helping in the interpretation of the water level data.***

– – – –

# PHONE NUMBERS FOR BWSR STAFF

**Main Line: 651-296-3767 - Fax: 651-297-5615 - BWSR Conference Room: 651-297-8025**

## Metro Office

Haertel, Jim 297-2906
Kells, Mary 296-0874
Peterson, Lynda Cell (612) 201-9806
Rodacker, Dennis 296-6736
Westrick, Marcey 284-4153
Cell (651) 276-5976
Wozney Brad 296-6068
Cell (651) 233-6673

## Central Office

Anderson, Mary Jo 297-4290
Bonde, Karen 297-3998
Engineers Cell (651) 485-8466
Buckhout, Don 296-0768
Cabak, Mitchell 296-1243
DeVoe, Natasha 205-4664
Donnelly, Conor 282-3815
Cell (612) 568-4677
Dykstal, Tim 296-1287
Eisele, Bill 282-2929
Fredbo, Tim 296-0880
Germundson, Travis 297-4958
Gillette, Tim 297-8287
Jaschke, John 296-0878
Cell (612) 202-3815
Johnson, Sherri 296-3767
Kean, Al 297-2907
Cell (651) 245-6531
Keating, Kari 297-8029
Koehler, Tim 296-6745
Larson, Greg 297-7029
Cell (612) 751-3060
Lemm, Les 296-6057
Cell (651) 341-4208
Lennon, Megan 296-1285
Lewis, Melissa 297-4735
Lewis, Michelle 296-2428
Luniewski, Jim 297-2622
Mack, Kristie 215-9420
Maleitzke, Jen 215-9008
Cell (651) 315-5082
Mohring, Eric 297-7360
Cell (612) 309-1173
Ogg, Tim 297-8024
Cell (651) 295-5737
Pellerin, Misty 296-0873
Powell, Ken 215-1703
Cell (763) 291-9078
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
Strommen, Sarah 297-5617
Cell (651) 308-8647
Tyma, Karli Cell (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

## Northern Regional Offices

### Bemidji

Fax Number (218) 755-2672
Dwight, Brian (218) 755-2679
Cell (218) 820-2335
Heinen, Ryan Cell (218) 239-0222
Krystosek, Dale (218) 755-2603
Cell (218) 820-9381
Moore, Kathy (218) 755-2600
Severts, Chad (218) 755-2671
Cell (218) 766-7657
Stensing, Jerry Cell (218) 647-9476

### Brainerd

Fax Number (218) 828-6036
Conference Room (218) 833-8607
Caughey, Donna (218) 828-2383
Grow, Keith (218) 828-6035
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

### Detroit Lakes

Wilken, Bruce (218) 329-0774

### Duluth

Fax Number (218) 723-4794
Flemming, Mary Jo (218) 723-4752
Hughes, Ryan (218) 723-4923
Cell (218) 525-4939
Weyandt, Joan (218) 723-4607
Cell (218) 349-1834

### Fergus Falls

Fax Number (218) 736-7215
Hofstad, Steve (218) 736-5445 x119
Cell (218) 770-2767
Waller, Pete (218) 736-5445 x104
Cell (218) 770-3802

## Southern Regional Offices

### Mankato

Fax Number (507) 345-6036
Becker Kudelka, Angie (507) 389-1968
Cell (612) 616-5112
Gieseke, Jenny Cell (507) 381-3131
Hughes, Chris (507) 389-6784
Cell (507) 381-5040

### Marshall

Fax Number (507) 537-6368
DeBeer, Laura (507) 537-6615
Cell (507) 829-3520
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, Dave (507) 537-6374

### New Ulm

Fax Number (507) 359-6018
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
Maul, Jeremy (507) 359-6090
Cell (507) 272-5061
Nielsen, Jeff (507) 359-6075
Cell (507) 276-5386
Swanson-Cullen, Carla (507) 359-6074

### Rochester

Fax Number (507) 285-7155
Erickson, Dorothy (507) 206-2889
Lawler, Steve (507) 206-2891
Cell (507) 696-3617
Preston, Jesse (507) 206-2893
Cell (507) 273-4678
Ragan, Terry (507) 206-2892
Cell (507) 450-3644
Steele, Amber (507) 206-2890
Cell (507) 273-7338

Revised 11/1/12

Minnesota Board of Water & Soil Resources

# Local Water Management Summary

BWSR Academy 2012

| | SWCD | WD | JPA WMO | County |
|---|---|---|---|---|
| **Year Formed** | 1937 | 1955 | 1982 | 1985 |
| **Created by** | Local petition | Local petition | Legislative mandate, established through Joint Powers Agreement (JPA) | Voluntary |
| **Purpose** | Special<br>To maintain and enhance the quality of soil and water. | Special<br>To conserve natural resources of state by land use planning, flood control and other conservation projects. | Surface Water resource protection through adoption and implementation of local water management plans based on WD and WMO priorities. | General Purpose<br>Manage property taxing system (cities, twnsps., schools, WD's, etc). |
| **# and Coverage** | 90: mostly along county lines | 46: watershed boundaries | 21: in the 7-County Metro | 80: Non metro, groundwater planning in 7-county Metro |
| **MN Statutes** | 103C | 103D and 103B in 7-county Metro | 103B | 103B |
| **Board members are called:** | Supervisors | Managers | Managers or commissioners | Commissioners |
| **Number on Board** | 5 | 3 to 9 | Varies depending on number of municipalities and townships in WMO | 5 to 7 |
| **Board Term** | Elected - 4 yr term | County Board Appointed - 3 yr term | Appointed by members - term varies, defined in JPA | Elected - 4 yr term |
| **Lead staff are called:** | Managers or Administrators | Administrators | Administrators | Director or Water Planner |
| **Typical Revenue Sources** | State grants, county contribution, fees, other grants | Levy, assessments, fees, grants | Member contributions, grants | State grants, levy, assessments, fees, other grants |
| **Planning** | 5 year comprehensive plan (or adopt county water plan), annual plan | 10 year watershed plan and annual plan | 10 year watershed plan and annual work plan | 10 year plan with 5 year implementation update |
| **Regulatory Authorities** | Via delegation (some) - through delegation can regulate such things as WCA, assist with feedlot and drainage system regulation. | Yes (Most) -can regulate if in line with the purpose for which WD is formed and the watershed plan through standards and/or rules. | Yes (Some) can regulate if in line with the watershed plan and JPA through standards and/or rules | Yes (All) -Feedlots/SSTS/ Shoreland/wells/ WCA and other land use controls (they are the land use authority) |

| | SWCD | WD | JPA WMO | County |
|---|---|---|---|---|
| | | | | |
| **Typical Educational Activities** | Clearinghouse for land and water resource information, including but not limited to erosion and sedimentation, water quality, forestry, habitat, and financial assistance. | Varying educational activities non-metro.<br><br>Expansive education and outreach activities in the 7-county metro to multiple target audiences. Activities include media campaigns, websites, newsletters, marketing, workshops, training, conventions, etc. | Many education and outreach activities including media campaigns, websites, newsletters, marketing, workshops, training, conventions, etc. | Groundwater and surface water education in all areas (feedlots, SSTS, solid and hazardous waste, wells, wetlands) |
| **Typical Resource Monitoring Activities** | Monitoring water resources, stormwater best management practices (BMPs), erosion and sedimentation projects, easements, etc. and reporting results. Funding for monitoring generally from grants and/or service contracts. | Monitoring quantity and/or quality for baseline and trend information of water resources within the watershed, often as a part of plan and/or project implementation | Monitoring quantity and/or quality for baseline and trend information of waterbodies within the watershed, often as a part of plan or project implementation | Extent of monitoring activities typically dependent on goals and actions identified in the County water plan or metro groundwater plan. |
| **Typical Project Implementation Activities** | Technical assistance and coordination of funding for BMPs for groundwater and surface water quality. | Identification, design, implementation, and funding of water quality and quantity projects to meet the goals of the watershed plan. | Identification, design, implementation, and funding of water quality and quantity projects to meet the goals of the watershed plan. | Some BMPs via County Water Planning and Clean water Partnership etc. |
| **Reporting** | Annual eLINK, financial, and website reporting | Annual financial report, additional activity and audit reports for metro WDs | Annual financial, audit, and activity reports | Annual eLINK, final allocation and contribution plan |
| **Drainage** | Assist with drainage system management (Tile camera, petition meetings, records modernization) | May be Drainage Authority for certain public systems within watershed | May be Drainage Authority for certain public systems within watershed | Drainage Authority for all systems in county except where new systems following creation of a watershed district |

Note: These are common circumstances, but it should be noted that not all units of local government follow-up these typical activities. Organizations differ in purpose, size, geography, and staffing – impacting their priorities and scope.

# Common Acronyms

## Government related ORGANIZATIONS/AGENCIES:

State

- BWSR: Board of Water and Soil Resources
- CWC: Clean Water Council
- DNR: Department of Natural Resources
- LCCMR: Legislative-Citizen Commission on Minnesota Resources
- LOHC: Lessard Outdoor Heritage Council
- MDA: Minnesota Department of Agriculture
- MDH: Minnesota Department of Health
- MDOT: Minnesota Department of Transportation
- MGS: Minnesota Geological Service
- MMB: Minnesota Office of Management and Budget
- MPCA: Minnesota Pollution Control Agency

Federal

- ACOE: Army Corps of Engineers
- CFSA: Consolidated Farm Services Agency
- EPA: Environmental Protection Agency
- FEMA: Federal Emergency Management Agency
- FSA: USDA Farm Service Agency
- NRCS: USDA Natural Resources Conservation Service
- RC&D: Resource Conservation & Development
- RECD: Rural Economic and Community Development
- USDA: United States Department of Agricultural
- USF&WS: United States Fish & Wildlife Service
- USGS: United States Geological Survey

Regional/Local

- CAC: Citizen Advisory Committee
- CHS: Community Health Service
- JPB: Joint Powers Board
- LGU: Local Government Unit
- RDC: Regional Development Commission
- SWCD: Soil and Water Conservation District
- TAC: Technical Advisory Committee
- WD: Watershed District
- WMO: Watershed Management Organization

## ASSOCIATIONS:

State

- ADA: Association of (Watershed) District Administrators
- AMC: Association of Minnesota Counties
- AMT: Association of Minnesota Townships
- AMWRAP: Association of Minnesota Water Resources Administrators and Planners
- LMC: League of Minnesota Cities

- MACDE: Minnesota Association of Conservation District Employees
- MACPZA: Minnesota Association of County Planning and Zoning Administrators
- MARC&D: Minnesota Association of Resource Conservation and Development
- MASWCD: Minnesota Association of Soil and Water Conservation Districts
- MAWD: Minnesota Association of Watershed Districts

National

- NACD: National Association of Conservation Districts
- NWF: National Wildlife Federation
- SWCS: Soil and Water Conservation Society

## PROGRAMS:

State

- CLWP: Comprehensive Local Water Planning
- CREP: Conservation Reserve Enhancement Program
- C-S: Cost-Share Program
- CWF: Clean Water Fund
- CWL: Clean Water Legacy
- CWP: Clean Water Partnership
- LAP: Lake Assessment Program
- LWRPMP: Local Water Resources Protection and Management Program
- NPEA: Nonpoint Engineering Assistance
- NRBG: Natural Resources Block Grant
- PFM: Private Forestry Management
- PWP: Permanent Wetland Preserve
- RIM: Reinvest in Minnesota
- SLR: Streambank, Lakeshore, and Roadside Program
- SRF: State Revolving Fund
- WCA: Wetland Conservation Act

Federal

- ACP: Agricultural Conservation Program
- CRP: Conservation Reserve Program
- EQIP: Environmental Quality Incentive Program
- FDR: Flood Damage Reduction
- FEMA: Federal Emergency Management Act
- WBP: Water Bank Program
- WRP: Wetland Reserve Program