Minnesota Board of Water and Soil Resources. Minutes.

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Version 3
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BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 23, 2013

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Tom Landwehr, DNR

STAFF PRESENT:
Mary Jo Anderson, Don Buckhout, Tim Dykstal,Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Jen Maleitzke, Eric Mohring, Dave Weirens, Steve Woods

Chair Napstad called the meeting to order at 9:10 a.m.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Chair Napstad reported that there is a revision to the agenda; the New Business item Conflict of Interest Presentation will be moved to the first item under New Business. Moved by Sandy Hooker, seconded by Rebecca Flood, to adopt the agenda as revised. Motion passed on a voice vote.

** 13-01

** 13-02 **MINUTES OF DECEMBER 12, 2012 BOARD MEETING** – Moved by Steve Sunderland, seconded by Paul Langseth to approve the minutes of December 12, 2012, as circulated. Motion passed on a voice vote.

RECOGNITION OF RETIRING BOARD MEMBER – John Jaschke acknowledged Bob Burandt's state service as a BWSR board member for eight years. John and Chair Napstad presented Bob with a Distinguished Service Award plaque for his dedicated service to Minnesota's water and soil resources from 2005 – 2012. Bob stated that the Board is a great venue to understand and respect others' opinions to get things done. John stated that Bob can continue to serve on the Board until an appointment is made. Chair Napstad thanked Bob for his service and membership on the Board.

REPORTS

Chair's Report – Brian Napstad reported that the Environmental Quality Board (EQB) is hosting an Environmental Congress on March 15 at the Thunderbird Hotel in Bloomington. The Environmental Congress is a one-day summit for state leaders to review the report card findings and discuss the public feedback received at citizen forums held statewide, and begin planning for Minnesota's environmental future. Chair Napstad stated that Governor Dayton has been invited as the keynote speaker, anticipate 300 attendees.

Chair Napstad attended the EQB meeting on January 16. Discussions included the mandatory Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS) out for public comment, feedback is appreciated. The EAW and EIS are published in the biweekly *EQB Monitor*.

Chair Napstad attended the Northern Water Planning Committee meeting on January 9. The Committee recommendations are on the agenda later today.

Chair Napstad stated that he testified before the Senate Environment and Energy Committee on January 17; the Senate Committee unanimously recommended his confirmation as Chair of BWSR; he's hopeful of full confirmation.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning, discussion included BWSR board member vacancies and the appointments process. John Jaschke will send a notice to board members when appointments are announced. Chair Napstad stated that Committee recommendations were discussed and are on the agenda later today. The AAC discussed the executive director's annual performance evaluation process.

Staff will send board members the evaluation forms to complete and anonymously submit to Bill Eisele. The performance evaluations will be compiled by the chair and vice-chair and reviewed with the executive director. A supplemental process to get input from some key stakeholders and staff will be added this year. Chair Napstad stated that board members comments are appreciated.

Executive Director's Report – John Jaschke asked that board members submit any changes to their contact information to Mary Jo Anderson. The public information will be posted on the BWSR website. John reviewed information in board members' packets.

John reported that Governor Dayton released his budget plan for the upcoming biennium. BWSR's proposed FY14-15 biennial budget includes:

1. Funding to implement the One Watershed - One Plan initiative
   The new investment in One Watershed - One Plan will assist with the transition to a watershed-based approach and work in a concerted fashion with our partner agencies to build and implement the next generation of local water plans.

2. Funding to enhance BWSR's internal controls
   The additional investment in BWSR's internal controls is well-timed as we near completion of the eLINK upgrade. This system will allow us to manage local government grant applications and reporting results more efficiently, and additional funds will enhance our capacity to meet new standards for accomplishing the necessary oversight of public funds and programs and to show the benefits accrued.

3. Increased funding in BWSR's Clean Water Fund programs
   The continued commitment to BWSR's Clean Water programs includes increases in most of the funding categories. The proposed budget acknowledges demand exceeding the previously available funds, based on the information you submitted through the Biennial Budget Review (BBR) process. Clean Water Fund work will continue to be targeted using the best available scientific assessments, including the revamped effort by the MPCA to move toward the potentially much more useful Watershed Restoration and Protection Strategies (WRAPS), which have the potential to greatly improve on the federally driven TMDL approach.

It is important to note that the Governor's budget does not include inflationary adjustments for FY14-15. Specifics on the Governor's budget proposal can be found on the MMB website<http://www.mmb.state.mn.us/>. As the Governor's Budget is considered by the Legislature in the months ahead, Sarah Strommen and John Jaschke will keep board members apprised of future developments through regular updates.

Chair Napstad stated that the One Watershed - One Plan initiative is a challenge and a great opportunity for BWSR, he asked that board members participate.

Dispute Resolution Committee – Travis Germundson reported that there are currently 12 appeals pending; he provided a brief status report on the appeals. John Jaschke mentioned the

potential changes related to Swampbuster in the next Farm Bill. Chair Napstad thanked Travis for his report.

Grants Program & Policy Committee – Paul Langseth stated that the Grants Program & Policy Committee has not met since November. Paul stated that the Southern Water Planning meeting is scheduled for March 7; he asked Committee members to let Jeff Nielsen know if they are not able to attend.

Public Relations, Outreach & Strategic Planning Committee (PROSP) – Keith Mykleseth stated that the PROSP Committee met last night, the Committee recommendation is on the agenda later today. The next PROSP Committee meeting is scheduled for April 24, 2013; immediately following the Board meeting.

Drainage Work Group (DWG) – Tom Loveall reported that the Drainage Work Group met on December 13, 2012. Topics of discussion included: 1) share information about recent and upcoming drainage presentations and workshops; 2) final discussion of 2012 DWG consensus recommendations for updating drainage law; 3) updates regarding Corps of Engineers proposed regional general permit No. 2; and the DWG plans to meet once during the legislation session, tentatively in mid-February.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Crow Wing County Priority Concerns Scoping Document – Keith Mykleseth reported that the Northern Water Planning Committee met on January 9, 2013, reviewed the Crow Wing
** County Priority Concerns Scoping Document and recommends approval. Moved by Keith
13-03 Mykleseth, seconded by Sandy Hooker, to approve the Crow Wing County Priority Concerns Scoping Document. The state's expectations of the final plan must be sent to Crow Wing County. Chair Napstad stated that Crow Wing County is to be commended for the outstanding process used to select concerns. Keith stated that Crow Wing County is a model for their procedures. Motion passed on a voice vote.

Pope County Priority Concerns Scoping Document – Gerald Van Amburg reported that the Northern Water Planning Committee met on January 9, 2013, reviewed the Pope County
** Priority Concerns Scoping Document, and recommends approval. Moved by Gerald Van
13-04 Amburg, seconded by Tom Loveall, to approve the Pope County Priority Concerns Scoping Document. The state's expectations for the final plan must be sent to Pope County. Motion passed on a voice vote.

Public Relations, Outreach & Strategic Planning Committee

2013 Performance Review and Assistance Program (PRAP) Report to the Legislature – Don Buckhout reported that the Public Relations, Outreach and Strategic Planning Committee met on January 22, 2013, reviewed the revisions to the PRAP Guiding Principles, and the 2013 PRAP Legislative Report; and recommends approval. Don distributed the revised page ten of
** the report, and provided an overview of the program conclusions and future direction. Moved by
13-05 Keith Mykleseth, seconded by Sandy Hooker, to approve the Performance Review and Assistance Program 2013 Report to the Minnesota Legislature for transmittal to the legislature

and publication on the Board's website, with allowance for any minor editing modifications necessary for publication. Keith stated that the Committee appreciates the comments received. Bob Burandt reported that the Carver SWCD went through PRAP process, it was a good program and very worthwhile. Paul Langseth stated that staff efforts ensure plans are reviewed in a timely manner; this performance review has really helped LGUs complete their work. Motion passed on a voice vote. Chair Napstad thanked the PRAP Committee, and Don for their efforts and work on this; and he also appreciated Jack Ditmore's thorough written comments.

Chair Napstad called for a break in the meeting at 10:38 a.m. The meeting reconvened at 10:55 a.m.

NEW BUSINESS

Conflict of Interest Training and Disclosure – Tim Dykstal, Fiscal Compliance Director, presented guidance on conflict of interest in grant reviewing and information from the Office of Grants Management (OGM). Tim explained how the conflict of interest applies to BWSR's structure and mission and discussed three categories of conflict as the Office of Grants Management defines them: potential, perceived, and actual. Tim stated that his presentation will be posted on BWSR's website. BWSR will train its grant reviewers about conflict of interest annually; disclose conflicts, including potential and perceived conflicts, before each grant review; and continue to inform OGM and others of compliance efforts. Discussion followed. Paul Langseth suggested the conflict of interest form be changed to include a separation from actual, perceived, or potential. John Jaschke stated that Tim will work with the OGM and revise the form that will be used in the future. Tom Loveall stated that Board members are representatives bringing their perspective to provide Board policy. John stated that Tim will inform OGM of the Board's approach to compliance. Chair Napstad thanked Tim for his presentation.

Christy Jo Fogarty left the meeting at 11:15 a.m.

CONFLICT OF INTEREST DECLARATION – Chair Napstad explained that the conflict of interest declaration process is being used today on the FY2013 Competitive Grant Program Allocation, amending the resolution; the Conflict of Interest Declaration forms need to be submitted.

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

Chair Napstad asked board members to submit their completed Conflict of Interest Declaration forms to John Jaschke. The Conflict of Interest Declaration documents will be filed for the grant decision item. John Jaschke stated that all board members are eligible to vote.

Amending Resolution – FY2013 Competitive Grant Program Allocations – Dave Weirens reported that on December 12, 2012, the Board adopted Resolution #12-113 which allocated

funds to projects under the FY2013 Clean Water Fund Competitive Grants Program. Shortly after the Board adopted this resolution, it was brought to the attention of staff that a Livestock Waste Management Project proposed by Benton SWCD had been incorrectly scored as not being riparian. This error occurred due to the operation of the software used to facilitate application processing. If this project had been scored as riparian, it would have been recommended for funding. The Board is requested to amend Resolution #12-113 to increase
** funding to project CWF13-51 with returned grant funds in the amount of $80,235. Moved by
13-06 Paul Langseth, seconded by Faye Sleeper, to approve the amended Resolution to increase funding to project CWF13-51 by $80,235 from returned grant funds. Discussion followed. Motion passed on a voice vote.

Matt Wohlman left the meeting at 11:35 a.m.

Principal Place of Business Change in Location for Comfort Lake-Forest Lake Watershed District – Jim Haertel reported that the Comfort Lake-Forest Lake Watershed District office and meetings are currently in the Forest Lake City Hall. The City of Forest Lake is building a new city hall and the old one will be demolished. The old city hall is within the watershed district, however the new city hall is about one-quarter mile outside of the watershed district. There are no other public facilities available within the watershed district. Statute requires BWSR designate the nearest suitable public facility as a watershed district's principal place of business when no public facilities are available within the watershed district. Staff recommends Board approval to designate the new Forest Lake City Hall as the principal place of business for the watershed district. Jim stated that the final 'Whereas' on the resolution for Chair Napstad's
** signature was amended, capitalizing the word "Board". Moved by Keith Mykleseth, seconded by
13-07 Rebecca Flood, to designate the new Forest Lake City Hall as the Comfort Lake-Forest Lake Watershed District's principal place of business effective when the new building is ready for occupancy and the watershed district has completed its move. Motion passed on a voice vote.

Washington Conservation District Change of Location of Principal Office – Jim Haertel reported that the Washington Conservation District proposes to change the location of their office from Stillwater to Oakdale. Both locations are within Washington County. MS Section 103C.221, Change of Location of Principal Office, requires the District Board of Supervisors to adopt a resolution stating the new location and receive approval from the BWSR Board before filing the change in location with the Secretary of State. BWSR staff recommend approval of the
** change of location. Moved by Rebecca Flood, seconded by Sandy Hooker, to approve the new
13-08 principal office location for the Washington Conservation District to be 455 Hayward Avenue North, Oakdale, MN. Motion passed on a voice vote.

Current Groundwater Topics/Issues in Minnesota – Eric Mohring, Hydrogeologist, provided an overview of current aspects of groundwater management priorities, and the Minnesota groundwater management timeline. Eric reported that an interagency group is working together, coordination has evolved over the years due to scarce resources. BWSR, MDA, DNR, MDH, and PCA are working in collaboration to facilitate and develop incorporating groundwater considerations into the watershed based surface water quality framework. Chris Elvrum, MDH, stated that there's room for improvement, but coordination is good, agencies working together and the need to provide tools and guidance for local governments and watershed areas to

consider groundwater, infiltration, and vulnerability, for local implementation purposes. Discussion followed. Eric stated that a goal would be to cover the state with MN Geologic Survey (MGS) county atlas maps. Chair Napstad thanked Eric for the presentation, this topic is a great interest to many; would like to know what tools are available to put into watershed plans. He asked Eric to provide BWSR with what groundwater management data is available or needed statewide. Eric stated that it comes down to prioritization; groundwater protection is going to be multi-agency; inter-disciplinary; and multiple scales. John Jaschke stated that Eric and others will provide a summary of available data, and a Phase II presentation at an upcoming Board meeting.

AGENCY REPORTS

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA has been developing watershed and protection strategies incorporating TMDLs for LGUs and partners. Rebecca stated that MPCA staff could provide a presentation on using tools, computer models being developed and how to integrate into watershed management plans. John Jaschke will coordinate a presentation at an upcoming Board meeting.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT's Legislative & Research Committee meetings and short courses are scheduled for winter/spring; topics of discussion include rules, regulations, and invasive species.

UPCOMING MEETINGS

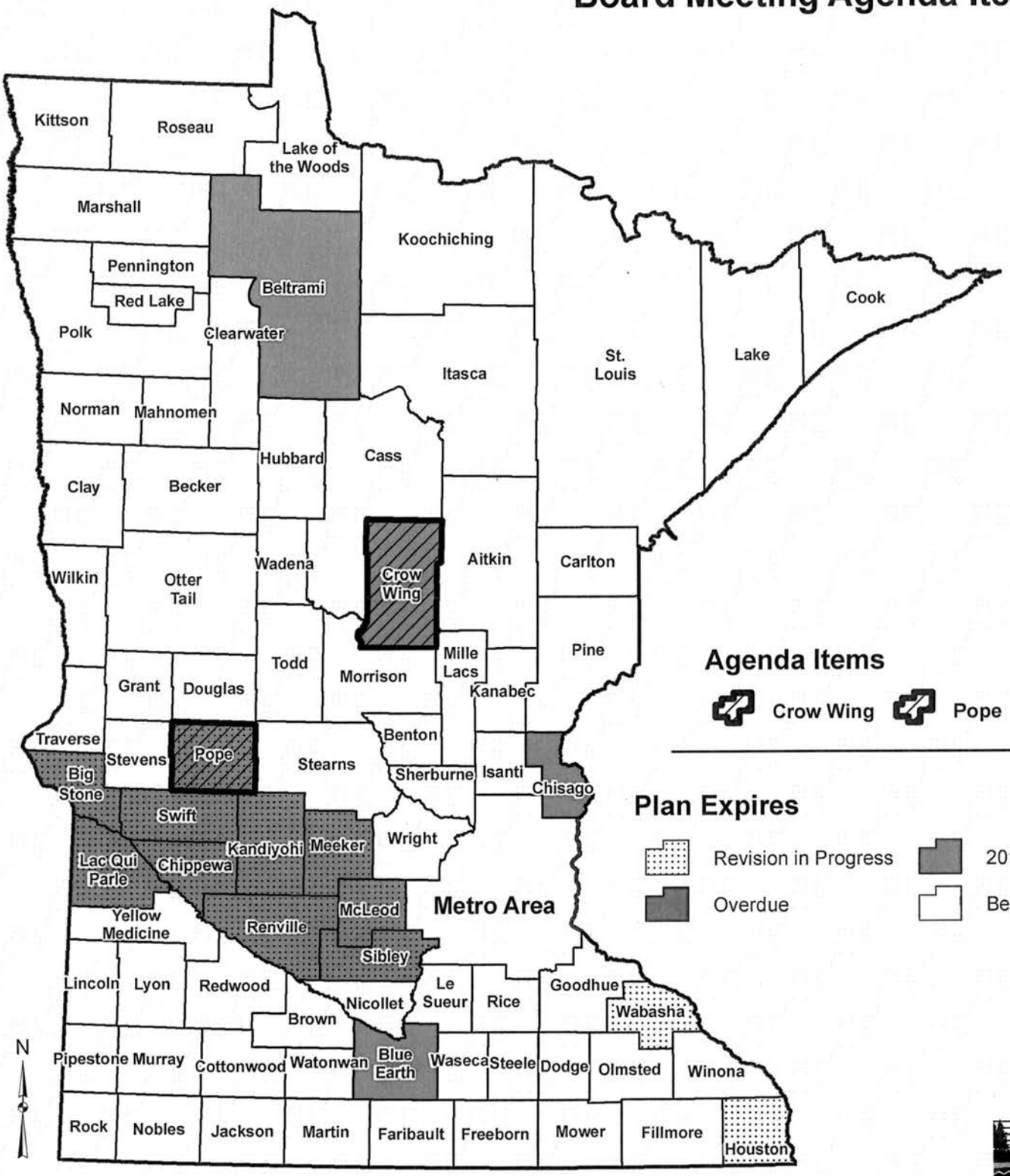
Next BWSR Board Meeting – March 27, 2013

** 13-09 Moved by Sandy Hooker, seconded by Tom Loveall, to adjourn the meeting at 12:41 p.m. Motion passed on a voice vote.

Respectfully submitted,

Brian Napstad
Chair

County Water Plan Expirations
&
Board Meeting Agenda Items



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

January 2013

Minnesota Board of Water & Soil Resources

Conflict of Interest Disclosure for Grant Application Reviewer

Grant Program: Amending Resolution – FY2013 Competitive Grant Program Allocation
Date: January 23, 2013
Name of Review Group: Dave Weirens and Jeff Hrubes

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: _____

BWSR Board Member _____

Communications Summary for 2013

Primary e-mail address: _____

Service Provider: _____
(name)

Secondary e-mail address: _____
(optional)
Service Provider: _____

Primary Phone Number: _____

Service Provider: _____

Secondary Phone Number: _____

Service Provider: _____

U.S. Mail Address: _____

_____

_____

Public information to be listed on the BWSR website.

Please return to Mary Jo Anderson.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 12, 2012

BOARD MEMBERS PRESENT:
Linda Bruemmer, MDH; Bob Burandt, Joe Collins, Jack Ditmore, Quentin Fairbanks, Rebecca Flood, MPCA; Sandy Hooker, Tom Landwehr, DNR; Tom Loveall, Keith Mykleseth, Brian Napstad, Brad Redlin, MDA; Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg

BOARD MEMBERS ABSENT:
Paul Langseth
John Meyer
Christy Jo Fogarty

STAFF PRESENT:
Mary Jo Anderson, Travis Germundson, Tim Gillette, Jim Haertel, John Jaschke, Al Kean, Tim Koehler, Les Lemm, Melissa Lewis, Jeff Nielsen, Ken Powell, Ron Shelito, Amber Steele, Sarah Strommen, Dave Weirens, Steve Woods, Brad Wozney

OTHERS PRESENT:
LeAnn Buck and Sheila Vanney, MASWCD
John Linc Stine, MPCA Commissioner
Suzanne Rhees, MPCA/DNR
Tom Peterson, Hennepin Conservation District
Joel Settles and Rosemary Lavin, Hennepin County Environmental Services
Richard Strong, Hennepin CD Supervisor

DRAFT

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

PLEDGE OF ALLEGIANCE

** 12-100 **ADOPTION OF AGENDA** – Chair Napstad made an adjustment to the agenda: a Second Public Access Forum will be added before the Metro Water Planning Committee Recommendation. Also, MPCA Commissioner Stine's presentation on Water Governance Study Recommendations will be on the agenda at 10:00 a.m. Moved by Sandy Hooker, seconded by Tom Landwehr, to adopt the agenda as presented. Motion passed on a voice vote.

** 12-101 **MINUTES OF OCTOBER 24, 2012 BOARD MEETING** – Moved by Quentin Fairbanks, seconded by Gerald Van Amburg, to approve the minutes of October 24, 2012 as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – Chair Napstad explained there are two items on the agenda today that need the Conflict of Interest Declaration form submitted. The declaration process is being used on the following decisions:

- FY2013 CWF Competitive Grants
- Reallocation of Targeted Drainage Water Management Grant

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

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

RECOGNITION OF QUENTIN FAIRBANKS – John Jaschke acknowledged Quentin Fairbank's state service as a state trooper, and as a BWSR board member for nine years. John and Chair Napstad presented Quentin with a Distinguished Service Award plaque for his dedicated service to Minnesota's water and soil resources. Chair Napstad thanked Quentin for his service and membership on the Board. Quentin stated that he traveled 600 miles a month to attend BWSR board meetings; he will miss BWSR and wished the best to everyone.

INTRODUCTION OF NEW BWSR STAFF

- Amber Steele, wetland specialist in Rochester was introduced by Jeff Nielsen. Chair Napstad, welcomed Amber to BWSR.

REPORTS

Chair's Report – Brian Napstad stated that it's a busy time of year! Chair Napstad reported that the EQB approved recommendations for improving environmental review, improving

governance and coordination. The MAWD, MASWCD, and AMC annual meetings were well represented by BWSR. Chair Napstad reported that he has been attending the Environmental Congress Citizens Forums, six sessions being held statewide for public input. The sessions have been very popular and well attended.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning, discussion included BWSR board member appointments process, Committee updates; and staffing plan.

Executive Director's Report – John Jaschke reported that he attended the MAWD, MASWCD, and AMC annual meetings; many excellent training sessions were available for participants. On behalf of BWSR, John presented the Outstanding Watershed District Employee Award to Anna Eleria, Capitol Region WD. The Outstanding SWCD Employee Award recipient is Greg Ostrowski, Todd SWCD.

John stated that BWSR has submitted legislative budget and policy proposals and await the Governor's budget recommendation in January.

John reviewed information in Board Members' packets and provided status of PRAP Assistance Grants.

John asked that Conflict of Interest Declaration forms be submitted.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently 10 appeals pending; he provided a brief status report on the appeals. Travis acknowledged Quentin's membership on the DRC, and appreciated his leadership. Travis stated that the DRC training session will be delayed until the appointment is made of Quentin's vacancy .

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee has items on the agenda later today. Gerald commended staff for their work on Executive Order 12-04. Dave Weirens and Les Lemm; and Mark Lindquist, DNR, traveled the state taking stakeholders input on Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy.

Grants Program & Policy Committee – Chair Napstad stated that Paul Langseth is on vacation; the Grants Program & Policy Committee have recommendations on the agenda later today.

Chair Napstad introduced Brad Redlin, representing MDA today; Brad has voting rights.

Public Relations, Outreach & Strategic Planning (PROSP) Committee – Keith Mykleseth reported that the PROSP Committee will meet on January 22. Keith stated that Don Buckhout has a draft Annual Legislative Report available to board members, contact Don if interested in receiving a copy of the draft report.

RIM Reserve Management Planning Committee (RRMPC) – Gene Tiedemann reported that the RRMP Committee met on November 28. The Committee recommendation is on the agenda later today.

Drainage Work Group – Tom Loveall reported that Drainage Work Group met on November 15. Topics of discussion included: adding a provision in the drainage law transferring drainage systems records from a county to a watershed district; and draft statute revisions to enable multi-stage ditch repair.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

Olmsted County Local Water Management Plan Update – Steve Sunderland reported that the Southern Water Planning Committee met on November 1, 2012; reviewed the recommendation of the state review agencies regarding final approval of the Olmsted County Local Water Management
** Plan Update; the Committee recommends approval. Moved by Steve Sunderland, seconded by
12-102 Bob Burandt, to approve the Olmsted County Local Water Management Plan Update, in effect until December 31, 2022. Motion passed on a voice vote.

Kandiyohi County Priority Concerns Scoping Document – Steve Sunderland reported that Kandiyohi County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee, chaired by Paul Langseth, met with Kandiyohi County on November 1, 2012, to review the content of the PCSD, state agency review comments; and recommends approval. The state's expectations for the final plan must be sent to Kandiyohi
** County. Moved by Steve Sunderland, seconded by Keith Mykleseth, to approve the Kandiyohi
12-103 County Priority Concerns Scoping Document. Motion passed on a voice vote.

McLeod County Priority Concerns Scoping Document – Steve Sunderland reported that McLeod County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee, chaired by Paul Langseth, met with McLeod County on November 1, 2012, to review the content of the PCSD, state agency review comments on the PCSD; and recommends approval. The state's expectations for the final plan must be sent to
** McLeod County. Moved by Steve Sunderland, seconded by Tom Loveall, to approve the McLeod
12-104 County Priority Concerns Scoping Document. Motion passed on a voice vote.

Meeker County Priority Concerns Scoping Document - Steve Sunderland reported that Meeker County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee, chaired by Paul Langseth, met with Meeker County on November 1, 2012, to review the content of the PCSD, state agency review comments on the PCSD; and recommends approval. The state's expectations for the final plan must be sent to Meeker County.
** Moved by Steve Sunderland, seconded by Sandy Hooker, to approve the Meeker County Priority
12-105 Concerns Scoping Document. Motion passed on a voice vote.

Renville County Priority Concerns Scoping Document – Steve Sunderland reported that Renville County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee, chaired by Paul Langseth, met with Renville County on November 1, 2012, to review the content of the PCSD, state agency review comments on the PCSD; and recommends approval. The state's expectations for the final plan must be sent to
** Renville County. Moved by Steve Sunderland, seconded by Bob Burandt, to approve the Renville
12-106 County Priority Concerns Scoping Document. Motion passed on a voice vote.

Kandiyohi County Comprehensive Local Water Management Plan Extension Request – Steve Sunderland reported that the Kandiyohi County Comprehensive Local Water Management Plan will expire December 31, 2012. On October 5, 2012, BWSR received a request for an extension of the Plan from Kandiyohi County. On November 1, 2012, the Southern Water Planning Committee, chaired by Paul Langseth, met with Kandiyohi County to discuss the extension request. The Committee recommends approval of the extension. The state's expectations for the extension
** request must be sent to Kandiyohi County. Moved by Steve Sunderland, seconded by
12-107 Joe Collins, to approve the Kandiyohi County Comprehensive Local Water Management Plan Extension until May 30, 2013. Motion passed on a voice vote.

McLeod County Comprehensive Local Water Management Plan Extension Request – Steve Sunderland reported that the McLeod County Comprehensive Local Water Management Plan will expire December 31, 2012. On September 24, 2012, BWSR received a request for an extension of the Plan from McLeod County. On November 1, 2012, the Southern Water Planning Committee, chaired by Paul Langseth, met with McLeod County to discuss the extension request, and recommends approval. The state's expectations for the extension request must be sent to McLeod
** County. Moved by Steve Sunderland, seconded by Sandy Hooker, to approve the McLeod County
12-108 Extension until May 30, 2013. Motion passed on a voice vote.

Meeker County Comprehensive Local Water Management Plan Extension Request – Steve Sunderland reported that the Meeker County Comprehensive Local Water Management Plan will expire December 31, 2012. On October 9, 2012, the BWSR received a request for an extension of the Plan from Meeker County. On November 1, 2012, the Southern Water Planning Committee, chaired by Paul Langseth, met with Meeker County to discuss the extension request, and recommends approval. The state's expectations for the extension request must be sent to Meeker
** County. Moved by Steve Sunderland, seconded by Tom Loveall, to approve the Meeker County
12-109 Comprehensive Local Water Management Plan Extension until May 30, 2013. Motion passed on a voice vote.

Renville County Comprehensive Local Water Management Plan Extension Request – Steve Sunderland reported that the Renville County Comprehensive Local Water Management Plan will expire December 31, 2012. On October 11, 2012, the BWSR received a request for an extension of the Plan from Renville County. On November 1, 2012, the Southern Water Planning Committee, chaired by Paul Langseth, met with Renville County to discuss the extension request, and recommends approval. The state's expectations for the extension request must be sent to

** 12-110 Renville County. Moved by Steve Sunderland, seconded by Keith Mykleseth, to approve the Renville County Comprehensive Local Water Management Plan Extension until May 30, 2013. Motion passed on a voice vote.

NEW BUSINESS

Water Governance Study Recommendations – John Linc Stine, MPCA Commissioner, introduced Suzanne Rhees, MPCA/DNR. Commissioner Stine presented the draft "Water Governance Evaluation, *recommendations to streamline, strengthen, and improve sustainable water management*". Commissioner Stine thanked the University of Minnesota for their assistance with the Water Governance Study. The statutory requirement for this report is found in Minnesota Session Laws, 1st Special Session, Chapter 2, Article 4, Section 33, which reads: EVALUATION REQUIRED (a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management. (b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013. Discussion followed. Commissioner Stine stated that this is a long-term work plan; this report is compatible to the Governor's Executive Order 12-04, regarding wetlands, which he appreciates BWSR's staff effort toward. Joe Collins commended the land-use and water management efforts. Chair Napstad asked how to get to watershed incentives utilizing a leadership role by the state in this effort. John Jaschke stated that BWSR will establish a framework and work with agencies to make this happen. Chair Napstad thanked Commissioner Stine for his presentation.

Chair Napstad called for a break in the meeting at 10:46 am. The meeting reconvened at 11:05 a.m.

Faye Sleeper left the meeting at 11:00 a.m.

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

- Richard Strong, Hennepin Conservation District (HCD) Supervisor, commented on the uniqueness of the Hennepin Conservation District. Mr. Strong stated that HCD can look at other funding sources; HCD no longer has a district management deficit; looking for civic engagement; propose 18-month probationary period; delivery services of HCD will not be curtailed due to HCD no longer contracting with the Hennepin County Environmental Services; reformed the district so WCA is being delivered. Metro Conservation District supports HCD. Citizens of HCD have a right to have an elected Board. HCD is a coordinating board at the local level. HCD would like to have input. Chair Napstad thanked Mr. Strong for his comments.

- Rosemary Lavin, Hennepin County Environmental Services. Since 2003, Hennepin County Environmental Services has been providing services for the HCD. Hennepin County would like a different way to deliver services. HCD does not have the means to sustain its future, but Hennepin County does with their track record. Hennepin County

can deliver conservation services more efficiently without the HCD Board. Chair Napstad thanked her for her comments.

Metro Water Planning Committee

Delivery of Conservation Services in Hennepin County – Jim Haertel reported that the Metro Water Planning Committee met on November 16 to consider this matter. Jims message to the Board follows.

> The item is before you today because of the findings contained in the November 13th report included in your materials and because Hennepin County will be proposing legislation that would directly dissolve the Hennepin Conservation District through legislative action. This will be the third consecutive year that Hennepin County will be proposing the legislation. I have been informed by the Chair of the Hennepin County Board that they plan to aggressively pursue the legislation this next session.
>
> BWSR staff and County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with BWSR and would have BWSR make a decision on the petition without a referendum. Under the compromise language, Chapter 103C, the section of statute pertaining to SWCDs, would not change. The legislation would be limited to Hennepin County and accomplished via a change to a section of statute dedicated solely to Hennepin County. The County would be responsible for carrying out the duties of a SWCD and there would be options for BWSR to take action to assure the duties are carried out, even re-establishing the SWCD if necessary. The compromise language would have the administrative process go through BWSR to dissolve the District and/or transfer the District's duties to the County, which is consistent with Chapter 103C.
>
> In your board packet is the staff report covering the delivery of conservation services in Hennepin County over the past ten years by the Hennepin Conservation District and the Hennepin County Department of Environmental Services. Attachment A of the report is the draft compromise language that staff have worked on. Also in your board packet are two draft resolutions. Version 1 is basically what was before the Metro Water Planning Committee. Version 1 mainly relies on the contents of the staff report. Version 1a has been modified based on the Committee meeting and Committee member comments. Version 1a adds some important basis to the WHEREAS findings and allows the resolution to stand apart from the report with a more complete understanding of the important limits and unique circumstances. Version 1a also adds the "transfer of duties" option to the "discontinuance" option. Please note in Version 1a there is one minor edit: in the last WHEREAS, first line, the word "Committee" should be added after "Metropolitan Water Planning" to read "Metropolitan Water Planning Committee".
>
> A Resolution from the Board is necessary to give the County an expectation of the direction of the Board if the legislation were enacted.

At the Metro Committee meeting, representatives of the Hennepin Conservation District, Hennepin County and the MN Association of Soil and Water Conservation Districts spoke and

responded to questions from Committee members. The Committee discussed the matter at length, did not make a decision on the draft Resolution, Version 1 and unanimously recommended the matter come before the full Board. Staff recommend Version 1a be adopted.

John Jaschke reported that he attended the MASWCD Board of Directors meeting on December 2, and addressed the issue, no decision or recommendation was made, he provided MASWCD with information.

John stated that the Resolution – Version 1a, directs BWSR staff to work with the County on legislation to meet the intent of the statute and when/if legislation is in place – there would be a two-step process; the resolution is intended to shape the process for BWSR to move forward. Chapter 383B specific to Hennepin County, is the section of statute to move this forward.

John stated that if the resolution is not passed, no change would be pursued by staff, the county would pursue legislation; BWSR would be reactive rather than proactive. Petition by citizens to dissolve HCD are not practical or desired.

Steve Sunderland asked if the County Board and HCD met to discuss this face-to-face? BWSR staff have done a lot. Steve stated that steps are in place in statute to dissolve an SWCD, he finds it hard to support new legislation when statute is in place and staff have findings in place.

John stated that proposed Version 1a would address this, after ten years of findings, this is what we have, the results are what we are looking at. Joe Collins made a point of clarification, the Metro Committee wanted the full BWSR Board's viewpoint. It's important to hear the out-state impact, without a recommendation made by the Metro Committee. John Jaschke stated the uniqueness of the HCD is addressed as the draft legislation is not applicable to anywhere else in the State other than Hennepin County.

Keith Mykleseth stated that this didn't happen overnight, it's been ten years. BWSR is taking steps – he supports the 1a resolution.

Bob Burandt doesn't think that HCD should be treated any different than others. Jack Ditmore stated that Hennepin County will force the two bodies to address this directly; there is some form of precedent. BWSR will need to provide the feasibility and achieve outcomes asked for in statute when this comes back to BWSR in the second step of the process.

Jim Haertel stated that the Version 2 of the Resolution referred to in the Board Action form has been replaced by Version 1a - allows for dissolution of HCD and for the transfer of duties.

** Moved by Jack Ditmore, seconded by Tom Landwehr, to approve the Resolution, Version 1a.

Steve Sunderland asked the question of setting precedent for legislation. John Jaschke stated that this is only for Hennepin County.

** Moved by Steve Sunderland, seconded by Keith Mykleseth, to amend Resolution, Version 1a, in the sixth WHEREAS, insert <u>BWSR Board staff</u> and Hennepin County staff – the WHEREAS

would read: "WHEREAS, BWSR Board staff and Hennepin County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with the Board and would have the Board make a decision on the petition without a referendum; and,"

It was noted that the seventh WHEREAS, the word Committee was added to the Metropolitan
12-111 Water Planning Committee. The amendment to the Motion passed as amended.

Tom Loveall stated that BWSR can take care of this issue and he supports the Resolution, Version 1a.

Sandy Hooker stated that a referendum has been done by citizens, she does not support 1a.

Joe Collins stated that locally, citizens would call the county if they had a question.

Gerald Van Amburg stated that the average citizen doesn't know the details, this HCD issue has been happening for a long time and the county has been taking care of things He supports Version 1a.

Jack Ditmore clarified that the referendum was in 2002.

12-112 Chair Napstad called for the vote. Motion passed on a voice vote.

John Jaschke stated that SWCDs are alive and well statewide. We have SWCDs doing a lot of great work.

John Jaschke stated that the Conflict of Interest Declaration forms have been submitted; Tom Loveall stated he will abstain from voting on both grant items.

Grants Program and Policy Committee
FY2013 CWF Competitive Grants Program Funding Recommendation – Dave Weirens distributed the Grants Program & Policy Committee's recommendations for the FY2013 Clean Water Fund Competitive Grants. Dave provided a brief overview of each of the grants. Dave reported that the Board authorized staff to proceed with a Request for Proposals for the FY2013 Clean Water Fund Competitive Grants on June 27, 2012. Applications were accepted from August 1, 2012 through September 14, 2012. Total applications received were 286 requesting nearly $68 million across six grant programs. These applications were reviewed by BWSR staff and all were scored either by or with the input of staff from our partner State agencies.

The Grants Program & Policy Committee recommends approval of the following Grant Program and allocated funds:

Clean Water Assistance Grants	$10,500,000
Livestock Waste Management Grants	$ 2,000,000
SSTS Abatement Grants	$ 1,500,000
Accelerated Implementation Grants	$ 2,000,000
Conservation Drainage Grants	$ 942,362

Community Partners Conservation Programs Grants	$ 1,400,000
MDA Ag BMP Loans	$ 4,500,000

Steve Sunderland stated that he has received questions due to the rankings, asking how to write a better grant. Dave stated that many good applications were received without enough funding for all the good projects. Dave clarified that the loan funds need to be repaid; in many cases, that is the match. Tom Landwehr stated that he would like to see the Ag BMP funds used, not sitting in a pot unused. Tom would like John Jaschke, MDA Commissioner Dave Frederickson, and MPCA to meet to discuss the funding issue. Rebecca Flood will bring this up at the next meeting of CWF Coordination Team.

** Moved by Gerald Van Amburg, seconded by Quentin Fairbanks, to approve the allocations to implement the FY2013 CWF Competitive Grant Program, scoring results and funding recommendations by the Grants Program & Policy Committee. An agreed to amendment on page five, C., adding 'partially fund'. The sentence would read, "C. assign funds, noted in (1) that may become available, to partially funded then unfunded projects, in rank order, ..."
12-113 Motion passed on a voice vote. Chair thanked Dave and staff, and the Grants Program and Policy Committee for all the work on this effort.

Chair Napstad called for a lunch break at 12:20 PM. The meeting reconvened at 1:00 PM.

Reallocation of a Targeted Drainage Water Management Grant – Tim Gillette reported that the Board authorized seven Targeted Drainage Water Management Grants on June 27, 2012. Since that time the Bois de Sioux Watershed District has declined the grant. However, the two SWCDs in the area have agreed to accept the grant. The Grants Program & Policy Committee
** recommends reallocation of funds to Wilkin and Traverse SWCDs. Moved by Jack Ditmore,
12-114 seconded by Steve Sunderland, to approve amending the list of BWSR Targeted Drainage Water Management Grant recipients to remove the Bois de Sioux WD and include the Wilkin and Traverse SWCDs as indicated. Motion passed on a voice vote.

Wetlands Committee

Executive Order 12-04: Supporting and Strengthening Implementation of the State's Wetland Policy – Dave Weirens provided an overeview of the Governor Dayton issued Executive Order 12-04 on May 3, 2012. This Order directed BWSR, in cooperation with our partner State agencies and invited stakeholders, to evaluate a series of wetland policies. Staff implemented a process to receive input from stakeholders on the issues included in the Order, as well as other issues that were identified by stakeholders. BWSR staff, in consultation with our partner State agencies developed recommendations based on stakeholder derived input as requested by the Governor. The Wetland Committee reviewed the draft report on November 28 and again on December 11. Dave appreciated the assistance of Mark Lindquist at DNR to help with the process. This report must be delivered to the Governor by December 15, 2012.

Dave explained that the implementation of these recommendations will require a combination of interagency agreements between state and federal agencies, statutory, rule, policy, and guidance changes. This effort requires significant staff time by participating agencies. A first

step in the process to implement is to generate priorities based on the recommendation. Prioritization will be developed in consultation with the Governor's Office and agency leaders. John Jaschke stated that this is the Governor's Executive Order; BWSR controls a portion of this, but there is the need to persuade other partners when going forward, specifically with federal agencies.

** 12-115 Moved by Gerald Van Amburg, seconded by Quentin Fairbanks, to accept the draft report and authorize staff to forward it to Governor Dayton; and BWSR will work with partner agencies to prioritize the Report's recommendations and authorizes staff to pursue implementation strategies for the prioritized recommendations. Motion passed on a voice vote. Chair Napstad commended Dave, Les Lemm, and others for their good work on this. Chair Napstad thanked Gerry Van Amburg for his great leadership on the Wetland Committee.

Wetland Banking Fee Policy Update – Dave Weirens reported that BWSR collects fees for the management of the wetland banking program. Some of the fees are based on the value of the wetland credits that have been deposited into the Bank. The Board annually updates the calculated wetland values that account holders may use to pay the required fees. Dave reviewed the proposed 2013 Calculated Values for Wetland Bank Fee Determination. The Wetland Committee and staff recommend that BWSR update the wetland credit values by using:

- the 2012 tillable land values, or
- rural/vacant land values when the ratio of tillable acres to rural/vacant acres is less than 20%, or
- the average of the before and after deferral green acres values.

These values are multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 11-98 as indicated on the fee schedule. Moved by Keith Mykleseth, seconded by Steve Sunderland, to approve the wetland banking fee policy update; the revised policy is effective on January 1, 2013 and applies to wetland bank credit sales made after this date. Motion passed on a voice vote.

** 12-116

2013 Local Road Wetland Replacement Program Project Selection Process — Ken Powell reported that the Wetlands Committee recommends directing BWSR staff to develop a project selection process for utilizing $6M in bonding money to generate wetland credits for the Local Road Wetland Replacement Program (LRWRP). BWSR is responsible for generating wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act. To generate wetland replacement credits, BWSR restores wetlands on private lands by obtaining easements and implementing projects as well by agreeing to purchase credits from projects conducted by private landowners through agreements with the state.

Ken reported that the Wetlands Committee recommends authorizing BWSR staff to:

1. Develop and implement an easement sign-up program and a request for proposal (RFP) process to obtain projects to generate needed wetland credits.

2. Establish an easement payment rate consistent with current Reinvest in Minnesota (RIM) rates with the flexibility to increase it by up to 25% on a case-by-case basis if it is justified based on the program's credit needs and criteria.
3. Establish project evaluation criteria including cost, credit yield, location, restoration feasibility, success potential, and functional benefit, and public value.
4. Establish a view team of BWSR staff and members of the wetland banking Interagency Review Team to evaluate and rank projects.

Keith Mykleseth recommends partnership conservation efforts. Ken stated that opportunities are there for credits. Moved by Gerald Van Amburg, seconded by Sandy Hooker, to approve
** 12-117 the Wetlands Committee recommendation authorizing staff to develop a project selection process to utilize the bonding money to meet the program purpose. Motion passed on a voice vote.

NEW BUSINESS

Clean Water Fund RIM Reserve Edge Area Eligibility and Sign-Up Procedures – Gene Tiedemann reported that the RIM Reserve Management Planning (RRMP) Committee met on November 28, 2012, and recommends authorization of staff to work with Goodhue, Olmsted, Wabasha, and Winona SWCDs to implement the acquisition of RIM Reserve Wellhead Protection and Edge Area easements in the targeted areas with highest priority being on Decorah Bedrock Edge Areas. Moved by Gene Tiedemann, seconded by Rebecca Flood, to
** 12-118 approve the RRMP Committee's recommendation authorizing staff to implement the additional $1M for the RIM Reserve Wellhead Protection Conservation Easement Program. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Brad Redlin reported that he is the new program manager for the Minnesota Ag Water Quality Certification Program (MAWQCP). Brad thanked John Jaschke and BWSR staff; DNR Commissioner Tom Landwehr; and Rebecca Flood, MPCA; for the tremendous value they add to the MAWQCP partnership effort. Chair Napstad thanked Brad for attending the Board meeting today.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr distributed copies of the "Minnesota Environment and Energy Report Card" developed by the EQB, for board members' information. Tom briefly commented on water quality and groundwater issues in Worthington. DNR is currently involved in a lawsuit regarding White Bear Lake. Tom expressed the need for and importance of groundwater governance. Tom suggested DNR staff present information on this at an upcoming Board meeting.

Tom reported that he and John Jaschke attended the Cattleman's Association meeting; discussions included grassland conservation acres, a good opportunity for private grazing and a valuable public relations tool for local communities. DNR is trying to move forward in support of the grass fed beef industry; and the need for monitoring groundwater. Chair Napstad thanked Tom for his comments.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that she and Matt Wohlman, MDA, are on a panel discussion tomorrow at the Humphrey Institute speaking about water quality threats to the Red River. Rebecca reported that MPCA is working on MS4 permitting; construction stormwater permit will be out for public comment soon, then before the MPCA Board in the spring, and in place by August. Chair Napstad thanked Rebecca for her comments.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck briefly commented on the One Watershed One Plan (1w1p) role of state/local government; the Local Government Roundtable continues to meet and the need to move forward on finalizing a whitepaper. LeAnn thanked agencies for their attendance at the MASWCD annual meeting. LeAnn announced that Mark Zabel is the newly elected President of MASWCD. LeAnn stated that MASWCD appreciates BWSR's efforts on the HCD issue.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the MAT annual conference held in October was successful; and MAT appreciated BWSR's attendance.

UPCOMING MEETINGS

- Northern Water Planning Committee Meeting, January 9, 2013; Wadena
- Public Relations, Outreach & Strategic Planning Committee Meeting, January 22
- Next BWSR Board Meeting, January 23, 2013

** 12-119 Moved by Quentin Fairbanks, seconded by Sandy Hooker, to adjourn the meeting at 2:10 pm. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: January 23, 2013

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
January 11, 2013
By: Travis Germundson

There are presently **13** appeals pending. All of the appeals involve WCA except File 10-10. There has been **3** new appeal filed since the last report dated December 12, 2012.

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

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. No decision has been made on the appeal.

File 12-19 (12-27-12) This is an appeal of a wetland replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application for a .10 acre of impact to a Type 3 wetland. A previous appeal of a restoration order involving the same wetland impacts (File 12-10) was dismissed No decision has been made on the appeal.

File 12-18 (12-20-12) This is an appeal of agricultural wetland banking decision in Kittson County. The appeal regards the denial of an agricultural wetland banking application for approximately 16 acres of wetland credit. No decision has been made on the appeal.

File 12-17 (12-6-12). This is an appeal of a restoration order in Hennepin County. The appeal regards the filling of approximately 9,896 square feet of wetland associated with the construction of a private driveway. No decision has been made on the appeal.

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. The appeal has been granted.

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 has been 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 in the spring of 2013 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 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	4	
Order Modified		
Order Remanded	2	
Order Place Appeal in Abeyance	1	
Negotiated Settlement		
Withdrawn/Dismissed	4	

Drainage Work Group Report

for January 23, 2012 BWSR Board Meeting

by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group (DWG) met on Thursday, December 13, 2012 at the Minnesota Farm Bureau building in Eagan. Topics of discussion included:

1) **Share information about recent and upcoming drainage presentations, workshops, etc. –** AMC Natural Resources Policy Committee, Nov. 16, St. Cloud, MN; IA-MN-SD Annual Drainage Research Forum, Nov. 20, FarmAmerica near Waseca, MN; MAWD Annual Drainage Workshop, Nov. 29, Arrowwood near Alexandria, MN; 30th Annual Red River Basin Land & Water International Summit Conference, Jan. 22-24, 2013, Grand Forks, ND; MN Environmental Congress citizen forums and statewide environmental congress – All

2) **Final Discussion of 2012 DWG Consensus Recommendations for updating Drainage Law –** These include 4 primary topics and several associated minor recommendations.

3) **Update regarding Corps of Engineers proposed Regional General Permit No. 2 –** The twice extended comment period for the draft permit closed in August and the Corps has been working on a revised draft. Tim Smith, Corps of Engineers, provided an update and there was substantial discussion.

4) The DWG plans to meet once during the legislative session, tentatively in mid to late February.

Last week, Rep. Rick Hansen introduced HF-66 to carry the 2012 DWG consensus recommendations in the House. HF-66 was heard in the House Environment and Natural Resources Policy Committee on Wednesday, 1-16-13 and passed to the House Government Operations Committee, where it will be heard today at 10:00 a.m. This bill has bipartisan coauthors.

Sen. Dan Sparks is preparing a companion Senate bill this is expected to be introduced this week or next week.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Crow Wing County Priority Concerns Scoping Document – Keith Mykleseth – ***DECISION ITEM***

2. Pope County Priority Concerns Scoping Document – Gerald Van Amburg – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Crow Wing County Priority Concerns Scoping Document Approval**

Meeting Date: January 23, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Dan Steward

Prepared by: Dan Steward

Reviewed by: North Region Water Plan Committee(s)

Presented by:

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

Approval of Crow Wing County Comprehensiv e Local Water Management Plan Priority Concerns Scoping Document

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The current Crow Wing County Comprehensive Local Water Plan will expire on August 27, 2013. Crow Wing County passed a resolution to begin the updating process on October 23, 2012. The Crow Wing County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on November 6, 2012. Comments were received from the Minnesota Pollution Control Agency, the Minnesota Department of Agriculture and the Minnesota Department of Health. These comments were reviewed by BWSR.

On January 9, 2013, the BWSR North Region Water Plan Committee met with Crow Wing 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 recommends approval of the Crow Wing County PCSD. The Committee's recommendation will be brought to the full BWSR Board on January 23, 2013. BWSR's official state comment letter pertaining to the review of the Crow Wing County PCSD will need to be sent to Crow Wing County.

Minnesota Board of Water & Soil Resources

1601 Minnesota Drive, Brainerd, MN 56401

January 23, 2013

Crow Wing County Commissioners
C/O Mitch Brinks, Land Services Department
Land Services Building
322 Laurel Street, Suite 14
Brainerd, MN 56401

RE: Official Comments Pertaining to the State Review of the Crow Wing County Priority Concerns Scoping Document

Dear Crow Wing County Commissioners:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Crow Wing County has chosen to address in the update of their Comprehensive Local Water Management Plan. The Board of Water and Soil Resources, along with the state review agencies, were sent the Crow Wing County Priority Concerns Scoping Document (PCSD) on November 6, 2012, and asked comments be sent by December 6, to Ron Shelito, BWSR Regional Supervisor.

Several water resources concerns were submitted to the Crow Wing County Water Plan Task Force. Many of these concerns had similar themes which allowed the Task Force to arrange them into the following priority concerns that will be addressed in the Water Plan Revision. For each priority concern identified, the PCSD listed several sub catagories.

1. Aquatic Invasive Species
2. Surface Water
3. Ground Water

The Minnesota Department of Agriculture concurred with the priority concerns identified. The MPCA also concurred with the priority concerns identified, as did the Minnesota Department of Health.

On January 9, 2013, the Northern Regional Water Resources Subcommittee (hereinafter referred to as the committee) met with the Crow Wing County representatives to discuss local water management activities within Crow Wing County, the process used to gather public input, the content of the PCSD, the state review agency comments and recommendations for the content of the final plan.

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Based on the committee's recommendations, the Board of Water and Soil Resources commends Crow Wing County for the outstanding process used to select the concerns. The priority concerns to be addressed in the plan were deemed to be appropriate, and do not require any changes to the PCSD as submitted. BWSR encourages Crow Wing County to continue to take advantage of opportunities to play the coordination role that is often key to improved local water management.

Sincerely,

Brian Napstad, Chair
Board of Water and Soil Resources

cc: Dan Steward, BWSR
Ron Shelito, BWSR
Jack Olson, DNR
David Johnson, PCA
Kate Frantz, EQB
Robert Sip, MDA
Art Persons, MDH

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BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Pope County Priority Concerns Scoping Document Approval**

Meeting Date: January 23, 2013

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: North Region Water Plan Committee(s)

Presented by:

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

Approval of Pope County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

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

The current Pope County Comprehensive Local Water Plan will expire on May 28, 2013. Pope County passed a resolution to begin the updating process on June 5, 2012. The Pope County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on Decemeber 3, 2012. Comments were received from the Minnesota Pollution Control Agency, Enviromental Quality Board, Minnesota Department of Agriculture, and the Minnesota Department of Natural Resources. These comments were reviewed by BWSR.

On January 9, 2013, The BWSR North Region Water Plan Committee met with Pope 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 Pope County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Pope County PCSD will need to be sent to Pope County.

Minnesota Board of Water & Soil Resources

January 24, 2013

Paul Gerde, Chairperson
Pope County Commissioners
Pope County Courthouse
130 E. Minnesota Avenue
Glenwood, MN 56334

RE: Official Comments pertaining to the State Review of the Pope County Priority Concerns Scoping Document.

Dear Mr. Gerde:

Pursuant to M.S. section 103B.313, subdivision 5, this letter communicates the State's official comments pertaining to the priority concerns Pope County has chosen to address in the update of their Local Water Management Plan. The Board of Water and Soil Resources (BWSR), along with the state review agencies, received Pope County's Priority Concerns Scoping Document (PCSD) on December 3, 2012.

The Pope County Water Plan Task Force reviewed concerns raised during the data collection process and selected the following priority concerns for the water plan update:

- Reducing Priority Pollutants ~ Surface Water Quality
  - TMDL Implementation
  - Feedlot/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
  - Groundwater Quality
- Plan Administration
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness

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The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources (DNR) and Minnesota Environmental Quality Board (EQB) on the Pope County PCSD during the official review period.

MDA concurs with the priority concerns identified and feels the process to identify the priority concerns was adequate. MDA asked Pope County to consider when drafting the LWP the development of a local drainage management and technical team and also develop a drainage management plan for the county or update any existing plan.

MPCA concurs with the priority concerns identified and feels the process to identify the priority concerns was adequate. MPCA encourages Pope County to use the water quality monitoring data within their Environmental Data Access System in future water management efforts.

EQB concurs with the priority concerns identified and feels the process to identify the priority concerns was adequate.

DNR concurs with the priority concerns identified and feels the process to identify the priority concerns was adequate. DNR recommends Watershed Resource & Protection Strategy Plans (WRAPS) and Total Maximum Daily Loads (TMDLs) be used by Pope County in potential project development.

The BWSR North Region Water Plan Committee (Committee) met with Pope County on January 9, 2013 to discuss the content of the PCSD, state review agency comments on the PCSD, and recommendations for the content of the final LWP. The Committee presented its finding to the BWSR board at its meeting on January 30, 2013.

The Committee commends Pope County for the process used to select the priority concerns. The priority concerns to be addressed in the plan were 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 LWP.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Luan Johnsrud, Pope SWCD
Ron Shelito & Pete Waller, BWSR
Molly MacGregor, DNR
Art Persons, MDH
Rob Sip, MDA
Rebecca J. Flood, MPCA
Kate Frantz, EQB

COMMITTEE RECOMMENDATIONS

Public Relations, Outreach & Strategic Planning Committee

1. 2013 PRAP Report to the Legislature – Don Buckhout – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2013 PRAP Report to the Legislature

Meeting Date: January 23, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Regional Operations-PRAP

Contact: Don Buckhout

Prepared by: Don Buckhout

Reviewed by: Public Relations, Outreach & Strategic Planning Committee(s)

Presented by: Don Buckhout

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☒ Other: Program Guidelines revisions

ACTION REQUESTED

Approval of revisions to the PRAP Program Guidelines and of the 2013 PRAP Report to the Legislature

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

Two part action contained in one resolution.

Part 1: Amend PRAP Guidelines

In 2007 the Board adopted 9 general guidelines for the newly mandated LGU oversight program. Later that year the Performance Review and Assistance Program (PRAP) was developed consistent with those guidelines. After five years both PROSP Committee members and program staff sought a re-examination of those guidelines for continued relevance, based on program experience. The PROSP Committee took up the matter in October 2012 and recommends minor revisions to the PRAP Guidelines for Board approval. These are detailed in the accompanying resolution, showing deletions and additions approved by the Committee.

Part 2: 2013 Performance Review and Assistance Program (PRAP) Legislative Report-

The sixth annual PRAP Report to the Legislature contains a summary of BWSR's review of LGU performance during the past year. The report presents the 2012 program accomplishments compared to objectives set in last year's report. It highlights two new program elements: PRAP Assistance Grants and a watershed-based pilot project to assess collaboration on a watershed basis among 10 LGUs. As in past reports, it summarizes performance results from a basic review (Level I) of all 242 LGUs and contains summaries of the in-depth reviews (Level II) of four LGUs. There is a list of program objectives for 2013. A draft of this report has been reviewed by the Board's Public Relations, Outreach and Strategic Planning Committee. The recommendation for Board approval comes from that Committee and is timed to meet a February 1 due date for report submittal to legislative environmental policy committees, as required by M.S. 103B.102, subd. 3.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-05

Performance Review and Assistance Program

Guiding Principles Revisions and
2013 Report to the Minnesota Legislature

WHEREAS, the 2007 Legislature authorized the Board of Water and Soil Resources (Board) to develop and implement a program to evaluate and report on the performance of each local water management entity, and

WHEREAS, in July 2007, the Board of Water and Soil Resources adopted a set of principles to guide the development of the program, and

WHEREAS, in October 2012 the Public Relations, Outreach and Strategic Planning committee of the Board recommended revisions to the guiding principles as detailed in the attached document, and

WHEREAS, since 2007, the Board developed and implemented a program for reviewing performance, offering assistance, and reporting results, now called the Performance Review and Assistance Program (PRAP), in consultation with stakeholders and consistent with the guiding principles, and

WHEREAS, according to Minnesota Statutes Chapter 103B.102, Subdivision 3, beginning February 1, 2008, and annually thereafter, the Board shall provide a report of local water management entity performance to the chairs of the House and Senate committees having jurisdiction over environment and natural resources policy, and

WHEREAS, the sixth annual PRAP report to the legislature contains a summary of the local water management entity performance review conducted by BWSR staff in 2012 and a summary of findings regarding the performance of local water management entities, and

WHEREAS, the sixth annual PRAP report to the legislature was reviewed by the Public Relations, Outreach and Strategic Planning committee in December 2012 and was recommended for Board approval by that committee on January 22, 2013.

NOW THEREFORE BE IT RESOLVED, that the Board of Water and Soil Resources amends the PRAP Guiding Principles as recommended, and

THEREFORE BE IT FURTHER RESOLVED, that the Board of Water and Soil Resources approves the attached Performance Review and Assistance Program 2013 Report to the Minnesota Legislature for transmittal to the Legislature and publication on the Board's website, with allowance for any minor editing modifications necessary for publication.

Date: 1/23/13

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Program Conclusions and Future Direction

Conclusions

Based on five years of PRAP implementation, including Level II reviews of 35 LGUs throughout the state, BWSR finds:

- Significant improvement in the number of up-to-date long-range management plans.
- The majority of LGUs are meeting basic Level I performance standards, however there are some that persistently miss required reporting deadlines.
- SWCDs in particular have a high rate of compliance with basic operational performance standards.
- LGUs are pursuing the objectives in their long-range plans.
- LGUs are open to improvements in their operational effectiveness. The PRAP Assistance Grants provide an incentive for LGUs to address those issues.
- On average, LGUs spend approximately 40 hours of staff and board time completing the Level II performance review process.

PRAP in 2013

During 2013 BWSR will add some program elements, modify some, and continue others.

NEW PRAP Elements

- Incorporate a survey of LGU board and staff during the Level II review process to identify additional performance issues.
- Evaluate and assist LGU implementation of PRAP-recommended changes.

MODIFIED PRAP Elements

- Change the Pilot Project schedule to begin later in the calendar year.
- Redesign the PRAP webpage.

CONTINUED PRAP Elements

- Reduce the number of Level II Performance Reviews to continue Pilot Project implementation.
- Continue monitoring of LGUs experiencing change for assistance opportunities.
- Monitor and report Level I performance of all 242 LGUs.
- Notify PRAP LGUs of BWSR Academy training classes that address their expressed needs.
- Continue to promote the PRAP Assistance Grants.

Challenges Long-Term

While local governments are increasingly reporting on their standard social service and emergency service delivery to their citizens, measurement of conservation service delivery and effectiveness is still mostly not addressed. Some of the challenges the PRAP approach will seek to address include:

- How to find the best indicators and the appropriate scale for measuring the performance of the local government conservation services delivery system.
- How to find a balance between time spent in performance review and in engaging LGUs in the organizational development activities that will result in real changes in their effectiveness.
- How to promote cross-jurisdictional collaboration between LGUs, and address board members' concerns about spending money and staff time outside of their boundaries.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

Guiding Principles

January 23, 2013

- **Pre-emptive** – so that problems are identified and diagnosed early.
- **Systematic** – thorough, consistent and expected so that local governments can be prepared.
- **Constructive** – recognizes uniqueness, charts a path for those needing help to improve, and showcases successes.
- **Includes consequences** – that are proportional to the uncorrected deficiencies ~~and rewards that acknowledge recognition of high performance~~.
- **Provides recognition** – for high performance.
- **Transparent** – allows for greater public awareness and participation.
- **Retains local ownership and autonomy** – even when the State does not fully agree with decisions.
- **Maintains proportionate expectations** – comparisons are inevitable but need to acknowledge the wide diversity of capacity and budget.
- **Preserves the state/local partnership** – the State provides review, training and resources as a partnership package.
- **Results in ~~"more better"~~ effective on-the-ground conservation** – must add value to conservation and clean water outcomes, not become an outcome unto itself.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM

Guiding Principles

January 23, 2013

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- **Results in effective on-the-ground conservation** – must add value to conservation and clean water outcomes, not become an outcome unto itself.

Performance Review and Assistance Program (PRAP)

2013 Report to the Minnesota Legislature

Program Highlights

Board Amends PRAP Guiding Principles (Page 1)	**Watershed-based PRAP Pilot Project in central MN** (Page 5)	**New PRAP Assistance Grants Available** (Page 7)

For more information contact: Don Buckhout PRAP Coordinator
(Don.Buckhout@state.mn.us, 651-296-0786)
Board of Water and Soil Resources
520 Lafayette Road
St. Paul, Minnesota 55155

www.bwsr.state.mn.us/PRAP/index.html

BWSR is an equal opportunity employer.
Information contained in this report is available in an alternative format upon request.
Approximate cost for the production of this report was $4075.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES
Performance Review and Assistance Program (PRAP)
Executive Summary

Since 2007, BWSR's PRAP has been methodically assessing the performance of the local units of government that constitute Minnesota's delivery system for conservation of water and related land resources. The goal is to help these local government partners to be the best they can be in their management of these critical resources.

PRAP focuses on four aspects of Local Governmental Unit (LGU) performance in the delivery of conservation services:

- Administration—financial reporting and accountability
- Planning—keeping plans current and focused
- Execution—implementing planned objectives and tracking progress
- Communication and Coordination—working with partners and stakeholders.

Levels I-IV of performance review and assistance are described on page ii.

2012 Program Accomplishments

- Tested a new approach to performance review by assessing the performance and collaboration of all LGUs with jurisdiction in the same major watershed.
- Tracked report and plan compliance (Level I) for 242 counties, soil and water conservation districts, watershed districts, and watershed management organizations.
- Conducted in-depth (Level II) performance reviews of four LGUs. BWSR has conducted 35 Level II performance reviews since 2008.
- Started a new PRAP Assistance Grants program and awarded four grants to three different LGUs for improved organizational function and effectiveness.
- BWSR Board amended the PRAP Guiding Principles.

2012 LGU Delivery System Performance

Long-range Plan Status: 68% reduction in overdue plans since 2009.

- Soil & Water Conservation Districts: All plans or resolutions are current.
- Counties: three plan revisions overdue.
- Watershed Districts: three plan revisions overdue; all are in progress.
- Watershed Management Organizations: one revision overdue, in progress.

LGUs in Full Compliance with Level I Performance Standards 72%

- Soil & Water Conservation Districts: 94% compliance (85/90).
- Watershed Management Organizations 74% compliance (14/19).
- County Water Management: 61% compliance (53/87).
- Watershed Districts: 50% compliance (23/46).

2013 PRAP Objectives

- Conduct a second watershed-based performance review of multiple LGUs.
- Monitor and support LGUs' implementation of previous PRAP recommendations.
- Monitor LGUs for opportunities to help with operational change.

Minnesota Board of Water and Soil Resources
Performance Review and Assistance Program Overview

PRAP Program Level	Program Elements			Accomplishments
	Frequency	Performance Review	Assistance	
Level I Routine Monitoring and Tabulation	Annual	Tabulation of required reports, plans, audits, etc.	Statewide training opportunities; BWSR Academy	**242** LGUs tracked annually on selected performance standards. **1800** # of hits to BWSR website database of LGU Level I performance since 2010.
Level II Routine performance review and targeted assistance	Once every 5yrs./LGU 50 LGUs/yr	Assessment using performance standards checklist, progress on plan objectives/actions, board/staff interview.	Assess training needs; eligible for PRAP Assistance Grants; set performance goals in an PIA[1], if needed;	**35 Level II performance reviews** **13 - SWCDs** **9 - Counties** **9 - Watershed Districts** **4 - Watershed Management Orgs.**
Level III Prescriptive assistance	As needed	Monitor progress toward PIA[1] goals	BWSR self-assessment; Benchmarking; Mediation; Assistance Grants	**2 Level III assessments conducted.** **5** # of PRAP Assistance Grants issued to support LGU implementation of recommendations from PRAP assessments.
Level IV Penalties applied	As needed	Monitor progress toward PIA[1] goals	Continue Level III Assistance; Notice of Deficiencies; Restriction of funds	No Level IV actions have been required.
Watershed PRAP (pilot project)	Annual	Assess collaboration and implementation of plan objectives applicable to the watershed; survey LGUs regarding watershed focus.	Assistance Grants available to help with implementation; broker consultants for facilitation and collaboration.	**10** # of LGUs in first pilot project. 1 WD 5 counties 4 SWCDs

[1]PIA=Performance Improvement Agreement

About this Report

This report has been prepared for the Minnesota State Legislature by the Minnesota Board of Water and Soil Resources (BWSR) in partial fulfillment of the requirements of Minnesota Statutes Chapter 103B.102, subdivision 3. This statute requires BWSR to provide designated legislative committees with "an analysis of local water management entity performance" each year. This report covers the activities of the Performance Review and Assistance Program (PRAP) during the 2012 calendar year. This is the sixth annual report prepared by BWSR for this program.

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What is PRAP?

Supporting Local Delivery of Conservation Services

PRAP focuses on the local governmental units (LGUs) that deliver BWSR's water and land conservation programs, and in particular, how well they are implementing their long-range plans. The LGUs reviewed are soil and water conservation districts (SWCDs), watershed districts (WDs), water management organizations (WMOs), and the water management function of counties—a total of 242 distinct organizations. PRAP, authorized by the state legislature in 2007 (see Appendix A), is coordinated by one BWSR central office staff member. He receives assistance from BWSR's 13 Board Conservationists, who routinely work with LGUs across the state.

Amended Guiding Principles

PRAP operates on the following principles first adopted by the Board in 2007 and then amended in 2013.

- Pre-emptive
- Systematic
- Constructive
- Includes consequences
- Provides recognition for high performance
- Transparent
- Retains local ownership and autonomy
- Maintains proportionate expectations
- Preserves the state/local partnership
- Results in effective on-the-ground conservation

Guiding Principles

At the program's start in 2007 the BWSR board adopted principles to guide the implementation of this program. In 2013 the board re-visited and refreshed the principles with two minor changes (see box). The principles still set the program's goal of providing reliable, comprehensive information in a way that encourages LGUs to act in their own best interests.

Multi-level Process

PRAP has three operational components:

- **performance review**
- **assistance**
- **reporting.**

The **performance review** component is applied at four levels.

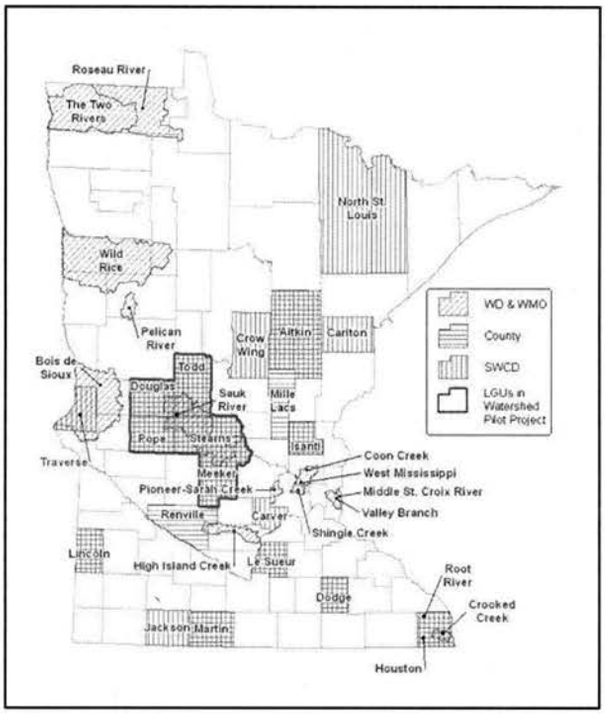
Level I is a tabulation of required LGU plans and reports with website posting of the results. Level I is accomplished with current program funding and does not require additional effort by LGUs.

Level II is a routine, interactive review originally envisioned to cover all LGUs at least once every five years to evaluate operational effectiveness and progress on plan implementation. Program funding so far has allowed an average of only 7 Level II reviews per year. (See map on page 2.) BWSR's Level I and II performance standards for each type of LGU can be viewed at www.bwsr.state.mn.us/PRAP/index.html.

Level III is an in-depth assessment of an LGU's performance problems and issues initiated by BWSR or the LGU and usually involving targeted assistance to address specific performance needs. BWSR has conducted Level III review and assistance for several LGUs and regularly monitors all LGUs for additional opportunities.

Level IV is for those LGUs that have significant performance deficiencies, requiring extensive assessment, monitoring and possible penalties as authorized by statute. So far there have not been any Level IV cases.

Level II PRAP LGUs 2008-2012



Assistance varies with the needs of the LGU. Level I assistance is largely routine training for LGUs. BWSR presents this type of training primarily through the annual BWSR Academy and board member training sessions. At Levels II-IV assistance is targeted to the specific needs of the LGUs and can be provided by BWSR staff or consultants, depending on availability and the skills needed. In 2012 BWSR authorized PRAP Assistance Grants for LGUs to both incentivize and support specialized assistance identified by LGUs or recommended by the program.

Reporting makes information about LGU performance accessible to the LGUs' stakeholders and constituents. Reporting venues include the PRAP page on BWSR's website, this annual report, and the LGUs' own websites and annual activity reports.

Accountability: From Measuring Effort to Tracking Results

Administration of government programs demands and deserves a high degree of accountability. PRAP was developed, in part, to deliver on that demand by providing systematic local government performance review and then reporting publically accessible results. The challenge in reporting results is to move from measuring effort (e.g., how much money was spent on buffers?) to detecting effects of those efforts on targeted resources (e.g., have buffers improved downstream habitat and water quality?). PRAP addresses LGUs' functions of administration, program execution, communication, and collaboration that all contribute to successful resource outcomes.

Performance Review of PRAP

BWSR's Accountability

BWSR continues to hold itself accountable for the accomplishments of the PRAP program. In consideration of that commitment, this section matches program objectives from last year's PRAP legislative report with corresponding program activities during 2012.

BWSR's PERFORMANCE REVIEW ACTIVITIES	
What We Proposed	**What We Did**
Track Level I performance of all LGUs.	BWSR tracked the required plan and report status of 242 LGUs.
Develop performance thresholds for selected Level II performance standards.	BWSR developed a set of new performance standards that address the extent of collaboration among LGUs within the same watershed.
Conduct 7-8 Level II routine performance reviews.	BWSR conducted 4 Level II performance reviews and 10 watershed-based performance reviews.

BWSR's ASSISTANCE to LGUs	
What We Proposed	**What We Did**
Continue Level III assistance.	Assisted one watershed district with process for revision of their outdated management plan. Routine field staff assistance for LGUs experiencing change.
Continue monitoring of LGUs experiencing change for assistance opportunities.	BWSR managers monitored LGUs experiencing change in staffing and board membership, finances, organization, etc.
In collaboration with the BWSR Training Team provide LGUs with guidance for basic board and staff skill sets.	Notified 2012 Level II LGUs of BWSR Academy training sessions that addressed their requested training-related assistance. In consultation with Training Coordinator, began development of training materials for board member and staff skill sets.

BWSR's PRAP REPORTING	
What We Proposed	**What We Did**
Report Level I performance of all LGUs.	BWSR website includes a searchable database of compliance with Level I performance standards for SWCDs, WDs, counties, and WMOs. Appendices C, D and E summarize the Level I results.

PRAP Advisory Team

The purpose of the Advisory Team is to advise BWSR on program implementation and help BWSR maintain a balance between the need for accountability and the need to minimize the program's administrative burden on LGUs. The Team has not met for several years. BWSR provide the members with periodic program updates. BWSR will consult with the team only in the event of substantial program modifications.

LGU Performance Review Results

2012 Objectives

The 2012 objectives for the PRAP performance review component were to continue the Level I compliance tracking for all LGUs, to start a pilot project to test a new joint performance review process for all LGUs working in the same watershed, to conduct a number of routine Level II reviews, and to monitor the activities of LGUs undergoing significant change for opportunities to initiate Level III review or assistance.

Level I Results

Level I performance review monitors and tabulates the LGUs' long-range plan revision due dates and the timely submittal to BWSR of annual activity, including ditch buffer strip, reports and financial reports and audits. LGU-specific results are listed in Appendices C (long-range plans), D (annual activity reports), and E (annual financial reports) and are searchable through the BWSR website (www.bwsr.state.mn.us/PRAP/index.html).

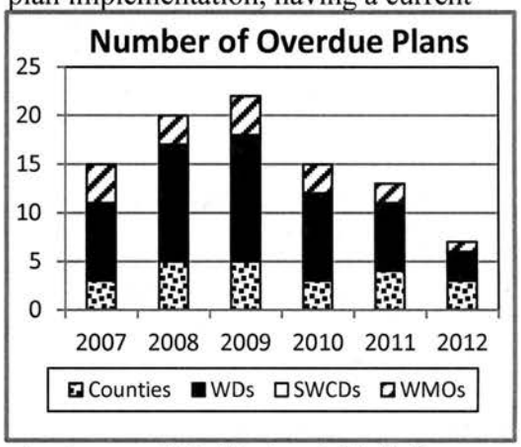
On a statewide basis, the 2012 Level I performance review shows the SWCDs doing the best at meeting basic program accountability requirements.

LGUs Meeting All 2012 Level I Performance Standards

All LGUs	**72%**
SWCDs	94% (85/90)
WMOs	74% (14/19)
Counties	61% (53/87)
WDs	50% (23/46)

Long-range plans. The improvement in the number of overdue long-range plan revisions is continuing, meaning more plans are up-to-date and addressing current resource issues.

With PRAP's emphasis on evaluating plan implementation, having a current



plan is essential. Most notable is the improvement for watershed districts, going from 13 overdue plans in 2009 to only 3 in 2012. The persistent numbers of overdue county plan revisions are the 3 metro county groundwater plans. These are expensive to update and, because they are optional to begin with and funding is tight, counties are apparently willing to let the 10-year revision deadline pass.

Annual activity reports. The Level I review tracks both missing and late reports. LGU reports are an important means of providing citizens with timely information about LGU plans and performance.

WDs in greater Minnesota continue to have difficulty complying with the annual activity report requirement. Local drainage authorities, 94 counties and watershed districts, struggle to meet the February 1 due date for their annual buffer strip reports, with 36 percent arriving late. One county was penalized by having their BWSR grant withheld until the report was submitted.

Annual financial reports and audits. Level I tracking of financial information includes both whether the report or audit was completed and whether it was submitted on time. SWCDs submit annual financial reports to BWSR, and in 2012 all of the reports were submitted on time. Most LGUs are required to prepare annual audits of their financial records. Level I tracking showed that 97 percent of LGUs met this performance standard in 2012.

Watershed-based PRAP Pilot Project

In 2012 BWSR conducted a pilot project of a new type of performance review of the 10 local water management entities operating in the Sauk River watershed in central Minnesota (see map). These LGUs are the county environmental services departments and the soil and water conservation districts of Pope, Douglas, Todd, Meeker and Stearns counties, and the Sauk River Watershed District. This pilot project had two purposes:

1) to test a methodology for assessing the extent to which LGUs are collaborating in execution of their plans and their delivery of programs and services on a watershed basis, and 2) to examine barriers to cross-jurisdictional collaboration and suggest remedies to improve collaboration.

The process included development of new performance standards focused on collaboration among LGUs, a survey of LGU lead staff and board members to assess their awareness of the issues of other LGUs in the watershed and the potential for more collaboration, and final reports that address both watershed-wide and individual LGU issues and needs. BWSR conducted three joint meetings with lead staff and a few board members from each LGU to discuss the process and methodology and the findings from the review.

Results from the review show that the LGUs collaborate well on programs that have had a stable funding source and clear guidelines, such as feedlot improvement projects. The participants identified barriers to collaboration, including the reluctance of boards to allow staff to work outside of jurisdictional boundaries, the competition for funds, and the lack of time. LGUs suggested improving awareness of watershed efforts and collaboration by means of regular information sharing meetings and by jointly determining watershed problems and priorities. Appendix G and the PRAP website contain a summary of the joint report and the individual LGU report summaries. Full reports are available from the PRAP Coordinator.

The LGUs that participated in the pilot project have completed the equivalent of a Level II performance review. BWSR is assisting the LGUs with implementation of recommendations in the joint and individual reports. BWSR plans to conduct a second pilot of this approach in 2013 in another watershed.

Level II Results

The Level II review process examines the LGU's progress in implementing their plan's goals and objectives and compliance with BWSR's operational performance standards.

BWSR conducted four Level II reviews in 2012: **Houston County** (Environmental Services), **Root River SWCD**, and the **Crooked Creek Watershed District**, all in Houston County, and the **Traverse SWCD**.

Appendix F contains summaries of the four reviews. Full reports are available from BWSR by request. In general, the reviews showed that all the LGUs are implementing their plans. However, the Crooked Creek WD is still using their original 1962 plan, which needs updating in order for the WD to be eligible for funding for new programs. The Root River and Houston County staffs work well in close partnership to deliver programs to the county's landowners. In order to address staffing or workload changes BWSR recommended a staff capacity assessment for both the Root River and Traverse SWCDs. At the request of the LGUs, BWSR staff presented the results of the performance reviews to both the Houston and Traverse county boards.

Level III Results

There were no formal Level III performance reviews in 2012. BWSR staff provided assistance to the Crooked Creek Watershed District with their watershed plan revision process after their Level II assessment. A county commissioner contacted BWSR to request a PRAP Level III review of a SWCD. BWSR is awaiting a formal request from the county board before conducting any further assessment.

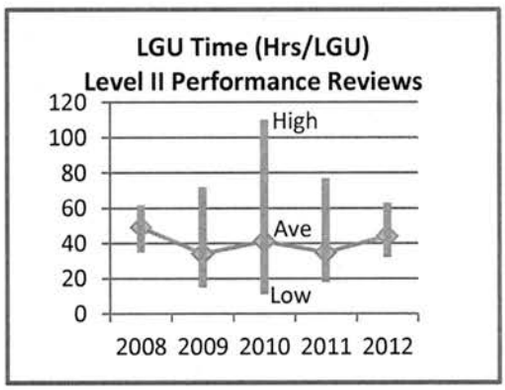
BWSR regional supervisors regularly monitor the performance of LGUs experiencing change in order to assess the need for Level III review. Also, LGUs can request these detailed performance assessments to determine the need for organizational improvements.

Level IV Results

No Level IV actions were needed in 2012.

PRAP Program Costs

BWSR tracks the time spent by LGUs in a performance review as a substitute for actual program costs. Factors affecting an LGU's time include the number of action items in their long-range plan, the number of staff persons who help with data collection, and the ready availability of performance data. In 2012 LGUs spent an average of 44 hours each on their Level II review, slightly above the 5-year average of 40 hours.



Time spent by LGUs in the Sauk River watershed pilot project averaged 35 hours per LGU, slightly less than the average for a standard Level II review.

BWSR staff spent an average of 46 hours per LGU conducting Level II reviews in 2012, compared with 47 hours in 2011 and 41 hours in 2010.

Assistance Services to Local Governments

Focus on Assistance

The term "assistance" is in the PRAP program title in part because it is listed as an activity in the authorizing legislation and also because it is a logical next step after performance review. Prior to PRAP, BWSR field staff regularly provided LGUs with assistance to support and enhance their operational effectiveness. While that essential service continues, PRAP has systematically expanded BWSR's capability to assist LGUs.

PRAP Assistance Grants

In 2012 the BWSR Board delegated authority to the Executive Director to award grants or contracts for the purpose of assisting LGUs in making organizational improvements consistent with the goals of PRAP. The reason for the delegation is the need for a timely response to the grant requests. Four of these PRAP Assistance Grants have been awarded to three different LGUs for a total possible award of $6300. The availability of the grants has been marketed to LGUs via the BWSR website and through the PRAP review process.

2012 PRAP Assistance to LGUs

- Advised Crooked Creek WD on how to revise their management plan.
- Issued four Assistance Grants to LGUs for organizational development and financial management improvements.

LGUs that undergo a formal BWSR performance review are automatically eligible for PRAP Assistance Grants to help with the implementation of organizational improvements recommended by BWSR in the Level II final report. For other LGU grant applicants, BWSR staff conduct an assessment to determine the need for the grant. The BWSR Executive Director regularly informs Board members of the status of assistance grant awards.

Assessing the Needs

PRAP provides an opportunity for LGUs to identify the types of assistance they think would be most helpful. Each Level II performance review includes an opportunity for LGU board members and staff to list assistance needs in the context of their perceived barriers to program and project implementation. In 2012 the four LGUs requested assistance with:

- training in watershed law ,
- providing information to county boards regarding the result of the performance review,
- analysis of staff capacity and reallocation of staff workload, and
- finding consultants to assist with revision of a watershed management plan.

Each year LGUs request training related to various operational needs, as was the case this year. BWSR held its fifth annual Training Academy for LGU staff in October. BWSR's Training Program Coordinator identified for the 2012 Level II LGUs the Academy offerings that met the training needs they requested during their performance reviews.

Reporting

Purpose of Reporting

The purposes of reporting about LGU performance are:

- to provide a perspective on the progress in meeting statewide soil and water conservation goals through the efforts of local government-based activities and programs,
- to give stakeholders access to information about the effectiveness of their local water management entities, and
- to provide both information and incentives that will encourage LGUs to learn from one another about methods and programs that produce the most effective results.

Report Types

PRAP either relies on or generates different types of reports to achieve the purposes listed above.

LGU-Generated

These include information posted on the LGU websites and the required or voluntary reports submitted to BWSR, other units of government, and the public about fiscal status, plans, programs and activities. These all serve as a means of communicating what each LGU is achieving and allow stakeholders to make their own evaluations of LGU performance. PRAP tracks submittal of required, self-generated LGU reports in the Level I review process.

BWSR Website

The BWSR website contains a webpage devoted to PRAP information. The site gives users access to a searchable database of basic Level I performance information that BWSR has collected for each LGU.

No. of Website Hits to PRAP Level I Performance Database
(by calendar year)

2010- 1437
2011- 695
2012- 213

www.bwsr.state.mn.us/PRAP/reporting/index.php

The number of user visits to that database has dropped significantly since 2010, the year the database came on-line. The BWSR website also includes regularly updated maps of long-range plan status by LGU type. Visitors to the PRAP webpage can find general program information, tables of current performance standards by LGU type, summaries of Level II performance review reports, and copies of annual legislative reports.

Performance Review Reports

BWSR prepares a report containing findings, conclusions, and recommendations for each LGU that is the subject of a Level II performance review. The LGU lead staff and board or task force members receive a draft of the report to which they are invited to submit comments or corrections. BWSR then prepares both a final report that is sent to the LGU and a one-page summary that is included in this legislative report (see Appendices F and G) and added to the PRAP webpage.

Annual Legislative Report

As required by statute, BWSR prepares an annual report for the legislature containing the results of the previous year's program activities and a general assessment of the performance of the local delivery system for land and water conservation services

and programs. These reports are reviewed and approved by the BWSR board and then sent to the chairpersons of the senate and house environmental policy committees, to statewide LGU associations and the office of the legislative auditor. This document is the sixth such report that BWSR has prepared.

Rewards and Recognition

The PRAP Guiding Principles require that the program also recognize exemplary LGU performance. Each year this legislative report highlights those LGUs that are recognized by their peers or other organizations for their contribution to Minnesota's resource management and protection, as well as service to their local clientele. (See Appendix H.)

In addition, for those LGUs that receive a routine Level II performance review, their report highlights compliance with each high performance standard with a "commendation" for practices over and above basic requirements. All 2012 Level II LGUs received such commendations.

Steve Hirsch (l.), MnDNR Division of Ecological and Water Resources Director, presents the 2012 Watershed District of the Year award to **Cedar River Watershed District** Administrator Bev Nordby and Manager Mike Jones

Program Conclusions and Future Direction

Conclusions

Based on five years of PRAP implementation, including Level II reviews of 35 LGUs throughout the state, BWSR finds:

- Significant improvement in the number of up-to-date long-range management plans.
- The majority of LGUs are meeting basic Level I performance standards, however there are some that persistently miss required reporting deadlines.
- SWCDs in particular have a high rate of compliance with basic operational performance standards.
- LGUs are pursuing the objectives in their long-range plans.
- LGUs are open to improvements in their operational effectiveness. The PRAP Assistance Grants provide an incentive for LGUs to address those issues.
- On average, LGUs spend approximately 40 hours of staff and board time completing the Level II performance review process.

PRAP in 2013

During 2013 BWSR will add some program elements, modify some, and continue others.

NEW PRAP Elements

- Incorporate a survey of LGU board and staff during the Level II review process to identify additional performance issues.
- Evaluate and assist LGU implementation of PRAP-recommended changes.

MODIFIED PRAP Elements

- Change the Pilot Project schedule to begin later in the calendar year.
- Redesign the PRAP webpage.

CONTINUED PRAP Elements

- Reduce the number of Level II Performance Reviews to continue Pilot Project implementation.
- Continue monitoring of LGUs experiencing change for assistance opportunities.
- Monitor and report Level I performance of all 242 LGUs.
- Notify PRAP LGUs of BWSR Academy training classes that address their expressed needs.
- Continue to promote the PRAP Assistance Grants.

Challenges Long-Term

While local governments are increasingly reporting on their standard social service and emergency service delivery to their citizens, measurement of conservation service delivery and effectiveness is still mostly not addressed. Some of the challenges the PRAP approach will seek to address include:

- How to find the best indicators and the appropriate scale for measuring the performance of the local government conservation services delivery system.
- How to find a balance between time spent in performance review and in engaging LGUs in the organizational development activities that will result in real changes in their effectiveness.
- How to promote cross-jurisdictional collaboration between LGUs, and address board members' concerns about spending money and staff time outside of their boundaries.

Appendices

A. PRAP Authorizing Legislation (Minn. Statutes Chapter 103B.102)

B. PRAP Advisory Team Members

C. Level I: 2012 Long-range Plan Status

D. Level I: Status of Annual Reports for 2011

E. Level I: Status of Audits and Financial Reports for 2011

F. Level II: Summaries of 2012 LGU Performance Review Reports

G. Watershed-based PRAP Pilot Project Summaries

H. 2012 LGU Performance Awards and Recognition

Appendix A

PRAP AUTHORIZING LEGISLATION

103B.102, Minnesota Statutes 2007

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103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.

Subdivision 1. **Findings; improving accountability and oversight.** The legislature finds that a process is needed to monitor the performance and activities of local water management entities. The process should be preemptive so that problems can be identified early and systematically. Underperforming entities should be provided assistance and direction for improving performance in a reasonable time frame.

Subd. 2. **Definitions.** For the purposes of this section, "local water management entities" means watershed districts, soil and water conservation districts, metropolitan water management organizations, and counties operating separately or jointly in their role as local water management authorities under chapter 103B, 103C, 103D, or 103G and chapter 114D.

Subd. 3. **Evaluation and report.** The Board of Water and Soil Resources shall evaluate performance, financial, and activity information for each local water management entity. The board shall evaluate the entities' progress in accomplishing their adopted plans on a regular basis, but not less than once every five years. The board shall maintain a summary of local water management entity performance on the board's Web site. Beginning February 1, 2008, and annually thereafter, the board shall provide an analysis of local water management entity performance to the chairs of the house and senate committees having jurisdiction over environment and natural resources policy.

Subd. 4. **Corrective actions.** (a) In addition to other authorities, the Board of Water and Soil Resources may, based on its evaluation in subdivision 3, reduce, withhold, or redirect grants and other funding if the local water management entity has not corrected deficiencies as prescribed in a notice from the board within one year from the date of the notice.

(b) The board may defer a decision on a termination petition filed under section 103B.221, 103C.225, or 103D.271 for up to one year to conduct or update the evaluation under subdivision 3 or to communicate the results of the evaluation to petitioners or to local and state government agencies.

History: *2007 c 57 art 1 s 104*

Appendix B

PERFORMANCE REVIEW AND ASSISTANCE PROGRAM ADVISORY TEAM MEMBERS

NAME	ORGANIZATION	REPRESENTING
Kevin Bigalke	Nine-Mile Creek WD	Metro WDs
Ray Bohn	MN Assoc. of Watershed Districts	WD statewide association
Brian Dwight	BWSR	BWSR-No. Region
Vacant		Greater MN WD managers
Annalee Garletz	Assoc. of Minnesota Counties	County government
Barbara Haake	Rice Creek WD	Metro area WD managers
Todd Olson	Assoc. of Metropolitan Municipalities	Watershed Management Organizations
Kathryn Kelly	Renville SWCD	SWCD supervisors
Vacant	USDA-Natural Resource Conservation Service	Federal partner
Kevin Ostermann	MACDE / Nicollet SWCD	MN Assoc. of Conservation District Employees
Sheila Vanney	MN Assoc. of Soil &Water Cons. Districts	SWCD statewide association
Steve Woods	BWSR-St. Paul	BWSR management

Appendix C

Level I: 2012 LGU Long-Range Plan Status
as of December 31, 2012

Soil and Water Conservation Districts
(Districts have a choice of option A or B)

A. Current Resolution Adopting County Local Water Management Plan
All resolutions are current.

B. Current District Comprehensive Plan
All comprehensive plans are current.

Counties
Local Water Management Plan Revision Overdue
All local water management plans are current.

Metro County Groundwater Plan Revision Overdue
Carver
Ramsey
Scott
(Anoka and Hennepin Counties have chosen not to participate in this optional program.)

Watershed Districts
10-Year Watershed Management Plan Revision Overdue:

Plan Revision in Progress
Coon Creek
Crooked Creek
Upper Minnesota River

Watershed Management Organizations
10-Year Management Plan Revision Overdue:

Plan Revision in Progress
Gun Club Lake

Appendix D

Level I: Status of Annual Reports for 2011
as of December 31, 2012

Soil and Water Conservation Districts

eLINK Reports of Grant Expenditures: Reports submitted late

Carlton
North St. Louis

Website Content: Missing Content Elements

Beltrami
Waseca

Counties

Drainage Authority Buffer Strip Report

36% submitted late (27 of 74)
Otter Tail (grant temporarily withheld)

eLINK Reports of Grant Expenditures: Reports submitted late

Cook
Lake

Watershed Districts

Drainage Authority Buffer Strip Report

All reports submitted. 25 % submitted late (5 of 20).

Annual Activity Reports Not Submitted

Belle Creek
Buffalo-Red River
Joe River
Sand Hill River

Annual Activity Reports Submitted Late

Bear Valley
Brown's Creek
Cormorant Lakes
Pelican River
Ramsey Washington Metro
Red Lake
Roseau River
Turtle Creek
Upper Minnesota River
Warroad

Metro Watershed Management Organizations

Annual Activity Reports Not Submitted

Mississippi River

Annual Activity Reports Submitted Late

Carver
Black Dog

Appendix E

Level I: Status of Audits and Financial Reports for 2011
as of December 31, 2012

Soil and Water Conservation Districts
Annual Financial Reports (all 90 Districts)
All reports submitted on time.

Annual Audits (58 required)
Morrison (late)

Watershed Districts
Annual Audits Not Completed
Bear Valley
High Island Creek
Joe River
Stockton-Rollingstone-Minnesota City
Turtle Creek

Annual Audits Submitted Late
Brown's Creek
Capitol Region
Carnelian-Marine

Metro Watershed Management Organizations
Annual Audits Not Submitted
Mississippi River

Annual Audits Submitted Late
Black Dog
Middle St. Croix

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP
Performance Review and Assistance Program
2012 Level II Review: Crooked Creek Watershed District *(Houston County)*

Why BWSR did this review
BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2012 BWSR conducted Level II performance reviews of four different local water management entities.

BWSR has conducted a routine Level II performance review of the Crooked Creek WD because they are one of three local water management entities in Houston County, which is one area of focus for BWSR's PRAP review this year.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the watershed district. The board of managers is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Crooked Creek Watershed District
Summary of Performance Review Results

What BWSR Found
The Crooked Creek WD board of managers has persevered in the original district purpose of constructing and maintaining water retention structures in the Crooked Creek watershed, including extensive sinkhole repair projects in 2008 and 2011. In place for 50-years, all of the district's structures have provided flood relief for downstream residents and landowners. The managers believe that there are other objectives to be achieved in the watershed, but so far, they have been unable to get those projects underway.

A key to the future of this watershed district is the completion of their watershed management plan revision. They have taken several positive steps to that end in recent years. However, the completion of the task seems just out of reach. In recent months, BWSR has invested considerable resources to encourage the district to complete the management plan rewrite, without success. An updated management plan will open some doors to potential new projects and additional funding.

The district has administrative staff support provided through a contract with the Root River Soil and Water Conservation District. It is not clear whether the SWCD has the capability to adequately serve the watershed district's needs. The upcoming review of the SWCD staffing and operational relationships with the county and watershed district will provide an opportunity for the managers to find out if the SWCD will be in a position to meet their needs for administrative support in the future.

Action Items (need immediate attention)
- Data practices policy needed
- Manager appointments: need to be reported
- Watershed management plan: out-of-date
- Website needs additional content.

Commendations (show exemplary performance)
The district meets six of BWSR's benchmark standards for watershed districts in greater Minnesota.

BWSR has offered **four recommendations** for district performance improvements.

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2012 Level II Review:

Houston County Local Water Management

(Houston County)

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2012 BWSR has conducted Level II performance reviews of 4 different local water management entities.

BWSR has conducted a routine Level II performance review of Houston County's local water management because they are near the midpoint in implementing their 10-year local water management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the county. The local water plan committee and county board is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Houston County Local Water Management Summary of Performance Review Results

What BWSR Found

Houston County clearly benefits from a close working partnership with the Root River Soil and Water Conservation District. There is evidence of good coordination between the various county department staff, most notably those in the Planning and Zoning office, and the SWCD staff. The county and SWCD staff have done a good job coordinating and communicating with their local partners and members of the water plan advisory committee. This committee meets regularly, has ownership of local water management issues, and takes an active role in the development and implementation of the water plan.

Commendations (show exemplary performance)

- ★ State $ leveraged at least 1.5 times in non-state $.
- ★ Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done.
- ★ Report to water plan advisory committee on plan progress.
- ★ County local water plan on county website.
- ★ Water management ordinances on county website.

BWSR offered three recommendations to the county for possible enhancement of their operational effectiveness.

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2012 Level II Review:

Root River SWCD *(Houston County)*

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2012 BWSR has conducted Level II performance reviews of 4 different local water management entities.

BWSR has conducted a routine Level II performance review of the Root River SWCD because they are near the midpoint in implementing their local water management plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of supervisors is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Root River Soil and Water Conservation District Summary of Performance Review Results

What BWSR Found

The Root River SWCD has demonstrated good progress in implementing the action items laid out in the 2007 Houston County Comprehensive Water Plan. This progress has been in addition to their excellent flood recovery work during the past five years. Following the adoption of the 2007 water plan, three major floods–August 2007, June 2008 and September 2010–caused major damages to Houston County's landscape. The demand for flood damage and erosion repair projects after these events resulted in a much greater than normal workload at both the policy and technical service delivery levels. The district set ambitious goals for flood recovery efforts and has met most of them.

The district's focus on providing technical assistance to landowners has meant that other operational areas, such as organizational infrastructure and capacity, have not been emphasized. Prior to and during the flood recovery efforts, the district had begun discussions with the county regarding collaborative services. With the recent retirement of the District Manager and the board's intent to improve organizational capacity and effectiveness, there is an opportunity to revisit those discussions and reassess their operational needs, which the district is starting to address.

In all these activities the Root River SWCD shows evidence of its standing as one of the pioneering soil conservation districts in Minnesota.

Commendations (show exemplary performance)

- ★ State $ leverage at least 1.5 times in non-state $.
- ★ Website contains additional content beyond minimum required.
- ★ Partnerships: cooperative projects/tasks done with neighboring districts, counties, watershed districts, non-governmental organizations.
- ★ Coordination with County Board by supervisors or staff.

BWSR issued four recommendations for the district's consideration to potentially enhance their organizational effectiveness.

Appendix F

LEVEL II FINAL REPORT SUMMARY

PRAP

Performance Review and Assistance Program

2012 Level II Review:

Traverse SWCD *(Traverse County)*

Why BWSR did this review

BWSR conducts Level II performance reviews to help local government water management entities to be the best they can be in plan implementation and overall operational effectiveness. In 2012 BWSR conducted Level II performance reviews of four different local water management entities.

BWSR has conducted a routine Level II performance review of the **Traverse SWCD** because they are past the midpoint in implementing their 10-year comprehensive plan.

This document includes findings and recommendations to enhance the overall operation and effectiveness of the district. The board of supervisors is responsible for taking any actions they deem necessary in response to the findings and recommendations in this report.

Traverse Soil and Water Conservation District Summary of Performance Review Results

What BWSR Found

One of the defining characteristics of the Traverse SWCD is the high level of trust and strong working relationship between the supervisors and staff. The supervisors and residents of the district are well-served by staff who are personable and have good technical competency.

Administratively, the staff provide strong leadership in their partnership with the Bois de Sioux Watershed District and four other districts involved with the Mustinka River Clean Water Fund projects. This working relationship is aided by consistency between the SWCD and watershed district plans. The district's assumption of responsibilities for most of the county environmental services functions also speaks well of the range of expertise of the district manager and board's willingness to take on these important programs. Finally, the district has an impressive record of CRP and CCRP enrollment in partnership with their USDA partners in Traverse County.

This performance assessment has also revealed that, in addition to the district's impressive list of accomplishments, they have likely reached the limit of their staff's capacity to accomplish work. Two recommendations are offered to address that issue.

Action Items (need immediate attention)

None

Commendations (show exemplary performance)

The Traverse SWCD is commended for meeting these benchmark performance standards.

- ★ State $ leverage at least 1.5 times in non-state $
- ★ Website contains additional content beyond minimum required
- ★ Obtained stakeholder input within last 5 yrs
- ★ Annual report communicates progress on plan goals
- ★ Partnerships: cooperative projects/tasks done with neighboring districts, counties, watershed districts, non-governmental organizations
- ★ Coordination with County Board by supervisors or staff.

Appendix G

WATERSHED BASED PRAP FINAL REPORT SUMMARY

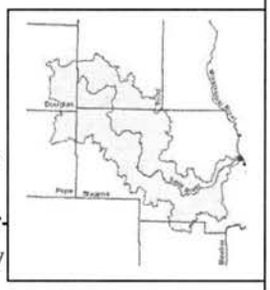
PRAP Pilot Project
Performance Review and Assistance Program
Watershed-based PRAP
Sauk River Watershed *(Pope, Douglas, Todd, Meeker and Stearns Counties & SWCDs; Sauk River Watershed District)*

Why BWSR did this review
Starting in 2008 BWSR has conducted individual Level II performance reviews of 35 different LGUs. This pilot project is designed to test a methodology that will assess the extent to which LGUs that operate within the same watershed have a watershed focus and work together to address resource needs on a watershed basis. This is the first such pilot project.

BWSR selected the LGUs working in the Sauk River watershed because this is a well-defined major watershed covered by a watershed district. The LGUs are all recognized as strong performers in delivering their projects and programs. None of them have previously been the subject of a Level II performance review.

This document includes findings and recommendations to promote collaborative local water management among the LGUs in the Sauk River watershed.

Sauk River Watershed – All LGUs
Summary of Performance Review Results



What BWSR Found
This review revealed many instances where local government units (LGUs) within the same jurisdictional boundary, a county and SWCD, exhibit strong working relationships and good collaboration. Because of these cases the review suggests a more positive picture of collaboration than occurs across county boundaries. With the exception of the Sauk River Watershed District, county boundaries and the political implications of those boundaries are significant barriers to collaboration. In general, collaboration among LGUs on a watershed basis could be stronger. The majority of LGU board and staff members who responded to the PRAP survey indicated that more collaboration would be good for their organization and for the watershed's resources. They suggested ideas for making such improvements.

This review identified three specific issues for LGU action: identifying strengths (feedlot management), communication and coordination, and lack of trust/competition for funds. Practical action steps are recommended to address each of these issues and an implementation schedule is proposed.

In addition, the report includes suggestions for a BWSR role in assisting LGUs in the implementation of the recommended actions. BWSR has assistance grants to support implementation.

The next steps in this process include meetings with each contributing LGU board to present recommendations specific to that LGU to improve their potential for collaboration with each other.

PRAP Pilot Project Performance Review and Assistance Program Watershed-based PRAP Sauk River Watershed
(Pope, Douglas, Todd, Meeker and Stearns Counties & SWCDs; Sauk River Watershed District)

Why BWSR did this review
Since 2008 BWSR has conducted individual Level II performance reviews of 35 different LGUs. This pilot project is designed to test a new methodology that will assess the extent to which LGUs that operate within the same watershed have a watershed focus and work together to address resource needs on a watershed basis. This is the first such pilot project.

BWSR selected the LGUs working in the Sauk River watershed because this is a well-defined major watershed covered by a watershed district. The LGUs are all recognized as strong performers in delivering their projects and programs. None of them have previously been the subject of a Level II performance review.

Pope County & Pope Soil and Water Conservation District
Summary of Performance Review Results
Watershed-based PRAP

What BWSR Found
The Pope County portion of the Sauk River Watershed covers only 7 percent of the county in the northeast corner. This is a headwater area to two Sauk River tributaries. Two Pope County LGUs, the county Land and Resource Management Department (LRM) and the Soil and Water Conservation District (SWCD), provide local resource management services throughout the county using the same comprehensive local water management plan. Both LGUs have partnered with the Sauk River Watershed District on a few programs. The Pope LGUs have not found opportunities to collaborate on program delivery with neighboring counties that share portions of the Sauk River watershed.

Regarding organizational development, the Pope SWCD has taken some positive steps toward enhanced organizational effectiveness in the past few years. Since July, however, both LGUs have faced a significant organizational challenge. The loss of key staff people in the county Land and Resource Management Department has resulted in a systematic reexamination of services by the county and, potentially, a greater role for the SWCD in program areas previously conducted by county staff.

This review identified two specific issues and associated recommendations for action by these LGUs. The first deals with the need to complete the on-going planning of organizational and service delivery realignment. The second addresses the local water management plan revision that is currently underway and the need to expand the role of the local water plan task force.

With respect to the collaboration among all 10 LGUs working in the Sauk River watershed, this review found that, while there are some areas of success, there is also potential for improvement. Four issues and recommendations are presented to address that potential. However in the case of Pope County LGUs, any discussion of collaboration with the other contributing LGUs in the Sauk River watershed should be postponed until the reorganization process is completed.

Appendix G

Summaries of PRAP Watershed-based Pilot Project Reports for the eight other LGUs--

Sauk River Watershed District
Douglas County and SWCD
Todd County
Stearns County
Stearns SWCD
Meeker County and SWCD—

were not finalized at the time this report was published. Summaries will be published on the BWSR website as they become available. (www.BWSR.state.mn.us/PRAP/index.html)

Appendix H

2012 Local Government Performance Awards and Recognition

(Awarding agency listed in parentheses.)

County Conservation Award
(Association of Minnesota Counties and Board of Water and Soil Resources)
Landfill Reclamation Initiative, Olmsted County

Outstanding SWCD Employee
(Board of Water and Soil Resources)
Greg Ostrowski, Todd SWCD

Outstanding Supervisor Award
(Minnesota Association of Soil and Water Conservation Districts)
Roland Cleveland, Chisago SWCD

Appreciation Award
(Department of Natural Resources)
Blue Earth SWCD

Outstanding WD Employee
(Board of Water and Soil Resources)
Anna Eleria, Capitol Region WD

Watershed District of the Year
(Department of Natural Resources)
Cedar River WD

Program of the Year
(Minnesota Association of Watershed Districts)
East Metro Water Resource Education Program,
Brown's Creek, Carnelian Marine-St. Croix, Ramsey Washington Metro,
Rice Creek, South Washington and Valley Branch WDs

Project of the Year
(Minnesota Association of Watershed Districts)
Maplewood Mall Runoff Reduction Retrofit Project,
Ramsey Washington Metro WD

NEW BUSINESS

1. Amending Resolution – FY2013 Competitive Grant Program Allocations – Dave Weirens – ***DECISION ITEM***

2. Principal Place of Business Change in Location for Comfort Lake-Forest Lake Watershed District – Jim Haertel - ***DECISION ITEM***

3. Washington Conservation District Change of Location of Principal Office – Jim Haertel – ***DECISION ITEM***

4. Conflict of Interest Presentation – Tim Dykstal – ***INFORMATION ITEM***

5. Current Groundwater Topics/Issues in MN – Eric Mohring – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Conflict of Interest Training and Disclosure

Meeting Date: January 23, 2013

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: 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

BWSR's Fiscal Compliance Director will explain a recent revision in the state's Office of Grants Management Conflict of Interest Policy, and lead a training session on conflict of interest in grant reviewing.

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

The 06/18/12 revision of the Office of Grant's Management (OGM) Conflict of Interest policy added a definition of a "potential" conflict of interest to the existing categories of "perceived" and "actual" conflicts. A "potential conflict … may exist," the policy states, "if a grant 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." This training session will stress the importance of guarding against conflict of interest and will explain how the OGM's policy and its three categories of conflict--actual, perceived, and potential--apply to BWSR's structure and mission. At the conclusion of the training, BWSR will encourage Board members to disclose potential and perceived conflicts of interest.

Link to OGM Policy 08-01, Conflict of Interest--
http://www.admin.state.mn.us/documents/grants_policy2012_08-01.pdf

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Amending Resolution #12-113, FY2013 Competitive Grant Program Allocations**

Meeting Date: January 23, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: _____ Committee(s)

Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

The Board is requested to amend Resolution #12-113 to increase funding to project CWF13-51 with returned grant funds in the amount of $80,235.

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On December 12, 2012, the Board adopted Resolution #12-113 which allocated funds to projects under the FY2013 Clean Water Fund Competitive Grants Program. Shortly after the Board adopted this resolution, it was brought to the attention of staff that a Livestock Waste Management Project proposed by Benton SWCD had been incorrectly scored as not being riparian. This error occurred due to the operation of the software used to facilitate application processing. If this project had been scored as riparian, it would have been recommended for funding.

Staff are proposing that returned grant funds be used for this project for which $80,235 was requested.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-

AMENDING BOARD RESOLUTION #12-113: FY 2013 COMPETITIVE GRANTS PROGRAM FUNDING RECOMMENDATION

WHEREAS, the Board adopted Resolution #12-113 on December 12, 2012 in which FY 2013 Clean Water Fund Competitive Grants Program funds were awarded; and

WHEREAS, Benton SWCD submitted an FY2013 CWF Competitive Grant Program application that included 5 individual feedlots with a combined proposed budget of $480,235; and

WHEREAS, two of these feedlots were awarded funds in Resolution #12-113; and

WHEREAS, following the December 12, 2012 Board meeting the Benton SWCD manager inquired about the scoring for one of the feedlot projects with a budget of $80,235 that it applied for; and

WHEREAS, a database discrepancy resulted in this feedlot project being scored as not being riparian, thereby placing it outside of the recommended funding range; and

WHERERS, had the project received funding for being in a riparian location, it would have scored high enough to be included in the funding recommendation; and

WHEREAS, BWSR has received returned competitive grant funds in excess of $80,235 that are available to correct this error.

NOW THEREFORE BE IT RESOLVED, that the Board amends Resolution #12-113 to increase funding to project CWF13-51 by $80,235 from returned grant funds.

_____ Date: _____

Brain Napstad, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 06

AMENDING BOARD RESOLUTION #12-113: FY 2013 COMPETITIVE GRANTS PROGRAM FUNDING RECOMMENDATION

WHEREAS, the Board adopted Resolution #12-113 on December 12, 2012 in which FY 2013 Clean Water Fund Competitive Grants Program funds were awarded; and

WHEREAS, Benton SWCD submitted an FY2013 CWF Competitive Grant Program application that included 5 individual feedlots with a combined proposed budget of $480,235; and

WHEREAS, two of these feedlots were awarded funds in Resolution #12-113; and

WHEREAS, following the December 12, 2012 Board meeting the Benton SWCD manager inquired about the scoring for one of the feedlot projects with a budget of $80,235 that it applied for; and

WHEREAS, a database discrepancy resulted in this feedlot project being scored as not being riparian, thereby placing it outside of the recommended funding range; and

WHERERS, had the project received funding for being in a riparian location, it would have scored high enough to be included in the funding recommendation; and

WHEREAS, BWSR has received returned competitive grant funds in excess of $80,235 that are available to correct this error.

NOW THEREFORE BE IT RESOLVED, that the Board amends Resolution #12-113 to increase funding to project CWF13-51 by $80,235 from returned grant funds.

Brain Napstad

Date: 1/23/13

Brain Napstad, Chair
Board of Water and Soil Resources

2013 CWF Review Process/ Benton SWCD CWF Feedlot Request
January 11, 2013

Overview.
Benton SWCD submitted a Clean Water Fund Livestock Waste Management (LWM) application that included 5 individual feedlots with a combined proposed budget of $480,235.

Statewide, there were 62 Livestock Waste Management applications totaling $6,812,654.

In 2013, as in previous years, Livestock Waste Management application information was submitted via Excel spreadsheet . Other grant program components also required a narrative Word document with the Project description and answers to a series of questions to be submitted.

In order to facilitate the review process for the large number of Clean Water Fund applications that are received each year, the information gathered in the budget and pollutant reduction spreadsheets and narrative project descriptions is converted to a database.

The RFP identified distance criteria to various features such as lakes, rivers, ditches etc. in order to make a determination whether the riparian criterion had been met.

One of the feedlots identified in the Benton SWCD LWM application was identified as riparian and the distance to the riparian feature was listed as 0 (zero) feet, but unfortunately the database program considered that a "null value" and inserted a blank space in that column rather than transferring the number as it was entered.

During the review process, applications with missing or incomplete information were at a significant scoring disadvantage, particularly as it related to the riparian category which was worth 35 points in the scoring. Other applications were missing information or incomplete, including no information about the distance to a riparian feature so this particular blank space did not raise a flag at that time and the scoring proceeded as if no information had been provided.

A subsequent conversation with the Benton SWCD manager after the December 12, 2012 board meeting raised a question about the scoring for that particular feedlot and the error was discovered at that time. Had the application received the points for riparian location, it would have scored high enough to be included in the funding recommendation.

The database discrepancy triggered a review of all the original application data. That review determined that this Benton feedlot application presented a unique circumstance where information was entered into the application spreadsheet but did not convert accurately to the database. Other applications where blanks appeared in the database information had in fact been missing that information in the original application materials.

Proposal.
The amount requested for this project is $80,235. Staff are proposing to correct this error by allocating returned grant funds in this amount to Benton SWCD. BWSR currently has returned competitive grant funds in excess of this amount.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Principal Place Of Business Change In Location For Comfort Lake-Forest Lake Watershed District**

Meeting Date: January 23, 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: _____ 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*)
Currently the office for the Comfort Lake-Forest Lake Watershed District is located in the Forest Lake City Hall. The city hall is also where the board of managers holds its meetings. The city hall is located within the boundaries of the District. A new city hall is being built that is located about one-quarter mile outside of the District boundaries. The old city hall will be demolished when construction of the new city hall has been completed. The District desires to continue to locate at the new city hall for its meetings and office. Minnesota Statutes section 103D.321, subd. 1 requires the BWSR Board to designate the nearest suitable public facility as the District's principal place of business when no public facilities are available within the District. We have received a letter (attached) from Doug Thomas, Administrator of the District, stating no other public facilities are located within the District. That includes no public schools, municipal buildings, township buildings, or public libraries. BWSR staff know of no public facilities within the District. Staff recommend the BWSR Board designate the new Forest Lake City Hall as the District's principal place of business effective when the new building is ready for occupancy and the District has completed its move per the attached draft resolution.

DRAFT

Minnesota Board of Water & Soil Resources

Minnesota Board of Water and Soil Resources Resolution No. 13-____

Principal Place of Business Change in Location for Comfort Lake-Forest Lake Watershed District

WHEREAS, the principal place of business for the Comfort Lake-Forest Lake Watershed District is currently located in the Forest Lake City Hall; and,

WHEREAS, the Forest Lake City Hall is currently located within the boundaries of the watershed district; and,

WHEREAS, the City of Forest Lake is building a new city hall that is located approximately 1600 feet outside of the boundaries of the watershed district; and,

WHEREAS, upon completion of the new city hall and demolition of the old city hall there will be no public facilities available within the boundaries of the watershed district according to watershed district staff and board staff; and,

WHEREAS, Minnesota Statutes section 103D.321, subdivision 1 requires the board to designate the nearest suitable public facility as the watershed district's principal place of business when no public facilities are available within the District.

NOW THEREFORE BE IT RESOLVED, that the Board hereby designates the new Forest Lake City Hall as the Comfort Lake-Forest Lake Watershed District's principal place of business effective when the new building is ready for occupancy and the watershed district has completed its move.

Dated at St. Paul, Minnesota this 23rd day of January, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

Minnesota Board of Water and Soil Resources Resolution No. 13-07

Principal Place of Business Change in Location for Comfort Lake-Forest Lake Watershed District

WHEREAS, the principal place of business for the Comfort Lake-Forest Lake Watershed District is currently located in the Forest Lake City Hall; and,

WHEREAS, the Forest Lake City Hall is currently located within the boundaries of the watershed district; and,

WHEREAS, the City of Forest Lake is building a new city hall that is located approximately 1600 feet outside of the boundaries of the watershed district; and,

WHEREAS, upon completion of the new city hall and demolition of the old city hall there will be no public facilities available within the boundaries of the watershed district according to watershed district staff and board staff; and,

WHEREAS, Minnesota Statutes section 103D.321, subdivision 1 requires the Board to designate the nearest suitable public facility as the watershed district's principal place of business when no public facilities are available within the District.

NOW THEREFORE BE IT RESOLVED, that the Board hereby designates the new Forest Lake City Hall as the Comfort Lake-Forest Lake Watershed District's principal place of business effective when the new building is ready for occupancy and the watershed district has completed its move.

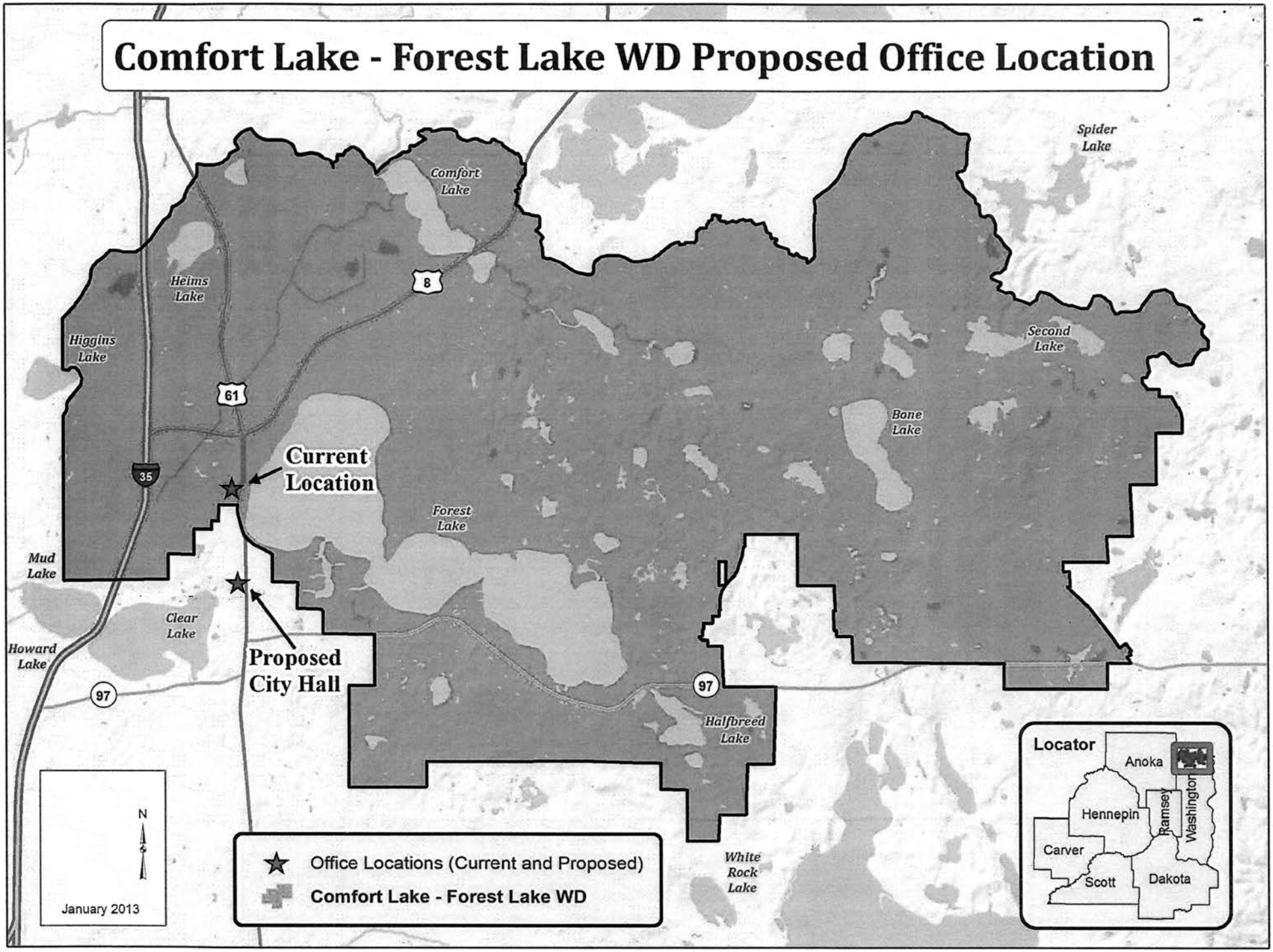
Dated at St. Paul, Minnesota this 23rd day of January, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Brian Napstad

BY: Brian Napstad, Chair

Comfort Lake - Forest Lake WD Proposed Office Location



Doug Thomas
Administrator
651.209.9753
doug.thomas@clflwd.org

COMFORT LAKE
-WATERSHED DISTRICT-
FOREST LAKE

Protecting Your Water Resources

220 North Lake Street
Forest Lake, MN 55025

TO: Mary Kells, Board Conservationist

FROM: Doug Thomas, Administrator

DATE: December 20, 2012

SUBJECT: CLFLWD Office Relocation Inquiry

Mary, as we discussed on the phone the CLFLWD is seeking an opinion/advice from BWSR on whether the District can relocate its office to a new City Hall/Municipal Complex that the City of Forest Lake is building which will be located just outside of the District's legal boundary. I have attached two maps which show the District as a whole and the proposed City Hall and its proximity to the District's legal boundary.

The proposed location will be approximately 1600 feet from the Districts boundary to the east. The main reason for bringing this request up is that after carefully looking for other public facilities we have determined that none exist within the District's boundary. That includes no schools, municipal or township buildings, or other public facilities such as libraries. Since the City intends to demolish the old building and sell for private development, if we are to technically conduct business in the District it would mean that we would have to lease privately owned office space for the purpose of meetings, hearings, etc.

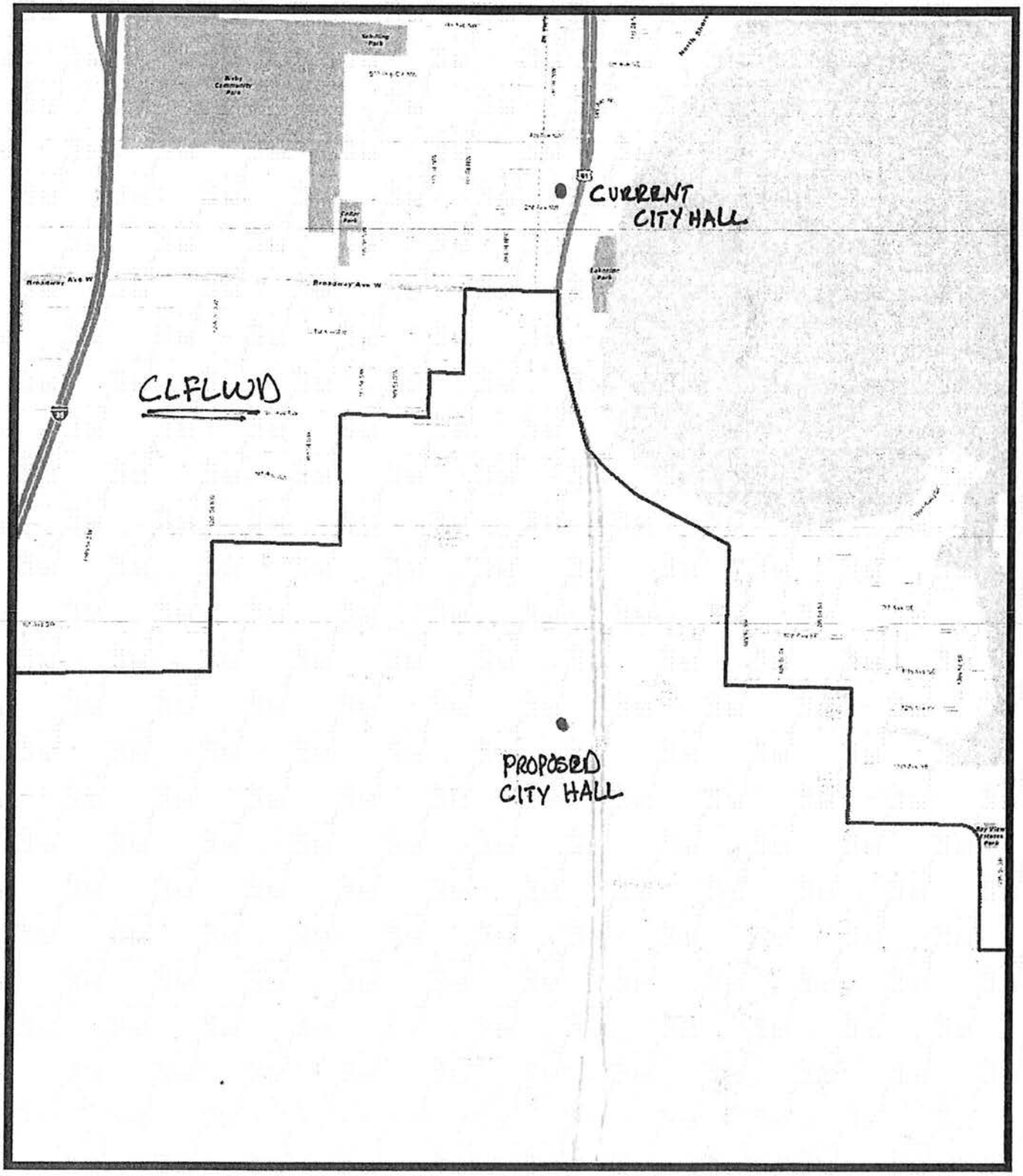
In my reading of the law (103D.321) it suggests that after a determination by the managers that public facilities are not available for a principal place of business the board can determine and designate the nearest public facility as its principal place of business. I am also aware of an opinion that BWSR had given regarding the Thirty Lake Watershed District and that its business (i.e. meetings and hearing) had to be conducted in the District. However in this case as with the Browns Creek WD the new location being so close to the boundary for all practical purposes does not inhibit or cause any extra burden for a resident of the District to attend meetings as compared to the current location. I have checked with our legal counsel who informally has indicated that they would advise favorably to the District's ability to the new location and our ability to conduct official business at it.

Hopefully BWSR will concur and be able to provide us with a letter or similar documentation that it will support the proposed new principal place of business when that occurs which is expected to be in mid 2014. With the City in the early stages of building design it is important that the District be able to confirm with them, one way or the other, if we are able to locate in the new building.

Board of Managers
Jackie A. Anderson—President Richard P. Damchik—Vice President John T. Lynch—Secretary
Jon W. Spence—Treasurer Wayne S. Moe—Manager

COMFORT LAKE
WATERSHED DISTRICT
FOREST LAKE
Protecting Your Water Resources

New City Hall Location



Disclaimer: Maps and documents made available to the public by the CLFLWD are not legally recorded maps nor surveys and are not intended to be used as such.
Copyright © 2012 CLFLWD, All Rights Reserved

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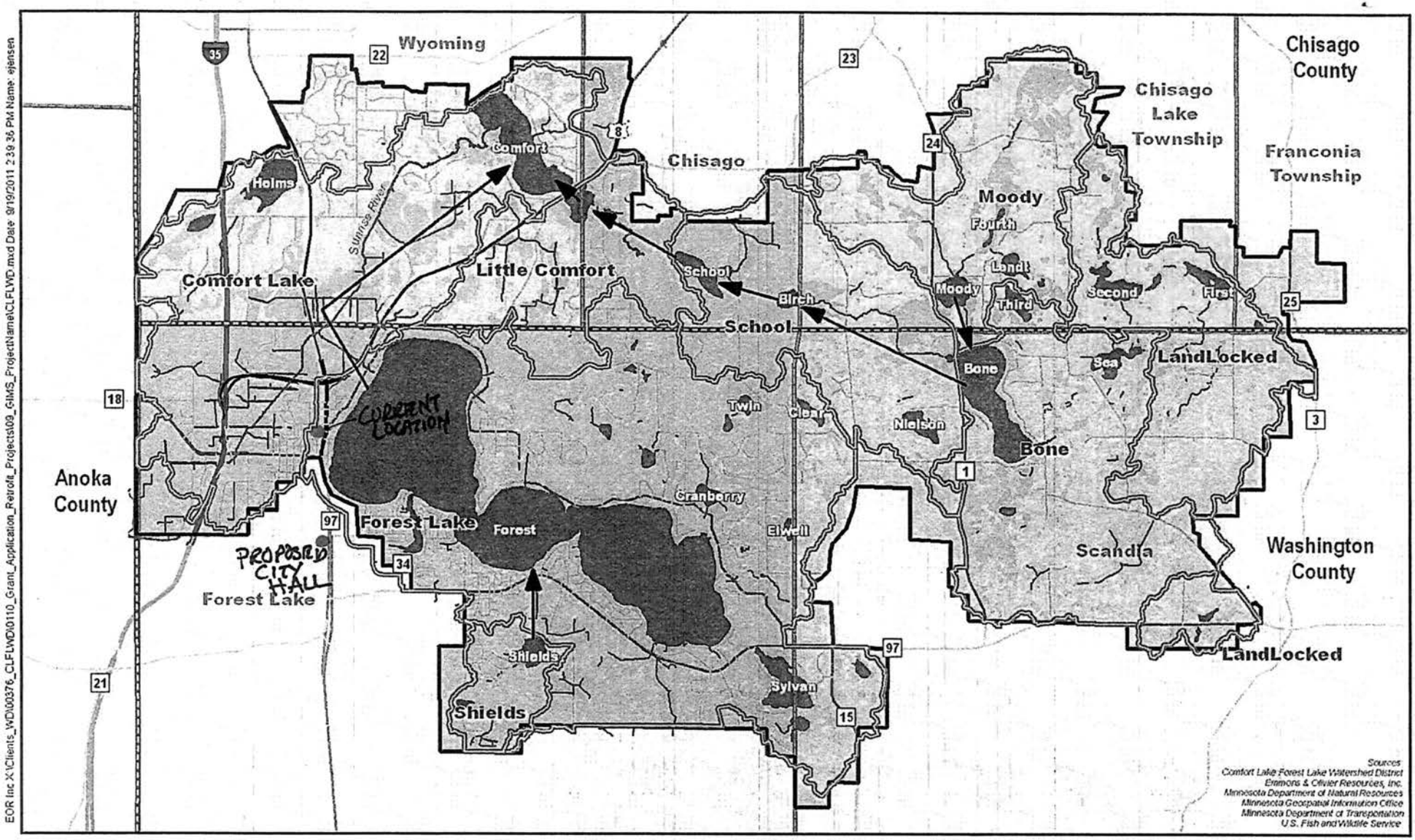
Printed 12/20/2012



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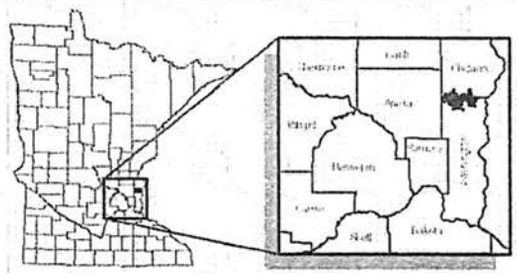
Political Boundary
County Boundary
Muncipal Boundary
Wetlands
Flow Direction
Stream/Ditch



EOR
www.eorinc.com

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103D.321 PRINCIPAL PLACE OF BUSINESS

Subdivision 1. **Unavailable public facilities.** If public facilities are not available for a watershed district's principal place of business within the watershed district, the board shall determine and designate the nearest suitable public facility as the watershed district's principal place of business.

Subd. 2. **Change of principal place of business.** (a) The managers may initiate a change of the principal place of business to a different location within the watershed district by passing a resolution stating the proposed change of location. After passing the resolution, the managers must set a time and location for a hearing on the change of the principal place of business.

(b) The managers must give notice of the hearing by publication in a legal newspaper, published in the counties affected by the watershed district, with the last publication occurring at least ten days before the hearing. Notice of the hearing must be mailed to the auditors of counties affected by the watershed district ten days before the hearing. After the hearing, the managers may, by order, change the place of business.

(c) The change of the principal place of business of the watershed district is effective when a certified copy of the managers' order is filed with the secretary of state and the board.

History: *1990 c 391 art 4 s 22; 1995 c 199 s 14*

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Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Washington Conservation District Change Of Location Of Principal Office**

Meeting Date: January 23, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro Region

Contact: Jim Haertel

Prepared by: Mary Peterson

Reviewed by: _____ 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

Appoval of the Washington Conservation District Change of Location of Prinicpal Office

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Pursuant to MS Section 103C.221, Change of Location of Principal Office, SWCDs are required to receive BWSR approval for a change of location of their principal office by adopting a resolution by a majority vote of the district board of supervisors stating the new location. After the BWSR board approves the change the resolution is filed with the Secretary of State.

Washington Conservation District (WCD) has completed all required procedures for requesting a change of location by adopting the appropriate board resolution (attached) on January 9, 2013, recording the action in the minutes and submitting a request for BWSR approval. The WCD requested that the principal office of the Board of Supervisors of the Washington Conservaton District and the headquarters of the District be changed from 1380 W. Frontage Road, Hwy 36, Stillwater, MN to 455 Hayward Avenue North, Oakdale, MN effective as of May 2013. Both locations are within Washington County.

The WCD has been advised by legal counsel to obtain the required BWSR Board approval for the change in office location at this time to make certain all legal requirements necessary for the WCD to perform a lease/purchase agreement and take occupancy in May have been satisfied. BWSR staff recommend the attached draft resolution be approved.

DRAFT

Minnesota Board of Water & Soil Resources

Minnesota Board of Water and Soil Resources Resolution No. 13-____

Washington Conservation District
Change of Location of Principal Office

WHEREAS, the principal office for the Washington Conservation District is currently located at 1380 West Frontage Road, Highway 36 in Stillwater, Washington County; and,

WHEREAS, the Washington Conservation District has requested approval to change the location of its principal office to 455 Hayward Avenue North in Oakdale, Washington County; and,

WHEREAS, the Washington Conservation District intends to enter into a lease/purchase agreement for the building at the new location in Oakdale; and,

WHEREAS, the Washington Conservation District Board of Supervisors adopted a resolution dated January 9, 2013 stating the new office location; and,

WHEREAS, Minnesota Statutes section 103C.221 requires adoption of a resolution by a majority of the district's board of supervisors stating the new office location and approval by the board before filing the change in location of the principal office with the secretary of state.

NOW THEREFORE BE IT RESOLVED, that the Board hereby approves the new principal office location for the Washington Conservation District to be 455 Hayward Avenue North, Oakdale, Minnesota.

Dated at St. Paul, Minnesota this 23rd day of January, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

Minnesota Board of Water and Soil Resources Resolution No. 13-08

Washington Conservation District
Change of Location of Principal Office

WHEREAS, the principal office for the Washington Conservation District is currently located at 1380 West Frontage Road, Highway 36 in Stillwater, Washington County; and,

WHEREAS, the Washington Conservation District has requested approval to change the location of its principal office to 455 Hayward Avenue North in Oakdale, Washington County; and,

WHEREAS, the Washington Conservation District intends to enter into a lease/purchase agreement for the building at the new location in Oakdale; and,

WHEREAS, the Washington Conservation District Board of Supervisors adopted a resolution dated January 9, 2013 stating the new office location; and,

WHEREAS, Minnesota Statutes section 103C.221 requires adoption of a resolution by a majority of the district's board of supervisors stating the new office location and approval by the Board before filing the change in location of the principal office with the secretary of state.

NOW THEREFORE BE IT RESOLVED, that the Board hereby approves the new principal office location for the Washington Conservation District to be 455 Hayward Avenue North, Oakdale, Minnesota.

Dated at St. Paul, Minnesota this 23rd day of January, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Washington Conservation District Proposed Office Location
Goose Lake
Birchwood Village
Willernie
244
Long Lake
Stillwater
Old Location
Pine Springs
36
Oak Park Heights
Bayport
95
Jane, Lake
694
De Montreville, Lake
North Saint Paul
Lake Elmo
5
Elmo, Lake
120
Eagle Point Lake
Beaver Lake
Horseshoe Lake
5
Oakdale
New Location
Tanners Lake
Landfall
Lakeland
94
Battle Creek Lake
494
Woodbury
61
N
January 2013
Major Cities
Minor Cities
Small Cities
Office Locations (Current and Proposed)
Locator
Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota
Point

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Current Groundwater Topics/Issues In Mn

Meeting Date: January 23, 2013

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region: Enginnering and Technical Services

Contact: Eric Mohring

Prepared by: John Jaschke

Reviewed by: N/A Committee(s)

Presented by: Eric Mohring and other agency staff

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Information Item

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Ground water is one of Minnesota's most precious resources. Like clouds, rain, lakes and streams, ground water is a part of the hydrologic cycle that sustains life by circulating water above, below and through all living things. We are more familiar with rain, streams and lakes because we see them regularly. But when water from these sources moves downward through soil, sediments or openings in rock, it enters a subsurface realm that is hidden from our view. If it travels deep enough, it becomes part of our valuable ground-water system. Most ground water is always on the move, slowly flowing through openings in subsurface materials like the small pores between sand grains or cracks in rock. Normally, Minnesota ground water flows into (and replenishes) streams, lakes or wetlands. Only a very small percentage of ground water exits as discrete natural springs. Ground water also plays a major role in sustaining our lakes and streams, especially in times of sparse precipitation. In Minnesota, ground water is more geographically available and naturally more pure than lakes or streams. More than 70 percent of Minnesotans use ground water for their drinking water and household water supply. Ground water also is tapped for irrigation and for industrial and commercial purposes. Just as groundwater abundance and susceptibility is variable in different parts of the state, so too is the data needed to make decisions that assure wise and fair use of the resource for short and long term factors.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 27, 2013

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, Donna Caughey, Jim Haertel, John Jaschke, Al Kean, Tim Koehler, Ron Shelito, Sarah Strommen, Steve Weirens, Marcey Westrick, Steve Woods

OTHERS:
LeAnn Buck, MASWCD
Gaylen Reetz, MPCA
Doug Wetzstein, MPCA
Joel Curran, NRCS

CALL MEETING TO ORDER - Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 13-10 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Sandy Hooker to adopt the agenda as presented. *Motion passed on a voice vote.*

** 13-11 **MINUTES OF JANUARY 27, 2013 BOARD MEETING** – Moved by Matt Wohlman, seconded by Jack Ditmore, to approve the minutes of January 27, 2013, as circulated. *Motion passed on a voice vote.*

REPORTS

Chair's Report – Brian Napstad reported on the Environmental Congress hosted by the Environmental Quality Board (EQB) on March 15 at the Ramada Inn in Bloomington. Chair Napstad reported that Governor Dayton welcomed nearly 400 participants with great participation from BWSR staff and board members. Featured speakers included Will Steger, Senator Amy Klobuchar, and young college students presented their perspectives on the environment. The Environmental Congress focused on Minnesota's Environment and Energy Report Card. EQB will compile and prioritize guidance topics from the Environmental Congress to assist the Governor in setting environmental goals for the State. Chair Napstad stated that this is a continued work in progress, he will keep the Board updated.

Chair Napstad reported that he attended the EQB meeting on February 21, discussion included the request for a bible camp in Itasca County. The EQB declined to re-designate the RGU and orders Itasca County complete the environmental review.

Chair Napstad reported that the EQB has a whitepaper regarding the silica sand report, more information is available on EQB's website. EQB received a request by Freeborn County in conjunction with Houston and Fillmore Counties, regarding silica sand mines, requesting re-designation of Responsible Governmental Unit (RGU) for environmental review. EQB data and information for EIS is beyond the county level, to be designated to state agency level, RGU re-designated to EQB to do EIS. Chair Napstad reported that he attended a legislative hearing on silica sand mining. Discussion followed.

Chair Napstad reported that he attended the AMC legislative conference on March 21, in St. Paul, he appreciated all those in attendance including John Jaschke and Sarah Strommen.

Chair Napstad reported that the Administrative Advisory Committee (AAC) met this morning. The AAC decided to cancel the April 24th BWSR Board meeting as agenda items will be covered at the March and May meetings.

Administrative Advisory Committee – Chair Napstad thanked board members for reviewing John's performance evaluation. In addition to board members review, a 360 evaluation process is being conducted by 45 people (staff, LGUs), soliciting feedback to supplement John's performance review. Chair Napstad expects to report on the executive director's performance review at the May Board meeting. Chair Napstad reported that the Governor's Appointments Office has not yet made new board members appointments. Chair Napstad reported that the BWSR Board tour will be in Two Harbors, August 28, hosted by Lake County.

Executive Director's Report – John Jaschke reported that the Legislature is in recess for Easter break this week, they will reconvene on April 2. John reported that MAWD held their Legislative Day at the Capitol on March 14; and MASWCD held their Legislative Day at the Capitol on February 26.

John reported that the Red River Valley anticipates flooding this spring. John reported that BWSR, DNR, and the City of Duluth held a joint news conference in Duluth on March 26 regarding BWSR's $3.2 million flood relief grants to the City of Duluth and South St. Louis SWCD. Landowners and local communities still have great needs to fix damages caused by last year's storms. In addition to BWSR funding, DNR will award $650,000 grant to the City of Duluth for debris and sediment removal projects in fourteen trout streams.

John distributed a summary report of the June 2012 flood recovery effort progress to date in northeast Minnesota. John stated that federal funding is needed before allocations can be made on the highest level priority projects. John stated that it's good to see conservation projects in Lake County and St. Louis County that withstood the 2012 floods.

John reviewed information in board members' packets. John provided a brief report on the only active PRAP assistance grant to Pope SWCD, for contracting services for organizational strategic planning, staff realignment, and partnerships.

Dispute Resolution Committee – John Jaschke reported that Travis Germundson is on vacation this week; John provided a brief status report on the appeals.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee has not met; a meeting is tentatively scheduled for April 24.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee meeting is tentatively scheduled for April 24 – notice of date will be sent next week.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee has a meeting tentatively scheduled for April 24; topics of discussion will be communications and outreach.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee met yesterday, the Committee has a recommendation on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group has not met since December. Al Kean reported that several bills were introduced this legislative session. HF66/SF113, which carried the 2012 DWG consensus recommendations to further update Chapter 103E Drainage Law, passed the House and Senate unanimously, the bill was signed by Governor Dayton, the statute revisions become effective August 1, 2013. Al provided a brief update on HF1021, which proposes to exempt minor ditch repairs from the MN Environmental Rights Act (Chapter 116B); HF949/SF1496 which proposes to require DNR to participate in drainage projects involving Consolidated Conservation lands; and HF971/SF1244, which proposes

to appropriate $235,000 of Clean Water Funds to BWSR to update the Minnesota Public Drainage Manual. The next meeting of the Drainage Work Group is April 5, 2013. Commissioner Tom Landwehr stated that DNR requests time to be on the DWG agenda to discuss the controversial issue of concon lands. Discussion followed. Chair Napstad thanked Al and Tom for their report.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Shingle Creek & West Mississippi Watershed Management Commissions' Plan Revision - Jim Haertel reported that this is a unique Watershed Management Plan compared to others in the metro area because two separate, politically distinct organizations share the same plan, yet have unique implementation programs tailored to each. The Shingle Creek and West Mississippi Watershed Management Organizations were formally established via joint powers agreements in 1984 under the Metropolitan Surface Water Management Act of 1982. The Watershed Management Plan final draft was filed with the Board on January 17, 2013. The attached draft Order contains a summary of the plan, planning process, and the reviewing agencies' comments. The Commissions offered stakeholders and state agencies ample opportunities to provide input via an effective Technical Advisory Committee input process, city advisory committee meetings, an online survey, and releasing an informal draft for review. Few comments were received during the formal review process and at the public hearings resulting in relatively minor changes to the Plan. The Metro Water Planning Committee met on March 7, 2013, and was presented a history of the District, the planning process, and highlights of the implementation section of the revised Plan. After review of the information, the Committee

** 13-12 unanimously voted to recommend approval of the Plan. Moved by Bob Burandt, seconded by Sandy Hooker, to approve the Shingle Creek & West Mississippi Watershed Management Commissions' Plan Revision. *Motion passed on a voice vote.*

Southern Water Planning Committee

Jackson County Local Water Management Plan Amendment – Paul Langseth reported that BWSR approved the Jackson County 2008 - 2018 Comprehensive Local Water Management Plan (Plan) on March 26, 2008. The Board Order required Jackson County to update the Plan's implementation section by March 26, 2013. Jackson County followed the amendment process guidelines established by the Board and submitted their 2013 - 2018 Local Water Management Plan Amendment on February 6, 2013. The Southern Water Planning Committee met on March 7, 2013 and recommends approval of the Jackson County 2013 - 2018 Local

** 13-13 Water Management Plan Amendment. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Jackson County Local Water Management Plan Amendment. *Motion passed on a voice vote.*

Big Stone County Priority Concerns Scoping Document – Paul Langseth reported that Big Stone County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Big Stone County on March 7, 2013, to discuss the content of the PCSD; state agency review comments on the

** 13-14 PCSD; and recommends approval of the Big Stone County PCSD. Moved by Paul Langseth, seconded by Chris Elvrum, to approve the Big Stone County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

Chippewa County Priority Concerns Scoping Document – Paul Langseth reported that Chippewa County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Chippewa County on March 7, 2013, and recommends approval of the Chippewa County PCSD. The state's
** expectations for the final plan must be sent to Chippewa County. Moved by Paul Langseth,
13-15 seconded by Matt Wohlman, to approve the Chippewa County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

Lac qui Parle County Priority Concerns Scoping Document – Paul Langseth reported that Lac qui Parle County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Lac qui Parle County on March 7, 2013, and recommends approval of the Lac qui Parle County PCSD.
** Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Lac qui Parle County
13-16 Priority Concerns Scoping Document. *Motion passed on a voice vote.*

Swift County Priority Concerns Scoping Document - Swift County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Swift County on March 7, 2013 and recommends approval
** of the Swift County PCSD. Moved by Paul Langseth, seconded by Matt Wohlman, to approve
13-17 the Swift County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

Paul Langseth reported that three county water plan extension requests were rejected by the Southern Water Planning Committee (not on the agenda today). Those extension requests were returned to the county to complete their plans. Counties are ineligible for grants if comprehensive local water plans are not approved by BWSR. It is in the best interest for counties to complete a good plan. Discussion followed. The start date of each plan will be included in future Orders.

** Moved by Paul Langseth, seconded by Bob Burandt, to approve the Comprehensive Local Water Management Plan extension requests for Big Stone County, Blue Earth County, Chippewa County, Lac qui Parle County, and Swift County; the extension requests will be approved with one resolution, Chair Napstad will sign individual Orders for each county.
** Discussion followed. Jack Ditmore made a motion to vote on each county plan individually. Paul Langseth and Bob Burandt withdrew the motion for one resolution approving the extension
13-18 requests, and agreed to vote on each individual extension request. *Motion passed on a voice vote.*

Big Stone County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Big Stone County's Comprehensive Local Water Management Plan (Plan) will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Big Stone County and recommends approval of the Big Stone County Comprehensive
** Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Bob Burandt,
13-19 to approve the Big Stone County Comprehensive Local Water Management Plan Extension Request. *Motion passed on a voice vote.*
^ Jack Ditmore opposed.

Blue Earth County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Blue Earth County's five-year Comprehensive Local Water Management Plan will expire June 30, 2013. On March 7, 2013, the Southern Water Planning Committee met and recommends approval of the Blue Earth County Comprehensive Local

** 13-20 Water Management Plan Extension. Blue Earth County is working on incorporating a green print. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Blue Earth County Comprehensive Local Water Management Plan extension request. *Motion passed on a voice vote.* Joe Collins commends the county for including mining in their plan. ^ Jack Ditmore opposed.

Chippewa County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Chippewa County's Comprehensive Local Water Management Plan (Plan) will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Chippewa County and recommends approval of the Chippewa County Comprehensive ** 13-21 Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Chippewa County Comprehensive Local Water Management Plan extension request. Discussion followed. Keith Mykleseth stated that the water plans are an evolving process statewide. Tom Loveall stated that more details on the plans leads to accountability. Jack Ditmore stated that the message is being sent to complete a plan. *Motion passed on a voice vote.* Jack Ditmore opposed.

Lac qui Parle County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Lac qui Parle County's Comprehensive Local Water Management Plan will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Lac qui Parle County and recommends approval of the Lac qui Parle County ** 13-22 Comprehensive Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Chris Elvrum, to approve Lac qui Parle County Comprehensive Local Water Plan extension request. *Motion passed on a voice vote.* Jack Ditmore opposed.

Swift County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Swift County's Comprehensive Local Water Management Plan will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Swift County and recommends approval of the Swift County Comprehensive Local Water ** 13-23 Management Plan Extension. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Swift County Comprehensive Local Water Management Plan extension request. *Motion passed on a voice vote.* Jack Ditmore opposed.

Chair Napstad called for a break in the meeting at 11:00 a.m. The meeting reconvened at 11:13 a.m.

NEW BUSINESS

Reinvest In Minnesota (RIM) Reserve –Wetlands Reserve Program (WRP) 2013 – Gene Tiedemann reported that the RIM Committee met yesterday, no quorum present, the Committee's consensus was to move this forward. Tim Koehler reported that the RIM-WRP Partnership has received recommendations from the Lessard Sams Outdoor Heritage Council and legislative appropriations from the Outdoor Heritage Fund in 2009, 2010, 2011 and 2012 totaling $42.76 million to leverage federal WRP funds totaling over $68 million. In addition, a fifth year of funding is currently being considered by the MN Legislature for $13.39 million from the

Outdoor Heritage Fund which will leverage $21.5 million of federal WRP funds. Tim reported that the Committee's consensus authorizes staff to:

1. Utilize existing and anticipated Outdoor Heritage Funds for the 2013 RIM-WRP Partnership; and
2. Target expiring CRP contracts with critical wetland restoration practices for enrollment in the RIM-WRP Partnership; and

3. Work with MN NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the 2013 RIM-WRP Partnership.

Tim introduced Joel Curran, NRCS. Joel reported that $7M is allocated to WRP; request for 8,000 acres to enroll in WRP; awaiting an answer from Washington within a month.

Tom Landwehr stated that RIM-WRP is a critical component in the Prairie Plan. Tom proposed adding new language to the resolution as follows:

#3. Prioritize projects consistent with the priorities in the MN Conservation Prairie Plan and subsequent conservation implementation guidance.
#4. Work with MN NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the 2013 RIM-WRP Partnership.

** Moved by Tom Landwehr, seconded by Paul Langseth, to amend the resolution to include the proposed new language.

Matt Wohlman recommends scoring based on multiple benefits of prairies and wetlands. Tim Koehler explained that scoring points could also be consistent with other prairie pothole plans. Paul stated that his second to the motion would add a target to the partnership. Keith stated that it's good to work together; accountability is important. Matt stated that MDA has not signed off on the Plan, there were no agriculture stakeholders involved in the plan. Tom Landwehr stated that the key is to target outcomes consistent with WRP with a focus on specific outcomes. Gene Tiedemann suggests this going through the Committee to allow time to review. Discussion followed. Gerry Van Amburg supports the amendment as he's for more grassland preservation and restoration.

Tim Koeheler stated that the Prairie Plan areas have been identified to focus on working lands, grazing, water quality, CRP, grasslands, and prairie. LeAnn Buck stated that LGUs don't know what the prairie plan details are, it would be helpful to have good conversation at the local level so they understand. Bob Burandt stated that naming the area looks like RIM is singled-out, he doesn't support the amendment, the Committee will review this. Chair Napstad clarified that the Board is voting on the amendment at this time, not the Resolution. The proposed amendment adds: **#3. Prioritize projects consistent with the priorities in the MN Conservation Prairie Plan and subsequent conservation implementation guidance; with #3 now #4.** Chair Napstad called for a roll call vote. Affirmative: Joe Collins, Jack Ditmore, Christy Jo Fogarty, Tom Landwehr, Paul Langseth, Tom Loveall, Keith Mykleseth, Gerald Van Amburg, Brian Napstad. Opposed: Bob Burandt, Chris Elvrum, Rebecca Flood, Sandy Hooker, Steve Sunderland, Gene
13-24 Tiedemann, Matt Wohlman. *The amendment to the Resolution was approved.*

** Moved by Gene Tiedeman, seconded by Jack Ditmore, to approve the Resolution as amended. – authorizing staff to move forward on the voluntary sign-up application process. Tim Koehler explained that the current process is in place, using last years payment rates and scoring rates; work with landowners to explain the basics to landowners; the Committee will bring this voluntary
13-25 program before the Board in May. Discussion followed. *Motion passed on a voice vote.*

Watershed Protection & Restoration Strategies –Gaylen Reetz, MPCA, presented background information on the Clean Water Act. Steve Woods explained that the Clean Water Land and Legacy Amendment funding has allowed the executive branch agencies to systematically re-think how to best produce cleaner water. Input from the Clean Water Council, listening sessions around the state,

and inter-agency teams resulted in a system that meshes a predictable 10-year water monitoring cycle with local water planning processes. Throughout 2013, BWSR will sponsor a stakeholder process that aligns local water plan expectations with the Board's approval process. Steve stated that Doug Thomas, newly hired Policy Advisor, starts with BWSR on April 15, he will work on the "One Watershed" policy. Chair Napstad stated that this looks to be a driver for incentives. John Jaschke stated that BWSR will work with MPCA to get information out. Discussion followed. Matt Wohlman thanked Steve and Gaylen for their informative presentation, asked about parcel levels. Gaylen stated that the intent is so local resource managers can utilize this information. LeAnn Buck appreciated the presentation, need to coordinate allocation. Tom Landwehr stated this is a great piece of information, need to think about implementation, a challenge for entities, BWSR's key role is to implement soon; promote the message, need coordination of agencies to get this on the ground. Chair Napstad thanked Steve and Gaylen for the informative presentation. John acknowledged MPCA for developing a more useful, better, cheaper, and faster process.

Legislative Update – Sarah Strommen presented a brief legislative overview and update for the Board's information. Chair Napstad thanked Sarah for her update.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Matt Wohlman reported that last month MDA Commissioner Frederickson proposed the MDA Advisory Committee score pilot areas for MAWD. Matt reported that MDA hired RESPECT Consulting Company (former BWSR employee Julie Blackburn) to help develop a measurement tool for certifiable determinations.

ADVISORY COMMENTS

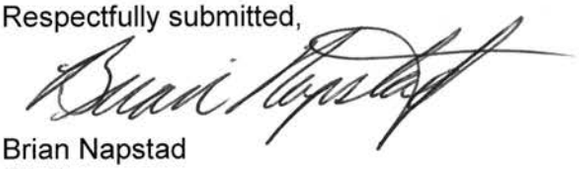
Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT staff are concluding a three-week-training for nearly 7,000 township officers. MAT will be going to Washington, D.C. in April to lobby.

UPCOMING MEETINGS

- Next BWSR Board Meeting - May 22, 2013
- Grants Program & Policy Committee will meet April 24

** 13-26 Moved by Keith Mykleseth, seconded by Sandy Hooker, to adjourn the meeting at 1:05 p.m. *Motion passed on a voice vote.*

Respectfully submitted,



Brian Napstad
Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: March 27, 2013

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
March 15, 2013
By: Travis Germundson

There are presently **12** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeal filed since the last report dated January 23, 2013.

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 13-2 (2-4-13) This is an appeal of a restoration order in Watonwan County. The appeal regards the filling of approximately 11,878 sq. ft. of wetland. No decision has been made on the appeal.

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. *The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.*

File 12-19 (12-27-12) This is an appeal of a wetland replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application for a tenth of an acre of impact to a Type 3 wetland. A previous appeal of a restoration order involving the same wetland impacts (File 12-10) was dismissed. The appeal has been remanded for further technical work.

~~File 12-18 (12-20-12) This is an appeal of agricultural wetland banking decision in Kittson County. The appeal regards the denial of an agricultural wetland banking application for approximately 16 acres of wetland credit. No decision has been made on the appeal. The appeal was remanded for the LGU to develop an adequate record that considers the written Technical Evaluation Panel Report.~~ *Under remand, the LGU reversed their previous decision and approved the agricultural wetland banking application.*

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. *The appeal has been accepted and the briefing and hearing schedule stayed by mutual agreement to allow time for settlement discussions to continue.*

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 has been 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 in the spring of 2013 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.

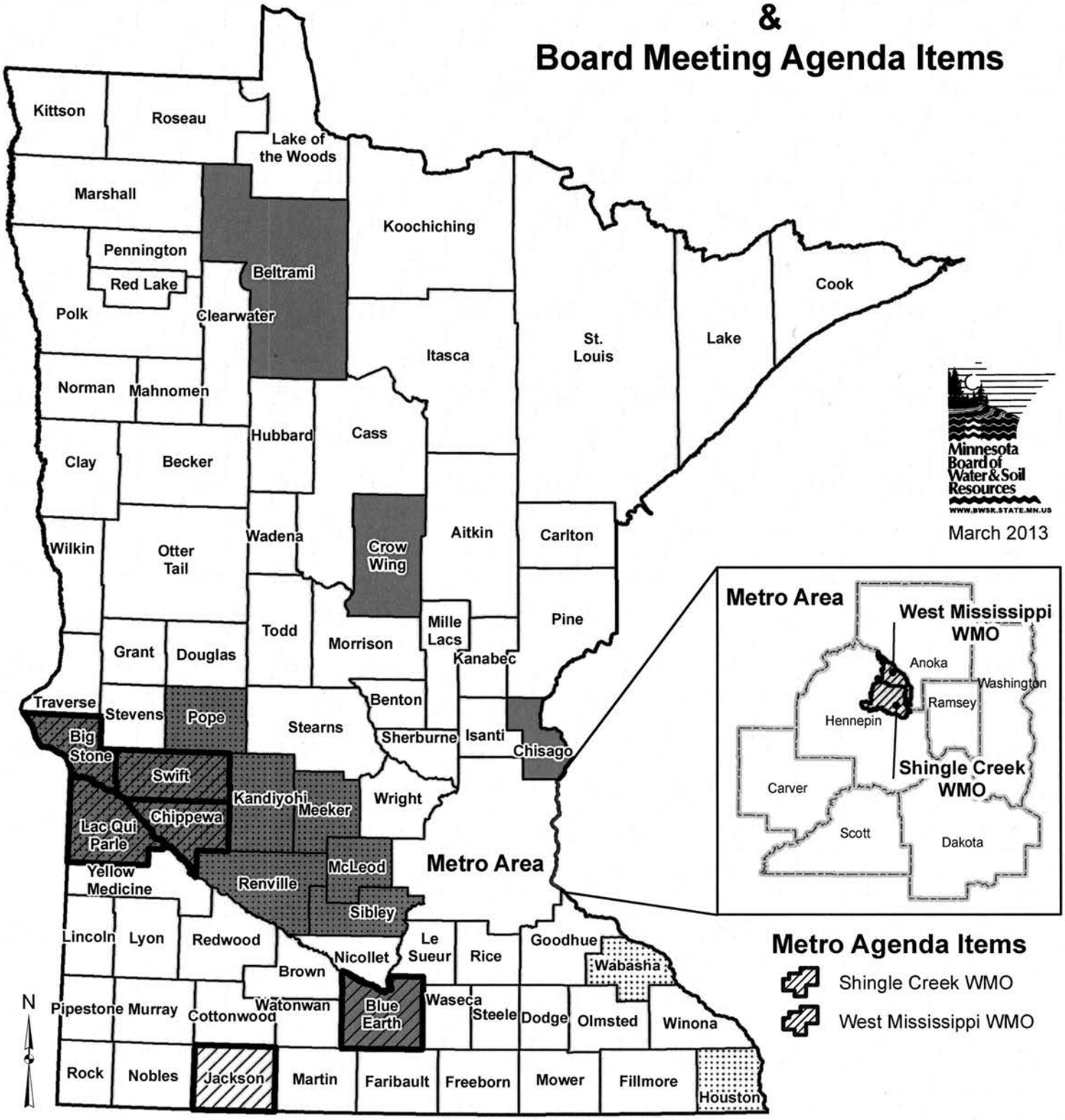
Summary Table

Type of Decision	Total for Calendar Year 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	5	
Order Modified		
Order Remanded	4	
Order Place Appeal in Abeyance	1	
Negotiated Settlement		
Withdrawn/Dismissed	4	

Drainage Work Group Report
for March 27, 2012 BWSR Board Meeting
by Al Kean, BWSR Chief Engineer and DWG Facilitator

- HF66 / SF113, which carried the 2012 DWG Consensus Recommendations to further update Chapter 103E Drainage Law, passed the House and Senate unanimously and the bill was signed by Governor Dayton earlier this month. These statute revisions will become effective August 1, 2013. Rep. Rick Hansen was the chief author in the House and Senator Dan Sparks the chief author in the Senate.
- The DWG will meet next on Friday, April 5, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building in Eagan. Topics of discussion will include the status of other bills at the Legislature involving drainage, including:
    - HF 1021, which proposes to exempt minor ditch repairs from the MN Environmental Rights Act (Chapter 116B).
    - HF 949 / SF 1496, which proposes to require DNR to participate in drainage projects involving Consolidated Conservation lands.
    - HF 971 / SF 1244, which proposes to appropriate $235,000 of Clean Water Funds to BWSR to update the Minnesota Public Drainage Manual.
    - An update and discussion regarding Corps of Engineers Regional General Permit No. 2, which involves certain drainage actions.
    - A status report regarding an LCCMR project investigating the potential for runoff based drainage system assessments.
    - A status report regarding a Section 319 project investigating the design and benefits of Side Inlet Controls.

County Water Plan Expirations & Board Meeting Agenda Items



Minnesota Board of Water & Soil Resources
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March 2013

Metro Agenda Items

- Shingle Creek WMO
- West Mississippi WMO

Plan Expires

- Revision in Progress
- 2013
- Overdue
- Beyond 2013

Outstate Agenda Items

- Big Stone
- Blue Earth
- Chippewa
- Jackson
- Lac Qui Parle
- Swift

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Shingle Creek & West Mississippi Watershed Management Commissions' Plan Revision – Jim Haertel – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Shingle Creek & West Mississippi Watershed Management Commissions' Plan Revision**

Meeting Date: March 27, 2013

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: Jim Haertel, Metro Region Supervisor

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Approval of the Shingle Creek & West Mississippi Watershed Management Organizations Revised Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

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

Background

This is a unique Watershed Management Plan compared to all others in the metro area because two separate, politically distinct organizations share the same plan, yet have unique implementation programs tailored to each. During the development process of the previous plan, both Organizations agreed to merge the plan preparation, operating policies, and administration for efficiency purposes. Another reason is that four of the five cities in the West Mississippi Watershed Management Commission (WMC) are also in the Shingle Creek WMC.

The Shingle Creek and West Mississippi WMCs were formally established via joint powers agreements in 1984 under the Metropolitan Surface Water Management Act of 1982. However, prior to that date seven of the communities jointly funded the 1974 Shingle Creek Basin Management Plan in response to the National Flood Insurance Program. The first water resources management plan for the Commissions was prepared and adopted separately by each Commission in 1990. Four out of the five member cities of West Mississippi WMC are also members of Shingle Creek WMC. The second generation watershed management plan was approved by BWSR in April 2004. The second generation plan was amended six times primarily to add new capital projects to the Capital Improvement Program as the projects were identified.

The watersheds are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi WMO, on the south by Bassett Creek WMO, and on the west by the Elm Creek WMO. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are fourteen lakes in the Shingle Creek watershed, and none in West Mississippi. The combined watersheds have approximately 21 miles of streams. Both watersheds are predominantly fully developed, with the remaining land rapidly developing. Some redevelopment is occurring.

The Commissions hold monthly, joint meetings and jointly discuss business applicable to both. Their currently compliant Joint Powers Agreement expires in 2015, however the Commissions' attorney has begun the revision process with the cities and Commissioners. The operating expenses are funded by city dues apportioned based 50% on land area and 50% on taxable value within the watershed. Capital projects can be funded up to 25% of the cost by the Commissions, not to exceed $250,000, via several financial mechanism options as identified in the JPA.

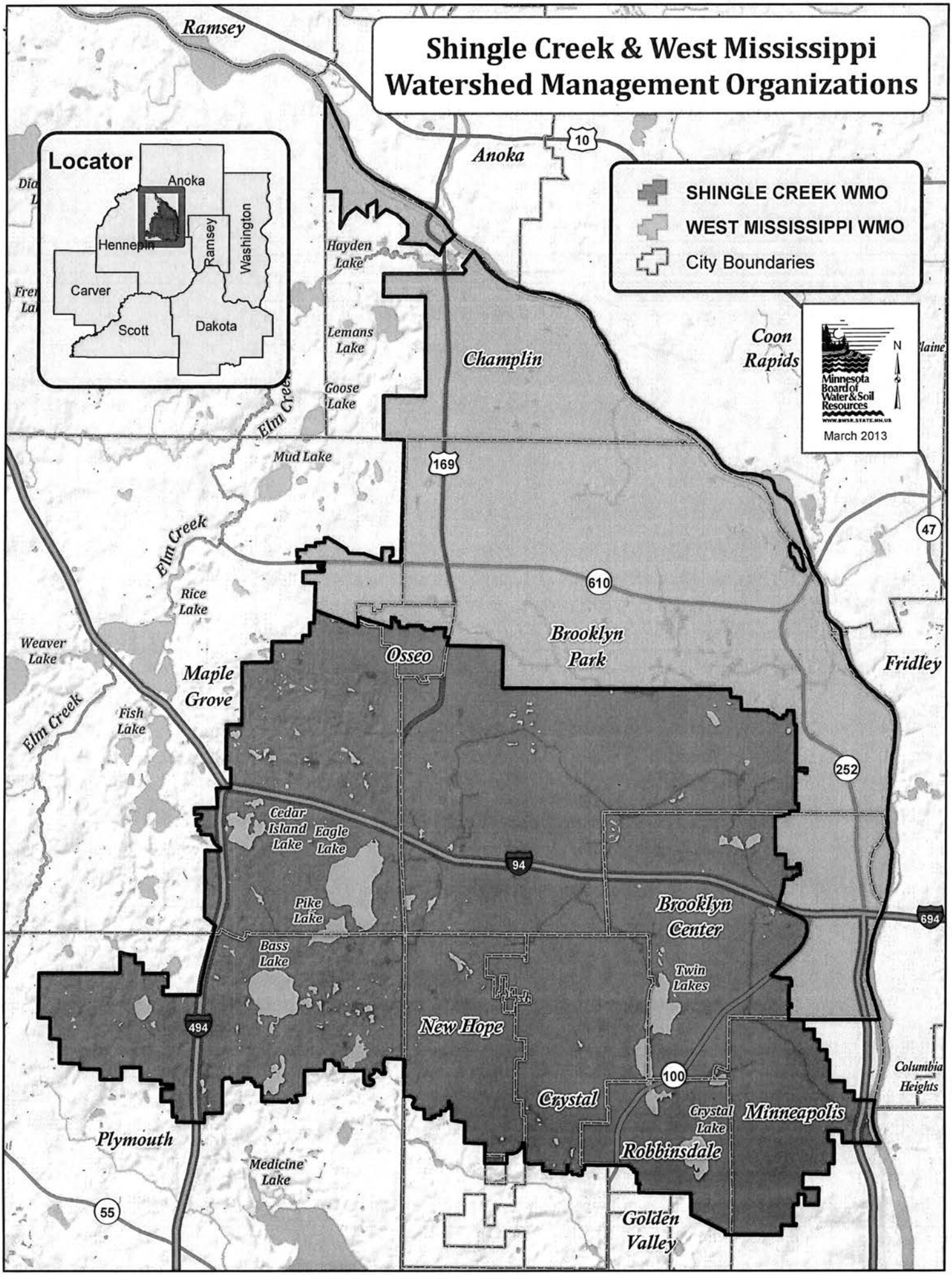
Revised Plan Process and Summary

BWSR staff have been involved with the Plan process since the beginning stages. Early in the planning process, BWSR attended Technical Advisory Committee (TAC) meetings providing upfront input and plan expectations. All stakeholders and agencies were given ample opportunities to provide upfront input and preliminary draft plan comments, while the cities' citizen advisory committees provided guidance on priority resource concerns. The Commissions received relatively few comments from local partners, municipalities, and stakeholders during the formal comment period partially because of their inclusive planning process.

The Plan outlines an excellent framework for protecting the water resources of the Commissions, is well organized, and is an appropriate mix of structural, non-structural, and programmatic solutions. An extensive self assessment document was incorporated into the revised Plan as an appendix that lists accomplishments and assessed how well the Commissions implemented the previous plan. The priority issues to be addressed in the plan are: 1) Work aggressively toward achieving TMDL lake and stream goals, 2) Revise the Rules and Standards to achieve more load and runoff volume reduction, 3) Expand the public education and outreach program to reach more stakeholders, 4) Retrofit BMPs in developed areas in the most cost-effective way, and 5) Develop a whole-watershed sustainable water budget.

The projected average annual budget for Shingle Creek WMC is approximately $732,700 over the first five years of the Plan and for West Mississippi WMC is approximately $255,600.

Local and state comments received in regards to the revised Plan have been sufficiently addressed. The Metro Water Planning Committee met on March 7, 2013. BWSR staff recommended approval. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.


Shingle Creek & West Mississippi Watershed Management Organizations
Locator
Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota
SHINGLE CREEK WMO
WEST MISSISSIPPI WMO
City Boundaries
Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
March 2013
N
Ramsey
Anoka
Coon Rapids
Champlin
Hayden Lake
Lemans Lake
Goose Lake
Mud Lake
Elm Creek
Rice Lake
Weaver Lake
Maple Grove
Osseo
Brooklyn Park
Fridley
Fish Lake
Cedar Island Lake
Eagle Lake
Pike Lake
Bass Lake
Brooklyn Center
Twin Lakes
New Hope
Crystal
Crystal Lake
Minneapolis
Robbinsdale
Columbia Heights
Plymouth
Medicine Lake
Golden Valley
10
169
47
610
252
94
694
494
100
55

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

In the Matter of the review of the Watershed Management Plan for the **Shingle Creek and West Mississippi Watershed Management Organizations**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Boards of Commissioners of the Shingle Creek and West Mississippi Watershed Management Commissions (Commissions) submitted a Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed Commissions Establishment.** The Shingle Creek and West Mississippi Watershed Management Commissions were formally established via joint powers agreements in 1984 under the Metropolitan Surface Water Management Act of 1982. However, prior to that date seven of the communities jointly funded the 1974 Shingle Creek Basin Management Plan in response to the National Flood Insurance Program. The first water resources management plan for the Commissions was prepared and adopted separately by each Commission in 1990. During the development process of the Second Generation Plan, both Commissions agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but remain separate, politically distinct Watershed Management Organizations. Four out of the five member cities of West Mississippi Watershed Management Commission are also members of Shingle Creek Watershed Management Commission. The second generation watershed management plan was approved by the Board in April 2004. The second generation plan was amended six times primarily to add new capital projects to the Capital Improvement Program as they were identified.

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed areas which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

3. **Nature of the Watershed.** The Shingle Creek and West Mississippi Watershed Management Commissions are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi Watershed Management Organization, on the south by Bassett Creek Watershed Management Organization, and on the west by the Elm Creek Watershed Management Organization. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are fourteen lakes in the Shingle Creek watershed, and none in West Mississippi. The combined watersheds have approximately 21 miles of streams. Both watersheds are predominantly fully developed, with the remaining land rapidly developing. Some redevelopment is occurring.

4. **Plan Development and Review.** In 2010 the Commissions began an extensive TAC involvement process to identify watershed problems, priority issues, goals, and solicit projects. The TAC process involved local and state agencies and stakeholders and allowed opportunities to provide upfront input. In lieu of utilizing a traditional Citizen Advisory Committee for public input, the Commissions asked each of the 10 member cities to designate an existing city advisory committee to serve that role. The groups met twice individually then jointly to discuss watershed priorities and employed online surveys for input. A preliminary, informal draft plan was released in August 2012 for stakeholders and state agencies to provide written comments. Responses to comments were provided and changes to the Plan were made. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the formal 60-day review on October 20, 2012. A public hearing was held on January 10, 2013, resulting in a few minor changes to the Plan. The final draft of the revised Plan was received by the Board on January 17, 2013.

5. **Local Review.** The Commissions distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The Commissions received comments from the cities of Brooklyn Center, New Hope, and Plymouth. The Commissions responded in writing to all stakeholders who commented, addressing each concern.

6. **Metropolitan Council Review.** Met Council was very supportive of the plan revision stating it is consistent with the Council's policies and the *Water Resources Management Policy Plan*.

7. **Department of Agriculture Review.** The MDA had no comments on the Plan.

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

9. **Department of Natural Resources Review.** The DNR commented that the overall Plan was well done. Other comments included recommended use of DNR technical references, plan clarifications, and investigation of ecological low-flows. All comments were satisfactorily addressed with changes made to the Plan.

10. **Pollution Control Agency Review.** The PCA requested several clarifications on TMDL references, waterbody impairments, and monitoring for chlorides. PCA felt that the Plan was well written and could be used as a model for other watersheds. The Commissions largely revised the Plan as requested.

11. **Department of Transportation Review.** MNDOT did not comment during the first review period. MNDOT submitted comments during the final review period that centered on detailed components of the stormwater rules and standards.

12. **Board Review.** Board staff commended the Commissions for a well-organized and comprehensive Plan. Board staff recommended several clarifications related to tables within the Plan, technical and citizen advisory committee roles in implementation, the need for a future amendment prior to undertaking certain capital improvement projects, identification of Wetland Conservation Act Local Government Units, and a list of parts of the Plan that could be adopted by reference for local water plans. It was strongly recommended that the Plan state the need for a plan amendment prior to year 2018 to detail action items and costs for years 2018-2022. Additional detail was also requested for a "Commission Fund for Retrofit Projects". The Commissions satisfactorily addressed the comments resulting in revisions to the Plan.

13. **Plan Summary and Highlights.** The Plan outlines an excellent framework for protecting the water resources of the Commissions, is well organized, and is an appropriate mix of structural, non-structural, and programmatic solutions to water resource issues. An extensive self assessment document was incorporated into the revised Plan as an appendix that lists accomplishments and assesses how well the Commissions implemented the previous plan. The priority issues to be addressed in the plan are: 1) Work aggressively toward achieving Total Maximum Daily Load (TMDL) lake and stream goals, 2) Revise the Rules and Standards to achieve more load and runoff volume reduction, 3) Expand the public education and outreach program to reach more stakeholders, 4) Retrofit BMPs in developed areas in the most cost-effective way, and 5) Develop a whole-watershed sustainable water budget. The highlights of the revised Plan include:

- The Commissions offered opportunities to provide upfront comments on the Plan prior to submitting the formal draft through an exemplary TAC and cities' citizen advisory committee involvement process along with the release of a preliminary draft. This led to a smooth formal review process.
- A comprehensive monitoring, education/outreach, and intensive catchment-level Best Management Practice (BMP) assessment programs.

- Funding for a sustainable groundwater study for both watersheds.
- Commissions remain on the cutting edge of addressing chloride impairments.
- An aggressive implementation plan with the goal of de-listing seven of the 13 impaired lakes by 2022.

14. **Metro Water Planning Committee Meeting.** On March 7, 2013, the Board's Metro Water Planning Committee and staff met with a representative from the Commissions in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Doug Wetzstein, Jack Ditmore, Joe Collins, and Robert Burandt as chair. Board staff in attendance was Metro Board Conservationist Brad Wozney. The representative from the Commissions was Diane Spector of Wenck Associates. Board staff recommended approval of the Plan.

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

CONCLUSIONS

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

2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Shingle Creek and West Mississippi Watershed Management Commissions pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The Watershed Management Plan for the Shingle Creek and West Mississippi Watershed Management Commissions attached to this Order defines water and water-related problems within the Commissions' 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 Watershed Management Plan dated January 2013 as the Watershed Management Plan for the Shingle Creek and West Mississippi Watershed Management Commissions.

Dated at Saint Paul, Minnesota this 27th day of March, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Executive Summary

This watershed management plan describes how the Shingle Creek and West Mississippi Watershed Management Commissions (SCWM WMC) will manage activities in the two watersheds in the ten year period 2013-2022.

The Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission are Watershed Management Organizations (WMOs) formed in 1984 using Joint Powers Agreements developed under authority conferred to the member communities by Minnesota Statutes 471.59 and 103B.201 through 103B.251. The watersheds are located in the northwest portion of the Minneapolis-St. Paul seven county Metropolitan Area and are comprised of all or part of the following ten cities in Hennepin County:

Shingle Creek Watershed		West Mississippi Watershed		Combined
Cities	**Area (sq mi)**	**Cities**	**Area (sq mi)**	**Area (sq mi)**
Brooklyn Center	5.89	Brooklyn Center	2.47	8.36
Brooklyn Park	11.15	Brooklyn Park	14.20	25.35
		Champlin	5.12	5.12
Crystal	3.92			3.92
Maple Grove	7.73	Maple Grove	0.82	8.55
Minneapolis	3.15			3.15
New Hope	3.32			3.32
Osseo	0.45	Osseo	0.33	0.78
Plymouth	6.56			6.56
Robbinsdale	2.39			2.39
Total	44.56	Total	22.94	67.50

Each Commission is governed by a Board of Commissioners that is comprised of one member appointed from each community by their respective City Councils.

The Commissions' purpose is to preserve and use natural water storage and retention in the Shingle Creek and West Mississippi watersheds to meet Surface Water Management Act goals. Because many of the communities that are members of the Shingle Creek WMO are also members of the West Mississippi WMO the Commissions often work jointly on issues of interest to both, including this Third Generation Plan, and have adopted similar standards.

Third Generation Watershed Management Plan

The Shingle Creek and West Mississippi Watershed Management Commissions initiated work on the Third Generation Plan in February 2011. The Plan includes information required in Minnesota Administrative Rules Chapter 8410, Local Water Management: an updated land and

water resources inventory, goals and policies; an assessment of problems and identification of corrective actions; an implementation program; and a process for amending the Plan.

The Commission and Citizen and Technical Advisory Committees identified the following issues and issue areas during the planning process:

Funding and Financial Stability. During the Second Generation Plan period the Shingle Creek Commission completed 13 lake nutrient TMDLs; a chloride and dissolved oxygen TMDL on Shingle Creek; and impaired biota TMDLs on Shingle and Bass Creeks. All require very significant load reductions and stream improvements to meet the state water quality standards, which will be financially challenging.

Regulatory Rules and Standards. Issues include conflicting rules for cities with land in two or more watersheds; application of stormwater management rules to redevelopment projects; keeping rules and standards current with TMDL implementation needs, both local and regional; and the need to stay abreast of changing climate conditions.

Data Availability. TMDL implementation will require an expanded monitoring program to provide the data necessary to evaluate progress toward achieving water quality goals. Other data needs include a better understanding of the whole-watershed sustainable water budget to explore the most effective ways to restore base flow in Shingle Creek and in wetlands that have lost hydrology.

Other Issues. A component of the TMDL implementation is retrofitting areas that developed with no or minimal water quality treatment with Best Management Practices. Given limited resources it is important that this be completed in a systematic, cost-effective manner. In addition, technology and practices continue to advance, and there is a need to evaluate the effectiveness of new or innovative BMPs prior to implementation. Education and awareness is another component of TMDL implementation, and expansion of those efforts should be considered to increase public awareness and to change behaviors.

Management Plan Priorities and Goals

Through the identification of issues in the watersheds, the SCWM WMC developed five priorities and six goal areas to guide their water resources planning and management functions:

Priorities:

1. Work aggressively toward achieving TMDL lake and stream goals.
2. Revise the Rules and Standards to achieve more load and runoff volume reduction.

Executive Summary (Cont.)

3. Expand the public education and outreach program to reach more stakeholders.
4. Retrofit BMPs in developed areas in the most cost-effective way.
5. Develop a whole-watershed sustainable water budget.

Goals:

Goal Area A. Water Quantity
- Goal A. 1. Maintain the existing 100-year flood profile throughout the watersheds.
- Goal A. 2. Determine ecological low flows for Shingle and Bass Creeks

Goal Area B. Water Quality
- Goal B. 1. As lake water quality improves and lakes are removed from the State's Impaired Waters list, implement management strategies to protect lake water quality. It is anticipated that Schmidt, Lower Twin, and Ryan Lakes will be removed in 2014.
- Goal B. 2. Implement phosphorus and sediment load reduction actions sufficient to achieve de-listing from the Impaired Waters list for Bass, Eagle, Crystal, and Middle Twin Lakes.
- Goal B. 3. Improve water clarity in the balance of the lakes by 10% over the average of the previous ten years.
- Goal B. 4. Improve at least 30% of the length of Shingle Creek to meet Corridor Study and TMDL design standards.
- Goal B. 5. Maintain nondegradation of all waterbodies compared to 1985 conditions.

Goal Area C. Groundwater
- Goal C. 1. Infiltrate stormwater runoff from new impervious surface.
- Goal C. 2. Identify opportunities for and implement projects to infiltrate runoff from existing impervious surface.
- Goal C. 3. Work with the appropriate state agencies to incorporate groundwater assessment into the sustainable water budget analysis for each watershed.

Goal Area D. Wetlands
- Goal D. 1. Maintain the existing functions and values of wetlands identified in the Commissions' Water Quality Plan as high-priority.
- Goal D. 2. Informed by the sustainable water budget study, improve functions and values of wetlands.

Goal Area E. Drainage Systems
- Goal F. 1. Continue current Hennepin County jurisdiction over County Ditch #13

Executive Summary (Cont.)

Goal Area F. Commission Operations and Programming

- Goal F. 2. Identify and operate within a sustainable funding level that is affordable to member cities.
- Goal F. 3. Foster implementation of TMDL and other implementation projects by sharing in their cost and proactively seeking grant funds.
- Goal F. 4. Operate a public education and outreach program that meets the NPDES Phase II education requirements for the member cities.
- Goal F. 5. Operate a monitoring program sufficient to characterize water quantity, water quality, and biotic integrity in the watersheds and to evaluate progress toward meeting TMDL goals.
- Goal F. 6. Maintain rules and standards for development and redevelopment that are consistent with local and regional TMDLs, federal guidelines, source water and wellhead protection requirements, sustainable water yields, nondegradation, and ecosystem management goals.
- Goal F. 7. Serve as a technical resource for member cities.

Implementation

This Third Generation Watershed Management Plan continues a number of activities that have been successful in the past and introduces some new activities, including modified development rules and standards and TMDL implementation.

The Commissions will continue to undertake routine monitoring in lakes and streams; provide education and outreach opportunities, helping member cities to address their NPDES education requirements; review development and redevelopment for conformance with rules and standards; and implement a Capital Improvement Program that provides for Commission 25 percent cost share for certain types of water quality improvement projects.

Rules and Standards Revision. The Rules and Standards for development and redevelopment projects have been revised and are proposed to take effect January 1, 2013. These revisions are intended to maximize pollutant load and runoff volume reduction from projects creating new impervious surface. These revisions are part of the TMDL Implementation Plans for the 13 lake and 3 stream TMDLs in the Shingle Creek watershed, and the upcoming regional TMDLs affecting the Mississippi River.

- The abstraction/infiltration requirement is raised from 0.5" from new impervious surface to 1" from new impervious surface. Applicants may now use decompacted and amended soil as a BMP toward the infiltration requirement.
- The Commission Rules and Standards will now apply to projects down to 1 acre in size:

- Detached single-family residential projects between 1 acre and 15 acres in size will be reviewed by the member city, while projects over 15 acres in size will continue to be reviewed by the respective Commission.
- Projects for all other land uses between 1 and 5 acres in size will be reviewed by the member city, while projects over 5 acres in size will continue to be reviewed by the Commission.
- It is now clearly stated that redevelopment projects that disturb less than 50 percent of a site must meet all Commission requirements for the disturbed area.
- New non-single family residential detached projects between 0.5 acres and 1 acre in size will be required to meet the infiltration/abstraction requirement but not the other standards, while redevelopment projects of that size will be required to incorporate permanent water quality BMPs with no specific requirement for what those might be.

- A new category is created for linear projects. Such projects that create more than one acre of new impervious surface will be required to meet the Commission rules and standards.

Monitoring Program. The revised monitoring program, which was put into place in 2012, includes both routine monitoring and monitoring to support the required five-year review of progress on TMDLs. On the lakes, approximately every five years the Shingle Creek Commission will conduct more intensive monitoring, including aquatic vegetation sampling. Shingle Creek will also add more dissolved oxygen monitoring, and more routine macroinvertebrate and fish sampling in the Creek. West Mississippi will now routinely monitor Mattson Brook (the outlet of Century/Edinbrook Channels) and will rotate through the Mississippi River outfalls, monitoring 2-3 outfalls each year.

TMDL Implementation. In the Shingle Creek watershed, eight TMDL reports have been completed that address 16 impairments in 13 lakes and two streams The Plan includes additional monitoring, education, and modeling activities to implement the Shingle Creek Commission's assigned responsibilities for the TMDLs. In addition, the Plan includes a schedule for performing the five-year review of progress for each TMDL.

Other Activities. Both Commissions will begin undertaking intensive BMP assessments for subwatershed areas systematically across the watersheds. Each year the CIP will include a $50,000 capital levy to provide member cities with match funds to implement projects identified in the intensive assessments. Finally, both Commissions propose to undertake whole-watershed sustainable water budget studies, but no funding has been identified for those projects.

Local and Watershed Plan Amendments

On final approval of the Plan, cities will have 2 years to update their Local Stormwater Management Plan (LWMP). These updates will be expected to include:

Executive Summary (Cont.)

- Updated land use, hydrologic, and hydraulic data, and existing or potential water resource related problems that may have changed since the last LWMP.
- An explanation of how the member city will help to implement the actions set forth in the Commissions' Plan.
- Show how the member city will take action to achieve the load reductions and other actions identified in and agreed to in TMDL Implementation Plans.
- Explain how the City will implement the City Review project review requirements of the revised Rules and Standards.
- Updated Implementation Plan identifying the specific structural, nonstructural, and programmatic solutions to the problems and issues identified in the LWMP.
- Set forth an implementation program including a description of adoption or amendment of official controls and local policies necessary to implement the Rules and Standards; programs; policies; a capital improvement plan; and estimates of cost and funding mechanisms.

This watershed management plan provides direction for SCWM WMC activities through the year 2022. The Commissioners intend the Plan to provide a flexible framework for managing the watersheds and, as such, may initiate amendments to this plan at any time. The Commissions will annually review the Capital Improvement Program and may adopt plan amendments adding or revising proposed capital improvement projects.

1.0 Introduction

1.1 INTRODUCTION AND PURPOSE

The Shingle Creek and West Mississippi Watershed Management Commissions (SCWM WMC) were formed in 1984 using Joint Powers Agreements developed under authority conferred to the member communities by Minnesota Statutes 471.59 and 103B.201 through 103B.251. The Joint Powers Agreements are included in Appendix A. The watersheds are located in the northwest portion of the Minneapolis-St. Paul seven county metropolitan area (Figure 1.1). The Commissions' purpose is to preserve and use natural water storage and retention in the Shingle Creek and West Mississippi watersheds to meet Surface Water Management Act goals. Because many of the communities that are members of the Shingle Creek WMO (watershed management organization) are also members of the West Mississippi WMO, the Commissions often work jointly on issues of interest to both and have adopted similar standards.

1.1.1 First and Second Generation Plans

The Commissions adopted their initial or First Generation Management Plans in 1990. Each Commission adopted a separate plan, although many policies and actions were similar. For the Second Generation Plan, adopted in May 2004, the two Commissions elected to develop a joint management plan. The Second Generation Management Plan was amended six times between 2005 and 2010. Most of those revisions made changes or additions to the Capital Improvement Program, but two significant policy revisions were made by Major Plan Amendment in 2007. The Commissions adopted a Cost Share Policy to contribute 25 percent of the cost of qualifying projects by requesting Hennepin County to levy an ad valorem tax on all property in the watershed. In addition, the Commissions adopted a Water Quality Plan that set forth goals and actions to address the water quality in the lakes, streams, and wetlands in the two watersheds.

Table 1.1. Record of revisions to the Second Generation Watershed Management Plan.

Number	Type	Date of Adoption	Summary of Revisions
1	Minor	9/8/2005	Increase cost share for Brooklyn Park Stream Restoration Project, and refine project description
2	Major	5/10/2007	Adopt Cost Share Policy, revise amendment procedure, adopt Water Quality Plan
3	Major	9/11/2008	Add Crystal Twin Oak Pond project to CIP
4	Minor	10/9/2008	Adopting revised rules and standards
5	Major	9/10/2009	Add Shingle Creek Restoration project to CIP
6	Major	9/10/2010	Add five projects to CIP and make other revisions

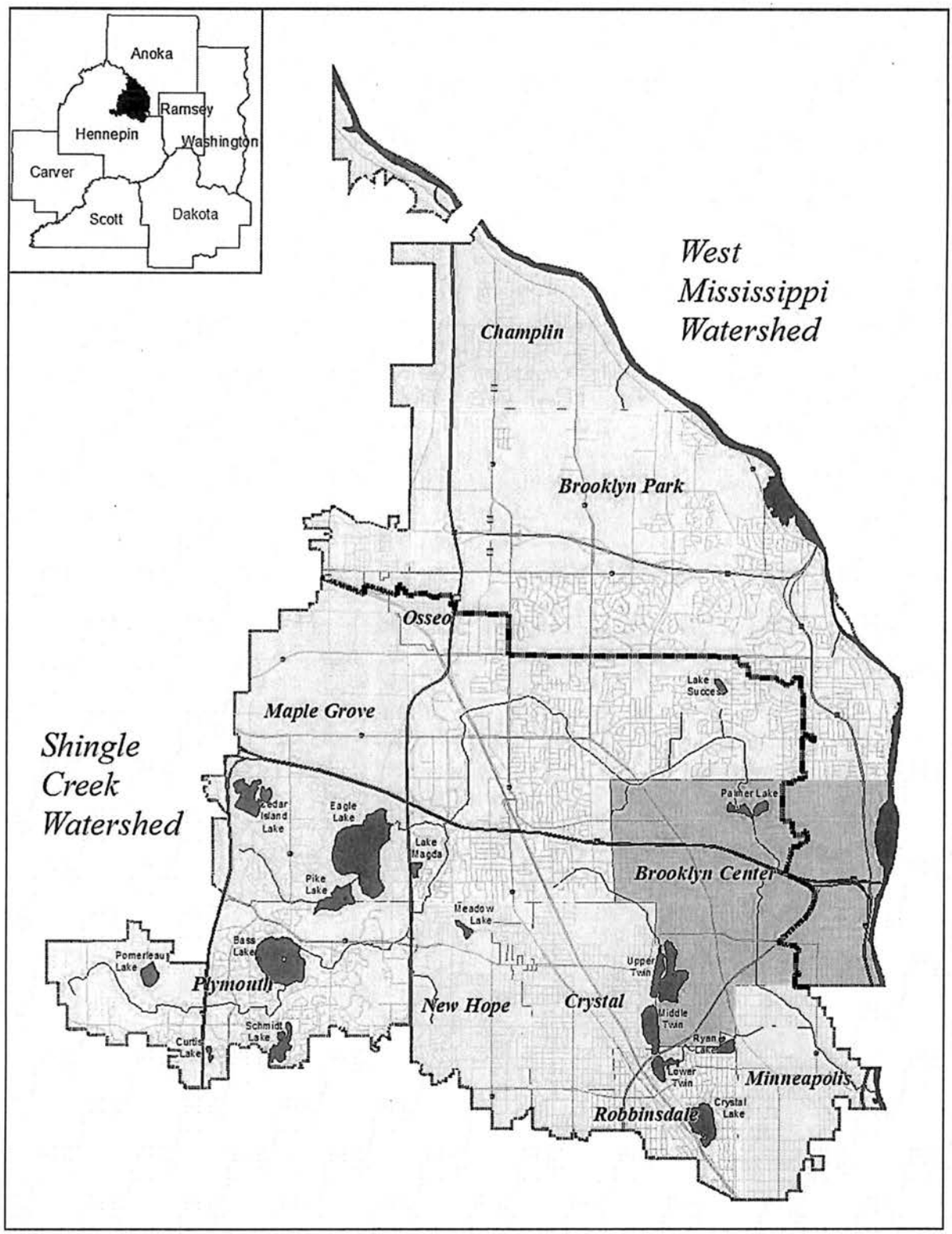


Figure 1.1. The Shingle Creek and West Mississippi watersheds in Hennepin County, Minnesota.

1.1.2 Plan Requirements

The Metropolitan Surface Water Management Act (Chapter 509, Laws of 1982, Minnesota Statute Section 473.875 to 473.883 as amended) establishes requirements for preparing watershed management plans within the Twin Cities Metropolitan Area. The law requires the plan to focus on preserving and using natural water storage and retention systems to:

- Improve water quality.
- Prevent flooding and erosion from surface flows.
- Promote groundwater recharge.
- Protect and enhance fish and wildlife habitat and water recreation facilities.
- Reduce, to the greatest practical extent, the public capital expenditures necessary to control excessive volumes and rate of runoff and to improve water quality.
- Secure other benefits associated with proper management of surface water.

To ensure these objectives are realized the Metropolitan Surface Water Management Act further specified the basic content of the watershed management plan. The plan must:

- Describe the existing physical environment and land use in the area, as well as the proposed environment, land use, and development outlined in existing local and metropolitan comprehensive plans.
- Present information on the hydrologic system and its components and potential problems related thereto.
- State objectives and policies including management principles, alternatives and modifications, water quality, and protection of natural characteristics.
- Set forth a management plan including the desired hydrologic and water quality conditions and significant opportunities for improvement.
- Describe the effect of the plan on existing drainage systems.
- Identify high priority areas for wetland preservation, enhancement, restoration, and establishment and describe conflicts with wetlands and land use in those areas.
- Describe conflicts between the watershed plan and existing plans of Local Governmental Units (LGUs).
- Set forth an implementation program consistent with the management plan that includes a capital improvement program, standards, and schedules for amending the comprehensive plan and official controls of LGUs in the watershed to bring conformance with the plan.
- Set out procedures and timelines for amending the plan.

1.2 PLAN ORGANIZATION

This plan is divided into four sections:

1 – Introduction and Purpose: Describes the authority and composition of the SCWM WMC, the purpose of the Surface Water Management Act and the components of this watershed management plan.

2 – Inventory and Condition Assessment: A physical inventory for the watersheds, it includes a profile of the watersheds' existing environmental conditions. This profile contains descriptions of the area's geology, topography, soils, biological and human environment, and current land use and projected land use to the year 2020. This section also contains information on the lakes, streams, and wetlands in the watersheds.

Inventory and condition data are presented both on a watershed basis and on a subwatershed basis. Shingle Creek has been subdivided into eight subwatersheds, which are seven lakesheds and the area of the watershed that drains directly to Shingle Creek. West Mississippi is subdivided into four subwatersheds.

3 – Watershed Organization and Operations: This section provides information about the Commissions, how they are organized, their history, and their responsibilities, and discusses ongoing operations. This section also provides an evaluation of the successes of the Second Generation Plan and the areas where the Commissions may have fallen short of their goals for the 2003-2012 period.

4 – Implementation Plan: This section sets forth the goals the Commissions will work to achieve in the ten-year period covered by this Plan, and descriptions of the Commissions' proposed operating programs, the Capital Implementation Program, and a discussion of implementation costs and financing. It also discusses the methods by which the Commissions will evaluate progress towards achieving the goals set forth in the Plan, the process that will be followed should this Plan need to be Amended, and the requirements for Local Surface Water Management Plans prepared by the member cities in the two watersheds.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

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

2. Big Stone County Priority Concerns Scoping Document – Paul Langseth - ***DECISION ITEM***

3. Chippewa County Priority Concerns Scoping Document – Paul Langseth - ***DECISION ITEM***

4. Lac qui Parle County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

5. Swift County Priority Concerns Scoping Document – Paul Langseth – ***DECISION ITEM***

6. Big Stone County Comprehensive Local Water Management Plan Extension Request – Paul Langseth – ***DECISION ITEM***

7. Blue Earth County Comprehensive Local Water Management Plan Extension Request – Paul Langseth – ***DECISION ITEM***

8. Chippewa County Comprehensive Local Water Management Plan Extension Request – Paul Langseth – ***DECISION ITEM***

9. Lac qui Parle County Comprehensive Local Water Management Plan Extension Request - Paul Langseth – ***DECISION ITEM***

10. Swift County Comprehensive Local Water Management Plan Extension Request - Paul Langseth - ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

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

Meeting Date: March 27, 2013

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

LINK TO ADDITIONAL INFORMATION: Jackson County Local Water Management Plan Amendment – click on link: http://www.co.jackson.mn.us/vertical/sites/%7BB0F922B1-7818-45FB-908B-8C049D8AA643%7D/uploads/JCLWMP_Ammendment.pdf

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

On March 26, 2008, the Board of Water and Soil Resources (BWSR), by board order, approved the Jackson County 2008 – 2018 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 2008 - 2013. The Board Order stipulated that Jackson County was required to revise / update this implementation section by March 26, 2013.

On June 12, 2012 the Jackson 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 February 6, 2013 the BWSR regional staff received the required documentation and 2013 Amendment to the Jackson County Comprehensive Local Water Plan. The 2013 Amendment contains an Executive Summary and a new 2013 - 2018 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:

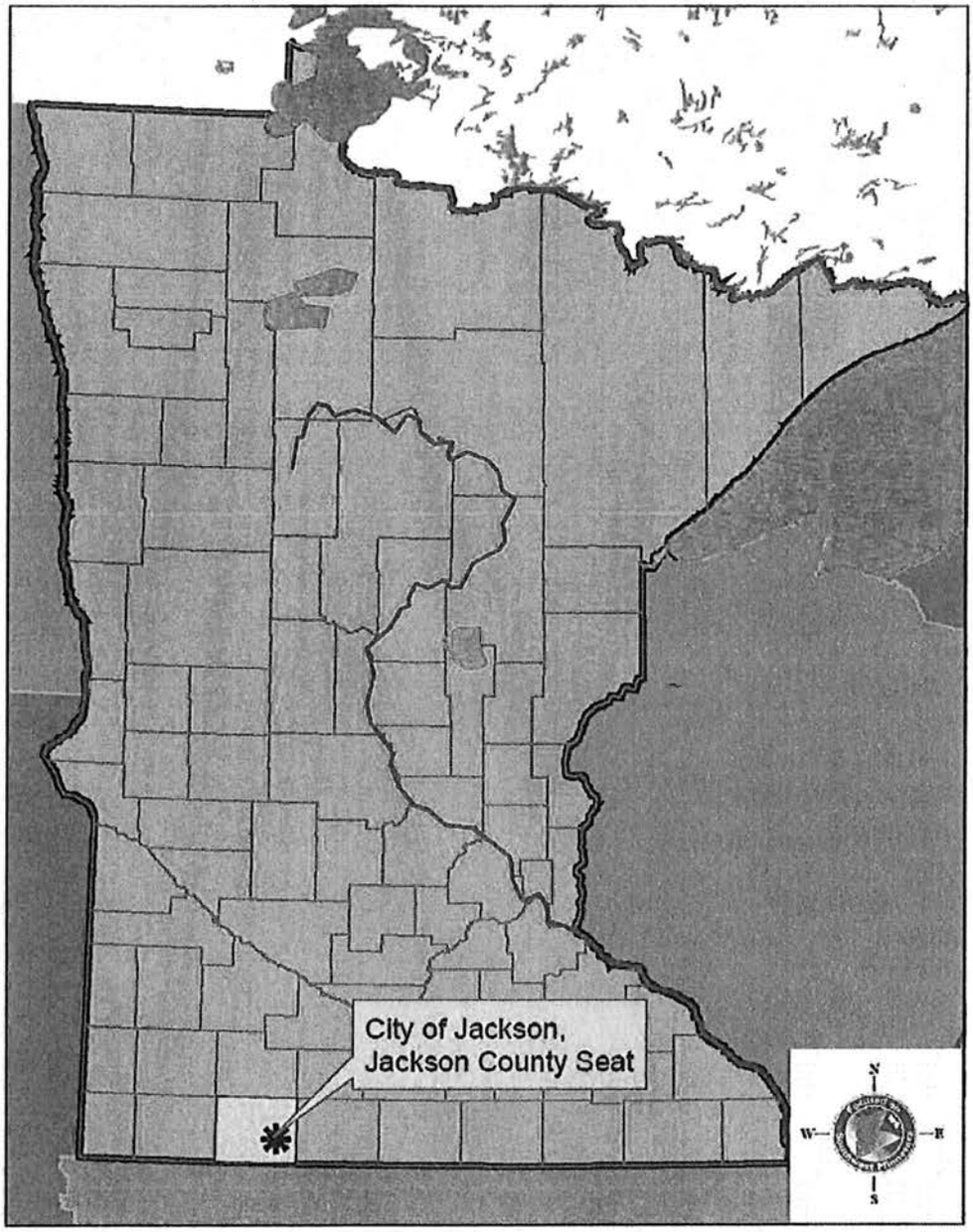
- Improve Surface Water Quality
- Feedlots and SSTS (Subsurface Sewage Treatment Systems)
- Drainage Management
- Protect Ground Water

BWSR staff have actively participated with and provided guidance and recommendations to Jackson County and the task force throughout this amendment process. BWSR staff believes the new five-year implementation section is in conformance with the requirements of Minnesota Statute 103B and guidance developed by BWSR and recommend approval of the Jackson County 2013 - 2018 Implementation Program Amendment.

JACKSON COUNTY
LOCAL WATER MANAGEMENT PLAN

A 10-year plan with a 5-year implementation schedule 2008-2018
2013 Amendment

Prepared for the Jackson County Local Water Management Task Force
By Jackson Soil and Water Conservation District



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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on March 26, 2008, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Jackson County 2008 – 2018 Comprehensive Local Water Plan Update (Plan), which contained a 2008 – 2013 five-year Implementation section; and

Whereas, this Board Order stipulated that Jackson County was required to update the implementation section by March 26, 2013; and

Whereas, the Jackson County Board of Commissioners submitted the Jackson County Plan 2013 Amendment to the Board on February 6, 2013; and

Whereas, this 2013 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2013 Amendment.

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

FINDINGS OF FACT

1. On June 12, 2012, Jackson 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 June 19, 2012, Board staff provided information on the amendment process to Jackson County.

3. On September 4, 2012, Jackson 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 September 14, 2012, Jackson County conducted an open house to initiate the five-year implementation section update. Jackson County convened its water plan task force to develop the five-year update through meetings held in September 2012, November 2012, and January 2013.

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

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

7. The final document developed by Jackson County, which includes the revised five-year implementation section March 2013 – March 2018 is entitled the Jackson County Local Water Management Plan, A 10-year plan with a 5-year implementation schedule 2008-2018, 2013 Amendment.

8. On February 26, 2013, after providing for proper public notice, Jackson County conducted a public hearing on the proposed 2013 Amendment. No additional comments were submitted at the hearing.

9. On February 6, 2013, the BWSR received the Jackson County 2013 Amendment. On March 12, 2013 the BWSR received a record of the public hearing, and copies of all written comments pertaining to the 2013 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On March 7, 2013, the Board's Southern Water Planning Committee (Committee) reviewed the Jackson County 2013 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 2013 Amendment will be in effect until **March 26, 2018.**

CONCLUSIONS

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

2. The Jackson County 2013 Amendment attached to this Order states goals, objectives, and actions the County will address in the five-year implementation section March 2013 – March 2018. The 2013 Amendment, as well as the previously approved Jackson County 2008 – 2018 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2013 Amendment of the Jackson County Water Management Plan for March 2013 – March 2018. Jackson County will be required to provide for a complete update of its Water Management Plan prior to March 26, 2018.

Dated at St. Paul, Minnesota, this **27th day of March 2013**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

A. Executive Summary

Jackson County is located in the southwestern corner of Minnesota, adjacent to Martin, Watonwan, Cottonwood, Murray, and Nobles counties. The City of Jackson is the county seat. Jackson County's population in 2010 was 10,266. This is a decrease of 1,002 or 9.8% from the 2000 U.S. Census which was 11,268. The City of Jackson's population was 3,501 in 2000. The population in 2010 was 3,299 or a 6.1% decrease.

The West Fork of the Des Moines River (WFDMR) bisects Jackson County. Six major watershed areas cover the County: the Watonwan and Blue Earth flowing easterly to the Minnesota River; the East Fork Des Moines, and Upper and Lower portions of the (WFDMR)(including the Heron Lake system) flows through Iowa to the Mississippi River; and the Little Sioux River flows through northwestern Iowa to the Missouri River.

A.1 Purpose & Introduction

The Jackson 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 (Minnesota Statute 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.

In August of 1987, the Jackson County Board of Commissioners passed a resolution to enter into a Joint Powers Agreement with 12 other Counties in the Greater Blue Earth Watershed to develop a comprehensive water plan. After much work, the plan was adopted by the County Board on December 10, 1990.

The second edition of Jackson County's water plan, was approved by the Board of Water and Soil Resources (BWSR) on January 7, 1998, and adopted by the County Board on March 9, 1998. That plan expired on December 31, 2007. The Jackson County Board of Commissioners adopted a resolution on September 26, 2006 to revise the current plan, according to Minnesota Statutes in effect at the time.

This is the third edition of a local water management plan for Jackson County. The current version was approved by the BWSR Board on March 26, 2008 and is in effect until March 26, 2018. The Jackson County Commissioners then adopted the plan on May 13, 2008. A resolution to update the Comprehensive Water Management Plan was passed by the Jackson County Commissioners on June 12, 2012.

Major accomplishments to date under the current Comprehensive Water Management Plan include:

- Minnesota Clean Water Fund Application for Fish Lake in cooperation with the Cottonwood SWCD and resulted in the installation of nine woodchip bioreactors and four sediment control structures.
- Minnesota Clean Water Fund in cooperation with Cottonwood SWCD and Murray County for projects in the Des Moines River Watershed which included a large sediment basin on the Rural Electric Association property south of Jackson.

- Reinvest in Minnesota/Wetland Reserve Program (RIM/WRP) easements have been funded at a cost of $1,548,216.41 on 351.7 acres. Restoration work was completed on our first signup in 2012. As a result of the 2010 flooding, bonding dollars were appropriated for floodplain projects. Eligible landowners were notified resulting in 10 RIM/WRP Floodplain easements on 250.5 acres in 2011.
- Two MPCA Surface Water Assessment Grants have been successfully completed in the Little Sioux River Watershed. The first being in 2008 and 2009. The second which monitored the Loon Lake Outlet, Little Sioux River and West Fork of the Little Sioux River were sampled May through September in 2011 and 2012 for a wide range of pollutants including ammonia, Turbidity, Total Suspended Solids (TSS), E. Coli, Temperature, pH, and Transparency.
- Base line water quality data has been collected in Jackson County Lakes. Clear Lake, Loon Lake, Round Lake, Little Spirit Lake and Fish Lake were sampled for phosphorus, turbidity, nitrogen, chlorophyll A and turbidity.
- Successfully implemented the Wetland Conservation Act, protecting Jackson County wetlands from drainage.
- Ground water monitoring of depth in cooperation with Minnesota Department of Natural Resources (MN DNR).
- Promoted the replacement of non-compliant septic systems, upgraded 198 systems since 2008.
- Partnership with the City of Jackson resulted in a Memorandum of Agreement (MOA) between the City, County and MPCA to update all non-compliant septic systems within the City limits.
- Promoted sealing of abandoned wells with cost share program; provided 50% cost share to seal 97 wells since 2008.
- Provided Ag Best Management Loan Program for Conservation Tillage Equipment and Ag Waste improvements, Septic System Upgrades in partnership with the MN Department of Ag and local banks.

Ag BMP Loans - New and Revolving Funds

	Tillage Equipment		Ag Waste		Septic Systems	
2007	22	$ 350,376.00	4	$ 55,608.00	1	$ 5,300.00
2008	10	$ 189,341.00	4	$118,194.00	1	$ 7,145.00
2009	6	$ 257,227.00	0		0	
2010	6	$ 196,745.00	4	$173,000.00	1	$13,277.00
2011	4	$ 129,126.00	1	$ 29,551.00	1	$44,000.00
2012	0		0		3	$24,807.65
	48	$1,122,815.00	13	$376,353.00	7	$94,529.65

Source-P&Z/SWCD

- Worked with Minnesota Pollution Control Agency (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.
- Fish Lake Community Sanitary Sewer System is now installed and providing service to 72 users.
- Continue to coordinate with the Loon Lake Community Sanitary Sewer System.
- Provided technical assistance to the HLWD in developing the WFDMR and Heron Lake Total Maximum Daily Load (TMDL) Implementation Plan which was approved in September of 2009.
- Entered into a MOA with Nobles, Jackson, Murray, Cottonwood, Martin, Pipestone, and Lyon Counties and SWCDs and the HLWD in October 2009 to leverage funds and resources by solidifying our commitment to the WFDMR watershed. This MOA allows those involved to maximize resources more effectively, provide new opportunities, and establish a diverse, unique commitment. Coordination among local government units is needed to maximize the benefits of the efforts and available resources, while providing the best possible avenues to address the environmental, educational, economic, and agricultural needs of the watershed, its communities, and its residents.

- Partnered with the HLWD on the implementation of an Environmental Protection Agency (EPA) 319 grant in 2008, 2009, and 2010 for conservation tillage incentives in Alba Township resulting in 8,041.90 acres. Provided technical assistance to the HLWD for a CWP grant from 2007 to 2011 that resulted in the implementation of 1,180.9 acres of filter strips, riparian buffers, and wildlife habitat; 2.2 acres of grassed waterways, 18.4 acres of windbreak/shelterbelt establishment, 49.8 acres of wetland restoration, seven acres of sediment basins/wildlife ponds, 78 conserving use acres, 20 acres of flood control, 30 terraces, and six rain gardens in the Heron Lake watershed.
- Offered cost-share for the installation of alternative tile intakes to replace open tile intakes through a CWP grant awarded to the HLWD. The grant runs until June 2013. Fourteen alternative tile intakes have been replaced in Jackson County.
- Partnered with county feedlot officers and SWCD staff in Nobles, Jackson, Murray, and Cottonwood Counties, and HLWD staff to complete an intensive, onsite inventory and inspection (Level III Feedlot inventory) of eighty percent of the feedlots (592) in the WFDMR watershed through inkind contributions. The inventory is instrumental in order to gage the need for funds to address the feedlots and ultimately decrease the bacteria concentrations in the streams and rivers. A staff person dedicated to the project was hired to promote the project and seek additional funding for implementation and education. Project partners will host a one-day manure management workshop for feedlot owners and operators, develop a project brochure and website, and conduct committee meetings.
- The RIM Buffers Easement program has resulted in 5 new easements on 46.2 acres at a cost of $174,631.66
- In partnership with EQIP ($73,000), the State Feedlot Water Quality grant ($33,000) and the landowner ($32,000) a feedlot runoff system was installed in Sioux Valley Township.
- As part of a road reconstruction project through the rural community of Alpha, six rain gardens were installed with three different landowners at a cost of only $851. The Jackson County Highway Department provided inkind labor and materials.
- The Working Lands Initiative (WLI) secured three grants totaling nearly $300,000 to establishing grasses on the landscape in the targeted areas. Nearly 1.4 million in Federal and State dollars were leveraged as a result of this program.
- In 2010 a 3600 square foot rain garden was established on property owned by the Jackson Housing and Redevelopment Authority.
- From 2008-2012 the State Cost Share Program assisted Jackson County Landowners install 19 grassed waterways, four water and sediment control basins, and one stream bank stabilization.
- GBERBA grant funds were used to install five grassed waterways, and one large water and sediment control basin during the period of 2008-2012.
- From 2008-2012 EQIP invested $1,021,000 into 77 contracts. Total acres treated were 21,542 with 14 grassed waterways, nine terraces, three water and sediment control basins, two stream bank restorations, six cover crop practices, one high tunnel and 42 nutrient/pest management and residue management.
- The September of 2010 flood event resulted in multiple projects and partners. The SWCD received $100,000 from BWSR in response. This was partnered with $83,000 in EQIP funds and 15 projects were installed. The projects included repairs and new grassed waterways, water and sediment control basins and a side inlet control structure.
- A permeable paver demonstration was established at the Jackson County Fairgrounds. Partners included the USDA RC&D, Lakefield Landscapes, Federated REA, Knights of Columbus, Bill Phillips Foundation, and the Heron Landers 4H Club.

- CREP II projects wrapped up with easements being finalized and wetland restoration work being completed in 2008 and 2009. The effort resulted in 27 total easements on 744.3 Acres of which 210 acres of wetlands were restored.
- Partnered with the Prairie Ecology Bus Center to educate up to 600 students per year over the past 5 years.
- Partnered with SWMACDE Environmental Fair which is attended by 6th grade classes of Jackson County.
- Provided funding for the 5th Grade Conservation Day, which is jointly coordinated by the Jackson and Cottonwood SWCD
- Annual Local Water Management Task Force Meetings to report and discuss accomplishments with partners. The task force also participates in setting annual priorities and discussing the annual budget.

Jackson SWCD is responsible for local water management in Jackson County, including facilitation of public input and convening the Jackson County Local Water Management Task Force. Task Force membership included:

Local Water Management Task Force Members (Adopted on 9/11/12)

- Gary Willink, Jackson County Commissioner
- Dave Henkels, Jackson County Commissioner
- Jim Westensee, Jackson County Planning Commission
- Dave Hargen, Jackson County Planning Commission
- Larry G. Hansen, Board Member, Jackson County SWCD
- Paul Nelson, Board Member, Jackson County SWCD
- Kelly Rasche, City Administrator, City of Lakefield
- Steve Beckel, City of Jackson, Water Superintendent
- Albert Henning, Jackson County Conservation League
- Jason Espenson, Co-Chair, Fish Lake Association
- Larry Liepold, Jackson County Pork Producers
- Jan Voit, Administrator, (HLWD)
- John Wills, Clean Water Alliance Coordinator
- Karen Boysen, Jackson County Natural Resources Conservaiton Service (NRCS)
- Brian Nyborg, Water Planner, Jackson SWCD
- Chris Bauer, District Technician, Jackson SWCD
- Jake Grages, Water Resources Technician, Jackson SWCD
- Andy Geiger, Planning and Zoning Administrator
- Mark Hiles, BWSR Board Conservationist
- Randy Markl, MN DNR

Technical Committee (Adopted on 9/11/12)

- Brian Nyborg, Water Planner, Jackson SWCD
- Chris Bauer, District Technician, Jackson SWCD
- Jake Grages, Water Resources Technician, Jackson SWCD
- Andy Geiger, Planning and Zoning Administrator
- Mark Hiles, BWSR Board Conservationist
- Randy Markl, MN DNR
- Karen Boysen, Jackson County NRCS
- Jan Voit, HLWD Administrator

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Big Stone County Priority Concerns Scoping Document Approval**

Meeting Date: March 27, 2013

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: David Sill
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 Big Stone 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 Big Stone County Comprehensive Local Water Management Plan will expire on May 28, 2013. Big Stone County passed a resolution to begin the updating process on June 5, 2012. The Big Stone County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on January 7, 2013. Comments were received from the Minnesota Department of Agriculture, Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources. These comments were reviewed by BWSR.

On March 7, 2013, the BWSR Southern Water Planning Committee met with Big Stone 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 Big Stone County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Big Stone County PCSD will need to be sent to Big Stone County.

Minnesota Board of Water & Soil Resources

March 27, 2013

Big Stone County Commissioners
c/o Darren Wilke, Water Plan Coordinator / County Environmental Services
20 Second Street S.E.
Ortonville, MN 56278

Dear Big Stone County Commissioners:

RE: Official Comments Pertaining to the State Review of the Big Stone 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 Big Stone 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 Big Stone County Priority Concerns Scoping Document (PCSD) on January 7, 2013. The PCSD shows that Big Stone 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
  - Feedlot / Livestock Management
  - Subsurface Sewage Treatment Systems
  - Erosion and Sediment Control
- Surface Water Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage / Retention
- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Irrigation
  - Drinking Water Quality
- Plan Administration
  - Watershed Focus – Stakeholder Cooperation
  - Raising Public Awareness - Education

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the Big Stone County PCSD during the official review period.

MDA concurred with the priority concerns identified and felt the priority concern identification process was adequate. In addition it encouraged 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.

MPCA concurs with the priority concerns identified and felt the priority concern identification process was commendable. The agency encourages the county to visit and use the water quality monitoring data available on MPCA's Environmental Data Access System (web site given).

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. Note: DNR's priority concerns were submitted at this time (late) and also sent to the county.

The BWSR Southern Water Planning Committee (Committee) met with Big Stone County on March 7, 2013, 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 March 27, 2013.

The Committee commends Big Stone 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 identified 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. Remember your final plan will require well written Assessment and Implementation sections and must build on the input received from the Priority Concerns selected. Specific and measurable goals, actions and outcomes are expected using a watershed approach (including sub and minor watershed identification when appropriate). To have a useful plan targeting and prioritization will be required. Linking plan actions to available TMDL monitoring and impaired waters information and other available resource trend data will be important. Good luck!

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Rob Sip, MDA
Kate Frantz, EQB
Art Persons, MDH
Cathi Fouchi, DNR
Juline Holleran, MPCA
Big Stone Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
David Sill, Board Conservationist

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Chippewa County Priority Concerns Scoping Document Approval**

Meeting Date: March 27, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: David Sill

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 Chippewa 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 Chippewa County Comprehensive Local Water Management Plan will expire on May 28, 2013. Chippewa County passed a resolution to begin the updating process on May 1, 2012. The Chippewa County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on December 7, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Pollution Control Agency, Minnesota Department of Health, and Minnesota Department of Natural Resources. These comments were reviewed by BWSR.

On March 7, 2013, the BWSR Southern Water Planning Committee met with Chippewa 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 Chippewa County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Chippewa County PCSD will need to be sent to Chippewa County.

Minnesota Board of Water & Soil Resources

March 27, 2013

Chippewa County Commissioners
c/o JoAnn Blomme, Water Plan Coordinator
629 North 11th Street
Montevideo, MN 56265

Dear Chippewa County Commissioners:

RE: Official Comments Pertaining to the State Review of the Chippewa 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 Chippewa 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 Chippewa County Priority Concerns Scoping Document (PCSD) on December 7, 2012. The PCSD shows that Chippewa 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
  - Feedlot/Livestock Management
  - Subsurface Sewage Treatment Systems (SSTS)
  - Erosion and Sediment
- Surface Water Management
  - Agricultural/Conservation Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention
  - Shoreland Management
- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality
  - Groundwater Quantity/Recharge Areas
- Recreation and Biodiversity
- Plan Administration
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness/Education

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 Chippewa County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was adequate; 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 commendable; encourages the county to support public water suppliers in the county that are developing or implementing wellhead protection plans; encourages the support of public water suppliers with inventory and management of potential contamination sources and providing regulatory assistance within Drinking Water Supply Management Areas that may be outside the jurisdiction of the municipality.

MPCA concurs with the priority concerns identified; felt the priority concern identification process was adequate; the agency encourages the county to visit and use the water quality monitoring data available on MPCA's Environmental Data Access System (web site given).

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. Note: DNR's priority concerns were submitted at this time (late) and also sent to the county.

The BWSR Southern Water Planning Committee (Committee) met with Chippewa County on March 7, 2013, 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 March 27, 2013.

The Committee commends Chippewa 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 identified 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. Remember your final plan will require well written Assessment and Implementation sections and must build on the input received from the Priority Concerns selected. Specific and measurable goals, actions and outcomes are expected using a watershed approach (including sub and minor watershed identification when appropriate). To have a useful plan targeting and prioritization will be required. Linking plan actions to available TMDL monitoring and impaired waters information and other available resource trend data will be important. Good luck!

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Kate Frantz, EQB
Art Persons, MDH
Cathi Fouchi, DNR
Juline Holleran, MPCA
Chippewa Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
David Sill, Board Conservationist

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Lac Qui Parle County Priority Concerns Scoping Document Approval**

Meeting Date: March 27, 2013

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: David Sill
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 Lac qui Parle 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 Lac qui Parle County Comprehensive Local Water Management Plan will expire on May 28, 2013. Lac qui Parle County passed a resolution to begin the updating process on May 15, 2012. The Lac qui Parle County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on December 7, 2012. Comments were received from the Minnesota Department of Agriculture, Minnesota Pollution Control Agency, Minnesota Department of Health, and Minnesota Department of Natural Resources. These comments were reviewed by BWSR.

On March 7, 2013, the BWSR Southern Water Planning Committee met with Lac qui Parle 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 Lac qui Parle County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Lac qui Parle County PCSD will need to be sent to Lac qui Parle County.

Minnesota Board of Water & Soil Resources

March 27, 2013

Lac qui Parle County Commissioners
c/o Terry Wittnebel, Water Plan Coordinator
122 8th Avenue South #1
Madison, MN 56256

Dear Lac qui Parle County Commissioners:

RE: Official Comments Pertaining to the State Review of the Lac qui Parle 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 Lac qui Parle 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 Lac qui Parle County Priority Concerns Scoping Document (PCSD) on December 7, 2012. The PCSD shows that Lac qui Parle 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 Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention
  - Flooding
- Reducing Priority Pollutants ~ Surface Water Quality
  - TMDL Implementation
  - Feedlot/Livestock Management
  - Subsurface Sewage Treatment Systems
  - Erosion and Sediment Control
- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Irrigation
  - Drinking Water Quality
- Plan Administration
  - 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 Lac qui Parle County PCSD during the official review period.

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 N Suite 350 Rochester, MN 55 (507) 206-2889

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MDA concurred with the priority concerns identified and felt the priority concern identification process was adequate. In addition the agency 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 and felt the priority concern identification process was commendable. In addition the agency encouraged the continued support to seal unused or abandoned wells with a particular emphasis on assisting those public water suppliers currently implementing a well head protection plan. By 2017 additional municipalities will be phased into the wellhead protection program and can benefit from the county during the planning process and implementation stage.

MPCA concurs with the priority concerns identified; felt the priority concern identification process was commendable; the agency encourages the county to visit and use the water quality monitoring data available on MPCA's Environmental Data Access System (web site given).

DNR concurs with the priority concerns identified and felt the priority concern identification process was adequate. The agency notes that Drainage Management was the only concern that received support from all participants. Wetland restoration is always listed as a way to improve water quality yet rarely is part of the real world plan as agencies and citizens deal with water management. Regarding water quantity – the agency encourages the plan to take an active role in assisting the city of Madison in deciding on whether or not to join the rural water system by selling water to Lincoln Pipestone Rural Water.

The BWSR Southern Water Planning Committee (Committee) met with Lac qui Parle County on March 7, 2013, 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 March 27, 2013.

The Committee commends Lac qui Parle 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 identified priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not require any changes to the PCSD as drafted but does recommend additional emphasis be placed on groundwater sustainability/supply.

Please proceed with the development of your next LWM Plan. Remember your final plan will require well written Assessment and Implementation sections and must build on the input received from the Priority Concerns selected. Specific and measurable goals, actions and outcomes are expected using a watershed approach (including sub and minor watershed identification when appropriate). To have a useful plan targeting and prioritization will be required. Linking plan actions to available TMDL monitoring and impaired waters information and other available resource trend data will be important. Good luck!

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Kate Frantz, EQB
Art Persons, MDH
Cathi Fouchi, DNR
Juline Holleran, MPCA
Lac qui Parle Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
David Sill, Board Conservationist

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Swift County Priority Concerns Scoping Document Approval**

Meeting Date: March 27, 2013

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: David Sill
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 Swift 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 Swift County Comprehensive Local Water Management Plan will expire on May 28, 2013. Swift County passed a resolution to begin the updating process on June 5, 2012. The Swift County Priority Concerns Scoping Document (PCSD) was distributed to state agencies for review on January 7, 2013. Comments were received from the Minnesota Department of Agriculture, Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources. These comments were reviewed by BWSR.

On March 7, 2013, the BWSR Southern Water Planning Committee met with Swift 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 Swift County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Swift County PCSD will need to be sent to Swift County.

Minnesota Board of Water & Soil Resources

March 27, 2013

Swift County Commissioners
c/o Scott Collins, Water Plan Coordinator
1000 Industrial Drive, P.O. Box 288
Benson, MN 56215

Dear Swift County Commissioners:

RE: Official Comments Pertaining to the State Review of the Swift 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 Swift 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 Swift County Priority Concerns Scoping Document (PCSD) on January 7, 2013. The PCSD shows that Swift 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 Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage / Retention
- Reducing Priority Pollutants ~ Surface Water Quality
  - TMDL Implementation
  - Feedlot / Livestock Management
  - Subsurface Sewage Treatment Systems
  - Erosion and Sediment Control
- Groundwater Quality & Quantity
- Plan Administration
  - Watershed Focus – Stakeholder Cooperation
  - Raising Public Awareness - Education

The BWSR received comments from the Minnesota Department of Agriculture (MDA), Minnesota Pollution Control Agency (MPCA), and the Minnesota Department of Natural Resources (DNR) on the Swift County PCSD during the official review period.

MDA concurred with the priority concerns identified; felt the priority concern identification process was adequate; encouraged 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.

MPCA concurs with the priority concerns identified and felt the priority concern identification process was commendable. The agency encourages the county to visit and use the water quality monitoring data available on MPCA's Environmental Data Access System (web site given).

DNR concurs with the priority concerns identified; and felt the priority concern identification process was adequate. Note: DNR's priority concerns were submitted at this time (late) and also sent to the county.

The BWSR Southern Water Planning Committee (Committee) met with Swift County on March 7, 2013, 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 March 27, 2013.

The Committee commends Swift 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 identified priority concern areas. The priority concerns to be addressed in the LWM Plan are deemed to be appropriate; the BWSR does not require any changes to the PCSD as drafted though encouraged additional detail be added to the ground water priority concern – including wellhead protection areas, drinking water quality and ground water sustainability/supply.

Please proceed with the development of your next LWM Plan. Remember your final plan will require well written Assessment and Implementation sections and must build on the input received from the Priority Concerns selected. Specific and measurable goals, actions and outcomes are expected using a watershed approach (including sub and minor watershed identification when appropriate). To have a useful plan targeting and prioritization will be required. Linking plan actions to available TMDL monitoring and impaired waters information and other available resource trend data will be important. Good luck!

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

c: Rob Sip, MDA
Kate Frantz, EQB
Art Persons, MDH
Cathi Fouchi, DNR
Juline Holleran, MPCA
Swift Soil & Water Conservation District
Jeff Nielsen, BWSR Southern Region Supervisor
David Sill, Board Conservationist

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Big Stone County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: March 27, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: David Sill

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 Big Stone 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 Big Stone County Comprehensive Local Water Management Plan (CLWMP) will expire on May 28, 2013. On January 25, 2013, the Board of Water and Soil Resources (BWSR) received a resolution from Big Stone County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On March 7, 2013, the BWSR Southern Water Planning Committee met with Big Stone County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Big Stone 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 Big Stone 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 Big Stone County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Big Stone County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until May 28, 2013, pursuant to Minnesota Statutes 103B.301; and

Whereas, Big Stone 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 January 25, 2013, the Board received a resolution from Big Stone 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; Big Stone County met with the Board on March 7, 2013 to review and discuss the PCSD; Big Stone County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by September 1, 2013; extension of the effective date until December 31, 2013, in order to complete the update process.

On February 11, 2013, Board staff reviewed and recommended approval of the extension request made by Big Stone County. Board staff recommendation was for a seven-month extension.

On March 7, 2013, the Board's southern region water planning committee (Committee) met with representatives of Big Stone 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 Big Stone County extension; effective until December 31, 2013.

On March 27, 2013, the Committee presented its recommendation of approval of the Big Stone County extension request to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

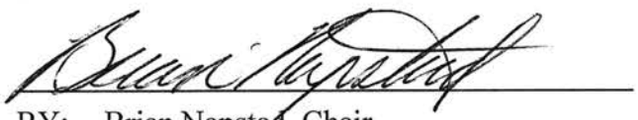
All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Big Stone County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the Big Stone County Comprehensive Local Water Management Plan until December 31, 2013. Big Stone County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 27th day of March 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

RESOLUTION NUMBER 2013-08
BIG STONE COUNTY BOARD OF COMMISSIONERS

Date: January 22, 2013
Motion made by Commissioner Sandberg and seconded by Commissioner Athey.

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 Big Stone County Comprehensive Local Water Management Plan is effective until May 28, 2013; and

WHEREAS, Big Stone County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301; and

WHEREAS, Big Stone 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, Big Stone 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, Big Stone 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 state's standards and the goals of the county; and

WHEREAS, Big Stone 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 Big Stone 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 December 31, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

VOTING AYE COMMISSIONERS	X WULFF	X ATHEY	X OLSON	X SANDBERG	X BERNING
VOTING NAY COMMISSIONERS	WULFF	ATHEY	OLSON	SANDBERG	BERNING

STATE OF MINNESOTA, COUNTY OF BIG STONE

I, Michelle R. Knutson, Auditor of the County of Big Stone, State of Minnesota, do hereby certify that the foregoing resolution is a true and correct copy of a resolution duly passed at a meeting of the Big Stone County Board of Commissioners held on the 22nd day of January, 2013.

Witness by hand and official seal at Ortonville this 22nd day of January, 2013.

Michelle R Knutson

SEAL

Michelle R. Knutson, Auditor

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Blue Earth County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: March 27, 2013

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: South Region
Contact: Jeff Nielsen
Prepared by: Chris Hughes
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 Blue Earth 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 Blue Earth County Comprehensive Local Water Management Plan (CLWMP) will expire on June 30, 2013. On February 12, 2013, the Board of Water and Soil Resources (BWSR) received a resolution from Blue Earth County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On March 7, 2013, the BWSR Southern Water Planning Committee met to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Blue Earth 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 Blue Earth 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 Blue Earth County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

Whereas, the Blue Earth County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until June 30, 2013, pursuant to Minnesota Statutes 103B.301; and

Whereas, Blue Earth 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 February 12, 2013, the Board received a resolution from Blue Earth County requesting an extension of their Plan. The request is based on: Blue Earth County's proactive water planning process including Greenprint planning that addresses wetland protection and mining reclamation to be used in the official update to the county water plan; the southern plan review committee met on March 7, 2013 to review and discuss the Blue Earth County request; Blue Earth County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by September 1, 2015; extension of the effective date until December 31, 2015, in order to complete the update process.

On February 12, 2013, Board staff reviewed and recommended approval of the extension request made by Blue Earth County. Board staff recommendation was for a two and one-half year extension.

On March 7, 2013, the Board's southern region water planning committee (Committee) met to discuss the Blue Earth County 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 Blue Earth County extension; effective until December 31, 2015.

On March 27, 2013, the Committee presented its recommendation of approval of the Blue Earth 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 Blue Earth County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the Blue Earth County Comprehensive Local Water Management Plan until December 31, 2015. Blue Earth County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 27th day of March 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BLUE EARTH COUNTY BOARD OF COMMISSIONERS RESOLUTION REQUESTING MINNESOTA BOARD OF WATER RESOURCES EXTEND COMPREHENSIVE LOCAL WATER MANAGEMENT PLAN EXPIRATION DATE

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, Blue Earth County has a Minnesota Board of Water and Soil Resources approved and locally adopted Water Management Plan, effective for five years from 2008 to June 30, 2013; and

Whereas, Minnesota Statutes, 103B.311, requires the period covered by the local water management plan extend at least five years but no more than ten years from the date the board approves the local water management plan; and

Whereas, Minnesota Statute 103B.3367, allows the Board of Water and Soil Resources to grant extensions with or without conditions of the revision date of a comprehensive local water management plan; and

Whereas, Blue Earth County is currently working on a three year, Greenprint planning project for wetland management and mining reclamation as identified as a priority concern in the current Comprehensive Water Plan; and

Whereas, Blue Earth County received a Minnesota Board of Water and Soil Resources, Fiscal Year 2012, Clean Water Accelerated Implementation grant which requires the Greenprint project results be incorporated in the Comprehensive Water Management Plan revision; and

Whereas, Minnesota Statutes, Chapter 103B.101, was amended in 2012 allowing the Board of Water and Soil Resources to adopt resolutions, policies, or orders that suggest a watershed framework for development, approval, adoption and coordination of plans and to allow approved comprehensive plans, local water management plans, or watershed management plans to serve as substitutes for one another or be replaced with a comprehensive watershed management plan; and

Whereas, Blue Earth County lies within four major watersheds of the Minnesota River Basin, where the Minnesota Pollution Control Agency is working on intensive Total Maximum Daily Load Allocations (TMDLs) monitoring studies in three of four major watersheds; an

Now, Therefore, Be It Resolved, the Blue Earth 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 Water Plan from five years to seven and one half years, until December 30, 2015, in order to complete the Greenprint planning project for wetland management and mining reclamation and to maximize the County's opportunities to incorporate the work of other state TMDL s plans and

watershed plans in the Comprehensive Water Management Plan consistent with Minnesota Board of Water and Soil Resources rules and Minnesota Statutes, Chapter 103B.

Approved this 05 day of February, 2013.

Signed: Drew R. Campbell
Drew Campbell, County Board Chair

I hereby certify that the above is a true and correct copy of a resolution presented to and adopted by the County of Blue Earth, State of Minnesota, at a regular meeting of the Blue Earth County Board of Commissioners on the 5th day of February, 2013.

County of Blue Earth

Robert W. Meyer
Robert W. Meyer, County Administrator

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Chippewa County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: March 27, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: David Sill

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 Chippewa 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 Chippewa County Comprehensive Local Water Management Plan (CLWMP) will expire on May 28, 2013. On January 24, 2013, the Board of Water and Soil Resources (BWSR) received a resolution from Chippewa County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On March 7, 2013, the BWSR Southern Water Planning Committee met with Chippewa County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Chippewa 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 Chippewa 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 Chippewa County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

Whereas, the Chippewa County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until May 28, 2013, pursuant to Minnesota Statutes 103B.301; and

Whereas, Chippewa 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 January 24, 2013, the Board received a resolution from Chippewa 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; Chippewa County met with the Board on March 7, 2013 to review and discuss the PCSD; Chippewa County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by September 1, 2013; extension of the effective date until December 31, 2013, in order to complete the update process.

On February 11, 2013, Board staff reviewed and recommended approval of the extension request made by Chippewa County. Board staff recommendation was for a seven-month extension.

On March 7, 2013, the Board's southern region water planning committee (Committee) met with representatives of Chippewa 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 Chippewa County extension; effective until December 31, 2013.

On March 27, 2013, the Committee presented its recommendation of approval of the Chippewa County extension request to the Board. The Board adopted the Committee's recommendation.

CONCLUSIONS

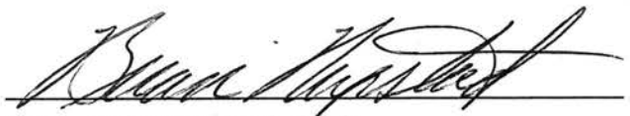
All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Management Plan of Chippewa County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the Chippewa County Comprehensive Local Water Management Plan until December 31, 2013. Chippewa County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 27th day of March 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

Resolution Request for Chippewa County 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 Chippewa county Comprehensive Local Water management Plan is effective until May 31, 2013, and

WHEREAS, Chippewa County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301, and

WHEREAS, Chippewa 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 which will be held on March 7, 2013, and
4) We are currently working on the assessments and trends, and

WHEREAS, Chippewa County needs to complete the following items from the guidance updating instructions set by the Board of Water & Soil Resources:

1) Phase 3: Plan Development, and
2) Phase 4: Public Hearing and Final Plan Approval, and
3) Phase 5: Adopting the Plan, and

WHEREAS, Chippewa County is hereby requesting an extension to:

1) Provide for sufficient time to complete an accurate and usable water plan, and
2) Provide for sufficient time for all to review the final draft of the plan, and
3) Ensure that the updated water plan meets the states standards and the goals of the county, and

WHEREAS, Chippewa 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, THERERFORE, BE IT RESOLVED, The Chippewa 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 December 31, 2013 in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

CERTIFICATION

STATE OF MINNESOTA
COUNTY OF CHIPPEWA

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 Chippewa at a duly authorized meeting thereof held on the 22nd day of January 2013.

Chairman of County Board

Attest: _____
County Auditor/Treasurer

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Lac Qui Parle County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: March 27, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: David Sill

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 Lac qui Parle 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 Lac qui Parle County Comprehensive Local Water Management Plan (CLWMP) will expire on May 28, 2013. On February 7, 2013, the Board of Water and Soil Resources (BWSR) received a resolution from Lac qui Parle County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On March 7, 2013, the BWSR Southern Water Planning Committee met with Lac qui Parle County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Lac qui Parle 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 Lac qui Parle 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 Lac qui Parle County

ORDER
EXTENDING
WATER MANAGEMENT
PLAN

Whereas, the Lac qui Parle County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until May 28, 2013, pursuant to Minnesota Statutes 103B.301; and

Whereas, Lac qui Parle 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 February 7, 2013, the Board received a resolution from Lac qui Parle 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; Lac qui Parle County met with the Board on March 7, 2013 to review and discuss the PCSD; Lac qui Parle County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by September 1, 2013; extension of the effective date until December 31, 2013, in order to complete the update process.

On February 11, 2013, Board staff reviewed and recommended approval of the extension request made by Lac qui Parle County. Board staff recommendation was for a seven-month extension.

On March 7, 2013, the Board's southern region water planning committee (Committee) met with representatives of Lac qui Parle 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 Lac qui Parle County extension; effective until December 31, 2013.

On March 27, 2013, the Committee presented its recommendation of approval of the Lac qui Parle 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 Lac qui Parle County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the Lac qui Parle County Comprehensive Local Water Management Plan until December 31, 2013. Lac qui Parle County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 27th day of March 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Lac qui Parle County Auditor-Treasurer

600 6th Street
Madison, MN 56256

Email: jake.sieg@lqpco.com
Phone: 320-598-7444
Fax: 320-598-3125

Jacob Sieg
Auditor-Treasurer

RESOLUTION REQUESTING 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 Lac qui Parle County Comprehensive Local Water Management Plan is effective until May 31, 2013, and

WHEREAS, Lac qui Parle County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301, and

WHEREAS, Lac qui Parle 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 updated, and
3) The priority concerns scoping document is completed and submitted to BWSR for the State Agency review, and

WHEREAS, Lac qui Parle County needs to complete the following:

1) LqP County Water Plan Coordinator and Resource Commission representatives schedule and meet with the BWSR southern region review committee to review the priority concerns scoping document who will then make recommendation to the full BWSR Board, and
2) Fully 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, Lac qui Parle 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, that the Lac qui Parle 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 December 31, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

CERTIFICATION

I hereby certify that the above is a true and correct copy of Board action duly passed, adopted and approved by the County Board of said County on February 5, 2013

Jacob Sieg, County Auditor-Treasurer

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Swift County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: March 27, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: South Region

Contact: Jeff Nielsen

Prepared by: David Sill

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 Swift 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 Swift County Comprehensive Local Water Management Plan (CLWMP) will expire on May 28, 2013. On February 6, 2013, the Board of Water and Soil Resources (BWSR) received a resolution from Swift County requesting an extension of their CLWMP. BWSR staff have reviewed and recommend approval of the request.

On March 7, 2013, the BWSR Southern Water Planning Committee met with Swift County to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Swift 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 Swift 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 Swift County

ORDER EXTENDING WATER MANAGEMENT PLAN

Whereas, the Swift County Board of Commissioners has a state-approved Comprehensive Local Water Management Plan (Plan) that is effective until May 28, 2013, pursuant to Minnesota Statutes 103B.301; and

Whereas, Swift 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 February 6, 2013, the Board received a resolution from Swift 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; Swift County met with the Board on March 7, 2013 to review and discuss the PCSD; Swift County assures continued effort toward completion of the Plan update with an anticipated date for submission to the Board for final review by September 1, 2013; extension of the effective date until December 31, 2013, in order to complete the update process.

On February 11, 2013, Board staff reviewed and recommended approval of the extension request made by Swift County. Board staff recommendation was for a seven-month extension.

On March 7, 2013, the Board's southern region water planning committee (Committee) met with representatives of Swift 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 Swift County extension; effective until December 31, 2013.

On March 27, 2013, the Committee presented its recommendation of approval of the Swift 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 Swift County pursuant to Minnesota Statutes 103B.3367.

ORDER

The Board hereby approves the extension of the Swift County Comprehensive Local Water Management Plan until December 31, 2013. Swift County shall strive to complete the updating of their Comprehensive Local Water Management Plan in a timely manner.

Dated at St. Paul, Minnesota this 27th day of March 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

SWIFT COUNTY BOARD OF COMMISSIONERS
RESOLUTION
Request for Comprehensive
Water Management Plan Extension
February 5, 2013

FEB 0 6 2013

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 Swift County Comprehensive Local Water Management Plan is effective until May 28, 2013, and

WHEREAS, Swift County is currently updating the Local Water Management Plan in accordance with Minnesota Statutes Chapter 103B.301, and

WHEREAS, Swift 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, Swift 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, Swift 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 state's standards and the goals of the county, and

WHEREAS, Swift 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 Swift County Board of Commissioners requests from the Minnesota Board of Water and Soil Resources and extension of the effective date of the current County Comprehensive Local Water Management Plan until December 31, 2013, in order to complete the update process in accordance with Minnesota Statutes Chapter 103B.301.

Adopted Feb 5, 2013

Joe Fox
Chairman of County Board

Attest: Byron L Geise
County Auditor

NEW BUSINESS

1. Reinvest In Minnesota (RIM) Reserve – Wetlands Reserve Program (WRP) 2013 – Tim Koehler (BWSR) and Joel Curran (NRCS) – ***DECISION ITEM***

2. Legislative Update – Sarah Strommen - ***INFORMATION ITEM***

3. Watershed Protection & Restoration Strategies – Steve Woods (BWSR) and Gaylen Reetz (MPCA) – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2013 RIM-WRP Partnership

Meeting Date: March 27, 2013

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: Tim Koehler

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize the 2013 RIM-WRP Partnership utilizing Outdoor Heritage Funds. The RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS), Soil and Water Conservation Districts (SWCDs), the Board of Water and Soil Resources and numerous other partners.

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

The RIM-WRP Partnership has received recommendations from the Lessard Sams Outdoor Heritage Council and legislative appropriations from the Outdoor Heritage Fund in 2009, 2010, 2011 and 2012 totalling $42.76 million to leverage federal WRP funds totalling over $68 million. In addition, a fifth year of funding is currently being considered by the MN Legislature for $13.39 million from the Outdoor Heritage Fund which will leverage $21.5 million of federal WRP funds.

Board Resolution #13-25

2013 Reinvest in Minnesota (RIM) Reserve - Wetlands Reserve Program (RIM-WRP) Partnership Program

WHEREAS the Minnesota State Legislature has appropriated $13.810 million in Outdoor Heritage Funds (OHF) to the Board of Water and Soil Resources (BWSR) in Minnesota Laws 2012, Chapter 264, Article 1, Section 2, Subd 4(a), Reinvest in Minnesota – Wetlands Reserve Program Partnership, Phase IV, and is currently considering a Phase V appropriation to acquire permanent conservation easements and restore wetlands and associated upland habitat, in cooperation with the Unites States Department of Agriculture's (USDA) Wetlands Reserve Program; and

WHEREAS the RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a local-state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS) the Soil and Water Conservation Districts (SWCDs) and the Board of Water and Soil Resources (BWSR); and

WHEREAS the RIM-WRP Partnership is possible through the collaboration of many local, state, and federal partners including Ducks Unlimited, (DU), the Minnesota Waterfowl Association (MWA), Pheasants Forever (PF), the Minnesota Department of National Resources (MN DNR), and the United States Fish and Wildlife Service (USFWS); and

WHERAS the RIM-WRP Partnership permanently protects and restores previously drained wetland and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on private lands enrolled in the Partnership; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS RIM Reserve LSOHC funding is intended to leverage federal WRP funds appropriated to the NRCS whenever feasible; and

WHEREAS NRCS National Headquarters has requested Minnesota NRCS to develop a process which allows for continuous enrollment of RIM-WRP Partnership easement applications and the necessary obligation of federal WRP funds with eligible Minnesota landowners; and

WHEREAS a Minnesota Wetlands Restoration Evaluation Worksheet will be used to score and rank applications for the RIM-WRP Partnership; and

WHEREAS over the last 25 years, the United States Department of Agriculture (USDA) Conservation Reserve Program (CRP) has been the largest and most significant private lands conservation program in Minnesota's history. An entire generation of Minnesotans have benefitted from improved water quality and enhanced wildlife habitat; and

WHEREAS in the five year period - 2012 to 2016, the aforementioned benefits are now in jeopardy as nearly 823,000 acres (60%) of Minnesota's conservation lands enrolled in the USDA CRP will expire; and

WHEREAS the Board has established the RIM-WRP Partnership payment rates and RIM Reserve payment rates; and

WHEREAS the RIM-WRP Partnership will establish scoring periods in which eligible RIM-WRP applications that have been scored ≥ 70 will be approved for selection for immediate funding by NRCS-WRP; and

WHEREAS other applications will be considered during future scoring periods prior to the NRCS obligation deadline; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on March 26, 2013 and unanimously recommends the continuation of the RIM-WRP Partnership and the allocation of Phase V RIM-WRP funds if approved.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize existing and anticipated Outdoor Heritage Funds for the 2013 RIM-WRP Partnership; and
2. Target expiring CRP contracts with critical wetland restoration practices for enrollment in the RIM-WRP Partnership; and
3. Prioritize projects consistent with the priorities in the Minnesota Conservation Prairie Plan and subsequent conservation implementation guidance.
4. Work with MN NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the 2013 RIM-WRP Partnership.

Dated at Saint Paul, Minnesota this 27th day of March, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Brian Napstad, Chair

BWSR Meeting Date 3/27/13

Motion: RIM-WRP 2013 amendment

Moved by: Tom Landwehr

Seconded by: Paul Langseth

	Affirmative	Opposed
Bob Burandt	___	✓
Joe Collins	✓	___
Jack Ditmore	✓	___
Chris Elvrum/~~Linda Bruemmer~~	___	✓
Rebecca Flood/~~Doug Wetzstein~~	___	✓
Christy Jo Fogarty	✓	___
Sandy Hooker	___	✓
Tom Landwehr/~~Dave Schad~~	✓	___
Paul Langseth	✓	___
Tom Loveall	✓	___
Keith Mykleseth	✓	___
~~Faye Sleeper/Gary Sands~~	out	___
Steve Sunderland	___	✓
Gene Tiedemann	___	✓
Gerald Van Amburg	✓	___
Matthew Wohlman/~~Rob Sip~~	___	✓
Brian Napstad	✓	___
	9	7

H: roll-call vote

approved

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Watershed Protection & Restoration Strategies

Meeting Date: March 27, 2013

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: statewide

Contact:

Prepared by: Steve Woods

Reviewed by: Committee(s)

Presented by: Gaylen Reetz (MPCA), Steve Woods (BWSR)

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

Information item only.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Clean Water Land and Legacy Amendment funding has allowed the executive branch agencies to systematically re-think how to best produce cleaner water. Input from the Clean Water Council, listening sessions around the state, and inter-agency teams has resulted in a system that meshes a predictable 10-year water monitoring cycle with local water planning processes.

Throughout 2013 BWSR will sponsor a stakeholder process that better aligns water planning policy and expectations with the Board's approval process. We expect that the so-called "One Watershed" policy will make its way through a process to the Board in early 2014.

Streaming to Cleaner Water

A look at the past, present and future

Gaylen Reetz
MPCA

Steve Woods
BWSR

March 27, 2013

Minnesota Pollution Control Agency

Clean Water Act

- Federal Clean Water Act '72
- Goal – fishable/swimmable by 1983
- Framework to protect and restore water quality
  - Designate uses and set standards
  - Assess waters
  - TMDLs for impaired waters
  - Protection and Control strategies

Minnesota Pollution Control Agency 2

Pieces of the Impaired Waters Puzzle

Why do TMDLs

- 2002, Legislative Auditor identified underfunded requirement to identify, evaluate and restore waters
- 2003, MPCA charged a diverse group to develop an efficient, accountable path to clean water – the G-16
- Feb. 2004, G-16 made recommendations
- July 2004, G-16 reconvened to develop legislation

Cannot Cause or Contribute

Why do TMDLs

- 2005, Minn. Court of Appeals cited impaired waters section of CWA when it blocked the wastewater permit for the cities of Annandale-Maple Lake
  - "Neither the difficulty of the issues nor the commendable effort authorizes a resolution that clearly violates the plain language of the regulation governing impaired waterways"
  - ....."it requires effluent limits in permits that insure a discharge does not cause or have a reasonable potential to cause or contribute to a violation of the water quality standards."
- Wastewater permits and many economic development projects halted until TMDLs were in place
- Created a new urgency for stakeholders and politicians to address impaired waters, leading to the Clean Water Legacy Act

2006 Clean Water Legacy Act

- Identify impaired waters in 10 years
- Develop TMDLs (10% per year)
- Implement restoration
- Promptly delist
- Comply with CWA requirements
- Protect unimpaired waters

The 10 Year Cycle

Then and Now

	Pre 2008	Now
Focus	Federal TMDL requirements	Clean Water for MN
Scope	Single parameter impairments	Impairments and Protection for Watershed
Scale	Variable: tiny to huge	8 digit HUC ~(81)
Data	Chemistry	Chemistry + Biology + Physical
Time	More than 4 years	4 years
Use	Permit Decisions	Permit + Local Plans + Action Decisions
Products	TMDL = WLA + LA + MOS + RA	Condition assessment + Stressor Id. + HSPF Modeling and Spatial analysis +TMDL + Locally adopted and State Approved local water/shed plan
Costs	High - $100k – $1m / TMDL	Coming down ~ $400-500k / Watershed

Watershed Restoration and Protection Strategies

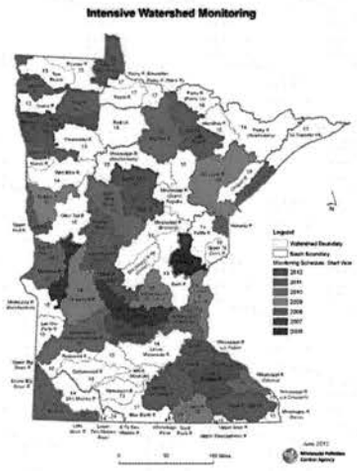
Watershed restoration and protection strategy (WRAPS) provide:

- **How much** pollutant reduction or protection is needed to meet standard, achieve goal or improve trend
- **Where** the water pollution problems are coming from (approx at HUC 12 scale)
- Propose a **pace of progress**.
- **TMDL** with WLA and LA that goes to EPA.

Local Government Comprehensive Water/shed Management Plan will use WRAPS to establish:

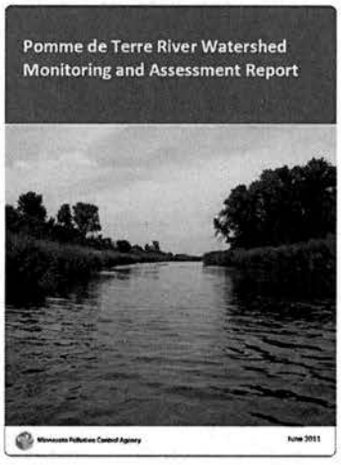
- **How** to fix problems or threats (project and practice design)
- **Priority/Sequence** for fixing water problems or threats
- **Who** will have responsibility for fixes
- **Pursuit of $** resources to accomplish fixes.

Watershed Monitoring



- Intensive Watershed Monitoring
  - Biological/Physical monitoring – 10 yr cycle
  - Lake monitoring
  - Flow/chemical/load monitoring – ongoing
- On track to complete state in 10 years

Monitoring and Assessment Reports

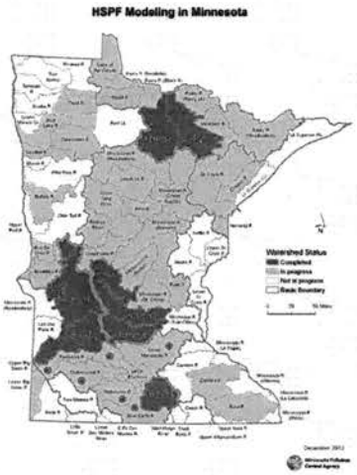


- A comparison of water quality conditions to standards to determine if water is achieving designated uses.
- Identify impairments
- Identify waters that should be protected

Biotic Stressor Identification

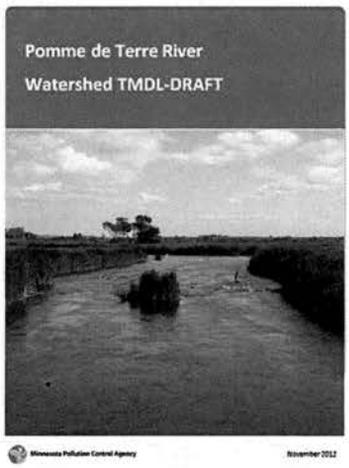
- A study of local stressors limiting the fish and invertebrate communities
- Stressors investigated by evaluating:
  - Hydrology
  - Water Quality
  - Geomorphology
  - Biology
  - Connectivity

HSPF Modeling



- Conventional Parameter TMDLs
- Dissolved Oxygen TMDLs
- River Nutrient TMDLs
- Support of Stressor ID development
- Priority Management Zone Support

TMDL Report



- Complete all TMDLs for 8 digit HUCs
- Define reduction goals for restoring water quality and desired uses
- Submit to EPA for approval

Minnesota Pollution Control Agency 13

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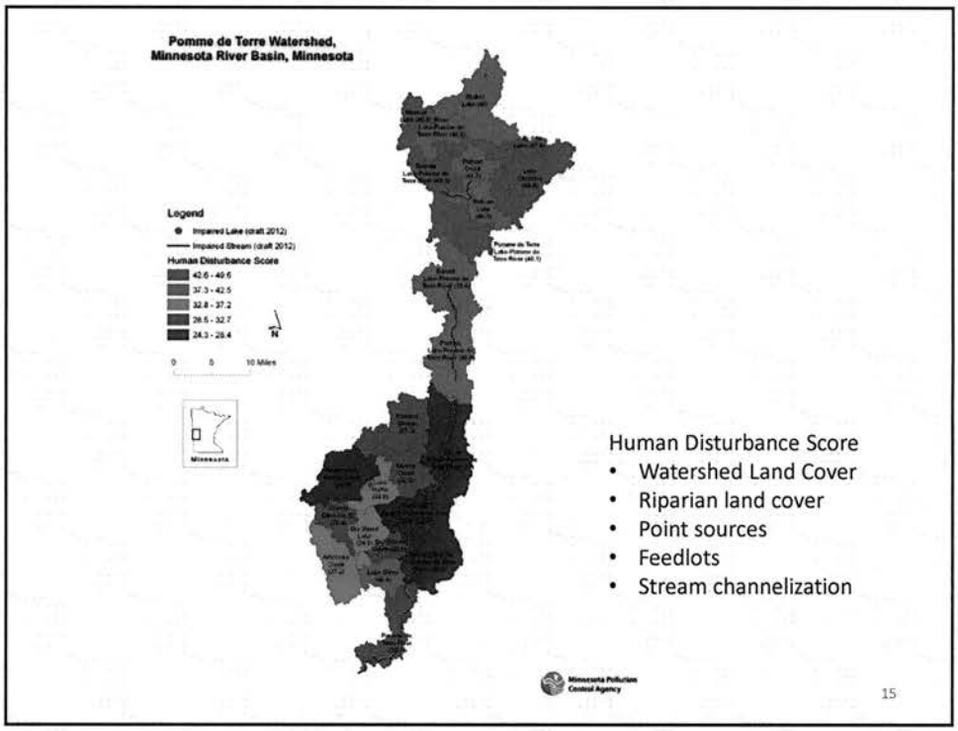
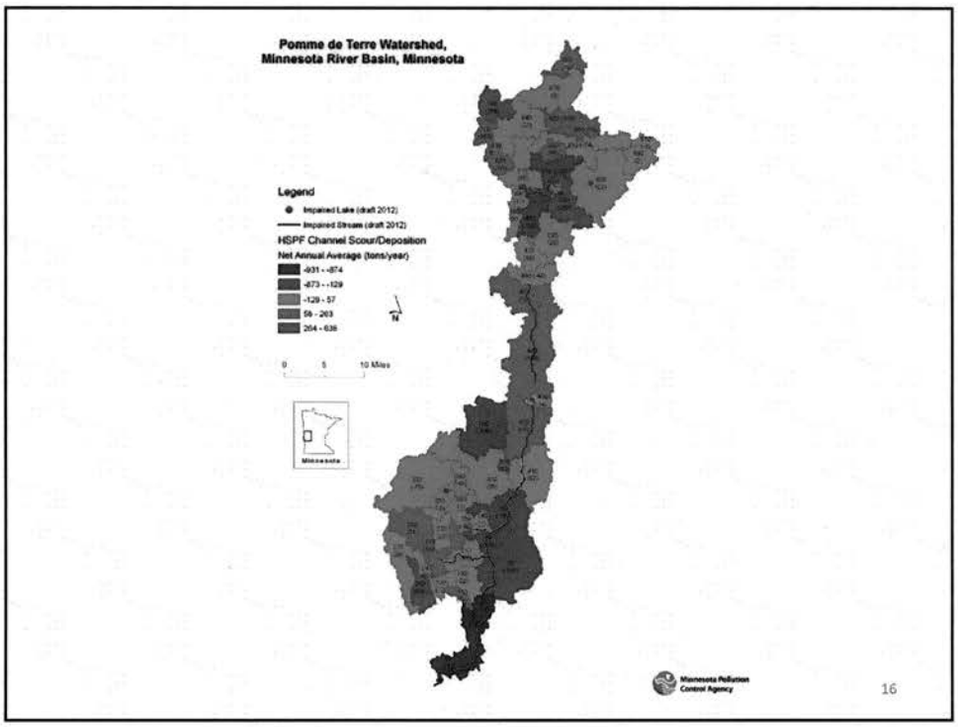
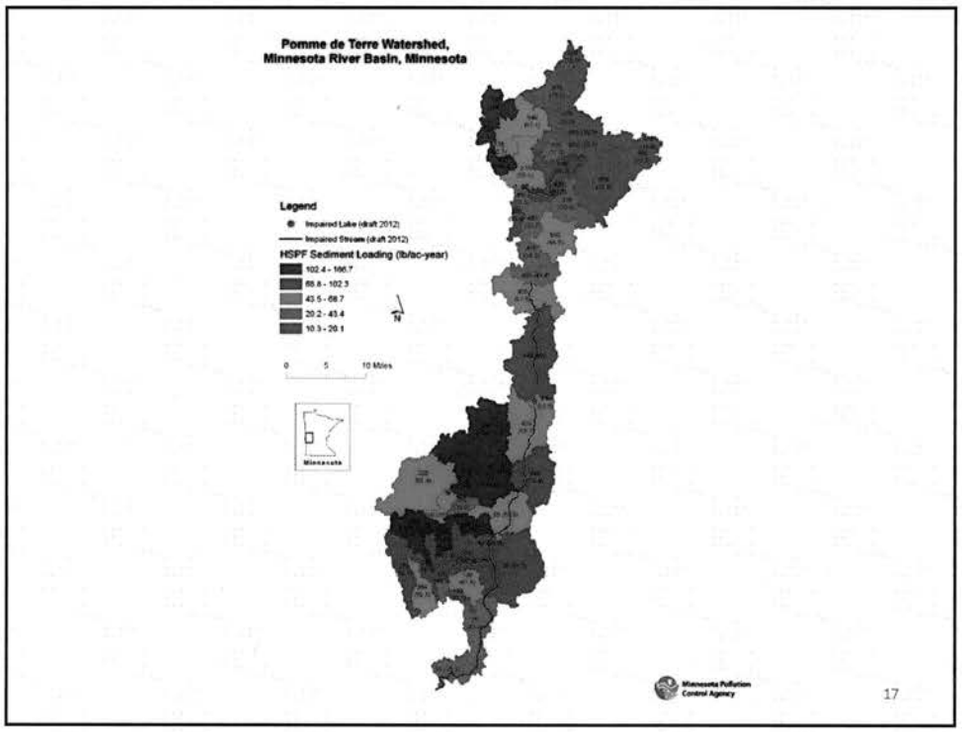
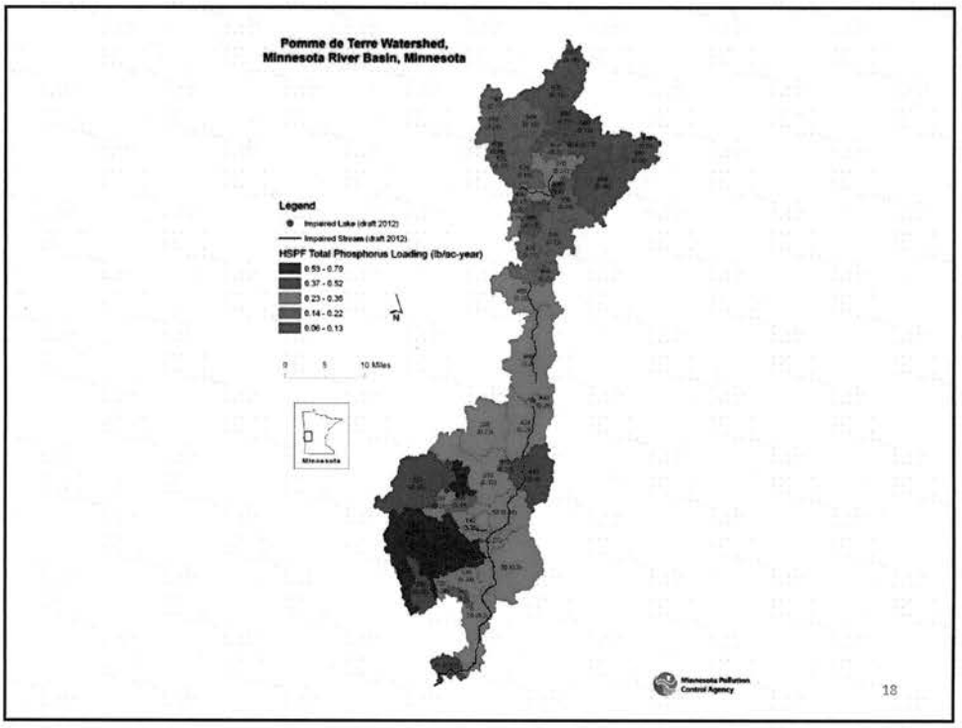
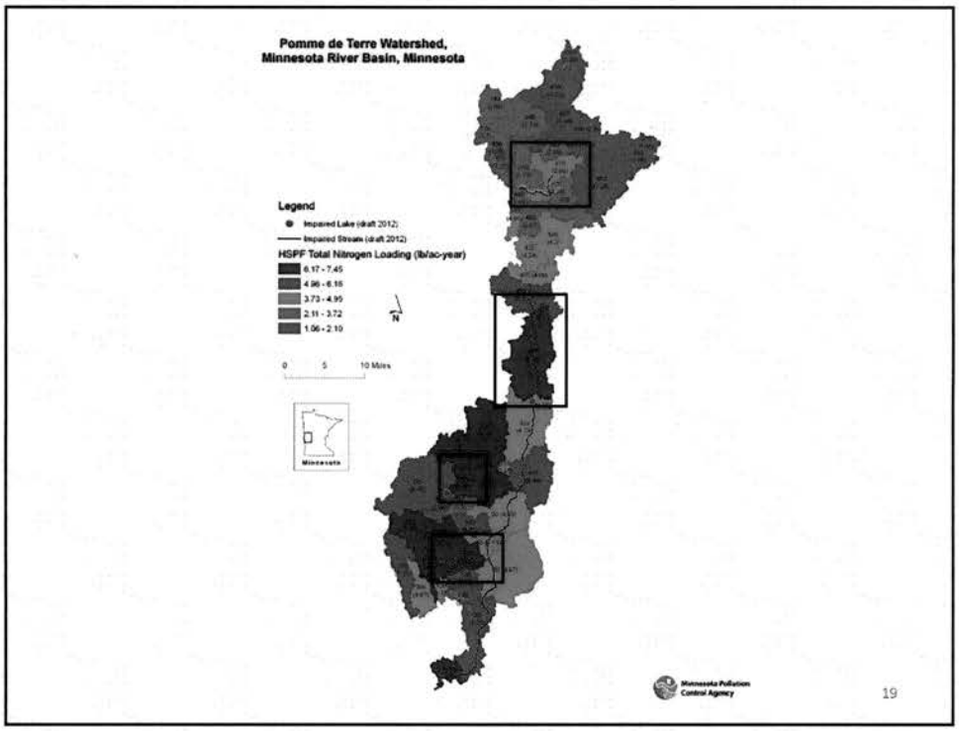
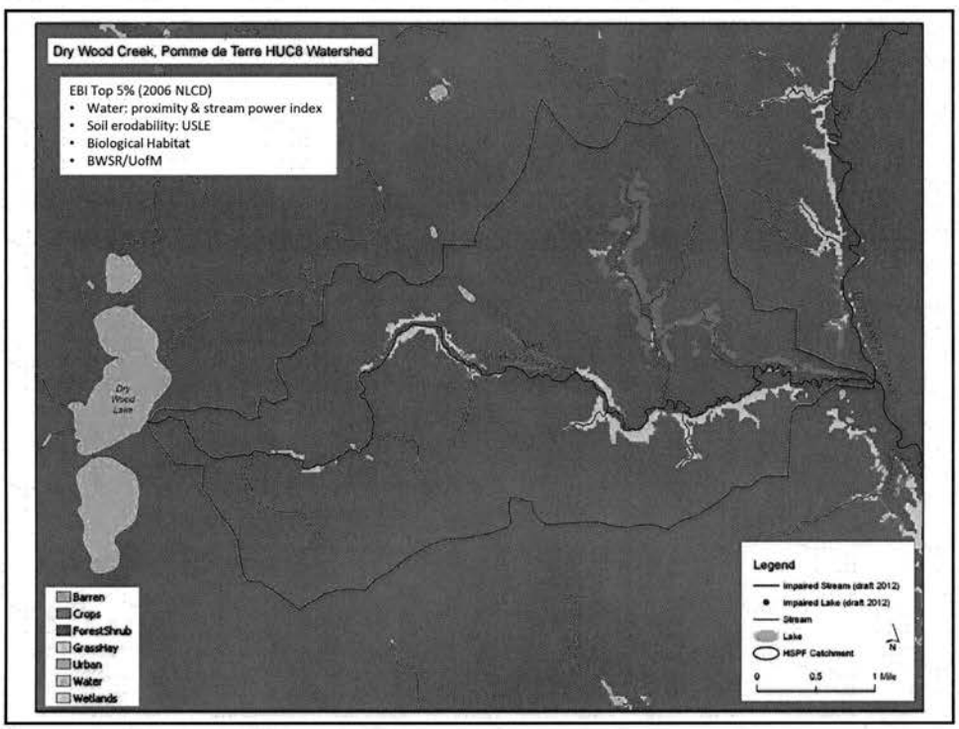

Pomme de Terre Watershed,
Minnesota River Basin, Minnesota
Legend
Impaired Lake (draft 2012)
Impaired Stream (draft 2012)
Human Disturbance Score
42.6 - 49.6
37.3 - 42.5
32.8 - 37.2
28.5 - 32.7
24.3 - 28.4
N
0 5 10 Miles
Minnesota
Human Disturbance Score
• Watershed Land Cover
• Riparian land cover
• Point sources
• Feedlots
• Stream channelization
Minnesota Pollution Control Agency
15

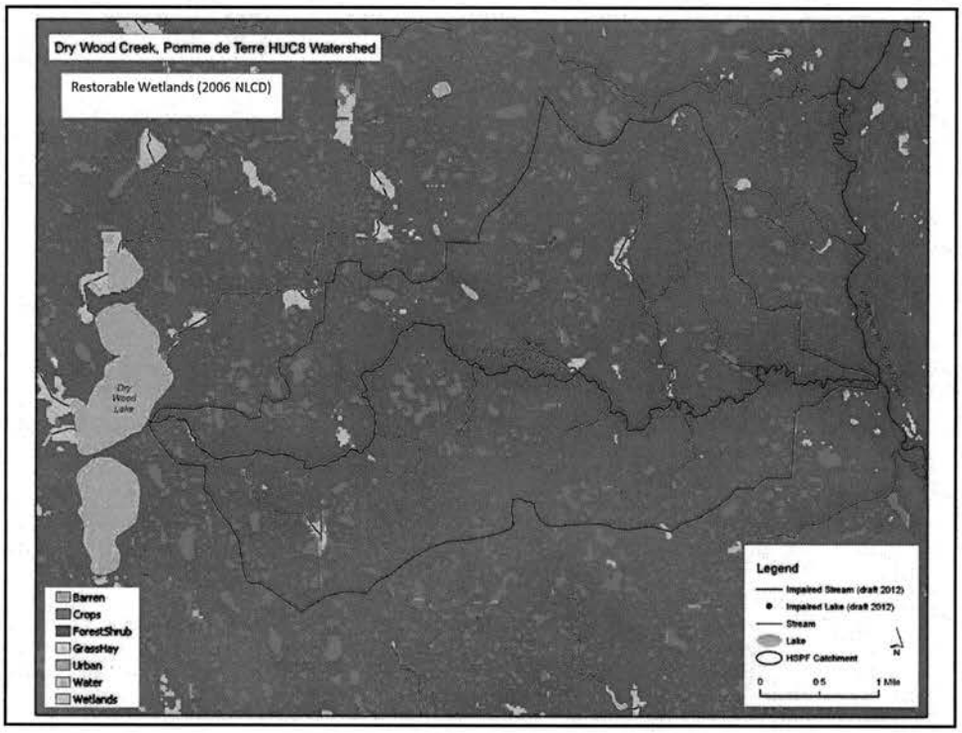

Pomme de Terre Watershed,
Minnesota River Basin, Minnesota
Legend
Impaired Lake (draft 2012)
Impaired Stream (draft 2012)
HSPF Channel Scour/Deposition
Net Annual Average (tons/year)
-931 - -874
-873 - -129
-129 - 57
59 - 263
264 - 636
N
0 5 10 Miles
Minnesota
Minnesota Pollution Control Agency
16

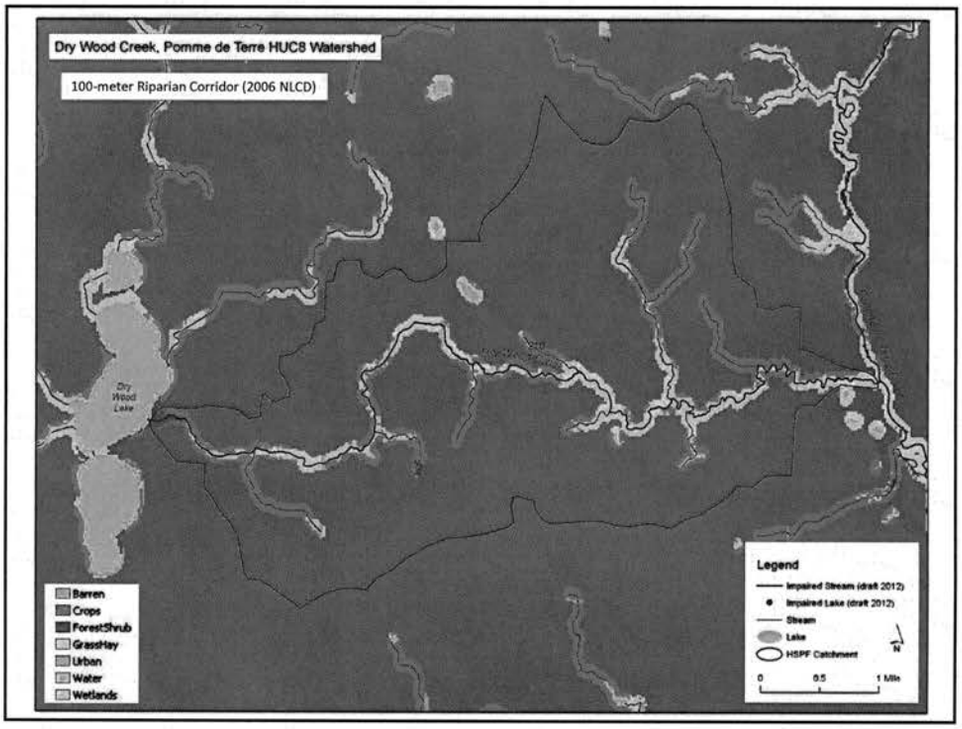

Pomme de Terre Watershed,
Minnesota River Basin, Minnesota
Legend
Impaired Lake (draft 2012)
Impaired Stream (draft 2012)
HSPF Sediment Loading (lb/ac-year)
102.4 - 166.7
88.8 - 102.3
43.5 - 68.7
20.2 - 43.4
10.3 - 20.1
0 5 10 Miles
Minnesota
Minnesota Pollution Control Agency
17

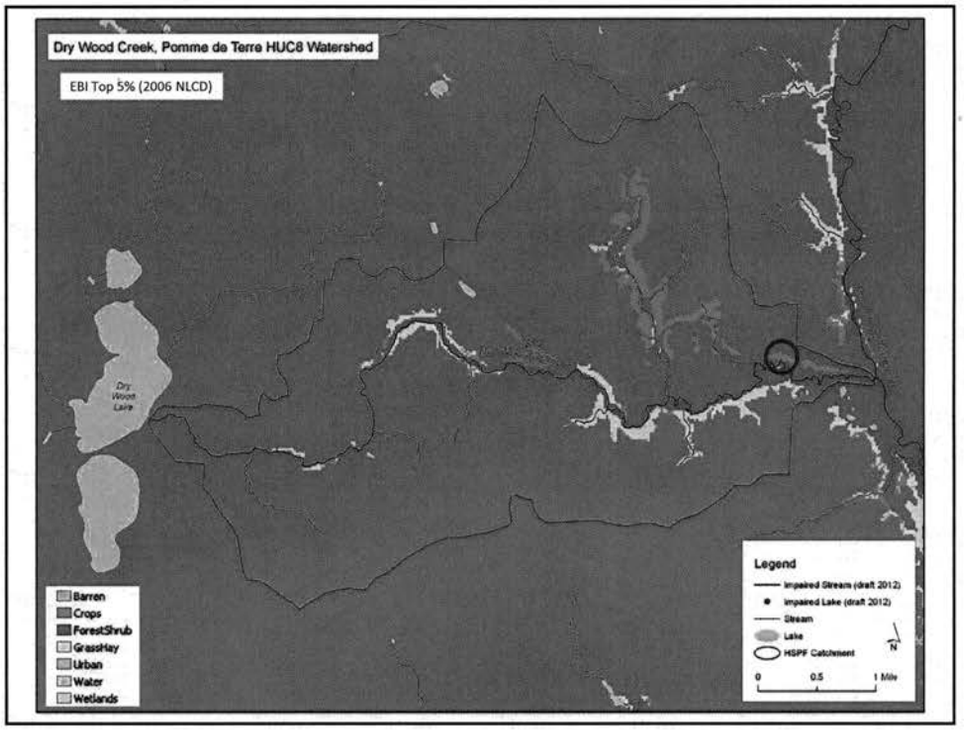

Pomme de Terre Watershed,
Minnesota River Basin, Minnesota
Legend
Impaired Lake (draft 2012)
Impaired Stream (draft 2012)
HSPF Total Phosphorus Loading (lb/ac-year)
0.53 - 0.79
0.37 - 0.52
0.23 - 0.36
0.14 - 0.22
0.06 - 0.13
0 5 10 Miles
Minnesota
Minnesota Pollution Control Agency
18

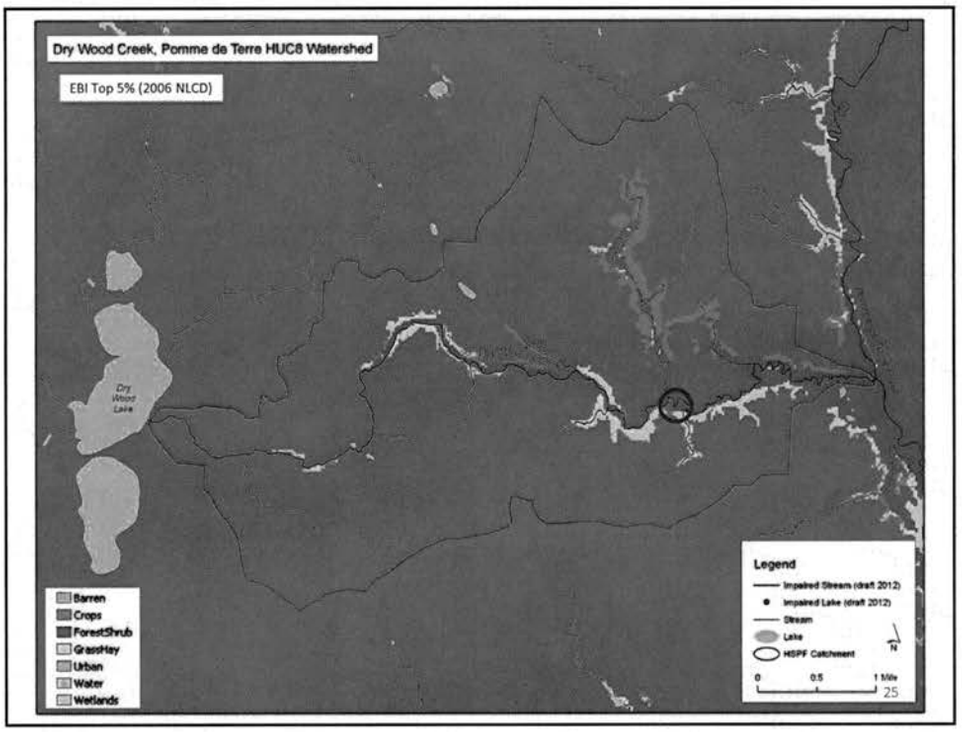

Pomme de Terre Watershed,
Minnesota River Basin, Minnesota
Legend
Impaired Lake (draft 2012)
Impaired Stream (draft 2012)
HSPF Total Nitrogen Loading (lb/ac-year)
6.17 - 7.45
4.96 - 6.16
3.73 - 4.95
2.11 - 3.72
1.06 - 2.10
N
0 5 10 Miles
Minnesota
Minnesota Pollution Control Agency
19


Dry Wood Creek, Pomme de Terre HUC8 Watershed
EBI Top 5% (2006 NLCD)
• Water: proximity & stream power index
• Soil erodability: USLE
• Biological Habitat
• BWSR/UofM
Dry Wood Lake
Barren
Crops
Forest/Shrub
Grass/Hay
Urban
Water
Wetlands
Legend
Impaired Stream (draft 2012)
Impaired Lake (draft 2012)
Stream
Lake
HSPF Catchment
N
0 0.5 1 Mile


Dry Wood Creek, Pomme de Terre HUC8 Watershed
Restorable Wetlands (2006 NLCD)
Dry Wood Lake
Barren
Crops
Forest/Shrub
Grass/Hay
Urban
Water
Wetlands
Legend
Impaired Stream (draft 2012)
Impaired Lake (draft 2012)
Stream
Lake
HSPF Catchment
N
0
0.5
1 Mile


Dry Wood Creek, Pomme de Terre HUC8 Watershed
100-meter Riparian Corridor (2006 NLCD)
Dry Wood Lake
Barren
Crops
Forest/Shrub
Grass/Hay
Urban
Water
Wetlands
Legend
Impaired Stream (draft 2012)
Impaired Lake (draft 2012)
Stream
Lake
HSPF Catchment
N
0
0.5
1 Mile


Dry Wood Creek, Pomme de Terre HUC8 Watershed
EBI Top 5% (2006 NLCD)
Dry Wood Lake
Barren
Crops
ForestShrub
GrassHay
Urban
Water
Wetlands
Legend
Impaired Stream (draft 2012)
Impaired Lake (draft 2012)
Stream
Lake
HSPF Catchment
N
0
0.5
1 Mile


Dry Wood Creek, Pomme de Terre HUC8 Watershed
EBI Top 5% (2006 NLCD)
Dry Wood Lake
Barren
Crops
ForestShrub
GrassHay
Urban
Water
Wetlands
Legend
Impaired Stream (draft 2012)
Impaired Lake (draft 2012)
Stream
Lake
HSPF Catchment
N
0
0.5
1 Mile
25

Water Quality Targeting

Water Quality Parameter	Current Conditions	Water Quality Targets by Parameter:	Strategies	Required Adoption Rate	Measures	Who	Milestone
Total Suspended Solids Watershed Derived Sediment: approx. 35% Pervious Areas by land-use category	**Current Loading by Flow Zone all sources.** Very High – 29 T/day High 4.9 T/day Mid - 1.6 T/day Low – 0.49 T/day Very low – 0.027 T/day	TSS levels reduced by _% by flow zones, to achieve WQ standards. Moving the 90% to 52mg/l TSS. **Loading Capacity by Flow Zone all sources.** Very High – 15 T/day High – 3.1 T/day Mid - 1.2 T/day Low – 0.40 T/day Very low – 0.027 T/day	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	All cropland continuously protected by 30% residue or equivalent. 100 year flood plan in permanent vegetation. * Top 5% of EBI areas protected. *		Land-owners SWCD BWSR NRCS	100% in 10 years. 10% or more protected during each year.
Total Suspended Solids Watershed Derived Sediment: Impervious Areas. - MS4	NA this watershed	TSS levels reduced by _% to achieve WQ standards. BMPs designed to achieve target levels.	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	Compliance with SWPPP		NPDES Permit Holders MS4s.	Schedule of Compliance if needed.
Total Suspended Solids Near-Channel Derived Sediment. Approx. 65%		TSS levels reduced by _% to achieve WQ standards. Moving the 90% to 52mg/l TSS. Channel embeddedness.	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	100 year flood plan in permanent vegetation. * Top 5% of EBI areas protected. *		Land-owners SWCD BWSR NRCS	100% in 10 years. 10% or more protected during each year.
Phosphorus Nonpoint Phosphorus – by land-use category	**Current Loading by Flow Zone all sources.** Very High –82 lbs./day High – 8.4 lbs. /day Mid - 2.4 lbs./day Low – 0.90 lbs./day Very low – 0.15 lbs./day	Reduce phosphorus levels to FWM 18.4 lbs. /day or less. This level set to achieve compliance with D.O. WQ standard during 7Q10 flows. WLA – 0.02 lbs./day MOS 1.84 lbs./day LA: Very High –27 lbs./day High – 4.7 lbs. /day Mid - 1.6 lbs./day Low – 0.69 lbs./day Very low – 0.13 lbs./day	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	All manure applied at agronomic rates for phosphorus. 25 foot permanent vegetation buffers around all pasture lands.*		Land-owners SWCD BWSR NRCS	100% in 10 years. 10% or more protected during each year.

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- ❑Implement priority actions in targeted locations

Minnesota Pollution Control Agency 28

It's a WRAP

The goal is clean water. To get there we are:

- Monitoring all 81 watersheds by 2017
- Monitoring not just chemical, but physical and biological too
- Protection as well as restoration of impaired waters
- Taking a comprehensive, focused and targeted approach
- Integrating point and non point
- Adapting – revisit and build off what's been done and also see if it's working
- Reduced costs of doing assessment and TMDLs

Watershed Restoration and Protection Strategies

Watershed restoration and protection strategy (WRAPS) provide:

- **How much** pollutant reduction or protection is needed to meet standard, achieve goal or improve trend
- **Where** the water pollution problems are coming from (approx at HUC 12 scale)
- Propose a **pace of progress.**
- **TMDL** with WLA and LA that goes to EPA.

Local Government Comprehensive Water/shed Management Plan will use WRAPS to establish:

- **How** to fix problems or threats (project and practice design)
- **Priority/Sequence** for fixing water problems or threats
- **Who** will have responsibility for fixes
- **Pursuit of $** resources to accomplish fixes.

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One Watershed, One Plan

LG Roundtable legislation

↘

BWSR – 2013

↘

BWSR Board - 2014

Ideas in the mix

- Typically major – watershed sized
- Determined by LGUs – locally
- Allow many pathways to organize
- Higher approval standards

Water Quality Parameter	Current Conditions	Water Quality Targets by Parameter.	Strategies	Required Adoption Rate	Measures	Who	Milestone
Total Suspended Solids Watershed Derived Sediment: approx. 35% Pervious Areas by land-use category	**Current Loading by Flow Zone all sources.** Very High – 29 T/day High 4.9 T/day Mid - 1.6 T/day Low – 0.49 T/day Very low – 0.027 T/day	TSS levels reduced by _% by flow zones, to achieve WQ standards. Moving the 90% to 52mg/l TSS. **Loading Capacity by Flow Zone all sources.** Very High – 15 T/day High – 3.1 T/day Mid - 1.2 T/day Low – 0.40 T/day Very low – 0.027 T/day	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	All cropland continuously protected by 30% residue or equivalent. 100 year flood plain in permanent vegetation. * Top 5% of EBI areas protected. *		Land-owners SWCD BWSR NRCS	100% in 10 years. 10% or more protected during each year.
Total Suspended Solids Watershed Derived Sediment: Impervious Areas. - MS4	NA this watershed	TSS levels reduced by _% to achieve WQ standards. BMPs designed to achieve target levels.	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	Compliance with SWPPP		NPDES Permit Holders MS4s.	Schedule of Compliance if needed.
Total Suspended Solids Near-Channel Derived Sediment. Approx. 65%		TSS levels reduced by _% to achieve WQ standards. Moving the 90% to 52mg/l TSS. Channel embeddedness.	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	100 year flood plan in permanent vegetation. * Top 5% of EBI areas protected. *		Land-owners SWCD BWSR NRCS	100% in 10 years. 10% or more protected during each year.
Phosphorus Nonpoint Phosphorus – by land-use category	**Current Loading by Flow Zone all sources.** Very High –82 lbs./day High – 8.4 lbs. /day Mid - 2.4 lbs./day Low – 0.90 lbs./day Very low – 0.15 lbs./day	Reduce phosphorus levels to FWM 18.4 lbs. /day or less. This level set to achieve compliance with D.O. WQ standard during 7Q10 flows. WLA – 0.02 lbs./day MOS 1.84 lbs./day LA: Very High –27 lbs./day High – 4.7 lbs. /day Mid - 1.6 lbs./day Low – 0.69 lbs./day Very low – 0.13 lbs./day	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	All manure applied at agronomic rates for phosphorus. 25 foot permanent vegetation buffers around all pasture lands.*		Land-owners SWCD BWSR NRCS	100% in 10 years. 10% or more protected during each year.
Phosphorus Point Source Phosphorus - %-%	Flow weighted mean - 0.03 lbs./day	Water Quality Based Effluent limits set. WLA – 0.02 lbs./day Water Quality Trading Areas developed.	**Effluent Limit – WQBELs**	Compliance with NPDES permit.		MPCA NPDES permit Holders.	Schedule of Compliance if needed.
Nitrogen Nonpoint Nitrate – by land-use category	**Loading Capacity by Flow Zone all sources.** Very High –500 lbs./day High – 31 lbs/day Mid - 7.3 lbs/day Low – 2.5 lbs/day Very low – 0.65 lbs./day	Levels reduced by _% to meet WQ targets. Moving the 90% to 5? mg/l.	**Source Prevention:** **Interception & Treatment:** **In-Channel Work:**	All cropland		Land-owners SWCD BWSR NRCS	100% in 10 years. 10% or more protected during each year.
Nitrogen Point Source Nitrogen - %-%	Proposed standards to be determined.	Water Quality Based Effluent limits set. Water Quality Trading Areas developed.	**Effluent Limit – WQBELs**	Compliance with NPDES permit.		MPCA NPDES permit holders.	Schedule of Compliance if needed.

Water Quality Parameter	Current Conditions	Water Quality Targets by Parameter.	Strategies	Required Adoption Rate	Measures	Who	Milestone
Peak Flow Reduction		Annual peak flow reduced by 15%.	**Increase Upland Water Storage:**	Restore 100 acres ? of wetlands. 75? drainage control structures installed		Land-owners SWCD BWSR NRCS	# of wetland acres restored per year.
Base flow Increase		Annual base flow Increased by 20%.	**Increase Upland Water Storage:**	Restore 100 acres ? of wetlands. 75? drainage control structures installed		Land-owners SWCD BWSR NRCS DNR	# of wetland acres restored per year. # of Drainage control structures Per year

*Habitat Condition – While technically not a WQ parameter, the quality of the stream corridor habitat is important to the condition of the aquatic communities. Degraded habitat was shown to be a biotic stressor in this watershed.

The items in this table marked with an * have impacts on the condition of the streams habitat. In order to address degraded habitat these activities marked with an * need to be addressed.

BWSR Legislative Update

March 26, 2013

General Fund Budget Recommendation

Governor Dayton's '14-'15 budget recommendation includes General Fund investments that preserve BWSR's base budget and add two new important initiatives that will benefit our programs and the work with our local government partners. These new investments include funding to implement the One Watershed - One Plan initiative and funding to enhance BWSR's internal controls.

The new investment in One Watershed - One Plan furthers past leadership efforts of the Local Government Water Roundtable that led to 2012 legislation. This initiative will allow us to assist local governments with the transition to a watershed-based planning approach and work in a concerted fashion with our partner agencies to build and implement the next generation of local water management plans. It is very timely, as we will be hiring a new policy advisor to lead this effort in conjunction with our both our field and program staff. Likewise, the additional investment in BWSR's internal controls is well-timed as we near completion of the eLINK upgrade. This system will allow us to manage grant applications and report results more efficiently, and the new initiative will enhance our capacity to meet new standards for accomplishing the necessary oversight of public funds and programs and to show the benefits accrued. (HF 976/SF 1170)

BWSR General Fund Budget *(all numbers in thousands)*	**Governor's Recommendation 2014-15**
Total Appropriations	26,266
Cost Share Grants	3,120
Conservation Delivery SWCD Grants	6,232
Red River Basin Commission	200
Area II Joint Powers Board	240
MN River Joint Powers Board	84
County Natural Resource Block Grants	6,846
1 Watershed 1 Plan*	900
WCA BWSR Operations	772
Drainage Assist Operations	332
Admin/Operations/Board	7,290
Internal Controls*	250
*Change Items	

Clean Water Fund Recommendation

Governor Dayton also recommended appropriations to BWSR totaling $67.968M from the Clean Water Fund. The proposed budget was supported by demonstrated demand exceeding the previously available funds, and the information gathered from local partners through the BBR process. Clean Water Fund work will be targeted using the best available scientific assessments, including the effort by the MPCA to move toward the Watershed Restoration and Protection Strategies (WRAPS), which greatly improve on the federally-driven TMDL approach. The recommendation is pending legislative action (HF 1183/SF 1051) and includes:

- $36M for Surface and Drinking Water Protection/Restoration Projects to protect, enhance, and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Grants will be targeted toward priorities identified in local water plans, and funds will be used for keeping water on the land, protecting and restoring streams, groundwater, surface water, and upgrading feedlots and SSTS systems.

- $8M for Targeted Local Resource Protection and Enhancement for non-structural practices and activities that will enhance local efforts to develop and implement, on a local or regional basis, water resource protection and management measures or initiatives that go beyond state minimum standards for water quality.
- $3.4M for Conservation Drainage Management and Assistance for projects to install water quality improvements on drainage management systems, evaluate outcomes and provide outreach to landowners, public drainage authorities, drainage engineers, contractors and others.
- $3M for Community Partners Program for community partners 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.
- $15.6M for Long-Term Water Quality Protection though the RIM Reserve Easement Program.
    - $13M for riparian buffers: purchase and restore permanent conservation easements on riparian buffers adjacent to lakes, rivers, streams and tributaries. These easements will keep water on the land to reduce sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface water and increase infiltration for groundwater recharge.
    - $2.6M for wellhead protection: for permanent conservation easements in wellhead protection areas on land with high or very high vulnerability of drinking water supply contamination.
- $1.8M for Measures, Results and Accountability for quality assurance of CWF projects by providing oversight, assessment, assistance and reporting of outcomes using standardized, scientific evaluation of resource indicators.
- $84K for Restoration Evaluations on projects as required by MS114.50.

Environment and Natural Resource Trust Fund (ENRTF) Recommendation

BWSR has two proposals that have been recommended for funding by the Legislative-Citizen Commission on Minnesota Resources (LCCMR). Bills have been introduced in the House and Senate (HF 1113/SF 987). The bill is moving through committees in the House and has yet to be heard in the Senate. The recommendations include:

- $3M for Acceleration of Minnesota Conservation Assistance/Farm Bill Assistance. This program provides grants to local governments interested in hiring field staff to work one-on-one with landowners to re-enroll expiring CRP acres.
- $186K for Minnesota Conservation Apprentice Academy. This program will fund 30 apprentice positions to mentor and train future conservation leaders by giving them real-world experience working with a local SWCD.

Outdoor Heritage Fund Recommendation

BWSR has five programs that have received recommendations from the Lessard-Sams Outdoor Heritage Council (LSOHC). Bills have been introduced in the House and Senate (HF 207/SF 56). The bill has been heard in the House Environment Finance Committee and will be heard next in Legacy. The Senate has not yet scheduled hearings. The recommendations include:

- $3.52M for Riparian Buffers. This program will complement the Clean Water Fund riparian buffers by expanding buffer widths to enhance wildlife habitat.
- $13.39M* for Wetland Restoration and Protection. This is Phase V of this program to restore wetlands and associated upland. The program is implemented through a partnership with the Natural Resources Conservation Service (NRCS) Wetland Restoration Program (WRP), which leverages approximately $1.6 in federal funding for every state dollar invested. *On 3/18/13, after receiving the revised forecast, the LSOHC recommended an additional $4.4M be allocated to RIM-WRP.
- $1.63M for Wild Rice Shoreland Protection. This is Phase II of a Ducks Unlimited partnership project with a goal to permanently protect sensitive wild rice lake shoreland habitat in northern lakes.
- $1.45M for the Camp Ripley Partnership. This is a continuation of the partnership with Morrison Co. SWCD, Camp Ripley, and DNR to protect high quality wildlife habitat and forest communities along the Mississippi River.

- $2M for Grasslands for the Future. This is a pilot project to test the feasibility and cost-effectiveness of acquiring grassland conservation easements and protect 500-600 acres of critical grassland habitat.

BWSR Policy Initiatives

BWSR has several policy initiatives during the 2013 Legislative Session:

- Drainage Work Group Consensus Recommendations (HF66/SF113). The Drainage Work Group (DWG), facilitated by BWSR, recommended a number of updates to drainage law. The bill passed both the Senate and the House unanimously and was signed by Governor Dayton.
- Local Government Water Roundtable Phase II (HF613/SF726). This policy proposal contains three primary areas:
    - Continue to advance the One Watershed – One Plan initiative by connecting financing options to comprehensive watershed plans, increasing flexibility for the Conservation Cost-Share program, and connecting the soil loss ordinance statute to local water management plans.
    - Change the schedule of PRAP reviews from every 5 years to a schedule determined by BWSR based on budget and the operations of local water management entities. Reviews would be completed at least every 10 years.
    - Align technical personnel from cooperating agencies to develop, maintain, and distribute technical standards (Senate version only).

  In the Senate, the bill passed the Environment and Energy Committee and will go to the floor. In the House, the bill was heard in the Environment Policy Committee and the Property and Local Tax Division and was laid over for inclusion in a larger tax bill.
- SWCD Voluntary Consolidation (HF720/SF725). This proposal simplifies the process for voluntary consolidation of districts by removing the requirement for a referendum and creating a process by which BWSR can make decisions on proposed consolidations. Bills have been introduced in the House and Senate. The bill passed the Senate Environment and Energy Committee on 3/9/13 but has not yet been scheduled for a House hearing.

Other Legislative Initiatives

BWSR also is tracking several non-agency initiatives:

- RIM Bonding Proposal (HF 615/SF 705). This bill would provide $30M to BWSR for RIM conservation easements.
- Hennepin County HCD (HF 1028/SF 468). Hennepin county soil and water conservation district discontinuance.
- Clean Water Legacy Accountability (HF 1122/SF 1192). Directs BWSR to prepare a biennial non-point funding plan.
- Update of Public Drainage Manual (HF 971). Provides funding to update the MN Public Drainage Manual.
- Frac Sand Proposals (Various). Some of these proposals provide funding to BWSR for wellhead protection.
- Property Tax Valuation for Conservation Easements (HF 1161/ SF 1012). Prohibits consideration of the conservation easement when calculating property tax.

Other Hearing Activity

- BWSR has presented its budget overview for both General Fund and Clean Water Fund in the House and Senate Environment Finance committees.
- BWSR participated with MPCA on two Clean Water informational hearings in the House Legacy Committee and Senate Environment and Energy Policy Committee.
- Overview of the RIM easement program presented to the House Capital Investment Committee.
- BWSR staff presented an overview of the Wetlands Policy Executive Order report to the House Environment and Natural Resource Policy Committee.

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Minnesota Board of Water & Soil Resources

BWSR Snapshots

March 2013

Northeast Minnesota flood recovery: Helping one family at a time

By Jen Maleitzke, Communications Director

After bailing out water from his basement and watching a waterfall form in his backyard, Jamie Juenemann thought he'd seen the worst of the 2012 June storms in northeast Minnesota. That was until he and his family attempted to drive into Two Harbors, only to find out that half-way down their one mile driveway, their bridge over the Little Stewart River was in disrepair and virtually impassable.

"There was water about four feet below the bridge's beams and we lost about three feet of rock and gravel under the bridge," Juenemann said. "It took two days to realize the full extent of the damage and we quickly knew it was not safe to drive over the bridge."

Since the bridge provides the sole access the home, the Juenemann family had to hike or bike a half mile each way to get home after the flood.

More than three feet of rock and gravel washed away during flood.

Juenemann learned that the cost estimates to replace the bridge was well beyond their budget. The family dealt with the possibility of not being able to send their eldest daughter, a senior in high school, to college.

"The situation put a tremendous amount of stress on us," Juenemann said. "It took a while for the funding to fall into place."

With a project cost of nearly $120,000, the Juenemanns secured a loan from the U.S. Small Business Administration (SBA), but still needed additional financial support. They reached out to the Lake County Soil and Water Conservation District (SWCD).

"Everyone we worked with at the Lake County SWCD was great," Juenemann said. "They were really reassuring and provided the support and resources we needed to get the project going and completed before winter."

The Juenemanns saved on project costs by working on the bridge themselves.

Starting the project the first week of November, it took two full months until completion. The new bridge was designed and constructed to accommodate stream hydrology and natural channel design, including bankfull benches.

"We finished the project on December 31 and celebrated with a champagne toast," Juenemann said. "Jennifer [Thiemann, Lake SWCD District Manager] and the Lake SWCD Board made everything so much easier and we are grateful for the support."

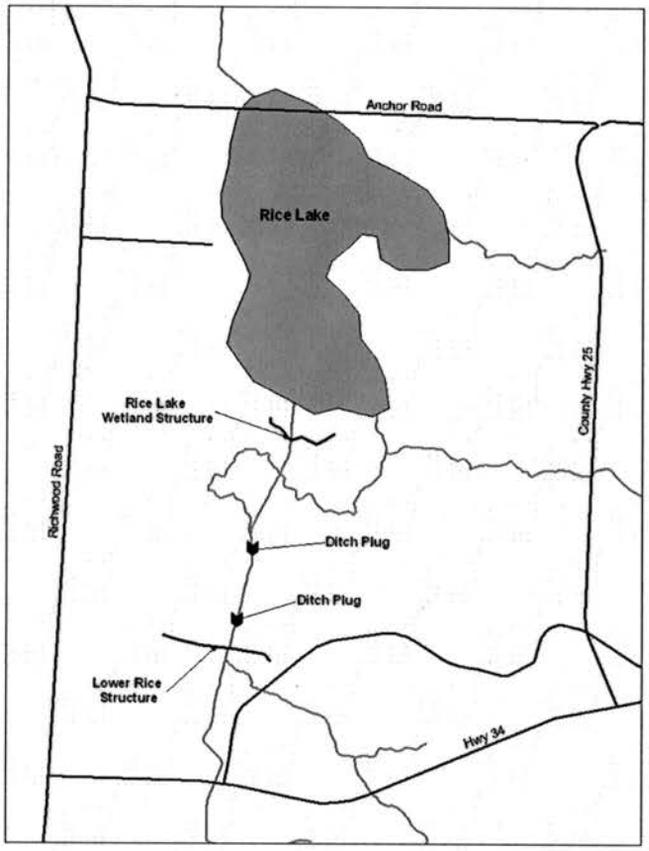
In addition to destroying the bridge, the storms created changes in the stream channel, ruining a highly-prized steelhead habitat. The Lake SWCD will conduct a stream channel restoration project over the new two years to rebuild the habitat. Vegetation around the bridge will be restored during the 2013 growing season, and come fall, Juenemann's daughter will be off to college.

Rice Lake nutrient reduction and habitat improvement

By Chad Severts, Board Conservationist

The Pelican River Watershed District (PRWD) initiated the *Nutrient Reductions to Detroit Lake Project* in 2003. From its monitoring program, the District identified the upstream ditched Rice Lake wetland as the highest source of phosphorous entering Detroit Lake. The water quality flowing out of the wetland was worse than untreated urban stormwater runoff. The physical and chemical mechanisms which cause the release of nutrients from drained wetlands are complex and had

been studied for more than 10 years in the Rice Lake Area.



Map of project area

The District is jointly working on this project with the Natural Resource Conservation Service (NRCS). The NRCS Small Watershed Assistance Group conducted an in-depth assessment study on the Rice Lake Wetland. From that study, it was determined that restoring the wetland was the most technically feasibly option to improve the water quality of Detroit Lake. Restoring the wetland will increase its size from 434 acres to the pre-ditched size of 896 acres. This project will reduce the total phosphorous (TP) loading to downstream recreational water bodies including Detroit, Sallie and Melissa Lakes by 1,200-1600 kg/yr.

This project is an excellent example of a local watershed district utilizing all the partners and programs needed for a successful project, including:

- The NRCS technical and engineering assistance provided is valued at more than $500,000.
- The BWSR Clean Water Funds grant of $250,000 is assisting with additional engineering costs and the purchase of flowage easements.
- The Lessard-Sams Outdoor Heritage Council (LSOHC) contributed $125,000 to assist with project implementation.
- The NRCS Wetland Reserve Program has utilized $345,000 of funding to help purchase flowage easements.
- The MPCA Clean Water Partnership loan program was also used by the PRWD to obtain flowage easements on property that was not eligible for the Wetland Reserve Program.

At this time, the total project costs have been $2,776,000. NRCS has committed to paying the project construction costs which are estimated to be an additional $1.2 to $2.0 million. The project components include:

- Raise Anchor Road and installation of new culverts,
- Installation of a structure at the outlet of Rice Lake Wetland,
- Installation of 2 ditch plugs between the Rice Lake Wetland Structure and Lower Rice Lake Structure,
- Installation of a structure on Pelican River, north of Sucker Creek (Lower Rice Structure), and
- Replacement of historic outlet's culvert.

The project is expected to be constructed in the upcoming construction season. By reducing the major pollution from the Rice Lake wetland by 50 percent, the PRWD hopes to stabilize or possibly improve the long term water quality trend of Detroit Lake.

From novice to professional: Conservation Corps apprenticeship leads to career position

By Jen Maleitzke, Communications Director

The summer of 2011 was one that Neva Widner will never forget.

As a conservation apprentice at the Carlton County Soil and Water Conservation District (SWCD), Widner performed water quality monitoring and surveyed wetlands, streams and runoff on farms. One of her biggest challenges occurred when a torrential rainstorm in the Nemadji Watershed required immediate response.

Widner takes water quality samples during her summer apprenticeship at Carlton SWCD.

"The rain event really tested my monitoring skills," Widner said. "Within a matter of hours, 5.5 inches of rain fell, and rivers were the highest recorded in the 37 years of historical flow records. I could truly take inventory of my knowledge and skills."

Her apprentice experience at Carlton SWCD directly led to her to a full-time job as a Water Resources Technician in 2012.

As the most experienced conservation leaders are nearing retirement age and walking out the door with the knowledge and experience they've built over decades, university graduates are subsequently walking in the door, knowledgeable in theory, research methods and emerging technologies, but lacking practical on-the-job skills important for success. The Minnesota Conservation Apprentice Academy allows youth and mentors to work side by side to build a solid foundation for the future management of the state's natural resources.

Applications for 2013 Conservation Apprentice Academy are being accepted now through March 29. Apprentices will be placed with SWCDs to conduct water quality monitoring, install conservation practices, conduct site inspections, recruit landowners for conservation projects, assist landowners and SWCD staff with management plans, and much more.

Applicants must be ages 18-25 and be available to work full-time from May 20 – August 23. Statewide positions are available. Detailed program information can be found at the **Conservation Corps website.**

Reflecting on her apprenticeship, Widner said, "The Apprenticeship Academy provided me the opportunity to develop a set of professional skills and network to become competitive in my pursuit of acquiring a conservation position. I view the Apprenticeship Academy as a vital component to the long-term effectiveness of Minnesota SWCD functionality, by providing the apprentice the means to transition from the classroom to the field, and the SWCD the additional affordable staff support."

The Board of Water and Soil Resources manages the Minnesota Conservation Apprentice Academy project with funds appropriated through the Minnesota Environment and Natural Resources Trust Fund. The Conservation Corps serves as the employer and uses these funds to match apprentices with mentor SWCDs, provide a monthly apprentice stipend, check in with mentors and apprentices throughout the summer, and track long-term results.

ENVIRONMENT AND NATURAL RESOURCES TRUST FUND

conservation corps MINNESOTA & IOWA

Wetland Conservation Act enforcement summary
By Dennis Rodacker, Metro Senior Wetland Specialist

The Wetland Conservation Act (WCA) enforcement provision is a challenging, yet important tool necessary to maintain Minnesota's No Net-Loss policy, and to protect wetland functions and values. While these challenges are many, the most difficult are land-use regulation vs. property rights, and the complexities of effective communication.

In a routine WCA enforcement case after a violation becomes noticed, the DNR, the WCA enforcement authority, issues a Cease and Desist Order (CDO). This legal document instructs the landowner to stop working on their project and contact their Local Government Unit (LGU), or Soil and Water Conservation District (SWCD). These people then meet with the landowner and figure out a way to get the project into compliance with the WCA. This can be carried out by restoring the wetland, replacing the lost functions and values, or after the fact permitting. After the project comes into compliance, the SWCD issues a Satisfactory Completion form to the landowner and copies the DNR who then closes the case.

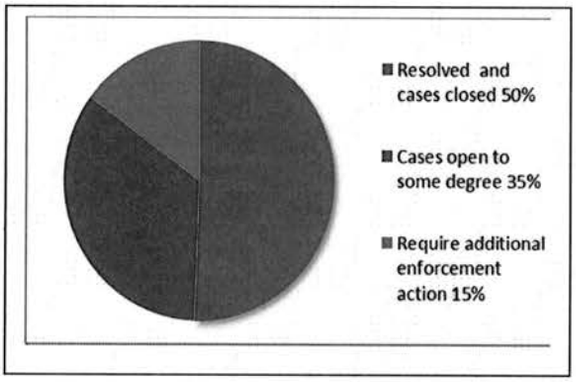
A recent example is a landowner who wanted to put up a new building on their property, but there was a low wet depression in the preferred location. In the process of what the landowner considered improving their property, a large extent of wetland was filled. A DNR Conservation Officer was notified and visited the site.

The officer discovered the project violated the WCA and issued a CDO to the landowner. Subsequently, the LGU and SWCD visited the landowner to figure out a way to do the project while still conforming to the WCA. The solution in this case was to locate the building to a secondary location on the property and remove the fill from the wetland. After this was done, a Satisfactory Completion form was given to the landowner and copied to the DNR who officially closed the case file.

Effective communication is vital to the WCA enforcement process and breakdowns can happen for a number of reasons, which leads to cases staying open far too long. It was because of these breakdowns in communications that there were nearly 300 open WCA violation cases statewide as of late 2012. To remedy this situation in the fall of 2012, BWSR and DNR coordinated a communication project between the DNR, LGUs, and SWCDs to define the status of every open WCA violation case within the state. The goal was to determine what cases were open, and what cases had been resolved so they could be officially closed. It also provided a reminder to LGUs and SWCDs to check in on cases that have stagnated.

With the DNR's assistance, BWSR provided each LGU and SWCD a list of open cases in their respective regions that were issued CDOs but not officially closed. Initial conversations with LGUs and SWCDs resulted in 50 percent of the cases being resolved, just not officially closed. The remaining 50 percent were open to some degree, with 15 percent of those requiring additional enforcement actions to bring resolution, while the remaining 35 percent are working towards resolution in the near future.

As new violations occur, it is imperative that to maintain communication to help partners and landowners through these processes.



BWSR staff, board members participate in Environmental Congress

By Jen Maleitzke, Communications Director

BWSR board members Brian Napstad, Jack Ditmore, Paul Langseth, Keith Mykleseth, Steve Sunderland, agency leadership, and staff John Jaschke and Travis Germundson were among the 350 people who participated in the Environmental Congress on March 15.

Deb Swackhammer and BWSR board member Rebecca Flood talk at the Environmental Congress.

Hosted by the Minnesota Environmental Quality Board, a 14-member committee of citizens and state commissioners, the event focused on Minnesota's Environment and Energy Report Card, a document outlining water, land, air, energy and climate issues. Citizens were invited to participate in choosing the issues within these categories that they found most pressing. Featured speakers included Gov. Mark Dayton, Will Steger and Sen. Amy Klobuchar.

BWSR board members provided some insight about their overall impressions from the event:

- Board members Langseth and Mykleseth agree groundwater is going to be a big issue in the coming years, including the need for data and understanding the relationship between surface and groundwater interactions.
- Board member Ditmore believes it is important for BWSR is the importance of factoring climate change into agency decisions.
- Board member Sunderland sees the need for increased publicity about the state's achievements and programs that are available to the general citizenry.

All of the board members agreed the event was a well-organized meeting with a wide range of groups represented.

Topics from the congress will be compiled into a report to help the Environmental Quality Board and Gov. Mark Dayton set environmental goals for the state.

Minnesota Board of Water & Soil Resources

For Release: Mar. 25, 2013
Contact: Jennifer Maleitzke, 651-215-9008 (office); 651-315-5082 (cell)

BWSR issues another $3.2 million in flood relief grants to City of Duluth and South St. Louis SWCD

NOTE TO THE EDITOR: *The City of Duluth, BWSR and DNR will hold a joint news conference on Tuesday, Mar. 26 at 1:30 p.m. at Duluth City Hall, 4th floor Mayor's Reception Room, to provide additional details.*

St. Paul, Minn.—Less than one month after issuing $2 million in grants to northeast Minnesota for natural resource projects, the Minnesota Board of Water and Soil Resources (BWSR) announced today it will issue an additional $1.7 million to the City of Duluth and $1.5 million to the South St. Louis Soil and Water Conservation District (SWCD).

"Landowners and local communities still have great needs to fix damages caused by last year's storms," John Jaschke, BWSR Executive Director said. "With construction season on the horizon, we want to ensure these projects can start right away this spring to repair properties, to restore damages to the region's rivers and streams and to prevent pollution from entering Lake Superior."

These projects will protect human safety, property and infrastructure, and will also stabilize and protect areas that have already been repaired with city funds or Federal Emergency Management Agency (FEMA) funds.

Some specific projects include:

- Replacing or repairing culverts around Prairie Lake, Artichoke River, Morgan Park, Tischer Creek, Coffee Creek, Miller Creek and Amity Creek
- Replacing or repairing retaining walls around Chester and Tischer Creeks and Lake Superior
- Stabilizing slopes, gullies and shoreline around Lake Superior
- Stabilizing severe bank erosion around Chester Creek and the Chester Park hiking trails
- Stabilizing exposed banks around Coffee and Miller Creeks near Enger Park Public Golf Course, Miller Creek Disc Golf Course and Western Lake Superior Sanitary District sewer line

In addition to the BWSR funding, the Minnesota Department of Natural Resources (DNR) will award an initial $650,000 grant to the City of Duluth for debris and sediment removal projects in fourteen trout streams. It is anticipated that additional DNR funding for these purposes will be provided to the city as other projects develop.

Previously, the City of Duluth received a grant from the DNR totaling $2.4 million for acquisition and removal of 21 flood-damaged structures and property. Another $555,000 was awarded by DNR to three other communities affected by flooding for acquiring an additional ten flood damaged structures.

Recommendations for this funding was provided by the MN Recovers Task Force, a team of federal, state and local agencies working together to prioritize and coordinate disaster recovery efforts by its member agencies.

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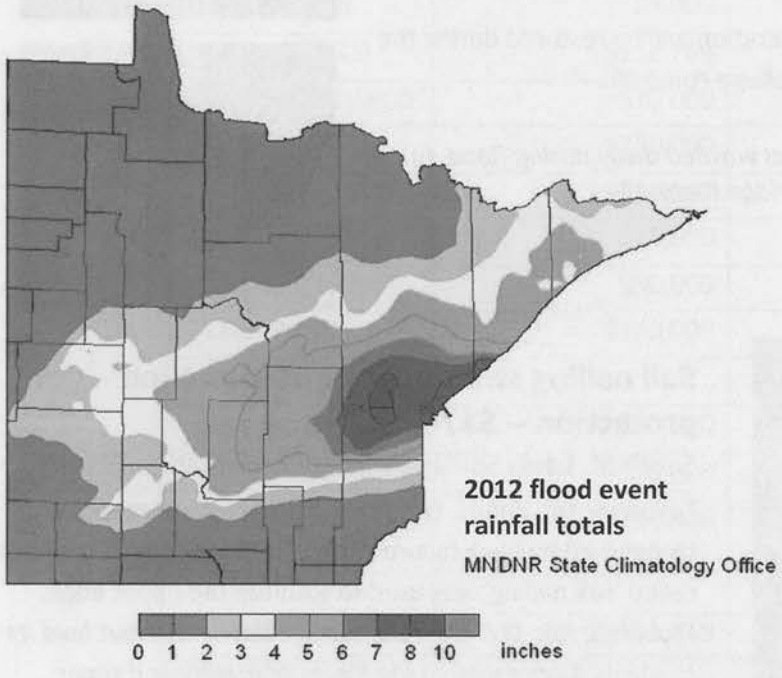
Minnesota Board of Water & Soil Resources

June 2012 flood recovery effort

Progress to date in Northeast Minnesota

March 2013

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. Counties and tribal lands included in the declaration were: Aitkin, Carlton, Cass, Cook, Crow Wing, Dakota, Goodhue, Itasca, Kandiyohi, Lake, Meeker, Pine, Rice, Sibley, St. Louis, and the Fond du Lac Band of Lake Superior Chippewa, Grand Portage Band of Lake Superior Chippewa, and the Mille Lacs Band of Ojibwe.



"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 June 19-20, 2012, when the Duluth National Weather Service reported total rainfall of 7.24 inches. Just northeast of Duluth, the National Weather Service reported 10.10 total inches; Two Harbors received 9.93 inches of rain.

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 closed through June 21 between Duluth and Two Harbors. Road closures were also commonplace in Itasca, Aitkin, Carlton, Southern Lake, and Southern St. Louis counties.

The state's response

On Friday, Aug. 24, 2012, Governor Mark Dayton signed a $167 million disaster relief bill passed earlier in the day by a Special Session of the Minnesota State Legislature. To assist in flood recovery efforts, the Board of Water and Soil Resources (BWSR) received $11 million to implement erosion, sediment control and water quality protection projects and $1.5 million to purchase Reinvest in Minnesota (RIM) conservation easements.

Within two weeks of the appropriation, BWSR executed grant agreements and allocated more than $1 million to eleven soil and water conservation districts (SWCDs) to address emergency flood situations for erosion, sediment and water quality control projects based on preliminary damage assessments and requests from SWCDs. Three projects examples from this emergency funding are highlighted on the next page of this fact sheet.

Phase I: Tackling emergency flood situations

Total phase I allocations to 11 SWCDs: $1,111,769

Little Stewart River Bridge -- $119,672

Lake County Soil and Water Conservation District

This project involved replacing a privately-owned bridge over the Little Stewart River, a trout stream tributary to Lake Superior, near Two Harbors, Minnesota. The previous timber bridge was damaged beyond repair and the bed of the stream was severely altered during the flood. Unfortunately, the bridge was the only way to access the family's home, and they had to hike or bike ½ mile each way to get home after the flood. The cost estimate to replace the bridge was well beyond their budget. Because of the added strain for flood-related costs, the family dealt with possibly not being able to send their eldest daughter, a senior in high school, to college. With funding support from Lake SWCD, the new bridge was completed on December 31, 2012; vegetation will be restored during the 2013 growing season, and the daughter will be off to college come fall.

From top: (pic 1) More than three feet of rock and gravel washed away during flood, (pic 2) landowners saved on project costs by working on the bridge themselves.

Soil nailing streambank and shoreline protection -- $174,860

South St. Louis Soil and Water Conservation District

Following the floods, two private homes were severely threatened by bank failure above Chester Creek. A technique called 'soil nailing' was used to stabilize the upper edge.
From left: (pic 1) A retaining wall could do little but hold its shape as it gave way to the forces of gravity and super-saturation, (pic 2) The bench below the wall has been 'hydro-seeded', to begin the re-vegetation process.

Anderson Dairy Farm manure pit -- $6,504

Carlton County Soil and Water Conservation District

As Moose Lake residents experienced 30 inches of rain in 30 days, the Anderson Dairy Farm two-million gallon manure pit filled up months before schedule, to within one-foot of the top *(pictured at right)*. Filled beyond capacity, the pit threatened to overflow into a nearby ditch that drains to the Kettle River. Flood relief funds helped to pay for pumping out the pit and spreading the manure on 80 acres of crop fields, according to the Natural Resources Conservation Service crop nutrient management plan.

Minnesota Board of Water & Soil Resources

2012 flood relief allocations: Status report

March 2013

2012 First Special Session, H.F. No.1, Chapter No. 1

	Subd. 3. Erosion, Sediment, and Water Quality Control Cost-Share Program			
Appropriation				**$11,000,000**
	Phase 1 Emergency Allocations *September 2012*	**Phase 2 SWCD Allocations** *February 2013*	**Phase 2-B Allocations** *March 2013*	**Phase 3: TBD**
Aitkin SWCD	$8,000	$246,755		*The next round of allocations is dependent upon federal funding decisions through FEMA and USDA, including: Emergency Watershed Protection Program, Environmental Quality Incentives Program and Emergency Conservation Program.*
Carlton SWCD	$118,769			
Crow Wing SWCD	$10,000			
Dakota SWCD	$250,000	$125,000		
Goodhue SWCD	$50,000	$381,956		
Itasca SWCD	$25,000			
Kandiyohi SWCD	$50,000			
Lake SWCD	$250,000	$367,233		
Pine SWCD		$240,000		
Rice SWCD	$50,000	$277,951		
Sibley SWCD	$50,000			
South St. Louis SWCD	$250,000	$1,938,403	$1,561,175	
City of Duluth			$1,727,419	
Total Allocations:	**$1,111,769**	**$3,577,298**	**$3,288,594**	**$7,977,661**
Allocation balance				**$3,022,339**

Total need estimate (projects and agency implementation)		**$22,074,891**
Current estimated shortfall*		**($11,074,891)**
Available for transfer		**$0**

**Current estimated shortfall may be offset by USDA EQIP, EWP, and ECP allocations yet to be approved.*

Subd. 2. Reinvest in Minnesota (RIM) Conservation Easements	
Appropriation	**$1,500,000**
Approximate remaining unfunded projects and agency implementation costs**	**$1,500,000**
Available for transfer	**$0**

***RIM sign-up period concluded March 15, 2013. Funds are pre-encumbered anticipating full appropriation use.*

Phase II: Repairing private and public property

Total phase II allocations to 7 SWCDs and City of Duluth: $6,865,892

Following BWSR's emergency allocations, local government units applied through the Minnesota Recovers Task Force (MRTF) process for additional flood response project funds and RIM funds. The Minnesota Recovers Task Force ensures applicants meet the eligibility criteria to receive state assistance funds and coordinate eligible funding sources. After assessing need, determining eligible projects, and working with partners on funding sources, phase II funding will tackle ready-to-go projects to help landowners fix their properties. Allocations in phase II will provide grants for more than 175 projects, all managed by local governments. Three project examples are highlighted below.

Lake Superior shoreline repair -- $500,000

South St. Louis Soil and Water Conservation District

Two homes overlooking Lake Superior are facing an emergency bank erosion situation. Engineers are designing a solution, which could include a retaining wall that is pinned to the bedrock. The project will begin spring 2013

Landslide stabilization near Jay Cooke State Park -- $7,644

Carlton County Soil and Water Conservation District

Eleven landslides totaling three acres on steep, forested slopes will be addressed in this stabilization project east of Wrenshall *(pictured at right)*. The project includes planting 225 pounds of native grasses and forbes, and 1600 native tree seedlings in spring of 2013. The Carlton SWCD will partner with the Conservation Corps of Minnesota and Iowa to carry out the project.

City of Silver Bay municipal golf course streambank stabilization -- $20,000

Lake County Soil and Water Conservation District

The Silver Bay Golf Course had damage to several bridged river crossings for golf cart and maintenance vehicles and extensive debris accumulation following the storms *(pictured at left)*. While the City repaired these issues immediately, much of the damage could be attributed to an eroding streambank. The streambank is forested, but the undercutting erosion caused several trees and a large sediment load to damage downstream infrastructure. This project will stabilize approximately 100 feet of this streambank to minimize erosion and prevent future flood damage.

Conservation that works: projects outlast floods

In most circumstances, conservation planning and design is not done for the most extreme weather conditions possible. However, many recent conservation projects that were installed withstood the 2012 floods, which was considered a 500-year event.

Knife River streambank stabilization

Lake and South St. Louis Soil and Water Conservation Districts

The Knife River is a trout stream and listed as impaired with a total maximum daily load (TMDL) for turbidity. This project used natural channel design to stabilize a section of eroding streambank on private property. The design used all natural materials—tree trunks, root wads, brush, clay, fine soil, and sod mats of willow, dogwood, and alder. Less than one year after installation, the project was tested during the June 2012 flood (a "500-year storm"), and successfully protected the streambank with no slumping or major erosion. Based on the proven success of this $18,000 project, Lake SWCD will use natural channel stabilization methods at other sites along the Knife River to continue to address the TMDL for turbidity.

From left: (pic 1) Bank failure on Knife River prior to project, (pic 2) project construction, (pic 3) project withstands 2012 floods.

Skunk Creek Flood Mitigation Project

Lake Soil and Water Conservation District

From top: Before and after pictures at Skunk Creek.

Skunk Creek is the main waterway through Two Harbors, Minnesota, travelling almost three miles through upland forests and urban development before emptying into Lake Superior. In 2010, Skunk Creek was listed as an impaired water for turbidity. Skunk Creek has a history of flooding dating back to the early 1900s after the area was transformed by the railroad and logging industry. Stormwater problems have included water pollution, flooding, public roadway damage, property damage, stream bank erosion, and public safety. Following the "4th of July Storm" in 1999, the community of Two Harbors developed and implemented a strategic Storm Water Management Plan with the assistance of the Lake SWCD and numerous additional partners and funding sources. The project included construction of three stormwater detention basins designed to accommodate the 500-year storm event, construction of a rain garden at the Lake County Courthouse and stabilization of several hundred feet of streambank. Flood mitigation practices installed through this project proved successful during the June 19-20, 2012 flood. Despite the extensive damage in nearby Duluth, damage to public infrastructure and private property in Two Harbors was minimal. The initial investment of $350,000 has been estimated to have saved the city "millions" in potential flood damages in 2012.

Minnesota Board of Water & Soil Resources

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Drainage Work Group Report
for March 27, 2012 BWSR Board Meeting
by Al Kean, BWSR Chief Engineer and DWG Facilitator

- HF66 / SF113, which carried the 2012 DWG Consensus Recommendations to further update Chapter 103E Drainage Law, passed the House and Senate unanimously and the bill was signed by Governor Dayton earlier this month. These statute revisions will become effective August 1, 2013. Rep. Rick Hansen was the chief author in the House and Senator Dan Sparks the chief author in the Senate.
- The DWG will meet next on Friday, April 5, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building in Eagan. Topics of discussion will include the status of other bills at the Legislature involving drainage, including:
    - HF 1021, which proposes to exempt minor ditch repairs from the MN Environmental Rights Act (Chapter 116B).
    - HF 949 / SF 1496, which proposes to require DNR to participate in drainage projects involving Consolidated Conservation lands.
    - HF 971 / SF 1244, which proposes to appropriate $235,000 of Clean Water Funds to BWSR to update the Minnesota Public Drainage Manual.
    - An update and discussion regarding Corps of Engineers Regional General Permit No. 2, which involves certain drainage actions.
    - A status report regarding an LCCMR project investigating the potential for runoff based drainage system assessments.
    - A status report regarding a Section 319 project investigating the design and benefits of Side Inlet Controls.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 22, 2013

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Sandy Hooker, Tom Landwehr, DNR; Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, UME; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Christy Jo Fogarty

STAFF PRESENT:
Mary Jo Anderson, Jim Haertel, John Jaschke, Tim Koehler, Bill Penning, Polly Remick, Jared Schmitz, Doug Thomas, Tom Wenzel, Brad Wozney, Elizabeth Zuehlke

OTHERS:
Bob Patton and Jeff Smyser, EQB
Ray Bohn, MAWD
Myron Taylor, NRCS

CALL MEETING TO ORDER - Chair Napstad called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

** 13-27 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Chris Elvrum, to adopt the agenda as presented. ***Motion passed on a voice vote.***

MINUTES OF MARCH 27, 2013 BOARD MEETING – Jack Ditmore requested the minutes of March 27, 2013 reflect his opposition to the Big Stone County Comprehensive Local Water Management Plan Extension, Resolution #13-19; his opposition to Blue Earth County Comprehensive Local Water Management Plan Extension, Resolution #13-20; his opposition to Chippewa County Comprehensive Local Water Management Plan Extension, Resolution #13-21; his opposition to Lac qui Parle County Comprehensive Local Water Management Plan Extension, Resolution #13-22; and his opposition to Swift County Comprehensive Local Water Management Plan Extension, Resolution #13-23.

** 13-28 Moved by Keith Mykleseth, seconded by Sandy Hooker, to approve the minutes of March 27, 2013 as amended. ***Motion passed on a voice vote.***

INTRODUCTION OF NEW BWSR EMPLOYEES
Chair Napstad welcomed new BWSR staff.

- Doug Thomas, Senior Policy & Program Advisor, was introduced by John Jaschke.
- Bill Penning, Conservation Easement Section Manager, was introduced by John Jaschke.
- Elizabeth Zuehlke, Accounting Officer, was introduced by John Jaschke.
- Jared Schmitz, Engineering Technician, was introduced by Tom Wenzel.

REPORTS
Chair's Report – Brian Napstad reported that he and Vice-Chair Gerald Van Amburg conducted the executive director's performance evaluation. Chair Napstad reported that John Jaschke requested a more advanced appraisal using a 360 review process which included evaluations by various BWSR staff, LGUs, and clientele. Chair Napstad reported that John's performance evaluation was positive, ranging from very good to outstanding. The 360 review assessment valued John's exceptional skills in leadership, and the agency is proud to have a strong leader at BWSR.

Chair Napstad reported that he attended the RIM Reserve Management Planning Committee meeting on May 21st, and was impressed with the level of thoroughness, procedures, policies, and great committee structure at BWSR. Chair Napstad reported

that Kevin Lines attended the Committee meeting as a citizen; he's cancer free and is doing well.

Chair Napstad attended the EQB meeting. EQB has enlisted staff from the Governor's Institute on Community Design (GICD) to facilitate future meetings to develop policy as an outcome of the Minnesota Environment and Energy Report Card. Tom Landwehr stated that the GICD will meet with the EQB in June to discuss recommendations on environment, land, water, air, and energy.

Chair Napstad reported that EQB discussed the challenges faced by the U.S. Army Corps of Engineers navigating the river bend in the Hastings area due to silt and sedimentation problems. Dakota County and DNR are discussing dredge, drainage, and channelization concerns and may involve BWSR in the future regarding watershed issues.

Chair Napstad commented on the great information that GIS can provide at a local level, projects funded by BWSR through the challenge grant process. The Northern Water Planning Committee meets next month to review the Crow Wing County Water Plan.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC did not meet this month.

Executive Director's Report – John Jaschke reported that Governor Dayton made appointments to BWSR. Tom Loveall and Christy Jo Fogarty were reappointed to terms expiring January 2017. Two new appointments were announced, effective May 23, 2013: Tom Schulz will replace Bob Burandt, representing SWCDs; and Judy Ohly will replace John Meyer as a citizen member. John Jaschke will provide an orientation for new board members. Chair Napstad stated that he and John will review BWSR committees; he asked board members having specific interest on a committee to let him know.

Keith Mykleseth reported that he has been hired as the DNR Ecological & Water Resources Assistant Manager in Bemidji. Keith will be moving from Crookston to Bemidji and will no longer be a non-metro city representative on the BWSR Board. Keith stated that he has enjoyed serving on the Board, his last official BWSR Board meeting is June 26. John Jaschke congratulated Keith on his new position at DNR.

John reported that the One Watershed One Plan (1W1P) is being developed. A Board workshop will be held to assist in shaping the plan into the future; if board members have suggestions let him know.

John reviewed information in board members' packets. John stated that BWSR will be sending its monthly newsletter "BWSR Snapshots" electronically to local partners publishing conservation stories from around the state. John briefly reported on the PRAP assistance grant. John stated that the newly revised 'Conflict of Interest Disclosure Form' for board members will be utilized at the June Board meeting.

Dispute Resolution Committee – Travis Germundson provided a brief status report on appeals. Travis stated that a training session will be held when new board member appointments are completed and committee assignments have been made.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee met last night;, four issues will be brought before the Board in the future: 1) Memo of Understanding with BWSR and NRCS will come before the Board in June; 2) meetings will be held regarding wetland mitigation in northeast Minnesota, replacement credits for wetlands; 3) report on mitigation in lieu fee, and; 4) report on Executive Order 12-04 implementation work plan.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee will meet today immediately following the Board meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Committee has not met; their next meeting will be June 23.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee met yesterday, the Committee has a recommendation on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on April 5, 2013. Tom distributed a written report and provided an overview of issues discussed at the Drainage Work Group meeting. John stated that a policy presentation will be provided to board members in the near future. Discussion followed. John reported that the Drainage Work Group recommended a number of updates to the drainage law, House File 66 (HF66). The bill passed both the Senate and the House unanimously and was signed by Governor Dayton. John stated that a summary will be provided to board members; the bill summary, now law is on the BWSR website.

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
Mississippi WMO Plan 2013 Amendment – Bob Burandt reported that the final draft 2013 amendment to the Mississippi WMO Watershed Management Plan was filed with the Board on March 13, 2013. The draft Order contains a summary of the changes and

the reviewing agencies' comments. No comments were received during the public hearing. The Metro Water Planning Committee recommends approval of the Plan
** amendment. Moved by Faye Sleeper, seconded by Joe Collins, to approve the
13-29 Mississippi WMO Watershed Management Plan. ***Motion passed on a voice vote.***

Northern Water Planning Committee

Beltrami County Comprehensive Local Water Plan (CLWP) Extension Request – Gerald Van Amburg reported that Beltrami County has a Comprehensive Local Water Management Plan that will expire May 28, 2013. On March 19, 2013, the Board received a request for an extension of the Plan from Beltrami County. On March 27, 2013, the Northern Water Planning Committee met to discuss the extension request. The Committee recommends approval of the Beltrami County extension request.
** Moved by Gerald Van Amburg, seconded by Keith Mykleseth, to approve the Beltrami
13-30 County Comprehensive Local Water Plan. ***Motion passed on a voice vote, with at least one dissenting vote (Jack Ditmore).***

Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change – Keith Mykleseth reported that the Lake of the Woods County SWCD approved a Nomination Districts Resolution on March 14, 2013, which proposed to change nomination districts for the Lake of the Woods County SWCD supervisor seats. The proposed Nomination Districts will align the Districts with the recently revised County Commissioner Districts. The Northern Water Planning Committee met on March 27, 2013, and unanimously recommends approval of the Lake of the Woods County
** SWCD Nomination Districts Resolution. Moved by Keith Mykleseth, seconded by Gerald
13-31 Van Amburg to approve the Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change. ***Motion passed on a voice vote.***

Marshall County SWCD Supervisor Nomination Districts Boundary Change – Gene Tiedemann reported that the Marshall County SWCD approved a Nomination Districts Resolution on December 20, 2012, which proposed to change nomination districts for the Marshall County SWCD supervisor seats. The proposed Nomination Districts will provide consistent and equal distribution of township representation in the County. The Northern Water Planning Committee met on March 27, 2013, and unanimously recommends approval of the Marshall County SWCD Nomination Districts
** Resolution. Moved by Gene Tiedemann, seconded by Sandy Hooker, to approve the
13-32 Marshall County SWCD Supervisor Nomination Districts Boundary Change. ***Motion passed on a voice vote.***

Southern Water Planning Committee

Kandiyohi County Local Water Management Plan Update – Paul Langseth reported that on January 22, 2013, the Board received the Kandiyohi County Local Water

Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of Kandiyohi County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3, which speaks to measureable goals, objectives and actions. The Plan Update was sent back to Kandiyohi County to address the concern. On May 2, 2013, the Committee met to review the revised Plan Update
** submitted by Kandiyohi County. The Committee recommends approval. Moved by Paul
13-33 Langseth, seconded by Chris Elvrum, to approve the Kandiyohi County Local Water Management Plan 2013-2023. Discussion followed. ***Motion passed on a voice vote.***

McLeod County Local Water Management Plan Update – Paul Langseth reported that on December 28, 2012, the Board received the McLeod County Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of McLeod County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3. The Plan Update was sent back to McLeod County to address the concern. On May 2, 2013, the Committee met to review the revised Plan
** Update submitted by McLeod County. The Committee recommends approval. Moved
13-34 by Paul Langseth, seconded by Steve Sunderland, to approve the McLeod County Local Water Management Plan 2013-2023. Discussion followed. ***Motion passed on a voice vote.***

Meeker County Local Water Management Plan Update – Paul Langseth reported that on January 7, 2013, the Board received the Meeker County Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of Meeker County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3. The Plan Update was sent back to Meeker County to address the concern. On May 2, 2013, the Committee met to review the revised Plan
** Update submitted by Meeker County. The Committee recommends approval. Moved
13-35 by Paul Langseth, seconded by Tom Loveall, to approve the Meeker County Local Water Management Plan 2013-2023. ***Motion passed on a voice vote.***

Chair Napstad called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:52 a.m.

RIM Reserve Management Planning Committee

2013 RIM-WRP Partnership Rates – Bill Penning introduced Myron Taylor, newly appointed Assistant State Conservationist for Programs at NRCS. Bill reported that the RIM Reserve Management Planning Committee (RRMPC) recommends approval to authorize the 2013 RIM-WRP Partnership easement payment rates. Board Resolution 13-25, approved March 27, 2013, directed staff to develop RIM-WRP Partnership eligibility and sign-up procedures. Myron provided an update on NRCS WRP appropriation acres, training scheduled in June; NRCS looks forward to continued partnership with BWSR. Bill reported that 2013 RIM-WRP payment rate determination is based on a 15% annual average increase for tillable land over the most recent two year period available via the MN Land Economics website. Bill stated that there are three rates: the rate date; the publication date; and the sales year date. Discussion followed.

** Moved by Gene Tiedemann, seconded by Matt Wohlman, to authorize staff to:

13-36 Establish RIM-WRP Partnership payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors:

1. The township land values as established by the Department of Revenue and posted on the University of Minnesota land Economics website shall be used as the basis for determining the 2013 payment rates;
2. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro counties due to a limited number of tillable land acres, and values that are influenced by development potential;
3. The payment rate maximum for the other five Twin Cities metro counties (Anoka, Carver, Dakota, Scott and Washington) will not exceed the average Scott County rate to more accurately reflect tillable values.

Motion passed on a voice vote.

NEW BUSINESS

Legislative Update – John Jaschke and agency members Matt Wohlman, MDA; Tom Landwehr, DNR; Faye Sleeper, UME; Chris Elvrum, MDH; and Rebecca Flood, PCA; provided a summary of legislative decisions affecting their programs and responsibilities. Discussion followed.

Environmental Quality Board (EQB) Frac Sand Summary and Status – Bob Patton, EQB Executive Director, explained the roles of the EQB and the agencies involvement. Jeff Smyser, EQB staff, provided an overview of past and future actions related to frac sand mining and the Report on Silica Sand in Minnesota. Discussion followed. Chair Napstad thanked Bob and Jeff for their report.

AGENCY REPORTS

University of Minnesota Extension – Faye Sleeper reported on the University of Minnesota Extensions' new partnership with SWCDs. Staff and supervisors are able to sign-on to webinars at over 50 locations, meeting on various topics; an effective education tool through local models and the University of Minnesota.

ADVISORY COMMENTS

Minnesota Association of Townships – Sandy Hooker reported that the 2013 Legislative Session was good to townships.

Minnesota Association of Watershed Districts – Ray Bohn complimented BWSR, DNR, MDA, MDH, and PCA on their effectiveness of working together during the legislative session. MAWD legislative key issues included: drainage; conservation easements; sales tax exemption for cities and counties. MAWD looks forward to working with Doug Thomas on 1W1P. MAWD is working with the Drainage Work Group. MAWD Summer tour will be held June 20-21 in New Ulm, focus on MN River Basin; Ray encouraged board member attendance.

UPCOMING MEETINGS

- Grants Program and Policy Committee meeting today immediately following Board meeting
- Next BWSR Board Meeting – June 26, 2013

** 13-37 Moved by Rebecca Flood, seconded by Sandy Hooker, to adjourn the meeting at 1:00 PM. ***Motion passed on a voice vote.***

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 27, 2013

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, Donna Caughey, Jim Haertel, John Jaschke, Al Kean, Tim Koehler, Ron Shelito, Sarah Strommen, Steve Weirens, Marcey Westrick, Steve Woods

OTHERS:
LeAnn Buck, MASWCD
Gaylen Reetz, MPCA
Doug Wetzstein, MPCA
Joel Curran, NRCS

DRAFT

CALL MEETING TO ORDER - Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 13-10 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Sandy Hooker to adopt the agenda as presented. *Motion passed on a voice vote.*

** 13-11 **MINUTES OF JANUARY 27, 2013 BOARD MEETING** – Moved by Matt Wohlman, seconded by Jack Ditmore, to approve the minutes of January 27, 2013, as circulated. *Motion passed on a voice vote.*

REPORTS

Chair's Report – Brian Napstad reported on the Environmental Congress hosted by the Environmental Quality Board (EQB) on March 15 at the Ramada Inn in Bloomington. Chair Napstad reported that Governor Dayton welcomed nearly 400 participants with great participation from BWSR staff and board members. Featured speakers included Will Steger, Senator Amy Klobuchar, and young college students presented their perspectives on the environment. The Environmental Congress focused on Minnesota's Environment and Energy Report Card. EQB will compile and prioritize guidance topics from the Environmental Congress to assist the Governor in setting environmental goals for the State. Chair Napstad stated that this is a continued work in progress, he will keep the Board updated.

Chair Napstad reported that he attended the EQB meeting on February 21, discussion included the request for a bible camp in Itasca County. The EQB declined to re-designate the RGU and orders Itasca County complete the environmental review.

Chair Napstad reported that the EQB has a whitepaper regarding the silica sand report, more information is available on EQB's website. EQB received a request by Freeborn County in conjunction with Houston and Fillmore Counties, regarding silica sand mines, requesting re-designation of Responsible Governmental Unit (RGU) for environmental review. EQB data and information for EIS is beyond the county level, to be designated to state agency level, RGU re-designated to EQB to do EIS. Chair Napstad reported that he attended a legislative hearing on silica sand mining. Discussion followed.

Chair Napstad reported that he attended the AMC legislative conference on March 21, in St. Paul, he appreciated all those in attendance including John Jaschke and Sarah Strommen.

Chair Napstad reported that the Administrative Advisory Committee (AAC) met this morning. The AAC decided to cancel the April 24th BWSR Board meeting as agenda items will be covered at the March and May meetings.

Administrative Advisory Committee – Chair Napstad thanked board members for reviewing John's performance evaluation. In addition to board members review, a 360 evaluation process is being conducted by 45 people (staff, LGUs), soliciting feedback to supplement John's performance review. Chair Napstad expects to report on the executive director's performance review at the May Board meeting. Chair Napstad reported that the Governor's Appointments Office has not yet made new board members appointments. Chair Napstad reported that the BWSR Board tour will be in Two Harbors, August 28, hosted by Lake County.

Executive Director's Report – John Jaschke reported that the Legislature is in recess for Easter break this week, they will reconvene on April 2. John reported that MAWD held their Legislative Day at the Capitol on March 14; and MASWCD held their Legislative Day at the Capitol on February 26.

John reported that the Red River Valley anticipates flooding this spring. John reported that BWSR, DNR, and the City of Duluth held a joint news conference in Duluth on March 26 regarding BWSR's $3.2 million flood relief grants to the City of Duluth and South St. Louis SWCD. Landowners and local communities still have great needs to fix damages caused by last year's storms. In addition to BWSR funding, DNR will award $650,000 grant to the City of Duluth for debris and sediment removal projects in fourteen trout streams.

John distributed a summary report of the June 2012 flood recovery effort progress to date in northeast Minnesota. John stated that federal funding is needed before allocations can be made on the highest level priority projects. John stated that it's good to see conservation projects in Lake County and St. Louis County that withstood the 2012 floods.

John reviewed information in board members' packets. John provided a brief report on the only active PRAP assistance grant to Pope SWCD, for contracting services for organizational strategic planning, staff realignment, and partnerships.

Dispute Resolution Committee – John Jaschke reported that Travis Germundson is on vacation this week; John provided a brief status report on the appeals.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee has not met; a meeting is tentatively scheduled for April 24.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee meeting is tentatively scheduled for April 24 – notice of date will be sent next week.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee has a meeting tentatively scheduled for April 24; topics of discussion will be communications and outreach.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee met yesterday, the Committee has a recommendation on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group has not met since December. Al Kean reported that several bills were introduced this legislative session. HF66/SF113, which carried the 2012 DWG consensus recommendations to further update Chapter 103E Drainage Law, passed the House and Senate unanimously, the bill was signed by Governor Dayton, the statute revisions become effective August 1, 2013. Al provided a brief update on HF1021, which proposes to exempt minor ditch repairs from the MN Environmental Rights Act (Chapter 116B); HF949/SF1496 which proposes to require DNR to participate in drainage projects involving Consolidated Conservation lands; and HF971/SF1244, which proposes

to appropriate $235,000 of Clean Water Funds to BWSR to update the Minnesota Public Drainage Manual. The next meeting of the Drainage Work Group is April 5, 2013. Commissioner Tom Landwehr stated that DNR requests time to be on the DWG agenda to discuss the controversial issue of concon lands. Discussion followed. Chair Napstad thanked Al and Tom for their report.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Shingle Creek & West Mississippi Watershed Management Commissions' Plan Revision - Jim Haertel reported that this is a unique Watershed Management Plan compared to others in the metro area because two separate, politically distinct organizations share the same plan, yet have unique implementation programs tailored to each. The Shingle Creek and West Mississippi Watershed Management Organizations were formally established via joint powers agreements in 1984 under the Metropolitan Surface Water Management Act of 1982. The Watershed Management Plan final draft was filed with the Board on January 17, 2013. The attached draft Order contains a summary of the plan, planning process, and the reviewing agencies' comments. The Commissions offered stakeholders and state agencies ample opportunities to provide input via an effective Technical Advisory Committee input process, city advisory committee meetings, an online survey, and releasing an informal draft for review. Few comments were received during the formal review process and at the public hearings resulting in relatively minor changes to the Plan. The Metro Water Planning Committee met on March 7, 2013, and was presented a history of the District, the planning process, and highlights of the implementation section of the revised Plan. After review of the information, the Committee
** unanimously voted to recommend approval of the Plan. Moved by Bob Burandt, seconded by
13-12 Sandy Hooker, to approve the Shingle Creek & West Mississippi Watershed Management Commissions' Plan Revision. *Motion passed on a voice vote.*

Southern Water Planning Committee

Jackson County Local Water Management Plan Amendment – Paul Langseth reported that BWSR approved the Jackson County 2008 - 2018 Comprehensive Local Water Management Plan (Plan) on March 26, 2008. The Board Order required Jackson County to update the Plan's implementation section by March 26, 2013. Jackson County followed the amendment process guidelines established by the Board and submitted their 2013 - 2018 Local Water Management Plan Amendment on February 6, 2013. The Southern Water Planning Committee met on March 7, 2013 and recommends approval of the Jackson County 2013 - 2018 Local
** Water Management Plan Amendment. Moved by Paul Langseth, seconded by Sandy Hooker, to
13-13 approve the Jackson County Local Water Management Plan Amendment. *Motion passed on a voice vote.*

Big Stone County Priority Concerns Scoping Document – Paul Langseth reported that Big Stone County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Big Stone County on March 7, 2013, to discuss the content of the PCSD; state agency review comments on the
** PCSD; and recommends approval of the Big Stone County PCSD. Moved by Paul Langseth,
13-14 seconded by Chris Elvrum, to approve the Big Stone County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

Chippewa County Priority Concerns Scoping Document – Paul Langseth reported that Chippewa County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Chippewa County on March 7, 2013, and recommends approval of the Chippewa County PCSD. The state's expectations for the final plan must be sent to Chippewa County. Moved by Paul Langseth, seconded by Matt Wohlman, to approve the Chippewa County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

** 13-15

Lac qui Parle County Priority Concerns Scoping Document – Paul Langseth reported that Lac qui Parle County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Lac qui Parle County on March 7, 2013, and recommends approval of the Lac qui Parle County PCSD. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Lac qui Parle County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

** 13-16

Swift County Priority Concerns Scoping Document - Swift County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Swift County on March 7, 2013 and recommends approval of the Swift County PCSD. Moved by Paul Langseth, seconded by Matt Wohlman, to approve the Swift County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

** 13-17

Paul Langseth reported that three county water plan extension requests were rejected by the Southern Water Planning Committee (not on the agenda today). Those extension requests were returned to the county to complete their plans. Counties are ineligible for grants if comprehensive local water plans are not approved by BWSR. It is in the best interest for counties to complete a good plan. Discussion followed. The start date of each plan will be included in future Orders.

** Moved by Paul Langseth, seconded by Bob Burandt, to approve the Comprehensive Local Water Management Plan extension requests for Big Stone County, Blue Earth County, Chippewa County, Lac qui Parle County, and Swift County; the extension requests will be approved with one resolution, Chair Napstad will sign individual Orders for each county. Discussion followed. Jack Ditmore made a motion to vote on each county plan individually. Paul Langseth and Bob Burandt withdrew the motion for one resolution approving the extension requests, and agreed to vote on each individual extension request. *Motion passed on a voice vote.*

** 13-18

Big Stone County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Big Stone County's Comprehensive Local Water Management Plan (Plan) will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Big Stone County and recommends approval of the Big Stone County Comprehensive Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Bob Burandt, to approve the Big Stone County Comprehensive Local Water Management Plan Extension Request. *Motion passed on a voice vote.*

** 13-19

Jack in opposition #19-23

Blue Earth County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Blue Earth County's five-year Comprehensive Local Water Management Plan will expire June 30, 2013. On March 7, 2013, the Southern Water Planning Committee met and recommends approval of the Blue Earth County Comprehensive Local

** 13-20 Water Management Plan Extension. Blue Earth County is working on incorporating a green print. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Blue Earth County Comprehensive Local Water Management Plan extension request. *Motion passed on a voice vote.* Joe Collins commends the county for including mining in their plan. Ditmore in opposition

Chippewa County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Chippewa County's Comprehensive Local Water Management Plan (Plan) will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Chippewa County and recommends approval of the Chippewa County Comprehensive

** 13-21 Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Chippewa County Comprehensive Local Water Management Plan extension request. Discussion followed. Keith Mykleseth stated that the water plans are an evolving process statewide. Tom Loveall stated that more details on the plans leads to accountability. Jack Ditmore stated that the message is being sent to complete a plan. *Motion passed on a voice vote.*

Lac qui Parle County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Lac qui Parle County's Comprehensive Local Water Management Plan will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Lac qui Parle County and recommends approval of the Lac qui Parle County

** 13-22 Comprehensive Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Chris Elvrum, to approve Lac qui Parle County Comprehensive Local Water Plan extension request. *Motion passed on a voice vote.*

Swift County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Swift County's Comprehensive Local Water Management Plan will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Swift County and recommends approval of the Swift County Comprehensive Local Water

** 13-23 Management Plan Extension. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Swift County Comprehensive Local Water Management Plan extension request. *Motion passed on a voice vote.*

Chair Napstad called for a break in the meeting at 11:00 a.m. The meeting reconvened at 11:13 a.m.

NEW BUSINESS

Reinvest In Minnesota (RIM) Reserve –Wetlands Reserve Program (WRP) 2013 – Gene Tiedemann reported that the RIM Committee met yesterday, no quorum present, the Committee's consensus was to move this forward. Tim Koehler reported that the RIM-WRP Partnership has received recommendations from the Lessard Sams Outdoor Heritage Council and legislative appropriations from the Outdoor Heritage Fund in 2009, 2010, 2011 and 2012 totaling $42.76 million to leverage federal WRP funds totaling over $68 million. In addition, a fifth year of funding is currently being considered by the MN Legislature for $13.39 million from the

Outdoor Heritage Fund which will leverage $21.5 million of federal WRP funds. Tim reported that the Committee's consensus authorizes staff to:

1. Utilize existing and anticipated Outdoor Heritage Funds for the 2013 RIM-WRP Partnership; and
2. Target expiring CRP contracts with critical wetland restoration practices for enrollment in the RIM-WRP Partnership; and

3. Work with MN NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the 2013 RIM-WRP Partnership.

Tim introduced Joel Curran, NRCS. Joel reported that $7M is allocated to WRP; request for 8,000 acres to enroll in WRP; awaiting an answer from Washington within a month.

Tom Landwehr stated that RIM-WRP is a critical component in the Prairie Plan. Tom proposed adding new language to the resolution as follows:

#3. Prioritize projects consistent with the priorities in the MN Conservation Prairie Plan and subsequent conservation implementation guidance.
#4. Work with MN NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the 2013 RIM-WRP Partnership.

** Moved by Tom Landwehr, seconded by Paul Langseth, to amend the resolution to include the proposed new language.

Matt Wohlman recommends scoring based on multiple benefits of prairies and wetlands. Tim Koehler explained that scoring points could also be consistent with other prairie pothole plans. Paul stated that his second to the motion would add a target to the partnership. Keith stated that it's good to work together; accountability is important. Matt stated that MDA has not signed off on the Plan, there were no agriculture stakeholders involved in the plan. Tom Landwehr stated that the key is to target outcomes consistent with WRP with a focus on specific outcomes. Gene Tiedemann suggests this going through the Committee to allow time to review. Discussion followed. Gerry Van Amburg supports the amendment as he's for more grassland preservation and restoration.

Tim Koeheler stated that the Prairie Plan areas have been identified to focus on working lands, grazing, water quality, CRP, grasslands, and prairie. LeAnn Buck stated that LGUs don't know what the prairie plan details are, it would be helpful to have good conversation at the local level so they understand. Bob Burandt stated that naming the area looks like RIM is singled-out, he doesn't support the amendment, the Committee will review this. Chair Napstad clarified that the Board is voting on the amendment at this time, not the Resolution. The proposed amendment adds: **#3. Prioritize projects consistent with the priorities in the MN Conservation Prairie Plan and subsequent conservation implementation guidance; with #3 now #4.** Chair Napstad called for a roll call vote. Affirmative: Joe Collins, Jack Ditmore, Christy Jo Fogarty, Tom Landwehr, Paul Langseth, Tom Loveall, Keith Mykleseth, Gerald Van Amburg, Brian Napstad. Opposed: Bob Burandt, Chris Elvrum, Rebecca Flood, Sandy Hooker, Steve Sunderland, Gene
13-24 Tiedemann, Matt Wohlman. *The amendment to the Resolution was approved.*

** Moved by Gene Tiedeman, seconded by Jack Ditmore, to approve the Resolution as amended. – authorizing staff to move forward on the voluntary sign-up application process. Tim Koehler explained that the current process is in place, using last years payment rates and scoring rates; work with landowners to explain the basics to landowners; the Committee will bring this voluntary
13-25 program before the Board in May. Discussion followed. *Motion passed on a voice vote.*

Watershed Protection & Restoration Strategies –Gaylen Reetz, MPCA, presented background information on the Clean Water Act. Steve Woods explained that the Clean Water Land and Legacy Amendment funding has allowed the executive branch agencies to systematically re-think how to best produce cleaner water. Input from the Clean Water Council, listening sessions around the state,

and inter-agency teams resulted in a system that meshes a predictable 10-year water monitoring cycle with local water planning processes. Throughout 2013, BWSR will sponsor a stakeholder process that aligns local water plan expectations with the Board's approval process. Steve stated that Doug Thomas, newly hired Policy Advisor, starts with BWSR on April 15, he will work on the "One Watershed" policy. Chair Napstad stated that this looks to be a driver for incentives. John Jaschke stated that BWSR will work with MPCA to get information out. Discussion followed. Matt Wohlman thanked Steve and Gaylen for their informative presentation, asked about parcel levels. Gaylen stated that the intent is so local resource managers can utilize this information. LeAnn Buck appreciated the presentation, need to coordinate allocation. Tom Landwehr stated this is a great piece of information, need to think about implementation, a challenge for entities, BWSR's key role is to implement soon; promote the message, need coordination of agencies to get this on the ground. Chair Napstad thanked Steve and Gaylen for the informative presentation. John acknowledged MPCA for developing a more useful, better, cheaper, and faster process.

Legislative Update – Sarah Strommen presented a brief legislative overview and update for the Board's information. Chair Napstad thanked Sarah for her update.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Matt Wohlman reported that last month MDA Commissioner Frederickson proposed the MDA Advisory Committee score pilot areas for MAWD. Matt reported that MDA hired RESPECT Consulting Company (former BWSR employee Julie Blackburn) to help develop a measurement tool for certifiable determinations.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT staff are concluding a three-week-training for nearly 7,000 township officers. MAT will be going to Washington, D.C. in April to lobby.

UPCOMING MEETINGS

- Next BWSR Board Meeting - May 22, 2013
- Grants Program & Policy Committee will meet April 24

** 13-26 Moved by Keith Mykleseth, seconded by Sandy Hooker, to adjourn the meeting at 1:05 p.m. *Motion passed on a voice vote.*

Respectfully submitted,

Mary Jo Anderson
Recorder

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 22, 2013

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 27, 2013 BOARD MEETING

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

INTRODUCTION OF NEW BWSR EMPLOYEES

- Doug Thomas, Senior Policy & Program Advisor
- Bill Penning, Conservation Easement Section Manager
- Barbie Hogan, Office & Administrative Specialist
- Elizabeth Zuehlke, Accounting Officer

REPORTS

- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Mississippi WMO Plan 2013 Amendment – Bob Burandt – ***DECISION ITEM***

Northern Water Planning Committee

1. Beltrami County Comprehensive Local Water Plan (CLWP) Extension Request – Gerald Van Amburg – ***DECISION ITEM***

2. Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change – Keith Mykleseth – ***DECISION ITEM***

3. Marshall County SWCD Supervisor Nomination Districts Boundary Change – Gene Tiedemann – ***DECISION ITEM***

Southern Water Planning Committee

1. Kandiyohi County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

2. McLeod County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

3. Meeker County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

RIM Reserve Management Planning Committee

1. 2013 RIM-WRP Partnership Rates – Tim Koehler and Bill Penning – ***DECISION ITEM***

NEW BUSINESS

1. Legislative Update – Sarah Strommen/John Jaschke - ***INFORMATION ITEM***

2. Environmental Quality Board (EQB) Frac Sand Summary and Status – Bob Patton, EQB Staff – ***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 – Ed Lenz
- 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 – Joel Curran

UPCOMING MEETINGS

- Next BWSR Board Meeting – June 26, 2013

Noon **ADJOURN**

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: May 22, 2013

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Gerald Van Amburg/Travis Germundson

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED
None

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

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

Dispute Resolution Report
May 10, 2013
By: Travis Germundson

There are presently **12** appeals pending. All of the appeals involve WCA except File 10-10. There have been **no** new appeals filed since the last report (March 27, 2013 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 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. *The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.*

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.

File 12-19 (12-27-12) This is an appeal of a wetland replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application for a tenth of an acre of impact to a Type 3 wetland. A previous appeal of a restoration order involving the same wetland impacts (File 12-10) was dismissed. The appeal has been remanded for further technical work.

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. The appeal has been accepted and the briefing and hearing schedule stayed by mutual agreement to allow time for settlement discussions to continue.

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 has been 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 in the spring of 2013 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 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	5	1
Order Modified		
Order Remanded	4	
Order Place Appeal in Abeyance	1	
Negotiated Settlement		
Withdrawn/Dismissed	4	

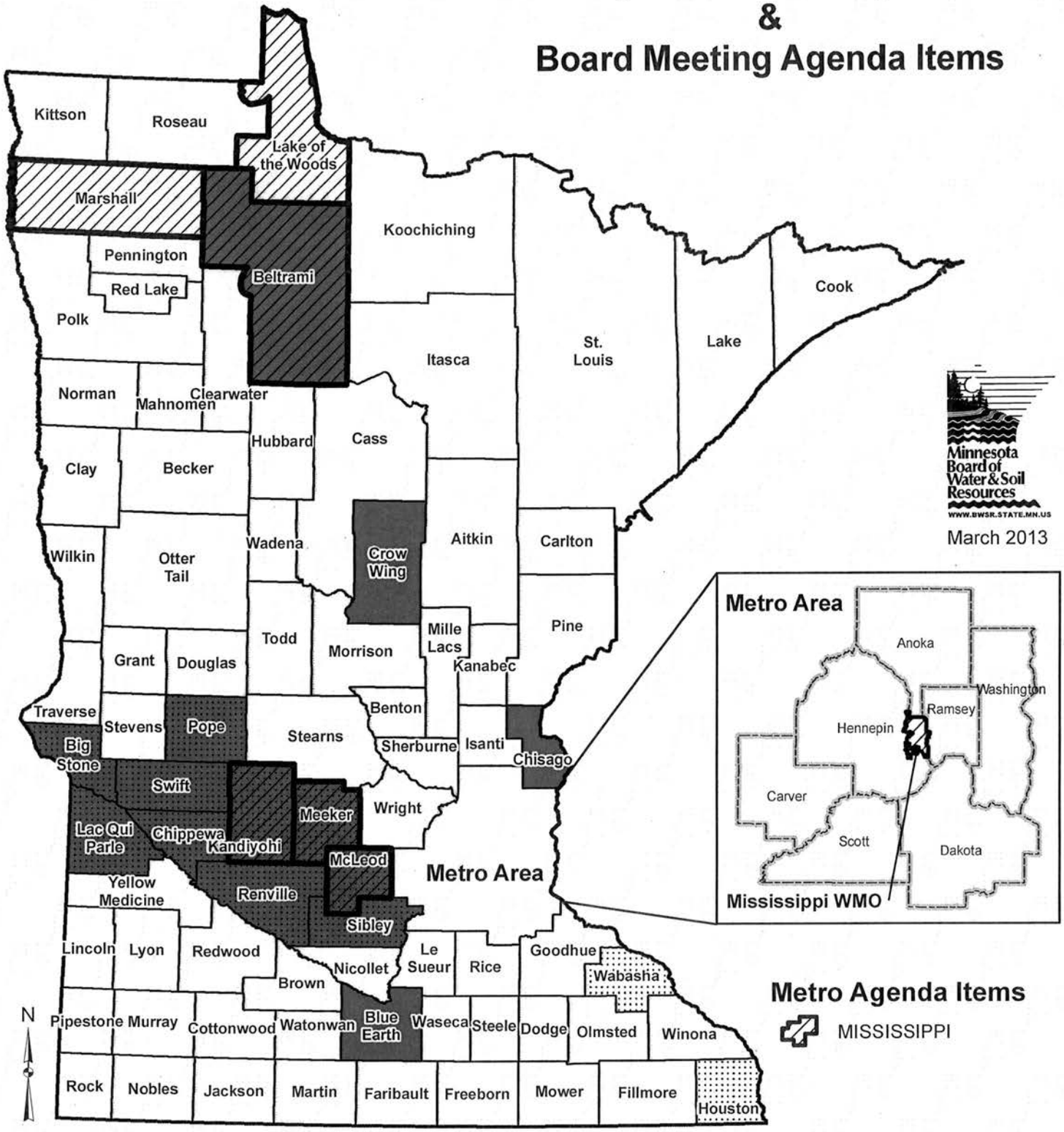
Drainage Work Group Report
for May 22, 2013 BWSR Board Meeting
by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group met on Friday, April 5, 2013 at the Minnesota Farm Bureau building in Eagan. Following is a summary of the topics of discussion:

- Overview and brief discussion of 3 questions that were raised to Al Kean about, or triggered by, the 2012 DWG consensus recommendations in HF66/SF113 that were passed and signed this year. Al had responded to 2 questions and 1 (drainage system assessments to road authorities) needs further investigation and discussion. A DWG subgroup will be established to investigate.
- Discussed several other bills at the Legislature this session involving drainage.
- Tim Smith, Corps of Engineers, provided an overview and discussion with the DWG about the Corps' revised Regional General Permit No. 2, which involves ag drainage. The Corps received many comments on the first draft last summer and subsequently revised the permit. DWG members appreciated the information and discussion. The Corps met with ag groups before the DWG meeting on April 5.
- DWG members shared information about drainage topics at conferences and other forums since the beginning of the calendar year.
- Goeff Kramer, UMN Research Assistant, provided status updates and discussion about a BWSR LCCMR project: "Conservation-Based Approach for Assessing Public Drainage Benefits", and a BWSR Section 319 project: "Side Inlets to Improve Water Quality".

The next DWG meeting will be on Thursday, June 13, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building in Eagan.

County Water Plan Expirations & Board Meeting Agenda Items



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

March 2013

Metro Agenda Items

MISSISSIPPI

Plan Expires

- Revision in Progress
- Overdue
- 2013
- Beyond 2013

Outstate Agenda Items

- Beltrami
- Kandiyohi
- Lake of the Woods
- Marshall
- McLeod
- Meeker

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Mississippi WMO Plan 2013 Amendment – Bob Burandt – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Mississippi WMO Plan Amendment[1]

Meeting Date: May 22, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Water Planning Committee(s)

Presented by: Bob Burandt

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

Approval of Plan Amendment to the Mississippi Watershed Management Organization's Watershed Management Plan

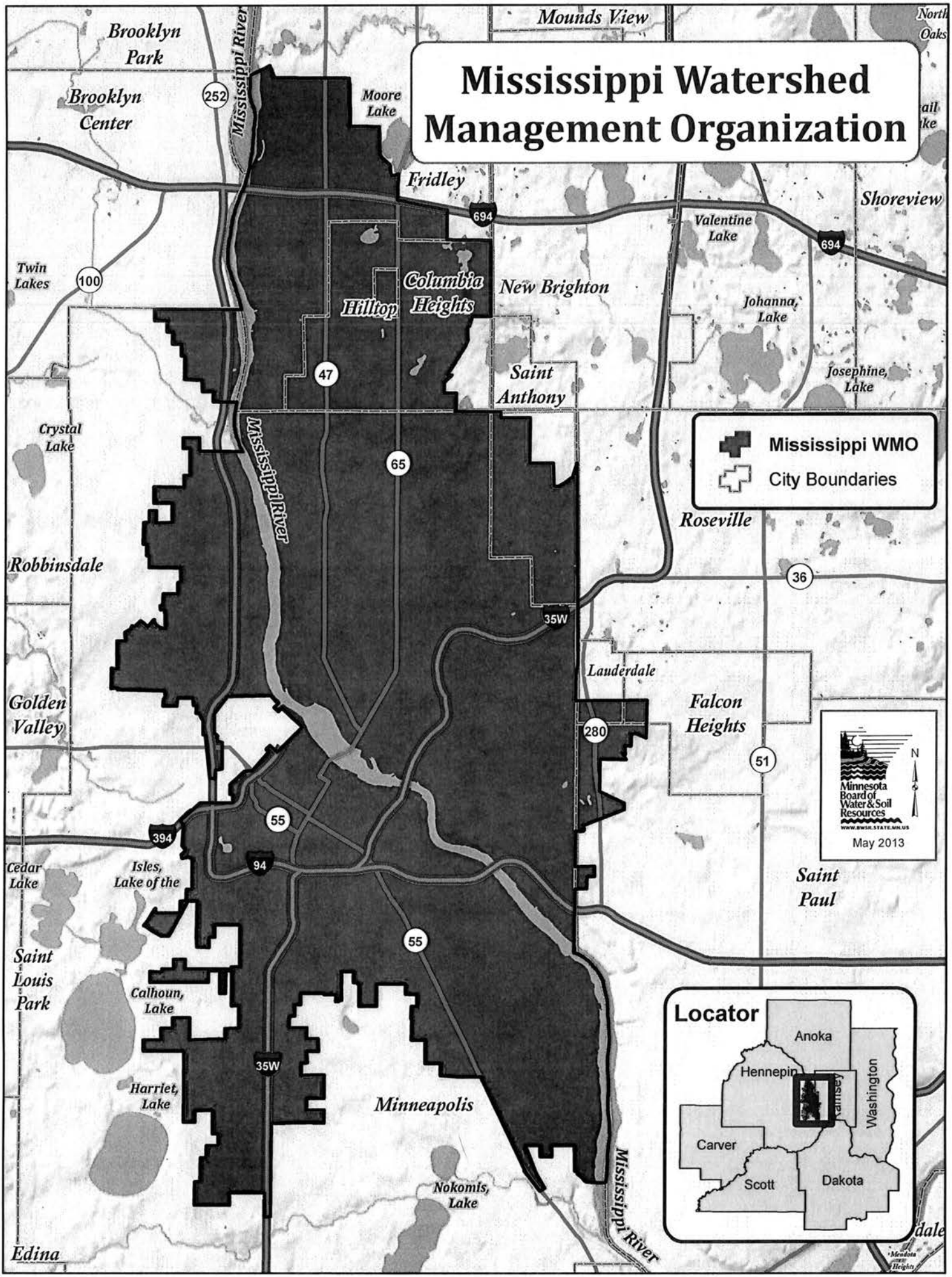
SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Middle Mississippi WMO was established in 1985 and included the University of Minnesota. The first Watershed Management Plan was published in December 1986. In 1997, a Joint and Cooperative Agreement, more commonly entitled "Joint Powers Agreement" across the metro region, was entered into by the Cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights, St. Anthony, and the Minneapolis Park and Recreation Board. The agreement changed the name to Mississippi WMO (MWMO) and replaced the agreement executed in 1985 that created the original organization. In 1999, the MWMO's legal boundary was redrawn to exclude the city of Falcon Heights, which is now a part of the Capitol Region Watershed District. The second Watershed Management Plan was approved by the Board in 2000. In 2001 the legislature granted MWMO the authority as a "special purpose taxing district" under MN Statutes § 275.066. Their current plan was approved by the Board in April 2011.

The MWMO is located in Hennepin and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound by the recently dissolved Six Cities Watershed Management Organization to the north, on the west by the West Mississippi / Shingle Creek Watershed Management Organizations and Bassett Creek Watershed Management Organization, on the south by Minnehaha Creek Watershed District, and on the east by the Capitol Region and Rice Creek Watershed Districts. The MWMO encompasses 13,602 acres (31.5 square miles) of fully developed urban lands (90%), parks and open space (7%), and open water (3.6%). It is important to note that 95% of the watershed is within the City of Minneapolis. The Mississippi River is the primary water resource in the MWMO, but other water resources include Loring Park Pond – an eight acre, annually stocked recreational fishing lake, and Mallard Marsh and Kasota Ponds. There are three dams with navigation locks on the Mississippi River within the MWMO. Subwatersheds in the region that were historically defined by topography are now defined by extensive networks of stormwater tunnels and pipes. Bassett Creek flows by way of a tunnel through the MWMO.

The MWMO 2013 Amendment proposes to revise the implementation program by clarifying the schedule for two existing capital improvement projects, addressing the newly added areas of Fridley, Hilltop, and Columbia Heights to the MWMO that were in the former Six Cities WMO, and adding seven new capital improvement projects.

The Metro Water Planning Committee met on May 8, 2013. After review of the information, BWSR staff was in favor of, and the Committee unanimously voted to, recommend approval of the Plan Amendment dated March 13, 2013, to the full Board per the attached draft Order.


Mississippi Watershed Management Organization
Mississippi WMO
City Boundaries
Brooklyn Park
Brooklyn Center
Mounds View
North Oaks
Moore Lake
Fridley
Shoreview
Valentine Lake
Twin Lakes
Columbia Heights
Hilltop
New Brighton
Johanna, Lake
Saint Anthony
Josephine, Lake
Crystal Lake
Mississippi River
Roseville
Robbinsdale
Lauderdale
Golden Valley
Falcon Heights
Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
May 2013
Cedar Lake
Isles, Lake of the
Saint Paul
Saint Louis Park
Calhoun, Lake
Harriet, Lake
Minneapolis
Nokomis, Lake
Edina
Locator
Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota
252
100
694
47
65
35W
36
280
51
55
394
94

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

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

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Commissioners of the Mississippi Watershed Management Organization (MWMO) submitted an Amendment to the Watershed Management Plan (Amendment) dated March 13, 2013, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The Middle Mississippi WMO was established in 1985 and included the University of Minnesota. The first watershed management plan was published in December 1986. In 1997, a Joint and Cooperative Agreement, more commonly entitled "Joint Powers Agreement" across the metropolitan area, was entered into by the Cities of Minneapolis, St. Paul, Lauderdale, Falcon Heights, St. Anthony, and the Minneapolis Park and Recreation Board. The agreement changed the name to Mississippi WMO and replaced the agreement executed in 1985 that created the original organization. In 1999, the MWMO's legal boundary was redrawn to exclude the city of Falcon Heights, which is now a part of the Capitol Region Watershed District. The second watershed management plan was approved by the Board in 2000. In 2001 the legislature granted MWMO the authority as a "special purpose taxing district" under MN Statutes § 275.066.

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

3. **Nature of the Watershed.** The MWMO is located in Hennepin and Ramsey Counties in the heart of the Minneapolis – St. Paul seven county metropolitan area. It is bound by

the recently dissolved Six Cities Watershed Management Organization to the north, on the west by the West Mississippi / Shingle Creek Watershed Management Organizations and Bassett Creek Watershed Management Organization, on the south by Minnehaha Creek Watershed District, and on the east by the Capitol Region and Rice Creek Watershed Districts. The MWMO encompasses 13,602 acres (31.5 square miles) of fully developed urban lands (90%), parks and open space (7%), and open water (3.6%). The MWMO consists of portions of the Cities of Lauderdale, St. Paul, St. Anthony, and Minneapolis including property owned by the Minneapolis Park and Recreation Board. It is important to note that 95% of the watershed is within the City of Minneapolis. As of 2010 the population within MWMO was over 236,000 and projected to be over 248,000 by 2020. Over the course of the next ten years Minneapolis is proposing significant redevelopment around "growth centers" which are characterized by a concentration of employment-generating development. The Mississippi River is the primary water resource in the MWMO, but other water resources include Loring Park Pond – an eight acre, annually stocked recreational fishing lake, and Mallard Marsh and Kasota Ponds. There are three dams with navigational locks on the Mississippi River within the MWMO. Subwatersheds in the region that were historically defined by topography are now defined by extensive networks of stormwater tunnels and pipes. Bassett Creek flows by way of a tunnel through the MWMO.

4. **Amendment Development and Review.** The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on December 17, 2012. The Amendment proposes to add capital improvement projects, add detail to two existing capital projects, and address the newly added areas to the MWMO from the dissolved Six Cities WMO. The MWMO held a public hearing on March 12, 2013. No revisions to the Amendment were made as a result of comments received at the hearing. The final draft Amendment was submitted to the Board and plan review agencies on March 13, 2013, for final review and approval.

5. **Local Review.** The MWMO circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7, and received comments from the Anoka Conservation District. All comments were fully addressed.

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

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

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

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

10. **Pollution Control Agency Review.** The PCA stated they had no comments.

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

12. **Board Review.** Board staff commended the MWMO for maintaining a current capital improvement program and had no other comments on the Amendment. The Joint and Cooperative Agreement is compliant and fully executed to reflect the newly added member cities.

13. **Amendment Summary.** The Amendment proposes to revise the implementation program by adding seven new capital improvement projects, clarifying details to two existing capital improvement projects, and addressing the newly added areas in Fridley, Hilltop, and Columbia Heights to the MWMO that were formerly in the Six Cities WMO.

14. **Metro Water Planning Committee Meeting.** On May 8, 2013, 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 were Metro Region Supervisor Jim Haertel and Board Conservationist Brad Wozney. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

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

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

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

ORDER

The Board hereby approves the attached Amendment dated March 13, 2013, to the Mississippi Watershed Management Organization Watershed Management Plan.

Dated at Saint Paul, Minnesota this 22nd day of May 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

1.0 Introduction

The Mississippi Watershed Management Organization (MWMO) is committed to protecting, managing, and improving the water resources within its boundaries. The MWMO Board of Commissioners has directed staff to lead efforts to accomplish the mission by assisting, educating, supporting, and cooperating with its member organizations, other units of government, nonprofit agencies, and a variety of community groups to achieve a diverse, functional urban river ecosystem.

Mission Statement articulates why the organization exists:

To lead, and to foster stewardship of the watershed and its waters with actions that promote civic ownership and responsibility and through measures that achieve diverse and functional ecosystems.

Vision statement describes what the organization hopes to achieve by 2020:

To lead, to inspire, to act, to educate, and to create a shared vision for a river system with ecological integrity.

2.0 Executive Summary

2.1 History

Today's organization began as the Middle Mississippi River Watershed Management Organization in 1985 with a joint powers agreement executed by the Cities of Minneapolis, Saint Paul, Lauderdale, Falcon Heights, Saint Anthony Village, the Minneapolis Park and Recreation Board, and the University of Minnesota. For business purposes, the organization shortened its name to the Mississippi Watershed Management Organization. The current joint cooperative agreement, bylaws and legal description are included in Appendix A.

The First Generation Watershed Management Plan (Plan), published in December of 1986, was never officially approved, resulting in no projects being implemented. In January 1997, the University of Minnesota left the organization and a Second Generation planning effort was initiated. In 1998 the Capitol Region Watershed District was formed adjacent to the MWMO. A geographically small community, Falcon Heights chose to remove itself and its accompanying land area from the MWMO, thus stewarding its watershed solely within the Capitol Region Watershed District. In 2000, the Bassett Creek Watershed Management Commission, MWMO, and the City of Minneapolis entered into a joint and cooperative agreement, which resulted in a boundary change that transferred 1,002 acres from the Bassett Creek Watershed Management Commission to the MWMO to address the completion of the new Bassett Creek tunnel (Appendix M).

In 2000, the MWMO Second Generation Plan was approved. In 2006, the Plan was amended to add the Greening Program and clarify existing programmatic efforts. The MWMO's Third Generation Plan was adopted by the MWMO Board of Commissioners on May 10, 2011. An amendment to the Plan's Capital Improvement Schedule to add additional member projects was adopted by the MWMO Board of Commissioners on May 8, 2012.

In 2011 the Six Cities WMO was dissolved, by August 21, 2012 the cities of Columbia Heights, Fridley and Hilltop past members of Six Cities WMO became members of the MWMO. Projects in the cities of Columbia Heights, Fridley and Hilltop related to stormwater management were identified and added to the MWMO Plan's Capital Improvement Schedule via a 2013 plan amendment.

2.2 Accomplishments

When the 2000 Watershed Management Plan (Plan) was adopted, the MWMO consisted of a five-member Board with staffing provided by the City of Minneapolis Environmental Services. In the fall of 2002, the MWMO Board hired an administrator and program manager to build an organization capable of

implementing the goals and activities outlined in the 2000 Plan. Since then, the MWMO has established its own offices and added new staff members to develop the programmatic areas needed to successfully implement goals and activities found in the 2000 Plan. A few of these successes include: the Heritage Park Capitol Improvement Project, the Stewardship Grant Fund, the Hmong Community Project, a study on the Historic Waters of the MWMO and the establishment of a monitoring network for the Watershed.

In the Heritage Park Capitol Improvement Project, the MWMO worked with the City of Minneapolis to incorporate new and innovative stormwater management systems into a city-led neighborhood redevelopment project. This is the first effort within the Watershed to demonstrate the benefits that an integrated stormwater management effort can make in a land use redevelopment project, providing water quality and quantity improvement and quality of life enhancement.

The Stewardship Fund Program awards grants and provides technical assistance and information to community organizations within the Watershed. Since 2003, the Stewardship Fund Program has supported the installation of stormwater management practices to improve water quality as well as the implementation of water quality education and outreach activities.

The MWMO's Education and Outreach Program, in partnership with the City of Minneapolis, is leading the way to a better understanding of the cultural connections the Hmong community has with water resources. This allows the MWMO to provide relevant information using appropriate, meaningful methods.

The MWMO study, Historic Waters of the MWMO (MWMO, 2011) is exemplary of the scientific approach the MWMO is taking to better understand historic and present day water, land, and geological characteristics that influence water resources.

The MWMO also partnered with its member organizations to initiate a monitoring network. The MWMO currently monitors several parameters of water quality and river stage at six locations in the Mississippi River as well as the quality and amount of water that flows from five stormwater outfalls draining into the river. This is the beginning of a comprehensive monitoring network that will provide the MWMO the data needed to evaluate its progress in managing the water resources within the Watershed.

Through these and other accomplishments, the MWMO has proven to be an effective and motivated organization. Through this Third Generation Plan the MWMO lays out an implementation schedule which requires the continued growth and leadership of the organization to achieve its stated goals. In 2008, the organization allocated funds necessary to develop a site and facility that will meet future organizational needs.

2.3 Statutory Background

The 1972 Federal Clean Water Act authorized the US Environmental Protection Agency (EPA) to "protect . . . rights of States to prevent, reduce, and eliminate pollution of . . . land and water resources" (Sec 101, b). The EPA transferred portions of this authority to state legislative bodies. In 1982, the legislature approved the Metropolitan Surface Water Management Act. It was later recodified as M.S. 103B (See Minnesota Statutes Chapter 103B).

Since passage of the act, all local units of government in the seven-county metropolitan area have been involved in the preparation and implementation of comprehensive surface water management plans through membership in a watershed management organization based on natural watershed boundaries.

These first plans resulted in two key advances in comprehensive surface water resource management. First, the plans required the adoption, amendment, or update of a variety of local controls to reduce erosion and sedimentation, establish stormwater design standards, and protect wetlands. Second, during the planning and implementation of the plans, communities within the watersheds developed stronger working relationships.

In 1992, the Board of Water and Soil Resources developed rules (Minnesota Rules Chapter 8410) for plan content. WMOs used these rules in plan revisions, which are required every 5 to 10 years. The rules require, among other items, more specificity in citizen participation, control of erosion and sedimentation, wetland assessment, and the design of new stormwater conveyance and treatment systems.

The Metropolitan Surface Water Management Act lists a number of responsibilities watershed management organizations can elect to accept and carry out (see Appendix D). The MWMO has the authority to protect, to preserve, and to improve surface and groundwater systems; to establish more uniform local policies and official controls for surface and groundwater management; to prevent erosion of soil; and to protect and enhance fish and wildlife habitat and water recreational facilities. These responsibilities affect more than just water resource management; they impact land use, habitat and ecosystem planning, and management connected to water resources.

Additionally, in 2001 the legislature granted the authority of a Special Purpose Taxing District under Minnesota Statute Section 275.066 to the MWMO. This authority continues to be vital to implementing plans and goals of the MWMO.

2.4 Present Day Jurisdictional Area

The MWMO's jurisdictional area includes portions of the Cities of Columbia Heights, Fridley, Hilltop, Lauderdale, Minneapolis, Saint Anthony Village, and Saint Paul, as well as, lands owned by the Minneapolis Park and Recreation Board. The MWMO's legal boundary is shown in Figure 1.

Table 1. Percent coverage of member organizations within the MWMO

Municipality	Percent Area of MWMO	Acres within MWMO	Square Miles
Columbia Heights	7.92%	2025.04	3.16
Fridley	9.51%	2431.89	3.80
Hilltop	0.32%	81.57	0.13
Lauderdale	0.16%	40.46	0.06
Minneapolis	73.26%	18729.70	29.27
MPRB	5.42%	1386.50	2.17
Saint Anthony Village	2.55%	653.13	1.02
Saint Paul	0.85%	217.34	0.34
Totals	100.00%	25565.63	39.95

2.5 Board of Commissioners

The MWMOs governing Board of Commissioners consists of seven commissioners. There is one commissioner appointed by each member organization with the exception of a shared seat for the cities of Columbia Heights and Hilltop.

Table 2. 2012 Board of Commissioners of the MWMO*

Member	Position	Member Community
Kevin Reich	Chair	City of Minneapolis
Scott Vreeland	Vice-chair	Minneapolis Park and Recreation Board
Karen Gill-Gerbig	Treasurer	City of Lauderdale
Jerry Faust	Commissioner	City of Saint Anthony Village
Matt Hass	Commissioner	City of Saint Paul
James Saefke	Commissioner	City of Fridley
Donna Schmitt	Commissioner	City of Columbia Heights / Hilltop

* Note: see www.mwmo.org for a current list of commissioners and alternates

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Beltrami County Comprehensive Local Water Plan (CLWP) Extension Request – Gerald VanAmburg – ***DECISION ITEM***

2. Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change – Keith Mykleseth – ***DECISION ITEM***

3. Marshall County SWCD Supervisor Nomination Districts Boundary Change – Gene Tiedemann – ***DECISION ITEM***

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

In the Matter of Extending the Local Water Management Plan Update for Beltrami County (Minnesota Statutes , Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)	ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Beltrami County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until May 28, 2013, pursuant to M.S. Section 103B.301, and

Whereas, Beltrami County has submitted a resolution requesting an extension of its Plan; and

Whereas, the Board of Water and Soil Resources (Board) has the authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

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

FINDINGS OF FACT

1. On March 19, 2013, Beltrami County Board of Commissioners passed a resolution requesting an extension of their Comprehensive Local Water Plan to May 28, 2015.

2. On March 27, 2013, Board of Water and Soil Resources Northern Water Planning Committee reviewed and recommended approval of the extension request by Beltrami County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Beltrami County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Beltrami County Comprehensive Local Water Plan until May 28, 2015. Dated at St. Paul, Minnesota, this 22th day of May 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Beltrami County Comprehensive Local Water Management Plan Extension Approval**

Meeting Date: May 22, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North Region
Contact: Ron Shelito
Prepared by: Chad Severts
Reviewed by: Northern Water Planning Committee(s)
Presented by: Gerald Van Amburg

☐ **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 Beltrami County Comprehensive Local Water Management Plan extension request.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Beltrami County has a Comprehensive Local Water Management Plan (Plan) that will expire May 28, 2013. On March 19, 2013, the Board of Water and Soil Resources (Board) received a request for an extension of the Plan from Beltrami County. BWSR staff has reviewed and recommend approval of the request.

On March 27, 2013, the Board's Northern Water Planning Committee, chaired by Brian Napstad, met to discuss the extension request. After discussion, the Committee decided with a unanimous vote to recommend approval of the Beltrami County extension request and bring this recommendation forward to the full BWSR Board for review and action. The state's expectations for the extension request must be sent to Beltrami County.

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

In the Matter of Extending the Local Water Management Plan Update for Beltrami County (Minnesota Statutes , Section 103B.311, Subdivision 4, authorizing BWSR to grant extensions.)

ORDER EXTENDING LOCAL WATER MANAGEMENT PLAN

Whereas, Beltrami County has a state approved Comprehensive Local Water Plan (CLWP) that is effective until May 28, 2013, pursuant to M.S. Section 103B.301, and

Whereas, Beltrami County has submitted a resolution requesting an extension of its Plan; and

Whereas, the Board of Water and Soil Resources (Board) has the authorization to grant extensions with or without conditions pursuant to Minnesota Statutes 103B.3367.

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

FINDINGS OF FACT

1. On March 19, 2013, Beltrami County Board of Commissioners passed a resolution requesting an extension of their Comprehensive Local Water Plan to May 28, 2015.

2. On March 27, 2013, Board of Water and Soil Resources Northern Water Planning Committee reviewed and recommended approval of the extension request by Beltrami County.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Beltrami County pursuant to M.S. Section 103B.311, Subd. 4.

ORDER

The Board of Water and Soil resources hereby approves the extension of the Beltrami County Comprehensive Local Water Plan until May 28, 2015. Dated at St. Paul, Minnesota, this 22th day of May 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

RECEIVED
APR 02 2013
BD OF WATER & SOIL RESOURCES-BEMIDJI

BOARD OF COUNTY COMMISSIONERS
BELTRAMI COUNTY, MINNESOTA

DATE: 03-19-2013

RESOLUTION #13-03-15

MOTION OF COMMISSIONER: Frost SECONDED BY COMMISSIONER: Lucachick

THE BOARD, BY ADOPTION OF ITS REGULAR AGENDA, APPROVED THE TAX COMPREHENSIVE WATER MANAGEMENT PLAN EXTENSION RESOLUTION, AS SUBMITTED

WHEREAS, Minnesota Statutes, Chapter 103B.301, Comprehensive Local Water Management Act, authorizes Minnesota Counties to develop and implement a local water management plan, and

WHEREAS, the Act requires that a county update and revise their local water management plan on a periodic basis, and
WHEREAS, Beltrami County currently has an approved Comprehensive Local Water Management Plan (the Plan) which is due to expire on May 13, 2013, and

WHEREAS, 1995 amendments to the Comprehensive Local Water Planning Act, M.S. 103B.301 gave the Minnesota Board of Water and Soil Resources (BWSR) authority to extend the ending date of local water plans for a period of not to exceed two (2) years, and

WHEREAS, the Act encourages that a county coordinate its planning with contiguous counties, and solicit input from local governmental units and state review agencies, and

WHEREAS, the Act requires that plans an official control of other local governmental units be consistent with the local water management plan, and

NOW, THEREFORE BE IT RESOLVED, the Beltrami Board of Commissioners requests an extension, in accordance with the BWSR Local Water Management Plan Update Guidance, for a period of two (2) years. This extension would allow the county adequate time to be spent on each of the phases of the update process. Specifically, the reasons for the county's extension request are: 1). on-going update of SSTS, Shoreland Management, & WCA ordinances; 2). collection of additional water quality sampling data to determine which county lakes are impaired; and 3). changes to ESD/SWCD staffing during the past year.

	YES	NO
Frost	X	
Vene	X	
Anderson	X	
Sumner	X	
Lucachick	X	

STATE OF MINNESOTA)
) ss.
COUNTY OF BELTRAMI)

I, Kay Mack, County Administrator, Beltrami County, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Beltrami County, Minnesota, at their regular session held on March 19, 2013, now on file in my office and have found the same to be a true and correct copy thereof.

Kay Mack, County Administrator

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Lake Of The Woods County SWCD Supervisor Nomination District Boundary Change**

Meeting Date: May 22, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern Region

Contact: Chad Severts

Prepared by: Chad Severts

Reviewed by: Northern Water Planning Committee(s)

Presented by: Keith Mykleseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Decision on Lake of the Woods County SWCD Nomination Districts Boundary Change

LINKS TO ADDITIONAL INFORMATION

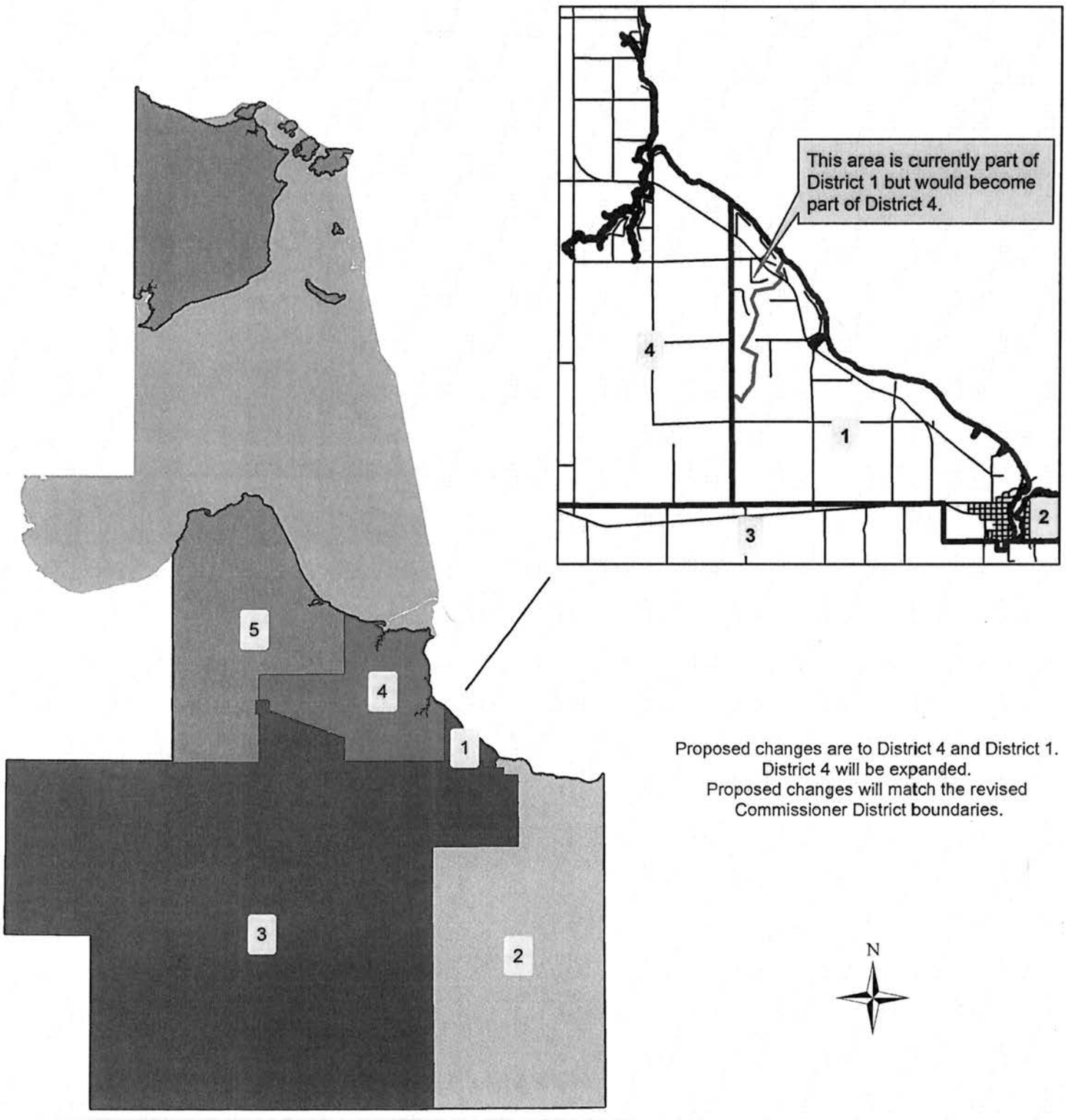
SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The Lake of the Woods County Soil and Water Conservation District (SWCD) approved a Nomination Districts Resolution on March 14, 2013. The reason for this resolution is to align the SWCD Nomination Districts with the County Commissioner District Boundaries. The County Commissioner Districts were recently redistricted following the results of the 2010 Census. The revised boundaries will not change the representation for the current SWCD supervisors.

On March 27, 2013, the BWSR Northern Water Planning Committee met to discuss the resolution. After discussion, the Committee decided with a unanimous vote to recommend approval of the nomination boundary changes as listed in the SWCD resolution to the full BWSR Board.

Lake of the Woods
Soil and Water Supervisor Districts

Proposed Revisions - 2013



Proposed changes are to District 4 and District 1.
District 4 will be expanded.
Proposed changes will match the revised Commissioner District boundaries.

Lake of the Woods Soil and Water Conservation District
P.O. Box 217
Baudette, Minnesota 56623
Telephone: (218) 634-2757

To: Board of Water and Soil Resources
From: Lake of the Woods Soil and Water Conservation District
Date: March 14th, 2013
Re: Revised supervisor nomination district boundaries

To whom it may concern:

The Lake of the Woods Soil and Water Conservation District has passed a resolution to revise the Nomination Districts for SWCD supervisors in Lake of the Woods County.

Lake of the Woods County recently underwent redistricting for Commissioner Districts following the 2010 Census. To reduce confusion and maintain consistency with the County Board, the SWCD would like to change current boundaries to match the new Commissioner District boundaries. This will not create any changes in representation for the current SWCD supervisors. We have discussed the proposed changes with our BWSR Board Conservationist, Chad Severts.

Please see the attached resolution for revised boundary descriptions. If you have any questions, please contact Josh Stromlund at 218-634-4536.

Sincerely,

Russel Hansen

Russel Hansen
Secretary

Nomination Districts Resolution - Revised

Be it resolved by the Lake of the Woods Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District 1 – West Baudette and that portion of Baudette Township lying East of Winter Road River and East of County Road 75, south of where it intersects with the Winter Road River;

District 2 – East Baudette, Gudrid Township, Rapid River Township, Unorganized Township 157-30, Unorganized Township 158-30, Boone Township, Swiftwater Township, Kiel Township

District 3 – Walhalla Township, Potamo Township, Rulien Township, Victory Township, Forest Area, Spooner Township and that portion of McDougald Township lying South of State Trunk Highway #11

District 4 – Wheeler Township, Wabanica Township, that portion of McDougald Township lying North of State Trunk Highway #11 and that portion of Baudette Township lying West of County Road #75 and west of the Winter Road River;

District 5 – Lakewood Township, Prosper Township, Zippel Township, Myhre Township, Chilgren Township, Northwest Angle and Islands, City of Roosevelt

I, Russel Hansen, Secretary of the Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on March 14, 20 13, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 3 to 3 of the members present.

Signed: Russel Hansen
Secretary
Lake of the Woods Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on _____, 20_____, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on _____, 20_____, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of _____ to _____ of the members present.

Signed: _____
Executive Director
Board of Water and Soil Resources

Filed _____ day of _____, 20_____.

Signed: _____
County Auditor
Lake of the Woods County

Minnesota Board of Water & Soil Resources

May 22, 2013

Lake of the Woods County Soil and Water Conservation District
c/o Josh Stromlund, Director
119 1st Ave NW, PO Box 217
Baudette, MN 56623

Dear Lake of the Woods County Soil and Water Conservation District:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you that it approved the Lake of the Woods County Soil and Water Conservation District (SWCD) request for Nomination Districts boundaries change at its regular meeting held on May 22, 2013.

Enclosed are three BWSR approved copies of the Nomination Districts Resolution, which was approved by the Lake of the Woods County SWCD Board on March 14, 2013. Please have the Lake of the Woods County Auditor sign and date all three copies of this Resolution. The Lake of the Woods County Auditor will retain one copy of the signed Resolution, one copy will be retained in Lake of the Woods County SWCD files, and the other copy will need to be returned to the BWSR St. Paul office.

The BWSR appreciates the attention and action of the Lake of the Woods County Soil and Water Conservation District in simplifying the SWCD supervisor nomination process.

Sincerely,

John Jaschke
Executive Director

cc: Ron Shelito, Southern Region Supervisor
Chad Severts, Board Conservationist

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	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	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

Nomination Districts Resolution - Revised

Be it resolved by the Lake of the Woods Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District 1 – West Baudette and that portion of Baudette Township lying East of Winter Road River and East of County Road 75, south of where it intersects with the Winter Road River;

District 2 – East Baudette, Gudrid Township, Rapid River Township, Unorganized Township 157-30, Unorganized Township 158-30, Boone Township, Swiftwater Township, Kiel Township

District 3 – Walhalla Township, Potamo Township, Rulien Township, Victory Township, Forest Area, Spooner Township and that portion of McDougald Township lying South of State Trunk Highway #11

District 4 – Wheeler Township, Wabanica Township, that portion of McDougald Township lying North of State Trunk Highway #11 and that portion of Baudette Township lying West of County Road #75 and west of the Winter Road River;

District 5 – Lakewood Township, Prosper Township, Zippel Township, Myhre Township, Chilgren Township, Northwest Angle and Islands, City of Roosevelt

I, Russel Hansen, Secretary of the Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on March 14, 20 13, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 3 to 3 of the members present.

Signed: Russel Hansen
Secretary
Lake of the Woods Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on March 14, 20 13, is hereby approved.

I, John Jaschke, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on May 22, 20 13, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of ~~___ to ___~~ unanimous of the members present.

Signed: _____
Executive Director
Board of Water and Soil Resources

Filed _____ day of _____, 20_____.

Signed: _____
County Auditor
Lake of the Woods County

Nomination Districts Resolution - Revised

Be it resolved by the Lake of the Woods Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District 1 – West Baudette and that portion of Baudette Township lying East of Winter Road River and East of County Road 75, south of where it intersects with the Winter Road River;

District 2 – East Baudette, Gudrid Township, Rapid River Township, Unorganized Township 157-30, Unorganized Township 158-30, Boone Township, Swiftwater Township, Kiel Township

District 3 – Walhalla Township, Potamo Township, Rulien Township, Victory Township, Forest Area, Spooner Township and that portion of McDougald Township lying South of State Trunk Highway #11

District 4 – Wheeler Township, Wabanica Township, that portion of McDougald Township lying North of State Trunk Highway #11 and that portion of Baudette Township lying West of County Road #75 and west of the Winter Road River;

District 5 – Lakewood Township, Prosper Township, Zippel Township, Myhre Township, Chilgren Township, Northwest Angle and Islands, City of Roosevelt

I, Russel Hansen, Secretary of the Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on March 14, 2013, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 3 to 3 of the members present.

Signed: Russel Hansen
Secretary
Lake of the Woods Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on March 14, 2013, is hereby approved.

I, John Jaschke, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Lake of the Woods Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on May 22, 2013, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of ~~____ to ____~~ unanimous of the members present.

Signed:
Executive Director
Board of Water and Soil Resources

Filed 4th day of June, 2013.

Signed: Lorene D. Hanson
County Auditor
Lake of the Woods County

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Marshall County SWCD Supervisor Nomination Districts Boundary Change**

Meeting Date: May 22, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: North Region
Contact: Chad Severts
Prepared by: Chad Severts
Reviewed by: Northern Water Planning Committee(s)
Presented by: Gene Teidemann

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

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

Fiscal/Policy Impact

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

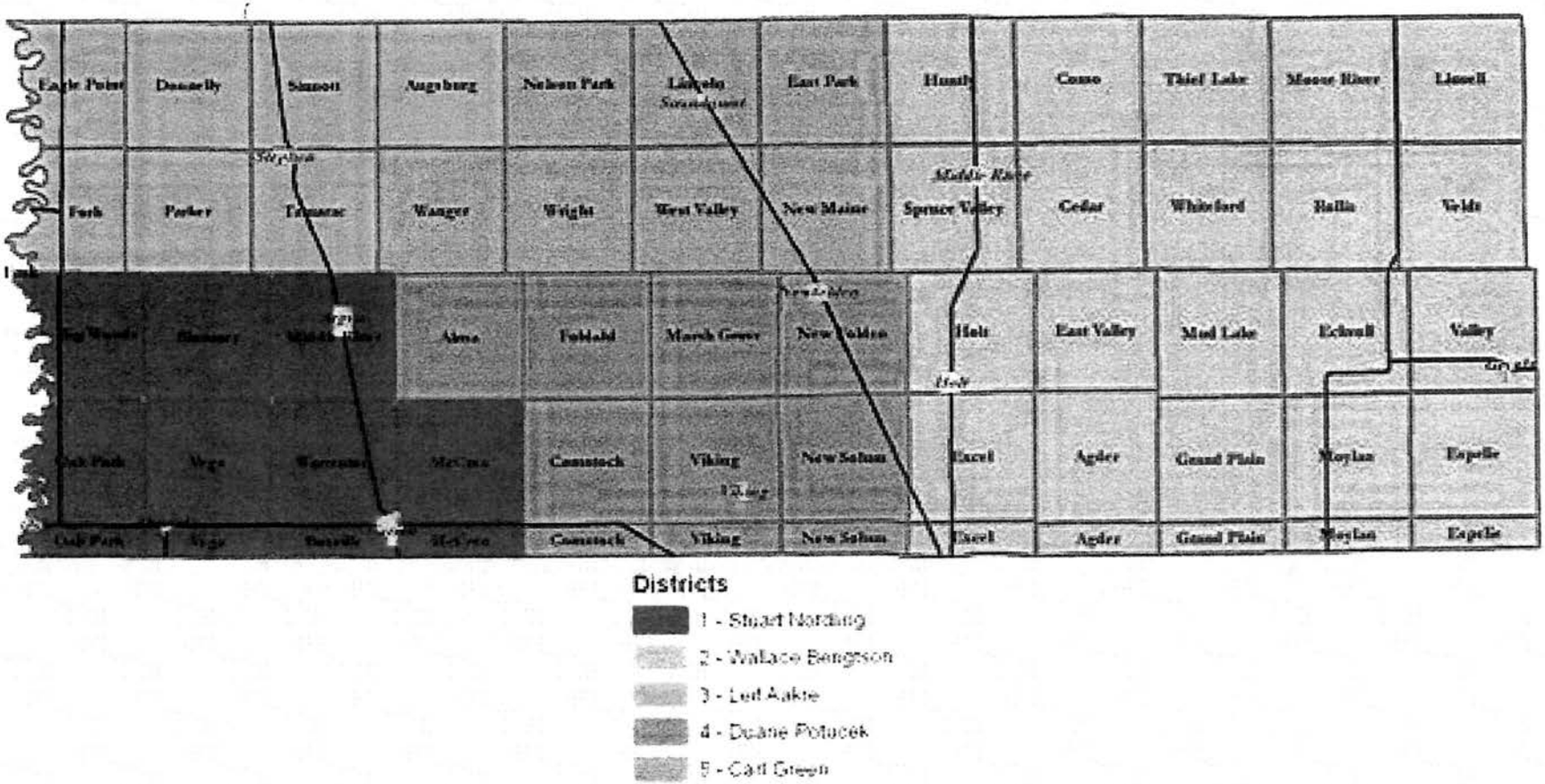
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Clean Water Fund Budget

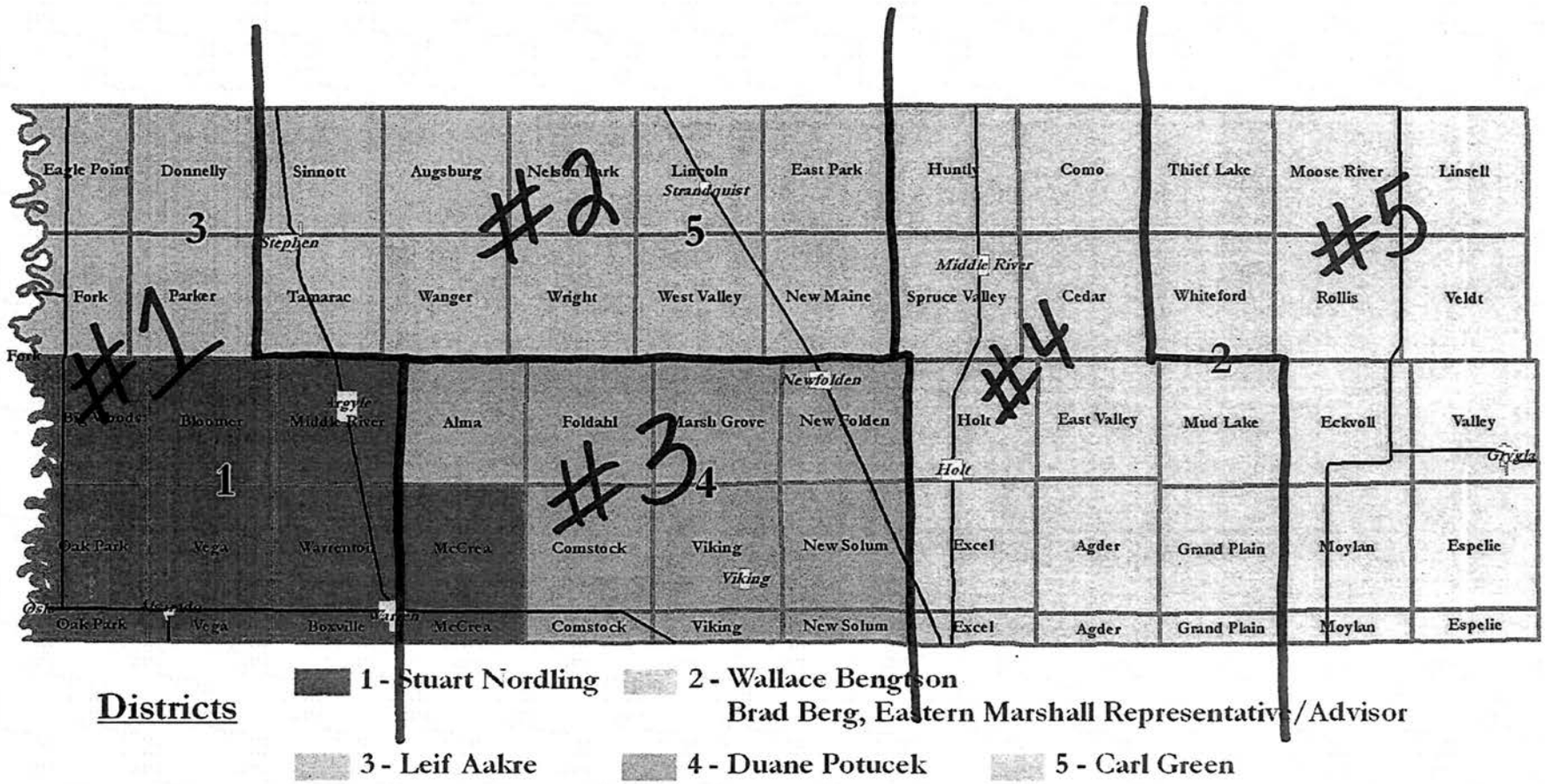
ACTION REQUESTED
Decision on Marshall SWCD Nomination Districts Changes

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Marshall County Soil and Water Conservation District (SWCD) approved a Nomination Districts Resolution on December 20, 2012. The reason for this resolution is to more equally distribute the areas represented by the Nomination District boundaries in Marshall County. In March of 2010, the BWSR dissolved the Marshall-Beltrami SWCD and consolidated the ten townships what were contained within Marshall County with the Marshall SWCD. The process added those townships to the Supervisor District #2 for a total of 20 townships. The proposed Nomination Districts will provide more equal distribution of township representation in the County.

On March 27, 2013, the BWSR Northern Water Planning Committee met to discuss the resolution. After discussion, the Committee decided with a unanimous vote to recommend approval of the nomination boundary changes as listed in the SWCD resolution to the full BWSR Board.


Districts
1 - Stuart Nordberg
2 - Wallace Bengtson
3 - Lee Aakre
4 - Duane Potucek
5 - Carl Green



Districts

1 - Stuart Nordling

2 - Wallace Bengtson

Brad Berg, Eastern Marshall Representative/Advisor

3 - Leif Aakre

4 - Duane Potucek

5 - Carl Green

MARSHALL COUNTY SOIL AND WATER
CONSERVATION DISTRICT

105 S. Division
P.O. Box 74
Warren, Minnesota 56762
Telephone (218) 745-5010

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

March 25, 2013

John Jaschke
Executive Director
Board of Water and Soil Resources
520 Lafayette Road North
St. Paul MN 55155

Dear Mr. Jaschke:

In March of 2010, the BWSR dissolved the Marshall-Beltrami SWCD and consolidated the ten townships that were contained within Marshall County with the Marshall SWCD. During that process, the Board added the townships to the Supervisor District #2 for a total of 20 townships. The Board also required the SWCD to examine the supervisor nominating districts to ensure equitable representation for all areas of the District.

The Marshall County SWCD Board approved a Nomination Districts Resolution on December 20, 2012. The resolution will revise the supervisor district boundaries to represent the County on a geographic basis. The supervisors have determined that this will provide the best representation to the landowners of Marshall County.

The supervisors will serve out their elected terms. The new boundaries for District 1 include two current supervisors, Stuart Nordling and Leif Aakre. The District 5 supervisor position will remain represented by the two supervisors in District 1. If a vacancy occurs in District 1, the appropriate appointment process will then fill the District 5 position; otherwise all positions will be filled on the regular general election schedule.

District	Expires Election Year
1	2016
2	2016
3	2014
4	2014
5	2014

Please consider approving this Nomination Districts Resolution (enclosed) to provide the Marshall County landowners with a more consistent and equal distribution of township representation in our County.

Sincerely,
Stuart Nordling
Stuart Nordling
Secretary
Marshall SWCD Board of Supervisors

Enclosure

NOMINATION DISTRICTS RESOLUTION
REVISED

Be it resolved by the Marshall Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District	Description of Boundaries
I	Eagle Point, Donnelly, Fork, Parker, BigWoods, Bloomer, Middle River, Warrenton, Vega and Vega Strip, Oak Park and Oak Park Strip, Boxville
II	Sinnott, Augsburg, Nelson Park, Lincoln, East Park, Tamarac, Wanger, Wright, West Valley and New Maine
III	Alma, Foldahl, Marsh Grove, New Folden, McCrea and McCrea Strip, Comstock and Comstock Strip, Viking and Viking Strip, New Solum and New Solum Strip
IV	Huntly, Como, Spruce Valley, Cedar, Holt, East Valley, Mud Lake, Excel and Excel Strip, Agder and Agder Strip, Grand Plain and Grand Plain Strip
V	Thief Lake, Moose River, Linsell, Whiteford, Rollis, Veldt, Eckvoll, Valley, Moylan and Moylan Strip, Espelie and Espelie Strip

I, Stuart Nordling, Secretary of the Marshall Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Marshall Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on December 20, 20 12, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: _____
Secretary

Marshall Co Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Marshall Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on _____, 20____, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Marshall Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on _____, 20____, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct coy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of _____ to _____ of the members present.

Signed: _____
Executive Director
Board of Water and Soil Resources

Filed this _____ day of _____, 20 _____.

Signed: _____
County Auditor
_____ County

Minnesota Board of Water & Soil Resources

May 22, 2013

Marshall County Soil and Water Conservation District
c/o Janelle Kollin, Office Manager
PO Box 74
Warren, MN 56772

Dear Marshall County Soil and Water Conservation District:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you that it approved the Marshall County Soil and Water Conservation District (SWCD) request for Nomination Districts boundaries change at its regular meeting held on May 22, 2013.

Enclosed are three BWSR approved copies of the Nomination Districts Resolution, which was approved by the Marshall County SWCD Board on December 20, 2012. Please have the Marshall County Auditor sign and date all three copies of this Resolution. The Marshall County Auditor will retain one copy of the signed Resolution, one copy will be retained in Marshall County SWCD files, and the other copy will need to be returned to the BWSR St. Paul office.

The Board of Water and Soil Resources appreciates the attention and action of the Marshall County Soil and Water Conservation District to provide the best representation to the residents of Marshall County.

Sincerely,

John Jaschke
Executive Director

cc: Ron Shelito, Southern Region Supervisor
Chad Severts, Board Conservationist

Bemidji
403 Fourth Street NW
Suite 200
Bemidji, MN 56601
(218) 755-2600

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

Duluth
394 S. Lake Avenue
Suite 403
Duluth, MN 55802
(218) 723-4752

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

Mankato
12 Civic Center Plaza
Suite 3000B
Mankato, MN 56001
(507) 344-2821

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

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

Rochester
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

TTY: (800) 627-3529 An equal opportunity employer

NOMINATION DISTRICTS RESOLUTION
REVISED

Be it resolved by the Marshall Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District	Description of Boundaries
I	Eagle Point, Donnelly, Fork, Parker, BigWoods, Bloomer, Middle River, Warrenton, Vega and Vega Strip, Oak Park and Oak Park Strip, Boxville
II	Sinnott, Augsburg, Nelson Park, Lincoln, East Park, Tamarac, Wanger, Wright, West Valley and New Maine
III	Alma, Foldahl, Marsh Grove, New Folden, McCrea and McCrea Strip, Comstock and Comstock Strip, Viking and Viking Strip, New Solum and New Solum Strip
IV	Huntly, Como, Spruce Valley, Cedar, Holt, East Valley, Mud Lake, Excel and Excel Strip, Agder and Agder Strip, Grand Plain and Grand Plain Strip
V	Thief Lake, Moose River, Linsell, Whiteford, Rollis, Veldt, Eckvoll, Valley, Moylan and Moylan Strip, Espelie and Espelie Strip

I, Stuart Nordling, Secretary of the Marshall Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Marshall Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on December 20, 20 12, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: _____
Secretary

Marshall Co. Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Marshall Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on December 20, 20 12, is hereby approved.

I, John Jaschke, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Marshall Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on May 22, 20 13, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct coy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of ~~____ to ____~~ unanimous of the members present.

Signed: _____
Executive Director
Board of Water and Soil Resources

Filed this _____ day of _____, 20 _____.

Signed: _____
County Auditor

_____ County

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Kandiyohi County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

2. McLeod County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

3. Meeker County Local Water Management Plan Update – Paul Langseth – ***DECISION ITEM***

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

In the Matter of Reviewing the Local Water Management Plan Update for Kandiyohi County (Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Kandiyohi County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on January 22, 2013 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 September 4, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On October 5, 2012, the Board received a written request (resolution) from the County for an extension of their current local water management plan.

3. On December 12, 2012, the Board approved official comments on the County PCSD, which were mailed to the county on December 12, 2012. The priority concerns the PCSD and Plan Update addresses include:

   - Protect and Improve Surface Water Quality – Reduce Priority Pollutants
   - Surface Water Management
   - Groundwater Quality & Quantity
   - Plan Administration and Coordination

4. On December 12, 2012, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to May 30, 2013. This approval was mailed to the County on December 12, 2012.

5. On January 22, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On March 7, 2013, the Southern Region Water Planning Committee of the Board met with representatives of the County to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) noted Plan Update does not violate any statutory or rule requirement administered by the MPCA and recommends approval of the entire Plan Update.
   - Minnesota Department of Health (MDH) noted Plan Update does not violate any statutory or rule requirement administered by the MDH and recommends approval of the entire Plan Update.
   - Minnesota Department of Natural Resources (MDNR) noted Plan Update does not violate any statutory or rule requirement administered by MDNR and recommends approval of the entire Plan Update.
   - Minnesota Department of Agriculture provided no comments.
   - Minnesota Environmental Quality Board provided no comments.
   - Board regional staff recommends requiring Kandiyohi County to revisit and improve their plan Update's Chapter Three: Goals, Objectives and Action Steps in order to meet M.S 103B.314, Subd. 3.

   After review and discussion, the decision of the Southern Region Water Planning Committee of the Board was to send the Plan Update back to the County for revision, adding more specific measurable objectives and actions to Chapter Three, and have the revisions returned to Board staff by April 10, 2013.

7. On April 5, 2013, the Board received the revised Chapter Three from the County.

8. On May 2, 2013, the Southern Region Water Planning Committee of the Board met to review the revisions submitted by the County. The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's May 22, 2013 meeting.

9. On May 22, 2013, the Southern Region Water Planning Committee of the Board presented its recommendation of approval of the Kandiyohi County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.

10. This Plan Update will be in effect for a ten-year period until May 22, 2023, with the Goals, Objectives and Action items amended by May 22, 2018.

CONCLUSIONS

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

2. The Kandiyohi County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Kandiyohi County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by May 22, 2018.

Dated at St Paul, Minnesota this May 22, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Kandiyohi County Local Water Management Plan Update**

Meeting Date: May 22, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: Thomas Fischer, 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*)

On December 12, 2012, the Board of Water and Soil Resources (Board) provided official State comments pertaining to the priority concerns identified in the Kandiyohi County Priority Concerns Scoping Document.

On December 12, 2012, the Board officially approved Kandiyohi County's request for an extension of the end date of their current local water management plan, which would have expired on December 31, 2012. The end date was extended to May 30, 2013.

On January 22, 2013, the Board received the Kandiyohi County Local Water Management Plan Update (Plan Update), a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review.

On March 7, 2013, the Southern Water Planning Committee (Committee) of the Board met with representatives of Kandiyohi County to review state agencies review recommendations and comments. At this meeting, the Committee discussed its concern for the Plan Update not fully meeting MN Statutes 103B.314, Subd. 3, which speaks to specific measurable goals and objectives. The Committee's decision was to send back the Plan Update to Kandiyohi County to revise the goals, objectives and actions section in order to comply with the Statute.

On May 2, 2013, the Committee met to review the revisions submitted by Kandiyohi County. The Committee recommends approval of the Kandiyohi County Plan Update.

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

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ORDER

The Board hereby approves the update of the Kandiyohi County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by May 22, 2018.

Dated at St Paul, Minnesota this May 22, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

DRAFT

Kandiyohi County
Comprehensive Local Water Management Plan:
Executive Summary

This Kandiyohi County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of [Water] Plan.

A. Purpose of the Local Water Management Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, this Kandiyohi County Water Plan:

- Covers the entire area of Kandiyohi County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2013-2023), with a 5-year implementation plan (2013-2018). In 2018, the implementation plan will be updated.

In addition, this Water Plan will also serve as the Kandiyohi County Soil and Water Conservation District's overall plan.

B. A Description of Kandiyohi County's Priority Concerns

Chapter Two provides a detailed assessment of the priority concerns. Based upon the Kandiyohi County Water Plan Survey, comments received during the water plan public informational meeting, and the comments received by the various water plan stakeholders, the Water Plan Task Force identified the following Kandiyohi County priority water planning issues **(note: these issues are not ranked):**

1. Protect and Improve Surface Water Quality ~ Reducing Priority Pollutants
    A. Soil Erosion and Sedimentation
    B. Proactively work to get waters off the MPCA's 303(d) List of Impaired Waters (TMDLs)
    C. Feedlots and Nutrient Management
    D. Subsurface Sewage Treatment Systems (SSTS)
    E. Aquatic Invasive Species and Lake Management
    F. Land and Wastewater Management

2. Surface Water Management
    A. Agricultural Drainage
    B. Stormwater Management
    C. Wetlands and Water Storage/Retention

3. Groundwater Quality & Quantity
    A. Wellhead Protection Areas
    B. Drinking Water Quality
    C. Groundwater Monitoring

4. Plan Administration and Coordination
    A. Watershed Focus
    B. Stakeholder Cooperation
    C. Raising Public Awareness

C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Kandiyohi County Water Plan Task Force met and developed four goal areas. These four goal areas are further broken down into interrelated objectives that deal with each of the priority concerns. Most importantly, each objective has a series of action steps identified which are designed to help achieve the goal area if implemented properly.

A summary of the County's Water Plan Goals, Objectives and Action Steps are provided below. Collectively they form the County's Water Implementation Plan. In addition, a summary of their annual estimated costs is provided. These are separated into Overall Costs and County Only Costs. The County Only costs include funds spent and activities performed by the Kandiyohi County SWCD. Please keep in mind that not all of the identified Action Items will be accomplished over the course of the Water Plan. It is, however, the intent of this Water Plan to accomplish as many implementation activities as both money and time allows. **Also keep in mind the cost identified are only estimates, and the actual direct and/or indirect costs may be more or less than indicated.** A better detailed description of the County's Goals, Objectives, and Action Steps is contained in Chapter Three of this Water Plan. Likewise, Chapter Four provides more details on administering the Water Plan.

GOAL 1: PROTECT AND IMPROVE SURFACE WATER QUALITY

Objective A: Implement BMPs to reduce erosion and sediment loading of surface water resources.

- Erodible Land. Target 200 acres annually of highly erodible land for enrollment in conservation easement programs, such as CRP and RIM.
- BMP Cost-Share. Pursue funding to provide technical and financial assistance to landowners, such as CRP, EQIP, and similar BMP programs. Establish a minimum of $100,000 annually to implement.
- BMP Program. Provide educational, technical, and financial assistance, as available, to landowners for the implementation of water quality-related BMPs, such as stormwater retention practices, lake-scaping, vegetative buffer strips, grassed waterways, windbreaks, and living snow fences. Implement 25 projects annually.
- Conservation Tillage. Increase educational, technical and financial assistance to landowners for conservation tillage. Increase by 500 acres annually.

- Control Standards. Biannually review erosion control and storm water control standards to ensure water quality is protected during and after development (2014, 2016).
- Hawk Creek Alternative Intakes. The Hawk Creek Watershed Project will cost-share up to 75% (not to exceed $500) for alternative tile intakes, including rock or blind intakes, hickenbottom intakes, and replacing open intakes with pattern tile. Implement 5 projects annually.
- Chippewa River Alternative Intakes. The Chippewa River Watershed Project will cost-share up to 75% of the cost on eligible alternative tile intakes. Implement 5 sites annually.
- Middle Fork Crow River Watershed District Alternative Intakes. The MFCRWD will cost-share up to 75% (not to exceed $500) for alternative tile intakes, including rock or blind intakes, hickenbottom intakes, and replacing open intakes with pattern tile. Implement 5 projects annually.
- Hawk Creek Buffer Strips. The Hawk Creek Watershed Project will provide $100/acre for 10-year contract and $150/acre for 15-year contract for the establishment of Buffer Strips. If using a perpetual conservation easement, and additional $500/acre incentive will be paid. Implement 5 sites annually.
- Chippewa River Watershed Ag BMPs. Reduce sediment by promoting and providing cost-share, when available, for terraces, contour farming, grassed waterways, conservation tillage, buffer strips, and streambank restorations. Prioritize the Shakopee Creek Sub-Watershed and implement 2 sites annually.
- NFCRWD Ag Drainage BMPs. Promote the use of Ag Drainage BMPS to reduce nutrients, sediment, and water volume being transported by field tile into the North Fork of the Crow River. Implement 1 site annually.

Objective A estimated Overall Costs = $407,500; County Only Costs = $87,000

Objective B: Proactively work to delist all of Kandiyohi County's water bodies off the MPCA's 303d List of Impaired Waters

- TMDL Studies. Cooperatively work with partners to coordinate the preparation and implementation of TMDL studies for impaired waters. Target and implement 20 BMP projects in impaired waters.
- SWCD TMDL. Provide education, technical, and financial assistance to landowners and stakeholders on BMPs to protect water resources. Priority areas include impaired waters. Implement 5 projects annually.
- Clean Water Funds. Prioritize local projects and needs and apply for clean water legacy funding to implement projects to protect and improve surface water quality. Create applications for each funding cycle.
- Watershed Approach. Participate in the watershed approach to identify and address issues and help prevent future impairment designations.
- Hawk Creek Watershed Project. Partner with the Hawk Creek Watershed Project on securing proper funding to implement TMDL BMPs on Long and Ringo Lakes. Implement five (5) projects annually.

Objective B estimated Overall Costs = $256,000; County Only Costs = $38,500

Objective C: Reduce or minimize the negative impacts of animal manure and fertilizers

- Feedlot Program. Continue to locally administer the County Feedlot Program to assist feedlot operators in obtaining and maintaining compliance with State regulations. Target impaired waters and inspect a minimum of 7% annually.
- Feedlot Operator Meeting. Sponsor an annual educational meeting with feedlot operators focusing on pertinent topics, including regulations and manure management.
- Cost-Share. Provide implementing funding through EQIP & State Cost Share for Ag waste systems & nutrient management. Implement 5 projects annually.
- Nutrient Management Guidelines. Educate landowners to follow the University of Minnesota's nutrient management guidelines. Target impaired waters and annually include information in newsletters.

- Lake Wakanda. Continue with the Gorans nutrient reduction project on Lake Wakanda.
- Low Interest Loans. Provide low interest loans to repair non complying feedlots. Implement two (2) feedlot upgrades annually.
- Feedlot BMPS. Promote BMPs around feedlots and provide technical and financial assistance, when available. Target impaired waters and implement 2 projects annually.
- Lawn Fertilizers. Promote the use of lawn BMPs, including the proper use of fertilizers and disposal of lawn clippings. Include annually in newsletters and informational meetings.
- Hawk Creek Feedlot BMPs. The Watershed Project can provide cost-share on eligible ag-waste feedlot upgrades and certain livestock exclusions. Implement 2 projects annually.
- Chippewa River Watershed Feedlot BMPs. Manage viable livestock operations with: Fencing and alternative water sources for pastures (2); Rotational Grazing (2); Agricultural Waste System Upgrades (1); and Nutrient and Manure Management Planning for Economic and Environmental Goals (3) annually (# of projects).

Objective C estimated Overall Costs = $310,000; County Only Costs = $92,000

Objective D: Work with landowners on properly implementing the County's Subsurface Sewage Treatment System Ordinance and other wastewater initiatives.

- SSTS Program. Continue to provide compliance services as part of the County's SSTS Program.
- SSTS Training Program. Continue ongoing training programs for SSTS installers and septage haulers. Host a regular meeting annually.
- Noncompliant SSTSs. Provide educational and financial assistance, as available, to homeowners to upgrade noncompliant SSTSs. Target impaired waters and upgrade a minimum of 20 systems annually.
- SSTS Loans. Administer low interest loans for septic improvements. Provide assistance to 20 homeowners annually.

- SSTS BMPs. Provide SSTS education and outreach on to inspectors, contractors, and landowners. Target 2,500 households annually.

Objective D estimated Overall Costs = $903,200; County Only Costs = $143,000

Objective E: Enhance shoreland and lake management efforts

- In-Lake Management. Conduct and/or provide technical and financial assistance for the implementation of in-lake management efforts, when feasible. Target impaired waters and implement 2 projects annually.
- Aquatic Invasive Species (AIS) Management. Conduct and/or provide technical and financial assistance, as available, to lake associations and other groups/organizations for the implementation of invasive aquatic species prevention and/or control efforts. Assist with signage on accesses (in 2013) and annual enforcement, as feasible.
- Land Use Controls. Biannually review land use plans and ordinances to ensure minimal development impacts on surface waters.
- Shoreland Restoration. Promote natural shorelands by providing education, technical, and financial assistance to landowners for shoreland restoration. Implement 5 projects annually.
- Grants. Annually seek grants for shoreland restoration.
    - The SWCD will apply for grants for shoreland restoration in the SFCRW.
    - The MFCRWD will apply for grants for shoreland restoration for the MFCRW.
- Lake Levels. Assist as needed with lake level control structures and outlet structure improvement.
    - The MFCRWD will continue to seek funding and work with Ducks Unlimited and landowners on the Hubbard-Shultz-Wheeler Chain of Lakes drawdown project, which is anticipated to take two years to complete (by 2015).
- Chippewa River Watershed Shoreline Restorations. Keep lakes usable by promoting and providing cost-share, when available, to naturalize shorelines. Implement 2 projects annually.

- Middle Fork Crow River Watershed. Promote Best Management Practices (BMPs) and provide cost-share, when available, to naturalize shorelines. Implement 5 projects annually.

Objective E estimated Overall Costs = $172,500; County Only Costs = $68,500

Objective F: Administer initiatives that will enhance sustainable land management activities

- Wastewater Treatment. Cooperatively work with partners to address wastewater treatment issues associated with unsewered communities, including riparian developments.
- Hazardous Waste Program. Continue the County's Hazardous Waste Program. Annually review the program and make changes accordingly.
- Habitat Corridors Partnership. Support efforts to conserve, enhance and restore wildlife habitat, when feasible. Implement 1 project annually.
- GIS Datasets. Annually Iinvest in the acquisition, development, and maintenance of GIS datasets, including the digital soil survey and parcel map. Utilize these datasets to make informed decisions regarding land use planning and water resource management. Use LiDAR to identify target areas.
- Land Use Management. Continue to implement the County's adopted land use controls, including the floodplain, SSTS, shoreland, and solid waste ordinances. Annually review/revise language.

Objective F estimated Overall Costs = $450,000; County Only Costs = $372,500

GOAL 2: ENHANCE SURFACE WATER MANAGEMENT

Objective G: Ensure long-term agricultural production by maintaining and improving the public drainage system.

- Public Drainage Systems. Ensure that public drainage systems are operated and maintained in accordance with the State Drainage Law (M.S. Chapter 103E) and other applicable regulations.

- Alternative Drainage Practices. Provide educational, technical, and financial assistance, as available, to landowners for the demonstration of alternative drainage practices. Implement 2 projects annually.
- Redetermination of Benefits. Continue the redetermination of benefits on all public ditches, as requested. Implement 2 systems annually.
- Drainage Buffers. Promote CRP & RIM for drainage buffers and promote the use of native prairie seeding. Target 100 acres annually.
- Conservation Drainage. Promote conservation drainage practices and provide technical and financial assistance, when available. Establish 2 demonstration sites.
    - The SWCD will target the SFCRW.
    - The MFCRWD will target the MFCRW.
- Flow Restoration. Assist with restoring proper flows where needed. Identify needed projects on an annual basis.

Objective G estimated Overall Costs = $355,000; County Only Costs = $147,500

Objective H: Manage surface waters to minimize Stormwater pollution and runoff.

- Stormwater Management Plans. Participate in the development and implementation of Comprehensive Stormwater Management Plans. These Plans should prescribe BMPs, including potential retrofit opportunities, provide recommendations for coordinating stormwater management among local units of government, and identify potential funding options. Implement 2 plans.
- Rain Gardens. Promote the use of rain gardens as storm water management. Provide grants and technical support. Design and install a minimum of 5 rain gardens per year.
- Semi-Permeable Surfaces. Encourage and implement the use of semi permeable surfaces in urban areas. Target impaired waters and implement 3 projects.
- Stormwater Basins. Encourage the use of storm water retention areas. Target projects to assist with the Grass Lake project and implement 3 projects.
- Stormwater Education. Annually provide education which emphasizes Urban Best Management practices though informational booths at the Kandiyohi County Fair, the

West Central Ag Sale Farm Show, and the Prairie Woods Environmental Learning Center.

Objective H estimated Overall Costs = $211,000; County Only Costs = $93,000

Objective I: Preserve and Restore Wetlands and other Water Retention Opportunities

- Lake Level Conflicts. Work with the DNR and other stakeholders to resolve lake level conflicts. Annually review concerns.
- Halvorson Dam. Cooperatively work with partners to resolve issues related to the maintenance and operation of the Halvorson Dam.
- WCA Administration. Continue to locally administer the Minnesota Wetland Conservation Act, with the entire County being designated for high priority restorations.
- Wetland Restorations. Actively pursue preserving and restoring wetlands, where appropriate. Target impaired waters and implement 5 projects.
- Preservation and Restoration Programs. Provide educational and technical assistance to landowners regarding State and Federal programs to preserve and restore wetlands, including drained lakebeds. Implement two (2) projects annually.
- Wetland Banking. Provide information to landowners who inquire about the State wetland-banking program. Annually include in newsletters and informational meetings.
- Grass Lake Project. Cooperatively work with partners to complete the Grass Lake wetland restoration project.
- Ag Wetland Banking. Provide information to landowners who inquire about the state agriculture banking program. Annually include in newsletters and informational meetings.

Objective I estimated Overall Costs = $250,000; County Only Costs = $100,000

GOAL 3: PROTECT GROUNDWATER SUPPLIES

Objective J: Protect and Improve Groundwater Quality and Quantity

- BMP Program. Provide educational, technical and financial assistance, as available, to landowners for the implementation of groundwater protection BMPs. Prioritize sensitive groundwater recharge areas and implement 2 projects annually.
- Wellhead Protection. Participate in the preparation and implementation of wellhead protection plans for public water suppliers. Prioritize BMPs in Wellhead Protection Areas.
- Pesticide Container Collection. Continue an empty pesticide container collection day, contingent upon the availability of funding.
- Solid Waste Management. Provide educational assistance to landowners to discourage the burning and burying of solid waste. Target 2,000 households annually.
- Groundwater Monitoring. Assist with groundwater monitoring efforts, and proactively enact measures to protect and study water supplies, when appropriate. Annually review data and prioritize BMPs accordingly.
- Well Sealing. Provide technical and financial assistance when available, to assist with properly sealing abandoned wells. Target 5 abandoned wells annually.

Objective J estimated Overall Costs = $308,500; County Only Costs = $210,500

GOAL 4: EFFECTIVELY ADMINISTER THE WATER PLAN WITH CIVIC ENGAGEMENT AND STRONG STAKEHOLDER COORDINATION

Objective K: Expand our knowledge and partnerships on identifying and addressing key water planning issues.

- Water Quality Monitoring. Cooperatively work with partners and provide funding assistance, when available, to continue and expand surface and ground water quality monitoring efforts. Annually review data and prioritize BMPs accordingly.
- Surface Water Flow Monitoring. Cooperatively work with partners to continue surface water flow monitoring efforts. Annually review data and prioritize BMPs accordingly.

- Water Quality Studies. Conduct and/or provide technical and financial assistance, as available, to partners for the completion of water quality studies. Annually review data and prioritize BMPs accordingly.

Objective K estimated Overall Costs = $85,000; County Only Costs = $18,000

Objective L: Engage the public on key water planning issues and implementation activities.

- Funding Sources. Provide information to landowners and stakeholders on available funding sources for water resource management activities and projects. Annually review available information and programs.
- Environmental Education. Promote environmental and conservation education at local schools and help fund Earth Day activities. Publish newsletters and keep websites updated with current information.
- Prairie Woods Environmental Learning Center. Annually provide financial assistance, as available, to the Prairie Woods Environmental Learning Center for agricultural and environmental education.
- Outreach. Utilize available outreach tools, including the Internet and newsletters, to disseminate information to the public regarding water resource management activities and issues. Annually review materials and priorities.
- Recreation. Protect and improve the public's water-based recreational opportunities, when feasible. Implement 2 projects annually, such as improving public accesses, enhancing fishing piers, etc.

Objective L estimated Overall Costs = $242,000; County Only Costs = $190,000

Objective M: Coordinate implementation efforts with key water plan stakeholders.

- Grant Assistance. Work with stakeholders to continue to secure grant money to implement water plan initiatives (i.e., Clean Water Funds, 319 Funds, etc.). Annually prioritize projects and seek funds accordingly.

- Watershed Cooperation. Continue the participation with watershed management projects & groups to pool financial and technical resources. Attend watershed meetings and participate in key activities.
- Partner Meetings. Annually hold and/or attend meetings with partners to discuss water resource management issues and potential partnership opportunities.
- Joint Powers Board Membership. Continue membership in water plan stakeholder's Joint Powers Boards.
- Local Water Management Coordinator. Maintain the County Local Water Management Coordinator position.
- Water Planning Taskforce Meetings. Hold quarterly Water Planning Taskforce meetings to discuss issues and review funding requests. Annually review the Water Plan.
- Water Plan Update. Update the Goals, Objectives, and action Steps prior to 2018 when the County's five-year implementation plan expires (in 2018).

Objective M estimated Overall Costs = $35,500; County Only Costs = $21,000

Approximate Total Estimated Overall Annual Costs = $3,986,000*

Approximate Total Estimated County Only Annual Costs = $1,582,000*

***Note:** Please refer to Chapters Three and Four of this Water Plan for a more detailed description of the estimated costs overall and to Kandiyohi County. Although these costs may seem exaggerated at first, there are numerous stakeholders involved with their corresponding activities and budgets. For example, the County's estimated costs also includes the SWCD's budget and programs. In addition, many of the Action Steps identified overlap with other Action Steps with their scope and functionality. Furthermore, this Water Plan is intended to set high water resource planning goals, with the realization that it may not be feasible to accomplish everything that has been identified.

D. Relationship to other Plans

The Kandiyohi County Water Plan Task Force represents a diverse group of people representing a number of key water plan stakeholders (the members are listed on the inside cover page). This helped to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, was developed to be consistent with existing plans and official land use controls. In addition, many of the identified Action Items were simply revised from previous versions of the Kandiyohi County Water Plan. **As a result, this updated Kandiyohi County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls.** This should be confirmed by the vast amount of stakeholders who participated throughout the planning process. **In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.**

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the McLeod County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on December 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 August 20, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On September 24, 2012, the Board received a written request (resolution) from the County for an extension of their current local water management plan.

3. On December 12, 2012, the Board approved official comments on the County PCSD, which were mailed to the county on December 12, 2012. The priority concerns the PCSD and Plan Update addresses include:

   - Surface Water Quantity – Management
   - Surface Water Quality – Reduce Priority Pollutants
   - Groundwater Quality & Quantity
   - Plan Administration and Coordination

4. On December 12, 2012, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to May 30, 2013. This approval was mailed to the County on December 12, 2012.

5. On December 28, 2012, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On March 7, 2013, the Southern Region Water Planning Committee of the Board met with representatives of the County to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) noted Plan Update does not violate any statutory or rule requirement administered by the MPCA and recommends approval of the entire Plan Update.
   - Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update.
   - Minnesota Department of Health (MDH) noted Plan Update does not violate any statutory or rule requirement administered by the MDH and recommends approval of the entire Plan Update.
   - Minnesota Department of Natural Resources (MDNR) noted Plan Update does not violate any statutory or rule requirement administered by MDNR and recommends approval of the entire Plan Update.
   - Minnesota Environmental Quality Board provided no comments.
   - Board regional staff recommends requiring McLeod County to revisit and improve their plan Update's Chapter Three: Goals, Objectives and Action Steps in order to meet M.S 103B.314, Subd. 3.

   After review and discussion, the decision of the Southern Region Water Planning Committee of the Board was to send the Plan Update back to the County for revision, adding more specific measurable objectives and actions to Chapter Three, and have the revisions returned to Board staff by April 10, 2013.

7. On April 5, 2013, the Board received the revised Chapter Three from the County.

8. On May 2, 2013, the Southern Region Water Planning Committee of the Board met to review the revisions submitted by the County. The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's May 22, 2013 meeting.

9. On May 22, 2013, the Southern Region Water Planning Committee of the Board presented its recommendation of approval of the McLeod County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.

10. This Plan Update will be in effect for a ten-year period until May 22, 2023, with the Goals, Objectives and Action items amended by May 22, 2018.

CONCLUSIONS

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

2. The McLeod County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the McLeod County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by May 22, 2018.

Dated at St Paul, Minnesota this May 22, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **McLeod County Local Water Management Plan Update**

Meeting Date: May 22, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: Thomas Fischer, 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*)

On December 12, 2012, the Board of Water and Soil Resources (Board) provided official State comments pertaining to the priority concerns identified in the McLeod County Priority Concerns Scoping Document.

On December 12, 2012, the Board officially approved McLeod County's request for an extension of the end date of their current local water management plan, which would have expired on December 31, 2012. The end date was extended to May 30, 2013.

On December 28, 2012, the Board received the McLeod County Local Water Management Plan Update (Plan Update), a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review.

On March 7, 2013, the Southern Water Planning Committee (Committee) of the Board met with representatives of McLeod County to review state agencies review recommendations and comments. At this meeting, the Committee discussed its concern for the Plan Update not fully meeting MN Statutes 103B.314, Subd. 3, which speaks to specific measurable goals and objectives. The Committee's decision was to send back the Plan Update to McLeod County to revise the goals, objectives and actions section in order to comply with the Statute.

On May 2, 2013, the Committee met to review the revisions submitted by McLeod County. The Committee recommends approval of the McLeod County Plan Update.

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

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   After review and discussion, the decision of the Southern Region Water Planning Committee of the Board was to send the Plan Update back to the County for revision, adding more specific measurable objectives and actions to Chapter Three, and have the revisions returned to Board staff by April 10, 2013.

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CONCLUSIONS

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

2. The McLeod County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the McLeod County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by May 22, 2018.

Dated at St Paul, Minnesota this May 22, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

DRAFT

McLeod County
Comprehensive Local Water Management Plan:
Executive Summary

This McLeod County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of [Water] Plan.

A. Purpose of the Local Water Management Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, this McLeod County Water Plan:

- Covers the entire area of McLeod County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2013-2023), with a 5-year implementation plan (2013-2018). In 2018, the implementation plan will be updated.

B. A Description of McLeod County's Priority Concerns

Chapter Two provides a detailed assessment of the priority concerns. Based upon the McLeod County Water Plan Survey, comments received during the water plan public informational meeting, and the comments received by the various water plan stakeholders, the Water Plan Task Force identified the following McLeod County priority water planning issues **(note: these issues are not ranked)**:

1. Surface Water Quality ~ Reducing Priority Pollutants
    a. Erosion & Sediment Control
    b. TMDL Implementation
    c. Feedlot/Livestock Management
    d. Subsurface Sewage Treatment Systems
    e. Aquatic Invasive Species

2. Surface Water Quantity ~ Management
    a. Agricultural Drainage
    b. Stormwater Management
    c. Wetland Restorations

3. Groundwater Quality & Quantity
    a. Wellhead Protection Areas
    b. Drinking Water Quality

4. Plan Administration
    a. Watershed Focus
    b. Raising Public Awareness

C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the McLeod County Water Plan Task Force met and developed four goal areas. These four goal areas are further broken down into interrelated objectives that deal with each of the priority concerns. Most importantly, each objective has a series of action steps identified which are designed to help achieve the goal area if implemented properly. A summary of the County's Water Plan Goals, Objectives and Action Steps are provided is this section. Collectively they form the County's Water Implementation Plan. **In addition, a summary of their annual estimated costs is provided** separated into Overall Costs and County Only Costs (the later includes funds spent by both

McLeod County and the McLeod County SWCD). To Be Determined (TBD) amounts and one-time cost estimates (versus ongoing annual cost estimates) ***are not included in the estimated overall costs, since the numbers presented in the summary represent potential estimated annual expenditures.*** The intent of this section of the Executive Summary is merely to provide a brief summary of the initiatives and their estimated costs, not a comprehensive description. A full description of the Goals, Objectives, and Action Steps is contained in Chapter Three of this Water Plan. Likewise, Chapter Four provides details on administering the Water Plan. Please keep in mind that not all of the identified Action Items will be accomplished over the duration of the Water Plan. **The Action Steps are estimates of potential implementation activities that can change due to work loads, available project funding, or a re-determination of priorities in the water plan. Furthermore, many of the Action Steps represent commitments on behalf of the various water plan stakeholders and can only be accomplished if funding is available.**

GOAL 1: PROTECT AND IMPROVE SURFACE WATER QUALITY

Objective A: ***Implement BMPs to reduce erosion and sediment loading of surface water resources.***

- Erodible Land. Annually target 500 acres of highly erodible land for enrollment in conservation easement programs, such as CRP and RIM.
- BMP Program. Provide educational, technical, and financial assistance, as available, to landowners for the implementation of water quality-related BMPs. Implement a minimum of five projects annually.
- Cost-Share. Seek financial aid in the form of State cost-share, Federal EQIP, and Clean Water Funds for the installation of BMPs. Establish a minimum of $100,000 in cost-share funds annually.
- Site Inspections. Conduct site inspections and provide technical assistance to interested landowners. Target 25 inspections annually.
- SWCD Wind Erosion. Establish 1 mile of field windbreaks and five acres of shelterbelts annually.
- SWCD Water Erosion. Reduce sediment loading and erosion into surface waters by installing BMPs. Implement five projects annually.

Objective A Estimated Overall Costs = $500,000; County Only Costs = $160,000

Objective B: Proactively work to delist all of McLeod County's water bodies off the MPCA's 303d List of Impaired Waters.

- Water Quality Monitoring. Cooperatively work with partners to continue water quality monitoring efforts. Annually review the data and adjust BMP programs accordingly. Continue to weekly monitor the Crow River and High Island Creek for water clarity using a turbidity tube (except when frozen).
- TMDL Studies. Cooperatively work with partners to coordinate the preparation and implementation of TMDL studies and plans for Impaired Waters. Biannually review and target the impaired waters for BMP implementation (2014 & 2016).
- Watershed Approach. Partner in MPCA's watershed approach to identifying and addressing water quality problems. Annually review and target key subwatersheds for BMP implementation and Civic Engagement Activities with stakeholders.
- Stressor IDs. Assist with the U.S. Environmental Protection Agency's (EPA) efforts in the development of stressor identification in aquatic ecosystems. Once the stressors are identified, target BMPs accordingly.

Objective B Estimated Overall Costs = $170,000; County Only Costs = $17,000

Objective C: Reduce or minimize the negative impacts of animal manure/ lawn fertilizers.

- Feedlot Program. Continue to locally administer the County Feedlot Program to assist feedlot operators in obtaining and maintaining compliance with State regulations. Annually inspect 10% of the feedlots in the County.
- Noncompliant Feedlots. Provide educational, technical, and financial assistance, as available, to landowners/producers to upgrade noncompliant feedlots. Implement one feedlot upgrade annually.
- SWCD Feedlot Assistance. Assist the County with Feedlot site evaluations, planning, design, and overall general technical assistance. Complete MINNFARM evaluations for potential pollution problems and assist with fixing problems, when necessary. Target impaired waters and implement 5 projects annually.
- Nutrient Management Meeting. Sponsor an annual meeting to provide information on proper nutrient management.

- Manure and Nutrient Management. Provide educational and technical assistance, as available, to landowners/producers on proper manure and nutrient management. Target impaired waters.
- High Island Creek Watershed Initiative. Work with High Island Watershed to reduce Fecal coliform and E. coli levels through the implementation of manure management and feedlot BMPS.

Objective C Estimated Overall Costs = $292,500; County Only Costs = $137,500

Objective D: Work with landowners on properly implementing the County's Subsurface Sewage Treatment System Ordinance and other wastewater initiatives.

- SSTS Program. Continue to provide compliance and inspection services as part of the County's SSTS Program. Permit and inspect 100 new septic systems annually.
- Noncompliant SSTSs. Provide educational and financial assistance, as available, to homeowners to upgrade noncompliant SSTSs. Target impaired waters and upgrade 10 systems annually.
- Improper SSTS Discharge. Investigate and initiate corrective measures for SSTS improperly discharging into drainage ditches, lakes, and rivers when reported.
- Industrial Development. Encourage industrial development to be located where appropriate public services are located, such as municipal sewer service. Biannually review development ordinances to ensure proper language (2013, 2015, 2017).
- Shoreland Development. Provide technical and financial assistance, when available, to assist lake associations and shoreland residents with the installation of cluster sewer systems.
- BCWD SSTS Incentive. Provide $500 incentive to replace 5 failing septic systems, according to BCWD criteria.
- HICWD SSTS Incentive. Provide $500 incentive to replace 5 failing septic systems, according to HICWD criteria.
- Wastewater Treatment. Cooperatively work with partners to address wastewater treatment issues. Assist with securing funds with one project annually or as needed.

- City of Biscay. Complete work on Biscay in upgrading their septic system with the construction of the cluster system in 2013 and finish construction of sewer lines and tank installation in 2014.

Objective D Estimated Overall Costs = $466,000; County Only Costs = $67,500

Objective E: Enhance shoreland and lake management efforts.

- Lake Management. Conduct and/or provide technical and financial assistance, as available, to partners for the implementation of lake management efforts, when appropriate. Target impaired waters and implement two projects annually.
- Aquatic Invasive Species Management. Conduct and/or provide technical and financial assistance, as available, to lake associations and other groups/organizations for the implementation of invasive aquatic species prevention and/or control efforts. Host one meeting annually.
- Lake Level Conflicts. Work with the DNR and other stakeholders to resolve lake level conflicts.
- Watercourse Management. Proactively cleanout debris from water resources. Implement one project annually.
- Shoreland Ordinance. Continue to implement the County's Shoreland zoning standards. Biannually review (2014, 2016).
- City of Lester Prairie. Support the City of Lester Prairie's efforts to obtain Clean Water Funding for shoreland restorations along the Crow River.

Objective E Estimated Overall Costs = $115,000; County Only Costs = $20,000

Objective F: Administer initiatives that will enhance sustainable land management activities.

- Hazardous Waste Program. Continue the County's Hazardous Waste Program. Biannually review the program.
- Habitat Corridors. Support efforts to conserve, enhance and restore fish and wildlife habitat, when feasible. Implement one or more projects annually.
- GIS Datasets. Annually invest in the acquisition, development, and maintenance of GIS datasets, including the digital soil survey and parcel map. Utilize these datasets

to make informed decisions regarding land use planning and water resource management.

- Land Use Management. Continue to implement the County's adopted land use controls, including the Comprehensive Plan, floodplain, SSTS, shoreland, and solid waste ordinances. Biannually review language.
- Land Use Decisions and Ordinance Amendments. Work with the Planning Commission and Board of Commissioners to ensure that land use decisions and ordinances are consistent with the Water Plan. Identify inconsistencies and update documents accordingly.

Objective F Estimated Overall Costs = $1,060,000; County Only Costs = $670,000

GOAL 2: ENHANCE SURFACE WATER MANAGEMENT

Objective G: Ensure long-term agricultural production by maintaining and improving the public drainage system.

- Public Drainage Systems. Ensure that public drainage systems are operated and maintained in accordance with the State Drainage Law (M.S. Chapter 103E) and other applicable regulations, such as WCA. Continue to inspect and perform brush control on ditches once every three years.
- Comprehensive Drainage Management Plan. Pursue the development of a comprehensive drainage management plan for public drainage systems.
- Redetermination of Benefits. Redetermine the benefits on drainage systems as requested.
- Agricultural Studies. Support studies related to agricultural impacts on water quantity and quality. Establish two local test sites.
- Drainage Systems. Work with the County Drainage Authority on abandoning or relocating public drainage systems in conjunction with wetland restorations. Target impaired waters.
- Drainage BMPs. Cooperatively work with the Drainage Authority to incorporate water quantity/quality-related BMPs into the operation of public drainage systems. For example, work to establish/enhance five side inlets annually.

- Alternative Drainage Practices. Provide educational, technical, and financial assistance, as available, to landowners for the demonstration of alternative drainage practices, such as blind intakes, that replace conventional open tile intakes. Establish two demonstration sites.
- Pattern Tiling. Better understand the effects of pattern tiling on surface water management. Work to establish a research/demonstration site.
- BCWD Filtering Inlet Incentive. Provide financial assistance, as available, for establishing filtering inlets. Implement five sites.

Objective G Estimated Overall Costs = $523,000; County Only Costs = $118,500

Objective H: Manage surface waters to minimize Stormwater pollution and runoff.

- Stormwater Management Plans. Participate in the development and implementation of Comprehensive Stormwater Management Plans, identifying BMPs, potential retrofit opportunities, providing recommendations for coordination among LGUs, and identifying potential funding options.
- NPDES Stormwater Permit Requirements. Provide educational assistance to landowners and contractors on NPDES stormwater permit requirements for construction activity. Update educational materials as they become available.
- SWCD Stormwater Initiatives. Provide technical and financial assistance to citizens on stormwater BMPs (i.e., rain gardens, bio-retention, etc.), and assist with proper implementation. Implement five projects annually.
- Stormwater Storage. Work with municipalities to utilize storage basins and holding ponds for runoff retention and water quality treatment.
- Marsh Water Project. Work with the City of Glencoe and the Buffalo Creek Watershed District to implement the Marsh Water Project to mitigate stormwater flooding.
- City of Lester Prairie. Support the City of Lester Prairie's efforts to obtain Clean Water Funding for stormwater treatment and/or surface water management projects.

Objective H Estimated Overall Costs = $480,000; County Only Costs = $43,500

Objective I: Preserve and Restore Wetlands and other Water Retention Opportunities.

- WCA Administration. Continue to locally administer the Minnesota Wetland Conservation Act. The entire County shall be identified as a high priority area for wetland restorations.
- Wetland Restorations. Assess the potential for wetland restoration. Pursue installation with voluntary landowners, target impaired waters, and implement one project annually.
- Preservation and Restoration Programs. Provide educational and technical assistance to landowners regarding State and Federal programs to preserve and restore wetlands, including drained lakebeds. Target landowners near impaired waters.
- Wetland Banking. Provide information to landowners who inquire about the State wetland-banking program. Annually review the State's requirements.
- SWCD Wetland Initiative. Assist the USDA with the wetland provisions within the Farm Bill, including Swampbuster and 1026 drainage requests.

Objective I Estimated Overall Costs = $117,000; County Only Costs = $51,000

GOAL 3: PROTECT GROUNDWATER SUPPLIES

Objective J: Protect Groundwater from Contamination by implementing Best Management Practices.

- BMP Program. Provide educational, technical and financial assistance, as available, to landowners for the implementation of groundwater protection BMPs, including the proper decommissioning of wells and storage tanks and correct application of pesticides and other chemicals. Implement two projects annually.
- Wellhead Protection. Participate in the preparation and implementation of wellhead protection plans for public water suppliers.
- Pesticide Container Collection. Continue an empty pesticide container collection day, contingent upon the availability of funding.
- Solid Waste Management. Provide educational assistance to landowners to discourage the burning and burying of solid waste. Review educational materials annually and target 5,000 households.

- Abandoned Wells. Continue to provide information to the public on how to identify, locate and seal abandoned wells. Provide financial assistance and create an abandoned well inventory, as funds are available. Target sealing five abandoned wells annually.

Objective J Estimated Overall Costs = $160,000; County Only Costs = $23,000

Objective K: Ensure Adequate Groundwater Supplies for Multiple Uses.

- Precipitation Monitoring. Continue monitoring and increase the number of volunteer rain gauge readers that report to the State Climatology Office to one per township.
- Ground Water Level Monitoring. Cooperatively work with partners on groundwater permitting and monitoring efforts. Annually review data and adjust BMP programs accordingly.
- Hydrogeologic Atlas. Learn how to best use hydrogeologic information for the County to evaluate the impact of land use activities on ground water supplies. Biannually host a workshop (2014, 2016).
- Water Conservation Program. Apply for funds to assist with creating a Water Conservation Program, with low-flow conservation kits and establishing a county-wide Drought Contingency Plan (by 2015).

Objective K Estimated Overall Costs = $18,500; County Only Costs = $6,000

GOAL 4: EFFECTIVE PLAN ADMINISTRATION & COORDINATION

Objective L: Expand our knowledge and partnerships on identifying and addressing key water planning issues.

- Water Quality Monitoring/Studies. Cooperatively work with partners to continue and expand surface and ground water quality monitoring and studies. Annually review the data and adjust BMP programs accordingly.
- Surface Water Flow Monitoring. Cooperatively work with partners to continue and expand surface water flow monitoring efforts. Annually review the data and adjust BMP programs accordingly.

- CROW BMP Implementation and Education Initiatives. Cooperatively work with the Crow River Organization of Waters (CROW) to implement BMP implementation and education initiatives to reduce Fecal coliform, E.coli, turbidity, dissolved oxygen and chloride in North and South Fork Crow River Watersheds. Projects include: Lakeshore/Streambank Stabilization, Wetland Restorations, Rain Gardens, Lakeshore Naturalizations, Filterstrip/Grass/Riparian Buffers, Windbreaks, Sediment Basins, Grass Waterways, CRP/RIM Incentive Payments, Social Media, Newsletters and workshops – Implement six projects annually, create quarterly electronic newsletters, update website/facebook page weekly and provide annual workshop.

Objective L Estimated Overall Costs = $225,000; County Only Costs = $7,000

Objective M: Provide and participate in Outreach and Educational efforts on key water planning issues.

- Partner Meetings. Hold and/or attend meetings with partners to discuss water resource management issues and potential partnership opportunities. Annually invite key stakeholders to a water plan meeting.
- Joint Powers Board Membership. Continue membership in water plan stakeholder's Joint Powers Boards.
- Runoff Education. Implement educational efforts to control or reduce the effects of accelerated runoff from urban, industrial and agricultural areas. Include in newsletters twice a year.
- SSTS Education. Provide information to the public on proper SSTS design, installation, operation, and maintenance. Include information in annual workshops, news articles, and stakeholder mailings.
- SWCD Outreach Initiatives. Assist the County with providing the educational components of the Water Plan by providing one-on-one education, developing E-newsletters, and coordinating the 4th Grade Nature Field Day event.
- Water Conservation. Locate and provide water conservation-related educational materials to industry, homeowners and schools. Target one topic and media source annually.
- High Island Creek Watershed Education. Create quarterly newsletters, assist with manure management workshops and host manure management field days.

Objective M Estimated Overall Costs = $124,000; County Only Costs = $78,250

Objective N: Properly Administer the Water Plan to help ensure it achieves success.

- Local Water Management Coordinator. Maintain the County Local Water Management Coordinator position.
- Additional Funding Sources. Pursue additional funding sources, such as grants, in order to fund the implementation of initiatives. Seek partnerships and cooperative agreements to finance initiatives, when appropriate. Annually review projects and funding needs.
- Funding Opportunities. Provide information to landowners on available funding sources for water resource management activities and projects. Include on website, news articles, and newsletters.
- Water Planning Taskforce Meetings. Hold semi-annual Water Planning Taskforce meetings to discuss issues, review funding requests, and implement the Water Plan.
- SWCD Administration. Continue to be fiscally responsible while providing quality service to McLeod County's citizens; work with the County to ensure the County's General Levy adequately supports conservation needs; seek grants, partnerships, and provide adequate staffing. Quarterly review efforts and make adjustments accordingly.
- Water Plan Update. Update the County's water plan action steps prior to the County's water plan expiring in 2018.

Objective N Estimated Overall Costs = $68,500; County Only Costs = $60,000

Summary of Estimated Annual Overall and County Only Costs

Objective A Estimated Overall Costs = $500,000; County Only Costs = $160,000
Objective B Estimated Overall Costs = $170,000; County Only Costs = $17,000
Objective C Estimated Overall Costs = $292,500; County Only Costs = $137,500
Objective D Estimated Overall Costs = $466,000; County Only Costs = $67,500
Objective E Estimated Overall Costs = $115,000; County Only Costs = $20,000
Objective F Estimated Overall Costs = $1,060,000; County Only Costs = $670,000
Objective G Estimated Overall Costs = $523,000; County Only Costs = $118,500
Objective H Estimated Overall Costs = $480,000; County Only Costs = $43,500
Objective I Estimated Overall Costs = $117,000; County Only Costs = $51,000
Objective J Estimated Overall Costs = $160,000; County Only Costs = $23,000

Objective K Estimated Overall Costs = $18,500; County Only Costs = $6,000
Objective L Estimated Overall Costs = $225,000; County Only Costs = $7,000
Objective M Estimated Overall Costs = $124,000; County Only Costs = $78,250
Objective N Estimated Overall Costs = $68,500; County Only Costs = $60,000

Total Estimated Overall Costs = $4,379,500*

Estimated County Only Costs = $1,459,250*

***Note:** Please refer to Chapters Three and Four of this Water Plan for a more detailed description of the estimated costs overall and to McLeod County. Although these costs may seem exaggerated at first, there are numerous stakeholders involved with their corresponding activities and budgets. In addition, many of the Action Steps identified overlap with multiple other Action Steps with their scope and functionality. Furthermore, this Water Plan is intended to set high water resource planning goals, with the realization that it may not be feasible to accomplish everything that has been identified.

D. Relationship to other Plans

The McLeod County Water Plan Task Force represents a diverse group of people representing a number of key water plan stakeholders (the members are listed on the inside cover page). This helped to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, was developed to be consistent with existing plans and official land use controls. In addition, many of the identified Action Items were simply revised from previous versions of the McLeod County Water Plan. **As a result, this updated McLeod County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls. In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.**

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Meeker County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on January 7, 2013 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 September 10, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On October 9, 2012, the Board received a written request (resolution) from the County for an extension of their current local water management plan.

3. On December 12, 2012, the Board approved official comments on the County PCSD, which were mailed to the county on December 12, 2012. The priority concerns the PCSD and Plan Update addresses include:

   - Protect and Improve Surface Water Quality – Reduce Priority Pollutants
   - Erosion and Sediment Control
   - Surface Water Management
   - Groundwater Quality & Quantity
   - Plan Administration and Coordination

4. On December 12, 2012, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to May 30, 2013. This approval was mailed to the County on December 12, 2012.

5. On January 7, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On March 7, 2013, the Southern Region Water Planning Committee of the Board met with representatives of the County to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) noted Plan Update does not violate any statutory or rule requirement administered by the MPCA and recommends approval of the entire Plan Update.
   - Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update.
   - Minnesota Department of Health (MDH) noted Plan Update does not violate any statutory or rule requirement administered by the MDH and recommends approval of the entire Plan Update.
   - Minnesota Department of Natural Resources (MDNR) noted Plan Update does not violate any statutory or rule requirement administered by MDNR and recommends approval of the entire Plan Update.
   - Minnesota Environmental Quality Board provided no comments.
   - Board regional staff recommends requiring Meeker County to revisit and improve their plan Update's Chapter Three: Goals, Objectives and Action Steps in order to meet M.S 103B.314, Subd. 3.

   After review and discussion, the decision of the Southern Region Water Planning Committee of the Board was to send the Plan Update back to the County for revision, adding more specific measurable objectives and actions to Chapter Three, and have the revisions returned to Board staff by April 10, 2013.

7. On April 8, 2013, the Board received the revised Chapter Three from the County.

8. On May 2, 2013, the Southern Region Water Planning Committee of the Board met to review the revisions submitted by the County. The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's May 22, 2013 meeting.

9. On May 22, 2013, the Southern Region Water Planning Committee of the Board presented its recommendation of approval of the Meeker County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.

10. This Plan Update will be in effect for a ten-year period until May 22, 2023, with the Goals, Objectives and Action items amended by May 22, 2018.

CONCLUSIONS

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

2. The Meeker County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Meeker County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by May 22, 2018.

Dated at St Paul, Minnesota this May 22, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Meeker County Local Water Management Plan Update**

Meeting Date: May 22, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Southern Region
Contact: Jeff Nielsen, Regional Supervisor
Prepared by: Thomas Fischer, 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*)

On December 12, 2012, the Board of Water and Soil Resources (Board) provided official State comments pertaining to the priority concerns identified in the Meeker County Priority Concerns Scoping Document.

On December 12, 2012, the Board officially approved Meeker County's request for an extension of the end date of their current local water management plan, which would have expired on December 31, 2012. The end date was extended to May 30, 2013.

On January 7, 2013, the Board received the Meeker County Local Water Management Plan Update (Plan Update), a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review.

On March 7, 2013, the Southern Water Planning Committee (Committee) of the Board met with representatives of Meeker County to review state agencies review recommendations and comments. At this meeting, the Committee discussed its concern for the Plan Update not fully meeting MN Statutes 103B.314, Subd. 3, which speaks to specific measurable goals and objectives. The Committee's decision was to send back the Plan Update to Meeker County to revise the goals, objectives and actions section in order to comply with the Statute.

On May 2, 2013, the Committee met to review the revisions submitted by Meeker County. The Committee recommends approval of the Meeker County Plan Update.

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

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DRAFT

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CONCLUSIONS

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2. The Meeker County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Meeker County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by May 22, 2018.

Dated at St Paul, Minnesota this May 22, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

_____

BY: Brian Napstad, Chair

DRAFT

Meeker County
Comprehensive Local Water Management Plan:
Executive Summary

This Meeker County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Plan.

A. Purpose of the Local Water Management Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, this Meeker County Water Plan:

- Covers the entire area of Meeker County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2013-2023), with a 5-year implementation plan (2013-2018). In 2018, the implementation plan will be updated.

B. A Description of Meeker County's Priority Concerns

Chapter Two provides a detailed assessment of the priority concerns. Based upon the Meeker County Water Plan Survey, comments received during the water plan public informational meeting, and the comments received by the various water plan stakeholders, the Water Plan Task Force identified the following Meeker County priority water planning issues (**note: these issues are not ranked**):

1. Protect and Improve Surface Water Quality ~ Reducing Priority Pollutants
    a. Proactively work to get waters off the MPCA's 303(d) list of Impaired Waters (TMDLs)
    b. Feedlots and Nutrient Management
    c. Subsurface Sewage Treatment Systems (SSTS) & Wastewater Management
    d. Shoreland and Lake Management
    e. Land Management

2. Erosion and Sediment Control

3. Surface Water Management
    a. Agricultural Drainage
    b. Stormwater Management
    c. Wetlands and Water Storage/Retention

4. Groundwater Quality & Quantity
    a. Wellhead Protection Areas
    b. Drinking Water Quality
    c. Groundwater Monitoring

5. Plan Administration and Coordination
    a. Watershed Focus
    b. Stakeholder Cooperation
    c. Raising Public Awareness

C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Meeker County Water Plan Task Force met and developed four goal areas. These four goal areas are further broken down into interrelated objectives that deal with each of the priority concerns. Most importantly, each objective has a series of action steps identified which are designed to help achieve the goal area if implemented properly.

A summary of the County's Water Plan Goals, Objectives and Action Steps are provided below. Collectively they form the County's Water Implementation Plan. In addition, a summary of their annual estimated costs is provided (separated into Overall Costs and County Only Costs, which includes funds spent by the Meeker County SWCD). Please keep in mind that not all of the identified Action Items will be accomplished over the course of the Water Plan, but it is the intent to attempt to accomplish as much as money and time allows. A better detailed description of the County's Goals, Objectives, and Action Steps is contained in Chapter Three of this Water Plan. Likewise, Chapter Four provides more details on administering the Water Plan.

GOAL 1: PROTECT AND IMPROVE SURFACE WATER QUALITY

Objective A: Proactively work to delist all of Meeker County's water bodies off the MPCA's 303d List of Impaired Waters (TMDLs).

- Water Quality Monitoring. Cooperatively work with partners to continue water quality monitoring efforts. Annually review data and prioritize BMPs accordingly.
- TMDL Studies. Cooperatively work with partners to coordinate the preparation and implementation of TMDL studies and plans for impaired waters. Target impaired waters with BMP program implementation.
- Watershed Approach. Partner in MPCA's watershed approach to identifying and addressing water quality problems. Annually target BMP programs and Civic Engagement Activities with stakeholders on priority subwatersheds.
- Stressor IDs. Assist with the U.S. Environmental Protection Agency's (EPA) efforts in the development of stressor identification in aquatic ecosystems. Target BMP programs to properly mitigate the identified stressors.
- TMDL/Watershed Approach Outreach. Cooperatively work with stakeholders through educational meetings, events and social media to update citizens on the TMDL process and Watershed Approach initiatives. Target subwatersheds annually.

Objective A estimated annual Overall Costs = $140,000; County Only Costs = $10,000

Objective B: Work with the farming community on manure and nutrient management Best Management Practices.

- Feedlot Program. Continue to locally administer the County Feedlot Program to assist feedlot operators in obtaining and maintaining compliance with State regulations. Assist with Feedlot site evaluations, planning, design, and overall general technical assistance. Annually inspect a minimum 7% of feedlots.
- Noncompliant Feedlots. Provide educational, technical, and financial assistance, as available, to landowners/producers to upgrade noncompliant feedlots. Target impaired waters and implement one (1) priority upgrades annually.
- Manure/Nutrient Management Meeting. Sponsor annual educational meetings with the farming community, focusing on pertinent topics, including regulations and manure/nutrient management Best Management Practices (BMPs).
- Manure and Nutrient Management. Provide educational and technical assistance, as available, to landowners and producers on proper manure and nutrient management. Target impaired waters and implement two (2) projects annually.

Objective B estimated annual Overall Costs = $167,500; County Only Costs = $61,000

Objective C: Work with landowners on properly implementing the County's Subsurface Sewage Treatment System Ordinance and other wastewater initiatives.

- SSTS Program. Continue to provide compliance and inspection services as part of the County's SSTS Program. Target inspections in impaired waters.
- SSTS Training Program. Continue annual training for SSTS installers and septage haulers.
- Maintenance and Noncompliant SSTSs. Provide educational and financial assistance, as available, to homeowners to properly maintain and upgrade noncompliant SSTSs. Target 15 system upgrades annually.
- SSTS Database. Maintain the database of inspected and/or installed SSTSs.
- Upgrading SSTSs. Apply for and administer the MDA State Revolving Fund program and other related programs for upgrading SSTSs. Target 11 systems annually.

Objective C estimated annual Overall Costs = $179,500; County Only Costs = $63,500

Objective D: Enhance shoreland and lake management efforts.

- Lake Management. Conduct and/or provide technical and financial assistance, as available, to partners for the implementation of lake management efforts. Prioritize impaired waters and implement two (2) BMP projects annually.
- Aquatic Invasive Species Management. Conduct and/or provide technical and financial assistance, as available, to lake associations and other groups/organizations for the implementation of invasive aquatic species prevention and/or control efforts. Invite the DNR to host an AIS meeting annually.
- BMP Program. Provide technical and financial assistance, as available, to landowners for the implementation of shoreland BMPs, including lakescaping and the proper usage of pesticides and other chemicals. Implement two (2) projects annually.
- Shoreland Ordinance. Revise the County Shoreland Ordinance, as necessary, to ensure consistent and sustainable development. Review all Shoreland alteration projects requiring County and/or DNR approval.
- CRWD Shoreline Buffer Incentive. Provide a one-time incentive of 20% of the total cost (up to $750) for buffering shorelines. Implement one (1) project annually.

Objective D estimated annual Overall Costs = $130,000; County Only Costs = $41,750

Objective E: Properly Manage Land/Wastewater Activities.

- Wastewater Treatment. Cooperatively work with partners to address wastewater treatment issues associated with unsewered communities, including lakeshore residents. Prioritize impaired waters and assist with securing funds for implementation when requested.
- Hazardous Waste Program. Hold annual Household Hazardous Waste (HHW) collection days for residents of Meeker County.
- Habitat Corridors. Support efforts to conserve, enhance and restore wildlife habitat. Secure funding to implement two (2) projects annually.
- GIS Datasets. Annually invest in the acquisition, development, and maintenance of GIS datasets, including the digital soil survey and parcel map. Utilize these datasets to make informed decisions regarding land use planning and water resource management.

- ➢ Land Use Management. Continue to implement the County's adopted land use controls, including the floodplain, SSTS, shoreland, solid waste, and zoning ordinances. Annually review the language and make revisions accordingly.

Objective E estimated annual Overall Costs = $325,000; County Only Costs = $152,000

GOAL 2: PROMOTE EROSION AND SEDIMENT CONTROL ACTIVITIES

Objective F: Implement BMPs to reduce erosion and sediment loading of surface waters.

- ✓ Erodible Land. Target 75 acres of highly erodible land annually for enrollment in conservation easement programs, such as CRP, and easements as part of upland buffers under RIM and USFWS programs.
- ✓ BMP Program. Provide educational, technical, and financial assistance, as available, to landowners for the implementation of water quality-related BMPs. Target impaired subwatersheds and implement five (5) projects annually.
- ✓ Cost-Share. Seek funding in the form of State cost-share, Federal EQIP, and Clean Water Funds for the installation of BMPs. Prioritize impaired subwatersheds.
- ✓ BMP Site Evaluations. Conduct site inspections and provide technical assistance to interested landowners. Target 25 evaluations annually.
- ✓ Clearwater River Watershed District (CRWD) CRP Incentive. Provide a one-time incentive of $200/acre on new CRP enrollments. Implement 80 acres annually.
- ✓ CRWD Seeded Buffer. Provide a one-time payment of $350/acre for the establishment of a buffer that can be harvested for hay along rivers, streams, and county ditches. Implement 40 acres annually.
- ✓ CRWD Tile Intakes. Provide an incentive to establish a grass buffer around tile intakes, or replace open intakes with underground rock inlets. Assist with identifying two (2) projects annually.
- ✓ Sauk River Watershed District (SRWD) BMP Incentive. Promote the use of BMPs through SRWD's incentive program. Implement one (1) project annually.
- ✓ CROW BMP Implementation and Education Initiatives. Cooperatively work with CROW to implement BMP implementation and education initiatives to reduce Fecal coliform, E.coli, turbidity, dissolved oxygen and chloride.

Objective F estimated annual Overall Costs = $310,000; County Only Costs = $64,500

GOAL 3: ENHANCE SURFACE WATER MANAGEMENT

Objective G: Ensure long-term agricultural production by maintaining and improving the public drainage system.

- Public Drainage Systems. Ensure that public drainage systems are operated and maintained in accordance with the State Drainage Law (M.S. Chapter 103E) and other applicable regulations, such as WCA.
- Comprehensive Drainage Management Plan. Pursue funding to develop a comprehensive drainage management plan for two (2) public drainage systems (2015).
- Redetermination of Benefits. Redetermine the benefits on drainage systems as requested.
- Conservation Drainage Practices. Provide educational, technical, and financial assistance, as available, to landowners for the demonstration of conservation drainage practices. Establish two (2) demonstrations sites.
- Drainage Workshop. Host a workshop to proactively educate stakeholders on drainage management issues and regulations (2015).
- Two-Stage Ditch Systems. Examine the use of two-stage ditch systems. Apply for funding to assist with problem areas. Establish a research/demonstration site (2014).

Objective G estimated annual Overall Costs = $302,500; County Only Costs = $42,500

Objective H: Manage surface waters to minimize Stormwater pollution and runoff.

- Stormwater Management Plans. Participate in the development and implementation of Comprehensive Stormwater Management Plans. Target 2 plans annually.
- Stormwater/Wastewater Discharges. Regulate stormwater and wastewater discharges into water resources. Annually review ordinance language.
- Stormwater BMPs. Provide technical assistance to citizens on stormwater BMPs (i.e., rain gardens, bio-retention, etc.), and assist with proper implementation. Implement five (5) projects annually.
- Stormwater Storage. Work with municipalities to utilize storage basins and holding ponds for runoff retention and water quality treatment. Implement two (2) projects annually.

- Drainage Plans. Continue to require surface water drainage plans on development in rural areas (i.e., feedlots, gravel pits, etc.). Annually review ordinance provisions.
- CRWD Rain Gardens. Provide a one-time $2.50 per square foot incentive for installation and maintenance of a rain garden on private property where installation will provide a benefit to cleaner water. Assist with identifying two (2) project sites annually.

Objective H estimated annual Overall Costs = $215,000; County Only Costs = $15,250

Objective I: Preserve and Restore Wetlands and other Water Retention Opportunities.

- WCA Administration. Continue to locally administer the Minnesota Wetland Conservation Act.
- Public Drainage Systems. In conjunction with wetland restorations, examine opportunities to abandon or relocate public drainage systems.
- Preservation and Restoration Programs. Provide educational, financial, and technical assistance to landowners regarding State and Federal programs to preserve and restore wetlands, including drained lakebeds. The entire County shall be identified as a high priority area for wetland restorations. Pursue funding to implement one wetland restoration annually.
- Wetland Banking. Provide information to landowners who inquire about the State wetland-banking program.
- Lake Level Conflicts. Work with the DNR and other stakeholders to resolve lake level conflicts. Annually review concerns.

Objective I estimated annual Overall Costs = $134,500; County Only Costs = $36,500

GOAL 4: PROTECT GROUNDWATER SUPPLIES

Objective J: Protect Groundwater from Contamination by implementing Best Management Practices.

- BMP Program. Provide educational, technical and financial assistance, as available, to landowners for the implementation of groundwater protection BMPs, including the

proper decommissioning of wells and storage tanks and correct application of pesticides and other chemicals. Prioritize sensitive recharge areas and pursue funds to implement two (2) projects annually.

- Wellhead Protection. Participate in the preparation and implementation of wellhead protection plans for public water suppliers. Prioritize BMPs in Wellhead Protection Areas.
- Solid Waste Management. Provide educational assistance to landowners to discourage the burning and burying of solid waste. Annually publish information in local newspapers.
- Abandoned Wells. Provide educational, technical, and financial assistance, as available, to landowners on the importance of properly sealing abandoned wells. Assist with sealing three (3) abandoned wells annually.

Objective J estimated annual Overall Costs = $50,500; County Only Costs = $7,000

Objective K: Ensure Adequate Groundwater Supplies for Multiple Uses.

- Ground Water Level Monitoring. Cooperatively work with partners on groundwater permitting, monitoring, and testing efforts. Annually review data and prioritize BMPs accordingly.
- Hydrogeologic Atlas. Learn how to best use hydrogeologic information for the County to evaluate the impact of land use activities on ground water supplies. Host a groundwater workshop with key stakeholders (2015).
- Water Conservation Program. Consider creating a Water Conservation Program, with low-flow conservation kits and a Drought Contingency Plan. Pursue funding to establish the program (2016).
- Conservation Irrigation. Promote the use of conservation irrigation practices and provide cost-share incentives, when feasible. Convert one conventional system annually.

Objective K estimated annual Overall Costs = $85,000; County Only Costs = $11,500

GOAL 4: EFFECTIVE PLAN ADMINISTRATION & COORDINATION

Objective L: Expand our knowledge and partnerships on identifying and addressing key water planning issues.

- Water Quality Monitoring. Cooperatively work with partners to continue and expand surface and ground water quality monitoring efforts. Annually review data and prioritize BMPs accordingly.
- Surface Water Flow Monitoring. Cooperatively work with partners to continue and expand surface water flow monitoring efforts. Annually review data and prioritize BMPs accordingly.
- Water Quality Studies. Conduct and/or provide technical and financial assistance, as available, to partners for the completion of water quality studies. Annually review data and prioritize subwatersheds and BMPs accordingly.

Objective L estimated annual Overall Costs = $205,000; County Only Costs = $11,000

Objective M: Provide and participate in Outreach and Educational efforts on key water planning issues.

- Stakeholder Meetings. Hold and/or attend annual meetings with stakeholders to discuss water resource management issues and potential partnership opportunities.
- Meeker County Water Plan Stakeholder Workshop. Organize and host a workshop for the County's key water plan stakeholders. Discuss local issues, current activities, and potential projects (years 2014, 2016).
- Outreach. Use available outreach tools, including the Internet, to disseminate information to the public regarding water resource management activities and issues. Annually publish information in local newspapers.
- Runoff Education. Implement educational efforts to control or reduce the effects of accelerated runoff from urban, industrial and agricultural areas. Establish two (2) demonstration sites.
- Greenleaf Recreation Area. Support the Greenleaf Recreation Area and Greenleaf, Cedar, and Sioux Lakes Recreation Complex and similar recreational opportunities.

- Aquatic Invasive Species. Work with State and local efforts to raise awareness aquatic invasive species. Invite the DNR to host an AIS public meeting (2014).
- Funding Opportunities. Provide information to landowners on available funding sources for water resource management activities and projects. Annually review funding sources and educational materials.

Objective M estimated annual Overall Costs = $74,900; County Only Costs = $20,900

Objective N: Properly Administer the Water Plan to help ensure it achieves success.

- Plan Administration. Continue to administer the County's Water Plan initiatives. Annually review and prioritize projects.
- Funding Sources. Pursue additional funding sources, such as the Clean Water Legacy Act, in order to fund the implementation of initiatives. Seek partnerships and cooperative agreements to finance initiatives, when appropriate. Annually prioritize projects and apply for available funds.
- Joint Powers Board Membership. Continue active membership in water plan stakeholder's Joint Powers Boards.
- Water Planning Taskforce Meetings. Hold annual Water Planning Taskforce meetings to discuss issues, review funding requests, and implement the Water Plan.
- Update Water Plan Action Steps. This Chapter of the Water Plan identifies Action Steps for the years 2013-2018. In 2018, the Water Plan Task Force will identify new Action Steps for the years 2018-2023.

Objective N estimated annual Overall Costs = $17,300; County Only Costs = $14,800

Total Estimated annual Overall Costs = $2,336,700*

Estimated County Only Costs = $552,200*

***Note:** Please refer to Chapters Three and Four of this Water Plan for a more detailed description of the estimated costs overall and to Meeker County. Although these costs may seem exaggerated at first, there are numerous stakeholders involved with their corresponding activities and budgets. In addition, many of the Action Steps identified overlap with multiple other Action Steps with their scope and functionality. Furthermore, this Water Plan is intended to set high water resource planning goals, with the realization that it may not be feasible to accomplish everything that has been identified.

D. Relationship to other Plans

The Meeker County Water Plan Task Force represents a diverse group of people representing a number of key water plan stakeholders (the members are listed on the inside cover page). This helped to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, was developed to be consistent with existing plans and official land use controls. In addition, many of the identified Action Items were simply revised from previous versions of the Meeker County Water Plan. **As a result, this updated Meeker County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls.** This should be confirmed by the vast amount of stakeholders who participated throughout the planning process. **In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.**

COMMITTEE RECOMMENDATIONS

RIM Reserve Management Planning Committee

1. 2013 RIM-WRP Partnership Rates – Tim Koehler and Bill Penning – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2013 RIM-WRP Partnership Rates[1]

Meeting Date: May 22, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Bill Penning

Prepared by: Tim Koehler

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Bill Penning and Tim Koehler

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize the 2013 RIM-WRP Partnership easement payment rates. Board Resolution 13-25, approved March 27, 2013, directed staff to develop RIM-WRP Partnership eligiblity and sign-up procedures.

The RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS), Soil and Water Conservation Districts (SWCDs), the Board of Water and Soil Resources and numerous other partners.

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

BWSR staff have worked with Dr. Steve Taff, U of M, and NRCS to develop easement payment rates to be used for the RIM-WRP Partnership. The rates utilize data collected by Dr. Taff and will be adjusted to ensure payment rates that are approximately 90% of the land value for cropland and 60% of the land value for non-cropland.

Board Resolution # 13-36

Reinvest in Minnesota (RIM) Reserve - Wetlands Reserve Program (RIM-WRP) Partnership Program
FY13 Easement Payment Rates

WHEREAS the Minnesota State Legislature appropriated Outdoor Heritage Funds (OHF) and Capital Investment funds to the Board of Water and Soil Resources (BWSR) for the Reinvest in Minnesota – Wetlands Reserve Program Partnership to acquire permanent conservation easements and restore wetlands and associated upland habitat, in cooperation with the Unites States Department of Agriculture's (USDA) Wetlands Reserve Program; and

WHEREAS the RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a local-state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS) the Soil and Water Conservation Districts (SWCDs) and the Board of Water and Soil Resources (BWSR); and

WHEREAS the RIM-WRP Partnership is enhanced via collaboration with other partners including Ducks Unlimited, (DU), the Minnesota Waterfowl Association (MWA), Pheasants Forever (PF), the Minnesota Department of National Resources (MN DNR), and the United States Fish and Wildlife Service (USFWS); and

WHERAS the RIM-WRP Partnership permanently protects and restores previously drained wetland and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on private lands enrolled in the Partnership; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the current RIM Reserve services rate; and

WHEREAS NRCS National Headquarters has requested Minnesota NRCS to develop a process which allows for continuous enrollment of RIM-WRP Partnership easement applications and the necessary obligation of federal WRP funds with eligible Minnesota landowners; and

WHEREAS the Board authorized staff via Resolution 13-25, dated March 27, 2013, to work with Minnesota NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the RIM-WRP Partnership; and

WHEREAS the Board, BWSR staff and NRCS staff, in consultation with the University of Minnesota Applied Economics Department, have determined that the most recent Township Land Values as

established by the Department of Revenue and posted on the Minnesota Land Economics Website is the most relevant, consistent and available land value data to use as a basis for easement payment rates; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on May 21, 2013 and unanimously recommend the following payment rate provisions to successfully implement the RIM-WRP Partnership.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

Establish RIM-WRP Partnership payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors:

1. The township land values as established by the Department of Revenue and posted on the University of Minnesota Land Economics website shall be used as the basis for determining the 2013 payment rates;

2. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro counties due to a limited number of tillable land acres, and values that are influenced by development potential;

3. The payment rate maximum for the other five Twin Cities metro counties (Anoka, Carver, Dakota, Scott and Washington) will not exceed the average Scott County rate to more accurately reflect tillable values.

Dated at Saint Paul, Minnesota this 22th day of May, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Brian Napstad, Chair

RIM-WRP Partnership 2013 Easement Payment Rate

May 22, 2013

The 2013 Reinvest In Minnesota (RIM) Reserve – Wetlands Reserve Program (WRP) Partnership will conduct a sign-up starting in June with final funding decisions being made in order to obligate federal WRP funds by the end of the federal fiscal year in September. RIM-WRP easement payment rates need to be set and agreed to by both the BWSR Board and NRCS.

RIM rates have been based on data displayed for every township in the state by the University Of Minnesota Applied Economics Department that is collected by County Assessors and by the Department of Revenue.

In 2013 NRCS was required to procure an Area Wide Market Analysis of land sales. This data was then used to set Geographic Area Rate Caps (GARC's), maximum payment rates for WRP.

BWSR staff consulted with Dr. Steve Taff, U of M, to discuss alternatives with setting RIM-WRP rates for 2013 that would consider the age of the data especially in the ever increasing land value climate. He agreed with the procedure that is outlined below.

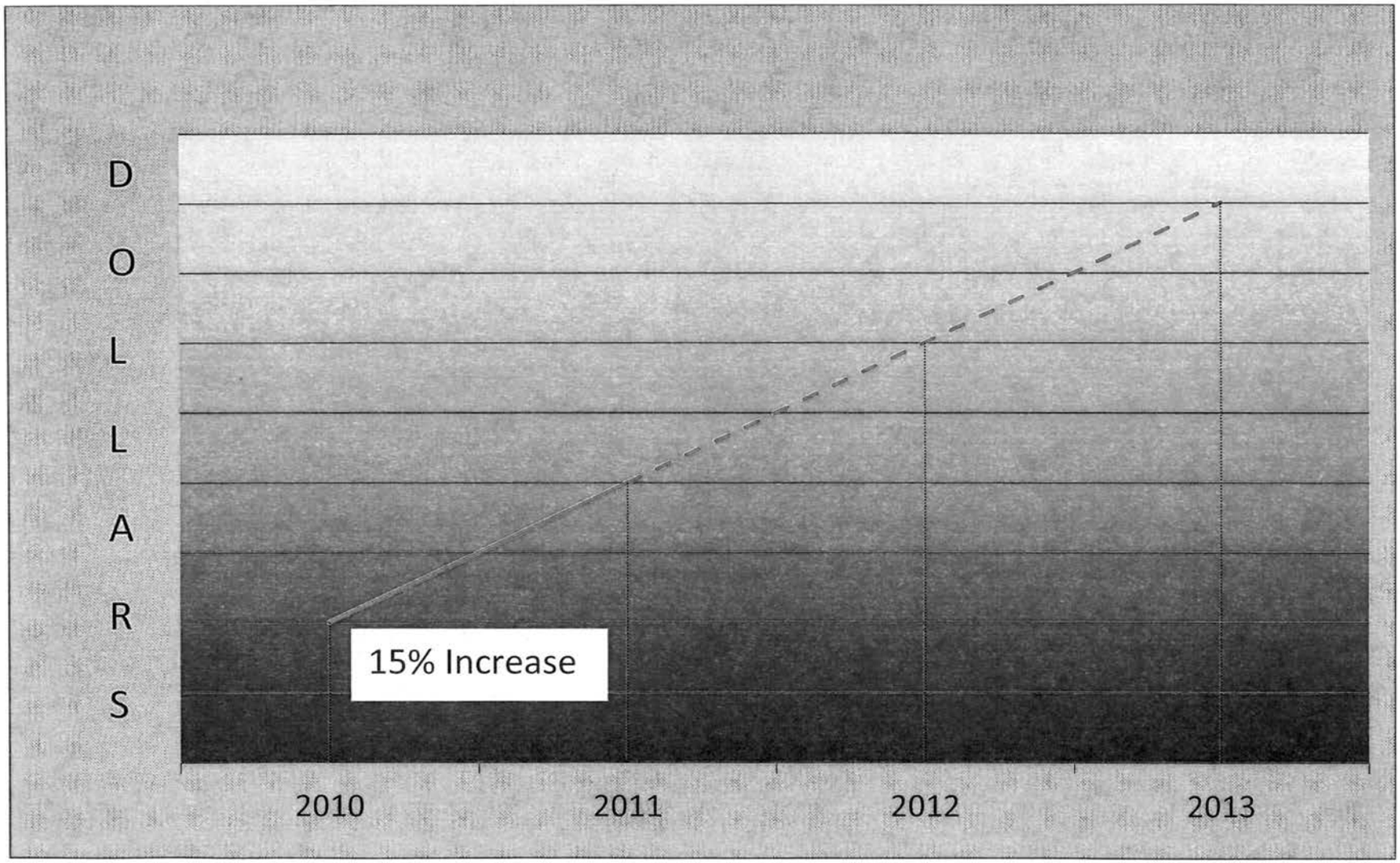
Assumptions, Findings and Procedures:

1. Dr. Taff will not publish updated numbers until later in the summer of 2013. Therefore we only have values that were published in July of 2012. These rates were based on assessors data from January of 2011 until October 0f 2011. Therefore the existing rates are on average two years out of date.
2. BWSR staff reviewed all township values from 2008 until 2011. These rates where then averaged for each county. The changes in values between 2008 to 2011, 2009 to 2010 and 2010 to 2011 were computed. These changes can be the basis for adjustments to the 2011 values to bring them up to current value.
3. In general counties in the wooded portion of the state, Lake of the Woods to Todd to Chisago Counties show a stable to decreasing value over these periods. In addition, the Twin Cities Metro area showed a significant decrease in values for these same periods.
4. The cropped portion of the state, Red River Valley to the Iowa border to Wisconsin showed value increases with the largest increases during the period 2010 to 2011.

Recommendations:

1. 2011 values should be adjusted to reflect current values and not be two years out-of-date.
2. Utilizing an average rate of change of 15% increase per year across the state for two years would equate to 90% of the fair market value of the land.
3. The 30% increase in the 2011 values would be formulated and used in the calculation of the RIM-WRP payment rate.
4. NRCS WRP GARC values will be subtracted from the adjusted RIM-WRP rates and the remaining amount will be paid for using RIM funds.
5. BWSR and NRCS staff will develop an easement calculation form to be used at the local office level. This form will require a minimum amount of data to be inputted in order to determine the final RIM-WRP total payment rate for the parcel being offered.
6. Special rules will apply, as in past sign-ups for the 7-county Twin Cities metropolitan area.

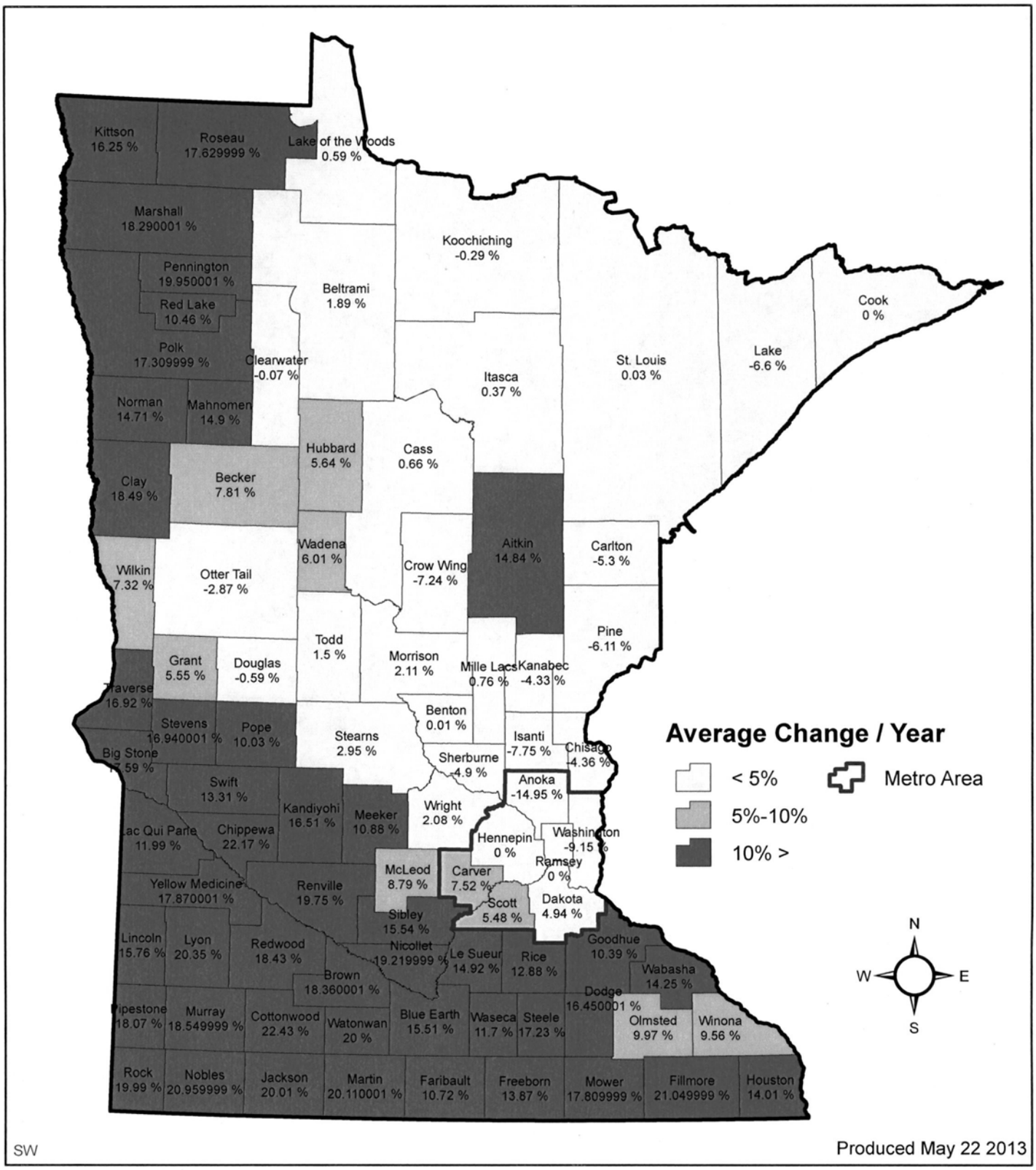
2013 RIM-WRP Payment Rate Determination



May 21, 2013

Minnesota Board of Water & Soil Resources
RIM-WRP Partnership

Change in Tillable Land (Class 2a), 2010 – 2011



SW

Produced May 22 2013

NEW BUSINESS

1. Legislative Update – Sarah Strommen/John Jaschke - ***INFORMATION ITEM***

2. Environmental Quality Board (EQB) Frac Sand Summary and Status – Bob Patton, EQB Staff – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Legislative Update

Meeting Date: May 22, 2013

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact:

Prepared by: Sarah Strommen

Reviewed by: Sarah Strommen/John Jaschke Committee(s)

Presented by: Sarah Strommen/John Jaschke

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED
Information Item

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The agency members of the Board will provide a summary of legislative decisions affecting their programs and responsibilities.

BWSR Legislative Summary

May 20, 2013

General Fund Budget (HF976 / SF1170)

Governor Dayton's FY14-15 budget recommendation included General Fund investments to maintain BWSR's base budget and add two new initiatives - funding to implement the One Watershed One Plan initiative and funding to enhance BWSR's internal controls. The budget adopted by the Legislature funds only the internal controls item through the General Fund, while the One Watershed One Plan is funded through Clean Water Funds. The additional investment in BWSR's internal controls is well-timed as we near completion of the eLINK upgrade. This system will allow us to manage grant applications and report results more efficiently, and the new funding will enhance our capacity to meet new standards for accomplishing the necessary oversight of public funds and programs and to show the benefits accrued.

And, while funding to the Minnesota River Board was eliminated, funding to all other BWSR program areas was maintained at current levels, as shown below. Overall, BWSR's 2014-2015 General Fund budget represents a 1% increase for the biennium.

BWSR General Fund Budget *(all numbers in thousands)*	**Governor's Recommendation 2014-15**	**Adopted Budget 2014-15 (HF 976)**
Total Appropriations	26,266	25,282
Cost Share Grants	3,120	3,120
Conservation Delivery Grants	6,232	6,232
Red River Basin Commission	200	200
Area II Joint Powers Board	240	240
MN River Joint Powers Board	84	0
County Natural Resource Block Grants	6,846	6846
1 Watershed 1 Plan*	900	0
WCA BWSR Operations	772	772
Drainage Assist Operations	332	332
Admin/Operations/Board	7,290	7,290
Internal Controls*	250	250
*Change Items		

- $6.846M for Natural Resource Block Grants for grants to counties for programs that protect and improve water resources, including comprehensive local water management, shoreland management, feedlot program, and subsurface sewage treatment program.
- $6.232M for Conservation Delivery Grants for grants to Soil and Water Conservation Districts for general administration and operation of the district, nonpoint engineering, and implementation of the Reinvest in Minnesota (RIM) Reserve program.
- $3.12M for Cost Share Grants to Soil and Water Conservation Districts for practices that protect and improve water and soil resources, including:
    - $520,000 for feedlot water quality grants.
    - $2,400,000 for erosion control and vegetative buffers.
    - $200,000 for cooperative weed management programs.
- $772K for Wetland Conservation Act implementation to implement, enforce and provide oversight of the Wetland Conservation Act (WCA).

- $332K for Drainage Management for technical assistance to local drainage management authorities and facilitation of the Drainage Work Group.
- $200K for Red River Basin Commission for water quality and floodplain management.
- $240K for Minnesota River Area II for floodplain management.
- $250k for Internal Controls for implementing new standards for oversight of public funds.

Clean Water Fund (HF1183)

The Clean Water Fund article of the Omnibus Legacy Bill (HF1183) appropriates to BWSR $65.429M from the Clean Water Fund. BWSR's Clean Water Fund work will be targeted using the best available scientific assessments, including MPCA's Watershed Restoration and Protection Strategies (WRAPS), which greatly improve on the federally-driven TMDL approach. Specifically, appropriations include:

- $20.461M for Surface and Drinking Water Protection/Restoration Projects to protect, enhance, and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Grants will be targeted toward priorities identified in local water plans, and funds will be used for keeping water on the land, protecting and restoring streams, groundwater, and surface water, stabilizing ravines, and upgrading feedlots and SSTS systems.
- $12M for Selected Watersheds with Multi-Year Plans to achieve improvements in water quality through a variety of practices demonstrated to be effective in protecting, enhancing, and restoring water quality in lakes, rivers, and streams.
- $8M for Targeted Local Resource Protection and Enhancement for non-structural practices and activities that will enhance local efforts to develop and implement, on a local or regional basis, water resource protection and management measures or initiatives that go beyond state minimum standards for water quality.
- $3.4M for Drainage and Soil Loss and Management for ensuring compliance with drainage and soil erosion laws, including enforcement. This funding also is for updating the Minnesota Public Drainage Manual.
- $3M for Community Partners Program 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. Local governments will be the primary applicant and provide sub-grants to community organizations who are implementing practices to accomplish restoration, protection or enhancement of water quality.
- $15.6M for Long-Term Water Quality Protection though the RIM Reserve Easement Program.
    - $13M for riparian buffers: purchase and restore permanent conservation easements on riparian buffers adjacent to lakes, rivers, streams and tributaries. These easements will keep water on the land to reduce sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface water and increase infiltration for groundwater recharge.
    - $2.6M for wellhead protection: for permanent conservation easements in wellhead protection areas on land with high or very high vulnerability of drinking water supply contamination.
- $1.9M for Measures, Results and Accountability for quality assurance of CWF projects by providing oversight, assessment, assistance and reporting of outcomes using standardized, scientific evaluation of resource indicators.
- $84K for Restoration Evaluations on projects as required by MS114.50.
- $900K for One Watershed One Plan to further past leadership efforts of the Local Government Water Roundtable that led to 2012 legislation. This initiative will allow us to assist local governments with the transition to a watershed-based planning approach and work in a concerted fashion with our partner agencies to build and implement the next generation of local water management plans.

Environment and Natural Resource Trust Fund (ENRTF) (HF1113)

BWSR has two programs that will receive funding from the ENRTF as recommended by the Legislative-Citizen Commission on Minnesota Resources (LCCMR).

- $3M for Acceleration of Minnesota Conservation Assistance/Farm Bill Assistance. This program provides grants to local governments interested in hiring field staff to work one-on-one with landowners to re-enroll expiring CRP acres or participate in other conservation programs or projects.

- $186K for Minnesota Conservation Apprentice Academy. This program will fund 30 apprentice positions to mentor and train future conservation leaders by giving them real-world experience working with a local SWCD.

Outdoor Heritage Fund (HF1183)

BWSR has five programs that will receive funding from the Outdoor Heritage Fund.

- $3.52M for Riparian Buffers. This program will complement the Clean Water Fund riparian buffers by expanding buffer widths to enhance wildlife habitat.
- $13.39M for Wetland Restoration and Protection. This is Phase V of this program to restore wetlands and associated upland. The program is implemented through a partnership with the Natural Resources Conservation Service (NRCS) Wetland Restoration Program (WRP), which leverages approximately $1.6 in federal funding for every state dollar invested.
- $1.63M for Wild Rice Shoreland Protection. This is Phase II of a Ducks Unlimited partnership project with a goal to permanently protect sensitive wild rice lake shoreland habitat in northern lakes.
- $1.45M for the Camp Ripley Partnership. This is a continuation of the partnership with Morrison Co. SWCD, Camp Ripley, and DNR to protect high quality wildlife habitat and forest communities along the Mississippi River.
- $2M for Grasslands for the Future. This is a pilot project to test the feasibility and cost-effectiveness of acquiring grassland conservation easements and protect 500-600 acres of critical grassland habitat.

BWSR Policy Initiatives

BWSR staff pursued three primary policy initiatives during the 2013 Legislative Session. Two of them advanced successfully, while one will be pursued again in the future.

- Drainage Work Group Consensus Recommendations (HF66). The Drainage Work Group (DWG), facilitated by BWSR, recommended a number of updates to drainage law. The bill passed both the Senate and the House unanimously and was signed by Governor Dayton early in the session.
- Local Government Water Roundtable Phase II (HF677/SF552). This policy initiative contains two primary areas and passed both the Senate and the House in the Tax Bill:
    - Continue to advance the One Watershed – One Plan initiative by connecting financing options to comprehensive watershed plans, increasing flexibility for the Conservation Cost-Share program, and connecting the soil loss ordinance statute to local water management plans.
    - Change the schedule of PRAP reviews from every 5 years to a schedule determined by BWSR based on budget and the operations of local water management entities. Reviews would be completed at least every 10 years.
- *SWCD Voluntary Consolidation. This proposal simplifies the process for voluntary consolidation of districts by removing the requirement for a referendum and creating a process by which BWSR can make decisions on proposed consolidations.* ***This initiative did not advance in the House this year and will likely be brought forward again in the future.***

Other Policy and Funding Provisions

There are a number of other provisions carried in a variety of bills that affect BWSR.

- *RIM Bonding (Bonding Bill).* ***A bonding bill that appropriated $12M for RIM Reserve failed on the House floor.***
- Hennepin County HCD (Environment Budget/Policy Bill). Establishes a process by which Hennepin County can petition BWSR for the discontinuance of Hennepin County Soil and Water Conservation District.
- Agricultural Water Quality Certification Program (Environment Budget/Policy Bill).
- Clean Water Legacy Accountability (Legacy Bill). Defines and prescribes the elements of a Watershed Restoration

and Protection Strategy (WRAPS) that includes TMDLs; requires BWSR to prepare a biennial nonpoint project prioritization and funding plan similar to the recently-developed Biennial Budget Request (BBR); and prescribes that RIM easement payments for lands within the 50-foot riparian shoreland zone be capped at the non-crop rate.

- Pollinator Habitat Program (Environment Budget/Policy Bill). Requires that prairie restorations conducted on state lands or with state funds include a diversity of native species that will provide habitat for pollinators.
- Silica Sand Technical Team (Environment Budget/Policy Bill). Directs EQB to assemble a technical team to assist local units of governments with ordinance development, zoning, and other issues arising from silica sand mining.
- Property Tax Valuation for Conservation Easements (Tax Bill). Prohibits consideration of the conservation easement when calculating property tax, except for riparian buffer easements.

Contact

John Jaschke, Executive Director: 651.296.0878 or john.jaschke@state.mn.us

Sarah Strommen, Assistant Director: 651.297.5617 or sarah.strommen@state.mn.us

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Environmental Quality Board Frac Sand Summary And Status**

Meeting Date: May 22, 2013

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact: John Jaschke

Prepared by:

Reviewed by: John Jaschke Committee(s)

Presented by: Bob Patton, EQB Staff

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

Information Item

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
EQB staff will provide an overview of past and future actions related to frac sand mining in Minnesota.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JUNE 26, 2013

BOARD MEMBERS PRESENT:
Jack Ditmore, Chris Elvrum, MDH; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Judy Ohly, Tom Schulz, Faye Sleeper, UME; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Doug Wetzstein, MPCA; Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Joe Collins
Tom Landwehr, DNR

STAFF PRESENT:
Mary Jo Anderson, Angie Becker Kudelka, Brian Dwight, Bill Eisele, Tim Fredbo, Travis Germundson, Barbie Hogan, John Jaschke, Al Kean, Tim Koehler, Les Lemm, Kristi Mack, Polly Remick, Ron Shelito, Gwen Steel, Sarah Strommen, Doug Thomas, Dave Weirens, Marcey Westrick, Wayne Zellmer

OTHERS:
Sheila Vanney and Ian Cunningham, MASWCD
Rob Sip, MDA
Don Baloun, NRCS
Julie Westerlund, DNR
Ray Bohn, MAWD

CALL MEETING TO ORDER – Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

** 13-38 **ADOPTION OF AGENDA** – Chair Napstad noted the addition of Conflict of Interest Declaration on the agenda. Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the amended agenda as presented. ***Motion passed on a voice vote.***

** 13-39 **MINUTES OF MAY 22, 2013 BOARD MEETING** – Paul Langseth noted his attendance at the May 22, 2013 Board meeting. Moved by Paul Langseth, seconded by Matt Wohlman, to approve the amended minutes of May 22, 2013 as circulated. ***Motion passed on a voice vote.***

RECOGNITION OF BOARD MEMBER – John Jaschke acknowledged Keith Mykleseth's state service as a BWSR board member for four years as a non-metro city representative. John and Chair Napstad presented Keith with a Distinguished Service Award plaque for his dedicated service to Minnesota's water and soil resources from 2009- 2013. Keith is now DNR Ecological & Water Resources Assistant Manager in Bemidji. Keith stated that he enjoyed serving on the Board. Chair Napstad thanked Keith for his service and membership on the Board.

INTRODUCTION OF NEW BOARD MEMBERS
Judy Ohly, citizen member, term 5/23/13 – 1/02/17
Tom Schulz, SWCD member, term 5/23/13 – 1/02/17

INTRODUCTION OF NEW BWSR EMPLOYEES
Brian Dwight, Clean Water Specialist, previously board conservationist
Barbie Hogan, Office & Administrative Specialist
Kristi Mack, Easement Acquisition Specialist Senior, previously easement processor
Polly Remick, Easement Section Program Analyst, previously realty specialist
Gwen Steel, Land & Water Specialist
Marcey Westrick, Clean Water Coordinator, previously clean water specialist

CONFLICT OF INTEREST DECLARATION - Chair Napstad explained that the conflict of interest declaration process is being used today on the FY'14 Natural Resources Block Grant Allocations; the FY'14 SWCD Program & Operations Grant Allocations; and the Farm Bill Assistance Program Authorization. The Conflict of Interest Declaration forms need to be submitted.

REPORTS
Chair's Report – Brian Napstad attended the EQB meeting last week. Discussion included an update on the silica sand activities. Chair Napstad reported that the Governor's Institute on Community Design (GICD) held a follow-up session last week; nine policies developed to improve environmental plans. BWSR was well represented, Travis Germundson attended the GICD session.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the Administrative Advisory Committee met this morning, items discussed included the Ag Wetland Banking

Memorandum of Understanding. John Jaschke stated the NRCS legal staff in Washington, D.C. requested additional review of the MOU. John explained that the state portion of the MOU is good to go and will be on the agenda later today. The AAC also discussed the emergency haying and grazing on conservation lands; BWSR committee appointments; and the BWSR Board tour in August.

Executive Director's Report – John Jaschke reported that MPCA is conducting a media event at 10:30 this morning regarding the nitrogen study in Minnesota. John will attend; Sarah Strommen will attend the Board meeting on John's behalf. The One Watershed One Plan (1W1P) workshop will be held immediately following adjournment of the Board meeting today.

John attended the MAWD summer tour June 21 in New Ulm and the RRBC tour in Fargo on June 5. John informed board members that BWSR received a petition from Polk County regarding redistribution of managers of the Middle-Snake-Tamarac Rivers Watershed District. John reviewed information in board members' packets.

Dispute Resolution Committee (DRC) – Travis Germundson reported that the DRC Committee report is current as distributed. Travis stated that a training session with the Attorney General's office will be held when new board member appointments are complete and committee assignments have been made. Travis stated that Brian Dwight has been instrumental in bringing the affected counties together to discuss the Polk County petition for redistribution of watershed managers. Chair Napstad reported that according to statute, a county commissioner is required on the DRC; Tom Loveall accepted the appointment to the Dispute Resolution Committee.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee has not met. Dave Weirens stated that the Wetlands Committee will likely meet prior to the August Board meeting.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee met and has recommendations on the agenda later today.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Committee met last night; the Committee will meet again in October. Chair Napstad thanked Keith for serving as Chair of the Committee. Jack Ditmore has accepted the appointment as chair of the Public Relations, Outreach & Strategic Planning Committee.

Drainage Work Group – Al Kean distributed the Drainage Work Group Report and summarized the topics of discussion from the meeting on June 13, 2013. The next meeting of the Drainage Work Group is August 8, 2013.

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

Crow Wing County Water Plan Update – Brian Napstad reported that Crow Wing County submitted their revised Local Water Management Plan for state review and comment. Crow Wing County has taken a leadership role and has done an outstanding effort in the water

management plan. Chair asked that the Crow Wing County bring their water management plan before the Board. The Northern Water Planning Committee met on June 12, 2013; reviewed
** the Plan and recommends approval. Moved by Brian Napstad, seconded by Sandy Hooker, to approve the Crow Wing County Local Water Management Plan June 26, 2013 – June 26, 2023 with a required update of the Implementation section to be completed by December 31, 2018.

Matt Wohlman stated that the Findings of Fact, section 6, item C., Department of Agriculture is listed twice; Chris Elvrum stated that the Department of Health is not listed. Discussion followed.
** It was decided to delete C. and re-letter the list. Moved by Tom Loveall, seconded by Gerald Van Amburg, to amend the Order with the deletion of C. and re-letter the list. ***Amendment***
13-40 ***passed on a voice vote***.

13-41 ***Motion to approve the Crow Wing County Local Water Management Plan passed on a voice vote.***

Kanabec County Comprehensive Local Water Management Plan Amendment – Gerald Van Amburg reported that the Northern Water Planning Committee met on June 12, 2013, reviewed the plan amendment and recommends approval of the update through August 2017.
** Moved by Gerald Van Amburg, seconded by Matt Wohlman, to approve the Kanabec County
13-42 Comprehensive Local Water Management Plan Amendment. ***Motion passed on a voice vote***.

Koochiching County Local Water Management Plan Amendment – Gene Tiedemann reported that the Northern Water Planning Committee met on June 12, reviewed the plan amendment and recommends approval of the five-year plan amendment through December 31,
** 2017. Moved by Gene Tiedemann, seconded by Sandy Hooker, to approve the Koochiching
13-43 County Local Water Management Plan Amendment. ***Motion passed on a voice vote***.

Pope County Local Water Management Plan Amendment – Gene Tiedemann reported that the Northern Water Planning Committee met on June 12, 2013, reviewed the plan amendment and recommends approval of the Pope County Local Water Management Plan Update. Moved by
** Gene seconded by Gerald Van Amburg, to approve the Pope County Local Water Management
13-44 Plan Amendment. ***Motion passed on a voice vote***.

Southern Water Planning Committee
Renville County Comprehensive Water Plan Update – Paul Langseth reported that the Southern Water Planning Committee met on June 12, 2013, reviewed the Renville County Local Water
** Management Plan Update and recommends approval. Moved by Paul Langseth, seconded by Keith Mykleseth, to approve the Renville County Local Water Management Plan Update. Paul reported that the Department of Health provided comments, a recommendation of approval, after the deadline.

** Moved by Sandy Hooker, seconded by Faye Sleeper, to amend the Renville County Local
13-45 Water Management Plan Update to include the Department of Health's recommendation of approval. Discussion followed. ***Amendment passed on a voice vote***.

13-46 ***Motion to approve the Renville County Local Water Management Plan Update passed on a voice vote***.

John Jaschke left the meeting; Sarah Strommen served as acting executive director.

Wetland Committee

BWSR-NRCS Agricultural Wetland Banking Memorandum of Understanding (MOU) – Les Lemm reported that BWSR and NRCS have been working together on enhancing coordination of the Wetland Conservation Act (WCA) and Swampbuster under an agreement for more than two years. Les presented information and stated that one of the of the key accomplishments has been the implementation of the Agricultural Wetland Bank. This memorandum of understanding is being proposed to establish details of the operations of this Bank including the use of the Bank under the WCA agricultural exemption. Les thanked Don Baloun and Mark Oja, NRCS, for their assistance and partnership on the MOU. Don thanked John Jaschke, Les Lemm, and Paul Flynn for their efforts in making the joint effort happen.

** 13-47 Moved by Matt Wohlman, seconded by Paul Langseth, to authorize Chair Napstad to make any minor edits that may be needed and sign the interagency Agricultural Wetland Banking MOU with NRCS. Jack Ditmore made note of an edit on page 3. ***Motion passed on a voice vote.*** Chair Napstad and Don Baloun signed the interagency Memorandum of Understanding.

Administrative Advisory Committee

Emergency Haying & Grazing on Conservation Lands – Sarah Strommen explained that Governor Dayton sent a letter to USDA Secretary Vilsack on June 14th requesting Federal action to support the livestock forage and feed shortage due to inclement spring weather in Minnesota. Authorization for emergency haying and grazing on state conservation lands may be considered pending related action. Matt Wohlman noted that the Department of Agriculture is waiting additional information from USDA. Moved by Matt Wohlman, seconded by Chris

** 13-48 Elvrum, that the Board hereby authorizes staff to inform and educate easement holders and local SWCD staff on the provisions for vegetative management for conservation management purposes as stated in RIM Policy dated December 17, 2008, and to coordinate actions with local, state and federal partners on specific guidelines and provisions related to emergency haying and grazing. Discussion followed. ***Motion passed on a voice vote***.

CONFLICT OF INTEREST DECLARATION - Chair Napstad explained that the conflict of interest declaration process is being used today on the FY'14 Natural Resources Block Grant Allocations; the FY'14 SWCD Program & Operations Grant Allocations; and the Farm Bill Assistance Program Authorization. The Conflict of Interest Declaration forms need to be submitted.

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

Chair Napstad asked board members to submit their completed Conflict of Interest Declaration forms to Sarah Strommen. The Conflict of Interest Declaration documents will be filed for the grant decision item. All board members are eligible to vote.

Grants Program & Policy Committee

FY'14 Natural Resources Block Grant Allocations – 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 Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee recommends Board approval of the Proposed FY '14 Natural Resources Block Grant allocations.

Wayne presented the allocations:

LWM	$1,139,152
WCA	$1,906,485
DNR Shoreland	$377,369
MPCA Feedlot Base	$(to be determined by MPCA)
MPCA SSTS	$1,599,600

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.

** 13-49 Moved by Paul Langseth, seconded by Faye Sleeper, to approve the FY'14 Natural Resources Block Grant Allocations as presented. Discussion followed. ***Motion passed on a voice vote.***

SWCD Program & Operations Grant Allocations – Wayne Zellmer reported that the Grants Program & Policy Committee recommends approval of the FY'14 allocation recommendations for the Conservation Delivery, Easement Delivery, Non-Point Engineering Assistance, and Cost-Share Base Grant Programs. Wayne presented the allocations:

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 '14 SWCD Programs and Operations Grants*:

State Cost Share Base Grants	$1,199,999
Conservation Delivery Grants	$1,765,001
Easement Delivery Grants	$ 290,989

2. Allocate the Non Point Engineering Assistance Grants to joint powers boards, up to $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	$0	**$125,000**
3	$120,000	$10,000	$0	**$130,000**
4	$120,000	$ 5,000	$20,000	**$145,000**
5	$120,000	$10,000	$0	**$130,000**
6	$120,000	$ 5,000	$0	**$125,000**
7	$120,000	$10,000	$20,000	**$150,000**
8	$120,000	$ 5,000	$0	**$125,000**

3. Authorize SWCDs, to use all or part of their State Cost Share Base Grant allocation for technical assistance, when the following conditions exist:
   i. Other non-state 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 2012 Financial Report indicates less than an 18-month fund balance; and
   iii. Board Conservationist approval.

** 13-50 Moved by Gene Tiedemann, seconded by Tom Schulz, to approve the recommended allocations as presented and authorize staff to allocate grants funds to SWCDs. ***Motion passed on a voice vote.***

Farm Bill Assistance Program Authorization – Dave Weirens reported that the Board is requested to authorize grants to selected SWCDs to continue the Farm Bill Assistance partnership between BWSR, DNR, Pheasants Forever, and SWCDs. Dave distributed additional information on the Farm Bill Assistance Partnership July 1, 2013 – June 30, 2014 and also a map showing the Farm Bill Assistance positions.

** 13-51 Moved by Tom Loveall, seconded by Gerald Van Amburg, to approve the Farm Bill Assistance Program authorization as presented. Jack Ditmore noted the editorial change needed on the resolution. The resolution will be corrected and ready Chair Napstad's signature. Discussion followed. ***Motion passed on a voice vote***.

AGENCY REPORTS

Minnesota Extension Service – Faye Sleeper reported that Extension is in the process of hiring nutrient faculty; plan to be in place August 1.

Minnesota Pollution Control Agency – Doug Wetzstein reported that the nitrogen study is being released today with lots of press coverage.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts – Ian Cunningham looks forward to attending the One Watershed One Plan workshop today. Ian reported that the MASWCD Leadership Institute will begin in August. An SWCD Governance 101 training session will be held September 4-5. Ian reported that he will be going to Washington, D.C. to attend the NACD Legislative Conference in July.

Minnesota Association of Watershed Districts – Ray Bohn reported that MAWD had a good summer tour.

UPCOMING MEETINGS

BWSR Board Tour/Meeting – August 28-29, 2013, Two Harbors

** 13-52 Moved by Judy Ohly, seconded by Christy Jo Fogarty, to adjourn the meeting at 11:25 a.m. ***Motion passed on a voice vote.***

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MAY 22, 2013

BOARD MEMBERS PRESENT:
Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Sandy Hooker, Tom Landwehr, DNR; Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, UME; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Matt Wohlman, MDA

Paul Langseth

BOARD MEMBERS ABSENT:
Christy Jo Fogarty

STAFF PRESENT:
Mary Jo Anderson, Jim Haertel, John Jaschke, Tim Koehler, Bill Penning, Polly Remick, Jared Schmitz, Doug Thomas, Tom Wenzel, Brad Wozney, Elizabeth Zuehlke

OTHERS:
Bob Patton and Jeff Smyser, EQB
Ray Bohn, MAWD
Myron Taylor, NRCS

DRAFT

CALL MEETING TO ORDER - Chair Napstad called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

** 13-27 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Chris Elvrum, to adopt the agenda as presented. ***Motion passed on a voice vote.***

MINUTES OF MARCH 27, 2013 BOARD MEETING – Jack Ditmore requested the minutes of March 27, 2013 reflect his opposition to the Big Stone County Comprehensive Local Water Management Plan Extension, Resolution #13-19; his opposition to Blue Earth County Comprehensive Local Water Management Plan Extension, Resolution #13-20; his opposition to Chippewa County Comprehensive Local Water Management Plan Extension, Resolution #13-21; his opposition to Lac qui Parle County Comprehensive Local Water Management Plan Extension, Resolution #13-22; and his opposition to Swift County Comprehensive Local Water Management Plan Extension, Resolution #13-23.

** 13-28 Moved by Keith Mykleseth, seconded by Sandy Hooker, to approve the minutes of March 27, 2013 as amended. ***Motion passed on a voice vote.***

INTRODUCTION OF NEW BWSR EMPLOYEES
Chair Napstad welcomed new BWSR staff.

- Doug Thomas, Senior Policy & Program Advisor, was introduced by John Jaschke.
- Bill Penning, Conservation Easement Section Manager, was introduced by John Jaschke.
- Elizabeth Zuehlke, Accounting Officer, was introduced by John Jaschke.
- Jared Schmitz, Engineering Technician, was introduced by Tom Wenzel.

REPORTS
Chair's Report – Brian Napstad reported that he and Vice-Chair Gerald Van Amburg conducted the executive director's performance evaluation. Chair Napstad reported that John Jaschke requested a more advanced appraisal using a 360 review process which included evaluations by various BWSR staff, LGUs, and clientele. Chair Napstad reported that John's performance evaluation was positive, ranging from very good to outstanding. The 360 review assessment valued John's exceptional skills in leadership, and the agency is proud to have a strong leader at BWSR.

Chair Napstad reported that he attended the RIM Reserve Management Planning Committee meeting on May 21st, and was impressed with the level of thoroughness, procedures, policies, and great committee structure at BWSR. Chair Napstad reported

that Kevin Lines attended the Committee meeting as a citizen; he's cancer free and is doing well.

Chair Napstad attended the EQB meeting. EQB has enlisted staff from the Governor's Institute on Community Design (GICD) to facilitate future meetings to develop policy as an outcome of the Minnesota Environment and Energy Report Card. Tom Landwehr stated that the GICD will meet with the EQB in June to discuss recommendations on environment, land, water, air, and energy.

Chair Napstad reported that EQB discussed the challenges faced by the U.S. Army Corps of Engineers navigating the river bend in the Hastings area due to silt and sedimentation problems. Dakota County and DNR are discussing dredge, drainage, and channelization concerns and may involve BWSR in the future regarding watershed issues.

Chair Napstad commented on the great information that GIS can provide at a local level, projects funded by BWSR through the challenge grant process. The Northern Water Planning Committee meets next month to review the Crow Wing County Water Plan.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC did not meet this month.

Executive Director's Report – John Jaschke reported that Governor Dayton made appointments to BWSR. Tom Loveall and Christy Jo Fogarty were reappointed to terms expiring January 2017. Two new appointments were announced, effective May 23, 2013: Tom Schulz will replace Bob Burandt, representing SWCDs; and Judy Ohly will replace John Meyer as a citizen member. John Jaschke will provide an orientation for new board members. Chair Napstad stated that he and John will review BWSR committees; he asked board members having specific interest on a committee to let him know.

Keith Mykleseth reported that he has been hired as the DNR Ecological & Water Resources Assistant Manager in Bemidji. Keith will be moving from Crookston to Bemidji and will no longer be a non-metro city representative on the BWSR Board. Keith stated that he has enjoyed serving on the Board, his last official BWSR Board meeting is June 26. John Jaschke congratulated Keith on his new position at DNR.

John reported that the One Watershed One Plan (1W1P) is being developed. A Board workshop will be held to assist in shaping the plan into the future; if board members have suggestions let him know.

John reviewed information in board members' packets. John stated that BWSR will be sending its monthly newsletter "BWSR Snapshots" electronically to local partners publishing conservation stories from around the state. John briefly reported on the PRAP assistance grant. John stated that the newly revised 'Conflict of Interest Disclosure Form' for board members will be utilized at the June Board meeting.

Dispute Resolution Committee – Travis Germundson provided a brief status report on appeals. Travis stated that a training session will be held when new board member appointments are completed and committee assignments have been made.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee met last night;, four issues will be brought before the Board in the future: 1) Memo of Understanding with BWSR and NRCS will come before the Board in June; 2) meetings will be held regarding wetland mitigation in northeast Minnesota, replacement credits for wetlands; 3) report on mitigation in lieu fee, and; 4) report on Executive Order 12-04 implementation work plan.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee will meet today immediately following the Board meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Committee has not met; their next meeting will be June 23.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee met yesterday, the Committee has a recommendation on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on April 5, 2013. Tom distributed a written report and provided an overview of issues discussed at the Drainage Work Group meeting. John stated that a policy presentation will be provided to board members in the near future. Discussion followed. John reported that the Drainage Work Group recommended a number of updates to the drainage law, House File 66 (HF66). The bill passed both the Senate and the House unanimously and was signed by Governor Dayton. John stated that a summary will be provided to board members; the bill summary, now law is on the BWSR website.

COMMITTEE RECOMMENDATIONS
Metro Water Planning Committee
Mississippi WMO Plan 2013 Amendment – Bob Burandt reported that the final draft 2013 amendment to the Mississippi WMO Watershed Management Plan was filed with the Board on March 13, 2013. The draft Order contains a summary of the changes and

the reviewing agencies' comments. No comments were received during the public hearing. The Metro Water Planning Committee recommends approval of the Plan amendment. Moved by Faye Sleeper, seconded by Joe Collins, to approve the Mississippi WMO Watershed Management Plan. ***Motion passed on a voice vote.***

** 13-29

Northern Water Planning Committee

Beltrami County Comprehensive Local Water Plan (CLWP) Extension Request – Gerald Van Amburg reported that Beltrami County has a Comprehensive Local Water Management Plan that will expire May 28, 2013. On March 19, 2013, the Board received a request for an extension of the Plan from Beltrami County. On March 27, 2013, the Northern Water Planning Committee met to discuss the extension request. The Committee recommends approval of the Beltrami County extension request. Moved by Gerald Van Amburg, seconded by Keith Mykleseth, to approve the Beltrami County Comprehensive Local Water Plan. ***Motion passed on a voice vote, with at least one dissenting vote (Jack Ditmore).***

** 13-30

Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change – Keith Mykleseth reported that the Lake of the Woods County SWCD approved a Nomination Districts Resolution on March 14, 2013, which proposed to change nomination districts for the Lake of the Woods County SWCD supervisor seats. The proposed Nomination Districts will align the Districts with the recently revised County Commissioner Districts. The Northern Water Planning Committee met on March 27, 2013, and unanimously recommends approval of the Lake of the Woods County SWCD Nomination Districts Resolution. Moved by Keith Mykleseth, seconded by Gerald Van Amburg to approve the Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change. ***Motion passed on a voice vote.***

** 13-31

Marshall County SWCD Supervisor Nomination Districts Boundary Change – Gene Tiedemann reported that the Marshall County SWCD approved a Nomination Districts Resolution on December 20, 2012, which proposed to change nomination districts for the Marshall County SWCD supervisor seats. The proposed Nomination Districts will provide consistent and equal distribution of township representation in the County. The Northern Water Planning Committee met on March 27, 2013, and unanimously recommends approval of the Marshall County SWCD Nomination Districts Resolution. Moved by Gene Tiedemann, seconded by Sandy Hooker, to approve the Marshall County SWCD Supervisor Nomination Districts Boundary Change. ***Motion passed on a voice vote.***

** 13-32

Southern Water Planning Committee

Kandiyohi County Local Water Management Plan Update – Paul Langseth reported that on January 22, 2013, the Board received the Kandiyohi County Local Water

Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of Kandiyohi County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3, which speaks to measureable goals, objectives and actions. The Plan Update was sent back to Kandiyohi County to address the concern. On May 2, 2013, the Committee met to review the revised Plan Update
** submitted by Kandiyohi County. The Committee recommends approval. Moved by Paul
13-33 Langseth, seconded by Chris Elvrum, to approve the Kandiyohi County Local Water Management Plan 2013-2023. Discussion followed. ***Motion passed on a voice vote.***

McLeod County Local Water Management Plan Update – Paul Langseth reported that on December 28, 2012, the Board received the McLeod County Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of McLeod County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3. The Plan Update was sent back to McLeod County to address the concern. On May 2, 2013, the Committee met to review the revised Plan
** Update submitted by McLeod County. The Committee recommends approval. Moved
13-34 by Paul Langseth, seconded by Steve Sunderland, to approve the McLeod County Local Water Management Plan 2013-2023. Discussion followed. ***Motion passed on a voice vote.***

Meeker County Local Water Management Plan Update – Paul Langseth reported that on January 7, 2013, the Board received the Meeker County Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of Meeker County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3. The Plan Update was sent back to Meeker County to address the concern. On May 2, 2013, the Committee met to review the revised Plan
** Update submitted by Meeker County. The Committee recommends approval. Moved
13-35 by Paul Langseth, seconded by Tom Loveall, to approve the Meeker County Local Water Management Plan 2013-2023. ***Motion passed on a voice vote.***

Chair Napstad called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:52 a.m.

RIM Reserve Management Planning Committee

2013 RIM-WRP Partnership Rates – Bill Penning introduced Myron Taylor, newly appointed Assistant State Conservationist for Programs at NRCS. Bill reported that the RIM Reserve Management Planning Committee (RRMPC) recommends approval to authorize the 2013 RIM-WRP Partnership easement payment rates. Board Resolution 13-25, approved March 27, 2013, directed staff to develop RIM-WRP Partnership eligibility and sign-up procedures. Myron provided an update on NRCS WRP appropriation acres, training scheduled in June; NRCS looks forward to continued partnership with BWSR. Bill reported that 2013 RIM-WRP payment rate determination is based on a 15% annual average increase for tillable land over the most recent two year period available via the MN Land Economics website. Bill stated that there are three rates: the rate date; the publication date; and the sales year date. Discussion followed.

** Moved by Gene Tiedemann, seconded by Matt Wohlman, to authorize staff to:

13-36 Establish RIM-WRP Partnership payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors:

1. The township land values as established by the Department of Revenue and posted on the University of Minnesota land Economics website shall be used as the basis for determining the 2013 payment rates;
2. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro counties due to a limited number of tillable land acres, and values that are influenced by development potential;
3. The payment rate maximum for the other five Twin Cities metro counties (Anoka, Carver, Dakota, Scott and Washington) will not exceed the average Scott County rate to more accurately reflect tillable values.

Motion passed on a voice vote.

NEW BUSINESS

Legislative Update – John Jaschke and agency members Matt Wohlman, MDA; Tom Landwehr, DNR; Faye Sleeper, UME; Chris Elvrum, MDH; and Rebecca Flood, PCA; provided a summary of legislative decisions affecting their programs and responsibilities. Discussion followed.

Environmental Quality Board (EQB) Frac Sand Summary and Status – Bob Patton, EQB Executive Director, explained the roles of the EQB and the agencies involvement. Jeff Smyser, EQB staff, provided an overview of past and future actions related to frac sand mining and the Report on Silica Sand in Minnesota. Discussion followed. Chair Napstad thanked Bob and Jeff for their report.

AGENCY REPORTS

University of Minnesota Extension – Faye Sleeper reported on the University of Minnesota Extensions' new partnership with SWCDs. Staff and supervisors are able to sign-on to webinars at over 50 locations, meeting on various topics; an effective education tool through local models and the University of Minnesota.

ADVISORY COMMENTS

Minnesota Association of Townships – Sandy Hooker reported that the 2013 Legislative Session was good to townships.

Minnesota Association of Watershed Districts – Ray Bohn complimented BWSR, DNR, MDA, MDH, and PCA on their effectiveness of working together during the legislative session. MAWD legislative key issues included: drainage; conservation easements; sales tax exemption for cities and counties. MAWD looks forward to working with Doug Thomas on 1W1P. MAWD is working with the Drainage Work Group. MAWD Summer tour will be held June 20-21 in New Ulm, focus on MN River Basin; Ray encouraged board member attendance.

UPCOMING MEETINGS

- Grants Program and Policy Committee meeting today immediately following Board meeting
- Next BWSR Board Meeting – June 26, 2013

** 13-37 Moved by Rebecca Flood, seconded by Sandy Hooker, to adjourn the meeting at 1:00 PM. ***Motion passed on a voice vote.***

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: June 26, 2013

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
June 12, 2013
By: Travis Germundson

There are presently **12** appeals pending. All of the appeals involve WCA except File 10-10. There has been **1** new appeal filed since the last report dated May 22, 2013.

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 13-5 (6-11-13) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. A pervious appeal (File 12-19) was remanded for further technical work and administrative proceedings, and now that new decision is being appealed. At issue is the adequacy of the TEP's Report to address partial drainage. *No decision has been made on the appeal.*

File 13-4 (5-15-13) This is an appeal of an exemption decision in Swift County. The appeal regards the denial of an agricultural exemption application. At issue is the annually seeded/crop rotation eligibility requirements for the exemption. *The appeal has been remanded for further technical work.*

File 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.

~~File 12-19 (12-27-12) This is an appeal of a wetland replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application for a tenth of an acre of impact to a Type 3 wetland. A previous appeal of a restoration order involving the same wetland impacts (File 12-10) was dismissed. The appeal has been remanded for further technical work.~~ *Appeal finalized upon new decision made under remand (May 23, 2013).*

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. The appeal has been accepted and the briefing and hearing schedule stayed by mutual agreement to allow time for settlement discussions to continue.

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 has been 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 in the spring of 2013 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 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 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	5	1
Order Modified		
Order Remanded	4	1
Order Place Appeal in Abeyance	1	1
Negotiated Settlement		
Withdrawn/Dismissed	4	

Drainage Work Group Report
for June 26, 2013 BWSR Board Meeting

by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group met on Thursday June 13, 2013 at the Minnesota Farm Bureau building in Eagan. Following is a summary of the topics of discussion:

- **Outcomes of 2013 Legislative bills involving drainage:**
  - HF66 / SF113 – Carried DWG consensus recommendations to further update Chapter 103E drainage law. DWG acknowledged the chief authors and bipartisan list of co-authors.
  - HF-1021 – Would exempt "minor ditch repairs" from the Minnesota Environmental Rights Act (MERA). Did not have a Senate companion and was held over in the House Environment and Natural Resources Policy Committee.
  - HF-949 / SF-1496 – Would require consolidated conservation (con-con) land participation and payment of assessments for drainage projects undertaken by local drainage authorities. Did not pass, but the "Tax Bill" (Chapter 143, HF-677) included $300,000 per year to DNR for local assessments on con-con land. DNR agreed to establish a work group, which has met twice to date.
  - HF-971 / SF-1244 – Provided $235,000 to BWSR to update the Minnesota Public Drainage Manual and the Minnesota Drainage Law Overview for Decision-Makers document. Ultimately included in the Clean Water, Land and Legacy Bill (Chapter 137, HF-1183). The DWG has advocated for update of the MPDM for a number of years. BWSR staff is making plans to proceed with these updates.
  - HF-1183; Clean Water, Land and Legacy Bill – Redirected Conservation Drainage Program funding ($1.7M - $235,000 first year and $1.7M second year) to grants to local government units to ensure compliance with Chapter 103E and Sections 103F.401 – 103F.455 (state soil erosion control provisions). DWG concerns about loss of targeted cost-share. BWSR staff discussing how best to implement.
  - HF-1700 – Would establish ag drainage system installer license and private installer certification requirements administered by MDA, prohibit county commissioners from serving as Chapter 103E drainage inspectors, and require annual drainage inspector and viewer training. Introduced late in the session. Did not have Senate companion. Rep. Hansen suggested that the DWG discuss developing ag drainage training and certification like pesticide applicator requirements.
- **Reviewed and updated DWG prioritized discussion topics list:** Highest priority topic areas:
  - Redetermination of benefits – clarify authority and process to avoid recent litigation problems; lead viewer shortage and MN River Board training curriculum initiative; if/how to enable incremental change of drainage benefits when long-term land use change
  - Section 103E.015 Considerations Before Drainage Work is Done – discuss need for criteria update, including downstream effects
  - HF-1700 – Further discuss to determine if or what DWG consensus

The next DWG meeting will be on Thursday, August 8, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building in Eagan.

COMMITTEE RECOMMENDATIONS
Northern Water Planning Committee

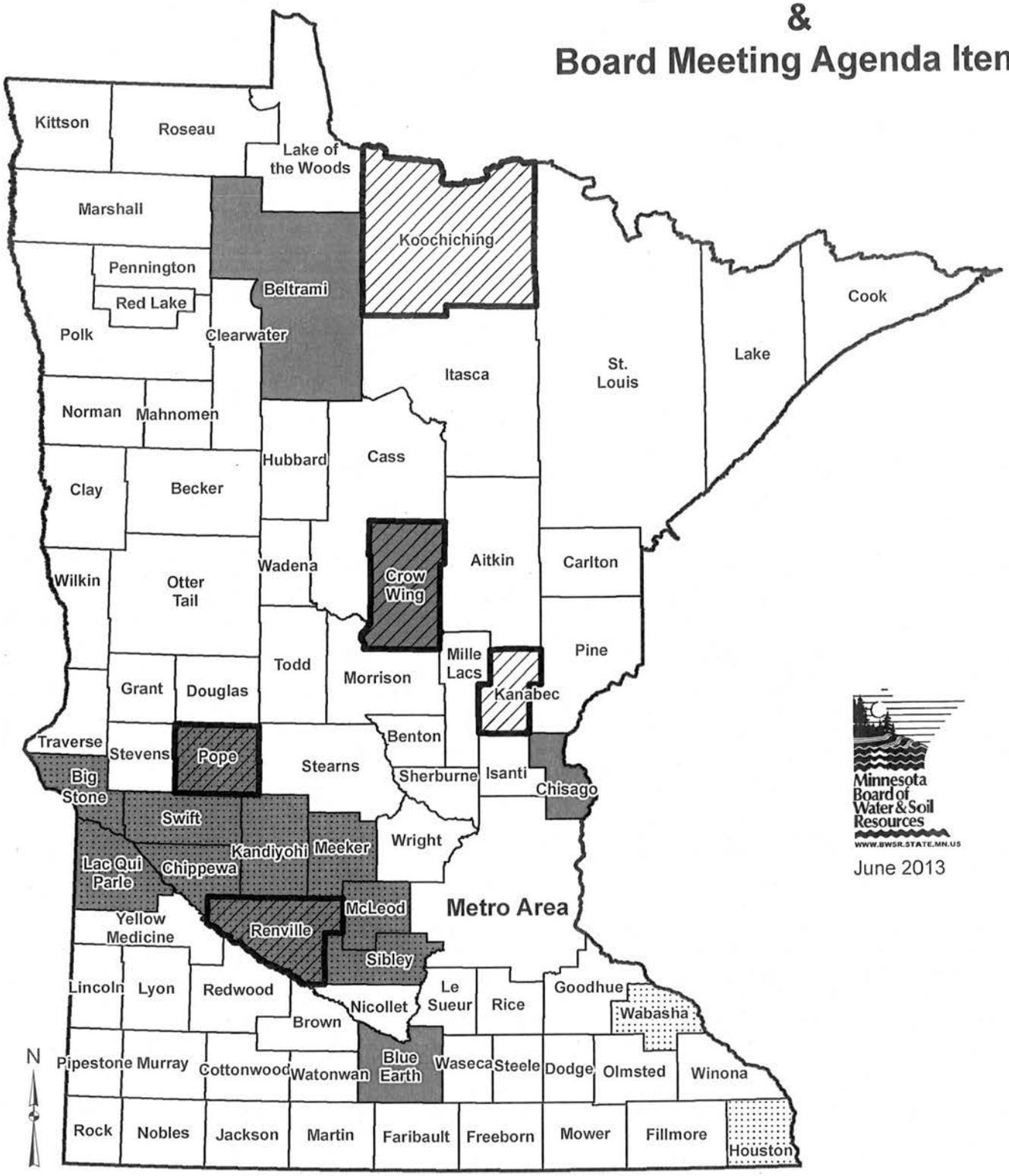
1. Crow Wing County Water Plan Update – Brian Napstad – ***DECISION ITEM***

2. Kanabec County Comprehensive Local Water Management Plan Amendment – Gerald Van Amburg – ***DECISION ITEM***

3. Koochiching County Local Water Management Plan Amendment – Gene Tiedemann – ***DECISION ITEM***

4. Pope County Local Water Management Plan Amendment – Gene Tiedemann – ***DECISION ITEM***

County Water Plan Expirations & Board Meeting Agenda Items



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

June 2013

Plan Expires

- Revision in Progress
- Overdue
- 2013
- Beyond 2013

Outstate Agenda Items

- Crow Wing
- Kanabec
- Koochiching
- Pope
- Renville

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Crow Wing County Water Plan Update

Meeting Date: June 26, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Northern

Contact: Dan Steward

Prepared by: Dan Steward

Reviewed by: Northern Water Planning Committee Committee(s)

Presented by: Brian Napstad

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Decision

LINKS TO ADDITIONAL INFORMATION

http://crowwing.us/index.aspx?nid=241

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
By Board Order, the Minnesota Board of Water and Soil Resources (Board) approved the Crow Wing County Comprehensive Local Water Management Plan (Plan) on August 27, 2008. The Northern Water Planning Committee reviewed the plan on June 12, 2013; and recommends 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 Update for Crow Wing County (Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Crow Wing County Board of Commissioners submitted a Local Water Management Plan Update to the Board on May 1, 2013, 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 November 6, 2012, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Crow Wing County, pursuant to M.S. Section 103B.312.

2) On January 9, 2013, the BWSR North Region Water Plan Review Committee met with representatives of Crow Wing County to review the Priority Concerns Scoping Document.

3) On January 23, 2013, the Board of Water and Soil Resources approved official comments on the Crow Wing County Priority Concerns Scoping Document, which were mailed to the county on January 23, 2013.

4) The priority concerns, in no particular order of importance, the local water management plan addresses include:

- Aquatic Invasive Species
- Surface Water
- Ground Water

5) On May 1, 2013, the BWSR received the Crow Wing County Plan Update, for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6) On June 12, 2013, the North Region Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Crow Wing County Plan Update. Recommendations of the state review agencies were:

A) Minnesota Department of Natural Resources: recommended approval;

B) Minnesota Department of Agriculture: recommended approval;
C) Minnesota Pollution Control Agency; No comments received;
D) Board of Water and Soil Resources; staff recommended approval;
E) Board Water Plan Review Committee recommended approval.

7) This update will be in effect for a ten year period until June 26, 2023, with the Goals, objectives and Action Items amended by June 26, 2018.

CONCLUSIONS

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

2. The Crow Wing 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 Crow Wing County Local Water Management Plan –June 26, 2013 to June 26, 2023 with a required update of the Implementation section (Goals, Objectives and Action Items) to be completed by December 31, 2018.

Dated at St. Paul, Minnesota, this twenty-sixth day of June, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

EXECUTIVE SUMMARY

Water planning is identifying what works best to protect and enhance Crow Wing County's water resources. As the LGU responsible for the development and implementation of the Local Comprehensive Water Management Plan, the Crow Wing County Land Services Department is committed to protecting, preserving & improving water resources in Crow Wing County by being proactive, efficient, customer focused, organized, and innovative while being good stewards of the county's resources. The Land Services Department is committed to providing excellent customer service while helping landowners make wise choices that protect Crow Wing County's extraordinary natural resources. In administration of the water plan, Crow Wing County is committed to the following principals of action:

- Providing exceptional customer service that empowers landowners to manage and protect their land and water resources
- Coordinating funding, staff, & grass roots efforts to maximize effectiveness of public investment
- Managing, enhancing, and expanding the availability of educational materials and a network of resources and contacts
- Identifying existing and potential threats to surface and ground water resources with action plans to minimize them

This plan has identified surface water, ground water, and aquatic invasive species as the priority concerns. Objectives and action steps have been identified for each and are included on page 8. This plan takes a watershed protection approach and was developed in consultation with the Minnesota Pollution Control Agency and 30 Lakes Watershed District, who also conduct watershed-based planning. Implementation strategies were developed from these priority concerns and tailored specifically for each of the 125 minor watersheds in the County. Analysis of existing, readily available data has revealed the uniqueness of these minor watersheds while showing where data-driven strategies can be implemented in a more targeted and efficient manner. This 10-year plan is unique from past versions for the following reasons:

- Identifies local priority concerns, objectives, and actions related to surface and ground water resources
- Focuses on Aquatic Invasive Species for the first time in plan history
- Targets specific surface and ground water resources to focus implementation efforts
- Includes an implementation plan for the Mississippi River
- Uses a watershed-based, land protection model
- Includes analysis and maps of all 125 minor watersheds in the county

Incorporated by reference into this plan are the most current versions of the: Crow Wing County Land Use Ordinance, Wellhead Protection Plans for Baxter, Brainerd, Cuyuna, Ironton, and Pequot Lakes. Crow Wing County Stormwater Packet, Crow Wing County Solid Waste Plan, Minnesota Stormwater Manual, Crow Wing County Geologic Atlas, and NRCS Soil Survey.

Water Plan Committee (Board of Commissioners): Rosemary Franzen, Doug Houge, Paul Koering, Rachel Nystrom, Paul Theide

BWSR Board Conservationist: Dan Steward
County Administrator: Tim Houle
Land Services Director: Mark Liedl
Land Services Supervisor: Chris Pence
Water Protection Specialist: Mitch Brinks

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Kanabec County CLWMP 5 Year Amendment

Meeting Date: June 26, 2013

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: Gerald Van Amburg

☐ **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 Kanabec County Comprehensive Local Water Management Plan

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

On August 23, 2007, the Board of Water and Soil Resources approved the Kanabec 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 May 23rd, 2012 and submitted the updated plan to the Brainerd field office on May 2, 2013. Additions to the amendment include an updated county resource description, amended action items to reflect changes over the past five years, and an updated calendar and budget summary. As part of the submission, the Kanabec County Water Planner included documentation of the required public hearing. Agency comments and recommendations for approval were received from the Department of Health and the Department of Agriculture.

The five year plan update was presented to the Northern Water Planning Committee on June 11, 2013. 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 **Kanabec County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, the **Kanabec** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **May 2, 2013** 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 **August 23, 2007**, the Board of Water and Soil Resources approved the Kanabec County Comprehensive Local Water Management Plan from 2007 to 2017 with a requirement for an update by 2012.

2) On **May 23, 2012,** the Kanabec 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 protection of shore lands and tributaries from erosion, sedimentation and nutrient loading
   B. Drainage ditch maintenance
   C. Ground water concerns
   D. Ground and surface water

4) On **May 2, 2013,** the BWSR received the **Kanabec** 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 **June 11, 2013,** the Northern Plan Review Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Kanabec** County Plan Amendment. The Northern Plan Review Committee forwarded the plan to board with a recommendation for approval with the following recommendations for additional action items:

   - Regarding the comments on Page 78 of the draft plan, the MDA recommends the following language replace the yellow highlighted text in the fourth paragraph.

"Global needs for agricultural products and market pressures have resulted in high commodity demand. The result is that farmers need to increase production to meet these demands. Marginal lands can be used to increase crop production via drain tile, which removes excess water during the growing season. However, controlled/managed drainage is recommended to conserve moisture for critical times during the summer months. These marginal lands may also need other BMPs installed such as grassed waterways, buffers, cover crops, proper residue management, field windbreaks, side inlet controls, etc."

Kanabec County may also want to reference the Ag BMP Handbook that was released in the Fall of 2012, which can be found at this website:

http://www.eorinc.com/documents/AG-BMPHandbookforMN_09_2012.pdf

- Add an action item to the Ground and Surface Water priority concern indicated the county will partner will the MN Department of Natural Resources on aquatic invasive species management and to consider the development of a County Aquatic Invasive Species Management Plan.

6) This update will be in effect until **August 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 **Kanabec** County Local Water Management Plan pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Kanabec** 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 **Kanabec County** Local Water Management Plan **August 8, 2007 to August 31, 2017.**

Dated at **St. Paul,** Minnesota, this **twenty sixth day of June, 2013.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

EXECUTION SUMMARY

The Kanabec County Comprehensive Local Water Plan update was coordinated with the assistance of the Water Plan Committee. Information obtained through a survey and committee meetings along with information provided from various agencies was used to update the plan for 2012.
Multiple TMDL's within the watershed that are completed or are ongoing will be used to prioritize and address issues within the watersheds.
Snake River TMDL-March 2010 to June 2013
Ann River TMDL-October 2010 to February 2013
Groundhouse River TMDL-October 2009- August 2014- This TMDL is in the implementation stage with a 319 Grant.

Lake St. Croix Implementation Plan - Kanabec County Section:
The TMDL allows for 39,500 lbs/yr of phosphorus to be loaded to the St. Croix River from Kanabec County. This requires 10,800 lbs/yr of reduction from the estimated TMDL baseline load of 50,300 lbs/yr in the early 1990s. Kanabec County's required reduction ranks 7th largest among the 19 counties in the basin.
To achieve the St. Croix Basin Partners' goal of 20% Reduction by 2020, Kanabec County needs to reduce loadings by 8,000 lbs/yr by the year 2020. To attain this goal, activities must be implemented that achieve an average annual rate of phosphorus reduction of 270 lbs/yr over 30 yrs, or 800 lbs/yr over 10 yrs.

The Snake River Watershed Management Board Water Quality Monitoring Program-1998 to 2008- was completed and a report was generated to show the results. This is being used to also address areas of needed BMP projects.

BOARD MEETING AGENDA ITEM

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

Meeting Date: June 26, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Northern
Contact: Chad Severts
Prepared by: Chad Severts
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

Approval of the Five Year Amendment of the Koochiching County Comprehensive Local Water Management Plan

LINKS TO ADDITIONAL INFORMATION

http://www.co.koochiching.mn.us/dept/esd/Koochiching%20County%20Amended%20Water%20Plan%202012-2017%20Draft.pdf

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On August 23rd, 2007, the Board of Water and Soil Resources approved the Koochiching County Comprehensive Local Water Management Plan with a date range from 2007 to 2017. The Board required a five year amendment of the plan by December 31, 2012.

The County passed a resolution to amend the plan on May 8, 2012 and submitted the updated plan and the public hearing documentation to the Bemidji field office on May 2nd, 2013. As part of the process, Koochiching County solicited input from the state review agencies, local units of government and the Water Management Plan Advisory Committee.

The five year plan amendment was presented to the Northern Water Planning Committtee on June 12, 2013. Koochiching County followed the amendment process guidelines established by the Board and the Committee recommends approval of the amendment with the comments provided by MDH, DNR and the BWSR. The comments will be incorporated into the plan prior to the BWSR Board meeting.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, the **Koochiching** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **May 2, 2013** 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 **August 23, 2007**, the Board of Water and Soil Resources approved the **Koochiching** County Comprehensive Local Water Management Plan from December 31, 2007 to December 31, 2017 with a requirement for an update by December 31, 2012.

2) On May 8, 2012, the **Koochiching** 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. Erosion
   B. Subsurface Sewage Treatment Systems
   C. Education/Collaboration
   D. Monitoring
   E. Protection of Water Quality
   F. Forestry

4) On May 2, 2013, the BWSR received the Koochiching County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.

5) On June 12, 2013, the Northern Water Planning Committee of the Board reviewed the recommendations of the state review agencies regarding the five year amendment of the **Koochiching** County Plan.

6) This amendment will be in effect until **December 31, 2017**.

7) 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 Koochiching County pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Koochiching** 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 **Koochiching County** Local Water Management Plan **August 23, 2007 to December 31, 2017.**

Dated at **St. Paul,** Minnesota, this **twenty-sixth day of June, 2013.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Koochiching County

Local Water Management Plan

December 2012 Update

Duration: 2007 – 2017

Prepared by:

Richard Lehtinen

Koochiching County Environmental Services

with assistance from

Koochiching County Water Management Plan Advisory Committee

Kevin Adee, Commissioner
Nolan Baratono, MPCA
Ryan Heinen, SWCD Staff
Al Linder, SWCD Board
Marie Mettler, KCHD
Troy Promersberger, SWCD Board
Pam Tomevi, SWCD Staff
Marc Windsnes, Citizen
Justin Berg, SWCD Staff
Chad Severts, BWSR
Robert Anderson, Citizen
Jack (Jake) Blake, Citizen
Jeff Hrubes, BWSR
Wayne Merrell, Citizen
Kevin Peterson, DNR
Jana Toman, Citizen
Kelly Elijio, NRCS
Andrew Wright, Citizen
Dale Olson, ESD

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KOOCHICHING COUNTY WATER MANAGEMENT PLAN

Introduction

This is an update to the 2007 KCWMP. That Plan was developed by the Water Management Plan Advisory Committee (WMPAC) in concert with ESD staff. The WMPAC had six citizen members and eleven agency and county representatives, two from SWCD staff and board, ESD, NRCS, DNR, MPCA, County Health Department, one County Commissioner and expert counsel from BWSR staff. This Committee worked hard, long and cooperatively with ESD staff to produce a Water Plan that fits the needs of Koochiching County.

The WMPAC and Koochiching County understand that the majority of surface waters in Koochiching County that have been sampled, meet or exceed current water quality standards for conventional pollutants, with the exception of the documented impairment for turbidity of the Little Fork River. Mercury impairments have been identified in streams, rivers and lakes within the county as they have across Minnesota. The Environmental Protection Agency (EPA) approved the Minnesota Pollution Control Agency's state-wide Mercury Total Maximum Daily Load (TMDL) and reduction plan.

The mercury TMDL identifies that atmospheric mercury deposition is uniform across the state and is responsible for over 99% of the mercury that finds its way into fish through the process of bioaccumulation. The reduction plan identifies a role for the State and Federal governments to control emissions from various sources. Comprehensive Local Water Management Plans play little to no role in the reduction of mercury pollution.

Comprehensive Local Water Management Plans can address conventional pollutants, including but not limited to nutrients, sediments, bacteria and other generally recognized constituents of non-point source (NPS) pollution. Broad categories of activities that can address NPS include information and education, technical assistance, conservation practices and administration and enforcement of laws, rules, statutes and ordinances that can protect water quality. Increasing the knowledge base by additional monitoring of water resources, inventories of land use activities and assessment of the effects that those land use activities have on water resources will help shape future water quality protection discussion and actions.

Minnesota Statutes Chapter 114D, the 2006 Clean Water Legacy Act defines water quality restoration as: actions, including effectiveness monitoring, that are taken to achieve and maintain water quality standards for impaired waters in accordance with a TMDL that has been approved by the United States EPA under federal TMDL requirements.

Chapter 114D.20 Subd. (6) identifies five priorities for addressing water quality restoration as follows:

1) coordinate with and utilize existing local authorities and infrastructure for implementation;

2) Can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

3) Most effectively leverage other sources of restoration funding, including federal, state, local and private sources of funds;

4) Show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means;

5) Show a high potential for long term water quality and related conservation benefits.

The statute also addresses water quality protection activities by as far as practicable, employing the priorities listed above to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL.

The 2007 update of the Koochiching County Comprehensive Local Water Management Plan has identified six priority concerns that have relevance to both protecting water resources and addressing the Little Fork River's turbidity impairment. There may be differences in the degree of emphasis of particular activities or specific priority locations, but until the TMDL study of the Little Fork is completed and a specific implementation plan is developed, the suite of actions identified in the CLWMP is generally accepted as having a beneficial impact on water quality. The objectives and actions of the LWMP may also be adapted to any additional water quality impairments that may be identified through monitoring and assessment activities.

EXECUTIVE SUMMARY

In 2007 the Koochiching County Local Water Management Plan was updated by a sixteen-member Water Management Plan Advisory Committee led by Richard Lehtinen, Koochiching County Environmental Services Director. The purpose of the planning process was to develop a plan of work that would protect and enhance surface water, groundwater and related land resources within Koochiching County. The Advisory Committee developed a process designed to incorporate input from citizens, local, state, federal and Canadian units of government, and to develop a plan that was consistent with local, state and federal plans and controls. This document is a 5 year update of the 2007 plan. Requests for comments were mailed to more than 20 local, state and federal agencies. Only 3 comments were received.

The Committee used as a starting point the Rainy River Basin Plan, prepared by MPCA, and the second generation County Water Management Plan. By deriving the new Plan from these existing plans, the Committee was assured the new plan would address issues relevant to both the county and the state. The Committee identified issues it believed ought to be included in the new plan. These issues were then compressed into general categories. From these general categories the Committee proceeded to develop goals, objectives and action plans.

The Committee, after sifting through the Basin Plan, the Local Water Plan and the results of a survey conducted for this project, developed a set of priority concerns which the Plan would address. These priority concerns are:

1. Erosion
2. Subsurface Sewage Treatment Systems
3. Education/Collaboration
4. Monitoring
5. Protection of Water Quality
6. Forestry

With these priority concerns, the Committee developed a total of fourteen goals, three for Erosion, one for SSTS, one for Education, three for Monitoring, four for Water Quality and two for Forestry. It also created forty-six objectives and seventeen action plans. All these elements included ongoing activities of SWCD, ESD and state agencies and activities that were either new or given higher emphasis which qualified them as High Priority Concerns.

The 2007 Plan was reviewed by local, state, federal, Canadian and cities in Koochiching County as well as adjacent counties. This level of review assured the Committee that the Plan is consistent with the plans of other pertinent local, state and regional plans. Other plans do not have to be amended in order for this Plan to be adopted and implemented.

CONTINUATION OF THE PRIORITY CONCERNS FOR THE 2007 – 2017 PLAN

All priority concerns point in one direction: water quality. Maintaining or enhancing existing water quality is the overriding goal of all priority concerns. The six priority concerns identified in this report attempts to segregate the concern for water quality into logical and discrete categories. Even though some of the priorities overlap they do offer a focus from which to derive goals, strategies and implementation measures. The six priority concerns are:

1. Erosion
2. Individual Sewage Treatment Systems
3. Education/Collaboration
4. Monitoring
5. Protection of Water Quality
6. Forestry

These concerns were developed by the WMPAC.

Erosion

Erosion is one of the key contributors to poor water quality. It is a concern for Rainy Lake and for the three major rivers in the county, Rainy, Big Fork and Little Fork. It is also a concern for some of the smaller rivers and lakes.

Water levels in some of the lakes and streams in Koochiching can fluctuate by several feet. Ice movement and high water levels in the spring can damage shoreline vegetation. After the water recedes, vegetation doesn't always have time to reestablish before spring rains occur. Constantly changing water levels, wave action and water current all work on eroding the shoreline. In areas where the banks are high and steep this can contribute significantly to turbidity and sedimentation. Erosion in slightly sloped shoreline areas is more easily addressed than when it occurs on tall, steep banks.

This Plan will support:

- Cost share for erosion control on private land
- Technical assistance to property owners is provided by the Soil and Water Conservation District (SWCD), the Natural Resources Conservation Service (NRCS), the Department of Natural Resources (DNR), and the Minnesota Pollution Control Agency (MPCA)
- Best Management Practices for agricultural operations
- Forest Resources Council Guidelines for forestry management
- Study of the Little Fork River "impaired water" due to turbidity
- The Little Fork River / Big Fork River impaired river study
- Increased emphasis on shoreland protection by encouraging native vegetation and discouraging lawns up to the shoreline
- Implementation of National Pollution Discharge Elimination Standards (NPDES)
- Consider use of NEMO (Nonpoint Education for Municipal Officials) to determine cumulative impacts of runoff due to development
- Best Management Practices for residential and commercial construction, stormwater management, road construction and hydrologic modification contributing to bank instability.

- Take erosion control measures on the Rat Root River where the removal of beaver dams and other obstructions has increase the water flow and wave action due to boat traffic.

Subsurface Sewage Treatment Systems (SSTS)

SSTS makes up a category of its own because there are several grant programs and major activities that fit into this area. It is generally acknowledged that faulty septic systems constitute the greatest manmade threat to water quality in the Rainy River Basin. Point sources of pollution were a major problem several decades ago but are now under strict permit requirements. Nonpoint sources, such as SSTS, now constitute the greatest threat.

- The Jackfish Bay Sewer Project has been completed so the county is currently putting its attention to the rest of Rainy Lake from Tilson Bay to Dove Island, and also Rainy Lake's islands
- The county is also researching the idea of extending sewer and creating a sewer district that would include areas south of Int'l Falls such as Papermakers Colony, Meadowview and other areas.
- The county adopted an SSTS ordinance in 2008. Updates to the ordinance will be made as needed
- Implementation of a Water Quality Cooperative, or other administrative structure, to be responsible for maintenance, repair and construction of new SSTS is still under consideration
- Support the development of Performance Standards for SSTS which would be used for a wide range of types SSTS and have a wider range of effluent quality standards to apply depending on a property's size, soil type and remoteness from surface water
- Combine effort with St. Louis County in finding solutions to SSTS problems in and around VNP

The Board of Commissioners has passed a resolution making the extension of centralized sewer east to Dove Island its top priority.

Education/Collaboration

Education is a key component of any Water Management Plan. We all need to be educated about water. It is well known that Minnesotans cherish their water. They want to know how to maintain or enhance their water fronts, their surface water and their groundwater. Education efforts will be made in a variety of ways.
LBF High School currently does water monitoring on the Big Fork River. This is a great educational tool that may be expanded to other rivers in the county. There has been discussion regarding creation of a Water Resources Center (WRC) where information could be stored, shared, etc. If created, the WRC will be an international center absorbing information from both Minnesota and Canadian sources. It is important to note that 65 percent of the Rainy River Watershed is in Ontario. Collaboration between Minnesota and Ontario is fundamentally important to protection of the Rainy Basin's water quality.

- Seek funding for the WRC to further its principal objectives to
  a) Monitor the Basin's water quality,
  b) Manage collected data,
  c) Disseminate collected data in informational reports,
  d) Support citizen-based water quality programs such as River Watch
- Emphasize education over regulation (e.g., voluntary use of alternative standards for shoreline development
- Prepare informational brochures on groundwater, water quality monitoring, shoreland vegetation and others
- Encourage MN DNR, MPCA, BWSR, Dept. of Health, Voyageurs National Park, Ontario Ministry of Natural Resources and Ontario Office of the Environment, Department of Fisheries and Oceans, Rainy River First Nations to disseminate informational reports, brochures and other educational materials
- Convene the Water Management Plan Advisory Committee at least one time each year to review progress on implementing the WMP 2007 – 2017.
- Promote natural vegetation for shoreland and alternative standards for shoreland development
- Provide information about the hazards of using surface water for drinking and promote safe treatment options and alternatives.

Monitoring

Monitoring is important because it requires the active pursuit of information to develop a deeper understanding of the water resource. Generally, water quality in the Rainy Basin is considered "good" as compared to nationally accepted water quality measurement standards and to other geographic areas in Minnesota. There is information, enough to draw conclusions about the general quality of Koochiching County waters. But no body of water, except for the Big Fork River, has been systematically studied to the point where a baseline has been established. The Big Fork River has been systematically monitored by the Big Fork and Littlefork High Schools and guided by volunteer expert, Richard Lacher. The WMP will seek to expand water quality monitoring efforts.

- Continue water quality monitoring of the Big Fork River
- Create systematic water quality monitoring programs for Rainy River, Little Fork River, Rapid River, Rat Root River and Rainy Lake in cooperation with the Water Resources Center
- Encourage citizen water quality efforts
- Support funding of a Volunteer Water Monitoring Coordinator position at Rainy River Community College
- Seek funding for surface water studies
- Do inventories, as a form of monitoring, of wells in Koochiching County and of unused, unsealed wells
- Encourage high schools to commit to doing long term water quality monitoring consistent with MPCA requirements, in cooperation with the Water Resources Center
- Establish water quality baselines for Rainy Lake, Rainy River and the Little Fork River

- Utilize and build from the comprehensive Rainy Lake characterization study, organized by Voyageurs National Park, done in 2004
- Support studies of exotic species on Rainy Lake and other bodies of water as appropriate
- Support studies of cyno-bacteria (blue green algae) toxicity in Rainy Lake
- Rely on Rainy Lake's status as an Outstanding Resource Value Water (ORVW) to justify funding of studies and programs designed to enhance Rainy Lake's water quality
- Encourage the conduct of nutrient loading studies of Koochiching County's lakes and rivers.

Protection of Water Quality

Due to the amount of wetlands in Koochiching County, nearly all new construction projects have the potential to affect water quality. Wetlands are more thoroughly addressed in the Koochiching County Wetland Flexibility Plan. The WMP will address Priority Concerns that are particularly related to impacts associated with man-made development projects.

- Promote planned, environmentally sensitive development in Koochiching County, designed to ensure good water quality
- Preserve and enhance native vegetation on shoreland
- Seek funding for wetland restoration where appropriate
- Promote use of alternative standards for shoreline development
- Follow local zoning and shoreland ordinances (e.g., setbacks, vegetation removal, etc.) in riparian areas to protect the shore impact zone
- Require site constraints analysis prior to designing residential or commercial/industrial projects
- Seek continued State support of Koochiching County's Wetland Flexibility Plan
- Insist that one size fits all is not appropriate to wetland mitigation in Minnesota
- Achieve flexibility in sitting wetland replacement by allowing replacement for Koochiching County projects anywhere in Minnesota
- Do not require wetland mitigation be the same type of wetland as the type being affected
- Avoid adverse impacts on water quality from aggregate mining and quarrying
- Assist farmers in manure management and proper grazing practices
- Encourage frequent use of the Technical Evaluation Panel to evaluate projects that will affect wetlands
- Continue to have the SWCD provide technical assistance to Koochiching County cities and property owners
- Consider setting local thresholds for water quality that are stricter than national or state standards.
- Work with cities, landowners and other county departments to initiate or continue stormwater management projects.

Forestry

Forestry is an important component of the Water Management Plan. SWCD will work with state and county governments to assure that this plan is part of their overall program.

This Plan will support:

- Preparation of Forest Stewardship Plans for private property owners
- Distribution of trees throughout the county in SWCD's tree sales program
- Collaboration with federal and state agencies and the private sector in helping to assure Koochiching County has healthy, productive and sustainable forests
- Promotion of forestry practices that protect water quality
- Promotion of the use of Voluntary Site-Level Forest Management Guidelines on private lands to protect water quality (e.g., riparian buffers, roads and culverts, stream crossings, etc.)
- Provide forest management education to non-industrial private forest landowners

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Pope County Local Water Management Plan Update

Meeting Date: June 26, 2013

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: 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

Decision

LINKS TO ADDITIONAL INFORMATION

http://www.popeswcd.org/downloads/1304planWaterPope.pdf

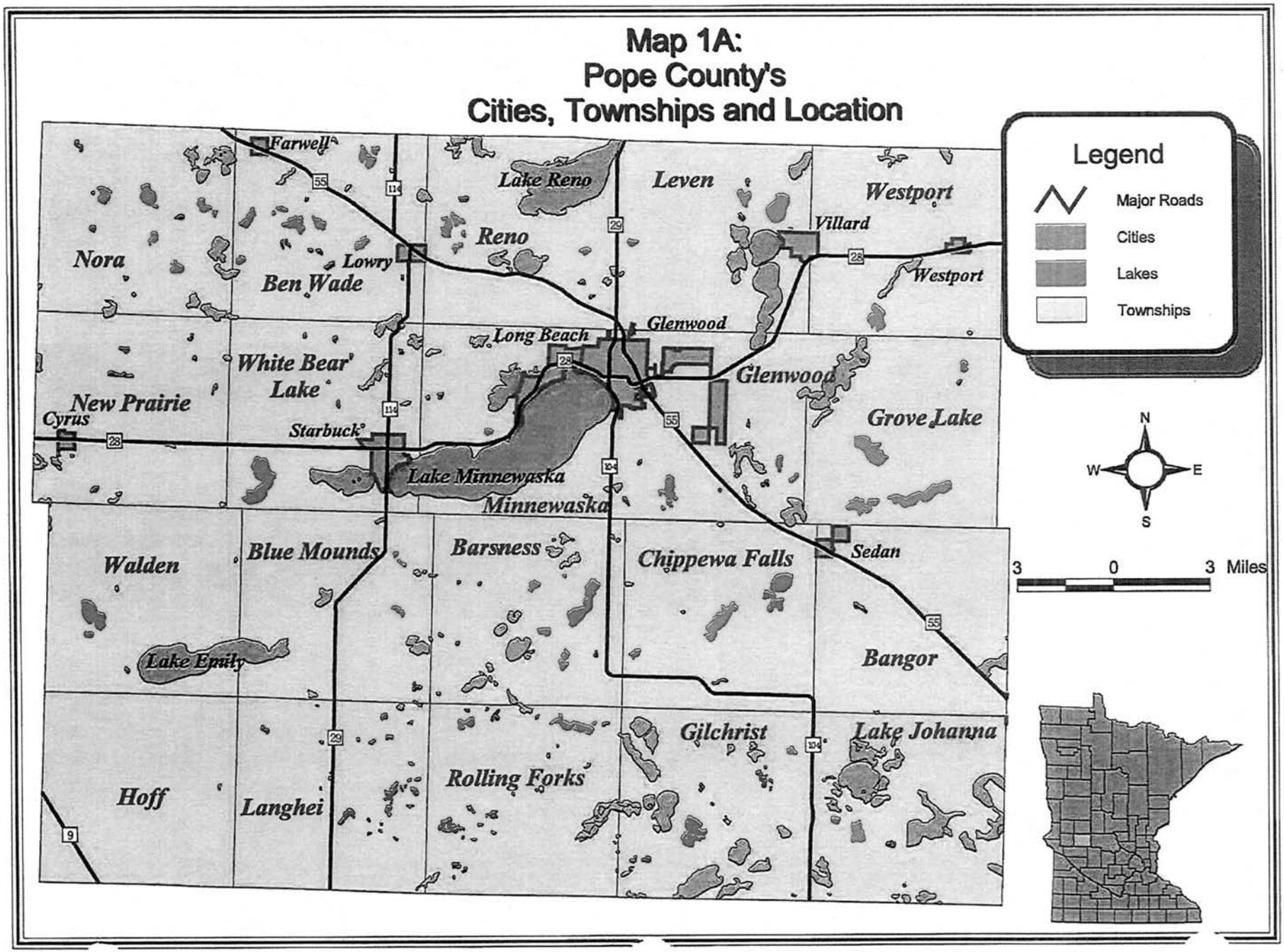
http://www.popeswcd.org/downloads/1304planPopeWaterAppendix.pdf

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On January 30, 2013, the Board of Water and Soil Resources (Board) provided official State comments pertaining to the priority concerns identified in the Pope County Priority Concerns Scoping Document.

On April 15, 2013, the Pope County Local Water Management Plan Update (Plan Update) was submitted for review by the state agencies.

On June 12, 2013, the Northern Water Planning Committee of the Board met with representatives of Pope County and Pope Soil and Water Conservation District (SWCD) to review state agency comments and recommendations; the required Public Hearing record of April 2, 2013; and the Pope County Plan Update. The Committee recommends approval of the Pope County Plan Update.

Map 1A:
Pope County's
Cities, Townships and Location



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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Pope County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on April 15, 2013, 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 3, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On January 30, 2013, the Board approved official comments on the County PCSD, which were mailed to the County on January 30, 2013. The priority concerns the PCSD and Plan Update addresses include:
   - Reducing Priority Pollutants ~Surface Water Quality;
   - Erosion and Sediment Control;
   - Surface Water Management;
   - Groundwater Quality and Quantity;
   - Plan Administration

3. On April 15, 2013, the Board received the 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.

4. On June 12, 2013, the North Region Water Plan Review Committee of the Board met with representatives of the County to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update were:
   - Minnesota Department of Agriculture (MDA): stated the Plan Update does not violate any statutory or rule requirement administered by the MDA and recommended several editorial changes and recommends approval after the suggested changes are made.
   - Minnesota Department of Health (MDH) provided no comments.
   - Minnesota Department of Natural Resources (MDNR) noted the Plan Update does not violate any statutory or rule requirements administered by MDNR, commended the Plan Update for being very comprehensive and well done and recommends approval of the entire Plan Update.
   - Minnesota Pollution Control Agency (MPCA) provided no comments.
   - Minnesota Environmental Quality Board (EQB) provided no comments.
   - Board regional staff recommends approval.

- North Region Water Plan Review Committee of the Board recommends approval.

5. This update will be in effect for a ten-year period until December 31, 2023; with the Goals, Objectives and Action Items amended by December 31, 2018.

CONCLUSIONS

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

2. The Pope County Plan Update states water and water-related problems within the County; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Pope County Local Water Management Plan 2013-2023 through December 31, 2023 with a required update of the Implementation section (Goals, Objectives and Action Items) to be completed by December 31, 2018.

Dated at St Paul, Minnesota, this twenty-sixth day of June 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Pope County
Comprehensive Local Water Management Plan:
Executive Summary

The Pope County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Water Plan.

A. Purpose of the Local Water Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, the Pope County Water Plan:

- Covers the entire area of Pope County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2013-2023), with a 5-year implementation plan (2013-2018). In 2018, the implementation plan will be updated.

In addition, the Water Plan will also serve as the Pope County Soil and Water Conservation District's (SWCD) Comprehensive District Plan. This will need to be passed by the SWCD's Board of Supervisors by Resolution.

B. A Description of Pope County's Priority Concerns

Chapter Two provides a detailed assessment of the priority concerns. Based upon the Pope County Water Plan Survey, and comments received by the various water plan stakeholders, the Water Plan Task Force identified the following priority water planning issues **(note: these issues are not ranked):**

1. Reducing Priority Pollutants ~ Surface Water Quality
    a. TMDL Implementation
    b. Feedlot/Livestock Management
    c. Subsurface Sewage Treatment Systems
    d. Aquatic Invasive Species

2. Erosion and Sediment Control

3. Surface Water Management
    a. Agricultural Drainage
    b. Stormwater Management
    c. Wetlands and Water Storage/Retention
    d. Shoreland Management

4. Groundwater Quality & Quantity
    a. Wellhead Protection Areas
    b. Drinking Water Quality
    c. Irrigation Management

5. Plan Administration
    a. Watershed Focus
    b. Stakeholder Cooperation
    c. Raising Public Awareness

C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Pope County Water Plan Task Force held meetings to develop the five goal areas. These five goal areas are further broken down into interrelated objectives that address each of the priority concerns. Most importantly, each objective has a series of action steps designed to help achieve implementation of the identified goal.

A summary of the County's Water Plan Goals, Objectives and Action Steps is provided below. Collectively they form the Implementation Plan for the County. In addition, a summary of annual estimated costs is provided. These estimated expenses are separated into Overall Costs and Local Costs. Overall Costs include all monies spent by water plan stakeholders, including the County, watershed districts, state agencies, and landowners. The Local Costs include funds spent and activities performed by Pope County (including items such as the County's 103E administrative costs) and the Pope County SWCD. The Water Plan Task Force recognizes that not all of the identified Action Items will be accomplished over the course of the Water Plan's time-frame, however, the intent is to accomplish as many implementation activities as feasible. **Also keep in mind the costs identified are only estimates, and actual direct and/or indirect costs may be more or less than indicated.** Finally, many of the Action Items will be dependent upon receiving grants. Chapter Three contains the Water Plan's complete Goals, Objectives, and Action Steps, and Chapter Four provides additional details on administering the Water Plan.

Surface Water Quality Initiatives

The first goal area focuses on addressing surface water quality issues. Objectives were developed for TMDL implementation, feedlots, failing Subsurface Sewage Treatment Systems (SSTS), and Aquatic Invasive Species (AIS). In addition, Objective A was written to "Protect Pope County's surface waters from being listed on MPCA's 303d List of Impaired Waters." It was discussed throughout the planning process that it is both easier and more cost-effective to protect water quality than it is to restore waterbodies once they become impaired. Implementation steps under the first goal area include a wide range of the following surface water quality Best Management Practices (BMPs):

- Complete a full inventory of the ravines along the south shore of Lake Minnewaska. Survey and develop preliminary plans to repair and enhance the ravines. Target and implement twenty water quality BMPs.
- Reduce total phosphorus levels in the lakes identified in the Pope 8 Lake TMDL Plan by implementing water quality BMPs, including restoring wetlands, developing enhanced manure management plans, cost-sharing feedlot upgrades, and establishing vegetative buffers. Project-specific implementation activities were identified for each impaired subwatershed.

- Enroll 50% of cropland within impaired subwatersheds into nutrient management plans.
- Inspecting all SSTS in impaired subwatersheds and securing financial assistance programs to provide assistance for homeowners to upgrade 10 noncompliant SSTSs annually.
- Identify sites where cattle exclusions are needed and cost-share five (5) BMP projects.
- Partnering with the Chippewa River Watershed Project on implementing the Chippewa River TMDL Plan.
- Conducting core samples to pursue dredging the Mill Pond.
- Creating a local Aquatic Invasive Species (AIS) Task Force.

The various action steps identified to address the first goal area of surface water quality improvements in Pope County are estimated to have an overall 5-year cost of $3,840,000. Of this amount, $832,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs. These amounts reflect the high costs associated with removing waters from the 303d List of Impaired Waters. Many of these implementation activities will be eligible for grant funding.

Erosion and Sedimentation Control Initiatives

The second goal area is aimed at reducing erosion and controlling sedimentation. The specific objective is to "Work with landowner to identify priority sites to implement erosion and sediment control Best Management Practices." Implementation steps include the following BMPs:

- Install 100 acres of vegetative buffer filter strips annually.
- Install three (2) water and sediment control structures annually.
- Install five (5) alternative tile intakes.
- Install 500 feet of living snow fences annually.
- Install five (5) streambank stabilization projects annually.
- Install five (5) water and sediment control basins annually in the Little Chippewa River subwatershed.
- Install five (5) water and sediment control basins annually in the Main Branch Chippewa River subwatershed.
- Implement twenty (20) BMP projects in the south shore Lake Minnewaska subwatershed.

- Secure funding to properly implement a grade stabilization project in Hoff Township less than one mile from the Chippewa River.
- Install one mile of vegetative filter buffer strips per year along Ashley Creek.

The various action steps identified to address the second goal area of erosion and sediment control improvements in Pope County are estimated to have an overall 5-year cost of $969,000. Of this amount, $151,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Surface Water Management Initiatives

The third goal area is aimed at reducing managing surface water quantity issues, including separate objectives for agricultural drainage, stormwater management, wetlands/surface water retention, and shoreline restorations. Implementation steps include the following:

- Identify public and private tile lines that flow into the open ditch system.
- Install five (5) buffers and/or side inlets annually to control erosion and sedimentation and to maintain efficiency.
- Cost-share two (2) controlled drainage projects.
- Design and install a minimum of three (3) rain gardens annually.
- Promote the use of semi-permeable surfaces by creating two (2) demonstration sites.
- Assist with creating four (4) stormwater holding ponds.
- Apply for funds to develop a Stormwater Management Plan for the City of Starbuck.
- Partner with the City of Glenwood on implementing its Stormwater Management Plan.
- Restore two (2) wetlands annually.
- Target the impaired subwatersheds for wetland restorations.
- Increase the number of Wetland Reserve Program easements by two (2) each year by targeting marginal farmland.
- Examine alternatives to using rip-rap during shoreland restorations.
- Cost-share two (2) shoreland restorations annually.

The various action steps identified to address the third goal area of erosion surface water management issues in Pope County are estimated to have an overall 5-year cost of $1,375,000. Of this amount, $241,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Groundwater Quantity and Quality Initiatives

The fourth goal area focuses on addressing groundwater quality and quantity issues. Objectives were developed for wellhead protection, drinking water quality, and groundwater quantity BMPs. Implementation steps include a wide range of the following groundwater Best Management Practices (BMPs):

- Target groundwater BMP Programs in Wellhead Protection Areas, such as RIM and CRP.
- Work with cities on mutually agreed upon ordinance language for Wellhead Protection Areas.
- Target sealing all abandoned wells in Wellhead Protection Area. Implement two (2) annually.
- Incorporate the County's sensitive groundwater recharge areas map into to the local land use decision making process.
- Implement two (2) groundwater BMP projects annually.
- Seal four (4) abandoned wells annually.
- Cost-share converting conventional irrigation systems to conservation systems. Implement two (2) projects annually.
- Increase acres in Irrigation Management Program by 5,000 acres.

The various action steps identified to address the fourth goal area of groundwater quality and, quantity BMPs in Pope County are estimated to have an overall 5-year cost of $418,500. Of this amount, $95,500 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Plan Administration Initiatives

The fifth goal area is aimed at effectively implementing the County's Water Plan. The specific objective is to "Engage the Citizens and Stakeholders on key water planning issues and implementation opportunities." Implementation steps include the following:

- Quarterly publish newsletters.
- Promote BMP programs in the newspaper a minimum of two times annually.
- Establish BMP demonstration/test sites.
- Annually host workshops on priority water planning issues.

- Annually promote BMP practices and available funding at the Pope County Fair.
- Annually apply for Clean Water Funds and similar funding mechanisms to implement Action Steps.
- Ensure the County is prepared to provide matching funds in order to qualify for BMP grants.

The various action steps identified to address the fifty goal area of effectively administering the Water Plan in Pope County are estimated to have an overall 5-year cost of $85,000. Of this amount, $60,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Summary of Estimated Costs

The five water plan goal areas and their corresponding estimated costs are summarized below in Table 1. The initiatives identified in Chapter Three are estimated to cost approximately $1,337,500 annually overall, with approximately $276,000 coming from local/county funds.

Table 1:
Summary of Pope County's Water Plan
Estimated Overall and Local Costs

	Overall	*Local/County*
Goal Area One: Surface Water Quality	**$3,840,000**	**$832,000**
Goal Area Two: Erosion & Sedimentation Control	**$969,000**	**$151,500**
Goal Area Three: Surface Water Management	**$1,375,000**	**$241,000**
Goal Area Four: Groundwater Quality & Quantity	**$418,500**	**$95,500**
Goal Area Five: Plan Administration	**$85,000**	**$60,000**
5-Year Estimated Costs	**$6,687,500**	**$1,380,000**
Average Annual Estimated Costs	**$1,337,500**	**$276,000**

These estimated expenses are separated into Overall Costs and Local Costs. The Local costs include funds spent and activities performed (i.e., in-kind expenses) by Pope County and the Pope County SWCD.

**Note:* Please refer to Chapters Three and Four for a more detailed description of the estimated overall costs and the estimated total local costs to Pope County and the Pope County SWCD. Expenses may seem exaggerated, but actually represent the numerous stakeholders involved and a collaboration of their corresponding activities and budgets.

D. Relationship to other Plans

The Pope County Water Plan Task Force includes a diverse group of people representing a number of key water plan stakeholders. Assistance from the Task Force in the planning process, along with information requested from Local Governmental Units, helped to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, were developed to be consistent with existing plans and official land use controls. As a result, the updated Pope County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls. In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.

COMMITTEE RECOMMENDATIONS
Southern Water Planning Committee

1. Renville County Comprehensive Water Plan Update – Paul Langseth – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Renville County Comprehensive Water Plan Update

Meeting Date: June 26, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Southern Region
Contact: Jeff Nielsen
Prepared by: Carla Swanson-Cullen
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested
☐ Clean Water Fund Budget
☐ General Fund Budget
☐ Capital Budget
☐ Outdoor Heritage Fund Budget
☐ Other: _____

ACTION REQUESTED
Decision

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/Renville_2013-2023.pdf

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
On December 12, 2012, the Board of Water and Soil Resources (BWSR) provided official comments pertaining to the State Review of the Renville County Priority Concerns Scoping Document. On December 12, 2012, the BWSR officially approved Renville County's written request to extend the current Local Water Management Plan (Plan), which would expire on December 31, 2012. The extended end date of the current Plan is May 30, 2013.

On April 22, 2013, the BWSR received the final draft Renville County Comprehensive Local Water Plan 2013-2023 as required for final review by state agencies. I have completed my final review of the Plan and find that it does meet the requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- assess 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.

Renville County contracted with Mid-Minnesota Development Commission, located in Willmar, Minnesota, to facilitate the process and develop the Plan. More specifically, Renville County Water Plan Coordinator Diane Mitchell and Renville Soil and Water Conservation District Technician Tara Latozke worked diligently on Chapter Three of the Plan (Goals Objectives and Action Steps (2013 – 2018)) to strengthen the action steps making many of them measurable. A total of ninety (90) action steps are identified in the Plan. The reader can easily determine that sixty seven (67) action steps are measurable. There are another ten (10) action steps that are somewhat measurable depending on the reader's interpretation.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Renville County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on April 22, 2013 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On August 30, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On October 11, 2012, the Board received a written request (resolution) from the County for an extension of their current local water management plan.

3. On December 12, 2012, the Board approved official comments on the County PCSD, which were mailed to the county on December 12, 2012. The priority concerns the PCSD and Plan Update addresses include:

   - Reduce Priority Pollutants – Surface Water Quality
   - Erosion and Sediment
   - Surface Water Management
   - Groundwater Quality & Quantity
   - Recreation and Biodiversity
   - Plan Administration

4. On December 12, 2012, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to May 30, 2013. This approval was mailed to the County on December 12, 2012.

5. On April 22, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On June 12, 2013, the Southern Region Water Planning Committee of the Board met to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) provided no comments.
   - Minnesota Department of Health (MDH) recommends approval.
   - Minnesota Department of Natural Resources (DNR) noted Plan Update does not violate any statutory or rule requirement administered by DNR and recommends approval of the entire Plan Update.
   - Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update. MDA also offered comments for Board's consideration to make a recommended language change to the last paragraph on page 2-22.
   - Minnesota Environmental Quality Board provided no comments.

   The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's June 26, 2013 meeting.

7. On June 26, 2013, the Southern Region Water Planning Committee of the Board presented its recommendation of approval of the Renville County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.

8. This Plan Update will be in effect for a ten-year period until June 26, 2023, with the Goals, Objectives and Action items amended by June 26, 2018.

CONCLUSIONS

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

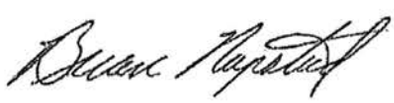
2. The Renville County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Renville County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by June 26, 2018.

Dated at St Paul, Minnesota this June 26, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

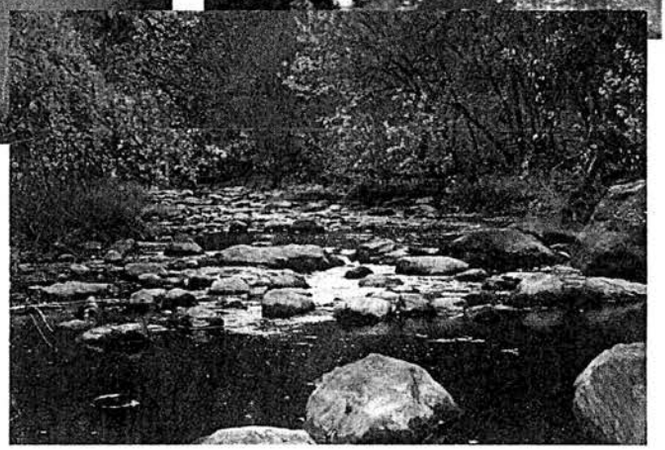


BY: Brian Napstad, Chair

Renville County
Comprehensive Local
Water Management Plan
2013-2023
~ With 2013-2018 Implementation Plan ~

Mack Lake

Birch Coulee



Beaver Falls

~ Draft Date: April 16, 2013 ~

Prepared by:
Renville County Water Management Task Force
Mid-Minnesota Development Commission

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Robert Fox ~ Renville County Commissioner, District 2

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Renville County Water & HHW Management

"Conservation is a state of harmony between men and land."
~Aldo Leopold

Renville County
Comprehensive Local Water Management Plan
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Renville County
Comprehensive Local Water Management Plan:
Executive Summary

The Renville County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Water Plan.

A. Purpose of the Local Water Management Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, the Renville County Water Plan:

- Covers the entire area of Renville County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2013-2023), with a 5-year implementation plan (2013-2018). In 2018, the implementation plan will be updated.

In addition, the Water Plan will also serve as the Renville County Soil and Water Conservation District (SWCD) Comprehensive District Plan.

B. A Description of Renville County's Priority Concerns

Chapter Two provides a detailed assessment of the priority concerns. Based upon the Renville County Water Plan Survey, and comments received by the various water plan stakeholders, the Water Management Task Force identified the following priority water planning issues **(note: these issues are not ranked):**

1. Reducing Priority Pollutants ~ Surface Water Quality
    a. TMDL Implementation
    b. Feedlot/Livestock Management
    c. Subsurface Sewage Treatment Systems
    d. Aquatic Invasive Species
2. Erosion and Sediment
3. Surface Water Management
    a. Agricultural Drainage
    b. Stormwater Management
    c. Wetlands and Water Storage/Retention
    d. Shoreland Management
4. Groundwater Quality & Quantity
    a. Wellhead Protection Areas
    b. Drinking Water Quality
5. Recreation and Biodiversity
6. Plan Administration
    a. Watershed Focus
    b. Stakeholder Cooperation
    c. Raising Public Awareness

C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Renville County Water Management Task Force met and developed six goal areas. These six goal areas are further broken down into interrelated objectives that address each of the priority concerns. Most importantly, each objective has a series of action steps designed to help achieve implementation of the identified goal.

A summary of the County's Water Plan Goals, Objectives and Action Steps are provided below. Collectively they form the Renville County Water Implementation Plan. In addition, a summary of annual estimated costs is provided. These estimated expenses are separated into Overall Costs and Local Costs. The Local Costs include funds spent and activities performed by Renville County and the Renville County SWCD. The Water Management Task Force recognizes that not all of the identified Action Items will be accomplished over the course of the Water Plan's time-frame, however, the intent is to accomplish as many implementation activities as feasible. Also keep in mind the costs identified are only estimates, and actual direct and/or indirect costs may be more or less than indicated. A more detailed description of Renville County's Goals, Objectives, and Action Steps is presented in Chapter Three, whereas Chapter Four provides more detail on administering the Water Plan.

GOAL 1: PROTECT AND IMPROVE SURFACE WATER QUALITY

Objective A: Continue efforts to reduce failing Subsurface Soil Treatment Systems (SSTS) and improve wastewater treatment discharges.

- SSTS Program. Two County staff members will continue to provide oversight and assistance of State and County regulations and inspection services as part of the County's SSTS Program.
- Noncompliant SSTSs. Provide educational, technical, and financial assistance, as available, to homeowners to upgrade noncompliant SSTSs. Investigate and initiate corrective measures for improperly discharging SSTSs. Identify approximately 2 failing systems each year.
- SSTS Education. Provide information and assistance to homeowners on proper SSTS design, installation, operation, and maintenance through annual newsletters, mailings, and website resources.

- SSTS Funding. Secure and administer financial assistance programs to provide assistance for homeowners to upgrade noncompliant SSTSs. Promote cost-share incentive payments available through the watershed districts to encourage voluntary septic system upgrades. Work with 50 homeowners each year.
- Wastewater Treatment. Cooperatively work with partners to properly address community and industrial wastewater issues. Encourage industrial development to be located where municipal treatment services are available.

Objective A Estimated Average Annual Overall Costs = $691,500; Local Costs = $96,500

Objective B: Proactively work to improve and remove water bodies from the MPCA's 303d list of Impaired Waters (TMDLs) while continuing to protect non-impaired water bodies.

- Water Quality Monitoring. Cooperatively work with partners to continue current efforts and to expand surface water quality monitoring efforts. To obtain baseline and storm event data during the growing season, approximately 40 samples will be annually collected at 11 sites, depending on seasonal precipitation.
- Watershed Approach. Cooperatively work with the MPCA and partners to further the "watershed approach" process of assessment, restoration, and protection strategies for impaired waters.
- Intensive Watershed Monitoring. Assist the MPCA with identifying water quality impairments and sources of impairments within each watershed. Each of the four watersheds will be monitored once every ten-years, as determined by the MPCA. Approximately 50 sites, prioritized by the MPCA, will be tested for biological integrity within the four watersheds.
- Stressor Identification. Assist the MPCA's efforts in the development of stressor identification in aquatic ecosystems. Survey 12 waterbodies, as determined by MPCA, to target priority BMP locations.
- Flow/Level Monitoring Gauges. Assist water plan stakeholders with installing and monitoring flow and level gauges on major rivers and lakes in the County. Flow: Monitor flow on 3 waterbodies. Level gauges: Monitor water level gauges on 9

waterbodies. Approximately 40 measurements will be collected annually on 9 waterbodies, depending on seasonal precipitation. The water bodies include Hawk Creek, Sacred Heart Creek, West Fork Beaver Creek, Beaver Creek (main stream), Birch Coulee Creek, Fort Ridgley Creek, Buffalo Creek, Lake Allie, and Lake Preston.

- Priority BMP Locations. Evaluate and annually update land use data including GIS layers and LiDAR to identify and inventory high priority practice locations within watersheds (Initially evaluate in 2016-2018).
- BMP Collaboration. Coordinate efforts with local, state, and federal agencies and Watershed Management Organizations to collaborate resources for effective BMP implementation.
- BMP Program*. Provide educational, technical, and financial assistance, as available, to landowners for the implementation of water quality-related BMPs that will address specific water bodies impairment. For example, excessive nutrients as a result of non-point source pollutants would be treated through filtering and holding water in the field with bioreactors (2), saturated buffers (5), filter strips (50 sites), sediment basins (5), grade stabilizations (2), rock intakes (10), and wetland restorations (5 sites). *(Approximately 16 projects/sites per year).

Objective B Estimated Average Annual Overall Costs = $295,500; Local Costs = $19,000

Objective C: Enhance shoreland management and protection efforts.

- Shoreland Regulation. Two County staff members will continue to enforce public waters shoreland regulation, including requiring landowners to maintain the mandatory set-backs on public waters.
- Shoreland Conservation Easement Programs. Target marginal and sensitive land for enrollment in conservation easement programs adjacent to public waters, such as CRP, RIM, GRE, GRP, and WRP. Provide assistance to landowners for the management and enhancement of existing easements. Establish 2,000 acres within 100 easements by 2018.

- BMP Program*. Provide educational, technical, and financial assistance, as available, to landowners for the restoration of shoreland. For example, stream bank stabilization structures: (5) two specific locations are Fort Ridgely Creek along the Mayflower Golf Course and on Hawk Creek located in Section 16 of Hawk Creek Township; bank stabliziation and vegetation plantings: (5) examples include lakescaping, biological structures, and plantings on Lake Allie and Preston Lake; buffers (300 acres); and grazing exclusion fencing (2). *(Approximately 5 per year).

Objective C Estimated Average Annual Overall Costs = $453,000; Local Costs = $8,000

Objective D: Provide programs and regulations to protect surface water resources from livestock and manure contamination.

- Feedlot Program. Two staff members will locally administer the County Feedlot Program to assist feedlot operators in obtaining and maintaining compliance with State and County regulations. Approximately 70 sites, or 20% of the County's feedlots, will be inspected annually.
- Noncompliant Feedlots. Provide educational, technical, and financial assistance, as available, to livestock producers to upgrade noncompliant feedlots. Work with approximately 5 noncompliant livestock producers each year.
- Manure and Nutrient Management Plans. Provide educational and technical assistance, as available, to agricultural and livestock producers on proper manure and nutrient management (Complete approximately 10 plans per year).
- BMP Program*. Provide educational, technical, and financial assistance, as available, to livestock producers for the implementation of water quality-related BMPs that will reduce impacts from feedlots and manure management issues. For example, point source pollutants can be addressed on noncompliant feedlots by installing agricultural waste storage facility (2), bark beds (3), filter strips, roof structures (2), and animal mortality facilities (3). Non-point source pollutants could be addressed through exclusion fencing (3 systems) and by installing animal watering facilities (2) outside of natural water courses. *(Approximately 3 projects/sites per year).

Objective D Estimated Average Annual Overall Costs = $385,000; Local Costs = $72,000

Objective E: Ensure the proper handling and disposal of hazardous materials, solid waste, and other problem materials and environmental contaminants.

- Solid Waste Management. Continue Renville County's Solid Waste programs. Educate residents and provide disposal options to discourage the illegal burning and burying of solid waste (Provide 2 educational events/projects per year). Investigate and remediate illegal dumping activities.
- Household Hazardous Waste. Continue to provide on-going opportunities for the proper disposal of hazardous waste through the utilization of the Renville County Household Hazardous Waste Facility and other regional collection facilities. Continue educational efforts to promote the proper use and disposal of household hazardous waste (i.e. school visits, newsletters, brochures, and events). Provide approximately 5 events/projects per year.
- VSQG Business Waste. Educate businesses on the Very Small Quantity Generators (VSQG) program for the proper disposal of hazardous waste (Assist 2 businesses/year).
- Business Waste. Provide information, as requested, to industries and businesses as to where they can obtain technical assistance for proper disposal and reduction of waste.
- Waste Pesticide. Continue to participate in the MDA's annual waste pesticide collection program.
- Pesticide Container Collection. Continue to provide an empty pesticide container collection program (Organize 1 collection event each year).
- Problem Material Collection. Continue to provide collection opportunities for residents and businesses to properly dispose of problem materials, such as pharmaceuticals/prescription drugs, electronics, tires, appliances, fluorescent bulbs, and rechargeable batteries (Organize 1 collection event each year and provide on-going collection opportunities at the Renville County Landfill & HHW Facility).
- Recycling. Increase recycling rates by continuing to explore alternative waste disposal practices and through cooperative efforts with townships, cities, and surrounding counties. Annually educate residents, students, and businesses on waste reduction, recycling, and composting through school visits, newsletters, brochures, events, etc.

Objective E Estimated Average Annual Overall Costs = $219,000; Local Costs = $196,500

GOAL 2: REDUCE EROSION AND SEDIMENT LOADINGS TO SURFACE WATERS RESOURCES

Objective F: Prioritize and implement BMPs to reduce erosion and sediment loading to surface water resources.

- BMP Program.* Provide educational, technical, and financial assistance, as available, to landowners and communities for the implementation of water quality-related BMPs, such as conservation tillage (5 sites), vegetative buffer strips (50 sites), sediment basins (5), grade stabilization structures (2), bank stabilization structures (3), shore land restoration (3), and rock intakes (10). *(Approximately 16 projects/sites per year).
- Conservation Easement Programs. Target marginal and sensitive land for enrollment in conservation easement programs, such as CRP, RIM, GRE, GRP, and WRP (Establish approximately 100 easements totaling 2,000 acres will be completed by 2018). Provide assistance to landowners for the management and enhancement of existing easements.
- BMP Forage Programs. Provide educational, technical, and financial assistance, as available, to landowners for the conversion of marginal row crop agricultural land to forage production pasture and hay land (Establish 3 easements totaling 200 acres will be completed by 2018). Promote retaining land currently in forage production from being converted to agricultural row crop production. Assist with implementing state or federal grazing plan on private lands.
- BMP Funding. Annually seek additional funding in the form of state cost-share, Federal EQIP, and Clean Water Funds for the implementation of priority BMPs.

Objective F Estimated Average Annual Overall Costs = $2,320,000; Local Costs = $75,000

GOAL 3: PROTECT AND IMPROVE SURFACE WATER MANAGEMENT

Objective G: Encourage efforts to maintain the public drainage system while improving water quality and managing water quantity.

- Public Drainage Systems. Renville County will ensure that public drainage systems are maintained in accordance with Minnesota Statutes Chapter 103E.
- Redetermination of Benefits. Support the redetermination of benefits on drainage systems as needed or requested.

- Public Drainage Systems BMPs. Cooperatively work with the Drainage Authority to incorporate water quality/quantity-related BMPs into the operation of public drainage systems.
- Drainage BMP Program.* Provide technical and financial assistance, as available, to landowners for the installation of alternative drainage practices. Examples include: rock intakes (10), intake risers (3), controlled drainage (2 sites), bark beds (2), bio retention ponds (2), saturated buffer projects (5), and moist soil management (2). *(Approximately 5 projects/sites per year).
- Controlled Drainage Inventory. Inventory potential sites for controlled drainage projects in underperforming stretches of the public tile systems. (Project will be initiated between 2015-2018).
- Educational Programs. Coordinate annual educational activities, such as newsletters and Field Day's, to promote the benefits of BMPs.
- Drainage Systems/Wetland Restorations. Work with the County Drainage Authority on abandoning or relocating public drainage systems in conjunction with wetland restorations. Target priority wetland restoration and saturated buffer projects for future funding. (Establish 3 locations beginning in 2014 and complete by 2018).
- Comprehensive Drainage Management Plan. Pursue the development of a comprehensive drainage management plan for public drainage systems and inventory sites for potential controlled drainage implementation. (Complete by 2018).
- Drainage Studies. Conduct, support, and utilize studies that address impacts of drainage on water quantity and quality, such as studying the water quality benefits of wetlands on Limbo Creek. (Beginning in 2014 and completed by 2018).

Objective G Estimated Average Annual Overall Costs = $225,500; Local Costs = $37,500

Objective H: Manage surface waters to minimize storm water pollution and runoff.

- Stormwater Storage. Work with municipalities to utilize storage basins and holding ponds for runoff retention and water quality treatment.
- NPDES Stormwater Permit Requirements. Provide educational assistance to landowners and contractors on NPDES stormwater permit requirements for construction activity. (Work with approximately 1 landowner/contractor each year).

- Stormwater Education. Provide educational opportunities, technical assistance, and financial assistance, as available, to create awareness of the effect of stormwater on water quality (i.e. storm drain decals, lawn care/fertilizer management. (Provide approximately 3 events/projects per year).
- BMP Program.* Provide educational, technical, and financial assistance, as available, for the implementation of water quality-related BMPs that will increase the infiltration of storm water. Example BMPs include rain barrels (50), rain gardens (5), retention basins (3), and pervious surface (2 sites). *(Approximately 12 projects/sites per year to be completed by 2018).

Objective H Estimated Average Annual Overall Costs = $97,000; Local Costs = $8,800

Objective I: Protect floodplain areas from encroachment and minimize flood damage through land use controls.

- Floodplain Regulations. Enforce State approved floodplain zoning regulation.
- Floodplain BMPs. Encourage the enrollment of flood prone areas into land retirement programs (Establish 2 easements totaling 300 acres, beginning in 2014 and completed by 2018).

Objective I Estimated Average Annual Overall Costs = $600,000; Local Costs = $6,000

Objective J: Preserve and restore wetlands and shallow lakes, and promote other water retention opportunities.

- WCA Administration. One SWCD employee will continue to administer the Minnesota Wetland Conservation Act (WCA). One Renville County staff member will continue to serve on the Technical Evaluation Panel (TEP). Renville County shall continue to be identified as a high priority area for administration of the WCA.
- Preservation and Restoration Programs. Provide educational, technical, and financial assistance to landowners to preserve and restore wetlands and grassland complexes. (Establish 500 acres to be completed by 2018).

- Wetland Easements. Pursue grants or easement opportunities to assist landowners in protecting remnant mesic wetlands not protected under State and Federal laws. (Establish 200 acres to be completed by 2018).
- WCA BMP Program.* Promote the preservation and restoration of upland storage areas (wetlands [5 sites], water and sediment basins [5 sites], and other BMPs which will slow surface runoff, reduce peak flows, stabilize stream hydrographs, prevent stream bank erosion, and reduce downstream flooding. *(Approximately 2 projects/sites per year to be completed by 2018).
- Education. Annually implement educational efforts to encourage opportunities to reduce the effects of accelerated runoff from urban, industrial and agricultural areas.
- Priority Sites. Inventory potential for priority wetland restoration sites using ARC GIS LiDAR, hydric soils layers, GIS Data layers, and other tools available. (Beginning in 2014 and completed by 2018).
- Manage Water Levels in Shallow Lakes. Pursue grants to install water control structures to manage the level of water within shallow lakes to improve nutrient filtration by increasing aquatic vegetation and invertebrates populations within these waterbodies and improve waterfowl habitat. Priority lakes in Renville County are Mud Lake, Hodgson Lake, Phare Lake, Long Lake, and Boon Lake that outlet into the County drainage systems. (Beginning in 2014 and completed by 2018).

Objective J Estimated Average Annual Overall Costs = $1,523,000; Local Costs = $62,000

GOAL 4: ENSURE A SAFE AND ADEQUATE SUPPLY OF GROUNDWATER

Objective K: Protect groundwater and drinking water sources from contamination.

- Wellhead Protection. Assist the MDH and the ten municipalities within Renville County with the preparation and implementation of wellhead protection plans for public water suppliers.
- Groundwater Monitoring. Continue to use groundwater monitoring data to support land use decisions and to prioritize educational efforts. Utilize data from the approximately 5 established sites.

- BMP Program. Provide educational, technical and financial assistance, as available, to communities and landowners for the implementation of groundwater protection BMPs, including promoting livestock manure management plans (10 plans), SSTS upgrades (100 systems), abandoned well sealings (50 well sealings), proper decommissioning of storage tanks, wellhead protection conservation easements (2 easements totaling 300 acres), CRP contracts (2 contracts totaling 300 acres), and the proper application and disposal of pesticides and other chemicals. Projects will be completed by 2018.
- Abandoned Wells. Continue to provide information to the public on how to identify, locate and properly seal abandoned wells. Provide cost-share assistance, as available, to seal approximately 10 abandoned wells each year. Develop a Countywide inventory of abandoned wells (To be initiated by 2015 and completed by 2018).

Objective K Estimated Average Annual Overall Costs = $144,000; Local Costs = $36,500

Objective L: Ensure adequate groundwater supplies for multiple uses.

- Precipitation Monitoring. Continue the volunteer rain gauge monitoring program, which provides monitoring reports to the state Climatology Office. Increase the number of volunteer rain gauge readers from 9 townships to 27 townships.
- Groundwater Monitoring. Cooperatively work with partners to continue and expand groundwater permitting and monitoring efforts.
- Groundwater BMPs. Promote groundwater conservation BMPs such as bio-retention basins (5), rain barrels (50), and rain gardens (5) in urban areas including cities and lakeshore areas. In rural areas, BMPs would include conservation irrigation (1), wetland restorations (5), controlled drainage (2), and saturated buffers (5 sites including the Minnesota River and tributaries focusing on RIM easements). Approximately 14 projects/sites will be completed each year.
- Education. Annually provide groundwater protection and water conservation-related educational materials to industry, homeowners, and schools through newsletters, mailings, website resources, and presentations.
- Hydrogeologic Atlas. Complete, educate, and utilize the Renville County hydrogeologic atlas to evaluate the impact of land use activities on ground water supplies (Complete by

2014). Provide at least 2 educational training by 2014 on the use of the hydrogeologic atlas.

Objective L Estimated Average Annual Overall Costs = $376,000; Local Costs = $21,750

GOAL 5: PROTECT AND IMPROVE BIODIVERSITY AND RECREATIONAL OPPORTUNITIES

Objective M: Manage natural resources to increase biodiversity and recreational opportunities.

- Preservation and Restoration of Wildlife Habitat. Utilize conservation easements and other tools to preserve and restore wildlife habitat. (Establish 100 easements totaling 2,000 acres by 2018).
- Prescribed Burning. Annually provide educational and technical assistance to landowners on the use of prescribed burning as a tool to manage invasive species.
- Land Use Regulations. Cooperatively work with the DNR and other stakeholders annually to develop land use regulations that are receptive to protecting rare, threatened, and endangered features and species. Utilize the DNR County Biological Survey to protect rare, threatened, endangered and special concern species during land use decision making.
- Rare and Declining Habitat. Pursue grants to protect granite rock outcrop, remnant mesic native prairie, remnant dry hillside prairie, and wetlands under easement on private lands or public acquisition targeting the Minnesota River habitat corridor.
- Natural Habitat Corridors. Pursue grants to protect existing habitat and to expand natural corridors through easements on private lands or public acquisition, targeting the Minnesota River corridor and non-channelized reaches of its tributaries. Support Federal, State, and local agencies efforts to increase and improve fish and wildlife habitat areas. Encourage converting remaining agricultural land under Renville County ownership to natural habitat.
- Habitat BMP Program.* Promote the planting of buffer strips (50 sites), windbreaks (2), living snow fences (3), native grasses (10 sites) and food plots (10 plots) to

increase wildlife habitat, while improving water quality. *(Approximately 15 projects/sites per year).

- Maintain and Protect Natural Waterways. Maintain and protect high quality reaches of natural waterways, such as Limbo Creek. Support the study of the biological condition on these reaches and pursue grants to protect through permanent easements (5 easements), if possible, on private lands or public acquisition. (Initiate by 2014 and complete by 2018).
- Aquatic Invasive Species Management. Annually educate the public and provide technical assistance, as available, on prevention methods to protect Renville County water bodies from the spread of invasive species. For example, water craft inspections, pressure washing boats with hot water, and proper disposal of bait and live well water.
- Aquatic Invasive Species Management BMP. Provide educational, technical and financial assistance, as available, to identify breaches, install fish barriers at breaches to prevent spread of Asian Carp in the Minnesota River and tributaries. (Initiate if a reach is discovered and complete by 2018).
- Management of Native Ecosystems. Pursue grants to protect native ecosystems through woody invasive species control (5 sites) and utilizing managed haying and grazing to improve habitat quality and plant communities on remnant prairie and conservation easements targeting the Minnesota River and its tributaries. (Initiate by 2016 and complete by 2018).
- Minnesota Scenic River. Protect the Minnesota River shoreland through land use and shoreland regulations, to prevent development that would degrade the River's natural scenic and recreational opportunities.
- Recreational Opportunities. Promote, maintain, and enhance environmentally appropriate recreational opportunities throughout Renville County, such as the Renville County Park System, public water access (including canoe and fishing), and trails. (Initiate grants and projects by 2015).

- Water-based Recreational Opportunities. 1) Identify locations that have the potential for providing additional water-based recreation, prioritizing locations on scenic reaches of lakes and rivers. 2) Pursue grants and assistance for funding water-related recreation. 3) Support a cooperative effort between the State, County, SWCD, cities and local citizens to promote water-based recreation in the County. (Initiate by 2014 and complete by 2018).

Objective M Estimated Average Annual Overall Costs = $2,731,000; Local Costs = $117,700

Objective N: Provide and participate in educational and outreach opportunities to engage citizens and stakeholders in the implementation of the Water Plan (i.e. civic engagement).

- Public Meetings. Annually hold public meetings, as necessary, to keep the public informed of current water resource-related issues.
- Outreach and Education. Disseminate information to the public regarding water resource management activities and issues through newsletters (2 annually), brochures, websites, and media sources (on-going activities). Provide, as available, water quality-related educational materials to industry, homeowners, civic organizations, and schools.
- Educational Events and Workshops. Sponsor and facilitate educational events and workshops with partnering agencies. Complete 2-4 educational events, tours, or workshops annually.
- Funding Sources. Provide information to landowners, communities, and private interest groups regarding funding sources available for water resource management activities and projects.
- Partner Meetings. Hold and/or attend meetings with partners to discuss water resource management issues and potential partnership opportunities.

Objective N Estimated Average Annual Overall Costs = $57,500; Local Costs = $30,300

Objective O: Continue local administration and coordination of water resource programs for the effective implementation of the Water Plan.

- Water Management Coordinator. Maintain the Renville County Water Management Coordinator position and explore opportunities to expand the position to full time.
- Technical Coordinator. Continue utilizing the Soil and Water Conservation District (SWCD) to provide technical assistance to Renville County for Water Plan Implementation activities.
- Water Planning Taskforce Meetings. Hold quarterly Water Planning Taskforce meetings to discuss issues and review funding requests. Annually review progress in achieving Water Plan initiatives and identify emerging issues that should be incorporated into the Water Plan through the amendment process.
- Funding Sources. Actively pursue additional funding sources and grants to fund the implementation of Water Plan initiatives. Seek partnerships and cooperative agreements to finance initiatives, when appropriate.
- Grant Reporting. Annually report and manage grant funds once obtained from funding sources.
- Water Plan Revision. Review emerging issues that should be incorporated into the Water Plan through the amendment process and coordinate revisions to the Water Plan prior to its expiration.
- Joint Powers Board Membership. Support current and future membership in Joint Powers Boards. Attend meetings, as scheduled.
- GIS Datasets. Invest in the acquisition, development, and maintenance of GIS datasets, including LiDAR, digital soil survey, land use layers, US FWS restorable wetland inventory layers, USFWS nation wetland inventory, GIS generated storm maps, local inventory layers, and DNR data deli layers. Utilize these datasets to make informed decisions to prioritize implementation of conservation practices, land use planning, and water resource management.
- Consistency with the Water Plan. Work with local agencies, organizations, communities, and County departments to coordinate the consistency of plans, such as

the Comprehensive Land Use Plan, Solid Waste Plan, and Wellhead Protection Plans, with the goals and objectives of the Water Plan.

- Water Plan Revision. Review emerging issues that should be incorporated into the Water Plan through the amendment process and coordinate revisions to the Water Plan prior to its expiration The Water Plan will need to be amended by 2018.

Objective O Estimated Average Annual Overall Costs = $233,000; Local Costs = $118,000

****Approximate Total Estimated Overall Annual Costs = $10,351,000***

****Approximate Total Estimated Local Annual Costs = $905,550***

These estimated expenses are separated into Overall Costs and Local Costs. The Local costs include funds spent and activities performed by Renville County and the Renville County SWCD.

***Note:** Please refer to Chapters Three and Four for a more detailed description of the estimated Overall Costs and the estimated total Local Costs to Renville County and the Renville County SWCD. Expenses represent the numerous stakeholders involved and a collaboration of their corresponding activities and budgets.

COMMITTEE RECOMMENDATIONS
Wetland Committee

1. BWSR-NRCS Agricultural Wetland Banking Memorandum of Understanding – Les Lemm – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: BWSR-NRCS Agricultural Wetland Banking MOU

Meeting Date: June 26, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land & Water

Contact: Les Lemm

Prepared by: Les Lemm

Reviewed by: Wetland Committee Committee(s)

Presented by: 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: WCA Exemption

ACTION REQUESTED

Adopt resolution authorizing the Board Chair to sign the interagency MOU with NRCS.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
BWSR has state oversight and implementation responsibilities for the Wetland Conservation Act (WCA) and its corresponding rules (Chapter 8420) which include the administration and operation of a wetland banking system. The USDA Natural Resources Conservation Service (NRCS) is responsible for administering the wetland conservation provisions of the federal farm program (Sampbuster). BWSR and NRCS have entered into previous agreements regarding WCA and Swampbuster coordination, including an MOU effective 12-23-09 and a contribution agreement effective 9-21-12. The agricultural wetland bank was established consistent with those agency agreements. This MOU outlines the standards for use of the agricultural wetland bank for both WCA and Swampbuster purposes. The partnership established by the MOU also utilizes current statutory authority to reduce administrative redundancies through implementation of a WCA exemption for NRCS approved use of the wetland bank.

Minnesota Board of Water & Soil Resources

Board Resolution #_____

ADMINISTRATION AND USE OF THE MINNESOTA AGRICULTURAL WETLAND BANK

Including Implementation of MN Stat. § 103G.2241, Subdivision 1(7)

WHEREAS the Board of Water and Soil Resources (BWSR) and the USDA Natural Resources Conservation Service (NRCS) have developed a memorandum of understanding (MOU) for the administration and use of the Minnesota Agricultural Wetland Bank, including implementation of MN Stat. § 103G.2241, Subdivision 1(7); and

WHEREAS the BWSR Wetland Committee has reviewed and endorsed the draft MOU on May 25, 2013; and

WHEREAS the basis and rationale for the MOU is contained within the MOU itself, as attached.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes the Board Chair to sign the interagency agricultural wetland banking MOU with NRCS.

Dated at Saint Paul, Minnesota this 26th day of July, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

Board Resolution # 13-47

ADMINISTRATION AND USE OF THE MINNESOTA AGRICULTURAL WETLAND BANK

Including Implementation of MN Stat. § 103G.2241, Subdivision 1(7)

WHEREAS the Board of Water and Soil Resources (BWSR) and the USDA Natural Resources Conservation Service (NRCS) have developed a memorandum of understanding (MOU) for the administration and use of the Minnesota Agricultural Wetland Bank, including implementation of MN Stat. § 103G.2241, Subdivision 1(7); and

WHEREAS the BWSR Wetland Committee has reviewed and endorsed the draft MOU on May 21, 2013; and

WHEREAS the basis and rationale for the MOU is contained within the MOU itself, as attached.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes the Board Chair to make any minor edits that may be needed and sign the interagency agricultural wetland banking MOU with NRCS.

Dated at Saint Paul, Minnesota this 26th day of June, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Bemidji	*Brainerd*	*Duluth*	*Fergus Falls*	*Mankato*	*Marshall*	*New Ulm*	*Rochester*
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INTERAGENCY MEMORANDUM OF UNDERSTANDING

ADMINISTRATION AND USE OF THE MINNESOTA AGRICULTURAL WETLAND BANK
Including Implementation of MN Stat. § 103G.2241, Subdivision 1(7)

This Memorandum of Understanding (MOU) is made and entered into by the Minnesota Board of Water and Soil Resources (BWSR) and the USDA Natural Resources Conservation Service (NRCS).

WHEREAS, BWSR has state oversight and implementation responsibilities for the Wetland Conservation Act (WCA) and its corresponding rules (Chapter 8420) which include the administration and operation of a wetland banking system; and

WHEREAS, NRCS is responsible for administering the wetland conservation provisions of the federal farm program (Swampbuster) and NRCS is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as referenced in the:

- Soil Conservation and Domestic Allotment Act of 1936, 16 USC 590a-590f, 590q and 7 CFR Part 610;
- authority to complete wetland mitigation is found in the Food Security Act of 1985, PL 99-198, as amended including the Federal Agricultural Improvement and Reform Act of 1996, PL 104-127; and
- authority to use this agreement instrument is found in PL 106-387, Section 714, and 7 USC 6962(A);

WHEREAS, MN Stat. § 103G.2241, Subdivision 1(7) allows the establishment of a WCA agricultural exemption for agricultural activities on agricultural land that is subject to the Swampbuster provisions of the federal farm program restrictions consistent with a memorandum of understanding and related agreements between the board and NRCS; and

WHEREAS, BWSR and NRCS have entered into previous agreements regarding WCA and Swampbuster coordination, including an MOU effective 12-23-09 and a contribution agreement effective 9-21-12;

WHEREAS, the agricultural wetland bank was established consistent with the aforementioned agency agreements; and

WHEREAS, the coordinated implementation of an agricultural wetland banking program is in the mutual interest of BWSR and NRCS to the benefit of the landowners and natural resources of Minnesota.

NOW THEREFORE BE IT RESOLVED, the undersigned agencies agree to implement the agricultural wetland bank, to the extent allowed under state and federal law, as follows:

The agencies agree on the following:

I. Responsibilities.

A. BWSR will administer the Minnesota Agricultural Wetland Bank for WCA and Swampbuster mitigation purposes in accordance with the rules, guidance, and procedures developed by BWSR. BWSR responsibilities include overseeing the establishment of agricultural bank sites, the allocation, deposit, and use/withdrawal of credits for specific projects approved by either program, account tracking and maintenance, and other duties as defined in WCA or jointly agreed upon by the agencies. BWSR agrees to notify the appropriate NRCS staff of credit withdrawals completed for projects subject to federal farm program restrictions.

B. NRCS responsibilities include the promotion of agricultural wetland banking and the coordination and sharing of information to the extent allowable under federal law. NRCS agrees to provide verification to BWSR of NRCS authorizations to withdraw credits from the Minnesota Wetland Bank using the "Application for Replacement of Agricultural Wetland Impacts Using the Minnesota Wetland Bank" as amended.

II. Use of the Agricultural Wetland Bank.

A. For farm program participants, the Agricultural Wetland Bank can be used to replace impacts to the following wetlands identified according to a certified wetland determination completed by NRCS:

1) Farmed Wetland (FW);
2) Farmed Wetland Pasture (FWP);
3) a Wetland (W) impacted by an activity for which the landowner can provide evidence (i.e. Local Government Unit determination) of qualification for a WCA exemption under MN Rule 8420.0420, Subp. 2, Item A or Subp. 3, Item C(1);
4) a Wetland (W) less than five acres in size that is predominantly bordered by land that has been cropped 8 of the last 10 years when the wetland is degraded according to the BWSR Agricultural Wetland Evaluation Tool, as amended (the tool assesses vegetative diversity, downstream water quality protection, floodwater attenuation, and wildlife habitat - a wetland qualifies as degraded when the tool results in a ranking of low for vegetation and one or more other functions, and no higher than medium for any function); or
5) Converted Wetland (CW) that, prior to conversion, qualifies under items one through four above as determined by NRCS staff.

B. For non-farm program participants, the Agricultural Wetland Bank can be used to replace impacts to the following wetlands identified according to a wetland determination completed or approved by the WCA Local Government Unit:

1) Wetlands designated as FW or FWP on a certified wetland determination completed by NRCS during a period of prior farm-program enrollment when the landowner can provide adequate documentation of the certified determination and FW/FWP designation;
2) a wetland on agricultural land that has been hydrologically modified and cropped prior to January 1, 1992; or
3) a wetland less than 5 acres in size on a cultivated field (see MN Rule 8420.0111, Subp. 73) when the wetland is degraded according to the BWSR Agricultural Wetland Evaluation Tool, as amended (the tool assesses vegetative diversity, downstream water quality protection, floodwater attenuation, and wildlife habitat - a wetland qualifies as degraded when the tool results in a ranking of low for vegetation and one or more other functions, and no higher than medium for any function).

C. Wetland size is determined according to the entire basin, regardless of property ownership or mapping extent. When wetlands extend across property boundaries, size can be determined based on off-site delineation methods.

D. Wetlands not listed in paragraphs A or B do not qualify for use of the Agricultural Wetland Bank.

E. Wetland areas impacted for use as agricultural land, and that use the Agricultural Wetland Bank for replacement in accordance with this memorandum, must remain in agricultural use for a minimum of 10 years (in accordance with MN Rule 8420.0522, Subp. 4, Item E) or until participation in the federal farm program ends, whichever is longer.

III. Bank Service Areas and Replacement Ratios.

A. Mitigation of agricultural wetland impacts through banking will occur according to wetland bank service areas (BSAs).

B. The minimum replacement ratio of Agricultural Wetland Bank credits to each acre of wetland impacted on agricultural land shall be the following:

Location of Ag Bank Relative to Impact	Replacement Ratio
Same BSA	1:1
Adjacent BSA*	2:1
Non-Adjacent BSA	Not Allowed

*When replacement occurs outside of the BSA, impacts in a <80% area may not be replaced in a >80% BSA.

This item does not apply to credits withdrawn from bank accounts resulting from agricultural wetland bank sites that were approved prior to the effective date of this MOU. Such accounts may continue to operate according the policies existing at the date of this MOU until all credits associated with the prior bank site approval are withdrawn or

transferred, or until this provision is superseded by a subsequent statute, rule, or MOU stipulation. BWSR will determine which accounts qualify for this provision and will maintain a list of such accounts.

C. Wetland impacts in BSA 10 that are replaced in BSA 9 or the Des Moines River Basin in BSA 8 count as replacement in the same BSA for the purpose of determining replacement ratios.

D. A BSA map and information about banking credits is available on the BWSR website at: www.bwsr.state.mn/wetlands.

IV. WCA Exemption for NRCS-Approved Mitigation.

In accordance with MN Stat. § 103G.2241, Subdivision 1(7), a WCA wetland replacement plan is not required for the mitigation of wetland impacts resulting from agricultural activities when:

A. the activity impacts a wetland identified in Section II, Paragraph A of this memorandum that is subject to Swampbuster;

B. wetland mitigation is required under Swampbuster and consists of the withdrawal of credits from the Minnesota Agricultural Wetland Bank in accordance with Section III of this memorandum;

C. the activity and associated wetland credit withdrawal is authorized by NRCS using the "Application for Replacement of Agricultural Wetland Impacts Using the Minnesota Wetland Bank" (form) available on the BWSR website, as amended;

D. the landowner agrees by signing the form to allow USDA to share information relating to the proposed activity and associated wetland bank credit withdrawal, and a copy of the completed and fully executed form with required attachments is provided to the BWSR Bank Coordinator; and

E. the approved credits are withdrawn from the wetland bank and the landowner has received confirmation from BWSR of the withdrawal.

BE IT FURTHER RESOLVED, the undersigned agencies concur that the following provisions apply to the implementation of this agreement:

1. The policies and procedures contained within this MOU do not create any rights or obligations, either substantive or procedural, enforceable by any party or any third party. Deviation or variance from the wetland mitigation guidance included in this MOU will not constitute a defense for violators or others concerned with any State or Federal action.

2. Nothing in this MOU is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any signatory agencies. All formal guidance interpreting this MOU and background materials upon which this MOU is based will be issued after consultation with the signatory agencies.

3. All responsibilities identified in this MOU are subject and dependent on the availability of sufficient funds appropriated and allocated for that purpose.

4. Sections I through III of this MOU will take effect on the day after the date of the last signature below and will continue in effect until modified or revoked by the signatory agencies. Either signatory agency must provide the other a minimum notice of 30 days prior to revoking this agreement.

5. Section IV of this MOU will take effect 30 days after publication in the State Register and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.

6. This MOU is based on the state and federal authorities as they exist on the date of signature. Subsequent changes to these authorities are not binding on the parties to this MOU.

Don A Baloun — 6-26-13

Don Baloun
State Conservationist
Natural Resources Conservation Service
Unites States Department of Agriculture

Date

Brian Napstad — 6/26/2013

Brian Napstad
Chair
Minnesota Board of Water and Soil Resources

Date

COMMITTEE RECOMMENDATIONS
Administrative Advisory Committee

1. **Tentative** Emergency Haying & Grazing on Conservation Lands – John Jaschke and Bill Penning – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Tentative - Emergency Haying & Grazing On Conservation Lands**

Meeting Date: June 26, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Easements/Executive

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: _____ Committee(s)

Presented by: John Jaschke/Bill Penning

☐ **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*)
** Tentative** Emergency haying and grazing on conservation lands – Governor Dayton sent a letter to USDA Secretary Vilsack on June 14th requesting Federal action to support the livestock forage and feed shortage due to inclement spring weather in Minnesota. Authorization for emergency haying and grazing on state conservation lands may be considered pending related action.

Board Resolution # 13-48

2013 Emergency Haying and Grazing

Reinvest in Minnesota (RIM) Reserve Program

WHEREAS, in June 2013 Governor Dayton requested action from the Secretary of Agriculture to assist Minnesota livestock producers who are experiencing difficulty in sourcing feedstuffs due to widespread winter kill of alfalfa and persistent wet conditions; and

WHEREAS, the Governor also directed his administration to consider options to open state conservation lands to emergency haying and grazing; and

WHEREAS, the MN Board of Water and Soil Resources (BWSR) administers the RIM Reserve program under MN Statute Chapter 103F in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS, MN Statute 103F.515 Subd. 4.(a) states in part, "A conservation easement must prohibit…agricultural crop production and livestock grazing, unless specifically approved by the board for conservation management purposes or extreme drought;" and

WHEREAS, MN Statute, as stated above, does not include authority to allow haying or grazing specifically for winterkill or persistent wet conditions but does include authority for when conservation management purposes are desired; and

WHEREAS, RIM easement holders may request permission to hay or graze their easement lands for conservation management purposes provided those activities are documented in a Management Plan signed by the easement holder, the local SWCD and BWSR; and

WHEREAS, BWSR has various types of RIM easements and partnerships with federal programs that may be opened to emergency haying and grazing by a partner agency.

NOW THEREFORE BE IT RESOLVED THAT, the BWSR Board hereby authorizes staff to inform and educate easement holders and local SWCD staff on the provisions for vegetative management for conservation management purposes as stated in RIM Policy, December 17, 2008 (Appendix A as attached) and to coordinate actions with local, state and federal partners on specific guidelines and provisions related to emergency haying and grazing.

Date: 6/26/13

Brian Napstad, Chair
Board of Water and Soil Resources

Appendix A: Policy December 17, 2008 Vegetative Management and Enhancement of Conservation Easement Lands

POLICY
DECEMBER 17, 2008
VEGETATIVE MANAGEMENT AND ENHANCEMENT OF CONSERVATION EASEMENT LANDS

The MN Board of Water and Soil Resources (BWSR) recognizes the need to establish a policy and procedure for vegetative management and enhancement of conservation easements. This may include the practices of mowing, haying, grazing, harvest for seed or energy, prescribed burning, establishment of native grasses, forest land and wetland management. This policy applies to conservation easements held by the BWSR and is to compliment language already stated in the easement terms and conditions. Easements held in partnership with other agencies may have limitations that prohibit some or all of the activities outlined in this policy.

A Conservation Plan exists for each easement that identifies the location and type of practices found on the site. Easements require ongoing management to assure their quality is maintained. To that end this policy supports landowner efforts to achieve the highest degree of quality from every easement. A Management Plan needs to be developed and attached to the Conservation Plan for all activities being conducted on the easement site.

In some cases financial assistance will be available for certain practices, while others will be at the owner expense, entirely or partially. Certain practices may produce an economic return to the landowner, as long as wildlife benefits are protected. Practices to be implemented are best determined by the landowner in consultation with the SWCD and BWSR staff. The Management Plan shall be signed by all three parties. Consultation will be made with other professionals as deemed necessary by this group. Activities eligible for financial assistance must be consistent with the RIM program guidelines and approved by BWSR prior to practices being implemented.

Easement vegetation can be broken into three distinct cover types:

I. Grassland Management: For purposes of species diversity, wildlife habitat, water quality and erosion control, it may be necessary to undertake practices to enhance or modify some or all of the cover of a conservation easement. Practices may include:

A. Mechanical (mowing, haying, harvest, energy)
Mechanical methods can successfully manipulate growth stages of habitat. Annual mowing and mowing of entire stands is not allowed without technical justification from the resource manager preparing the management plan. Removal of biomass can increase the vigor of desirable vegetation, remove stored nutrients for water quality and provide a seed bed for restoration or enhancement. Generally, mechanical treatment will be done no more frequently than once every third year, with no more than one third of the acreage mowed each year. In some cases it may be not be practical to manage smaller sites in stages, especially, if they are within a larger habitat complex. Mowing, haying, or harvest is not allowed during the nesting season May 15 to August 1. Minimum stubble

heights are 4-6 inches. Any modifications to these criteria should be explained and specified in the management plan.

B. Chemical/Biological

Chemical Application: Herbicides used must follow label restrictions and be conducted in a way that maintains plant diversity and wildlife habitat. Care should be taken to minimize impacts to desired vegetation while controlling target species as specified in the Management Plan.

Biological Control: Biological control agents may be used for the control of invasive plant species. Minnesota DNR and Minnesota Department of Agriculture guidelines for using biological control agents should be followed and incorporated into the Management Plan.

C. Grazing

Livestock may be used to manage health and vigor of permanent vegetative cover when done in accordance with a grazing plan. Grazing on easement lands requires very careful management to assure the site is not overgrazed. Grazing should not be recommended unless the landowner fully understands the plan and is capable of managing the system. Grazing plans are to be developed according to applicable NRCS practice standards. Generally, grazing will not be done more often than once every three years on the same acres, and only one third of the area will be grazed each year. In some cases it may be not be practical to manage smaller sites in stages, especially if they are within a larger habitat complex. Grazing shall not occur during the primary nesting season of May 15 to August 1. Minimum stubble heights are 4-6 inches. Livestock will be removed from the site when the grass on the site is grazed to these stubble heights. Any modifications to these criteria should be explained and specified in the management plan.

D. Prescribed Burning

Improvement of plant species diversity, control of brush, and recycling of nutrients can be achieved by controlled burning. Burning will be allowed on cool season as well as warm season grass stands. The Management Plan will indicate the timing of burns for the area being treated. Appropriate permits must be obtained by the landowner prior to performance of a prescribed burn. Follow appropriate NRCS practice standards for prescribed burning.

E. Native Prairie Planting.

Enhancement or re-establishment of existing native prairie or replacement of cool season vegetation shall use native grasses & forbs of local eco-type where possible or as required by statute or rule. Quality of habitat can be increased by conversion of introduced grass stands to native grass stands. Follow appropriate NRCS practice standards for habitat management and restoration of declining habitats. BWSR has suggested native grass and forbs seed mixes available as well as recommendations for inter seeding of grasslands.

II. Forest Land Management: Necessary to provide regeneration, maintenance, or conversion of species to manage forest stands for wildlife benefits and stand density.

Easement lands planted to trees need to be managed to maintain and improve preferred species that are critical to providing specific wildlife habitat. When tree cover is requested in the RIM conservation plan and established, the planting should not be considered the final product. The planting should be viewed as a component of the desired future condition to retain tree cover on the site. Harvesting can be done for a variety of purposes such as to create wildlife openings, manage browse for specific wildlife species, and for forest stand improvement. The Management Plan should outline the necessary steps to achieve this desired future condition.

III. Wetland Management:

Wetland management activities for vegetation and water level control are site specific. Wildlife habitat and nutrient reduction benefits of wetlands are affected by: vegetative quality, fish, minnows, invasive species, sedimentation, and water depth to name a few. Detailed plans exist for each restoration project that lay out the engineering of the restoration as well as any vegetative component. The BWSR is updating the MN Wetland Restoration Guide which should be consulted for further information. Any questions or requests regarding management of wetland areas should be directed to the BWSR Easement Program Manager.

STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

June 14, ~~2012~~ 2013

The Honorable Tom Vilsack
Secretary
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20251

Dear Mr. Secretary,

I am writing to urge you to take swift action to assist Minnesota livestock producers who are experiencing serious difficulty in sourcing feedstuffs due to the widespread winter kill of our alfalfa crop and the persistent wet conditions that have prevented many Minnesota farmers from planting a crop in a timely fashion.

This situation compounds a serious shortage of forage due to severe drought conditions in Minnesota last year. These events have contributed to record high forage prices and a lack of availability.

Minnesota's livestock industry is critically important to our economy. In 2010 Minnesota ranked fifth in the nation in overall agricultural production with sales of $15.14 billion and sixth in animal agriculture with receipts of $6.18 billion. Needless to say, our livestock industry is the foundation for thousands of Minnesota jobs.

I have heard from livestock producers across Minnesota who are very concerned about how they will source feedstuffs and the future of their industry if swift action is not taken. To that end, I have asked my administration to consider options to open state conservation lands to emergency haying and grazing. For all conservation lands – state and federal- we should identify opportunities to address this urgent forage need while ensuring we maintain the intended long-term conservation benefits. I also ask you to consider the following actions that USDA could take to provide immediate assistance to livestock producers in Minnesota:

1. **Waive the November 1st deadline that prohibits haying or grazing of cover crops on prevented plant acres.** The waiver would remove the penalty currently facing livestock producers within the crop insurance program. The waiver, along with the actions suggested below, would allow temporary relief to Minnesota's livestock producers facing a forage shortage.

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2. **Emergency Haying and Grazing of Conservation Reserve Program (CRP) and Wetland Reserve Program (WRP) Lands:** USDA allowed emergency haying and grazing of Minnesota CRP lands in 2012 to confront the drought conditions in many parts of the country. I request that you again issue emergency orders to allow Minnesota producers to hay and graze CRP and WRP lands.

3. **Additional Funding for Cover Crops in Minnesota:** Due to the persistent wet conditions, many Minnesota farmers have been forced to take prevented plant on their crop insurance. This has resulted in many acres of unplanted crop land. I request that you provide cost share funding for Minnesota farmers to establish cover crops to grow additional forage for feed and protect the health of our soil.

4. **Waive Environmental Quality Incentive Program (EQIP) Rules to Allow Emergency Harvest of Minnesota Cover Crops:** The current EQIP contract rules do not allow the harvesting of cover crops. I request that you waive the EQIP rules on an emergency basis to allow Minnesota farmers to harvest these cover crops to help alleviate the shortage of feedstuffs in Minnesota.

I appreciate your consideration of this request and your dedication to maintaining the competitiveness of America's agricultural producers.

Sincerely,

Mark Dayton
Governor

STATE OF MINNESOTA

Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

June 14, ~~2012~~ 2013

The Honorable Tom Vilsack
Secretary
United States Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20251

Dear Mr. Secretary,

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I appreciate your consideration of this request and your dedication to maintaining the competitiveness of America's agricultural producers.

Sincerely,

Mark Dayton
Governor

COMMITTEE RECOMMENDATIONS
Grants Program & Policy Committee

1. FY'14 Natural Resources Block Grant Allocations – Wayne Zellmer – ***DECISION ITEM***

2. FY'14 SWCD Program & Operations Grant Allocations – Wayne Zellmer – ***DECISION ITEM***

3. Farm Bill Assistance Program Authorization – Dave Weirens – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Fy '14 Natural Resources Block Grant

Meeting Date: June 26, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land & Water

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Wayne Zellmer

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of proposed '14 NRBG allocations

LINKS TO ADDITIONAL INFORMATION

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

The 2013 Legislature has appropriated funding for the FY '14 Natural Resources Block Grant (NRBG) to provide assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, DNR Shoreland Management, MPCA County Feedlot, and MPCA Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee review the staff proposal on May 22, 2013 and forwards this recommendation.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-49

FY '14 Natural Resources Block Grant Authorization

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

WHEREAS, the Laws of Minnesota for 2013 in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated, (LWM, WCA, DNR Shoreland), Section 3, Subd. 2 (MPCA-SSTS, MPCA-Feedlot), and Chapter 137—H.F. No. 1183, Article 2, Section 5, (j),(MPCA-SSTS) appropriated FY '14 Natural Resources Block Grant funds to BWSR and MPCA; and,

WHEREAS, the Grants Program & Policy Committee reviewed the proposed NRBG allocations on May 22, 2013.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR, and indicated on the attached spreadsheet *PROPOSED FY'14 NATURAL RESOURCES BLOCK GRANTS;* totaling:

LWM	$1,139,152
WCA	$1,906,485
DNR Shoreland	$377,369
MPCA Feedlot Base	$(to be determined by MPCA)
MPCA SSTS	$1,599,600

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.

Date: 6/26/13

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: *PROPOSED FY'14 NATURAL RESOURCES BLOCK GRANTS*

H:14NRBGBR

PROPOSED FY 2014 NATURAL RESOURCES BLOCK GRANT

The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, DNR Shoreland Management, MPCA County Feedlot, and MPCA Subsurface Sewage Treatment Systems.

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

FUNDING

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

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

$3.423 M (General Fund)

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

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

4. **MPCA County Feedlot Program**

Funding for this Program is appropriated directly to the MPCA and then transferred to BWSR. Allocations for this Program are determined by MPCA and have not yet been finalized.

5. **MPCA Subsurface Sewage Treatment Systems (SSTS)**

(Funding for this Program is appropriated directly to the MPCA and then transferred to BWSR.)

$1.600 M

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Section 3, Subd. 2, appropriated:

> $129,000 each year is for assistance to counties through grants for SSTS program administration.

$.129 M (Environmental Fund)

The 2013 Legislature in Chapter 137—H.F. No. 1183, Article 2, Section 5, (j), appropriated:

> $3,250,000 the first year and $3,650,000 the second year are for enhancing the

county-level delivery systems for subsurface sewage treatment systems (SSTS) activities necessary to implement Minnesota Statutes, sections 115.55 and 115.56, for protection of groundwater, including base grants for all counties with SSTS programs

$1.471 M (Clean Water Fund)

SELECTED PROGRAM HIGHLIGHTS

1. *Local Water Management* - ***$1,139,152***

This component is for implementing comprehensive local water plans. For FY '14, the Board is requiring a local levy match or cash equivalent that will generate $1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

2. ***Wetland Conservation Act - $1,906,485***

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

- Number of landowner contacts resulting in mitigation or replacement
- Number of cease and desist orders & restoration orders issued
- Change in population
- Amount of wetlands on non-public lands
- Amount of poorly drained soils on non-public lands
- Amount of shoreland on non-public lands

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

3. ***DNR Shoreland - $377,369***

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

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

4. *MPCA County Feedlot Program* –

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

- Grants are based on the number of feedlots with 10 or more animal units (AU) in shoreland areas or 50 or more AUs in non-shoreland areas, and that are currently registered.

- The base grant funding rate for FY 2014 is approximately $XX.XX/feedlot.

- Registration Update Data, as recorded on eLINK, has been used as the number of feedlots eligible for funding.

- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on the amount of work performed by the county during the program year. A minimum of ten percent of the legislative appropriation is reserved for performance credit awards. These awards are based on County Feedlot Program Performance, represented as Performance Credits. Performance Credits are determined from the County Feedlot Officer and Performance Credit Report.

5. *MPCA County Subsurface Sewage Treatment Systems Program – **$1,599,600***

All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of $18,600 is determined by equal county allocations.

RECOMMENDATION

The Grants Program & Policy Committee recommends approval of the Proposed FY '14 Natural Resources Block Grant allocations as listed on the attached spreadsheet *PROPOSED FY '14 NATURAL RESOURCES BLOCK GRANTS.*

NOTE: Individual county allocation amounts for MPCA's County Feedlot Program will be provided to the Board as an informational item when finalized.

PROPOSED FY'14 NATURAL RESOURCES BLOCK GRANTS

	$1.139 M	$1.906 M	$.377 M	$1.600 M	$X.XXX M
		$3.422 M			
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	SSTS BASE GRANT	**FEEDLOT BASE GRANT
AITKIN	$13,888	$33,241	$10,786	$18,600	TBD
ANOKA	$8,094	$63,192	$2,615	$18,600	TBD
BECKER	$13,071	$24,238	$10,739	$18,600	TBD
BELTRAMI	$13,688	$64,601	$5,505	$18,600	TBD
BENTON	$13,271	$31,599	$3,286	$18,600	TBD
BIG STONE	$15,711	$8,778	$2,690	$18,600	TBD
BLUE EARTH	$10,023	$18,178	$3,243	$18,600	TBD
BROWN	$13,633	$8,778	$2,675	$18,600	TBD
CARLTON	$13,349	$22,507	$3,927	$18,600	TBD
CARVER	$8,094	$31,599	$2,615	$18,600	TBD
CASS	$10,502	$44,766	$10,699	$18,600	TBD
CHIPPEWA	$14,881	$8,778	$2,625	$18,600	TBD
CHISAGO	$11,243	$27,700	$4,943	$18,600	TBD
CLAY	$12,673	$16,447	$2,944	$18,600	TBD
CLEARWATER	$15,256	$19,909	$3,163	$18,600	TBD
COOK	$14,832	$12,985	$4,196	$18,600	TBD
COTTONWOOD	$14,844	$8,778	$2,772	$18,600	TBD
CROW WING	$8,094	$38,088	$19,128	$18,600	TBD
DAKOTA	$8,094	$52,804	$2,615	$18,600	TBD
DODGE	$14,484	$16,444	$2,675	$18,600	TBD
DOUGLAS	$12,077	$21,641	$8,544	$18,600	TBD
FARIBAULT	$14,550	$8,778	$2,735	$18,600	TBD
FILLMORE	$14,278	$8,778	$2,692	$18,600	TBD
FREEBORN	$13,120	$8,778	$3,139	$18,600	TBD
GOODHUE	$9,433	$16,447	$2,772	$18,600	TBD
GRANT	$15,503	$13,850	$3,056	$18,600	TBD
HENNEPIN	$8,094	$57,133	$0	$18,600	TBD
HOUSTON	$14,699	$12,985	$2,725	$18,600	TBD
HUBBARD	$13,245	$25,103	$8,434	$18,600	TBD
ISANTI	$13,251	$25,103	$4,004	$18,600	TBD
ITASCA	$10,447	$44,148	$10,107	$18,600	TBD
JACKSON	$14,717	$8,778	$3,011	$18,600	TBD
KANABEC	$15,071	$25,103	$4,090	$18,600	TBD
KANDIYOHI	$12,023	$21,641	$6,753	$18,600	TBD
KITTSON	$15,279	$16,447	$2,647	$18,600	TBD
KOOCHICHING	$15,025	$28,913	$2,722	$18,600	TBD
LAC QUI PARLE	$15,453	$8,778	$2,629	$18,600	TBD
LAKE	$14,736	$16,447	$4,614	$18,600	TBD
LAKE OF THE WOODS	$15,809	$33,760	$3,492	$18,600	TBD
LE SUEUR	$13,501	$16,447	$4,918	$18,600	TBD
LINCOLN	$15,488	$8,778	$2,768	$18,600	TBD
LYON	$13,689	$8,778	$2,738	$18,600	TBD
MCLEOD	$12,642	$16,447	$2,988	$18,600	TBD
MAHNOMEN	$15,838	$12,985	$3,360	$18,600	TBD
MARSHALL	$14,993	$20,308	$2,615	$18,600	TBD
MARTIN	$13,697	$8,778	$3,024	$18,600	TBD
MEEKER	$13,990	$19,044	$4,735	$18,600	TBD
MILLE LACS	$14,361	$22,507	$4,808	$18,600	TBD

PROPOSED FY'14 NATURAL RESOURCES BLOCK GRANTS

	$1.139 M	$1.906 M	$.377 M	$1.600 M	$X.XXX M
		$3.422 M			
COUNTY	CLWM BASE GRANT	WCA BASE GRANT	SHORELAND BASE GRANT	SSTS BASE GRANT	**FEEDLOT BASE GRANT
MORRISON	$13,609	$30,298	$3,945	$18,600	TBD
MOWER	$13,047	$12,985	$3,264	$18,600	TBD
MURRAY	$15,050	$8,778	$3,221	$18,600	TBD
NICOLLET	$13,156	$16,447	$2,682	$18,600	TBD
NOBLES	$14,402	$8,778	$2,661	$18,600	TBD
NORMAN	$15,541	$12,985	$2,624	$18,600	TBD
OLMSTED	$8,094	$25,103	$3,149	$18,600	TBD
OTTER TAIL	$9,824	$59,729	$17,747	$18,600	TBD
PENNINGTON	$15,341	$16,447	$2,833	$18,600	TBD
PINE	$13,855	$34,626	$5,899	$18,600	TBD
PIPESTONE	$15,247	$8,778	$2,615	$18,600	TBD
POLK	$13,468	$21,641	$3,457	$18,600	TBD
POPE	$15,095	$15,581	$4,250	$18,600	TBD
RAMSEY	$8,094	$16,677	$0	$0	TBD
RED LAKE	$15,857	$12,985	$2,873	$18,600	TBD
REDWOOD	$14,472	$10,387	$2,615	$18,600	TBD
RENVILLE	$14,047	$8,778	$2,662	$18,600	TBD
RICE	$10,457	$24,238	$4,189	$18,600	TBD
ROCK	$15,175	$8,778	$2,615	$18,600	TBD
ROSEAU	$15,131	$24,238	$2,697	$18,600	TBD
ST. LOUIS	$8,094	$75,657	$19,936	$18,600	TBD
SCOTT	$8,094	$41,551	$2,615	$18,600	TBD
SHERBURNE	$8,094	$31,599	$4,872	$18,600	TBD
SIBLEY	$14,615	$13,452	$2,700	$18,600	TBD
STEARNS	$8,094	$45,879	$9,003	$18,600	TBD
STEELE	$12,460	$12,118	$2,867	$18,600	TBD
STEVENS	$15,305	$8,778	$2,728	$18,600	TBD
SWIFT	$15,051	$12,118	$2,744	$18,600	TBD
TODD	$14,676	$21,641	$4,933	$18,600	TBD
TRAVERSE	$15,585	$8,778	$2,804	$18,600	TBD
WABASHA	$14,177	$12,118	$3,518	$18,600	TBD
WADENA	$15,390	$19,909	$3,084	$18,600	TBD
WASECA	$14,271	$12,118	$3,006	$18,600	TBD
WASHINGTON	$8,094	$41,551	$2,615	$18,600	TBD
WATONWAN	$15,108	$8,778	$2,733	$18,600	TBD
WILKIN	$15,232	$8,778	$2,632	$18,600	TBD
WINONA	$11,847	$12,118	$2,652	$18,600	TBD
WRIGHT	$8,094	$42,416	$9,339	$18,600	TBD
YELLOW MEDICINE	$15,175	$8,778	$2,629	$18,600	TBD
TOTALS	**$1,139,152**	**$1,906,485**	**$377,369**	**$1,599,600**	

** TBD - MPCA FEEDLOT BASE GRANT ALLOCATIONS ARE DETERMINED BY MPCA AND HAVE NOT YET BEEN FINALIZED.

H:14NRBG

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY'14 SWCD Program & Operations Grant Allocations

Meeting Date: June 26, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: LAND & WATER

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: GRANTS PROGRAM & POLICY Committee(s)

Presented by: Wayne Zellmer

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of proposed FY '14 SWCD Program and Operations Grants Allocations.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The 2013 Legislature has appropriated funding for the FY '14 SWCD Program and Operations Grants: Conservation Delivery, Easement Delivery, Non Point Engineering Assistance, and Cost Share. The Grants Program & Policy Committee met on May 22, 2013 and is recommending the Board adopt the attached resolution and authorize staff to allocate grant funds to SWCDs.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-50

FISCAL YEAR '14 SWCD PROGRAMS AND OPERATIONS GRANTS ALLOCATIONS

WHEREAS, Fiscal Year '14 Soil and Water Conservation District (SWCD) Programs and Operations Grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and conservation delivery grants allocations to SWCDs through its State Cost Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non Point Engineering Assistance Grant Programs, and;

WHEREAS, Laws of Minnesota 2013, in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated cost share and conservation delivery grant funds to BWSR, and;

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

WHEREAS, the Grants Program & Policy Committee reviewed the proposed SWCD grants allocations on May 22, 2013.

NOW THEREFORE BE IT RESOLVED, the Board authorizes:

1. Staff to allocate grant funds to individual SWCDs up to the amounts listed below and as provided on the attached allocation spreadsheet, *Proposed FY '14 SWCD Programs and Operations Grants*:

State Cost Share Base Grants	$1,199,999
Conservation Delivery Grants	$1,765,001
Easement Delivery Grants	$290,989

2. Allocate the Non Point Engineering Assistance Grants to joint powers boards, up to $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	$0	**$125,000**
3	$120,000	$10,000	$0	**$130,000**
4	$120,000	$5,000	$20,000	**$145,000**
5	$120,000	$10,000	$0	**$130,000**
6	$120,000	$5,000	$0	**$125,000**
7	$120,000	$10,000	$20,000	**$150,000**
8	$120,000	$5,000	$0	**$125,000**

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

i. Other non-state 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 2012 Financial Report indicates less than an 18-month fund balance; and

iii. Board Conservationist approval.

Date: 6/26/13

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments: *Proposed FY '14 SWCD Programs and Operations Grants*

H:14SWCDBR

PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS

SWCD	$1.765 M CONSERVATION DELIVERY	$1.200 M COST SHARE	$.291 M EASEMENT DELIVERY
AITKIN	$20,212	$4,141	$53
ANOKA	$20,765	$11,107	$0
BECKER	$19,026	$26,044	$1,000
BELTRAMI	$26,376	$10,122	$368
BENTON	$19,224	$11,169	$1,210
BIG STONE	$18,037	$6,550	$1,894
BLUE EARTH	$18,868	$17,309	$11,364
BROWN	$18,947	$14,757	$8,786
CARLTON	$18,670	$8,001	$0
CARVER	$19,698	$16,673	$2,683
CASS	$18,275	$8,347	$53
CHIPPEWA	$18,947	$11,213	$8,891
CHISAGO	$19,737	$8,844	$421
CLAY	$19,263	$16,468	$3,841
CLEARWATER	$18,750	$7,506	$158
COOK	$18,196	$10,142	$0
COTTONWOOD	$18,947	$14,091	$9,943
CROW WING	$18,354	$9,607	$0
DAKOTA	$21,240	$22,054	$263
DODGE	$19,343	$9,908	$684
DOUGLAS	$20,172	$16,410	$5,419
FARIBAULT	$19,343	$12,651	$9,628
FILLMORE	$20,133	$24,289	$2,104
FREEBORN	$19,145	$16,482	$5,524
GOODHUE	$20,054	$25,855	$3,525
GRANT	$19,026	$11,332	$1,894
HENNEPIN	$25,930	$13,392	$1,368
HUBBARD	$18,157	$7,761	$53
ISANTI	$20,172	$6,050	$316
ITASCA	$18,828	$6,931	$0
JACKSON	$18,314	$11,769	$5,945
KANABEC	$18,710	$9,607	$368
KANDIYOHI	$19,501	$14,294	$9,102
KITTSON	$19,184	$9,607	$368
KOOCHICHING	$18,472	$10,142	$0
LAC QUI PARLE	$18,750	$20,521	$9,365
LAKE	$18,314	$10,142	$0
LAKE OF THE WOODS	$18,037	$10,142	$0

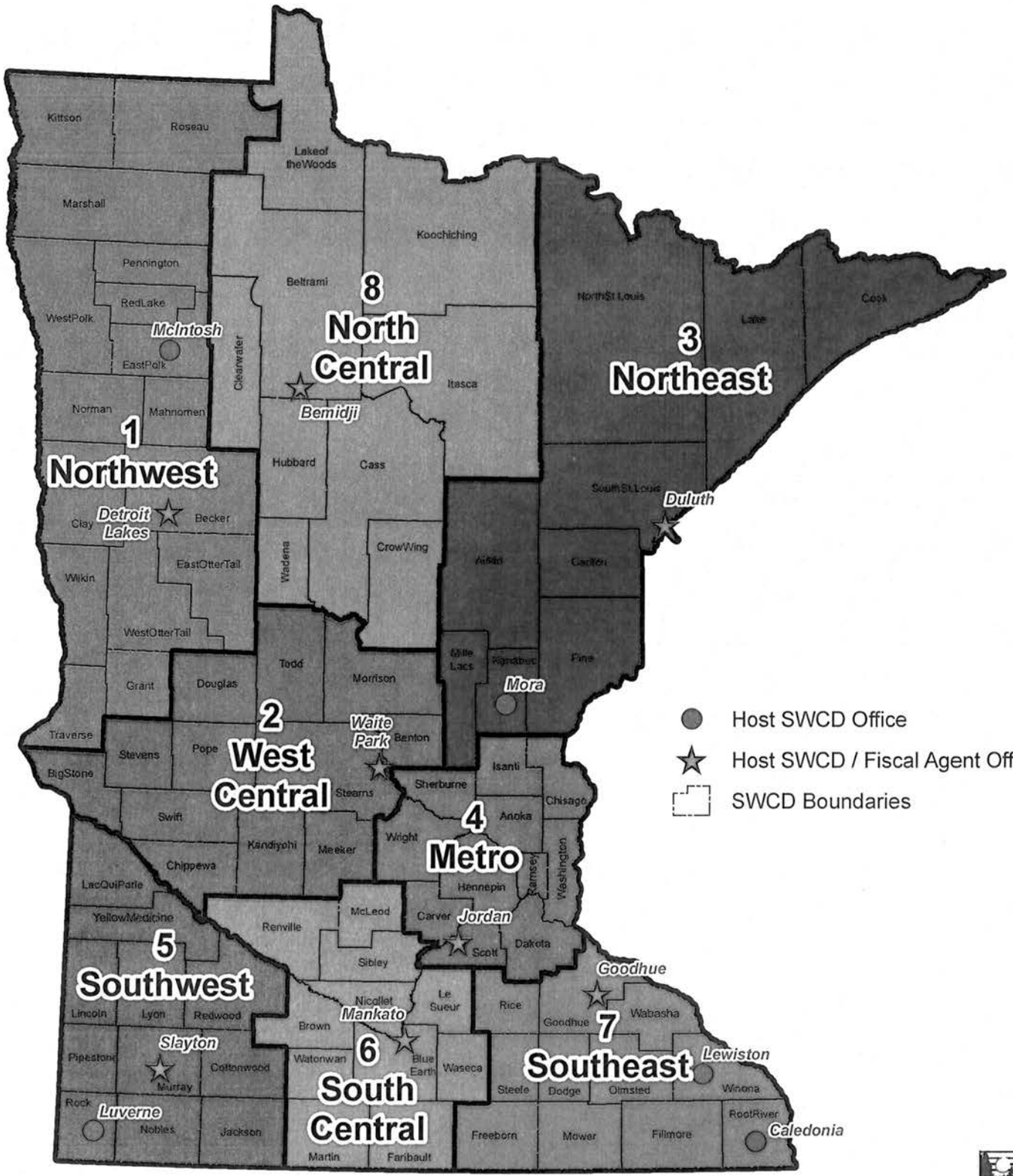
PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS

SWCD	$1.765 M CONSERVATION DELIVERY	$1.200 M COST SHARE	$.291 M EASEMENT DELIVERY
LE SUEUR	$19,619	$19,479	$4,682
LINCOLN	$19,896	$15,527	$5,366
LYON	$19,224	$14,141	$7,628
MAHNOMEN	$18,117	$10,799	$263
MARSHALL	$29,596	$9,491	$1,210
MARTIN	$18,908	$17,945	$10,838
MC LEOD	$18,789	$10,987	$4,630
MEEKER	$18,552	$14,977	$4,051
MILLE LACS	$18,868	$6,944	$631
MORRISON	$20,252	$22,808	$1,526
MOWER	$20,805	$10,819	$4,419
MURRAY	$18,235	$10,884	$6,155
NICOLLET	$19,224	$12,862	$3,841
NOBLES	$18,512	$17,383	$1,368
NORMAN	$18,986	$9,605	$2,683
OLMSTED	$21,754	$30,642	$1,263
OTTER TAIL EAST	$18,986	$15,954	$579
OTTER TAIL WEST	$18,986	$20,932	$2,999
PENNINGTON	$18,710	$11,038	$210
PINE	$18,986	$13,045	$53
PIPESTONE	$18,670	$15,873	$1,210
POLK EAST	$18,828	$10,293	$158
POLK WEST	$18,828	$13,414	$894
POPE	$18,592	$19,927	$9,365
RAMSEY	$19,343	$10,163	$0
RED LAKE	$18,077	$5,632	$210
REDWOOD	$19,343	$13,576	$21,517
RENVILLE	$19,501	$10,460	$21,412
RICE	$22,940	$14,891	$3,209
ROCK	$19,343	$15,923	$1,157
ROOT RIVER	$22,505	$20,901	$3,367
ROSEAU	$18,750	$10,525	$53
SCOTT	$19,935	$18,366	$2,894
SHERBURNE	$21,635	$7,493	$0
SIBLEY	$18,868	$9,005	$5,051
ST. LOUIS NORTH	$18,789	$8,550	$0
ST. LOUIS SOUTH	$18,789	$7,119	$0
STEARNS	$22,030	$36,814	$894

PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS

SWCD	$1.765 M CONSERVATION DELIVERY	$1.200 M COST SHARE	$.291 M EASEMENT DELIVERY
STEELE	$20,014	$10,609	$2,683
STEVENS	$19,184	$15,309	$4,209
SWIFT	$18,592	$10,055	$8,944
TODD	$20,054	$16,595	$210
TRAVERSE	$19,145	$5,376	$1,368
WABASHA	$19,619	$15,401	$1,368
WADENA	$18,710	$10,142	$105
WASECA	$18,986	$10,552	$5,682
WASHINGTON	$20,568	$11,736	$105
WATONWAN	$18,394	$9,694	$5,366
WILKIN	$19,263	$13,427	$2,736
WINONA	$20,963	$11,629	$3,946
WRIGHT	$21,358	$15,797	$2,157
YELLOW MEDICINE	$19,263	$17,060	$9,733
ALLOCATED TOTALS	$1,765,001	$1,199,999	$290,989

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



Minnesota Board of Water & Soil Resources

April 2012

PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS, NPEA ALLOCATIONS

Conservation Delivery	$1.765 M
Easement Delivery	$.291 M
Non Point Engineering Assistance	$1.060 M
	$3.116 M

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

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

Conservation Delivery Grants - $1,764,033

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

Grant amounts are identical to FY '13 allocations, and are listed on the attachment *PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS.*

Easement Delivery Grants - $290,989

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

The BWSR currently holds 5,531 conservation easements on 215,786 acres throughout the state. SWCDs range from a low of 0 easements in 12 SWCDs, to a high of 409 easements in Redwood SWCD. The grant amount for FY '14 is based on $52.61 per easement.

Non Point Engineering Assistance - $1,060,000

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

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

The following policy from this Recommendation directs the FY '14 allocations as follows:

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

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

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

FY '14 NPEA Grants are proposed to be allocated according to the Board adopted policy as follows:

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

The legislature requires that any SWCD receiving these funds shall maintain a Web page that publishes, at a minimum, its annual report, audit, annual budget, and meeting notices and minutes.

PROPOSED FY'14 SWCD STATE COST BASE SHARE GRANTS - $1.200 M

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

> (2) $1,200,000 each year is for soil and water conservation district cost-sharing contracts for erosion control, nutrient and manure management, vegetative buffers, and water quality management;

This appropriation is a 23.1% or $360,000 reduction from FY '13 ($360,000 is designated by the legislature for feedlot water quality and cooperative weed management). The purpose of this program is to provide grants to SWCDs so they can help local landowners or land occupiers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation. As in the previous biennium, accompanying legislation;

> Notwithstanding Minnesota Statutes, section 103C.501, the board may shift cost-share funds in this section and may adjust the technical and administrative assistance portion of the grant funds to leverage federal or other nonstate funds or to address high-priority needs identified in local water management plans or comprehensive water management plans.

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

1. Other non-state funds will be leveraged and they couldn't do the project otherwise.
   Or,
2. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2012 Financial Report indicates less than an 18-month fund balance.
   And,
3. Board Conservationist approval.

Recommendation

The Grants Program & Policy Committee is requesting Board approval of these FY '14 allocations for the:

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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Farm Bill Assistance Program Authorization

Meeting Date: June 26, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Dave Weirens

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☒ Other: LCCMR and DNR Funds

ACTION REQUESTED

The Board is requested to authorize the staff to allocate FY2014 Farm Bill Assistance Grants.

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

The Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation programs that involve grasslands and wetlands conservation. The FY14 Farm Bill Assistance Program is being funded from several revenue sources, chief among them, the Environment and Natural Resources Trust Fund via the Legislative-Citizens Commission on Minnesota Resources. The Board is being requested to authorize these grants in order to minimize delay in getting funds to SWCDs.

The Grants Program and Policy Committee met on April 24, 2013 to review the proposed FY2014 Farm Bill Assistance Program and is recommending the Board adopt the attached resolution.

Board Resolution # 13-51

FY '14 MN Conservation Assistance Program Authorization

WHEREAS, the MN Board of Water and Soil Resources (BWSR), in partnership with the MN Department of Natural Resources (DNR), Soil and Water Conservation Districts (SWCD), Natural Resources Conservation Service (NRCS) and Pheasants Forever (PF), have been implementing a program called the MN Farm Bill Assistance Project to accelerate staffing efforts at the local level for implementation of the Federal Farm Bill programs and other water quality, grassland and wetland programs; and,

WHEREAS, BWSR acting as fiscal agent for the program, has been appropriated funding from the MN Legislative Citizen Commission on Minnesota Resources (LCCMR) through the Environmental Natural Resources Trust Fund (ENRTF), and DNR to provide grants to SWCD's or their authorized agents for employing staff; and,

WHEREAS, BWSR, DNR and PF have conducted a Solicitation of Interest from SWCD's for funding under this program; and,

WHEREAS, BWSR staff have worked with our Program partners and are recommending the following allocation policy:

Eligible SWCD's will be competitively selected to receive a 90% state funded contribution towards employment of a staff position. The staff budget is established at $50,000/full time equivalent position. The SWCD will provide 10% cash match to the position budget.

WHEREAS, the Grants Program and Policy Committee reviewed staff recommendations regarding the Farm Bill Assistance Program on April 24, 2013 and is recommending the Board adopt the Program policies and authorize staff to allocate available funds.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby authorizes staff to allocate up to $3.0 million ENRTF, up to $250,000 DNR, and any rollover or slippage from this program according to the following policy:

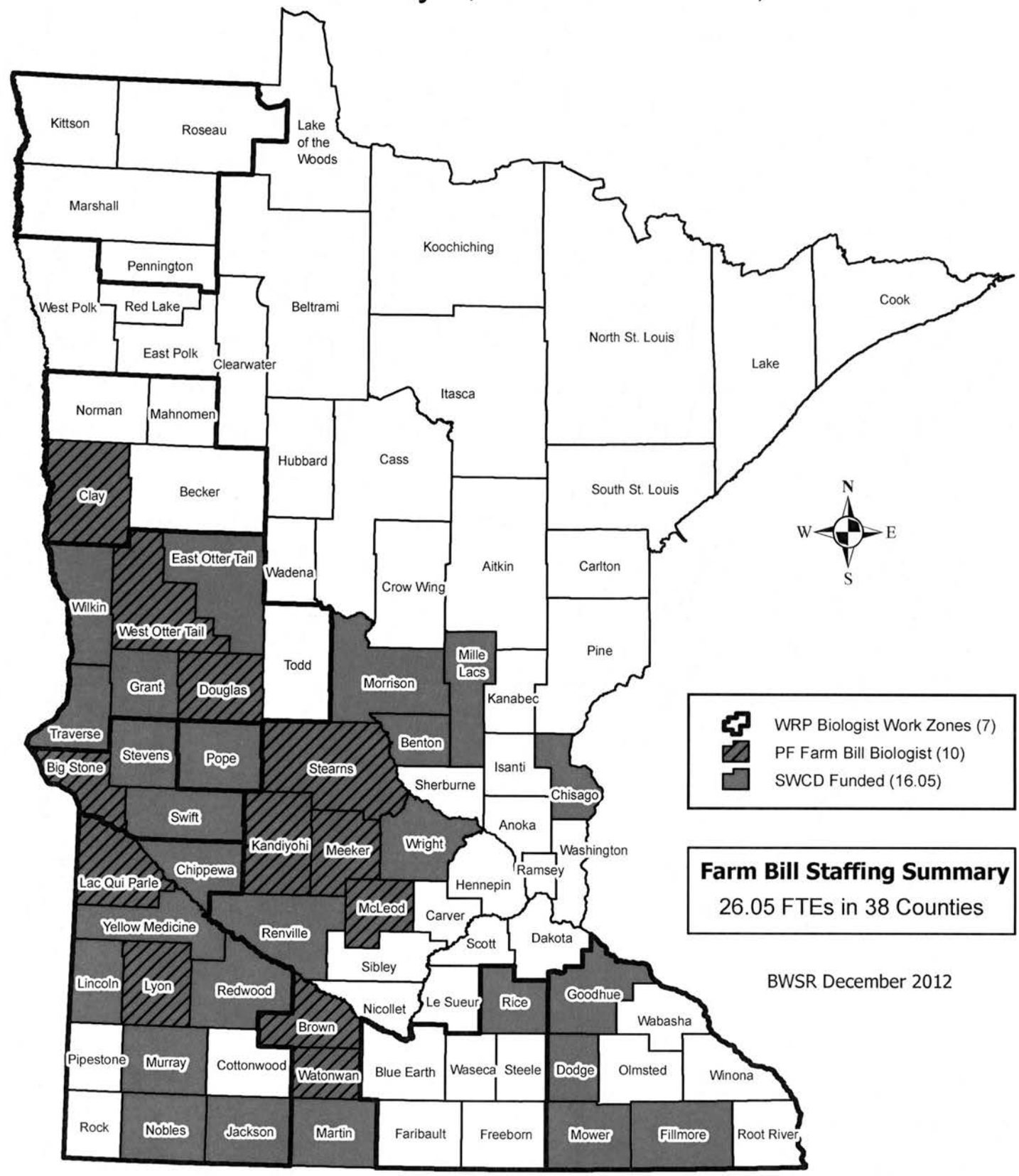
Eligible SWCD's or their authorized agent will be competitively selected to receive a 90% state funded contribution towards employment of a staff position. The staff budget is established at $50,000/full time equivalent position. The SWCD will provide 10% cash match to the position budget.

Date: 6/26/13

Brian Napstad, Chair
Board of Water and Soil Resources

Farm Bill Assistance Positions

Phase XII - July 1, 2012 to June 30, 2013



Farm Bill Staffing Summary

26.05 FTEs in 38 Counties

BWSR December 2012

Minnesota Board of Water & Soil Resources · NRCS · Minnesota Department of Natural Resources · Pheasants Forever · Environment and Natural Resources Trust Fund · Prairie Pothole Joint Venture · MASWCD

Minnesota Board of Water & Soil Resources

MN FARM BILL ASSISTANCE PARTNERSHIP
July 1, 2013-June 30, 2014

The purpose of this project is to accelerate staff capacity to deliver programs that increase grassland and wetland program enrollment for both wildlife habitat and water quality. To date, these positions have been SWCD technicians or Pheasants Forever farm bill biologists housed at the SWCD/USDA service center.

The Farm Bill Assistance Partnership (FBAP) will again collectively invest over $1.5 million in this project during Phase XIII. The budget period for Phase XIII will run from July 1, 2013 through June 30, 2014.

This program operates on a quarterly reimbursement basis for hours worked under the contract agreement. Farm Bill Assistance contracts will be calculated using a $50,000 budget for 1 FTE. The contract will cover 90% of the approved budget with 5% coming from the SWCD and 5% from a local partner organization. SWCDs will be required to solicit and document 5% support by contacting your local Pheasants Forever Chapter or other locally based group for the funding.

New for this year will be the hiring of a project coordinator to work with SWCD's and Pheasants Forever on employee hiring, training, reporting and a more day to day connection with staff that has not been available in recent years. The coordinator position will serve at the direction of the FBAP Committee.

ACTIVITIES ELIGIBLE FOR FUNDING:

- Marketing and consultation with farmers and landowners on conservation programs that achieve clean water, grass and wetland cover: Programs such as RIM, RIM-WRP, CRP, CCRP, WRP, WLI, WHIP, CRP Re-enrollment, MN Clean Water Funding, MN Prairie Conservation Plan, Prairie Bank, FWS Habitat Easements
- Contracts, Easements and Conservation plans for these programs
- Practice implementation via vendors
- Mid-contract management planning/consulting or vegetation enhancement activities (with less habitat, can we produce more wildlife yield on our remaining acres!)
- Guidance of landowners on non-FBA activities to appropriate staff/programs
- Attendance at training events and meetings necessary to stay up to date on private lands program offerings.

ACTIVITIES NOT ELIGIBLE FOR FUNDING:

- Non-wetland/grassland CCRP practices (waterways, windbreaks etc.)
- Tree planting/matting-SWCD tree program
- Grass planting-SWCD drill program
- Conducting a prescribed burn
- Construction management of general conservation practices

PROPOSAL EVALUATION

SWCD submittals to participate in this Program will be evaluated on a scale of *High*, *Medium*, or *Low* based on historical performance, added capacity/expertise, location within the DNR Prairie Work Teams/Working Lands Initiative areas, expiring CRP, resource opportunity/need, ability to provide the necessary match, and the goals identified in your submitted response form

BOARD OF WATER AND SOIL RESOURCES
SUPERIOR SHORES RESORT & CONFERENCE CENTER
1521 SUPERIOR SHORES DRIVE
TWO HARBORS, MN 55616
THURSDAY, AUGUST 29, 2013

BOARD MEMBERS PRESENT:
Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Paul Langseth, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Judy Ohly, Tom Schulz, Rob Sip, MDA; Steve Sunderland, Gene Tiedemann, Gerald VanAmburg

BOARD MEMBERS ABSENT:
Sandy Hooker
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, Mary Jo Flemming, Ryan Hughes, John Jaschke, Al Kean, Jen Maleitzke, Bill Penning, Mary Peterson, Ken Powell, Ron Shelito, Dave Weirens, Wayne Zellmer

OTHERS:
LeAnn Buck, MASWCD
Wayne Seidel, Lake County SWCD
Dan Schutte, Lake County SWCD
Jennifer Thiemann, Lake County SWCD
Ann Thompson, Lake County SWCD
Karen Tucker, Lake County SWCD
Phillip Goutermont, Lake County SWCD
Derrick Passe, Lake County SWCD

CALL MEETING TO ORDER - Chair Napstad called the meeting to order at 8:30 a.m.

PLEDGE OF ALLEGIANCE

** 13-52 **ADOPTION OF AGENDA –** Moved by Rebecca Flood, seconded by Christy Jo Fogarty, to adopt the agenda as presented. ***Motion passed on a voice.***

** 13-53 **MINUTES OF JUNE 26, 2013 BOARD MEETING –** Moved by Judy Ohly, seconded by Jack Ditmore, to approve the minutes of June 26, 2013, as circulated. ***Motion passed on a voice vote.***

CONFLICT OF INTEREST DECLARATION – Chair Napstad explained that the conflict of interest declaration process is being used today on the Feedlot Water Quality Cost Share Grants Program Authorization. The Conflict of Interest Declaration forms need to be submitted.

RECOGNITION OF WAYNE SEIDEL, LAKE COUNTY SWCD – John Jaschke acknowledged Wayne Seidel, Lake County SWCD; recognizing his great career efforts in northeastern Minnesota for implementation of detention basin and erosion control projects, forest management, stream bank stabilization, storm water planning, rain gardens, and mentoring.

Phillip Goutermont, on behalf of Lake County SWCD, presented Wayne with an engraved rock for his dedication to Lake County. Chair Napstad thanked Lake County SWCD staff for the great tour yesterday.

REPORTS

Chair's Report – Brian Napstad reported that the EQB meeting in July was cancelled. Chair Napstad announced that Will Seuffert was recently hired as executive director of EQB.

Chair Napstad stated that Aitkin County is in the process of establishing a Lake Improvement District (LID). He affirmed the complicated rules in statute for the LID establishment process. He noted a referendum, a public hearing for the special taxing district, and the need for guidance as the process moves forward.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC did not meet this morning, no report.

Executive Director's Report – John Jaschke thanked BWSR staff and Lake County SWCD for their efforts in planning the tour yesterday. John reviewed information in board members packets.

John stated that BWSR is working with the Department of Agriculture and a pilot group regarding the agricultural water certification program. John reported that the One Watershed One Plan (1W1P) meetings are being held statewide. John stated that the Public Relations, Oversight, and Strategic Planning Committee will be developing guiding principles for the 1W1P.

LAKE COUNTY SWCD TO ADDRESS THE BOARD – Dan Schutte, Lake County SWCD Outreach Coordinator, thanked the BWSR Board for coming to Lake County and expressed

gratitude to BWSR for providing funding allocations to Lake County SWCD. Dan stated that the accomplishments and achievements in Lake County are due to collaborative efforts. He encouraged getting the word out and educating the public on the effective use of Clean Water Funds and how legacy dollars has provided implementation of many projects, as observed on the tour yesterday. Tom Landwehr stated that next year will be five years since the legacy funds were allocated, good accomplishments and much work done. Tom recommends agencies work together to send a message to local units of government regarding funding opportunities.

Dispute Resolution Committee – Gerald VanAmburg reported that the DRC will attend a training workshop on September 25, immediately following the Board Meeting, regarding the statutory mandated dispute resolution process. All board members are invited to attend the workshop.

Wetlands Committee – Gerald VanAmburg reported that the Wetlands Committee met this morning and discussed two items: 1) A recommendation for approval of staff to look at the selection process of road wetland replacement; on the agenda later today. And, 2) federal approval exemption for utilities. WCA exemption process turned over to the U.S. Army Corps of Engineers regarding a pipeline issue. Gerald stated that this issue will be brought before the Board in October. Gerald asked Tom Landwehr that DNR staff be involved. Tom appointed Doug Norris to represent DNR on this topic. Chair Napstad stated that the Wetlands Committee is addressing the issue and will seek an agreement with agencies for this program.

Public Relations, Oversight & Strategic Planning Committee (PROSP) – Jack Ditmore reported that the RPOSP Committee will meet on September 24, the evening prior to the Board meeting. Jack stated that the PROSP Committee will be responsible for developing guiding principles for the 1W1P; this is expected to come before the Board for endorsement in December.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee met and has recommendations on the agenda later today.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that RIM Reserve Management Planning Committee met and has recommendations on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on August 8, 2013. Al Kean summarized the topics of discussion at the meeting and the significant challenges of the drainage law. Discussion followed on public information/data privacy issues of drainage authority. The next meeting of the Drainage Work Group is September 12.

COMMITTEE RECOMMENDATIONS

Metro Planning Committee

Bassett Creek WMO Plan Amendment – Mary Peterson reported that a final draft amendment to the Bassett Creek WMO Watershed Management Plan was filed with the Board on June 27, 2013. The draft Order contains a summary of the changes and the reviewing agencies' comments. All comments received during the review process and public hearing were

addressed and resulted in no revisions to the draft amendment. The Metro Region Committee met on August 12, 2013, and after review of the information recommends approval of the Plan
** Amendment. Moved by Paul Langseth, seconded by Joe Collins, to approve the Bassett Creek
13-54 WMO Watershed Management Plan amendment. ***Motion passed on a voice vote***.

Scott WMO 2013 Plan Amendment – Mary Peterson reported that a final draft amendment to the Scott WMO Watershed Management Plan was filed with the Board on July 5, 2013. No comments were received during the public hearing. The Metro Region Committee met on August 12, 2013, and after review of the information recommends approval of the Plan
** Amendment. Moved by Joe Collins, seconded by Paul Langseth, to approve the Scott WMO
13-55 Watershed Management Plan amendment. ***Motion passed on a voice vote***.

Prior Lake-Spring Lake WD Plan Amendment – Mary Peterson reported that a final draft amendment to the Prior Lake-Spring Lake WD Watershed Management Plan was filed with the Board on June 18, 2013. Numerous comments were received during the review process and at the public hearings which were addressed and resulted in revisions to the draft amendment. The Metro Region Committee met on August 12, 2013, and after review of the information
** recommends approval of the Plan Amendment. Moved by Joe Collins, seconded by Tom
13-56 Loveall, to approve the Prior Lake-Spring Lake WD Plan Amendment. ***Motion passed on a voice vote.***

North Cannon River WMO Watershed Management Plan 2013 – 2023 – Mary Peterson reported that the North Cannon River WMO is a government unit formed through a joint powers agreement signed by eight townships and three small cities in southern Dakota County. The WMO was established in 1983. The Plan Revision (2013-2023) is the 3rd Generation Watershed Management Plan for the WMO. The Plan includes a profile of the watershed's existing environmental conditions, discusses water resource management issues, identifies strategies and policies for each goal, and defines the course of action the organization will follow to address them. The Metro Region Committee met with BWSR staff and local representatives on August 12, 2013, to review and discuss the Plan. The Committee
** unanimously voted to recommend approval of the Plan. Moved by Joe Collins, seconded by
13-57 Judy Ohly, to approve the North Cannon River WMO Watershed Management Plan. ***Motion passed on a voice vote.***

Chisago County Local Water Management Plan Update – Mary Peterson reported that Chisago County has updated their Local Water Management Plan as authorized under Minnesota Statutes, section 103B.301. The Priority Concerns Scoping Document (PCSD) was completed and no changes were recommended. The Plan Update focuses on the priority concerns identified in the PCSD; assesses the priority concerns and sets forth appropriate goals and objectives; and provides an implementation program with targeted and measurable actions, timeline and budget. The Metro Region Committee met on August 12, 2013, and after review of
** the information recommends approval of the Chisago County Plan Update. Moved by Joe
13-58 Collins, seconded by Rebecca Flood, to approve the Chisago County Local Water Management Plan Update. ***Motion passed on a voice vote***.

Coon Creek WD Watershed Management Plan – Mary Peterson reported that the Coon Creek Watershed District (CCWD) was established in 1959 and is located exclusively in Anoka County in the north-central portion of the Minneapolis – St. Paul seven county metropolitan areas. The Plan is the third generation plan required by the Metropolitan Surface Water Management Act (M.S. 103B) and the fourth required under the Watershed Act (M.S. 103D). The Metro Region Committee met with BWSR staff and local representatives on August 12, 2013 to review and discuss the Plan. The Committee unanimously voted to recommend
** approval of the Plan. Moved by Joe Collins, seconded by Gerald VanAmburg, to approve the
13-59 Coon Creek WD Watershed Management Plan. Gerald stated that adaptation to flooding is important; Board needs to send the message. Discussion followed. Rob Sip stated that agencies should be in agreement, BWSR's regional planning committees are a good start. ***Motion passed on a voice vote***.

Chair Napstad called for a break in the meeting at 10:20 AM. The meeting reconvened at 10:43 a.m.

Grants Program & Policy Committee
Erosion Control and Water Management Program Policy Amendments – Dave Weirens reported that following several rounds of discussion by staff and the Grants Program and Policy Committee; amendments to the Erosion Control and Water Management Program Policy were presented for Board consideration. The proposed changes are the result of Board discussion when the Policy was originally adopted on October 24, 2012, and to reflect appropriation and
** statutory changes enacted following the 2013 legislative session. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to approve the Erosion Control and Water Management Program Policy Amendments as presented.

Jack Ditmore recommended a change under 1.0 Purpose: page 2, the last sentence – eliminate 'The limitation on; and remove and'. The sentence reads; *The use of cost-sharing funds for technical and administrative expenses is governed as provided in 3.1 of this policy.*' Dave recommends a change under 3.1 Technical and Administrative (TA) Expense. The first sentence now reads: "*The BWSR Board establishes the amount allowed for TA expenses to be twenty percent (20%) of the total grant.*"

** Moved Paul Langseth, seconded by Christy Jo Fogarty, to approve the amendments to 1.0 and
13-60 3.1 as presented above. ***Motion passed on a voice vote***.

13-61 Chair Napstad called for the vote on the original policy amendments. ***Motion passed on a voice vote.***

FY2014 Clean Water Fund and Competitive Grants Program Policy and Request for Proposals – Dave reported that BWSR has been appropriated Clean Water Funds to make grants to local governments to address water quality needs. The FY 2014 Clean Water Fund Competitive Grants Request for Proposal (RFP) was distributed. The Minnesota Departments of Agriculture and Health are 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. Tom Loveall asked that clarification of drainage authorities be included in the process. Rob Sip asked that and/or infiltration be included in 3.0 Eligible Activities. Dave reviewed the RFP general information and the resolution for policy and RFPs.

** Moved by Paul Langseth, seconded by Christy Jo Fogarty, to 1) authorize staff to finalize, distribute and promote an RFP for the FY2014 Clean Water Fund Competitive Grants Program consistent with the provisions of appropriations enacted in 2013, Minn Stat. 103B.3369 and this Board resolution; and 2) adopts the attached FY2014 Clean Water Fund Competitive Grants Policy. Discussion followed. John Jaschke explained a proposed amendment to 3.0 Eligible Activities, and recommends the first sentence read, "*The primary purpose of activities funded with grants associated with the Clean Water Fund is to restore, protect and enhance water quality.*" Also, under 3.3 Project Support, the first sentence on page 5, include *'Eligible activities include* at the beginning of the sentence.

** Moved by Chris Elvrum, seconded by Rob Sip to approve the amendment as presented above.
13-62 ***Motion passed on a voice vote***. Discussion followed.

13-63 Chair Napstad called for the vote on the original motion for approval of the Resolution***. Motion passed on the voice vote.***

Cooperative Weed Management Area Program Authorization – Wayne Zellmer reported that approval of the FY2014 and FY2015 Cooperative Weed Management Area (CWMA) Program is requested. The Board was appropriated $100,000 in each year of the biennium of cost share grant funds for cooperative weed management grants and to restore native plants in selected invasive management sites by providing local native seeds to landowners for implementation. Staff have developed a proposal to make these funds available to qualified cooperative weed management groups. Wayne reported that the Grants Program & Policy Committee

** recommends approval. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to authorize
13-64 staff to finalize, distribute and promote a Request for Proposal (RFP) for the Cooperative Weed Management Area Grant Program consistent with the appropriations enacted in 2013. ***Motion passed on a voice vote.***

CONFLICT OF INTEREST DECLARATION

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

Chair Napstad stated that board members have submitted their completed Conflict of Interest Declaration forms. The Conflict of Interest Declaration documents will be filed for the grant decision item. All board members are eligible to vote.

Feedlot Water Quality Cost Share Grants Program Authorization – Dave Weirens reported that BWSR was appropriated $260,000 in each year of the FY2014-15 biennium for "feedlot water quality grants for feedlots under 300 animal units in areas where there are impaired waters". Staff have developed a proposal to make these funds available for projects proposed

during the FY2013 Clean Water Fund Competitive Grants application period. It was noted that the third WHEREAS be deleted as it was inadvertently added to this resolution and does not
** pertain to the subject matter. Moved by Paul Langseth, seconded by Rebecca Flood, to delete
13-65 the third WHEREAS, and authorize staff to award Feedlot Water Quality Cost Share funds to projects consistent with the appropriations enacted in 2013. Discussion followed. ***Motion passed on a voice vote.***

Disaster Recovery Assistance Program Policy (DRAP) – Wayne Zellmer reported that disasters and emergency legislative funding occur frequently and usually unpredictably. Policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related recovery processes, of BWSR and other state and federal assistance providers. Wayne summarized the policy of the Disaster Recovery Assistance Program. The Grants Program and Policy Committee recommends approval of the Disaster Recovery Assistance Program
** Policy. Moved by Paul Langseth, seconded by Joe Collins, to approve the Disaster Recovery
13-66 Assistant Program Policy and authorizes the executive director to activate the DRAP Policy in the event of a disaster. Discussion followed. ***Motion passed on a voice vote.***

Wetland Committee
2013 Local Road Wetland Replacement Program Project Selection Process – Ken Powell reported that the Wetland Committee met this morning. BWSR staff and the BWSR Wetland Committee recommend approval to pursue projects selected and identified through the 2013
** easement sign-up and request for proposal solicitation process. Moved by Gerald VanAmburg,
13-67 seconded by Jack Ditmore, to approve the Local Road Wetland Replacement Program Project Selection Process authorizing staff to pursue and procure contracts and agreements with landowners, project proposers, and local partners for the projects resulting from the easement sign-up and RFP process conducted in 2013. ***Motion passed on a voice vote.***

RIM Reserve Management Planning Committee
RIM/WRP Payment Rate Adjustment 2010-2012 – Bill Penning reported that the RIM Reserve Management and Planning Committee met on August 27, 2013, and recommends approval to apply RIM-WRP Partnership payment rates authorized via Resolution 13-36 to currently funded 2010-2012 RIM-WRP applications that have not closed, subject to the following factors: 1) Staff will develop and implement ineligibility criteria for applications where the delayed easement closing has not been primarily caused by NRCS or BWSR; and 2) The payment rates set in this
** resolution are supplemental to Resolutions 10-27, 11-19 and 11-79. Moved by Gene
13-68 Tiedemann, seconded by Paul Langseth, to authorize as presented, the 2013 RIM-WRP partnership easement payment rates be applied to RIM-WRP projects from 2010-2012 that have not closed. Discussion followed. ***Motion passed on a voice vote.***

Easement Tax Valuation Fact Sheet – Bill Penning presented the RIM easements and property tax valuation fact sheet for information, as defined by the state tax assessor. Bill explained that he and Sarah Strommen will be meeting with the Department of Revenue on August 30, 2013 to review the statute language for clarification and will be working with expertise on research of assessment and valuation of property, information will be received before the upcoming legislative session. Discussion followed. John Jaschke stated that BWSR staff are in the exploration phase, this may be brought to the Board for action in the future.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip invited board members to attend the "Preparing Minnesota for Climate Change: A Conference on Climate Adaptation". Rob reported that MDA's Ag Drainage Field Days are coming up; Jen Maleitzke will send information to board members. Rob requested that Matt Wohlman provide the Board with an update in the near future on the agricultural water certification program.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that DNR is working with BWSR and PCA on a Clean Water Roadmap - implementation of Clean Water Funds; with a goal having an initial document by November. Tom reported that he and John Jaschke will testify before the Lessard Sams Outdoor Heritage Council (LSOHC) on September 4, to provide an overview of the coordinated approach to the prairie plan, RIM easements and acquisition of prairies. Tom reported that new legislation, statutory permit process for silica sand is in place, ready to deliver, no applications received to date.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported that MPCA is host to the EPA Hypoxia Task Force meetings on September 23-25.

UPCOMING MEETINGS

Next BWSR Board Meeting – September 25, St. Paul

** 13-69 Moved by Judy Ohly, seconded by Paul Langseth, to adjourn the meeting at 1:00 PM. ***Motion passed on a voice vote.***

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Phillip Gouterment	Lake SWCD	218-226-3015
2.	Karen Tucker	Lake SWCD	218-834-8330
3.	Jennifer Thiemann	Lake SWCD	" "
4.	Dan Schutte	"	"
5.	Ann Thompson	"	"
6.	Derrick Passe	"	"
7.	Maryle Flemming	BWSR	
8.	Mary Peterson	BWSR	
9.	Ken Powell	BWSR	
10.	Ron Shelito	BWSR	
11.	Al Kean	BWSR	
12.	Ann Buck	MASWCD	
13.	BM Penny	BWSR	
14.	Ryan Hughes	BWSR	
15.			
16.			
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25.			

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: August 29, 2013

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

☐ **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 16, 2013
By: Travis Germundson

There are presently **11** appeals pending. All of the appeals involve WCA except File 10-10. There have been no new appeals filed since the last report dated July 17, 2013.

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 13-5 (6-11-13) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. A pervious appeal (File 12-19) was remanded for further technical work and administrative proceedings, and now that new decision is being appealed. At issue is the adequacy of the TEP's Report to address partial drainage. *The appeal has been remanded for further technical work directing the TEP to produce a revised written report adequately addressing partial drainage.*

~~File 13-4 (5-15-13) This is an appeal of an exemption decision in Swift County. The appeal regards the denial of an agricultural exemption application. At issue is the annually seeded/crop rotation eligibility requirements for the exemption.~~ *Appeal finalized upon new decision made under remand (July 23, 2013).*

File 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.

File 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. The appeal has been accepted and the briefing and hearing schedule stayed by mutual agreement to allow informal settlement discussions to continue.

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 has been 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 proceed 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. A portion of the site has been restored and it appears the landowner is committed to restoring the remaining areas.

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 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 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	5	1
Order Modified		
Order Remanded	4	2
Order Place Appeal in Abeyance	1	1
Negotiated Settlement		
Withdrawn/Dismissed	4	

Drainage Work Group Report
for August 29, 2013 BWSR Board Meeting
by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group met on Thursday August 8, 2013 at the Minnesota Farm Bureau building in Eagan. Following is a summary of the primary topics of discussion:

- **Drainage records modernization and automation:**
  - Brian Fischer, GIS Specialist, Houston Engineering Inc. (HEI), presented an overview of database software called "DrainageDB" that he and others continue to develop and adapt for drainage system data management.
  - A first version was developed for a drainage records modernization project in the Rice Creek Watershed District, which involved BWSR cost-share (2009).
  - A custom version is being developed for Faribault County involving a BWSR Accelerated Implementation Grant. A number of other counties are interested.
  - DrainageDB is hosted on the Internet. HEI developed an app for mobile data entry, such as drainage system inspection information.
  - The cost for DrainageDB is estimated to be $12 - 18K per drainage authority for customization, with an annual subscription cost of $2.5 - 4K per year.
  - Al K. provided a copy of an LCCMR application that BWSR resubmitted this year to develop a shared drainage records database hosted by MnGeo, involving Brian Fischer and/or other consultants in the development, and requested $500K for drainage records modernization cost-share. There was substantial discussion about the pros and cons of a central database vs. customized databases managed independently by drainage authorities.

- **Reviewed the updated DWG prioritized discussion topics list:**
  - The draft dated 6-13-13, which reflects DWG discussions on that date, was accepted as OK with a request to clarify the discussion topic title regarding HF-1700 and prioritize as M-H.

- **Discussion about Section 103E.015 Considerations before drainage work is done:**
  - Al K. overviewed the legal history of this section prepared by Greg Knopff, Senate Analyst, when the DWG first began discussion of this section. He also discussed the potential to improve the connection between the multipurpose authorities in Section 103E.011 and the multipurpose considerations criteria in Section 103E.015.
  - Much discussion without consensus about the reasons for discussing this section and the best ways to enable or promote multiple purposes for drainage management.
  - Due to time constraints, it was agreed that Al would request DWG member input via email about key concerns or reasons for discussing this section and envisioned outcomes of DWG discussions.

The next DWG meeting will be on Thursday, September 12, 12:30 – 3:30 p.m. at the Minnesota Farm Bureau building in Eagan.

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Bassett Creek WMO Plan Amendment – Mary Peterson – ***DECISION ITEM***

2. Scott WMO 2013 Plan Amendment – Mary Peterson – ***DECISION ITEM***

3. Prior Lake-Spring Lake WD Plan Amendment – Mary Peterson – ***DECISION ITEM***

4. North Cannon River WMO Watershed Management Plan 2013–2023 – Mary Peterson – ***DECISION ITEM***

5. Chisago County Local Water Management Plan Update – Mary Peterson – ***DECISION ITEM***

6. Coon Creek WD Watershed Management Plan – Mary Peterson – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Bassett Creek WMO Plan Amendment**

Meeting Date: 08/29/2013

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

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Region Committee(s)

Presented by: Mary Peterson, Board Conservationist

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

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

Fiscal/Policy Impact

X None	☐ General Fund Budget
☐ Amended Policy Requested	☐ Capital Budget
☐ New Policy Requested	☐ Outdoor Heritage Fund Budget
☐ Other:	☐ Clean Water Fund Budget

ACTION REQUESTED

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

LINKS TO ADDITIONAL INFORMATION

http://bassettcreekwmo.org/PlanAmendments/PlanAmendmentHome.htm

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

WMO Background

The Bassett Creek WMO (Commission) is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is

predominantly fully developed (>90%). Scattered areas of redevelopment throughout the watershed are proposed.

The Bassett Creek Flood Control Commission was formed in 1968, primarily to study the flooding issues in the watershed, and later adopted a watershed management plan in 1972. In 1984 the Commission was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that BWSR approved in July 1989. The second generation plan was approved by BWSR in August 2004. Subsequently, the Commission completed two major and four minor plan amendments between years 2005 and 2012.

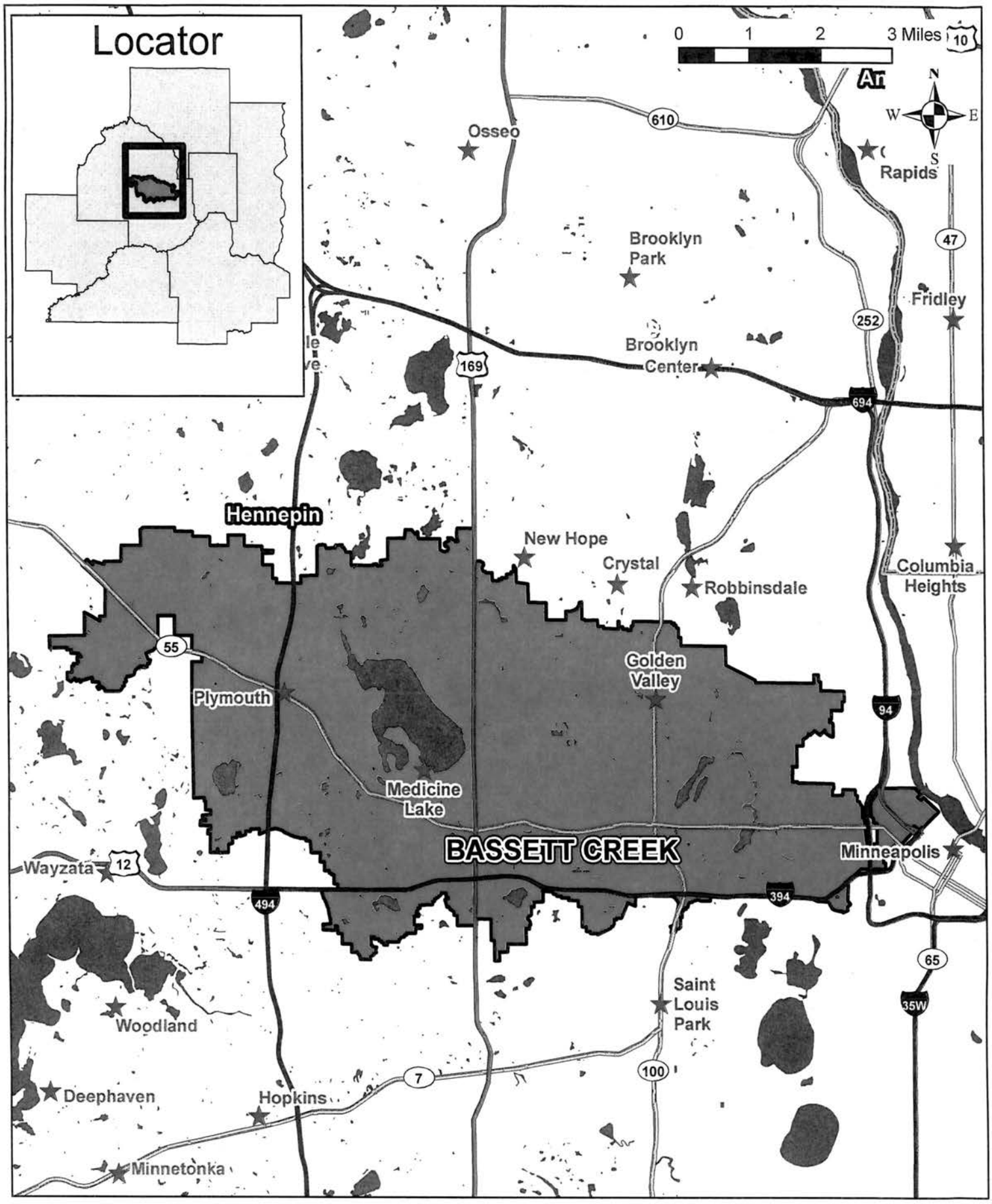
Amendment Summary

The Amendment proposes to add three capital projects to the capital improvement program (Table 12-2): Schaper Pond improvements, Briarwood-Dawnview water quality improvement project, and Twin Lake alum treatment for a total cost of $898,000. DNR comments were received during the formal comment period and were fully addressed by the Commission. The Commission has regularly reviewed their implementation program and has amended their Plan on numerous occasions as studies are completed.

Recommendation

The Metro Region Committee met on August 12, 2013. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated June 2013 to the full Board per the attached draft Order.

Bassett Creek
Watershed Management Organization



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

In the Matter of the review of the Amendment to the Watershed Management Plan for the **Bassett Creek Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 11.

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Commissioners of the Bassett Creek Watershed Management Organization (Commission) submitted a Watershed Management Plan Amendment dated June 2013 (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 Bassett Creek Flood Control Commission was formed in 1968 primarily to study flooding issues in the watershed and adopted a watershed management plan in 1972. In 1984, the Bassett Creek Watershed Management Commission (Commission) was created after revising the Flood Control Commission's joint powers agreement. The Commission prepared its first generation watershed management plan that the Board approved in July 1989.

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. The second generation plan was approved by the Board in August 2004. Subsequently, the Commission completed two major and four minor amendments between 2005 and 2012.

3. **Nature of the Watershed.** The Commission is located in the heart of Hennepin County. It is bound by the Mississippi River WMO to the east, on the south and west by the Minnehaha Creek Watershed District, on the northwest by the Elm Creek WMO, and on the north by Shingle Creek WMO. The watershed encompasses all or part of the following nine cities: Plymouth, Medicine Lake, Golden Valley, Robbinsdale, Crystal, New Hope, Minnetonka, St. Louis Park, and Minneapolis. Bassett Creek discharges into

the Mississippi River in downtown Minneapolis below St. Anthony Falls. The watershed contains five major lakes and three creek branches. The Bassett Creek watershed covers 39.6 square miles and is predominantly fully developed. Scattered areas of redevelopment throughout the watershed are proposed.

4. **Amendment Development and Review.** The Amendment proposes to add three capital projects to the capital improvement program. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on February 28, 2013. The Commission received comment letters from the Metropolitan Council, MN Department of Agriculture, MN DNR, MPCA, and the Board. All comments during the formal comment period were addressed and did not result in plan changes. The Commission held public hearings on May 16 and June 20, 2013, with no comments that resulted in plan changes. The Hennepin County Board approved the proposed amendment in accordance with MN Stat §103B.231 Subd. 7(c). The final draft Amendment was submitted to the Board and plan review agencies on June 27, 2013, for final review and approval.

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

6. **Department of Agriculture Review.** The MDA did not have any comments on the Amendment.

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

8. **Department of Natural Resources Review.** The DNR had significant permitting concerns regarding the Schaper Pond Diversion Project and had recommendations on completing systematic subwatershed assessments in the WMO, reviewing its standards to address infiltration and abstraction, and incorporating outcomes of the MIDS process. The Commission fully addressed the concerns such that the DNR had no further comments.

9. **Pollution Control Agency Review.** The PCA did not have any comments on the Amendment.

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

11. **Local Review.** The Commissions circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.

12. **Board of Water and Soil Resources Review.** Board staff commended the Commissions for maintaining a current Plan and had no other comments.

13. **Amendment Summary.** The Amendment proposes to add three capital improvement projects to the capital improvement program (Table 12-2): Schaper Pond improvements,

Briarwood-Dawnview water quality improvement project, and Twin Lake alum treatment.

14. **Metro Region Committee Meeting.** The Board's Metro Regiion Committee met on August 12, 2013, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore, and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Mary Peterson. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

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

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

3. The Bassett Creek Watershed Management Organization's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.

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

ORDER

The Board hereby approves the attached Amendment dated June 2013 to the Bassett Creek Watershed Management Organization Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Scott WMO Plan Amendment**

Meeting Date: 08/29/2013

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

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Region Committee(s)

Presented by: Mary Peterson, Board Conservationist

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of Plan Amendment to the Scott Watershed Management Organization Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

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

WMO Background

The Scott WMO (SWMO) extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River WD, Prior Lake-Spring Lake WD, Vermillion River Watershed JPO, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the southeast corner of the county that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is predominantly toward the Minnesota River which forms the northern border of the County.

The SWMO became necessary after the failure of four WMO's in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over

water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizations in July 2000. The current plan was approved by BWSR in May 2009. Their second plan amendment was BWSR approved in 2012.

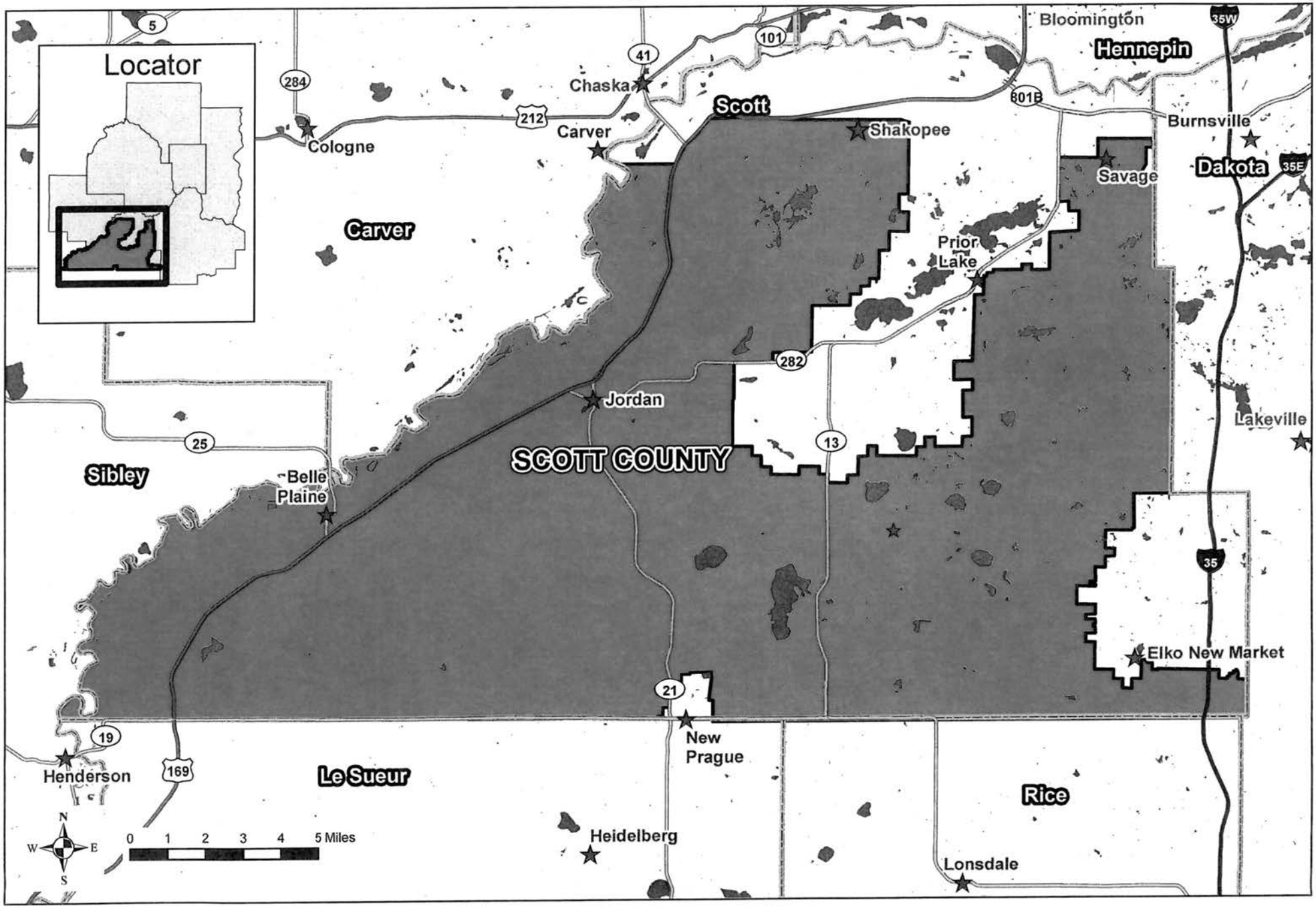
Amendment Summary

This Amendment proposes to revise three sections in the Plan as well as add and update several appendices. Revisions to Section 3 (Goals/Policies/Strategies) involve modification of several strategies and the addition of several new ones in response to completed studies and other new sources of information, such as nitrate management demonstrations, small acreage outreach, and Cedar Lake watershed projects. Section 4 (Administration) was revised primarily to update funding sources for new and existing strategies. Revisions to Section 5 (Implementation) include 1) the addition of three capital improvement projects which will be implemented based on availability of state grant funds, and 2) an overall budget reduction due to a drop in net tax capacity in the WMO since 2009 and due to lower than projected administrative costs in recent years. This amendment reflects SWMO's willingness to regularly review their implementation program and to amend the Plan as studies are completed and projects are identified. A few comments were received during the formal comment periods and were fully addressed. There were no comments at the public hearing.

Recommendation

The Metro Region Committee met on August 12, 2013. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated April 2013 to the full Board per the attached draft Order.

Scott County
Watershed Management Organization



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

In the Matter of the review of the Amendment to the Watershed Management Plan for the **Scott 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 Scott Watershed Management Organization (SWMO) submitted a Watershed Management Plan Amendment dated April 2013 (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 SWMO became necessary after the failure of four Joint Powers Agreement WMOs in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizations in July 2000.

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. This is the third plan amendment for the SWMO.

3. **Nature of the Watershed.** The SWMO extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River Watershed District, Prior Lake-Spring Lake Watershed District, the Vermillion River Watershed Joint Powers Organization, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the southeast corner of the county that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is predominantly toward the Minnesota River which forms the northern border of the county. Agricultural land

use dominates the landscape; however urbanization is occurring in the northern portions of the county.

4. **Amendment Development and Review.** The Amendment revises Section 3 – Goals/Policies/Strategies, Section 4 – Administration, Section 5 – Implementation, and informational updates to four appendices. A technical advisory committee meeting was held by SWMO prior to release of the formal draft to address any stakeholder and state agencies' concerns. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on April 10, 2013. The SWMO received a comment letter from Metropolitan Council, MN Department of Health, MNDOT, MPCA, and the Board. All comments during the formal comment period were addressed and did not result in plan changes. The SWMO held a public hearing on July 2, 2013, with no comments. The final draft Amendment was submitted to the Board and plan review agencies on July 5, 2013, for final review and approval.

5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*. The Council recommended the Plan reference the MN Stormwater Manual and consider including filtration practices where infiltration is not practicable. These comments were addressed by SWMO.

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

7. **Department of Health Review.** The MDH commended SWMO for acknowledging the importance of protecting groundwater quality and quantity.

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

9. **Pollution Control Agency Review.** The PCA did not have any comments on the Amendment.

10. **Department of Transportation Review.** The DOT questioned the pending nitrate standard. SWMO responded that the standard originates from the Clean Water Act and will be enforced by MPCA. The SWMO will begin cost sharing on appropriate practices in known high nitrate areas ahead of the regulation.

11. **Local Review.** The Commissioners circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.

12. **Board of Water and Soil Resources Review.** Board staff commended the Commissioners for maintaining a current Plan and requested clarification on the total amount of funding the WMO is willing to contribute to capital projects. The SWMO responded by adding specific dollar amounts to the capital projects in Table 3-2.

13. **Amendment Summary.** The Amendment proposes to revise three sections in the Plan as well as add and update several appendices. Revisions to Section 3 (Goals/Policies/Strategies) involve modification of several strategies and the addition of several new ones in response to completed studies and other new sources of information. Section 4 (Administration) was revised primarily to update funding sources for new and existing strategies. Revisions to Section 5 (Implementation) include the addition of three capital improvement projects which will be implemented based on availability of state grant funds, as well as an overall budget reduction due to a drop of the net tax capacity in the WMO since 2009 and to lower than projected administrative costs in recent years.

14. **Metro Region Committee Meeting.** The Board's Metro Region Committee met on August 12, 2013, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore, and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Mary Peterson. 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 Scott Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Scott Watershed Management Organization's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.

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

ORDER

The Board hereby approves the attached Amendment dated April 2013 to the Scott Watershed Management Organization Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Prior Lake-Spring Lake WD Plan Amendment**

Meeting Date: 08/29/2013

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

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Brad Wozney, Board Conservationist

Prepared by: Brad Wozney, Board Conservationist

Reviewed by: Metro Region Committee(s)

Presented by: Mary Peterson, Board Conservationist

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of Plan Amendment to the Prior Lake-Spring Lake Watershed District Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

Redlined version:
http://www.plslwd.org/documents/PLSLWD%20Third%20Generation%20Plan%20Major%20Update%20201 3%202013-06-12%20Redline.pdf
Clean version:
http://www.plslwd.org/documents/PLSLWD%20Third%20Generation%20Plan%20Major%20Update%20201 3-06-12.pdf

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

WMO Background

The District was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act, Minnesota Statutes, Chapter 112. The order was in response to a petition filed by residents within the watershed on June 24, 1969 for the general

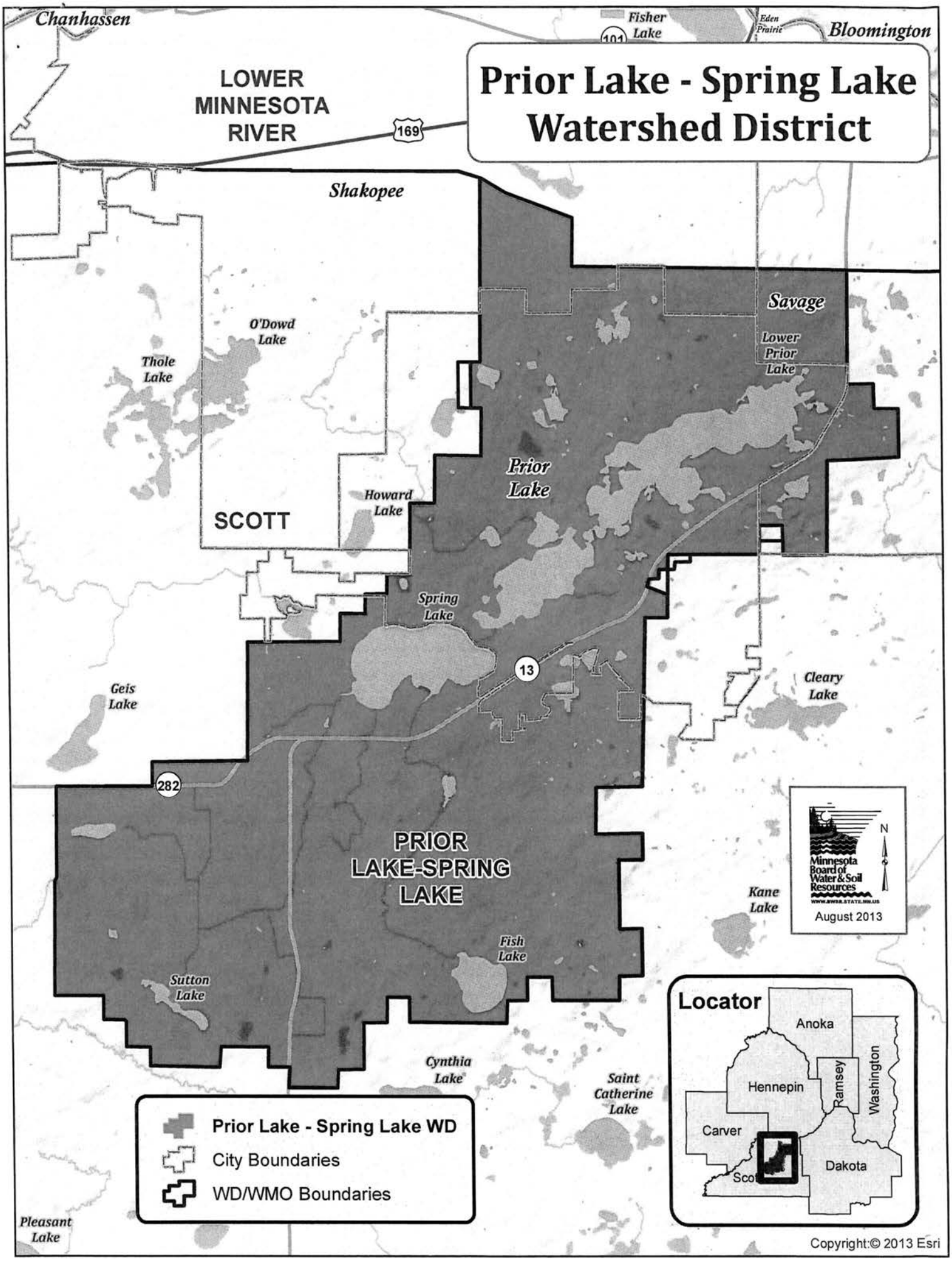
purposes of conserving the waters and natural resources of the watershed.
The District is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The lower one-half of the District particularly around the lakes is largely developed with a predominantly residential land use. The upper one-half of the watershed is rural land use comprising small to medium size farms. Development pressure and changes in land uses within the watershed will likely increase through the life of the Plan. The major water resource features of the District are Spring Lake, Upper Prior Lake, and Lower Prior Lake. There are a total of 12 lakes and one county ditch system in the District. There was no outflow from the watershed until 1983. An outlet channel was constructed commencing at the southwest shore of Lower Prior Lake draining north through three lakes before outletting into the Minnesota River. The following communities lie partially or entirely within the District: the cities of Prior Lake, Savage, and Shakopee, and Sand Creek and Spring Lake Townships. A portion of the Shakopee Mdewakanton Sioux Community Tribal Lands is also located within the District. The District is bound by the Lower Minnesota River Watershed District to the north, and the Scott WMO, containing the subwatersheds of Credit River, Sand Creek, and Shakopee Basin, to the east, south, and west respectively.

Amendment Summary

The Amendment proposes to revise three sections of the Plan. The primary aim of the amendment is to reorganize the Plan into a common framework that the District can use to track policies, capital projects, and expenditures, and document accomplishments. Revisions to "Section 2" (Goals and Policies) involve modifying, merging and reducing the number of goals from 13 to 5 with additional clarification provided for each goal. Policies were also revised and reorganized into eight categories that better align with budget categories. "Section 3" (Management Plan) contains minor revisions primarily to update strategies and activities that were recently completed. Revisions to "Section 4" (Implementation Plan) include 1) the addition of details to numerous capital improvement projects, 2) reorganization of the strategies to align with the eight programmatic budget categories rather than grouped by subwatershed, 3) changing the implementation timing of several projects, 4) addition and removal (un-funding) of capital projects, and 5) fixing funding discrepancies between the implementation table and the funding boxes for each implementation item. Major new and significantly revised projects include the Spring Lake Alum Treatment (major increase in funding), Buck Lake Channel Chemical Treatment, County Ditch 13 In-line or Parallel Treatment, Upper Watershed Lake Outlet Modification, Buck Lake Channel and Lake Restoration, and a number of others.
The District received substantial comments from agencies, the county, and municipalities during the formal comment periods resulting in a number of changes to the Plan. At the public hearing county staff requested clarification on the responses to the initial comments. All comments were fully addressed, although county staff remain concerned about proposed levy increases in 2-4 years that are a result of the robust Capital Improvement Program of the plan amendment. Also, county staff are concerned with the use of a 20+ year-old watershed volume study as the justification for implementing certain volume reduction projects. The District intends to update that study and more regularly utilize the Technical Advisory Committee to discuss project prioritization and implementation.

Recommendation

The Metro Region Committee met on August 12, 2013. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated May 2013 to the full Board per the attached draft Order.


Chanhassen
Fisher Lake
Eden Prairie
Bloomington
101
LOWER MINNESOTA RIVER
169
Prior Lake - Spring Lake Watershed District
Shakopee
Savage
O'Dowd Lake
Thole Lake
Lower Prior Lake
Prior Lake
Howard Lake
SCOTT
Spring Lake
13
Geis Lake
Cleary Lake
282
PRIOR LAKE-SPRING LAKE
Kane Lake
Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
N
August 2013
Fish Lake
Sutton Lake
Cynthia Lake
Saint Catherine Lake
Locator
Anoka
Hennepin
Ramsey
Washington
Carver
Dakota
Scott
Prior Lake - Spring Lake WD
City Boundaries
WD/WMO Boundaries
Pleasant Lake
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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 **Prior Lake–Spring 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 Prior Lake-Spring Lake Watershed District (District) submitted a Watershed Management Plan Amendment dated May 2013 (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 District was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act, Minnesota Statutes, Chapter 112. The order was in response to a petition filed by residents within the watershed on June 24, 1969 for the general purposes of conserving the waters and natural resources of the watershed. The first water resources management plan for the District was prepared and adopted in 1971, shortly after the District's inception, in accordance with Minnesota Statutes, Chapter 103D. The plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982, Minnesota Statutes Chapter 103B, and adopted by the District in 1991.

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. The current, third generation watershed management plan was approved by the Board on January 27, 2010. The District completed one minor amendment in 2012.

3. **Nature of the Watershed.** The District is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The lower one-half of the District particularly around the lakes is largely developed with a

predominantly residential land use. The upper one-half of the watershed is rural land use comprising small to medium farms. Development pressure and changes in land uses within the watershed will likely increase through the life of this Plan. The major water resource features of the District are Spring Lake, Upper Prior Lake, and Lower Prior Lake. There are a total of 12 lakes and one county ditch system in the District. There was no outflow from the watershed until 1983. An outlet channel was constructed commencing at the southwest shore of Lower Prior Lake draining north through three lakes before outletting into the Minnesota River. The following communities lie partially or entirely within the District: the cities of Prior Lake, Savage, and Shakopee, and Sand Creek and Spring Lake Townships. A portion of the Shakopee Mdewakanton Sioux Community Tribal Lands is also located within the District. The District is bound by the Lower Minnesota River Watershed District to the north, and the Scott WMO, containing the subwatersheds of Credit River, Sand Creek, and Shakopee Basin, to the east, south, and west respectively.

4. **Amendment Development and Review.** The Amendment proposes to significantly revise and reorganize Sections 2 and 4 with minor edits to Section 3 of the Plan. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on March 1, 2013. The District received a comment letter from DNR, MN Department of Agriculture, Metropolitan Council, MNDOT, MPCA, and the Board. All comments during the formal comment period were addressed and resulted in plan changes. The District held public hearings on May 30 and June 11, 2013, with substantive comments from the county and Spring Lake Township that the District addressed. The final draft Amendment was submitted to the Board and plan review agencies on June 18, 2013, for final review and approval.

5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council's *Water Resources Management Policy Plan*. The Council commended the District for producing an excellent plan amendment.

6. **Department of Agriculture Review.** The MDA had several recommendations regarding cost-share programs and other incentives for agriculture landowners, outreach to the agricultural sector, and development of local project and drainage management teams. The District mentioned that a farmer-led council is being organized and will advise the District on many of the recommendations made.

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

8. **Department of Natural Resources Review.** The DNR expressed concern regarding proposed in-lake treatments such as alum and curly-leaf pondweed control as well as modification of lake outlets. The District fully addressed the concerns such that the DNR had no further comments.

9. **Pollution Control Agency Review.** The PCA requested various clarifications in the Plan amendment and the District addressed them.

10. **Department of Transportation Review.** The DOT requested that the Plan indicate that MNDOT is the WCA LGU on its' right-of-way, which the District corrected.

11. **Local Review.** The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. Comments were received from Scott County, City of Prior Lake, Spring Lake Township, City of Savage, and City of Shakopee. The Shakopee Mdewakanton Sioux Community was also provided an opportunity to review and did provide comments. Some of the comments centered around the apparent un-prioritized nature of the capital projects, policies that are too action based, the lack of Technical Advisory Committee (TAC) involvement in the development of the amendment, the apparent premature nature of proposed projects that are based on dated information or incorrect technical interpretations, the fact that the Plan may be proposing levy increases if grant funds are not secured, and details regarding specific projects and activities. The District responded by stating: the policies are largely recycled from the Plan approved and adopted in 2010, feasibility studies will always be completed prior to implementing a capital project, the TAC will be more regularly engaged, and the volume study will be updated in 2014.

12. **Board of Water and Soil Resources Review.** Board staff requested assurance that the dollar amounts listed for grant dependent projects be the minimum 25% required match amount for Clean Water Fund grants. Board staff commended the District for maintaining a current Plan.

13. **Amendment Summary.** The Amendment revises and reorganizes three sections of the Plan to better align with annual budget categories and to allow the District to better track policies and overall progress. Revisions to "Section 2" (Goals and Policies) involve modifying, merging and reducing the number of goals from 13 to 5 with additional clarification provided for each goal. Policies were also revised and reorganized into eight categories that better align with budget categories. "Section 3" (Management Plan) contains minor revisions primarily to update strategies and activities that were recently completed. Revisions to "Section 4" (Implementation Plan) include 1) the addition of details to numerous capital improvement projects, 2) reorganization of the strategies to align with the eight programmatic and budget categories rather than grouped by subwatershed, 3) changing the implementation timing of several projects, 4) addition and removal (un-funding) of capital projects, and 5) fixing funding discrepancies between the implementation table and the funding boxes of each implementation item.

14. **Metro Region Committee Meeting.** The Board's Metro Region Committee met on August 12, 2013, to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore, and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Mary Peterson. District staff in attendance was

District Planner Nat Kale. 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 Prior Lake-Spring Lake Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.

3. The Prior Lake-Spring Lake Watershed District's Amendment attached to this Order defines the need and purpose of the Plan changes and the methods of financing.

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

ORDER

The Board hereby approves the attached Amendment dated May 2013 to the Prior Lake-Spring Lake Watershed District Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **North Cannon River WMO Watershed Management Plan 2013 - 2023**

Meeting Date: August 29, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro Region
Contact: Mary Peterson
Prepared by: Mary Peterson
Reviewed by: Metro Region Committee(s)
Presented by: Mary Peterson

☐ **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 North Cannon River Watershed Management Organization Watershed Management Plan 2013-2013.

LINKS TO ADDITIONAL INFORMATION

The entire final draft Plan may be found at:
http://www.dakotacountyswcd.org/watersheds/ncrwmo/advisory.html

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The North Cannon River WMO (NCRWMO) is a government unit formed through a joint powers agreement signed by eight townships and three small cities in southern Dakota County.The WMO was established in 1983. The current Plan expires in October 2013. The Plan Revision is the 3rd Generation Watershed Management Plan for the NCRWMO. Although Dakota County lies at the southern edge of the Twin Cities metropolitan area and considered a metropolitan county, the WMO is south of the Metropolitan Urban Service Area (MUSA) and is rural and agriculture in nature with 10% being developed. The WMO has an approximate population of 5,000 (in 2011) and its jurisdiction covers approximately 150 square miles including all or part of the following towns: Castle Rock, Douglas, Eureka, Greenvale, Hampton, Randolph, Sciota, Waterford, and the cities of Miesville, New Trier and Randolph. (See attached map for location)

The development of the Plan included five meetings of a 23-member Project Advisory Committee (PAC) made up of stakeholders, partners and agency staff, and five meetings with the WMO Board of Managers to review goals, policies, set priorities and develop the implementation plan. The Plan was prepared in accordance with Minnesota Rules Chapter 8410 and Minnesota Statutes Chapter 103B. The draft revised Plan was submitted to BWSR, other state agencies, and local governments for the 60-day review on February 18, 2013. A PAC meeting and WMO board meeting were held to consider comments, incorporate suggested changes and

respond to the entities providing comments. A public hearing was held on May 23, 2013. The final 90-day review draft of the revised Plan was received by the Board on June 7, 2013.

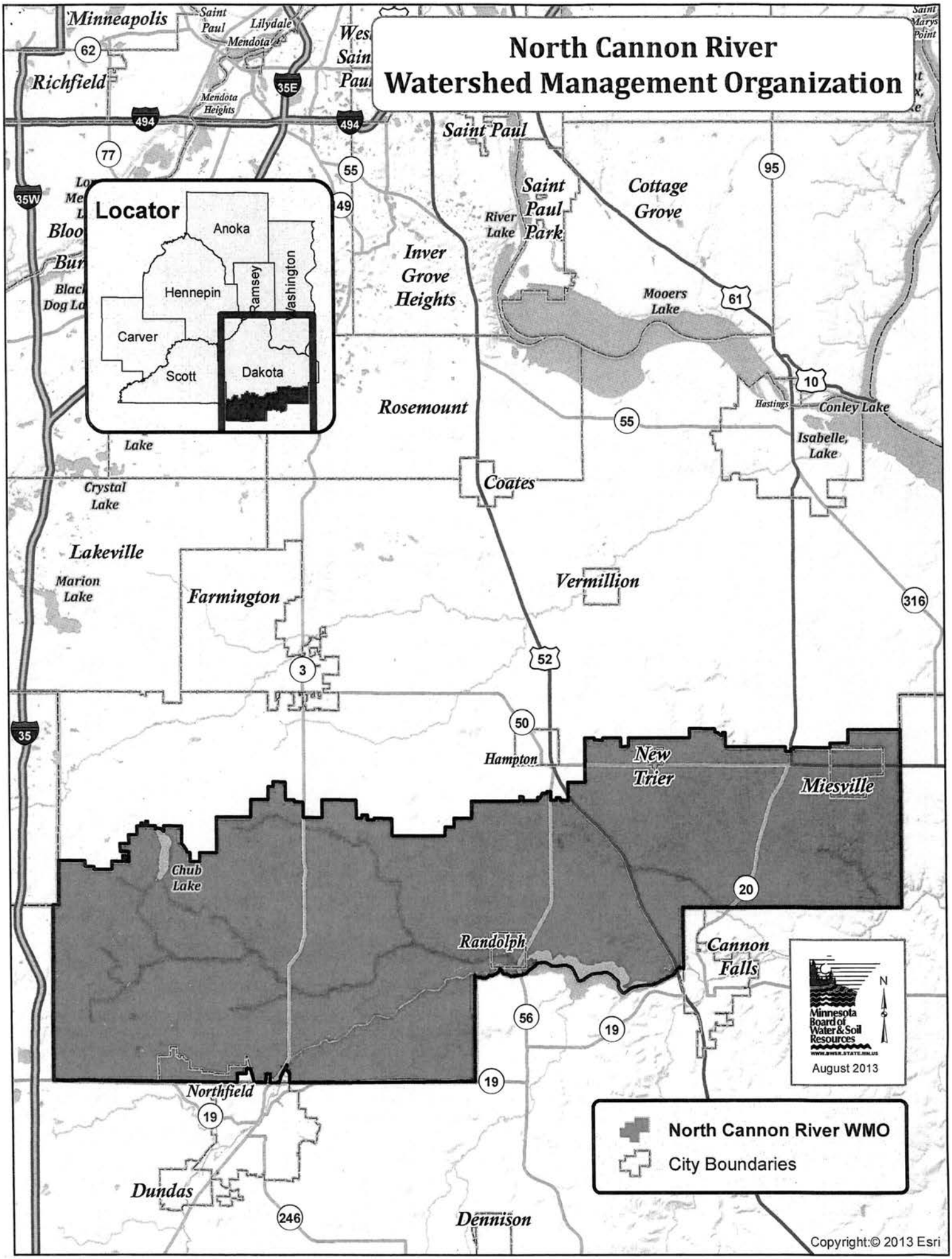
The Plan includes a profile of the watershed's existing environmental conditions, discusses water resource management issues, identifies strategies for each issue, and defines the course of action the organization will follow to address each issue. The NCRWMO is not a permitting authority but will require enforcement of ordinances by member communities. It is clearly specified in section 5.0 of the Plan that the strategies are core activities performed by the WMO and the policies are requirements for specific action by member communities. These core activities include: 1) monitoring water quality and quantity, 2) providing cost share funding and grant match funding to install best management practices in targeted areas, 3) providing information and education to landowners and agricultural producers on best management practices, and 4) evaluating the implementation of best management practices and enforcement of related ordinances throughout the watershed.

PCA, DNR, Met Council and BWSR agency representatives participated in PAC meetings held from May, 2012 through April, 2013 and provided comments during the 60-day review. MDA provide comments during the 60-day review. The NCRWMO provided a written response to each commenting entity and incorporated many into the final draft Plan that was submitted to BWSR. General concerns relating to the limited WMO financial resources directed to the implementation plan, organizational capacity to oversee and track compliance of member regulatory responsibilities, recognizing wetland management strategies in place, and more specific information on partner collaboration lead the WMO to develop helpful resource tools and tables in the draft plan to explain the specifics of the implementation plan.

The Plan Implementation Section 6.0 is targeted and measurable. The Plan integrates common interests of collaborating partners and agencies to meet the overall watershed goals laid out in the Plan. Table 6.2 "Opportunities for collaboration: existing activities of other organizations in the NCRWMO", illustrates how partner programs and activities tie into the specific goals and strategies and depicts how the NCRWMO is leading, coordinating, collaborating or just the beneficiary of the implementation work being done in the watershed. It is a quick reference for everyone involved. Table 6.3 is a transparent summary of the accomplishments of the WMO from the previous 2nd Generation Plan covering 2003-2013 and Table 6.4, Implementation Program, sets forth the activities, proposed budget, potential funding sources and likely partners.

Agency comments were received from the Met Council, MnDOT and PCA during the 90-day review period. The WMO responded in writing to these comments. BWSR staff concurred that these comments were adequately addressed.

The Metro Region Committee met with BWSR staff and local representatives on August 12, 2013, to review and discuss the Plan. The Committee unanimously voted to recommend approval of the Plan to the full Board per the attached draft Order.


North Cannon River
Watershed Management Organization
Locator
Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota
Minneapolis
Saint Paul
Lilydale
Mendota
Richfield
Mendota Heights
Saint Paul
Saint Paul Park
River Lake
Cottage Grove
Inver Grove Heights
Mooers Lake
Hastings
Conley Lake
Isabelle, Lake
Rosemount
Coates
Crystal Lake
Lakeville
Marion Lake
Farmington
Vermillion
Hampton
New Trier
Miesville
Chub Lake
Randolph
Cannon Falls
Northfield
Dundas
Dennison
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246
Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
August 2013
North Cannon River WMO
City Boundaries
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Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan for the **North Cannon River Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the North Cannon River Watershed Management Organization (WMO) submitted a Watershed Management Plan (Plan) dated June 2013, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The WMO was established in 1983. In the process of developing the 3rd Generation Watershed Management Plan, the WMO adopted the following Mission Statement:

   "*Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities." (Adopted July 18, 2012)*

2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The previous WMO plan was approved by Board Order on October 22, 2003. The plan may be revised *according to Minnesota Statutes Section 103B.231, Subd. 9.*

3. **Nature of the Watershed.** The WMO is a government unit formed through a joint powers agreement signed by eight townships and three small cities in southern Dakota County. Although Dakota County lies at the southern edge of the Twin Cities metropolitan area and considered a metropolitan county, the WMO is south of the Metropolitan Urban Service Area (MUSA) and is rural and agriculture in nature with 10% being developed. The WMO has an approximate population of 5,000 (in 2011) and its jurisdiction covers approximately 150 square miles including all or part of the following townships: Castle Rock, Douglas, Eureka, Greenvale, Hampton, Randolph, Sciota, Waterford, and the cities of Miesville, New Trier and Randolph. It is bound by Rice County to the west, the Cannon River and Goodhue County to the south and east, and the Vermillion River Watershed Management Organization to the north.

4. **Plan Development and Review.** The Plan was prepared in accordance with Minnesota Rules Chapter 8410 and Minnesota Statutes, Section 103B. The Plan's development included five meetings of a 23-member Planning Advisory Committee (PAC) made up of stakeholders, partners and agency staff, and five meetings with the WMO Board of Managers to review goals, policies, set priorities and develop the implementation plan. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on February 18, 2013. Upon conclusion of the 60-day review period the WMO held a PAC meeting and WMO board meeting to consider and respond to comments received. The Plan was revised to incorporate suggested changes and additions from the partners and state agency reviewers including the MDA, MPCA, MDNR, Met Council and the BWSR. A public hearing was held on May 23, 2013. The final draft of the revised Plan was received by the Board on June 7, 2013 for the 90 day final review.

5. **Local Review Period.** The WMO distributed copies of the draft Plan to local units of government and agencies for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The WMO received comments, held a PAC meeting and convened a WMO board meeting to discuss, consider and incorporate these comments into the final draft. Comments and responses were sent to those required. In addition, this information was posted to the WMO website.

6. **Metropolitan Council Review.** The Council staff participated and attended PAC meetings during the development of the Plan. The 90-day review draft Plan addresses many of the Council's concerns raised in the 60-day review document. The Council staff wanted to reiterate comments on two concerns; 1) high pollution loadings from the Cannon River and the significant investments in the Lake Byllesby and Miesville Ravine regional parks that need water resource protection, and 2) that the WMO relies heavily on

partnerships for action and implementation and that implementation of projects to address all of the issues raised in the Plan is critical to the success of the WMO in the future. The WMO responded in writing on July 30, 2013 acknowledging that watershed management inherently depends on partnerships and collaboration for action and implementation. The WMO reiterated that the Plan acknowledges and addresses the water quality impairments in the WMO, including those resources in the regional parks, and includes strategies and policies to address these impairments.

7. **Department of Agriculture Review.** MDA provided various resources, information and comments to the WMO during the 60-day review. The WMO provided a written response to the comments and incorporated many into the 90-day review draft Plan. No 90-day comments were received.

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

9. **Department of Natural Resources Review.** The DNR did not provide written comments to the WMO on the Plan; however, regional resource staffs were active participants in the Planning Advisory Committee meetings throughout the planning process. No 90-day comments were received.

10. **Pollution Control Agency Review.** The PCA provided various resources, information and comments to the WMO during the 60-day review and participated in PAC meetings. The WMO provided a written response to the comments and incorporated many into the 90-day review draft Plan. Additional comments were received during the 90-day review period. The WMO responded to the comments, incorporated some of the comments and offered to update the Plan if the PCA submitted revised language for some of their general comments.

11. **Department of Transportation Review**. MnDOT submitted a comment during the 90-day review to add them as the WCA LGU on MnDOT right-of-way within the watershed area. The WMO made this minor change to the Plan.

12. **Board of Water and Soil Resources Review.** Board staff attended PAC meetings and participated in discussions of WMO resource issues, overall goals, strategies, policy development and implementation activities that were targeted and achievable by collaborating with partners. Various comments were submitted during the 60-day review relating to planning requirements, organization format and implementation activities. This resulted in additional PAC and WMO meetings to encourage transparency by fine

tuning the resource tools and tables to help clarify roles and responsibilities among partners and member communities in the WMO. Limited financial resources available for implementation of core activities required all partners and agencies to be well informed about their role and responsibility for addressing and meeting the goals of the Watershed Plan. All comments submitted were thoughtfully considered and responded to by the WMO.

13. **Plan Summary and Highlights.** The Plan includes a profile of the watershed's existing environmental conditions, discusses water resource management issues, identifies strategies and policies for each goal, and defines the course of action the organization will follow to address them. The goals, strategies and policies section is laid out by topic to address the issues identified by the WMO Board of Managers and the PAC: 1) Water Quantity and Flooding, 2) Water Quality, 3) Erosion, 4) Wetlands, 5) Ditches, 6) Groundwater and Mining, 7) Fish and Wildlife Habitat and Recreation, 8) Education and Outreach, and 9) Administration.

    The NCRWMO is not a permitting authority but will require enforcement of ordinances by member communities. It is clearly specified in section 5.0 of the Plan that the strategies are core activities performed by the WMO and the policies are requirements for specific action by member communities. The communities report these actions annually to the WMO for compliance.

    The core activities of the WMO include: 1) monitoring water quality and quantity, 2) providing cost share funding and grant match funding to install best management practices in targeted areas, 3) providing information and education to landowners and agricultural producers on best management practices, and 4) evaluating the implementation of best management practices and enforcement of related ordinances throughout the watershed.

    The Implementation Section 6.0 includes good resources to understand how the WMO Plan integrates common interests of collaborating partners and agencies to meet the overall watershed goals laid out in this Plan.

14. **Metro Region Committee Meeting.** On August 12, 2013, the Board's Metro Region Committee and staff met with representatives from the WMO to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Mary Peterson and Brad Wozney. The representatives from the WMO were Laura Jester, Dakota SWCD Watershed Conservationist, Brad Becker, WMO Administrator , WMO Board Members Duane Ness, Mike Rademacher, and Greg Langer, and Brian Watson, Dakota SWCD

Manager. 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 North Cannon River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The North Cannon River Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.

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

ORDER

The Board hereby approves the attached Plan dated June 2013 as the North Cannon River Watershed Management Organization Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

1.0 ~~Introduction and Summary~~Executive Summary

1.1 Watershed Management Vision and Framework

In the process of developing this 3rd Generation Watershed Management Plan, the North Cannon River Watershed Management Organization (NCRWMO) Board of Managers adopted the following mission statement in order to help guide the formation of its goals and policies:

NCRWMO Mission Statement:
"Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities." (Adopted July 18, 2012)

Although this mission statement was only recently adopted, the NCRWMO has been working on these tasks since its inception, often in cooperation and collaboration with others (Table 6.3). It should be noted that this Watershed Management Plan is an adaptive plan and one that is part of an on-going campaign to improve water resources in the watershed. It is not a static document aimed at fixing all water quality issues within the next 10 years. Rather, this Plan is a framework for continuing the advancement of improvements in landuse and conservation practices for the restoration and protection of water resources.

1.2 Location and History

The NCRWMO is a government unit formed through a joint powers agreement (Appendix A) signed by eight townships and three small cities in southern Dakota County. Dakota County lies at the southern edge of the Twin Cities metropolitan area and is considered a metropolitan county, although the NCRWMO is south of the Metropolitan Urban Service Area (MUSA) and is rural in nature. The NCRWMO has an approximate population of 5,000 (in 2011) and its jurisdiction covers approximately 150 square miles including all or part of the following communities (Figure 2.1).

Castle Rock Township
Douglas Township
Eureka Township
Greenvale Township
Hampton Township
Randolph Township
Sciota Township
Waterford Township
City of Miesville
City of New Trier
City of Randolph

The NCRWMO does not include a small portion of the City of Northfield that extends into southern Dakota County because a formal exemption contained in the Metropolitan Surface Water Management Act; Minnesota Statute 473.121, subdivision 2 excludes the City of Northfield.

The NCRWMO includes the sub-watersheds of Chub Creek, Trout Brook, and Pine Creek, and the Cannon River from Northfield to Lake Byllesby. The NCRWMO is predominantly rural in nature with agriculture as its primary landuse.

The NCRWMO was created in 1983 as a result of the State of Minnesota's Surface Water Management Act. Minnesota Statute 103B.201 states that the purposes of a NCRWMO shall be to:

1. Protect, preserve, and use natural surface and groundwater storage and retention systems.
2. Minimize public capital expenditures needed to correct flooding and water quality problems.
3. Identify and plan for means to effectively protect and improve surface and groundwater quality.
4. Establish more uniform local policies and official controls for surface and groundwater management.
5. Prevent erosion of soil into surface water systems.
6. Promote groundwater recharge.
7. Protect and enhance fish and wildlife habitat and water recreational facilities.
8. Secure the other benefits associated with the proper management of surface and groundwater.

The NCRWMO's Board of Managers is comprised of one representative appointed from each of the eleven communities in the joint powers agreement.

In the past ten years, the NCRWMO participated in or accomplished the following tasks (see Table 6.3 for more detail on these projects):

- ✓ Collected annual dues from member communities (This practice began in 2004, before which dues were only collected twice since NCRWMO inception in 1988.)
- ✓ Monitored water quality and flow in all major creeks
- ✓ Established and maintained the Chub Creek Permanent Monitoring Station
- ✓ Cooperated on TMDLs by lending monitoring equipment and providing data
- ✓ Received $180,000 in grant funding to install BMPs
- ✓ Implemented cost share program to install BMPs
- ✓ Partnered with Dakota County on SSTS Upgrade Program
- ✓ Developed and adopted an ordinance establishing erosion control and storm water management requirements for land disturbances and sponsored workshops for townships
- ✓ Performed education and outreach activities including hosting tours of projects and practices, developing newsletters, sponsoring Sewer Man shows, providing grants to the Cannon River Watershed Partnership and schools, and participating in the Cannon River Festival with an informational display and booth
- ✓ Partnered with the Dakota County SWCD on a Wetland and Watercourse Inventory
- ✓ Studied various options for wetland management ordinances

1.3 Concerns in the Watershed

Concerns in the watershed are primarily centered on poor water quality in its creeks and lakes, and increased water quantity from drainage ~~tiles~~activities. High nitrates in Trout Brook and Pine Creek, high bacteria levels in Chub Creek, high sediment levels in Trout Brook, and high nutrients in Lake Byllesby impact the quality of fish and wildlife habitat, aesthetics, and aquatic recreation. Additionally, the balance between landowners' rights and needed buffers along watercourses concerns many residents of the watershed. See Section 4.0 for a complete discussion of issues identified within the watershed.

1.4 Watershed Management Goals, Strategies and Policies

The following goals are included in Section 5.0 of this Plan. While these goals are broad, the NCRWMO feels strongly that each of these areas requires their attention. Specific and measureable strategies and policies are summarized here and detailed ~~laid out~~ in Section 5.0 ~~that make strides towards realizing these goals~~.

Surface Water Quality Goal: To protect and improve the waters quality of streams, rivers, and lakes such that each waterbody is "fully supporting" for its use designations according to MN State Standards. Strategies include water quality monitoring; dissolved oxygen assessments; investigation of nitrate levels in Trout Brook; participation with local partners on monitoring or studies; providing cost share for best management practices; advocating for buffers along watercourses, installation of community wastewater treatment in city of Randolph, investigation of pollution of old dump on Chub Creek, and participation in Discovery Farms. A policy requires member communities to adopt and enforce appropriate ordinances controlling installation and maintenance of subsurface sewage treatment systems.

Surface Water Quantity Goal: To decrease the rates and volume of water that may contribute to flooding or non-point source pollution from overland runoff and subsurface drainage and dewatering activities. Strategies include water quantity monitoring; providing cost share for best management practices; gathering and disseminating information on latest technologies to reduce impacts of tile drainage; and investigating ways to inventory existing tile lines or collect data on new tile lines. A policy requires member communities to report on the implementation of their ordinance requiring stormwater management.

Soil Erosion and Sedimentation Goal: To reduce soil erosion and sedimentation throughout the watershed. Strategies include providing cost share to install best management practices; developing a model ordinance to provide guidance on how to enforce erosion control standards for new and renewing tax relief program participants and road right-of-way setbacks; and receiving data on estimated sediment load reductions from installation of best management practices. Policies require member communities to report all erosion control enforcement activities to the NCRWMO.

Groundwater Goal: To protect groundwater quality and quantity. Strategies include providing cost share to install best management practices; and cooperating with and receiving groundwater

information and data from other entities. A policy requires communities to review mining ordinances with regards to protection of groundwater resources.

Wetlands Goal: To protect wetlands from destruction or deterioration and to restore wetlands where possible. Strategies include providing cost share to restore or protect wetlands with priority in the Chub Creek subwatershed; and continuing to review Wetland Conservation Act (WCA) applications. Policies require member communities to post maps of the completed Wetland and Watercourse Inventory and Assessment in their town halls and to continue working with the Dakota SWCD for WCA coordination.

Wildlife, Habitat and Recreation Goal: To promote the protection and restoration of high quality natural areas throughout the watershed including wetlands, woodlands, prairies, and riparian corridors for improvement of water-based recreation, fish and wildlife habitat, and water quality. Strategies include providing cost share to install best management practices to protect or restore lakeshores and streambanks; advocating and working with various entities to promote conservation easements, wildlife management plans, improved cooperation among stakeholders, research on effects of Lake Byllesby dam on wildlife, and implementation of Lake Byllesby Total Maximum Daily Load Study.

Education and Outreach Goal: To increase the awareness of water resources and practices needed for their improvement or protection among all sectors of the community. Strategies include providing education on water resources and best management practices to residents and agricultural producers in cooperation with other entities; promoting volunteer water monitoring, the installation of stream crossing signs on major roads, the installation of interpretive signs at Dakota County Parks; and maintaining a NCRWMO website with meeting notices, annual report, and directory of water resource jurisdictions and contacts.

Administration Goal: To fulfill statutory requirements and effectively and efficiently perform the strategies of this Watershed Management Plan. Strategies include cultivating and maintaining partnerships with agencies and organizations for collaboration; fulfilling the requirements of a watershed management organization; and evaluating implementation of strategies and policies identified in this Plan.

1.5 Implementation Program Costs

Table 6.4 in Section 6.8 includes the estimated costs of each strategy included in the Plan. Many of the strategies require minimal financial resources as they rely on the continued collaboration with other groups. The average annual cost of implementing the strategies through member dues is $26,561. However, the NCRWMO and/or their partners (e.g. the Dakota County SWCD) will continue to apply for grants to provide cost share to install best management practices. Grant funding may also be sought for education programs and additional water quality monitoring and studies. Continued and strengthened partnerships and collaboration with other groups will further augment the implementation of the goals and strategies (as indicated in Table 6.2).

1.65 Plan Development Process

This Watershed Management Plan was developed with input from various groups and individuals. The Dakota County Soil and Water Conservation District (SWCD) was contracted to coordinate the Plan development process, gather input from the NCRWMO Board of Managers and a Planning Advisory Committee (PAC), write the plan, respond to comments, and produce a final document.

The PAC consisted of representatives from agencies and organizations (recruited by the SWCD), residents of the member communities (recruited by those communities), and liaisons from the NCRWMO Board of Managers. PAC meetings were facilitated by Laura Jester, SWCD.

Active Planning Advisory Committee Members:

Allene Moesler, Lake Byllesby Improvement Association
Bernie Pistner, Hampton Township
Beth Kallestad, Cannon River Watershed Partnership
Brad Becker, Dakota County Soil and Water Conservation District
Carol Cooper, Eureka Township
Duane Ness, Sciota Township and NCRWMO Board of Managers
Greg Langer, Greenvale Township
Guenther Moesler, Randolph Township and NCRWMO Board of Managers
Jeff Berg, MN Department of Natural Resources
Jessica Van Der Werff, Cannon River Watershed Partnership
Justin Watkins, MN Pollution Control Agency
Karen Jensen, Metropolitan Council
Kenny Betzold, Castle Rock Township
Mark Henry, Pheasants Forever
Mary Jackson, Dakota County
Mary Peterson, MN Board of Water and Soil Resources
Melissa Lewis, MN Board of Water and Soil Resources
Mike Rademacher, Castle Rock Township and NCRWMO Board of Managers
Nancy Braker, Carleton Arboretum
Nancy Sauber, Eureka Township
Peggy Varien, Douglas Township
Randy Binder, MN Department of Natural Resources, Fisheries
Tony Nelson, Trout Unlimited

Others invited and kept informed via email:

Art Persons, MN Department of Health
Johnny Forrest, Dakota County Parks Department
Mark Zabel, Dakota County Water Resources Department
Tara Carson, MN Department of Transportation
Rob Sip, MN Department of Agriculture

The process of Plan development and review by the NCRWMO Board of Managers and the Planning Advisory Committee (PAC) is outlined below and included 5 meetings with the Managers and 5 meetings of the PAC. A public hearing to receive comments on the draft plan was held on May 23, 2013, 7:00 p.m. at the Eureka Town Hall.

February 28, 2012 – Kick-off meeting with NCRWMO Board; reviewed activities and timeline, began issues identification
April 9, 2012 – NCRWMO Board meeting; continued issues identification
May 1, 2012 – First meeting of the Planning Advisory Committee; began issues identification
June 5, 2012 – Second meeting of the Planning Advisory Committee; continued issues identification
July 18, 2012 – NCRWMO Board meeting; developed a mission statement; finalized issues identification
August 15, 2012 – Third meeting of the Planning Advisory Committee; began development of goals and strategies
October 10, 2012 – Fourth meeting of the Planning Advisory Committee; finalized development of goals and strategies
October 22, 2012 – Draft of Plan Section 5 (Goals, Strategies and Policies) distributed to PAC for review and comment
November 14, 2012 – Draft of Plan Sections 2 – 5 distributed to Board and PAC for review and comment
November 28, 2012 – NCRWMO Board meeting; discussed entire Section 5 (Goals, Strategies and Policies)
December 10, 2012 – Draft of revised Sections 2 – 5 distributed to PAC for review
January 16, 2013 – Fifth Planning Advisory Committee meeting to discuss Implementation Program
January 30, 2013 – NCRWMO Board meeting to discuss Implementation Program and take action to submit draft Plan for 60-day review

The NCRWMO would like to acknowledge and thank the following groups:

The Planning Advisory Committee comprised of watershed residents and representatives from agencies and organizations for their interest and input on this plan's development and for attending numerous meetings over the course of the year.

The Dakota County Soil and Water Conservation District for drafting this plan and facilitating the Advisory Committee

1.7~~6~~ Acronyms

BMP	Best Management Practices
BWSR	(Minnesota) Board of Water and Soil Resources
CFS	Cubic Feet per Second
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FNAP	Farmland and Natural Areas Program
GIS	Geographic Information System
HEL	Highly Erodible Land
IBI	Index of Biotic Integrity
LBIA	Lake Byllesby Improvement Association
LGU	Local Government Unit
MDH	Minnesota Department of Health
MDNR	Minnesota Department of Natural Resources
MPCA	Minnesota Pollution Control Agency
MSHA	Minnesota Stream Habitat Assessment
MUSA	Metropolitan Urban Service Area
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resources Conservation Service
NWS	National Weather Service
OHWL	Ordinary High Water Level
PAC	Planning Advisory Committee
SSTS	Subsurface Sewage Treatment System
SWCD	Soil and Water Conservation District
TMDL	Total Maximum Daily Load
USDA	U.S. Department of Agriculture
WCA	Wetland Conservation Act
WMA	Wildlife Management Area
WOMP	Watershed Outlet Monitoring Program
WRAPP	Watershed Restoration and Protection Plan

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Chisago County Local Water Management Plan Update**

Meeting Date: August 29, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Metro Region

Contact: Mary Peterson

Prepared by: Mary Peterson

Reviewed by: Metro Region Committee(s)

Presented by: Mary Peterson

☐ **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 Local Water Management Plan Update 2013-2023

LINKS TO ADDITIONAL INFORMATION

http://www.co.chisago.mn.us/Departments/environmental-services/water-plan/

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

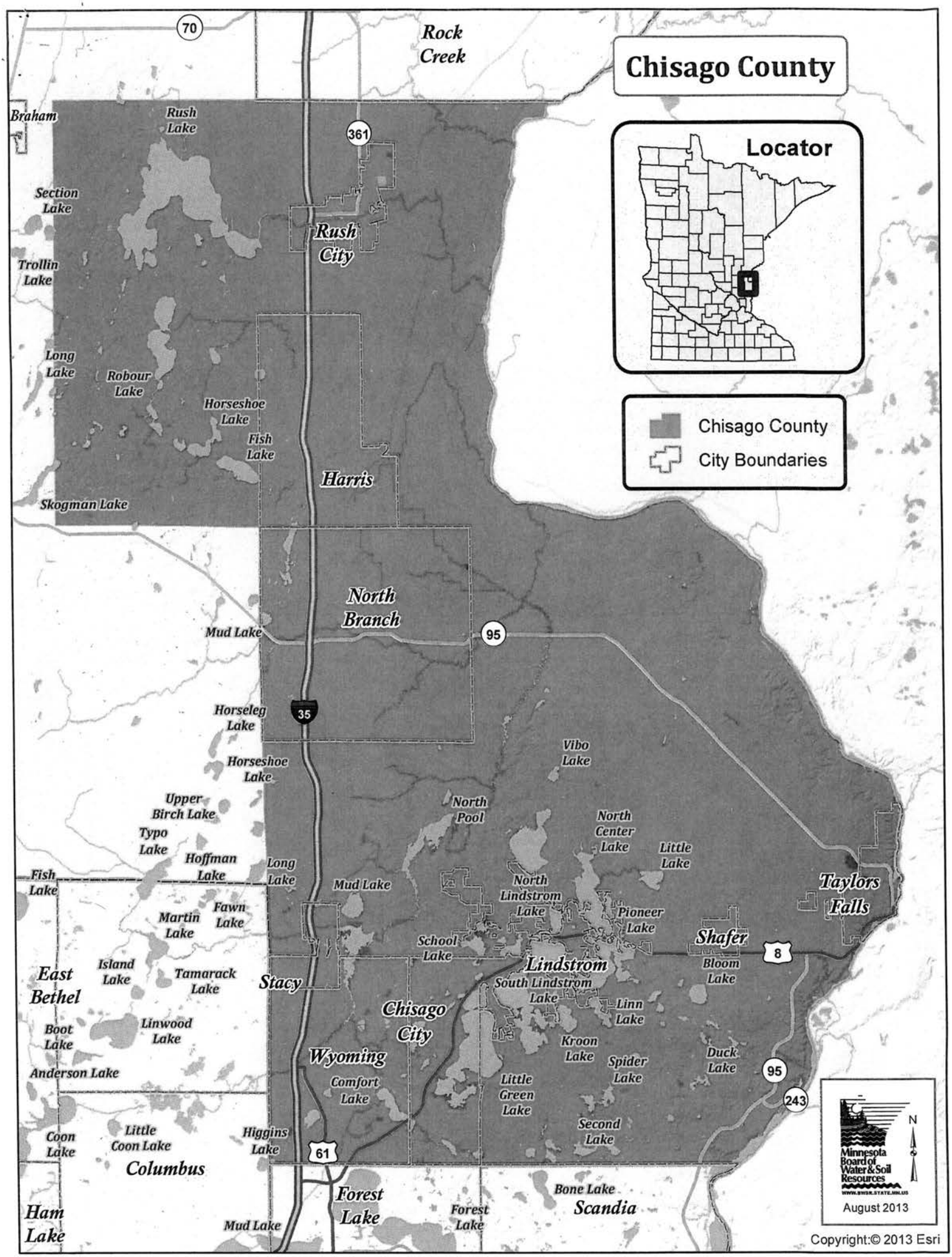
Chisago County (County) has updated their Local Water Management Plan (Plan Update) as authorized under Minnesota Statutes, section 103B.301, Comprehensive Local Water Management Act. Two of the nine BWSR Metro Region counties are covered by this process that includes a two-phase review; Priority Concerns Scoping Document (PCSD) review and Plan Update review. The first review phase has been completed and in a letter to Chisago County dated October 24, 2012, the BWSR communicated the State's official comments. The priority concerns to be addressed in the final Plan were deemed to be appropriate and no changes to the PSCD was recommended or required. These priority concerns included the following: 1) Protect quality and quantity of groundwater used for drinking water; 2) Introduction or spread of aquatic invasive species and their negative effect on water quality, navigation, recreation, or fisheries; 3) Septic systems that are failing, noncompliant, or an Imminent Threat to Public Health; 4) Influence of agricultural, rural and urban land use practices on water quality; 5) That citizens and elected officials receive accurate and understandable information to make informed decisions; and 6) Obtain sufficient resources to achieve goals established in the Plan Update. The County actively engaged citizens, partners and agency representatives in the development of the Plan Update and included measurable and targeted goals and strategies in their implementation program.

On June 11, 2013, the BWSR received the Chisago County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final state review pursuant to Minnesota Statutes, section 103B.315, subd. 5. State agency representatives provided input and attended Technical Advisory Committee (TAC) meetings during the development of the Plan Update. State agency review comments were received from MDA, MDNR, and MPCA during the 90-day review process. The County has responded to all comments received and incorporated appropriate revisions to the final draft. The state agencies recommended that BWSR approve the entire Plan Update as submitted.

BWSR staff completed its review and found that it meets the requirements of Minnesota Statutes, section 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 measureable actions, timeline and budget; and
- includes all required sections.

On August 12, 2012, the Metro Water Planning Committee met with Chisago County representatives and BWSR staff to review and discuss the Plan Update. The Committee's decision was to recommend approval of the Chisago County Plan Update to the full Board per the attached draft Order.


Chisago County
Locator
Chisago County
City Boundaries
Rock Creek
Braham
Rush Lake
Section Lake
Rush City
Trollin Lake
Long Lake
Robour Lake
Horseshoe Lake
Fish Lake
Harris
Skogman Lake
North Branch
Mud Lake
Horseleg Lake
Horseshoe Lake
Upper Birch Lake
Typo Lake
Hoffman Lake
Fish Lake
Long Lake
Mud Lake
Martin Lake
Fawn Lake
East Bethel
Island Lake
Tamarack Lake
Stacy
Boot Lake
Linwood Lake
Anderson Lake
Coon Lake
Little Coon Lake
Columbus
Ham Lake
Higgins Lake
Mud Lake
Forest Lake
Forest Lake
Bone Lake
Scandia
Vibo Lake
North Pool
North Center Lake
Little Lake
North Lindstrom Lake
Pioneer Lake
Taylors Falls
School Lake
Shafer
Lindstrom
Bloom Lake
South Lindstrom Lake
Linn Lake
Chisago City
Kroon Lake
Spider Lake
Duck Lake
Wyoming
Comfort Lake
Little Green Lake
Second Lake
Minnesota Board of Water & Soil Resources
August 2013
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Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of Reviewing the Local Water Management Plan Update for Chisago County (Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Chisago County Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) 2013-2023 to the Board of Water and Soil Resources (Board) on June 11, 2013 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1) On August 10, 2012, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Chisago County pursuant to M.S. Section 103B.312.

2) On October 24, 2012, the Board of Water and Soil Resources approved official comments on the Chisago County Priority Concerns Scoping Document, which were mailed to the county on October 24, 2012.

3) The Plan Update focuses limited resources on following six priority concerns through 2023:

- Protect quality and quantity of groundwater used for drinking water.
- Introduction or spread of aquatic invasive species and their negative effect on water quality, navigation, recreation, or fisheries.
- Septic systems that are failing, noncompliant, or an Imminent Threat to Public Health.
- Influence of agricultural, rural and urban land use practices on water quality.
- That citizens and elected officials received accurate and understandable information to make informed decisions
- Obtain sufficient resources to achieve goals established in the Plan Update.

4) On June 11, 2013, the BWSR received the Chisago County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5. State agency representatives provided input and attended Technical Advisory Committee (TAC) meetings during the development of the Plan Update.

The following state review comments were received during the 90-day comment period.

- Minnesota Department of Agriculture: Recommends approval of the Plan Update as submitted.
- Minnesota Department of Health: No comments received.
- Minnesota Department of Natural Resources: Recommends approval of the Plan Update as submitted. MDNR provided a few comments for the Board to consider during the review. The county responded and has incorporated these comments into the final Plan Update.
- Minnesota Pollution Control Agency: Recommends approval of the Plan as submitted. MPCA provided several suggestions and comments for the Board to consider during review. The county has incorporated 10 of 13 suggested language changes into the final Plan Update and two of the suggestions will be considered by the Water Plan Policy Team in future amendments or updates. The county responded to the remaining comment that the suggested language would be added, more research was needed on the effectiveness of using iron to control phosphorus in sediment, and using iron to control Curly Leaf Pondweed will not be pursued as that would require federal registration of iron as a pesticide.
- Minnesota Environmental Quality Board: No comments received.
- Minnesota Board of Water and Soil Resources Metro region staff: The Plan meets the requirements of Minnesota Statutes, section 103B.314 and recommends approval of the Plan Update.

5) **Metro Region Committee Meeting.** On August 12, 2013, the Board's Metro Region Committee and staff met with County representatives to review and discuss the Plan Update. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Mary Peterson and Brad Wozney. The representatives from the County were Jerry Spetzman, Water Resources Manager, and Craig Mell, Chisago SWCD Manager. After discussion, the Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board August 29, 2013 meeting.

6) On August 29, 2013, the Metro Region Committee of the Board presented its recommendation of approval of the Chisago County Plan Update to the Board. The Board adopted the Committee's recommendation.

7) This Plan Update will be in effect for a ten-year period until December 30, 2023, with the Goals, Objectives and Implementation Plan amended by December 30, 2018.

CONCLUSIONS

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

2. The Chisago County Plan Update attached to this Order states water and water-related problems within the county; priority resources issues and possible solutions; specific goals, objectives, and

actions of the county; and a targeted implementation program. The attached Plan Update is in conformance with the requirements of Minnesota Statutes, Section 103B.301.

ORDER

The Board hereby approves the attached update of the Chisago County Local Water Management Plan – 2013-2023, with a required update of the implementation section (Goals, Objectives, and Actions) to be completed by December 30, 2018.

Dated at Two Harbors, Minnesota, this twenty-ninth day of August 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chairman

CHISAGO COUNTY LOCAL WATER MANAGEMENT PLAN

2013-2023

April 9, 2013

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ACKNOWLEDGEMENTS

Chisago County Board of Commissioners

District 1	Lora Walker
District 2	Rick Green
District 3	George McMahon
District 4	Ben Montzka
District 5	Mike Robinson

Water Plan Policy Team

John Eret	Citizen at Large
Diane Larkin	Citizen at Large
Joyce Marienfeld	Citizen at Large
Tom McKenzie	Citizen at Large (Chairman)
Craig Mold	Chisago Soil and Water Conservation District
Ann Norgaard	Chisago County Public Health
Mike Robinson	County Board
Kurt Schneider	Chisago County Zoning/Environmental Services
Frank Storm	Citizen at Large

Technical Advisory Committee

John Freitag	Minnesota Department of Health
Christopher Klucas	Minnesota Pollution Control Agency
Lynne Kolze	Minnesota Pollution Control Agency
Craig Mell	Chisago Soil and Water Conservation District
Mary Peterson	Minnesota Board of Water and Soil Resources
Robert Sip	Minnesota Department of Agriculture
Doug Thomas	Comfort Lake Forest Lake Watershed District
Craig Wills	Minnesota Department of Natural Resources

Staff to Water Plan Policy Team

Jerry Spetzman

EXECUTIVE SUMMARY

INTRODUCTION

Chisago County, located in east central Minnesota, approximately 35 minutes north of the Twin Cities metropolitan area, was established in 1851, seven years before Minnesota became a state. Chisago, the county name, comes from the Chippewa Indian word, Ki-Chi-Saga, which means Fair and Lovely Waters. Chisago County borders the St. Croix River to the east, and shares borders with Pine, Isanti, Anoka, and Washington Counties. The county seat, first at Taylors Falls, moved to Chisago City in 1865 and then to Center City in 1875, where it remains today.

Table 1: Population trends (US Census Bureau)

Year	Population	Percent Increase
1960	13,419	
1970	17,492	30.4
1980	25,717	47.0
1990	30,521	18.7
2000	41,101	34.7
2010	53,887	31.1

The Minnesota Planning State Demographic Center projects that by 2030, the population of Chisago County will be 69,540. This represents a 29% increase over 2010. This will accelerate development pressures.

A great majority of the land in Chisago County remains largely undeveloped, primarily in agricultural use, woodlands, or wetlands. The majority of development in the County has occurred in the southwest, along I-35 on the western side of the county, along Highway 8, and the Northern (Rush City) Lakes area.

Recently there has been a downturn in the housing market. It is anticipated that it will be several years before the housing market recovers.

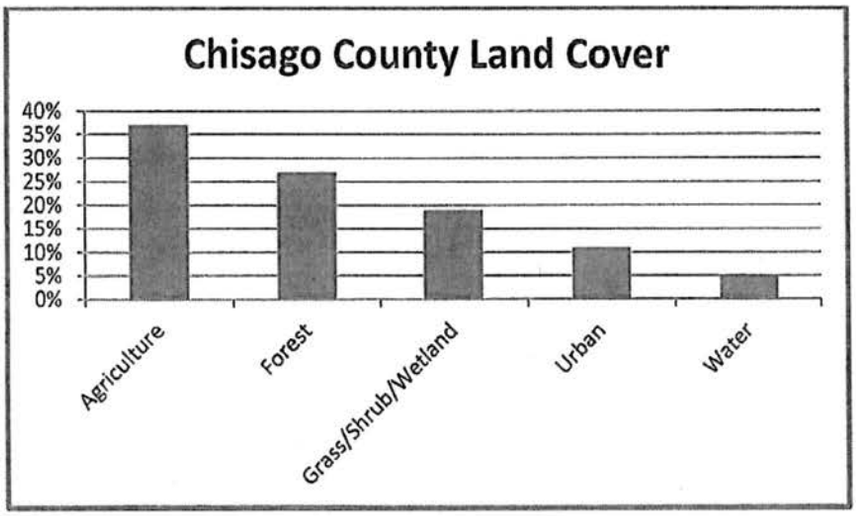
Minnesota Department of Natural Resources (DNR) owned land accounts for a large part of the County; Carlos Avery Wildlife Management Area, Wild River State Park, Interstate Park, and Chengwatana State Forest total over 15,500 acres, or 6%, of the total land area.

Chisago County (University of Minnesota 2000 Chisago County Land Cover and Impervious Surface Area) had the following percentages of land use:

Table 2: Chisago County Land Cover

Chisago County Land Cover	Acres	Percent
Agriculture	105,500	37%
Forest	77,100	27%
Grass/Shrub/Wetland	54,200	19%
Water	14,500	5%
Urban	31,800	11%
Total	**283,100**	**100%**

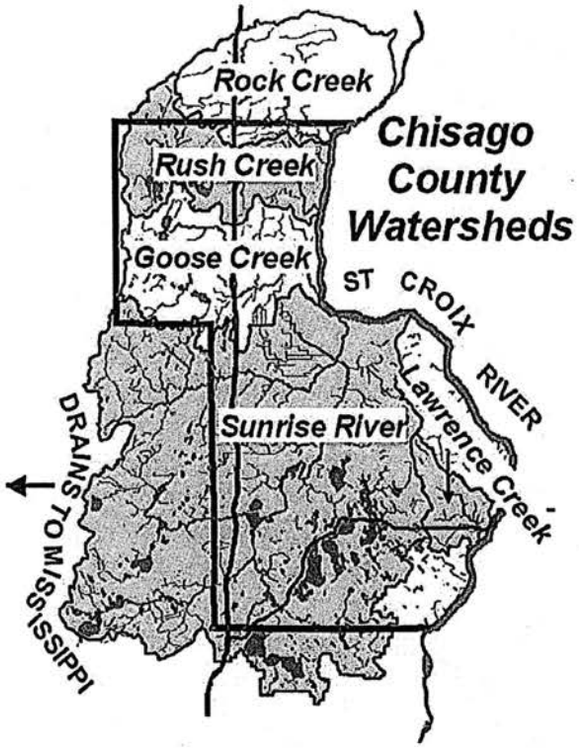
Figure 1: Chisago County Land Cover



Chisago County has abundant water resources. The DNR designates public waters to indicate which lakes, wetlands, and watercourses over which DNR Ecological and Water Resources has regulatory jurisdiction. The statutory definition of public waters includes public waters and public waters wetlands. Public waters are all waterbasins and watercourses that meet criteria set forth in Minnesota Statutes that are identified on Public Water Inventory maps authorized by Minnesota Statutes. Public water wetlands include all type 3, type 4, and type 5 wetlands (as defined in U.S. Fish and Wildlife Service Circular No. 39, 1971 edition) that are 10 acres or more in size in unincorporated areas or 2.5 acres or more in size in incorporated areas. Currently, DNR Waters utilizes scanned mylar county-scale maps printed on paper to show the general location of the public waters and public waters wetlands (lakes, wetlands, and watercourses) under its regulatory jurisdiction. These maps are commonly known as Public Waters Inventory maps. The DNR sets the regulatory "boundary" of these waters and wetlands as the ordinary high water level.

Chisago County is almost entirely in the St. Croix River watershed. Chisago County has been divided into multiple subwatersheds – Rock Creek, Rush Creek, Goose Creek, Sunrise River, Lawrence Creek, and direct drainage.

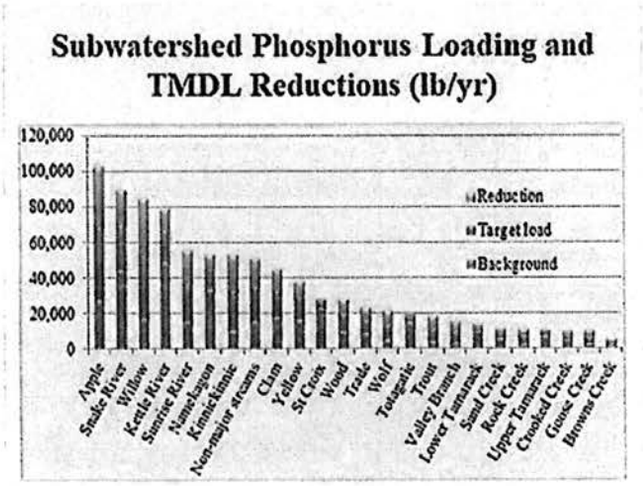
Figure 2: Chisago County Watersheds



Water runoff from Chisago County lands contribute to nutrient and sediment water quality concerns in the St. Croix River. A Total Maximum Daily Load study (TMDL) and Implementation Plan has been completed for Lake St. Croix. The TMDL allows for 46,000 pounds per year of phosphorus to be loaded to the St. Croix River from Chisago County. This requires 21,000 pounds per year of reduction from the estimated TMDL baseline load of 68,200 pounds per year in the early 1900s. Chisago County's required reduction ranks 3rd largest among the 19 counties in the St. Croix basin.

To achieve the St. Croix Basin Partners' goal of 20% reduction of phosphorus by 2020, Chisago County needs to reduce loadings by 16,200 pounds per year. To attain this goal, activities must be implemented that achieve an average annual rate of phosphorus reduction of 500 pounds per year over 30 years, or 1,600 pounds per year over 10 years.

Figure 3: Subwatershed Phosphorus Loading



Quantifying changes in phosphorus loadings to the St. Croix River since the TMDL baseline conditions of the early 1990s is difficult. With respect to agricultural practices, there have been several in Chisago County that have had a significant impact on phosphorus loading. The amount of animal agriculture has decreased dramatically. Farming practices have changed. In the 1990s it was common to see tillage practices that retained minimal residue on the field after harvest. Since then there have been significant improvements to tillage equipment, herbicides, and seed genetics that have resulted in an increase in residue retained on fields post-harvest which in turn lessens the amount of phosphorus in runoff.

Chisago County also has implemented a program to eliminate nearly 100% of septic systems characterized as "Imminent Threat to Public Health Septic Systems". However, many failing systems still exist throughout the county.

The State of Minnesota has passed legislation restricting the use of phosphorus in lawn fertilizer. This legislation has resulted in substantial reductions of phosphorus application to turf grass in Chisago County.

The Sunrise River in east-central Minnesota is a watershed and river system that has many impairments that affect water quality and aquatic biota. While the majority of the watershed is in Chisago County, portions of the watershed are in Isanti, Anoka, and Washington Counties. Within the St. Croix Basin, the Sunrise River (with approximately 5% of the land area) is one of the larger contributors of phosphorus and sediment to the St. Croix River. In fall 2007, a joint multi-agency effort was initiated to perform a detailed watershed study of aquatic resources of the Sunrise River Basin. The primary partners of this study include the US Army Corps of Engineers, Minnesota Pollution Control Agency, and Chisago County.

The objective of the Sunrise River Watershed Study is to prepare a plan for watershed management that provides the technical basis for future management of aquatic resources including wetlands. Key issues the group is evaluating include water quality, nutrient and sediment loading, stream stability and erosion, aquatic habitat conditions, and management of wetland resources. The study includes evaluation of how land use and projected future population growth influences these key resource issues, how future land use might be better managed, and the potential economic cost for such management actions. The results will be used by water managers to guide management decisions that will benefit the Sunrise River and the downstream St. Croix River.

Background of Water Plan Process

Responsible Local Unit of Government

The Chisago County Board of Commissioners adopted Resolution No. 11/1019-1 – **Authorization to revise and update the Chisago County Comprehensive Water Management Plan** on October 19, 2011. This resolution is authorized under Minnesota Statutes, Chapter 103B.301, the Comprehensive Local Water Management Act.

The resolution states that the Chisago County Board of Commissioners delegates to the Chisago County Environmental Services/Zoning Department the responsibility of coordinating, assembling, writing, and implementing the revised local water management plan pursuant to M.S. 103B.301 as implemented through the Water Plan Policy Team (Policy Team).

The Policy Team consists of five citizen members (appointed by the Chisago County Board of Commissioners), one supervisor from the Chisago Soil & Water Conservation District, one County Commissioner, and the Director of Chisago County Zoning/Environmental Services. In addition, the Policy Team is supported by the Technical Advisory Team, which is made up of representatives from Chisago County Public Health, Chisago Soil & Water Conservation District, Comfort Lake Forest Lake Watershed District, Minnesota Board of Water & Soil Resources, Minnesota Department of Natural Resources, and the Natural Resources Conservation Service.

Water Plan administration and Policy Team coordination is overseen by the Chisago County Water Resource Manager.

The adopted resolution states that the Policy Team shall coordinate its effort in the revision and update of the Water Plan with all local units of government within Chisago County along with the state review agencies.

The resolution also states that the Policy Team shall incorporate into the water plan, where appropriate, any existing plans and rules that have been developed and adopted by watershed districts having jurisdiction wholly or partly within Chisago County.

Local Water Management Plan Adoption and Updates

First Chisago County Water Plan Adopted – January 19, 1993
First Update 1998 – 2002
Second Update 2006 - 2011
Amendment – August 27, 2009
Amendment 2010 to 2013 – March 4, 2010

Expiration Date of Current Plan

September 27, 2013

PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN

Purpose

The purpose of the Chisago County Local Water Management Plan is to set County watershed priorities. The County will use these priorities to obtain and use resources to protect, improve, and conserve water resources in Chisago County including lakes, rivers, wetlands, and groundwater.

The Local Water Management Act of Minnesota (Minn. Stat. 103B.301 to 103B.355) states that the following guidelines will be met in this document.

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system.
5. The plan must cover a five or ten year period. Chisago County has decided to develop a plan which will address the concerns of Chisago County for the next 10 years (2013-2023). The Implementation Plan will focus on 2013-2018.

Vision

Surface and groundwater quality and quantity in Chisago County is preserved, protected, restored, and enhanced for current and future generations.

Mission

Develop, update, and oversee implementation of the Chisago County Water Plan.

Past Accomplishments and Ongoing Activities

Chisago County has been very successful in competing and obtaining multiple state and federal grants for projects and practices to improve water quality. Many Clean Water Act Section 319, Clean Water Legacy, and US Department of Agriculture grants have been secured. In addition to local funding, these dollars have allowed Chisago County to complete many action items identified in the previous Water Plan.

Among other highlights, Chisago County leads the state in identifying and upgrading Imminent Threat to Public Health Septic Systems, completing watershed assessments, and installing water protection practices.

Below is a summary of accomplishments and ongoing activities under the previous Water Plan. These are organized by priority concerns.

Priority Concern: Reduce phosphorus loading from Chisago County to the St. Croix River to help meet 20% basin wide goal.

- In partnership with the St. Croix Basin Team, a point and non-point source nutrient loading study has been completed.
  Lead local agency – St. Croix Science Museum Research Station

- Staff participates in the St. Croix Basin Team.
  Lead local agency – Chisago County

- A Soil and Water Assessment Tool for the Sunrise River watershed has been developed.
  Lead local agency – St. Croix Science Museum Research Station

- A partnership has been formed between Chisago County, US Army Corps of Engineers, and Minnesota Pollution Control Agency to develop and implement a watershed based plan and strategies for water quality and aquatic ecosystem management, restoration, and protection. The Plan is anticipated to be complete spring 2013.
  Lead local agency – Chisago County

- An inventory of the St. Croix River escarpment for gully erosion concerns from Wild River State Park south to the Chisago/Washington County line has been completed. In fiscal year 2012 the Soil and Water Conservation District has secured Clean Water Funds to install Best Management Practices to correct gully erosion concerns in this region.
  Lead local agency – Chisago Soil & Water Conservation District

• In Fiscal Year 2011, Clean Water Funds were used to incorporate water smart Best Management Practices at the Chisago Lakes Middle School, Rush City High School, and the Wyoming Public Library. Additional best management practice projects have been completed throughout the Chisago Lakes Chain of Lakes watershed at Linden Street in Lindstrom and the Chisago County Government Center.

Lead local agency – Chisago Soil & Water Conservation District

• Each year, 20-30 agricultural related water quality improvement projects are completed utilizing Federal Funds.

Lead local agency – Chisago Soil & Water Conservation District & Natural Resources Conservation Service

• A partnership has been formed with the Minnesota Agricultural Water Resources Coalition to install a Discovery Farm site in Chisago County. The Discovery Farm is an innovative watershed project designed to engage agriculture and other members of the watershed community in improving and protecting water quality.

Lead local agency – Chisago Soil & Water Conservation District

• The Kost Dam road impairment project was completed in 2012 which reduced stormwater runoff into the Sunrise River.

Lead local agency – Chisago Soil & Water Conservation District

Priority Concern: Implement projects and practices recommended in the North Branch Sunrise River Restoration and Protection Plan.

• Imminent Threat to Public Health Septic Systems have been identified and upgraded within the Shoreland Zone in Isanti County, in the City of North Branch, and the Chisago County portion of the watershed.

Lead local agency – Chisago County

• Livestock producers in the County are being contacted by Soil and Water Conservation District staff and best management practices are being installed to reduce runoff from livestock production into water resources.

Lead local agency – Chisago Soil & Water Conservation District

Priority Concern: Implement projects and practices recommended in additional Restoration and Protection plans.

- The following Total Maximum Daily Load Watershed Restoration and Protection Plans have been completed or are in progress:

  Comfort Lake Forest Lake Watershed District 6 Lakes (Completed)
  Lead local agency – Comfort Lake Forest Lake Watershed District
  Chisago Lakes Chain of Lakes (Completed)
  Lead local agency – Chisago Soil & Water Conservation District
  Chisago Lakes Lake Improvement District
  North Branch Sunrise River (Completed)
  Lead local agency – Chisago County
  Sunrise River (Scheduled to be completed 2014)
  Lead local agency – Chisago Soil & Water Conservation District

- The Rock/Rush/Goose Creeks Restoration and Protection Plan is scheduled for completion in 2014.
  Lead local agency – Chisago Soil & Water Conservation District

- A County wide lake water quality monitoring program is in place.
  Lead local agency – Chisago County

- A Regional Stormwater Management Facility in a ditch leading to the Sunrise River downstream of the City of Forest Lake is being developed. The Facility will help correct problems related to excess nutrient and sediment loads to the Sunrise River and Comfort Lake.
  Lead local agency – Comfort Lake Forest Lake Watershed District

- County, township, and city public works departments are working to maximize the efficiency of the use of road maintenance products while protecting public safety and minimizing harmful effects to water quality.
  Lead local agency – Local Public Works Departments

- The Rush Lake Improvement Association is researching the use of iron concentrate to bind phosphorus in lake sediment.
  Lead local agency – Rush Lake Improvement Association

- A partnership is being formed to work within the Carlos Avery Wildlife Management Area to better understand the impacts pool draw-downs have on the Sunrise River.
  Lead local agency – Chisago Soil & Water Conservation District

Priority Concern: Expand obligations of the Chisago County Subsurface Sewage Treatment System Pilot Program.

- The Chisago Lakes Joint Sewage Treatment Plan is accepting and treating holding tank waste and septage as alternatives to land application.
  Lead local agency – Chisago Lakes Joint Sewage Treatment Commission

- As a result of the Pilot Program:
  - 4,752 septic system evaluations were conducted by County inspectors
  - 429 systems determined to be imminent threat to public health (9%)
  - All known imminent threat to public health systems are now compliant
  - Financial assistance is provided to low income property owners that install or update systems
  - 175,050 gallons of untreated sewage is prevented from impacting the environment every day
    = 29 milk trucks carrying 6,000 gallons EACH DAY or
    = an Olympic sized swimming pool every 3.4 DAYS

  Lead local agency – Chisago County

- Community Wastewater Treatment Systems are being developed for unsewered Rural Village Centers in Almelund, Sunrise, Palmdale, Rush Point, and Stark.
  Lead local agency – Chisago County

- Voluntary septic system inspections by County staff are offered to residents within shoreland areas throughout Chisago County.
  Lead local agency – Chisago County

Priority Concern: Continue the Abandoned Well Sealing Program for protection of groundwater resources.

- The Chisago County Geologic Atlas has been completed. The County Hydrogeologic Atlas is expected to be completed in 2013.
  Lead local agency – Chisago County

- Wellhead Protection Plans have been completed for Rush City, Harris, Lindstrom, Center City, Taylors Falls, and Hazelden Foundation in Center City.
  Lead local agency – Local Communities, Minnesota Department of Health

- Nitrate Testing Clinics are held annually in different locations in Chisago County.
  Lead local agency – Chisago County

- Drinking Water Test Kits are available to citizens.
  Lead local agency – Chisago County Public Health
  Chisago Soil & Water Conservation District

Priority Concern: Implement Stormwater Management Standards and erosion control projects in developing areas, especially the Chisago Lakes Lake Improvement District.

- Center City, Chisago City, and Lindstrom have been selected as pilot communities to develop and implement Minimal Impact Design Standards in land use ordinances.
  Lead local agency – Local Communitie
  Chisago Lakes Lake Improvement District

- Stormwater Retrofit Assessments have been completed for the communities of Center City, Chisago City, and Lindstrom. As a result of the Assessments, numerous stormwater Best Management Practices are being installed.
  Lead local agency – Chisago Soil & Water Conservation District

- Shoreland Best Management Practices and lakeshore restorations are being installed within the Chisago Chain of Lakes.
  Lead local agency – Chisago Soil & Water Conservation District

- Prior to and during construction, inspections and assessments take place to ensure that conditions placed on plats are fulfilled, especially relating to erosion control, stormwater protection, and wetland compliance.
  Lead local agency – Chisago County

- The Chisago Lakes ditch and weir system is properly maintained to control water levels during high water events.
  Lead local agency – Chisago Lakes Lake Improvement District

Priority Concern: Provide information, education, and training on water quality concerns.

- The county wide Chisago Children's Water Festival takes place on an annual basis. Over 7,000 5th grade students have attended the festival over the past 10 years.
  Lead local agency – Chisago County
  Chisago Soil & Water Conservation District

- Each year, approximately 400 Septic System Owners Guides are mailed to owners of new homes or replacement systems.
  Lead local agency – Chisago County

- Twice each year, the Environmental Connections Newsletter is distributed to property owners throughout the county. Each issue has articles on water quality and environmental stewardship.
  Lead local agency – Chisago County

• At least once each year, Chisago Soil & Water Conservation District distributes a newsletter on natural resources throughout the county.

Lead local agency – Chisago Soil & Water Conservation District

• Frequently, Conservation Notes articles are submitted to local newspapers.

Lead local agency – Chisago Soil & Water Conservation District

• Chisago County is an active participant in the PICKM (Pine, Isanti, Chisago, Kanabec, Mille Lacs) Alliance of Lake and River Associations.

Lead local agency – Chisago County

• The PICKM Alliance of Lake & River Associations sponsors semi-annual education opportunities for lakeshore residents.

Lead local agency – PICKM Alliance of Lake & River Associations

• Non Point Education for Municipal Officials (NEMO) training events are offered to municipal officials within the Chisago Lakes watershed.

Lead local agency – Chisago Lakes Lake Improvement District

• In partnership with the Minnesota Department of Natural Resources, watercraft inspections and education on aquatic invasive species take place at public water accesses throughout the County.

Lead local agency – Chisago Lakes Lake Improvement District
Comfort Lake Forest Lake Watershed District

Priority Concerns to be Addressed

The following Priority Concerns have been adopted by the Chisago County Water Plan Policy Team and are addressed in this plan.

A Priority Concern is to protect the quality and quantity of groundwater used for drinking water.

A Priority Concern is the introduction or spread of aquatic invasive species and their negative effect on water quality, navigation, recreation, or fisheries.

A Priority Concern is septic systems that are failing, noncompliant, or an Imminent Threat to Public Health.

A Priority Concern is the influence of agricultural, rural, and urban land use practices on water quality.

A Priority Concern is that citizens and elected officials receive accurate and understandable information to make informed decisions.

A Priority Concern is to obtain sufficient resources to achieve goals established in the Water Plan.

Summary of Goals and Objectives

The table below is a summary of the estimated timeline and potential resources needed to fully implement the Water Plan. These estimates are for planning purposes only and are not intended to be a commitment by Chisago County or partner resource agencies. Detailed information on specific goals and objectives can be found in the appendix.

Table 3: Summary of Goals and Objectives Costs in dollars

	2014	2015	2016	2017	2018	Totals
Protect Quality & Quantity of Groundwater	20,500	45,500	45,500	60,500	60,500	**232,500**
Aquatic Invasive Species	70,000	85,000	85,000	85,000	85,000	**41,0000**
Non-compliant Septic Systems	196,000	196,000	176,000	176,000	176,000	**920,000**
Land Use Practices	1,960,500	1,963,000	1,863,000	1,853,000	1,823,000	**9,462,500**
Make Informed Decisions	110,000	130,000	160,000	140,000	140,000	**680,000**
Sufficient Resources	140,000	140,000	140,000	140,000	135,000	**695,000**
Totals	**2,497,000**	**2,559,500**	**2,469,500**	**2,454,500**	**2,419,500**	**12,400,000**

Figure 4: Summary of Five Year Estimated Cost of Goals and Objectives in Dollars

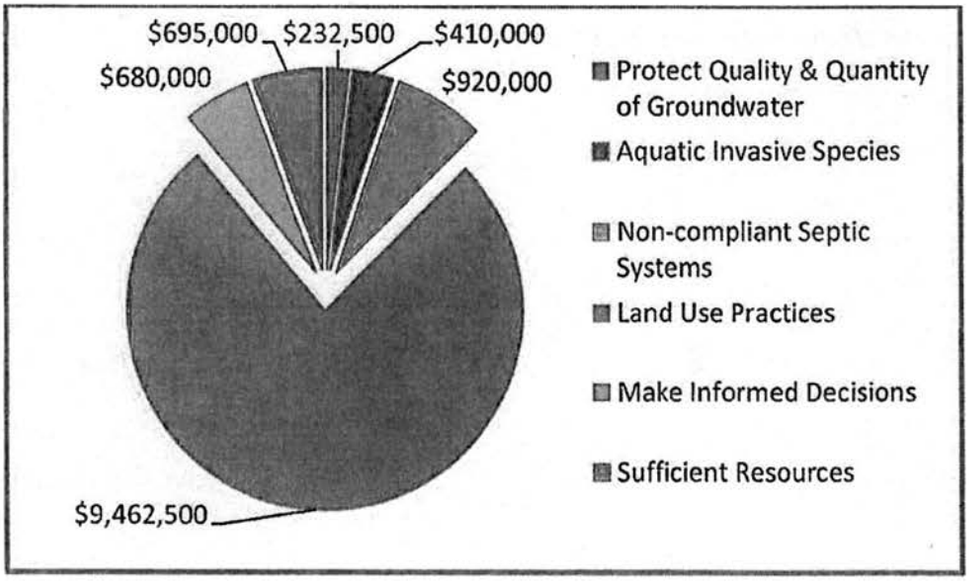
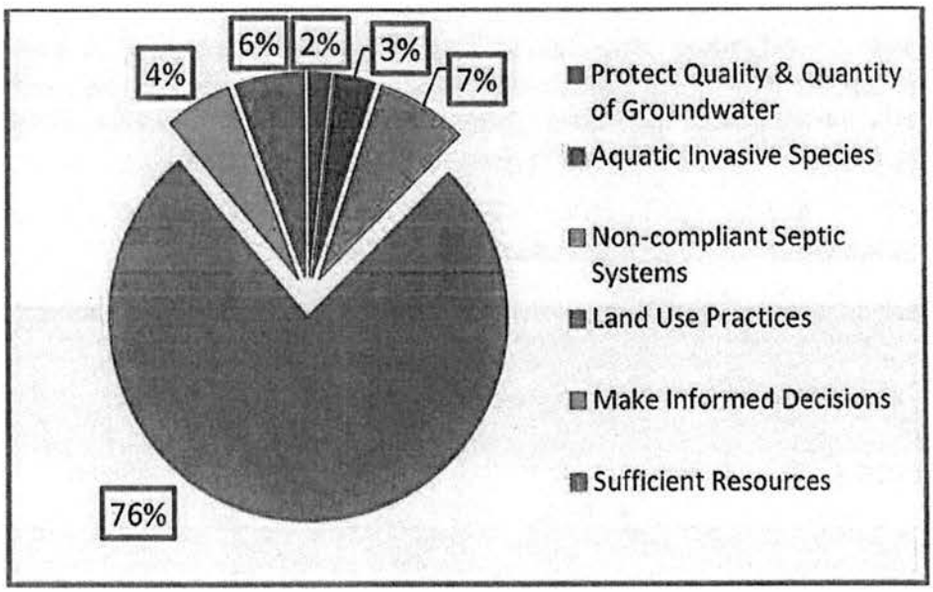


Figure 5: Summary of Five Year Estimated Cost of Goals and Objectives by Percentage



Participants in previous Water Plan activities have been very successful in obtaining state and federal resources for plan implementation. It is anticipated that this success will continue into the future.

Consistency of the Plan

The Chisago County Local Water Management Plan is consistent with other pertinent state, county, regional, and other local plans. There are no recommended amendments or potential conflicts with official controls at this time.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Coon Creek WD Watershed Management Plan

Meeting Date: August 29, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Metro Region
Contact: Mary Peterson
Prepared by: Mary Peterson
Reviewed by: Metro Region Committee(s)
Presented by: Metro Committee Member or Mary Peterson

☐ **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 Coon Creek Watershed District Watershed Management Plan 2013-2023

LINKS TO ADDITIONAL INFORMATION

http://www.cooncreekwd.org/index.asp?Type=B_BASIC&SEC={1AFFF127-2A5C-42E3-A1C8-C2EF5E142016}&DE={47593761-F262-4ECB-B206-0385E1541A71}

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

The Coon Creek Watershed District (CCWD) was established in 1959. This Watershed Management Plan (Plan) is the third generation plan required by the Metropolitan Surface Water Management Act (M.S. 103B) and the fourth required under the Watershed Act (M.S. 103D). The CCWD is located exclusively in Anoka County in the north-central portion of the Minneapolis – St. Paul seven county metropolitan areas. Six boundary amendments have occurred since the current Plan was approved in 2004. The CCWD now includes parts of seven cities; Andover, Blaine, Columbus, Coon Rapids, Fridley, Ham Lake and Spring Lake Park and covers approximately 107 square miles. It lies within the Anoka Lake Plain portion of the Anoka Sand Plain. The soils are primarily fine sands and the regional water table is very shallow. Population grew by 22% since 2010 and is projected to grow another 10% by 2020 to total approximately 180,000. Most of the land use changes have and will involve a conversion of agricultural and vacant land to development.

The CCWD conducted an open and meaningful public participation process in the development of the Plan. Public involvement entailed more than 25 meetings with partners and a spectrum of activities ranging from notifying the public about the planning process to working collaboratively and cooperatively to share ideas and develop plan components. In 2010 the District formed a Planning Advisory Committee (PAC). The CCWD boundary was amended to include part of the dissolved Six Cities WMO in December 2011 which led to a

major delay in the completion of the Plan. Because the merger occurred late in the planning process a revised involvement process was required which involved personal briefings and individual meetings to identify issues and concerns and review goals and objectives. The adjusted process relied heavily on the District's Technical Advisory Committee (TAC) and Citizen Advisory Committee member input and review through several meetings in 2012 and individual contacts.

The Plan is very comprehensive and includes resource goals, objectives and strategies. The Plan includes an Executive Summary and a Plan Summary that are useful information items that highlight the Plan. The mission goals are the primary focus of the District programs and activities and are drawn from their mission statement. For the period of 2013-2023, the District's focus will be on: 1. Preventing flooding; 2. Improving water quality in impaired or impacted waters; and 3. Maintaining and enhancing water quality in waters that are not impaired.

The issue goals are growing in importance as a result of current economic and demographic trends and in response to more recent legislative actions and mandates. During this Plan these issue goals will be: 1. aquatic invasive species (AIS); 2. changes in precipitation; and 3. the decline in surficial Groundwater and the effect on Groundwater dependent resources.

To pursue the specific goals and objectives, the CCWD has set in place strategies (program/cost-centers) in the areas of: administration, development regulation and issue management; operations and maintenance; planning, programing and budgeting; public and governmental relations; and research and monitoring.

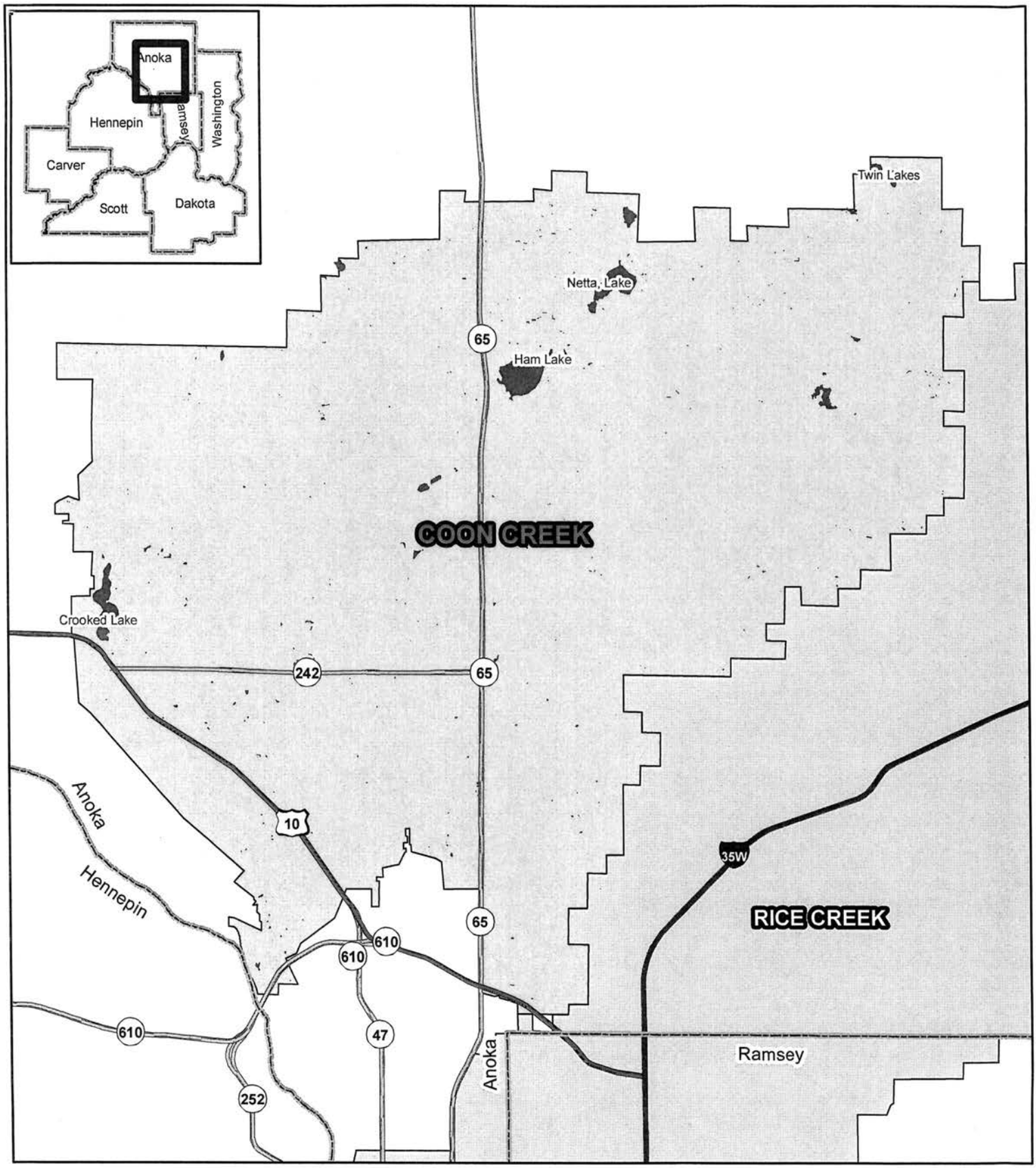
The implementation program includes priorities that focus on mission goals, includes targeted subwatershed/special management areas, has effective timelines and a budget of $13.2 million, and are organized around the categories of funding, programs (cost centers), policies and procedures, partnerships and collaboration, and capital projects with over $10 million proposed for new drainage/storm water, ditch/stream bank repair, retrofits, and studies/special management area plans.

The Plan lays out an evaluation process to measure performance based on an adaptive management process that is a refinement to the annual strategic planning done as part of the budget process. A one-page summary of the top ten highlights of the plan is attached for your information.

On June 4, 2013, the BWSR received the CCWD Plan Update and supporting information for final 90-day state review. State agency review comments were received from Met Council, DNR, and PCA during the 90-day review process. The CCWD responded to all comments received and incorporated appropriate revisions to the final draft. BWSR staff completed its review and found that it meets the requirements of the Metropolitan Surface Water Management Act (M.S. 103B) and the Watershed Act (M.S. 103D).

On August 12, 2012, the Metro Region Committee met with CCWD representatives and BWSR staff to review and discuss the Plan Revision. The Committee unanimously voted to recommend approval of the CCWD Plan Revision to the full Board per the attached draft Order.

Coon Creek Watershed District



Counties
Coon Creek WD
Rice Creek WD

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

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

In the Matter of the review of the Watershed Management Plan for the **Coon Creek Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.	**ORDER APPROVING WATERSHED MANAGEMENT PLAN**

Whereas, the Board of Managers of the Coon Creek Watershed District (CCWD) submitted a Watershed Management Plan (Plan) on June 4, 2013 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The CCWD was established in 1959. The Plan is the third generation plan required by the Metropolitan Surface Water Management Act, Minnesota Statutes Chapter 103B and the fourth required under the Watershed Act, Minnesota Statutes Chapter 103D.
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 27, 2004. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.
3. **Nature of the Watershed.** The CCWD is located exclusively in Anoka County in the north-central portion of the Minneapolis – St. Paul seven county metropolitan area. The Sunrise, Upper Rum, and Lower Rum River Watershed Management Organizations border it to the north, the Mississippi River to the southwest and the Rice Creek

Watershed District to the south and east. Six boundary amendments have occurred since the current Plan was approved in 2004. The CCWD now includes parts of seven cities; Andover, Blaine, Columbus, Coon Rapids, Fridley, Ham Lake and Spring Lake Park covering approximately 107 square miles. It lies within the Anoka Lake Plain portion of the Anoka Sand Plain. The soils are primarily fine sands and the regional water table is very shallow. Population grew by 22% since 2010 and is projected to grow another 10% by 2020 to total approximately 180,000. Most of the land use changes have and will involve a conversion of agricultural and vacant land to development.

4. **Plan Development and Review.** The Plan was prepared in accordance with Minnesota Rules Chapter 8410 and Minnesota Statutes Chapter 103B. The CCWD conducted an open and meaningful public participation process in the development of the Plan. On October 22, 2012, the CCWD released a rough draft of the Plan for review. Over 240 comments were received. The Planning Advisory Committee and the Technical Advisory Committee (TAC) reconvened to review the plan and comments. In December 2012, the CCWD approved the draft Plan for review and comment as required under Minnesota Statutes Section 103B.231, Subd. 7. The draft Plan was distributed to 27 individuals and agencies on January 16, 2013 for the 60-day review and comment period. A public hearing was held on April 22, 2013. The Plan was revised to incorporate suggested changes and additions from the partners and state agency reviewers. The CCWD provided a written response to all comments. The draft Plan was submitted to the Board of Water and Soil Resources (BWSR) on June 4, 2012 for the official 90-day final review.

5. **Local Review.** The CCWD distributed copies of the draft Plan to local units of government for their 60-day review. Comments were received from the City of Coon Rapids (41 comments), RFC Engineering, Inc. (107), City of Spring Lake Park (9), Anoka Conservation District (27), Anoka County (5), City of Andover (3), and a citizen advisory member (3). The CCWD convened a TAC meeting to present, discuss, and incorporate these comments into the final draft. Written responses were sent to all those commenting during the 60-day review. A public hearing was convened on April 22, 2013 for the comments made on the draft Plan. The final draft Plan was submitted to BWSR on June 4, 2013 for the 90-day review and shows strikeouts and additions to the Plan as a result of the comments received.

6. **Metropolitan Council Review.** The Council commented on the CCWD's draft Plan during the 60-day comment period in a letter dated March 14, 2013, and stated they had no further comments on the Plan for the 90-day comment period. The Plan is consistent with Council policies, is detailed and comprehensive and should be an excellent framework to manage the water resources in the watershed.

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

8. **Department of Health Review.** The MDH stated that they did not have any comments for this plan revision.

9. **Department of Natural Resources Review.** The DNR provided comments during the 60-day review and the CCWD responded in writing to all comments. The MDNR provided comments during the 90-day review and the CCWD provided a written response. MDNR commented on placing more emphasis on conservation drainage approaches and natural channel design principals rather than just dredging and stabilizing with rip-rap. The CCWD agreed and will consider and facilitate construction of ditches where such design approaches facilitate the hydrologic performance for that segment of ditch, provided the cost can be adequately addressed. MDNR recommended including wetland restoration as a strategy to meet its goals. The CCWD is very interested in wetland restoration and will support as well as conduct wetland restoration where these is a reasonable chance of the restoration succeeding and able to be sustained.

10. **Pollution Control Agency Review.** The PCA did not provide comments during the 60-day review period. The MPCA provided comments during the 90-day review. Most of the comments were related to updating or correcting information. The MPCA stated that overall it was a very thorough report. MPCA suggested the CCWD consider monitoring lakes and wetlands for Chloride. The CCWD will review and begin the process to monitor for Chloride on the lakes within the District. MPCA also suggested a discussion on the status of septic systems in the watershed. The CCWD responded that there is a discussion of the occurrence of the MUSA line within the District in the assessment. If the request is an inventory of the condition of the drainage fields the CCWD will not be doing that at this time. This issue was never raised at any point during the planning process. However, the CCWD will consider septic systems in the 2013-2015 study of the effects of declining surficial ground water on ground water driven surface water resources.

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

12. **Board of Water and Soil Resources Review.** BWSR staff provided written comments during the 60-day review. Staff found the Plan to be very comprehensive and includes resources goals, objectives and strategies. The comments focused on plan structure to provide useful implementation and to allow clarity and focus for partnering cities, agencies and the general public. BWSR staff met with CCWD staff to review comments and discuss Plan highlights, priorities and edit revisions. Staff also attend attended the TAC meeting where the CCWD staff presented all the comments for partner discussion and input. All comments submitted were thoughtfully considered and responded to by the CCWD.

13. **Plan Summary and Highlights.** The Plan is a very comprehensive and includes resource goals, objectives and strategies. The Plan includes an Executive Summary that contains highlights from the Plan. It also includes a Plan Summary that is a more concise information piece of the larger Plan to better inform the public and help guide local policy makers, LGUs and agency resource partners during the implementation of the Plan.

The Mission Goals are the primary focus of the District programs and activities and are drawn from their mission statement. For the period of 2013-2023, the District's focus will be on:

1. Preventing flooding
2. Improving water quality in impaired or impacted waters
3. Maintaining and enhancing water quality in waters that are not impaired.

The Issue Goals are growing in importance as a result of current economic and demographic trends and in response to more recent legislative actions and mandates. During this Plan these issues will be:

1. Aquatic Invasive Species (AIS)
2. Changes in Precipitation
3. The decline in surficial Ground water and the effect on Ground water dependent resources.

The implementation priorities are the focused mission goals, include targeted subwatershed and special management areas, and are organized around these categories:

1. Funding
2. Programs (Cost Centers),
3. Policies and Procedures
4. Partnerships and collaboration
5. Capital Projects – Propose over $10M CIP for new drainage and storm water projects, ditch and streambank repair, retrofits, and studies and special management area plans.

The Plan lays out an evaluation process to measure performance based on an adaptive management process that is a refinement to the annual strategic planning done as part of the budget process.

14. **Metro Region Committee Meeting.** On August 12, 2013, the Board's Metro Region Committee and staff met with representatives from the CCWD to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Faye Sleeper, Jack Ditmore and Joe Collins, chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Mary Peterson and Brad Wozney. The representatives from the CCWD were Tim Kelly, Administrator, Dawn Doering, Information and Education Coordinator, and Michelle Ulrich, Attorney. 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 Coon Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Coon Creek Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan, dated 2013-2023, as the Coon Creek Watershed District Watershed Management Plan.

Dated at Two Harbors, Minnesota this 29th day of August, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Executive Summary

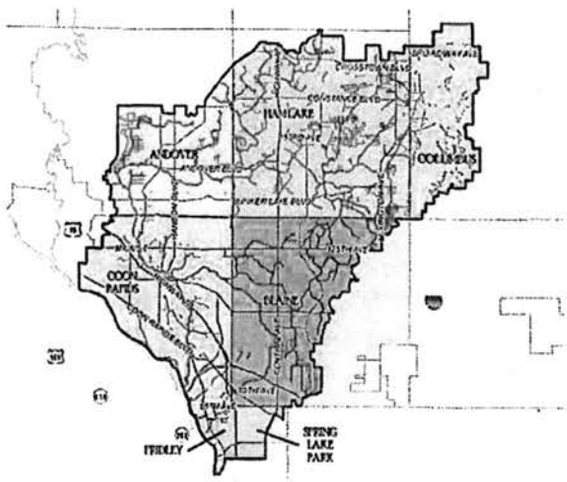
Coon Creek Watershed District 2013 to 2023 Comprehensive Watershed Management Plan

Background

The Coon Creek Watershed District is a special purpose unit of government created in 1959 pursuant to the Watershed Law (Minnesota Statutes 103D). This Comprehensive Watershed Management Plan is the third generation plan required by the Metropolitan Surface Water Management Act (M.S. 103B) and the 4th fourth required under the Watershed Act (M.S. 103D). The plan is the product of more than 25 meetings with citizens, elected and appointed officials and water resource professionals over a 24 month period.

The Coon Creek Watershed District (District) is 107 square miles in size and is located on the northern edge of the Twin Cities Metropolitan Area. The District is located entirely within Anoka County and includes parts of seven cities:

City	Square Miles	% of District	% of City in CCWD
Andover	15	14%	43%
Blaine	22	21%	64%
Columbus	11	10%	23%
Coon Rapids	22	21%	99%
Fridley	2	2%	21%
Ham Lake	33	30%	90%
Spring Lake Park	2	2%	68%
Total	107	100%	



District Mission

To manage groundwater and the surface water drainage system to prevent property damage, maintain hydrologic balance, protect water quality for the safety and enjoyment of citizens, and the preservation and enhancement of wildlife habitat.

Mission Goals

Mission Goals are the primary focus of District programs and activities. They distill the various legislative mandates as they apply to the watershed. These goals, as drawn from the mission statement are:

1. To prevent property damage from flooding, erosion or degraded water quality.
2. To ensure balance between inflow, outflow and storage of water.

3. To ensure that water is protected from contamination.
4. To provide for a variety of beneficial uses including the safety and enjoyment of the watershed's residents.
5. To preserve and enhance wildlife.

Immediate Concerns

At this time, the District's focus will be on:

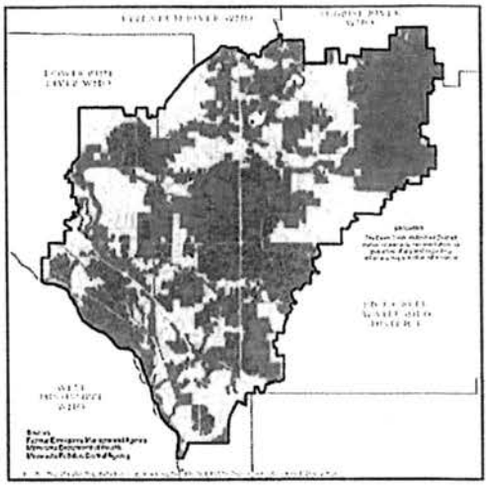
1. Preventing flooding
2. Improving water quality in impaired or impacted waters
3. Maintaining and enhancing water quality in waters that are not impaired.

Goal 1: To prevent property damage from flooding, erosion or degraded water quality

Three types of property damage are of concern to the District:

1. Damage to life and safety
2. Structural Damage
3. Functional or Operational Damage

In 2010 the watershed contained 21,943 acres of flood-prone land with a market value of $3.6 to 2.7 billion dollars. In addition, the District includes approximately 1,000 parcels valued at $283 million where the quality of the adjacent lake waters is critical to property values.



Goal 2: To ensure balance between inflow, outflow and the storage of water ~~and encourage a productive landscape~~

Hydrologic balance involves accounting for the inflow to, outflow from, and storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake or reservoir, the relationship between evaporation, precipitation, runoff, and the change in water storage. Water balance is used to help manage water supply and predict where there may be water shortages or flooding.

Within the Coon Creek Watershed emphasis has been placed on the components and characteristics of streamflow. This is because sources, quantity and distribution of streamflow and any changes that may result from future development have direct impacts on downstream water quality and quantity.

Nine variables influence the water balance of the watershed:

1. Drainage area
2. Disposition of land uses
3. Total precipitation
4. Total loss to evaporation
5. Total streamflow

6. Changes in soil moisture storage
7. Changes in groundwater storage
8. Changes in depression storage
9. Groundwater flux

Goal 3: To ensure that water is protected from contamination

Runoff from various land uses and construction sites can carry sediment and other pollutants to water bodies within the District. Sediment and pollution can clog sewers and ditches and pollute creeks, streams and lakes. Pollutants can limit the use of water and waterways for beneficial purposes, promote the growth of undesirable aquatic life, and are difficult to remove.

Water quality goals and standards apply to a variety of water resources. Within the Coon Creek Watershed those resources and the amount within the watershed are:

Resource	Amount	Unit
Streams and Ditches	250	Miles
Deep Lakes (>12 Ft)	347	Acres
Shallow Lakes & Wetlands (<12 Ft)	15,508	Acres
Trout Lakes	29	Acres

In 2006 the Minnesota Pollution Control Agency (MPCA) listed Coon Creek, Sand Creek, Pleasure Creek and Springbrook Creek as biologically impaired and reported to the U.S. Environmental Protection Agency as required. In 2011, the MPCA ~~M~~monitored Coon Creek for bacteria and found that the creek exceeded the State standard of 126 organisms/100 ml. The sampling was conducted as part of the Upper Mississippi River Bacteria TMDL study.

GOAL 4: To provide for a variety of beneficial uses including the safety and enjoyment of the watershed's residents

"Beneficial uses" are the uses that water and related land resources provide for people. The U.S. Environmental Protection Agency (EPA), which administers the Clean Water Act, uses a related term "designated uses." Five 'Beneficial Uses' occur within the Coon Creek Watershed.

1. Drinking Water
2. Aquatic Life and Recreation
3. Industrial Consumption
4. Agriculture and Wildlife
5. Aesthetic Enjoyment And Navigation

The ability to provide a variety of beneficial uses depends on the quality and health of the watershed. Watershed health is the capacity of the landscape to sustain plant and animal productivity, maintain or enhance water quality and support human health and habitation.

The District approaches watershed health on a performance basis by seeking to ensure that changes in runoff rates and volumes and water quality do not interfere with established land uses or other beneficial uses

by ~~either~~ exceeding the capacity of the system to convey water or assimilate pollutants ~~or channel to convey water or the design capacity of the ditch to remove soil water to ensure agricultural drainage~~.

Goal 5: To preserve and enhance wildlife

The District efforts to preserve and enhance wildlife will focus on wildlife habitat, endangered and threatened species, riparian lands and the control of animal damage.

Sustaining plant and animal habitat will focus on active management of vegetation. Preserving endangered and threatened species will involve coordination with the MDNR and the state rules governing those species.

Control of animal damage, primarily beaver and dam removal will remain an ongoing activity.

Issue Goals

There are three major issues facing water resource management in the Coon Creek Watershed:

1. Aquatic Invasive Species (AIS)
2. Changes in Precipitation
3. The decline in surficial Groundwater and the effect on Groundwater dependent resources

ISSUE: Aquatic Invasive Species

Issue Statement: There are many introduced species that can wreak havoc on the ~~District's~~ Watershed's environment and economy. ~~Those species that cause harm and spread quickly from their point of introduction are often called "invasive." For these species, a single individual may produce thousands of seeds, masses of larvae or reproduce from nothing bigger than bits of stems, roots or leaves. Those that live in or near the water – aquatic invasive species – can be easily dispersed to distant water bodies or new ecosystems by currents, river flows, streams, floods and other water flows.~~

~~Invasive species arrived in Coon Creek via 'vectors'. Vectors are the pathways (the means or agents of transport from one place to the next) They~~ Vectors can include boats fishing and ~~gear,~~ diving gear, bait, aquariums, wildlife, pets and water gardens.

~~Plants can produce thousands of seeds, which may be carried by wind, water, animals or human activities. Some aquatic plants can reproduce vegetatively, with small bits of leaves, stems or roots resulting in new plants.~~

Management efforts have begun to focus on vectors, rather than species. On a general level, invasive species management involves five basic strategies, often in combination:

1. Prevention
2. Early Detection & Monitoring
3. Rapid Response & Eradication
4. Long-Term Control & Management
5. Education & Outreach

~~Choosing management approaches within this framework depends on the nature of the invader. Some invaders such as the Asian carp, specifically bighead carp and silver carp, are increasing their range up the Mississippi River. A management response focused on monitoring, education and early detection would be the most appropriate.~~

~~Other invaders such as curly leaf pond weed (Potomogeton crispus) and Eurasian watermilfoil (Myriophyllum spicatun) are so well established, that eradication may be~~

~~infeasible and ongoing chemical or mechanical removal is selected to minimize the harmful effects of the infestations.~~

~~Still others, such as Zebra mussels (Dreissena polymorpha), may present no management option whatsoever since there appears to be no environmentally acceptable way to treat or remove widespread benthic invertebrates in open waters at this time.~~

There are currently eight aquatic invasive species in the watershed. Some of these species are considered aquatic because they exist in wetlands.

Invasive Plant Species:

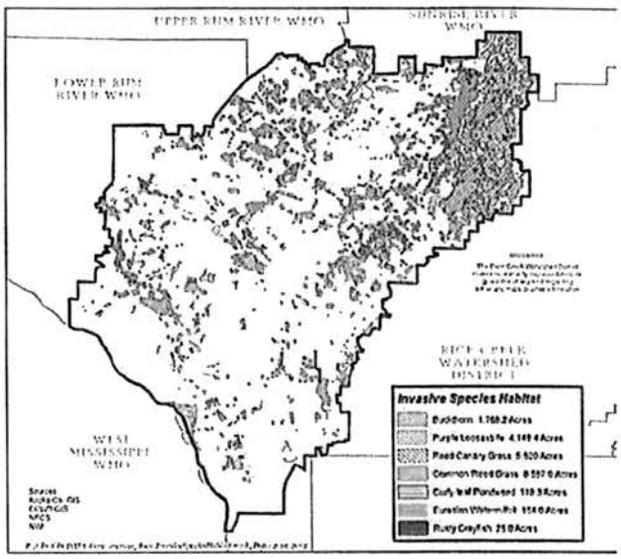
1. Eurasian watermilfoil (Myriophyllum spicatum)
2. Curly-leaf pondweed (Potamogeton crispus)
3. Flowering rush (Butomus umbellatus)
4. Reed Canary Grass (Phalaris arundinacea)
5. Purple loosestrife (Lythrum salicaria)
6. Buckthorn (Rhamnus frangula)
7. Common Reed grass (Phragmites australis subsp. australis)

Invasive Animal Species:

8. Rusty crayfish (*Orconectes rusticus*)

Invading Species of Concern

- Zebra Mussels (Dreissena polymorpha)



~~Species of concern include Zebra Mussels~~

GOALS:

1. **To minimize the harmful ecological, economic and human health impacts of aquatic invasive species (AIS).**

2. **To be proactive in aquatic invasive species management through education and projects that improves lake and stream water quality and/or reduces the risk of entry of invasive species.**

3. **Control the spread of AIS and minimize their impacts on native habitats and species.**

ISSUE: ~~Climate~~Changes in Precipitation

Issue Statement: Weather extremes pose a challenge to water and related land management. Recent episodic events such as drought, high intensity mini-storms, and weather variations can damage soil, water, and lead to a general scarcity of water.

There are ~~three~~ four critical issues regarding ~~climate~~ changes in precipitation:

1. How increasing hydrologic variability may affect water supply and demand and stormwater collection and treatment.
2. How changes in climatic patterns potentially may impact the watershed in the coming century.
3. How increasing hydrologic variability (e.g., wetter wet seasons and drier dry seasons) will pose challenges to the ~~District~~ watershed.
4. How changes in precipitation frequency and/or intensity will affect local floodplain management programs and the operation, maintenance and performance of the stormwater treatment systems and best management practices.

GOALS:

1. **To gather and disseminate weather data and climatic information, and provide meteorological expertise in support of Watershed ~~District~~ water and related resource management decisions and weather related management activities.**

2. **To ensure validity, integrity, and utility of weather information provided for Watershed ~~District~~ use.**

3. **To provide precipitation frequency estimates for the Coon Creek Watershed**

ISSUE: Declining Regional Surficial Groundwater and the Effect on Groundwater Dependent Resources

Issue Statement: Groundwater ~~within the Watershed~~ is a major contributor to base flow in the watershed and it strongly influences plant and animal species in riparian areas, lakes, and wetlands. It also provides drinking water to individuals and communities within the watershed.

GOALS:

1. **To manage Watershed ~~District~~ water resources for multiple-uses by balancing present and future resource use with domestic water supply needs.**

2. **Manage Groundwater dependent ecosystems under the principles of multiple use and sustainability, while emphasizing protection and improvement of soil, water and vegetation, particularly because of effects upon aquatic and wildlife resources.**

Implementation

Implementation priorities are:

1. Preventing flooding
2. Improving water quality in impaired or impacted waters
3. Maintaining and enhancing water quality in waters that are not impaired.

Implementation will use the adaptive management process. The process is a refinement to the annual strategic planning done as part of the budget process.

Implementation will involve five factors:

1. Funding
2. Means and Methods
3. Programs (Cost Centers)
4. Policies and Procedures ~~Principles and Standards~~
5. Partnerships and Collaboration

FUNDING

Implementation will rely on property taxes as the primary source of revenue. Revenues will be augmented through special assessments and grants where available and appropriate.

The direct financial burden on watershed residents has been moderated by securing grant or cost-share funds. The participation of volunteers in the District's programs and projects also helps to reduce the levied costs.

Revenue sources will be evaluated according to the principles of:

1. Administrative efficiency,
2. Equity,
3. Fiscal balance.

MEANS AND METHODS

The district mission and operation is complex and requires a variety of knowledge, skills and abilities. The District will consider alternative ways of doing business using:

1. District Staff
2. Consultants
3. Volunteers
4. Contracts
5. Grants
6. Cooperative Agreements
7. New Equipment & Technology
8. Work Standards

PROGRAMS

The District operates six programs as ~~These programs are~~ the primary delivery mechanism ~~and are used~~ for both allocating personnel and forecasting the knowledge skills and abilities of District staff and professional services. These programs are also the context within which the District evaluates its work methods and use of technology. The programs are:

1. **Administration**: implements the approved policies of the Board of Managers, administers the financial affairs of the Coon Creek Watershed District, ensures the accountability of public funds, and serves the District financial needs.
2. **Development Regulation and Issue Management**: evaluates, permits, and monitors plans and programs affecting the water and related land resources of the District in an orderly and informed fashion
3. **Operations and Maintenance**: plans, designs, constructs and maintains the public ditch system and water control structures, and preserves the location, character, and extent of the District ditch and conveyance system.
4. **Planning, Programming and Budgeting**: coordinates the planning, prioritizing, and financing of District programs and activities.
5. **Public and Governmental Relations**: ensures that the continuing planning and management of the Coon Creek watershed is responsive to the needs and concerns of an informed public and to coordinate policies and programs of the local, state, and federal government agencies to achieve consistency with the plan.
6. **Research and Monitoring**: gathers and analyzes data that will result in increased efficiency and effectiveness of

watershed management and District programs.

POLICIES AND PROCEDURES

Implementation will emphasize the functioning of natural systems and landscape (biogeochemical) processes, especially the hydrologic system.

Management means preserving the capacity to function, yet allowing use compatible with that functioning.

Policies and Procedures have been developed for:

1. Ditches and Water Courses
2. Floodplains
3. Groundwater
4. Soils
5. Stormwater and Hydraulics
6. Water Quality, Soils & Erosion Control
7. Wetlands and Water Bodies
8. Wildlife – Areas of endangered/ threatened/ special concern plants and animals

Between 2013 and 2023, the District will evaluate policies and procedures for:

1. Aquatic Invasive Species
2. Climate and Precipitation Change
3. Groundwater dependent resources
4. Nuisance wildlife and animal damage such as beaver
5. Fishery Management
6. Aquatic Life
7. Bacteria
8. Total Suspended Solids
9. Storm Water Volume Management
10. Aesthetics
11. Irrigation

PARTNERSHIPS AND COLLABORATION

All ~~of these~~ projects and activities in this plan occur within one or more of the cities in the watershed. Efficiently and effectively accomplishing projects depends on partnerships and collaboration with the cities and Anoka County.

To integrate water resource management with other resource management in the Watershed, the District will:

- Actively coordinate its water resource protection, development, and improvement programs with other similar programs of local, state and Federal agencies.
- Seek to assess the effectiveness of water management efforts within the watershed in meeting legislative mandates, such as those pertaining to pollution control.
- Plan and execute a coordinated program of water resource development to maximize public benefits within the Watershed.

CAPITAL PROJECTS

The Comprehensive Plan proposes $10.4 million in capital projects between 2013 and 2023. The Capital Improvement Program (CIP) follows the following policies:

1. A Capital Improvement Plan (CIP) will be developed for a period of ten (10) years
2. The most current year of the CIP will be incorporated into the current year operating budget
3. The CIP will be reviewed and updated annually. Years two through ten are for planning purposes only.
4. The District will seek to maintain physical assets to protect the District's capital investment and to minimize

future maintenance and replacement costs.
5. The District will provide maintenance and replacement from current revenues where possible.

CIP adoption involves a collaborative review by the Cities, Anoka County, the Citizen Advisory Committee and all interested citizens.

The major expenditure categories identified in the CIP include, but are not limited to:

1. New drainage, stormwater or water quality facilities
2. Ditch and Streambank Repair, Maintenance or Reconstruction
3. Capital Improvement or Retrofits to Existing Facilities
4. Capital Equipment (To be determined through normal budgetary process)
5. Studies and Special Area Management Plans

Plan Evaluation

Evaluation of plan implementation will be accomplished through

1. Daily control over operations,
2. Monthly (Staff) Activity Reports
3. Water Monitoring & Atlas System (WMAS)
4. Asset Knowledge/ Infrastructure Database
5. Annual Reporting to BWSR and MPCA on activities
6. Annual audit of financial affairs

COMMITTEE RECOMMENDATIONS
Grants Program & Policy Committee

1. Erosion Control and Water Management Program Policy Amendments – Dave Weirens – ***DECISION ITEM***

2. FY2014 Clean Water Fund and Competitive Grants Program: Policy and Request for Proposals – Dave Weirens - ***DECISION ITEM***

3. Cooperative Weed Management Area Program Authorization – Wayne Zellmer – ***DECISION ITEM***

4. Feedlot Water Quality Cost-Share Grants Program Authorization – Dave Weirens – ***DECISION ITEM***

5. Disaster Response Assistance Program Policy – Wayne Zellmer – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

Conflict of Interest Disclosure Form
for Board Members

Grant Program: **Feedlot Water Quality Cost Share Grants Program Authorization**

Name of Review Group: **Grants Program & Policy Committee**

Before any review of grant applications, the chair of the meeting shall make this statement about conflict of interest:

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. On the form, the grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, although they do not need to provide the reason for the conflict on the disclosure form.

A disclosure does not automatically result in the grant application reviewer being removed from the review process.

Please read the definitions 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.

Conflicts of interest may be actual, potential, or perceived:

ACTUAL CONFLICT OF INTEREST:
An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

POTENTIAL CONFLICT OF INTEREST:
A potential conflict of interest may exist if a grant 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.

PERCEIVED CONFLICT OF INTEREST:
A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

At a minimum, all internal parties who are involved in the grant review or grant management process must be made aware that an actual, potential, or perceived conflict has been disclosed and evaluated, even if it is not serious enough to remove or reassign the employee or grant reviewer. After reviewers have signed the conflict of interest form, therefore, the conflicts--if any--that have been disclosed shall be announced to the reviewing body as a whole. Disclosed conflicts and their resolution will also be noted in the meeting minutes, and the forms will be kept as documentation of the grant review.

As a grant reviewer, I certify that I have read and understand the descriptions of conflict of interest explained above and in OGM Policy 08-01. Check either box 1a or 1b **and** either box 2a or 2b.

☐ 1a. I have reviewed the list of applicants, and I do not have any conflicts of interest relating to this program's grant applicants or proposed projects.

☐ 1b. I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. (Note: If you disclose a conflict, you must identify the applicant on this form, but a description is discretionary. Under Minnesota Statute 13.599, this form is considered public data.)

Applicant	Type of Conflict (ACTUAL, POTENTIAL, or PERCEIVED)	Description of Conflict (optional)

☐ 2a. After reviewing this form and OGM Policy 08-01, I CHOOSE to participate in this review process.

☐ 2b. After reviewing this form and OGM Policy 08-01, I CHOOSE NOT to participate in this review process. I will avoid discussing the applicant and/or applications from organizations with which I have disclosed a conflict of interest with other reviewers.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Approval of Amendments to the Erosion Control and Water Management Policy**

Meeting Date: August 29, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☒ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Land and Water
Contact: Dave Weirens
Prepared by: Dave Weirens
Reviewed by: Grant Program and Policy Committee(s)
Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Adopt the recommendation of the Grant Program and Policy Committees to adopt amendments to the Erosion Control and Water Management Program Policy adopted on October 24, 2012.

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

The Board adopted the Erosion Control and Water Management Program Policy on October 24, 2012 effective for FY2014 Cost Share grants. At this meeting staff were directed to further evaluate the policy provisions related to practices that address water quantity problems due to altered hydrology. During this work staff recommended additional changes. In addition, appropriations and changes to 103C.501 were enacted that required development of additional changes to the Policy.

Minnesota Board of Water & Soil Resources

Resolution # _____

Amend the Erosion Control and Water Management Program Policy

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to adopt rules and policies to implement the Erosion Control and Water Management Program (Cost Share); and

WHEREAS, the Board adopted the Erosion Control and Water Management Program Policy on October 24, 2012, during this deliberation staff were directed to address concerns regarding how the policy provides direction on the implementation of "activities that address water quantity problems due to altered hydrology"; and

WHEREAS, appropriations for the Cost Share Program and amendments to 103C.501 were enacted as a result of the 2013 Legislative session; and

WHEREAS, comments were invited from soil and water conservation districts on the proposed policy changes on April 30, 2013 and June 19, 2013; and,

WHEREAS, the Board's Grants Program and Policy Committee met on April 24, 2013, May 22, 2013 and August 9, 2013 to review potential changes to the draft policy; and

NOW THEREFORE BE IT RESOLVED, the Board of Water and Soil Resources hereby adopts amendments to the Erosion Control and Water Management Program Policy as identified on the attachment.

_____ _____

Brian Napstad, Chair Date

Attachments:

- Draft Erosion Control and Water Management Program Policy

Minnesota Board of Water & Soil Resources

Resolution # 13-61

Amend the Erosion Control and Water Management Program Policy

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to adopt rules and policies to implement the Erosion Control and Water Management Program (Cost Share); and

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Brian Napstad, Chair

8/29/13
Date

Attachments:

- Draft Erosion Control and Water Management Program Policy

Minnesota Board of Water & Soil Resources

Erosion Control and Water Management Program Policy

(commonly known as the State Cost Share Program)

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1.0 Purpose

The Erosion Control and Water Management Program, commonly known as the State Cost Share Program, was created through Minnesota Statutes, §103C.501 to provide funds to Soil and Water Conservation Districts (Districts) to share the cost, with the land occupier, 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 boards 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 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 technical ~~and administration~~ and administrative expenses ~~services may be modified~~ is governed as provided in 3.1 of this policy.

2.0 Eligible Activities

The primary purpose of activities funded with Erosion Control and Water Management funds is to assist with structural or vegetative practices to correct existing problems. Specific preventative practices may also be allowed through policy or appropriation.

2.1 Practice Standards. All practices must be consistent with the NRCS Field Office Technical Guide (FOTG) or 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 practices 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 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 Practices that Address Water Quantity Problems Due to Altered Hydrology. The primary purposes of these types of practices is to apply conservation practices on drainage or conveyance systems to (a) improve water quality, and (b) reduce surface and/or subsurface peak flows and volumes that contribute to water quality problems. Practices that do not have water quality as a primary purpose are *ineligible.*

2.5 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~~ for crop damage during construction, payments to repair or install septic systems, payments for easements, practices installed for energy conservation and snow protection and/or feedlot expansions are not allowable practices with these funds. See 2.4 for ineligible practices that address water quantity problems due to altered hydrology.

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.~~ Amounts used for TA must be documented as an actual expense. 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%~~ more than 20% of the grant for TA if a request for such use is approved by the Board Conservationist based on a) or b) below:

a) ~~Federal funds~~ Other nonstate funds, will be leveraged and the district couldn't do the project otherwise, or
b) Funds are used on a project that is State Cost Share Program or EQIP eligible and the district's most recent Financial Report indicates less than an 18-month fund balance.

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~~ is 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 district's cost share program policy.

4.3 Local Rates. Prior to receiving any applications from land occupiers, 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 technical 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 Board'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~~ Contract Timeframe. District Boards have the authority to adopt timely starting and completion dates. ~~Entering into~~ Execution and completion of a contract with a land occupier must ~~occur~~ be within the grant period. ~~Completion dates can be no longer than two years after approval of the District Board~~. ~~Projects~~ Contracts not completed within the period of the grant agreement ~~this timeframe~~

must be cancelled unless the grant agreement with the District has been extended and the contract has been extended such that the contract timeframe is within the amended grant period ~~prior written approval of the State board has been received~~. Under all circumstances, grant funds must be expended within the period of a valid grant agreement.

6.5 Canceled Projects. Funds from canceled projects or remaining from completed projects where the final cost was less than the estimated amount may be re-encumbered to a new contract as provided in the grant agreement. Funds that are unexpended must be returned as provided in the grant agreement ~~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 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 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 district shall only share the approved percentage of the actual cost of the practice.

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 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 the 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 district for up to one hundred fifty percent (150%) of the financial assistance received to install and establish the practice as per MN Rule, part 8400.1700 as determined by the district board. Funds received by a district from a landowner who has failed to maintain a practice, must be used according to this policy and Minnesota Rules 8400.0050 to 8400.1900, less the administrative cost.

9.0 District Reporting Requirements

To ensure the continued success of the Erosion Control and Water Management Program, regular reporting of accomplishments and benefits is required. This reporting is accomplished through entries and documentation in eLINK. Guidance for reporting in eLINK is available on the BWSR website.

9.1 Annual Reporting. Districts must annually enter information on activities accomplished with the grant funding in eLINK. Reporting is required for grant fund expenditures from the prior calendar year and is to be completed by BWSR established reporting deadlines.

9.2 Grant Closeout Reporting. Within thirty (30) calendar days of the conclusion of each grant agreement or expenditure of all grant funds, whichever occurs first, Districts are required to provide the following to BWSR:

a) Entry of information on all projects completed with the grant funding in eLINK;
b) Signed Final Financial Report from eLINK;
c) Documentation of District Board approval of the Final Financial Report; and
d) Return any unspent or unencumbered funds, if applicable, as instructed on the Returned Check Form, found on the BWSR website.

9.3 Unencumbered Funds. Grant funds unencumbered by the District board after the grant period must be returned to the state board within thirty (30) calendar days. 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 current Grants Monitoring, Reconciliation, and Verification policy.

10.2 Penalties. Grant penalties can be applied when it has been determined the 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 district knowingly participates in accepting fraudulent receipts or invoices to calculate cost-share claims, the state may deny future cost-share funds for the 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~~ 5.0.)
b) Set District cost share rates to be less than or equal to rates set by the State Board (see ~~policy~~ 4.0.)
c) Establish maximum flat rates for in-kind services and materials provided by land occupiers (see ~~policy~~ 4.0.)
d) Identify practice standards to be used for design, construction, operation, and maintenance (see ~~policy~~ 2.0.)
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~~ 6.0)
f) Establish a process and local policy for addressing cost-share contract noncompliance (see ~~policy~~ 6.0).
g) State if the District is delegating authority to sign contracts and supporting program documents to District staff. (see 6.7)
h) 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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Authorizing the FY14 Clean Water Competitive Grants Program**

Meeting Date: August 29, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Dave Weirens

Prepared by: Dave Weirens

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

Presented by: Dave Weirens and Marcey Westrick

☐ **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

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SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The FY14 grants program includes four BWSR grants programs and Minnesota Department of Health Well Sealing Grant fund.

The Competitive Grants Program is proposed to have an application period from September 3 to October 4. The application scoring process will be conducted by staff from the DNR, MDA, MDH, PCA and BWSR staff as has been the case in past years. Changes to the Policy have been made to update this policy from the FY2013 Policy to ensure it is consistent with the proposed FY2014 appropriations. The Grants Program and Policy Committee met on August 9, 2013 and reviewed the draft Policy and Request for Proposals.

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 63

FY 2014 CLEAN WATER FUND AND COMPETITIVE GRANTS PROGRAM: POLICY AND REQUEST FOR PROPOSALS

WHEREAS, the Clean Water Fund (CWF) is established in M.S. 114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2013, Chapter 137; and,

WHEREAS, the Minnesota Department of Agriculture will be contributing Agricultural Best Management Practices Loan Program funds; and,

WHEREAS, the Minnesota Department of Health will be contributing Well Sealing Cost Share funds; and

WHEREAS, the Board 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 or authorities with jurisdiction in water and related land resources management when a proposed project, practice or activity implements a county water plan, watershed management plan, or county groundwater plan; and

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be "spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation", and that "dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute"; and,

WHEREAS, the Board has previously endorsed an inter-agency granting strategy that included the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), the Department of Health (MDH), and the BWSR with the goal of effectively coordinating water quality projects or practices funded by the CWF, and

WHEREAS, the CWF implementation strategy incorporates the purpose of M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

WHEREAS, applications for funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(b) will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
Proposal Description: The proposal description succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
Relationship to the Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	15
Targeting: The proposal addresses identified critical pollution sources impacting the water resource identified in the application.	30
Measurable Outcomes: The project or practice has a quantifiable reduction in pollution and directly addresses the water quality concern identified in the application.	35
Project or Practice Readiness: The proposal has a set of specific initiatives that can be implemented soon after grant award.	10
Biennial Budget Request (BBR): A BBR was submitted by the applicant organization in 2012.	5
Total Points Available	**100**

WHEREAS, applications for funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(c) will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
Clarity of the proposal's goals, standards addressed and projected impact on land and water management and enhanced effectiveness of future implementation projects or practices.	40
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	25
Means and measures for assessing performance, milestones for success, and capacity to measure outcomes.	20
Timeline for implementation.	15
Total Points Available	**100**

WHEREAS applications for a shared services or local capacity component established with funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(c) will be evaluated based on the following criteria:

Ranking Criteria	Maximum Points Possible
Clarity of proposed activities and their effect on enhanced delivery of current or future implementation projects or practices, targeting activities or other essential conservation delivery services.	25
Relationship of proposed activities to identified needs from the BBR and/or identified priorities associated with local water management plans or other strategic water quality assessments.	30
Means and measures for assessing performance, milestones for success, and capacity to measure outcomes.	25
Clarity of application activities to implement projects from other fund sources or from new partnerships within the Technical Service Area.	20
Total Points Available	**100**

WHEREAS, applications for funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(h) will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
Clarity of the application's goals, projected impact, and involvement with community partners.	40
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	30
Plan for assessing the proposal's impact and capacity to measure project or practice outcomes.	20
LGU capacity to implement local grant program processes and protocols.	10
Total Points Available	**100**

WHEREAS, applications for Well Sealing Funds appropriated to the Minnesota Department of Health and transferred to BWSR will be evaluated by an interagency team consisting of staff from the MDA, the DNR, the MPCA, the MDH, and the BWSR based on the following criteria:

Ranking Criteria	Maximum Points Possible
Specific wells included in the application	25
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	40
Priority areas for well sealing identified.	20
Overall proposal quality and completeness	15
Total Points Available	**100**

WHEREAS, the Grants Program and Policy Committee reviewed the Clean Water Fund and Competitive Grants Program Policy developed by staff on August 9, 2013.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1. Authorizes staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2014 Clean Water Fund Competitive Grants Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369 and this Board resolution; and,

2. Adopts the attached FY2014 Clean Water Fund Competitive Grants Policy.

Date: 8/29/13

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: FY2014 Clean Water Fund Competitive Grants Policy

Purpose 3.0 3.3

FY 2014 Clean Water Fund Competitive Grants Policy

Purpose

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation. The purpose of this policy is to provide expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) Clean Water Fund (CWF) grants.

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

The FY 2014 Clean Water Fund Competitive Grants Request for Proposals (RPF) may identify more specific requirements or criteria when specified by statute, rule or appropriation language.

RFP

1.0 Applicant Eligibility Requirements

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. Counties in the seven county metropolitan area are eligible if they have adopted a county groundwater plan or county comprehensive plan that has been approved by the Metropolitan Council under Minn. Stat. Chapter 473. Cities in the seven-county metropolitan area are eligible if they have a water plan that has been approved by a watershed district or a watershed management organization as provided under Minn. Stat. 103B.235. Cities, including those outside of the seven-county metropolitan area, without such plans are encouraged to work with another eligible local government if interested in receiving grant funds. Plans must be current as of October 1st, 2013 for an

- drainage authority ?
- CIDS eligible ?

applicant to be eligible to apply.[1] Applicants must also be in compliance with all applicable federal, state, and local laws, policies, ordinances, rules, and regulations.

2.0 Match Requirements

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

3.0 Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is ~~the control, reduction, or prevention of chemical or nutrient runoff, soil erosion, sedimentation, or materials that affect human or aquatic system health.~~ Eligible activities must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan, that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), watershed restoration and protection strategy (WRAPs) document, surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support, and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

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

3.1 Structural Practices and Projects:

3.1.1 Best Management Practices

a. Practices must be designed and maintained for a minimum effective life of ten years.
b. An operation and maintenance plan for the life of the practice shall be included with the design standards.
c. An inspection schedule, procedure, and assured access to the practice site shall be included as a component of maintaining the effectiveness of the practice.
d. The grant recipient must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

3.1.2 Capital Improvement Projects

a. Projects must be designed and maintained for a minimum effective life of 25 years.
b. An operation and maintenance plan for the life of the project shall be included with the design standards.
c. An inspection schedule, procedure, and assured access to the project site for maintenance shall be included as a component of maintaining the effectiveness of the project.
d. The grant recipient must provide assurances that the landowner or land occupier will keep the project in place for its intended use for the expected lifespan of the project. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit and termination or performance penalties. BWSR may allow replacement of a practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

3.1.3 Livestock Waste Management Practices

a. The application of conservation practice components to improve water quality associated with livestock management systems that were constructed before **October 23, 2000** are eligible for funding.
b. Eligible practices and project components must meet all applicable local, State, and Federal standards and permitting requirements. Funded projects must be in compliance with standards upon completion.

c. Eligible practices are limited to best management practices listed by the MN USDA-NRCS. (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/eqip/?cid=nrcs142p2_023513).
d. Funding is limited to livestock operations that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with MN Rule Chapter 7020.
e. Only livestock operations registered with the Minnesota Pollution Control Agency in the Delta Database are eligible for funding.
f. BWSR reserves the right to deny, postpone or cancel funding where financial penalties related to livestock waste management violations have been imposed on the operator.
g. Feedlot Roof Structure is an eligible practice with the following condition:
    1) Flat rate payment: The maximum grant for a feedlot roof structure is the NRCS EQIP Rate or $100,000, whichever is the lesser amount. Funding is not eligible for projects already receiving flat rate payment equaling or exceeding this amount from the NRCS or other State grant funds.
h. Feedlot relocation is an eligible practice, with the following conditions:
    1) The existing eligible feedlot must be permanently closed in accordance with the local and State requirements and, thereafter, is no longer eligible for Clean Water Funding. Closure activities at the existing feedlot include fence removal, waste storage facility closure and seeding, but funding is not authorized for removal or land application of manure from an open lot or waste storage facility.
    2) The relocated feedlot must be in compliance with all environmental requirements.
    3) Maximum grant for feedlot relocation is the NRCS EQIP Rate, or $100,000, whichever is the lesser amount.
    4) The existing and relocated livestock waste management systems sites are considered one project for grant funding.

3.1.4 Subsurface Sewage Treatment Systems

a. Only identified imminent threat to public health systems (ITPHS) are eligible for grants funds, except as provided under b.
b. Proposed community wastewater treatment systems involving multiple landowners are eligible for funding, but must be listed on the MPCA's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan [Minn. Rule 7077.0272] developed prior to the application deadline. For community wastewater system applications that include ITPHs, systems that fail to protect groundwater are also eligible.

c. In an unsewered area that is connecting into a sewer line to a municipal waste water treatment plant (WWTP), the costs associated with connecting the home to the sewer line is eligible for funding if the criteria in a. and b. above are met.

3.2 Non-Structural Practices And Measures

3.2.1 Non-structural practices and activities that complement, supplement, or exceed current minimum state standards or procedures for protection, enhancement, and restoration of water quality in lakes, rivers, and streams or that protect groundwater from degradation are eligible.

3.2.2 Incentives may be used to encourage landowners to install or adopt land management practices that improve or protect water quality. Incentive payments and enhanced protection measures should be reasonable and justifiable, supported by grant recipient policy, consistent with prevailing local conditions, and must be accomplished using established standards. All incentivized practices or procedures must have a minimum duration of at least 3 years with a goal of ongoing landowner adoption.

3.3 Project Support

Eligible activities include

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

3.4 Grant Management and Reporting

3.4.1 All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the project or activity.

3.4.2 Applicants, who have previously received a grant from BWSR, must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.

4.0 Ineligible Activities

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

a. Stormwater conveyances that collect and move runoff, but do not provide water quality treatment;
b. Municipal wastewater treatment or drinking water supply facilities;

c. Routine maintenance activities within the effective life of existing practices or projects;
d. Activities having the primary purpose of water quality monitoring or assessment.
e. Livestock Waste Management Systems:
    1) Projects that provide partial compliance with standards when the project is completed;
    2) Buildings;
    3) Feed storage facilities;
    4) Feeding facilities and equipment;
    5) Manure application equipment;
    6) Barn cleaners and flush systems;
    7) Building foundation costs not associated with a manure storage facility; and
    8) Animal buyouts.
f. Subsurface Sewage Treatment Systems (SSTS):
    1) Small community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
    2) A small community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.

5.0 Structural Practice and Project Requirements

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

5.1 Technical and Engineering Components

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

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

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

5.2 Practice or Project Construction and Sign-Off

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

5.3 Post Construction and Follow-Up Activities

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

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

6.0 Grantee Administration of Clean Water Fund Grants

Grant Recipients have the responsibility to approve the expenditure of funds within their organization. The LGU administering the grant must approve or deny expenditure of funds and the action taken must be documented in the governing body's meeting minutes prior to beginning the funded activity.

All grant recipient expenditure of funds providing financial assistance to landowners requires a contract with the landowner or land occupier. The contract must adequately address all the lifespan and operation and maintenance requirements of the practice or project as provided by this policy including access for inspections and/or operation and maintenance. The contract must specify enforcement provisions, up to and including repayment of funds at a rate up to 150% of the original agreement amount. BWSR recommends all contracts be reviewed by the grant recipient's legal counsel.

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

7.0 BWSR Grant Reporting, Reconciliation, and Verification Requirements

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

7.1 BWSR Grant Reconciliation and Verification Procedures

a. BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.
b. Elements described in the project work plan will be reviewed during grant reconciliation.

c. Project files for CWF expenditures including landowner contact information, contracts, bills and invoices, inspection schedule, structural practice and project operation and maintenance information, design plans, and miscellaneous communication must be retained by the grant recipient pursuant to MS 138.17 and consistent with ongoing record retention schedules.
d. In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions including repayment of grant funds at a rate up to 150% of the grant agreement.

For additional information, see the BWSR grants manual at:
http://www.bwsr.state.mn.us/grants/manual/index.php#/Purpose%20&%20Scope/7/top

DRAFT

FY 2014 Clean Water Fund Competitive Grants Request for Proposal (RFP)

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. The appropriation language governing the use of these funds is in Laws of Minnesota 2013, Chapter 137. These funds must supplement traditional sources of funding and may not be used as a substitute to fund activities or programs. Table 1 lists the Clean Water Fund (CWF) programs available to BWSR and other executive branch agencies. Final funding decisions will be dependent on the actual funds available.

Table 1: FY 2014 Competitive Clean Water Grant Funding Available

Agency Fund	Funding Amount	Governmental Units Eligible for Funding	Required Match
BWSR Projects and Practices	$8,545,000[1]	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%
BWSR Accelerated Implementation	$2,150,000[1]	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%
Shared Services	$2,000,000[1]	JPB Technical Service Areas made up of member SWCDs	
BWSR Community Partners	$1,400,000[1]	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%
MDH Well Sealing	$250,000[1]	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	100%
MDA Ag BMP Loans	$3,000,000	Any LGU may apply, but awards will be coordinated through existing contract holders.	Not required
Total	**$17,345,000**		

[1] Amounts shown are estimates, actual amounts will be determined prior to the end of the application period.
[2] Cities must have a state approved local water management plan. BWSR recognizes metropolitan area city water plans approved by a Watershed District or a Watershed Management Organization (WMO) as a State approved plan.

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RFP General Information

What's New for 2014

1. The deadline for submitting grant applications has changed. (pg. 5)
2. The deadlines for submitting workplans and executing grant agreements have changed. (pg. 5)
3. Livestock Waste Management and Low-Income SSTS abatement projects are included in the general Projects and Practices Grant (Clean Water Assistance) application (pg. 8)
4. The scoring criteria for Projects and Practices Grants (Clean Water Assistance) have changed. (pg. 9)
5. There is a new Accelerated Implementation grant category for existing Technical Service Areas (pg. 11)

Application Guidelines

- Proposals should demonstrate significant, measureable project outputs and outcomes that will help achieve water quality objectives. As appropriate, outputs should include scientifically credible estimates of pollutant reductions expected as a result of the project, as well as other measures such as acres of wetlands/forest, miles of riparian buffer or stream bank restored, acres treated by stormwater BMPs, acres of specific agricultural conservation practices implemented.
- BWSR CWF grants require a minimum non-state match equal to at least 25% of the amount of Clean Water Funds requested and/or received. The match must be directly attributed to project accomplishments. Proposals submitted under the Clean Water Fund must request state funds that equal or exceed $30,000 for Projects and Practices and Accelerated Implementation Grants. The minimum request is $5,000 for the Community Partners Grant program. Applications submitted that do not meet this minimum dollar amount will not be accepted. Actual awards may be less than this minimum when applications receive partial funding.
- Applications may receive partial funding 1) due to no or limited identification of specific project locations, 2) due to activities that were not discussed in the application or have no connection to the central purpose of the application; and 3) to address concerns over requests for technical assistance/administration funding.
- Proposals must include one map showing information relevant to the application and may include one photograph.
- Maps showing highly vulnerable drinking water supply management areas for the state can be found at http://www.bwsr.state.mn.us/easements/wellhead/index.html.
- Proposals from applicants that were previously awarded Clean Water Funds will be considered during the review process for applications submitted in response to this RFP. Applicants that have expended less than 50% of previous award(s) at the time of this application will need to demonstrate organizational capacity to finalize current projects and complete new projects concurrently.

Applicant Eligibility

- LGUs are eligible to receive grant funds if they are working under a current (as defined in the FY 2014 Clean Water Fund Competitive Grant Policy) plan that has been **state approved and locally adopted by October 1, 2013**. Partner organizations such as non-profits, watershed groups, school districts or lake associations must work in conjunction with eligible applicants.
- Any LGU eligible to receive grants may request AgBMP Loan funds; however, successful projects will be awarded the funds under existing AgBMP contracts for their jurisdiction.

Application Deadline and Timeline

No late submissions or incomplete applications will be considered for funding.

- September 3, 2013 — Application period begins
- **October 4, 2013** — **Application deadline at 4:30 PM***
- January 22, 2014 — BWSR Board authorizes grant awards (proposed)
- February 2014 — BWSR grant agreements sent to recipients
- March 17, 2014 — Work plan submittal deadline
- April 1, 2014 — Grant execution deadline

*The application must be submitted by 4:30 PM.

Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction, or prevention of chemical or nutrient runoff, soil erosion, sedimentation, or other materials that affect human or aquatic system health. Eligible activities must be consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy document, surface water intake plan, or well head protection plan. Local governments may include programs and projects in their grant application that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.

Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support, and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

Project Period

The project period starts when the grant agreement is executed, meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds and cannot be used as match. All grants must be completed by December 31, 2016.

If a project receives federal funds, the period of the grant agreement may be extended to equal the length of time that the federal funds are available subject to limitation.

Applicants using federal funds are encouraged to contact BWSR soon after award of funds to ensure the grant agreement can be developed appropriately.

AgBMP Loans are available upon execution of the respective contract amendment and are available to the LGU in perpetuity or until rescinded in accordance with existing contracts.

Payment Schedule
Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after execution of the grant agreement and work plan approval provided the grant applicant is in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The second payment of 40% of the grant amount will be paid once the grantee has provided BWSR with notification and BWSR has reconciled expenditures of the initial payment. The last 10% will be paid after all final reporting requirements are met, the grantee has provided BWSR with a final financial report, and BWSR has reconciled these expenditures.

AgBMP Loan funds will be disbursed to participating lenders on a cost-incurred basis in accordance with existing contracts.

Permitting
If applicable, successful applicants will be required to provide sufficient documentation that the project expects to receive or has received all necessary federal, state and local permits and meets all water quality rules, including those that apply to the utilization of an existing water body as a water quality treatment device. Applicants are encouraged to contact the appropriate regulatory agencies early in the project development process to ensure potential projects can meet all applicable regulatory requirements.

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

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

- Components of the application are incomplete or missing;
- Any required documentation is missing; and
- The match amount does not meet grant requirements.
- The minimum grant dollar amount is not met

CWF Project Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. All BWSR funded projects will be required to develop a work plan, including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system.

Grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing this activity. For more information go to http://www.bwsr.state.mn.us/outreach/eLINK/index.html.

- BWSR Clean Water Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- When practicable, grant recipients shall prominently display on their website the legacy logo. Grant recipients must display on their website either a link to their project from the Legislative Coordinating Commission Legacy Site http://legacy.leg.mn/) or a clean water project summary that includes a description of the grant activities, including expenditure of grant funds and measurable outcomes according to the format specified by the BWSR.

Completed AgBMP Loan projects must be submitted in accordance with established AgBMP procedures and be included in the LGU's annual report to the MDA.

Grants and Public Information

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

Prevailing Wage

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

Conflict of Interest

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

1. A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,

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

Minimum Browser Requirements
The applicant must use Microsoft (MS) Internet Explorer 9 or Mozilla Firefox.

Questions
This RFP and the 2014 Clean Water Fund Competitive Grants Policy adopted by the BWSR provide the framework for funding and administration of the 2014 Clean Water Fund Competitive Grant Program (www.bwsr.state.mn.us/grants/apply/index.html).

Questions regarding grant applications should be directed to your area Board Conservationist or Clean Water Specialist; a map of work areas and contact information is available at www.bwsr.state.mn.us/contact/BC_areas.pdf. Questions may also be submitted by email to cwfquestions@state.mn.us. Responses will be posted on the BWSR website weekly.

Questions about the AgBMP Loan Program and requesting funds through this application can be answered by calling Dwight Wilcox or David Miller at (651) 201-6618 or AgBMP.Loans@state.mn.us.

BWSR Projects and Practices Grants (Formerly Clean Water Assistance)

This grant makes an investment in on-the-ground projects and practices that will protect or restore water quality in lakes, rivers or streams, or will protect groundwater or drinking water. Examples include stormwater practices, agricultural conservation, livestock waste management, lakeshore and stream bank stabilization, stream restoration, and SSTS upgrades.

Specific Requirements –Projects and Practices

- MINNFARM program pollution estimates and index rating are required for all livestock management practices, except for milk house waste facilities, or other alternative treatment systems (ex. silage leachate treatment).
- Eligible livestock waste management practices are limited to best management practices listed by the MN USDA-NRCS. (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/mn/programs/financial/eqip/?cid=nrcs142p2_023513)
- Funding for livestock water quality projects is limited to feedlots that are not classified as a Concentrated Animal Feeding Operation (CAFO) and have less than 500 animal units (AUs), in accordance with MN Rule Chapter 7020.
- SSTS project landowners must meet low income thresholds. Applicants are strongly encouraged to use existing income guidelines from U.S. Rural Development as the basis for their definition of low income.
- Projects that are proposing to construct community cluster systems must be listed on the Minnesota Pollution Control Agency's Project Priority List (PPL) and have a Community Assessment Report (CAR) or facilities plan developed. For more information on Public Facility Authority's program, go to the MPCA's website

Ineligible Activities – Projects and Practices

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

- Stormwater conveyances that collect and move runoff but do not provide water quality treatment;
- Municipal or industrial wastewater treatment or drinking water supply facilities;
- Routine maintenance activities within the effective life of an existing practice;
- Projects with a primary purpose of water quality monitoring or assessment;
- Livestock Waste Management projects that address the following will not be considered:
    - Provide partial compliance with standards when the project is completed;
    - Buildings;
    - Feed storage facilities;
    - Feeding facilities and equipment;
    - Manure application equipment;
    - Barn cleaners and flush systems;
    - Building foundation costs not associated with a manure storage facility; and
    - Animal buyouts.
- Community wastewater treatment systems serving over 10,000 gallons per day with a soil treatment system, and
- A community wastewater treatment system that discharges treated sewage effluent directly to surface waters without land treatment.

Ranking Criteria – Projects and Practices

BWSR staff initially review all applications for eligibility. Eligible applications are further screened and forwarded to an interagency work team (BWSR, MPCA, MDA, MDH and DNR) that will review and rank Projects and Practices applications in order to make a funding recommendation to the BWSR.

Table 2: Projects and Practices Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
Project Description: The project description succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
Relationship to the Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	15
Targeting: The proposed project addresses identified critical pollution sources impacting the water resource identified in the application.	30
Measurable Outcomes: The proposed project has a quantifiable reduction in pollution and directly addresses the water quality concern identified in the application.	35
Project Readiness: The application has a set of specific activities that can be implemented soon after grant award.	10
Biennial Budget Request (BBR): A BBR was submitted by the applicant organization in 2012.	5
Total Points Available	**100**

BWSR Accelerated Implementation Grants

Before on-the-ground clean water projects get implemented, there is the need for pre-project identification, planning and design. This grant invests in building capacity for local governments to accelerate on-the-ground projects that improve or protect water quality and perform above and beyond existing standards. Whether it is conducting inventories of potential pollutant sites, developing and using analytical targeting tools, providing technical assistance or increasing citizen interaction, local governments will be better prepared to increase the installation of water quality projects and practices after receiving these grants.

General Requirements – Accelerated Implementation

- Projects and activities for accelerating implementation of projects and practices that supplements or exceeds current state standards for protection, enhancement, and restoration of Minnesota's surface and ground water resources, including compliance.
- Applications must include a strategy to measure the impact of this funding that includes identifying performance measures in a work plan and milestones for implementation.
- Resulting outputs need to be incorporated into the next water management or comprehensive plan amendment/revision or otherwise be incorporated into routine activities resulting in increased water quality protection or accelerated water quality restoration.

Ineligible Activities – Accelerated Implementation

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

- Updating local water plans,
- Clean Water Partnership Phase 1 diagnostic studies or equivalent, and
- Land acquisition or easement payments.

Ranking Criteria – Accelerated Implementation

Table 3: Accelerated Implementation 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
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	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**

General Requirements – Shared Services Grants

- Available only to Technical Service Areas
- Grant funds must supplement existing dedicated funding (including required match funds)
- Joint Powers Agreements must be modified (if necessary) to ensure there are no administrative restrictions to delivering essential conservation services within the Service Area boundary
- Applications must include a strategy to measure the impact of this funding that includes identifying performance measures in a workplan and milestones for implementation.
- Grant applications of any amount will be considered, however applications in the range of $50,000-$250,000 are preferred given the amount of funding available.
- A minimum non-state match equal to at least 25% of the grant amount requested, of which, 10% must be local cash match.
- In order to receive funding, all required TSA reporting requirements must be fulfilled

Ineligible Activities – Statewide Shared Services Grants

- Replacing existing funding for activities and resources dedicated to conservation delivery.
- Routine maintenance and replacement of existing equipment
- Updating local water plans,
- Clean Water Partnership Phase 1 diagnostic studies or equivalent, and
- Land acquisition or easement payments.

Table 4: Clean Water Accelerated Implementation Ranking Criteria

Ranking Criteria	Maximum Points Possible
Clarity of proposed activities and their effect on enhanced delivery of current or future implementation projects or practices, targeting activities or other essential conservation delivery services.	25
Relationship of proposed activities to identified needs from the BBR and/or identified priorities associated with local water management plans or other strategic water quality assessments.	30
Means and measures for assessing performance, milestones for success, and capacity to measure outcomes.	25
Clarity of application activities to implement projects from other fund sources or from new partnerships within the Technical Service Area.	20
Total Points Available	**100**

BWSR Community Partners Grants

Everyone is responsible for making sure Minnesota's waters are clean. These sub-grant funds leverage the interest of non-governmental partners such as faith organizations, lake and river associations, boy/girl scout troops, and other civic groups, to install on-the ground projects that reduce runoff and keep water on the land . Examples include: rain gardens and shoreline restorations.

General Requirements – Community Partners

- Community partners include non-profits, citizen groups, businesses, student groups, faith organizations, and neighborhood, lake, river, or homeowner associations.
- Proposals shall indicate the types of structural and vegetative practices proposed for sub-grants to community partners to reduce stormwater runoff and retain water on the land. An estimate of outputs (# of grants anticipated) must be included in the grant application.
- The maximum dollar amount an LGU can apply for is $150,000. The maximum amount of a sub-grant is $25,000.
    - All grants require a minimum match of 25% non-state, non-federal government cash or in-kind cash value that can be directly attributed to project accomplishments.
    - A proposed LGU sub-grant program must solicit proposals for structural or vegetative management practices that reduce storm water runoff and/or proven and effective water retention practices to keep water on the land. Broad types of practices need to be identified in the BWSR application.

Ineligible Activities – Community Partners

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

- Aquatic invasive species control (curly leaf pondweed, carp control),
- In-lake treatments (alum, iron filings, ferric chloride, barley straw, etc.),
- Educational events such as garbage clean-ups, etc., and
- Project enhancements – i.e., park benches, aesthetic shrubbery/plantings.

Ranking Criteria - Community Partners

Table 5: Community Partners Ranking Criteria

Ranking Criteria	Maximum Points Possible
Clarity of project goals, projected impact, and involvement with community partners.	40
Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan.	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**

Minnesota Department of Health (MDH) Well Sealing Program

These funds are to be used to provide assistance to well owners for the sealing of unused wells in accordance with Minnesota Rules 4725.

General Requirements

- Well sealing assistance can be provided to homeowners, businesses, industries and other public and private entities who own wells that were never designated as public water supply wells by the Minnesota Department of Health.
- 100% (1:1) non-state cash or in-kind cash value match is required
- Maximum per well cost share assistance must not exceed $1,000
- Applications may be for specific wells that meet one or more of the following criteria:
    - Wells within a drinking water supply management area (DWSMA)
    - Wells completed in the same aquifer as one or more nearby (within one mile) public water supply wells designated by the Minnesota Department of Health
    - Large diameter wells (8 inches or greater)
    - Multi-aquifer wells
    - Wells within areas of known (documented) groundwater contamination
- Eligible LGUs may also apply for funds to initiate a well-sealing program within their jurisdictions by setting up an application screening process that includes the criteria above.

Ranking Criteria - MDH Well Sealing Grants

Table 6: Minnesota Department of Health Well Sealing Grant Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
Specific wells included in the application	25
Prioritization and Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from an approved local water management plan	40
Priority areas for well sealing identified	20
Overall proposal quality and completeness	15
Total Points Available	**100**

Minnesota Department of Agriculture AgBMP Loan Program

The AgBMP Loan Program provides low interest loans to farmers, rural landowners, and agriculture supply businesses to solve water quality problems. The program encourages implementation of Best Management Practices that prevent or reduce pollution problems, such as runoff from feedlots; erosion from farm fields and shoreline; and noncompliant septic systems and wells. For more information on program specifics, go to the MDA website at http://www.mda.state.mn.us/agbmploans.

General Requirements

- AgBMP loans can only be issued to rural landowners, farmers, and farm supply businesses. Urban landowners may not be eligible for AgBMP loans. The maximum amount of an individual loan is $100,000.
- The MDA will provide requested AgBMP Loan components for all successful grant applications, up to a maximum of $300,000 per government unit. The amount awarded may be adjusted in coordination with prior AgBMP Loan awards.
- AgBMP Loan awards must go through one of the program's existing local governmental unit contracts. Watershed organizations, cities, townships, etc., can apply for AgBMP Loans, but the amount awarded will ultimately be added to the existing contract for the project area. The applicant must coordinate their efforts with the area's existing local AgBMP Loan program.
- AgBMP Loan awards are ONLY for implementation of proven BMPs. Research and demonstration projects are not eligible components of an AgBMP Loan request.
- AgBMP Loans are considered non-state, non-federal, non-public MATCH.
- If an LGU is ONLY requesting AgBMP Loan funds and NO coordinating grants, then the LGU should submit their request in the usual, annual application and report that is distributed to the participating LGUs about January 1, 2014 and will due back to the MDA by the first Friday of February (2/7/2014). LGUs should NOT apply through the BWSR Competitive Grant RFP just strictly for AgBMP Loan requests.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Cooperative Weed Management Area Program Grant Request For Proposal**

Meeting Date: August 29, 2013

Agenda Category: ☒ Committee Recommendation ☐ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region:
Contact: Dan Shaw
Prepared by: Dan Shaw
Reviewed by: Grants Program and Policy Committee Committee(s)
Presented by: Wayne Zellmer

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of FY2014 and FY2015 Cooperative Weed Management Area (CWMA) Program Grants.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Board was appropriated $100,000 in each year of the FY2014-15 biennium of cost share grant funds for "cooperative weed management grants and to restore native plants in selected invasive management sites by providing local native seeds to landowners for implementation". Staff have developed a proposal to make these funds available to qualifying cooperative weed management groups. The Grants Program and Policy Committee reviewed the proposal on August 9, 2013 and is recommending Board approval.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-64

Cooperative Weed Management Area Program Authorization

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to implement the Erosion Control and Water Management Program (Cost Share); and

WHEREAS, the Minnesota Legislature, by Chapter 114 Minn. Session Laws 2013 has appropriated cost share funding to BWSR, including funding specifically for the Cooperative Weed Management Area (CWMA) Program; and,

WHEREAS, the CWMA Grant Program administered by the Board of Water and Soil Resources (BWSR), provides financial assistance to soil and water conservation districts (SWCD) to develop and sustain Cooperative Weed Management Areas, to control emerging weed threats, and manage natural areas and conservation lands through an integrated pest management and ecosystem approach; and

WHEREAS, the BWSR staff are proposing the following grant allocation policies:

- SWCDs are the eligible grant applicants for this program. Other groups may apply in partnership with SWCDs to develop and operate CWMA projects. Existing CWMAs or new terrestrial weed management groups partnering with SWCDs in Minnesota are eligible applicants.
- $200,000 is available for the program for FY2014 and FY2015 combined. Eligible applicants may receive up to $15,000.
- This grant can be used for a wide variety of activities related to setting up a CWMA, conducting outreach and education, weed mapping, managing invasive species and monitoring.
- Applicants may propose using more than 20% technical and administrative costs as provided in 3.1 of the Erosion Control and Water Management Program Policy, August 2013.
- To the extent possible, projects must plant vegetation following BWSR's Native Vegetation Establishment and Enhancement Guidelines.
- Proposals will be reviewed and scored by both BWSR staff members and members of the Project Advisory Team using the program ranking criteria. The Advisory Team is an interagency group established to assist in the development of this grant program. Proposals will be scored to determine which projects can be funded, based on available dollars. Once projects are selected for funding, the project manager will be notified.

- CWMA program requirements for payment schedules, incomplete applications, reporting, prevailing wage, conflict of interest, and minimum software requirements are consistent with other BWSR grant programs.

WHEREAS, the Grant Program and Policy Committee met on August 9, 2013 and is recommending the Board authorize the FY2014-15 CWMA Grant Program based on the policies contained in this resolution.

NOW THEREFORE, the BWSR hereby authorizes staff to authorizes staff to finalize, distribute and promote a Request for Proposals (RFP) for the Cooperative Weed Management Area Grant Program consistent with the appropriations enacted in 2013 and this Board resolution.

Date: 8/29/13

Brian Napstad, Chair
Board of Water and Soil Resources

Cooperative Weed Management Area (CWMA) Grant Program 2-4-13

Program Purpose: To establish strong and sustainable CWMAs across Minnesota for the effective control of invasive species and protection of conservation lands and natural areas.

What is a CWMA? ...a local organization that provides a mechanism for sharing invasive species management resources across jurisdictional boundaries in order to achieve widespread invasive species prevention and control.

Reasons CWMAs are Needed Across Minnesota

1) They provide effective weed mapping, education, outreach and management leading to the control of emerging and established invasive species.
2) They work effectively across geographic and ownership boundaries.
3) They develop strong partnerships to leverage expertise and funding
4) They help prevent significant ecological and economic losses from invasive species
5) They protect the diversity and resiliency of natural areas and conservation lands.

Roseau CWMA working with County Commissioners

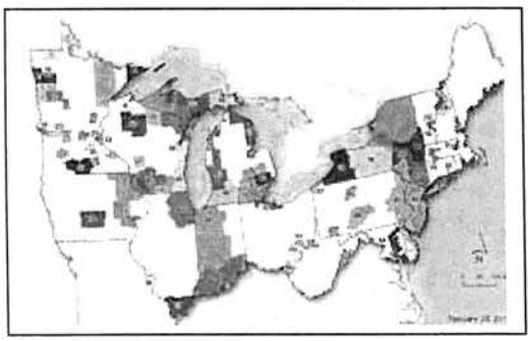
CWMA and Program Funding History:

CWMAs started in western states to manage grazing lands. Clay County had the first Minnesota CWMA, acting as a model for the BWSR program that started in 2008.

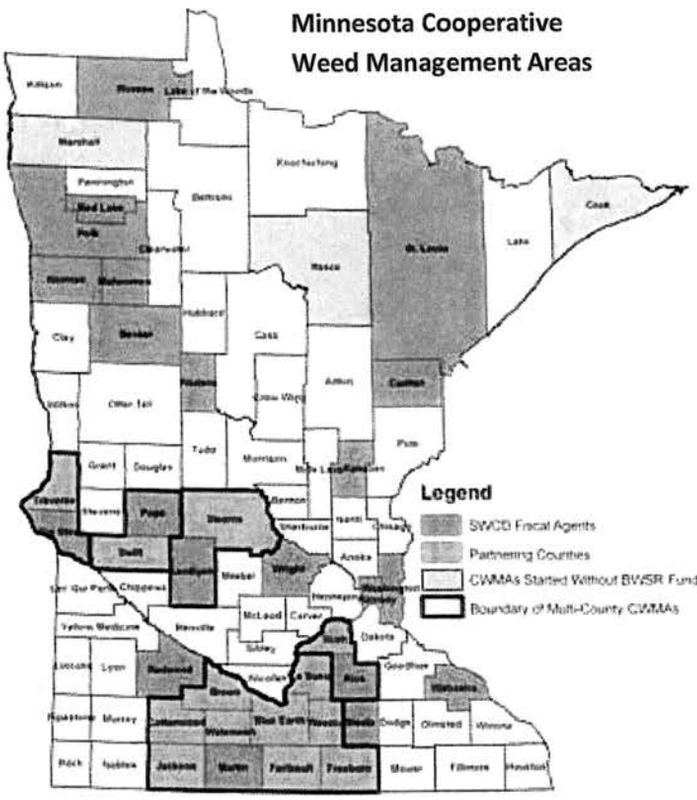
-FY 2008/2009 - $400,000 (legislative appropriation)
-FY 2010/2011 - $200,000 (legislative appropriation)
-FY 2012 - $232,470 (funded with cost-share roll-over funds)
-FY2013 – No funding available

Current Status of Program

There are 23 existing groups in MN and 3 new groups (Marshall, Itasca, Cook) forming covering 33 counties. The extent of CWMAs in Minnesota is now on-par with surrounding states (see map below). It does not have a stable/predictable funding source. BWSR staff and members of the interagency advisory group have been discussing funding options



CWMAs across the Midwest



CWMA Models: Of the 23 groups in the state the following are three examples of how CWMAs are tackling weed issues across Minnesota:

Marsha Watland of Becker CWMA meeting with landowners

Becker CWMA

Focus: Emerging weed threats- crown vetch, common tansy, spotted knapweed, leafy spurge, wild parsnip.

Started: 2006 with a National Fish and Wildlife Foundation Grant (NFWF).

Mapping: Conducted baseline GIS mapping of all invasive weeds in the county.

Management Action: Combined manual, biological and cultural treatments for target species across the county.

Strength of Program: Through mapping, partnering with the County Hwy. Dept., establishment of a gravel pit certification program and developing a landowner cost-share program they have achieved effective control of weeds in the county.

Wild Parsnip

Wright CWMA

Focus: Wild Parsnip control (a significant agricultural, ecological, and human health threat to the county), now adding other species.

Started: 2008 with BWSR Funding.

Mapping: GIS Mapping of parsnip locations across county.

Management Action: Worked with over 100 landowners and treated 11,000 acres.

Strength of Program: Partnership with County Hwy. Dept., Townships and Landowners to halt the spread of an emerging weed threat.

Terri Peters of Wabasha CWMA monitoring invasive species

Wabasha CWMA

Focus: Addressing emerging weed threats from Japanese knotweed and Japanese barberry, as well as common buckthorn and invasive honeysuckle shrubs.

Started: 2008 with BWSR Funding, developed own cost-share program.

Mapping: GIS Mapping of 1000 acres of invasive species populations.

Management Action: Over 150 acres have been treated for removal of invasive species in important habitat areas.

Strength of Program: Effective control of emerging weed threats. Focus on protecting intact plant communities and re-seeding native vegetation after removal.

Minnesota Board of Water & Soil Resources

FY 2014-15 Cooperative Weed Management Area Program
Request for Proposal (RFP)

The Cooperative Weed Management Area (CWMA) Program was developed in 2008 to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands. $200,000 is available for FY2014 and 2015 for existing Minnesota CWMAs/terrestrial weed management partnerships through this request for proposal.

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RFP General Information

CWMA Program Goals

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

Key Considerations for BWSR Grants

1. Applicants, who have previously received a grant from BWSR, must be in compliance with BWSR requirements for grantee website and eLINK reporting before grant execution and payment.
2. The payment schedule has been changed from previous CWMA Grant offerings.
3. Match may be provided from any non-state source.
4. Minimum software requirements are established.
5. Documentation of Conflict of Interest procedures is required for awardees.
6. Applicants may propose using more than 20% of the grant funds for technical and administrative costs as provided in 3.1 of the Erosion Control and Management Policy, August 2013.

BWSR Assistance

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

Applicant Eligibility

- As the CWMA Program is a State Cost-share Program SWCDs are the only eligible applicants. Other organizations may apply in partnership with SWCDs to help develop and operate the Cooperative Weed Management Area project.
- Existing CWMAs or new terrestrial weed management groups partnering with SWCDs in Minnesota are eligible applicants for this RFP.

Project Period

The project period starts when the grant agreement is "executed," meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds, and cannot be used as match. All grants must be completed by December 31, 2016.

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

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

Application Deadline and Timeline for FY 2014 CWMA Funding
No late submissions or incomplete applications will be considered for funding.

• October 7, 2013	Application period begins
• **November 8, 2013**	**Application deadline at 4:30 PM***
• January 22, 2014	BWSR Board authorizes grant awards
• February 2014	BWSR grant agreements sent out to recipients
• March 17, 2014	Work plan approval deadline
• April 1, 2014	Grant execution deadline

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

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

CWMA Program Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of CWMA grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the activity.
- BWSR CWMA Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- All BWSR funded projects will be required to develop a work plan including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. For more information on eLINK go to: http://www.bwsr.state.mn.us/outreach/eLINK/index.html.
- Grant recipients must display on their website the previous calendar year's detailed information on the expenditure of grant funds and measurable outcomes as a result of the expenditure of funds according to the format specified by the BWSR, by March 15th 2015 and 2016.

Grants and Public Information

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

Prevailing Wage

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

Conflict of Interest

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

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

Minimum Software Requirements

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

Questions

This RFP and the Erosion Control and Water Management Policy, August 2013 adopted by the BWSR (http://www.bwsr.state.mn.us/grants/index.html) provide the framework for funding and administration of the CWMA Program. Questions regarding grant applications should be directed to your area Board Conservationist or Clean Water Specialist (http://www.bwsr.state.mn.us/contact/index.html) or the Program Manager, Dan Shaw.

Application Guidelines

- Proposals should demonstrate significant, measureable project outputs and outcomes[1]. As appropriate, outputs should include scientifically credible estimates of both short-term and long term benefits as well as other measures such as: acres of invasive species treated, increases in diversity levels, etc.
- Proposals must have plans for long-term maintenance and inspection monitoring for the duration of the project's effective life.
- Proposals should demonstrate that, when appropriate, a sufficient partnership exists to implement the project.
- $200,000 is available for the program for FY2014 and FY2015 combined. Up to $15,000 can be requested by CWMAs/terrestrial weed management partnerships in Minnesota.
- The CWMA program requires a minimum match of 25% (non-state) or in-kind cash value that can be directly attributed to project accomplishments.
- Applicants are required to fill out a project budget summarizing proposed activities and expenditures including proposed actual technical and administrative costs. Applicants may propose using more than 20% of the grant funds for technical and administrative costs as provided in 3.1 of the Erosion Control and Management Policy, August 2013.

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

- The program application (to be posted on the BWSR website on 10-22-13) consisting of a narrative and budget form must be electronically submitted to BWSR at the following address: BWSR.grants@state.mn.us by 11:59 PM on November 14, 2013.

Table 1: Cooperative Weed Management Area Program Ranking Criteria	
Ranking Criteria	**Maximum Points Possible**
Anticipated Outcomes: The outcomes expected upon completion of the project initiatives are identified, as well as how these outcomes will be attained.	45
Relationship to CWMA and Conservation Plans: The proposal and species of focus are based on priority actions listed in or derived from CWMA plans, and other local, state and federal conservation and invasive species plans.	25
Species Focus and Management Approach: An approach is defined to manage invasive species using integrated pest management and ecosystem restoration.	30
Total Points Available	**100**

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Feedlot Water Quality Cost Share Grants

Meeting Date: August 29, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Matt Drewitz

Prepared by: Matt Drewitz and Dave Weirens

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

Presented by: Dave Weirens

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of FY2014 and FY2015 Feedlot Water Quality Cost Share Grants.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
The Board was appropriated $260,000 in each year of the FY2014-15 biennium of cost share grant funds for "feedlot water quality grants for feedlots under 300 animal units in areas where there are impaired waters;". Staff have developed a proposal to make these funds available to projects proposed in FY2013 that were not funded with Clean Water Funds. The Grants Program and Policy Committee reviewed the proposal on August 9, 2013 and is recommending Board approval.

Board Resolution #13-65

Feedlot Water Quality Cost Share Grants Program Authorization

WHEREAS, the Board of Water and Soil Resources is authorized by Minnesota Statutes 103C.501 to implement the Erosion Control and Water Management Program (Cost Share); and

WHEREAS, the Minnesota Legislature, by Chapter 114 Minn. Session Laws 2013 has appropriated cost share funding to BWSR, including funding specifically for Feedlot Water Quality Cost Share Grants; and,

WHEREAS, the BWSR staff are proposing the following grant allocation policies:

1. Utilize the entire biennial appropriation of funds $520,000 in FY 2014 to fund 4-6 feedlot projects. Grant agreements will be funded in the fall of 2013 to enable fall construction.
2. Projects will be selected from the FY 2013 CWF list of unfunded livestock waste management projects.
3. Projects will be funded based on their scores and pollution loading potential.
4. Of the projects on the FY2013 application list; 2 projects that were ineligible last year due to incomplete applications will be considered for funding as they scored very high. Eligibility issues have now been resolved.
5. Additional projects will be funded that are riparian in nature or have a direct hydrologic connection to surface or ground water.
6. Several of these projects are expected to have a Federal NRCS EQIP funding component. The BWSR State Cost Share funds will be vital to leveraging these Federal funds and ensuring these projects will be completed.
7. If a project from the BWSR funding list is canceled or has cost under runs that results in funding being returned to BWSR, BWSR will continue to fund additional livestock projects in priority order from the FY 2013 Clean Water Fund list.

WHEREAS, the Grant Program and Policy Committee met on August 9, 2013 and is recommending the Board authorize the FY2014-15 Feedlot Water Quality Grants based on the policies contained in this resolution.

NOW THEREFORE, the BWSR hereby authorizes staff to award Feedlot Water Quality Cost Share funds to projects consistent with the appropriations enacted in 2013 and this Board resolution.

Brian Napstad

Date: August 29, 2013

Brian Napstad, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

MEMORANDOM

Date: August 15, 2013

To: BWSR Board

From: Matt Drewitz, BWSR Clean Water Specialist

RE: **State Cost Share Program Implementation of FY 2014-15 Livestock Waste Management Provisions**

Background

The legislature appropriated $260,000 in FY2014 and $260,000 in FY2015 from the State Cost Share program appropriation for livestock water quality management grants to SWCDs. Eligible livestock facilities need to be less than 300 animal units (AUs) in size and located in an impaired watershed. The amount of funding dedicated for this grant program is relatively small compared to Clean Water Fund and other competitive grant allocations that BWSR works with. BWSR staff believes that running a separate competitive grants process would not be an efficient use of BWSR and SWCD staff time. In addition, BWSR staff believes mixing the State Costs Share funds with FY 2014 Clean Water Fund (CWF) competitive RFP could be confusing to applicants.

In FY 2013, BWSR received over $7M in competitive grant applications for livestock water quality management grants for approximately $2M in available funds. This was the most competitive grant cycle for livestock projects that we have seen with CWFs and BWSR funded all eligible projects that received 75 points or more. BWSR staff recently reviewed the list of unfunded applications and believes there are projects that would solve high priority water quality problems and also meet the criteria for the State Cost Share funds.

Proposal

1. Utilize the entire biennial appropriation of funds $520,000 in FY 2014 to fund 4-6 feedlot projects from the FY 2013 CWF list of unfunded livestock waste management projects. Grant agreements would be executed in the fall of 2013 to enable fall construction.
2. Projects will be selected from the FY 2013 CWF list of unfunded livestock waste management projects.
3. Projects will be funded in the priority to their scores and pollution loading potential.
4. Of the projects on the FY2013 application list; 2 projects that were ineligible last year due to incomplete applications will be considered for funding as they scored very high. Eligibility issues have now been resolved.
5. Fund 2-4 additional projects that are riparian in nature or have a direct hydrologic connection to surface or ground water. In particular, one project that would be funded with these funds had very high pollution loading and was just outside of the 300 foot riparian zone. Further investigation has shown a direct connection of the feedlot runoff to a nearby stream.
6. Most of these projects will have a Federal NRCS EQIP funding component. The BWSR State Cost Share funds will be vital to leveraging these Federal funds and ensuring these projects will be completed.
7. If a project from the BWSR funding list is canceled or has cost under runs that results in funding being returned to BWSR, BWSR will continue to fund additional livestock projects in priority order from the FY 2013 Clean Water Fund list.

State Cost Share Program Implementation of FY 2014-15
Livestock Waste Management Provisions

Figure 1: Proposed List of Eligible Livestock Projects from the FY 2013 CWF Application Un-funded List

Funding Priority Rank	SWCD	Livestock Producer	FY 2013 CWF Score	$ Amount Requested for FY 2014 State Cost Share	$ FY 2014 State Cost Share Award Amounts
1	Rock SWCD	Wayne Brands	95	$112,000	$112,000
2	Pipestone SWCD	Craig Hawes	75	$55,000	$55,000
3	Fillmore SWCD	Bob Biel	65*	$170,083	$170,083
4	Root River SWCD	Mark Gerrard	70	$32,000	$32,000
5	Dodge SWCD**	Countryside Dairy	70	$165,940	$150,917
6, 7, 8	Todd SWCD	3 Additional projects from Todd SWCD tied for 60 points	60	$55,050	$0
Totals					

*This project would have scored 100 points if we applied the newly revised riparian definition. This project was just outside of the 300 foot riparian corridor, but this project has direct hydrologic connection to a nearby stream. The riparian score was worth 35 points.

**Dodge County was the original applicant and Dodge SWCD would need to be willing to administer the grant. This project would only be eligible for partial funding.

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Disaster Recovery Assistance Program

Meeting Date: August 29, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land & Water

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: Grant Program & Policy Committee(s)

Presented by: Wayne Zellmer

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☒ New Policy Requested

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

☐ Other:

ACTION REQUESTED

Approval of proposed resolution adopting policy

LINKS TO ADDITIONAL INFORMATION

SUMMARY (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)
Disasters and emergency legislative funding occur frequently and usually unpredictably (10 times in the last 13 years). In the event of a disaster, program policy and consistent guidelines will provide BWSR staff and LGUs the needed BWSR implementation information and related processes of other state and federal assistance providers. The Grants Program & Policy Committee forwards their recommendation for approval from their May 22, 2013 Meeting.

Minnesota Board of Water & Soil Resources

Board Resolution #_____

Disaster Recovery Assistance Program Policy

WHEREAS, disasters and emergency legislative funding occur frequently and usually unpredictably; and,

WHEREAS, program policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related recovery processes, of BWSR and other state and federal assistance providers; and,

WHEREAS, the Disaster Recovery Assistance Program (DRAP) is authorized by Minnesota Statutes §12A.05 to address critical conservation problems resulting from a natural disaster; and,

WHEREAS, the Grants Program & Policy Committee at their May 22, 2013 Meeting reviewed and recommended approval of the DRAP Policy.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby adopts the DRAP Policy; and,

BE IT FURTHER RESOLVED, authorizes the Executive Director to activate the DRAP Policy in the event of a disaster.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: Disaster Recovery Assistance Program Policy

H:DRAPPBR

Minnesota Board of Water & Soil Resources

Board Resolution # 13-66

Disaster Recovery Assistance Program Policy

WHEREAS, disasters and emergency legislative funding occur frequently and usually unpredictably; and,

WHEREAS, program policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related recovery processes, of BWSR and other state and federal assistance providers; and,

WHEREAS, the Disaster Recovery Assistance Program (DRAP) is authorized by Minnesota Statutes §12A.05 to address critical conservation problems resulting from a natural disaster; and,

WHEREAS, the Grants Program & Policy Committee at their May 22, 2013 Meeting reviewed and recommended approval of the DRAP Policy.

NOW THEREFORE BE IT RESOLVED, the BWSR hereby adopts the DRAP Policy; and,

BE IT FURTHER RESOLVED, authorizes the Executive Director to activate the DRAP Policy in the event of a disaster.

Date: 8/29/13

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: Disaster Recovery Assistance Program Policy

H:DRAPPBR

August 29, 2013

Minnesota Board of Water & Soil Resources

- POLICY -

Disaster Recovery Assistance Program

Overview

Disasters and emergency legislative funding occur frequently and usually unpredictably. These characteristics require a standard operating procedure for BWSR staff and LGUs to follow to optimize efficiencies, responsiveness, and legislative appropriations. In the event of a disaster, program policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related processes, of BWSR and other state and federal assistance providers.

Purpose

The Disaster Recovery Assistance Program provides designated appropriated funds and other BWSR designated funds to Local Governmental Units (LGUs) to install, repair, or rehabilitate erosion and sediment control and water quality and watershed protection projects in the disaster area. This Program will utilize appropriations for **Erosion and Sediment Control, and Water Quality and Watershed Protection Projects;** and, acquisition of **Reinvest in Minnesota (RIM) Reserve Conservation Easements.** The purpose of this policy is to provide clear expectations for the implementation of funds and programs, appropriated to or implemented by BWSR, that are associated with the DRAP.

Activation

The Board of Water and Soil Resources (BWSR) may activate the Disaster Recovery Assistance Program (DRAP) in the event of a natural disaster or extreme environmental impact. The DRAP is authorized by Minnesota Statutes §12A.05 to address critical conservation problems resulting from a natural disaster. This Policy is activated by BWSR resolution or by authority delegated to the Executive Director.

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DRAFT

LGUs are responsible for the administration and decisions concerning the local use of these funds in accordance with Minnesota Statutes, Minnesota Rules, BWSR policies; and all other applicable laws. BWSR will use grant agreements and contracts for assurance of deliverables and compliance, with applicable laws, rules and policies. Non-compliance with relevant statutes, rules, and policies may lead to imposition of financial penalties on the LGU.

1.0 Project Allocation Priorities (in priority order)

1. Conservation practices where imminent human safety or health is a concern.
2. Conservation practices that address erosion and water quality problems associated with imminent threats to private or public improvements (infrastructure).
3. Projects that repair, rehabilitate, or replace, existing conservation practices on private lands.
4. New conservation practices that address other erosion, water quality, and watershed protection problems created by the disaster.
5. New practices that will help prevent flood damages in the future.

These allocation priorities may consider other project specific factors including long-term solutions, relative benefits, cost/benefits, and the amount of federal contributions.

2.0 Funding Source Priorities

2.1 Landowners and Local Government Units must first pursue insurance assistance, and eligible federal program funding to repair damages on their properties, respectively, in accordance with M.S. 12A.03.

2.2 State funds appropriated for a disaster response should be used when possible to partner with federal funding for applicable disaster assistance on private lands as non-federal match for federal programs including, but not limited to:

2.2.1 Emergency Watershed Protection Program (EWP) (NRCS)

2.2.2 Emergency Conservation Program (ECP) (FSA)

2.2.3 Environmental Quality Incentives Program (EQIP) (NRCS)

2.2.4 Wetlands Reserve Program (WRP) (NRCS)

2.2.5 Conservation Reserve Program (CRP) (FSA)

2.2.6 Individual Assistance (IA) - FEMA

2.3 State disaster appropriated funds with no match

2.4 Other state or local funds

3.0 Local Governmental Unit Eligibility Criteria

Funds are allocated to LGUs based on the following minimum criteria:

3.1 Location within the applicable defined disaster area; and,

3.2 A Board Conservationist approved LGU damage assessment; and,

3.3 A MN Recovers Task Force Natural Resources Subcommittee or Board Conservationist review and approval of requests for funds; and,

3.4 BWSR Policy.

4.0 Eligible Activities

The primary purpose of activities funded with Disaster Recovery and Assistance funds is to apply structural or vegetative conservation practices to address problems associated with the disaster. Specific preventative practices may also be allowed through policy or appropriation.

4.1 **Practice Standards.** All practices must be consistent with the NRCS Field Office Technical Guide (FOTG), MN Stormwater Manual, or be professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the effective 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 Establishment and Enhancement Guidelines, to the extent practicable.

4.2 **Effective Life.** All structural practices must be designed and maintained for a minimum effective life of ten years unless a longer term is specified in the design. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete.

The grant recipient must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties.

4.3 **Repair or Replacement 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 of the practice within the effective life. BWSR may allow replacement of a damaged practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

5.0 Technical and Administrative Expenses

Disaster Recovery and Assistance Program funds may be used for reasonable technical and administrative (TA) expenses. Eligible TA expenses include the following activities: grant administration, site investigations and assessments, design and cost estimates, construction supervision, and construction inspections. These expenditures must be appropriately documented according to the Grants Manual.

6.0 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.

6.1 **Maximum Rates.** Projects are eligible for up to 100% state and/or federal cost share on disaster impacted sites. (See also 2.0.)

6.2 **Local Rates.** The LGU may set cost share rates less than 100% to help manage project costs and provide consistency for conservation programs. Prior to entering into any contracts with land occupiers, the LGU shall set cost share rates for activities.

6.3 **Match and In-Kind.** A land occupier may provide the remainder of the installation cost through in-kind services or materials, or non-state funds. The LGU shall determine whether charges for in-kind services and materials are practical and reasonable. Standard rates for in-kind services shall be identified in the LGU's cost share program policy or governing body resolution.

7.0 Technical Expertise

The LGU 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.

7.1 **Technical Provider Skills.** The LGU's cost-share policy must contain a description of staff skills, training, or credentials; or a description of other means the LGU will use to insure projects meet the requirements of this policy. This requirement is to demonstrate LGU capacity to design and install practices according to appropriate standards and specifications of the practice(s).

7.2 **BWSR Review.** BWSR reserves the right to review the licensure and credentials of all technical provider staff selected by the LGU, where appropriate.

8.0 Expenditure of Funds on Practices and Contracts

The LGU Governing Body or delegated entity has the authority and responsibility to encumber and approve expenditure of funds within their own organization. The action taken must be documented in the LGU official records. Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient (See also 11.0.). BWSR recommends contracts be reviewed by the LGU's legal counsel.

8.1 **Cost Share Contract.** All LGU expenditures of funds providing financial assistance to landowners require a contract with the land occupier. A contract between the LGU and land occupier receiving state funds is required to provide a legal standing to ensure practices are installed according to approved standards and specifications, and maintained according to operations and maintenance plans. The contract must specify LGU enforcement provisions, including repayment of cost share funds and costs to recover and enforce the contract at a rate up to 150% of the original landowner agreement (See also 10.3.). 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 contract must also bear the landowner's signature.

8.1.1 **Contract Modifications.** Modifications to the contract may be made prior to execution.

8.1.2 **Contract Amendments.** Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the LGU Board. 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.

8.1.3 **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 LGU may enter into a contract with only the group spokesperson of the contract.

8.2 **Contract Approval.** LGU Boards must approve or deny the contract. The action taken must be documented in the LGU's meeting minutes. Approval of a contract is considered approval for expenditure of funds.

8.3 **Emergency Work.** Projects where emergency work began prior to LGU or BWSR approval may be eligible for financial assistance with adequate documentation as detailed in DRAP Guidance.

8.4 **Contract and Grant Agreement Timeframe.** LGUs have the authority to adopt timely starting and completion dates. Execution and completion of a contract with a land occupier must be within the grant period unless the project is deemed an emergency (see 8.3). Contracts not completed within the period of the grant agreement must be cancelled unless the contract has been extended and the grant agreement with the LGU has been extended such that the contract timeframe is within the amended grant period.

8.5 **Canceled Projects.** Funds from canceled projects or remaining from completed projects where the final cost was less than the estimated amount may be re-encumbered to a new contract, or unspent funds must be returned, as provided in the grant agreement.

8.6 **Removal of Practices.** LGUs 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.

8.7 **Delegation.** LGUs may delegate signing contracts and supporting program documents to staff. This delegation must be identified in the LGU's policies or by resolution.

8.8 **Grant Agreement Extensions.** Any other existing BWSR grant agreement may be extended up to two additional years. This extension must be by executed amendment. Grant agreement periods, with extensions, may not exceed five years.

9.0 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.

9.1 **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. An example payment voucher form is available on the BWSR website.

9.2 **Actual Cost Different Than Estimated Cost.** In cases where the actual cost of the practice exceeds the estimated cost, the LGU may only share the additional amount when an amendment to the contract has been approved per policy 8.1.2. Where the actual cost is less than the estimated cost, the LGU shall only share the approved percentage of the actual cost of the practice (per policy 6.1).

9.3 **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.

9.4 **Combining Funding Sources.** Payment amounts from combined state and federal sources shall not exceed the 100% cost share rate.

9.5 **Final Plans.** One copy of the final as-built plan must be given to the land occupier and one copy retained with the project file located in the LGU office.

10.0 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 designated technical staff (per 7.0) are necessary to ensuring operation and maintenance has been taking place.

10.1 **Operation and Maintenance Plan.** Designated 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.

10.2 **Inspections.** Designated 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:

10.2.1 Verify that all components of the practice remain in place and are in good repair and providing designed environmental benefits and outcomes.

10.2.2 Identify repairs necessary in accordance with the operation and maintenance plan.

10.2.3 Identify further assessment or action necessary if repairs are beyond the scope of the operation and maintenance plan.

10.3 **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 for repayment of cost share funds and costs to recover and enforce contract, at a rate up to 150% of the original landowner agreement as determined by the LGU board. The LGU shall provide the basis for repayment.

11.0 LGU Reporting Requirements

To ensure the continued success of the DRAP, 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.

11.1 Reporting. LGUs must enter information on activities accomplished with the grant funding in eLINK. Reporting is required for grant fund expenditures and is to be completed by BWSR established reporting deadlines.

11.2 Grant Closeout Reporting. Within thirty (30) calendar days of the conclusion of each grant agreement or expenditure of all grant funds, LGUs are required to provide the following to BWSR:

- **11.2.1** Entry of information on all projects completed with the grant funding in eLINK
- **11.2.2** Signed Final Financial Report from eLINK
- **11.2.3** Return any unspent funds as instructed on the Returned Check Form, found on the BWSR website.

11.3 Records Retention. Project files must be retained by the LGU pursuant to Minnesota Statutes, §138.17 and consistent with ongoing records retention schedules.

11.4 Non-compliance with Reporting Requirements. Any LGU that does not satisfactorily complete these requirements may be ineligible to receive funds from BWSR programs until all required past reporting has been completed.

12.0 BWSR Program Monitoring, Closeout, and Penalty Procedures

BWSR staff is authorized to develop grant agreements, including requirements and processes for fiscal closeouts, and project outcomes reporting. BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.

Reinvest in Minnesota (RIM) Reserve Conservation Easements

In responding to flood disasters the BWSR seeks to acquire permanent conservation easements from willing landowners on damaged lands in declared disaster counties to provide flood attenuation, restore and protect soil and water resources, and to support and restore related fish and wildlife habitat. Easements will be acquired via the RIM Reserve program, MS 103F.501.

13.0 Eligible Activities and Priorities

13.1 Eligible lands

13.1.1 Flood damaged lands, both cropland and non-cropland areas. All eligible land types under MS 103F.515, Subd. 2 that have been damaged by flooding are eligible.

13.1.2 Riparian lands with a history of flooding within and beyond the 100 year floodplain, where an easement will help mitigate future flood impacts.

13.1.3 Wetland restorations where storage will help reduce future flood impacts.

13.2 **Priorities.** Cropland areas are the priority for funding consideration. Removing cropland from flood-prone areas will have positive water quality impacts, reduce runoff, and lessen negative economic impacts due to flooding for landowners and governments. Non-cropland areas are a lower priority.

13.3 **Conservation Plans.** All lands placed under easement will have an approved conservation plan developed to establish and maintain permanent vegetative cover and required structural practices consistent with the *Practice Specifications* section of the RIM handbook.

14.0 Administrative and Technical Components

14.1 Easement sign-up procedures

14.1.1 BWSR easement staff have the authority to develop specific procedures required to conduct landowner sign-up with SWCDs in response to disasters. This includes a complete list of what is needed to be submitted with each landowner application package.

14.1.2 SWCDs will take applications from landowners during the BWSR prescribed sign-up period, and prioritize their applications based on their effectiveness in addressing flood impacts in their county prior to submitting them to their BWSR Board Conservationist (BC) by the sign-up deadline.

14.1.3 BWSR BCs will rank and prioritize applications from all of their respective SWCDs prior to submittal to BWSR Easement staff for final funding decisions.

14.1.4 BWSR Engineering staff will review all applications where wetlands are proposed for restoration, or existing drainage infrastructure may be impacted.

14.1.5 All easement program procedures contained in the *RIM Reserve Conservation Easement Handbook* found on the BWSR website will be used to secure easements and pay for practice establishment.

14.2 SWCD Payment for Services. SWCDs will be compensated for their services associated with the acquisition of easements and installation of required practices via the current BWSR approved payment process.

15.0 Easement Payment Rates and Conservation Practice Cost-Share Rates

15.1 Easement and Practice Payments.

15.1.1 The most recent BWSR approved conservation easement payment rates will be used to compute payment for enrolled lands.

15.1.2 The current practice rate limits as prescribed by the BWSR will be used to reimburse landowners for their cost of establishing required vegetative and/or structural conservation practices.

15.1.3 The only structural practices eligible for cost-share are those required to restore wetlands via the RIM Reserve program. Other desired structural practices on lands under RIM easements will NOT be eligible for RIM cost-share.

16.0 Post Easement Conveyance Monitoring and Management

16.1 Monitoring/Site Inspections. All easements acquired will be inspected by SWCD staff on an annual basis for the first 5 years after an easement is recorded, and every 3rd year thereafter. BWSR will provide a list of easements for inspections to the SWCD.

16.2 Management and Maintenance. SWCDs will assist landowners or authorized agent with on-going management activities on their easements. Weed control, boundary issues, activities on the easement, and maintenance of water control structures are the main activities that landowners will need assistance with.

17.0 Drought Emergencies and Emergency Haying and Grazing

(If appropriation language permits emergency haying and grazing, then the following section applies.)

As authorized in MS 103F.501, subd. 4, (2) BWSR has developed policy for its RIM easement lands that is responsive to livestock producers needs while still protecting the wildlife habitat and other environmental concerns on these lands.

17.1 Federal Partnership Easements, CREP and RIM-WRP. Many RIM easements are enrolled jointly with a federal program, such as the Conservation Reserve Program (CRP), or the Wetlands Reserve Program (WRP). For these joint easements BWSR defers

to federal guidelines, requiring landowners to comply with federal provisions for haying and grazing.

17.2 Stand Alone RIM Reserve Easements. For lands with RIM easements only, the BWSR has established the following policy:

17.2.1 Landowners or designee sign-up for emergency haying and grazing provisions with the local SWCD.

17.2.2 At least 50% of the easement acreage will remain undisturbed for wildlife.

17.2.3 Tree plantings, food plots, water control structures, wetland basins and stream banks shall be excluded.

17.2.4 Where practical, mowing will begin in the center of the area to be harvested and commence inside out to allow wildlife to escape.

17.2.5 Haying/grazing will be limited to August 2 to September 30 to protect ground nesting wildlife.

17.2.6 Haying/grazing grasses should be harvested no shorter than 6" in height to ensure regrowth.

DRAFT

COMMITTEE RECOMMENDATIONS

Wetland Committee

1. 2013 Local Road Wetland Replacement Program Project Selection Process – Ken Powell - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **2013 Local Road Wetland Replacement Program Project Selection Process**

Meeting Date: August 29, 2013

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 the resolution authorizing staff to pursue projects that were selected for obtaining wetland bank credits for the Local Road Wetland Replacement Program through the request for proposal and easement sign-up process conducted March to July 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 the will generate wetland replacement credits. Six million dollars in bond funds were appropriated to BWSR in 2012 for the LRWRP. On December 12, 2012 the BWSR Board authorized staff to implement a project selection process. Completion of this process has resulted in the selection of seven potential projects to be pursued for obtaining wetland bank credits. This resolution provides authorization for staff to actively pursue and procure contracts and agreements with landowners, project proposers, and local partners for wetland restoration projects that will result in wetland bank credits for the LRWRP.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-

Local Road Wetland Replacement Program
2013 Project Selection

WHEREAS, the Legislature appropriated $6 million to the Board of Water and Soil Resources (BWSR) in 2012 for the Local Road Wetland Replacement Program (road program); and

WHEREAS, the BWSR has been charged with generating wetland replacement credits to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) under Minnesota Rules 8420.0544 by local public transportation authorities ; and

WHEREAS, the BWSR has effectively utilized bonding money in the past to fund the road program and produce sufficient credits to fulfill its statutory obligation; and

WHEREAS, the BWSR has effectively used two approaches for generating credits for the road program: an easement program sign-up and a request for proposals (RFP) process; and

WHEREAS, the BWSR has completed an easement program sign-up and RFP process that has identified seven projects with potential to provide wetland replacement credits for the road program; and

WHEREAS, the Wetland Committee reviewed the staff recommendation on August 29, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to pursue and procure contracts and agreements with landowners, project proposers, and local partners for the projects resulting from the easement sign-up and RFP process conducted in 2013.

_____ Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 67

Local Road Wetland Replacement Program
2013 Project Selection

WHEREAS, the Legislature appropriated $6 million to the Board of Water and Soil Resources (BWSR) in 2012 for the Local Road Wetland Replacement Program (road program); and

WHEREAS, the BWSR has been charged with generating wetland replacement credits to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) under Minnesota Rules 8420.0544 by local public transportation authorities ; and

WHEREAS, the BWSR has effectively utilized bonding money in the past to fund the road program and produce sufficient credits to fulfill its statutory obligation; and

WHEREAS, the BWSR has effectively used two approaches for generating credits for the road program: an easement program sign-up and a request for proposals (RFP) process; and

WHEREAS, the BWSR has completed an easement program sign-up and RFP process that has identified seven projects with potential to provide wetland replacement credits for the road program; and

WHEREAS, the Wetland Committee reviewed the staff recommendation on August 29, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to pursue and procure contracts and agreements with landowners, project proposers, and local partners for the projects resulting from the easement sign-up and RFP process conducted in 2013.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: 8/29/13

Minnesota Board of Water & Soil Resources

2013 Local Road Wetland Replacement Program Project Selection Results

8/29/13 by Ken Powell, BWSR Wetland Banking Coordinator

On December 12, 2012 the BWSR Board authorized staff to implement a project identification and selection process for obtaining wetland bank credits to offset wetland impacts by local transportation authorities (commonly referred to as the Road Program). Obtaining and generating wetland bank credits for the Road program is a statutory obligation of BWSR, primarily funded by bonding appropriation dollars. The 2013 project identification and selection process follows a 2012 bonding appropriation of 6 million dollars.

The selection process involved both easement sign-up and request for proposal (RFP) components. Only projects and sites within the following four wetland bank service areas were considered:

1. Seven County Metro
2. 4 (Red River South)
3. 7 (Upper Mississippi South)
4. 9 (Minnesota River)

Minnesota Board of Water & Soil Resources

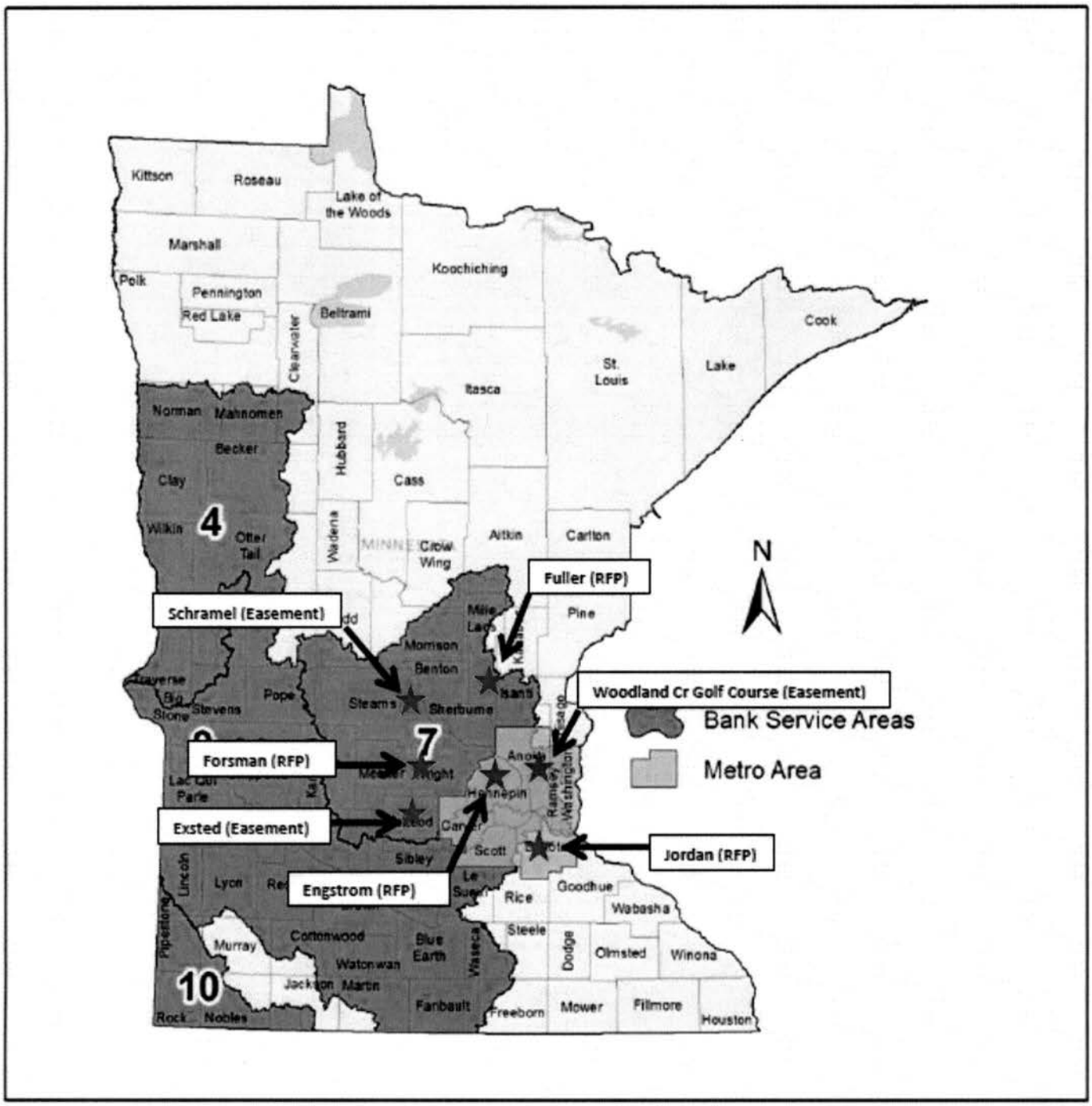
Implementation of the easement sign-up program and RFP solicitation resulted in the submission of nine easement program sites totaling approximately 4.7 million dollars in easement acquisition costs and ten RFP projects totaling approximately 10.5 million dollars in credit costs (see detailed summary at end of document). Through both an internal BWSR staff review and an external Federal Interagency Review Team (IRT) review as specified in the approved selection process, three easement sites and four RFP projects were identified as viable for the program. The following is a summary of the selected sites and projects along with a location map.

Easement Sites

Applicant	BSA	County	Easement Acres	Total Easement Cost
Schramel Sod Farm LLC	7	Stearns	251.6	$ 1,412,939.00
Willard Exsted	7	McLeod	248	$ 1,689,162.56
Olvan properties	7	Anoka	68	$ 381,340.57
			567.6	**$ 3,483,442.13**

RFP Projects

Project Name	BSA	County	Credits	Total Cost
Engstrom	7 (metro)	Hennepin	10	$ 400,000.00
Forsman	7	Wright	20	$ 461,736.00
Fuller	7	Mille Lacs	20	$ 435,600.00
Jordan	8 (Metro)	Dakota	15	$ 450,000.00
Totals			**65**	**$ 1,747,336.00**



Upon authorization from the BWSR Board, staff will pursue contracts with the project proposers and easement applicants. In addition, staff will further investigate easement sites and assess feasibility and crediting. All projects will need to complete the wetland bank application process where the final decision on wetland banking eligibility and crediting will be made.

Minnesota Board of Water & Soil Resources

Detailed Information on Project Submittals

Easement Applications:

Project Name	BSA	County	Easement Acres	Total Easement Cost
Woodland Creek Golf Course	7 (metro)	Anoka	68.31	$ 381,340.00
Stewart Bank	7	Meeker	16	$ 81,800.00
Weckman Bank	9 (metro)	Scott	28	$ 130,520.00
Middleville Bank	7	Wright	37.4	$ 270,957.00
Schramel Sod Farm	7	Stearns	251.6	$ 1,412,939.00
Farmington ISD	8 (metro)	Dakota	94.3	$ 677,395.00
Selstad	7 (metro)	Hennepin	5	$ 46,625.00
Wahpeton Golf Course	4	Wilkin	19.5	$ 46,333.00
Exsted	7	McLeod	248	$ 1,689,162.00
Totals			**768.11**	**$ 4,737,071.00**

RFP Project Submittals:

Project Name	BSA	County	Easement Acres	Credits	Total Cost
Butler Bank	4	Ottertail	60	42	$ 327,800.00
Weertz Bank	9	Blue Earth	215	181.68	$ 3,270,240.00
SHOP Farms	4	Norman	60	50	$ 650,000.00
Engstrom	7 (metro)	Hennepin	24.35	16.84	$ 673,600.00
Forsman	7	Wright	52.2	38.92	$ 898,538.00
Carlson	7	Wright	68.9	30	$ 537,000.00
Fuller	7	Mille Lacs	37.53	20	$ 435,600.00
Dakota	8 (Metro)	Dakota	76.2	63.85	$ 1,915,800.00
Andover	7 (Metro)	Anoka	30	25.65	$ 974,000.00
Middleville	7	Wright	37	36.7	$ 823,107.00
Totals			**661.18**	**505.64**	**$ 10,505,685.00**

COMMITTEE RECOMMENDATIONS

RIM Reserve Management Planning Committee

1. RIM/WRP Payment Rate Adjustment 2010-2012 – Bill Penning/Sarah Strommen – ***DECISION ITEM***

2. Easement Tax Valuation Fact Sheet – Sarah Strommen – ***INFORMATION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM-WRP Rate Adjustment 2010-2012[1]

Meeting Date: August 29, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Bill Penning

Prepared by: Bill Penning

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Bill Penning

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

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

Fiscal/Policy Impact

☐ None
☒ Amended Policy Requested
☐ New Policy Requested

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

☐ Other:

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize the 2013 RIM-WRP Partnership easement payment rates to be applied to RIM-WRP projects from 2010-2012 that have not closed.

The RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS), Soil and Water Conservation Districts (SWCDs), the Board of Water and Soil Resources and numerous other partners.

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

Due to a staffing shortage, personnel changes and a more intricate Federal process, NRCS has been having difficulty closing easements in a timely fashion, which has created a backlog of roughly 185 projects. Although steps are being taken to address the backlog and speed up easement acqusition times, a number of landowners have been dropping out of the program as land values have skyrocked in the last three years. Given that both NRCS and BWSR already have a significant investment of staff time and professional services costs into these projects, it is reasonable to increase payment rates for these backlog projects to current rates as an incentive to landowners to continue working with us through the acqusition process. Due to Federal constraints, NRCS is unable to contribute to the proposed increase, thus BWSR will pick up the full cost of the difference between the old and new rates. The total Federal contribution will remain at half or more for the collective group of projects.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-68

Reinvest in Minnesota (RIM) Reserve - Wetlands Reserve Program (RIM-WRP) Rate Adjustment 2010-2012

WHEREAS the Minnesota State Legislature appropriated Outdoor Heritage Funds (OHF) and Capital Investment funds to the Board of Water and Soil Resources (BWSR) for the Reinvest in Minnesota – Wetlands Reserve Program Partnership to acquire permanent conservation easements and restore wetlands and associated upland habitat, in cooperation with the United States Department of Agriculture's (USDA) Wetlands Reserve Program; and

WHEREAS the RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a local-state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS) the Soil and Water Conservation Districts (SWCDs) and the Board of Water and Soil Resources (BWSR); and

WHEREAS the RIM-WRP Partnership is enhanced via collaboration with other partners including Ducks Unlimited, (DU), the Minnesota Waterfowl Association (MWA), Pheasants Forever (PF), the Minnesota Department of National Resources (MN DNR), and the United States Fish and Wildlife Service (USFWS); and

WHERAS the RIM-WRP Partnership permanently protects and restores previously drained wetland and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on private lands enrolled in the Partnership; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS NRCS National Headquarters has requested Minnesota NRCS to develop a process which allows for continuous enrollment of RIM-WRP Partnership easement applications and the necessary obligation of federal WRP funds with eligible Minnesota landowners; and

WHEREAS RIM-WRP has been popular with landowners to the point where the increasing workload has created a substantial backlog of up to three years in easement closings; and

WHEREAS crop prices, cash rental rates and land prices have increased significantly during this time in which easement applications have been backlogged and some landowners on the backlog list are awaiting payment; and

WHEREAS both BWSR and NRCS already have investments in surveys, title work and staff time in these projects and without action to retain participation landowners will seek to withdraw their applications; and

WHEREAS the Board authorized staff via Resolution 13-36, dated May 22nd, 2013, to establish RIM-WRP Partnership payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on August 27, 2013 and recommend the following payment rate provisions to successfully address the RIM-WRP Partnership backlog.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

Apply RIM-WRP Partnership payment rates authorized via Resolution 13-36 to currently funded 2010-2012 RIM-WRP applications that have not closed, subject to the following factors:

1. Staff will develop and implement ineligibility criteria for applications where the delayed easement closing has not been primarily caused by NRCS or BWSR;

2. The payment rates set in this resolution are supplemental to Resolutions 10-27, 11-19 and 11-79.

Dated at Two Harbors, Minnesota this 29th day of August, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

RIM easements and property tax valuation

August 2013

Conservation easements are an important conservation tool that provides a variety of significant public benefits, including clean water, wildlife habitat and flood mitigation. Conservation easements also keep lands in private ownership and on the tax rolls. According to a recent report by the Office of the Legislative Auditor (OLA), there are currently about 600,000 acres of land protected by state-funded conservation easements in Minnesota. Approximately half these acres are enrolled in BWSR's RIM programs.

The effect of a conservation easement on a parcel's property value depends on a variety of factors, including the location of the property and the restrictions on use and development of the property put in place by the easement. Until a recent change in law, local assessors were allowed to determine the effects of a conservation easement, if any, on the property tax assessment on a case-by-case basis.

A change in law

In 2013, the Minnesota Legislature included a provision in the Tax Bill affecting the way in which local assessors must treat conservation easement when valuing property for tax purposes. This change *prohibits* a reduction of property value based on a conservation easement unless the easement falls into one or more of the following categories:

1. Easements covering riparian buffers along lakes, rivers, and streams that are used for water quantity or quality control
2. Easements in a county that has adopted, by referendum, a program to protect farmland and natural areas since 1999
3. Easements entered into prior to May 23, 2013

Exceptions to the new law

Given the new law and its exceptions, landowners considering a RIM easement should talk with the local tax assessor to better understand how the easement will affect taxes on their individual parcel. The following information is intended to assist SWCD staff and landowners.

Riparian easements

The Reinvest in Minnesota (RIM) easement program is authorized in Minnesota Statute, and the Statute (103F.511) provides a definition of "riparian land" that applies to RIM easements. Under this definition, "riparian land" defines lands adjacent to public waters, drainage systems, wetlands or locally designated priority waters.

County program to protect farmland and natural areas

The only county that has adopted (by referendum) a program to protect farmland and natural areas since 1999 is Dakota County.

Easements entered into prior to May 23, 2013

All RIM easements are signed and dated by the landowner prior to being recorded. To determine whether an easement was entered prior to May 23, 2013, landowners should check the date on which the easement was signed.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 25, 2013

BOARD MEMBERS PRESENT:
Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Judy Ohly, Tom Schulz, Steve Sunderland, Gene Tiedemann, Gerald VanAmburg, Doug Wetzstein, MPCA; Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, Angie Becker Kudelka, Don Buckhout, Matt Fischer, Travis Germundson, Tim Gillette, John Jaschke, Al Kean, Tim Koehler, Jen Maleitzke, Bill Penning, Mary Peterson, Ron Shelito, Dan Steward, Sarah Strommen

OTHERS PRESENT:
Dave Wall, MPCA
Jill Crafton, RPBCWD
Glenn Schafer, FSA

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

PLEDGE OF ALLEGIANCE

** 13-70 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the amended agenda as presented. ***Motion passed on a voice vote.***

** 13-71 **MINUTES OF AUGUST 29, 2013 BOARD MEETING** – Moved by Judy Ohly, seconded by Christy Jo Fogarty, to approve the minutes of August 29, 2013, as circulated. ***Motion passed on a voice vote.***

CONFLICT OF INTEREST DECLARATION
Chair Napstad explained that the conflict of interest declaration process is being used today on the Area II Minnesota River basins Projects Inc., FY 2014 & 2015 Biennial Work Plan and Grant. The Conflict of Interest Declaration forms need to be submitted.

REPORTS
Chair's Report – Brian Napstad reported that he attended the EQB meeting on September 18, 2013; discussion included the ongoing silica sand issue, and a brief discussion on the Governor's Institute on Community Design (GICD). Chair Napstad reported that Will Seuffert was recently hired as executive director of EQB; Will was formerly staff of Governor Dayton. Bob Patton has been working in a temporary assignment as acting executive director of EQB. Chair Napstad reported that he attended the AMC policy committee meetings in Alexandria on September 6. Doug Thomas attended to present the One Watershed One Plan (1W1P).

Administrative Advisory Committee (AAC) - Brian Napstad reported that the AAC met this morning, recommendations are on the agenda later today. The updated executive director's position description was discussed. New responsibilities and activities have been added to John Jaschke's position, the uniqueness of the position was noted, and the importance of 'Freedom to Act' on behalf of the full BWSR Board. Chair Napstad reported that the AAC approved the updated position description.

Executive Director's Report – John Jaschke reported that the executive director's position description is a public document, if board members would like a copy, contact Mary Jo Anderson. John reported that Sarah Strommen attended the Lessard Sams Outdoor Heritage Council (LSOHC) and LCCMR hearings; Sarah will distribute the summary of BWSR proposals to board members. John attended the House Legacy Committee tour in northeastern Minnesota, and also the Vermillion River tour in the southern metro area. John reported that BWSR, DNR, and PCA are working on the Clean Water Roadmap, and discussing the Clean Water Fund elements related to the fifth anniversary of the constitutional amendment, the effort will present the accomplishments, goals, and look to the future.

John reported that Doug Thomas and Don Buckhout continue to meet with the LGU Roundtable discussing 1W1P and preparing recommendations. John reported that the legislative initiatives process has started. John reviewed information in board members packets.

INTRODUCTION OF NEW BWSR EMPLOYEE – Ron Shelito introduced Matt Fischer, Board Conservationist in Bemidji; Matt started August 28. Matt was the District Manager at the Pope SWCD before coming to BWSR. Tom Schulz wished Matt well in his new position as Board Conservationist. Chair Napstad welcomed Matt to BWSR.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are presently 15 appeals pending; he provided a status report. Travis reported that a training workshop will be held for the DRC today immediately following adjournment of the Board meeting. The workshop will provide information on the Board and committee's roles in the dispute resolution process; all board members are welcome to attend.

Public Relations, Oversight & Strategic Planning (PROSP) Committee – Jack Ditmore reported that the PROSP Committee met last night; the Committee's recommendation is on the agenda later today. The Committee discussed the 1W1P initiative; the development of the guiding principles will continue and are currently planned to come before the Board for endorsement in December. The PROSP Committee will meet on October 22, 5:30-7:30 PM.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that RIM Reserve Management Planning Committee met yesterday, recommendations are on the agenda later today.

Drainage Work Group (DWG) – Tom Loveall reported that the Drainage Work Group met on September 12; discussion included: nitrogen in Minnesota surface waters study; status of DWG subgroup for drainage system assessments to road authorities; and continued discussion about Section 103E.015 considerations before drainage work is done. The next meeting of the Drainage Work Group is October 10.

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

Addition of "Saturated Buffer" to the list of eligible practices for the Targeted Drainage Water Management Grant Program – Tim Gillette reported that the FY2013 Targeted Drainage Water Management Grant Program implements a Clean Water Fund appropriation by the 2012 Legislature to improve water quality of agricultural runoff, particularly from tile drainage. The appropriation language specified coordination with the USDA-NRCS for conservation practice standards. The grant program and allocations were approved by the BWSR Board in June 2012, including a list of eligible practices. At that time, Conservation Practice 739 – Vegetated Subsurface Drain Outlet (aka "Saturated Buffer") was not yet available. The interim conservation practice standard CP-739 was issued by NRCS in August 2012 as an effective drainage water management practice.

Tim reported that the Administrative Advisory Committee met this morning and recommends approval of the addition to the list of eligible practices for the Targeted Drainage Water Management Grant
** Program. Moved by Gerald VanAmburg, seconded by Sandy Hooker, that the Board hereby resolves that: 1) The Vegetated Subsurface Drain Outlet (CP-739) conservation practice be added to the eligible
13-72 practices under the BWSR Targeted Drainage Water Management Grants; and 2) The Executive Director is given authority to adjust the list of eligible conservation practices for the BWSR Targeted Drainage Water Management Grants in coordination with applicable NRCS conservation practice

standards and report any such changes to the Board at its next meeting following such an adjustment. ***Motion passed on a voice vote.***

Order a Public Hearing for the Petition for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) – Travis Germundson reported that Board authorization is needed to schedule and hold a public hearing regarding the petition to redistribute the managers of the Middle-Snake-Tamarac Rivers Watershed District. Travis reported that the Administrative Advisory Committee met this morning and recommends approval of the public hearing for redistribution of manager positions for the MSTRWD. Moved by Jack Ditmore, seconded by Sandy Hooker, to correct typos in the Order, and hereby orders a public hearing be held on the redistribution of manager positions for the Middle-Snake-Tamarac Rivers Watershed District presided over by the Northern Water Planning Committee at a date and location to be determined by the Executive Director. ***Motion passed on a voice vote.***

** 13-73

CONFLICT OF INTEREST DECLARATION

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

Chair Napstad stated that board members have submitted their completed Conflict of Interest Declaration forms. The Conflict of Interest Declaration documents will be filed for the grant decision item. All board members are eligible to vote.

Southern Region Committee

Area II Minnesota River Basins Projects Inc. FY2014 & FY2015 Biennial Work Plan & 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 2013 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2014 grant of $120,000. The Southern Region Committee met on September 5, 2013 to review the Area II Work Plan and recommends approval of the plan and execution of the FY 2014 grant. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the Area II FY2014 and 2015 Biennial Work Plan and FY2014 grant of $120,000. ***Motion passed on a voice vote.***

** 13-74

Brown County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the Brown County Plan Amendment, and recommended conditional approval of the Brown County 2013 - 2018 Local Water Management Plan Amendment based on the Brown County Board holding a public hearing and submitting the hearing documents to BWSR prior to September 25, 2013. The Board received record of the public hearing and copies of all hearing documents on September 23, 2013. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the 2013 amendment of the Brown County Local Water Management Plan for August 2013 – August 2018. Gerald VanAmburg stated that climate change, high precipitation, and drainage needs to be considered in water plans in the future, and LGUs need to be educated. Discussion followed. ***Motion passed on a voice vote.***

** 13-75

Nicollet County Local Water Management Five-Year Plan Amendment – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the recommendation of the state review agencies regarding final approval of the Nicollet County Local Water Management Plan 2013 Amendment, and recommends approval. Moved by Paul Langseth, seconded by Joe Collins, to approve
** 13-76 the 2013 amendment of the Nicollet County Local Water Management Plan for August 2013 – August 2018. ***Motion passed on a voice vote.***

Upper Minnesota River Watershed District (UMRWD) Watershed Management Plan – Paul Langseth reported that on March 20, 2013, the Board of Managers of the Upper Minnesota River Watershed District filed a proposed Revised Watershed Management Plan with the Board of Water and Soil Resources. The Southern Region Committee met on September 5, 2013, reviewed the revised Plan and recommends approval. Moved Paul Langseth, seconded by Steve Sunderland, to approve the
** 13-77 revised Watershed Management Plan for the Upper Minnesota River Watershed District. ***Motion passed on a voice vote.***

Sibley County Local Water Management Plan Update – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the Sibley County Local Water Management Plan Update, and recommended approval with the requirement that text is added to the Plan Update explaining why some farmers are returning to moldboard plowing in a corn-on-corn rotation. The
** required update of the Implementation Section was received by BWSR on September 16, 2013. Moved 13-78 by Paul Langseth, seconded by Sandy Hooker, to approve the update of the Sibley County Local Water Management Plan 2013-2023. ***Motion passed on a voice vote.***

Public Relations, Oversight, and Strategic Planning Committee
Reauthorization of the PRAP Assistance Grants – Don Buckhout reported that action by the Board is needed to reauthorize the grant program and the delegation of authority to the executive director for the current 2014-15 biennium. The Board made the original authorization and delegation in March 2012, for the 2012-13 biennium. The Public Relations, Oversight and Strategic Planning Committee met last night and recommend approval of the reauthorization of PRAP assistance grants to LGUs for
** FY14-15. A revised resolution was distributed. Moved by Jack Ditmore, seconded by Matt Wohlman, 13-79 that the BWSR Board authorizes the Executive Director to expend up to $10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery needs identified through a PRAP assessment during the 2014-2015 biennium, and the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and that the aggregate amount of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature. ***Motion passed on a voice vote.***

Chair Napstad called for a break in the meeting at 10:36 a.m. The meeting reconvened at 10:55 a.m.

RIM Reserve Management Planning Committee
Disaster Recovery Assistance Program (DRAP) and Reinvest In Minnesota (RIM) Reserve Emergency Haying and Grazing – Bill Penning stated that Board approval is needed to amend the DRAP Policy that was just approved at the August Board Meeting. Due to recent appropriation changes and concerns about emergency haying and grazing it is being proposed to disallow this option with stand-alone

RIM easements. Bill reported that the RIM Reserve Management Planning Committee met last night and recommends approval of the amended DRAP Policy 17.2 Stand Alone RIM Reserve Easements for lands with RIM easements only, emergency haying or livestock grazing is not allowed. Moved by Gene
** 13-80 Tiedemann, seconded by Chris Elvrum, to approve the revised DRAP Policy as presented. ***Motion passed on a voice vote.***

ACUB Easement Modification – Bill Penning explained that in 2004, the National Guard Bureau and the State of Minnesota, through BWSR, entered into a cooperative agreement to implement an Army Compatible Use Buffer (ACUB) Program for Camp Ripley. The Program was designed to minimize intensive residential and commercial development within a three-mile radius around Camp Ripley by purchasing the development rights through permanent conservation easements. Since 2004, BWSR has acquired 88 conservation easements through the ACUB Program with a federal investment of $15,795,000 and a state investment of $2,248,000 through the Outdoor Heritage Fund, as recommended by the Lessard Sams Outdoor Heritage Council. Bill provided background information, presented a proposed solution, and reported that the RIM Reserve Management Planning Committee met last night and unanimously recommend approval of the proposal, to address a mutual mistake in the easement documents and incorporate the modified language into all new ACUB easements going forward.

** 13-81 Moved by Gene Tiedemann, seconded by Tom Schulz, to approve the ACUB easement modification, authorizing staff to: 1) Work with the National Guard Bureau, Morrison SWCD, the Minnesota Attorney General's Office, and other affected parties to develop new language that is consistent with achieving the intent and purpose of the ACUB program and the conservation purpose of the easement by limiting development and preserving open space within the Camp Ripley buffer area but not strictly prohibiting subdivision. 2) Modify all existing ACUB easements to reflect the change. 3) Incorporate modified language into all new ACUB easements. Discussion followed. ***Motion passed on a voice vote.***

NEW BUSINESS

2013 Grants Monitoring Report – Tim Dykstal reported that on June 22, 2011, the Board adopted the Grant Monitoring, Reconciliation and Verification Policy, which calls for an annual report to be delivered to the Board on grants monitoring. Tim presented data on the formal monitoring of the 2012 grant activity before the old e-LINK shutdown, on March 14, 2013; data on the grant verification visits and looking ahead to the next steps with BWSR expectations in grants monitoring, reconciliation, and verification. Discussion followed. Chair Napstad thanked Tim for his report.

Nitrogen in Minnesota's Surface Waters - Dave Wall, MPCA Hydrologist, reported that in June 2013, the MPCA conducted a study of nitrogen in surface waters to better understand the nitrogen conditions in Minnesota's surface waters, along with the sources, pathways, trends and potential ways to reduce nitrogen in waters. The study was a collaborative effort led by Minnesota Pollution Control Agency, with assistance from the University of Minnesota and the U.S. Geological Survey. The report team used more than 50,000 water samples collected at 700 stream sites and used 35 years of monitoring data and findings from 300 published studies. Dave stated that MPCA will be presenting this information to the Legislature on October 7. Al Kean reported that he attended the Hypoxia Task Force meeting in Minneapolis yesterday and John Jaschke stated that Rebecca Flood offered to provide an update in the future. Chair Napstad thanked Dave for his presentation.

AGENCY REPORTS

Minnesota Department of Health – Chris Elvrum reported that the application period is open through September 30, 2103 for source water protection competitive grants. The source water protection transient grant application period will be open next month for statewide sources.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that due to the drought, there has been an increase in water permits issued; the Legislature has given DNR authority for groundwater usage. Tom stated that there will be intense media surrounding the five-year anniversary of the legacy amendment. DNR and BWSR need to announce the many accomplishments of the legacy funding, letting the general public know of all the achievements.

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein reported that the draft Minnesota Nutrient Reduction Strategy is available for public review and comment from October 7 – December 18, 2013; the document is located on MPCA's website. Doug stated that this is his last BWSR meeting serving as MPCA's alternate board member. Doug has been promoted to assistant director of the Industrial Division and Municipal Division. Chair Napstad thanked Doug for his participation at board meetings.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the Minnesota Association of Township district meetings were held statewide from August 12 – September 4. Sandy reported that MAT's Annual Conference will be held November 21-23 at Jackpot Junction in Morton.

USDA Farm Service Agency – Glenn Schafer reported that Deb Crusoe was recently hired as the FSA Executive Director. Glenn stated that FSA appreciates BWSR's partnership.

UPCOMING MEETINGS

- DRC Workshop, today - immediately following adjournment
- PROSP Committee Meeting, October 22, 5:30 – 7:30 PM
- Next BWSR Board Meeting, October 23, 2013

** Moved by Christy Jo Fogarty, seconded by Jack Ditmore, to adjourn the meeting at 12:35 p.m.
13-82 ***Motion passed on a voice vote.***

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
Attendance Roster

	Name	Affiliation	Phone #
1.	Jill Crafton	RPBCWD	612-349-8255
2.	Jen Malcitzke	BWSR	
3.	TIM GILLETTE	BWSR	
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POSITION DESCRIPTION – Part A

Agency: **Board of Water and Soil Resources (BWSR)**
Classification Title: **Executive Director**

Employee Signature

Supervisor Signature

POSITION PURPOSE

This Executive Director is the agency head f... position exists to provide executive leadersh... ...oard and staff and local units of government and other partners that administer agency programs. The incumbent is the chief executive officer of the agency and directs all s agency operations and the operations of local units of government via administration of agency programs. The incumbent is responsible for the development, enactment and implementation of legislative appropriations, policy, statute, rulemaking and adjudication. The position is responsible for managing all agency operations and for developing and executing all decisions, policies, orders, and resolutions of the Board. The duties include the preparation and oversight of the agency budget.

The position incumbent is responsible for all the conservation and resource protection and restoration efforts of the agency focused on the private lands of Minnesota. Conservation, protection, restoration, regulatory, clean water, agricultural habitat and performance measurement programs of the agency are enacted and directed by the incumbent. The incumbent is responsible for the development of statewide policy that is within the broad powers and authorities of the agency mission, vision and strategic plan direction.

The incumbent is the executive officer for the Board and administers Board activities to maintain consistency with the executive branch policies and statutes. The incumbent is the chief spokesperson for the Board and agency in all matters of public policy and budget. The incumbent is the chief negotiator with local governments that deliver agency programs, federal natural resource agricultural and regulatory agencies, state agencies involved in water and soil and related natural resources, higher education entities, and public and private groups interested in conservation to assure the statewide goals for conservation and resource protection are administered effectively.

The position is responsible for program leadership, direction and management and consultation to counties, cities, joint powers boards, watershed districts and soil and water conservation districts, and international, national and interstate on endeavors administered by the agency, legislative direction and enactment on behalf of external interests that serve the agency's responsibilities.

POSITION DESCRIPTION – Part A

Agency: **Board of Water and Soil Resources (BWSR)**
Classification Title: **Executive Director**

Employee Signature *8-22-13* **Date**

Supervisor Signature *8-22-13* **Date**

POSITION PURPOSE

This Executive Director is the agency head for the Board of Water and Soil Resources. The position exists to provide executive leadership to the agency board and staff and local units of government and other partners that administer agency programs. The incumbent is the chief executive officer of the agency and directs all s agency operations and the operations of local units of government via administration of agency programs. The incumbent is responsible for the development, enactment and implementation of legislative appropriations, policy, statute, rulemaking and adjudication. The position is responsible for managing all agency operations and for developing and executing all decisions, policies, orders, and resolutions of the Board. The duties include the preparation and oversight of the agency budget.

The position incumbent is responsible for all the conservation and resource protection and restoration efforts of the agency focused on the private lands of Minnesota. Conservation, protection, restoration, regulatory, clean water, agricultural habitat and performance measurement programs of the agency are enacted and directed by the incumbent. The incumbent is responsible for the development of statewide policy that is within the broad powers and authorities of the agency mission, vision and strategic plan direction.

The incumbent is the executive officer for the Board and administers Board activities to maintain consistency with the executive branch policies and statutes. The incumbent is the chief spokesperson for the Board and agency in all matters of public policy and budget. The incumbent is the chief negotiator with local governments that deliver agency programs, federal natural resource agricultural and regulatory agencies, state agencies involved in water and soil and related natural resources, higher education entities, and public and private groups interested in conservation to assure the statewide goals for conservation and resource protection are administered effectively.

The position is responsible for program leadership, direction and management and consultation to counties, cities, joint powers boards, watershed districts and soil and water conservation districts, and international, national and interstate on endeavors administered by the agency, legislative direction and enactment on behalf of external interests that serve the agency's responsibilities.

REPORTABILITY

Reports to:	Chairperson, Board of Water and Soil Resources	
Supervises:	Directly:	2 Assistant Directors Administrative Services Director Senior Policy and Program Advisor Fiscal Compliance and Audit Coordinator Executive Assistant
	Indirectly:	All staff of the Board of Water and Soil Resources Boards, Managers, Staff of Local Government Units

DIMENSIONS

FY12-13 Biennium

Agency

General Fund	$25,124,000
Clean Water Fund	55,068,000
Outdoor Heritage Fund	30,950,000
Other Funds (1)	14,700,000
Bonding Funds (2)	66,300,000
Total	$192,142,000

(1) Federal Funds, Special Revenue Funds and LCCMR Funds
(2) All active bonding funds

Soil and Water Conservation Districts

FY2011 Statement of Revenues and Expenditures	
Total Revenue	$40,583,640
Total Expenditures	40,039,736
FY2011 Combined Balance Sheet	
Total Assets	$37,901,659
Total Liabilities	19,103,204
Fund Equity	18,798,455

Watershed Districts and Water Management Organizations (2009)	$70M
Metro WD/WMO	$44.4M
Outstate WD (2006)	$25.3M
County Water Organization	$5M

Clientele:

International	Federal	State	Local	Private	Other
-Red River Basin Commission -International Joint Commission -Great Lakes Commission	-USDA Natural Resources Conservation Service -Farm Service Agency -Commodity Credit Corporation -US Geological Survey -US Fish and Wildlife Service -Environmental Protection Agency -US Army Corps of Engineers -Emergency Management Agency -Dept. of Interior -Resource Conservation and Development -Congressional Delegation and staff	-20 members of the Board of Water and Soil Resources -Governor's Office -Legislators & Staff -Dept of Natural Res. -Pollution Control Agency -Dept. of Agriculture -Dept. of Health -Dept. of Transportation -Minnesota Geological Survey --Department of Administration - Minnesota Management and Budget -Dept. of Public Safety -Attorney General's Office -Office of Administrative Hearings -Revisor of Statutes -Office of Legis. Auditor -State Courts -University of Minnesota -MNSCU -Leg. & Citizens Commission on MN Res. members and staff - Lessard-Sams Outdoor Heritage Council members and staff - Clean Water Council members and staff -MN Extension Service	-Counties -Elected County Commissioners -Soil and Water Conservation Districts - SWCD Technical Service Area JPBs -Elected Soil and Water Conservation District Supervisors -Watershed Districts -Watershed District Managers -Regional Development Commissions -Metropolitan Council -Public and Private Academic Institutions -Community Health Services -Watershed Management Organizations -WMO Managers -Joint Powers Boards (e.g. RRWMB, Area II, Whitewater, Snake, etc.) -Cities - Townships - Public Drainage Authorities	-Conservation Minnesota - The Nature Conservancy -Pheasants Forever -MN Waterfowl Association -Friends of the Mississippi River -Friends of the Minnesota River -Audubon Society -Ducks Unlimited -Trout Unlimited -Farmers Union -Farm Bureau - MN Ag Water Resources Center - MN Center for Environmental Advocacy - MN Environmental Partnership - MN Land Trust - Trust for Public Land - Conservation Fund - Lake Assns. - Sportsman's Clubs	-Assoc. of Watershed District Administrators -Assoc. of MN Counties -MN Assoc. of Conservation District Employees -MN Assoc. of Co. Planning and Zoning Administrators -MN Assoc. of Soil and Water Districts -MN Assoc. of Watershed Districts --Natl. Assoc. of Conservation Districts -Natl. Assoc. of State Conservation Agencies -Soil and Water Conservation Society -League of MN Cities - MN Assoc. of Townships - Drainage Work Group

POSITION QUALIFICATIONS

• Master's Degree in Public or Business Administration, Natural Resources Management or closely related field, with course work or experience in policy development, program planning and budgeting, AND
• Five years of experience with increasing managerial responsibilities in natural resource conservation administration directly connected to the public sector, at least 3 of which are at an advanced management level, OR
• An equivalent combination of education and experience.

Duties & Responsibilities (examples):

1. Leads staff by integrating the various functional areas and developing external and internal partnerships to efficiently and effectively provide programs and services.
2. Responsible for the management of all the affairs of the Agency, including budget, policy, personnel, legal and technical.
3. Develops long and short range strategic and workforce plans to ensure that intended outcomes are consistent with the mission and authorities of the agency.
4. Allocates human and fiscal resources to assure that goals and objectives are attained in a cost-effective manner.
5. Directs the Executive Management Team in developing proposed operating and capital budgets and legislative strategies. Manages the budget process by developing guidelines and timetables; conducts reviews of departmental budgets; establishes allocation of resources for agency operations.
6. Assesses needs and priorities and develops a plan and implementation strategy for the delivery of new or revised programs and services to address changing priorities.
7. Develops, recommends and implements administrative policies and procedures and makes policy interpretations. Evaluates program performance and recommends/takes corrective action where necessary.
8. Participates in the recruitment and selection of managers and other senior staff throughout the organization.
9. Directs, monitors and evaluates the performance of Assistant Directors and key Managers against stated goals and objectives.
10. Designs, plans, directs, and implements special statewide or regional initiatives and projects.
11. Presents programmatic issues, recommendations, initiatives, and legislative proposals.
12. Represents the Agency before Federal, State, international, regional and local government units.

Knowledge, Skills & Abilities and Work Environment:

LEADERSHIP

• Ability to inspire others to achieve results by promoting involvement, participation and cooperation.
• Ability to support and encourage employees and local governments in fully developing their knowledge, skills and abilities.
• Ability and skill to organize direct and coordinate the activities of managerial, professional and administrative support staff in offices statewide.

ADMINISTRATIVE

• Demonstrated skills in analyzing needs and priorities and in preparing and executing long-range and strategic responses to meeting these needs.
• Demonstrated skills in analyzing, preparing and managing comprehensive and complex budgets.
• Ability to analyze and change existing processes for efficiency and resource constraints while continuing to deliver quality services.

ORGANIZATIONAL KNOWLEDGE AND STRATEGY

• Ability to create and support effective working relationships within and between divisions, departments, and outside agencies and businesses and non-government organizations.
• Ability to understand and effectively respond to changing clientele and stakeholder needs, interests, and requirements.

COMMUNICATIONS/INTERPERSONAL RELATIONS
• Ability to effectively present analysis and recommendations through spoken and written communications.
• Ability to build and maintain positive working relationships with others.
• Ability to effectively conduct and facilitate meetings and public forums.

ANALYTICAL THINKING
• Ability to plan, implement and evaluate programs, systems, policies and procedures.
• Ability to establish objectives and performance measures as well as communicate, support and evaluate the achievement of those objectives and measures.

TECHNICAL SKILL
• Comprehensive understanding of principles, techniques and laws related to federal, state and local government leadership.
• Expert level knowledge of conservation, habitat, agricultural, urban, public safety, soil, and clean water programs, projects and best practices.

POSITION DESCRIPTION – Part B

Responsibilities and Tasks

A. Provide executive leadership and direction to the members of the Board in establishing public policy direction for the conservation and protection of the state's natural resources on private lands. Serve as general advisor and executor to the Board and lead public policy, administration and strategic planning for the agency. Assure timely dissemination of information and proper context and analysis for board members on public policy before them. Assure an effective and efficient decision making process on matters before the board and its committees.

Priority	A	% of Time	15	Discretion	A

Tasks

1. Identify administrative, budget or policy issues that will require board action.
2. Direct the preparation of all required analysis so that all members of the board can evaluate data and make informed decisions on matters of public policy, administration or regulatory/judicial nature.
3. Make recommendations for action to the board on disposition of executive issues, regulatory issues, and budget and policy issues.
4. Direct activities of board committees including: a) Administrative Advisory Committee; b) Wetlands Committee; c) Grants Program and Policy Committee; d) Dispute Resolution Committee; e) Public Relations, Oversight and Strategic Planning Committee, f) Audit Committee; and g) North, South & Metro Regional Committees.
5. Direct interaction between board members and agency staff. Provide direction from board members to staff. Direct staff on information needs of board members.
6. Liaison between board members and the Executive Branch/Governor's Office to assure public policy direction is consistent with Administration policy direction.
7. Conduct the business of official board meetings, committee meetings and facilitate the required board meeting action.

8. Provide the board members with policy options and recommendations to make decisions relating to agency initiatives, operations, and local government implementation.
9. Direct board member communication policy to provide information on agency issues, public policy and information so that board members are able to publicly represent the agency position.
10. Act as Agency representative on interagency committees, task forces, public policy forum, local government state program administration/management, and with the Governor's office, Legislators, Minnesota's congressional delegation, federal agencies, private conservation agencies, and international, federal and state government agencies.

B. Collaboration on behalf of the Board and Agency with the Governor, Cabinet agencies and Legislature to assure overall goals and operations are consistent with legislative intent, the Governor's goals and operating plans and Board's administrative direction. Provide the conduit for communication between the Board, Governor, Legislature and other agencies to assure public policy goals, resource management and protection programs and initiatives are consistent with all general policy direction and goals.

Priority A % of Time 15 Discretion A

Tasks

1. Provide information and input to the Governor/Administration on public policy matters relating to BWSR and related program implementation through local units of government.
2. Participate in discussions at the cabinet level to formulate soil and water resource conservation and protection public policy development and implementation.
3. Work with other natural resource, agriculture and environmental agencies to represent the agency, local government and private landowners in the development of public policy relating to natural resource conservation and protection.
4. Advise the Governor and Governor's Office staff on matters relating to conservation, resource protection, private land conservation programs, and local government implementation of state policy and programs.
5. Develop agency legislative agenda. Establish priorities for legislative initiatives. Direct the development of legislative initiatives by working with the Administration, local governments, conservation groups (public and private), federal agencies and interest groups to formulate effective legislative agenda for the protection of state natural resources on private lands.
6. Review and approve all legislation drafted on behalf of the agency. Direct the preparation and use of supporting materials to accurately present the issues and support the legislative package.
7. Lobby members of the Legislature on behalf of agency initiatives to enact legislation that adequately protects the environmental issues and promotes agency programs, policies and regulatory responsibilities.
8. Work with Legislators to assure they are adequately informed on agency issues, local government issues relating to agency programs, agency positions on natural resource issues and what is in the best interest of the agency, it's public and private partners and the local governments used to implement agency programs.

C. Provide executive management and direction to agency operations to administer the policy, fiscal, legal and outreach efforts for statewide natural resource conservation, protection, restoration, regulatory, clean water, habitat, agricultural, and performance measurement programs.

Priority A % of Time 25 Discretion A

Tasks

1. Direct the operations of the agency using the executive and senior management teams to transmit policy direction and exercise management leadership.
2. Provide the internal and external direction and leadership required to implement public policy relating to private land conservation, regulatory aspects of the agency and use of agency fiscal and human resources.
3. Establish fiscal and human resource limits for agency operating programs, administration of grant programs, regional resources, local government funding aligned with state sources, and federal funding sources.
4. Determine appropriate direction for agency programs and instruct the implementation consistent with board policy, administration policy, and statute and rule.
5. Provide direction and leadership in the development and implementation of an agency strategic plan. Set long-term goals and objectives for development of the strategic long-range plan for operation of agency programs and the utilization of local government as a delivery system for state conservation and resource protection programs.
6. Establish goals and objectives for agency accountability, critical success factors, indicators for evaluation of program delivery and determine the success level of agency programs, agency delivery systems, and local government effectiveness.
7. Promote a workplace that is safe, free of harassment and/or discrimination and free from violence pursuant to and in compliance with state and federal employment law, collective bargaining agreements, affirmative action, human rights, and administrative policies and procedures.
8. Supervise direct report staff in compliance with employment statues, rules and procedures and collective bargaining agreements. Including; selection, disciplinary action, performance evaluation, training, reward/recognition systems, etc.
9. Review budget performance of senior management team to assure spending patterns do not exceed authorized or approved funding and that expenditures are consistent with approved plan, legislative intent and authorized funding sources.

D. Act as chief negotiator on behalf of the board for: conservation and resource topics, regulatory and policy issues, and fiscal, performance and compliance matters.

Priority A % of Time 10 Discretion A

Tasks

1. Negotiate settlements, compliance agreements or alternatives with local units of government and private landowners for matters relating to the regulatory policies of all agency programs to assure compliance with all state statutes, rules, orders and policies.
2. Direct proceedings to establish the structure of local units of government for the implementation of agency programs. Agree to funding mechanisms, operating priorities, strategic plans, implementation plans, management plans, and resource management strategies.
3. Hold hearings and negotiate appeals relating to local government and Board decisions.

E. Direct agency state and federal legislative policy and financing initiatives so that appropriate resources are available for the agency and local government to enact programs, policies and procedures.

Priority A % of Time 15 Discretion A

Tasks

1. Develop and pursue state legislative initiatives in concert with the Governor's Office. Present the initiative to appropriate parties to approve proceeding with the agency initiative. Direct the drafting of language. Work to identify authors and work with authors through the legislative process.
2. Direct the development of budget proposals for the agency to be submitted to the administration for consideration. Present the budget request to Minnesota Management and Budget and the Governor's Executive Budget Team. Follow requests from development to approval through process established by MMB and the Governor's Office.
3. Present the budget and provide information and testimony to inform and educate finance committee members on agency budget initiatives, financing plans and funding for local units of government implementing state programs on behalf of the agency.
4. Direct the development of LCCMR and Capital Budget requests for bonding authorizations to fund agency conservation easement programs, water quality improvement and infrastructure programs and local government roads wetland replacement programs. Present I Budget proposals and provide information and testimony to inform and educate commission and committee members on budget requests on behalf of the agency.
5. Direct the development of Legacy Amendment (Clean Water Fund and Outdoor Heritage Fund) Budget requests to fund agency easement programs, water quality improvement and infrastructure programs and habitat protection and restoration programs. Follow requests from development to approval through process established by the Clean Water and Outdoor Heritage Councils, MMB and the Governor's Office.
6. Present budget proposals and provide information and testimony to inform and educate finance committee members and staff.
7. Work with lobbying groups (individuals, organizations and coalitions) to advance initiatives for natural resource protection and resource conservation that are in the best interest of the agency, local government, private landowners and citizens of the State.
8. Work with Minnesota's congressional delegation to assure Minnesota interests are included in Farm Bill and Water Resource programs enacted by Congress. Provide information and testimony for congressional committees on soil and water resource conservation and protection, water quality or other issues of interest to the agency or state.

F. Promote public awareness and understanding of agency mission, authorities programs, initiatives, goals and objectives.

Priority	B	% of Time	5	Discretion	A

Tasks

1. Act as the Governor's representative on the Red River Basin Commission acting on issues relating to water activities of the basin. Work with this international board to advance issues for resource conservation and protection, prevention of damage from re-occurring floods and improve water quality for the region.
2. Represent the Board in forums and interaction with local units of government.
3. Represent the Board with conservation groups and organizations to form coalitions and/or working groups to promote and advance the issues of conservation and resource protection.
4. Provide education to citizens on issues relating to soil and water resources.

5. Conduct hearings to gather information on specific issues of local areas relating to Board/agency activities and/or responsibilities to allow for input in policy development, project planning and construction, recommendations for water resource management.

G. Provide leadership and direction to local units of government assigned the responsibilities for implementation of agency programs.

Priority	A	% of Time	15	Discretion	A

Tasks

1. Evaluate the structure of local units of government used to deliver agency programs for efficiency and effectiveness.
2. Recommend organizational structure changes,
3. Assess, develop and address the resource and capacity needs of local units of government to provide the necessary agency services in local communities to work with private landowners to promote and deliver conservation and resource protection programs.
4. Examine conservation and natural resource priorities of local government units to assure they are consistent with the Board policy and/or administrations policy.
5. Provide innovative leadership to local units of government to advance their ability to implement statewide natural resource conservation and protection programs given limited fiscal and human resources.
6. Facilitate and make recommendations for governance alternatives for local units of government including the appropriate structure, recommendations on elected officials and capacity.
7. Act on dissolution petitions and the removal of elected officials in soil and water conservation districts or watershed districts when warranted via investigation findings.

RELATIONSHIPS

This position has responsibility and authority for executive management of all the diverse elements of the agency's activities. Program administration is accomplished through direction and management of key personnel. Communication with personnel shall be both written and verbal and tailored to both direct and indirect audiences. The incumbent represents the Board on numerous inter-agency matters with state, federal and local government agencies.

Minnesota water and soil resources are impacted by a complex set of economic, social and environmental factors and water and soil resource management and protection activities are carried out by a variety of local, state, federal, business organizations and non-government agencies. Therefore, the incumbent must encourage and foster close interdivisional, interagency and intergovernmental cooperation to insure that interdisciplinary expertise is focused on water and soil resource management issues. The agency mission is largely focused on the unique challenges of accomplishing water resource conservation and protection on privately owned lands. This requires a close and credible working relationship with local governments, other state agencies, federal government agencies and private sector organizations involved in water and soil resource issues.

This position provides statewide management, leadership, and direction to local government units in the implementation of statewide public policy. The delivery system used by BWSR requires statewide leadership to local government units and providing them the necessary technical, financial and administrative resources necessary to accomplish their work. Therefore, this incumbent must establish relationships with agency clientele that allow the incumbent to act in territory not generally seen as "the state". Trust, confidence and motivation are critical components of that relationship. To effectively administer the agency programs, the incumbent must be able to communicate with authority, have a thorough and complete understanding of complex technical and legal subject matters and be able to translate that information to a variety of affected public and private-sector parties.

Significant emphasis is placed on coalition building to deliver essential services. The incumbent must be able to exercise traditional directive leadership but also to "lead from behind" where they are recognized as the expert but they are working with local government elected officials that have the implementation responsibility. This is especially challenging as local governments do not all have equal capacity or technical ability to effectively deliver the agency's programs or services. It is essential for the incumbent to be able to provide leadership and direction knowing that successes will be credited to others.

The position requires day-to-day communication with agency staff and regular communication with the agency Board, Governor's Office and Attorney General's staff on specific issues. The position must also coordinate on a regular basis with members of the Legislature and Minnesota's congressional delegation.

Beyond the relationships with the local government and interest group leaders, the incumbent must also develop and sustain broad relationships with other state agency and federal agency partners. The incumbent will work closely with the DNR, Department of Agriculture (MDA), MPCA, Department of Health (MDH), Department of Transportation (MNDOT) and the University of Minnesota Extension Service in development of legislation, policy and procedure and program implementation. These state agency partners regularly interact with the incumbent to assure proper protection of Minnesota's environmental resources. The partner agencies provide valuable resources and perspectives to the implementation of program areas for the agency.

Several federal partner agency relationships must be established and nurtured to maximize federal resource commitments to the state and assure that we work together for the common protection and benefit of the resources. These relationships are used to affect and influence federal natural resource and farm policy development and implementation.

The incumbent of this position has significant interaction with the legislature, individual legislators and legislative staff throughout the year. Because of the unique nature of the agency's activities and delivery systems, Legislators are also stakeholders. The incumbent must provide opinions and influence in the development of statute governing programs and policy enacted. The incumbent will have direct contact with key members of the legislature. The incumbent will testify before committees on subjects within the agency jurisdiction. The incumbent will develop legislative strategies on controversial matters of public policy and program development and implementation.

KNOWLEDGE, SKILLS, AND ABILITIES

The Executive Director must have considerable background in both the technical and administrative aspects of natural resources conservation. The position requires strong administrative, technical and planning skills, as well as natural resource (particularly soil and water) training and experience. Human relations skills are required to increase work output by motivating personnel and local governments to solve a wide variety of problems.

The incumbent of this position must have excellent management, leadership, decision-making, human relations and planning skills. The incumbent must demonstrate the ability to generate interest, commitment and support to enact program policies/initiatives. The incumbent must have the ability to foster change in the organization and local delivery system. The incumbent must be able to continuously examine decisions made by management and staff, their impacts on public policy and objectives, and assess those decisions against the goals and objectives the incumbent has established for the agency. The incumbent must have strong planning skills to evaluate internal and external influences and trends. The incumbent must be able to transfer the planning skill into work plans for the agency.

The incumbent must possess superior human relations skills to recruit, retain and lead diverse workforces toward common goals of the agency, particularly because the resource is not always employed by the agency or state and may in some cases, be elected or appointed officials (e.g., county commissioners, watershed district or water management organization managers or soil and water conservation district supervisors). The incumbent must be able to motivate employees not directly supervised who are very committed to the cause but have increasing responsibilities with decreasing resources. The incumbent must be able to delegate effectively, evaluate performance, determine and monitor accountability, provide feedback and recognize and reward accomplishments to build a strong and healthy work environment for the agency. The individual must have high-level knowledge of staffing plans, state employment requirements and collective bargaining agreement provisions.

The incumbent must be able to represent the agency in public and private meetings, convey information accurately, stimulate feedback and discussion and confirm decisions made. The incumbent must be able to represent the agency in high level discussions at federal, state and local government levels. The ability to present and discuss information before legislative committees, legislative staff and federal agencies is necessary. The incumbent must be able to frequently represent the agency with the media orally or in writing and have the ability to think on their feet.

The incumbent must possess strong negotiation skills and the ability to develop consensus. The incumbent of this position must have the skill to draft new legislation, policy, procedure or rule. The incumbent must be able to interpret fiscal and policy impacts of new legislation proposed both inside the department and by legislators or interest groups, recommend the level of agency support and testify on the agency position. The incumbent must have thorough knowledge of agency programs and responsibilities and the local government delivery system used in order to be able to discuss positions intelligently.

The incumbent must have knowledge of the state financial systems and the ability to prepare and direct the preparation of the budget and the ability to analyze financial reports.

PROBLEM SOLVING

The scope of problem solving varies substantially from the day-to-day administrative problems to the very complex and technical policy issues requiring coordination and communication from an array of government agencies and technical experts and then weighting these technical evaluations with value judgment. The incumbent must be able to provide the necessary leadership to deal with complicated and difficult problems under pressure and in the face of strongly held diverse interests that must be resolved or, at a minimum, constructively considered.

Examples of problems encountered are as follows:

Leadership/Supervision/Management

Leading and managing a multifaceted board and organization:

- Establishing and implementing policies, procedures and management control systems that do not deter creativity and innovation and promote calculated risk taking.
- Maintaining a "team" approach to program implementation that minimizes internal conflict and promotes shared responsibility, accountability and recognition.
- Promoting and fostering commitment to continued enhancement of public services, even as resources become more constrained.
- Seeking client assessment of organization strengths and weaknesses and implementing effective changes.
- Ensuring opportunity for and promoting personnel training, career development, rewards and recognition for employees.

Planning Policy/Program Implementation/Resource Protection

Balancing natural resource protections with economic development and social needs/interests in situations such as:

- Drainage of land for a higher use that leads to downstream flooding problems.
- Wetland protection versus agricultural production, commercial, residential or industrial development.
- Wetland protection versus protection of other unique resources such as native prairie, riparian corridors, shoreland, or unique forest stands.
- Crop productivity measures that lead to water quality impairments.

Exercising leadership in identifying emerging natural resource issues and promoting creative and innovative strategies for addressing them:

- local governance of water resources;
- no net loss of wetlands;
- watershed management;
- biological diversity;
- public and private drainage;
- urban conservation;
- sustainable development;
- urban-rural land use transitions;
- prevention and protection versus restoration;

- state versus local government resource management – shared responsibility and accountability;
- interagency co-location;
- water resources program consolidation/integration;
- shared services delivery;
- water resource agency executive level coordination.

Local Government Interaction

Where issues of controversy evolve between local governments or between state and local government, the incumbent needs to use careful and creative means to bring resolution so as to not escalate the conflict, but rather create a solution that reasonably satisfies all sides and promotes enhanced coordination and collaboration between the parties.

Local governments expect reasonable and practical application of programs and want to be treated with some degree of equity. This is a challenge since the experience and capacity of local governments vary significantly across the state. Adding to this is the complexities caused by the state's extreme landscape diversity: north to south, east to west and rural to urban. The application of programs, grants, policies and regulations needs to build in flexibility for this diversity while maintaining accountability for realization of the desired resource outcomes.

Local governments are vested with the land-use authority by the state. As most understand "as the land goes, so goes the water and related natural resources". Yet local governments often rebel against state mandates. Therefore, the challenge is to convince local governments that it is in their best interest to identify clear natural resource outcomes and integrate the outcomes into their day-to-day decision making. Helping build and sustain the financial, administrative and legal capacity to effectively and efficiently protect and enhance the natural resources in balance with the economic and social needs of the area is the goal.

The most challenging aspect of the position is to accomplish, with limited staff resources, both voluntary and mandated water and soil resource conservation and protection programs while at the same time, developing policies and programs to confront emerging water and natural resource problems. Opportunity for creativity is greatest in achieving interagency cooperation between state and federal agencies implementing contemporary water resource management. Negotiating solutions to policy and budget issues with legislators and conference committees is a key aspect of the position.

FREEDOM TO ACT

The position incumbent is the agency head and has complete authority to act on issues as defined by the Board and/or the Governor's policy guidelines. The Board has delegated all matters of agency operations and local government relationships to or through the incumbent. The incumbent has the freedom to act as a principal advisor and spokesperson for the Board on all agency management and conservation issues, and enjoys complete freedom in making important judgments and policy decisions based upon broad policy objectives/guidelines the board has established through a strategic plan, rules, policies, orders or resolutions.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report[1]

Meeting Date: September 25, 2013

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

☐ **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 13, 2013
By: Travis Germundson

There are presently **14** appeals pending. All of the appeals involve WCA except File 10-10. There have been 3 new appeals filed since the last report dated August 29, 2013.

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 13-8 This is an appeal of a Restoration Order in St. Louis County. The appeal regards the placement of approximately 2,076 square feet of fill in a Type 3 wetland within the shore impact zone of Coon Lake for lake access. No decision has been made on the appeal.

File 13-7 This is an appeal of several replacement plan decisions in Le Sueur County. The appeal involves the same project and local unit of government decisions as File 13-6. No decision has been made on the appeal.

File 13-6 This is an appeal of several replacement plan decisions in Le Sueur County. The appeal regards the approval of three wetland replacement plan applications for a silica sand mining operation. At issue is that the decisions allow for substantial wetland impacts to occur without replacement. No decision has been made on the appeal.

File 13-5 (6-11-13) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. A pervious appeal (File 12-19) was remanded for further technical work and administrative proceedings, and now that new decision is being appealed. At issue is the adequacy of the TEP's Report to address partial drainage. The appeal has been remanded for further technical work directing the TEP to produce a revised written report adequately addressing partial drainage.

File 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.

File 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. The appeal has been accepted and the briefing and hearing schedule stayed by mutual agreement to allow informal settlement discussions to continue.

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 has been 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 proceed 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. A portion of the site has been restored and it appears the landowner is committed to restoring the remaining areas.

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 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 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	5	1
Order Modified		
Order Remanded	4	2
Order Place Appeal in Abeyance	1	1
Negotiated Settlement		
Withdrawn/Dismissed	4	

Drainage Work Group Report
for September 25, 2013 BWSR Board Meeting
by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group met on Thursday, September 12, 2013 at the Minnesota Farm Bureau building in Eagan. Following is a summary of the primary topics of discussion:

- **Nitrogen in Minnesota Surface Waters Study, June 2013 (MPCA et al.):** Dave Wall, MPCA, presented a PowerPoint summary of the study and participated in substantial dialogue with DWG members about the study and results.
  - Drivers of the study included:
    1) Legislative directive to MPCA to develop surface water quality standard for Nitrogen.
    2) Hypoxia in the Gulf of Mexico, for which 12 states have agreed to develop nutrient reduction strategies, and growing water quality concerns about Lake Winnipeg.
    3) 15 streams in Minnesota exceed the current cold water N standard and groundwater quality concerns are increasing.
  - MPCA conducted the study and prepared the report in collaboration with the University of Minnesota and the U.S. Geological Survey.
  - The study defines current conditions, trends, sources and reductions for Nitrogen in MN surface waters. It also addresses pathways of N movement in the environment.
  - Nitrogen fertilizer and transport of soluble Nitrate via agricultural tile drainage are key sources and pathways of nitrogen in Minnesota surface waters.
  - The state Nutrient Reduction Strategy, a draft of which will soon be available, is anticipated to include recommendations and a milestone for Nitrogen reduction in Minnesota waters.

- **Status of DWG Subgroup for Drainage System Assessments to Road Authorities:**
  - Subgroup established by the DWG earlier this year to investigate MnDOT questions and concerns about drainage system assessments.
  - Members include Al Kean, BWSR; Ron Ringquist, MVA; Laura Nehl-Trueman and Andrea Hendrickson, MnDOT; Ron Mortensen, Meeker Co. Engr.; and Roger Risser, Watonwon Co. Engr. Ray Bohn, MAWD, volunteered to join the subgroup.
  - The first meeting of the subgroup was on Sep. 4, 2013, with a focus on review of how drainage system assessments to road authorities have been determined by viewers over time and at present. Several more subgroup meetings are anticipated.

- **Continued discussion about Section 103E.015 Considerations before drainage work is done:**
  - Very little feedback to Al K. regarding emailed questions to DWG members about purpose and potential outcomes of this discussion topic.
  - Much discussion/hope that 1 Watershed – 1 Plan will provide a framework for comprehensive water management, including ag drainage systems.
  - Subgroup established to find a way forward, including Larry Kuseske and Ray Bohn, MAWD; Greg Eggers, DNR; Rob Sip, MDA; Al Kean, BWSR; Tom Loveall?, BWSR

The next DWG meeting will be on Thursday, October 10, 12:30 – 3:30 p.m. at the Minnesota Counties Intergovernmental Trust building in St. Paul.

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

1. Addition of "Saturated Buffer" to the list of eligible practices for the Targeted Drainage Water Management Grant Program - Tim Gillette – ***DECISION ITEM***

2. Order a Public Hearing for the Petition for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) – Travis Germundson – ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Addition of *"Saturated Buffer"* to the list of eligible practices for the Targeted Drainage Water Management Grant Program**

Meeting Date: 9/25/2013

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

Item Type: ☐ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Tim Gillette / Al Kean

Prepared by: Tim Gillette

Reviewed by: Al Kean — Committee(s) ***Administrative Advisory Committee***

Presented by: Tim Gillette

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Amend a June 2012 Board Resolution authorizing the Targeted Drainage Water Management Grant Program list of eligible practices.

LINKS TO ADDITIONAL INFORMATION

Targeted Drainage Water Management Program Description, June 2012 (attached)

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

The FY 2013 Targeted Drainage Water Management Grant Program implements an appropriation by the 2012 Legislature to improve water quality of agricultural runoff, particularly from tile drainage. The appropriation language specified coordination with the USDA-NRCS for practice standards. The grant program and allocations were approved by the BWSR Board in June 2012, including a list of eligible practices. At that time, **Conservation Practice *739 – Vegetated Subsurface Drain Outlet (aka "Saturated Buffer")*** was not yet available. The interim conservation practice standard CP-739 was issued by NRCS in August 2012 and is generating interest as an effective drainage water management practice. The purpose of this agenda item is to add CP-739 to the list of eligible practices for the Targeted Drainage Water Management Grant 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 approving the BWSR Targeted Drainage Water Management (DWM) Grants Program, including the attached Program Description; and

WHEREAS, the Targeted DWM Grants Program Description includes a list of eligible and ineligible practices; and

WHEREAS, in accordance with the appropriation language, the BWSR Targeted DWM Grants Program is coordinated with the applicable conservation practice standards of the USDA Natural Resources Conservation Service (NRCS); and

WHEREAS, the NRCS in August 2012 added an interim conservation practice standard for Vegetated Subsurface Drain Outlet (CP-739) (aka "Saturated Buffer") that is another drainage water management practice to help denitrify tile drainage water; and

WHEREAS, the Vegetated Subsurface Drain Outlet (CP-739) conservation practice will enhance the outcomes of the BWSR Targeted DWM Grants, and

WHEREAS, other NRCS conservation practice standards might be added that would enhance the BWSR Targeted DWM Grants.

NOW THEREFORE, the Board hereby resolves that:

1. The Vegetated Subsurface Drain Outlet (CP-739) conservation practice be added to the eligible practices under the BWSR Targeted Drainage Water Management Grants, and
2. BWSR staff is given authority to adjust the list of eligible conservation practices for the BWSR Targeted Drainage Water Management Grants in coordination with applicable NRCS conservation practice standards.

_____ Date:_____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment:

A) BWSR Targeted Drainage Water Management Grants, Program Description, June 2012

Minnesota Board of Water & Soil Resources

Board Resolution # 13-72

BWSR Targeted Drainage Water Management Grants

WHEREAS, the BWSR Board passed Resolution 12-55 on June 27, 2012 approving the BWSR Targeted Drainage Water Management (DWM) Grants Program, including the attached Program Description; and

WHEREAS, the Targeted DWM Grants Program Description includes a list of eligible and ineligible practices; and

WHEREAS, in accordance with the appropriation language, the BWSR Targeted DWM Grants Program is coordinated with the applicable conservation practice standards of the USDA Natural Resources Conservation Service (NRCS); and

WHEREAS, the NRCS in August 2012 added an interim conservation practice standard for Vegetated Subsurface Drainage Outlet (CP739) (aka "Saturated Buffer") that is another drainage water management practice to help denitrify tile drainage water; and

WHEREAS, the Vegetated Subsurface Drainage Outlet (CP739) conservation practice will enhance the outcomes of the BWSR Targeted DWM Grants; and

WHEREAS, other NRCS conservation practices might be added that would enhance the BWSR Targeted DWM Grants,

NOW THEREFORE, the Board hereby resolves that:

1. The Vegetated Subsurface Drainage Outlet (CP739) conservation practice be added to the eligible practices under the BWSR Targeted Drainage Water Management Grants, and
2. The Executive Director is given authority to adjust the list of eligible conservation practices for the BWSR Targeted Drainage Water Management Grants in coordination with applicable NRCS conservation practice standard and report any such changes to the Board at its next meeting following such an adjustment.

Brian Napstad, Chair
Board of Water and Soil Resources

Date: 9/25/13

Attachments:

A) BWSR Targeted Drainage Water Management Grants, Program Description, June 2012

FY 2013 Clean Water Fund
Targeted Drainage Water Management Grants
Program Description

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.

Eligible Activities

The primary purpose of activities funded with grants associated with the Clean Water Fund is the control, reduction, or prevention of chemical or nutrient runoff, soil erosion, sedimentation, or materials that affect human or aquatic system health. Eligible activities must be consistent with a watershed management plan, county comprehensive local water management plan, soil and water conservation district comprehensive plan, metropolitan local water plan or metropolitan groundwater plan, that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), surface water intake plan, or well head protection plan. Local governments may include projects that are derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government grantee and the local government that has adopted the plan.

Eligible activities can consist of structural practices and projects, non-structural practices and measures, project support activities, and grant management and reporting. Technical and engineering assistance necessary to implement these activities are considered essential and are to be included in the total project or practice cost.

Proposed activities may be for existing drainage systems (i.e., retrofits) or new pattern tile systems. Eligible activities may include:

- NRCS Conservation Activity Plan (CAP) 130 Drainage Water Management Plan (including controlled subsurface drainage, denitrifying bioreactor, and nutrient management components). Plan must be developed by a Technical Service Provider (TSP) certified in NRCS TechReg for CAP 130 Drainage Water Management Plan.
- NRCS Practice 587 Structure for Water Control – to enable controlled subsurface drainage, including stop log type structures and/or AgriDrain Water Gate structures or equivalent.
- NRCS Practice 554 Drainage Water Management, Implementation/Operation – A CAP 130 is required. Where controlled subsurface drainage structures have been installed, $7.58 per acre per year for the first three (3) years of implementation/operation, up to a maximum of 300 acres per cooperator.
- NRCS Practice 747 Denitrifying Bioreactor – on existing or new tile drainage systems.
- NRCS Conservation Activity Plan (CAP) 104 Nutrient Management Plan – on fields for which controlled subsurface drainage and/or a denitrifying bioreactor is planned. Plan must be developed by a Technical Service Provider (TSP) certified in NRCS TechReg for Practice 590 Nutrient Management.
- NRCS Practice 590 Nutrient Management – on fields where controlled subsurface drainage, denitrifying bioreactor and/or existing open tile inlet(s) are replaced by dense pattern tile. A CAP 104 is required. Nutrient management plan implementation for the first three (3) years of implementation at $5.44 per acre per year for CAP 104 acres without manure and $10.78 per acre per year for CAP 104 acres with manure, up to a maximum of 300 acres per cooperator.
- Replacement of existing open tile inlet(s) with water quality improvement inlet(s) (e.g. perforated riser or dense pattern tile) in accordance with NRCS Practice 606 Subsurface Drain, as applicable.

Ineligible Activities

- Tile, except for dense pattern tile to replace existing open tile inlet(s),
- Ditching
- Ambient water quality monitoring.

Required Project Components and Policies –

Proposed projects must contain the following components:

- Outcomes: Projects must be conducted on a field scale or another suitable scale such that project outcomes can be evaluated and must include a project evaluation plan.
- Outreach: The project must include an outreach component. Examples include: 1) developing project fact sheets that are distributed to landowners/operators; 2) hosting public meeting(s)/workshop(s) to discuss project objectives, benefits and results; 3) hosting field day(s) to show and discuss project objectives and outcomes on-site; and
- Practice Implementation: Projects must focus on on-the-ground implementation. Projects only conducting planning are not eligible.

Timeline for FY 2013 Clean Water Fund Targeted Drainage Water Management Grants

- June 27, 2012 BWSR Board authorizes grant awards (proposed)
- June 29, 2012 Award notices sent out to grantees (proposed)
- July 13, 2012 BWSR grant agreements sent out to grantees
- August 10, 2012 Work Plan submittal deadline
- August 31, 2012 Grant execution deadline

Project Period

The project period starts when the grant agreement is "executed," meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds, and cannot be used as match. All grants must be completed by December 31, 2015.

If a project receives federal funds, the period of grant agreement may be extended to equal the length of time that the federal funds are available subject to limitation. The BWSR must be notified that the project is receiving federal funds before executing the grant agreement.

Payment Schedule

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after execution of the grant agreement. However, initial payments will not be released until applicants are in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The grantee will provide notification to BWSR when a minimum of 50% of the awarded grant funds have been expended. The second payment of 40% of the grant amount will be paid once the grantee has expended the first 50% of the grant and has provided BWSR with reconciliation of these expenditures. The last 10% will be paid after all final reporting requirements are met by the established reporting timelines and grantee has provided BWSR with reconciliation of these expenditures.

Permitting

If applicable, grantees will be required to provide sufficient documentation that the project expects to receive or has received all necessary federal, state and local permits and meets all water quality rules including those that apply to the utilization of an existing water body as a water quality treatment device. Grantees are encouraged to contact the appropriate regulatory agencies early in the project development process to ensure potential projects can meet all applicable regulatory requirements.

Native Vegetation

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

CWF Project Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. The grant funds may be used for local grant management and reporting that are directly related to and necessary for implementing the activity.
- BWSR CW Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- All BWSR funded projects will be required to develop a work plan including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. For more information on eLINK go to: http://www.bwsr.state.mn.us/outreach/eLINK/index.html.
- Grant recipients must display on their website the previous calendar year's detailed information on the expenditure of grant funds and measurable outcomes as a result of the expenditure of funds according to the format specified by the BWSR, by March 15th of each year.
- Grant recipients must prominently display on their Web site home page the legacy logo accompanied by the phrase "Click here for more information." When a person clicks on the legacy logo image, the Web site must direct the person to a Web page that includes both the contact information that a person may use to obtain additional information, as well as a link to the Legislative Coordinating Commission Web site.

Grants and Public Information

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

Prevailing Wage

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

Conflict of Interest

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

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

Minimum Software Requirements

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

Questions

The FY 2013 Clean Water Fund Policy adopted by the BWSR (http://www.bwsr.state.mn.us/grants/apply/index.html) provides the framework for funding and administration of the FY 2013 Clean Water Fund Grant Programs. Questions regarding grants should be directed to your area Board Conservationist or Clean Water Specialist (http://www.bwsr.state.mn.us/contact/index.html). Questions regarding eligible practices can be directed to Kyle Skov, Conservation Drainage Engineer, at 507-206-2894 or kyle.skov@state.mn.us.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Redistribution of Managers Positions Hearing Middle Snake Tamarac Rivers WD**

Meeting Date: September 25, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Travis Germundson or Brian Dwight

Prepared by: Travis Germundson

Reviewed by: Administrative Advisory Committe Committee(s)

Presented by: Travis Germundson or Brian Napstad

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

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

Fiscal/Policy Impact

☒ None
☐ Amended Policy Requested
☐ New Policy Requested

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

☐ Other: _____

ACTION REQUESTED

Board authorization is needed to schedule and hold a public hearing regarding the petition to redistibute the managers of the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD).

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

A peitition for the redistribution of manager posisitons was filed by Polk County Board of Commissioners with the Board of Water and Soil Resources (Board) on June 7, 2013. The petition proposes that the MSTRWD managers posisitons be redistributed. Presently six of the seven district manager posisitons are appointed by Marshall County and the remanining posistion is appointed by Polk County. The petition states that the appointments by Kittson, Roseau, and Pennington Counties will assist in addressing issues that exist between residents and the Watershed District Board.

After 10 years from the establishment of the watershed district the county board of commissioners of a county affected by the watershed district may petition the board to redistribute the managers pusuant to Minn. Stat. 103D.301, Subd. 3.

On July 23, 2013 Polk County Board of Commissioners voted to table the Petition in support of investigating an alternative approach on manager appointments with the other affected counties. Do to apparent lack of interest among some of the member counties Polk County Board of Commissioners on August 29, 2013 requested that the Board move forward with the hearing on the Petition.

The Administrative Advisory Committee met on September 25, 2013 and recommends a public hearing be held after proper notice has been given, that Northern Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties per the attached draft Order.

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

In the Matter of petition for Redistribution of Manager Positions for the Middle-Snake-Tamarac Rivers Watershed District pursuant to Minnesota Statutes § 103D.301

ORDER REDISTRIBUTION OF MANAGER POSITIONS HEARING

Whereas, a Petition was filed with the Board of Water and Soil Resources (Board) on June 7, 2013 by Polk County Board of Commissioners to redistribute the managers of the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD), pursuant to Minn. Stat. § 103D.301, Subd. 3., and;

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

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

FINDINGS OF FACT

1. **Petition.** The redistribution of manager positions Petition dated June 6, 2013 was filed with the Board on June 7, 2013 by Polk County Board of Commissioners in accordance with Minn. Stat. § 103D.301, Subd. 3. On July 23, 2013 Polk County Board of Commissioners voted to table the Petition in support of investigating an alternative approach on manager appointments with the other affected counties. Due to the apparent lack of interest among some member counties Polk County Board of Commissioners on August 29, 2013 requested that the Board move forward with the hearing on the Petition.

2. **Redistribution of Manager Positions.** After 10 years from the establishment of the watershed district the county board of commissioners of a county affected by the watershed district may petition the board to redistribute the managers pursuant to Minn. Stat. § 103D.301, Subd. 3.

3. **Reason for the Redistribution.** The Petition states that appointments by Kittson, Roseau, and Pennington Counties will assist in addressing issues that exist between residents and the Watershed Board. Presently six of the seven district manager positions are appointed by Marshall County and one manager is appointed by Polk County.

4. **Filing.** The Petition was filed with the Board by the Polk County Board of Commissioners on June 7, 2013.

5. **Staff Recommendation.** Staff has determined that the Petition is valid pursuant to Minn. Stat. § 103D.301.

6. **Hearing Panel.** Board members of the Northern Water Planning Committee should preside over the hearing and bring a recommendation to the Board.

7. **Hearing Time.** The Executive Director should determine the date of the hearing after coordinating with the appropriate parties.

8. **Hearing Location.** The public hearing should be held at the Warren City Offices Building in Marshall County. If scheduling conflicts arise the Executive Director should choose another suitable location.

CONCLUSIONS

1. The Petition for the redistribution of manager positions of the Middle-Snake-Tamarac Rivers Watershed District is valid in accordance with Minn. Stat. § 103D.301.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district redistribution of manager positions hearing.

4. The hearing on the Petition for the redistribution of manager positions of the Middle-Snake-Tamarac Rivers Watershed District should be presided over by the Northern Water Planning Committee.

5. The Executive Director shall make a decision on the date of the public hearing after coordinating with the appropriate parties.

6. The public hearing shall be held at the Warren City Offices Building in Marshall County.

7. If scheduling conflicts arise the Executive Director shall choose another suitable location.

ORDER

The Board hereby orders a public hearing be held on the redistribution of manager positions Petition for the Middle-Snake-Tamarac Rivers Watershed District presided over by the Northern Water Planning Committee at a date and location to be determined by the Executive Director.

Dated at Saint Paul, Minnesota this 25th day of September, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

Germundson, Travis (BWSR)

From: Dwight, Brian (BWSR)
Sent: Thursday, August 29, 2013 6:11 AM
To: Germundson, Travis (BWSR)
Subject: FW: Polk MSTR WD manager redistribution petition

FYI

From: Craig Buness [mailto:craigbuness@gra.midco.net]
Sent: Thursday, August 29, 2013 12:01 AM
To: Dwight, Brian (BWSR)
Cc: Chuck Whiting; don diedrich; Warren Strandell
Subject: Re: Polk MSTR WD manager redistribution petition

Brian:

The Polk County Board met yesterday and we took no new action on the Redistribution of Managers Petition because that was the original intent to proceed to a hearing when it was filed. The Board was disappointed that there was not sufficient support by other counties to at least look at the option on trying to put together an advisory committee made up of the five affected counties with land in the Watershed.

Because of the apparent lack of interest by the other counties to set up an advisory committee, the Polk County Board would like to proceed to a Public Hearing for the Redistribution of Managers for the Middle/ Snake/ Tamarac Rivers Watershed District. We request that the hearing be held in Crookston.

Please contact me with any questions, concerns or updates regarding the Public Hearing for the Redistribution of Managers for the MSTR WD.

Craig Buness
Polk County Commissioner
218-281-3992

From: Dwight, Brian (BWSR)
Sent: Thursday, August 15, 2013 10:13 AM
To: echristensen@co.kittson.mn ; martie@co.roseau.mn.us ; scott.peters@co.marshall.mn.us ; ktolson@co.pennington.mn.us ; chuck.whiting@co.polk.mn.us
Cc: craigbuness@gra.midco.net ; Germundson, Travis (BWSR) ; gtiedemann@rrv.net
Subject: RE: Polk MSTR WD manager redistribution petition

All

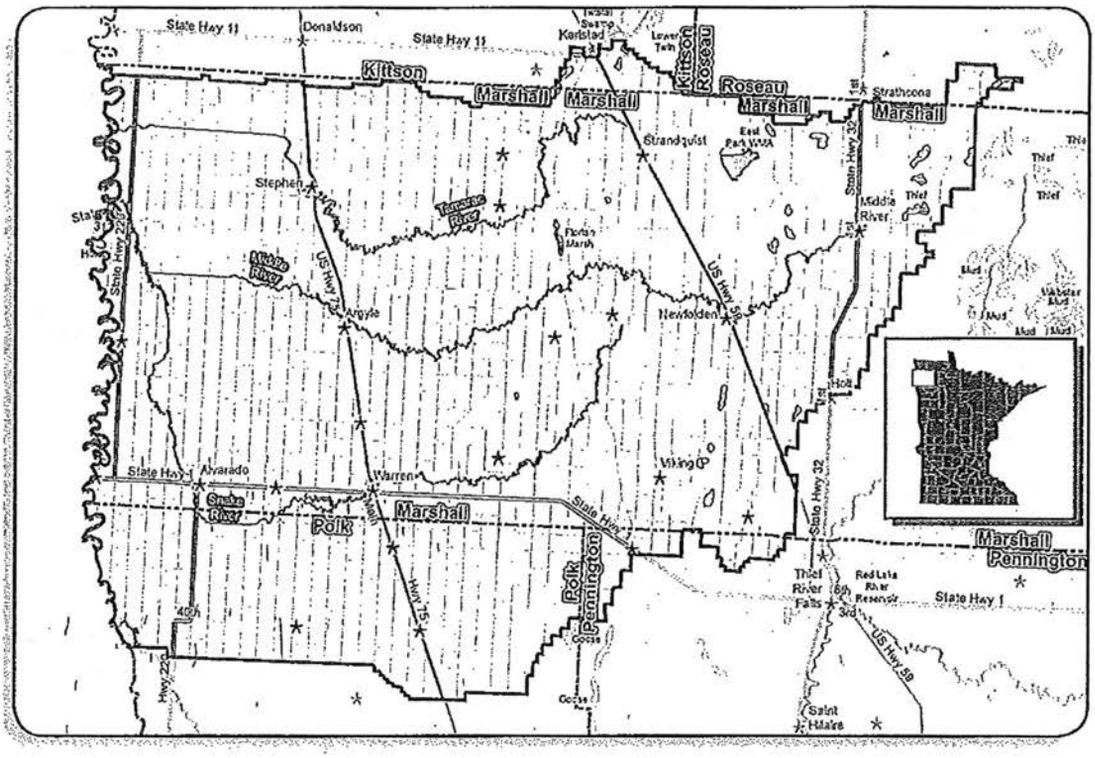
I have provided you with a revised meeting announcement letter. The only change was the date of the letter. At times dates on communications can be important thus the need to rectify the date on the letter.

Thanks

Brian Dwight

Middle-Snake-Tamarac Rivers

WATERSHED DISTRICT



GENERAL INFORMATION

Established: August 28, 1970 by citizen petition

Included Counties: Marshall, Kittson, Polk, Pennington, Roseau

District Size: 1,476 square miles

Major Lakes: Tamarac, Middle and Snake Rivers, 252 combined miles; water flows to Red River

Legal drains: 310 miles

Number of Staff: 5

2008 Taxable Market Value: $916,409,000

BOARD OF MANAGERS

Name	Position	County	Address	Phone
Doug Sorenson	President	Marshall	639 4th St N, Warren, MN 56762	(218) 745-4576
John W Nelson	Vice President	Marshall	23796 495th Ave NW, Oslo, MN 56744	(218) 695-3406
Ben Kleinwachter	Secretary	Marshall	22160 420th St NW, Strandquist, MN 56758	(218) 597-2985
Alvin Nybladh	Treasurer	Marshall	41950 400th St NW, Stephen, MN 56757	(218) 478-3345
Arlyn Stroble	Asst. Sec/Treas	Polk	13825 320th Ave NW, Angus, MN 56712	(218) 745-4473
Loren Zutz	Manager	Marshall	443 S McKinley, Warren, MN 56762	(218) 745-4055
Elden Elseth	Manager	Marshall	23862 Great Eastern, Warren, MN 56762	(218) 745-6515

Polk County

Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452
Phone: (218) 281-5408
Fax: (218) 281-3808
www.co.polk.mn.us

COMMISSIONERS
CRAIG BUNESS, Crookston
WARREN STRANDELL, East Grand Forks
NICK NICHOLAS, Crookston
WARREN AFFELDT, Fosston
DON DIEDRICH, Warren

COUNTY ADMINISTRATOR
CHARLES S. WHITING

July 23, 2013

Brian Dwight
BWSR
4 West Office Building
403 4th Street NW, Room 200
Bemidji, MN 56601

Dear Mr. Dwight:

The Polk County Board of Commissioners reviewed the meeting discussion held in Warren on July 18, 2013 regarding the County's petition for redistribution of managers on the Middle-Snake-Tamarac Rivers Watershed. Chair Buness reviewed the discussion that BWSR consider a pilot option establishing an advisory panel composed of representatives from the five counties that reside within the MST Watershed. It is the Polk County Commissioners understanding that this advisory panel would forward names to the respective county boards for membership on this panel. The five county boards would act to confirm the advisory panel's proposed membership. The BWSR would establish this process and implement with the member counties. If this is the true understanding of the pilot option, the Polk County Board of Commissioners voted to table its petition request in order to support the facilitation of this advisory panel option. The Board wishes to reserve its right to remove its petition from the table should it feel the need to do so.

If this is a true understanding of the option arrived at in the July 18 meeting, we request BWSR to take all necessary steps to establish and implement the advisory panel option. Please contact me at your earliest convenience with further clarification as this process is developed.

Sincerely,

Craig Buness, Chair
Polk County Board of Commissioners

Let13:bdwight

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Board of Commissioners

Polk County Government Center
612 N Broadway – Room 211
Crookston, MN 56716-1452
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WARREN AFFELDT, Fosston
DON DIEDRICH, Warren

COUNTY ADMINISTRATOR
CHARLES S. WHITING

June 6, 2013

Mr. John Jaschke
Executive Director
Minnesota Board of Water and Soil Resources
520 Lafayette Road North
St. Paul, MN 55155

Re: Middle-Snake-Tamarac Rivers Watershed – Petition for Redistribution of Managers

Dear Mr. Jaschke:

The Polk County Board of Commissioners requests the Board to redistribute the managers of the Middle-Snake-Tamarac Rivers Watershed. At our meeting of June 4, the Board discussed this action and acted to make this request in accordance with MN St. 103D.301 Subdivisions 1 and 3. Currently Polk County appoints one representative on the Watershed, while Marshall County has six. Kittson, Roseau and Pennington Counties have no appointments, which to us appears to be in conflict with 103D.301 Subd. 1.

In the past few months, the Polk County Board has been approached by County/District residents in the Watershed expressing frustration and concerns with their interactions with the Watershed board. Our Board and I have also met with staff, the Watershed Board Chair and our single appointee to better understand the concerns our district residents have with the Watershed. Their issues range from questionable accounting, inability to get adequate information and data, inability to get their concerns expressed before the Watershed Board, fear of reprisals and litigations. We have been unable to effectuate a satisfactory resolution of issues between these two groups.

It is the opinion of the Polk County Board of Commissioners that proper adherence to 103D.301 with appointees by Kittson, Roseau and Pennington Counties will assist in addressing issues that exist between our residents and the Watershed Board, and therefore we are making this request to the Board of Water and Soil Resources.

Sincerely,

Craig Buness

Craig Buness
Polk County Board Chair

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COMMITTEE RECOMMENDATIONS

Southern Region Committee

1. Area II Minnesota River Basins Projects Inc. FY 2014 & FY2015 Biennial Work Plan and Grant – Paul Langseth – ***DECISION ITEM***

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

3. Nicollet County Local Water Management Five-Year Plan Amendment – Paul Langseth - ***DECISION ITEM***

4. Upper Minnesota River Watershed District (UMRWD) Watershed Management Plan – Paul Langseth - ***DECISION ITEM***

5. Sibley County Local Water Management Plan Update - Paul Langseth - ***DECISION ITEM***

Minnesota Board of Water & Soil Resources

Conflict of Interest Disclosure Form
for Board Members

Grant Program: **Area II Minnesota River Basins Project Inc. 2014 Grant**

Name of Review Group: **Southern Region Committee**

Before any review of grant applications, the chair of the meeting shall make this statement about conflict of interest:

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. On the form, the grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, although they do not need to provide the reason for the conflict on the disclosure form.

A disclosure does not automatically result in the grant application reviewer being removed from the review process.

Please read the definitions 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.

Conflicts of interest may be actual, potential, or perceived:

ACTUAL CONFLICT OF INTEREST:
An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

POTENTIAL CONFLICT OF INTEREST:
A potential conflict of interest may exist if a grant 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.

PERCEIVED CONFLICT OF INTEREST:
A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

At a minimum, all internal parties who are involved in the grant review or grant management process must be made aware that an actual, potential, or perceived conflict has been disclosed and evaluated, even if it is not serious enough to remove or reassign the employee or grant reviewer. After reviewers have signed the conflict of interest form, therefore, the conflicts--if any--that have been disclosed shall be announced to the reviewing body as a whole. Disclosed conflicts and their resolution will also be noted in the meeting minutes, and the forms will be kept as documentation of the grant review.

As a grant reviewer, I certify that I have read and understand the descriptions of conflict of interest explained above and in OGM Policy 08-01. Check either box 1a or 1b **and** either box 2a or 2b.

☐ 1a. I have reviewed the list of applicants, and I do not have any conflicts of interest relating to this program's grant applicants or proposed projects.

☐ 1b. I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. (Note: If you disclose a conflict, you must identify the applicant on this form, but a description is discretionary. Under Minnesota Statute 13.599, this form is considered public data.)

Applicant	Type of Conflict (ACTUAL, POTENTIAL, or PERCEIVED)	Description of Conflict (optional)

☐ 2a. After reviewing this form and OGM Policy 08-01, I CHOOSE to participate in this review process.

☐ 2b. After reviewing this form and OGM Policy 08-01, I CHOOSE NOT to participate in this review process. I will avoid discussing the applicant and/or applications from organizations with which I have disclosed a conflict of interest with other reviewers.

Reviewer's printed name: _____

Reviewer's signature: _____

Date: _____

Reviewer's Organization/Agency: _____

Revised, 5/13

BOARD MEETING AGENDA ITEM

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

Meeting Date: September 25, 2013

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

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: David Sill

Reviewed by: Southern Region Committee(s)

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

☐ None	X General Fund Budget
☐ Amended Policy Requested	☐ Capital Budget
☐ New Policy Requested	☐ Outdoor Heritage Fund Budget
☐ Other:	☐ Clean Water Fund Budget

ACTION REQUESTED

Approval of work plan and execution of fiscal year 2014 grant agreement

LINKS TO ADDITIONAL INFORMATION

Area II Minnesota River Basin Projects, Inc. Biennial Plan – FY 2014 & 2015:

http://www.area2.org/images/fy14_15biennial_plan.pdf

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

Legislative appropriation to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. Area II receives a cost share rate of 75% state funding and 25% local funding for office administration and project implementation; oversight is provided by BWSR.

Minnesota Board of Water & Soil Resources

Board Resolution # _____

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

WHEREAS, the Area II Minnesota River Basins Inc. (Area II) is eligible to receive a $120,000 FY 2014 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25% local match requirement; and

WHEREAS, Area II has developed a Biennial Work Plan to cover activities for FY 2014 and 2015; and

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

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2014 and 2015 Biennial Work Plan; and

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

_____ Date: _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

BIENNIAL PLAN – FY 2014 & 2015

JULY 1, 2013 – JUNE 30, 2015

Member Counties

Brown • Cottonwood • Lac qui Parle
Lincoln • Lyon • Murray • Pipestone
Redwood • Yellow Medicine

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

1400 EAST LYON STREET MARSHALL, MN 56258

WWW.AREA2.ORG

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ATTACHMENTS:

A – ***SUMMARY OF 2012 BONDING PROJECTS AND FY2013 COMPLETED PROJECTS***

B – ***FY 2013 ADMINISTRATIVE SERVICES GRANT REPORT***

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

2013 BOARD OF DIRECTORS

BIENNIAL PLAN – FY 2014 & 2015

BROWN COUNTY
DENNIS POTTER
ANDREW LOCHNER (ALTERNATE)

COTTONWOOD COUNTY
NORMAN HOLMEN
JIM SCHMIDT (ALTERNATE)

LAC QUI PARLE COUNTY
ROY MARIHART
TODD PATZER (ALTERNATE)

LINCOLN COUNTY
*CURT BLUMEYER - **SECRETARY/TREASURER***
DON EVERS (ALTERNATE)

LYON COUNTY
RODNEY STENSRUD
RICK ANDERSON (ALTERNATE)

MURRAY COUNTY
*ROBERT MOLINE – **CHAIR***
JOHN GIESE (ALTERNATE)

PIPESTONE COUNTY
LUKE JOHNSON
BRUCE KOOIMAN (ALTERNATE)

REDWOOD COUNTY
*JOHN SCHUELLER – **VICE CHAIR***
AL KOKESCH (ALTERNATE)

YELLOW MEDICINE COUNTY
LOUIS SHERLIN
RON ANTONY (ALTERNATE)

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

WORK PLAN NARRATIVE

BIENNIAL PLAN – FY 2014 & 2015

Area II, formed in 1978 as a non-profit organization, works to alleviate the recurrent flood problems which plague this area of southwestern Minnesota. This organization is recognized as a leader in flood damage reduction by the installation of dams, reservoirs, grade stabilizations and road retentions. Area II assists it's member counties with the engineering design, hydrologic and hydraulic modeling, construction and inspection, and finance of flood damage reduction projects. Due the unique landforms of this region, particularly the Coteau de Prairies (the Buffalo Ridge), Area II receives a 75/25 cost-share rate for office administration and project implementation. Oversight of this grant-in-aid program is provided by the Minnesota Board of Water & Soil Resources.

This Biennial Plan provides direction for a 2-year period while the Technical Office Budget is for one fiscal year. By May 30, 2014, updates to the Biennial Plan as well as to the Technical Office Budget for FY2015 will be provided for BWSR staff review.

1) Initiative: FY 2014 – ADMINISTRATIVE SERVICES

Description: Provide administrative and coordination oversight for the AREA II Minnesota River Basin Projects, Inc. Board of Directors. Provide financial reports and records that meet State accounting and auditing standards, prepare budgets, provide supervision and management of staff, evaluate employee job performance, draft agenda and minutes of monthly board meetings. Conduct local government and citizen outreach and education.

Actions:

- Maintain a complete Board of Directors of 9 delegates and 9 alternates.
- Maintain adequate staffing to address the goals of AREA II. Evaluate job performance of all employees yearly.
- Conduct 10 monthly board meetings, 2 Executive Board teleconferences and 1 Annual Legislative Gathering.
- Utilize engineering consultant services to assist with engineering, hydrologic and planning/prioritization issues.
- Maintain policies and procedures. Review Operating Policies, Joint Powers Agreement and Articles of Incorporation annually.
- Maintain a public outreach and information program. Accomplish by maintaining the AREA II web site; conduct tours as necessary to highlight projects completed; prepare an annual report. Complete website reporting requirements by March 15 of each year.
- Strive for fiscal accountability. Accomplish by preparing and adopting an annual budget; reviewing monthly financial reports, conducting an annual audit of the financial records.
- Actively pursue new funding sources with local partners through Clean Water Fund and federal programs (EQIP, MRBI, WHIP).
- Continue administrative/operational efficiency discussions with RCRCA. Schedule board meetings for the same day and same location to lessen per diems and expenses paid to board members. Future discussions may include sharing technical resources.
- Meet and communicate with member county commissioners, engineers, water planners, watershed districts, SWCD/NRCS, watershed project staff regarding technical services and potential projects.
- Serve on technical committees (as requested) for watershed projects, TMDL project assessment and implementation efforts. Provide input to USDA Environmental Quality Incentive Program (EQIP) local work group committees.

2) Initiative: FY 2014 – ENGINEERING SERVICES
Description: Employ senior engineering technician and consultant registered engineer to provide design services which include planning, hydrologic and hydraulic design, construction and inspection of flood damage reduction projects to the member counties of AREA II. Provide engineering services for projects funded through outside sources involving USDA Environmental Quality Incentive Program (EQIP), Clean Water Funds acquired by SWCDs, RCRCA and counties.

Actions:

- Continue contracting professional engineering services through Bolton & Menk, Inc.
- Schedule and complete annual inspections and reports for 9 reservoirs.
- Ensure annual inspection of road retention projects by owners and keep inspection reports on file. Follow up on noted concerns.
- Provide wetland monitoring and annual reporting for mitigation sites associated with constructed project.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township(s), counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, Wild Turkey Federation and others).

3) Initiative: FY 2014 – OPERATIONAL & SUPPORT EXPENSES
Description: Use funding for operational and support expenses of AREA II Minnesota River Basin Projects Inc., for such things as: payroll, consultant engineering fees, field and office supplies, telephone / internet and computer services, training and certification, vehicle and equipment expenses, liability / business / auto insurance, and general business expenses.

4) Initiative: FY 2014 – PROJECT IMPLEMENTATION VIA ADMINISTRATIVE GRANT
Description: See Potential Project List for FY2014 & FY2015 – Page 6.

5) Initiative: FY2012 BONDING APPROPRIATION
Description: Provide project management and engineering services to construct flood damage reduction structures to meet the 3:1 match requirement and provide the most floodwater storage as practicable. Highest priority will be given to Road Retention structures which lack other funding resources which dams and grade stabilizations can secure.
Actions:

- Administer the $1,000,000 appropriation and report project outcomes annually to BWSR Board.
- Complete fiscal expenditure report due at end of grant period listing total costs and cost-sharing by all partners.
- Facilitate wetland mitigation/creation if required for proposed projects.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built Plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township(s), counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, Wild Turkey Federation and others).

OTHER PROJECT ENDEAVORS

BIENNIAL PLAN – FY 2014 & 2015

• LAKE YANKTON FLOODWATER RETENTION PROJECTS (*Des Moines River Watershed)*

ISSUE: This 400-acre lake located in southern Lyon County is a recreational and aesthetic asset, offering great fishing and boating opportunities. Fluctuating water levels are problematic and solutions to stabilize the fluctuations have been sought for many years. After a significant rainfall event in September 2010, the lake level rose over 2' above the ordinary high water level causing shore erosion and flooding of buildings in the City of Balaton. This high water level persisted through the winter and for several months into 2011. Significant flows from the southern watershed in Murray County causes water to flow backwards into Lake Yankton and creates an impediment for the lake to discharge after significant events. Water levels have continued to be problematic annually since 2010.

ACTION: A coalition of Lyon County, Murray County, and the City of Balaton funded a study of the hydraulic connections between these watershed systems and to determine if floodwater storage could effectively reduce backflows into Lake Yankton and aid in discharge.

RECOMMENDATION: The engineering analysis found positive impacts of upstream retention in terms of downstream flow reductions and water quality improvements. Installation of a pump would be cost prohibitive to construct as well as maintain and operate.

PLAN: Two landowners have voluntarily offered their lands for two of the seven retention structures identified. The 2013 Minnesota Legislature considered a request for $425,000 in bonding, to be matched 25% by the local funds. This legislation would allow Area II to provide the engineering design services and construction inspection. The request was heard in the Senate, but not in the House. No funding was included in the 2013 Bonding Bill.

• EARLY WETLAND COORDINATION FOR PROJECTS

ISSUE: Permits and approvals are needed on most projects to comply with regulations of the Wetland Conservation Act (WCA) and Section 404 of the Clean Water Act overseen by the U.S. Army Corps of Engineers. These rules are inconsistent and are causing lengthy permitting delays, increased design and construction costs, resulting in frustration from the landowners and Area II staff.

ACTION: Discussion has been held between BWSR and Area II to identify methods to address wetland issues early in planning stages.

PLAN: Area II staff will meeting jointly with representatives from BWSR/WCA staff and U.S. Army Corps of Engineers on project sites to discuss potential issues that may arise in the permitting process. It is hoped that early coordination will lead to better communications, early decisions and possible alternatives if regulations require different outcomes. Early project review and agency comment will be sought before technical assistance and/or funding are committed to a project.

POTENTIAL PROJECTS

BIENNIAL PLAN – FY 2014 & 2015

COTTONWOOD COUNTY

- ☐ Ann 22 Grade Stabilization
- ☐ Storden 10 Grade Stabilization Repairs (3)
- Germantown 17 Streambank Stabilization

LINCOLN COUNTY

- ☐ Royal 10 Road Retention
- ☐ Limestone 11 Grade Stabilization Repair

LYON COUNTY

- ☐ Amiret 27 Grade Stabilization Repair
- ☐ Coon Creek 11 Grade Stabilization Repair
- ☐ Lynd 33 Grade Stabilization Repair
- ☐ Custer 10 SE Grade Stabilization
- ☐ Monroe 17 Grade Stabilization Repair
- ☐ Nordland 15 Grade Stabilization
- ☐ Monroe 2 Grade Stabilization Repair
- ☐ Sodus 21 Grade Stabilization Repair
- ☐ Sodus 22 Grade Stabilization
- ☐ Lynd 17 Grade Stabilization
- ☐ Custer 10 NE Grade Stabilization
- ☐ Monroe 17 Road Retention
- ☐ Nordland 6 Road Retention
- ☐ Sodus 24 Grade Stabilization

MURRAY COUNTY

- ☐ Holly 22 Road Retention
- ☐ Lowville 36 Dam Repair

REDWOOD COUNTY

- ☐ Charlestown 28 Grade Stabilization
- ☐ Charlestown 29 Grade Stabilization
- ☐ Lamberton 19 Grade Stabilization Repair
- ☐ Honner 32 Grade Stabilization
- ☐ North Hero 25 Grade Stabilization Repair
- ☐ Redwood Falls 18 Grade Stabilization Repair
- ☐ Sherman 9 Grade Stabilization
- ☐ Springdale 28 Grade Stabilization
- ☐ Charlestown 30 Grade Stabilization
- ☐ Lamberton 16SW Grade Stabilization Repair
- ☐ Springdale 21 Road Retention
- ☐ North Hero 34 Road Retention
- ☐ Redwood Falls 10 Grade Stabilization
- ☐ Redwood Falls 7 Grade Stabilization Repair
- ☐ Springdale 24 Grade Stabilization
- ☐ Swede's Forest 28 Grade Stabilization

YELLOW MEDICINE COUNTY

- ☐ Norman 10 Grade Stabilization
- ☐ Sioux Agency 3 Grade Stabilization Repair

FY 2014 TECHNICAL OFFICE BUDGET

BIENNIAL PLAN – FY 2014 & 2015

OFFICE OPERATIONS

PERSONAL SERVICES:

*Directors' Compensation	$ *2,250.00**
*Directors' FICA	*172.12**
Employees' Salaries	100,132.50
Employees' FICA	7,660.14
Employees' Medical Insurance	20,000.00
Employees' Retirement	7,259.61
Employee' FlexPlan	420.00
Total Personal Services	**$ 137,894.37**

SUPPLIES:

Office	$ 2,000.00
Field	500.00
Capital Outlay	0.00
Total Supplies	**$ 2,500.00**

OTHER SERVICES AND COSTS:

*Directors' Expenses	$ *1,000.00**
Employees' Expenses	1,750.00
Continuing Education	0.00
Professional Services	30,000.00
Maintenance & Repairs	2,200.00
Telephone	950.00
Postage	2,100.00
Vehicle Expense	3,548.95
*Director's Insurance	*2,005.00**
Other Insurance	10,540.00
Rent	9,511.68
Utility Expenses	1,000.00
Miscellaneous Expenses	2,000.00
Total Other Services and Costs	**$ 66,605.63**

TOTAL OFFICE OPERATIONS	**$** 207,000.00
Total Ineligible for Cost-Share by the State	*5,427.13**
Total Eligible for Cost-Share by the State	$ 201,572.87

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

STATE SHARE OF ELIGIBLE OFFICE COSTS	**$** 120,000.00
Local Share of Eligible Office Costs	$ 81,572.87

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENTS

BIENNIAL PLAN – FY 2014 & 2015

ATTACHMENT A – SUMMARY OF FY2012 BONDING & FY2013 COMPLETED PROJECTS
ATTACHMENT B – FY2013 ADMINISTRATIVE GRANT SUMMARY

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENT A

SUMMARY OF FY2012 BONDING PROJECTS

AMIRET 18/19 ROAD RETENTION – Lyon	$ 94,490.81
AMIRET 32/33 ROAD RETENTION – Lyon	$ 71,605.55
LYND 17 GRADE STABILIZATION – Lyon County	$ 22,995.07
HOLLY 4 DAM REPAIR -- Murray County	$ 4,547.38
LAKE MARSHALL 31 DAM REPAIR – Lyon County	$ 6,790.51
LYND 8 GRADE STABILIZATION – Lyon County	$ 24,390.29
NORDLAND 15 GRADE STABILIZATION – Lyon County	$ 20,015.84
COON CREEK 11 DAM REPAIR – Lyon County	$ 30,558.83
ISLAND LAKE 4 DAM -- Lyon County	$ 994.24
LIMESTONE 1 ROAD RETENTION – Lincoln County	$117,118.93
SPRINGDALE 29 DAM REPAIR – Redwood County	$ 25,815.08
LAMBERTON 18 DAM REPAIR – Redwood County	$ 1,421.25
GERMANTOWN 1 DAM REPAIR – Cottonwood County	$ 690.00
STORDEN 4 GRADE STABILIZATION – Cottonwood Co.	$ 1,981.88
AMIRET 27 DAM REPAIR – Lyon County	$ 15,837.42
NOTE: $1,000,000 grant expires 6/30/14 **TOTAL**	$ 439,253.08

GRANT SUMMARY

Total Project Costs = $822,579.26

Local Match Provided = $ 190,017.74

Federal Funds Provided = $193,309.44

State/Local Cost-Share Ratio = 2.31 : 1

Acre-Feet of storage created= 302.8

Total Acre-Feet of storage = 403.4

FY2013 COMPLETED PROJECTS

Storden 4 Dam - Cottonwood	**$ 52,410.20**
2012 Bonding Funds	$ 1,981.88
Landowner	$ 1,137.49
EQIP Federal Funds	$ 48,630.20
Area II Counties	$ 660.63

Lynd 8 Dam Repair - Lyon	**$ 98,933.39**
2012 Bonding Funds	$ 24,390.29
Landowner	$ 8,771.10
Area II Counties	$ 1,214.00
EQIP Federal Funds	$ 64,558.00

Germantown 1 Repair – CW	**$ 22,384.70**
2012 Bonding Funds	$ 690.00
Landowner	$ 5,366.17
EQIP Federal Funds	$ 13,066.00
RCRCA	$ 3,032.53
Area II Counties	$ 230.00

Limestone 1 Road Retention – Lincoln	**$ 156,158.57**
2012 Bonding Funds	$ 117,118.93
Lincoln & Lyon Counties	$ 19,090.38
Alta Vista & Eidsvold Townships	$ 12,726.92
Yellow Medicine River Watershed District	$ 7,222.33

Amiret 27 Dam Repair - Lyon	**$ 21,116.56**
2012 Bonding Funds	$ 15,837.42
Landowner	$ 5,009.14
Area II Counties	$ 270.00

☐Lamberton 18 Dam Repair - Redwood	**$ 42,058.80**
2012 Bonding Funds	$ 1,421.25
Landowner	$ 10,040.95
Clean Water Funds	$ 30,122.85
Area II Counties	$ 473.75

☐Lake Marshall 31 Dam Repair – Lyon	**$ 44,577.56**
2012 Bonding Funds	$ 6,790.51
Landowner	$ 18,313.55
EQIP Federal Funds	$ 17,210.00
Area II Counties	$ 2,263.50

Coon Creek 11 Dam Repair – Lyon	**$ 40,745.11**
2012 Bonding Funds	$ 30,558.83
Landowner	$ 9,948.15
Area II Counties	$ 238.13

SUMMARY OF FY2013 COMPLETED PROJECTS

2012 Bonding Funds	$ 198,789.11
EQIP Federal Funds	$ 143,464.20
Clean Water Funds	$ 30,122.85
RCRCA Cost-Share	$ 3,032.53
Counties	$ 19,090.38
Townships	$ 12,726.92
Watershed District	$ 7,222.33
Area II Counties	$ 5,350.01
Landowners	$ 58,586.55
TOTAL	**$ 478,384.89**

ATTACHMENT B

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

GRANT PERIOD:
(incl. extensions)
From: July 1, 2012
To: June 30, 2013

AREA II STATUTORY AUTHORITY:
MN Statutes, Sections 103F.171-103F.187

Administrative Services Grant Expenditures

NOTE: Totals from Treasurer's Report for Fiscal Year Ended June 30, 2013 (subject to audit)

Personal Services	$137,184.03
Other Services	$86,822.04
Supplies	$3,112.00
Investigation & Testing	$ 4,685.00
Capitol Outlay	$ 8,148.23
TOTAL EXPENDITURE *year to date*	**$237,951.30**

PROJECT CONTACT:
Kerry Netzke, Executive Director
(507) 537-6369
area2@starpoint.net

Project Title: FY'13 ADMINISTRATIVE SERVICES GRANT CONTRACT NO. 50159 $120,000.00

Area II Minnesota River Basin Watershed Boundary

Member Counties:
Brown
Cottonwood
Lac qui Parle
Lincoln
Lyon
Murray
Pipestone
Redwood
Yellow Medicine

Overall Project Description

Minnesota Statutes establish a grant-in-aid program administered by BWSR for providing financial and technical assistance to local government units (counties, SWCDS, and watershed districts) located in Area II for project and construction costs of floodwater retarding and retention structures within a general plan for floodplain management.

Nine counties within Area II have entered into a Joint Powers Agreement since 1978 to coordinate the implementation of such floodwater retarding and retention projects, and for this purpose, established Area II Minnesota River Basin Projects, Inc.

Statute authorizes BWSR to supervise the program and provide individual project grants not to exceed 75% of total project costs where federal funds are not utilized, or 50% of the nonfederal costs where federal funds are utilized.

Area II has an established office which houses Area II personnel and equipment to provide the engineering and other technical services of projects cost-shared through this program.

Costs eligible for cost-sharing under this Grant Agreement include technical office costs and associated costs, but do not include Area II Directors' compensation, expenses, insurance and bonding costs. The combination of the nine member counties provide $87,000.00 to the Administrative Services Grant of $120,000. This is well beyond the required 25% local match.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-74

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

WHEREAS, the Area II Minnesota River Basins Inc. (Area II) is eligible to receive a $120,000 FY 2014 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25% local match requirement; and

WHEREAS, Area II has developed a Biennial Work Plan to cover activities for FY 2014 and 2015; and

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

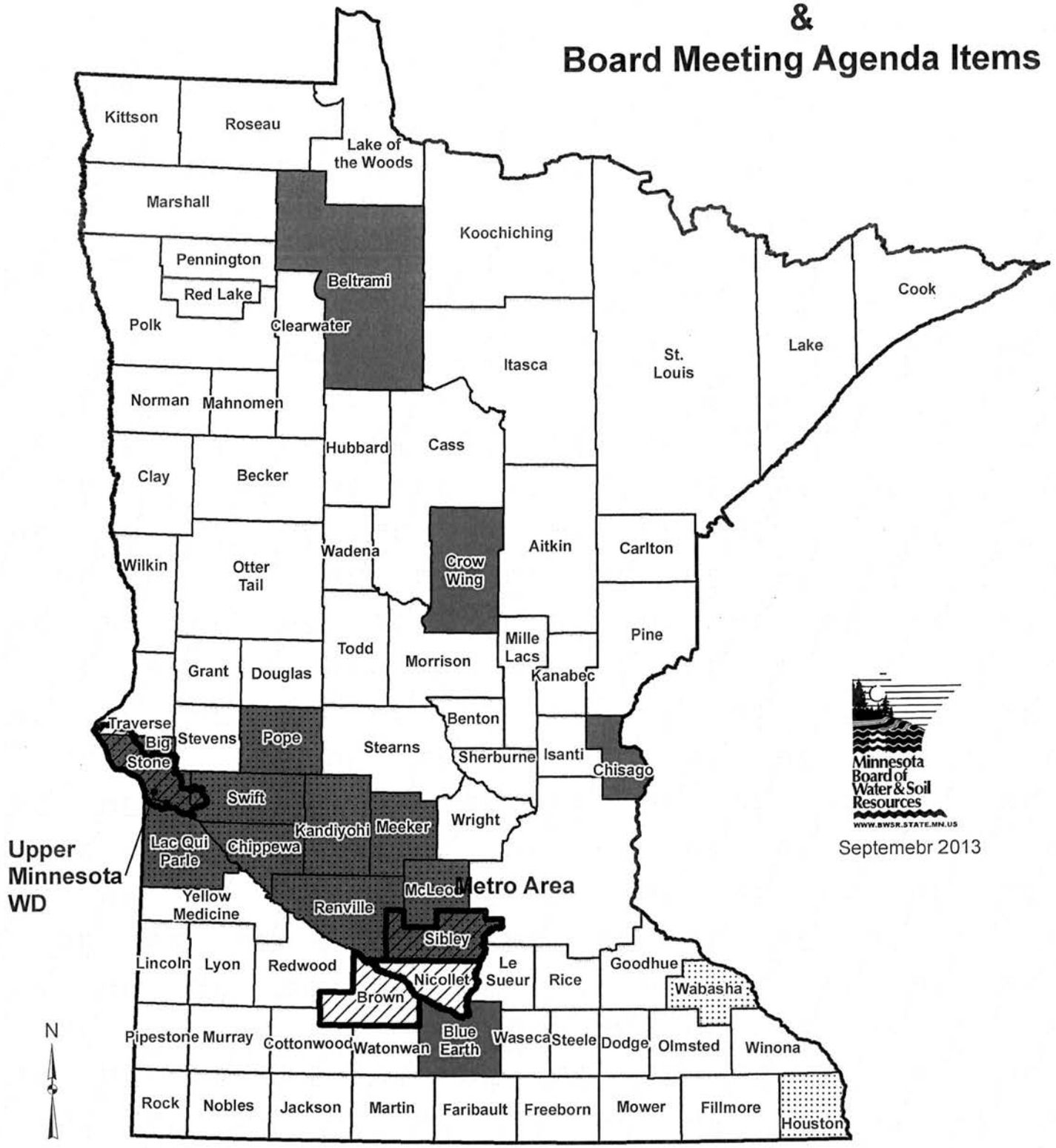
THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2014 and 2015 Biennial Work Plan; and

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

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Date: 9/25/13

County Water Plan Expirations & Board Meeting Agenda Items



Minnesota Board of Water & Soil Resources
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Septemebr 2013

Plan Expires

- Revision in Progress
- Overdue
- 2013
- Beyond 2013

Outstate Agenda Items

- Brown County
- Nicollet County
- Sibley County
- Upper Minnesota River WD

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Brown County Water Management Plan Five-Year Amendment**

Meeting Date: September 25, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Carla Swanson-Cullen

Reviewed by: Southern Region 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

LINKS TO ADDITIONAL INFORMATION

Brown County Local Water Management Five-Year Amendment

http://www.co.brown.mn.us/images/stories/Departments/PZ/Water/FINAL_DRAFT_WATER_PLAN_Aug_2013.pdf

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

On August 28, 2008, the Board of Water and Soil Resources (BWSR), by board order, approved the Brown County 2008 – 2018 ten-year Local Water Management Plan Update. The Plan contained an implementation section with goals, objectives, and action steps covering a five-year period of 2008 - 2013. The Board Order stipulated that Brown County was required to revise / update this implementation section by August 28, 2013.

On June 19, 2012 the Brown County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. Brown County intends to have a public hearing on the plan in September 2013. The County followed the process for amending as described within the Local Water Management guidance document developed by BWSR.

On August 8, 2013 the BWSR regional staff received the 2013 Amendment to the Brown County Local Water Management Plan. The 2013 Amendment contains an Executive Summary and a new 2013 - 2018 implementation section. The amendment has prioritized action items in the implementation section of the plan. The implementation section addresses the following priority concerns:

- Soil Erosion Concerns
- Groundwater
- Drainage
- Wetlands/Water Retention
- Human Wastewater

Approval of the Brown County 2013-2018 Implementation Program Amendment is contingent on Brown County Board holding a public hearing and submitting the hearing documents to BWSR prior to September 25, 2013.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on August 28, 2008, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Brown County 2008 – 2018 Local Water Management Plan Update (Plan), which contained a 2008 – 2013 five-year Implementation section; and

Whereas, this Board Order stipulated that Brown County was required to update the implementation section by August 28, 2013; and

Whereas, the Brown County Board of Commissioners submitted the Brown County Plan 2013 Amendment to the Board on August 8, 2013; and

Whereas, this 2013 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2013 Amendment.

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

FINDINGS OF FACT

1. On June 19, 2012, Brown 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 July 2, 2012, Board staff sent information on the amendment process to Brown County.

3. On September 28, 2012, Brown County convened its water plan task force to develop the five-year update through meetings held in September 2012, November 2012, and May 2013.

4. On November 26, 2012, Brown County conducted an open house to initiate the five-year implementation section update.

5. On December 19, 2012, Brown 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.

6. Brown 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 meeting(s) and provided comments.

7. No other state agency or local government unit provided written comments to Brown County.

8. The final document developed by Brown County, which includes the revised five-year implementation section August 2013 – August 2018 is entitled the Brown County Comprehensive Local Water Management Plan, 2008-2018, (Amended August 2013).

9. On August 27, 2013, the BWSR received the Brown County 2013 Amendment.

10. On September 5, 2013, the Board's Southern Region Committee (Committee) reviewed the Brown County 2013 Amendment, pursuant to 103B.301 and guidelines established by the Board.

11. Board regional staff provided its recommendation of conditional approval to the Committee based on the Brown County Board holding a public hearing and submitting the hearing documents to BWSR prior to September 25, 2013.

12. The Committee voted to recommend approval to the full Board at its next scheduled meeting on the condition that Brown County holding a public hearing and the hearing documents being submitted to BWSR prior to September 25, 2013.

13. On September 17, 2013, after providing for proper public notice, Brown County conducted a public hearing on the proposed 2013 Amendment. No additional comments were submitted at the hearing.

14. On September 23, 2013 the BWSR received a record of the public hearing, and copies of all written comments supplied at the hearing pertaining to the 2013 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

15. This 2013 Amendment will be in effect until **August 28, 2018.**

CONCLUSIONS

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

2. The Brown County 2013 Amendment attached to this Order states goals, objectives and actions the County will address in the five-year implementation section August 2013 – August 2018. The 2013 Amendment, as well as the previously approved Brown County 2008 – 2018 Local Water Management Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2013 Amendment of the Brown County Water Management Plan for August 2013 – August 2018. Brown County will be required to provide for a complete update of its Water Management Plan prior to August 28, 2018.

Dated at St. Paul, Minnesota, this **25th day of September 2013**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Brown County Comprehensive Local Water Management Plan 2008-2018 (Amended August 2013)

Executive Summary

Executive Summary 2013-2018

Profile

Brown County is located in South Central Minnesota at the confluence of the Cottonwood and Minnesota Rivers. The Minnesota River makes up the northern border of the county while the Cottonwood River nearly splits the county in two running west to east. The total land area of Brown County is approximately 610 square miles. There are seven (7) incorporated cities and sixteen (16) townships, with the county seat being the City of New Ulm.

The dominant land use in Brown County is cultivated land (75%), followed by uncultivated lands or wood lands/ravine (17%), urban areas/impervious are 7%, and open water makes up 1% of the total land area in Brown County. Cultivated land dominants the landscape from the far west to the eastern boundary of the county. Corn and soybeans are the primary crops being produced. Swine are the primary livestock in the County, but there are significant beef cattle and dairy herds that are also being raised. A majority of the residents of Brown County do live in urban areas, which make up 72% of the population. Within the urban settings there are industrial activities present in each of the three largest cities; New Ulm, Sleepy Eye, and Springfield.

Brown County is located in the fertile tall grass prairie Eco region of Minnesota. Making up the northern border of the county and winding their way from west to east throughout the county, streams and rivers have created wooded valleys and floodplain areas. Streams and rivers throughout the county typically flow from the higher elevations in the west to the east, ending up ultimately in the Minnesota River. The largest river in the county is the Minnesota River, with the Cottonwood River and Little Cottonwood River also being sizeable rivers on the landscape. There are a number of other perennial streams and unnamed tributaries that feed our larger rivers throughout the county. Of the rivers and streams in Brown County; two (2) of them have been designated as trout streams by the MN DNR. (Wetland Drainage)

Within Brown County lie 12 shallow prairie lakes, with Lake Hanska being the largest, most developed and widely used for recreation. Largely the shallow lakes are very eutrophic, or high in nutrients giving these water bodies incredible amounts of aquatic and terrestrial life. It is when we have excess nutrients that our water bodies suffer.

Plan Purpose:

The goal of this amended Local Water Management Plan is to serve as a guide to protect and preserve our water resources of Brown County as well as well as improve water quality for generations to come. This plan sets up objectives for water planning to strive towards in cooperation with our local, regional and state partners. Details of the plan are based on the four priority concerns outlined in the Priority Concerns Scoping Document.

The first Brown County Water Management Plan was adopted by the Brown County Board of Commissioners in 1990. Subsequently a 1996 Water Plan Update was submitted for the 10 year plan update. In 2008 the Brown County Board of Commissioners approved an updated Local Water Management Plan, set to expire in August of 2018. In 2013 we are providing an amendment to the current water plan to incorporate new and delete irrelevant information.

The creation of the Local Water Management Plan was in effort by the Brown County Water Plan Task Force, Brown County Board of Commissioners and the residents of Brown County. It is the responsibility of the Brown County Water Planner to administer the water plan on a day to day basis with the help of local, regional and state officials.

2008 through 2013 Brown County Water Planning Accomplishments

2008 Accomplishments

- Inspected 13 new and 66 upgraded septic systems
- Completed 22 on-site feedlot inspections
- Provided technical assistance to 30 landowners regarding WCA; reviewed 14 Joint Wetlands/Water Applications and completed 3 site visits
- Provided homeowner information regarding rain water and water storage at the Brown County Farm Show
- Presented water resources information to area grade school students at the Children's Water Festival in North Mankato
- SWCD completed two (2) sediment basins, two (2) grassed waterway, and one (1) grade stabilization structure projects during the season.

2009 Accomplishments

- Inspected 14 new and 36 upgraded septic systems
- Completed 39 on-site feedlot inspections
- Provided technical assistance to 92 landowners; reviewed 23 Joint Wetlands/Water Applications and completed 12 site visits
- Provided homeowner information regarding rain water and water storage at the Brown County Farm Show and New Ulm Home Show
- Started surface water quality testing for two (2) lake sites and five (5) stream stretches in Brown County (2009-2010)
- SWCD assisted with three (3) terrace projects, two (2) grassed waterway projects, two (2) rock tile inlets, two (2) windbreak plantings, one (1) bio-retention basin, one (1) feedlot runoff diversion, and one (1) grade stabilization structure

2010 Accomplishments

- Inspected 17 new and 41 upgraded septic systems
- Completed 62 on-site feedlot inspections
- Provided technical assistance to 100 + landowners regarding WCA; reviewed 31 Joint Wetlands/Water Applications and completed 12 site visits
- Provided water retention, hazardous waste, yard chemical alternatives at New Ulm Home Show and Brown County Farm Show
- Started surface water quality testing for four (4) stream stretches in Brown County (2010-2011)
- SWCD assisted with four (4) terrace projects, four (4) windbreak plantings, three (3) grassed waterway projects, two (2) rock tile inlets, one (1) grade stabilization structure, and one (1) livestock waste management project.

- Mapped out all highly erodible lands on GIS maps for entire County

2011 Accomplishments

- Inspected 18 new and 41 upgraded septic systems
- Completed 48 on-site feedlot inspections
- Provided technical assistance to 250 + landowners regarding WCA, reviewed 26 Joint Wetlands/Water Applications and completed 10 site visits
- Attended water planning technical education trainings at the BWSR Academy
- Printed information regarding hazardous waste disposal in local papers
- Taught southern MN Girl Scouts about water quality and then practiced water quality sampling techniques
- Developed and distributed public education pamphlets on alternative lawn chemicals that are more environmentally friendly and biodegradable
- Completed the University of Minnesota Well Survey for Brown County. Soon we will have a much better idea of Brown County's groundwater resources
- Started surface water quality testing for four (4) stream stretches and three (3) lakes in Brown County (2011-2012)
- Completed mapping out on GIS all County ditches and tile
- SWCD assisted with three (3) grassed waterway projects, three (3) rock inlets, three (3) streambank rip rap projects, three (3) windbreak plantings, two (2) terrace projects and two (2) wildlife plantings
- SWCD enrolled seven (7) landowners in the RIM/WRP Program
- SWCD hired an employee to work on implementing and promoting BMP's in the Little Cottonwood River Watershed for two (2) years.

2012 Accomplishments

- Inspected 11 new and 46 upgraded septic systems
- Completed 41 on-site feedlot inspections
- Provided technical assistance to 320 landowners regarding WCA, reviewed 20 Joint Wetlands/Water Applications and completed 6 site visits
- Started a Brown County Rain Barrel program to promote water storage on urban lots and to reduce storm water pollution to the Minnesota River, Sleepy Eye Lake and the Cottonwood River
- Held a free nitrate testing clinic for Brown County residents at the Brown County Fair
- Received $321,000 grant to improve fish habitat and angler access on Spring Creek
- Held essay contest for area high school juniors on the importance of surface water storage
- SWCD assisted with five (5) terrace projects, two (2) grassed waterway projects, one (1) wildlife planting, one (1) wetland restoration, one (1) agricultural pond installation and eleven (11) rock tile inlets

DESCRIPTION OF PRIORITY CONCERNS

The Priority Concerns to be addressed by the County are as follows. Concerns are not listed in order of importance and concerns were selected to be broad enough to address most concerns submitted. The Priority Concerns were selected by the Task Force after examining citizen and State comments for review.

1. **Soil Erosion Concerns** – including addressing of TMDL issues by watershed. Prevention of soil erosion and sedimentation from runoff and streambank erosion. Promotion of programs to improve residue management and conservation tillage. Incorporate urban aspects of stormwater management and runoff of impervious surfaces.

2. **Groundwater** – including addressing concerns with pesticide and fertilizer use in agricultural and urban areas. Wellhead protection and well sealing opportunities. Address potential water quantity issues involved with industrial and rural development and city water use needs.

3. **Drainage** – including possible inventory of existing system and need for improvements with the possibility for water storage. Buffer initiatives with emphasis on problem areas and erodible soils. Management focusing on public drainage system that provides agricultural production with benefits to water quality and quantity concerns.

4. **Wetlands/Water Retention** – including protection and enhancement of existing wetland resources. Inventory of existing wetlands and potential areas for restoration and water retention projects. Wetland education to contractors involved with development projects.

5. **Human Wastewater** – including the inventory of septic and municipal systems for compliance and needs. Cooperate with municipal systems to find improvements for systems and possible funding options. Upgrade of failing and non compliant individual septic systems. TMDL concerns addressed for fecal limits.

SUMMARY OF GOALS AND ACTIONS

PRIORITY CONCERN 1: SOIL EROSION

GOAL 1: Address impaired surface waters and their TMDL's

Objective A: Develop understanding of water quality issues. $64,000.00
Objective B: Reduce the impairments in surface waters. $134,000
Objective C: Delisting of existing impaired waters. $60,000.00

GOAL 2: Reduce soil erosion and sedimentation on agricultural lands.

Objective A: Identify areas that show potential for high erosion $313,000
Objective B: Cooperate and promote and market conservation programs and practices. $251,000.00

GOAL 3: Reduce stream bank and ditch bank erosion.

Objective A: Identify problems areas within the County. $10,000.00
Objective B: Provide education and options to control stream and ditch bank erosion. $187,000.00

GOAL 4: Reduce urban runoff and storm water impacts to surface waters.

Objective A: Assess urban non point source pollution in Brown County. $39,000.00
Objective B: Education to cities and citizens on runoff and storm water management. $90,000.00
Objective C: Implement Storm water and Runoff practices with cooperating Cities. $31,000.00

PRIORITY CONCERN 2: GROUNDWATER

GOAL 1: Protect ground water sources from pesticide and fertilizer contamination from agricultural and urban contamination.

Objective A: Obtain Groundwater information relating to potential impacts. $9,200.00
Objective B: Provide education on proper agricultural and residential application rates. $39,000.00

GOAL 2: Protect drinking water sources

Objective A: Recognize and support needs of public water supply wellhead protection $11,000.00
Objective B: Encourage private well protection from contamination sources. $5,000.00
Objective C: Encourage proper sealing of unused or abandoned wells. $96,000.00
Objective D: Address groundwater adequacy and sustainability of Brown County Aquifers. $3,000.00

GOAL 3: Minimize impacts to groundwater sources from industrial and rural development.

Objective A: Reduce impacts of rural and industrial development on groundwater resources. $8,000.00

PRIORITY CONCERN 3: DRAINAGE

GOAL 1: Improve drainage management system based on water quality goals.

Objective A: Cooperate with Drainage Authorities to inventory current drainage system.-$67,000.00
Objective B: Determine and map problem areas$6,000.00

Objective C: Reduce water inputs and provide water storage to the system. $1,045,000.00
Objective D: Develop education and incentive programs to increase conservation practices. $467,000.00

PRIORITY CONCERN 4: WETANDS/WATER RETENTION

GOAL 1: Protect existing wetlands and increase wetland resources

Objective A: Identify current wetlands and potential wetland restoration sites $5,000.00
Objective B: Educate citizens and officials on wetland functions and importance. $18,000.00
Objective C: Encourage wetland restoration and management.$157,000.00

PRIORITY CONCERN 5: HUMAN WASTEWATER

GOAL 1: Eliminate Subsurface Sewage Treatment System (SSTS) contamination to surface and groundwater.

Objective A: Maintain onsite sewage treatment inspection program.$22,000.00
Objective B: Provide education and seek funding for septic program. $1,570,000.00

GOAL 2: Assist with improvements and upgrades to municipal and industrial wastewater treatment systems.

Objective A: Inventory of existing processes in waste water treatment facilities $9,000.00
Objective B: Inventory of needs and funding opportunities for improved technologies. $2,044,000.00

10 YEAR PLAN TOTAL $6,760,200.00

CONSISTENCY WITH OTHER PLANS

Brown County Water Planning is based out to the Planning and Zoning Office. The Water Plan, County Zoning Ordinance, Feedlot Ordinance, Wetland Conservation Act and all other aspects of the Natural Resources Block Grant are administered out of this office. In addition there is communication and cooperation with all other Courthouse offices and the Brown County SWCD office for planning processes. This helps to provide some consistency between plans and ordinances. In addition the County has access to several local, regional and State plans for use in plan development.

SUMMARY OF RECOMMENDATIONS TO OTHER PLANS

The priority concerns and action items established in the Water Plan should allow for cooperation between the County and local governments in the development and amendments of local controls and ordinances. Reference to water quality and quantity issues developed in the plan should be considered on a voluntary basis by each organization in its planning process. The Water Plan office should act as a resource for those considering planning updates.

BROWN COUNTY LOCAL WATER MANAGEMENT PLAN
10 YEAR IMPLEMENTATION SCHEDULE FOR PRIORITY CONCERNS

PRIORITY CONCERN 1: SOIL EROSION	Timeline	Cooperators	Costs
GOAL 1: Address impaired surface waters and their TMDL's			
Objective A: ***Develop understanding of water quality issues.***			
1. Continue and expand water testing through Surface Water Assessments (SWAG) and submit data to the MPCA.	Continuous	CWP's, WP, Co	$20,000.00
2. Recruit volunteers for the MPCA's Citizen Stream Monitoring Program (CSMP) for impaired reaches.	Continuous	WP, SWCD, CWP's	$2,000.00
3. Recruit CSMP volunteers residing near the testing sites in the rural community for water bodies that have no previous sampling record.	Continuous	WP, SWCD	$2,000.00
4. Develop baseline data information through coordination with MPCA, MDA, MDH staff that will meet listing and delisting requirements.	Continuous	CWP's, WP, MPCA, MDA, MDH	$30,000.00
5. Follow approved sampling techniques and submit water quality data for analysis and review.	Continuous	CWP's, WP	$10,000.00
		TOTAL	$64,000.00
Objective B: ***Reduce the impairments in surface waters***			
1. Cooperate with SWCD and NRCS to market available conservation programs annually to landowners at Brown County Farm Show, publication of one (1) newspaper article in the Comfrey, Sleepy Eye, Springfield and New Ulm papers.	Continuous	WP, SWCD, NRCS, CWP's	$10,000.00
2. Develop strategies with the county drainage authority to address water quantity issues that explore alternatives to existing drainage management.	2008-2010	WP, Co, DA	$15,000.00
3. Utilize Counties Geographic Information Systems (GIS) data to inventory and target areas for best management practices	2008-2010	WP, Co, SWCD	$5,000.00
4. Provide educational opportunities on the TMDL process to the public through articles, meetings and personal contacts.	Continuous	WP, SWCD, MPCA	$2,000.00

5. Partner with Cities and Industries to define their role in the TMDL process and the practices they can utilize to reduce impacts.	Continuous	WP, Cities, MPCA	$2,000.00
6. Cooperate with the SWCD to install fifty (50) alternative tile intakes annually.	2013-2018	SWCD	$100,000
7. Cooperate with Brown County Emergency Management to include the buying out of homes in the floodplain, homes that are in danger of washing into the river, or are flooded on a regular basis.	2013-2018	WP, P & Z, FEMA	0
		TOTAL	$134,000.00

Objective C: ***Delisting of existing impaired waters.***

1. Work with CWP's and MPCA in the development and implementation of Total Maximum Daily Load (TMDL) plans for impaired waters	Continuous	WP, MPCA, CWP's	$40,000.00
2. Provide County level assistance throughout study and implementation phases to coordinating agencies and organizations.	Continuous	WP	$10,000.00
3. Work with individuals and businesses to help develop erosion control, chemical use, and rainwater storage plans that will reduce their impacts to the developed implementation plan on impaired reaches.	Continuous	WP	$5,000.00
4. Use developed priority areas as guide on progress and update implementation strategy based on successes and continued sampling.	Continuous	WP	$5,000.00
		TOTAL	$60,000.00

GOAL 2: Reduce soil erosion and sedimentation on agricultural lands.

Objective A: ***Identify areas that show potential for high erosion***

2. Identify and map areas to be targeted for implementation projects.	Continuous	WP, SWCD, Co	$10,000.00
3. Prioritize implementation projects based on impaired waters.	Continuous	WP, SWCD, CWP's	$1,000.00
4. Install 10,000 feet of terrace and two (2) grade stabilization structures annually.	2013-2018	SWCD, NRCS	$300,000
		TOTAL	$313,000.00

Objective B: ***Cooperate with SWCD to promote and market conservation programs and practices.***

1. Provide education to landowners in targeted areas on BMP's and conservation programs available through County, State and Federal programs	Continuous	WP, SWCD, NRCS	$10,000.00

2. Work with the Brown County SWCD to pursue additional cost-share and incentive funding for BMP's.	Continuous	WP, SWCD, NRCS	$1,000.00
3. Work with County Board as the Ditch Authority to establish a long term or permanent buffer program.	2010-2012	WP, DA, Co	$200,000.00
5. Demonstrate conservation tillage, alternative drainage practices and BMP's through field days sponsored by the County, U of M, State Agencies and farm groups and businesses.	2010-2014	WP, SWCD, UofM, MDA	$40,000.00
		TOTAL	$251,000.00

GOAL 3: Reduce stream bank and ditch bank erosion.

Objective A: *Identify problems areas within the County.*

1. Utilize GIS data and ditch records to identify high priority areas prone to stream and ditch bank erosion.	2008-2010	WP, Co	$2,000.00
2. Conduct air photo reviews of priority areas.	2008-2010	WP, SWCD	$2,000.00
3. Conduct site visits and document erosion impacts.	2008-2014	WP, SWCD, CWP's	$5,000.00
4. Inventory and prioritize sites based on implementation potential.	2008-2014	WP, SWCD's, CWP's	$1,000.00
5. Utilize the DNR GIS information of locations of where erosion and bank stabilization projects have been permitted on pubic waters.	2013-2018	DNR, WP	0
6. Work with area DNR staff to calculate erosion rates, shear stress, and total sediment loads for stretches impaired with high sediment loads.	Continuous	DNR, SWCD, MPCA	0
		TOTAL	$10,000.00

Objective B: *Provide education and options to control stream and ditch bank erosion.*

1. Target sites on the inventory list to educate and provide assistance to landowners on erosion control measures.	2008-2014	WP, SWCD,CWP's	$10,000.00
2. Pursue funding for the implementation of buffer strips, stream bank stabilization practices, alternative upland treatments, and enforce 50' buffer from public waters.	Continuous	WP, SWCD,CWP's	$2,000.00
3. Develop and provide information on upland management practices including wetland restorations, water storage, and infiltration practices that help to store and meter water. Sites will be prioritized based on areas of the County that are most heavily drained and have the highest potential of water storage.	Continuous	WP, SWCD,CWP's	$2,000.00
4. Provide education and information on grazing management practices that reduce bank erosion.	Continuous	WP, SWCD,CWP's	$2,000.00

5. Seek and provide funding for demonstration projects for fencing or buffers that show benefits of bank stabilization	2008-2014	WP, SWCD,CWP's	$4,000.00
6. Work with County Drainage Authority to develop a plan that protects and enhances public waters wetlands and ditches that run through them and considers water retention and storage as part of ditch repair and improvements.		WP, DA, Co	$10,000.00
7. Work with Ditch Authority on possible funding of buffer incentives through the County.	2008-2014	WP, DA, Co	$20,000.00
8. Promote and complete one RIM/WRP Project annually in a high priority watershed that is identified as heavily drained.	2013-2018	SWCD, NRCS, WP	$100,000
9. Research and provide information on cost effective conservation practices that provide ditch and stream bank stabilization and report to County Board.	2008-2014	WP, DA, Co	$1,000.00
10. Work with SWCD and NRCS to encourage the re-enrollment of expiring CRP contracts that promote stream and ditch buffers.	Continuous	WP, SWCD, CWP's, NRCS	$4,000.00
11. Consider the requirement of a 50' permanent vegetated buffer along public waters in agricultural areas as part of the agricultural land use standard included in the local shoreland management ordinance.	Continuous	WP, P & Z, DNR	$1,000
12. Educate the property owners of riparian areas on implementing BMP's and/or erosion and bank stabilization projects.	Continuous	WP, P & Z, DNR	$1,000
13. Implement riparian BMP's on Brown County owned properties adjacent to riparian areas	2013-2018	WP, P & Z, RCRCA	$30,000
		TOTAL	$187,000.00

GOAL 4: Reduce urban runoff and storm water impacts to surface waters.

Objective A: *Assess urban non point source pollution in Brown County.*

1 Request opportunity to review Sleepy Eye, New Ulm, and Springfield's storm water system designs and current outlet systems.	2008-2010	WP, Cities	$2,000.00
2. Implement DNR recommended use of natural ponding areas and artificial stilling basins when feasible and require their use when necessary for storm water management.	Continuous	WP, DNR, MPCA	0
3. Consult with cities to determine flows at different storm event levels. Once flows are recorded, determine how to slow flows and retain more water on the landscape.	Continuous	WP, Cities, MPCA	$5,000.00

4. Consult with industries to determine discharges to storm sewer systems and permitted discharges.	2008-2010	WP, Cities, Industry	$6,000.00
5. Sample to determine types and quantities of pollutants seen in the storm water system and make recommendations to community officials on how to reduce the pollutants from being discharged.	2008-2014	WP, Cities, MPCA	$5,000.00
6. Work with State agencies to determine acceptable levels of pollutants and flow for storm water management.	2008-2010	WP, Cities, MPCA	$1,000.00
7. Assess the nature, cause, and effect of urban runoff and storm water pollution on surface waters from residential areas in New Ulm, Sleepy Eye, and Springfield through surveys of residents and water sampling.	2008-2014	WP, Cities, MPCA	$20,000.00
		TOTAL	$39,000.00

Objective B: ***Provide education to cities and citizens on runoff and storm water management.***

1. Provide information and education opportunities through Board Updates to local officials on non point source pollution, runoff and storm waster issues.	Continuous	WP	$5,000.00
2. Provide information to communities on the use of BMP's that reduce the effects of storm water runoff through newspaper articles, workshops, public events and newsletters.	Continuous	WP	$5,000.00
3. Provide education and training opportunities for implementation of storm water best management practices to city utility employees.	Continuous	WP	$20,000.00
4. Assist in providing WRAP workshops for local officials, contractors, and community members.	Continuous	WP	$3,000.00
5. Provide education opportunities to developers, and contractors on low impact development through direct mailings or contact when building permits are sought.	Continuous	WP	$5,000.00
6. Provide education opportunities through media releases like the SWCD newsletter and public events such as the New Ulm Home Show that highlight the role citizens play in non point source pollution through press releases and community events.	Continuous	WP	$2,000.00
7. Continue to sell and promote the rain barrel and composter pre-order sales to Brown County residents. The program shall reach out to area businesses to provide education on different design options for larger surface areas.	2013-2018	WP, Cities	$2,000.00
8. Educate ~~homeowners~~ County residents on the proper handling and disposal of household hazardous waste at the New Ulm Home Show, Brown County Ag. Show, Brown County Free Fair, the VSQG Program and at the collections themselves annually. Articles are also published in area newspapers 3 times per year on the proper handling and disposal of household hazardous waste.	Continuous	WP, Recycling	$3,000.00

8. Offer incentives, such as rebates provided through city municipalities to residents to encourage redirecting runoff to pervious surfaces for on-lot infiltration through the rain barrel program.	2010-2014	WP, Cities	$45,000.00
		TOTAL	$90,000.00

Objective C: ***Implement Storm water and Runoff practices with cooperating Cities.***

1. Assist communities of Sleepy Eye, Springfield, and New Ulm to utilize existing and pursue additional Federal and State funding, as they become available for the implementation of urban best management practices	Continuous	WP, Cities	$10,000.00
2. Provide technical and financial assistance to communities to assist officials, developers, and contractors in fulfilling Phase II Storm water Program requirements.	Continuous	WP, Cities	$10,000.00
3. Encourage and provide information on the utilization of storm water management practices including retention, infiltration and storm water wetlands to the cities of Springfield, Sleepy Eye, New Ulm, Evan and Comfrey.	Continuous	WP, Cities	$4,000.00
4. Provide assistance on projects to follow erosion and sediment control regulations and techniques available from the MPCA and Minnesota Erosion Control Association (MECA).	Continuous	WP, Cities	$2,000.00
5. Encourage the development of Storm water Management Plans for the cities of Sleepy Eye, Springfield and New Ulm that consider practices that improve water quality including street sweeping, catch basin cleaning, leaf litter management, salt application, snow removal storage, ponds, filter strips, infiltration and plans for future improvements.	2008-2010	WP, Cities	$5,000.00
		TOTAL	$31,000.00

PRIORITY CONCERN 2: GROUNDWATER	**Timeline**	**Cooperators**	**Costs**

GOAL 1: Protect ground water sources from pesticide and fertilizer contamination from agricultural and urban contamination.

Objective A: ***Obtain Groundwater information relating to potential impacts.***

1. Compile and review monitoring data from MDA on pesticide application and	2008-2010	WP, MDA	$1,000.00

groundwater contamination.			
2. Review Brown County Groundwater Vulnerability Project information.	2008-2010	WP	$200.00
3. Continue to hold Nitrate testing clinics bi-annually at the Brown County Free Fair	Continuous	WP, MDH, BNC	$5,000.00
4. Review MN Geologic Survey information and focus on addressing unsealed wells in areas of high risk of groundwater contamination.	2013-2018	WP, MDH	$1,000.00
		TOTAL	$9,200.00

Objective B: ***Provide education and information on proper agricultural and residential application rates.***

1. Use MDA guidelines to promote pesticide water quality Bump's	Continuous	WP, MDA	$1,000.00
2. Concentrate education activities through township meetings on priority areas that show greatest potential for groundwater impacts.	Continuous	WP, SWCD	$2,000.00
3. Work with and provide information to applicators and producers on following the University of Minnesota recommended application rates of farm chemicals through administering applicator tests.	Continuous	WP, SWCD, CWP's, Co	$5,000.00
4. Provide field day education opportunities bi-annually for ag suppliers, applicators and property owners on proper application practices of farm and yard chemicals .	Continuous	WP, SWCD	$5,000.00
5. Encourage soil sampling to gain a better understanding of soil needs before application.	Continuous	WP, SWCD, Co	$2,000.00
6. Provide technical and financial assistance to assist producers in adopting BMP's to reduce the impacts of manure runoff, soil erosion, runoff from fields through the Ag. BMP Loan Program.	Continuous	WP, SWCD, Co	$20,000.00
7. Develop residential educational resources on chemical and fertilizer application and alternatives to these chemicals. Education will take place through bi-annual tour of residents utilizing these practices in urban areas.	Continuous	WP, SWCD, MDA	$2,000.00
8. Provide educational resources and technical assistance to community groups, schools and at community events on utilizing BMP's.	Continuous	WP, SWCD	$2,000.00
		TOTAL	$39,000.00

GOAL 2: Protect drinking water sources

Objective A: ***Recognize and support needs of public water supply wellhead protection.***

1. Encourage community and non-community public water suppliers to develop and implement wellhead protection plans	Continuous	WP, Cities, MDH	$2,000.00
2. Work with public water suppliers to reduce potential impacts to drinking water sources.	Continuous	WP, Cities, MDH	$5,000.00
3. Assist public water suppliers with the development of maps outlining the location of wells and radius of concern	2008-2012	WP, Cities, MDH	$1,000.00
4. Consider wellhead protection areas when making land use decisions.	Continuous	WP, Cities, MDH	$2,000.00
5. Utilize information provided by Minnesota Department of Health in source water assessments	Continuous	WP, Cities, MDH	$1,000.00
		TOTAL	$11,000.00

Objective B: ***Encourage private well protection from contamination sources.***

1. Educate homeowners, realtors, and contractors on the importance of maintaining proper setbacks from private wells to potential contamination sources through mailings to realtors and information sheets to landowners during septic upgrades or building permit application	Continuous	WP, Cities, MDH	$2,000.00
2. Educate homeowners and realtors on the importance of well disclosure.	Continuous	WP, Cities, MDH	$2,000.00
3. Encourage homeowners to get private wells tested on a regular basis through a radio press release.	Continuous	WP, Cities, MDH	$1,000.00
		TOTAL	$5,000.00

Objective C: ***Encourage proper sealing of unused or abandoned wells.***

1. Inventory locations of abandoned or unused wells.	2008-2012	WP, MDH	$50,000.00
2. Prioritize the sealing of unused or abandoned wells based on potential for contamination.	2008-2012	WP, MDH	$2,000.00
3. Use existing and develop new cost-share programs to assist with well sealing costs.	Continuous	WP, MDH, Co	$40,000.00
4. Develop and distribute educational materials for homeowners, realtors, bankers and attorneys on the importance of disclosing and sealing wells.	Continuous	WP, MDH	$4,000.00
		TOTAL	$96,000.00

Objective D: Address groundwater adequacy and sustainability of Brown County groundwater aquifers.

1. Utilize the updated Minnesota Geologic Survey atlas of Brown County	2013-2015	WP, U of M	$1,000.00

groundwater resources in addressing concerns of our groundwater resources.

2. Partner with the MN DNR in their groundwater monitoring program.	Continuous	WP, SWCD	$1,000.00
3. Promote groundwater conservation efforts with urban and rural residents through educational resources, review of project proposals	Continuous	WP, SWCD	$1,000.00
			$3,000.00

GOAL 3: Minimize impacts to groundwater sources from industrial and rural development.

Objective A: ***Reduce impacts of rural and industrial development on groundwater resources.***

1. Define and map areas that may have low availability of groundwater resources and high potential for contamination through the use of the MN Geological Survey data.	2008-2009	WP, MDH, DNR, MGS	$2,000.00
2. Obtain up to date information on water use practices involving rural development including feedlot needs and ethanol production.	2008-2009	WP, MDH, Industry	$1,000.00
3. Inform Planning and Zoning office on industrial uses that have high water use potential and develop plans that consider high water use impacts.	Continuous	WP, P&Z	$1,000.00
4. Work with DNR to consider planning for significant water use developments and review permit applications such as irrigation wells.	Continuous	WP, DNR	$4,000.00
		TOTAL	$8,000.00

PRIORITY CONCERN 3: DRAINAGE	**Timeline**	**Cooperators**	**Costs**

GOAL 1: Improve drainage management system based on water quality goals.

Objective A: ***Cooperate with Drainage Authorities to inventory current drainage system.***

1. Utilize mapping and data management process from current GIS ditch layer for public drainage systems.	Continuous	WP, DA	$5,000.00
2. Field verify ditch systems to determine as built conditions.	2010-2016	WP, DA	$50,000.00
3. Compile ditch information relating to previous repair and improvements.	2008-2010	WP, DA	$10,000.00
4. Inventory conservation projects currently active on ditch network	2008-2010	WP, SWCD	$2,000.00

		TOTAL	$67,000.00

Objective B: ***Determine and map problem areas***

1. Identify areas with high potential for bank failure or erosion concerns failure due to the amount of inputs to the system	2008-2010	WP, SWCD	$2,000.00
2. Identify areas with high maintenance costs and develop solutions that provide water storage, reduced erosion and reduced maintenance	2008-2010	WP, DA, SWCD	$2,000.00
3. Prioritize drainage systems that currently impact an impaired water body.	2008-2010	WP	$2,000.00
		TOTAL	$6,000.00

Objective C: ***Reduce water inputs and provide water storage to the system.***

1. Utilize GIS data to create potential water retention sites based on drainage basins map.	2008-2010	WP	$4,000.00
2. Identify upstream practices that slow or reduce flow to receiving waters in problem areas.	Continuous	WP, SWCD	$1,000.00
3. Pursue funding opportunities for water storage or wetland restorations in high priority areas.	Continuous	WP, SWCD, Co	$500,000.00
4. Explore funding mechanisms through the Ditch Authority that rewards landowners for their water retention efforts through incentives or reduced taxing.	2010-2016	WP, DA, Co	$500,000.00
5. Develop controlled drainage demonstration site.	2010-2012	WP, DA, Co	$40,000.00
6. Provide education to landowners considering drainage tile in regards to how drainage tile can affect the timing, duration, magnitude of channel flow, flooding, infiltration throughout the growing season and non-growing season.	Continuous	WP	0
		TOTAL	$1,045,000.00

Objective D: ***Develop education and incentive programs to increase conservation practices.***

1. Continue to encourage the County Ditch Authority to work on requiring ditch buffers to newly re-assessed ditches.	Continuous	WP, DA, SWCD, Co	$300,000.00
2. Pursue funding for alternatives to surface tile inlets through cost-share programs for rock tile inlets.	Continuous	WP, DA, SWCD, Co	$50,000.00
3. Provide information and educational resources on water retention and wetland restoration efforts to officials and landowners through tile project reviews and WCA applications.	Continuous	WP, SWCD	$10,000.00
4. Provide information and educational resources on controlled drainage to officials and landowners during proposed tile projects and at the Brown County Ag. Show.	Continuous	WP, SWCD	$2,000.00

5. Develop economic worksheet considering water storage benefits to the system in reduced maintenance costs.	2010-2012	WP, SWCD	$5,000.00
6. Encourage the County Drainage Authority to partner with other agencies for project support and funding	2010-2012	WP	$100,000.00
		TOTAL	$467,000.00

PRIORITY CONCERN 4: WETANDS/WATER RETENTION	**Timeline**	**Cooperators**	**Costs**

GOAL 1: Protect existing wetlands and increase wetland resources

Objective A: ***Identify current wetlands and potential wetland restoration sites.***

1. Create GIS map of wetlands currently managed through an easement or conservation program through the NRCS, SWCD, and FWS.	2008-2012	WP, SWCD, BWSR	$5,000.00
2. Utilize agency GIS information and restorable wetland areas throughout Brown County	Continuous	WP, FWS	
		TOTAL	$5,000.00

Objective B: ***Educate citizens and officials on wetland functions and importance.***

1. Collaborate with agency and conservation group partners to share information gathered through the inventory process.	2008-2012	WP	$2,000.00
2. Develop information to distribute to contractors, developers and realtors on wetland identification through direct mailings bi-annually.	Continuous	WP, BWSR	$5,000.00
3. Provide wetland training opportunities to local officials who make planning, development and permitting decisions.	Continuous	WP, BWSR, COE	$5,000.00
4. Work with DNR and Planning and Zoning on lakeshore development wetland impact issues.	Continuous	WP, DNR, P&Z	$2,000.00
5. Provide lakeshore owners information on needed permits for vegetation removal and beach development by the DNR.	Continuous	WP, DNR, P&Z	$2,000.00

6. Utilize and encourage educational resources available from other agencies who work directly with wetland areas and their function.	Continuous	WP,DNR, BWSR, SWCD	$2,000.00
		TOTAL	$18,000.00

Objective C: ***Encourage wetland restoration and management.***

1. Identify through the building permit process potential wetland impacts that may need consideration.	Continuous	WP, P&Z	$10,000.00
2. Protect existing wetland areas for their value to flood reduction, infiltration, sediment reduction, erosion control and nutrient reduction.	Continuous	WP, DNR, BWSR	$5,000.00
3. Administer the Wetland Conservation Act	Continuous	WP, Co	$100,000.00
4. Work with DNR and USFWS to maintain existing wildlife and wetland areas.	Continuous	WP, DNR, USFWS	$2,000.00
5. Educate landowners to the benefits of converting drained wetlands in the WRP and CRP programs when WCA applications are submitted throughout the year.	Continuous	WP, SWCD	$10,000.00
6. Work with SWCD and other agencies to enroll individuals in wetland restoration programs	Continuous	WP, SWCD, NRCS	$30,000.00
		TOTAL	$157,000.00

PRIORITY CONCERN 5: HUMAN WASTEWATER	**Timeline**	**Cooperators**	**Costs**

GOAL 1: Eliminate Subsurface Sewage Treatment System (SSTS) contamination to surface and groundwater.

Objective A: ***Maintain onsite sewage treatment inspection program.***

1. Provide site and soils investigations with contractors to verify design criteria.	Continuous	WP, Co	$5,000.00
2. Provide assistance, review and approval of system designs.	Continuous	WP, Co	$5,000.00
3. Complete site inspections at time of installation.	Continuous	WP, Co	$10,000.00
4. Maintain computer and GIS file system of compliant systems and design and installation records.	Continuous	WP, Co	$2,000.00
		TOTAL	$22,000.00

Objective B: ***Provide education and seek funding for septic program.***

1. Provide educational materials on system design and maintenance to new septic system owners.	Continuous	WP, Co	$2,000.00
2. Provide pumping notice to homeowners for maintenance to systems.	Continuous	WP, Co	$5,000.00
3. Develop information to be used at meetings, events and shows on the importance of ISTS upgrade and maintenance.	Continuous	WP, Co	$2,000.00
4. Provide financial and technical status reports to County Officials.	Continuous	WP, Co	$1,000.00
5. Inventory of systems considered Imminent Threat to Public Health or Safety.	2010-2014	WP, Co	$60,000.00
6. Continue seeking funds for low interest loan programs sponsored by Clean Water Partnerships and County Septic fund.	Continuous	WP, Co	$1,500,000.00
		TOTAL	$1,570,000.00

GOAL 2: Assist with improvements and upgrades to municipal and industrial wastewater treatment systems.

Objective A: ***Inventory of existing processes in waste water treatment facilities***

1. Work with waste water operators and municipal officials to gain understanding of current systems.	2008-2010	WP, Cities	$5,000.00
2. Develop inventory of current treatment plant operations.	2008-2010	WP, Cities	$2,000.00
3. Obtain permit information pertaining to facility discharges and their potential impacts to impaired waters.	2008-2010	WP, Cities, MPCA	$2,000.00
		TOTAL	$9,000.00

Objective B: ***Inventory of needs and funding opportunities for improved technologies.***

1. Provide technical assistance and support to communities with inadequate sewage collection and treatment	Continuous	WP, Cities	$10,000.00
2. Work with operators to determine needs to upgrade and improve treatment facilities.	Continuous	WP, Cities	$30,000.00
3. Research technologies to update and improve water treatment facilities.	Continuous	WP, Cities	$4,000.00

4. Seek funding to upgrade processes and facilities as requested.	Continuous	WP, Cities	$2,000,000.00
		TOTAL	$2,044,000.00
		10 YEAR PLAN TOTAL	$6,760,200.00

BOARD MEETING AGENDA ITEM

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

Meeting Date: September 25, 2013

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 Region 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

LINKS TO ADDITIONAL INFORMATION

Nicollet County Local Water Management Plan 2013 Amendment

http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/Nicollet_Amendment_2013.pdf

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

On August 28, 2008 the Board of Water and Soil Resources (Board) approved the Nicollet County Water Management Plan and required a 5-Year amendment to the goals, objectives and implementation schedule by August 28, 2013.

On August 19, 2013, the Board received the Nicollet County Local Water Management Plan Amendment (Plan Amendment), a record of the public hearing, and all written comments pertaining to the Plan Amendment.

On September 5, 2013, the Southern Committee (Committee) of the Board met via conference call with representatives of Nicollet County to review state agencies recommendations and comments. The Committee recommends approval of the Nicollet County Plan Update.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on August 28, 2008, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Nicollet County 2008 – 2018 Local Water Management Plan Update (Plan), which contained a 2008 – 2013 five-year Implementation section; and

Whereas, this Board Order stipulated that Nicollet County was required to update the implementation section by August 28, 2013; and

Whereas, the Nicollet County Board of Commissioners submitted the Nicollet County Plan 2013 Amendment to the Board on August 19, 2013; and

Whereas, this 2013 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2013 Amendment.

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

FINDINGS OF FACT

1. On December 22, 2011 Board staff provided information on the amendment process to Nicollet County.

2. On January 24, 2012, Nicollet 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.

3. On March 9, 2012, Nicollet 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 May 16, 2012 and July 31, 2012 Nicollet County conducted local water planning task force meetings to develop the five-year implementation section update.

5. Nicollet County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, the Minnesota Department of Health 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. Brown County, Brown Nicollet Environmental Health, City of Mankato and Courtland Township also provided written comments to Nicollet County.

7. The final document developed by Nicollet County, which includes the revised five-year implementation section 2013 – 2018 is entitled the Nicollet County Local Water Management Plan 2013 Amendment.

8. On August 13, 2013, after providing for proper public notice, Nicollet County conducted a public hearing on the proposed 2013 Amendment.

9. On August 19, 2013, the BWSR received the Nicollet County 2013 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 September 5, 2013, the Board's Southern Region Committee (Committee) reviewed the Nicollet County 2013 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 September 25, 2013

13. This 2013 Amendment will be in effect until August 28, 2018.

CONCLUSIONS

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

2. The Nicollet County 2013 Amendment attached to this Order states goals, objectives and actions the County will address in the five-year implementation section August 2013 – August 2018. The 2013 Amendment, as well as the previously approved Nicollet County 2008 – 2018 Local Water Management Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2013 Amendment of the Nicollet County Local Water Management Plan for August 2013 – August 2018. Nicollet County will be required to provide for a complete update of its Water Management Plan prior to August 28, 2018.

Dated at St. Paul, Minnesota, this 25th day of September 2013.

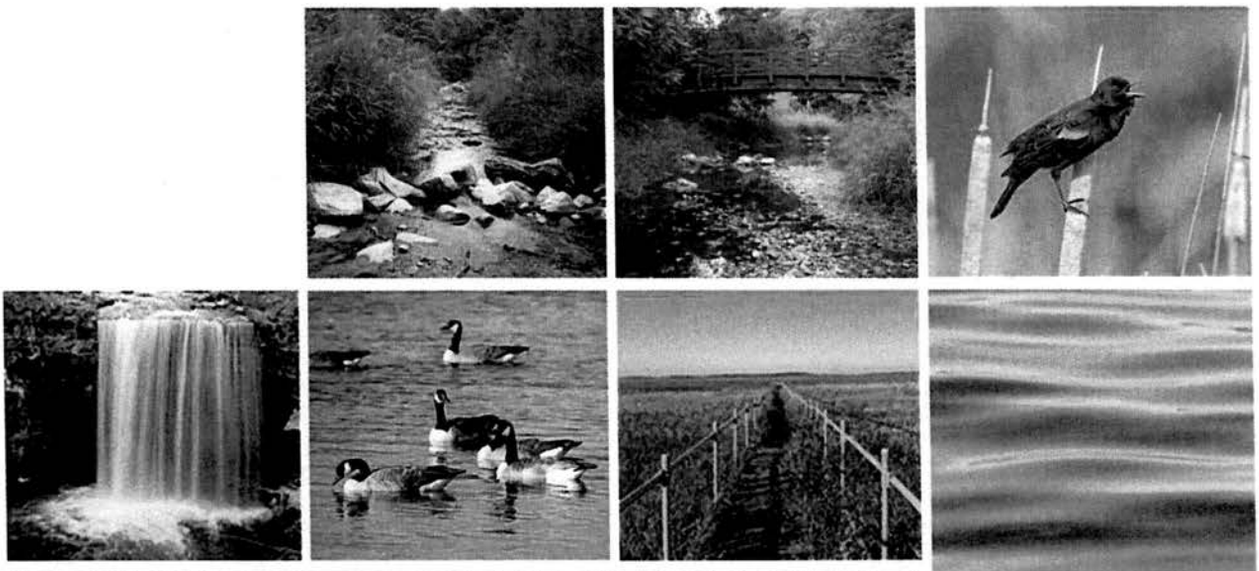
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Nicollet County

LOCAL WATER MANAGEMENT PLAN

2013 Amendment



10-Year Plan
5-Year Implementation Schedule
2008 - 2018

Prepared by Nicollet County Environmental Services Department with assistance from the Nicollet County Water Plan Task Force and the Minnesota Board of Soil and Water Resources

NICOLLET COUNTY
LOCAL WATER MANAGEMENT PLAN
A 10-year Plan with a 5-Year Implementation Schedule 2008-2018

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EXECUTIVE SUMMARY

THE PURPOSE OF THE LOCAL WATER MANAGEMENT PLAN

The purpose of the Nicollet County Local Water Management (LWM) Plan is to protect water resources in the County from point and nonpoint sources of pollution. Coordination of these protection efforts between various local, state, and federal agencies and organizations reduces duplication and eliminates gaps in implementation strategies aimed at a common goal of water protection.

Requirements of a Local Water Management Plan
The LWM Plan meets the requirements set forth in current state statutes (Minnesota Statute 103B.311, Subd 4) as follows:

- Its coverage includes the entire County
- It addresses problems in the context of watershed units and ground water systems
- It is based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management
- It is consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or ground water system
- Its duration is for ten years with review and amendment to the LWM Plan as necessary in five years

Overview of the Nicollet County Comprehensive Water Management Plan Process
The Nicollet County Board of Commissioners authorized the development of the first Nicollet County Comprehensive Water Resources Management Plan in the spring of 1987. It addressed surface water, groundwater, and related land uses and resources on a watershed basis.

Beginning that fall with an informational meeting, development and implementation of the original 1990 Local Water Plan achieved extensive citizen and intergovernmental involvement. Numerous Nicollet County residents, county organizations, local units of government, adjacent counties, state agencies, federal agencies, private companies, and institutions of higher learning assisted county staff and officials. Regular communication and cooperation with neighboring counties was essential and remained a key ingredient in the process in developing the first Water Plan.

Currently referred to as the Nicollet County Water Management Task Force, the original Water Planning and Implementation Task Force, has continued to be a part of the process. In 1994, 1999 and November 2005, the Task Force provided a review of the Goals, Objectives and Actions for the second, third and fourth revisions, respectively.

This is the fourth edition of a local water management plan for Nicollet County. The current version was approved by the Board of Water and Soil Resources (BWSR) Board on August 29, 2008 and is in effect until August 31, 2018. The Nicollet County Commissioners adopted the plan on September 10, 2008.

A resolution to update the Nicollet County Comprehensive Water Management Plan was passed by the Nicollet County Commissioners on January 24, 2012. The resolution was then submitted to BWSR February 10, 2012. Notice of intent to amend the plan was provided to neighboring Local Government Units, agencies, and other interested parties on March 9, 2012. A Task Force was convened to review the current plan and discuss current and future issues, concerns, and needs on May 16, 2012. A subset of the Task Force met on July 31, 2012 for further, in-depth discussion.

This Plan amendment will be in effect from August 31, 2013 through August 31, 2018. When appropriate, Nicollet County will provide for total Plan revision process with the goal of having the next generation plan in effect September 2018.

Plan Adoption and Amendment

Upon approval of this Plan amendment by the BWSR Board, the County Board 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.

Approximately two years, no later than 18 months, prior to the end of the five year management schedule, the County Board should consider a new Resolution to update this Plan, according to the rules then in place.

Past Accomplishments

Nicollet County and other partners have worked on a significant number of the objectives contained in the 2008 LWM Plan. Many existing and ongoing programs were built or enhanced as a result of implementing the LWM Plan. Following are a few of the accomplishments from Nicollet County Environmental Services Department (ESD), Nicollet Soil and Water Conservation District (SWCD), Natural Resources Conservation District (NRCS), Rush River Clean Water Partnership (CWP), Seven Mile Creek CWP, and Middle Minnesota CWP:

- 94 rock tile/alternative inlets installed, 224 acres of cover crop planted, 42.65 acres of CRP enrolled, 25.9 acres put into rotation al grazing, provided $140,447 on 17 septic low interest loans, 34 acres of filter strip installed, 4 rain barrels distributed, 1 rain garden constructed, and 1 terrace constructed in Rush River Watershed
- 2 terrace structures
- 6 water and sediment control basins installed
- 4 grade stabilization projects completed
- 3 grassed waterways installed
- 6 wells sealed
- Utilized State cost-share dollars to install 15.0 acres of farmstead windbreaks
- In partnership with Environmental Quality Incentives Programs (EQIP), installed multiple conservation practices, such as nutrient management, waste impoundment closures, and manure transfer systems, totaling $1,775,427
- 675.8 acres enrolled in Reinvest in Minnesota (RIM)/Wetlands Reserve Program (WRP)
- 92.3 acres enrolled in Conservation Reserve Program (CRP)
- 169 acres enrolled in conservation tillage
- Conducted research on conservation drainage projects
- Water quality and quantity monitoring in Seven Mile Creek watershed
- Minnesota Pollution Control Agency's (MPCA) E. coli fingerprinting study conducted
- Monitoring near stream sediment and phosphorus reduction
- Annual Career Day presentations
- Annual Children's Water Festival presentations
- Annual tree donation to elementary school students
- Developed, updated, and maintained loan/grant application and progress information on website
- Administered the Wetland Conservation Act (WCA)
- Promoted the replacement of non-compliant septic systems and upgraded 238 systems since 2008
- Worked with MPCA as a delegated County for the Feedlot Program and maintained feedlot data base
- Worked with livestock producers to register their feedlots and completed their Manure Management Plans

Ongoing Programs

Nicollet County continues to administer several programs that are vital to achieving the goals set forth in the LWM Plan including those related to feedlots, floodplain and shoreland management, subsurface sewage treatment

systems, septic loan programs, water plan administration, solid waste, WCA, and zoning. These programs are locally administered through the County ESD, SWCD, and Public Works Department (PW_. Understandably, the continued funding of these programs has been identified as a high priority in this Plan Amendment.

The current LWM Plan and the updated Five-Year Focus Plan will serve to guide Nicollet County in water planning through the year 2018. During this time, opportunities will exist to amend goals, objectives, and the work plan itself. Nicollet County will continue to build on past accomplishments and encourage new programs and opportunities for the effective management and protection of its water and land resources.

DESCRIPTION OF PRIORITY CONCERNS TO BE ADDRESSED BY THE LWM PLAN

The Priority Concerns listed below were selected by the Water Plan Task Force members, after carefully reviewing submitted concerns and comments and refined after discussions. While the assessment of priority concerns utilized the best available information, this LWM Plan rests on data and analyses contained in previous editions of the LWM Plan.

Priority Concern 1 Storm Water Control
As storm water travels across the landscape and enters lakes, streams, and wetlands, it brings with it concentrations of pollutants. These pollutants, including sediment, nutrients, and heavy metals, can degrade the water quality of the receiving water body significantly. This priority focuses on management of storm water in both urban and rural settings.

Priority Concern 2 Urban and Rural Resource Management
There is a need to maintain current programs that manage Nicollet County's water resources. Nutrient management plans and controlling feedlot runoff are important in preventing water quality issues. Many rural residences in the County have outdated septic systems that need to be upgraded. Wetlands provide water storage capacity and act as filters and so play an important roll across a landscape. Providing appropriate disposal options for county residents reduces the risk of ground and surface water contamination from solid waste, including household hazardous waste. Maintain a water management plan that directs resources to practices that will improve water quality and quantity.

Priority Concern 3 Watershed Restoration and Protection
Stream banks, bluffs, ravines, and uplands are sources of sediment in the Minnesota River. One of the initial steps toward improving water quality within the Minnesota River Watershed is protecting the soil from erosion. However, when water bodies fail to meet one or more water quality standards, they are considered impaired and are subject for inclusion on Minnesota's Impaired Waters list. This concern emphasizes assistance with the TMDL allocation and implementation processes. This concern also promotes best management practices and other land use practices that reduce the amount of sediment and nutrients entering a water body.

Priority Concern 4 Groundwater
Nicollet County is 100% dependent on groundwater for its drinking water, either through individual wells, municipal supply or rural water systems. The groundwater concern will be addressed to assure long-term quality and quantity of groundwater supplies, with a priority for wellhead protection areas and areas not currently served by public/community systems.

Priority Concern 5 Drainage
Water movement across the landscape has changed greatly over time through development of the public drainage system. Unfortunately, the lack of official procedures in place to regulate the outlet of private tile lines into public ditch systems has led to issues in both water quality and quantity. This concern will work toward a coordinated effort to manage the drainage system and promote water quality programs.

SUMMARY OF GOALS, OBJECTIVES, AND PROJECTED COSTS

Below is a table of the projected costs per year for implementation of each Goal.

GOAL: Stormwater Control	**Projected Cost per Year: $34,500**
Objective 1. Urban Storm Water Control	
Objective 2. Erosion Control and Best Management Practices	
Objective 3. Protect Sensitive Land Along Streams	
Objective 4. Education	
GOAL: Urban and Rural Resource Management	**Projected Cost per Year: $388,000**
Objective 1. Establish Buffers	
Objective 2. Administer SSTS Program	
Objective 3. Protect Wetlands Resources	
Objective 4. Manage Parks and Scenic Areas	
Objective 5. Administer Feedlot Program	
Objective 6. Promote Responsible Manure Management	
Objective 7. Administer Solid Waste Program	
Objective 8. Administer Water Management Plan	
Objective 9. Education	
GOAL: Watershed Restoration and Protection	**Projected Cost per Year: $94,500**
Objective 1. Middle Minnesota Watershed Restoration and Protection	
Objective 2. Seven Mile Creek Restoration and Protection	
Objective 3. Roger's Creek Restoration and Protection	
Objective 4. Lower Minnesota Watershed Restoration and Protection	
Objective 5. Education	
GOAL: Groundwater	**Projected Cost per Year: $14,000**
Objective 1. Well Water Testing	
Objective 2. Encourage Wellhead (Ground and Surface Water) Protection From Contamination	
Objective 3. Encourage Proper Sealing of Unused or Abandoned Wells	
Objective 4. Education	
GOAL: Drainage	**Projected Cost per Year: $96,500**
Objective 1. Improve Drainage Management	
Objective 2. Education	
PROJECTED COST OF IMPLEMENTATION PER YEAR: $622,000	

CONSISTENCY WITH LOCAL, STATE, AND REGIONAL PLANS

Nicollet County ESD staff administer the County's comprehensive land use planning and zoning ordinances. The LWM Plan, County Zoning Ordinance, WCA, Solid Waste Ordinance, Shoreland Ordinance, and all aspects of the Natural Resources Block Grant are administered out of one office. In addition, there is communication and cooperation with all other courthouse and County offices and the Nicollet County SWCD office for planning processes. This helps to maintain consistency between this plan and other plans and ordinances. In addition, the County has access to other local, regional, and state plans for use in LWM Plan development.

SUMMARY OF RECOMMENDED AMENDMENTS TO OTHER PLANS AND OFFICIAL CONTROLS

There are no specific recommended amendments at this time. The priority concerns and action items established in the LWM Plan should allow for cooperation between the County and other local governments in the development and amendments of local controls and ordinances. Reference to water quality and quantity issues developed in the LWM Plan should be considered on a voluntary basis by each organization in its planning process.

mitigating increases in flow volume. A concerted effort by local decision makers, local and state agencies and landowners will be necessary to ensure sufficient drainage for crop production while maintaining or improving water quality. High priority areas will include impaired water bodies and reaches of impaired water bodies on the Clean Water Act 303(d) list of impaired waters, though any area with high resource value waters should be considered.

GOAL – Encourage efforts to maintain the public drainage system while improving water quality and managing water quantity.

Objective 1 Improve Drainage Management
Objective 2 Education

ONGOING ACTIVITIES

Nicollet County is dedicated to preserving our resources while providing a sound economy and educational opportunities for its citizens. Nicollet County strives to maintain and enhance the beauty of the Minnesota River Valley. The Nicollet County staffs in all departments are known for their willingness to work with all citizens of the County.

While the County staff cannot regulate the cities, there is a congenial working relationship and will continue to work with the city staffs as opportunities arise. Cities continue to educate and enforce best management practices in storm water control, erosion control during construction and offer incentives to their citizens to practice enhancement and preservation of their natural resources.

Staff will continue to work with all the public water suppliers in the county to further efforts to protect water quality and reduce potential impacts to drinking water sources that may be attributable to land uses.

Nicollet County's youth are important. County staff will continue to join the staffs of the surrounding counties, cities, agencies, and organizations to present and participate in educational opportunities throughout the county on a yearly basis.

SWCD and ESD staffs continue to administer the Minnesota Wetland Conservation Act Rules and Regulations. Staff and other partners may also assist landowners to preserve and restore wetlands through education and/or grants, such as Clean Water Partnership and Clean Water Legacy grants.

ESD staff will continue to provide administration of zoning, SSTS, feedlot, and solid waste ordinances. Staff answers questions and enforces the regulations in zoning and shoreland areas, storm water and erosion control methods, and solid waste.

Rural landowners are provided with education and low-interest loan opportunities, as available, for replacement of non-compliant septic systems. The County Board of Commissioners has authorized County money, in the form of low interest loans, to be used to assist people in upgrading their non-compliant septic systems. In addition, the Rush River CWP and Middle Minnesota CWP also provides assistance with low interest loans.

Staff provide opportunities for the citizens to access County, State and Federal funds to assist in farming practices through such programs as RIM, Conservation Reserve Enhancement Program (CREP) and grants from CWP, Clean Water Legacy (CWL) funds, foundations and other groups. These programs help achieve the goals within set rules and regulations while at the same time provides information that preserves and improves the natural resources.

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.

IMPLEMENTATION TO ADDRESS PRIORITY CONCERNS

Nicollet County has established an implementation schedule that prioritizes and outlines a timeframe and appropriate funding necessary for completing the goals, objectives, and actions identified throughout this document. This schedule also recognizes the agencies responsible for overseeing the implementation activities. The Implementation Schedule on the following pages correlates with the goals, objectives, and actions identified in the LWM Plan. The year in which the activity is expected to occur is provided, with most action items occurring throughout the five-year period.

PRIORITY CONCERN 1: STORMWATER CONTROL						
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
Urban Storm Water Control	1	Provide technical and financial assistance (as available) to communities to assist officials, developers, and contractors in the implementation of water quality related BMPs that will increase the infiltration of storm water and fulfilling MS4 program requirements. Example BMPs include rain barrels, rain gardens, retention basins, and pervious surfaces. Approximately 12 projects/sites per year	2013-2018	Developed Areas	Municipalities, Nicollet County ESD, MPCA	$2,000
	2	Assist communities and townships in researching grants and loans for stormwater projects, including control of erosion during construction and general erosion control along township roads	2013-2018	Countywide	Municipalities, Townships, Nicollet County ESD, MPCA	$500
Erosion Control & Best Management Practices	1	Continue research into various erosion control practices, including ravine erosion. Attend one workshop or conference dealing with erosion control each year.	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, Rush River, SMC, NRCS, MPCA, DNR	$1,000
	2	Implement erosion control practices at 5 locations per year that incorporate site specific fluvial geomorphology – toe wood sod mats and j hooks so fish can access the floodplain	2013-2018	Countywide	Nicollet SWCD, Rush River, SMC, NRCS, MPCA, DNR	$6,000
	3	Assist with stabilization of ravine off of Lake Street between North Mankato and Mankato through funding from 319 grant dollars, MnDOT, or Clean Water Funds	2013-2018	Ravine	Nicollet County ESD, City of Mankato, City of North Mankato	$500
	4	Hold one demonstration of new practices each year	2013-2018	Countywide	Nicollet SWCD, SMC, Rush River, Nicollet ESD, MDA, MPCA	$2,000
	5	Hold one demonstration on current practices each year	2013-2018	Countywide	Nicollet SWCD, SMC, Rush River,	$5,000

PRIORITY CONCERN 1: STORMWATER CONTROL						
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
					Nicollet ESD, MDA, MPCA	
	6	Re-enroll 10 CRP contracts per year	2013-2018	Countywide	Nicollet SWCD, NRCS, Rush River, SMC	$1,000
Protect Sensitive Land along Streams	1	Provide technical and financial assistance (as available) to landowners and communities for implementation of water quality related BMPs such as conservation tillage, vegetative buffer strips, sediment basins, grade stabilization structures, bank stabilization structures, shore land restoration, and rock intakes. Approximately 16 project/sites per year	2013-2018	Countywide	Nicollet SWCD, Rush River, Nicollet ESD, NRCS, SMC, MDA, MPCA	$2,000
	2	Send 20 buffer strip proposals to landowners per year to promote structural practices in ravine	2013-2018	Countywide	Nicollet SWCD, Rush River, Nicollet County ESD, NRCS, SMC, MDA, MPCA	$2,500
	3	Assist with the stabilization of the bank along the Minnesota River, specifically within the Seven Mile Creek Park boundary. Assistance can include installation of erosion control measures or identification of funding sources.	2014-2018	Seven Mile Creek Park	SMC, Nicollet SWCD, Nicollet County ESD, NRCS, MDA, MPCA	$10,000
Education	1	Provide educational opportunities to increase awareness of the effect of stormwater on slope stabilization and water quality (ex. Master Gardner meetings, partners' newsletters (St. Peter, North Mankato, Extension, Rush River/HIC), DNR's Moist Soil Management Unit). Approximately 3 events/projects per year	2013-2018	Countywide	Nicollet County ESD, Rush River, SMC, Master Gardener, MDA, DNR, MPCA	$2,000
					ESTIMATED ANNUAL TOTAL	$34,500

PRIORITY CONCERN 2: URBAN AND RURAL RESOURCE MANAGEMENT						
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
Establish Buffers	1	Evaluate and annually update land use data including GIS layers and LiDAR to identify and inventory high priority natural corridors to be enhanced. Evaluate in 2016-2018.	2016-2018	Countywide	Nicollet County ESD, Nicollet SWCD DNR	$20,000
	2	Develop and maintain a protection system for restored	2016-2018	Countywide	Nicollet County ESD,	$500

PRIORITY CONCERN 2:		URBAN AND RURAL RESOURCE MANAGEMENT				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
		or enhanced areas previously identified. Initiate in 2016.			Nicollet SWCD, DNR, BWSR, MPCA	
	3	Establish buffer strips around 2 existing wetlands per year throughout the duration of the Plan	2013-2018	Countywide	Nicollet SWCD, Rush River, NRCS, SMC, DNR	$1,000
	4	Hold 2 demonstrations on important aspects of native grass plantings in rural and urban areas where applicable	2013-2018	Countywide	Nicollet SWCD, Rush River, SMC, Nicollet County ESD, NRCS, Master Gardner, MDA, DNR	$1,500
SSTS	1	One County staff member will continue to provide oversight and assistance of State and County regulations and inspection services as part of the County's SSTS program.	2013-2018	Countywide	Nicollet County ESD, BWSR, MPCA	$45,000
	2	Provide information and assistance to homeowners on proper SSTS design, installation, operation, and maintenance through the ESD application procedure, annual newsletters, mailings, and website resources.	2013-2018	Countywide	Nicollet County ESD, MPCA	$20,000
	3	Provide educational and technical assistance to homeowners who are upgrading noncompliant SSTSs. Investigate and initiate corrective measures for improperly discharging SSTSs. Upgrade 65 non-compliant systems per year	2013-2018	Countywide	Nicollet County ESD, MPCA	$55,000
	4	Secure and administer financial assistance programs to provide assistance for homeowners to upgrade noncompliant SSTSs. Promote cost-share incentive payments available through the County to encourage voluntary septic system upgrades. Work with 50 homeowners each year.	2013-2018	Countywide	Nicollet County ESD Rush River	$20,000
	5	Seek out additional funding for noncompliant SSTSs for Low Income homeowners and for SSTSs classified as Imminent Threat to Public Health & Safety. Work with 10 homeowners each year.	2013-2018	Countywide	Nicollet County ESD Rush River	$5,000
Protect Wetland Resources	1	One Nicollet County employee and one Nicollet SWCD employee will continue to jointly administer the Minnesota Wetland Conservation Act.	2013-2018	Countywide	Nicollet County ESD Nicollet SWCD BWSR, DNR	$30,000
	2	Work with other agencies to re-establish 25 acres of	2013-2018	Countywide	Nicollet SWCD,	$1,000

PRIORITY CONCERN 2:		URBAN AND RURAL RESOURCE MANAGEMENT				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
		wetlands; continue establishing wetland acreage to total 100 acres by 2018			SMC, Rush River, MPCA,NRCS, Nicollet County ESD, DNR	
	3	Utilize college interns to continue mapping historic wetlands (started under Seven Mile Creek CWP Project) through an inventory of drained wetland sites using ARC GIS, LiDAR, hydric soils layers, other GIS data layers, and other tools available. Begin inventory in 2014.	2014-2018	Countywide	Nicollet County ESD, SMC, MPCA	$2,000
	4	Assess restoration and preservation priorities based on functions and values of wetlands mapped in the wetland inventory once inventory of drained wetland sites is completed. Anticipated start in 2016.	2016-2018	Countywide	Nicollet SWCD, SMC, Rush River, MPCA,NRCS, Nicollet County ESD, DNR	$1,000
	5	Examine potential wetlands impacts that may result from growth of St. Peter by 2015	2013-2015	East-Central Nicollet County	Nicollet County ESD, Nicollet SWCD, SMC, MPCA	$500
	6	Research the need for Local Comprehensive Wetland Protection Plan development by 2018	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, Rush River, SMC, DNR, BWSR, MPCA	$500
	7	Pursue grants or other initiatives to assist landowners in enrolling in agricultural wetland mitigation banking. Establish 200 acres by 2018.	2013-2018	Countywide	Nicollet SWCD Nicollet County ESD BWSR, NRCS, MDA	$1,000
Manage Parks & Scenic Areas	1	Initiate Park Plan that identifies goals and objectives specific to Nicollet County Parks & Scenic Areas operations	2013-2018	Countywide	Nicollet County PW Nicollet County ESD	$500
	2	Continue efforts to purchase additional land for established parks and scenic areas, with a priority on lands that would benefit from stream stabilization	2013-2018	County Parks	Nicollet County PW, Nicollet County PB	$1,000
	3	Identify grants and other avenues of funding to continue to furnish state-of-the-art playground equipment for existing County parks	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet County PB, Nicollet SWCD	$1,000
	4	Continue to enhance the County park and scenic areas with landscaping (including costs)	2013-2018	County Parks	Nicollet County PW, Nicollet County PB	$7,000

PRIORITY CONCERN 2:		URBAN AND RURAL RESOURCE MANAGEMENT				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
	5	Provide educational, technical, or financial assistance to landowners, cities, townships and agencies in preserving and enhancing scenic areas such as lakes and the scenic roadways as requested	2013-2018	Countywide	Nicollet County ESD, Municipalities, Extension, Rush River, SMC, DNR	$1,000
	6	Work with DNR and landowners in the Swan Lake Watershed to plant 25 acres of native plants and restore 25 acres of wetlands in addition to what has already been established since the 2008 LWM Plan	2013-2018	Swan Lake	DNR, Nicollet SWCD, Nicollet County ESD	$1,000
Administer Feedlot Program	1	One staff member will locally administer the County Feedlot Program to assist feedlot operators in obtaining and maintaining compliance with State and County regulations. Inspect at least 20 sites annually.	On-going	Countywide	Nicollet County ESD, MPCA	$45,000
	2	Provide educational, technical, and financial assistance (as available) to livestock producers to upgrade noncompliant feedlots. Work with approximately 5 noncompliant livestock producers each year.	On-going	Countywide	Nicollet County ESD, Extension, SMC, Rush River, MPCA, Nicollet SWCD, NRCS	$15,000
Promote Responsible Manure Management	1	Advocate manure and soils testing with 10 area producers and continue directing, according to State rules, any producer with stored manure from 100+ au and those with 300+ au to complete manure and soils testing, respectively	2013-2018	Countywide	Nicollet County ESD, Extension, SMC, Rush River, MPCA, Nicollet SWCD, NRCS	$1,000
	2	According to State rules, producers with 300 au or more who do not have commercial applicators need to prepare a Manure Management Plan (MMP). Assist producers in developing a MMP utilizing U of M guidelines that match application rates with needs of crops and discuss with area producers. This has occurred for at least 5 producers in the County and continues with each new application.	2013-2018	Countywide	Nicollet County ESD, Extension, SMC, Rush River, MPCA, Nicollet SWCD, NRCS	$10,000
	3	Provide educational and technical assistance to 5 agricultural and/or livestock producers each year on the effects of over-application of commercial fertilizer and manure	2013-2018	Countywide	Nicollet County ESD, Extension, SMC, Rush River, MPCA, Nicollet SWCD, NRCS	$1,000
	4	Continue to provide educational, technical and financial assistance (as available) to livestock producers for the implementation of water quality-related BMPs that will	2013-2018	Countywide	Nicollet County ESD Rush River, MDA, NRCS, MPCA,	$5,000

PRIORITY CONCERN 2:		URBAN AND RURAL RESOURCE MANAGEMENT				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
		reduce impacts from feedlots and manure management issues. Point source pollutants can be addressed by installing agricultural waste storage facilities, filter strips, roof structures, and animal mortality compost structures. Non-point source pollutants could be addressed through exclusion fencing and by installing animal watering facilities outside naturally occurring waterways. Provide assistance on approximately 3 projects/sites per year.			Nicollet SWCD, Extension	
	5	Seek 2 landowners who will install educational signs that show benefits of using manure as fertilizer, e.g. 10 hogs fertilize 1 acre	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, Extension, Rush River, MPCA, NRCS	$1,000
Administer Solid Waste Program	1	Continue to provide disposal options to discourage the illegal burning and burying of solid waste and investigate and remediate illegal dumping activities. Close 5 solid waste violation files each year.	2013-2018	Countywide	Nicollet County ESD, Tri-County SW, DNR	$30,000
	2	Promote proper solid waste disposal by annually educating residents, students, and businesses on waste reduction, recycling, and composting through school visits, newsletters, brochures, and events. Participate in 2 educational events per year.	2013-2018	Countywide	Nicollet County ESD, Tri-County SW, Nicollet SWCD, MPCA, DNR	$3,000
	3	Continue Open Burning/Burn Barrel education campaign through exhibits at County Fair or 1 other demonstration each year and distribute educational information packets to 50 residents per year	2013-2018	Countywide	Nicollet County ESD, Tri-County SW, Nicollet SWCD, MPCA	$1,500
	4	Explore alternative waste disposal practices that would benefit all or particular townships and cities within Nicollet County	2013-2018	Countywide	Nicollet County ESD, Tri-County SW, Townships, Municipalities	$3,000
	5	Seek additional funding for solid waste education programs to assist with the clean-up of problem areas	2013-2018	Countywide	Nicollet County ESD, Tri-County SW, MPCA	$500
Administer Water Management Plan	1	Continue to fund the LWM Plan Coordinator position to oversee implementation of the LWM Plan	2013-2018	Countywide	Nicollet County ESD, BWSR	$30,000

PRIORITY CONCERN 2:		URBAN AND RURAL RESOURCE MANAGEMENT				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
	2	Hold semi-annual task force meetings to review funding requests, review progress in achieving LWM Plan initiatives, and identify emerging issues that should be incorporated into the LWM Plan through the amendment process prior to its expiration in August 2018.	2013-2018	Countywide	Nicollet County ESD, Task Force	$10,000
	3	Comply with agency reporting requirements by announced deadlines and manage grant funds once obtained from funding sources.	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD	$500
	4	Actively pursue additional funding sources and grants to fund the implementation of LWM Plan initiatives. Seek partnerships and cooperative agreements to finance initiatives, when appropriate.	2013-2018	Countywide	Nicollet County ESD, BWSR	$1,000
	5	Invest in the acquisition, development, and maintenance of GIS datasets, including LiDAR, digital soil survey, land use layers, USFWS restorable wetland inventory layers, USFWS National Wetland Inventory, GIS generated storm maps, local inventory, and DNR data deli layers. Utilize these datasets to make informed decisions to prioritize implementation of conservation practices, land use planning, and water resource management.	2013-2018	Countywide	Nicollet County ESD	$10,000
Education	1	Continue to hold the Annual Children's Water Festival for 4th Graders as an opportunity to introduce youth to water quality and conservation topics.	2013-2018	Countywide	BNEH, Nicollet County ESD, BWSR, MPCA, DNR, GAC, MDA, Nicollet SWCD, Brown County ESD	$2,000
	2	Continue to attend Career Day and present occupational information in the environmental services to Nicollet County high school age students.	2013-2018	Countywide	Nicollet SWCD, NRCS, DNR	$500
	3	Educate elementary students on the importance of planting trees by donating tree seedlings to Nicollet County schools.	2013-2018	Countywide	Nicollet SWCD	$500
	4	Continue to participate in the DNR's Fort Ridgely Education Days for nearby Nicollet County area 5th and 6th graders. This activity provides an opportunity to relate wetlands and conservation topics to youth.	2013-2018	Countywide	Nicollet County ESD, DNR	$1,000

PRIORITY CONCERN 2:		URBAN AND RURAL RESOURCE MANAGEMENT				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate Per Year**
	5	Hold one event each year that provides education on wetland functions and importance and promotes wetland preservation and restoration programs	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, Rush River, SMC, NRCS	$1,000
					ESTIMATED ANNUAL TOTAL	$388,000

PRIORITY CONCERN 3:		WATERSHED RESTORATION AND PROTECTION				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate**
Middle Minnesota Watershed Restoration & Protection	1	Continue the initiatives as set forth in the CWP Work Plan	2013-2018	Seven Mile Creek Watershed	Nicollet SWCD, Nicollet County ESD, MPCA, DNR, BWSR, MDA, NRCS	$2,000
	2	Participate in the development of TMDL pollutant allocations for impaired waters through MPCA's WRAP process	2013-2015	Countywide	MPCA Nicollet County ESD Nicollet SWCD	$3,000
	3	Nicollet County to assist in the development of strategies to address TMDL allocations through: • Assessment of streams • Identification of stressors • Development of stream protection strategies • Development of stream restoration strategies • Engaging the public in education and awareness of goals and strategies	2013-2018	Countywide	MPCA Nicollet County ESD Nicollet SWCD	$5,000
	4	Form partnerships with adjacent counties and other stakeholders within the Middle Minnesota River Watershed to implement the Turbidity TMDL Study through the WRAP process	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, MPCA, Renville, Brown, Blue Earth, Le Sueur, and Sibley Counties	$1,500
	5	Continue to assist the MPCA with implementation of the Fecal coliform TMDL, through WRAP, as needed	2013-2018	Countywide	MPCA, Nicollet County ESD, Nicollet SWCD, SMC	$2,500
	6	Develop and implement 2 innovative ways of accomplishing the objectives of the Fecal Coliform TMDL Implementation	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, MPCA, DNR,	$3,000

PRIORITY CONCERN 3: WATERSHED RESTORATION AND PROTECTION						
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate**
					BWSR, MDA, NRCS	
	7	Contact 5 landowners each year along ditch systems to implement CRP	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, MPCA, DNR, BWSR, MDA, NRCS	$1,000
	8	Contact 5 landowners each year for wetland restorations under CRP	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, MPCA, DNR, BWSR, MDA, NRCS	$1,000
	9	Install 2 structural practices through EQIP & State Cost-Share Program each year	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, MPCA, DNR, BWSR, MDA, NRCS	$3,000
	10	Seek funding from Clean Water Land & Legacy Amendment to install Water Quality BMPs in Nicollet County	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, MPCA, DNR, BWSR, MDA, NRCS	$2,000
	11	Install 10 Erosion Control and/or Sedimentation Reduction BMPs in the Middle Minnesota Watershed using funding from 319, Clean Water and Legacy Amendment	2013-2018	Middle Minnesota Watershed	Nicollet County ESD, Nicollet SWCD, SMC, MPCA, DNR, BWSR, MDA, NRCS	$10,000
Seven Mile Creek Restoration & Protection	1	Investigate Impairment Listings on Seven Mile Creek	2013-2018	Seven Mile Creek Watershed	MPCA, SMC, Nicollet County ESD, Nicollet SWCD, DNR, BWSR	$2,500
	2	Pursue writing a TMDL Study for impairments on Seven Mile Creek, if applicable	2013-2018	Seven Mile Creek Watershed	MPCA, SMC, Nicollet County ESD, Nicollet SWCD, DNR, BWSR	$4,000
	3	Pursue removal of Seven Mile Creek from the TMDL List	2013-2018	Seven Mile Creek Watershed	MPCA, SMC, Nicollet County ESD, Nicollet SWCD, DNR, BWSR	$10,000
Roger's Creek Restoration & Protection	1	Assist the MPCA in investigating the Fish Biota (IBI) Impairment Listing on Roger's Creek, through the Middle Minnesota Watershed	2013-2018	Roger's Creek Watershed	MPCA, Nicollet County ESD Nicollet SWCD, DNR, BWSR	$1,500

PRIORITY CONCERN 3:		WATERSHED RESTORATION AND PROTECTION				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate**
	2	Pursue writing a TMDL Study for impairments on Roger's Creek, if applicable	2013-2018	Roger's Creek Watershed	MPCA Nicollet County ESD, Nicollet SWCD, DNR, BWSR	$4,000
	3	Pursue removal of Roger's Creek from the TMDL List if appropriate	2013-2018	Roger's Creek Watershed	MPCA, Nicollet County ESD, Nicollet SWCD, DNR, BWSR	$10,000
Lower Minnesota Watershed (former listed as Rush River Watershed) Restoration & Protection	1	Complete the Implementation Plan under WRAP for Fecal coliform Bacteria Impairment and continue assistance during the implementation of MPCA's Plan	2013-2018	Lower Minnesota Watershed	Nicollet County ESD, Nicollet SWCD, Rush River, MPCA, DNR, BWSR, MDA, NRCS	$2,500
	2	Assist the MPCA with the implementation of the Fecal Coliform TMDL Study through WRAP, within the Lower Minnesota Watershed	2013-2018	Lower Minnesota Watershed	Nicollet County ESD, Nicollet SWCD, Rush River, MPCA, DNR, BWSR, MDA, NRCS	$5,000
	3	Assist with the implementation of the Turbidity TMDL Study through WRAP, within the Lower Minnesota Watershed	2013-2018	Lower Minnesota Watershed	Nicollet County ESD, Nicollet SWCD, Rush River, MPCA, DNR, BWSR, MDA, NRCS	$5,000
	4	Seek innovative ways of accomplishing the objectives of the Fecal coliform Implementation Plan	2013-2018	Lower Minnesota Watershed	Nicollet County ESD, Nicollet SWCD, Rush River, MPCA, DNR, BWSR, MDA, NRCS	$1,500
	5	Contact 5 landowners per year along ditch systems to implement CRP	2013-2018	Lower Minnesota Watershed	Nicollet County ESD, Nicollet SWCD, Rush River, MPCA, DNR, BWSR, MDA, NRCS	$1,000
	6	Contact 5 landowners per year for wetland restorations under CRP	2013-2018	Lower Minnesota Watershed	Nicollet County ESD, Nicollet SWCD, Rush River, MPCA, DNR, BWSR, MDA, NRCS	$1,000
	7	Install 2 structural practices each year through EQIP &	2013-2018	Lower Minnesota	Nicollet County ESD,	$3,000

PRIORITY CONCERN 3:		WATERSHED RESTORATION AND PROTECTION				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate**
		State Cost-Share Program		Watershed	Nicollet SWCD, MPCA, DNR, BWSR, MDA, NRCS	
	8	Install 5 rock tile inlets per year	2013-2018	Lower Minnesota Watershed	Nicollet County ESD, Nicollet SWCD, Rush River, MPCA, DNR, BWSR, MDA, NRCS	$5,000
Education	1	Promote education on the improvement of the Minnesota River and the importance of its tributaries through website, brochures, advertisements, and educational events; Target 6 events per year	2013-2018	Countywide	Nicollet County ESD, Rush River, SMC, MPCA, CURE, DNR, BWSR, Extension	$1,500
	2	Engage the public through events that create awareness and a culture of working together toward a common goal of a cleaner Minnesota River; Target 2 events per year	2013-2018	Countywide	Nicollet County ESD, Rush River, SMC, MPCA, CURE, DNR, BWSR, Extension	$3,000
					ESTIMATED ANNUAL TOTAL	$94,500

PRIORITY CONCERN 4:		GROUNDWATER				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Lead Agency Supporting Agency**	**Cost Estimate**
Well Water Testing	1	Continue Township Well Water Testing program if applicable, every three years, through Nicollet County's nitrate clinic, MDA, or DNR's geologic atlas	2013-2018	Countywide	Nicollet County ESD MDA, DNR, MDH	$1,500
	2	Continue to support GIS water quality data base that records the results of the Township Well Water Testing program	2013-2018	Countywide	DNR, MDH, Nicollet County ESD	$500
Encourage Wellhead (Ground & Surface Water) Protection from Contamination	1	Assist the MDH and the 5 municipalities within Nicollet County with the preparation and implementation of wellhead protection plans for public water suppliers.	2013-2018	Municipalities	MDH, Cities of Lafayette, Courtland, Nicollet, St. Peter, and North Mankato Nicollet County ESD	$1,500
	2	Provide technical assistance to 5 property owners per year that have MDH designated transient and non-transient wells	2013-2018	Countywide	Nicollet County ESD Nicollet SWCD BN CHS	$500

PRIORITY CONCERN 4: GROUNDWATER						
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Lead Agency Supporting Agency**	**Cost Estimate**
	3	Educate 5 property owners per year about wellhead protection areas around their private wells	2013-2018	Countywide	Nicollet County ESD Nicollet SWCD BN CHS	$500
	4	Assist in seeking wellhead protection implementation funding	2013-2018	Countywide	Nicollet County ESD Cities of Lafayette, Courtland, Nicollet, St. Peter, and North Mankato, BN CHS, MDH	$500
	5	Identify the status of well vulnerability mapping and research the need for Conditional Use Permitting	2013-2018	Countywide	Nicollet County ESD BN CHS, MPCA	$500
	6	Promote irrigation BMPs (e.g., irrigation scheduling, monitoring soil moisture, etc.) to preserve water quality and quantity	2013-2018	Countywide	Nicollet County ESD MDA	$500
Encourage Proper Sealing of Unused or Abandoned Wells	1	Continue to provide information to the public on how to identify, locate and properly seal abandoned wells	2013-2018	Countywide	Nicollet SWCD DNR Nicollet County ESD BC CHS	$500
	2	Provide cost share (when available) to seal approximately 10 abandoned wells each year	2013-2018	Countywide	Nicollet SWCD Nicollet County ESD, SMC, Rush River, BWSR	$500
	3	Develop a Countywide inventory feasibility study of abandoned wells, initiating in 2015	2015-2018	Countywide	Nicollet County ESD, Nicollet SWCD MDH, BN CHS	$1,000
	4	Assist cities in obtaining funding for sealing and relocation of municipal wells	2013-2018	Municipalities	Nicollet County ESD, Municipalities, DNR	$500
Education	1	Assist Extension in one educational event (e.g., brochure, presentation, poster, etc.) per year on protection of rural wells	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, Rush River, Extension	$1,000
	2	Annually promote groundwater protection and water conservation of noncommunity public water supply systems and inter-well management zones through newsletters, mailings, website resources, and presentations	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, Rush River, MDH	$1,500

PRIORITY CONCERN 4:		GROUNDWATER				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Lead Agency Supporting Agency**	**Cost Estimate**
	3	Research what impact accelerated runoff across the landscape has on groundwater recharge by attending conferences, one per year	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, Rush River	$1,000
	4	Review of geologic atlas to see what geology contributes to groundwater movement within the County	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, Rush River	$500
	5	Identify impacts, amount and duration, to groundwater resources from anticipated industrial & rural development within the County	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, MDH, BN CHS, Municipalities	$500
	6	Conduct one training/workshop per year on nutrient management for agricultural producer who farms within a WHP area	2013-2018	Countywide	Nicollet County ESD, Nicollet SWCD, SMC, Rush River, MDA,	$1,000
					ESTIMATED ANNUAL TOTAL	$14,000

PRIORITY CONCERN 5:		DRAINAGE				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate**
Improve Drainage Management	1	Pursue the development of a comprehensive drainage management plan for Nicollet County that promotes water storage on landscape. Initiate the plan by 2015.	2015-2018	Countywide	Nicollet County PW Nicollet County ESD, Nicollet SWCD, MDA	$30,000
	2	Have County Drainage Authority consult the Drainage Management Plan as part of petition review process	2015-2018	Countywide	Nicollet County PW, Nicollet County ESD	$1,500
	3	Use flood water reduction and water quality improvement technologies based on current science and BMPs (ex. buffers, conservation drainage) when designing and implementing drainage repair	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet SWCD, SMC, Rush River	$500
	4	Coordinate & cooperate with other county drainage authorities regarding management of the drainage system	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet SWCD	$500
	5	Establish a GIS-based Public Drainage System Inventory by 2016.	2013-2016	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet SWCD	$20,000
	6	Utilize the Public Drainage System Inventory to identify	2016-2018	Countywide	Nicollet County PW,	$25,000

PRIORITY CONCERN 5:		DRAINAGE				
Objective	**No.**	**Action Item Description**	**Timeframe**	**Focus Area**	**Responsible Agencies**	**Cost Estimate**
		streams that are overloaded, areas needing filter strips, potential wetland restorations, and potential sites for controlled drainage			Nicollet County ESD, Nicollet SWCD, SMC, Rush River	
	7	Promote and market State and Federal conservation programs that target drainage areas	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet SWCD, SMC, Rush River	$1,000
	8	Provide assistance to private drainage system operators, including incentive programs, to implement BMPs	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, SMC, Rush River	$3,500
	9	Redetermination of ditch benefits conducted in a proactive manner	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD	$500
	10	Incorporate approaches outlined in BWSR's Multipurpose Drainage Synopsis as well as standards described in NRCS Drainage Water Management	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet SWCD, SMC, Rush River	$1,500
	11	Identify 10 properties each year that could utilize tile to augment long term water levels in wetlands	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet SWCD, SMC, Rush River	$10,000
Education	1	Conduct one education outreach event per year that describes and promotes incentive programs for conservation practices that retain water on landscape (ex. side inlet controls, bioreactors, control structures on tile systems, etc.)	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet SWCD, SMC, Rush River, MDA	$500
	2	Conduct a yearly drainage work group that invites area producers and other interested parties to a discussion on conservation drainage strategies	2013-2018	Countywide	Nicollet County PW, Nicollet County ESD, Nicollet SWCD, DNR, BWSR	$2,000
					ESTIMATED ANNUAL TOTAL:	$96,500

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Upper Minnesota River WD Watershed Management Plan**

Meeting Date: September 25, 2013

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

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: David Sill

Reviewed by: Southern Region Committee(s)

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

X 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 Upper Minnesota River Watershed District Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

Upper Minnesota River Watershed District Plan Update 2013:

http://www.umrwd.org/UMRWD-Overall-Plan---2013-DRAFT.html

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

The Upper Minnesota River Watershed District (UMRWD) was established on September 7, 1967 and encompasses a total of approximately 505 square miles. Lands within the District are distributed in the following counties: Big Stone, Traverse, Swift, Lac qui Parle, and Stevens. The 2013–2023 Plan emphasizes eight main areas through the identification of the following goals:

- Water quantity
- Water quality
- Erosion and sedimentation
- Biotic diversity
- Recreational Resources
- Intergovernmental Relationships
- Public Information / Education
- Implementation of Goals and Objectives

The UMRWD 2013–2023 Watershed Management Plan includes an updated inventory of the District's physical features and water resources, describes water related problems and possible solutions, describes past activities and projects the District has completed, and states objectives for current and future water resource management within the District.

The Southern Region Committee met on September 5, 2013. After review of the information, the Southern Region Committee recommends approval of the Revised Plan per the attached draft Order.

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

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

Whereas, the Board of Managers of the Upper Minnesota River Watershed District (UMRWD) filed a proposed Revised Watershed Management (Plan) dated March 2013 with the Board of Water and Soil Resources (Board) on March 20, 2013 and subsequent revisions, and Final Draft Revision received on July 17, 2013, pursuant to Minn. Stat. § 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established on September 7, 1967 by Order of the Minnesota Water Resource Board. The District is located in the headwaters of the Minnesota River and includes parts of Big Stone, Traverse, Swift, Lac Qui Parle, and Stevens counties. The mission of the District is to serve the residents of the District by managing water that sustains and enhances the social, economic and natural resources of the District. The goals of the district include water quality and quantity, erosion and sedimentation, biodiversity, recreation resources, intergovernmental relationships and public information and education.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in August of 2001. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resources management.

3. **Nature of the Watershed.** The District is located in west-central Minnesota with Big Stone Lake and the South Dakota border forming the western boundary of the District. Big Stone Lake and many other surface water resources are significant features of the District. Maintaining and improving the water quality of Big Stone Lake has historically been the

priority focus. The District has completed a number of activities oriented toward improving the lake's water quality. Flood control is another focused priority. A third priority is drainage water management focusing on drainage systems, wetlands and natural waterways.

4. **Territory.** The UMRWD is approximately 505 square miles in size and is located in west central Minnesota at the headwaters of the Minnesota River. Lands within the District are distributed in the following counties: Big Stone (81%), Traverse (8%), Swift (7%), Lac Qui Parle (3%), and Stevens (1%).

5. **Local Review.** The UMRWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405.

6. **Department of Natural Resources Review.** In a letter dated May 20, 2013 the DNR commented that overall the Plan update is extensive, thorough, resource-conscious and well prepared. In addition to some reference updates and editorial comments the letter focuses on restoration and protection of existing resources within the District. DNR supports the UMRWD alternatives to traditional agricultural drainage in Subsection 8.3.6 and recommends utilizing a natural channel design principles to mimic more natural stream conditions. Alternative methods to sediment removal and bank erosion and stabilization are recommended over traditional measures. DNR supports the establishment of buffers along drainage systems and natural waterways and suggest that an inventory of all existing buffers in the district be conducted (Subsection 7.1.2 and 11.3.2 Objective B). Recommendation to update the plan to include projects identified through the TMDL process development of Watershed Restoration and Protection Strategies for eligibility for Clean Water funding assistance (Subsection 4.8.5). Suggestion that the District expand that Big Stone Lake no net increase in nutrients policy to include other water bodies within the district (Section 7).

7. **Department of Agriculture Review.** The MDA encouraged continued and enhanced outreach to the agricultural sector; recommended the development of local project teams for flood impoundment projects similar to what watershed districts utilize in the Red River Valley; and enhanced use of LIDAR. MDA also provided numerous comments regarding drainage practices and procedures, suggested several irrigation information resources, and provided recommendations for the District's no-net increase in nutrient loads to Big Stone Lake.

8. **Pollution Control Agency Review**. In a letter dated May 17, 2013 MPCA commented on the many excellent goals and strategies of the Watershed District. They encouraged a watershed based approach and sustainable actions throughout the plan, encouraged clearer understanding of stakeholder concerns as they related to plan goals. It was stated that major TMDL work will begin in 2015 but encouragement was given for targeting impaired waters and spatial targeting of all implementation strategies. Finally the District was encouraged to be direct in the discussion of the downstream impacts of drainage and its mitigation efforts.

9. **Other review comments.** In addition to the state agency review comments UMRWD received comments from the **Lac qui Parle Yellow Bank Watershed District** which encouraged cooperation with South Dakota on any water quality concerns affecting the District, encouraged including a summary report of the recent 2 year monitoring effort with East Dakota Development District and encouraged specific targeting efforts. **Citizens for Big Stone Lake** encouraged the District to make the restoration project of the Whetstone River a higher priority, appreciated the inclusion of aquatic invasive species education and offered their support, and also encouraged cooperative efforts with South Dakota. **Lac qui Parle SWCD** provided several editing comments.

10. **Highlights of the Plan**. The Upper Minnesota River Watershed District continues to place priority on efforts to improve the water quality of Big Stone Lake – several water quality goals have been established. The headwaters of the Minnesota River are within the Upper Minnesota River Watershed thus implementation priorities can have significant downstream impacts. Though local monitoring has been ongoing – intensive monitoring and assessment working with MPCA will begin in 2015 for the watershed. Emerging issues within the District are related to potential conflicts between natural resource and water management issues associated with natural, modified and created watercourses. The District will take into account emerging research on agricultural drainage and consider emerging issues for mitigating downstream impacts. This includes consideration of research and pilot projects for multipurpose drainage including best management practices such as drainage coefficients and drainage water management techniques.

11. **Hearing Notice.** The Legal Notice of Filing on the Plan, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Morris Sun Tribune on May 25 and June 1, in the Appleton Press on May 29 and June 5, in the Western Guard on May 29 and June 5, in the Northern Star on May 30 and June 6, in the Ortonville Independent on May 28 and June 4, and in the Valley News on May 28 and June 4, 2013. Further, a copy of the notice of filing was mailed to several addresses notifying them of the legal notice of filing, including the Big Stone, Traverse, Swift, Lac Qui Parle, and Stevens County Auditors and Administrators, and Soil and Water Conservation Districts; all of the cities within the watershed district; and representative for the Watershed District.

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

13. **Board Staff Report.** On August 19, 2013, David Sill, Board Conservationist, submitted a memo to the Southern Region Committee in regard to the Upper Minnesota River Watershed District Water Management Plan Final Review. The letter summarized the watershed district

history, setting, and planning process. Staff believes the revision is in conformance with the requirements of Minnesota Statutes 103D and guidance developed by BWSR, and recommended approval of the 2013 – 2023 Upper Minnesota River Watershed District Watershed Management Plan.

14. **Southern Region Committee.** The committee met on September 5, 2013. Those in attendance from the Board's Committee were Paul Langseth, Tom Loveall, Sandra Hooker, Judy Ohly, Rob Sip, and Steve Sunderland. Board staff in attendance were Jeff Nielsen and David Sill. Board staff recommended approval of the plan. After discussion the Southern Region Committee made a motion and recommended approval of the Revised Upper Minnesota River Watershed District Water Management Plan.

CONCLUSIONS

1. The proposed Revised Plan is valid in accordance with Minn. Stat. § 103D.405.
2. Proper notice of filing was given in accordance with applicable laws.
3. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
4. The Board has proper jurisdiction in the matter of approving a Plan for the UMRWD pursuant to Minn. Stat. § 103D.405.
5. The attached Plan is in conformance with the requirements of Minn. Stat. Chapter 103D, Board guidelines for Watershed District Plan content, and is consistent with the affected counties' comprehensive water plans.

ORDER

The Board hereby prescribes the attached Plan dated August 30, 2013 as the Revised Watershed Management Plan for the Upper Minnesota River Watershed District.

Dated at Saint Paul, Minnesota this 25th day of September, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brain Napstad, Chair

Upper Minnesota River Watershed District

Plan Update

Draft

August 30, 2013

Prepared for:

Board of Managers

Upper Minnesota River Watershed District
211 2nd Street SE
Ortonville, MN 56278

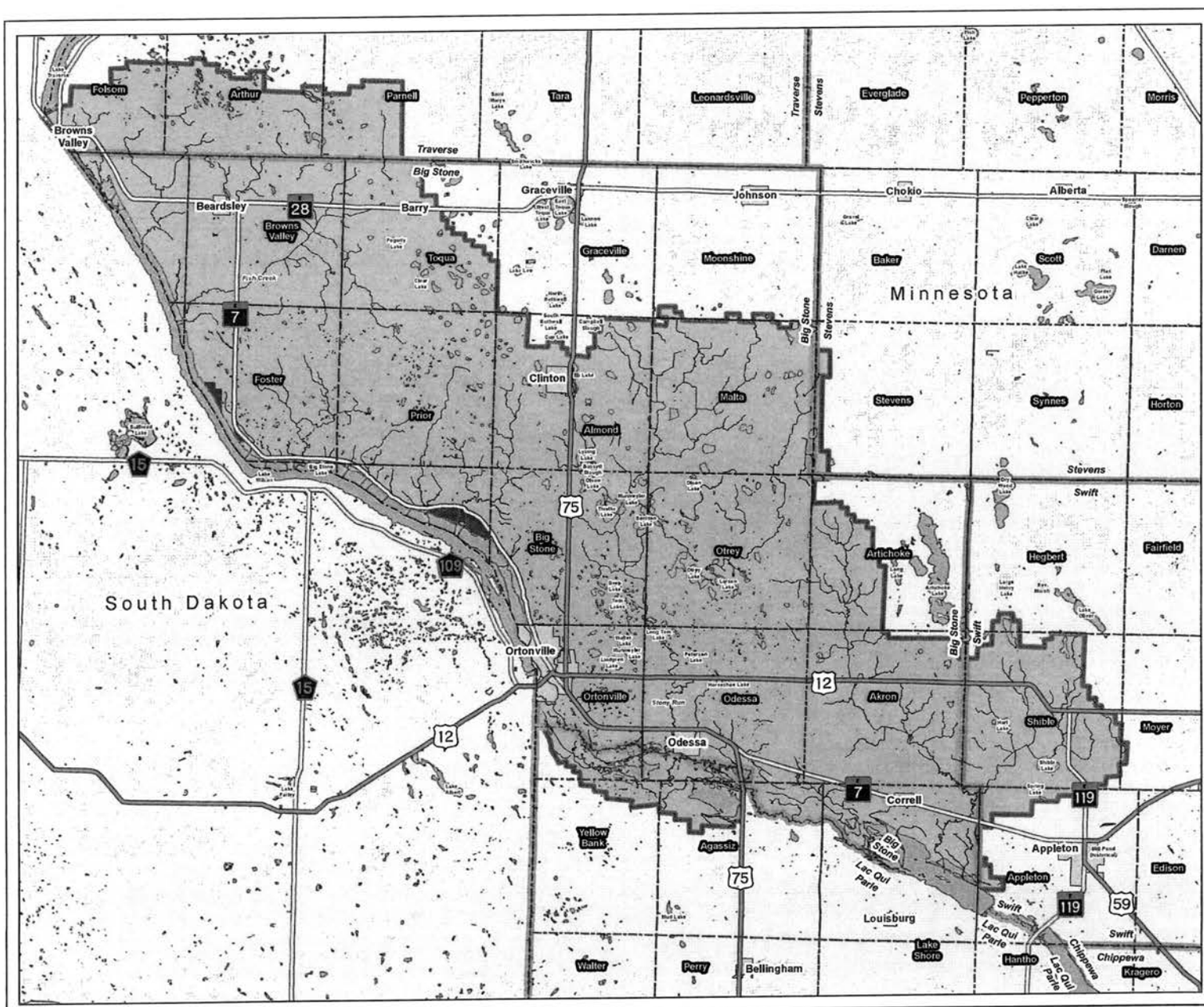
Originally Prepared by:

Houston Engineering, Inc. August 2001

Updated by:

- Kathryn J Draeger, PhD Environmental Ground, Inc.
- Dianne Radermacher, UMRWD Administrator
- UMRWD Staff

Upper MinnesotaRiver Watershed District



Legend

- Townships
- US Highway
- State Highways
- NHD Flowlines (Rivers)
- Municipalities
- NHD Waterbody (Lakes)
- Big Stone Lake State Park
- County Boundaries
- Upper Minnesota River Watershed

N
W E
S

0 2.5 5 10 Miles

Sources: MN DNR, SD DOT, MN DOT, NHD

Figure 1 District Location

Scale:	Drawn by:	Checked by:	Project No.:	Date:	Sheet:
AS SHOWN	SMW		5304-006	1/31/2012	1 of 1

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

7 GOALS AND OBJECTIVES OF THE DISTRICT

The Upper Minnesota River Watershed District has established broad-based goals within the water resource management areas of water quantity, water quality, erosion and sedimentation, biotic diversity, recreational resources, intergovernmental relationships and public information and education. When appropriate, more specific objectives are identified as a means to accomplish the goals. In all cases it is the intent of the District to cooperate with the counties within its boundaries in order to achieve mutual goals and objectives that have been identified in each of the counties' Comprehensive Local Water Plan. This is done by staff participation on the water plan technical advisory committees.

7.1 WATER QUANTITY

7.1.1 To reduce damages caused by floodwaters.

a. All drainage in the District, public and private, must be coordinated and include careful analysis by the board of managers; their engineer and county engineers under their individual authority.

b. Wetland restoration, enhancement and creation will be utilized where feasible and desirable to create storage.

c. Land management techniques which improve infiltration, water-holding capacity, and reduce runoff will be encouraged.

d. Water flow control measures, such as levees and dikes, will be utilized to control flooding where desirable and feasible.

e. Consistent and fair culvert sizing will be used on natural streams and drainage systems.

f. Collaboration with public and private entities will be encouraged to maximize flood control efforts and mitigate flood damage.

g. Runoff rates should be controlled through the use of water control structures or other suitable means so as to delay the flow of water and release water in a controlled manner.

h. Land locked basins will be investigated and taken into consideration for water level management.

i. The use of water control structures to develop storage of excess runoff on drained lake basins should be sought in areas where such storage is compatible with the present land use.

j. Overflow of water from one watercourse to another should be controlled in the best interests of the District and its residents.

k. The District will encourage cooperation with agencies and organizations, private or public, in the management of flooding.

l. The Managers of the District will endeavor to seek out assistance, private or public, financial or technical, concerning floodwater management.

m. District reserves the right to call a moratorium on all drainage activities during extreme spring runoff events.

n. Promote drainage water management techniques as a multiple benefit best management practice.

o. Encourage a systematic redetermination of benefits for the county drainage system before the next ten year plan.

7.1.2 Administer and maintain the drainage systems of the District in order to fulfill their intended function.

The following objectives are necessary in order to support its goal of maintaining adequate and functional drainage systems within the District:

a. Comply with the laws of the Minnesota Drainage Code.

b. Allow the addition and construction of a new drain into an existing legal drainage system or natural waterway only if it will not adversely impact downstream landowners, and the additionally benefited lands pay their proportionate share.

c. Clarify responsibilities and foster cooperation among land owners in regards to drainage issues by:

    1. Promoting more public, rather than private, drainage systems

    2. Promote private drainage agreements that are recorded on property deeds

d. Coordinate the development of agricultural drainage and ensure the adequacy of the outlets.

e. Repair, improve, relocate, modify, consolidate or abandon all or parts of drainage systems as best meets the needs of the District.

f. Authorize no drainage project until the project effects are understood and the project is deemed to be in the best interest of the District and the public.

g. Encourage landowners within the District to maintain wetlands.

h. Consider the utilization of drainage systems or natural waterways for the discharge of wastewater only when such discharges meet permit requirements of the Minnesota Pollution Control Agency and do not adversely impact downstream water quality as determined by the District.

i. Redetermine benefits when it is determined the present drainage system does not reflect current values or conditions.

j. Consider assessing outlet benefits on property responsible for increased sedimentation and drainage system maintenance, caused by land use practices that accelerate erosion and sedimentation.

k. Encourage landowners undertaking private drainage system improvements to establish permanent 1-rod grassed buffer strips for those systems with a constructed bottom width of 4 feet or greater.

7.1.3 Develop programs and projects, which sustain an adequate supply of high quality surface and groundwater for public and private use.

a. Use groundwater on a sustained yield basis.

b. Understand the extent of water use for irrigation. When necessary, restrict irrigation where it is found to have detrimental effects to ground or surface water supplies. The District will encourage the use of low pressure sprinkler systems for irrigation.

c. Encourage the study and delineation of aquifers that are important groundwater resources within the District.

d. Consider the possibility of incorporating water supply as a purpose into selected flood control projects.

e. Cooperate with municipalities within the District to determine how adequate water supply and water quality can be maintained.

f. Ensure that District policies and permits support the integrity of designated groundwater protection areas.

g. Encourage the restoration, enhancement or creation of wetlands that have the potential for groundwater recharge.

h. Encourage water conservation practices.

7.1.4 Lake Level – Big Stone Lake

Operation of the dam regulating flows leaving Big Stone Lake should be operated in a prudent, reasonable manner, in accordance with "Operation and Maintenance Manual Big Stone Lake - Whetstone River Flood Control Upstream Works – Minnesota River," dated March 1987 or subsequent revisions. Progress will be made in the coming years to both update and finalize the 1987 Operations and Maintenance Manual. In addition, the District will work to find an equitable cost sharing arrangement for the operations and maintenance of the dam among Minnesota, South Dakota, and benefiting private sector parties.

7.2 WATER QUALITY

7.2.1 General

Maintain or improve water quality of all surface water and groundwater resources within the District. To achieve the goal of maximizing water quality within the District, the following objectives are established:

a. Promote advanced treatment of wastewater at all point sources within the District and promote advanced treatment of surface water discharge as new technologies become available.

b. Uphold the existing laws controlling discharge of conventional and toxic pollutants into surface waters from point sources.

c. Monitor water quality when necessary and feasible to protect surface and ground water resources.

d. Encourage responsible, efficient use of fertilizers and pesticides in agricultural and urban settings.

e. Encourage land use and agricultural practices that reduce the movement of nutrients, sediments and other substances off surfaces and into groundwater and surface water resources.

f. Encourage the maintenance, restoration, enhancement or creation of wetlands that may be important for nutrient entrapment.

g. Assist the Minnesota Pollution Control Agency with the assessment and creation of any TMDL's necessary to address impaired waters with the District, and participate in the Watershed Approach activities as well.

h. Assist with educating and informing District residents how individual actions may impact water quality. Involve citizens in water quality monitoring.

7.2.2 Big Stone Lake Water Quality Goals

Because Big Stone Lake is such an important recreational and economic resource within the District and previous efforts to improve water quality are extensive; a separate goal has been developed for the lake. The contributing drainage area to Big Stone Lake is an estimated 740,157 acres, with 83.7% of the area located within South Dakota and 16.3% of the area in Minnesota. The present total phosphorus and total nitrogen loads to Big Stone Lake for a "normal" hydrologic year, for the entire contributing drainage area, are 16,346 kg/yr and 80,054 kg/yr, respectively.

The District has established an *interim goal* of no-net increase in nutrient loading to Big Stone Lake, from the contributing drainage area. The District established the interim goal because of the amount of time likely needed (probably decades) to attain the ultimate goal.

The District has also established an *ultimate goal* for the lake. This goal was a direct result of the ten year Big Stone Lake Restoration final report. The ultimate goal is to reduce nutrient loading to Big Stone Lake by 40% for a normal hydrologic year, from the contributing drainage area. The 40% annual load reduction corresponds to the following in-lake annual concentration goals:

Lake Segment	Total Phosphorus (ug l^{-1})	Chlorophyll-a (ug l^{-1})
BSL-1	220	42
BSL-2	160	38
BSL-3	105	38
BSL-4	80	36
BSL-5	100	39
BSL-6	110	38

7.3 EROSION AND SEDIMENTATION

Wind and water erosion and their affects upon streams and drainage systems are a significant, long-term problem within the District. Sedimentation reduces the capacity of drainage systems and streams, damages aquatic habitat and transfers nutrients and other pollutants downstream to lakes.

7.3.1 The District will initiate and support viable projects whose primary or secondary purpose is reducing erosion.

The following objectives have been adopted in support of the erosion and sedimentation goal:

a. The District will promote the installation of erosion control measures as needed on natural and artificial channel systems.
b. The District will ensure proposed projects incorporate sufficient erosion control measures in the design.

7.3.2 The District will pursue erosion control and sedimentation management along all drainage systems whether private or public.

The following objectives are in support of the goal of erosion control and sediment management:

a. Erosion control measures will be pursued where problems exist and in priority areas such as Fish Creek, Hoss Creek, and Stoney Run.
b. Erosion control practices should be included as a component on all projects, including repairs and improvements.

c. Establishment of permanent vegetation and buffer strips will be vigorously pursued through the district's permitting process on all drainage systems in collaboration with the SWCD and NRCS.

d. Encroachment upon ditch right-of-way by destroying permanent cover or cultivating over the crown of a spoil bank will not be permitted.

e. Sediment will be removed from legal drainage systems in order to maintain effective, efficient drainage systems.

f. Promote and advocate the use of accepted agricultural conservation management practices.

7.3.3 Natural areas and riparian buffer strips will be encouraged along natural waterways.

7.4 BIOTIC DIVERSITY

The District recognizes the value of its biotic resources and will seek to maintain the conditions and habitats critical to the existence of these resources. An immediate need is to determine the baseline of the existing biotic resources.

The District will promote the maintenance of biotic diversity (defined as the number and types of plants and animals).

a. The District will cooperate with agencies and organizations to maintain biotic resources.

b. The District will encourage the maintenance of habitat (wetlands, native prairie, woodlands, etc.) that is important for fish wildlife populations.

c. Concepts of biotic diversity will be incorporated into projects where deemed feasible (e.g., use of native grasses for buffer strips).

d. Exceptional or unique resources identified by the Minnesota Biological Survey will be protected.

e. Promote the use of temporary and permanent easements to enhance fish and wildlife habitat.

f. Work with and assist the DNR on education and implementation of invasive species goals and procedures, including distribution of materials that reference identification and preventative action for invasive species.

7.5 THE MARSH LAKE OPPORTUNITY

Marsh Lake is a shallow 5,000 acre reservoir at the confluence of the Pomme de Terre and Minnesota Rivers. It forms part of the boundary between Big Stone, Lac qui Parle and to a minor extent Swift Counties. The Work Progress Administration created the reservoir in 1938 as part of a water conservation project. According to the U.S. Army Corps of Engineers, the project was never intended to be used for flood control. The creation of the Marsh Lake Dam provided increased fish and wildlife habitat, new Colonial Water bird habitat, and associated recreational opportunities. Unfortunately, there were inherent ecological costs associated with the project. Natural river processes were disrupted, impacting sediment movement, floodplain function, fish movement and various aquatic habitats. Additionally, natural flooding and drying cycles were disrupted, reducing plant diversity and associated fish and wildlife benefits found in the area prior to the Dam.

Marsh Lake has also been subject to long-term degradation that is associated with the Dam and its design. As a result, the lake continues to evolve into a sterile, turbid basin where recreational, ecological and associated economic values are lost. In addition, land use changes and the rapid deliveries of water into the system are causing larger and faster rises in lake elevation. This has increased sediment, nutrient and bacteria loadings. Carp thrive in this environment and along with wind driven wave action, their activities stir up sediments, uproot vegetation and prevent the growth of new vegetation. All of these factors work together to suppress the aquatic vegetation critical for improving water quality and providing fish and wildlife habitat. With declining habitat quality, the ability of Marsh Lake to sustain hunting, fishing and other recreational opportunities is being lost.

7.6 RECREATIONAL RESOURCES

Promote recreational opportunities when possible within the District.

The following objectives are consistent with the District's goal of creating recreational opportunities:

a. Remove stream impediments to enhance boating and rafting activities on the river systems, consistent with ecological principles.

b. Complete wetland restoration and wildlife enhancement features to enhance wildlife habitat and in turn recreational opportunities.

c. Develop facilities, where feasible and practical, to enhance recreational activities on streams and lakes within the District.

d. To provide facilities, where feasible and practical, for the observation of wildlife.

7.7 INTERGOVERNMENTAL RELATIONSHIPS

7.7.1 All initiatives of the District should utilize potential cooperative efforts with appropriate federal, state, county, and township agencies.

7.7.2 The District shall adopt by reference the applicable and compatible provisions of County Comprehensive Local Water Plans.

7.7.3 The District shall continue to provide representation on County Water Resource Advisory Committees which are active within its jurisdiction.

7.8 PUBLIC INFORMATION AND EDUCATION

7.8.1 The District shall seek to inform and educate the citizens within its jurisdiction of all its ongoing activities and projects.

7.8.2 The District shall seek to inform and educate the citizens within its jurisdiction of the benefits of the conservation of water and soil in the preservation and enhancement of our natural resources.

7.9 IMPLEMENTATION OF GOALS AND OBJECTIVES

The Upper Minnesota River Watershed District was created by and operates under Section 103D of the Minnesota Statutes. This legislation gives the District its authority to establish rules and regulations, require permits, construct projects, conduct studies, and perform other activities which contribute to the purpose for which the District was organized. Therefore, the District will use the power granted to it by the legislature to implement its goals and objectives. Implementation decisions are made at regularly scheduled Board meetings throughout the year. In addition, the Board conducts project planning and

coordination meetings with its Watershed District Advisory Committee, as required under Section 103D.331, on an annual basis. These meetings provide the Board of Managers with an opportunity to reflect on the effectiveness of meeting goals and objectives during the past year, as well as to re-invigorate its efforts for the coming year. Through these various meetings, the Board maintains an effective course of action to insure the implementation of its goals and objectives.

8 POLICIES OF THE DISTRICT

The following policies have been developed by the District as solutions to problems identified in Section 6.0, Existing Water and Water-Related Problems and to obtain the goals identified in Section 7.0, Goals and Objectives of the District.

8.1 PROJECT INVESTIGATION AND INITIATION

8.1.1 Petitioned Projects (Policy PI-1)

Projects of the Upper Minnesota River Watershed District may be initiated through the petition process as outlined in Section 103D of the Minnesota Statutes. The petition process remains an effective way for interested landowners to receive relief from unacceptable and undesirable "as-is" conditions.

The District has and will continue to assist the landowners and other interested parties in actively pursuing projects through the petition procedure.

8.1.2 Projects for the General Benefit of the District (Policy PI-2)

The District has historically allocated funds from its administrative and maintenance accounts for work with widespread benefits throughout the District. The restoration efforts of Big Stone Lake are an example. The District has and will continue to sponsor works of common benefit within the District.

8.1.3 Majority Resolution of the Board (Policy PI-3)

Section 103D.601 of the Minnesota Statutes authorizes the Board of Managers of Watershed Districts to initiate projects by a majority resolution of the Board of Managers. In most cases, funding utilized to construct projects of this nature is obtained from other governmental agencies or other agencies outside of the affected area. These projects are unique in that it is usually difficult to define an immediate adjacent benefiting area for assessment purposes. Instead, the benefiting area for these projects may be

10.2 WATERSHED MANAGEMENT PLAN COORDINATION

In order to implement the actions identified in this WMP, the District intends to work closely with the CAC, local, state, and federal government agencies, and watershed residents.

10.3 WATERSHED MANAGEMENT PLAN IMPLEMENTATION

This WMP is intended to be implementation oriented. The District is positioned for successful WMP implementation by the establishment of clearly linked resource issues, goals and policies, and specific action items. Section 11 of this document defines a probable implementation timeframe as well as an estimated index for successive years' budget. It is, however, anticipated that the implementation plan will be periodically reviewed and updated. The District will annually prioritize work activities from the implementation plan which will constitute the targeted efforts for the coming year. These work activities represent the annual work plan for the District. The intent is to provide flexibility to address emerging issues or new opportunities. Thus, priorities set for items in the implementation plan can be modified during development of annual work plans. Unforeseen items not on the implementation plan can be added.

An evaluation of the estimated costs associated with the implementation of this Plan is provided in Table 1. According to the Table, to fully implement the 112 initiatives contained in the Plan, costs would be estimated at $5,458,100 over the next ten years. Whiel the District generates $180,000 per year through its General Fund tax levy, not all of this money can be dedicated to projects; a portion will be used for staffing and other administrative costs. As a result, the District understands that it will need to seek outside sources of revenue (i.e. grants) and partnerships with other local units of government and State and Federal agencies to effectively implement this Plan.

Table 1

Estimated Plan Implementation Costs

Goal	# of Initiatives	Total Estimated Costs
Goal 1: Water Quantity	32	$3,027,500
Goal 2: Water Quality	19	$787,500
Goal 3: Erosion & Sedimentation	7	$353,000
Goal 4: Biotic Diversity	5	$23,100
Goal 5: Recreational Resources	4	$100,000
Goal 6: Intergovernmental Relationships	7	$314,500
Goal 7: Public Information & Education	11	$85,000
Goal 8: Implementation of Goals & Objectives	27	$767,500
Total	**112**	**$5,458,100**

10.4 WATERSHED MANAGEMENT PLAN SCHEDULE

Implementation of the WMP will begin with its adoption by the board of managers and final approval from BWSR. The WMP will remain in effect for a ten-year period which is specified as August 2013 to August 2023.

10.5 INTERGOVERNMENTAL CONFLICTS/RESOLUTION PROCESS

During plan development, no intergovernmental conflict occurred. Should such a conflict arise, the board of managers will attempt to mitigate the conflict. If efforts to resolve the conflict fail, a petition to conduct a contested case hearing will be submitted to BWSR.

10.6 WATERSHED MANAGEMENT PLAN EVALUATION

Periodic review is necessary to assess the success of this plan. The board of managers and CAC will conduct a review every two or three years to ensure the management strategies remain pertinent. Amendments will be recommended if needed.

11 IMPLEMENTATION PLAN

The Upper Minnesota River Watershed District's Watershed Management Implementation Plan for the years 2013 to 2023 is as follows:

11.1 GOAL 1: WATER QUANTITY

11.1.1 Objective A: Reduction of damages caused by floodwaters

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Finalize the phase I Browns Valley Flood Mitigation Project by completing as built drawings and conducting grant fund closeouts.	Little Minnesota River	2013-2015	*UMRWD	$50,000
2. Browns Valley Flood Mitigation Project annual inspections and maintenance.	Little Minnesota River	2013-2023	*UMRWD	$120,000
3. Reduce flows to Big Stone Lake from the Whetstone River. Work with the US Army COE on the restoration of the Whetstone River. • Complete diagnostic feasibility study, pre engineering and cost estimate. • Complete final engineering and project development plans. • Secure Funding Construction/Restoration of river channel.	Big Stone Lake, Minnesota River	2015-2016 2016-2017 2017-2018 2019-2023	*COE, UMRWD, DNR, SD DENR, CBSL, Big Stone County	$300,000
4. Toelle Coulee. Apply for flood damage reduction funding for the design and construction of Phase II of the Browns Valley Flood Mitigation Project.	Little Minnesota River	2017-2019	*UMRWD City of Browns Valley MN DNR	$1,000,000
5. Flood Predictions. Work with the North Central Rivers Forecast Center on flood predictions for Big Stone Lake. Submit lake level and snow pack data to NCRFC for evaluation on an annual basis.	Big Stone Lake	2013-2023	*UMRWD	$1,000/yr
6. Beardsley Dry Lake Flood Control Project. Operation, maintenance and annual inspection.	Hoss Creek	2013-2023	*UMRWD	$500/yr
7. New Drainage. Investigate the adoption of conservation drainage techniques which may include a drainage coefficient and control structures on new gravity flow pattern tile systems, where applicable.	All	2014-2016	*UMRWD	$2,000
8. Highway 12 Flood Control Project - Initiate annual operation and maintenance review	Minnesota River	2013-2023	*UMRWD	$1,000/yr

9. Garner resources in order to conduct a complete hydrological model of the UMR watershed. • Identify project parameters • Determine potential consultants and estimated costs • Seek funding resources to complete.	All	2013-2023 2014-2015 2016-2017 2018-2020	*UMRWD, DNR, BWSR.	$180,000
10. Based on hydrologic modeling, identify key areas for wetland restoration on private land and partner with USFWS, DNR, SWCD's and others and implement	All	2013-2023	*UMRWD, DNR, BWSR., MOA, SWCD	100,000
11. Promote drainage water management techniques as a multiple benefit best management practice	All	2013-2023	*UMRWD, DNR, BWSR., MOA	100,000

11.1.2 Objective B: Administer and maintain drainage systems of the District.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Drainage System Management. Ensure that public drainage systems are operated and maintained in accordance with State Drainage Law (M.S. Chapter 103E) and other applicable regulations.	All	2013-2023	*Counties, *UMRWD, DNR	$2,000/yr
2. Reduce flows to Big Stone Lake from the Whetstone River. Work with the US Army COE on the restoration of the Whetstone River.	Big Stone Lake, Minnesota River	2013-2023	*COE, UMRWD, DNR, SD DENR	$300,000
3. Rules and regulations. Review existing permit rules and regulations and make necessary changes.	All	2013	*UMRWD	$1,000
4. Branch 3A to County Ditch 13. Annual inspection and maintenance.	Lindholm Creek	2013-2023	*UMRWD	$35,000
5. Public Drainage Systems Inventory. Develop a GIS-based inventory of public drainage systems in the District. This inventory should include detailed attribute information for each system, including past maintenance efforts.	All	2013-2016	*Counties, UMRWD	$10,000
6. Improvement of Subwatershed Delineations. Work with partnering agencies to improve the accuracy of subwatershed delineations. Identify and document tile drainage that crosses sub-watershed boundaries	All	2013-2023	*DNR, *USGS, UMRWD	$500/yr
7. Public Waters Inventory. Review the current Public	All	2013-2023	*UMRWD, DNR	$5,000

Waters Inventory via field review or in office GIS review annually.				
8. Alternative Drainage Practices. Provide financial incentives to landowners for the implementation of alternative drainage water management practices that have the potential to improve water quality and reduce peak flows. Utilize District funds or apply for grants from BWSR Clean Water Funds to implement these activities. These alternatives may include any of the following: 1) the storage of water; 2) retiring land from production; 3) the use of temporary set-aside programs; 4) the utilization of set-back levees; 5) the use of diversions (which may include strategically diverting agricultural water into temporary storage areas); 6) restoring the natural flow characteristics of the stream channel; 7) creating multi stage channels; and 8) all other traditional and non-traditional approaches	Stony Run, Big Stone County Ditch 2, Swift County Ditch 10, Fish Creek.	2013-2023	*UMRWD, Counties, SWCDs, BWSR, MDA	$100,000
9. Seek grant funding for County and WD Drainage Records Modernization from the BWSR. Conversion of paper, Mylar and other types of hard copy documents and maps to digital format providing an archived copy of all original documents and maps. Conversion to digital format will improve access to drainage system records; and enhance drainage system management ability.	All	2015-2018	UMRWD, *Big Stone County,	$50,000
10. Seek funding via the Clean Water Fund/BWSR for Multipurpose Drainage Management Planning for a public drainage system. With engineering assistance develop sub-watershed (drainage system) scale implementation plans for multipurpose drainage management on Chapter 103E drainage systems to protect and improve water quality, together with adequate agricultural drainage, equitable flood protection, peak flow and erosion reduction, and wildlife habitat improvement.	County Ditch 7, County Ditch 13, County Ditch 2	2013-2023	UMRWD, *Big Stone County.	$200,000

11.1.3 Objective C: Sustain high quality surface and ground water supply.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Wellhead Protection. Participate in the preparation and implementation of wellhead protection plans for public water suppliers which include Ortonville, Odessa, Browns Valley, and Beardsley.	All	2013-2023	*Cities, UMRWD, Counties, MDH	$1,000/yr
2. BMP Program. Provide technical and financial assistance, as available, to local governmental units and landowners for the implementation of groundwater protection BMPs in the drinking water management areas identified by the city wellhead protection plans.	All	2013-2023	*Cities, UMRWD, Counties, MDH	$2,000/yr
3. Water Appropriation Permits. Review and provide comments, as necessary. On all water appropriation permit applications submitted to the DNR within the District.	All	2013-2023	*MN DNR, UMRWD, SWCD, Counties	$250/yr
4. Dam Reconstruction and Repair. Provide technical and financial assistance, as available, for the reconstruction and repair of dams to ensure adequate water levels are maintained. Complete an inventory of dam structures.	All	2013-2023	*UMRWD	TBD
5. Rule Recommendation. Regulate the reconstruction and repair of dams and other water control structures in the District.	All	2013-2023	*UMRWD	$1,000
6. Hydrologic Investigations. Conduct hydrologic investigations, as needed, to resolve conflicts in existing data and determine the influence of lesser-known basins in the District.	All	2013-2023	*UMRWD, DNR, USGS	$2,000/yr

11.1.4 Objective D: Lake level management

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Big Stone Lake/Whetstone River Operating Plan. • Finalize the draft Operating and Maintenance Plan by reconvening the Minnesota/South Dakota Boundary Waters Commission. • Implement operation and maintenance plan annually.	Big Stone Lake, Minnesota River	2013-2018 2013-2023	*UMRWD, COE, DNR, SD DENR, MPCA, SD GF&P, Ottertail Power	$8,000
2. Big Stone Lake/Whetstone River Maintenance Funding. Work with cooperating agencies to provide funding for operation and maintenance.	Big Stone Lake, Minnesota River	2013-2015	*UMRWD, COE, DNR, SD DENR, MPCA, SD GF&P, Ottertail Power	$3,000

3. Landlocked Basins. Work with DNR on the reduction and/or management of lake levels on Swenson Lake, and wetlands located in Sections, 11, 14, 16, 17 of Otrey Township, Section 27 of Akron Township, Sections 14 and 15 of Ortonville Township and Section 3 of Toqua Township which include subwatersheds: Stony Run, Five Mile Creek, and Fish Creek.	Stony Run, Five Mile Creek, Fish Creek	2013-2023	*DNR, Counties, UMRWD, USF&WS, ACOE	$10,000
4. Reduce flows to Big Stone Lake from the Whetstone River. Work with the US Army COE on the restoration of the Whetstone River. • Complete diagnostic feasibility study, pre engineering and cost estimate. • Complete final engineering and project development plans. • Secure Funding • Construction/Restoration of river channel.	Big Stone Lake, Minnesota River	2015-2016 2016-2017 2017-2018 2019-2023	*COE, UMRWD, DNR, SD DENR, CBSL, Big Stone County	$300,000
5. Stream flow Monitoring. Submission of lake level data to USGS monthly and financial support for the USGS gaging station at Peever quarterly.	Big Stone Lake, Minnesota River	2013-2023	*UMRWD, USGS	$50,000

11.2 GOAL 2: WATER QUALITY

11.2.1 Objective A: Maintain or improve the quality of all surface and groundwater

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Wastewater discharges. Work with the City of Ortonville on the dilution of their WWTP discharges.	Minnesota River	2013-2023	*UMRWD, City of Ortonville	$100/yr
2. Wetland Restoration. Kleindl wetland restoration bank restored. Complete annual monitoring of vegetation management and water control structures; also documentation of hydrology for the five year monitoring period. Sub-watershed – identify where located.	Fish Creek Big Stone Lake	2013-2018	*UMRWD	$8,000/yr
3. Storm water BMPs. Continue the rain garden/lakeshore buffer cost-share program by completing three projects per year.	Big Stone Lake, Minnesota River	2013-2023	*UMRWD, CBSL	$5,000/yr
4. Water Quality Monitoring. Continue the Big Stone Lake Water Quality Monitoring Program and Big Stone Lake	Big Stone Lake, Minnesota River	2013-2023	*UMRWD, CBSL	$11,000/yr

tributary monitoring.				
5. Data Collection and Organization. Develop and maintain a user-friendly database for all water resource monitoring data.	All	2013-2023	*UMRWD, MPCA	$2,000/yr
6. Subwatershed Water Quality Goals. Build local water quality database, utilizing available data to identify specific water quality goals for water resources. Use to target BMP implementation at the sub-watershed level utilizing CWL funding.	All	2015-2016	*UMRWD	$5,000/yr
7. Monitoring Plan. Prepare an annual Monitoring Plan for assessing the condition of surface and groundwater resources, as well as identifying pollution sources. This Plan should identify the specific sites to be monitored and contain detailed information on the physical, chemical, and biological parameters to be analyzed at each site.	All	2013-2023	*UMRWD, DNR, CBSL, MPCA, USGS	$1,000/yr
8. Volunteer Monitoring. Recruit volunteers to participate in monitoring programs. At least one volunteer should be identified from Big Stone Lake, Long Tom, Marsh, and Otrey.	All	2013-2023	*UMRWD, CBSL, MPCA	$300/yr
9. Annually submit surface water quality data to MPCA/EPA to be entered into MPCA's Environmental Data Access (EDA) system.	All	2013-2023	*UMRWD	$2000/yr
10. Mapping Application. Develop an interactive, web-based mapping application that connects users with water quality data from specific monitoring sites. UMRWD plans to link the interactive web based mapping application on our website.	All	2013-2014	*UMRWD	$5,000
11. Monitoring Summary. Include a summary of all monitoring data in the Watershed District annual Report.	All	2013-2023	*UMRWD	$500/yr
12. Stormwater Management Regulations. Cooperatively work with local units of government to ensure that all new development complies with local, State and Federal stormwater management regulations, whichever is more stringent. Provide watershed technical information and data as requested.	All	2013-2023	*Cities, *Counties, UMRWD, MPCA	$250/yr

13. Stormwater Management Ordinances. Provide technical assistance to local governmental units for the development of stormwater management ordinances.	All	2013-2023	*UMRWD, Cities, Counties	$8,000
14. BMP Program. Provide technical and financial assistance, as available, to local governmental units and landowners for the implementation of stormwater management BMPs.	All	2013-2023	*UMRWD, Cities, Counties, SWCDs	$5,000/yr
15. Rule Recommendation. Require that stormwater discharges to all water resources be approved by the District.	All	2013	*UMRWD	$1,000
16. MPCA Watershed Approach. Coordinate the preparation and implementation of the MPCA's Watershed Approach. • Intensive monitoring and assessment. • Watershed characterization and problem investigation (occurs over first three years); • Watershed Restoration and Protection Strategies	All	2015-2017 2015-2018 2016-2020	*UMRWD, LAs, MPCA	$200,000
17. Wastewater Treatment. Cooperatively work with local governmental units and other partners to identify and resolve wastewater treatment-related pollution issues in Ortonville, Browns Valley.	Big Stone Lake, Minnesota River	2016-2020	*City of Browns Valley, *City of Ortonville, UMRWD, MPCA	$2,500/yr
18. Based on subwatershed modeling, analysis, and TMDL results. Those high priority subwatersheds identified will be focused upon for implementation of restoration and/or protection activities and projects.	All	2018-2023	*UMRWD, *MPCA	$40,000/yr
19. Finalization of the Mud Lake wetland restoration projects, 5-Mile Creek subwatershed	Five Mile Creek	2013-2018	*DNR, *NCRS, UMRWD	$2,000

11.3 GOAL 3: EROSION & SEDIMENTATION

11.3.1 Objective A: Initiate and support projects to reduce erosion.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Stormwater Runoff. Restoration of the Central Park stormwater system in Ortonville.	Big Stone Lake, Minnesota River	2013-2023	*UMRWD, City of Ortonville, CPR	$80,000
2. Installation of water and sediment basins, grassed waterways and buffer strips. Encourage the installation of water and sediment	All	2013-2023	UMRWD, *SWCDs, Counties, FSA,	$300/yr

basins along with other erosion control practices through the District's permitting program.			*NRCS	
3. Highly Erodible Land. We will communicate to our local partners SWCD and NCRS to identify and target highly erodible land for enrollment in conservation easement programs and other cost share programs, such as CRP and RIM.	Hoss Creek, Fish Creek, Stony Run, Swift County Ditch #10	2013-2023	*SWCDs, UMRWD *NCRS	$2,000/yr
4. Stream Stabilization. Implement and/or provide technical and financial assistance, as available, to landowners for stream stabilization.	All	2013-2023	*UMRWD, DNR, COE	$20,000/yr
5. Implement stream stabilization and debris removal projects to maintain stream integrity on the lower reaches on the Whetstone River, Little Minnesota River, and the far upper reach of the Minnesota River.	All	2013-2023	*UMRWD, DNR, COE	$20,000/yr
6. BMP Program. Provide technical and financial assistance, as available, to local governmental units and landowners for the implementation of erosion and sediment control BMPs. Through the use of GIS and LIDAR develop an electronic map of the landscape to identify critical sources of water quality degradation and their locations in order to select and implement BMPs.	All	2013-2023	*UMRWD, *SWCDs, NRCS	$2,500/yr

11.3.2 Objective B: Erosion control along all private and public drainage systems.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Buffer strips. Continue to promote the installation of buffer strips on all private and public drainage systems within the district and work with the SWCD to develop an inventory of existing buffers within the District.	All	2013-2023	*UMRWD, Counties, SWCDs	$500/yr

11.4 GOAL 4: BIOTIC DIVERSITY

11.4.1 Objective A: Cooperate with agencies to maintain and improve biotic resources.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost

1. River Restoration. Continue to work with DNR Fisheries and the National Wildlife Refuge on the Whetstone River and Minnesota River Restoration projects.	Minnesota River	2013-2023	*UMRWD, DNR, USF&WD	$5,000
2. Public Water Access Signage. Install and maintain signage regarding the spread of invasive aquatic species at all public water accesses. .	All	2013-2023	*DNR, *LAs, UMRWD	$2,000
3. Minnesota Biological Survey. Acquire and utilize county Biological Survey data to prevent impact to the critical habitat areas of listed species.	All	2013-2023	*UMRWD, DNR	$100
4. On an individual basis, work with DNR on installing fish passages and barriers	Minnesota River Stoney Run	2013-2023	*DNR, *UMRWD	$1,000
5. Work with and assist the DNR on education and implementation of invasive species goals and procedures, including distribution of materials that reference identification and preventative action for invasive species	All	2013-2023	*DNR, *USF&WS, *UMRWD	$15,000

11.5 GOAL 5: RECREATIONAL RESOURCES

11.5.1 Objective A: Create recreational resources.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Facilities. Enhance the Big Stone Lake/Whetstone River Control site for recreational use.	Big Stone Lake, Minnesota River	2013-2023	*UMRWD, City of Ortonville, DNR	$3,000/yr
2. Wetland Restoration. Continue to work with the US F&WS on wetland restorations on Public lands. We would estimate up to 20 in this time frame	All	2013-2023	*UMRWD, USF&WS	$1,000/yr
3. Consider alternative opportunities for land locked basins, like Swenson Lake which could include flood easements, and controlled outlets.	Stoney Run, Fish Creek, Five Mile Creek, Minnesota River	2013-2023	*DNR, *USF&WS, UMRWD	$10,000
4. Support/sponsor the Marsh Lake restoration efforts that will restore the Pomme de Terre River to its historic channel, modify the Marsh Lake Dam, construct fishway, construct secondary drawdown structure, breach dike at abandoned fish pond, install gated culvert in the Louisburg Grade Road.	Minnesota River	2013-2017	*DNR, *COE, FWS, UMRWD	$5,000/yr

11.6 GOAL 6: INTERGOVERNMENTAL RELATIONSHIPS

11.6.1 Objective A: Cooperative efforts with federal, state, counties and townships.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Continue the cooperative DNR General Permitting Program.	All	2013-2023	*UMRWD, DNR	$2,000/yr
2. Host a rain garden demonstration with the U of M or DNR. Contact landowners for site location.	All	2013-2023	*UMRWD, DNR, U of M	$3,500
3. Continue to work with the State of SD on the implementation of a water quality monitoring program for the Whetstone and Little Minnesota Rivers, and all future water quality/quantity projects.	Big Stone Lake, Minnesota River	2013-2023	*UMRWD, SD DENR, EDWDD	$1,000
4. Continue to work with the National Wildlife Refuge and DNR Fisheries on the restoration of the Whetstone River and Minnesota River. • Complete diagnostic feasibility study, pre engineering and cost estimate. • Complete final engineering and project development plans. • Secure funding • Construction/Restoration of river channel.	Big Stone Lake, Minnesota River, Whetstone River	2015-2016 2016-2017 2017-2018 2019-2023	*COE, UMRWD DNR, SD DENR, DNR	$300,000
5. Continue the cooperative Rural Well Testing and Fourth Grade Wetland Restoration Projects with the Ortonville School, Big Stone County LWP, and USF&WS.	All	2013-2023	*UMRWD, Big Stone County, Ortonville School District, USF&WS	$2,000/yr
6. Continue to assist the City of Browns Valley and Traverse County with Browns Valley Flood Mitigation Plan.	Big Stone Lake, Minnesota River	2013-2023	*UMRWD, City of Browns Valley, Traverse County	$1,000/yr
7. Watershed board will maintain open communications and work with the township and county boards on issues pertaining to and impacting water quality and quantity management.	All	2013-2023	*UMRWD, Big Stone County Townships	$1,000/yr

11.7 GOAL 7: PUBLIC INFORMATION/EDUCATION

11.7.1 Objective A: Inform and educate citizens on conservation projects/programs.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Produce articles on conservation practices such as rain gardens, water quality, and conservation BMPs. We will produce articles at least annually.	All	2013-2023	*UMRWD	$300/yr
2. Continue the Rural Well Testing Program through Ortonville High school and cooperative effort with the Big Stone County Local Water Plan.	All	2013-2023	*UMRWD, Big Stone Co., Ortonville School District	$100/yr
3. Website for the District. Continue to enter data and update information and provide links to resources.	All	2013-2023	*UMRWD	$2,000/yr
4. Update the District's water management plan beginning in 2021 through 2023.	All	2013-2023	*UMRWD	$2,000
5. Hold a drainage tile educational seminar for local farmers and tile installers regarding emerging technologies for conservation drainage and drainage water management.	All	2014-2015	*UMRWD, MDA	$3,000
6. Volunteer Recruitment. Actively recruit and properly train volunteers to assist the District in water resource management.	All	2013-2023	*UMRWD, CBSL	$500/yr
7. Advisory Committee. Actively recruit residents to serve on the District's Advisory Committee.	All	2013-2023	*UMRWD	$100/yr
8. Youth Involvement. Support the implementation of water resource projects with youth.	All	2013-2023	*UMRWD	$1,000/yr
9. Educational Events and Workshops. Sponsor and facilitate education events and workshops with partnering agencies.	All	2013-2023	*UMRWD, DNR, SWCDs, Counties	$2,500/yr
10. Public Information Package. Develop a public information package that can be economically mailed or distributed to residents that explains what a watershed is and how they can impact water resources on a daily basis.	All	2013-2023	*UMRWD	$1,000/yr
11. Information Materials. Develop and collect informational materials, including brochures and other handouts that summarize land use/water resource issues in the District and make them readily available to the public.	All	2013-2023	*UMRWD	$500/yr

11.8 GOAL 8: IMPLEMENTATION OF GOALS AND OBJECTIVES

11.8.1 Objective A: Maintain an active Board of Managers and Advisory Committee.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Board of Managers Meetings. Hold monthly meetings of the District's Board of Managers.	All	2013-2023	*UMRWD	$7,500/yr
2. Advisory Committee Meetings. Hold quarterly meetings of the District's Advisory Committee.	All	2013-2023	*UMRWD	$1,000/yr
3. Future Membership. Recruit and maintain a listing of persons who are interested in serving on the Advisory Committee.	All	2013-2023	*UMRWD	$100/yr

11.8.2 Objective B: Maintain adequate staffing and utilize consultants when necessary.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Staffing Plan. Develop and implement a Staffing Plan to ensure that the goals and objectives of the District are effectively implemented.	All	2013	*UMRWD	TBD
2. Consultants. Utilize consultants to address engineering, hydrologic, and planning issues when necessary	All	2013-2023	*UMRWD	TBD
3. Increased staffing to implement water quality and quantity project and resource acquisition	All	2013-2023	*UMRWD	$40,000/yr

11.8.3 Objective C: Provide training opportunities for Board Managers, Advisory Committee members, and staff.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Conferences and Workshops. Provide funding for Board Managers, Advisory Committee members, and staff to attend conferences and workshops to increase internal knowledge and skills.	All	2013-2023	*UMRWD	$4,000/yr
2. New Manager and Committee Member Training. Conduct or provide funds for new Board Managers and Advisory Committee members to attend a training program to familiarize them on the	All	2013-2023	*UMRWD	$1,000/yr

many functions and responsibilities of the District.				

11.8.4 Objective D: Develop a comprehensive public relations program.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Mission Statement. Annually review District's mission statement.	All	2013	*UMRWD	$100/yr
2. District Website. Regularly maintain and update the District website.	All	2013-2023	*UMRWD	$500/yr
3. Annual Report. Prepare and distribute an Annual Report that summarizes the District's accomplishments to be submitted to BWSR by July 15th of each year.	All	2013-2023	*UMRWD	$1,500/yr
4. District Newsletters. Prepare and distribute newsletters at least annually via our district website. www.umrwd.org	All	2013-2023	*UMRWD	$2,000/yr
5. Tours. Provide tours of the watershed to stakeholders that highlight projects that the District has been involved with and areas that are in need of attention.	All	2013-2023	*UMRWD	$2,000/yr
6. Press Releases. Prepare and distribute quarterly press releases that summarize District activities and decisions.	All	2013-2023	*UMRWD	$500/yr

11.8.5 Objective E: Foster relationships with potential partners.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Meetings. Hold regular meetings with potential partners to discuss partnership opportunities and roles in implementation.	All	2013-2023	*UMRWD	$1,000/yr
2. Technical Committees. Form technical committees, as necessary, to address specific water resource issues.	All	2013-2023	*UMRWD	$500/yr
3. Directory. Maintain a current directory of representatives from all Federal, State, and local agencies, offices, and special interest groups. These representatives should be sent regular updates on the activities of the District.	All	2013-2023	*UMRWD	$100/yr

11.8.6 Objective F: Develop and implement a regulatory program.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. District Rules. Review, revise, adopt, and implement rules for the District.	All	2013-2023	*UMRWD	$30,000
2. Permitting and Inspection Program. Review and revise a permitting and inspection program for the implementation of rules.	All	2013-2023	*UMRWD	$8,500

11.8.7 Objective G: Strive for efficient planning and fiscal accountability.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Additional Funding Sources. Actively pursue additional funding sources, such as grants and donations, in order to fund the implementation of initiatives and reduce the tax levy burden on the residents of the District. Seek partnerships and cooperative agreements to finance initiatives, when appropriate in coordination with the District's annual work plan identify Clean Water Fund grant opportunities to pursue that year.	All	2013-2023	*UMRWD	$2,000/yr
2. Annual Work Plan and Budget. Prepare and adopt an annual work plan and budget following the statutory requirements of M.S. Chapter 103D.	All	2013-2023	*UMRWD	$500/yr
3. Annual Audit. Conduct an annual audit of the financial records of the District.	All	2013-2023	*UMRWD	$2,000/yr
4. Financing Mechanisms. Utilize appropriate financing mechanisms to fund District initiatives, including but not limited to mechanisms and procedures outlined in M.S. Chapter 103D.	All	2013-2023	*UMRWD	TBD

11.8.8 Objective H: Review and update the Watershed Management Plan.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Annual Plan Review. Hold an annual meeting of the Advisory Committee to review progress in achieving plan initiatives and identify emerging issues and opportunities that should be incorporated into the Plan through the amendment process.	All	2013-2023	*UMRWD	$100/yr

2. Plan Revision. Revise the Watershed Management Plan prior to its expiration by utilizing the completed watershed restoration and protection strategies (*WRAP*) via the one watershed, one plan approach.	All	2021-2023	*UMRWD, BWSR	$50,000

11.8.9 Objective I: Provide for UMRWD General Operating Support.

Initiative	Priority Subwatershed(s)	Proposed Timeframe	Coordinating Agency(s) (*Lead)	Estimated Cost
1. Continued levy based support of the UMRWD with a base 2013 level of approximately $100,000. *Please refer to table 1	All	2013-2023	*UMRWD	$1,000,000

Table 2

EVALUATION OF ORIGINAL OBJECTIVES OF THE UPPER MINNESOTA RIVER WATERSHED DISTRICT

Plan Objective	Degree of Activity[16]	Is there Need for Similar or Revised Policy?
To slow down weed and algae growth in the District's Lakes.	High	Yes
To reduce the pollution of the water in the lakes and water courses within the District.	High	Yes
To intelligently regulate the water levels of the various lakes within the District.	High	Yes
To keep adequate records of the water level, the chemistry, and other useful data.	High	Yes
To enhance the recreational facilities and scenic beauty of the District.	Moderate	Yes
To improve the needed drainage, prevent excessive runoff or seepage, and provide needed soil and water conservation in the District.	High	Yes
To provide funds to accomplish these objectives and to engage technical assistance and advice.	Moderate	Yes
To preserve, maintain, and improve habitat for fish and wildlife.	High	Yes

[16] Since preparation of "Overall Plan Upper Minnesota River Watershed District" (1988).

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Sibley County Local Water Management Plan Update**

Meeting Date: September 25, 2013

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 Region 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

LINKS TO ADDITIONAL INFORMATION

Sibley County Local Water Mangement Plan 2013-23

http://www.sibleyswcd.org/2013%20Draft%20Water%20Plan.pdf

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

On June 22, 2011 the Board of Water and Soil Resources (Board) approved the Sibley County Priority Concerns Scoping Document.

On December 14, 2011, the Board officially approved Sibley County's request for an extension of the end date of their current local water management plan to December 31, 2013.

On June 25, 2013, the Board received the Sibley County Local Water Management Plan Update (Plan Update), a record of the public hearing, and attendance sheet from the public hearing for final State review. No written comments pertaining to the Plan were received as part of the public hearing process.

On September 5, 2013, the Southern Region Committee (Committee) of the Board met with representatives of Sibley County to review state agencies review recommendations and comments. The Committee recommends approval of the Sibley County Plan Update with the requirement that text is added to the Plan Update explaining why some farmers are returning to moldboard plowing in a corn-on-corn rotation. This revision will have to be received by BWSR prior to September 25, 2013.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Sibley County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on June 25, 2013 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 March 4, 2011, the Board was mailed a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On June 22, 2011, the Board approved the Priority Concerns Scoping Document.

3. On October 13, 2011, the Board received a written request and resolution from Sibley County for an extension of their current local water management plan.

4. On December 14, 2011, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to December 31, 2013.

5. On June 25, 2013, the Board received the County Plan Update, a record of the public hearing, and attendance sheet from the public hearing for final State review pursuant to M.S. Section 103B.315, Subd. 5. No written comments were received as part of the public hearing process.

6. On September 5, 2013, the Southern Region Committee of the Board met via conference call with representatives of the County to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) noted Plan Update does not violate any statutory or rule requirement administered by the MPCA and recommends approval of the entire Plan Update. MPCA provided additional comments for consideration.

   - Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update. MDA provided additional comments for consideration.

- Minnesota Department of Health (MDH) noted Plan Update does not violate any statutory or rule requirement administered by the MDH and recommends approval of the entire Plan Update.

- Minnesota Department of Natural Resources (MDNR) noted Plan Update does not violate any statutory or rule requirement administered by MDNR and recommends approval of the entire Plan Update.

- Minnesota Environmental Quality Board provided no comments.

- Board regional staff recommends approval of the County Plan Update

7. On September 5, 2013 the Southern Region Committee decided to recommend approval of the Plan Update to the Board on September 25, 2013 with the requirement that text is added to the Plan Update explaining why some farmers are returning to moldboard plowing in a corn-on-corn rotation.

8. On September 16 , 2013, the Board received the revised text as required.

9. On September 25, 2013, the Southern Region Committee of the Board presented its recommendation of approval of the Sibley County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.

10. This Plan Update will be in effect for a ten-year period until September 25, 2023, with the Goals, Objectives and Action items amended by September 25, 2018.

CONCLUSIONS

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

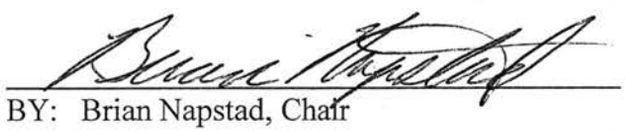
2. The Sibley County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Sibley County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by September 25, 2018.

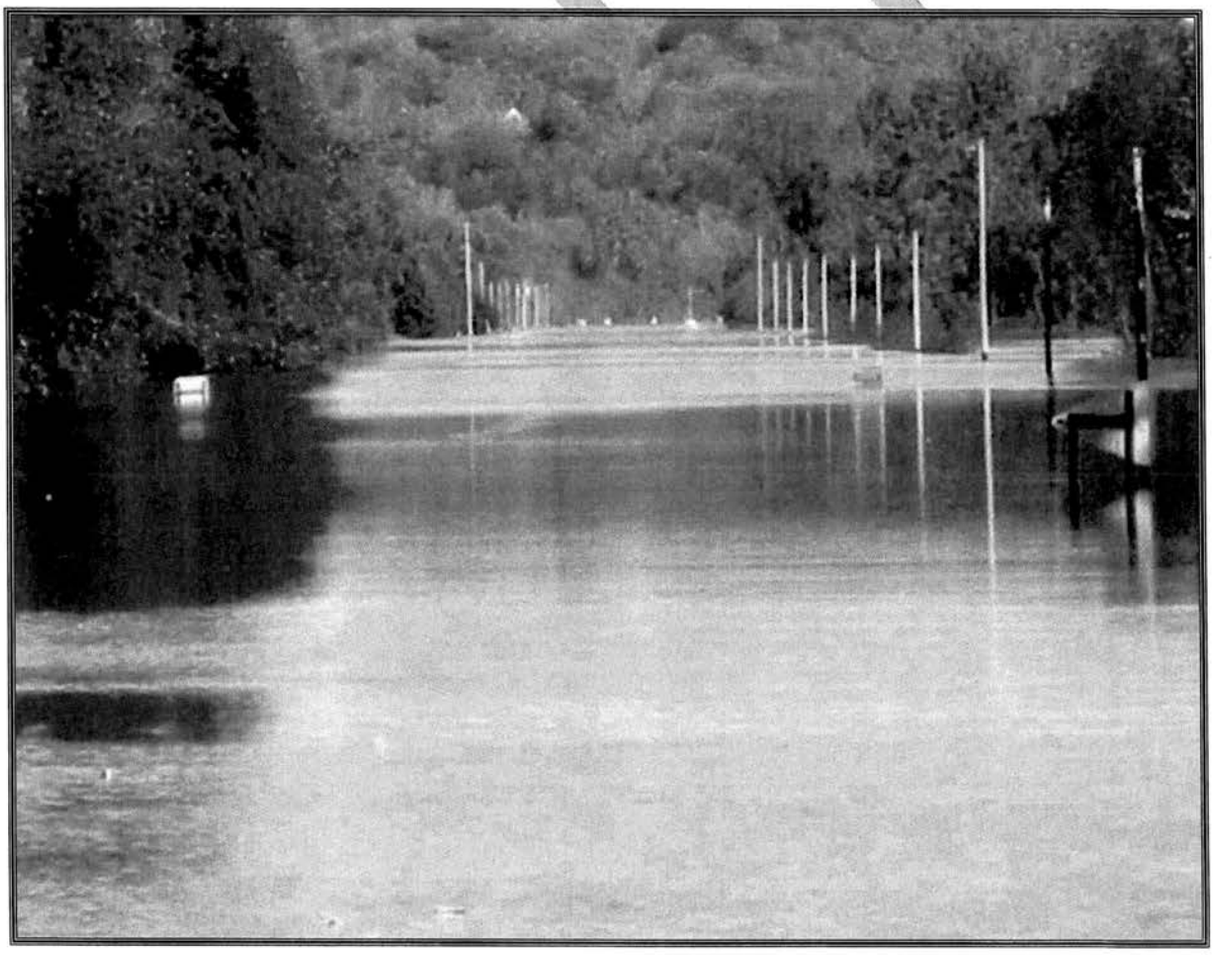
Dated at St Paul, Minnesota this September 25, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Brian Napstad, Chair

Sibley County Comprehensive Local Water Plan 2013 – 2023



County Road 6 - September 2010

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Sibley County Board of Commissioners

Jim Nytes, District 1
Bill Pinske, District 2
Jim Swanson, District 3
Joy Cohrs, District 4
Harold Pettis, District 5

Sibley SWCD Board of Supervisors

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Tom Pfarr
Loren Evenson
Jeff Majeski
Tim Dolan

Local Water Management Coordinator

Ronald Otto

With Special Assistance From:

Tom Fischer, BWSR

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Sibley SWCD will be responsible for the administration/coordination of the Sibley County Comprehensive Water Plan.

The Sibley County Comprehensive Water Plan will be effective from 2013 to 2023.

ACRONYMS

BC	Buffalo Creek (Crow River Watershed)
B/S	Bevens Silver Creek
BWSR	Board of Water and Soil Resources
BMP	Best Management Practices
CB	Sibley County Board of Commissioners
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CWF	Clean Water Fund
CWP	Clean Water Partnership
DNR	Minnesota Department of Natural Resources
DWSMA	Drinking Water Supply Management Area
EPA	Environmental Protection Agency
EQIP	Environmental Quality Incentive Program
ES	Environmental Services
FSA	Farm Service Agency
GIS	Geographical Information Services
HIC	High Island Creek
HICWD	High Island Creek Watershed District
IBI	Index of Biological Integrity
IWM	Intensive Watershed Monitoring
JPB	Joint Powers Board
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MM	Middle Minnesota
MPCA	Minnesota Pollution Control Agency
NPDES	National Pollutant Discharge Elimination System
NRGB	Natural Resources Block Grant
NRCS	Natural Resource Conservation Service
PH	Sibley County Public Health
RIM	Reinvest in Minnesota
RR	Rush River
SWCD	Soil and Water Conservation District
TMDL	Total Maximum Daily Load
USDA	United States Department of Agriculture
USGS	United States Geological Survey
WCA	Wetland Conservation Act
WRAC	Water Resources Advisory Committee
WS	Watersheds

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Executive Summary

Introduction

Sibley County is located in south central Minnesota approximately 50 miles southwest of the Twin Cities. The City of Gaylord is the County Seat. Sibley County is in the first ring of counties outside the Seven County Metropolitan Area. Sibley County's population is estimated to rise only 3.1% by 2035 (see Table 1). The eastern townships of Sibley County will see the most growth and as one moves west, in the county, the rural population will decline see Figure 2.

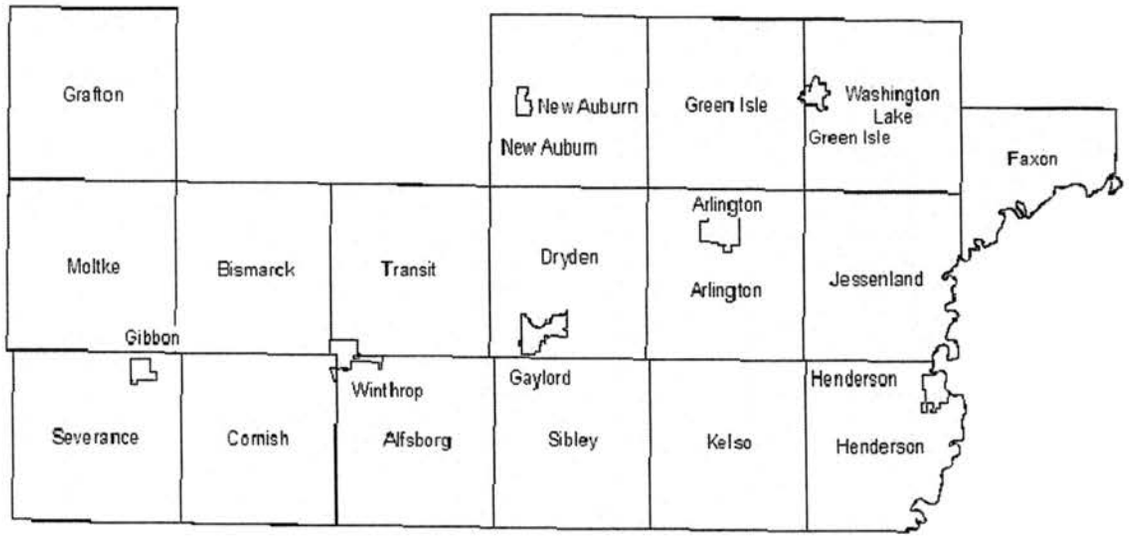
Figure 1 Sibley County

Surrounding counties include; McLeod County to the north, Carver County to the northeast, Scott County and Le Sueur County across the Minnesota River to the east, Nicollet County to the south and Renville County to the west.

Table 1 Sibley County Census (From State Demographers Office)

Census	2000	2006	2010	Projected 2035
Townships	7122	6889	6616	6670
Cities	8234	8417	8610	9180
Total	15356	15306	15226	15850

Figure 2 Townships and Cities



The Lower Minnesota River Watershed encompasses the largest part of the county (91%). The High Island Creek, the Rush River and the Bevens Silver Creek Watersheds along with the direct flow areas make up the Lower Minnesota River Watershed. (See Figure 3)

The Middle Minnesota River Watershed lies on the western edge of Sibley County. It flows to the south and is 6% of the area. The watershed contains Eight Mile Creek and a portion of Little Rock Creek.

The Buffalo Creek which flows in and out of the county on the northern edge contains 3% of the land area of the county. It flows to the South Fork Crow River Watershed which flows into the Mississippi River.

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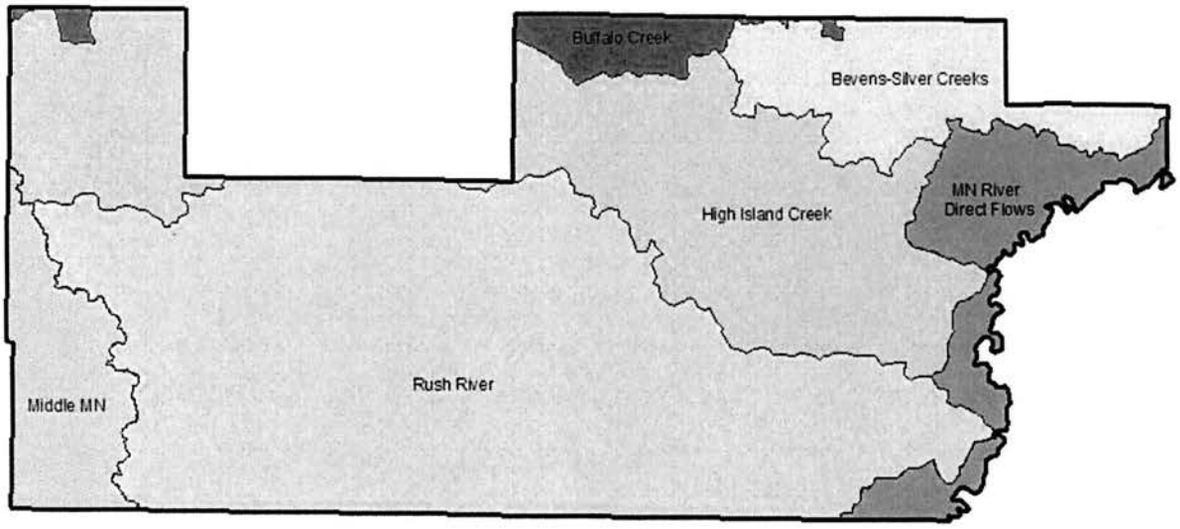
Figure 3 Sibley County Major Watersheds



Agriculture is the dominant land use in Sibley County and will continue to be dominant in the future. Corn, soybeans, sugar beets, sweet corn and peas make up the majority of crops that are produced in Sibley County. Animal agriculture has declined in Sibley County since 2000 when the last water plan was updated. Large operations make up most of the animal agriculture in Sibley County today.

Background of Water Plan Process

The Sibley County Board of Commissioners passed a resolution on June 6, 1988 to apply for a grant to develop the County Comprehensive Water Management Plan and on July 16, 1988 appointed the first Water Resources Advisory Committee (WRAC). The first plan was approved by the Board of Soil and Water Resources in November 1990 and adopted by the Sibley County Commissioners on December 11, 1990. The first revision began with a resolution to update the Comprehensive Water Plan on October 25, 1994. The first revision was adopted by the Sibley County Board of Commissioners on July 9, 1996. The second revision of the County Water Plan began with a resolution to update on February 8, 2000. This revision was adopted by the Sibley County Board of Commissioners on February 12, 2002. The Sibley County Board of Commissioners passed a resolution to update the current Sibley County Comprehensive Water Plan on June 22, 2010. Because of time restraints in 2011 the Sibley County Board of Commissioners requested a two year extension to the current water plan. This extension was granted by BWSR. The current Water Plan will now end on December 31, 2013. This will be the third revision and the fourth generation of the Comprehensive Water Plan.

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Sibley County Environmental Services administered the Plan from the inception until the end of 1999. At that time the Sibley County Board of Commissioners asked Sibley SWCD to administer the Plan. Sibley SWCD continues to administer the Sibley County Comprehensive Local Water Plan at this time.

Plan Purpose

The purpose of the Local Water Management Plan is to protect the water resources in the county from point and nonpoint sources of pollution. The water plan meets the requirements set forth in Minnesota Statutes 103B.301 - .335. Subdivision 4 of Minnesota Statutes 103B.311 requires water plans to have the following:

1. The plan must cover the entire county.
2. The plan must address problems in the context of watershed units and groundwater systems.
3. The plan must be based upon principles of sound hydrologic management of water, effective environmental protection and efficient management.
4. The plan must be consistent with local water management plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system.
5. The plan must cover a five or ten year period. Sibley County has decided that its plan will be for 10 years with review and amendment to the plan as necessary in five years.

Past Accomplishments

Sibley SWCD, Sibley County and its partners (listing is found at the end of this section) have worked on a significant number of the objectives contained in the 2002-2011 Sibley County Comprehensive Local Water Plan. Many existing and ongoing programs were built or enhanced as a result of implementing the water plan. Following are a few of the accomplishments from Sibley SWCD; NRCS; High Island Creek Watershed Clean Water Partnership; and Rush River Watershed Clean Water Partnership:

- 8,825 feet of terraces
- 2 Ag waste pits
- 54 unused wells sealed
- 1 Diversion
- 24 Water & Sediment Basins
- 8 Grade Stabilization Structures
- 357 acres of CREP
- 566 acres of RIM/WRP
- 465 Alternative Tile Inlets
- 175 acres of Wetland Restorations

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- 255 acres of Filter Strips
- Annual Educational Booth at the Sibley County Fair
- Develop, update and maintain the educational page on SWCD website
- Educational open house showing installation of rock inlets
- Calibration of manure spreading equipment
- Two Water Quality days for 4H
- Strip-Till demonstration plots

Well Sealing Program

From 2002 through 2010, 448 wells were drilled by landowners and 467 unused or abandoned wells were sealed. Water Planning secured a $10,000.00 grant in 2002 that sealed 27 wells at 50% cost share. Sibley SWCD funds the sealing of unused wells at 50% of the cost of sealing, up to $400 per well, if cost-share funding is available. Sibley SWCD has used State Cost Share funds to seal 68 wells since the program began in 2005. In 2012, fifteen landowners signed contracts to seal wells on their property.

Septic System Program

The Environmental Services Office administers planning and zoning, feedlots, septic systems, county and judicial ditches, floodplain, shoreland, agricultural weed and seed inspections and solid waste. The office has a director, an assistant director, an aide, an office manager and a part time solid waste officer. The Environmental Services Office contracts with a private contractor to do its septic system inspections.

Planning and Zoning updated the county's septic system ordinance in 2009. The updated ordinance is more restrictive than state law in certain areas. The ordinance states that systems must also comply with MPCA Rule 7080. In 2004 Sibley County required all septic systems to be compliant when the property is sold. The Sibley County Septic System inspector averaged 3-4 compliance inspections per year before the rule was enforced and 35-40 compliance inspections per year after the rule was enforced.

From the time the current water plan was adopted through 2012, 790 permits for septic systems were issued. Two hundred two (202) low interest loans have been used to finance upgrades to non-compliant systems. These loans have come from Clean Water Partnership money, Federal 319 money and the Ag BMP revolving loan fund from the Minnesota Department of Agriculture. The septic system loan program is run through the Water Planning office which is part of Sibley SWCD.

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Feedlot Program

Environmental Services Office staff continues to review permits of livestock producers. As part of the ongoing program, staff has been concentrating on Level III inspections for the last five years. All permits are reviewed with an onsite inspection visit every four years. The feedlot officer helps producers with permit renewal and makes them aware of all compliance issues.

The number of registered feedlots continues to decline in Sibley County as producers retire or decide to get out of animal agriculture. The number of registered feedlots in 2012 was 447. The largest group of producers is in the 10 - 299 animal units with 390 permits. Forty seven (47) producers have feedlot permits for 300 - 999 animal units. Sibley County has 75,729.227 animal units registered. Sibley County has 10 feedlots with greater than 1,000 animal units that are registered by MPCA.

Ditch Authority

Sibley County Environmental Services Office, which acts as the Ditch Authority, has 550 miles of ditch and 150 miles of tile under its authority with 25 miles of ditch requiring a one rod buffer. In 2009 the Sibley County Commissioners began the process of Redetermination of Benefits on all county ditches. This will be a long program and will be addressed in the new water plan also. This program will have two benefits. All landowners will now be assessed for damages and benefits and all county ditches will have a one rod buffer. The High Island Creek Watershed District has 94.84 miles of one rod buffer. The one rod buffer is on all waterways under their control. (See figure 3 for the location of the High Island Creek Watershed.)

Tri-County Solid Waste

Tri-County Solid Waste is a Joint Powers Board between Sibley, Nicollet and Le Sueur Counties that was organized in 1987. The three counties decided to use this approach to solid waste management rather than have separate programs in each county. The solid waste officer works out of the Environmental Services Office and splits his time between the three counties.

Tri-County Solid Waste implemented the Ag Bag Disposal program which is offered to farm operators twice a year. This program still sees continued strong demand and has been very successful. They have partnered with Townships to clean up ravines along town roads. Another program that has been quite successful is the Message in a Bottle where the county has placed receptacles to recycle aluminum cans and plastic bottles at the fairgrounds, county and city parks. Tri-County Solid Waste also offers a once a year Household Hazardous Waste pickup. This program rotates among the seven cities in Sibley County. See Table 2 for drop-off site

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locations for residents to use during the year. They continue the public education program with youth teaching them about recycling and water preservation.

Table 2 Sibley County Drop-Off Sites

City	Location	Time
Arlington	Main St. & 4th Ave.	Every Tuesday during Daylight Hours
Gaylord	South of Main St. on 5th St.	1st and 3rd Saturday 8:00 a.m. – 11:00 a.m.
Gibbon	Empty lot on Main St. by the RR tracks	1st and 3rd Tuesday 2:30 – 5:30 p.m.
Green Isle	By the Fire Hall	2nd Tuesday of the month 9:00 a.m. – 5:00 p.m.
Henderson	By the City Garage	Sunday – Saturday All Day
New Auburn	By City Hall	1st & 3rd Wednesdays 2:30 p.m. – 5:30 p.m.
Winthrop	By City Fire Garage	2nd & 4th Saturday 8:00 a.m. – 11:00 a.m.

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Total Maximum Daily Load (TMDL)

Water bodies that fail to meet one or more water quality standards are considered impaired and are subject for inclusion on Minnesota's Impaired Waters list. See Appendix B for the list of impaired waters in Sibley County. The Federal Clean Water Act requires a Total Maximum Daily Load be developed for identified impairments. A TMDL is defined as the maximum amount of a pollutant that a water body can receive and still meet water quality standards. A TMDL also identifies the process needed to gather data, stake holder input and technical expertise to identify the source of pollution. The last part of the TMDL process implements a plan to reduce pollution.

Sibley SWCD and Sibley County have participated in and coordinated water quality studies and implementation projects in the Rush River, High Island Creek, Buffalo Creek, Bevens Creek, Silver Creek, Eight Mile Creek and Little Rock Creek Watersheds. The studies have found that rivers and creeks have reaches that are impaired for nitrogen; phosphorus; sediment; and fecal coliform.

The TMDL Implementation Projects that were taking place in Sibley County ended June 30, 2011 except on the Buffalo Creek. These projects have had varied success with better results

toward the end rather than when they started. It seems that it took stakeholders a long time to be convinced that cooperating would help clean up the problems. The Buffalo Creek Implementation project ended June 30, 2013. The Rush River Implementation Project for Fecal Coliform is in effect between 2009 and 2014 and the High Island Creek TMDL Project for Fecal Coliform is in effect between 2011 and 2015.

TMDL Studies for fecal coliform impairments to Bevens-Silver Creeks, High Island Creek, Buffalo Creek and the Rush River have been drafted or completed. Sibley County will seek to implement recommendations from these studies with a focus on feedlot sources and non-compliant septic systems.

At this time work had begun on an IBI/Turbidity TMDL in both the High Island Creek and Rush River Watersheds. But with lack of funding and intensive water quality studies coming the TMDL will not be completed as soon as planned.

MPCA will be doing intensified water quality studies in the Middle Minnesota River Watershed in 2013 and the Lower Minnesota River Watershed beginning in 2014. These studies will be identifying biological stressors in the watersheds and create plans for protection, restoration and implementation.

Partners

The following is a partial list of partnerships that provided assistance, staff time or funding.

Sibley County
Sibley Soil and Water Conservation District
City of Arlington
City of Gaylord
City of Gibbon
City of Green Isle
City of Henderson
City of New Auburn
City of Winthrop
Buffalo Creek Watershed District
High Island Creek Watershed District
Brown-Nicollet-Cottonwood Water Quality Board
Board of Water and Soil Resources
Minnesota Pollution Control Agency
Environmental Protection Agency
Natural Resources Conservation Service

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Pheasants Forever
Farm Service Agency
Ducks Unlimited
Minnesota Pork Producers
Minnesota Corn Growers
Minnesota Soybean Growers
Minnesota State University Mankato
Minnesota Department of Natural Resources
Minnesota Extension Service
Minnesota Department of Health
Minnesota Department of Agriculture
U. S. Fish and Wildlife
Conservation Partners of America

Summary of Priority Concerns

The priority concerns of Sibley County water resources have been expressed by residents, water plan committee members and agency input. All comments and descriptions of the concerns have been documented in the Priority Concern Scoping Document located in Appendix C of this plan.

To accomplish the goals that have been put into this Comprehensive Water Plan, Sibley SWCD/Sibley County will need to coordinate activities with agencies and water management organizations. Education will also be a vital component of the Comprehensive Water Plan. Information in the form of handouts, meetings and demonstrations will be used to educate landowners about the county's water priorities. Before the end of the fifth year of this water plan, the plan will be revisited to update concerns that have come to light since the plan was approved.

The cost estimates to complete the Actions are outlined in the implementation schedule are based on available funding (see pages 17-27). The estimates are based on County funding, in-kind contributions, grants, private contributions and other outside sources needed to complete an Action. Sibley County recognizes that implementation and cost estimates can change throughout the plan and they are intended to illustrate the magnitude of water planning efforts. Financial resources are limited and some priority actions described in the plan may require staff and funding beyond current capabilities.

The process to identify the priority concerns began with a survey that county residents could respond to. The WRAC committee then met and identified the concerns that should be pursued in the new water plan. The priority concerns are:

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Drinking Water Quality

Wellhead Protection Plans address many of the concerns the public have with protecting groundwater. Not all cities have Wellhead Protection Plans or Drinking Water Supply Management Areas to protect drinking water. The WRAC also feels there is a continued need to properly de-commission abandoned or unused wells throughout the county. The goal of the Comprehensive Local Water Plan is to maintain or improve the groundwater resource in Sibley County.

Water Quantity

The public and the WRAC are quite concerned about the speed that water is leaving the land. How can this process be slowed? The goal of this concern is to keep the water on the land longer through the use of effective best management practices and improved management.

Nutrient, Manure and Human Waste

This priority concern was identified by the public and the WRAC to assist farmers and landowners in reducing phosphorus, nitrogen and other nutrients in the surface and ground water. The overall goal is to supply farmers with nutrient information on their cropland regarding application rates, residues, awareness of sensitive areas, and overlapping of nutrient applications.

This concern will also address the issue of septic system compliance in Sibley County. The goal of this concern is to improve surface and groundwater quality by addressing septic system compliance in Sibley County. Primarily individual septic systems and cluster housing developments will be the focus of this concern.

Soil Erosion

This plan will also address the issues with erosion and sediment control on agricultural and rural lands. In recent years farming practices have progressed rapidly in the way of implementing conservation practices while still achieving high yields. However, changes to land use and additional conservation practices may be necessary for agricultural land to continue to be profitable and sustainable. Reaching that sustainability through BMP promotion and implementation is needed. The goal of this concern is to reduce soil erosion from rural lands of Sibley County.

Plan Administration

This priority concern was added to the plan after the Priority Concerns Scoping Document was approved. The WRAC felt that for the Comprehensive Local Water Plan to be successful there was a need to have staff available to continually administer it.

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Estimated Costs

Priority Concern 1: Drinking Water Quality	Overall	County
Goal 1: Protect and improve the quality of groundwater for the citizens of Sibley County.	$ 174,900	$ 57,150
Goal 2: Protect and improve the quality of surface waters.	$ 2,608,650	$ 1,565,000
Goal 3: Conduct water quality studies.	$ 693,400	$ 396,000
Sub-Total:	**$ 3,476,950**	**$ 2,018,150**

Priority Concern 2: Water Quantity		
Goal 4: Encourage the preservation and restoration of wetlands.	$ 396,000	$ 326,000
Goal 5: Conduct water quantity studies.	$ 6,671,300	$ 2,607,500
Sub-Total:	**$ 7,067,300**	**$ 2,933,500**

Priority Concern 3: Nutrient, Manure and Human Waste		
Goal 6: Reduce the amount of phosphorus and nitrogen that is entering the water.	$ 17,207,000	$ 1,308,000
Sub-Total:	**$ 17,207,000**	**$ 1,308,000**

Priority Concern 4: Soil Erosion		
Goal 7: Reduce erosion and sediment loading of surface waters.	$ 11,100,490	$ 1,245,000
Sub-Total:	**$ 11,100,490**	**$ 1,245,000**

Priority Concern 5: Plan Administration		
Goal 8: Provide for effective plan administration and coordination.	$ 295,000	$ 295,000
Goal 9: Review and update the Water Plan.	$ 37,500	$ 37,500
Goal 10: Use of Geographic Information Systems data.	$ 846,000	$ 846,000
Goal 11: Pursue grant funding opportunities	$ 15,500	$ 15,500
Sub-Total:	**$ 1,194,000**	**$ 1,194,000**
Grand Total:	**$ 40,045,740**	**$ 8,698,650**

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Priority Concerns Assessment

The five priority concerns that will be addressed in the 2012 Local Water Management Plan are drinking water quality, water quantity, nutrient, manure and human waste and soil erosion. The following provides a brief assessment of each priority concern.

Drinking Water Quality

The Minnesota Department of Health is the state agency responsible for making efforts to protect our groundwater (drinking water). Efforts like the Wellhead Protection Program (WHP) are designed to help protect a public drinking water supply. In order to protect a supply of water that is constantly recharging, a geographic area must first be delineated to determine where your source water is coming from. This area is known as the Drinking Water Supply Management Area and follows parcel boundaries, roads, and geographic landmarks which allow the general public to visualize the recharge zone. The actual groundwater recharge boundary is known as the Wellhead Protection Area (WHPA). Potential hazards that could negatively affect the quality of the groundwater within the WHPA are then identified in the wellhead protection plan. Some examples of these hazards are, leaking storage tanks, industrial waste, feedlots, holding tanks above and below ground, agricultural chemical applications, non-compliant floor drains, etc. It is the duty of the public drinking water supplier to address these issues and take measures to protect the groundwater resource.

It is in the best interest of any municipality to take steps to protect the WHPA. Implementing BMPs in the recharge area now can greatly reduce the risk of the water supply being contaminated in the future. A variety of BMPs can be implemented in the WHPAs such as; CRP, RIM Wellhead program, reduced nutrient application on agricultural fields, cover crops, etc.

In rural areas, most landowners depend on their own drinking water supply system. Typically wells are drilled into aquifers that provide a rural resident with drinking water. Sibley SWCD has a cost share program to seal abandoned wells. When new wells are constructed landowners must seal existing unused wells on the property.

The County's drinking water quality has not shown much of a trend towards degradation or improvement. The deep clay soils on the county have kept contaminants from reaching drinking water aquifers. In the past, and presently, Sibley County has had an aggressive well sealing program to keep drinking water free of chemicals and other contaminants.

The aquifers that county residents use for drinking water get some of their recharge from surface water. Sibley County has many water bodies on the Clean Water Act Section 303(d) list of impaired waters (see Appendix B). These water bodies have been identified to have a pollutant

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source which can limit a stream or lake's designated use. Designated uses for a stream or lake include recreation/fishing, irrigation, swimming or industrial uses. When a pollutant inhibits the use of one or more of these designations, the stream/lake goes on the impaired waters list. Once a stream/lake is on the impaired waters list, the State of Minnesota is required to conduct a Total Maximum Daily Load study. The TMDL addresses the source(s) of the pollutant and determines how much of that pollutant a given water body can receive and still be able to meet water quality standards. The TMDL drives the Implementation Plan for a given impairment. The TMDL Implementation Plan set goals and objectives for actions that must be taken on the land in order to reach the calculated reductions laid out in the TMDL.

Water quality on most of the lakes in Sibley County has degraded from what it once was. Citizen associations and other interested individuals are working to clean up these water bodies. But, the process to restore these lakes to their designated use is lengthy and expensive. See Appendix A for a map of Sibley County lakes.

Water Quantity

Disposing of excess water is a problem facing all of Sibley County. To farm as efficiently as possible the landowners in the western part of the county, where the land is flat, want to get rid of their water as fast as possible. As you move east across the county the terrain becomes hilly and the landowners are complaining about the amount and speed of the water. The residents of eastern Sibley County are concerned about excessive streambank and gully erosion that is now occurring.

The Middle and Lower Minnesota Watersheds will be doing intensive watershed monitoring during the early years of the next Comprehensive Local Water Management Plan. When the monitoring is finished TMDLs will be developed to deal with the impairments found in our water. The Comprehensive Local Water Management Plan, through its partners, will need to work with landowners educating and helping them install practices that retain water at its source for longer period of time.

The trend seems to be more water and it comes at a faster pace. When it does rain the storms seem to be less frequent but more intense which creates flows that are flashier.

Nutrient, Manure and Human Waste

Land application of waste or over application of fertilizers, pesticides, manure, etc. are potential sources of non-point source pollution to groundwater as well as surface water. Enforcing the day to day operations of application practices is difficult, thus technical assistance and education are essential components that help protect the environment. To protect water quality and meet state

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rules, runoff pollutants must be reduced to safe levels before entering streams, rivers and lakes. Proper manure application can not only benefit the environment, it can also save landowners money by applying recommended amounts of manure in place of buying commercial fertilizers.

Elements such as nitrogen, phosphorous and potassium are generally the main ingredients of fertilizers. Nitrogen is water soluble and is able to move through the water table freely and phosphorous is able to attach to soil particles. When they are applied in excess of plant needs, nutrients can wash into aquatic ecosystems where they can cause excessive plant growth, which reduces swimming and boating opportunities, creates a foul taste and odor in drinking water, leads to increased algae blooms and kills fish.

In agricultural settings the MPCA regulates the application and setbacks for a variety of land-applied nutrients. The setbacks provide a buffer between areas that are more susceptible to contaminants than others. If these setbacks are practiced, farmers have the opportunity to land apply nutrients to their fields with limited negative effects on surrounding water quality sensitive features.

Residences that live within a municipality generally have water and waste water treatment available to them. Rural residences, on the other hand, need to rely on individual treatment systems to treat their wastewater locally. Subsurface Sewage Treatment Systems (SSTS) treat wastewater so that harmful pollutants such as excessive phosphorous, nitrates and fecal coliform do not reach our ground and surface water. Failing septic systems can cause fecal coliform to enter our streams and drinking water.

Currently Sibley County is following the MN Rule 7080 requirements. Also, Sibley County Environmental Services Office requires landowners to conduct compliance inspections of their existing SSTS when a bedroom is added to a home. Another method of upgrading septic systems is implementing a Point of Sale requirement in the County. Any home with a septic system must be inspected and, if needed, corrective actions taken prior to the sale of the home/property.

Point of Sale and Sibley County's low interest loan program have had a positive effect for residents to take corrective action on failing septic systems. The trend seems to be that a few home owners will upgrade their septic system every year but most upgrades are coming from Point of Sale.

Soil Erosion

This plan will focus on reducing the effects of erosion in urban and rural areas.

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The causes of erosion in urban /residential areas will be covered in this section along with possible remediation practices. Erosion control is a priority concern in Sibley County because of the negative impacts they can have on our streams and wetlands. Once soil particles become mobile, phosphorus and other elements also move. While phosphorus and other elements are key features in a healthy and fertile soil profile, in excess they pose a hazard to streams and wetlands. In urban settings the majority of erosion comes from construction site activity, vegetation removal, impacts on bluff land and increases in runoff volume. The increase of impervious surfaces leads to the increase of volume and rate of stormwater runoff unless otherwise treated.

Pre-settlement vegetation of Sibley County was made up of prairies, wetlands and shallow marshes and forested areas throughout river bottoms and hillsides. In the late 1800's agriculture started to dominate large portions of the landscape. Perennial vegetation has the ability to hold soil in place and absorb stormwater during rain events. Once removed, erosion and the amount of rain runoff increase immensely. This obviously affects the rate at which erosion occurs on the landscape as well as increasing the rate and flow at which rain water flows to rivers or lakes. Increasing the runoff rate causes gullies and streambank erosion. It is important to keep rain water and soil in place. Sibley County's agricultural background has been and will continue to be an economic stronghold, but conservation practices will have to be implemented in order to achieve sustainable yields and water quality standards in the future. Varieties of BMP's are available to help control erosion of agriculture land and are actively being promoted at Sibley SWCD.

Most farmers have assessed their tillage practices from years past and are now using practices that lower or minimize erosion. Many are seeing the value of filter strips, buffer strips and tillage practices designed to leave more crop residue on the surface. In the last few years there seems to be some farmers returning to moldboard plowing when the crop rotation is corn on corn. A few reasons why they are returning to the plow are excessive residue, university trials that show improved yields, management style and soil type.

Plan Administration

Funding, promotion and education will be key components of the Comprehensive Local Water Plan. To make this generation of the water plan successful, staffing will need to be kept at a level at or higher than present. If staffing would achieve a level higher than present, educational efforts and promotion of best management practices would be increased. More time could be spent by technicians to get practices in places that would do the most good for the environment. County staff would also enhance their job capabilities through the use of GIS technology.

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Goals, Objectives and Implementation

This section establishes the Sibley County's Water Plan Goals, Objectives, and Actions. The Water Plan will cover a span of 10 years (2013-2023). The Water Resources Advisory Committee will take another look at this plan at its midpoint and decide if priorities have changed or additional priorities need to be added. A five-year amended plan will be done at this time.

The Goals, Objectives, and Action Steps that are identified in this section were developed with input from the public, various State and local governmental units/agencies, and the Water Resources Advisory Committee.

Each Action has been assigned specific implementation information, including the Focus Area, stakeholders involved, timeframe and an estimated cost to implement the activity. Collectively the Actions lay the foundation for achieving success with the Plan's Goals and Objectives.

Estimated Cost: This category divides the estimated costs of completing the Action Step into two columns: Overall and County. The Overall column provides an estimate of the total estimated cost among all stakeholders (i.e., grants, cost-share, County match, etc.) to implement the Action. The County column represents the estimated cost incurred either directly or indirectly by Sibley County to implement an Action; this includes costs incurred by Sibley SWCD. **The estimated costs associated with this plan are total costs not on a year by year basis.**

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COMMITTEE RECOMMENDATIONS

Public Relations, Oversight, and Strategic Planning Committee

1. Reauthorization of the PRAP Assistance Grants – Don Buckhout – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RE-AUTHORIZATION of PRAP ASSISTANCE GRANTS TO LGUs

Meeting Date: September 25, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: REGIONAL OPERATIONS & OVERSIGHT

Contact: DON BUCKHOUT

Prepared by: DON BUCKHOUT

Reviewed by: PROSP Committee(s)

Presented by: DON BUCKHOUT

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

APPROVE RESOLUTION

LINKS TO ADDITIONAL INFORMATION

PRAP Assistance Grant application information on the BWSR website

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

In March 2012 the Board authorized the PRAP Assistance Grants as a delegated authority to the Executive Director for the 2012-13 biennium. This resolution reauthorizes the delegation authority for the 2014-15 biennium. Grants or contracts are to be used to cost share with LGUs for expenses associated with certain organizational improvements or to address critical issues affecting their operational effectiveness.
This program is consistent with Minn. Statutes 103B.102 (PRAP authorizing legislation) that requires BWSR to provide assistance to underperforming local water management entities for improving their performance. The grants support the PRAP performance reviews by giving LGUs financial assistance to make improvements recommended during the review. Since 2012, the Executive Director has awarded PRAP Assistance Grants to three (3) LGUs for a total of $3608.28 of BWSR funds expended. All three grants were cost-shared 50:50 with the LGUs. As per Board direction, the Executive Director provides regular reports to the Board regarding the grants or contracts executed under this authority.

Minnesota Board of Water & Soil Resources

Board Resolution # _____

Minnesota Board of Water and Soil Resources
FY 14-15 Board Re-Authorization of PRAP Assistance Grants to LGUs

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WHEREAS the Board of Water and Soil Resources (BWSR) has a mandate under Minnesota Statutes Chap 103B.102 to regularly review the performance of local government water management entities in the state and provide assistance for "underperforming entities," and

WHEREAS BWSR routinely monitors the performance of Minnesota's local government water and land management entities, has conducted detailed performance reviews of more than 50 of those entities, and during the course of those reviews has identified the need for specialized assistance to improve their operational performance, and

WHEREAS BWSR receives other requests for specialized assistance to address particularly difficult operational or performance problems that cannot be addressed by routine BWSR staff support, and

WHEREAS the legislature has specifically authorized use of cost share rollover funds for local government assistance to address specialized assistance needs,

NOW THEREFORE BE IT RESOLVED THAT the BWSR Board authorizes the Executive Director to expend up to $10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery problems identified through a PRAP assessment, and

BE IT FURTHER RESOLVED THAT the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and

BE IT FURTHER RESOLVED THAT the aggregate amount of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature.

_____ **Date:** _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

REVISED 9-24-13

Minnesota Board of Water & Soil Resources

Board Resolution # 13-79

Minnesota Board of Water and Soil Resources
FY 14-15 Board Re-Authorization of PRAP Assistance Grants to LGUs

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WHEREAS the Board of Water and Soil Resources (BWSR) has a mandate under Minnesota Statutes Chap 103B.102 to regularly review the performance of local government water management entities in the state and provide assistance for "underperforming entities," and

WHEREAS BWSR routinely monitors the performance of Minnesota's local government water and land management entities, has conducted detailed performance reviews of more than 50 of those entities, and during the course of those reviews has identified the need for specialized assistance to improve their operational performance, and

WHEREAS BWSR receives other requests for specialized assistance to address particularly difficult operational or performance problems that cannot be addressed by routine BWSR staff support, and

WHEREAS the legislature has specifically authorized use of cost share rollover funds for local government assistance to address specialized assistance needs, and

WHEREAS BWSR authorized the PRAP Assistance Grants as a delegated authority to the Executive Director beginning in March 2012 for the 2012-2013 biennium and desires to continue this authorization for the 2014-2015 biennium,

NOW THEREFORE BE IT RESOLVED THAT the BWSR Board authorizes the Executive Director to expend up to $10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery needs identified through a PRAP assessment during the 2014-2015 biennium, and

BE IT FURTHER RESOLVED THAT the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and

BE IT FURTHER RESOLVED THAT the aggregate amount of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature.

Brian Napstad Date: 9/25/13

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

NEW BUSINESS

1. Disaster Recovery Assistance Program (D-RAP) and Reinvest In Minnesota (RIM) Reserve Emergency Haying and Grazing - Bill Penning – ***DECISION ITEM***

2. 2013 Grants Monitoring Report – Tim Dykstal – ***INFORMATION ITEM***

3. Nutrient Study Results - Dave Wall, MPCA – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM Emergency Haying and Grazing[1]

Meeting Date: September 25, 2013

Agenda Category: ☒ Committee Recommendation ☒ New Business ☐ Old Business
Item Type: ☒ Decision ☐ Discussion ☐ Information
Section/Region: Conservation Easements
Contact: Bill Penning
Prepared by: Bill Penning
Reviewed by: RIM Reserve Management Planning Committee(s)
Presented by: Bill Penning

☐ **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 amend the Disaster Recovery Asistance Program (DRAP) Policy to prohibit emergency haying or livestock grazing on all stand-alone RIM easements.

MN Statutes 103F allows for agricultural production (including haying) and livestock grazing only if approved by the Board for conservation management purposes or extreme drought. This policy modification is being proposed to prohibit crop production (including haying) and livestock grazing during drought emergencies and only allow haying and livestock grazing for conservation management purposes.

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

MN Statute (103F.515) provides BWSR Board authority to allow agricultural production (including haying) and livestock grazing for conservation management purposes or extreme drought. Approval is documented in a Management Plan approved by the local Soil and Water Conservation District (SWCD) and the landowner.

Recent concerns have surfaced regarding reduced environmental and habitat benefits caused by haying and livestock grazing in extreme drought conditions. Last year's OHF appropriation included prohibitions on emergency haying or grazing in two RIM projects. It is likely to be included again this year. Having different policy for only some LSOHC funded easements creates administrative difficulties due to the level of tracking that is needed.

Currently BWSR adminsters over 6,250 RIM easements (closed and in process) on over 250,000 acres. Over the past 26 years there has been a very small number of easements approved for haying or grazing due to extreme drought. In addition, only a small number of easement holders have requested and have been approved to conduct haying or grazing for management purposes. Given the low demand, a consistent policy is desired.

RIM landowners still may request permission to hay or livestock graze their easmeent lands for conservation management purposes provided those activities are documented in a Management Plan approved by BWSR and signed by the landowners and the local SWCD. Managed haying and conservation grazing are important habitat management tools that mimic natural disturbance historically created by bison and elk. BWSR supports managed haying and grazing and will encourage interested landowners to to develop management plans that incorporate these activities as long term management strategies.

Additionally for RIM easements that invovle a federal partner (CRP or WRP), the federal agency may allow emergency haying or livestock grazing.

Amended September 25, 2013

Minnesota Board of Water & Soil Resources

- POLICY -

Disaster Recovery Assistance Program

Overview

Disasters and emergency legislative funding occur frequently and usually unpredictably. These characteristics require a standard operating procedure for BWSR staff and LGUs to follow to optimize efficiencies, responsiveness, and legislative appropriations. In the event of a disaster, program policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related processes, of BWSR and other state and federal assistance providers.

Purpose

The Disaster Recovery Assistance Program provides designated appropriated funds and other BWSR designated funds to Local Governmental Units (LGUs) to install, repair, or rehabilitate erosion and sediment control and water quality and watershed protection projects in the disaster area. This Program will utilize appropriations for **Erosion and Sediment Control, and Water Quality and Watershed Protection Projects;** and, acquisition of **Reinvest in Minnesota (RIM) Reserve Conservation Easements.** The purpose of this policy is to provide clear expectations for the implementation of funds and programs, appropriated to or implemented by BWSR, that are associated with the DRAP.

Activation

The Board of Water and Soil Resources (BWSR) may activate the Disaster Recovery Assistance Program (DRAP) in the event of a natural disaster or extreme environmental impact. The DRAP is authorized by Minnesota Statutes §12A.05 to address critical conservation problems resulting from a natural disaster. This Policy is activated by BWSR resolution or by authority delegated to the Executive Director.

14.1.5 All easement program procedures contained in the *RIM Reserve Conservation Easement Handbook* found on the BWSR website will be used to secure easements and pay for practice establishment.

14.2 **SWCD Payment for Services.** SWCDs will be compensated for their services associated with the acquisition of easements and installation of required practices via the current BWSR approved payment process.

15.0 Easement Payment Rates and Conservation Practice Cost-Share Rates

15.1 **Easement and Practice Payments.**

15.1.1 The most recent BWSR approved conservation easement payment rates will be used to compute payment for enrolled lands.

15.1.2 The current practice rate limits as prescribed by the BWSR will be used to reimburse landowners for their cost of establishing required vegetative and/or structural conservation practices.

15.1.3 The only structural practices eligible for cost-share are those required to restore wetlands via the RIM Reserve program. Other desired structural practices on lands under RIM easements will NOT be eligible for RIM cost-share.

16.0 Post Easement Conveyance Monitoring and Management

16.1 **Monitoring/Site Inspections.** All easements acquired will be inspected by SWCD staff on an annual basis for the first 5 years after an easement is recorded, and every 3rd year thereafter. BWSR will provide a list of easements for inspections to the SWCD.

16.2 **Management and Maintenance.** SWCDs will assist landowners or authorized agent with on-going management activities on their easements. Weed control, boundary issues, activities on the easement, and maintenance of water control structures are the main activities that landowners will need assistance with.

17.0 Drought Emergencies and Emergency Haying and Grazing

~~*(If appropriation language permits emergency haying and grazing, then the following section applies.)*~~

~~As authorized in MS 103F.501, subd. 4, (2) BWSR has developed policy for its RIM easement lands that is responsive to livestock producers needs while still protecting the wildlife habitat and other environmental concerns on these lands.~~

17.1 **Federal Partnership Easements, CREP and RIM-WRP.** Many RIM easements are enrolled jointly with a federal program, such as the Conservation Reserve Program (CRP), or the Wetlands Reserve Program (WRP). For these joint easements BWSR defers

to federal guidelines, requiring landowners to comply with federal provisions for haying and grazing.

17.2 **Stand Alone RIM Reserve Easements.** For lands with RIM easements only, emergency haying or livestock grazing is not allowed.~~the BWSR has established the following policy:~~

~~17.2.1 Landowners or designee sign-up for emergency haying and grazing provisions with the local SWCD.~~

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~~17.2.2 At least 50% of the easement acreage will remain undisturbed for wildlife.~~

~~17.2.3 Tree plantings, food plots, water control structures, wetland basins and stream banks shall be excluded.~~

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~~17.2.4 Where practical, mowing will begin in the center of the area to be harvested and commence inside out to allow wildlife to escape.~~

~~17.2.5 Haying/grazing will be limited to August 2 to September 30 to protect ground nesting wildlife.~~

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~~17.2.6 Haying/grazing grasses should be harvested no shorter than 6" in height to ensure regrowth.~~

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NOTE: Landowners with RIM easements may still request haying and livestock grazing for conservation management purposes consistent with RIM Vegetative Management and Enhancement of Conservation Easement Lands Policy, dated December 17, 2008.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Disaster Recovery Assistance Program Policy and RIM Emergency Haying and Grazing**

Meeting Date: September 25, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easements

Contact: Bill Penning

Prepared by: Bill Penning

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Bill Penning

☐ **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 amend the Disaster Recovery Asistance Program (DRAP) Policy to prohibit emergency haying or livestock grazing on all stand-alone RIM easements.

MN Statutes 103F allows for agricultural production (including haying) and livestock grazing only if approved by the Board for conservation management purposes or extreme drought. This policy modification is being proposed to prohibit crop production (including haying) and livestock grazing during drought emergencies and only allow haying and livestock grazing for conservation management purposes.

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

MN Statute (103F.515) provides BWSR Board authority to allow agricultural production (including haying) and livestock grazing for conservation management purposes or extreme drought. Approval is documented in a Management Plan approved by the local Soil and Water Conservation District (SWCD) and the landowner.

Recent concerns have surfaced regarding reduced environmental and habitat benefits caused by haying and livestock grazing in extreme drought conditions. Last year's OHF appropriation included prohibitions on emergency haying or grazing in two RIM projects. It is likely to be included again this year. Having different policy for only some LSOHC funded easements creates administrative difficulties due to the level of tracking that is needed.

Currently BWSR adminsters over 6,250 RIM easements (closed and in process) on over 250,000 acres. Over the past 26 years there has been a very small number of easements approved for haying or grazing due to extreme drought. In addition, only a small number of easement holders have requested and have been approved to conduct haying or grazing for management purposes. Given the low demand, a consistent policy is desired.

RIM landowners still may request permission to hay or livestock graze their easmeent lands for conservation management purposes provided those activities are documented in a Management Plan approved by BWSR and signed by the landowners and the local SWCD.

Additionally for RIM easements that invovle a federal partner (CRP or WRP), the federal agency may allow emergency haying or livestock grazing.

Amended September 25, 2013

Minnesota Board of Water & Soil Resources

- POLICY -

Disaster Recovery Assistance Program

Overview

Disasters and emergency legislative funding occur frequently and usually unpredictably. These characteristics require a standard operating procedure for BWSR staff and LGUs to follow to optimize efficiencies, responsiveness, and legislative appropriations. In the event of a disaster, program policy (and guidance) will provide BWSR staff and LGUs the needed implementation information and related processes, of BWSR and other state and federal assistance providers.

Purpose

The Disaster Recovery Assistance Program provides designated appropriated funds and other BWSR designated funds to Local Governmental Units (LGUs) to install, repair, or rehabilitate erosion and sediment control and water quality and watershed protection projects in the disaster area. This Program will utilize appropriations for **Erosion and Sediment Control, and Water Quality and Watershed Protection Projects;** and, acquisition of **Reinvest in Minnesota (RIM) Reserve Conservation Easements.** The purpose of this policy is to provide clear expectations for the implementation of funds and programs, appropriated to or implemented by BWSR, that are associated with the DRAP.

Activation

The Board of Water and Soil Resources (BWSR) may activate the Disaster Recovery Assistance Program (DRAP) in the event of a natural disaster or extreme environmental impact. The DRAP is authorized by Minnesota Statutes §12A.05 to address critical conservation problems resulting from a natural disaster. This Policy is activated by BWSR resolution or by authority delegated to the Executive Director.

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LGUs are responsible for the administration and decisions concerning the local use of these funds in accordance with Minnesota Statutes, Minnesota Rules, BWSR policies; and all other applicable laws. BWSR will use grant agreements and contracts for assurance of deliverables and compliance, with applicable laws, rules and policies. Non-compliance with relevant statutes, rules, and policies may lead to imposition of financial penalties on the LGU.

1.0 Project Allocation Priorities (in priority order)

1. Conservation practices where imminent human safety or health is a concern.
2. Conservation practices that address erosion and water quality problems associated with imminent threats to private or public improvements (infrastructure).
3. Projects that repair, rehabilitate, or replace, existing conservation practices on private lands.
4. New conservation practices that address other erosion, water quality, and watershed protection problems created by the disaster.
5. New practices that will help prevent flood damages in the future.

These allocation priorities may consider other project specific factors including long-term solutions, relative benefits, cost/benefits, and the amount of federal contributions.

2.0 Funding Source Priorities

2.1 Landowners and Local Government Units must first pursue insurance assistance, and eligible federal program funding to repair damages on their properties, respectively, in accordance with M.S. 12A.03.

2.2 State funds appropriated for a disaster response should be used when possible to partner with federal funding for applicable disaster assistance on private lands as non-federal match for federal programs including, but not limited to:

2.2.1 Emergency Watershed Protection Program (EWP) (NRCS)

2.2.2 Emergency Conservation Program (ECP) (FSA)

2.2.3 Environmental Quality Incentives Program (EQIP) (NRCS)

2.2.4 Wetlands Reserve Program (WRP) (NRCS)

2.2.5 Conservation Reserve Program (CRP) (FSA)

2.2.6 Individual Assistance (IA) - FEMA

2.3 State disaster appropriated funds with no match

2.4 Other state or local funds

3.0 Local Governmental Unit Eligibility Criteria

Funds are allocated to LGUs based on the following minimum criteria:

3.1 Location within the applicable defined disaster area; and,

3.2 A Board Conservationist approved LGU damage assessment; and,

3.3 A MN Recovers Task Force Natural Resources Subcommittee or Board Conservationist review and approval of requests for funds; and,

3.4 BWSR Policy.

4.0 Eligible Activities

The primary purpose of activities funded with Disaster Recovery and Assistance funds is to apply structural or vegetative conservation practices to address problems associated with the disaster. Specific preventative practices may also be allowed through policy or appropriation.

4.1 **Practice Standards.** All practices must be consistent with the NRCS Field Office Technical Guide (FOTG), MN Stormwater Manual, or be professionally accepted engineering or ecological practices. Design standards for all practices must include specifications for operation and maintenance for the effective 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 Establishment and Enhancement Guidelines, to the extent practicable.

4.2 **Effective Life.** All structural practices must be designed and maintained for a minimum effective life of ten years unless a longer term is specified in the design. The beginning date for a practice's effective life is the same date final payment is approved and the project is considered complete.

The grant recipient must provide assurances that the landowner or land occupier will keep the practice in place for its intended use for the expected lifespan of the practice. Such assurances may include easements, deed recordings, enforceable contracts, performance bonds, letters of credit, and termination or performance penalties.

4.3 **Repair or Replacement 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 of the practice within the effective life. BWSR may allow replacement of a damaged practice or project that does not comply with expected lifespan requirements with a practice or project that provides equivalent water quality benefits.

5.0 Technical and Administrative Expenses

Disaster Recovery and Assistance Program funds may be used for reasonable technical and administrative (TA) expenses. Eligible TA expenses include the following activities: grant administration, site investigations and assessments, design and cost estimates, construction supervision, and construction inspections. These expenditures must be appropriately documented according to the Grants Manual.

6.0 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.

6.1 **Maximum Rates.** Projects are eligible for up to 100% state and/or federal cost share on disaster impacted sites. (See also 2.0.)

6.2 **Local Rates.** The LGU may set cost share rates less than 100% to help manage project costs and provide consistency for conservation programs. Prior to entering into any contracts with land occupiers, the LGU shall set cost share rates for activities.

6.3 **Match and In-Kind.** A land occupier may provide the remainder of the installation cost through in-kind services or materials, or non-state funds. The LGU shall determine whether charges for in-kind services and materials are practical and reasonable. Standard rates for in-kind services shall be identified in the LGU's cost share program policy or governing body resolution.

7.0 Technical Expertise

The LGU 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.

7.1 **Technical Provider Skills.** The LGU's cost-share policy must contain a description of staff skills, training, or credentials; or a description of other means the LGU will use to insure projects meet the requirements of this policy. This requirement is to demonstrate LGU capacity to design and install practices according to appropriate standards and specifications of the practice(s).

7.2 **BWSR Review.** BWSR reserves the right to review the licensure and credentials of all technical provider staff selected by the LGU, where appropriate.

8.0 Expenditure of Funds on Practices and Contracts

The LGU Governing Body or delegated entity has the authority and responsibility to encumber and approve expenditure of funds within their own organization. The action taken must be documented in the LGU official records. Grant reporting, fiscal management, and administration requirements are the responsibility of the grant recipient (See also 11.0.). BWSR recommends contracts be reviewed by the LGU's legal counsel.

8.1 **Cost Share Contract.** All LGU expenditures of funds providing financial assistance to landowners require a contract with the land occupier. A contract between the LGU and land occupier receiving state funds is required to provide a legal standing to ensure practices are installed according to approved standards and specifications, and maintained according to operations and maintenance plans. The contract must specify LGU enforcement provisions, including repayment of cost share funds and costs to recover and enforce the contract at a rate up to 150% of the original landowner agreement (See also 10.3.). 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 contract must also bear the landowner's signature.

8.1.1 **Contract Modifications.** Modifications to the contract may be made prior to execution.

8.1.2 **Contract Amendments.** Changes to an executed contract are considered an amendment to the contract and subject to review and approval by the LGU Board. 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.

8.1.3 **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 LGU may enter into a contract with only the group spokesperson of the contract.

8.2 **Contract Approval.** LGU Boards must approve or deny the contract. The action taken must be documented in the LGU's meeting minutes. Approval of a contract is considered approval for expenditure of funds.

8.3 **Emergency Work.** Projects where emergency work began prior to LGU or BWSR approval may be eligible for financial assistance with adequate documentation as detailed in DRAP Guidance.

8.4 **Contract and Grant Agreement Timeframe.** LGUs have the authority to adopt timely starting and completion dates. Execution and completion of a contract with a land occupier must be within the grant period unless the project is deemed an emergency (see 8.3). Contracts not completed within the period of the grant agreement must be cancelled unless the contract has been extended and the grant agreement with the LGU has been extended such that the contract timeframe is within the amended grant period.

8.5 **Canceled Projects.** Funds from canceled projects or remaining from completed projects where the final cost was less than the estimated amount may be re-encumbered to a new contract, or unspent funds must be returned, as provided in the grant agreement.

8.6 **Removal of Practices.** LGUs 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.

8.7 **Delegation.** LGUs may delegate signing contracts and supporting program documents to staff. This delegation must be identified in the LGU's policies or by resolution.

8.8 **Grant Agreement Extensions.** Any other existing BWSR grant agreement may be extended up to two additional years. This extension must be by executed amendment. Grant agreement periods, with extensions, may not exceed five years.

9.0 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.

9.1 **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. An example payment voucher form is available on the BWSR website.

9.2 **Actual Cost Different Than Estimated Cost.** In cases where the actual cost of the practice exceeds the estimated cost, the LGU may only share the additional amount when an amendment to the contract has been approved per policy 8.1.2. Where the actual cost is less than the estimated cost, the LGU shall only share the approved percentage of the actual cost of the practice (per policy 6.1).

9.3 **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.

9.4 **Combining Funding Sources.** Payment amounts from combined state and federal sources shall not exceed the 100% cost share rate.

9.5 **Final Plans.** One copy of the final as-built plan must be given to the land occupier and one copy retained with the project file located in the LGU office.

10.0 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 designated technical staff (per 7.0) are necessary to ensuring operation and maintenance has been taking place.

10.1 **Operation and Maintenance Plan.** Designated 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.

10.2 **Inspections.** Designated 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:

- **10.2.1** Verify that all components of the practice remain in place and are in good repair and providing designed environmental benefits and outcomes.
- **10.2.2** Identify repairs necessary in accordance with the operation and maintenance plan.
- **10.2.3** Identify further assessment or action necessary if repairs are beyond the scope of the operation and maintenance plan.

10.3 **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 for repayment of cost share funds and costs to recover and enforce contract, at a rate up to 150% of the original landowner agreement as determined by the LGU board. The LGU shall provide the basis for repayment.

11.0 LGU Reporting Requirements

To ensure the continued success of the DRAP, 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.

11.1 **Reporting.** LGUs must enter information on activities accomplished with the grant funding in eLINK. Reporting is required for grant fund expenditures and is to be completed by BWSR established reporting deadlines.

11.2 **Grant Closeout Reporting.** Within thirty (30) calendar days of the conclusion of each grant agreement or expenditure of all grant funds, LGUs are required to provide the following to BWSR:

- **11.2.1** Entry of information on all projects completed with the grant funding in eLINK
- **11.2.2** Signed Final Financial Report from eLINK
- **11.2.3** Return any unspent funds as instructed on the Returned Check Form, found on the BWSR website.

11.3 **Records Retention.** Project files must be retained by the LGU pursuant to Minnesota Statutes, §138.17 and consistent with ongoing records retention schedules.

11.4 **Non-compliance with Reporting Requirements.** Any LGU that does not satisfactorily complete these requirements may be ineligible to receive funds from BWSR programs until all required past reporting has been completed.

12.0 BWSR Program Monitoring, Closeout, and Penalty Procedures

BWSR staff is authorized to develop grant agreements, including requirements and processes for fiscal closeouts, and project outcomes reporting. BWSR staff will review grant recipient compliance with contractual requirements in a manner which is consistent with the policies established by the Office of Grants Management and adopted by the BWSR Board.

Reinvest in Minnesota (RIM) Reserve Conservation Easements

In responding to flood disasters the BWSR seeks to acquire permanent conservation easements from willing landowners on damaged lands in declared disaster counties to provide flood attenuation, restore and protect soil and water resources, and to support and restore related fish and wildlife habitat. Easements will be acquired via the RIM Reserve program, MS 103F.501.

13.0 Eligible Activities and Priorities

13.1 **Eligible lands**

13.1.1 Flood damaged lands, both cropland and non-cropland areas. All eligible land types under MS 103F.515, Subd. 2 that have been damaged by flooding are eligible.

13.1.2 Riparian lands with a history of flooding within and beyond the 100 year floodplain, where an easement will help mitigate future flood impacts.

13.1.3 Wetland restorations where storage will help reduce future flood impacts.

13.2 **Priorities.** Cropland areas are the priority for funding consideration. Removing cropland from flood-prone areas will have positive water quality impacts, reduce runoff, and lessen negative economic impacts due to flooding for landowners and governments. Non-cropland areas are a lower priority.

13.3 **Conservation Plans.** All lands placed under easement will have an approved conservation plan developed to establish and maintain permanent vegetative cover and required structural practices consistent with the *Practice Specifications* section of the RIM handbook.

14.0 Administrative and Technical Components

14.1 Easement sign-up procedures

14.1.1 BWSR easement staff have the authority to develop specific procedures required to conduct landowner sign-up with SWCDs in response to disasters. This includes a complete list of what is needed to be submitted with each landowner application package.

14.1.2 SWCDs will take applications from landowners during the BWSR prescribed sign-up period, and prioritize their applications based on their effectiveness in addressing flood impacts in their county prior to submitting them to their BWSR Board Conservationist (BC) by the sign-up deadline.

14.1.3 BWSR BCs will rank and prioritize applications from all of their respective SWCDs prior to submittal to BWSR Easement staff for final funding decisions.

14.1.4 BWSR Engineering staff will review all applications where wetlands are proposed for restoration, or existing drainage infrastructure may be impacted.

14.1.5 All easement program procedures contained in the *RIM Reserve Conservation Easement Handbook* found on the BWSR website will be used to secure easements and pay for practice establishment.

14.2 **SWCD Payment for Services.** SWCDs will be compensated for their services associated with the acquisition of easements and installation of required practices via the current BWSR approved payment process.

15.0 Easement Payment Rates and Conservation Practice Cost-Share Rates

15.1 **Easement and Practice Payments.**

15.1.1 The most recent BWSR approved conservation easement payment rates will be used to compute payment for enrolled lands.

15.1.2 The current practice rate limits as prescribed by the BWSR will be used to reimburse landowners for their cost of establishing required vegetative and/or structural conservation practices.

15.1.3 The only structural practices eligible for cost-share are those required to restore wetlands via the RIM Reserve program. Other desired structural practices on lands under RIM easements will NOT be eligible for RIM cost-share.

16.0 Post Easement Conveyance Monitoring and Management

16.1 **Monitoring/Site Inspections.** All easements acquired will be inspected by SWCD staff on an annual basis for the first 5 years after an easement is recorded, and every 3rd year thereafter. BWSR will provide a list of easements for inspections to the SWCD.

16.2 **Management and Maintenance.** SWCDs will assist landowners or authorized agent with on-going management activities on their easements. Weed control, boundary issues, activities on the easement, and maintenance of water control structures are the main activities that landowners will need assistance with.

17.0 Drought Emergencies and Emergency Haying and Grazing

~~*(If appropriation language permits emergency haying and grazing, then the following section applies.)*~~

~~As authorized in MS 103F.501, subd. 4, (2) BWSR has developed policy for its RIM easement lands that is responsive to livestock producers needs while still protecting the wildlife habitat and other environmental concerns on these lands.~~

17.1 **Federal Partnership Easements, CREP and RIM-WRP.** Many RIM easements are enrolled jointly with a federal program, such as the Conservation Reserve Program (CRP), or the Wetlands Reserve Program (WRP). For these joint easements BWSR defers

to federal guidelines, requiring landowners to comply with federal provisions for haying and grazing.

17.2 Stand Alone RIM Reserve Easements. For lands with RIM easements only, emergency haying or livestock grazing is not allowed.~~the BWSR has established the following policy:~~

~~**17.2.1** Landowners or designee sign-up for emergency haying and grazing provisions with the local SWCD.~~

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~~**17.2.2** At least 50% of the easement acreage will remain undisturbed for wildlife.~~

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~~**17.2.3** Tree plantings, food plots, water control structures, wetland basins and stream banks shall be excluded.~~

~~**17.2.4** Where practical, mowing will begin in the center of the area to be harvested and commence inside out to allow wildlife to escape.~~

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~~**17.2.5** Haying/grazing will be limited to August 2 to September 30 to protect ground nesting wildlife.~~

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~~**17.2.6** Haying/grazing grasses should be harvested no shorter than 6" in height to ensure regrowth.~~

NOTE: Landowners with RIM easements may still request haying and livestock grazing for conservation management purposes consistent with RIM Vegetative Management and Enhancement of Conservation Easement Lands Policy, dated December 17, 2008.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **ACUB Easement Modification**

Meeting Date: September 25, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Easement Section

Contact: Bill Penning

Prepared by: Bill Penning

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Bill Penning

☐ **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:
Approval for easement modification

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

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize staff to modify the 88 ACUB easements to correct a mutual mistake in the easement documents and incorporate the modified language into all new ACUB easements going forward.

LINKS TO ADDITIONAL INFORMATION

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

Background

In 2004 the National Guard Bureau and the State of Minnesota, acting through the Board of Soil and Water Resources (BWSR), entered in to a cooperative agreement to implement an Army Compatible Use Buffer (ACUB) program for Camp Ripley. The program is designed to minimize intensive residential and commercial development within a 3-mile radius around Camp Ripley by purchasing the development rights through permanent conservation easements.

Since 2004 BWSR has acquired 88 conservation easements through the ACUB program with a federal investment of $15,795,000 and a state investment of $2,248,000 (through the Outdoor Heritage Fund, as recommended by the Lessard Sams Outdoor Heritage Council).

ACUB Easement Terms

BWSR currently holds nearly 6,000 conservation easements across Minnesota. The 88 ACUB easement documents are similar to BWSR's other RIM easements but differ in three key easement terms that are not part of other RIM easements:

1. "Shall not subdivide, either legally or physically, lands under Easement …"
2. "Shall not be allowed to transfer any development rights associated with the lands under easement to any location outside the easement area, whether pursuant to a cluster development plan or any other agreement or plan for transferable development rights.
3. "Shall not use any portion of the Easement area acreage to satisfy land area requirements for other property not subject to this Easement for purposes of calculating building density, lot coverage, or open space under otherwise applicable laws, regulation, or ordinances controlling land use."

While it is not entirely clear why or how this additional language was used, based on a review of BWSR files, it appears that these terms were not requested by BWSR staff or other ACUB partners, and in fact, conversations with the partners involved in establishment of the program have made it clear that the intent of the program was only to limit subdivision of parcels covered by the easements and not to prohibit it entirely.

Current Issue

One of the ACUB easement landowners recently approached Morrison SWCD and BWSR about subdividing property covered by an easement. During the course of reviewing the request, it was discovered that there is a significant conflict between the terms of the easement and the way in which easement projects were planned. In all of the 88 ACUB easements, development was limited by excluding small "building sites" from the easement area. In most cases (+/-63 of the 88), these buildings sites are of a size less than the minimum lot size required by the local zoning authority. This approach was encouraged by ACUB partners because any exclusion meeting the minimum lot size could be platted into multiple lots and undermines the purpose of the ACUB program. Partners and landowners had intended to rely on subdivision of the easement to use a portion of the larger easement parcel to meet zoning minimums for building. Unfortunately, the terms of the easement prohibit this, leaving landowners with "building sites" that are unbuildable.

Thus, there is a significant conflict between the written terms of the easement and the manner in which the easement boundary was planned and drawn. Given the conflict, it is unlikely that landowners understood the full effect of the easement they signed. This assumption is further supported by the fact that the Easement Agreement, signed by both BWSR and the landowner, does not spell out the prohibition on subdivision and density transfer.

Proposed Solution

ACUB partners, including BWSR as the easement holder, propose to amend the 88 ACUB easements, based on a mutual mistake in the drafting of the easements that resulted in a conflict between the way the easement area was planned and the actual drafting of the easement document.

This solution is consistent with achieving the intent and purpose of the ACUB program and the conservation purpose of the easement itself by limiting development and preserving open space within the Camp Ripley buffer area. It does not compromise the intent of either the ACUB program or natural resource protection. At the same time, it resolves a serious conflict in the way the ACUB easements were envisioned by partners and discussed with landowners versus how documents were drafted.

Board Resolution # 13-81

Modification of Camp Ripley Army Compatible Use Buffer (ACUB) Program Easements.

WHEREAS the state of Minnesota, acting through its Minnesota Board of Water and Soil Resources (BWSR) has authorized BWSRstaff to work with the National Guard Bureau, Camp Ripley staff, and the involved local Soil and Water Conservation District staff to acquire conservation easements within the designated 3-mile ACUB buffer of Camp Ripley;

WHEREAS BWSR has acquired 88 conservation easements through the ACUB program with a federal investment of $15,795,000 and a state investment of $2,248,000;

WHEREAS the Camp Ripley staff in working with BWSR and the Morrison SWCD have identified a "mutual mistake" in the drafting of the easement language of all 88 easements which unintentionally prevents subdivision of easement parcels;

WHEREAS BWSR currently holds nearly 6,000 conservation easements across Minnesota, none of which prohibit subdivision;

WHEREAS it is the intention of the ACUB program to limit development within the ACUB buffer through means other than a strict prohibition on subdivision;

WHEREAS it was not the intent of BWSR, the National Guard Bureau, or Morrison Soil and Water Conservation District staff to prohibit subdivision, and that by strictly prohibiting subdivision the ability to acquire future ACUB easements will be significantly compromised;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Wednesday, September 24th, 2013 and unanimously recommends the following to successfully continue the Camp Ripley ACUB Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1) Work with the National Guard Bureau, Morrison Soil and Water Conservation District, the Minnesota Attorney General's Office, and other affected parties to develop new language that is consistent with achieving the intent and purpose of the ACUB program and the conservation purpose of the easement by limiting development and preserving open space within the Camp Ripley buffer area but not strictly prohibiting subdivision.

2) Modify all existing ACUB easements to reflect the change.

3) Incorporate modified language into all new ACUB easements.

Dated at Saint Paul, Minnesota this 25th day of September, 2013.

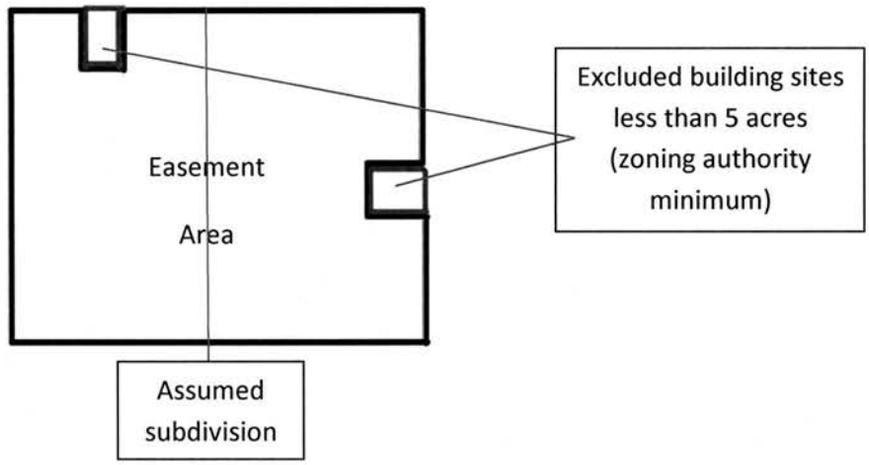
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

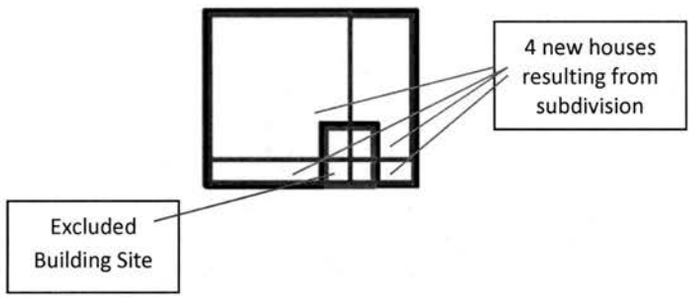
Brian Napstad, Chair

Board of Water and Soil Resources

What we are hoping to achieve:



What we want to avoid:



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2013 Grants Monitoring Report

Meeting Date:

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

Item Type: ☐ Decision ☐ Discussion x Information

Section/Region: Fiscal Compliance / Land and Water Sections

Contact: Tim Dykstal

Prepared by: Tim Dykstal

Reviewed by: Committee(s)

Presented by: Tim Dykstal

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

None. Information only.

LINKS TO ADDITIONAL INFORMATION

See attached report.

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, which calls for an annual report to be delivered to the Board on grants monitoring. This is the second annual report.

2012-13 Grant Verification Site Visits Summary
for Fiscal Year 2011 Grants

County	LGU	Date of Site Visit	Status	Completion or Projected Completion Date	Verification Team Members	Comments
Chisago	County	9/11/2012	Complete.	3/13/2013	Tim Dykstal, Marcey Westrick, Matt Drewitz, Melissa Lewis	In compliance; time tracking needs improvement.
	SWCD	10/23/2012	Complete.	3/13/2013		In compliance; financial records in good order.
Morrison	County	9/24/2012	Complete.	3/1/2013	Tim Dykstal, Ron Shelito, Dan Steward	In compliance; time tracking and documentation of match and expenditures need improvement.
	SWCD	9/24/2012	Complete.	3/1/2013		In compliance; financial records in good order.
Watonwan	County	10/10/2012	Complete.	3/13/2013	Tim Dykstal, Ron Shelito, Mark Hiles	One finding; corrective action plan met; now in compliance.
	SWCD	10/10/2012	Complete.	2/20/2013		Several findings; corrective action plan met; now in compliance. Corrective action plan to be revisited in 10/2013.
Anoka	County	3/28/2013	Data analyzed; followup questions answered; results in process.	9/2013	Tim Dykstal, Marcey Westrick	
	SWCD	3/28/2013	Data analyzed; followup questions answered; results in process.	9/2013		
Pipestone	County	4/15/2013	Data processed; followup questions answered.	9/2013	Tim Dykstal, Matt Drewitz, David Sill	
	SWCD	4/15/2013	Data processed; followup questions answered.	9/2013		
Fillmore	County	5/14/2013	Data processed; followup questions answered.	10/2013	Tim Dykstal, Matt Drewitz, Steve Lawler	
	SWCD	5/14/2013	Data processed; followup questions answered.	10/2013		
Kanabec	County	5/21/2013	Data processed; followup questions answered.	10/2013	Tim Dykstal, Jason Weinerman, Don Buckhout	
	SWCD	5/21/2013	Data processed; followup questions answered.	10/2013		
Koochchiching	County	6/13/2013	Data collected.	12/2013	Tim Dykstal, Chad Severts, Ron Shelito	
	SWCD	6/13/2013	Data collected.	12/2013		
Dodge	County	8/20/2013	Data collected.	12/2013	Tim Dykstal, Jeff Nielsen, Steve Lawler, Tom Gile	
	SWCD	8/20/2013	Data collected.	12/2013		

Data compiled by Tim Dykstal
for BWSR Board Meeting, September 25, 2013

2013 Grants Monitoring, Reconciliation and Verification Report
September 25, 2013

Introduction

On June 22, 2011 the Board adopted the Grants Monitoring, Reconciliation and Verification Policy (GMRVP). The policy 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 FY 2012. The implementation plan provided that the BWSR Grants Administrator will annually present a grants monitoring report to the BWSR Board.

Grants Monitoring

Grants "monitoring" is defined in the policy as the review and documenting of the grant recipient's progress implementing the grant and complying with the grant agreement. Grants monitoring occurs throughout the year, but it is formally required when BWSR staff review and approve all required annual reports consistent with the appropriate deadline, which is February 1, 2013 for grants activity that occurred in calendar year 2012, and July 31 for grants that expired on June 30, 2013. Because of the transition to the new eLINK reporting system, these deadlines have been extended, but data on monitoring as of the February deadline was captured before the "old" eLINK was shutdown on March 14, 2013.

Monitoring of 2012 Grants Activity				
Data Collected as of eLINK shutdown				
Type of Grant	Number of Grants	Number of Active Grants	Number of Active Grants Monitored	Percentage of Active Grants Monitored
Conservation Program and Operations Grants	382	341	253	73.2
Project Grants	179	139	120	86.3

These data indicate that, of 382 FY 2012 Conservation Program and Operations (CPOG) grants, 341 had reported some activity—some funds spent—as of March 2013. Of those 341 grants, 253—or 73.2 percent--had evidence in eLINK of having been monitored: had their report status in eLINK changed to either "accepted" or "approved."

Grants monitoring that occurs throughout the year is documented in a grant monitoring journal in eLINK that records the informal conversation, emails, and other contact that BWSR staff have with grant recipients about the progress on their grants. The data reported above do not capture this informal monitoring—only the status changes that are triggered when a BWSR staff member reviews a report in eLINK.

Grant Verification Site Visits

The heart of the Grants Monitoring, Reconciliation and Verification policy is the grant verification site visit. Agency policy is to conduct grant verifications on ten percent of all BWSR grants annually.

During a grant verification site visit, BWSR checks what a grant recipient has received in grant funds (revenue) against what the recipient has spent—and matched--on local programs, operations, and projects (expenditures). The central question in a verification visit is whether expenditures match revenue. If they do, the grant is reconciled. During the site visit, BWSR staff also check whether the terms of grant payments-- as stated in the grant agreement, the BWSR *Grant Administration Manual*, and all applicable state rules and regulations--have been complied with. The grant recipient's internal control environment is also checked.

The GMT and Regional Supervisors selected the following counties for the 2012-2013 cycle of grant verifications: Anoka, Chisago, Dodge, Fillmore, Kanabec, Koochiching, Morrison, Pipestone, and Watonwan. Three counties (Chisago, Morrison, and Watonwan) were visited in fall 2012. Those three counties have had their results processed and delivered. The six other counties were visited in the spring and summer of 2013: data from these visits are still being processed.

Two of the three counties visited in fall 2012 were fully in compliance, although the visit may have resulted in recommendations for improvement. (For example, one LGU was advised to work to maintain the identity of BWSR grants being charged by program type and fiscal year.) One county's SWCD was not in compliance, particularly with respect to documenting expenditures charged to the Wetland Conservation Act (WCA) and State Cost-Share grants. BWSR issued a corrective action plan, and the SWCD Board contracted with a neighboring SWCD to bring the LGU's financial records into compliance.

See the attached chart for a summary of the status and results of these visits.

A recurring observation from these verification visits concerns the billing that LGUs use to charge staff time to BWSR grants. Some LGUs, building off their work plans, use one, average rate to charge staff time. Other LGUs use rounded or "generic" rates. The new financial record keeping guidance that is being incorporated in the *Grant Administration Manual* advises LGUs that "The costs billed to BWSR grants must be based on actual expenditures, not budgeted figures," and that "Financial reconciliation must be based on actual, incurred costs."

Financial Record Keeping Guidance

To responsibly manage a BWSR grant, grant recipients must be able to document the receipt of revenue and expenditures on staff time, contractors, and other costs. They must also know what is and is not an "allowable" cost to be charged to a grant. With the institution of the GMRVP in 2011, BWSR's local partners had been asking for guidance about how to prepare to have their grants monitored and verified. BWSR's existing *Grant Administration Manual*, available online since 2011, discusses the general content of program and project files, but it did not list the specific kinds of documents needed to verify revenue and expenditures on BWSR grants. It also did not offer any best practice examples designed to providing the assurance that BWSR funds have been used as reported, and for the purposes stated in the grant agreement.

To that end, the Grants Monitoring Team has led an effort throughout 2013 to revise the *Grant Administration Manual*, greatly adding to its financial record keeping guidance. Local partners will be informed of the revisions in communications and at the BWSR Academy, in October.

Additional Grants Compliance Staff

BWSR's management has recognized that the increased attention paid to grants monitoring requires additional resources. In addition, although Board Conservationists are the agency's main grant monitors, in the field, evaluating a local government's internal controls, or performing a risk assessment, are skills cultivated by financial professionals. To allocate staff time and competencies more efficiently, BWSR is in the process of hiring two "Grants Compliance Specialists," one to be based in Mankato, and the other in Brainerd. The Grants Compliance

Specialists will work with regional field staff and the Fiscal Compliance Coordinator to enhance BWSR's compliance efforts.

Next Steps

Grants compliance steps to be taken in the coming year include:

- Conducting the next round of grant verification site visits.
- Hiring and training the two new Grants Compliance Specialists, and equipping them to lead the grant verifications.
- Standardizing grant monitoring guidance, to aid in the division of duties between Board Conservationists and Grants Compliance Specialists.
- Assessing the risks in BWSR's procedures of grants reporting, and grant oversight/monitoring, as part of BWSR's overall risk assessment plan.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Nutrient Study Results

Meeting Date: 9/25/2013

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

Item Type: ☐ Decision ☐ Discussion X Information

Section/Region:

Contact: John Jaschke

Prepared by: John Jaschke

Reviewed by: _____ Committee(s)

Presented by: Dave Wall, MPCA

X Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

None. Information only

LINKS TO ADDITIONAL INFORMATION

http://www.pca.state.mn.us/index.php/water/water-types-and-programs/surface-water/nutrient-reduction/report-on-nitrogen-in-surface-water.html.

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

In June 2013, the MPCA conducted a study of nitrogen in surface waters to better understand the nitrogen conditions in Minnesota's surface waters, along with the sources, pathways, trends and potential ways to reduce nitrogen in waters. The study was a collaborative effort led by Minnesota Pollution Control Agency, with assistance from the University of Minnesota and the U.S. Geological Survey. The report team used more than 50,000 water samples collected at 700 stream sites and used 35 years of monitoring data and findings from 300 published studies.

Executive Summary
Nitrogen in Minnesota Surface Waters

Conditions, trends, sources, and reductions

Minnesota Pollution Control Agency

June 2013

Prepared by the Minnesota Pollution Control Agency, in collaboration with the University of Minnesota and U.S. Geological Survey

Acknowledgements:
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The MPCA is reducing printing and mailing costs by using the Internet to distribute reports and information to wider audience. Visit our website at www.pca.state.mn.us/6fwc9hw. For more information, contact Dave Wall at 651-757-2806 or david.wall@state.mn.us.

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Executive Summary

Purpose

This study of nitrogen (N) in surface waters was conducted to better understand the N conditions in Minnesota's surface waters, along with the sources, pathways, trends and potential ways to reduce N in waters. Nitrogen is an essential component of all living things and is one of the most widely distributed elements in nature. Nitrate (NO_3), the dominant form of N in waters with high N, is commonly found in ground and surface waters throughout the country. Human activities can greatly increase nitrate, which is typically found at low levels in undisturbed landscapes.

Concern about N in Minnesota's surface waters has grown in recent decades due to: 1) increasing studies showing toxic effects of nitrate on aquatic life, 2) increasing N concentrations and loads in the Mississippi River combined with nitrogen's role in causing a large oxygen-depleted zone in the Gulf of Mexico, and 3) the discovery that some Minnesota streams exceed the 10 milligrams per liter (mg/l) standard established to protect potential drinking water sources.

Minnesota recently initiated two state-level efforts related to N in surface waters. The Minnesota Pollution Control Agency (MPCA) is developing water quality standards to protect aquatic life from the toxic effects of high nitrate concentrations. The standards development effort, which is required under a 2010 Legislative directive, draws upon recent scientific studies that identify the concentrations of nitrate harmful to fish and other aquatic life.

Also in development is a state-level Nutrient Reduction Strategy, as called for in the 2008 Gulf of Mexico Hypoxia Action Plan. Minnesota contributes the sixth highest N load to the Gulf and is one of 12 member states serving on the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force. The cumulative N and phosphorus (P) contributions from several states are largely the cause of a hypoxic (low oxygen) zone in the Gulf of Mexico. This hypoxic zone affects commercial and recreational fishing and the overall health of the Gulf, since fish and other aquatic life cannot survive with low oxygen levels. Minnesota is developing a strategy which will identify how further progress can be made to reduce N and P entering both in-state and downstream waters.

The scientific foundation of information documented in this report will be useful as the MPCA and other state and federal organizations further their nitrogen-related work, and also as local government considers how high N levels might be reduced in their watersheds.

The Minnesota Department of Agriculture is completing a separate but concurrent effort to revise the state's Nitrogen Fertilizer Management Plan, as required under Minnesota's Ground Water Protection Act. The plan addresses groundwater protection from nitrate. Yet because groundwater baseflow is an important contributor to surface water nitrate, certain groundwater protection efforts will also benefit surface waters.

Approach

The general approach for conducting this study was to:

1) **Collaborate with other organizations.** This study was conducted and written by 15 authors and co-authors. The University of Minnesota led the assessment of agricultural and nonpoint sources of N.

The U.S. Geological Survey assisted with nitrate trends evaluations and certain modeling and mapping efforts. Assistance and review was provided by several other organizations including Metropolitan Council, Minnesota Department of Agriculture, Board of Water and Soil Resources, and others.

2) **Build from existing information, tools, and data**. The study incorporated:
   - Recent water N concentration results from more than 50,000 water samples collected at more than 700 stream sites in Minnesota;
   - Water N loads calculated from monitoring results at more than 75 Minnesota watersheds;
   - Monitoring results from approximately 1976 to 2010 at 50 river sampling sites in Minnesota;
   - Findings from more than 300 published studies;
   - Findings from six previously developed computer models and two newly developed models; and
   - More than 40 existing Geographic Information System (GIS) spatial data layers.
3) **Include both total nitrogen and nitrate.** The study assesses total nitrogen (TN) for understanding downstream N loads to the Gulf of Mexico and Lake Winnipeg, and also assesses the nitrate form of N (concentrations, loads, trends) due to its impact on in-state aquatic life and drinking water.
4) **Develop results for large scales**. Results were determined for large-scale areas, such as statewide, major basins, and 8-digit Hydrologic Unit Code (HUC8) watershed outlets. Minnesota has 81 HUC8 watersheds, each averaging over 1000 square miles. Results should not be applied to the small watershed scale.
5) **Verify results.** The study results were verified with alternative methods, data, and studies, so that the conclusions are supported by more than one approach.

Nitrogen conditions in surface waters

Nitrogen conditions in surface waters are usually characterized in four different ways: 1) concentration, 2) load, 3) yield, and 4) flow weighted mean concentration.

- *Concentrations* are determined by taking a sample of water and having a laboratory determine how much N mass is in a given volume of that water sample, typically reported as mg/l. Load is the amount of N passing a point on a river during a period of time, often measured as pounds of N per year.
- *Loads* are calculated by multiplying N concentrations by the amount of water flowing down the river. Nitrogen loads are influenced by watershed size, as well as land use, land management, hydrology, precipitation, and other factors.
- *Yield* is the amount (mass) of N per unit area coming out of a watershed during a given time period (i.e., pounds per acre per year). It is calculated by dividing the load by the watershed size, which then allows for comparisons of watersheds with different sizes.
- *Flow weighted mean concentration (FWMC)* is the weighted-average concentration over a period of time, giving the higher flow periods more weight and the lower flow periods less weight. The FWMC is calculated by dividing the total load for a given time period by the total flow volume during that same period, and is typically expressed as mg/l.

Nitrogen concentrations

Maximum nitrite+nitrate-N (nitrate) levels in Minnesota rivers and streams (years 2000-2010) exceeded 5 mg/l at 297 of 728 (41%) monitored sites across Minnesota, and exceeded 10 mg/l in 197 (27%) of

these sites. A marked contrast exists between nitrate concentrations in the southern and northern parts of the state. In most southern Minnesota rivers and streams, nitrate concentrations at least occasionally exceed 5 mg/l (Figure 1). Most northeastern and northwestern Minnesota streams have nitrate concentrations which usually remain less than 1 and 3 mg/l, respectively.

Nitrate concentrations in southern Minnesota streams tend to fluctuate seasonally. However, seasonal variability is much less in several southeastern Minnesota streams, where groundwater baseflow provides a continuous supply of high nitrate water to streams throughout the year.

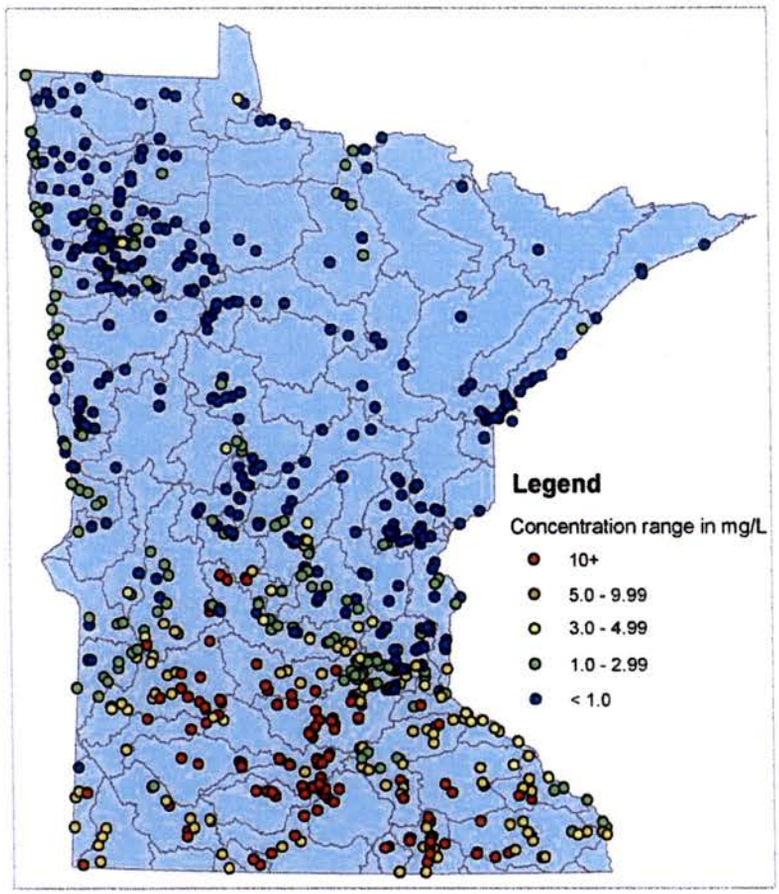


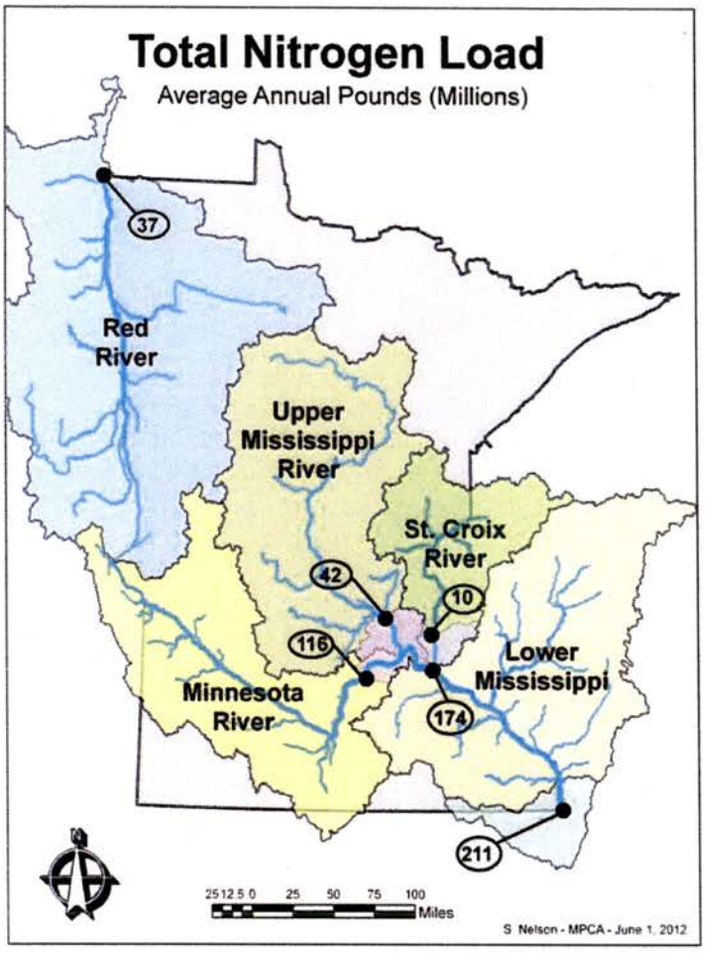
Figure 1. Nitrate concentrations at 728 river and stream sampling sites. Each colored circle shows the 90th percentile concentration from all samples taken at the site between 2000 and 2010.

Total nitrogen concentrations exhibit a similar spatial pattern across the state as nitrate, but are typically about 0.5 to 3 mg/l higher than nitrate-N, since TN also includes organic N and ammonia+ammonium (ammonium). Ammonium concentrations are less than 1 mg/l at 99% of river and stream sites in the state, and median concentrations are mostly less than 0.1 mg/l.

Mainstem river loads

Monitoring-based annual TN loads show that most of the state's TN load leaves Minnesota in the Mississippi River (Figure 2). On average, 211 million pounds of TN leaves Minnesota each year in the Mississippi River at the Minnesota-Iowa border, with just over three-fourths of this load originating in Minnesota watersheds, and the rest coming from Wisconsin, Iowa, and South Dakota. This compares to about 37 million pounds leaving the Red River at the Minnesota-Manitoba border, with about half from Minnesota and half from the Dakotas.

The highest TN-loading tributary to the Mississippi River is the Minnesota River, which adds about twice as much TN as the combined loads from the Upper Mississippi River (at Anoka) and St. Croix River (at Stillwater). The higher TN load in the Minnesota River is mostly due to much higher average TN concentrations in that river (8.2 mg/l flow-weighted mean concentration) as compared to the Upper Mississippi (2.2 mg/l) and the St. Croix River (1.0 mg/l).



South of the Twin Cities, tributaries from Wisconsin and Minnesota contribute additional N to the Mississippi River. Only small fractions of TN are lost in the Mississippi River, except where the water is backed-up for long periods in quiescent waters, allowing nitrate to be converted to N gas through natural processes or to be used by algae. In the river stretch between the Twin Cities and Iowa, some N is lost when river flow slows in Lake Pepin and in river pools behind locks and dams. Monitoring-based loads show that an average 9% TN loss occurs in Lake Pepin. An additional 3 to 13% of the river TN is estimated to be lost in the 168 mile Mississippi River stretch between the Twin Cities and Iowa. The net effect of the TN additions and losses in the Lower Mississippi Basin is an average 37 million pound annual TN load increase between the Twin Cities and Iowa.

Figure 2. Long term (15-20 year) average annual TN loads at key points along mainstem rivers.

Year-to-year variability in TN loads and river flow can be very high. In the Minnesota River Basin, TN loads during low flow years are sometimes as low as 25% of the loads occurring during high flow years. Major river TN loads typically reach monthly maximums in April and May. About two-thirds of the annual TN load in the Mississippi River at the Iowa border occurs during the months March through July, when both river flow and TN concentrations are typically highest.

Comparing watersheds

Watershed loads, yields and FWMCs were estimated for HUC8 level watersheds throughout the state so that different parts of the state could be compared and geographic priorities established. The two methods used to compare watersheds were: 1) monitoring results from the 2007 to 2009 period, and 2) SPARROW modeling that integrated long-term water monitoring data with landscape information and in-stream losses to estimate long-term average loads.

The monitoring results from 2007-2009 and SPARROW modeling results show similar parts of the state with high and low river N loads (Figures 3 and 4). The highest N yields occur in south central Minnesota, where TN FWMCs typically exceed 10 mg/l. The second highest TN yields are found in southeastern and southwestern Minnesota watersheds, which typically have TN FWMCs in the 5 to 9 mg/l range.

The highest three TN-yielding HUC8 watersheds include the Cedar River, Blue Earth River, and Le Sueur River watersheds, each yielding over 20 pounds/acre/year, on average. The 15 highest TN loading HUC8 watersheds to the Mississippi River contribute 74% of the TN load which ultimately reaches the river. The other 30 watersheds contribute the remaining 26% of the load to the Mississippi.

Total N yield estimated from SPARROW modeling showed that the urban dominated Mississippi River Twin Cities watershed delivered TN yields comparable to many other rural southern Minnesota watersheds (Figure 4).

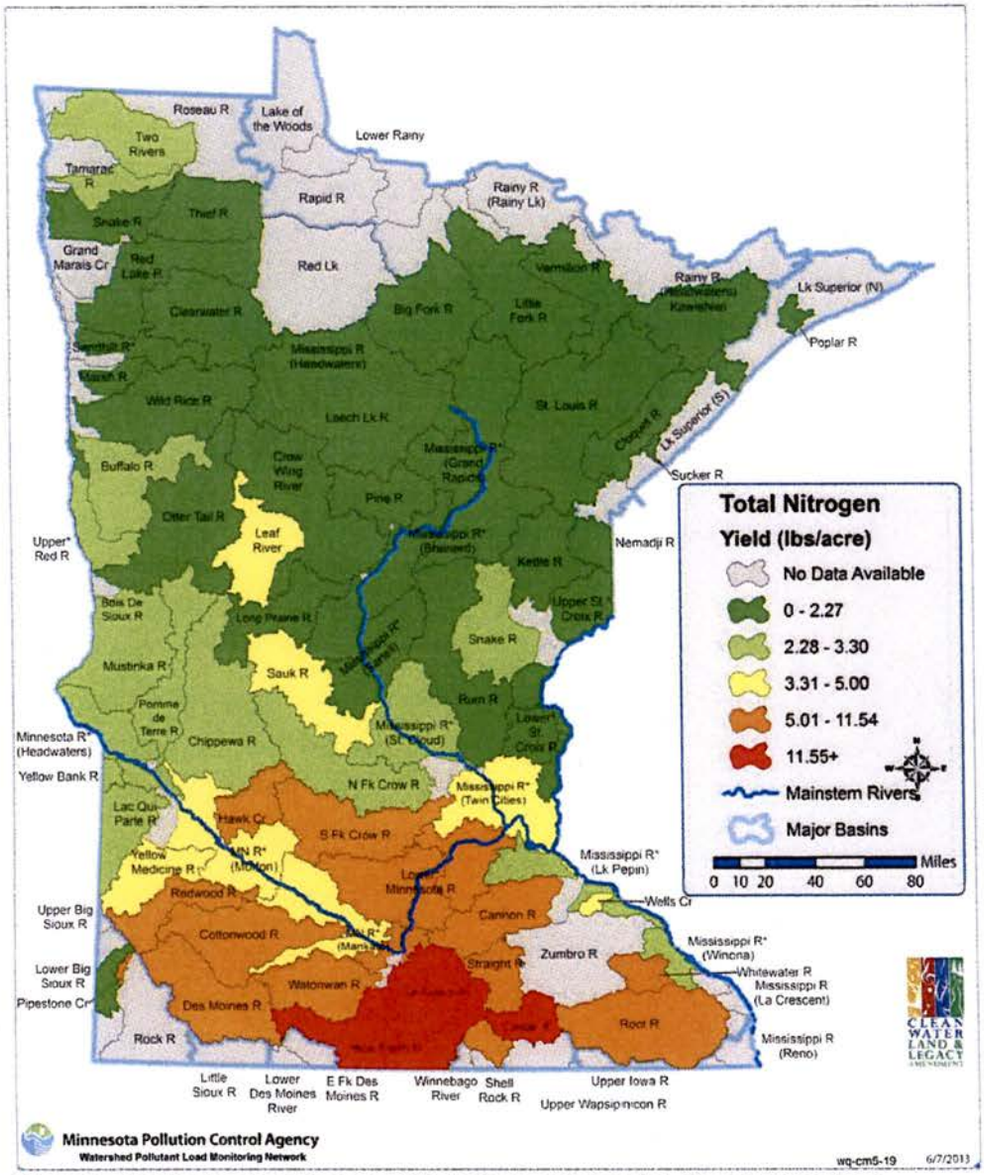


Figure 3. Monitoring-based annual TN yields near the outlet of each watershed. Average of available annual yield information between 2007 and 2009.

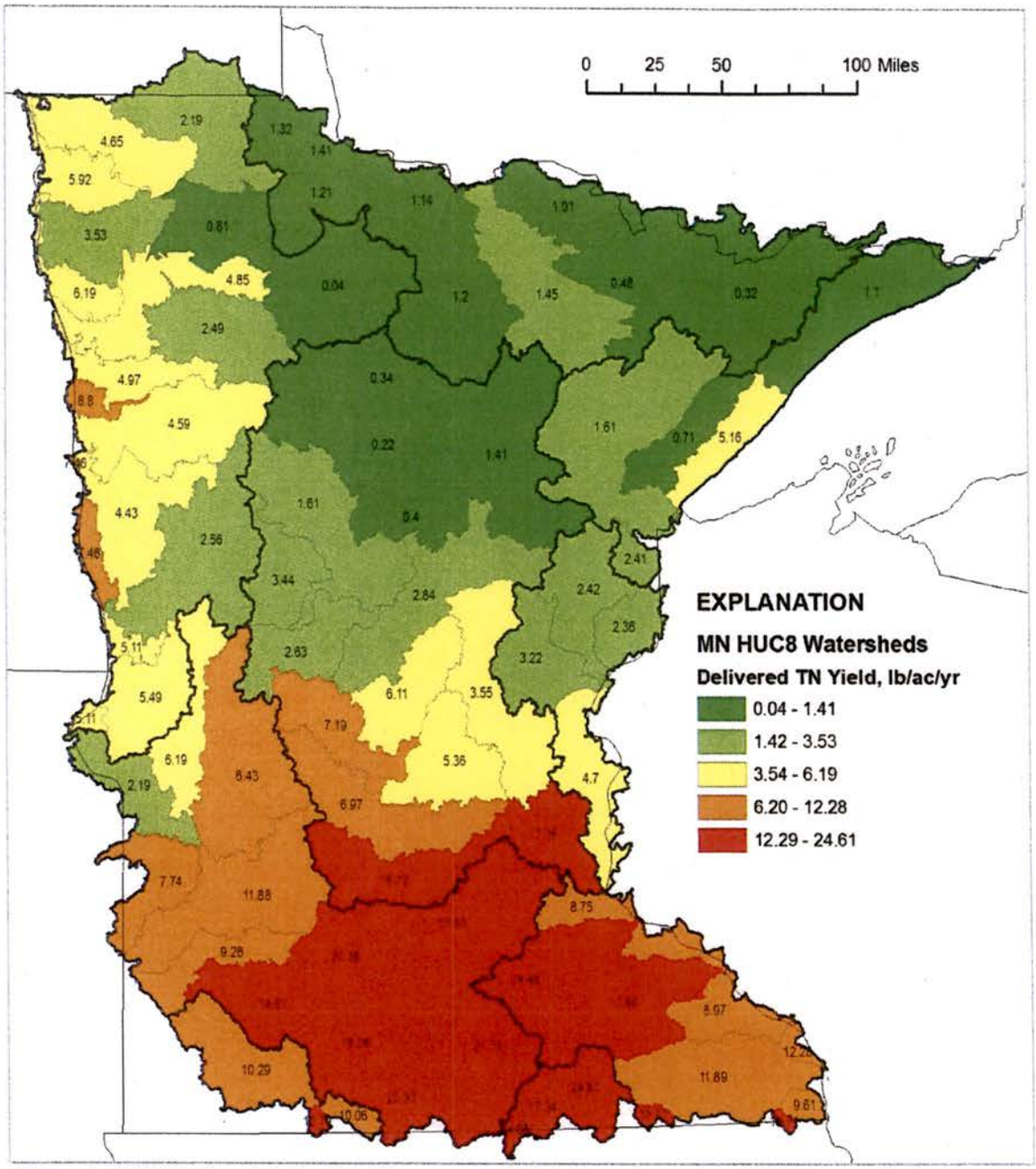


Figure 4. SPARROW model simulated incremental TN yields at the outlet of HUC8 watersheds (or state borders for watersheds cut-off by the state border).

Trends

Previous studies of N trends in Minnesota rivers and streams showed that *TN loads* increased since the 1970s and 1980s in the Red River of the North, Mississippi River, and Minnesota River. *Nitrate loads* had been found to have increased in the Mississippi and Minnesota Rivers between 1976 and 2005. Previous studies showed that *nitrate concentrations* were increasing in southeastern Minnesota streams and parts of central Minnesota, but that the downstream half of the Minnesota River generally showed no significant trend or a decrease. Previous studies also showed that river ammonium concentrations declined significantly over the 1980s and 1990s, likely in response to municipal wastewater upgrades and possibly also from feedlot and manure management improvements.

For this study, we evaluated flow-adjusted nitrite+nitrate-N (nitrate) concentration trends at 51 mainstem river and major tributary river monitoring sites throughout the state. The statistical trend analyses were performed with the QWTREND model, which was developed to evaluate periods of both increases and decreases which can occur at the same site over the period of record. River flow data was paired with nitrate monitoring results over a timeframe beginning during the mid-1970s and ending between 2008 and 2011.

Long-term (30-36 years) flow-adjusted nitrate concentration changes on the mainstem rivers are shown in Figure 5. The Mississippi River, which has very low nitrate concentrations in the north and less than 3 mg/l in the southern part of the state, showed increasing concentrations between 1976 and 2010 at most sites on the river, with overall increases ranging between 87% and 268% everywhere between Camp Ripley and LaCrosse. During recent years (i.e., 5-15 years prior to 2010), nitrate concentrations were increasing everywhere downstream of Clearwater on the Mississippi River at a rate of 1-4% per year, except that no significant trend was recently detected at Grey Cloud and Hastings in the Metro region.

Increasing nitrate concentration trends were also found in the Cedar River (113% increase over a 43-year period) and the St. Louis River in Duluth (47% increase from 1994 to 2010).

Not all locations in the state, however, are showing increasing trends. While nitrate concentrations remain very high in the downstream stretches of the Minnesota River (FWMC over 6 mg/l), two monitored sites (Jordan and Fort Snelling) showed a slight increase from 1979-2005, followed by a decreasing trend between 2005-06 and 2010-11. During recent years, all sites on the Minnesota River and most tributaries to the Minnesota River evaluated for trends have been either trending downward or have shown no trend (through 2009-11). Additionally, a few tributaries to the Mississippi River have also shown decreasing nitrate trends during the 6-8 year period prior to 2010, including the Rum, Straight, and Cannon Rivers.

Some other rivers have shown no significant trends since the mid-1970s, including the Rainy, West Fork Des Moines, and Crow Rivers. The Red River showed significant increases before 1995, but no significant trends between 1995 and 2010.

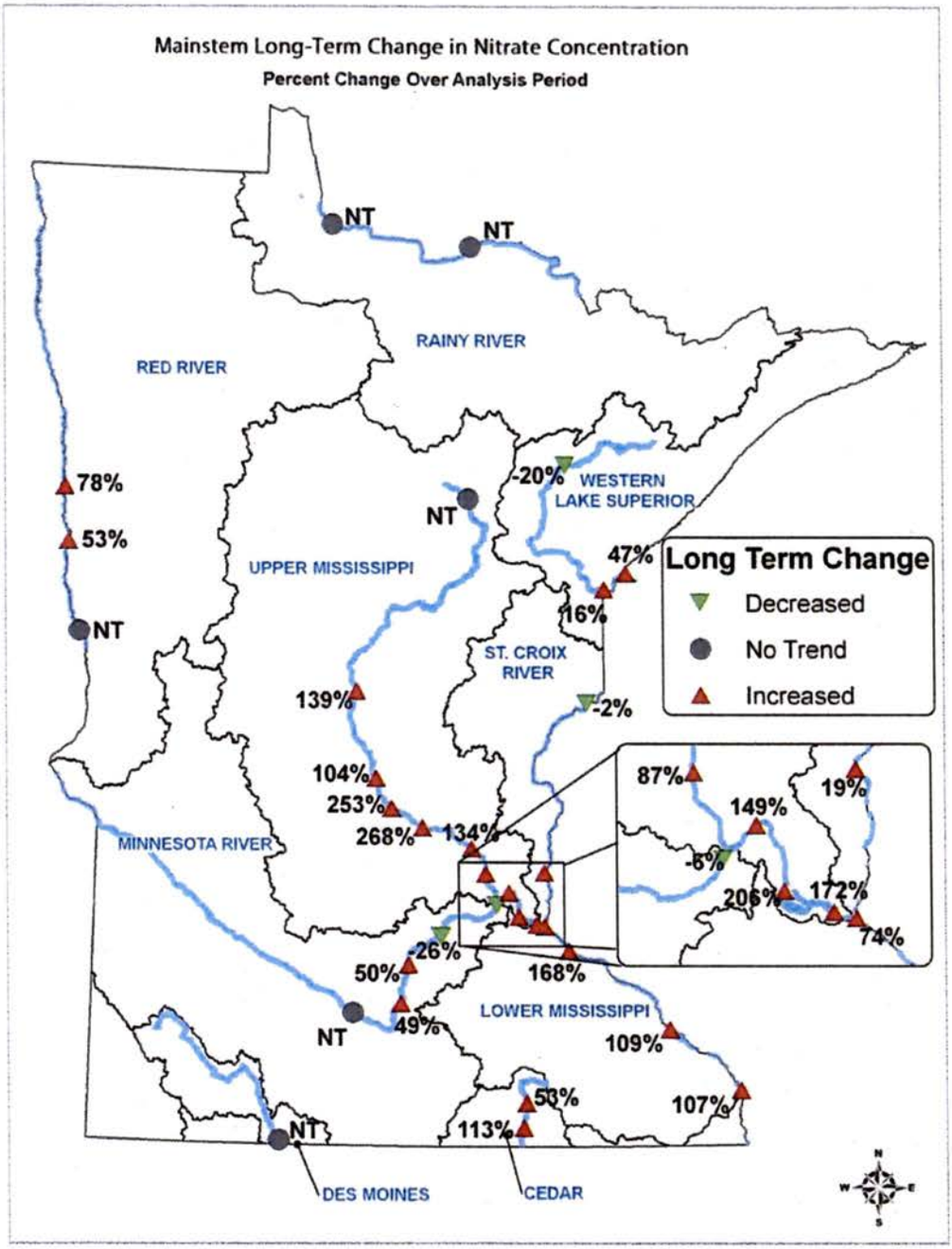


Figure 5. Long-term overall nitrate concentration trends (from mid to late 1970s until 2008-11) at mainstem river monitoring sites. Concentrations were adjusted for flow and changes are statistically significant at p<0.1.

Sources and pathways

Nitrogen source contributions to surface waters during average, wet and dry weather periods were estimated for each major basin and statewide. The estimated annual statewide TN (hereafter referred to as N) contributions reaching surface waters during an average precipitation year are shown in Figure 6. Results are intended for broader management planning decisions and should not be used in place of Total Maximum Daily Load (TMDL) studies or detailed local assessments based on site specific water quality monitoring and modeling data.

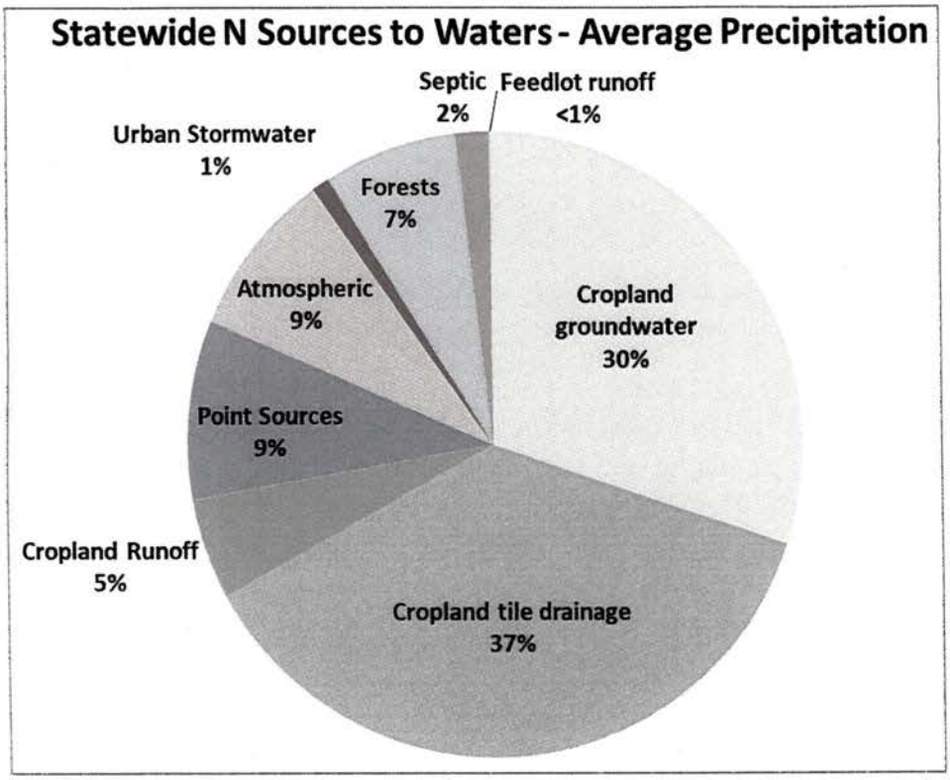


Figure 6. Estimated statewide N contributions to surface waters during an average precipitation year (rounded to whole numbers).

Cropland sources

Cropland N loads were estimated for three different pathways: surface runoff, tile-line transport, and leaching to groundwater and its subsequent underground movement to surface waters. Cropland sources were estimated by taking published field research results about N losses to water and then using GIS data-bases to extrapolate field-research results to larger scales. Cropland N source estimates were based on available site-specific data and watershed characteristics, adjusted for crops, geologic sensitivity, soils, climate, fertilizer rates, livestock manure availability, agricultural drainage, N losses within groundwater, and several other factors. The amount of N reaching surface waters from cropland varies tremendously, ranging from less than 10 pounds/acre on some cropland and more than 30 pounds/acre on other cropland.

According to the N source assessment conducted for this study, during an average precipitation year cropland sources contribute an estimated 73% of the statewide N load to surface waters. This statewide estimate is similar to SPARROW model simulations, which indicate that 70% of statewide N loading to surface waters is from agricultural sources. The cropland fraction of N load to surface waters varies by watershed, accounting for an estimated 89 to 95% of the N load in the Minnesota portions of the Minnesota River, Missouri River, Cedar River, and Lower Mississippi River Basins, and yet contributing less than 50% of the Upper Mississippi River Basin N (refer to Figure 8 for basin locations).

The emphasis of this study was estimating N loads from specific source categories to *surface waters*. Nitrogen sources to *land* were also estimated, since these sources can provide a general framework of understanding N potentially available for entering waters. Inorganic N becomes available to statewide cropland from several added sources to the soil, including commercial fertilizers (47%), legume fixation (21%), manure (16%), and wet plus dry atmospheric deposition (15%). Soil organic matter mineralization

releases an estimated annual amount of inorganic N comparable to fertilizer and manure N additions combined. Septic systems, lawn fertilizer, and municipal sludge together account for about 1% of all N added to soils statewide.

Cropland surface runoff

Cropland N moves from soil sources to surface waters through two dominant pathways: 1) tile-line transport, and 2) leaching to groundwater and subsequent underground flow into surface waters. Compared to these two pathways, cropland surface runoff adds relatively little N to waters. Surface runoff contributes only 1-4% of N loads to waters in all major basins except the Lower Mississippi River Basin and Red River Basin, where runoff from cropland contributes 9-16% of the N load, respectively.

Cropland tile drainage

Nitrogen moving through tile-lines and subsequently into ditches and streams was found to be the pathway contributing the most cropland N to surface waters. During an average precipitation year, row crop tile drainage contributes an estimated 37% of the N load to Minnesota's waters overall, and contributes 67% of the N load in the heavily-tiled Minnesota River Basin. During a wet year, the fraction of N to waters from tile drainage increases to an estimated 43% of statewide N load and 72% of the Minnesota River N load. River monitoring results affirmed the importance of tile drainage contributions, showing that the highest N-yielding watersheds in the state are those which are intensively tiled.

Cropland nitrate leaching to groundwater

Nitrogen leaching into groundwater below cropped fields, and subsequently moving underground until it reaches streams, contributes an estimated 30% of N to surface waters statewide. Groundwater N can take hours to decades to reach surface waters, depending on the rate of groundwater flow and the distance between the cropland and stream. Nitrogen leaching into groundwater is the dominant pathway to surface waters in the karst dominated landscape of the Lower Mississippi River Basin, where groundwater contributes an estimated 58% of all N. Yet in the Minnesota River Basin, dominated by clayey and tile-drained soils, cropland groundwater only contributes 16% of the N to surface waters, on average.

Wastewater point sources

Wastewater point source loads, estimated largely from MPCA discharge permit records, release an annual average 29 million pounds of TN to statewide waters, accounting for 9% of the statewide N load according to the N source assessment. This is slightly more than the 7% point source contribution estimated from SPARROW modeling.

Wastewater point source loads are dominated by municipal wastewater sources, which contribute 87% of the wastewater point source N load discharges, with the remaining 13% from industrial facilities. The 10 largest wastewater point source N loading facilities collectively contribute 67% of the point source TN load. Nearly half (49%) of the wastewater point source N discharges occur within the Twin Cities Metropolitan Area. River monitoring shows that six million pounds of N (on average) is gained in major rivers as they pass through the Twin Cities area, which equates to a 3.5% increase.

Wastewater point source N additions from large urban areas can contribute similar loads as many croplands draining from a similarly sized area. However, the wastewater N delivery to rivers is different than from cropland, as it enters waters at a few specific points as opposed to being dispersed across the watershed.

Other sources

Two other source categories, atmospheric deposition and forestland runoff, each contribute cumulative total statewide N loads comparable to wastewater point source N loads. While the N concentrations from atmospheric deposition and forest sources are much lower than wastewater discharges, the aerial extent of these two sources is vast, thereby accounting for the similar overall loads.

Nitrogen falling onto land from wet and dry atmospheric deposition was highest in the south and southeast parts of the state and lowest in the north and northeast where fewer urban and agricultural sources exist. Atmospheric deposition falling into lakes and streams was considered in the source assessment as a direct source of N into waters, contributing 9% of the statewide annual N load to waters. Correspondingly, the areas of the state with the most lakes and streams had the most atmospheric deposition directly into waters. Yet, relatively few other N sources are found in the northern Minnesota lakes regions, and a large fraction of N entering most lakes from atmospheric deposition will not leave the lake in streams. Low river N concentrations and loads are found in the northern lakes regions of the state.

Some N, typically less than three pounds/acre/year, is exported from forested watersheds. Forest N contributions are nearly negligible in localized areas and N levels in heavily forested watersheds are quite low. Yet since such a large fraction of the state is forested, the total cumulative N to waters from forested lands is estimated to be about 7% of the statewide N load.

Other statewide N sources contribute relatively small N loadings, including septic systems (2%), urban/suburban runoff (1%), feedlot runoff (0.2%) and water-fowl (<0.2%).

Source load differences among major basins

The load estimates in this study only quantify N source contributions originating in Minnesota portions of basins. Nitrogen source and pathway contributions from Minnesota portions of river basins vary considerably from one major river basin to another, as shown in Figure 7 (see also basin location map in Figure 8). For example, during an average precipitation year, cropland source contributions range between 16% and 95% of the estimated N load to the waters in each basin. Wastewater point source contributions range from 1% to 30% across the different basins, and contribute a higher fraction of the load where cropland sources are relatively low.

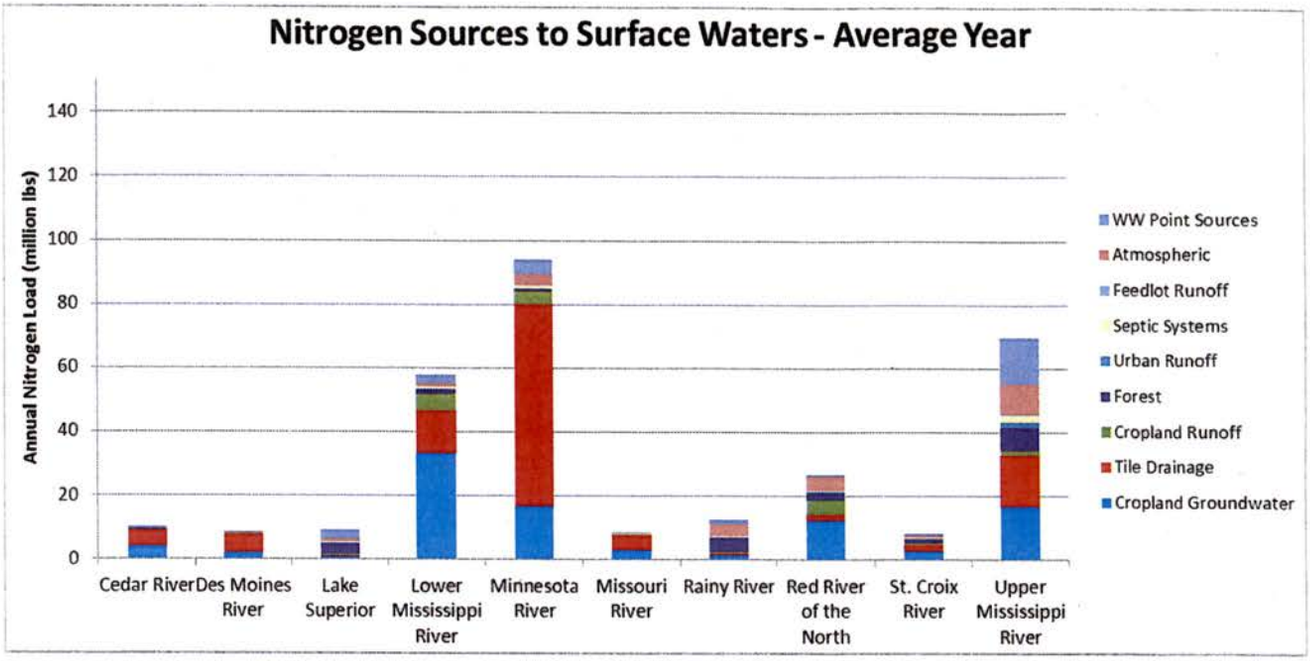


Figure 7. Estimated annual N loads to surface waters from different sources within the Minnesota portions of major basins during an average precipitation year.

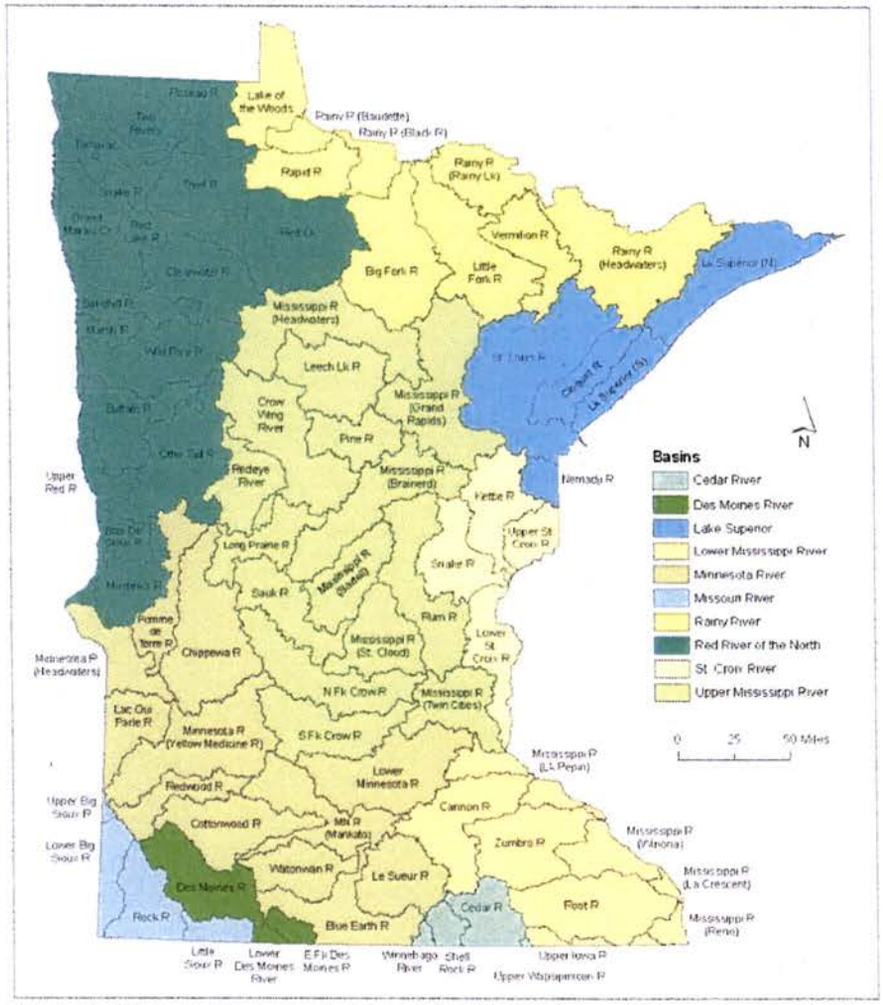


Figure 8. Minnesota's major basins and watersheds.

Precipitation effects on source loads

Precipitation amounts have a pronounced effect on N loads. During a dry year, statewide N loads drop by 49% from average year loads (Figure 9). During a wet year, overall loads increase by 51%, as compared to an average year (Figure 10). The effects of precipitation are even greater in the Minnesota River Basin, where wet years have an estimated 70% greater N load, and dry years have 65% less N load.

Precipitation also affects the relative contributions from different N sources and pathways. During wet years, the cropland source contributions increase from 73% to 79% of the statewide N loads to waters. Agricultural drainage increases from 37% to 43% of the loads to surface waters during wet years, cropland runoff increases from 5% to 6%, and cropland groundwater remains at 30%. During dry years, the fraction of the load coming from wastewater point sources increases from 9% to 18%, whereas cropland sources are reduced to 54% of the estimated statewide N load.

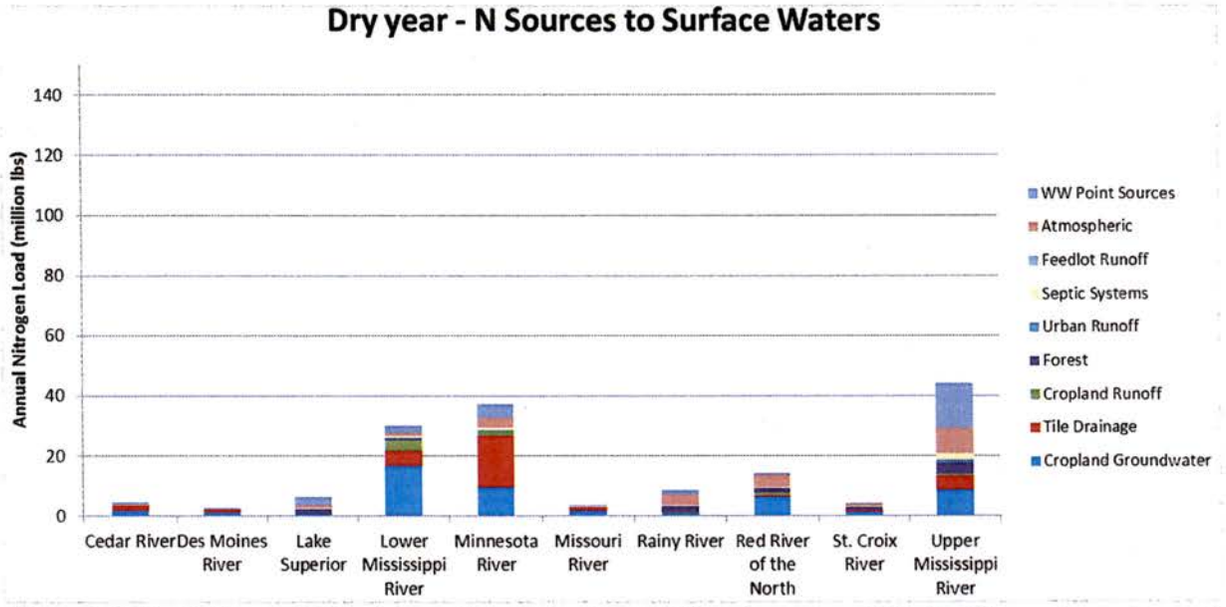


Figure 9. Estimated annual N loads to surface waters from different sources within the Minnesota portions of major basins during a dry year.

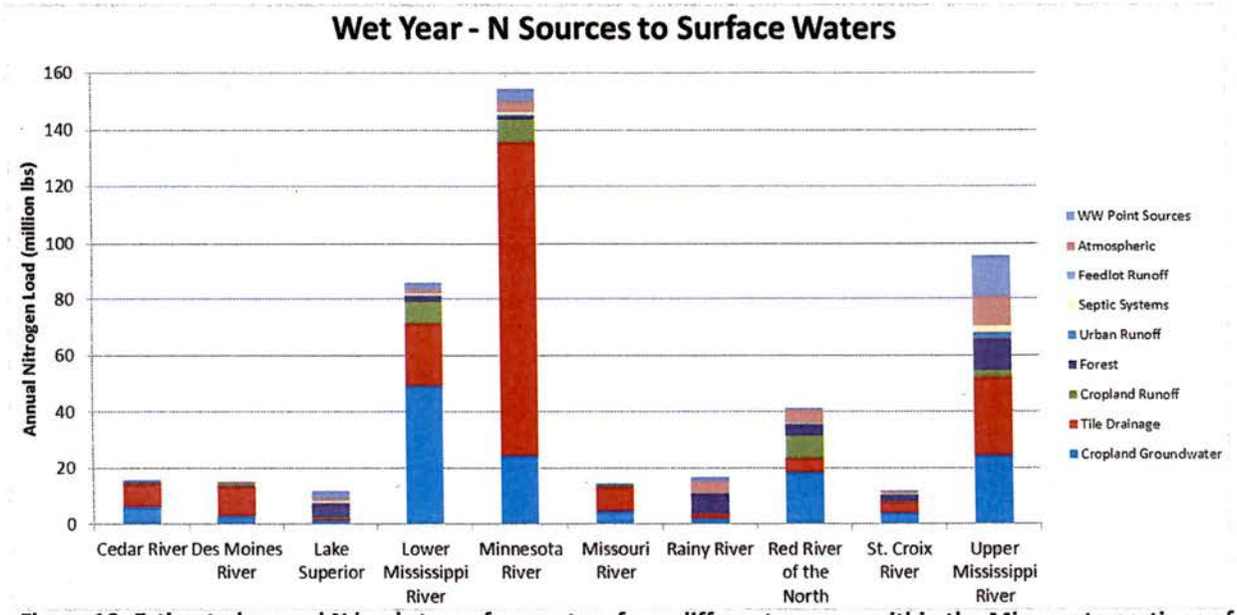


Figure 10. Estimated annual N loads to surface waters from different sources within the Minnesota portions of major basins during a wet year.

Sources to the Mississippi River

Just over 81% of the TN load to Minnesota waters is from watersheds which ultimately flow into the Mississippi River. If we look only at those Minnesota watersheds which contribute to the Mississippi River, source contributions during an average precipitation year are estimated as follows: cropland sources 78%, wastewater point sources 9%, and non-cropland nonpoint sources 13% (Figure 11). Cropland source contributions increase to 83% for these watersheds during wet (high-flow) years, and point sources decrease to 6%. During a dry year, cropland sources represent an estimated 62% of N to waters and point sources contribute 19%.

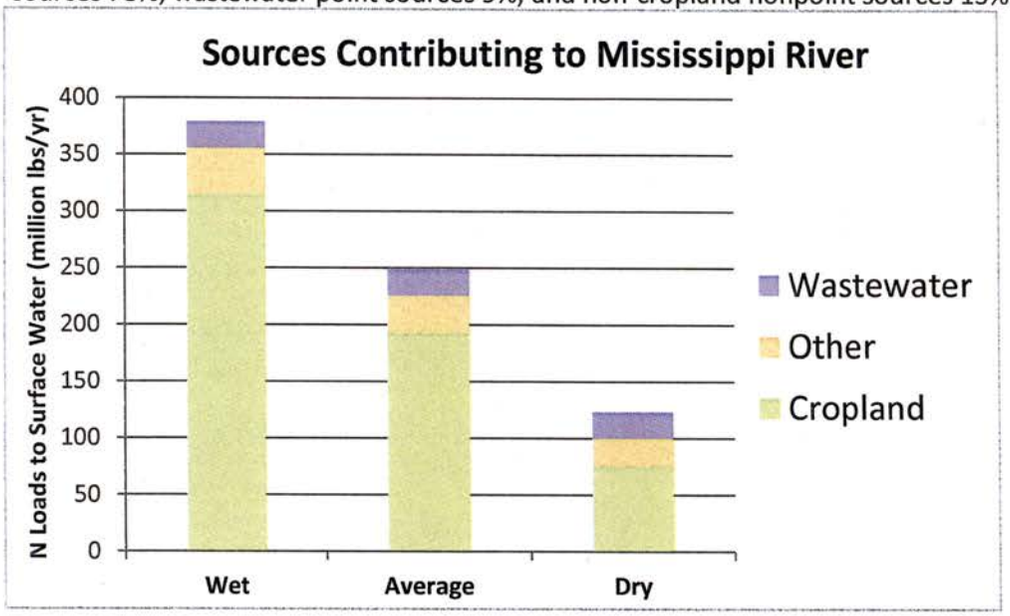


Figure 11. Sum of N source contributions in watersheds which eventually reach the Mississippi River. The "other" category includes septic systems, atmospheric deposition directly into waters, feedlots, forested land and urban/suburban nonpoint source N. "Wastewater" includes municipal and industrial point sources.

Uncertainties and verification of sources

The source assessment conducted by the University of Minnesota and MPCA has some areas of uncertainty. All sources should be treated as large-scale approximations of actual loadings, and each source estimate could be refined with additional research. One particular area of uncertainty is the cropland groundwater component, due to: a) limited studies quantifying leaching losses under different soils, climate and management, and b) high variability in denitrification losses, which can occur as groundwater slowly flows toward rivers and streams.

Because of source assessment uncertainties, we compared the source assessment results with results from five separate approaches, as follows:

1) **Monitoring results** – HUC8 watershed and major basin scale monitoring results
2) **SPARROW modeling** – major N source categories (statewide)
3) **HSPF modeling** – Minnesota River Basin modeled estimates of sources, pathways and effects of precipitation
4) **Watershed characteristics analysis** – comparing watershed land and hydrologic characteristics with river N yields and concentrations
5) **Literature review** – existing studies in the upper-Midwest related to N sources and pathways

Mainstem river monitoring results compared reasonably well to the sum of the sources estimated by the source assessment during dry, average and wet conditions (Figures 12-14). The monitoring results were not expected to be the same as the sum of sources, since the sum of sources do not consider in-stream

N losses or lag times in groundwater N transport from sources to surface waters. Yet the fairly close agreement between the monitoring results and source load estimates provides one line of evidence that the source estimates may be reasonable.

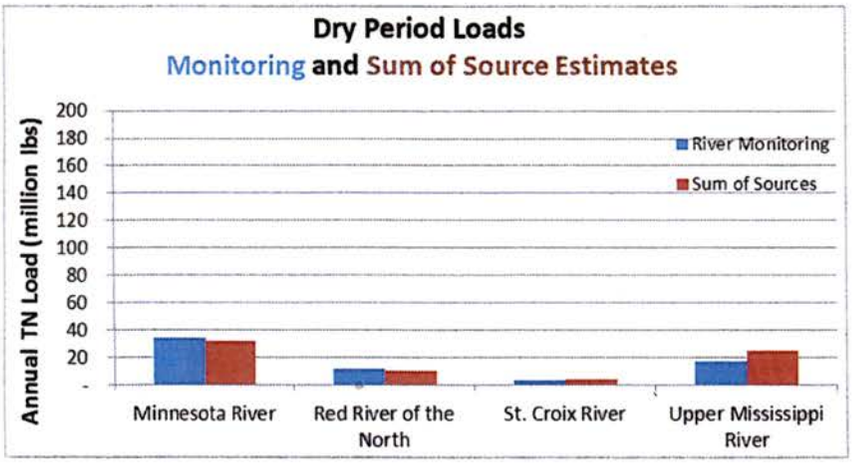


Figure 12. Dry period comparison of river monitoring average annual loads with the sum of estimated source loads.

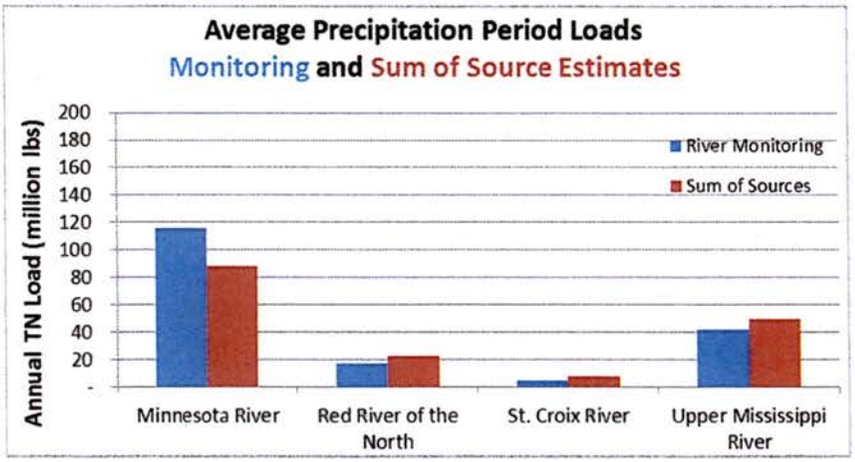


Figure 13. Average period comparison of river monitoring average annual loads with the sum of estimated

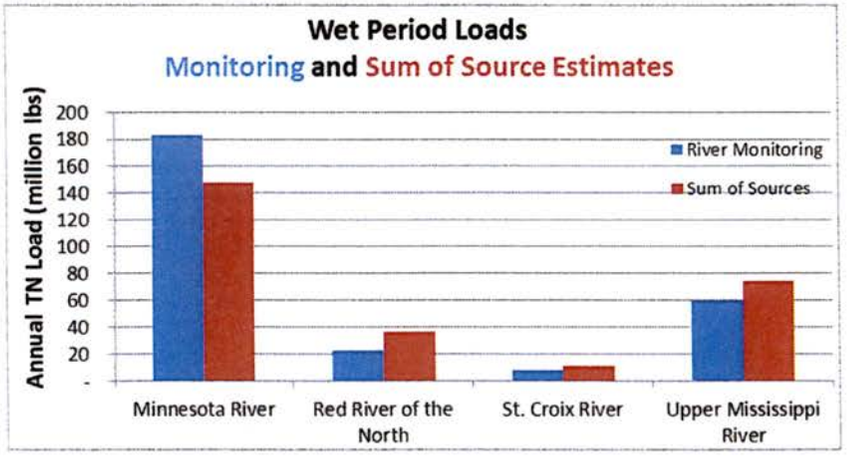


Figure 14. Wet period comparison of river monitoring average annual loads with sum of estimated source loads.

The SPARROW and HSPF model N source estimates were both consistent with the source assessment findings. SPARROW model results showed cropland sources as the dominant statewide N sources to Minnesota rivers, representing 70% of the source loads (Figure 15).

Using a markedly different modeling approach than SPARROW, the HSPF model results showed that the cropland sources represent 96.6% of the Minnesota River Basin nonpoint source inorganic N load to rivers, which was similar to a 97.6% estimate from the source assessment findings. The HSPF model results also showed similar flow pathways and wet weather effects on loads as compared to the source assessment findings.

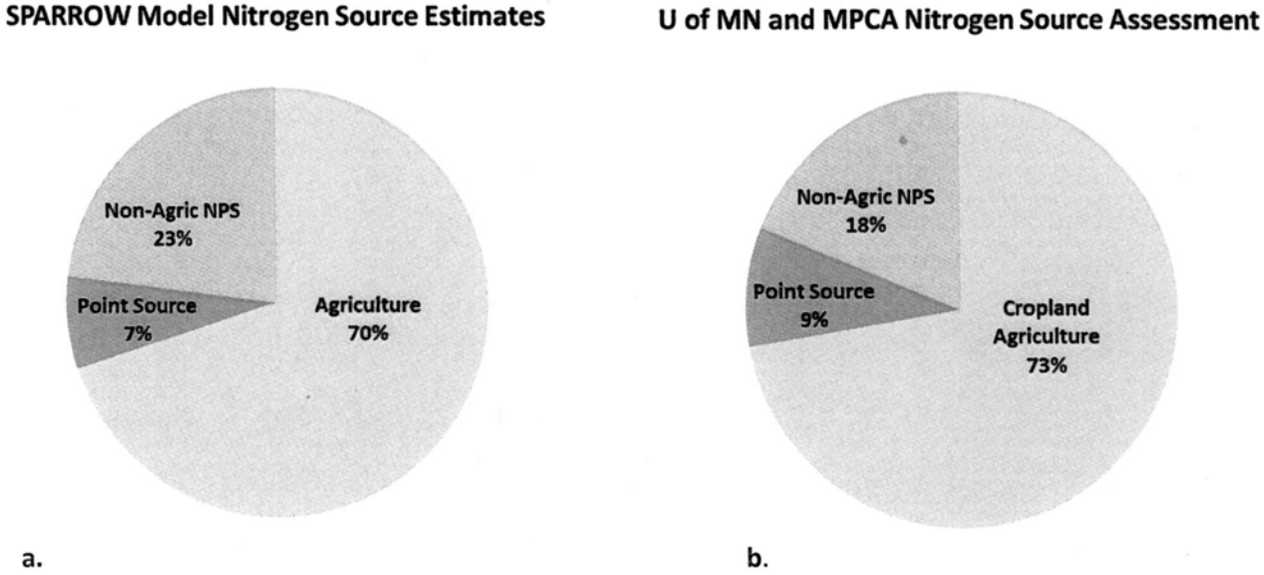


Figure 15. Comparing N source category contributions to Minnesota surface waters statewide during an average year using a) SPARROW model results, and b) N source assessment conducted for this study.

We also used statistical and non-statistical methods to compare watershed monitoring results with 18 watershed land use and hydrologic characteristics. These checks on the source assessment findings did not show inconsistencies with the source load findings, and they did show several relationships which support the source assessment findings. For example, a distinct pattern was observed between watershed nitrate levels and the percent of watershed with row crops over tile-drainage, sandy soils, and soils with a shallow depth to bedrock (Figure 16).

Statistical models of nitrate and TN concentration suggested that row crops over tile-drained soils and high groundwater recharge areas (sandy soils and/or shallow depth to bedrock) accounted for much of the nitrate concentration variability in the 28 HUC8 watersheds analyzed (r-squared exceeding 0.96). Statistical models also showed a similarly strong correlation between watershed N yields and two variables: 1) the amount of land with row crops over tile drainage, and 2) annual precipitation. For both the concentration and yield statistical models, the tile drainage variable exerted the strongest magnitude of influence, with two to five times the influence of the other explanatory variables.

All five ways of checking the findings corroborate the source assessment results and no major discrepancies were found. This increases our confidence that the source assessment is reasonably accurate and is useful for generally understanding large scale N load sources and pathways to Minnesota surface waters.

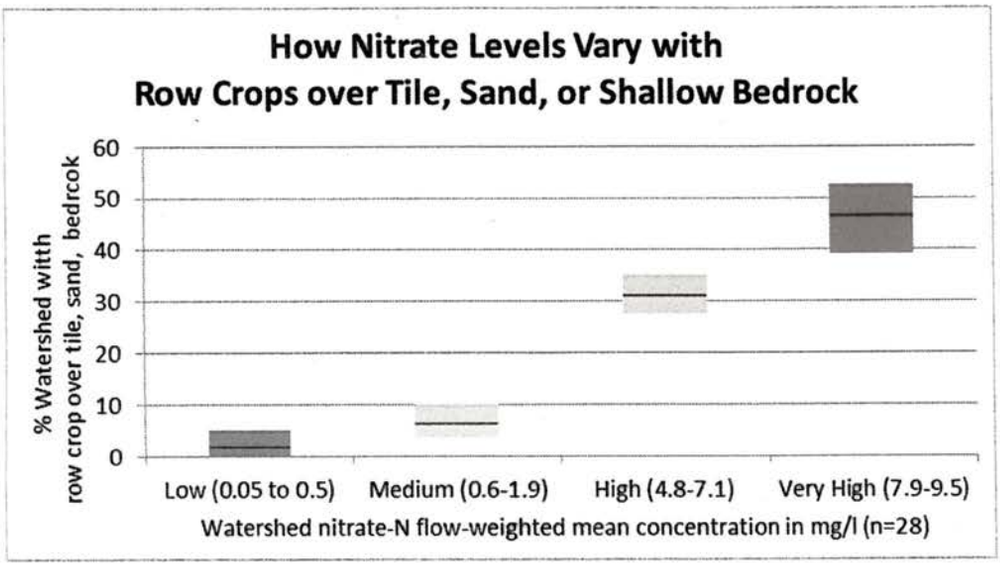


Figure 16. The range (colored bars) and average (dark line) percent of land in row crops underlain by tile-drainage (estimated), shallow bedrock or sandy subsoils. The four watershed nitrate classifications are based on river monitoring averages from two normal flow years within the period 2005-2009.

Potential ways to reduce nitrogen in surface waters

Because high N loading is pervasive over much of southern Minnesota, little cumulative large-scale progress to reduce N in surface waters will be made unless numerous large watersheds (i.e., the top 10 to 20 N loading watersheds) reduce N levels. Appreciable N reductions to major rivers and large downstream waters cannot be achieved by solely targeting individual small subwatersheds or mismanaged tracts of land. However, cumulative smaller scale changes repeated across much of the southern Minnesota landscape can make an appreciable difference in N loading.

Reducing nitrogen losses from cropland

Based on the N source assessment and the supporting literature/monitoring/modeling, meaningful regional N reductions to rivers can be achieved if Best Management Practices (BMPs) are adopted on acreages where there is a combination of: a) high N sources, b) seasonal lack of dense plant root systems, and c) rapid transport avenues to surface waters (which bypass denitrification N losses common in many groundwaters). These conditions mostly apply to row crops planted on tile-drained lands, but also include row crops in the karst region and over many sandy soils.

Further refinements in fertilizer rates and application timing can be expected to reduce river N loads and concentrations, yet more costly practices will also be needed to meet downstream N reduction goals.

BMPs for reducing N losses to waters can be grouped into three categories:

1) I*n-field nutrient management* (i.e., optimal fertilizer rates; apply fertilizer closer to timing of crop use; nitrification inhibitors; variable fertilizer rates)
2) *Tile drainage water management and treatment* (i.e. shallower depth of tile drainage; control structures that let farmers adjust water levels; constructed and restored wetlands for treatment purposes; woodchip trench bioreactors; and saturated buffers)
3) *Vegetation/landscape diversification* (i.e. cover crops; perennials planted in riparian areas or marginal cropland; extended rotations with perennials; energy crops in addition to corn)

Through this study, a tool was developed by the University of Minnesota to evaluate the expected N reductions to Minnesota waters from individual or collective BMPs adopted on lands well-suited for the practices. The tool, called "Nitrogen Best Management Practice watershed planning tool" (NBMP), enables planners to gauge the potential for reducing N loads to surface waters from watershed croplands, and to assess the potential costs (and savings) of achieving various N reduction goals. The tool also enables the user to identify which combinations of BMPs will be most cost-effective for achieving N reductions at a HUC8 watershed or statewide scale.

We used the NBMP tool to assess N reduction scenarios in Minnesota (statewide and in specific HUC8 watersheds). Results from the NBMP tool were also compared to results from an Iowa study which used different methods to assess the potential for using agricultural BMPs to achieve N load reductions to Iowa waters. Both the Minnesota and Iowa evaluations concluded that no single type of BMP is expected to achieve large-scale reductions sufficient to protect the Gulf of Mexico. However, combinations of in-field nutrient management BMPs, tile drainage water management and treatment practices, and vegetation/landscape diversification practices, can together measurably reduce N loading to surface waters.

The N reduction potential varies by watershed (Figure 17). For example, if BMPs were implemented on all land suitable for the BMPs, the NBMP tool predicts a 22% river N reduction in the Root River Watershed and a 39% reduction in the LeSueur River Watershed. The North Fork Crow River Watershed could potentially achieve a 38% N reduction; however, it would need to rely more heavily on taking marginal cropland out of row crop production and replacing with perennials. The total net cost of achieving the reductions shown in Figure 19 is estimated to range from $22 to $47 million per watershed per year. The fertilizer BMPs were projected to save money and the majority of the estimated net costs were associated with the vegetation change BMPs.

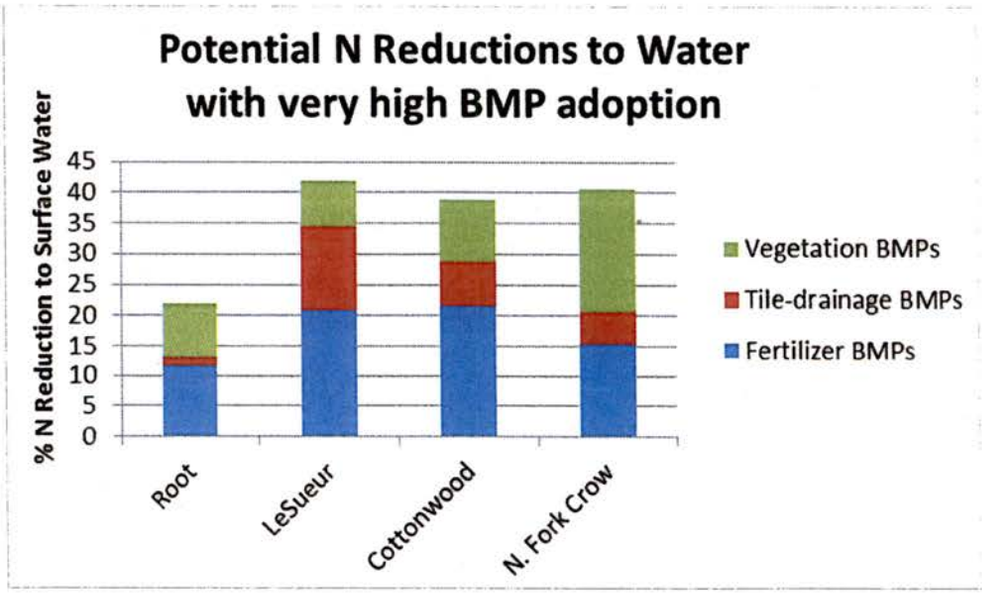


Figure 17 – Potential % N reductions to surface waters estimated with the NBMP tool when adopting BMPs on 100% of lands suitable for the following BMPs: optimal fertilizer rates and timing for corn (fertilizer BMPs), bioreactors and wetland construction/restoration and controlled drainage (tile-drainage BMPs), and plant cover crops and on marginally productive lands replace row crops with perennials (vegetation BMPs).

Statewide, river N loads can potentially be reduced by as much as 13% through widespread implementation of optimal in-field nutrient management BMPs, practices which can reduce fertilizer costs. To achieve 25% N load reductions, high adoption rates of a suite of other BMPs would need to be added to the in-field N management practices, and the net cost per pound of N reduced would increase.

The NBMP tool indicated that a 30-35% statewide reduction of cropland N losses to waters could be achieved if: over 90% of the corn land received optimal fertilizer rates applied in the spring; perennials were planted on 100 feet of either side of most streams; all tile drainage waters were treated in wetlands, bioreactors or otherwise were managed with controlled drainage structures; rye cover crops were planted each year on most row crops; and marginal cropland was retired to perennial vegetation. The projected net cost to install and manage these practices was over a billion dollars per year with recent crop prices and without further improvements in N reduction BMPs. Changes in crop economics and/or improvements to BMPs could reduce this net cost in the future.

Iowa predicted a 28% statewide nitrate reduction in water if cover crops were planted on row crops throughout the state. While Minnesota has a cooler climate, cover crops deserve further study in Minnesota due to a combination of desirable potential benefits to water quality and agriculture. If Minnesota can find ways to successfully establish and manage cover crops in row-cropped fields, and then achieve widespread use of cover crops, we could potentially reduce cropland N in Minnesota rivers by as much as 15 to 25% from this practice alone.

Tile-drainage water treatment BMPs are also part of a sequential combination of BMPs which could be employed in many areas to achieve additional N reductions to waters. Constructed wetlands and wetland restoration designed for nitrate treatment purposes remove considerable N loads from tile waters (averaging about 50%) and should be considered for certain riparian and marginal lands. Bioreactors may be an option for treating tile-line waters in upland areas where wetland treatment is less feasible, but they cost considerably more than wetlands for each pound of N reduced. If controlled drainage is used in combination with wetlands and bioreactors on lands well-suited for these BMPs, statewide N loads to streams can be reduced from these practices by an estimated 5-6%, and N loads in heavily-tiled watersheds can be reduced by an estimated 12-14%.

Perennial vegetation can greatly reduce N losses to underlying groundwater and tile drainage waters. When grasses, hay, and perennial energy crops replace row crops on marginally productive lands, N losses to surface waters are greatly reduced on the affected acreage. Under the current economic situation, the crop revenue losses when converting row crops to perennials, makes this practice less feasible on a widespread scale as compared to other practices, according to the results obtained with the NBMP tool. However, if changes occur and new markets develop for perennial crops, the economic picture could make this practice more feasible on larger acreages.

While this study largely focused on N removal BMPs, many BMPs provide additional benefits apart from reducing N. Any evaluation of recommended practices to reduce N should consider the additional costs and benefits of the BMPs. For example, BMPs such as constructed wetlands could potentially help reduce peak river flows through temporary storage of water, which could reduce flooding potential and improve water quality. Wetlands and riparian buffers also have a potential to increase wildlife habitat. Cover crops have added benefits of reducing wind and water erosion and potentially improving soil health and reducing pesticide use.

This study also focused on cost optimization of BMPs, rather than providing a full accounting of the net value of benefits from a reduced hypoxic zone in the Gulf of Mexico and other environmental benefits to Minnesota waters.

Wastewater nitrogen reduction

Wastewater point source N discharges can be reduced through two primary methods: 1) Biological Nutrient Removal (BNR), and 2) Enhanced Nutrient Removal (ENR) involving biological treatment with filtration and/or chemical additions.

BNR technologies, if adopted for all wastewater treatment facilities capable of adapting to this technology, would result in an estimated 43-44% N reduction in wastewater point source N discharges to rivers in the Upper Mississippi and Minnesota River Basins, and a 35% reduction in the Red River Basin. Because N loading from wastewater facilities is a relatively small statewide source compared to other sources, these reductions correspond with an estimated overall N reduction to waters of 9.3%, 2.2%, and 0.8% in the Upper Mississippi, Minnesota, and Red River Basins, respectively.

ENR technologies, if adopted for all wastewater treatment facilities capable of adapting to this technology, are estimated to result in a 64-65% N reduction in wastewater point source discharges to rivers in the Upper Mississippi and Minnesota River Basins, and a 51% reduction in the Red River Basin. These reductions correspond with an estimated overall N reduction to waters of 13.5%, 3.2%, and 1.2% in the Upper Mississippi, Minnesota, and Red River Basins, respectively.

In conclusion

Surface water N concentrations and loads are high throughout much of southern Minnesota, contributing to the N enriched hypoxic zone in the Gulf of Mexico, nitrate in excess of drinking water standards in certain cold water streams, and a potential to adversely affect aquatic life in a large number of Minnesota rivers and streams. Northern Minnesota has relatively low river N levels, and pollution prevention measures should be adopted in this area as landscapes and land management change.

Since the mid-1970s nitrate concentrations have continued to increase in the Mississippi River, yet they still average less than 3 mg/l (FWMC). The Minnesota River average nitrate concentrations remain high (above 6 mg/l FWMC), but were showing signs of stabilizing or decreasing in the 2005 to 2011 period. Trends are mixed in other rivers in the state, showing increases, decreases and several with no significant trend.

An estimated 73% of statewide N entering surface waters is from cropland sources and 9% is from wastewater point sources, with several other sources adding the other 18%. Most of the cropland N reaches waters through subsurface agricultural tile drainage and groundwater pathways, with a relatively small amount in overland runoff.

Reducing N levels in rivers and streams in southern Minnesota will require a concerted effort over much of the land in this region, particularly tile-drained cropland and row crops over permeable soils and shallow bedrock. Significant cumulative reductions are predicted when multiple practices are implemented over large acreages. Some progress toward reducing N losses to waters can be made by further optimizing in-field N management and temporarily retaining tile-line drainage waters in wetlands, bioreactors and behind controlled drainage structures. Cover crops and strategic establishment of perennial energy crops can greatly reduce N losses to waters, but need further development in Minnesota to make these practices more successful and adopted on more lands.

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 23, 2013

BOARD MEMBERS PRESENT:
Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Paul Langseth, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Judy Ohly, Tom Schulz, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald VanAmburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Sandy Hooker

STAFF PRESENT:
Mary Jo Anderson, Mike Anderson, Angie Becker Kudelka, Jason Beckler, Adam Beilke, Donna Caughey, Tim Dykstal, Matt Fischer, Travis Germundson, Tom Gile, Tim Gillette, Jim Haertel, John Jaschke, Al Kean, Julie Krebs, Jeff Nielsen, Bill Penning, DeAnne Pierzinski, Mary Peterson, Ron Shelito, John Voz, Tom Wenzel, Dave Weirens, Marcey Westrick, Brad Wozney

OTHERS PRESENT:
Brad Redlin, Josh Stamper, Marcey McLaughlin, Rob Sip, MDA

Chair Napstad called the meeting to order at 9:00 AM

PLEDGE OF ALLEGIANCE

** **ADOPTION OF AGENDA** – Chair Napstad stated that 'Conflict of Interest Declaration' was inadvertently listed on the agenda; there are no items today to declare as conflict of interest. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to adopt the agenda as amended.
13-83 *Motion passed on a voice vote.*

INTRODUCTION OF NEW BWSR EMPLOYEES

- Mike Anderson, Engineering Technician, Willmar
- Adam Beilke, Board Conservationist, New Ulm
- Tom Gile, Board Conservationist, Rochester
- Julie Krebs, Grants Compliance Specialist, Mankato
- John Voz, Easement & Working Lands Specialist, Detroit Lakes
- Jason Beckler, Farm Bill Partnership Coordinator, Marshall
- DeAnne Pierzinski, Grants Compliance Specialist, Brainerd

Ron Shelito recognized Donna Caughey's attendance at the meeting today. Chair Napstad welcomed the new employees to BWSR.

** **MINUTES OF SEPTEMBER 25, 2013 BOARD MEETING** - Moved by Jack Ditmore, seconded
13-84 by Paul Langseth, to approve the minutes of September 25, 2013 as circulated. *Motion passed on a voice vote.*

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting. Discussions at the meeting included the Silica Sand Subcommittee will hold meetings to gather public input on model standards and criteria for silica sand projects; and a new silica sand website for tracking state agencies' activities regarding the mining, processing, and transporting of silica sand.

Executive Director's Report – John Jaschke reported that BWSR is working with the Governor's office, DNR, and the U of M regarding the tax valuation of RIM conservation easements, working lands, and forest easements. For both the assessors and landowners the easement document will need administrative clarification.

John reported that BWSR, DNR, PCA, MDH, MDA, MES, and other stakeholders met on October 21, 2013, an initial meeting on the Clean Water Fund Roadmap; leading to a cost effective and ecological measures for water quality trends, and also communicating and charting work in progress and ahead.

John reviewed information in board member packets. The MASWCD, MAWD, and AMC annual meetings will be held in December; if board members are interested in attending, contact Mary Jo Anderson today or Sherri Johnson by November 1st.

John reported that BWSR's communication manager Jen Maleitzke's last day was yesterday; she has taken a position in the private sector. The communications manager position is posted and the hiring process will begin. Angie Becker Kudelka is the point person for communications during the vacancy.

Judy Ohly suggested a flow chart of the Clean Water Fund; the general public is not aware of the appropriations process. John Jaschke stated that public outreach is needed.

Dispute Resolution Committee (DRC) – Travis Germundson provided a status report of appeals. Travis reported that the DRC attended a training workshop on September 25, 2013, facilitated by the Attorney General's Office. Travis stated that it would be useful to offer a refresher session again in the future. Chair Napstad attended the workshop; he stated it was a valuable session and thanked board members for attending.

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

Public Relations, Oversight & Strategic Planning Committee – Jack Ditmore reported that the Public Relations, Oversight & Strategic Planning Committee met last night; the Committee reviewed materials for the One Watershed One Plan (1W1P) guiding principles. The Committee will meet again and bring recommendations before the Board at the December 18 meeting. Jack stated that the Strategic Plan Report Card will come before the Board in 2014. Jack and Chair Napstad thanked the Committee for all their work.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee will meet in December.

Drainage Work Group – Tom Loveall stated that the Drainage Work Group did not meet in October; three sub-groups were developed. Al Kean reported that the three sub-groups met; he provided a summary of the recent discussions. The next meeting of the Drainage Work Group is scheduled for November 14, 2013. Discussion followed. Chair Napstad thanked Tom and Al for their report.

Tom Landwehr entered the meeting at 10:05 a.m.

COMMITTEE RECOMMENDATIONS

Metro Region Committee

Boundary Change for Coon Creek Watershed District – Mary Peterson reported that the Coon Creek Watershed District submitted a Petition to change the boundary of the District pursuant to Minn. Stat. § 103B.215. The Petition proposes to transfer 290 acres in the City of Coon Rapids from the Lower Rum River WMO to the Coon Creek WD. The City, WMO and WD concur in the Petition. There is no opposition to the proposed boundary change in the record. The Metro Region Committee met on October 1, 2013 and unanimously recommends approval of the boundary change. Moved by Joe Collins, seconded by Faye Sleeper, to approve the Coon Creek Watershed District boundary change. *Motion passed on a voice vote.*

** 13-85

Ramsey-Washington Metro Watershed District Management Plan Amendment – Mary Peterson reported that the current watershed management plan was approved by the Board on April 25, 2007. In June 2012, by Board Order, the Ramsey-Washington Metro WD (RWMWD) boundaries were enlarged to include the area of the former Grass Lake WMO (GLWMO) and the RWMWD was furthered ordered to amend the watershed management plan to include the new area in the Plan. This Amendment incorporates the former GLWMO area into the RWMWD's Watershed Management Plan and makes minor plan text and map changes to reflect the portion of the Cities of Shoreview and Roseville that are now part of the RWMWD. The Amendment also reflects recent changes in the lakes and creeks listed by the MPCA as impaired acknowledging the planning efforts currently underway or being planned to address these impairments. The Metro Region Committee met on October 1, 2013. After review of the information, the Committee unanimously voted to recommend approval of the Amendment.

** 13-86 Moved by Joe Collins, seconded by Christy Jo Fogarty, to approve Ramsey-Washington Metro Watershed District Management Plan Amendment. *Motion passed on a voice vote.*

Northern Region Committee

Hubbard County Water Plan Extension Request – Tom Schulz reported that Hubbard County submitted a resolution requesting a two-year extension of their County Water Plan on October 1, 2013. The Hubbard County Local Water Management Plan would expire on January 25, 2014. Ron Shelito stated that staff and the Northern Region Committee met on October 9, 2013, and recommends approval of the two-year extension of the Hubbard County Water

** 13-87 Management Plan until October 23, 2015. Moved by Tom Schulz, seconded by Gene Tiedemann to approve the Hubbard County Water Plan extension until October 23, 2015. Jack Ditmore expressed his concern that this is effectively a three-year extension. Chair Napstad explained that Hubbard County wanted to include the new watershed data and methodology consistent with other plans in the Upper Mississippi River Basin. Discussion followed. *Motion passed on a voice vote.*

Stearns County Five Year Plan Amendment – Tom Schulz reported that on January 23, 2008, the Board of Water and Soil Resources approved Stearns County's Comprehensive Local Water Management Plan for a ten year period from 2008-2017 with a required amendment by 2013. On April 11, 2012, Stearns County passed a resolution to begin the amendment process. The amended plan was submitted to the BWSR Brainerd office on June 24, 2013. The Northern Region Committee met on October 9, 2013, reviewed the plan amendment and recommends

** 13-88 approval of the update through December 2017. Moved by Steve Sunderland, seconded by Matt Wohlman, to approve the Stearns County five-year plan amendment. *Motion passed on a voice vote.*

Traverse County Water Plan Synchronization – Gerald VanAmburg reported that Traverse County wishes to synchronize their planning and implementation efforts with the three Watershed Restoration and Protection Strategies (WRAPS) and the two Watershed Districts efforts, and requests BWSR extend their Local Water Plan expiration date. Gerald stated that BWSR needs to be flexible if the 1W1P effort is to be successful. The Northern Region

** 13-89 Committee recommends approval of the synchronization. Moved by Gerald VanAmburg; seconded by Tom Loveall, to approve the Traverse County plan synchronization, extends the Plan expiration date until the end of the calendar year following the Bois de Sioux Watershed

District Plan amendment or December 31, 2017. Jack Ditmore questioned the extension dates. Discussion followed. John stated that the alignment schedules and data are being synchronized. *Motion passed on a voice vote.*

Wilkin County Local Water Plan Synchronization – Gerald VanAmburg reported that Wilkin County requests to synchronize their planning and implementation efforts with the three Watershed Restoration and Protection Strategies (WRAPS) and the two Watershed Districts efforts. Wilkin County requests BWSR to: 1) rescind the BWSR Order which extended the required five-year update of the local water management plan to December 31, 2014; 2) waives the five-year required plan update; and 3) extends the Wilkin County Local Water Plan expiration date to December 31, 2018. The Northern Region Committee recommends approval.

** 13-90 Moved by Gerald VanAmburg, seconded by Gene Tiedemann, to hereby rescind its September 26, 2012, Order which extended the required five-year update of the Local Water Management Plan to December 31, 2014, waives the five-year required Plan update, and extends the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dated September 26, 2012. Discussion followed. Paul Langseth questioned the extension date. Ron Shelito explained the effectiveness in staggering the dates. Joe Collins stated that flexibility is needed; adjustments need to be included in the principles of the strategic planning. Tom Landwehr requested to see a finished WRAP and tailor Plans accordingly. Rebecca Flood stated that a presentation can be provided in 2014. *Motion passed on a voice vote.*

Revised Watershed Management Plan Hearing for the Sauk River Watershed District – Gene Tiedemann reported that the Northern Region Committee met on October 9, 2013 and recommended that a public hearing be held within 45 days after receiving the Department of Natural Resource's recommendation on the revised plan. The Northern Region Committee will preside over the public hearing, the Executive Director will set the date, time and location of the public hearing after coordinating with the appropriate parties. Moved by Gene Tiedemann,

** 13-91 seconded by Tom Schulz, to order a public hearing be held within 45 days after receiving the DNR's recommendation on the revised Plan for the Sauk River Watershed District to be presided over by the Northern Region Committee at a date and location to be determined by the Executive Director. Discussion followed. *Motion passed on a voice vote.* John Jaschke will work with staff in scheduling the date, time and location.

Public Hearing for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District – Gene Tiedemann reported that a public hearing date has been set for the petition for the redistribution of Managers of Middle-Snake-Tamarac River Watershed District submitted to BWSR by Polk County. The Northern Region Committee set the hearing date of Wednesday, November 13, 2013; starting at 6:00 p.m., adjourning no sooner than 7:30 p.m., at the Bremer Bank Community Room, 202 West Johnson Avenue, Warren, MN 56762.

Chair Napstad called for a break in the meeting at 10:47 a.m. The meeting reconvened at 11:00 a.m.

Grants Program & Policy Committee

Targeted Watershed Demonstration Program – Paul Langseth reported that the Grants Program and Policy Committee met October 22, 2013. Marcey Westrick reported that staff are requesting authorization to initiate the Targeted Watershed Demonstration Program as provided for in the 2013 Clean Water Fund appropriations. Marcey reviewed the revisions made at the Committee meeting last night and explained the application approach and granting process. Dave Weirens reported that the Grants Program and Policy Committee recommends authorizing staff to finalize, distribute and promote a Request for Information (RFI). Paul Langseth stated that this a pilot project. Moved by Paul Langseth, seconded by Steve Sunderland, to authorize staff to finalize, distribute and promote the Request for Information (RFI) for the Targeted Watershed Demonstration Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369. Discussion followed. Faye Sleeper supports the RFI granting approach. Matt Wohlman asked for clarification regarding eligible applicant areas. Staff will make adjustments and modifications to the RFI hydrologic unit. John stated that the match requirements are a significant workload; need to find ways in this unique approach to assist in the process of the demonstration program. *Motion passed on a voice vote.*

** 13-92

Soil Erosion and Drainage Law Compliance Program – Gene Tiedemann reported that the 2013 Minnesota Legislature appropriated Clean Water Funds to BWSR to be used for grants to local units of government to ensure compliance with Minnesota Statutes Chapter 103E (Drainage Law) and Sections103F.401 to 103F.455 (state Soil Erosion Control provisions), including enforcement efforts. In response to this appropriation, BWSR created the Soil Erosion and Drainage Law Compliance Program. The program is to restore and protect surface water quality, particularly impaired waters, by supplementing local efforts to apply existing soil erosion reduction and drainage statutes across Minnesota. Moved by Gene Tiedemann, seconded by Paul Langseth, authorizes staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2014 Clean Water Fund Competitive Soil Erosion and Drainage Law Compliance Grants Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369. Al Kean explained the RFP, ranking criteria, applicable eligibility and activity for Subprogram 1 – Soil Erosion; Subprogram 2 – Drainage Ditch Inventory and Inspection; and Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips. Discussion followed. Matt Wohlman stated that the 103F.411 statute calls for model ordinance and review. John stated that advice is taken; staff will follow statute and review the model ordinance. *Motion passed on a voice vote.*

** 13-93

NEW BUSINESS

2014 Proposed BWSR Board Meeting Schedule – John Jaschke reported that the Board meets the fourth Wednesday of the month (unless noted); and presented the proposed meeting dates for 2014. Moved by Steve Sunderland, seconded by Paul Langseth, to adopt the 2014 Board meeting schedule. *Motion passed on a voice vote.*

** 13-94

Status Report on MN Ag Water Quality Certification Program (MAWQCP) – Matt Wohlman introduced MDA staff Brad Redlin, Josh Stamper, and Marcey McLaughlin. Matt presented an overview of the Minnesota Agricultural Water Quality Certification Program (MAWQCP) and provided the status of various program elements. This voluntary program is designed to accelerate adoption of on-farm conservation practices that protect Minnesota's lakes and rivers.

Producers who implement and maintain approved farm management practices will be certified and in turn assured that their operation meets the state's water quality goals and standards for a period of 10 years. Josh Stamper explained the evaluation tool development and assessment and the logistics of local government program support and a certainty contract underway via an MDA team with support from BWSR, MPCA, DNR and NRCS. Discussion followed. Chair Napstad thanked Matt and Josh for their informative presentation.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Chris Elvrum reported that MDH is involved in health risk assessments and the effects from human exposures to environmental hazards.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that the Governor's pheasant hunting opener was held October 11-12, in Madelia. The announcement of a new critical habitat pheasant license plate was unveiled during the pheasant opener, the ring-necked pheasant license plates will be available later this fall. Tom distributed the "Minnesota Walk-In Access Hunting Atlas 2013" a joint project with DNR, BWSR, and SWCDs.

Minnesota Extension Service – Faye Sleeper reported that the Climate Adaptation Conference will be held November 7, 2013, at the St. Paul Science Museum. Faye reported that attendance was down this year at the Water Resources Conference held October 19; need to look at dates and other variables in the future.

Minnesota Pollution Control Agency (PCA) – Rebecca Flood reported that the draft Nutrient Reduction Strategy is available for public review and comment until December 18, 2013; and the river unification standards 60-day comment period will be available mid-November.

UPCOMING MEETINGS

- BWSR Academy, October 28–30, 2013, Cragun's, Brainerd
- MASWCD Annual Meeting, December 1-3, 2013, Bloomington
- MAWD Annual Meeting, December 5-7, 2013, Alexandria
- AMC Annual Meeting, December 9-11, 2013, Minneapolis
- BWSR Board Meeting – December 18, 2013, St. Paul

** 13-95 Moved by Rebecca Flood, seconded by Judy Ohly, to adjourn the meeting at 1:00 p.m. *Motion passed on a voice vote.*

Respectfully submitted,

Brian Napstad
Chair

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 25, 2013

BOARD MEMBERS PRESENT:
Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Judy Ohly, Tom Schulz, Steve Sunderland, Gene Tiedemann, Gerald VanAmburg, Doug Wetzstein, MPCA; Matt Wohlman, MDA

BOARD MEMBERS ABSENT:
Faye Sleeper, MES

STAFF PRESENT:
Mary Jo Anderson, Angie Becker Kudelka, Don Buckhout, Matt Fischer, Travis Germundson, Tim Gillette, John Jaschke, Al Kean, Tim Koehler, Jen Maleitzke, Bill Penning, Mary Peterson, Ron Shelito, Dan Steward, Sarah Strommen

OTHERS PRESENT:
Dave Wall, MPCA
Jill Crafton, RPBCWD
Glenn Schafer, FSA

DRAFT

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

PLEDGE OF ALLEGIANCE

** 13-70 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the amended agenda as presented. ***Motion passed on a voice vote.***

** 13-71 **MINUTES OF AUGUST 29, 2013 BOARD MEETING** – Moved by Judy Ohly, seconded by Christy Jo Fogarty, to approve the minutes of August 29, 2013, as circulated. ***Motion passed on a voice vote.***

CONFLICT OF INTEREST DECLARATION
Chair Napstad explained that the conflict of interest declaration process is being used today on the Area II Minnesota River basins Projects Inc., FY 2014 & 2015 Biennial Work Plan and Grant. The Conflict of Interest Declaration forms need to be submitted.

REPORTS
Chair's Report – Brian Napstad reported that he attended the EQB meeting on September 18, 2013; discussion included the ongoing silica sand issue, and a brief discussion on the Governor's Institute on Community Design (GICD). Chair Napstad reported that Will Seuffert was recently hired as executive director of EQB; Will was formerly staff of Governor Dayton. Bob Patton has been working in a temporary assignment as acting executive director of EQB. Chair Napstad reported that he attended the AMC policy committee meetings in Alexandria on September 6. Doug Thomas attended to present the One Watershed One Plan (1W1P).

Administrative Advisory Committee (AAC) - Brian Napstad reported that the AAC met this morning, recommendations are on the agenda later today. The updated executive director's position description was discussed. New responsibilities and activities have been added to John Jaschke's position, the uniqueness of the position was noted, and the importance of 'Freedom to Act' on behalf of the full BWSR Board. Chair Napstad reported that the AAC approved the updated position description.

Executive Director's Report – John Jaschke reported that the executive director's position description is a public document, if board members would like a copy, contact Mary Jo Anderson. John reported that Sarah Strommen attended the Lessard Sams Outdoor Heritage Council (LSOHC) and LCCMR hearings; Sarah will distribute the summary of BWSR proposals to board members. John attended the House Legacy Committee tour in northeastern Minnesota, and also the Vermillion River tour in the southern metro area. John reported that BWSR, DNR, and PCA are working on the Clean Water Roadmap, and discussing the Clean Water Fund elements related to the fifth anniversary of the constitutional amendment, the effort will present the accomplishments, goals, and look to the future.

John reported that Doug Thomas and Don Buckhout continue to meet with the LGU Roundtable discussing 1W1P and preparing recommendations. John reported that the legislative initiatives process has started. John reviewed information in board members packets.

INTRODUCTION OF NEW BWSR EMPLOYEE – Ron Shelito introduced Matt Fischer, Board Conservationist in Bemidji; Matt started August 28. Matt was the District Manager at the Pope SWCD before coming to BWSR. Tom Schulz wished Matt well in his new position as Board Conservationist. Chair Napstad welcomed Matt to BWSR.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are presently 15 appeals pending; he provided a status report. Travis reported that a training workshop will be held for the DRC today immediately following adjournment of the Board meeting. The workshop will provide information on the Board and committee's roles in the dispute resolution process; all board members are welcome to attend.

Public Relations, Oversight & Strategic Planning (PROSP) Committee – Jack Ditmore reported that the PROSP Committee met last night; the Committee's recommendation is on the agenda later today. The Committee discussed the 1W1P initiative; the development of the guiding principles will continue and are currently planned to come before the Board for endorsement in December. The PROSP Committee will meet on October 22, 5:30-7:30 PM.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that RIM Reserve Management Planning Committee met yesterday, recommendations are on the agenda later today.

Drainage Work Group (DWG) – Tom Loveall reported that the Drainage Work Group met on September 12; discussion included: nitrogen in Minnesota surface waters study; status of DWG subgroup for drainage system assessments to road authorities; and continued discussion about Section 103E.015 considerations before drainage work is done. The next meeting of the Drainage Work Group is October 10.

COMMITTEE RECOMMENDATIONS
Administrative Advisory Committee
Addition of "Saturated Buffer" to the list of eligible practices for the Targeted Drainage Water Management Grant Program – Tim Gillette reported that the FY2013 Targeted Drainage Water Management Grant Program implements a Clean Water Fund appropriation by the 2012 Legislature to improve water quality of agricultural runoff, particularly from tile drainage. The appropriation language specified coordination with the USDA-NRCS for conservation practice standards. The grant program and allocations were approved by the BWSR Board in June 2012, including a list of eligible practices. At that time, Conservation Practice 739 – Vegetated Subsurface Drain Outlet (aka "Saturated Buffer") was not yet available. The interim conservation practice standard CP-739 was issued by NRCS in August 2012 as an effective drainage water management practice.

Tim reported that the Administrative Advisory Committee met this morning and recommends approval of the addition to the list of eligible practices for the Targeted Drainage Water Management Grant
** Program. Moved by Gerald VanAmburg, seconded by Sandy Hooker, that the Board hereby resolves that: 1) The Vegetated Subsurface Drain Outlet (CP-739) conservation practice be added to the eligible
13-72 practices under the BWSR Targeted Drainage Water Management Grants; and 2) The Executive Director is given authority to adjust the list of eligible conservation practices for the BWSR Targeted Drainage Water Management Grants in coordination with applicable NRCS conservation practice

standards and report any such changes to the Board at its next meeting following such an adjustment. ***Motion passed on a voice vote.***

Order a Public Hearing for the Petition for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) – Travis Germundson reported that Board authorization is needed to schedule and hold a public hearing regarding the petition to redistribute the managers of the Middle-Snake-Tamarac Rivers Watershed District. Travis reported that the Administrative Advisory Committee met this morning and recommends approval of the public hearing
** for redistribution of manager positions for the MSTRWD. Moved by Jack Ditmore, seconded by Sandy
13-73 Hooker, to correct typos in the Order, and hereby orders a public hearing be held on the redistribution of manager positions for the Middle-Snake-Tamarac Rivers Watershed District presided over by the Northern Water Planning Committee at a date and location to be determined by the Executive Director. ***Motion passed on a voice vote.***

CONFLICT OF INTEREST DECLARATION

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

Chair Napstad stated that board members have submitted their completed Conflict of Interest Declaration forms. The Conflict of Interest Declaration documents will be filed for the grant decision item. All board members are eligible to vote.

Southern Region Committee

Area II Minnesota River Basins Projects Inc. FY2014 & FY2015 Biennial Work Plan & 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 2013 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2014 grant of $120,000. The Southern Region Committee met on September 5, 2013 to review the Area II
** Work Plan and recommends approval of the plan and execution of the FY 2014 grant. Moved by Paul
13-74 Langseth, seconded by Steve Sunderland, to approve the Area II FY2014 and 2015 Biennial Work Plan and FY2014 grant of $120,000. ***Motion passed on a voice vote.***

Brown County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the Brown County Plan Amendment, and recommended conditional approval of the Brown County 2013 - 2018 Local Water Management Plan Amendment based on the Brown County Board holding a public hearing and submitting the hearing documents to BWSR prior to September 25, 2013. The Board received record of the public
** hearing and copies of all hearing documents on September 23, 2013. Moved by Paul Langseth,
13-75 seconded by Sandy Hooker, to approve the 2013 amendment of the Brown County Local Water Management Plan for August 2013 – August 2018. Gerald VanAmburg stated that climate change, high precipitation, and drainage needs to be considered in water plans in the future, and LGUs need to be educated. Discussion followed. ***Motion passed on a voice vote.***

Nicollet County Local Water Management Five-Year Plan Amendment – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the recommendation of the state review agencies regarding final approval of the Nicollet County Local Water Management Plan 2013 Amendment, and recommends approval. Moved by Paul Langseth, seconded by Joe Collins, to approve the 2013 amendment of the Nicollet County Local Water Management Plan for August 2013 – August 2018. ***Motion passed on a voice vote.***

** 13-76

Upper Minnesota River Watershed District (UMRWD) Watershed Management Plan – Paul Langseth reported that on March 20, 2013, the Board of Managers of the Upper Minnesota River Watershed District filed a proposed Revised Watershed Management Plan with the Board of Water and Soil Resources. The Southern Region Committee met on September 5, 2013, reviewed the revised Plan and recommends approval. Moved Paul Langseth, seconded by Steve Sunderland, to approve the revised Watershed Management Plan for the Upper Minnesota River Watershed District. ***Motion passed on a voice vote.***

** 13-77

Sibley County Local Water Management Plan Update – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the Sibley County Local Water Management Plan Update, and recommended approval with the requirement that text is added to the Plan Update explaining why some farmers are returning to moldboard plowing in a corn-on-corn rotation. The required update of the Implementation Section was received by BWSR on September 16, 2013. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the update of the Sibley County Local Water Management Plan 2013-2023. ***Motion passed on a voice vote.***

** 13-78

Public Relations, Oversight, and Strategic Planning Committee

Reauthorization of the PRAP Assistance Grants – Don Buckhout reported that action by the Board is needed to reauthorize the grant program and the delegation of authority to the executive director for the current 2014-15 biennium. The Board made the original authorization and delegation in March 2012, for the 2012-13 biennium. The Public Relations, Oversight and Strategic Planning Committee met last night and recommend approval of the reauthorization of PRAP assistance grants to LGUs for FY14-15. A revised resolution was distributed. Moved by Jack Ditmore, seconded by Matt Wohlman, that the BWSR Board authorizes the Executive Director to expend up to $10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery needs identified through a PRAP assessment during the 2014-2015 biennium, and the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and that the aggregate amount of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature. ***Motion passed on a voice vote.***

** 13-79

Chair Napstad called for a break in the meeting at 10:36 a.m. The meeting reconvened at 10:55 a.m.

RIM Reserve Management Planning Committee

Disaster Recovery Assistance Program (DRAP) and Reinvest In Minnesota (RIM) Reserve Emergency Haying and Grazing – Bill Penning stated that Board approval is needed to amend the DRAP Policy that was just approved at the August Board Meeting. Due to recent appropriation changes and concerns about emergency haying and grazing it is being proposed to disallow this option with stand-alone

RIM easements. Bill reported that the RIM Reserve Management Planning Committee met last night and recommends approval of the amended DRAP Policy 17.2 Stand Alone RIM Reserve Easements for lands
** with RIM easements only, emergency haying or livestock grazing is not allowed. Moved by Gene
13-80 Tiedemann, seconded by Chris Elvrum, to approve the revised DRAP Policy as presented. ***Motion passed on a voice vote.***

ACUB Easement Modification – Bill Penning explained that in 2004, the National Guard Bureau and the State of Minnesota, through BWSR, entered into a cooperative agreement to implement an Army Compatible Use Buffer (ACUB) Program for Camp Ripley. The Program was designed to minimize intensive residential and commercial development within a three-mile radius around Camp Ripley by purchasing the development rights through permanent conservation easements. Since 2004, BWSR has acquired 88 conservation easements through the ACUB Program with a federal investment of $15,795,000 and a state investment of $2,248,000 through the Outdoor Heritage Fund, as recommended by the Lessard Sams Outdoor Heritage Council. Bill provided background information, presented a proposed solution, and reported that the RIM Reserve Management Planning Committee met last night and unanimously recommend approval of the proposal, to address a mutual mistake in the easement documents and incorporate the modified language into all new ACUB easements going forward.

** Moved by Gene Tiedemann, seconded by Tom Schulz, to approve the ACUB easement modification,
13-81 authorizing staff to: 1) Work with the National Guard Bureau, Morrison SWCD, the Minnesota Attorney General's Office, and other affected parties to develop new language that is consistent with achieving the intent and purpose of the ACUB program and the conservation purpose of the easement by limiting development and preserving open space within the Camp Ripley buffer area but not strictly prohibiting subdivision. 2) Modify all existing ACUB easements to reflect the change. 3) Incorporate modified language into all new ACUB easements. Discussion followed. ***Motion passed on a voice vote.***

NEW BUSINESS

2013 Grants Monitoring Report – Tim Dykstal reported that on June 22, 2011, the Board adopted the Grant Monitoring, Reconciliation and Verification Policy, which calls for an annual report to be delivered to the Board on grants monitoring. Tim presented data on the formal monitoring of the 2012 grant activity before the old e-LINK shutdown, on March 14, 2013; data on the grant verification visits and looking ahead to the next steps with BWSR expectations in grants monitoring, reconciliation, and verification. Discussion followed. Chair Napstad thanked Tim for his report.

Nitrogen in Minnesota's Surface Waters - Dave Wall, MPCA Hydrologist, reported that in June 2013, the MPCA conducted a study of nitrogen in surface waters to better understand the nitrogen conditions in Minnesota's surface waters, along with the sources, pathways, trends and potential ways to reduce nitrogen in waters. The study was a collaborative effort led by Minnesota Pollution Control Agency, with assistance from the University of Minnesota and the U.S. Geological Survey. The report team used more than 50,000 water samples collected at 700 stream sites and used 35 years of monitoring data and findings from 300 published studies. Dave stated that MPCA will be presenting this information to the Legislature on October 7. Al Kean reported that he attended the Hypoxia Task Force meeting in Minneapolis yesterday and John Jaschke stated that Rebecca Flood offered to provide an update in the future. Chair Napstad thanked Dave for his presentation.

AGENCY REPORTS

Minnesota Department of Health – Chris Elvrum reported that the application period is open through September 30, 2103 for source water protection competitive grants. The source water protection transient grant application period will be open next month for statewide sources.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that due to the drought, there has been an increase in water permits issued; the Legislature has given DNR authority for groundwater usage. Tom stated that there will be intense media surrounding the five-year anniversary of the legacy amendment. DNR and BWSR need to announce the many accomplishments of the legacy funding, letting the general public know of all the achievements.

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein reported that the draft Minnesota Nutrient Reduction Strategy is available for public review and comment from October 7 – December 18, 2013; the document is located on MPCA's website. Doug stated that this is his last BWSR meeting serving as MPCA's alternate board member. Doug has been promoted to assistant director of the Industrial Division and Municipal Division. Chair Napstad thanked Doug for his participation at board meetings.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the Minnesota Association of Township district meetings were held statewide from August 12 – September 4. Sandy reported that MAT's Annual Conference will be held November 21-23 at Jackpot Junction in Morton.

USDA Farm Service Agency – Glenn Schafer reported that Deb Crusoe was recently hired as the FSA Executive Director. Glenn stated that FSA appreciates BWSR's partnership.

UPCOMING MEETINGS

- DRC Workshop, today - immediately following adjournment
- PROSP Committee Meeting, October 22, 5:30 – 7:30 PM
- Next BWSR Board Meeting, October 23, 2013

** Moved by Christy Jo Fogarty, seconded by Jack Ditmore, to adjourn the meeting at 12:35 p.m.
13-82 ***Motion passed on a voice vote.***

Respectfully submitted,

Mary Jo Anderson
Recorder

FY2014 Clean Water Fund application response – Phase I

October 2013

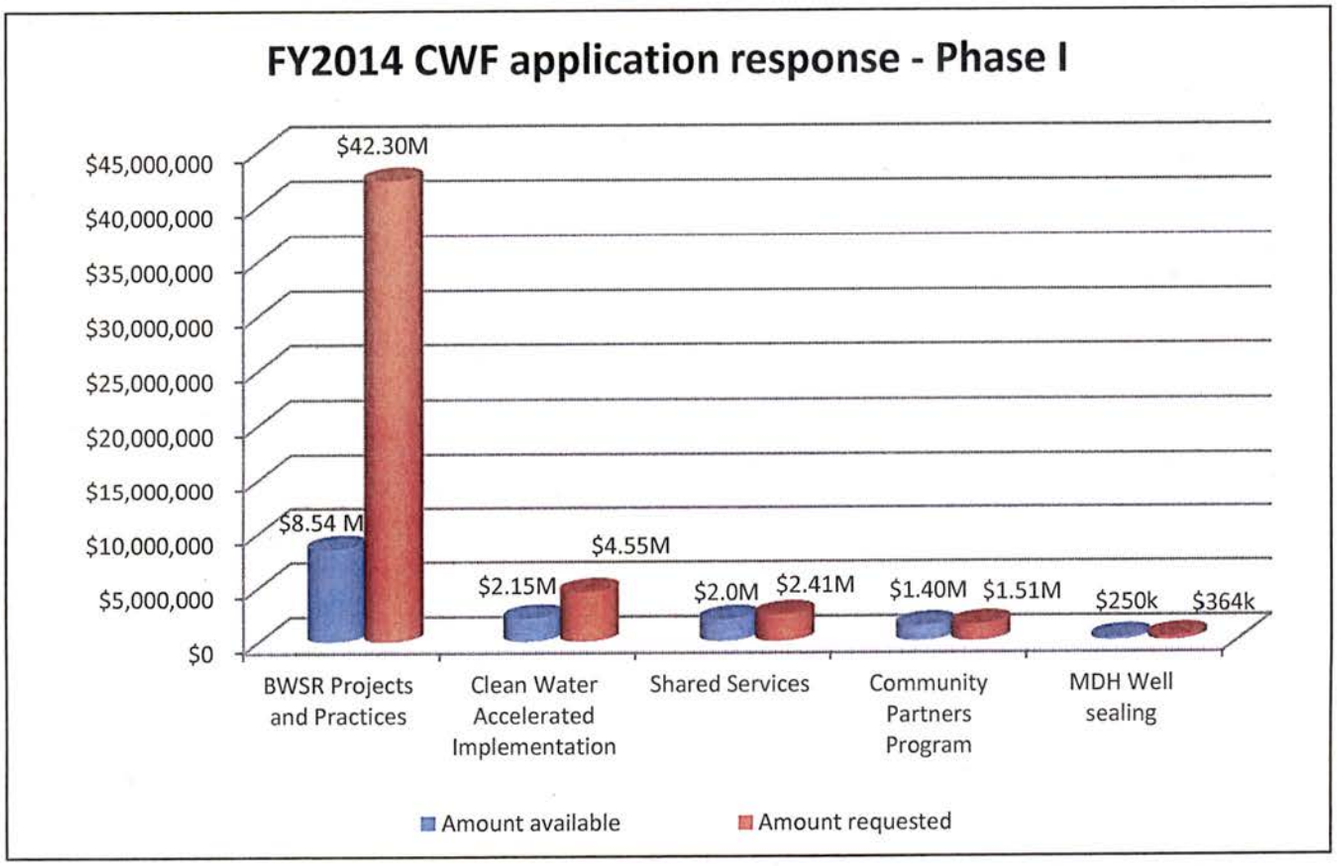
During the 2013 Legislative Session, the Minnesota Board of Water and Soil Resources (BWSR) was appropriated Clean Water funding for projects with a purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams, and protecting groundwater and drinking water sources from degradation. These funds are available as a result of the constitutional amendment passed by Minnesota voters in 2008.

From Sept. 3 – Oct. 4, 2013, BWSR held the first of two Clean Water Fund competitive grant application processes. Local governments were encouraged to apply for funds to protect and improve water quality in their communities, connecting their proposals to priorities from local water management plans.

The information below summarizes the response to the first application period for FY2014 [funding available from Apr. 1, 2014-Dec. 31, 2016]. A Phase II Clean Water Fund request for proposal will be open later this fall.

Quick facts:

- $51,138,047 requested / $14,345,000 available
- 244 total submittals
- 127 total number of local governments that applied



FY2014 Competitive Clean Water Grant Funding Available				
Agency Fund	**FY2014 amount**	**Amount requested**	**Governmental units eligible**	**Required match**
BWSR Projects and Practices: This grant makes an investment in on-the-ground projects and practices that will protect or restore water quality in lakes, rivers or streams, or will protect groundwater or drinking water. Examples include stormwater practices, agricultural conservation, livestock waste management, lakeshore and stream bank stabilization, stream restoration, and SSTS upgrades.	$8,545,000[1]	$42,298,743	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%
BWSR Accelerated Implementation Grants: Before on-the-ground clean water projects get implemented, there is the need for pre-project identification, planning and design. This grant invests in building capacity for local governments to accelerate on-the-ground projects that improve or protect water quality and perform above and beyond existing standards. Whether it is conducting inventories of potential pollutant sites, developing and using analytical targeting tools, providing technical assistance or increasing citizen interaction, local governments will be better prepared to increase the installation of water quality projects and practices after receiving these grants.	$2,150,000[1]	$4,549,181	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%
Shared services	$2,000,000[1]	$2,416,372	JPB Technical Service Areas made up of member SWCDs	
BWSR Community Partners Conservation Program Grants: Everyone is responsible for making sure Minnesota's waters are clean. These sub-grant funds leverage the interest of non-governmental partners such as faith organizations, lake and river associations, boy/girl scout troops, and other civic groups, to install on-the ground projects that reduce runoff and keep water on the land. Examples include: rain gardens and shoreline restorations.	$1,400,000[1]	$1,510,151	SWCDs, Watershed Districts, WMOs, Counties, Cities[2], and JPBs of these organizations	25%
MDH Well Sealing Grants: Provide assistance to well owners for the sealing of unused wells.	$250,000	$363,600	Any LGU may apply, but awards will be coordinated through existing contract holders.	100%
Total	**$14,345,000**	**$51,138,047**		

[1] Amounts shown are estimates, actual amounts will be determined prior to the end of the application period. [2] Cities must have a state approved local water management plan. BWSR recognizes metropolitan area city water plans approved by a Watershed District or a Watershed Management Organization (WMO) as a State approved plan.

Next steps in the process

- January 22, 2014 — BWSR Board authorizes grant awards (proposed)
- February 2014 — BWSR grant agreements sent to recipients
- March 17, 2014 — Work plan submittal deadline
- April 1, 2014 — Grant execution deadline

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date:

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

Item Type: ☐ Decision ☐ Discussion X Information

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: Committee(s)

Presented by: Travis Germundson/Gerald VanAmburg

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

None.

LINKS TO ADDITIONAL INFORMATION

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 11, 2013
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA except File 10-10. There have been no new appeals filed since the last report dated September 25, 2013.

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 13-9 (9-23-13) This is an appeal of a restoration order in Stearns County. The appeal regards drainage impacts to wetlands associated with a private drainage ditch project. No decision has been made on the appeal.

File 13-8 (9-5-13) This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of approximately 2,076 square feet of fill in a Type 3 wetland within the shore impact zone of Coon Lake for lake access. *The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on the after-the-fact replacement plan application.*

File 13-7 (8-30-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal involves the same project and local unit of government decisions as File 13-6. *The appeal has been combined with File 13-6 and remanded for further technical work and administrative proceedings.*

File 13-6 (8-28-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal regards the approval of three wetland replacement plan applications for a silica sand mining operation. At issue is that the decisions allow for substantial wetland impacts to occur without replacement. *The appeal has combined with File 13-7 and remanded for further technical work and administrative proceedings*

File 13-5 (6-11-13) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. A pervious appeal (File 12-19) was remanded for further technical work and administrative proceedings, and now that new decision is being appealed. At issue is the adequacy of the TEP's Report to address partial drainage. The appeal has been remanded for further technical work directing the TEP to produce a revised written report adequately addressing partial drainage.

File 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.

File 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. The appeal has been accepted and the briefing and hearing schedule stayed by mutual agreement to allow informal settlement discussions to continue.

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 has been 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 proceed 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. A portion of the site has been restored and it appears the landowner is committed to restoring the remaining areas.

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 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 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	5	1
Order Modified		
Order Remanded	4	4
Order Place Appeal in Abeyance	1	2
Negotiated Settlement		
Withdrawn/Dismissed	4	

Drainage Work Group Report
for October 23, 2013 BWSR Board Meeting

by Al Kean, BWSR Chief Engineer and DWG Facilitator

The Drainage Work Group did not meet in October. Instead, the three current DWG subgroups met on different dates. Following are summaries of the recent discussions.

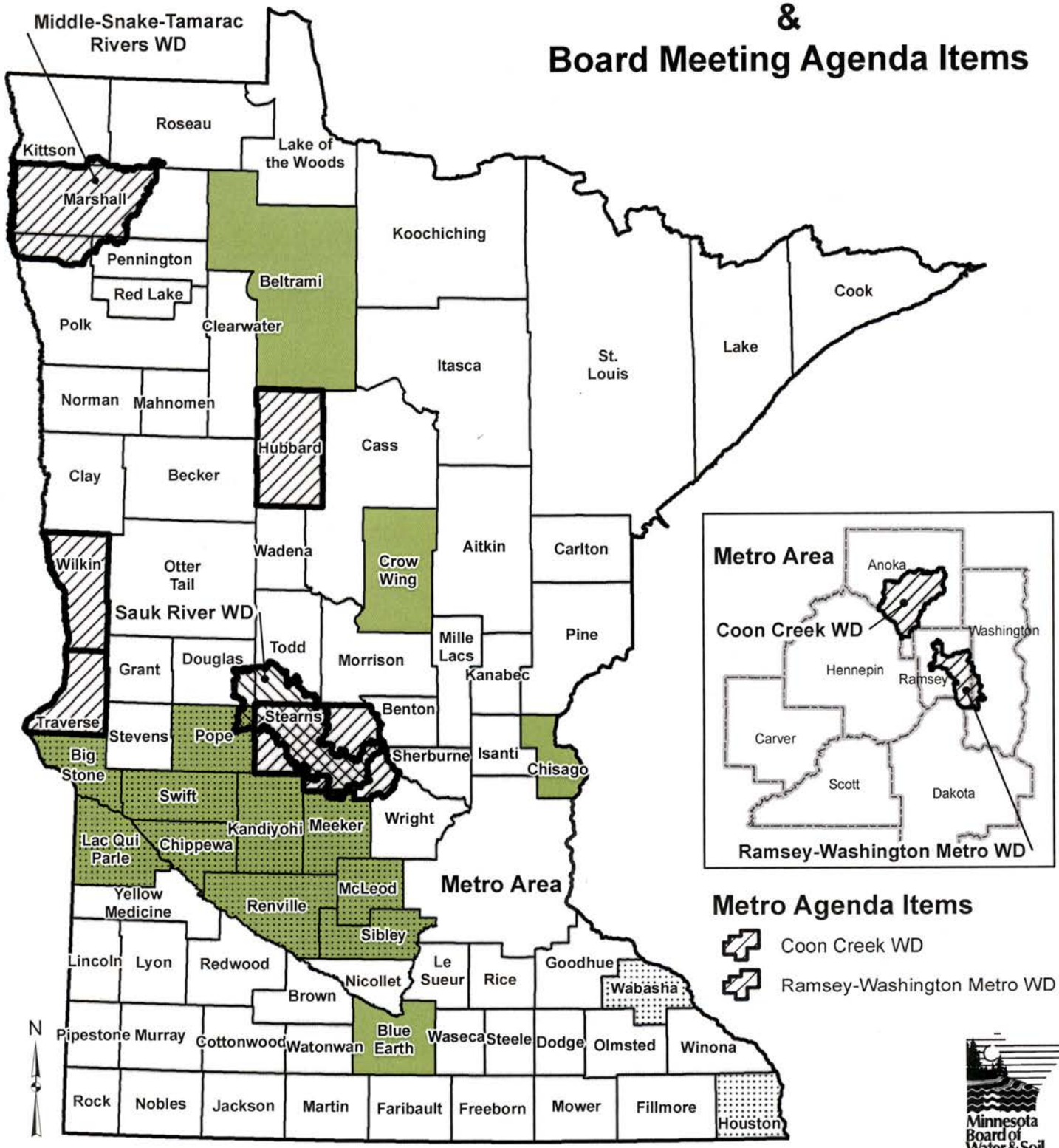
- **Drainage Records Modernization and GIS Database Subgroup,** Oct. 4 Mtg.
  - Subgroup members include: Ron Harnack, MAWD; Mark Ten Eyck, MCEA; Tom Loveall, BWSR Brd., AMC; John Hoshal, MnGeo; Brian Fischer, Houston Engrg., Inc.; Al Kean, BWSR
  - This subgroup was formed to help advise and find consensus regarding the characteristics of a statewide GIS database for public drainage system records. BWSR submitted an LCCMR 2014 proposal for Drainage Records Modernization (DRM) cost-share and a statewide GIS database and was given a hearing by LCCMR on Oct. 16. At issue are local control of the database and the level of public access to all or parts of the database.
  - Key intents of the LCCMR proposal were to share database development experience from prior DRM cost-share project(s) and to make hydrographic data about public drainage systems more available.
  - MnGeo is pursuing a MN Geospatial Commons project to provide better access to data through portals that access authoritative data sources rather than create and maintain them at MnGeo.
  - Clarified direction for this grant proposal (if funded) is to develop a template database and data standards to be used by drainage authorities receiving DRM cost-share, update the Drainage Records Modernization Guidelines, Sep. 2008, and create a portal at MnGeo for access to local public drainage system hydrographic data.

- **Section 103E.015 Considerations before drainage work is done Subgroup**, Oct. 10 Mtg.
  - Subgroup members include: Annalee Garletz, AMC; Ray Bohn, MAWD; Mark Ten Eyck, MCEA; Greg Eggers, DNR; Tom Loveall, BWSR Brd., AMC; Al Kean, BWSR; Larry Kuseske, MAWD; Rob Sip, MDA (Larry and Rob were not able to attend the subgroup meeting)
  - I developed a strawman draft proposal for how Section 103E.015 might be updated to better promote and enable alternatives analysis and multipurpose water management.
  - Robust subgroup discussion about the draft, with a number of concerns, some amount of support, and a recommendation that I work with Greg Knopff, Senate Analyst, to refine the draft language, which I am pursuing.
  - It's anticipated that this subgroup will meet again, and/or otherwise correspond, before taking a draft proposal for updating Section 103E.015 back to the full DWG for discussion.

- **Drainage System Assessments to Road Authorities Subgroup**, Oct. 11 Mtg.
  - Subgroup members include: Ron Ringquist, MVA; Laura Nehl-Trueman and Andrea Hendrickson, MnDOT; Ron Mortensen, Meeker Co. Engr.; Roger Risser, Watonwon Co. Engr.; Ray Bohn, MAWD; Al Kean, BWSR. MN Assn. of Twps. (MAT) recently asked that Kyle Hartnett be added.
  - Continued subgroup discussions about how drainage system assessments to road authorities have been determined by viewers over time and at present. Differences exist in the Metro, where water management districts under 103D.729 have been established.
  - Ron Ringquist will provide subgroup members pertinent information from the draft Minnesota Viewers Association Training Manual and another subgroup meeting will be scheduled.

The next DWG meeting is currently scheduled for Thursday, November 14, 12:30 – 3:30 p.m. at the Minnesota Counties Intergovernmental Trust building in St. Paul. However, the annual MN-IA-SD Drainage Research Forum was recently scheduled for that day. An alternative DWG meeting date is being considered.

County Water Plan Expirations & Board Meeting Agenda Items



Metro Agenda Items

- Coon Creek WD
- Ramsey-Washington Metro WD

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

October 2013

Plan Expires

- Revision in Progress
- Overdue
- 2013
- Beyond 2013

Outstate Agenda Items

- Hubbard County
- Stearns County
- Traverse County
- Wilkin County
- Middle-Snake-Tamarac Rivers WD
- Sauk River WD

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Boundary Change for Coon Creek Watershed District – Mary Peterson – ***DECISION ITEM***

2. Ramsey-Washington Metro Watershed District Plan Amendment – Mary Peterson – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Boundary Change for Coon Creek Watershed District**

Meeting Date: 10/23/13

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

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Mary Peterson

Prepared by: Jim Haertel

Reviewed by: Metro Region Committee(s)

Presented by: Mary Peterson

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

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

Fiscal/Policy Impact

X 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 Boundary Change for Coon Creek Watershed District

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/DRAFT_Petition_Coon_Rapids_Boundary_Request.pdf

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

The Coon Creek Watershed District submitted a Petition to change the boundary of the District pursuant to Minn. Stat. § 103B.215. The proposed boundary change would expand the District into an approximate 290 acre area of the City of Coon Rapids. The subject area is currently in the Lower Rum River Watershed Management Organization. The remaining part of Coon Rapids is currently in the Coon Creek Watershed District. Approval of the Petition would result in the entire City of Coon Rapids being within the Coon Creek Watershed District. The City of Coon Rapids requested the District initiate the boundary change.

The Petition was accompanied by resolutions of concurrence from the City of Coon Rapids and the Lower Rum River Watershed Management Organization, as required by Minn. Stat. § 103B.215, Subd. 2c. A Legal Notice of Filing of the Petition was published once per week for two consecutive weeks in local newspapers, as required by Minn. Stat. § 103B.215, Subd. 3. Additionally, the legal notice was sent by mail to several

addressees including Anoka County, Anoka SWCD and affected local units of government. A public hearing was not requested in response to the legal notice of filing and no comments were received.

As stated in the Petition, approval of the Petition "…would allow for more efficient use of management resources and minimize the costs of public capital expenditures". The Petition states the proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

If the Petition is approved, the subject area would have to be released from the Lower Rum River Watershed Management Organization before the boundary change became effective.

The Metro Region Committee met on October 1, 2013, and found all the affected local units of government concur in the Petition, the proposed boundary change would be substantially consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255, the proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and approval of the proposed boundary change must be contingent on the release of the Petitioned Area from the Lower Rum River Watershed Management Organization. The Committee decided with a unanimous vote to recommend to the full Board that the boundary change be approved as proposed in the Petition per the attached draft Order and the District's watershed management plan be amended to include the boundary change within one year of the date of the release of the Petitioned Area from the Lower Rum River Watershed Management Organization.

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

In the Matter of the Boundary Change of the Coon Creek Watershed District in Anoka County pursuant to Minnesota Statutes § 103B.215

ORDER
WATERSHED DISTRICT
BOUNDARY CHANGE

Whereas, a petition (Petition) for a boundary change of the Coon Creek Watershed District (District) was filed by the District with the Board of Water and Soil Resources (Board) on May 23, 2013, pursuant to Minn. Stat. § 103B.215, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to change the boundary of the Coon Creek Watershed District (District) was filed by the District on May 23, 2013.

2. **Property Description.** The territory included in the boundary change, the Petitioned Area, totals approximately 290.3 acres of land in the City of Coon Rapids, Anoka County, entirely within the seven county Twin Cities metropolitan area. The proposed boundary change seeks to transfer the Petitioned Area from the Lower Rum River Watershed Management Organization to the District.

3. **Reasons for Boundary Change.** The Petition states the proposed boundary change "would allow for more efficient use of management resources, and minimize the costs of public capital expenditures. All water management activities for the City of Coon Rapids would be contained within a single watershed; simplifying the planning and reporting

requirements, and creating a more uniform set of policies and controls. It would consolidate the official controls with regard to protection of groundwater, and its beneficial use."

4. **Statements of Concurrence.** Statements of concurrence from the City of Coon Rapids and the Lower Rum River Watershed Management Organization were submitted with the Petition, as required by Minn. Stat. § 103B.215, Subd. 2c .

5. **Effect on Benefits and Damages.** The Petition states there are no capital improvements or financial obligations for the Petitioned Area, as required by Minn. Stat. § 103B.225.

6. **Notice of Filing.** A Legal Notice of Filing of the proposed boundary change, pursuant to Minn. Stat. § 103B.215, Subd. 3, was published in the Anoka County Union on August 23 and 30, 2013, in the Blaine Spring Lake Park Life on August 23 and 30, 2013, in the Coon Rapids Herald on August 23 and 30, 2013, and in the Fridley Sun Focus on August 29 and September 5, 2013. Further, a copy of the Notice of Filing was mailed to several addressees including the Anoka County Board of Commissioners, the Anoka County Auditor, the Anoka Conservation District, the Lower Rum River Watershed Management Organization, the District, several cities affected by the proposed boundary change, and the Department of Natural Resources.

7. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103B.215, Subd. 3, which requires within 20 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing were received during the specified time period and no hearing was held.

8. **Metro Region Committee Meeting.** On October 1, 2013, the Board's Metro Region Committee and staff met to review and discuss the Petition. Board staff in attendance were Board Conservationist Mary Peterson and Barbara Hogan, Office Administrative Assistant. Board staff recommended approval of the boundary change per the Petition. Board staff noted there was no opposition to the proposed boundary change, the affected city and watershed management organizations concur in the Petition, approval of the boundary change would not affect the benefits or damages for any improvement previously constructed, and approval of the boundary change would be substantially consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255. After discussion, the Committee found all the affected local units of government concur in the Petition, the proposed boundary change would be substantially consistent with the

purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255, the proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages, and approval of the proposed boundary change must be contingent on the release of the Petitioned Area from the Lower Rum River Watershed Management Organization. The Committee decided with a unanimous vote to recommend to the full Board that the boundary change be approved as proposed in the Petition.

CONCLUSIONS

1. The Petition for a boundary change of the Coon Creek Watershed District is valid in accordance with Minn. Stat. § 103D.215.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district boundary change.

4. The governing bodies of the City of Coon Rapids, the Lower Rum River Watershed Management Organization, and the Coon Creek Watershed District concur in the proposed boundary change.

6. No opposition to the Petition is contained in the record.

7. The proposed boundary change is substantially consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

8. The proposed boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.

9. The proposed boundary change should be approved per the Petition contingent on the release of the Petitioned Area from the Lower Rum River Watershed Management

Organization and the watershed management plan for the Coon Creek Watershed District should be amended to include the Petitioned Area within one year of the date of the release of the Petitioned Area from the Lower Rum River Watershed Management Organization.

ORDER

The Board hereby orders that the boundary of the Coon Creek Watershed District is changed per the Petition and as depicted on the two maps contained in the Petition on pages 4 and 8, attached hereto and made a part of this Order hereof, including the data sets the maps were created from, contingent upon the release of the Petitioned Area from the Lower Rum River Watershed Management Organization. The Board further orders that the Coon Creek Watershed District amend its watershed management plan to include the Petitioned Area within one year of the date of the release of the Petitioned Area from the Lower Rum River Watershed Management Organization.

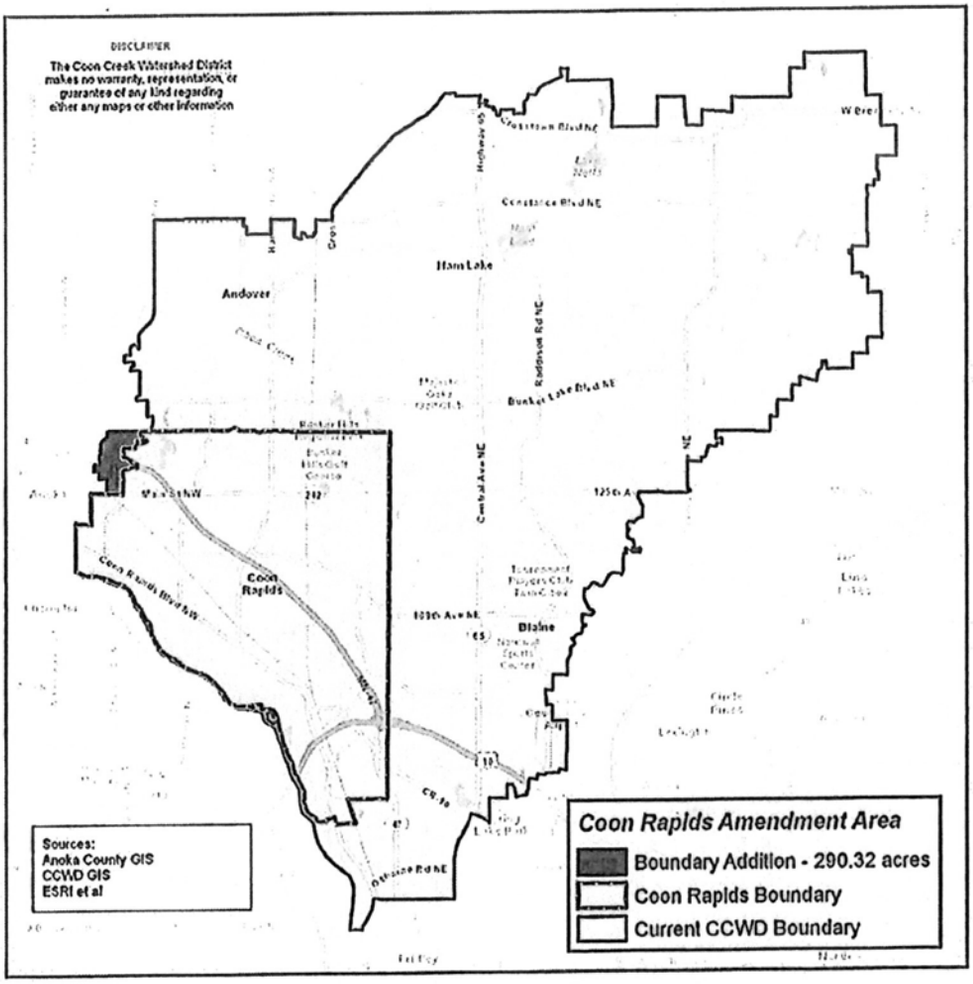
Dated at Saint Paul, Minnesota this 23rd day of October, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

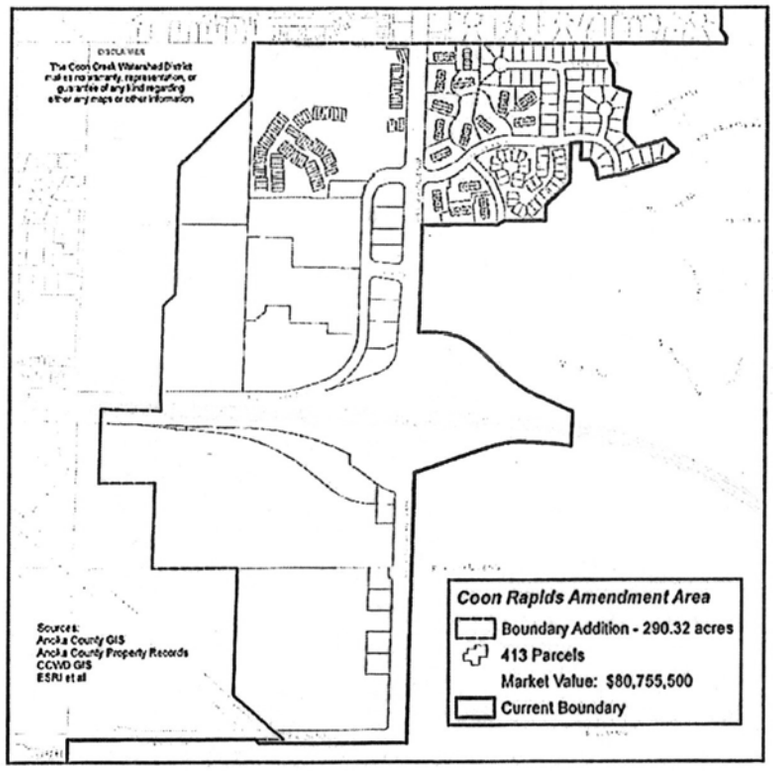
By: _____
Brian Napstad, Chair

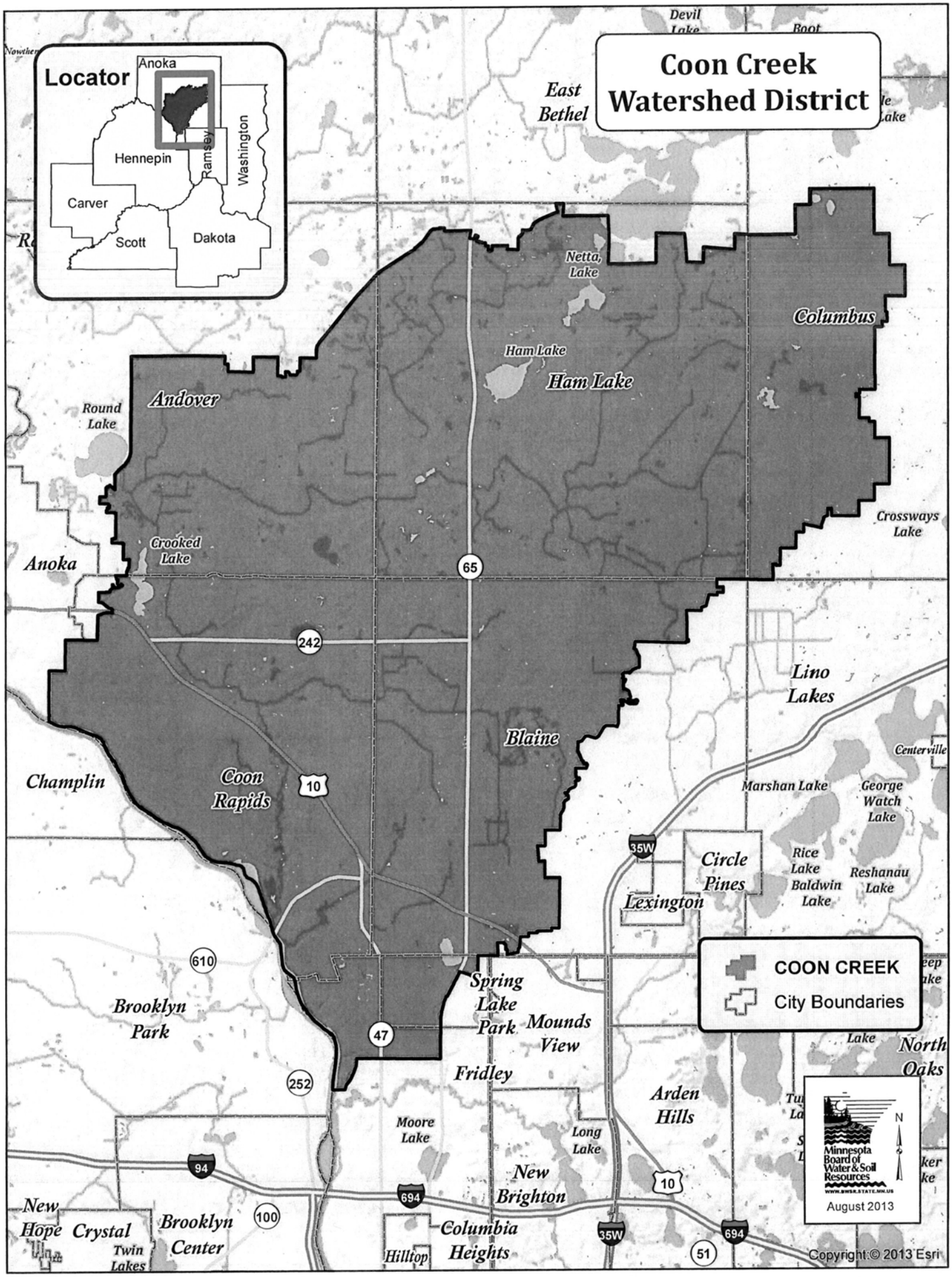
Location

Figure 1: Coon Creek Watershed District and Lower Rum River Watershed Management Organization Location Map



Properties/ Parcels Involved




Coon Creek Watershed District
Locator
Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota
East Bethel
Devil Lake
Boot
Netta, Lake
Columbus
Ham Lake
Ham Lake
Andover
Round Lake
Crossways Lake
Crooked Lake
Anoka
65
242
Lino Lakes
Blaine
Centerville
Champlin
Coon Rapids
10
Marshan Lake
George Watch Lake
35W
Circle Pines
Rice Lake
Baldwin Lake
Reshanau Lake
Lexington
610
COON CREEK
City Boundaries
Spring Lake Park
Mounds View
Brooklyn Park
47
Fridley
252
Lake
North Oaks
Arden Hills
Moore Lake
Long Lake
94
New Brighton
694
10
New Hope
Crystal
Twin Lakes
Brooklyn Center
100
Columbia Heights
Hilltop
35W
694
51
Minnesota Board of Water & Soil Resources
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N
August 2013
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BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Ramsey-Washington Metro Watershed District Plan Amendment**

Meeting Date: October 23, 2013

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

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: Metro

Contact: Mary Peterson

Prepared by: Mary Peterson

Reviewed by: Metro Region Committee(s)

Presented by: Mary Peterson

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of Amendment to the Ramsey-Washington Metro Watershed District Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/water_plans_for_bd_packet/2013_Final_Amendment_markup.pdf

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

The Ramsey-Washington Metro Watershed District (RWMWD) was established on February 24, 1975, by the Minnesota Water Resources Board, now the Minnesota Board of Water and Soil Resources (BWSR) pursuant to the Minnesota Watershed Act, to effect the protection and provident use of water resources. The RWMWD is located in eastern Ramsey County and western Washington County. The RWMWD spans a 65-square-mile area and includes all or part of 12 communities, including White Bear Lake, Vadnais Heights, Gem Lake, Little Canada, Maplewood, Landfall, North St. Paul, St. Paul, Shoreview, Roseville, Oakdale, and Woodbury. Approximately 53.4 square miles of the area lie within Ramsey County; the remaining 11.6 are within Washington County

The current watershed management plan was approved by the Board on April 25, 2007. In June 2012, by Board Order, the RWMWD boundaries were enlarged to include the area of the former Grass Lake WMO (GLWMO) and the RWMWD was furthered ordered to amend this watershed management plan to include the new area in the Plan.

This Amendment incorporates the former GLWMO into the RWMWD's Watershed Management Plan and makes minor plan text and map changes to reflect the portion of the Cities of Shoreview and Roseville that are now part of the RWMWD. The lakes and drainage areas in the former GLWMO are currently being studied and a new subwatershed section that addresses the land use, drainage patterns and water resources within this area will be included in the planned 2015 Watershed Management Plan revision officially underway. The Amendment also reflects recent changes in the lakes and creeks listed by the MPCA as impaired acknowledging the planning efforts currently underway or being planned to address these impairments.

The Metro Region Committee met on October 1, 2013. 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 Watershed Management Plan for the **Ramsey-Washington Metro Watershed District** pursuant to Minnesota Statues Section 103B.231, Subdivision 11

ORDER APPROVING AMENDMENT TO WATERSHED MANAGEMENT PLAN

Whereas, the Board of Managers of the Ramsey-Washington Metro Watershed District (RWMWD) submitted a Watershed Management Plan Amendment dated August, 2013 (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. **RWMWD Establishment.** The Ramsey-Washington Metro Watershed District (RWMWD) was established on February 24, 1975, by the Minnesota Water Resources Board, now the Minnesota Board of Water and Soil Resources (Board) pursuant to the Minnesota Watershed Act, to effect the protection and provident use of water resources. The following Board actions have previously been made regarding the RWMWD Plan.

   1977 – Overall Plan – Ramsey-Washington Metro Watershed District
   1986 – Stormwater Runoff and Water Quality Management Plan
   1997 – Ramsey-Washington Metro Watershed District Watershed Management Plan
   2007 – Ramsey-Washington Metro Watershed District Watershed Management Plan
   2012 - Ramsey-Washington Metro WD Enlargement (former Grass Lake WMO)

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. The current watershed management plan was approved by the Board on April 25, 2007. In June 2012, by Board Order, the RWMWD boundaries were enlarged to

include the area of the former Grass Lake WMO and the RWMWD was further ordered to amend the watershed management plan to include the new area in the Plan.

3. **Nature of the Watershed.** The RWMWD is located in eastern Ramsey County and western Washington County. The RWMWD spans a 65-square-mile area and includes all or part of 12 communities, including White Bear Lake, Vadnais Heights, Gem Lake, Little Canada, Maplewood, Landfall, North St. Paul, St. Paul, Shoreview, Roseville, Oakdale, and Woodbury. Approximately 53.4 square miles of the area lie within Ramsey County; the remaining 11.6 are within Washington County.

4. **Amendment Development and Local Review.** The RWMWD circulated a copy of the draft Amendment to the Board, other state agencies, the Metropolitan Council, and local governments for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. The Board received a table of all comments received and responded to by the RWMWD on July 18, 2013. A public hearing on the final Amendment was held on August 7, 2013. No comments were received. The final draft of the Amendment was received by the Board on August 12, 2013.

5. **Metropolitan Council Review.** The Council commented that the plan amendment is consistent with Council policies and the Council's Water Resources Management Policy Plan and commends the RWMWD for its willingness to accept these additional areas, and its promptness in amending the plan to reflect the changes.

6. **Department of Agriculture Review.**
MDA did not provide comments on the RWMWD Amendment.

7. **Department of Health Review.**
MDH did not provide comments on the RWWD Amendment.

8. **Department of Natural Resources Review.**
MDNR did not provide comments on the RWWD Amendment.

9. **Pollution Control Agency Review.**
MPCA did not provide comments on the RWWD Amendment.

10. **Department of Transportation Review.**
MDOT did not provide comments on the RWWD Amendment.

11. **Board of Water and Soil Resources Review.** Board staff completed the 60-day review and the 90 day final review of the Amendment and found the Amendment to be consistent with Minnesota Statutes and Rule.

12. **Amendment Summary.** In 2012 the boundaries of the RWMWD were expanded to include the land area of the former Grass Lake Water Management Organization (GLWMO). The Amendment incorporates the former GLWMO into the RWMWD's

current Watershed Management Plan. The lakes and drainage areas in the former GLWMO are currently being studied and a new subwatershed section that addresses the land use, drainage patterns and water resources within this area will be included in the planned 2015 Watershed Management Plan revision officially underway.
The effects of the Amendment are:

- To officially incorporate the new 8 square mile land area into the RWMWD.
- To apply the District's programs to land development activities in the new area.
- To apply the District's rules and permit program to the new area.
- Provide for administration of the Minnesota Wetland Conservation Act and District buffer requirements.
- To allow the District to apply grant programs to the new land area for habitat management and runoff volume reduction.

The Amendment also corrected or updated some background information related to water resources.

13. **Metro Region Committee Meeting.** On October 1, 2013, the Board's Metro Region Committee and staff met to review and discuss the Amendment. Those in attendance from the Board's Committee were Rebecca Flood, Jack Ditmore, Faye Sleeper, Christy Jo Fogarty, and Joe Collins, chair. Board staff in attendance were Metro Region Board Conservationist Mary Peterson and Office Administrative Assistant Barbie Hogan. Board staff recommended approval of the Amendment. After discussion, the committee unanimously voted to recommend approval of the RWMWD 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 Ramsey-Washington Metro Watershed District pursuant to Minnesota Statutes Sections 103B.231, Subd. 11.

3. The Ramsey-Washington Metro Watershed District's Amendment attached to this Order incorporates the former Grass Lake Watershed Management Organization areas into the District's Watershed Management Plan.

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

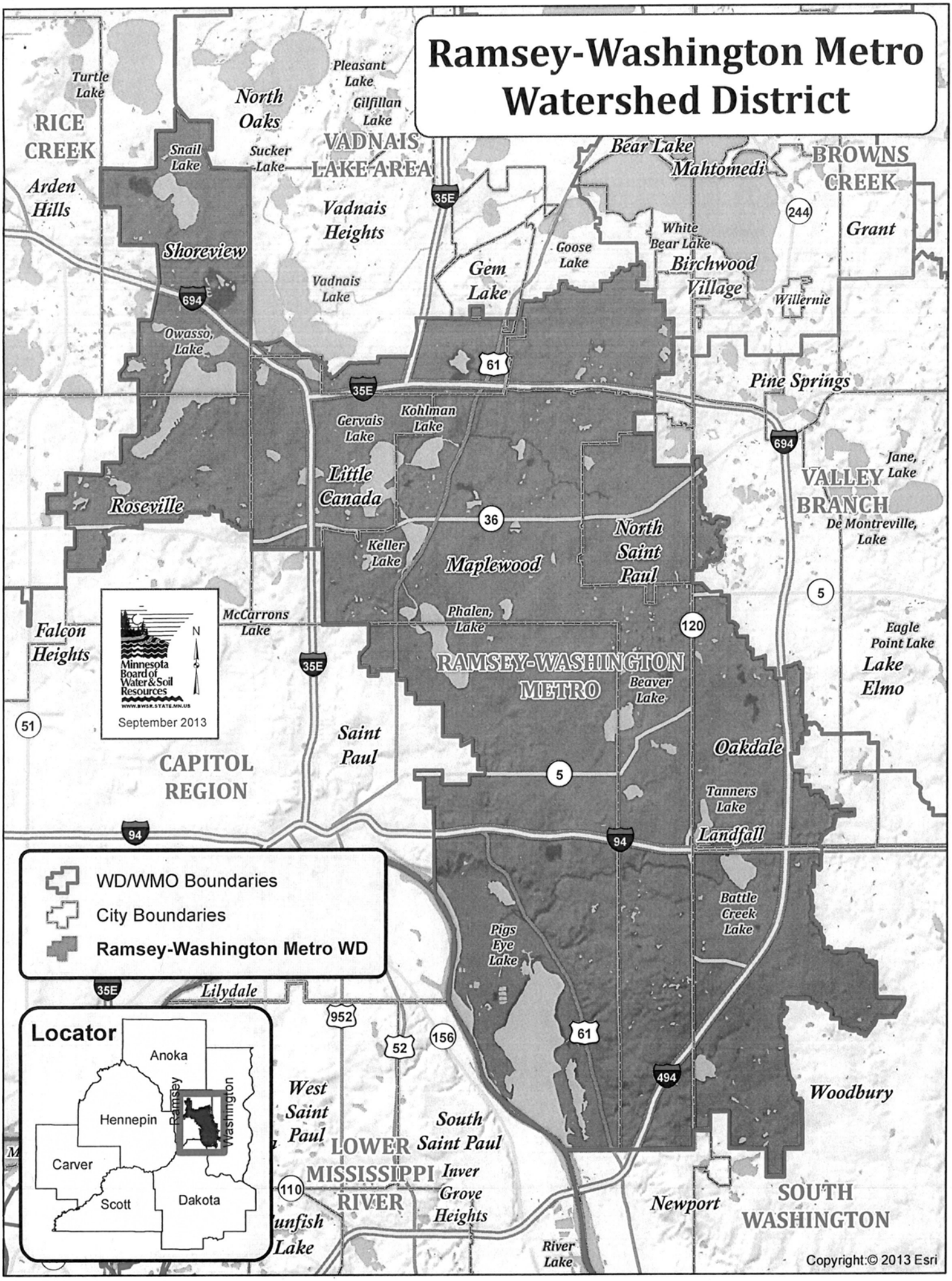
ORDER

The Board hereby approves the attached Amendment dated August 2013 to the Watershed Management Plan for the Ramsey-Washington Metro Watershed District.

Dated at Saint Paul, Minnesota this 23rd Day of October 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair


Ramsey-Washington Metro Watershed District
Turtle Lake
RICE CREEK
Arden Hills
North Oaks
Pleasant Lake
Gilfillan Lake
VADNAIS LAKE AREA
Snail Lake
Sucker Lake
Vadnais Heights
Shoreview
Vadnais Lake
Gem Lake
Goose Lake
Bear Lake
Mahtomedi
BROWNS CREEK
Grant
White Bear Lake
Birchwood Village
Willernie
Pine Springs
Owasso, Lake
Gervais Lake
Kohlman Lake
Little Canada
Roseville
Jane, Lake
VALLEY BRANCH
De Montreville, Lake
Keller Lake
Maplewood
North Saint Paul
McCarrons Lake
Phalen, Lake
Falcon Heights
Minnesota Board of Water & Soil Resources
WWW.BWSR.STATE.MN.US
September 2013
RAMSEY-WASHINGTON METRO
Beaver Lake
Eagle Point Lake
Lake Elmo
Saint Paul
CAPITOL REGION
Oakdale
Tanners Lake
Landfall
Battle Creek Lake
Pigs Eye Lake
WD/WMO Boundaries
City Boundaries
Ramsey-Washington Metro WD
Locator
Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota
Lilydale
West Saint Paul
South Saint Paul
LOWER MISSISSIPPI RIVER
Inver Grove Heights
Woodbury
Newport
SOUTH WASHINGTON
River Lake
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COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. Hubbard County Water Plan Extension Request – Brian Napstad – ***DECISION ITEM***

2. Stearns County Five Year Plan Amendment – Tom Schulz – ***DECISION ITEM***

3. Traverse County Water Plan Synchronization – Gerald VanAmburg – ***DECISION ITEM***

4. Wilkin County Local Water Plan Synchronization - Gerald VanAmburg – ***DECISION ITEM***

5. Sauk River Watershed District Revised Watershed Management Plan Hearing – Gene Tiedemann and Travis Germundson – ***DECISION ITEM***

6. Public Hearing for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District – Gene Tiedemann – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Hubbard County Water Plan Extension Request**

Meeting Date: October 23, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Dan Steward

Prepared by: Dan Steward

Reviewed by: North Region Committee Committee(s)

Presented by: Brian Napstad

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Decision

LINKS TO ADDITIONAL INFORMATION

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

On January 25, 2012, the Board of Water and Soil Resources (Board) approved an extension of the Hubbard County Comprehensive Local Water Management Plan (Plan). The extension expires on January 25, 2014. The County wishes to take advantage of the opportunity to strengthen their plan with the inclusion of new watershed data and methodology consistent with other plans in the Upper Mississippi River Basin.

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

In the Matter of Extending the Local Water Plan For **Hubbard County** pursuant to M.S. 103B.311, Subdivision 4, Authorizing BWSR to Grant Extensions	**ORDER EXTENDING LOCAL WATER PLAN**

Whereas, Hubbard County has a state approved Local Water Plan that is effective until January 25, 2014, pursuant to M.S. 1990, Section 103B.301, and

Whereas, the Board has authorization to grant extensions pursuant to M.S. 103B.311, Subdivision 4.

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

FINDINGS OF FACT

1. On October 8, 2013, the Board received a resolution from Hubbard County requesting a two-year extension of their Comprehensive Local Water Plan to October 23, 2015.

2. On October 8, 2013, Board staff reviewed and recommended approval of the extension request by Hubbard County.

3. On October 9, 2013, the North Region Committee met and reviewed the Hubbard County request for an Extension. The Committee recommended approval of the request.

CONCLUSIONS

All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Hubbard County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board hereby approves the two-year extension of the Hubbard County Comprehensive Water Plan until October 23, 2015.

Dated at St. Paul, Minnesota, this 23rd day of October 2013.

By:_____
Brian Napstad, Chairperson

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

In the Matter of Extending the Local Water Plan For **Hubbard County** pursuant to M.S. 103B.311, Subdivision 4, Authorizing BWSR to Grant Extensions

ORDER EXTENDING LOCAL WATER PLAN

Whereas, Hubbard County has a state approved Local Water Plan that is effective until January 25, 2014, pursuant to M.S. 1990, Section 103B.301, and

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

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2. On October 8, 2013, Board staff reviewed and recommended approval of the extension request by Hubbard County.

3. On October 9, 2013, the North Region Committee met and reviewed the Hubbard County request for an Extension. The Committee recommended approval of the request.

CONCLUSIONS

All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Hubbard County pursuant to Minnesota Statute 103B.311, Subdivision 4.

ORDER

The Board hereby approves the two-year extension of the Hubbard County Comprehensive Water Plan until October 23, 2015.

Dated at St. Paul, Minnesota, this 23rd day of October 2013.

By: _____
Brian Napstad, Chairperson

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Stearns County CLWMP 5 Year Amendment**

Meeting Date: October 23, 2013

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 Plan Review Committee(s)

Presented by: Tom Schulz

☐ **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 Five Year Amendment of the Stearns County Comprehensive Local Water Management Plan

LINKS TO ADDITIONAL INFORMATION

http://www.co.stearns.mn.us/Portals/0/docs/Department%20Files/EnvironmentalSvs/CLWP2013DraftAmend.pdf

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

On January 23, 2008, the Board of Water and Soil Resources approved the Stearns County Comprehensive Local Water Management Plan with a date range from 2008 to 2017. The Board required a five year update of the plan by 2013.

The County passed a resolution to amend the plan on April 11, 2012 and submitted the updated plan to the Brainerd field office on June 24, 2013. Additions to the amendment include an addition of a water clarity trend analysis, enhanced clarification of the areas of focus that should lead to improved targeting and prioritization, reference to municipal storm water plans, and language revisions that move toward a more activist plan. As part of the submission, the Stearns County Water Planner included documentation of the required public hearing. Agency comments and recommendations for approval were received from the Department of Health, Pollution Control Agency, Department of Natural Resources, and the Department of Agriculture.

The five year plan update was presented to the northern water planning committee on October 9, 2013. 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 **Stearns County** (Minnesota Statutes , Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, the **Stearns** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **June 24, 2013** 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 23, 2008**, the Board of Water and Soil Resources approved the Stearns County Comprehensive Local Water Management Plan from 2008 to 2017 with a requirement for an update by 2013.

2) On **April 11, 2012,** the Stearns 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. Source Water Protection
   B. Development Impacts
   C. Impaired Waters

4) On **June 24, 2013,** the BWSR received the **Stearns** 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 **October 9, 2013,** the North Region Committee of the Board reviewed the recommendations of the state review agencies regarding the five year update of the **Stearns** County Plan Amendment. The North Region Committee forwarded the plan to Board with a recommendation for approval with the following recommendations for additional action items:

   - The MDA would like to see a discussion of wetland drainage with the following inclusion on page 46:
     Page 46 discusses wetland drainage with the following statement being made.

"It appears that there are numerous factors in the environment that may be having significant changes on hydrology, e.g. increased agricultural drainage, increased impervious surfaces, increased irrigation, wetland drainage and climate change."

The MDA recommends a discussion about existing wetland laws and a discussion about why farmers install pattern tile or commence drainage activities.

http://www.eorinc.com/documents/AG-BMPHandbookforMN_09_2012.pdf

- The DNR would like to be included as a partner on Goal 3, Objective B, Concerns, 4, 8, 9, 14, 20, 21, 222, 23, 24 and to evaluate the creation of a Sanitary Service District for Pearl Lake as part of Concern 23.

6) This update will be in effect until **December 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 **Stearns** County Local Water Management Plan pursuant to Minnesota Statutes , 103B.315, Subd. 5.

2. The **Stearns** 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 **Stearns County** Local Water Management Plan **January 23, 2008 to December 31, 2017.**

Dated at **St. Paul,** Minnesota, this **twenty-third day of October, 2013.**

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Executive Summary

Background

The *Stearns County Local Water Management Plan 2008-2017* is the fourth Local Water Management Plan to be developed and adopted in Stearns County. The current *Plan* was updated in accordance with Minnesota Statutes 103B and will be in effect until December 31, 2017. The *Plan* was developed through involvement with the Water Management Advisory Committee, local citizens, representatives from local organizations and agency staff.

After a Local Water Management Plan has been in effect for five years, the Minnesota Board of Water and Soil Resources requires the local government to review and amend its Plan. The development of this amended plan was guided by three Task Forces, one for each of the Priority Concerns. The Task Forces reviewed and amended the Objectives and Action Items to reflect current issues and concerns. The Priority Concerns remain the same as in the current Plan. The Stearns County Planning Commission reviewed and approved this Amendment.

The amended *Stearns County Local Water Management Plan 2008-2017* will remain in effect until it is updated in 2018. The Task Forces will be reconvened on an annual basis to review progress in achieving Plan objectives and to identify emerging issues that should be incorporated into the Plan through the amendment process.

Purpose of Local Water Management Planning

The goal of Local Water Management Planning is to guide natural resource protection and restoration on the local level. The Plan seeks to identify and address existing and potential problems and opportunities for the protection and management of water and land resources within the County. An essential part of local water management planning is the identification of goals, objectives and action items to protect, improve and manage the natural resources of the County.

Watersheds in Stearns County

All the drainage in Stearns County ultimately flows to the Mississippi River. There are five major watersheds in Stearns County. The descriptions and a map of the watersheds are as follows:

Chippewa River watershed covers approximately 88 acres in the western part of Crow Lake Township. Approximately twelve acres of unnamed PWI lake 61-1P is located within Stearns County. The rest of the watershed is in cultivated agriculture.

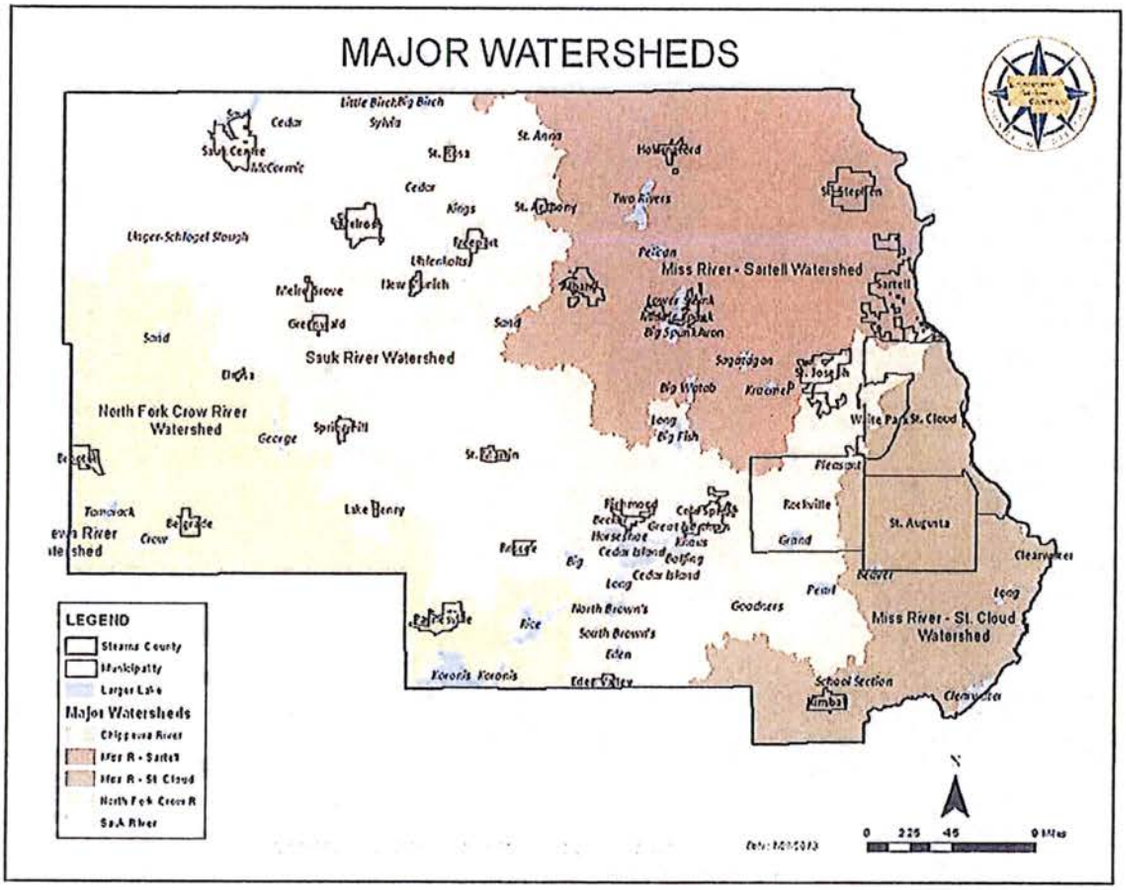
Mississippi River - St. Cloud watershed is in southeast Stearns County and covers approximately 160 square miles within Stearns County. Approximately 72 percent is agricultural land (including pasture and open areas) and 16 percent is forest. Major water bodies are Beaver Lake and the Clearwater Chain of Lakes. Kimball, St. Augusta and parts of Waite Park, Rockville and St. Cloud are located in this watershed.

Mississippi River –Sartell watershed covers approximately 280 square miles in Stearns County. The watershed is located in northeastern Stearns County and contains the major water bodies of Pelican Lake, Two Rivers Lake, Big Watab Lake and Big, Middle and Lower Spunk Lakes. Land cover in the watershed is

comprised of approximately 75 percent agricultural land (including pasture and open areas) and 18 percent forest. Municipal areas of Avon, Albany, Holdingford, Sartell and some of St. Cloud are located in this watershed.

North Fork Crow River watershed is located in the southwestern portion of the County, with 254 square miles in Stearns County. Land cover is approximately 88 percent agricultural land (including pasture and open areas) and 5 percent forests. Municipal areas include Paynesville, Brooten and Belgrade. Major water bodies are Rice Lake and Koronis Lake.

The Sauk River watershed is the largest watershed in Stearns County, covering approximately 640 square miles of the County. The Sauk River enters the County at Sauk Lake and flows southeast to the Sauk River Chain of Lakes, then flows northeast to its confluence with the Mississippi River between Sartell and St. Cloud. The land use is primarily agricultural, although the Cities of Sauk Centre, Melrose, Richmond, Cold Spring, St. Joseph and part of St. Cloud are in the watershed. Major water bodies in the watershed include Sauk Lake, Big Birch Lake, the Sauk Chain of Lakes, Grand Lake, Pearl Lake and Big Fish Lake.



Description of Priority Concerns

The identification of the Priority Concerns in the *Stearns County Local Water Management Plan 2008-2017* reflects input from public surveys and public meetings. The Priority Concerns are intended to encompass the natural resource issues that local citizenry and local agencies regard as the most critical for the health of our environment and are subject to local control.

Source Water Protection: Description from *Plan 2008-2017*

Providing safe drinking water to its citizens is a primary responsibility of government. A number of public water suppliers in Stearns County are providing drinking water to the residents from vulnerable aquifers.

The City of St. Cloud obtains its drinking water from the Mississippi River. The St. Cloud Source Water Protection – Priority Area A (determined by an eight hour time-of-travel for water to reach the surface intake) comprises about 89 square miles within Stearns County. Management in this area is designed to address potential sources of contamination that present an acute health concern to water users. The St. Cloud Source Water Protection – Priority Area B comprises an area of approximately 2,432 square miles. Management of this area is designed to protect water users from chronic health effects related to low levels of chemical contamination. There are many challenges to the inventory and management of potential contaminant sources in Area B due to the large geographic area and the numerous governing agencies.

The goal is to cooperate with and assist public water suppliers who are developing and implementing Source Water Protection Plans. "Public wells" include wells that serve water to municipalities, manufactured housing developments, businesses, schools and other facilities that serve water to more than 25 people on a regular basis. The following is a partial list of the identified Action Items taken from the original *Plan 2008-2017*:

- Promote and participate in the education of the community about the importance of drinking water protection.
- Focus inspection and enforcement of feedlot and land application rules within shoreland and Drinking Water Supply Management Areas (DWSMA's).
- Explore development of planning and zoning tools, such as an overlay district, which promote proactive land use planning to protect drinking water supplies.
- Explore development of additional protective measures for aggregate mining in wellhead protection areas overlying geologically sensitive aquifers.
- Cooperate with cities to inventory Subsurface Sewage Treatment Systems (SSTS) located within vulnerable areas of the DWSMA and support innovative approaches towards inspection programs.
- Explore the possibility of supplemental incentive funding to existing programs for vegetative buffers, set aside programs and Best Management Practices (BMP's).

Previous Estimated Cost	$1,400,000
Amended Estimated Cost	$1,242,500

Development Impacts: Description from *Plan 2008-2017*

Stearns County is experiencing strong residential and commercial development pressures. The construction of buildings, roads and parking lots increases the amount of impervious cover. The resulting increased stormwater runoff and erosion can cause a number of negative changes to stream flow, aquatic habitat and water quality.

The goal is to minimize the impact of new development and redevelopment on surface and ground water resources. The following is a partial list of the identified Action Items taken from the original *Plan 2008-2017*:

- Encourage low impact development and better design strategies on all new and redevelopment projects.
- Promote land and water best management practices in shoreland, such as vegetative buffers and routing rainwater off roofs away from surface water.
- Seek to have a detailed Natural Resource Inventory completed for the purpose of identifying sensitive natural areas.
- Seek to require that any proposed project in shoreland that will increase the total suspended solids or total phosphorus loading will be required to establish a Best Management Practice to mitigate the increased loading
- Improve quality of stormwater runoff and manage flow, volume and direction.
- Improve coordination of the Water Management Plan with the National Pollutant Discharge Elimination System (NPDES) permit requirements of Stearns County and the Municipal Separate Storm Sewer System (MS4) communities within the county.

Previous Estimated Cost	$1,390,000
Amended Estimated Cost	$1,927,200

Impaired Waters; Description from *Plan 2008-2017*

Stearns County has a number of water resources that have been listed by the Minnesota Pollution Control Agency (MPCA) as impaired, which means that the water resource does not meet its designated use. Prior to the writing of the *Stearns County Local Water Management Plan 2008-2017* much of the water resources in the County had not been monitored to MPCA standards to determine whether impairments exist.

The goal was to determine the water quality status of at least the larger, more publicly used water resources in the County, protect those water resources that currently support their designated uses and, where needed, improve those that do not. The following is a partial list of the identified Action Items taken from the original *Plan 2008-2017*:

- Annually review the sampling data and determine continuing monitoring needs.
- Coordinate and implement monitoring and analysis.
- Provide assistance to County landowners implementing agricultural Best Management Practices on working lands to reduce soil erosion, protect stream banks and improve water resources.

- Educate landowners about proper land application of nutrients and pesticides.
- Develop/support workshops for volunteer monitors
- Establish and maintain vegetative buffers in the shore and bluff impact zones.

Previous Estimated Cost	$9, 365, 000
Amended Estimated Cost	$10,501,000

Accomplishments toward Original Implementation Plan (2008-2012)

The *Stearns County Local Water Management Plan 2008-2017,* containing the original Goals, Objectives and Action Items, is located in the Appendix. A detailed summary of the some of the progress made in the period 2008 to 2012 towards meeting the *Plan 2008-2017* goals can also be found in the Appendix. The following is a brief summary of the accomplishments made towards the original goals.

Source Water Protection, Accomplishments 2008-2012

The ability of public water supplies to provide clean, healthy drinking water continues to be of the highest importance. There were twelve Stearns County public water suppliers with approved Wellhead Protection Plans in 2008. Since that time six more public water suppliers have developed Wellhead Protection Plans (Holdingford, St. Martin, Rockville, Kimball, Roscoe and St. Joseph) and six are in the process of developing Wellhead Protection Plans (Albany, Avon, Freeport, Belgrade, Brooten and Wildwood Manor (St. Joseph apartment building)).

To be effective, the Wellhead Protection Plans must be implemented and many of the public water suppliers with Wellhead Protection Plans have struggled with implementation. The ability of the Stearns County Soil and Water Conservation District to better respond to the needs of public water suppliers in the development and implementation of their Wellhead Protection Plans was increased tremendously by the addition to staff of an Urban Conservationist in 2007. The Urban Conservationist has been able to assist with implementation of the Wellhead Protection Plans by securing grants for the public water suppliers for initiatives such as well sealing, assisting with well inventories, developing and overseeing numerous programs for agricultural producers, and organizing nitrate clinics.

The Central Minnesota Water Education Alliance is a coalition of central Minnesota cities, Stearns County and other organizations formed to provide educational outreach to promote water quality stewardship. It was formed in 2006 to assist NPDES permit holders meet the civic engagement requirements of their permits in a cost-effective and efficient manner. The coalition was expanded to include public water suppliers implementing Wellhead Protection and assist them with the civic engagement requirements of their Wellhead Protection Plans. The educational campaign has resulted in many high-quality products and activities, including a rain barrel and compost bin sale, a video contest for high school students, representation at six to seven community events each year, digital outdoor advertising, and radio and newspaper ads. The best measurement of the success of the campaign is its website traffic. The number of "unique hits" to the website continues to increase, with 159,833 in 2012.

The most frequently visited page on the website is the blog, which is written by the CMWEA members. The website is http://www.mnwaterconnection.com/

The Stearns County SWCD spearheaded a successful initiative to secure funding for conservation easements in DWSMA's from the Clean Water Fund. Perennial crops and/or native vegetation can reduce nitrate leaching losses by a factor of 30 to 50 times less than conventional row crop systems. This conservation easement program will leverage local, state and federal resources (similar to CREP) to protect drinking water supplies. The conservation easement program will target public water suppliers with elevated nitrate concentrations, especially suppliers approaching or exceeding health standards.

The Stearns County Land Use and Zoning Ordinance has been modified to provide better protection for drinking water with stricter requirements for wet detention basins in areas of high groundwater vulnerability. The Ordinance was amended to include consideration of DWSMA's when processing land use or structure permit applications.

Non-compliant Subsurface Sewage Treatment Systems can potentially negatively impact the quality of drinking water. Stearns County, the North Fork of the Crow Watershed District, the Sauk River Watershed District and several lake associations have partnered in inspection initiatives of SSTS in shoreland areas and throughout the NFCR watershed district. Approximately 3,000 systems were surveyed and those that were not compliant either have been upgraded or are in the process. Stearns County secured funding from Clean Water Fund to upgrade 98 systems in low-income households.

Household hazardous waste (HHW) that is improperly disposed of can negatively impact drinking water. Stearns County continues to conduct a comprehensive HHW collection program at communities and in 2009 constructed a state-of-the-art facility to receive, process, and ship household hazardous waste. Stearns County also established three pharmaceutical drop boxes for citizens to dispose of unused and unwanted medications, thus keeping them out of water supplies.

Development Impacts, Accomplishments 2008-2012

One of the priorities of the *Plan 2008-2017* was to place in ordinance incentives and/or requirements that land use changes are done in such a way that natural resources are impacted to the least extent possible. The Stearns County Land Use and Zoning Ordinance was amended to contain provisions for Natural Resources Conservation Overlay Design. This allows townships to identify overlay areas with specific natural resource value, within which development is allowed only by carefully siting houses in clusters and preserving large portions of the development site that have conservation value. The allowance of additional lots is the incentive. The Land Use and Zoning Ordinance was also modified to include provisions for a density bonus if residential open space developments in shoreland are done following low-impact design principles.

The Land Use and Zoning Ordinance was modified to include protection of the native plant communities identified in the DNR's Native Plant Communities and Rare Species map by placing restrictions on development if native plant communities are present.

The Land Use and Zoning Ordinance was amended to require mitigation with the approval of after-the-fact shoreland alteration permits. The Governor's Alternative Shoreland Standards as pertains to resorts were adopted in ordinance.

Numerous lakescaping projects and rain gardens have been installed in already-developed areas. The SWCD was awarded a Clean Water Assistance grant for a watershed-based stormwater infiltration project near Middle Spunk Lake. There should be installation of approximately 30 infiltration practices (rain gardens, infiltration swales and infiltration basins). A Clean Water Assistance grant and two Clean Water Partnership grants enabled the SRWD to address stormwater runoff concerns in the cities of Cold Spring, St. Cloud, St. Joseph and Rockville. In 2011-2012 the SRWD's projects in Stearns County included 55 rain gardens, 24 shoreland/riparian projects, and 13 stormwater projects. The SWCD instituted the requirement for a permanent Shoreland Preservation Agreement on property which has received financial and/or technical assistance from the SWCD for shoreland projects.

CMWEA has run an effective educational campaign on the negative effects of stormwater runoff and uncontrolled erosion. The MS4 communities have benefited by belonging to CMWEA and thus meeting educational requirements contained in their NPDES permits. The success of the campaign is discussed further in the section on Source Water Accomplishments.

Permanent stormwater practices can be required as part of the platting process, a variance, conditional use or construction site permit request. The long-term operation and maintenance of these practices can be an issue. Stearns County inventoried all the industrial and residential storm water ponds that have been approved by the County since 2000 and now does regularly scheduled inspections.

Impaired Waters, Accomplishments 2008-2012

Objective A of Impaired Waters Priority Concern was primarily focused on reviewing the monitoring results from STORET, determining from the monitoring results which lakes, rivers and streams of the County needed further monitoring to allow a determination of impaired status, and developing and carrying out a monitoring plan such that the major water bodies could be assessed as either impaired or unimpaired. "Major" lakes were defined as those of greater than 200 acres and having significant population density. Monitoring was completed through funding from the County's Water Management Plan fund, a Surface Water Assessment Grant, and monitoring by the watershed districts. As a result of the monitoring conducted by the County and the watershed districts in 2008-2010, all the major lakes in the County had enough monitoring data by 2010 to be assessed for impairment status.

SSTS were inspected within the riparian area along the segments of the Sauk River that are impaired for *E.coli* and those that did not meet State standards were upgraded.

The *Plan 2008-2017* put a priority on offering environmental education to all the students in the County. Through a number of partners, including the Sauk River watershed District, Paynesville and ROCORI Wellhead Protection communities and the City of St. Cloud, the water festival program was expanded so that all fourth graders in the County have an opportunity to attend a water fest.

The SWCD has hosted a number of civic engagement events promoting agricultural BMP's, new technology and better land stewardship, e.g. a Methane Digester Field Day, a Field Day on Woodchip Bio-filters for the Treatment of Runoff , a Wildlife Habitat Management on Working Agricultural Lands Field Day and Certified Crop Advisor training events.

SWCD, Pheasants Forever, the Rice Lake Association, Koronis Lake Association, North Fork Crow River Watershed District and USDA partnered to promote CRP and shoreline restoration on the lakes.

Stearns County is the sponsor and fiscal agent for the Pelican Lake of St. Anna Clean Water Partnership Project. After the sampling results are compiled, modeling of the nutrient inputs will identify the amounts of nutrient loading that the subwatersheds are contributing and a plan will be developed, with the assistance of the Stearns County SWCD, to get the optimum benefit from installation of BMP's.

The SWCD continues to partner to establish the Conservation Marketplace Midwest. One of the reasons that this is significant is the continuing conversion of marginal agricultural land from programs such as CRP into production. An active Conservation Marketplace can potentially supplement the current incentive levels so that they more adequately compete with high crop prices.

The following table shows some of the conservation structures and practices implemented by the SWCD and NRCS since the *Plan* was adopted.

Conservation Structures and Practices Implemented by Stearns Soil and Water Conservation District and Natural Resources Conservation Service

Practices	2008	2009	2010	2011	2012
Nutrient Management Planning (# of acres)	26307	16767	17992	20,698	18192
Waste Management Systems	23	15	25	15	23
Lakescaping Projects (# of projects)	7	7	8	15	8
Unpermitted Manure Basin Investigations	34	13	14	13	8
Environmental Quality Assurance Assessments	23	18	10	9	3
Continuous Conservation Reserve Program (# of CCRP contracts)	113	120	52	17	11
CCRP (# of acres)	1885	2020	647	151	187
Conservation Reserve Program (General) (# of CRP contracts)		59	49	24	59
CRP General (# of acres)		2337	1689	461	1449
Total Active Contracts (# of CRP & CCRP acres)	29971	27928	28442	28866	28440

Environmental Quality Incentives Program Contracts (# of EQIP contracts)	53	54	70	72	73
Total Active EQIP Contracts (of contracts)	128	139	137	108	94
Conservation Security Program (# of contracts)	110	58	47	135	169
Conservation Security Program (# of acres)	30600	15846	23011	51998	65069
Sealing of unused wells		9	6	5	3
Raingardens				49	6

Unfulfilled Action Items

Source Water Protection, Unfulfilled Action Items 2008-2012

Action Item 1. B.3 calls for inspection of areas within DWSMA's and shoreland for proper application of nutrients and review of land application records. This has not been accomplished for a number of reasons. Feedlots with less than 100 Animal Units are not required to keep manure land application records and most don't have written records. The Environmental Services Department reviews whether or not manure land application records are kept during compliance or construction inspections at feedlots with 100 AU or more. However, a determination of correct application from a review of records and inspections of manure application to crop land have not been a feedlot work plan goal due to constraints on staff time. It has been determined that one-on-one education is often the most effective means of achieving compliance.

Action Item1. B.4 calls for inspection of NPDES II Construction Permits in the area of St. Cloud Priority Area A DWSMA. This was accomplished when there was an agreement between the ESD, SWCD and the MPCA to have an employee of Stearns County doing the inspections. This agreement expired in June 2009 and since that time inspections outside the municipal boundary of St. Cloud are conducted by an MPCA inspector on a complaint basis. The City of St. Cloud stormwater technician continues to inspect within the municipal boundaries and the County enforces the erosion control provisions of its Land Use and Zoning Ordinance.

Some of the public water suppliers with Wellhead Protection Plans have wanted inspections done of the SSTS in the vulnerable areas of their Drinking Water Supply Management Areas. Conducting SSTS inspections in the non-municipal areas of DWSMA's is an unresolved issue. The households which would be subject to an otherwise unrequired inspection are not necessarily the same households that will directly benefit from the protection of the public drinking water supply, and the municipality has no jurisdiction beyond its boundaries.

Development Impacts, Unfulfilled Action Items 2008-2012

The Natural Resources Conservation Design Overlay (Action Item 2.A.1) was put into Ordinance and has been utilized but its adoption has only been in a somewhat limited area. At this point only areas within the Avon Hills, which includes parts of four townships, have chosen the Natural Resources Conservation Design Overlay option.

A goal of the original Plan was the adoption of the Governor's Alternative Shoreland Standards (Action Item 2.A.9). The Standards were partially adopted at the County level, and the plan was to wait until it was adopted at the State level before proceeding further. This initiative is stalled at the State level and hasn't proceeded further at the local level.

Stearns County and SWCD had participated with the MPCA in a pilot program to have an employee at the local level ensure compliance with NPDES stormwater and erosion regulations construction permits. This program was terminated in June 2009. Since then the NPDES construction permits are inspected by MPCA on a complaint basis. A goal of the original *Plan (*Action Item 2.C.5) was to carry on the local NPDES inspections if the pilot program ceased, but there is not funding for this.

Impaired Waters, Unfulfilled Action Items 2008-2012

Objective A is concerned primarily with assessment of the waters of the County. In 2007 the MPCA initiated Intensive Watershed Monitoring, an approach that includes a 10-year rotation for assessing waters of the state on the level of Minnesota's major watersheds. The assessment of the North Fork Crow River was initiated in 2007, Sauk River watershed in 2008, Mississippi-St. Cloud watershed in 2009, and Mississippi-Sartell watershed will be in 2016. The monitoring objectives of the County have been largely suspended since the MPCA initiative will effectively replace much of the County's intended monitoring initiative.

Action Item 3.B.11 calls for inspection of areas within watersheds of impaired waters for proper application of nutrients and review of records of land application. This has not been accomplished for the reason stated above under Source Water Protection.

The establishment and maintenance of 50-foot permanently vegetated buffers in areas of agricultural use along public waters' shores was a goal of the *Plan 2008-2017* (Action Item 3.B.13). A grant from Clean Water Assistance Funds was requested to finance this initiative but was not funded. This initiative will continue to be part of the Implementation Plan.

Amended Implementation Plan

Stearns County is blessed with 201 Public Waters Basins and 326 Public Waters Wetlands. All the Waters of the State that are located within Stearns County merit restoration, if impaired, or protection, if not impaired. The County will implement appropriate initiatives to attain the goal of every water body and water course meeting the State's water quality standards.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Traverse County LWP Synchronization

Meeting Date: October 23, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Pete Waller

Prepared by: Pete Waller

Reviewed by: North Region Committee(s)

Presented by: Gerald Van Amburg

☐ **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

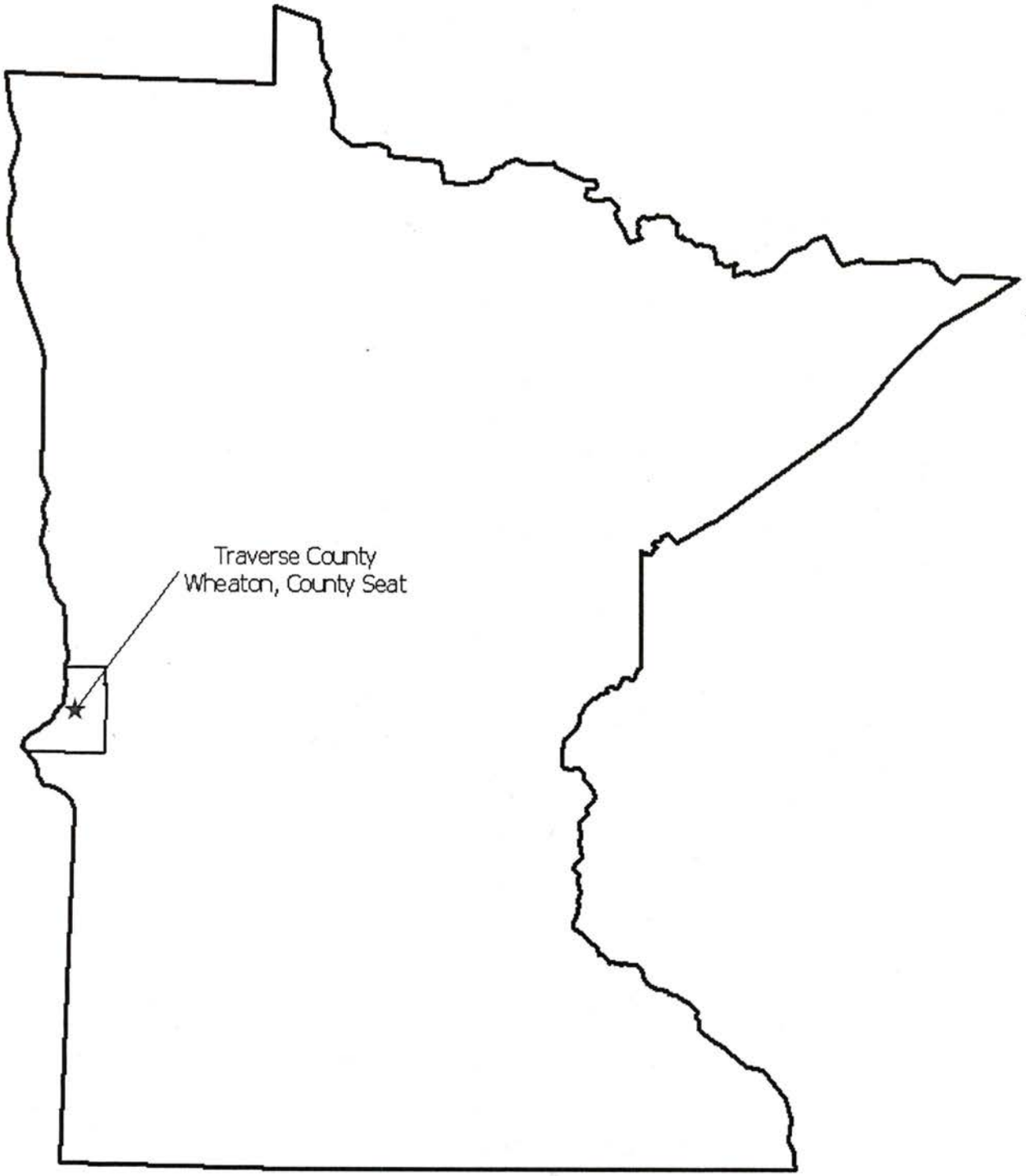
1. Traverse County requests BWSR extend the required ten-year amendment of the Traverse County Local Water Management Plan until the end of the calendar year following the Bois de Sioux Watershed District Plan amendment or December 31, 2017, as per BWSR Resolution #12-85 dated September 26, 2012.

LINKS TO ADDITIONAL INFORMATION

N/A

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

2. The request is based on the following:
   - The 2012 Legislative changes, 103B.101 Subd. 14, approving BWSR's local water management authorities under 103B, 103C and 103D creating the One Watershed One Plan campaign.
   - Also recognizes the value of WRAPS.
   - Along with synchronizing local water management planning and implementation with WRAPS is to ensure active participation by Counties, SWCDs and Watershed Districts in all efforts. Managing the current water planning update and revision requirements and deadlines in relationship to the recognizing this necessary commitment of time and resources by our local government partners is needed to accomplish a successful transition to the One Watershed One Plan along with using WRAPS to inform local water management plans and implementation.


Traverse County
Wheaton, County Seat

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 **Traverse County** (pursuant to Minnesota Statutes, 103B.3367, authorizing BWSR to grant extensions)	ORDER SYNCHRONIZING LOCAL WATER MANAGEMENT PLAN

Whereas, Traverse County has a State approved Comprehensive Local Water Plan (CLWP) pursuant to Minnesota Statute, Section 103B.301, that is effective until December 31, 2014.

Whereas, the Board has authorization to grant extensions pursuant to Minnesota Statute 103B.3367;

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

FINDINGS OF FACT

1. On October 1, 2013, pursuant to Minnesota Statute, Section 103B.3367, the Board of Water and Soil Resources received a resolution from Traverse County requesting BWSR extend the required ten-year amendment of the Traverse County Local Water Management Plan until the end of the calendar year following the Bois de Sioux Watershed District Plan amendment or December 31, 2017, as per BWSR Resolution #12-85 dated September 26, 2012.

2. The following are resource planning efforts currently underway within Traverse County:
   - Watershed Restoration and Protection Strategy (WRAPS) in progress:
     i. Mustinka River, anticipated completion 2015;
     ii. Bois de Sioux River, anticipated completion 2016,
     iii. Minnesota River – Headwaters Watershed, anticipated completion 2017.
   - Watershed District Overall Plans via 103D status:
     i. Bois de Sioux Watershed District Overall Plan, anticipated completion 2017; and
     ii. Upper Minnesota River Watershed District approved for 2013 to 2023.

3. The extension of the Plan expiration date until the end of the calendar year following the Bois de Sioux Watershed District Plan amendment or December 31, 2017, as per BWSR Resolution #12-85 dated September 26, 2012, is based on the following:
   - The 2012 Legislative changes, 103B.101 Subd. 14, approving BWSR's local water management authorities under 103B, 103C and 103D creating the One Watershed One Plan campaign.
   - Also recognizes the value of WRAPS.

- Along with synchronizing local water management planning and implementation with WRAPS is to ensure active participation by Counties, SWCDs and Watershed Districts in all efforts. Managing the current water planning update and revision requirements and deadlines in relationship to the recognizing this necessary commitment of time and resources by our local government partners is needed to accomplish a successful transition to the One Watershed One Plan along with using WRAPS to inform local water management plans and implementation.

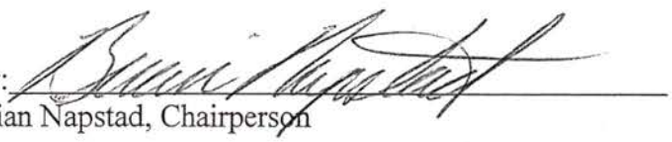
CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Traverse County pursuant to Minnesota Statute 103B.3367.

ORDER

The Board hereby extends the Plan expiration date until the end of the calendar year following the Bois de Sioux Watershed District Plan amendment or December 31, 2017, as per BWSR Resolution #12-85 dated September 26, 2012.

Date at St. Paul, Minnesota, this 23rd day of October 2013.

By: 
Brian Napstad, Chairperson

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Wilkin County LWP Synchronization**

Meeting Date: October 23, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Pete Waller

Prepared by: Pete Waller

Reviewed by: North Region Committee(s)

Presented by: Gerald Van Amburg

☐ **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

Wilkin County requests BWSR:

- Rescind its prior order dated September 26, 2012, which extended the required five-year update of the local water management plan to December 31, 2014;
- Waive the five-year required plan update; and
- Extend the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dates September 26, 2012.

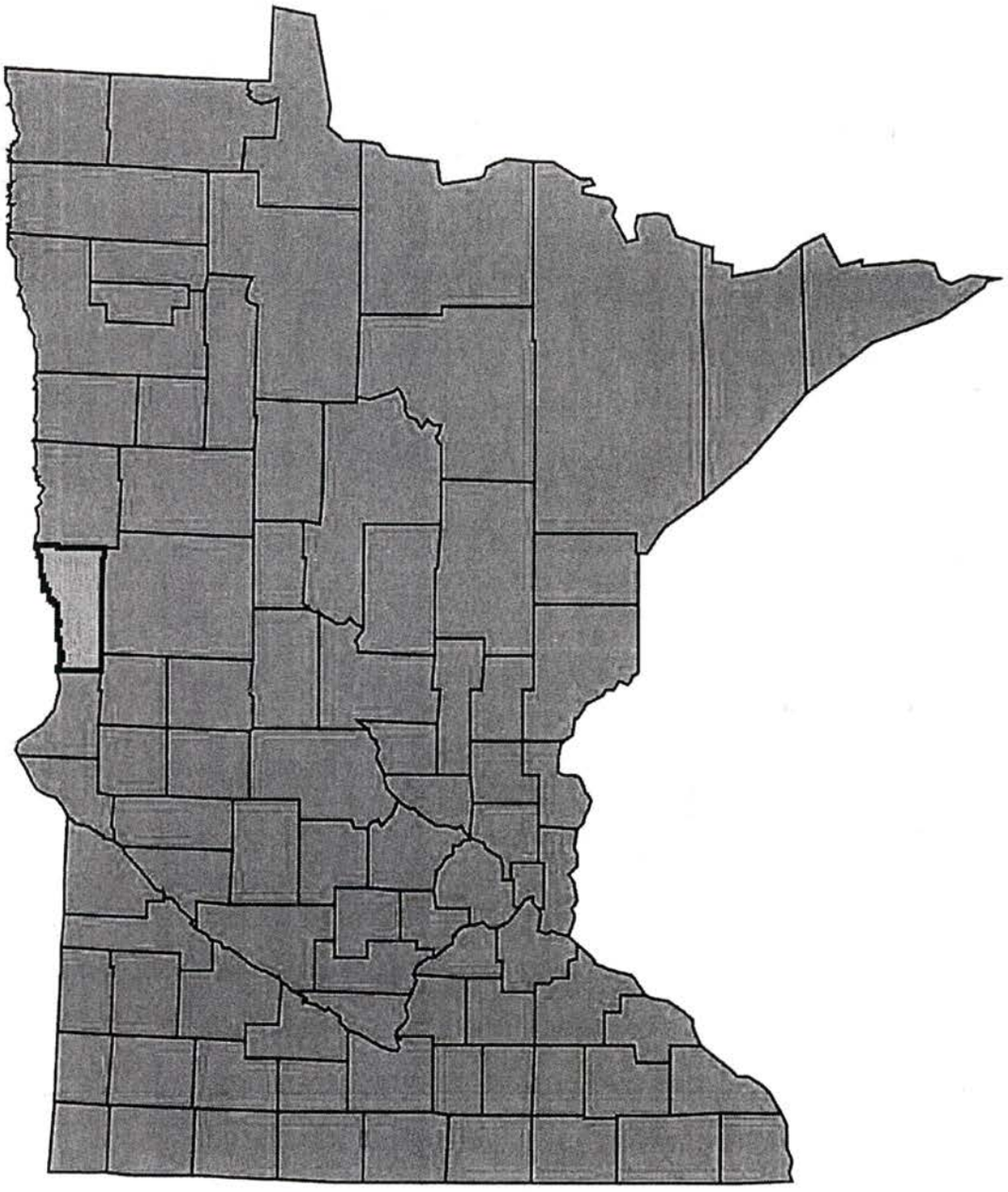
LINKS TO ADDITIONAL INFORMATION

N/A

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

1. The request is based on the following:
   - The 2012 Legislative changes, 103B.101 Subd. 14, approving BWSR's local water management authorities under 103B, 103C and 103D creating the One Watershed One Plan campaign.
   - Also recognizes the value of WRAPS.
   - Along with synchronizing local water management planning and implementation with WRAPS is to ensure active participation by Counties, SWCDs and Watershed Districts in all efforts. Managing the current water planning update and revision requirements and deadlines in relationship to the recognizing this necessary commitment of time and resources by our local government partners is needed to accomplish a successful transition to the One Watershed One Plan along with using WRAPS to inform local water management plans and implementation.

WILKIN COUNTY LOCATION MAP



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 **Wilkin County** (pursuant to Minnesota Statutes, 103B.3367, authorizing BWSR to grant extensions)	ORDER SYNCHRONIZING LOCAL WATER MANAGEMENT PLAN

Whereas, Wilkin County has a State approved Comprehensive Local Water Plan (CLWP) pursuant to Minnesota Statute, Section 103B.301, that is effective until December 31, 2017, with the Implementation Section to be updated by December 31, 2014, as per the BWSR order dated September 26, 2012, and

Whereas, the Board has authorization to grant extensions pursuant to Minnesota Statute 103B.3367.

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

FINDINGS OF FACT

1. On September 10, 2013, pursuant to Minnesota Statute, Section 103B.3367, the Board of Water and Soil Resources received a resolution from Wilkin County requesting BWSR:
   - Rescind its prior order dated September 26, 2012, which extended the required five-year update of the local water management plan to December 31, 2014;
   - Waive the five-year required plan update; and
   - Extend the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dated September 26, 2012.

2. The following are resource planning efforts currently underway within Wilkin County:
   - Total Maximum Daily Load (TMDL) for the Lower Otter Tail River was completed in 2007.
   - Watershed Restoration and Protection Strategy (WRAPS) in progress:
     i. Bois de Sioux River, anticipated completion 2016,
     ii. Upper Red River, anticipated completion 2014,
     iii. Buffalo River, anticipated completion 2014.
   - WRAPS yet to begin:
     i. Otter Tail River anticipated start in 2017 and completion in 2022.
   - Watershed District Overall Plans via 103D in progress:
     i. Bois de Sioux Watershed District Overall Plan, anticipated completion 2017; and
     ii. Buffalo Red River Watershed District Overall Plan, anticipated completion 2014.

3. The request rescinding of the Order which extended the required five-year update of the local water management plan to December 31, 2014, waiving the five-year required plan update, and extending the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dated September 26, 2012 is based on the following:
    - The 2012 Legislative changes, 103B.101 Subd. 14, approving BWSR's local water management authorities under 103B, 103C and 103D creating the One Watershed One Plan campaign.
    - Also recognizes the value of WRAPS.
    - Along with synchronizing local water management planning and implementation with WRAPS is to ensure active participation by Counties, SWCDs and Watershed Districts in all efforts. Managing the current water planning update and revision requirements and deadlines in relationship to the recognizing this necessary commitment of time and resources by our local government partners is needed to accomplish a successful transition to the One Watershed One Plan along with using WRAPS to inform local water management plans and implementation.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Wilkin County pursuant to Minnesota Statute 103B.3367.

ORDER

The Board hereby rescinds its September 26, 2012, Order which extended the required five-year update of the Local Water Management Plan to December 31, 2014, waives the five-year required Plan update, and extends the Plan expiration date until one year following the last Watershed District Plan Amendment or December 31, 2018, as per BWSR Resolution #12-85 dated September 26, 2012 .

Date at St. Paul, Minnesota, this 23rd day of October 2013.

By: _____
Brian Napstad, Chairperson

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Revised Watershed Management Plan Hearing**
Sauk River Watershed District

Meeting Date: October 23, 2013

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

Item Type: X Decision ☐ Discussion ☐ Information

Section/Region: North Region

Contact: Travis Germundson/ Jason Weinerman

Prepared by: Travis Germundson

Reviewed by: Northern Region Committee Committee(s)

Presented by: Gene Tiedemann or Travis Germundson

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Board authorization is needed to schedule and hold a public hearing on the revised watershed management plan for the Sauk River Watershed District (SRWD).

LINKS TO ADDITIONAL INFORMATION

Link to Map of Watershed http://srwdmn.org/pdf/maps/saukriverbasemap.pdf

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

The SRWD filed a draft revised watershed management plan dated July 2013 with the Board of Water and Soil Resources on July 18, 2013 in accordance with Minn. Stat. § 103D.405. The plan was sent out for review to multiple local, state, and federal agencies. The Board must give notice and hold a hearing on the revised plan within 45 days after receiving the Department of Natural Resource's recommendations on the revised plan unless the Board finds the plan noncontroversial (103D.105 Subd 2.). The Plan proposes to establish a water management district pursuant to Minn. Stat. 103D.729 for the purpose of collecting revenues and paying cost for projects. BWSR staff has recommended that a public hearing be held.

A watershed district is required to revise their watershed management plan at least once every ten years. The latest water management plan for the SRWD was prescribed by the Board on August 28, 2002.

The Northern Region Committee met on October 9, 2013 and recommended that a public hearing be held within 45 days after receiving the Department of Natural Resource's recommendation on the revised plan. The Northern Region Committee will preside over the public hearing and bring recommendations on the draft revised plan to the Board. The Executive Director will set the date, time and location of the public hearing after coordinating with the appropriate parties per the attached draft Order.

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

In the Matter of a Revised Watershed Management Plan for the Sauk River Watershed District pursuant to Minnesota Statutes 103D.405

ORDER REVISED WATERSHED MANAGEMENT PLAN HEARING

Whereas, the Sauk River Watershed District (SRWD) filed a proposed Revised Watershed Management (Plan) dated July 2013 with the Board of Water and Soil Resources (Board) on July 18, 2013, pursuant to Minn. Stat. § 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established on July 22, 1986 by Order of the Water Resource Board. The District is located in central Minnesota and includes parts of Stearns, Todd, Pope, Douglas, and Meeker Counties. The mission of the District is to apply unique abilities and authorities in ways that protect and enhance our watershed's resources for today and tomorrow.

2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Sudd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board on August 28, 2002. This is the third generation Plan of the District. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resource management. The plan also establishes a water management district pursuant to Minn. Stat. § 103D.729 for the purpose of collecting revenues and paying cost for projects initiated under Minn. Stat. §§ 103D.601, 103D.605, 103D.611 or 103D.730.

3. **Nature of the Watershed.** The SRWD is approximately 1,042 square miles in size and is located in central Minnesota. Lands within the District are distributed in Stearns (64.4%), Todd (20.6%), Douglas (8.8%), Pope (4.8%), and Meeker (1.4%). Majority of the land cover falls within cultivated crop and pasture or grassland. Drainage is primarily south east from Lake Osakis to the Mississippi River by way of the main stem of the Sauk River. There are several cities at least partially within the watershed district's boundaries including Osakis, Sauk Centre, Waite Park, and St. Cloud. Six major streams and their tributaries flow through the watershed district for a total length of approximately 1,682 miles. Several of these streams are identified as impaired and are listed on the state's 303(d) list of impaired waters. There are 28 public drainage systems with about 179 miles of ditches. The Watershed District is the drainage authority for about 92 miles of ditches in Stearns and Pope Counties.

4. **Highlight of the Plan**. The Sauk River Watershed District management plan identifies core district activities which include: monitoring, education, outreach and public relations, programs and capital projects, and regulatory. The plan divides the watershed into ten Water Management Districts. Each management district has activities that will be led by the watershed district and recommends activities for partner organizations. The management plan indicates that there is a watershed management district charge that will be levied on landowners within the management unit to accomplish the identified management activity. This levy authority is based upon Minn. Stat. § 103D.729. The plan identifies a calendar of predicted timeframes within which the management district charges will be initiated and then an estimated time frame for the suspension of the charges. In addition, the plan calls for specific pollution reductions within each management unit to bring these units into compliance with state water quality standards. The plan strikes a balance between serving as an overarching strategic framework for the next ten years and providing specific actionable recommendations that will allow for annual measurement of plan accomplishment.

5. **Filing.** The SRWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.405.

6. **Public Hearing.** The Board must give notice and hold a hearing on the proposed Plan within 45 days after receiving the Department of Natural Resources' recommendation on the revised Plan pursuant to Minn. Stat. § 103D.405 Subd.5 (a).

7. **Hearing Panel.** Board members of the Northern Regional Committee should preside over the hearing and bring a recommendation to the Board.

8. **Hearing Time.** The Executive Director should determine the date of the hearing after coordinating with the appropriate parties.

9. **Hearing Location.** The public hearing should be held at the Sauk Centre City Hall in Stearns. If scheduling conflicts arise the Executive Director should choose another suitable location.

CONCLUSIONS

1. The proposed Revised Plan is valid in accordance with Minn. Stat. § 103D.405.

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

3. The Board has proper jurisdiction in the matter of ordering a watershed district Revised Plan hearing.

4. The hearing on the Revised Plan for the SRWD should be presided over by the Northern Regional Committee.

5. The Executive Director shall make a decision on the date of the public hearing after coordinating with the appropriate parties.

6. The public hearing shall be held at the Sauk Centre City Hall in Stearns County.

7. If scheduling conflicts arise the Executive Director shall choose another suitable location.

ORDER

The Board hereby orders a public hearing be held within 45 days after receiving the Department of Natural Resources' recommendation on the revised Plan for the SRWD to be presided over by the Northern Regional Committee at a date and location to be determined by the Executive Director.

Dated at Saint Paul, Minnesota this 23th day of October, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Public Hearing for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District**

Meeting Date: November 13, 2013

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region: North

Contact: Brian Dwight

Prepared by: Brian Dwight

Reviewed by: Northern Region Committee 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
☐ Other:

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

ACTION REQUESTED

Information only

LINKS TO ADDITIONAL INFORMATION

N/A

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

At the September 25, 2013 BWSR Board Meeting the Board approved an order to hold a public hearing in accordance with Minnesota Statue 103D.301 regarding a petition from Polk County requesting the redistribution of Managers for the Middle-Snake-Tamarac Rivers Watershed District. In the conclusions of this order the Board stated the BWSR Executive Director shall decide on the date and suitable location if scheduling conflicts arise at the Warren City Offices Building. The Northern Region Committee (based on availability to attend) determined November 13, 2013 at 6:00 pm to 7:30 pm is the date and time to hold the hearing. Due to the anticipated attendance the location is changed from the Warren City Offices Building, to the Bremer Bank Community Room, Warren MN.

Grants Program & Policy Committee

1. Targeted Watershed Demonstration Program – Paul Langseth, Staff: Marcey Westrick and Dave Weirens – ***DECISION ITEM***

2. Soil Erosion and Drainage Law Compliance Program – Paul Langseth, Staff: Al Kean – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Targeted Watershed Demonstration Program

Meeting Date: 10-23-2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Land and Water Section

Contact: Marcey Westrick

Prepared by: Marcey Westrick

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Marcey Westrick and Dave Weirens

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

The Board is requested to authorize the FY2014 CWF Targeted Watershed Demonstration Program.

LINKS TO ADDITIONAL INFORMATION

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

The Targeted Watershed Demonstration Program is proposed to have a solicitation period from October 28 to December 13 and will operate under the FY2014 Clean Water Fund Policy that was adopted by the Board on August 29, 2013. The scoring process will include staff from the DNR, MDA, MDH, PCA, and BWSR. The Grants Program and Policy Committee will be meeting on October 22, 2013 to review the draft Request for Interest and generate a recommendation for Board consideration.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-92

TARGETED WATERSHED DEMONSTRATION PROGRAM AUTHORIZATION

WHEREAS, the Clean Water Fund (CWF) is established in M.S. 114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2013, Chapter 137, Article 2, Section 7; and,

WHEREAS, the Board 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 or authorities with jurisdiction in water and related land resources management when a proposed project, practice or activity implements a county water plan, watershed management plan, or county groundwater plan; and

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be "spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation", and that "dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute"; and,

WHEREAS, the Board has previously endorsed an inter-agency granting strategy that included the MN Department of Agriculture (MDA), the Department of Natural Resources (DNR), the Pollution Control Agency (MPCA), the Department of Health (MDH), and the BWSR with the goal of effectively coordinating water quality projects or practices funded by the CWF, and

WHEREAS, the Board has previously adopted the FY 2014 Clean Water Fund Policy on August 29, 2013, and,

WHEREAS, the Targeted Watershed Demonstration Program will operate under the FY 2014 Clean Water Fund Policy with the exception of match , and,

WHEREAS, the CWF implementation strategy incorporates the purpose of M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and,

WHEREAS, applications for funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(a) will be evaluated and watersheds will be selected according to the following process:

1) All nominated watersheds submitted for consideration will first be screened by BWSR staff based on the following criteria:
    A. Suitability of the watershed for this program (20 points);
    B. Extent of water quality and quantity monitoring (20 points);

C. Knowledge of the applicant organization regarding pollution sources and pathways (20 points);

D. The level of landowner/occupier interest and willingness to participate in water quality implementation actions (20 points); and

E. The availability of financial and technical resources available to the proposed watershed (20 points).

2) The highest screened applicants will be invited for an interview with an interagency Selection Committee. The Selection Committee will consist of representatives of the Board of Water and Soil Resources, Pollution Control Agency, Department of Natural Resources, Minnesota Department of Agriculture, and the Minnesota Department of Health. The criteria that will be used during the interview process are:

A. The amount of existing local effort occurring within the watershed;

B. The significance of the water resource;

C. Efforts of the applicant to address the long-term sustainability of soil and water resources within their jurisdiction;

D. The applicant has a systematic way to address non-point water quality issues; and

E. Commitment of other agencies, non-profits, and private interests.

3) 3-6 watersheds will be selected by the Board of Water and Soil Resources based on recommendations of the Selection Committee.

WHEREAS, the Grants Program and Policy Committee reviewed the Targeted Watershed Demonstration Program as proposed by staff on October 22, 2013.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Authorizes staff to finalize, distribute and promote a Request for Information (RFI) for the Targeted Watershed Demonstration Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369 and this Board resolution.

Date: 10/23/13

Brian Napstad, Chair
Board of Water and Soil Resources

Targeted Watershed Demonstration Program

Request for Interest October 28, 2013

About the program

In 2013, the Minnesota Legislature passed a law requiring the Minnesota Board of Water and Soil Resources (BWSR) *to award grants to local government units organized for the management of water in a watershed or subwatershed that have multiyear plans that will result in a significant reduction in water pollution in a selected subwatershed. Priority in making grants must be given to the three to six best designed plans each year.*

Based on this legislation, BWSR created the ***Targeted Watershed Demonstration Program*** and is seeking nominations for three to six project watersheds to participate. Eligible watersheds are those where the amount of change to achieve a water quality improvement is known, the types of actions required to achieve those results have been identified, and a significant amount of those actions can be implemented within a four-year timeframe.

Priority will be given to watersheds where there are current water quality impairments or priority water resources near the tipping point of becoming impaired. Proposed watersheds should have the threat to the water resource clearly identified, a thorough understanding of the pollution sources and pathways within the watershed, and baseline water quality data against which change can be assessed. Preference will be given to watersheds that are 10 or 12-digit Hydrologic Unit Codes. While protection of high quality resources is important and a critical part of the Clean Water effort, this program focuses on demonstrating water quality improvements, not on sustaining high quality systems.

Clean Water Funding Amount

Up to $12,000,000

General Requirements

25% cash match: Match includes cash from landowners, non-profits, ~~non-state~~local and federal units of government, or private entities. In-kind landowner services are not considered match for this program.

Applicant Eligibility

Eligible applicants include Watershed Districts, Watershed Management Organizations, and Watershed-based Joint Power Organizations. Counties, Soil and Water Conservation Districts and formal partnerships of these organizations with a hydrologic watershed contained wholly within the partnership boundary are also eligible to apply. Applicants must be working under a current state approved and locally adopted water management plan.

This is a demonstration program, and as a result, watersheds that are participating in the Minnesota Department of Agriculture's Water Quality Certification Program are not eligible for this initial FY2014 funding request.

Targeted Watershed Nominations

To nominate a watershed in your area, provide a written response to the following questions. Written responses are subject to a five-page limit (watershed maps are not included in the page limit).

1) Why would the proposed watershed and its associated water resource be a good candidate for this demonstration program?
    a. Define the water quality concern to be addressed and the needed reduction in pollutant loadings.
    b. Describe land use/land cover, hydrologic connections, soils, topography and ownership patterns within the watershed.
    c. Identify the specific comprehensive local water management plan, TMDL study and implementation plan, or Clean Water Partnership diagnostic study and implementation plan that this watershed is identified in. Include the plan title, section and page number (weblink if one exists).
    ~~b.~~d. Describe how action items in the plan listed above address the water quality concern in the identified watershed and will lead to significant pollutant reductions, and
    ~~c.~~e. Provide a map that outlines the proposed watershed, monitoring locations and all jurisdictional boundaries.
2) Describe the extent to which water quality and quantity monitoring has occurred to date in the proposed watershed.
    a. Include a table that details the monitoring location(s) along with the year(s), month(s) and parameters monitored.
    b. Describe any plans to monitor this watershed in the future.
3) Describe the breadth of the knowledge your organization has about the pollution sources and pathways within this watershed.
    a. Describe the methods and results of inventory and source targeting done to date, or that are in progress, to identify the most critical pollution sources or risks within the watershed that are responsible for causing impairments or threats to the surface water quality.
4) Describe the level of landowner/occupier interest and willingness to participate in implementing actions that is known.
    a. What evidence supports the conclusion?
5) Describe the expected financial and technical resources available to the proposed watershed (local, state, and federal) and the relevant experience within the watershed area to successfully demonstrate a significant reduction in water pollution.
    a. Include an estimate of cost that will be requested from Clean Water Funds.
    ~~a.~~b. Describe what other technical resources would be needed locally to implement this project.

Submittal

All responses must be electronically delivered to: BWSR.Grants@state.mn.us and must be received no later than 4:30 p.m. on December 13, 2013. Late responses will not be considered. The burden of proving timely receipt is upon the responder.

Evaluation

1) All nominated watersheds submitted for consideration will first be screened by BWSR staff based on responses to questions #1-5. The screening range for the response to each question will be 0 -20 points. Maximum score per request is 100 points.

2) Watersheds that are deemed candidates for final selection (as recommended by BWSR staff) will then be invited for an interview with the Selection Committee to answer additional questions (to be provided to candidates ahead of time). In addition to questions #1-5, ~~T~~the criteria that will be used during the interview process includes 1) the amount of existing local effort occurring within the watershed, 2) significance of the water resource, 3) efforts of proposer to address the long-term sustainability of soil and water resources within their jurisdiction, 4) a ~~proposer has a~~ systematic way to address non-point water quality issues can be demonstrated and 5) commitment of other agencies, non-profits, and private interest.

3) 3-6 watersheds will be selected by the Board of Water and Soil Resources based on recommendations of the Selection Committee.

*The Selection Committee will be made up of representatives of the Minnesota Board of Water and Soil Resources, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Minnesota Department of Agriculture, and the Minnesota Department of Health.

Timeline

- October 28, 2013 - Nomination period begins
- December 13, 2013 - Nomination deadline at 4:30 PM
- January – February 2013 - Interviews
- March 27, 2014 - BWSR Board selects watersheds
- May 23, 2014 - Work plan submittal deadline
- June 1, 2014 - Grant execution deadline

Questions

Questions concerning submittal of a watershed will be taken via a webinar on November 5, 2013 from 10:00 a.m. to 11:00 a.m. Additional questions may also be submitted by email to cwfquestions@state.mn.us. Responses will be posted on the BWSR website weekly.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Soil Erosion and Drainage Law Compliance Program

Meeting Date: October 23, 2103

Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business

Item Type: [X] Decision [ ] Discussion [ ] Information

Section/Region:

Contact: Al Kean

Prepared by: Tim Gillette

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Al Kean

[ ] **Audio/Visual Equipment Needed for Agenda Item Presentation**

Attachments: [X] Resolution [ ] Order [ ] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [ ] None
- [ ] Amended Policy Requested
- [ ] New Policy Requested
- [ ] Other:

- [ ] General Fund Budget
- [ ] Capital Budget
- [ ] Outdoor Heritage Fund Budget
- [X] Clean Water Fund Budget

ACTION REQUESTED

Approve the **Soil Erosion and Drainage Law Compliance Program** and associated RFP for distribution and use.

LINKS TO ADDITIONAL INFORMATION

Attached: RFP

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

The 2013 Minnesota Legislature appropriated Clean Water funds to the Board of Water and Soil Resources (BWSR) to be used *for grants to local units of government to ensure compliance with Minnesota Statutes Chapter 103E* (Drainage Law) *and Sections103F.401 to 103F.455* (state Soil Erosion Control provisions), *including enforcement efforts.*

In response to this appropriation, BWSR created the ***Soil Erosion and Drainage Law Compliance Program***. The purpose of this program is to restore and protect surface water quality, particularly impaired waters, by supplementing local efforts to apply existing soil erosion reduction and drainage statutes across Minnesota.

The appropriation language follows:

Session Laws of 2013, Chapter 137, HF-1183, Article 2, Section 7(e)
(e) $1,700,000 the first year and $1,700,000 the second year are for grants to local units of government to ensure compliance with Minnesota Statutes, chapter 103E, and sections 103F.401 to 103F.455, including enforcement efforts. Of this amount, $235,000 the first year is to update the Minnesota Public Drainage Manual and the Minnesota Public Drainage Law Overview for Decision Makers and to provide outreach to users.

The appropriation language has three key elements:

1. The appropriation is for grants to local government units.
2. Compliance and enforcement are to be the focus of the grants.
3. The basis of compliance and enforcement will be the entirety of *Chapter 103E Drainage* along with Sections 103F.401 to 103F.455 of *Chapter 103F Protection of Water Resources;* the latter dealing with Soil Erosion and soil loss ordinances.

The **Soil Erosion and Drainage Law Compliance Program (SEDLCP)** was defined and encapsulated in the attached RFP. To address compatibility issues with eLINK related to local match, the SEDLCP was divided into three subprograms in the RFP.

Subprogram 1 – Soil Erosion

Eligible Activity		Description	Match Required
1a.	Compliance spot checks and enforcement of an existing County soil loss ordinance.	Check for average annual cropland soil loss less than the maximum allowed by County ordinance.	25%
1b.	Compliance spot checks of USDA Highly Erodible Land (HEL) Plans and identification of corrective actions needed.	Compliance spot checks for existing USDA Highly Erodible Land (HEL) plans. A proposal to conduct compliance spot checks for HEL plans will require clear definition of partnering with NRCS and FSA.	
1c.	Development and adoption of County soil loss ordinance.	Planning and technical assistance for adoption of a county soil loss ordinance or augmented implementation of a county soil loss ordinance. This activity must result in the adoption of a county soil loss ordinance within the grant period.	

Subprogram 2 – Drainage Ditch Inventory and Inspection

Eligible Activity		Description	Match Required
2a.	Inventory Chapter 103E drainage ditches that are public waters.	Determine the status of compliance with the Section 103E.021 buffer strip requirement and the 50-ft. Shoreland Buffer Rule 6120.3300, Subpart 7 requirement for all drainage ditches in the drainage authority's jurisdiction that are public waters. Develop a plan to enforce the applicable requirements.	25%
2b.	Inventory Chapter 103E drainage ditches where erosion and sediment contribute substantially to impaired waters and/or excess sediment accumulation and prioritize the sites for implementation.	Identify priority side inlet control and buffer strip needs for which the following authorities apply (grant funding for inventory(ies) only, not for practice establishment): a. Section 103E.021, Subd. 6 Incremental Implementation of Vegetated Ditch Buffer Strips and Side Inlet Controls; and b. Section 103E.011, Subd. 5 Use of External Sources of Funding.	
2c.	Inventory Chapter 103E drainage systems where sediment and/or nutrients contribute substantially to impaired waters, and identify opportunities for wetland restoration, drainage water storage and treatment.	Inventory drainage systems and identify wetland restoration or other drainage water storage and treatment opportunities within the watershed of the drainage system for which either of the following provisions apply: a. Section103E.701 Repairs, Subd. 6. Wetland Restoration and Mitigation; and b. Section 103E.011, Subd. 5 Use of External Sources of Funding.	
2d.	Develop an inspection plan and database for all Chapter 103E drainage ditch systems under the drainage authority's jurisdiction to enhance drainage ditch inspection. (Does not include funding for drainage records scanning or data creation, nor for a drainage inspector.)	Facilitate compliance with the following provisions: a. Section 103E.705 Repair Procedure, Subd. 1 Inspection, which requires inspection at a minimum every 5 years, and annually if there is a violation of Section 103E.021 until the violation is resolved. b. Section 103E.705 Repair Procedure, Subd. 2 Permanent Strip of Perennial Vegetation Inspection and Compliance Notice, which requires the drainage authority to inspect applicable drainage ditches for violations of Section 103E.021. c. Section 103E.067 Ditch Buffer Strip Annual Reporting, which is due from drainage authorities to BWSR by February 1 for data from the previous calendar year.	

Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips

Eligible Activity		Description	Match Required
3a.	Redetermine benefits and damages on Chapter 103E drainage ditch(es) and establish buffer strips for ditch systems with more than 80% of the drainage area within the current benefited lands of the ditch system and where there are impaired waters and/or excess sediment accumulations. (Does not include funding for buffer strip right-of-way and establishment.)	Redetermination of benefits and damages for Chapter 103E drainage ditch(es) not already having Section 103E.021 buffer strips, and associated establishment of ditch buffer strips in accordance with the following provisions: a. Section 103E.351 Redetermination of Benefits and Damages; b. Section 103E.021 Ditches Must Be Planted with Perennial Vegetation. This activity must result in the redetermination being accomplished within the grant period.	50%

Minnesota Board of Water & Soil Resources

Board Resolution # 13-93

FY 2014 CLEAN WATER FUND COMPETITIVE SOIL EROSION AND DRAINAGE LAW COMPLIANCE GRANT PROGRAM - REQUEST FOR PROPOSALS

WHEREAS, the Clean Water Fund (CWF) is established in M.S. 114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2013, Chapter 137, Article 2, Section 7(e) for grants to local government units to ensure compliance with *Chapter 103E Drainage,* and *Chapter 103F Protection of Water Resource; Sections 103F.401 to 103F.455* (state soil erosion provisions); and

WHEREAS, the Board 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 or authorities with jurisdiction in water and related land resources management when a proposed project, practice or activity implements a county water plan, watershed management plan, or county groundwater plan; and

WHEREAS, BWSR implementation of appropriated CWF funds is based on the Minnesota Constitution, Article XI, Section 15 which provides that funds may be "spent only to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation", and that "dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute"; and

WHEREAS, the CWF implementation strategy incorporates the purpose of M.S. 114D.20 which directs the implementation of Clean Water Funds to be coordinated with existing authorities and program infrastructure; and

WHEREAS, applications for a Soil Erosion and Drainage Law Compliance Program established with funds appropriated in Laws of Minnesota 2013, Chapter 137, Section 7(e) will be evaluated based on the following criteria:

Ranking Criteria

Subprogram 1 - Soil Erosion	
Ranking Criteria	**Maximum Points Possible**
1) Anticipated water quality benefits relative to cost.	30
2) Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in, or derived from, an eligible water management plan.	15

3) % of LGU lands impacted by the eligible activity based on an accepted definition of high priority areas (e.g. map of highly erodible lands, definition of erosion problem areas via a TMDL, WRAPS, or other study) (i.e. total priority erosion area lands within the jurisdiction and % to be addressed by the activity)	20
4) LGU capacity to implement the local grant program processes and protocols.	10
5) Consistency with program purposes.	25
Total Points Available	**100**

Subprogram 2 – Drainage Ditch Inventory and Inspection	
Ranking Criteria	**Maximum Points Possible**
1) Anticipated water quality benefits relative to cost.	30
2) Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in, or derived from, an eligible water management plan.	15
3) Total miles of Chapter 103E drainage ditches under the drainage authority's jurisdiction that are public waters (Activity 2a.); miles of Chapter 103E drainage ditches to be inventoried that contribute substantially to water quality degradation (Activities 2b. or 2c.); or total miles of Chapter 103E drainage ditches under the drainage authority's jurisdiction (Activity 2d.).	15
4) LGU capacity to implement the local grant program processes and protocols.	10
5) Consistency with program purposes.	30
Total Points Available	**100**

Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips	
Ranking Criteria	**Maximum Points Possible**
1) Anticipated water quality benefits relative to cost.	40
2) Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in, or derived from, an eligible water management plan.	20

3) Total miles of Chapter 103E buffer strips to be established for proposed eligible drainage ditches.	20
4) Consistency with program purposes.	20
Total Points Available	**100**

WHEREAS, the Grants Program and Policy Committee reviewed the Soil Erosion and Drainage Law Compliance Program Request for Proposals developed by staff, on October 22, 2013.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

Authorizes staff to finalize, distribute and promote a Request For Proposals (RFP) for the FY2014 Clean Water Fund Competitive Soil Erosion and Drainage Law Compliance Grants Program consistent with the provisions of appropriations enacted in 2013, Minn. Stat. 103B.3369, and this Board resolution.

Date: 10/23/13

Brian Napstad, Chair
Board of Water and Soil Resources

Attachment: FY2014 Clean Water Fund Soil Erosion and Drainage Law Compliance Competitive Grants Request for Proposals

Soil Erosion and Drainage Law Compliance Program

Request for Proposal October 28, 2013

About the program

The 2013 Minnesota Legislature appropriated Clean Water Funds to the Board of Water and Soil Resources (BWSR) to be used *for grants to local units of government to ensure compliance with Minnesota Statutes Chapter 103E* (Drainage Law) *and Sections103F.401 to 103F.455* (state Soil Erosion Control provisions), *including enforcement efforts.* In response to this appropriation, BWSR created the ***Soil Erosion and Drainage Law Compliance Program***. The purpose of these grants is to restore and protect surface water quality, particularly Impaired Waters, and to supplement local efforts to sustain clean water in Minnesota, by applying existing soil erosion reduction and drainage ditch statutes.

Type of Program

Competitive

Clean Water Funding Available

$1,355,000

General Requirements

- The proposal should demonstrate significant, measurable project outputs that will help achieve water quality objectives. Proposals should include outputs such as location of riparian buffers needed or required along Chapter 103E drainage ditches that are public waters, prioritized inventories of Chapter 103E drainage ditch incremental buffer strip and side inlet control needs, spot checks for soil loss ordinance and/or highly erodible land plan compliance, soil loss ordinance written and adopted, and /or drainage system inspection plan and database developed.
- The primary purpose of activities funded with grants associated with the Clean Water Fund is to restore, protect, and enhance water quality. Eligible activities must be consistent with a watershed management plan that has been state approved and locally adopted or an approved total maximum daily load study (TMDL), Watershed Restoration and Protection Strategy document, surface water intake plan, or well head protection plan. Local governments may use a connection derived from an eligible plan of another local government. BWSR may request documentation outlining the cooperation between the local government submitting the grant application and the local government that has adopted the plan.
- Depending on the Subprogram of eligible activities proposed, either a 25% or 50% non-state match is required. NOTE: Subprogram applications must be submitted separately in eLINK.

Applicant Eligibility

Eligible applicants include Chapter 103E County and Watershed District Drainage Authorities, Counties, and Soil and Water Conservation Districts working in partnership with one or more eligible Counties or Watershed Districts.

Eligible Activities and Local Match Requirements

Subprogram 1 – Soil Erosion

Eligible Activity		Description	Match Required
1a.	Compliance checks and enforcement of an existing County soil loss ordinance.	Check for average annual cropland soil loss less than the maximum allowed by County ordinance to augment implementation of an existing county soil loss ordinance.	25%
1b.	Compliance checks of USDA Highly Erodible Land (HEL) Plans and identification of corrective actions needed.	Compliance spot checks for existing USDA Highly Erodible Land (HEL) plans. A proposal to conduct this activity will require clear definition of partnering with NRCS and FSA.	
1c.	Development and adoption of County soil loss ordinance.	Planning and technical assistance for adoption of a county soil loss ordinance. This activity must result in the adoption of a county soil loss ordinance within the grant period.	

Subprogram 2 – Drainage Ditch Inventory and Inspection

Eligible Activity		Description	Match Required
2a.	Inventory Chapter 103E drainage ditches that are Public Waters.	Determine the status of compliance with the Section 103E.021 buffer strip requirement and the 50-ft. Shoreland Buffer Rule 6120.3300, Subpart 7 requirement for all drainage ditches in the drainage authority's jurisdiction that are Public Waters. Develop a plan to enforce the applicable requirements.	25%
2b.	Inventory Chapter 103E drainage ditches where erosion, sediment and/or nutrients contribute substantially to water quality degradation, and prioritize sites for side inlet control and/or buffer strip implementation.	Inventory drainage ditch systems and identify priority side inlet control and buffer strip needs for which the following authorities apply (grant funding for inventory(ies) only, not for practice establishment): a. Section 103E.021, Subd. 6 Incremental Implementation of Vegetated Ditch Buffer Strips and Side Inlet Controls; and b. Section 103E.011, Subd. 5 Use of External Sources of Funding.	
2c.	Inventory Chapter 103E drainage systems where erosion, sediment and/or nutrients contribute substantially to water quality degradation, and prioritize sites for storage and treatment implementation.	Inventory drainage systems and identify priority wetland restoration or other drainage water storage and treatment opportunities within the watershed of the drainage system for which either of the following provisions apply (grant funding for inventory(ies) only, not for practice establishment): a. Section103E.701 Repairs, Subd. 6. Wetland Restoration and Mitigation; and b. Section 103E.011, Subd. 5 Use of External Sources of Funding.	

2d.	Develop an inspection plan and database for all Chapter 103E drainage ditch systems under the drainage authority's jurisdiction to enhance drainage ditch inspection. (Does not include funding for drainage records scanning or data creation, nor for a drainage inspector.)	Facilitate compliance with the following provisions: a. Section 103E.705 Repair Procedure, Subd. 1 Inspection, which requires inspection at a minimum every 5 years, and annually if there is a violation of Section 103E.021 until the violation is resolved. b. Section 103E.705 Repair Procedure, Subd. 2 Permanent Strip of Perennial Vegetation Inspection and Compliance Notice, which requires the drainage authority to inspect applicable drainage ditches for violations of Section 103E.021. c. Section 103E.067 Ditch Buffer Strip Annual Reporting, which is due from drainage authorities to BWSR by February 1 for data from the previous calendar year.	

Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips

Eligible Activity		Description	Match Required
3a.	Redetermine benefits and damages on Chapter 103E drainage ditch(es) and establish buffer strips for ditch systems with more than 80% of the drainage area within the current benefited lands of the ditch system and where there are Impaired Waters and/or excess sediment accumulations. (Does not include funding for buffer strip right-of-way and establishment.)	Redetermination of benefits and damages for Chapter 103E drainage ditch(es) not already having Section 103E.021 buffer strips, and associated establishment of ditch buffer strips in accordance with the following provisions: a. Section 103E.351 Redetermination of Benefits and Damages; b. Section 103E.021 Ditches Must Be Planted with Perennial Vegetation. This activity must result in the redetermination being accomplished within the grant period.	50%

Ranking Criteria

Subprogram 1 - Soil Erosion	
Ranking Criteria	**Maximum Points Possible**
1) Anticipated water quality benefits relative to cost.	30
2) Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in, or derived from, an eligible water management plan.	15
3) % of LGU lands impacted by the eligible activity based on an accepted definition of high priority areas (e.g. map of highly erodible lands, definition of erosion problem areas via a TMDL, WRAPS, or other study) (i.e. total priority erosion area lands within the jurisdiction and % to be addressed by the activity)	20
4) LGU capacity to implement the local grant program processes and protocols.	10
5) Consistency with program purposes.	25
Total Points Available	**100**

Subprogram 2 – Drainage Ditch Inventory and Inspection	
Ranking Criteria	**Maximum Points Possible**
1) Anticipated water quality benefits relative to cost.	30
2) Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in, or derived from, an eligible water management plan.	15
3) Total miles of Chapter 103E drainage ditches under the drainage authority's jurisdiction that are public waters (Activity 2a.); miles of Chapter 103E drainage ditches to be inventoried that contribute substantially to water quality degradation (Activities 2b. or 2c.); or total miles of Chapter 103E drainage ditches under the drainage authority's jurisdiction (Activity 2d.).	15
4) LGU capacity to implement the local grant program processes and protocols.	10
5) Consistency with program purposes.	30
Total Points Available	**100**

Subprogram 3 – Redetermination of Benefits and Drainage Ditch Buffer Strips	
Ranking Criteria	**Maximum Points Possible**
1) Anticipated water quality benefits relative to cost.	40
2) Relationship to a Plan: The proposal is clearly based on priority protection or restoration actions listed in, or derived from, an eligible water management plan.	20
3) Total miles of Chapter 103E buffer strips to be established for proposed eligible drainage ditches.	20
4) Consistency with program purposes.	20
Total Points Available	**100**

Initial screening will be accomplished by BWSR Board Conservationists and Clean Water Specialists. Final proposal ranking will be by BWSR drainage and soils staff. Final award decisions will be made by the BWSR Board.

BWSR Grant Administration

The BWSR reserves the right to partially fund any and all grant proposals based on the number of eligible proposals submitted and the amount of funding available.

Application Deadline and Timeline

Late submissions or incomplete applications will not be considered for funding.

- October 28, 2013 — Application period begins
- December 13, 2013 — Application deadline at 4:30 PM*
- January 22, 2014 — BWSR Board authorizes grant awards (proposed)
- February 2014 — BWSR grant agreements sent to recipients
- March 17, 2014 — Work plan submittal deadline
- April 1, 2014 — Grant execution deadline

*The application must be submitted by 4:30 PM.

Project Period

The project period starts when the grant agreement is executed, meaning all required signatures have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds and cannot be used as match. All grants must be completed by December 31, 2016.

Payment Schedule

Grant payments will be distributed in three installments to the grantee. The first payment of 50% of the grant amount will be paid after execution of the grant agreement and work plan approval provided the grant applicant is in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants. The second payment of 40% of the grant amount will be paid once the grantee has provided BWSR with notification and BWSR has reconciled expenditures of the initial payment. The last 10% will be paid after all final reporting requirements are met, the grantee has provided BWSR with a final financial report, and BWSR has reconciled these expenditures.

Incomplete Applications and Partial Funding

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

- Components of the application are incomplete or missing;
- Any required documentation is missing; and
- The match amount does not meet grant requirements

Applications may receive partial funding for the following reasons:

- An absence of clear definition of specific use of grant funds;
- Activities that were not discussed in the application or have no connection to the central purpose of the application were included by an applicant; and
- Concerns about unreasonable requests for technical assistance and administration funding.

CWF Project Reporting Requirements

- All grant recipients are required to report on the outcomes, activities, and accomplishments of Clean Water Fund grants. All BWSR funded projects will be required to develop a work plan, including detail relating to the outcome(s) of the proposed project. All activities will be reported via the eLINK reporting system. For more information go to http://www.bwsr.state.mn.us/outreach/eLINK/index.html.
- BWSR Clean Water Funds will be administered via a standard grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties on the grant recipient.
- When practicable, grant recipients shall prominently display on their website the legacy logo. Grant recipients must display on their website either a link to their project from the Legislative Coordinating Commission Legacy Site (http://legacy.leg.mn) or a clean water project summary that includes a description of the grant activities, including expenditure of grant funds and measurable outcomes according to the format specified by the BWSR.

Grants and Public Information

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

Prevailing Wage

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

Conflict of Interest

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

1. A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,

2. A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or

3. A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

Minimum Browser Requirements for eLINK

The applicant must use Microsoft (MS) Internet Explorer 9 or Mozilla Firefox to enter elink data for applications and works plans.

Proposal Questions

This RFP and the 2014 Clean Water Fund Competitive Grants Policy adopted by the BWSR provide the framework for funding and administration of the 2014 Clean Water Fund Competitive Grant Programs can be found on the BWSR website (www.bwsr.state.mn.us/grants/apply/index.html).

Questions regarding grant applications should be directed to your area Board Conservationist or Clean Water Specialist; a map of work areas and contact information is available at (www.bwsr.state.mn.us/contact/BC_areas.pdf).

NEW BUSINESS

1. 2014 Proposed BWSR Board Meeting Schedule – John Jaschke - ***DECISION ITEM***

2. Status Report on MN Ag Water Quality Certification Program (MAWQCP) – Matt Wohlman, Brad Redlin, Josh Stamper, MDA – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **2014 Proposed BWSR Board Meeting Schedule**

Meeting Date: October 23, 2013

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

Item Type: X 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: X 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 2014 BWSR Board Meeting dates.

LINKS TO ADDITIONAL INFORMATION

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 2014 BWSR Board Meeting Schedule.

Minnesota Board of Water & Soil Resources

Board Resolution # _____

2014 Proposed BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 22

February – no meeting

March 26

April 23

May 28

June 25

July – no meeting

August 27 - 28 Tour and Meeting

September 24

October 22

November – no meeting

December 17

_____ Date _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Minnesota Board of Water & Soil Resources

Board Resolution # 13-94

2014 Proposed BWSR Board Meeting Schedule

(Fourth Wednesday of the month unless noted)

January 22

February – no meeting

March 26

April 23

May 28

June 25

July – no meeting

August 27 - 28 Tour and Meeting

September 24

October 22

November – no meeting

December 17

Brian Napstad

Date 10/23/13

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Status Report on MN Ag Water Quality Certification Program (MAWQCP)

Meeting Date: October 23, 2013

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

Item Type: ☐ Decision ☐ Discussion X Information

Section/Region:

Contact:

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s)

Presented by: Matt Wohlman, Brad Redlin, and Josh Stamper, MDA

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Status Report on MN Ag Water Quality Certification Program (MAWQCP)

LINKS TO ADDITIONAL INFORMATION

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

The Minnesota Agricultural Water Quality Certification Program (MAWQCP) is a voluntary program designed to accelerate adoption of on-farm conservation practices that protect Minnesota's lakes and rivers. Producers who implement and maintain approved farm management practices will be certified and in turn assured that their operation meets the state's water quality goals and standards for a period of 10 years.

Through this program, certified producers receive:

- Regulatory certainty: certified producers will not be subject to new water quality regulations during the period of certification
- Priority for technical assistance and cost share dollars for practices that protect water quality

Through this program, the public receives:

- Assurance that certified producers are accelerating conservation practices to protect Minnesota's lakes, rivers and streams
- Greater duration for water quality project and practices as the adopted projects and practices are sustained without additional public investment to retain them when the certification is renewed

The 4 pilot areas have been selected, an evaluation tool is nearing completion and the logistics of local government program support and a certainty contract are underway via an MDA team with support from BWSR, MPCA, DNR and NRCS. The MDA team members Matt Wohlman, Brad Redlin and Josh Stamper will overview the status of the various program elements.

Minnesota Agricultural Water Quality Certification Program
Program Update

Matthew Wohlman, Brad Redlin and Josh Stamper

Minnesota Department of Agriculture
October 23, 2013
Minnesota Board of Water and Soil Resources

Memorandum of Understanding

Signed by Governor Dayton, Secretary Vilsack and Administrator Lisa Jackson on January 17, 2012.

What does the MOU say?

* Support for a **voluntary** program
* **Coordinate and prioritize funding**
* Provide **recognition and certainty** to producers and the public
* Establish a MAWQCP **Advisory Committee**

STATE OF MINNESOTA
U.S. DEPARTMENT OF AGRICULTURE
U.S. ENVIRONMENTAL PROTECTION AGENCY

ENGAGING IN A STATE AND FEDERAL PARTNERSHIP IN SUPPORT OF THE MINNESOTA AGRICULTURAL WATER QUALITY CERTIFICATION PROGRAM

We, Mark Dayton, Governor of the State of Minnesota; Thomas J. Vilsack, Secretary of the U.S. Department of Agriculture; and Lisa Jackson, Administrator of the U.S. Environmental Protection Agency, by virtue of the powers vested in us, do hereby issue this Memorandum of Understanding:

MAWQCP Advisory Committee

* Recommendations developed over a series of committee meetings, provided to MDA Commissioner Frederickson November 14, 2012

Committee Recommendations

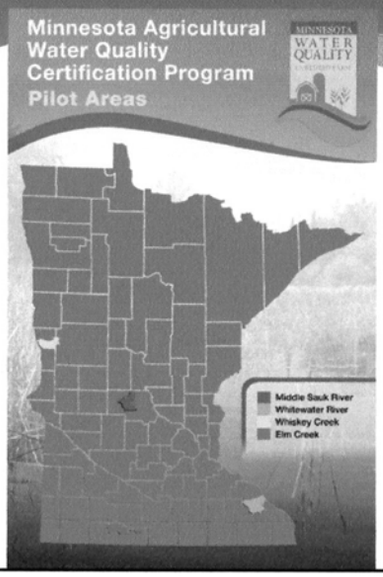
The committee submitted a series of recommendations presented in seven position papers:

- Pilot projects
- Program operations
- Program measurement tool
- Program data management
- Program certainty
- Program incentives
- Program promotion

Legislative Actions

* Passed legislation placing the MAWQCP in statute
* Provided $3 million in Clean Water funding (biennium)
* Statute adopts Advisory Committee's recommendations
  * Pilot up to 3 years
  * Review progress with advisory committee; inter-agency team
  * Provides "certainty" via certification agreement contracts between state and producers

Pilot Projects



* Whitewater Watershed
* Elm Creek Watershed
* Sauk River Watershed
* Whiskey Creek Watershed

What is "Certainty?"

* Offered by executive and legislative branches of Minnesota state government, via certification agreement contracts
* Not an exemption from existing rules and regulations
* Relevant to the land within an agricultural operation
* Applies only to ag land management and practices that could affect water quality
* Conditional upon:
  * Implementation of recommended practices
  * Maintenance of practices during certification

In practice, "Certainty" means...

* Certified farms are considered to be meeting their contributions to any targeted reductions of pollutants during the period of their certification
* Certified farmers are recognized as responsible protective stewards of their land and water quality
* Provides public assurance that certified farmers are doing their part to avoid water quality impacts from their farming operations

Providing Regulatory Certainty

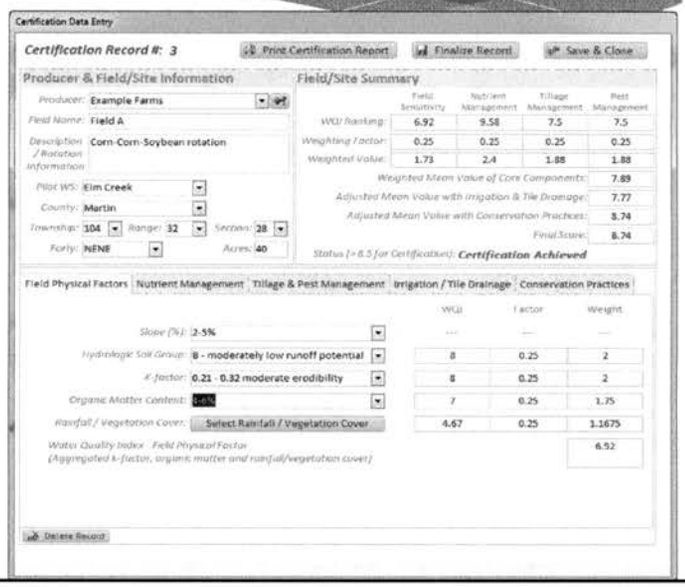
- Legislation authorizes the Department to enter into a contract with producers,
- The US Constitution has a contract clause which says that once a contract is executed, the state is obligated to perform on its contract,
- We will provide regulatory certainty through the contract...where a certified producer won't be asked to implement **new** water quality standards, rules or laws during the certification period,
- For Example: The a new law or standard is passed on Nitrogen rates...a certified producer will operate under their contact and the rates in place at the time of certification.

What does the Tool cover?

1) Field characteristics and soil physical/erosion factors,
2) Nutrient management factors,
3) Tillage management factors,
4) Pest management factors,
5) Irrigation and tile drainage management,
6) Additional conservation practices

Assessment Tool

* Parcel specific by crop year
* A systems approach rather than one specific focus



Nutrient Management
Nitrogen Rate

Nitrogen application rate and associated score

Application Rate	MAWQCP Score
Legume / No Nitrogen Applied	10
UMN BMP Recommendation	10
10% over the BMP ranges	7
20% over the BMP ranges	5
30% over the BMP ranges	2
50% over the BMP ranges	1

Nutrient Management
Rate

Justification

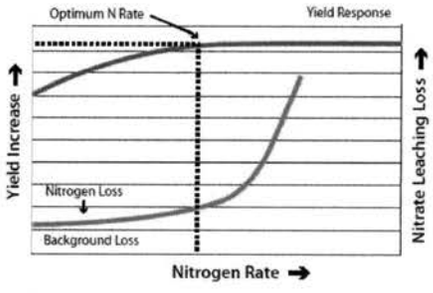


Figure 6. Importance of using optimum N rate for greatest profit and minimal nitrate-N loss.

- Our MN N rate BMP's were developed with environmental and agronomic concerns in mind, and many of our BMP regions have environmental N loss data to go along with the crop response data.
- While we acknowledge that the nutrient use efficiency declines as rate increase, incentivizing the "mining of native fertility" by encouraging under application of N and P creates more problems than it solves.

Nutrient Management
Timing, Source and Placement

Synthetic Fertilizer

Regional Synthetic N Recs	Source	Timing	Placement
Recommended	10	10	10
Acceptable with Risk	6	6	6
Not Acceptable	1	1	1

Manure Fertilizer

Manure Fertilizer Recs	Spring	Fall ST < 50°F	Fall ST > 50°F	Frozen Soil
Incorporated/Injected	10	8	4	N/A
Unincorporated	6	3	2	1

Fall ST= Soil Temperature

Pest Management

Description of Practice	MAWQCP Score
Advanced IPM: Low risk IPM plus cultural practices that minimize pests	10
Low Risk IPM: Basic IPM plus using alternatives with lower risk for runoff or rotation of pesticides	7.5
Basic IPM: Low risk control plus threshold-based suppression	7
Low Risk Pest Control: Basic control plus using < maximum label rates	5
Basic Pest Control: Suppression with only label-required mitigation (i.e. setbacks)	2

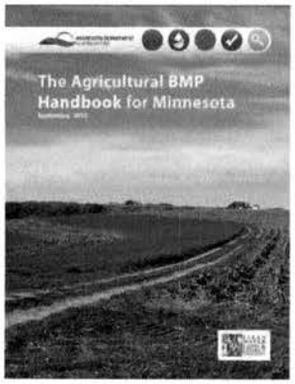
Irrigation

Irrigation Method	MAWQCP Adjustment
Center Pivot	-10.0%
Center Pivot with CP449	-1.5%
Trickle/Drip	0.0%
No Irrigation	0.0%
Sprinkler	-5.0%

Tile Drainage

Tile Drain System	MAWQCP Adjustment
No Tile Drain	0.0%
Tile Drain, open surface inlets	-20.0%
Tile Drain, no open surface inlets	-15.0%
Tile Drain with Drainage Water Management	10.0%
Tile Drain, no open surface inlets and average of NM and TM ≥ 9	0.0%

Conservation Practices



Conservation Practice		Sediment Effectiveness Range (mean) %	Total P Effectiveness Range (mean) %	Nitrogen Effectiveness Range (mean) %	Pesticide Effectiveness Range (mean) %
Name	**Type**				
Contour Strip- Cropping	Field	43-95 (77)	8-93 (44)	20-55 (37)	
Contour Buffer Strip	Field	83-91 (87)	49-80 (62)	27-50 (36)	53-77 (67)
Sediment Basins	External	60-90 (84)	34-73 (50)	30	
Field Borders	Field	76-91 (86)	38-96 (65)	27	57-75 (66)
Riparian Forest Buffer	External	41-93 (67.5)	53-98 (75.5)	67.5	
Filter Strip	External	76-91 (86)	38-96 (65)	27	57-75 (66)
Grass Waterway	External	77-97 (87)			47-83 (65)
Conservation Cover	Field	Up to 90			
Water & Sediment Control Basin	External	97-99 (98)	64-80 (73)		
Grade Stabilization Structure	Field	99			

Sample Farm A

Renville County, MN

- CROP: Corn
- Slope is < 2%
- Synthetic nitrogen and phosphorous fertilizer within state BMP ranges for rate, placement & timing (this includes Fall application for this region)
- Tillage:
  - Mulch Till
- Advanced Integrated Pest Management:
  - Scout for pest thresholds
  - Corn-bean rotation
- Standard Density Tile Drainage
- **TOOL SCORE:** 8.9

Sample Farm A
Assessment Tool Calculation

1) Field Physical Sensitivity: 7.9
2) Nutrient Management: 10
3) Tillage Management: 8
4) Pest Management: 10
   Preliminary score: **8.9**

5) Irrigation and Tile Drainage Management: no adjustment because NM & TM average ≥ 9
6) Conservation Practices: none required

CERTIFICATION ELIGIBLE

Sample Farm B

Olmsted County, MN

- Crop: Corn
- Slope is 5%-10%, more erodible soils
- Synthetic nitrogen and phosphorous fertilizer within state BMP ranges for rate, timing, and placement
- Mulch tillage
- Advanced Integrated Pest Management:
  - Scout for pest thresholds
  - Corn-bean rotation

Sample Farm B
Assessment Tool Calculation

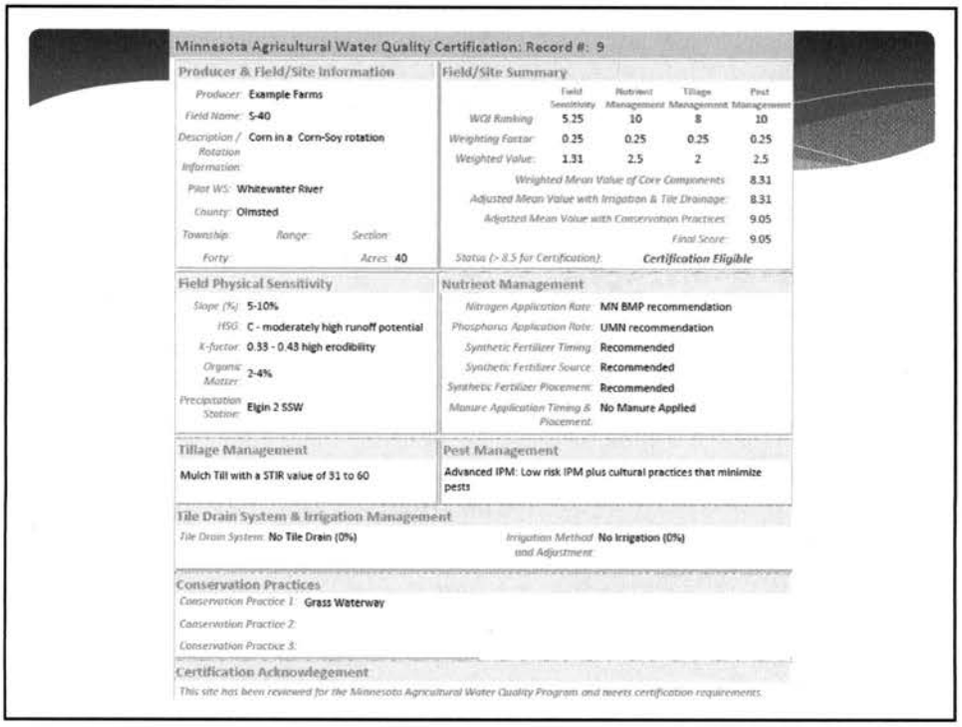
1) Field Physical Sensitivity: 5.3
2) Nutrient Management: 10
3) Tillage Management: 8
4) Pest Management: 10

Preliminary score: 8.3

5) No Irrigation or Tile Drainage
6) Conservation Practices: Grass Waterway Needed

9.05 Certified

CERTIFICATION ELIGIBLE



Minnesota Agricultural Water Quality Certification: Record #: 9

Producer & Field/Site Information

Producer: Example Farms
Field Name: S-40
Description / Rotation Information: Corn in a Corn-Soy rotation
Pilot WS: Whitewater River
County: Olmsted
Township: Range: Section:
Forty: Acres: 40

Field/Site Summary

	Field Sensitivity	Nutrient Management	Tillage Management	Pest Management
WQI Ranking	5.25	10	8	10
Weighting Factor	0.25	0.25	0.25	0.25
Weighted Value:	1.31	2.5	2	2.5

Weighted Mean Value of Core Components: 8.31
Adjusted Mean Value with Irrigation & Tile Drainage: 8.31
Adjusted Mean Value with Conservation Practices: 9.05
Final Score: 9.05
Status (> 8.5 for Certification): *Certification Eligible*

Field Physical Sensitivity

Slope (%): 5-10%
HSG: C - moderately high runoff potential
K-factor: 0.33 - 0.43 high erodibility
Organic Matter: 2-4%
Precipitation Station: Elgin 2 SSW

Nutrient Management

Nitrogen Application Rate: MN BMP recommendation
Phosphorus Application Rate: UMN recommendation
Synthetic Fertilizer Timing: Recommended
Synthetic Fertilizer Source: Recommended
Synthetic Fertilizer Placement: Recommended
Manure Application Timing & Placement: No Manure Applied

Tillage Management

Mulch Till with a STIR value of 31 to 60

Pest Management

Advanced IPM: Low risk IPM plus cultural practices that minimize pests

Tile Drain System & Irrigation Management

Tile Drain System: No Tile Drain (0%)
Irrigation Method and Adjustment: No Irrigation (0%)

Conservation Practices

Conservation Practice 1: Grass Waterway
Conservation Practice 2:
Conservation Practice 3:

Certification Acknowledgement

This site has been reviewed for the Minnesota Agricultural Water Quality Program and meets certification requirements.

Questions?

MINNESOTA WATER QUALITY

www.mda.state.mn.us/awqcp

CLEAN WATER LAND & LEGACY AMENDMENT

Minnesota Agricultural Water Quality Certification Program

Certifying that Minnesota's farms and waters can prosper together.

MINNESOTA
WATER QUALITY
CERTIFIED FARM

About the Program

The Minnesota Agricultural Water Quality Certification Program (MAWQCP) is a voluntary program designed to accelerate adoption of on-farm conservation practices that protect Minnesota's lakes and rivers. Producers who implement and maintain approved farm management practices will be certified and in turn assured that their operation meets the state's water quality goals and standards for a period of 10 years.

Through this program, certified producers receive:

- *Regulatory certainty: certified producers will not be subject to new water quality regulations during the period of certification*
- *Priority for technical assistance and funding to implement practices that protect water quality*

Through this program, the public receives:

- *Assurance that certified producers are using conservation practices to protect Minnesota's lakes, rivers and streams*

U.S. Secretary of Agriculture Tom Vilsack and Governor Mark Dayton

"We are taking a bold step for a program which keeps agriculture a cornerstone of our economy and also protects the health of our rivers lakes and streams. It is vital that we have both." Governor Mark Dayton

Certainty means that NEW rules and regulations will not apply

Certainty means certified producers can be assured that their participation, implementing and maintaining the voluntary conservation practices as part of the program, ensures that they are fulfilling state expectations with regard to water quality. The state of Minnesota will not require them to do anything beyond that set of practices for the period of certification.

This program will help address existing concerns about changing regulatory requirements from multiple state and federal agencies. Certainty is a commitment provided by the Minnesota Department of Agriculture (MDA), the Minnesota Board of Water and Soil Resources (BWSR), Minnesota Department of Natural Resources (DNR), and the Minnesota Pollution Control Agency (MPCA).

Producers must maintain compliance with existing regulations at the time of certification; certainty does not offer exemption from rules and regulations that currently exist.

How Do I Become Certified?

1. Assessment

Farm operations seeking certification will be initially evaluated using the MAWQCP assessment tool. The assessment tool is specifically tailored to Minnesota and will be adjusted to meet the needs of each area of the state. This tool will help determine if a farm operation is immediately eligible for certification or if additional water quality conservation practices need to be implemented before the operation can be certified.

The following management factors will be considered:

1) *Physical field characteristics*
2) *Nutrient management factors*
3) *Tillage management factors*
4) *Pest management factors*
5) *Irrigation and tile drainage management*
6) *Conservation practices*

The output from the assessment tool is a numeric score from 1-10. A threshold score must be matched or exceeded by each field within an operation to attain certification. The score for certification and the tool will continue to be developed throughout the pilot process based on feedback from scientists, conservation professionals and producers.

2. Technical Assistance

Agricultural producers seeking certification will have priority for technical and financial assistance through existing conservation programs. Local conservation professionals will be available to assist in conservation planning, financial assistance and practice implementation that will lead to certification. Conservation plans are farm specific and are developed with consideration of unique characteristics of the farm, the farming practices and the region where the farm is located.

3. Certification

An accredited certifier will conduct a formal assessment of the operation using the assessment tool and on-site visit. If certification criteria are met, the operation will be certified for a period of ten years.

4. Verification

Any credible certification system has a verification component. Certified farms are subject to verification of the terms of their certification contract.

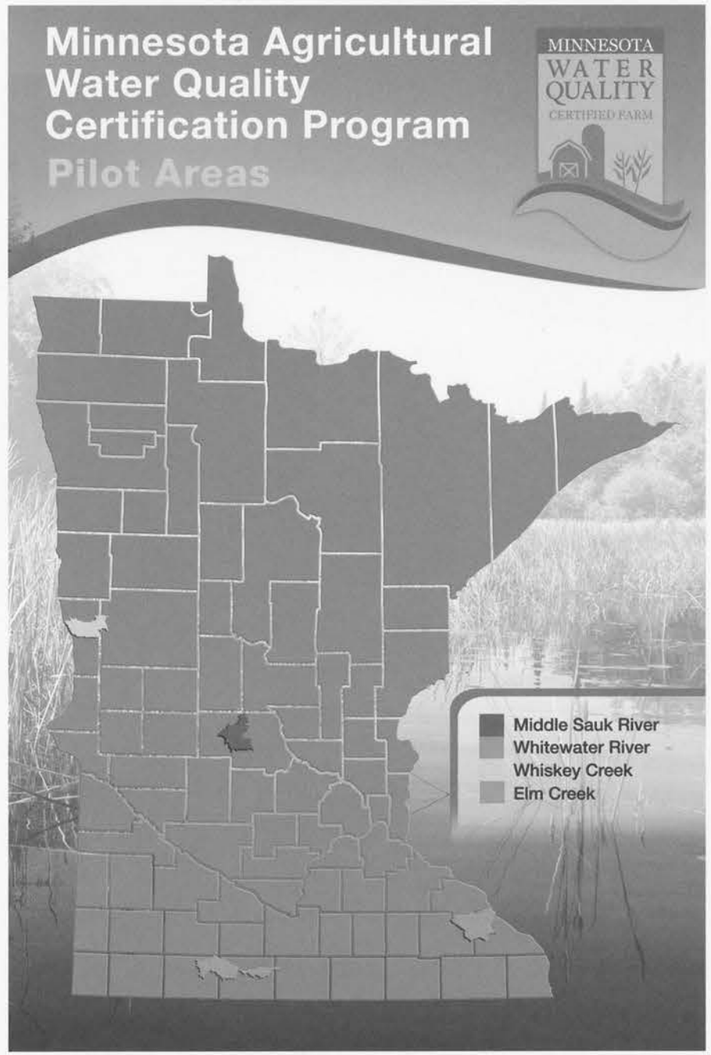
5. Recertification

Farmers who attain certification will enter into a contract with the Minnesota Department of Agriculture. Producers will have the option to make changes to their plan, as long as it continues to meet the certification criteria. At the end of a ten-year certification, producers will have the option to be recertified, but will need to meet any additional criteria at that time.

MAWQCP Pilot Areas

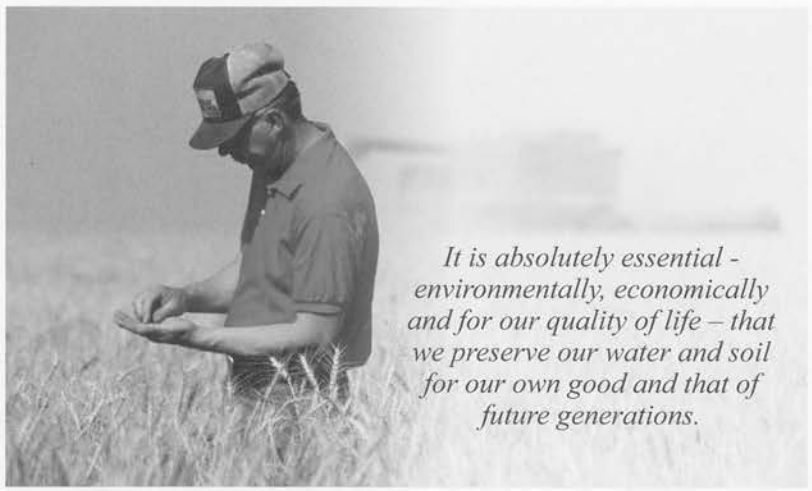
The program is being piloted to further refine details and gather feedback from local producers and conservation professionals. All producers that farm within the four pilot areas are now eligible for certification. This pilot process will last for a period of three years. The program will be open statewide following the pilot period.

The pilot areas include: Elm Creek in Faribault, Jackson, and Martin counties, the Middle Sauk River in Stearns County, Whiskey Creek in Otter Tail and Wilkin counties, and the Whitewater River in Olmsted, Wabasha and Winona counties.



Why Should Farmers Participate?

- *Protect and improve water in local lakes, rivers and streams*
- *Regulatory certainty*
- *Priority access to financial and technical assistance*
- *Recognition that you are doing all that is being asked to protect water quality*
- *Greater stability to plan for and invest in conservation practices*
- *Track management practices over time and improve record keeping*
- *Demonstrate leadership and stewardship*
- *To be part of the solution*



It is absolutely essential - environmentally, economically and for our quality of life – that we preserve our water and soil for our own good and that of future generations.

A New Program Requires Strong Partnerships

The Minnesota Department of Agriculture (MDA) administers the program and works closely with state and federal partners.
Most importantly, the MDA is working with local organizations in each pilot area to initially implement and improve the program.

MINNESOTA DEPARTMENT OF AGRICULTURE

USDA NRCS
United States Department of Agriculture
Natural Resources Conservation Service

CLEAN WATER LAND & LEGACY AMENDMENT

Minnesota DEPARTMENT OF NATURAL RESOURCES

Minnesota Pollution Control Agency

Minnesota Board of Water & Soil Resources

Do you have questions or just want to learn more?

Visit our webpage: **www.mda.state.mn.us/awqcp**
or
Send us an email: **mda.mawqcp@state.mn.us**

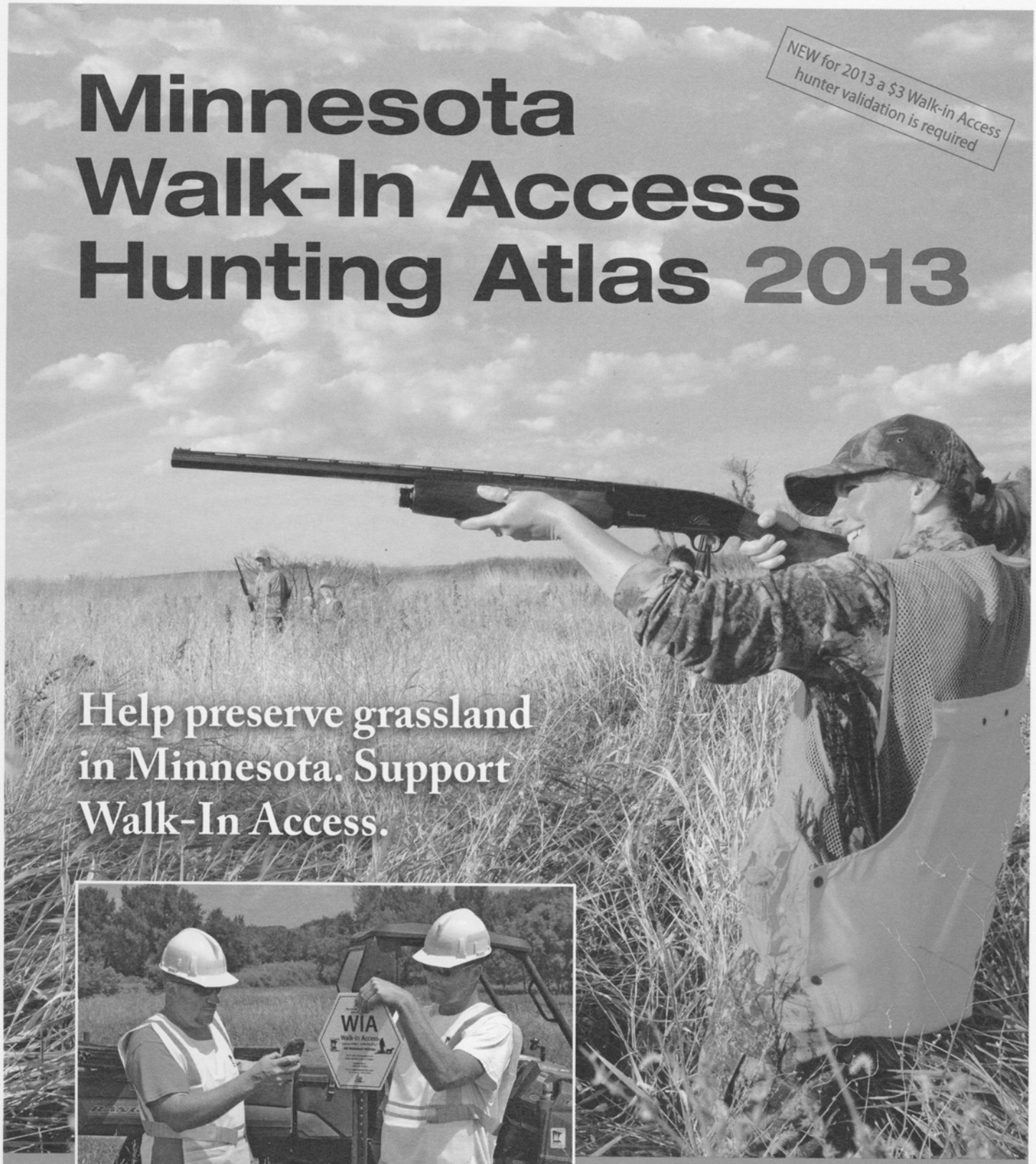
MAWQCP Contact

Brad Redlin
MAWQCP Program Manager
Minnesota Department of Agriculture
Brad.Redlin@state.mn.us

In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651/201-6000. TTY users can call the Minnesota Relay Service at 711 or 1-800-627-3529. The MDA is an equal opportunity employer and provider.

NEW for 2013 a $3 Walk-in Access hunter validation is required

Minnesota Walk-In Access Hunting Atlas 2013



Help preserve grassland in Minnesota. Support Walk-In Access.

For current information and additional map resources go to **mndnr.gov/walkin**

Minnesota
DEPARTMENT OF NATURAL RESOURCES

See YOUR photo on the cover of the 2014 WIA Atlas!

Yes! Your hunting photo, taken on a Walk-In Access parcel, could make the cover of the next Walk-In Access Atlas! We are looking for high quality photos that show hunters using WIA parcels during hunting season. One photo will be selected for the cover of the WIA Atlas, while others may be used for WIA-related publicity.

Guidelines and rules:

- Photo must be taken on a Minnesota WIA site.
- Photo entry must be received no later than March 1, 2014.
- Photographs must be in digital format, JPEG or .jpg format and 5 megabytes or more in size.
- No print or film submissions will be accepted for entry into this contest. The photograph need not be taken with a digital camera. Scans of negatives, transparencies or photographic prints are acceptable.
- Name the file you are submitting with your first and last name. Example: JaneDoe.jpg
- Only online entries will be eligible. Entries should be emailed to scott.roemhildt@state.mn.us.
- Photos will not be returned.
- DNR reserves the right not to publish any photos received.
- Photographers will receive credit for their photos and will retain ownership of their original work and any intellectual property rights.
- The photograph must be of original material taken by the entrant and must not infringe on the copyrights, trademarks, moral rights, rights of privacy/publicity or intellectual property rights of any person or entity. Any person appearing in the photo must have consented to their image being used for these purposes.
- By submitting your photo you are agreeing to the terms and conditions of the guidelines and rules and granting the DNR permission to copy, reproduce, and distribute your photo for educational, promotional, or information purposes at any time and in any media.

PHOTO ENTRIES

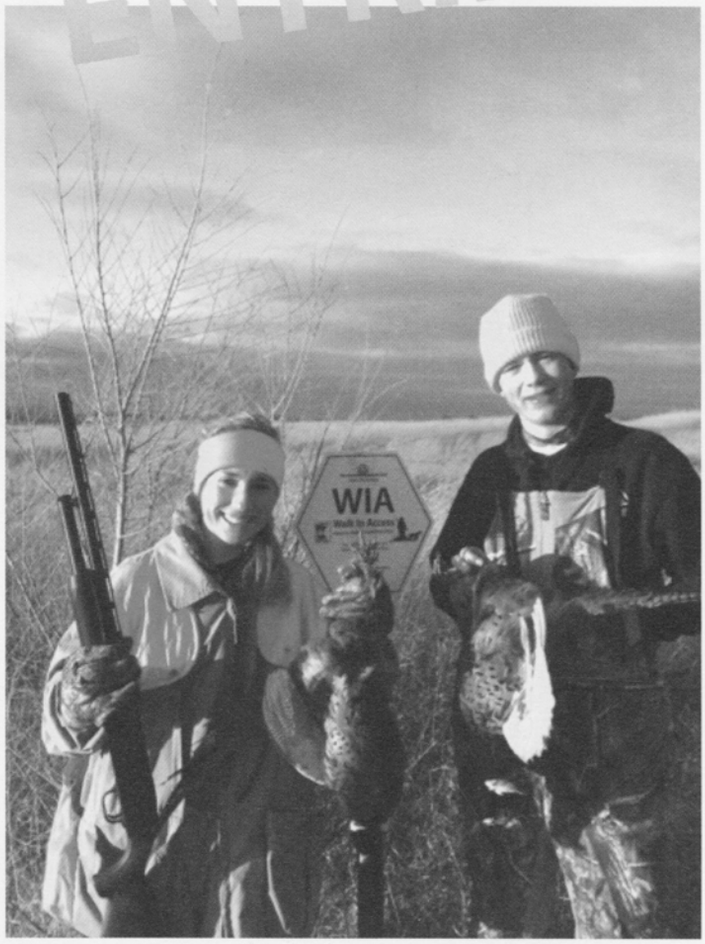
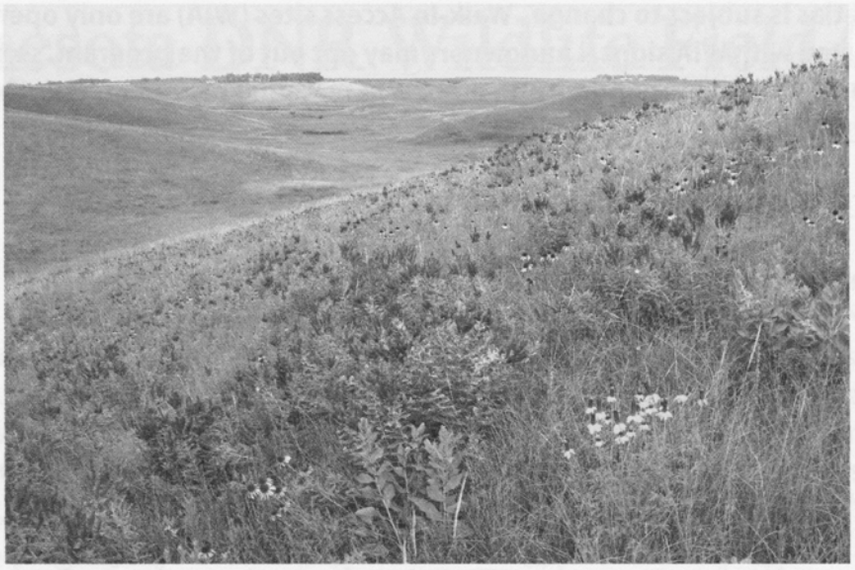


Photo of Molly McMullen (l) and Tyler Hanratty (r) after a successful hunt. Photo by Jeff Hanratty.

- If any person appearing in any photograph is a minor, the entrant must have the consent of the person's parent or legal guardian. Consent forms will be provided upon request. Any questions should be directed to Scott W. Roemhildt at Minnesota DNR, scott.roemhildt@state.mn.us.

Cover photos:

Sandi Heibult takes aim while hunting at a WIA parcel in Martin County, as Chad and Mason Malwitz look on.
Shawn Clausen and Neil Frodermann install a Walk-In Access boundary sign at a site in Brown County.



Fred Harris

Hole-in-Mountain Wildlife Management Area

A note about Walk-In Access & Prairie Conservation

Marybeth Block, Walk-In Access coordinator

Minnesota's grasslands and wetlands are disappearing at alarming rates and it's difficult to know what the future holds for this landscape. Native prairies, grasslands, and wetlands do far more than provide habitat for birds, mammals, reptiles and insects. Grasslands also protect soils. Their deep, complex root systems reach down 10 feet or more and literally hold the ground in place. Grass filters chemicals and sediment, cleaning the water and slowing the flow into rivers and streams. Every acre of grass also removes several tons of carbon dioxide and other greenhouse gases from the air each year.

Tallgrass prairie once covered more than 18 million acres in Minnesota. Over the past two decades, ecologists have mapped about 235,000 acres of native prairies in Minnesota. Recognizing that the prairie *grassland* biome is vanishing quickly, a group of conservation agencies and organizations collaboratively developed and are implementing a plan to strategically protect, connect, restore and manage prairie habitat in western Minnesota. Local teams of resource managers have assembled and are focused on working in partnership with landowners to identify priority sites and together, preserve the prairie.

One popular option, the Conservation Reserve Program (CRP) has paid landowners for the past 25 years to take fragile or highly erodible cropland out of production and restore it to grass and wetlands. Today, CRP payments often lag well below cropland rental rates and some landowners are making economic decisions to plow up their grass. This fall contracts on 129,000 acres of CRP will expire in Minnesota. Recently USDA announced that 25,727 acres were enrolled statewide during the last signup. This net loss of more than 100,000 acres is not good news for grassland wildlife and those of us who enjoy wildlife watching, photography or hunting. Hopefully programs like Walk-In Access (WIA), which pays landowners to allow public hunting on their private land, will add enough additional incentive to convince some landowners to maintain their grassland.

What can you do to help protect grasslands? Please take a moment to thank landowners who use conservation programs to preserve grassland. Encourage and support landowners to use conservation programs and enroll in Walk-In Access. Purchase a Walk-In Access validation and consider donating to the program when you purchase a hunting license. When hunting WIA parcels, always respect the land and those who own it. The life of the program and the prairie may depend on it.

Prairie grasslands are at greater risk today than at any time in our history. Working together, we can preserve valuable grasslands—for wildlife, for clean water and for future generations.

Thank you!

Data contained in this atlas is subject to change. Walk-In Access sites (WIA) are only open to hunting where WIA boundaries are posted with WIA signs. Landowners may opt out of the program, so fields shown in this Atlas may be closed. For the most current data and more WIA mapping resources, visit the WIA website: www.mndnr.gov/walkin

Motorized vehicles are NOT allowed on WIAs.

Hunters must purchase a validation to hunt WIAs.

In 2013, the fee for this validation is $3.00. This small fee does not cover costs associated with purchasing access, installing boundary signs or providing online or printed maps of the enrolled properties. The purpose of this validation is to quantify how many hunters are using WIA land. Hunters may be contacted to help DNR learn more about their hunting experience and what they would be willing to pay to have access to these properties in the future.

All hunting rules and regulations apply on WIAs and will be enforced by DNR conservation officers.

All map data representing Walk-In Access sites, Wildlife Management Areas, State Aquatic Management Areas and USFWS Waterfowl Production Areas are general and DO NOT accurately represents the actual legal or established boundary of these areas. They should be used for reference only. Please respect private property and verify public hunting areas by observing boundary signs. State Aquatic Management Areas (AMA) listed as Restricted Use are NOT open to hunting. General Use AMAs are open to hunting unless posted otherwise.

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Department of Natural Resources
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mndnr.gov

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Printed on recycled paper containing a minimum 30% post-consumer fiber.

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FAW_164_2013

About the Walk-In Access (WIA) Atlas

This atlas provides general geographic locations of parcels enrolled in the WIA program as of July 30, 2013. As of this date there are approximately 190 WIA sites covering 20,000 acres of private land in 28 western Minnesota counties. All data contained in this atlas is subject to change. For the most current data and additional WIA mapping resources, including detailed site maps, Google Earth™, Google Maps™, GPS and GIS downloads, visit the WIA website: www.mndnr.gov/walkin

Minnesota Walk-In Access (WIA) Program

Minnesota Walk-In Access (WIA) began in 2011 when the state received a grant from the United States Department of Agriculture Voluntary Public Access Program. WIA sites are currently available in 35 counties in western Minnesota. The goal is to provide public hunting opportunities on private lands.

Enrolling Land

Local Soil and Water Conservation Districts (SWCDs) enroll landowners into WIA. WIA agreements are entirely voluntary for landowners and include a opt out clause.

Habitat on WIA Sites

Most WIA land is also enrolled in a conservation program (e.g., CRP, RIM Reserve, CREP) or has natural cover. Small inclusions of cropland or hay land may be present. The program permits landowners to carry out land cover management or upgrade activities according to an approved conservation plan, so these sites may not have high-quality habitat.

If you are a landowner interested in enrolling acres, please contact your local SWCD for more information.

The 2013 Walk-In Access Program is funded by:

- A one-time appropriation from the State Legislature in 2012
- A surcharge ($5.00) on nonresident hunting license
- Donations made by hunters purchasing deer and small game license ($1, $3 or $5)
- A 2010 USDA Voluntary Public Access and Habitat Improvement Program Grant

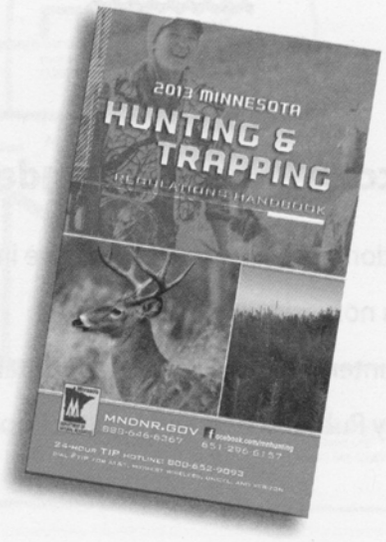
Minnesota's Walk-In Access Program Regulations

The 2012 Minnesota Legislature established a Walk-In Access (WIA) Program (Minnesota Statutes 97A.126) to provide public access to wildlife habitat on private land for hunting, excluding trapping*. These policies apply to the use of WIA enrolled lands:

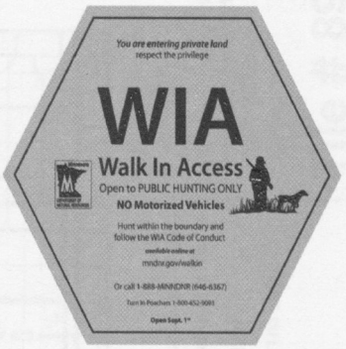
- NEW FOR 2013 a **$3 Walk-In Access hunter validation** available from ELS vendors is required to hunt on private lands enrolled in the Walk-In Access program.
- Walk-In Access sites are open from Sept. 1 to May 31. They are not open from June 1 to Aug. 31.
- Hunting on private lands that are posted as enrolled in the WIA program is allowed from one-half hour before sunrise to one-half hour after sunset during legal hunting season.
- Hunter access on private lands that are posted as enrolled in the WIA program is restricted to non-motorized use, except by hunters with disabilities operating motor vehicles on established trails or field roads who possess a valid permit to shoot from a stationary vehicle, under Minnesota Statutes section 97B.055, subdivision 3.
- Parking is on the shoulder of a public road as long as it does not block field access. Please exercise good judgment and safety when parking. A few sites may have parking areas which are noted on the site map at www.mndnr.gov/walkin.
- The general provisions for use of Wildlife Management Areas adopted under M.S. sections 86A.06 and 97A.137, relating to overnight use, alcoholic beverages, use of motorboats, firearms and target shooting, hunting stands, abandonment of trash and property, destruction or removal of property, introduction of plants or animals, and animal trespass, apply to hunters on lands enrolled in the WIA program.
  - Any use of enrolled lands other than hunting according to this section is prohibited, including:
    - > harvesting bait, including minnows, leeches, and other live bait;
    - > training dogs or using dogs for activities other than hunting; and
    - > constructing or maintaining any building, dock, fence, billboard, sign, hunting blind, or other structure, unless constructed or maintained by the landowner.
- Obey the Walk-In Access Code of Conduct, which can be found on page 36 of this atlas and under "WIA tools" at www.mndnr.gov/walkin. (English, Hmong, and Spanish.)

*Landowners retain the right to give written permission to individuals to trap their property.

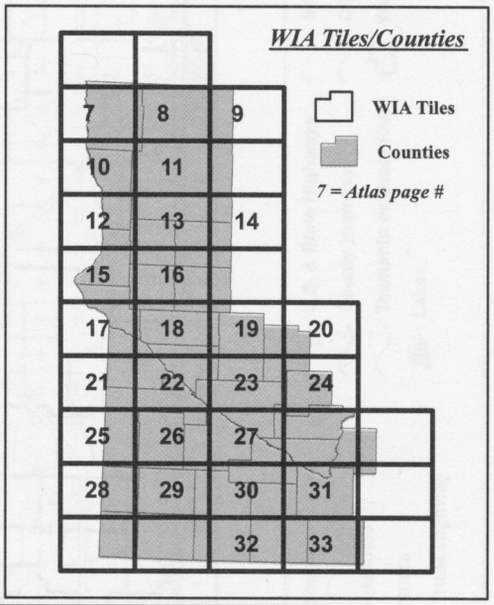
All hunting rules and regulations apply on WIAs and will be enforced by DNR conservation officers.

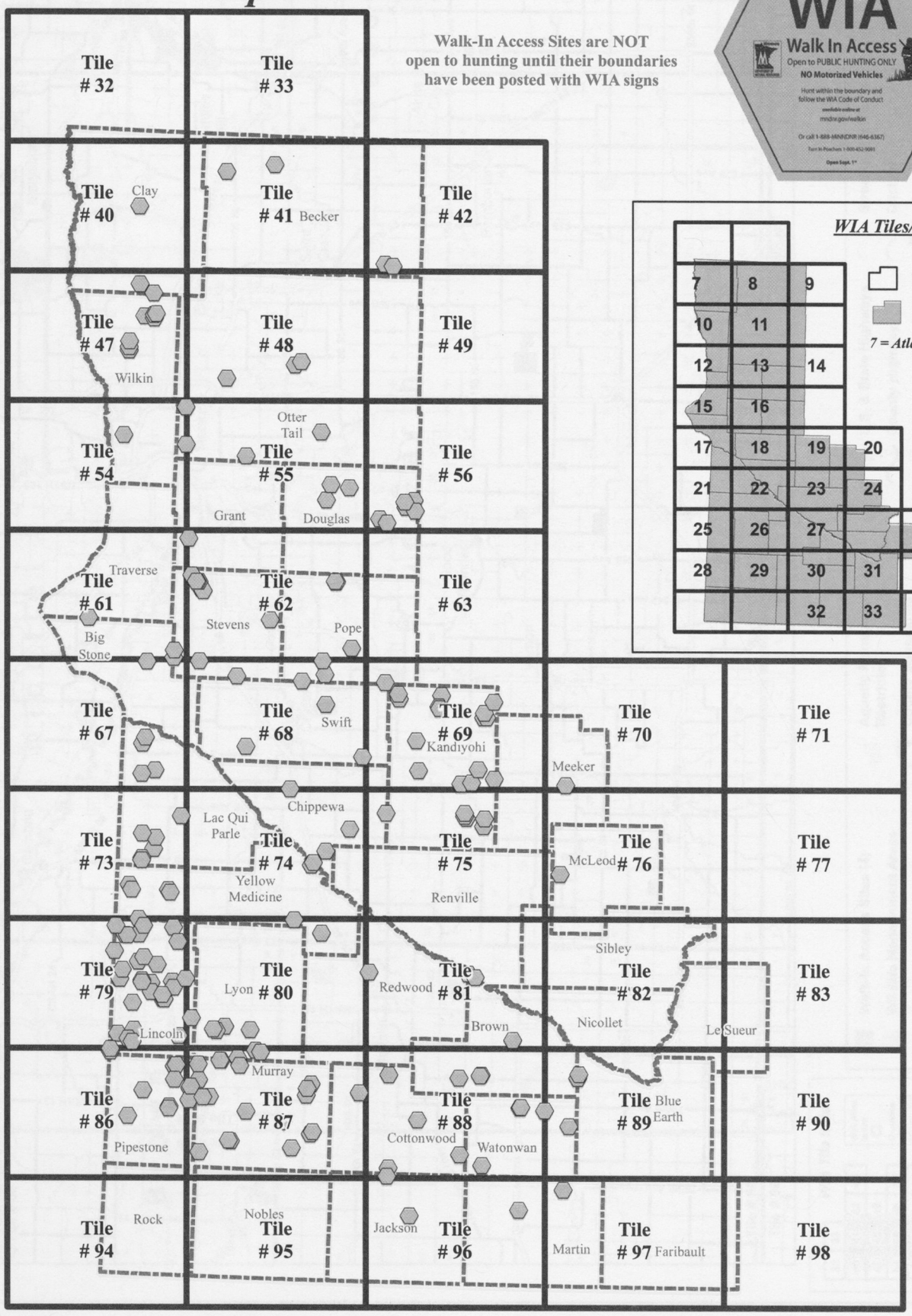


Minnesota 2013 WIA Hunting Atlas
Map Tile Index



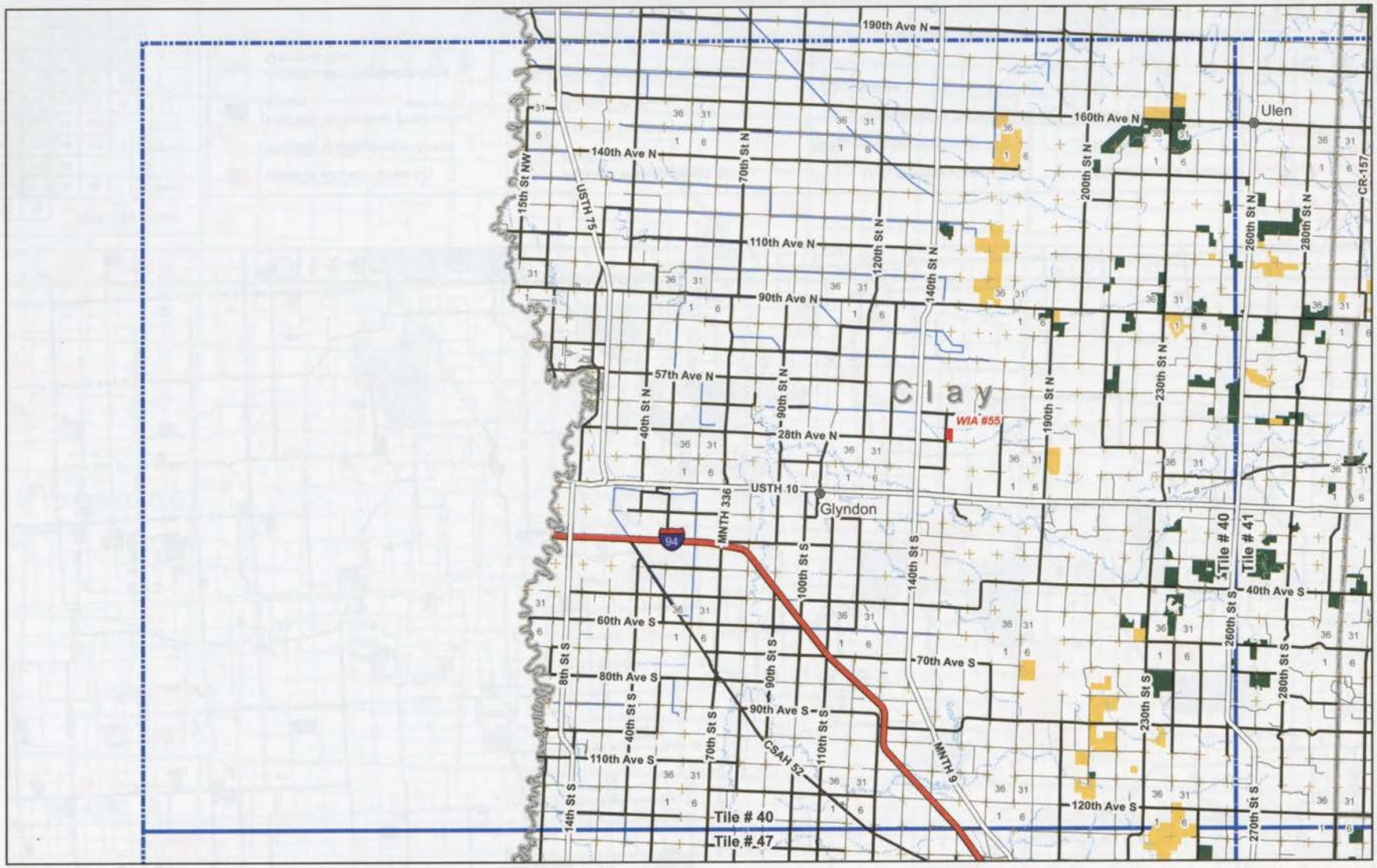
Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs





Date: 2013-07-29

Site Notes



WIA Tile Index

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40	41	42	43	
47	48	49		
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61	62	63	64	
67	68	69	70	71
73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (1)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 40

1 in = 5 miles

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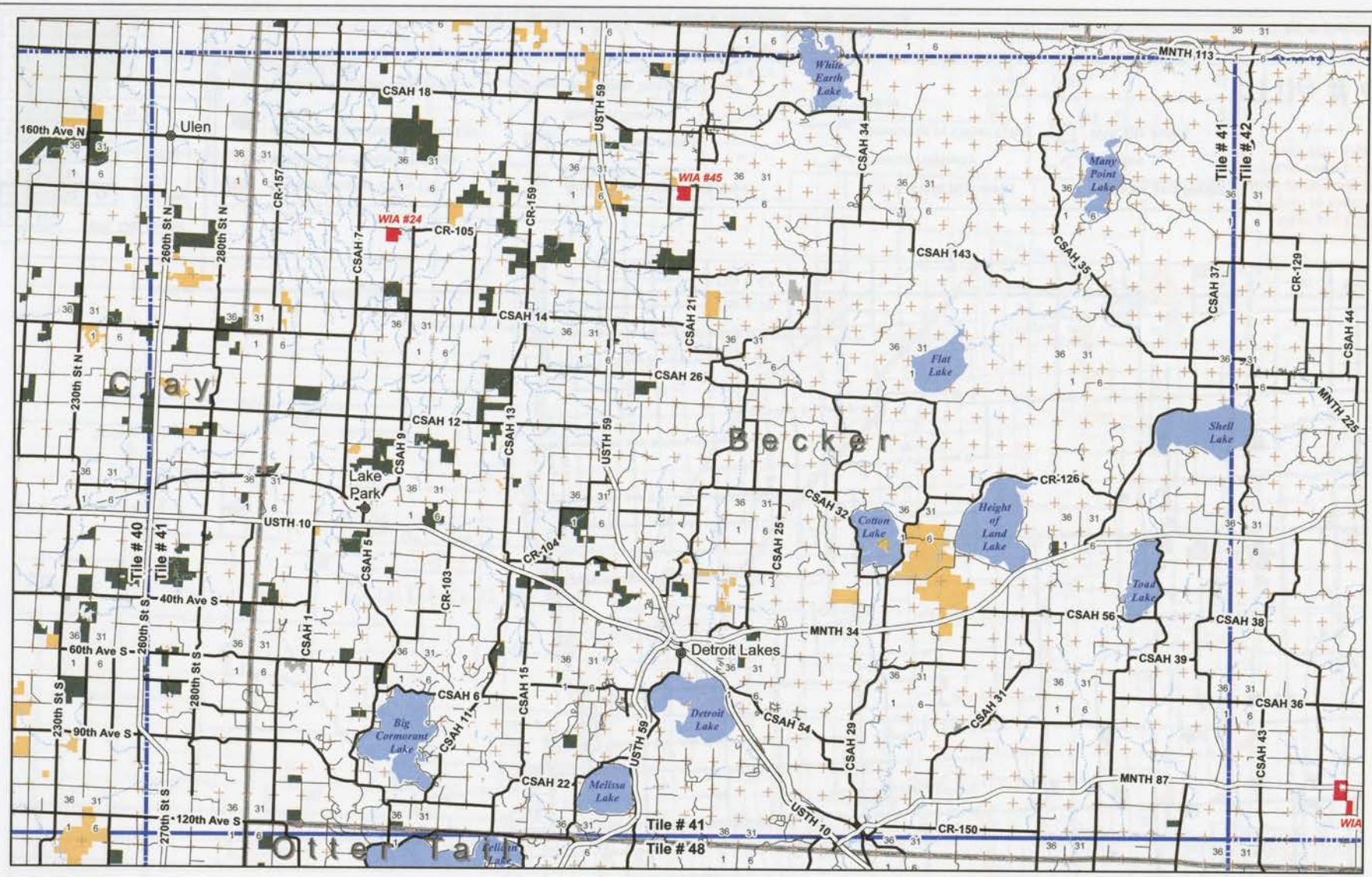

WIA Tile Index

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61	62	63	64	
67	68	69	70	71
73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index

Counties

- Walk-In Access Sites (3)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 41

1 in = 5 miles

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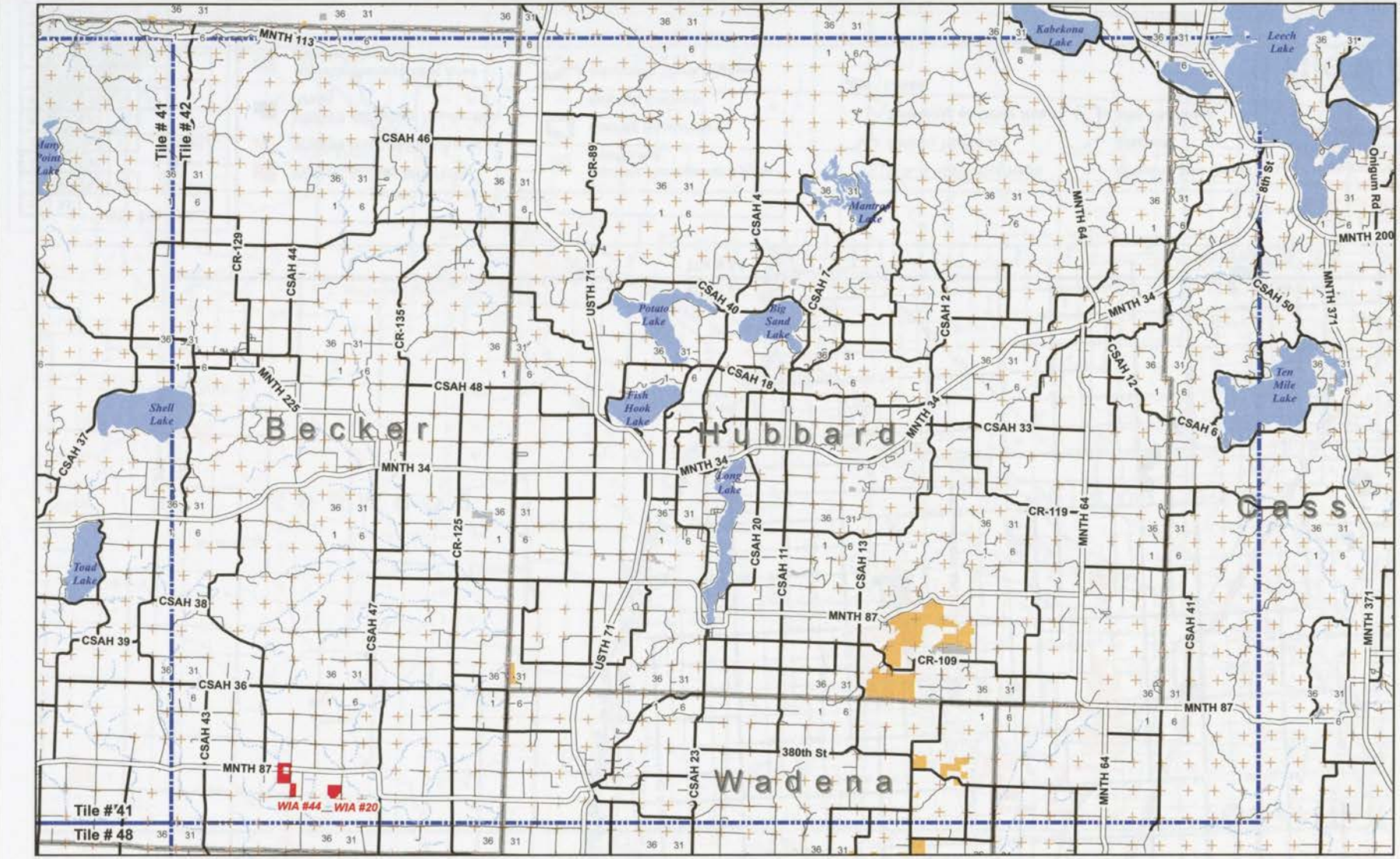

WIA Tile Index

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73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (2)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 42

1 in = 5 miles

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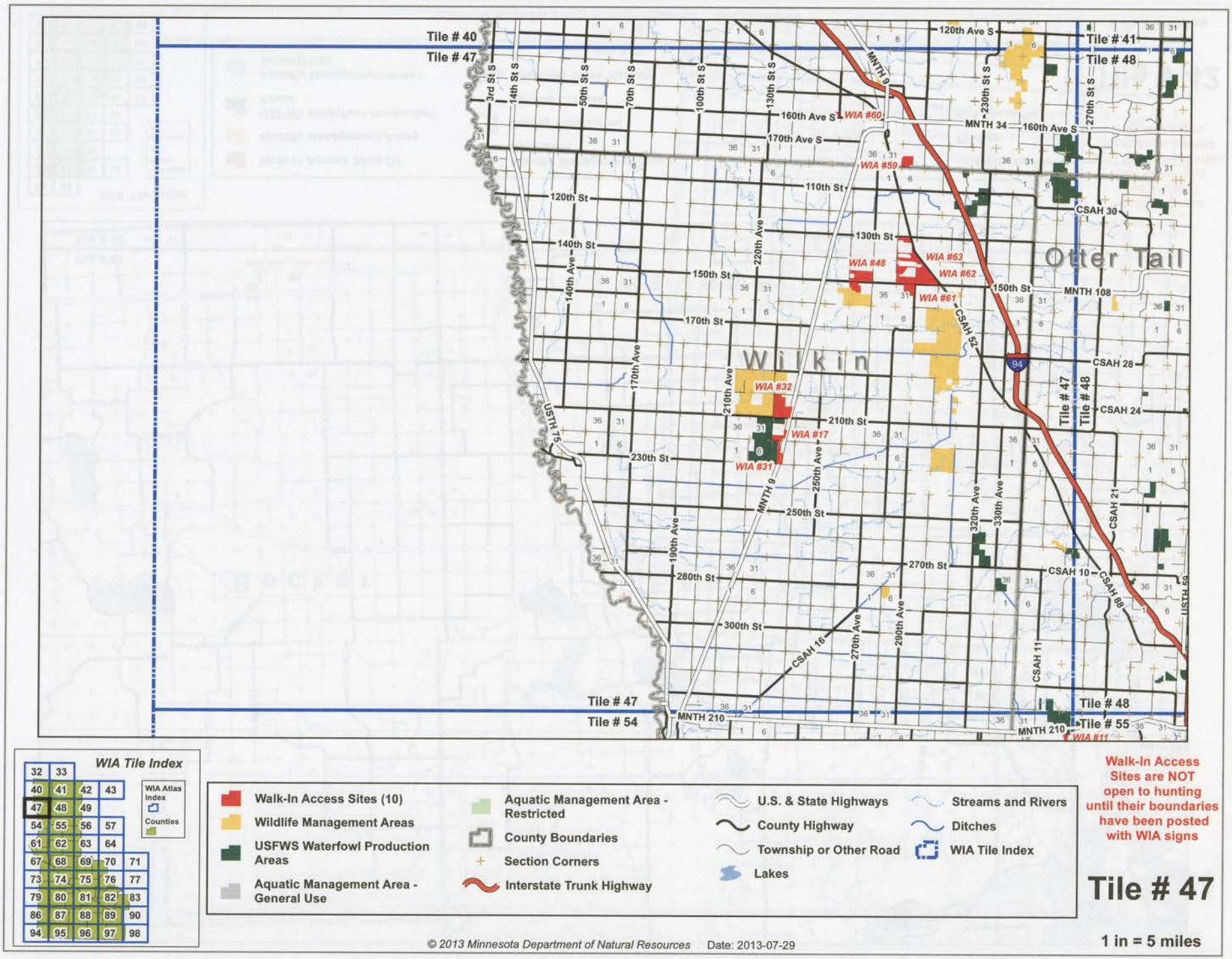
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Tile # 47
Tile # 41
Tile # 48
Tile # 47
Tile # 54
Tile # 48
Tile # 55
Otter Tail
Wilkin
WIA #60
WIA #59
WIA #48
WIA #63
WIA #62
WIA #61
WIA #32
WIA #17
WIA #31
WIA #11
120th Ave S
160th Ave S
170th Ave S
110th St
120th St
130th St
140th St
150th St
170th St
210th St
230th St
250th St
270th St
280th St
300th St
3rd St S
14th St S
50th St S
70th St S
100th St S
130th St S
230th St S
270th St S
140th Ave
170th Ave
190th Ave
210th Ave
220th Ave
250th Ave
270th Ave
290th Ave
320th Ave
330th Ave
MNTH 9
MNTH 34
MNTH 108
MNTH 210
CSAH 30
CSAH 28
CSAH 24
CSAH 21
CSAH 10
CSAH 88
CSAH 11
CSAH 16
CSAH 52
USTH 75
USTH 59
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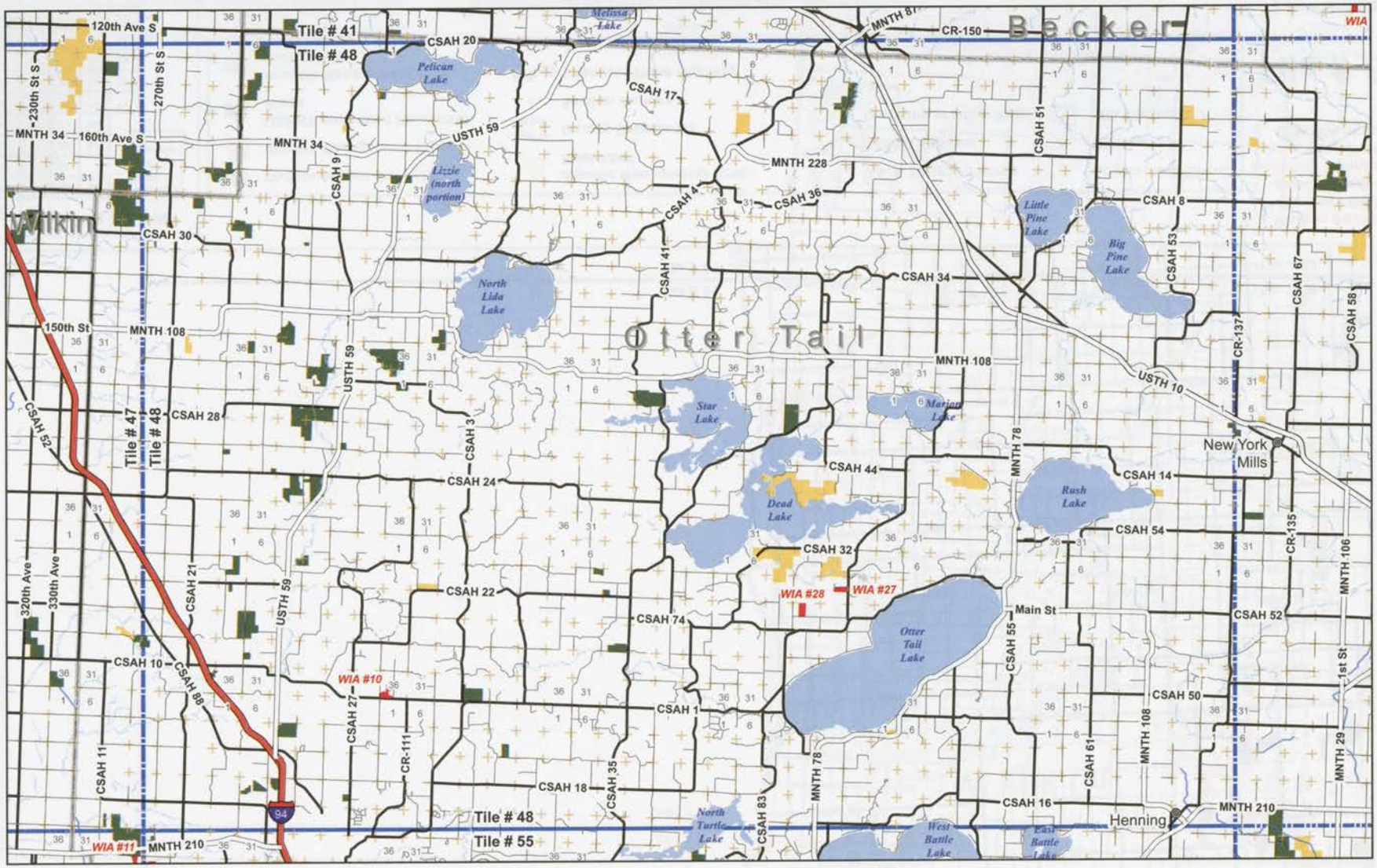
Walk-In Access Sites (10)
Wildlife Management Areas
USFWS Waterfowl Production Areas
Aquatic Management Area - General Use
Aquatic Management Area - Restricted
County Boundaries
Section Corners
Interstate Trunk Highway
U.S. & State Highways
County Highway
Township or Other Road
Lakes
Streams and Rivers
Ditches
WIA Tile Index
Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs
Tile # 47
1 in = 5 miles
© 2013 Minnesota Department of Natural Resources
Date: 2013-07-29



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73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index

Counties

- Walk-In Access Sites (5)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 48

1 in = 5 miles

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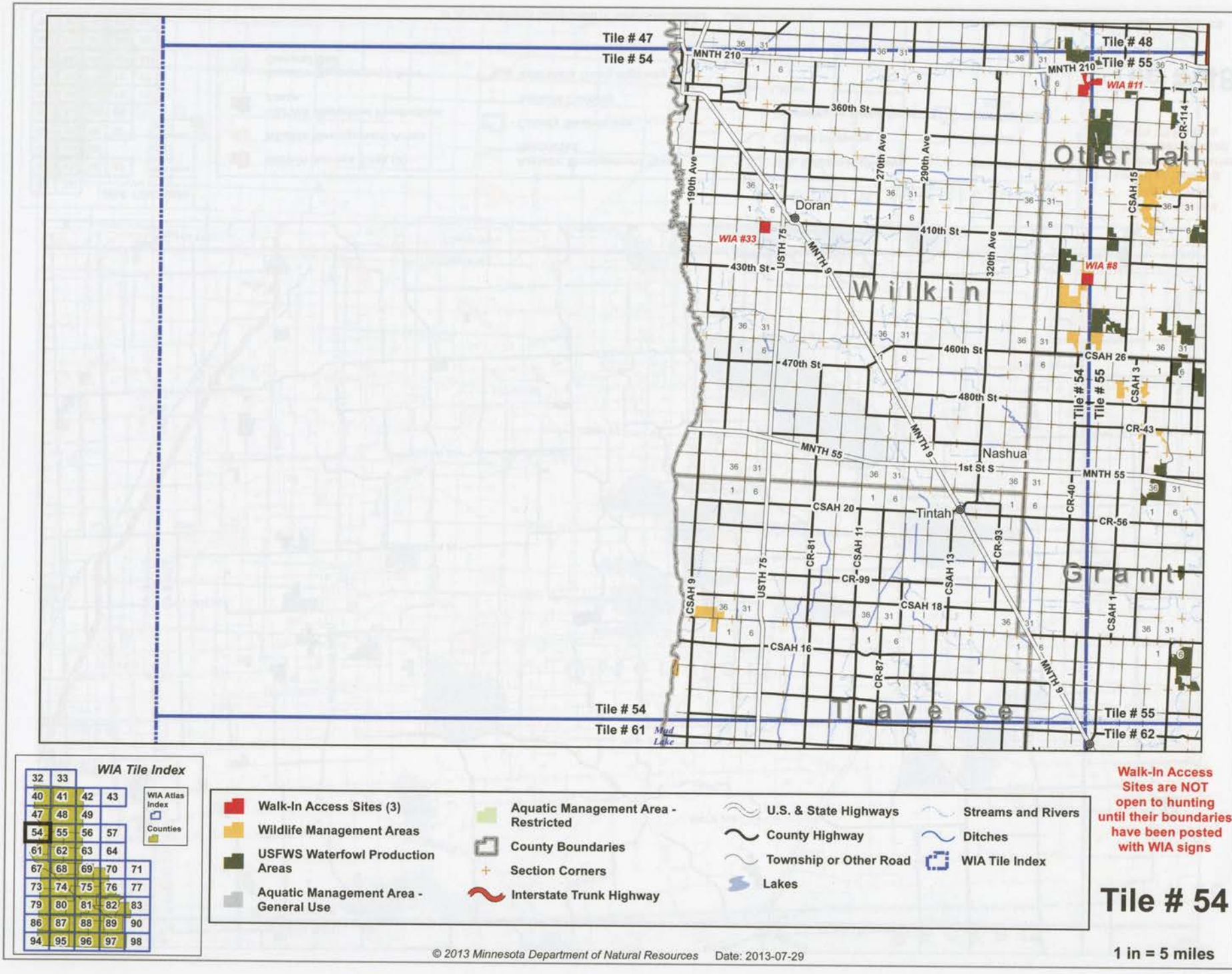
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Tile # 54
Tile # 48
Tile # 55
MNTH 210
WIA #11
360th St
CR-114
Otter Tail
190th Ave
270th Ave
290th Ave
CSAH 15
Doran
WIA #33
USTH 75
MNTH 9
410th St
320th Ave
430th St
WIA #8
Wilkin
460th St
CSAH 26
470th St
480th St
Tile # 54
Tile # 55
CSAH 3
CR-43
MNTH 55
Nashua
1st St S
CR-40
CSAH 20
Tintah
CR-56
CR-81
CSAH 11
CSAH 13
CR-93
CR-99
Grant
CSAH 9
CSAH 18
CSAH 1
CSAH 16
CR-87
Traverse
Tile # 54
Tile # 61
Mud Lake
Tile # 55
Tile # 62
WIA Tile Index
32 33
40 41 42 43
47 48 49
54 55 56 57
61 62 63 64
67 68 69 70 71
73 74 75 76 77
79 80 81 82 83
86 87 88 89 90
94 95 96 97 98
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Wildlife Management Areas
USFWS Waterfowl Production Areas
Aquatic Management Area - General Use
Aquatic Management Area - Restricted
County Boundaries
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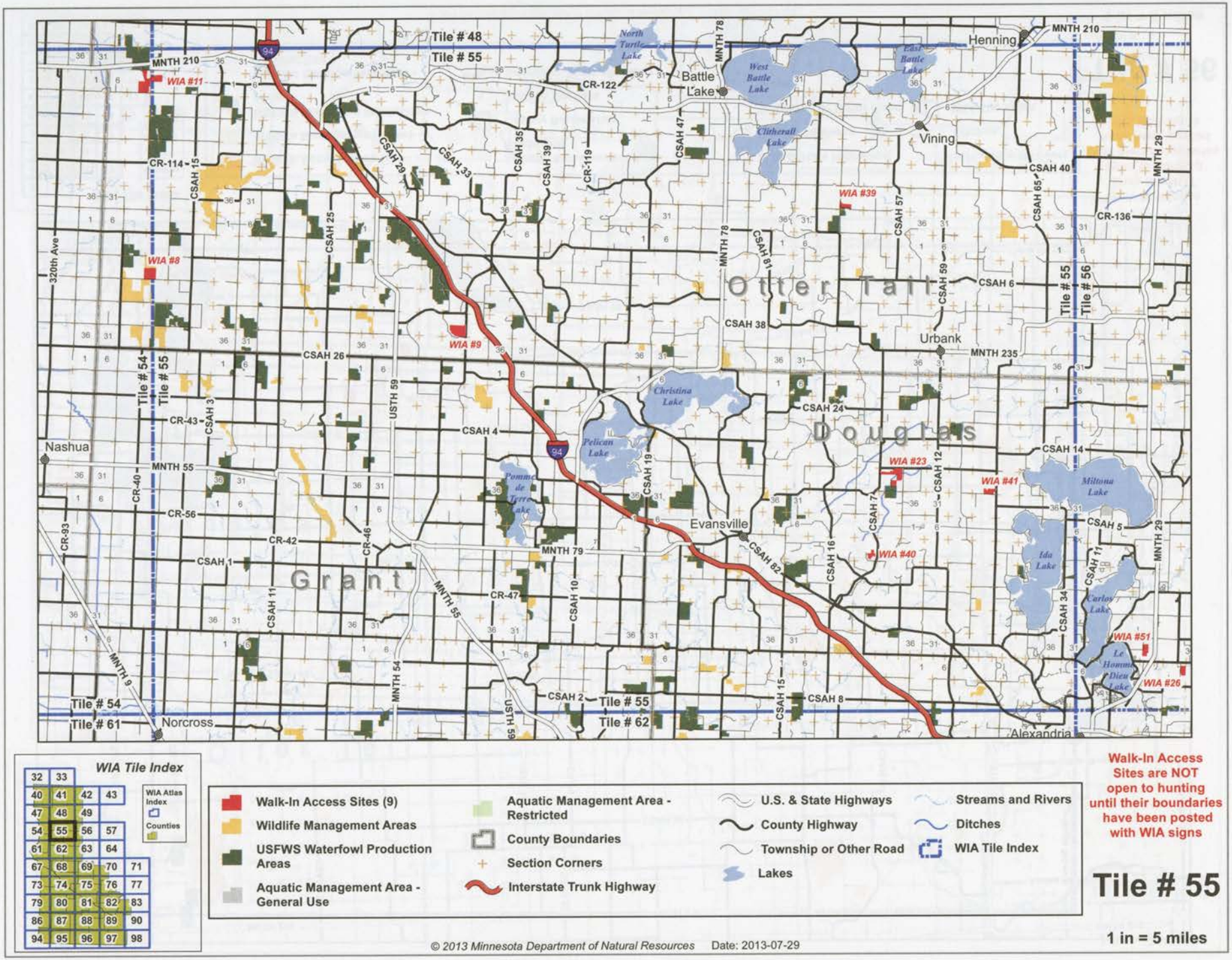
Interstate Trunk Highway
U.S. & State Highways
County Highway
Township or Other Road
Lakes
Streams and Rivers
Ditches
WIA Tile Index
Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs
Tile # 54
1 in = 5 miles
© 2013 Minnesota Department of Natural Resources
Date: 2013-07-29



WIA Tile Index

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73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (9)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 55

1 in = 5 miles

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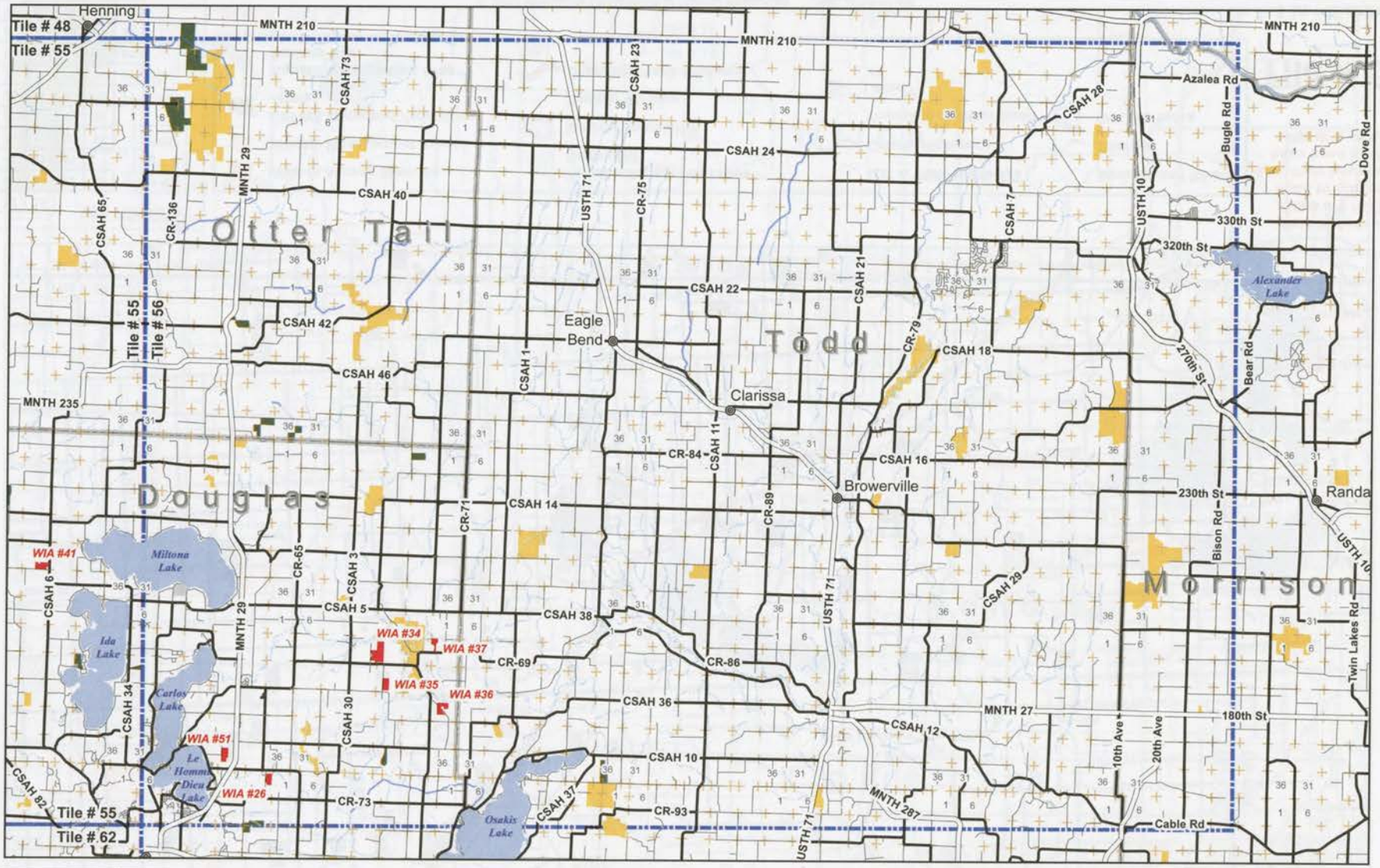

WIA Tile Index

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79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index

Counties

- Walk-In Access Sites (7)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 56

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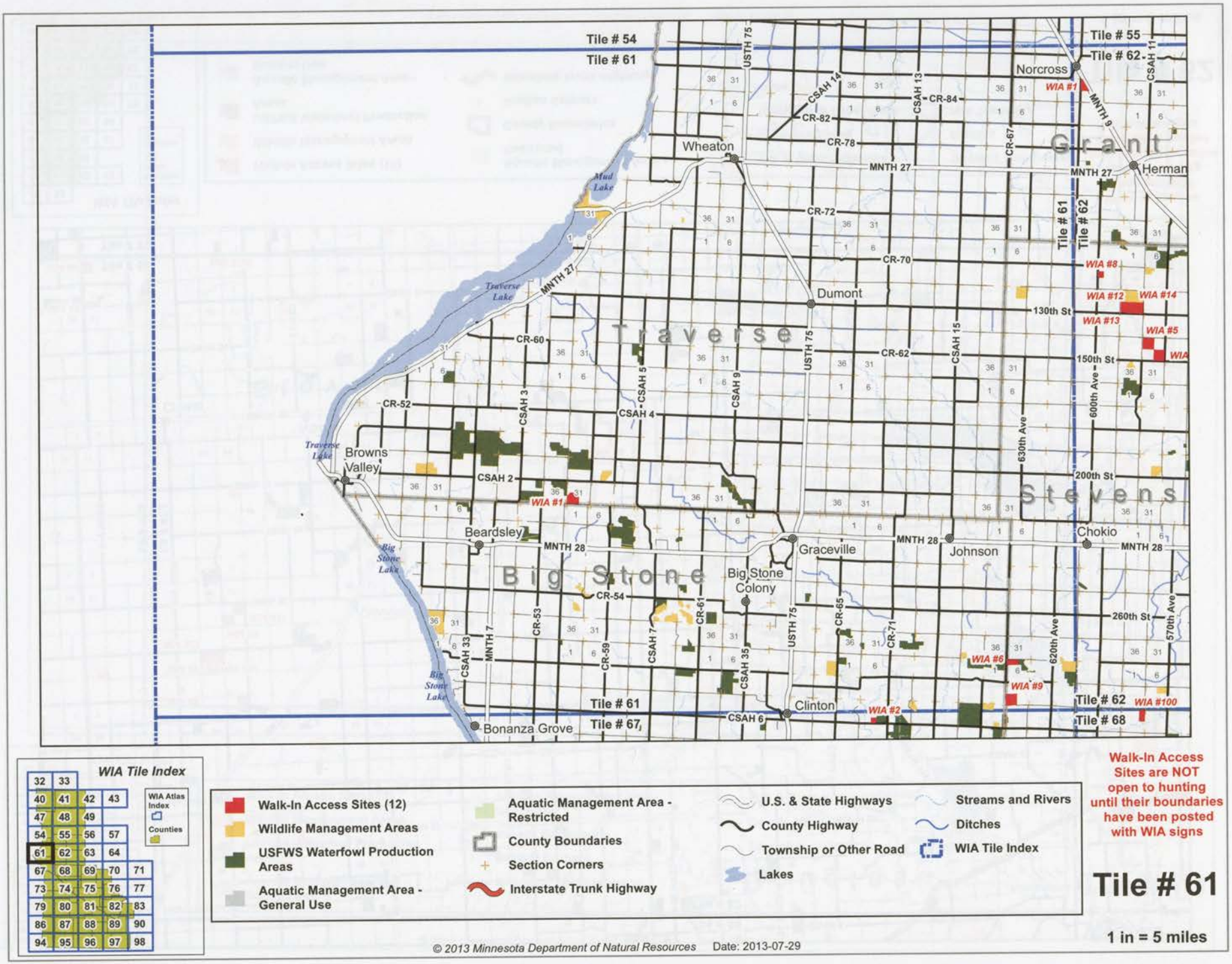
1 in = 5 miles



WIA Tile Index

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79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (12)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 61

1 in = 5 miles

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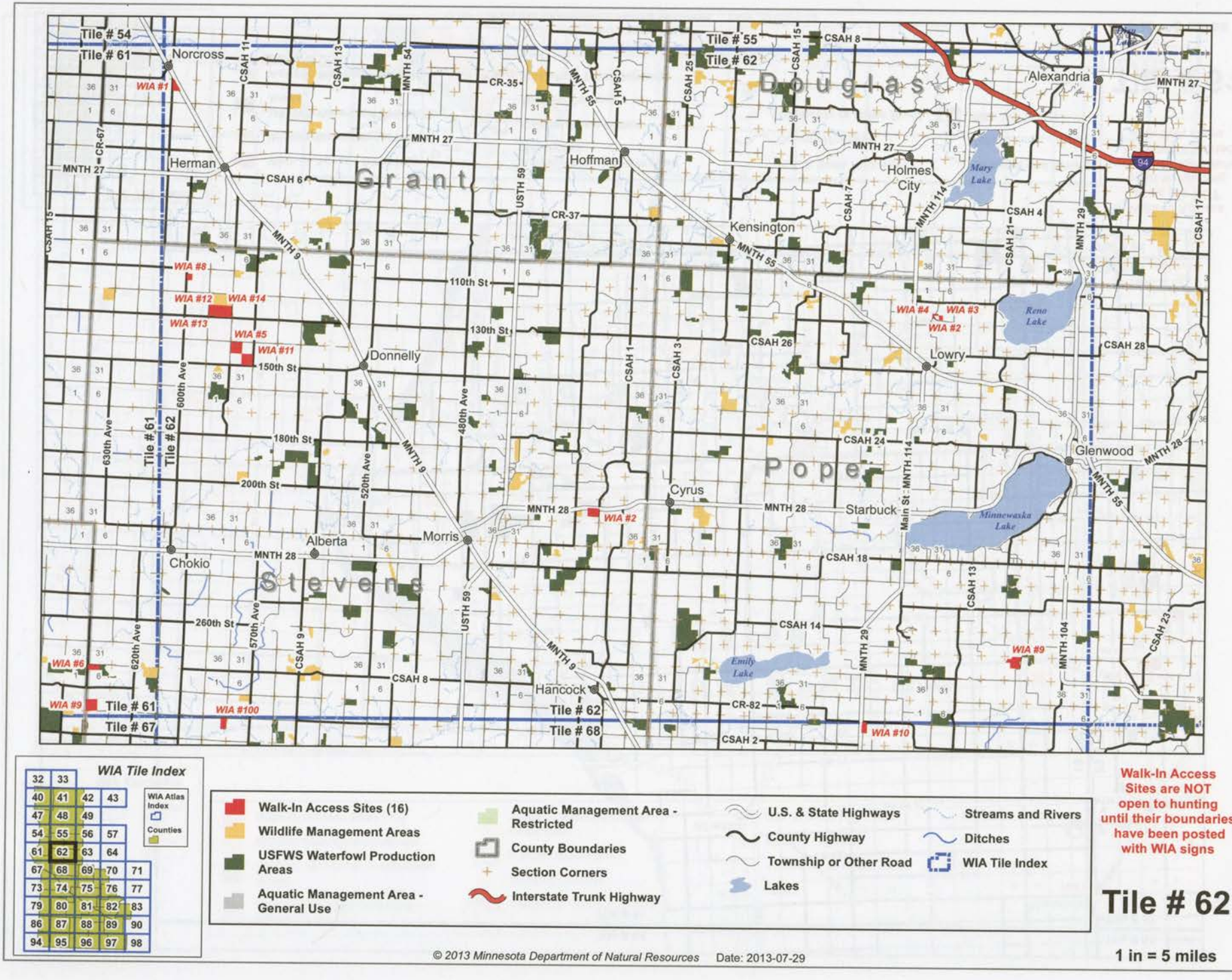

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79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (16)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 62

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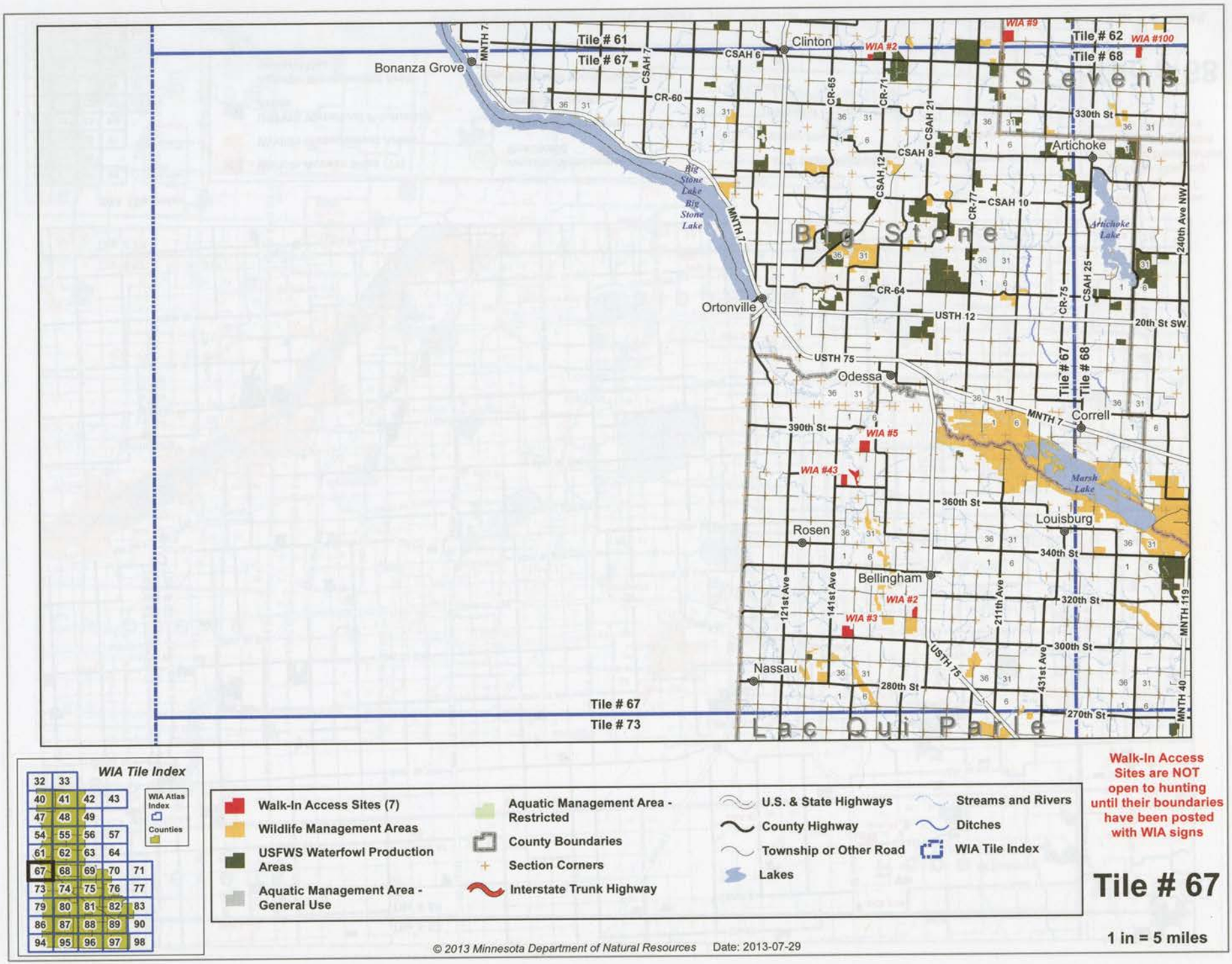
1 in = 5 miles



WIA Tile Index

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73	74	75	76	77	
79	80	81	82	83	
86	87	88	89	90	
94	95	96	97	98	

WIA Atlas Index
Counties

- Walk-In Access Sites (7)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 67

1 in = 5 miles

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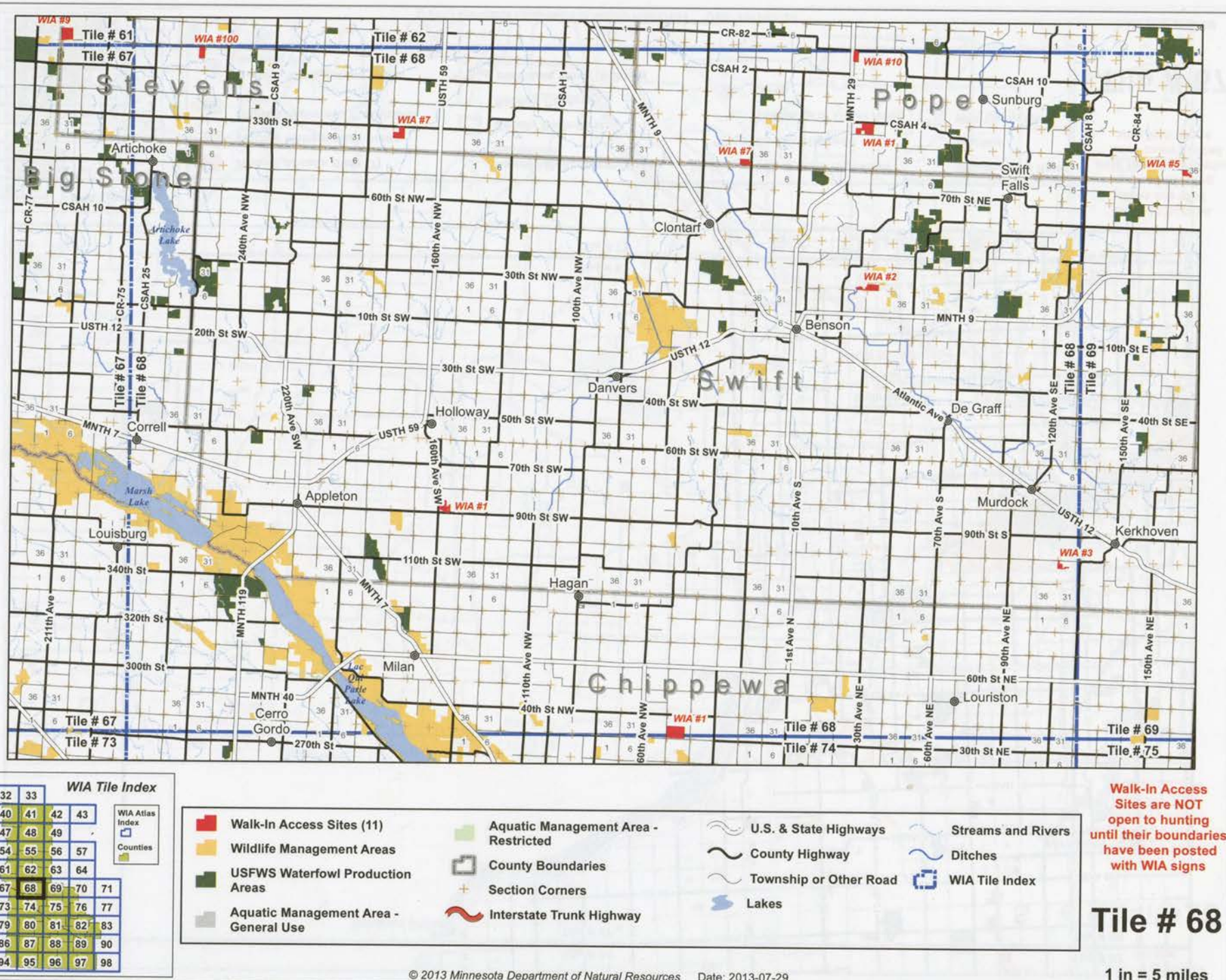

WIA Tile Index

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79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (11)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 68

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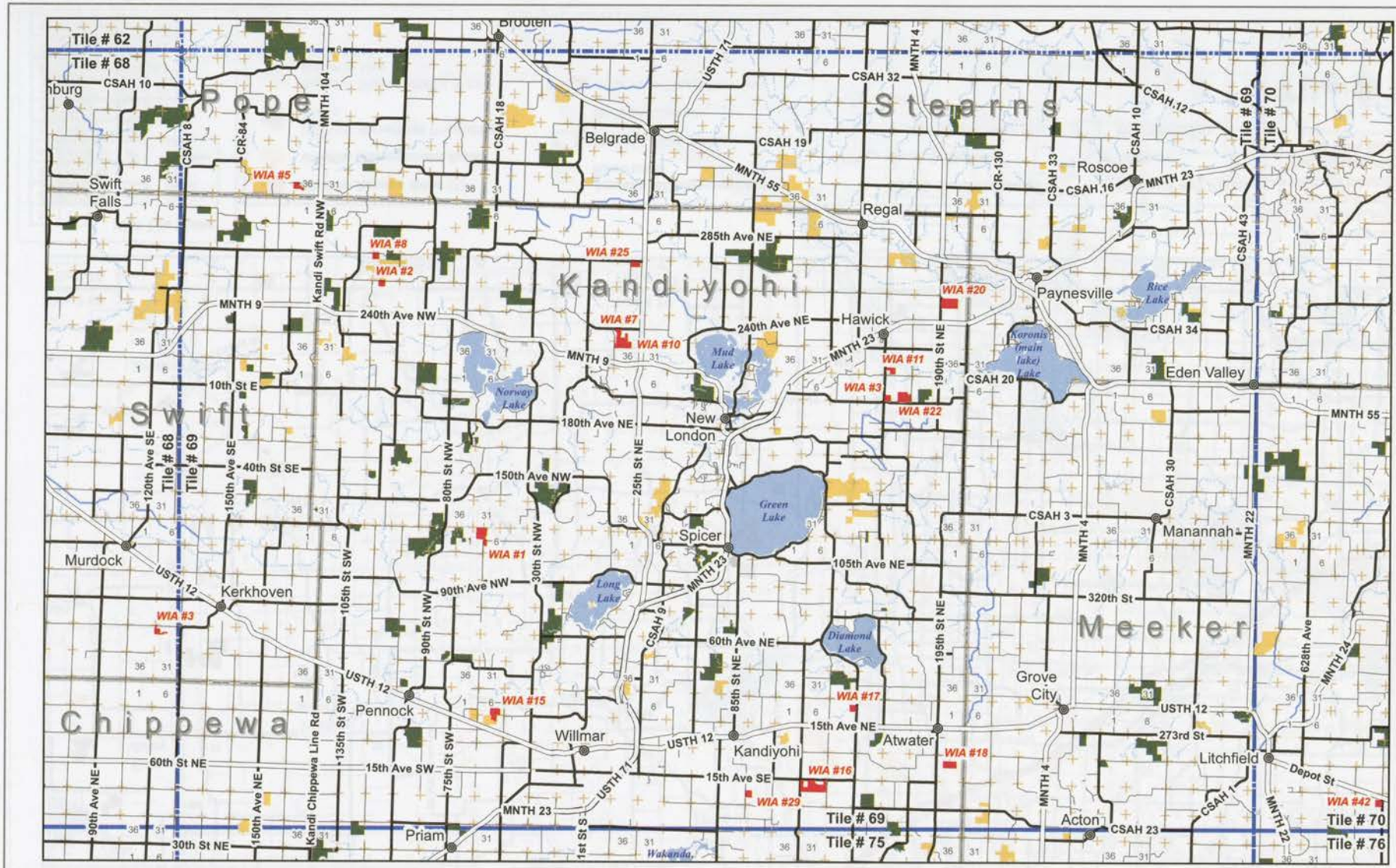
1 in = 5 miles



WIA Tile Index

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79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (18)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 69

1 in = 5 miles

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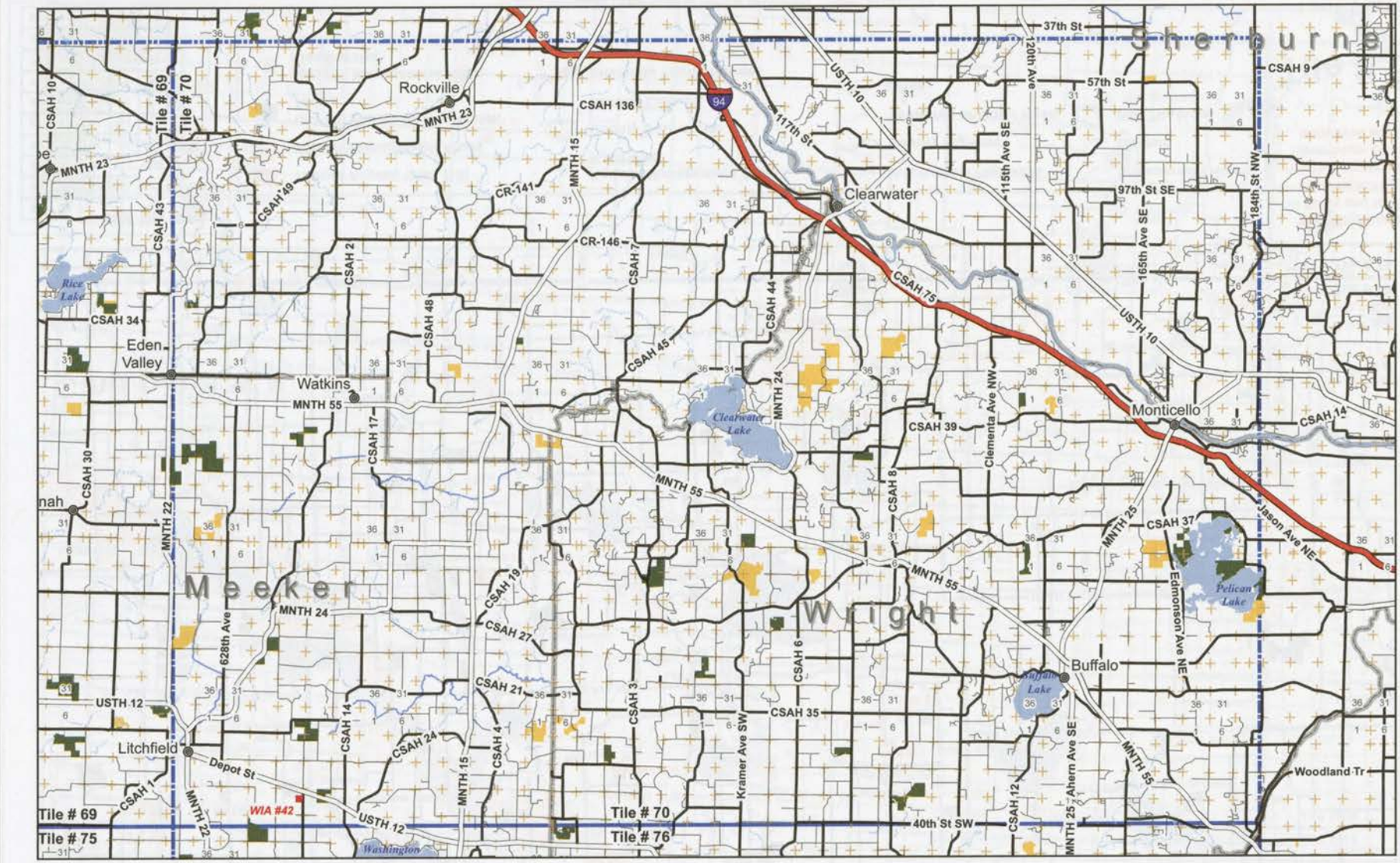

WIA Tile Index

32	33			
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67	68	69	70	71
73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (1)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 70

1 in = 5 miles

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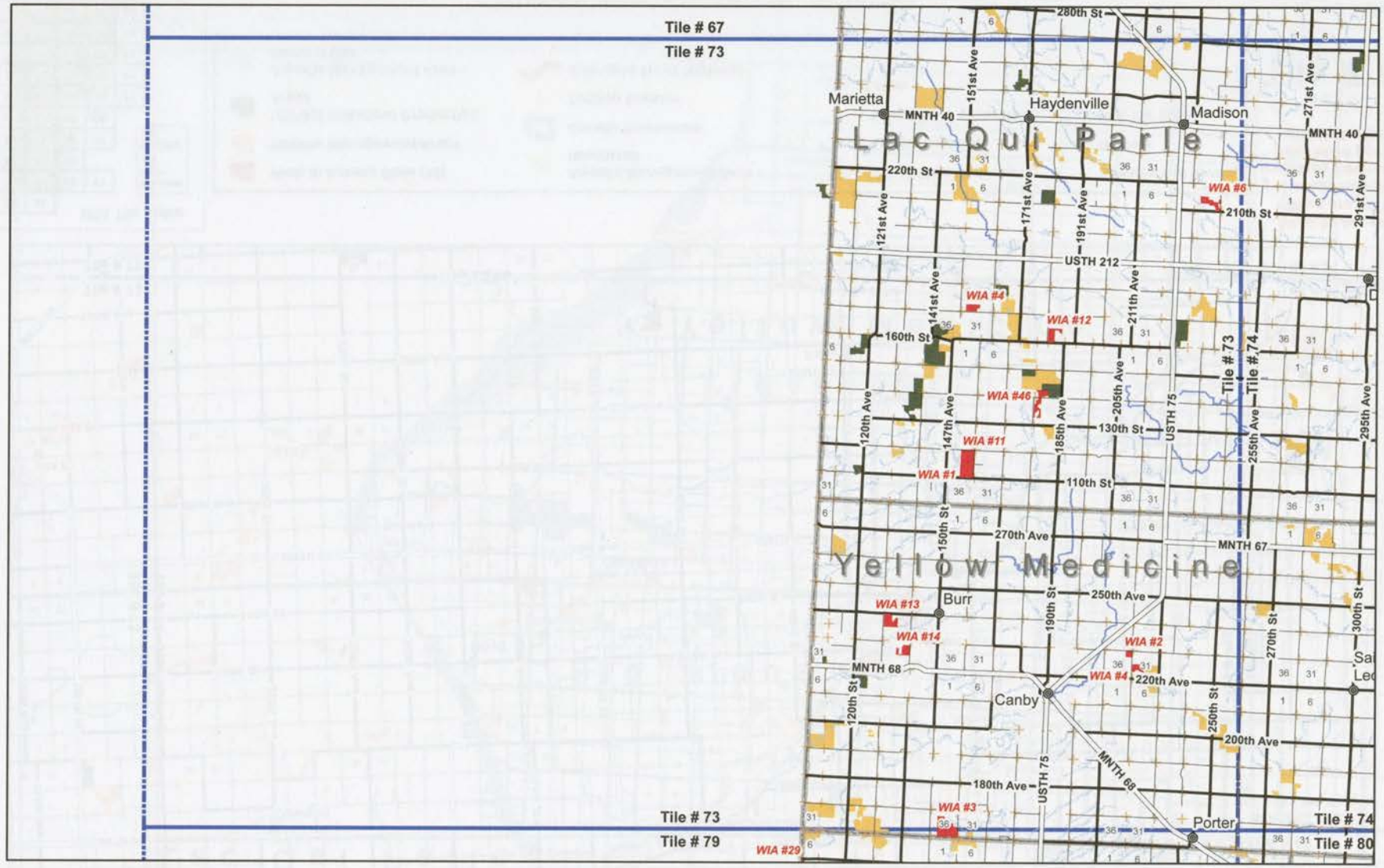

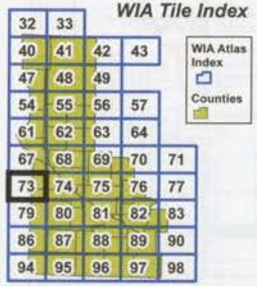

- Walk-In Access Sites (12)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 73

1 in = 5 miles

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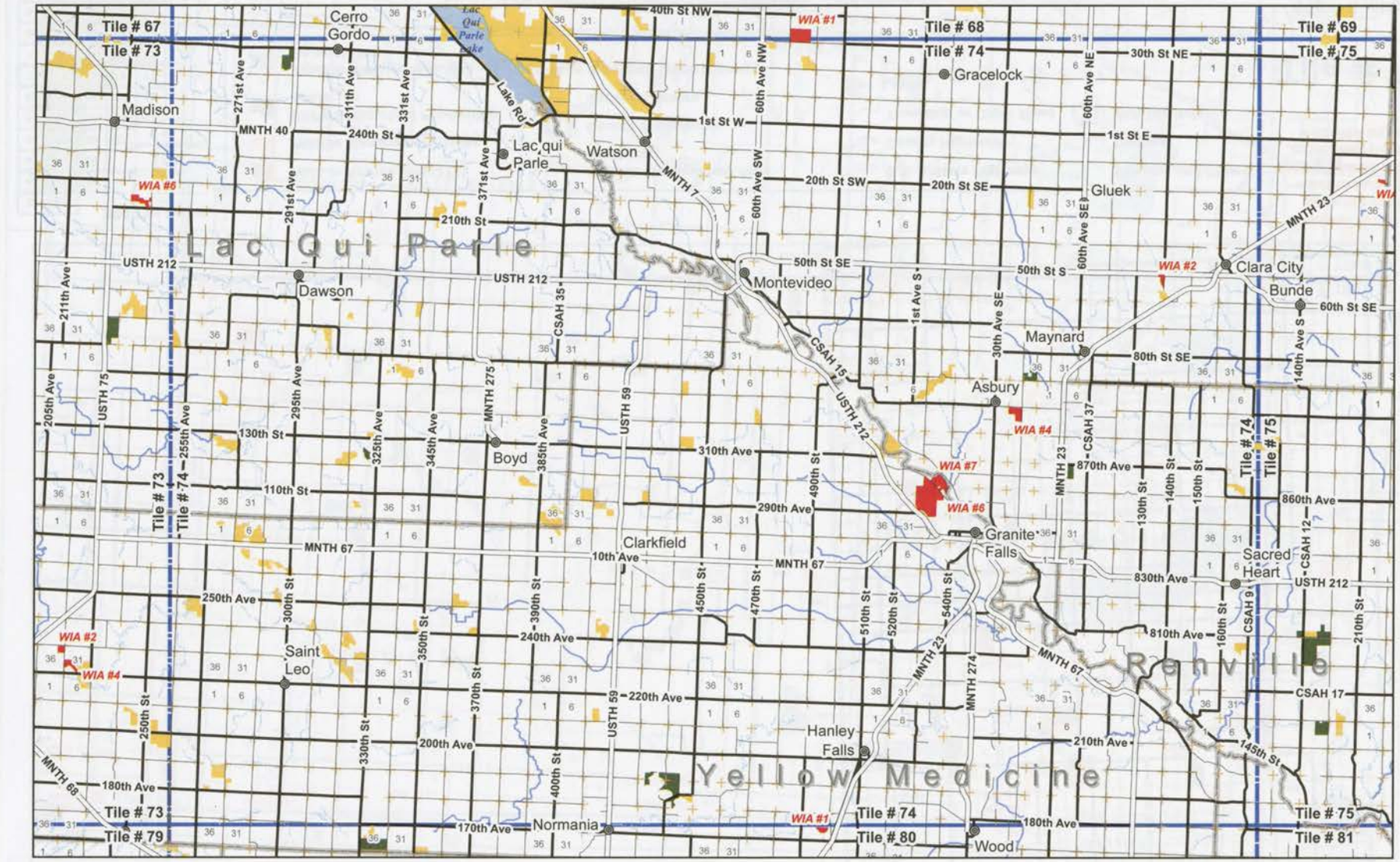

WIA Tile Index

32	33			
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73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

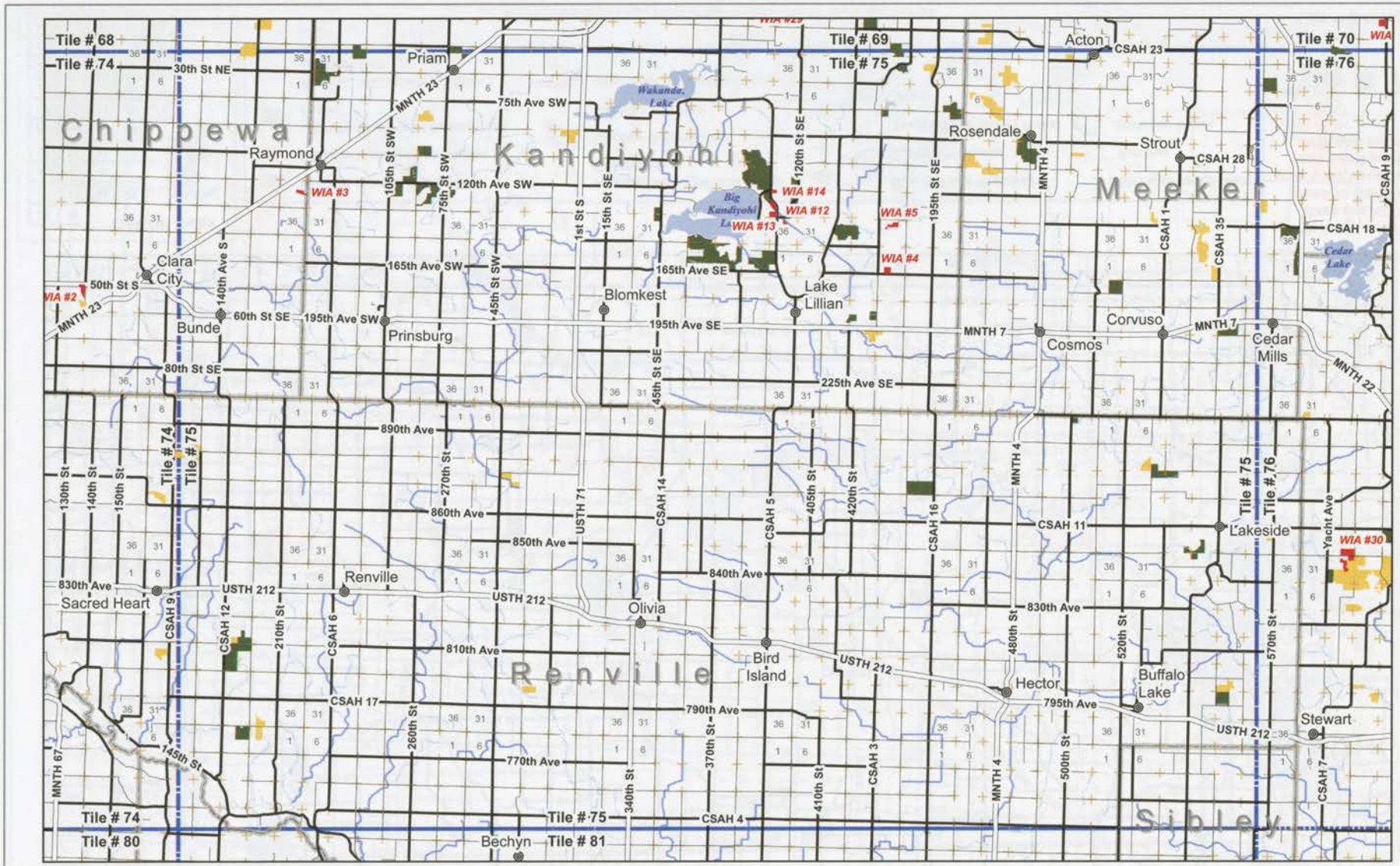
- Walk-In Access Sites (10)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 74

1 in = 5 miles

© 2013 Minnesota Department of Natural Resources Date: 2013-07-29



WIA Tile Index

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79	80	81	82	83
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WIA Atlas Index
Counties

- Walk-In Access Sites (10)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
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- Section Corners
- Interstate Trunk Highway
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- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 75

1 in = 5 miles

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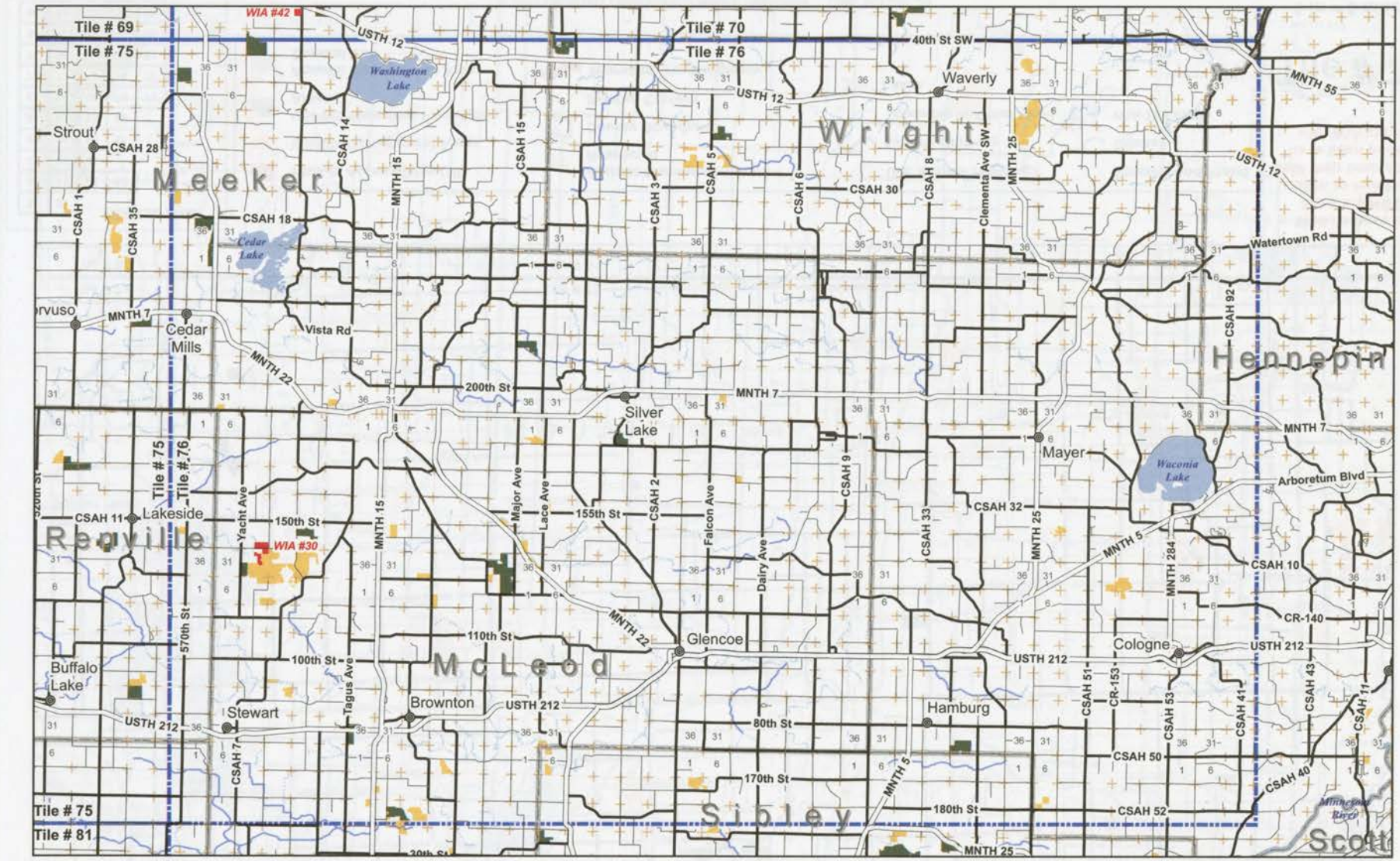

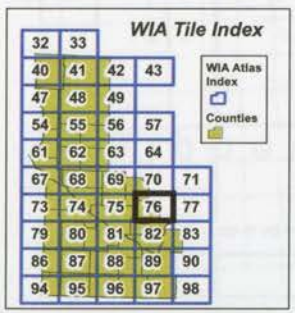

- Walk-In Access Sites (2)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 76

1 in = 5 miles

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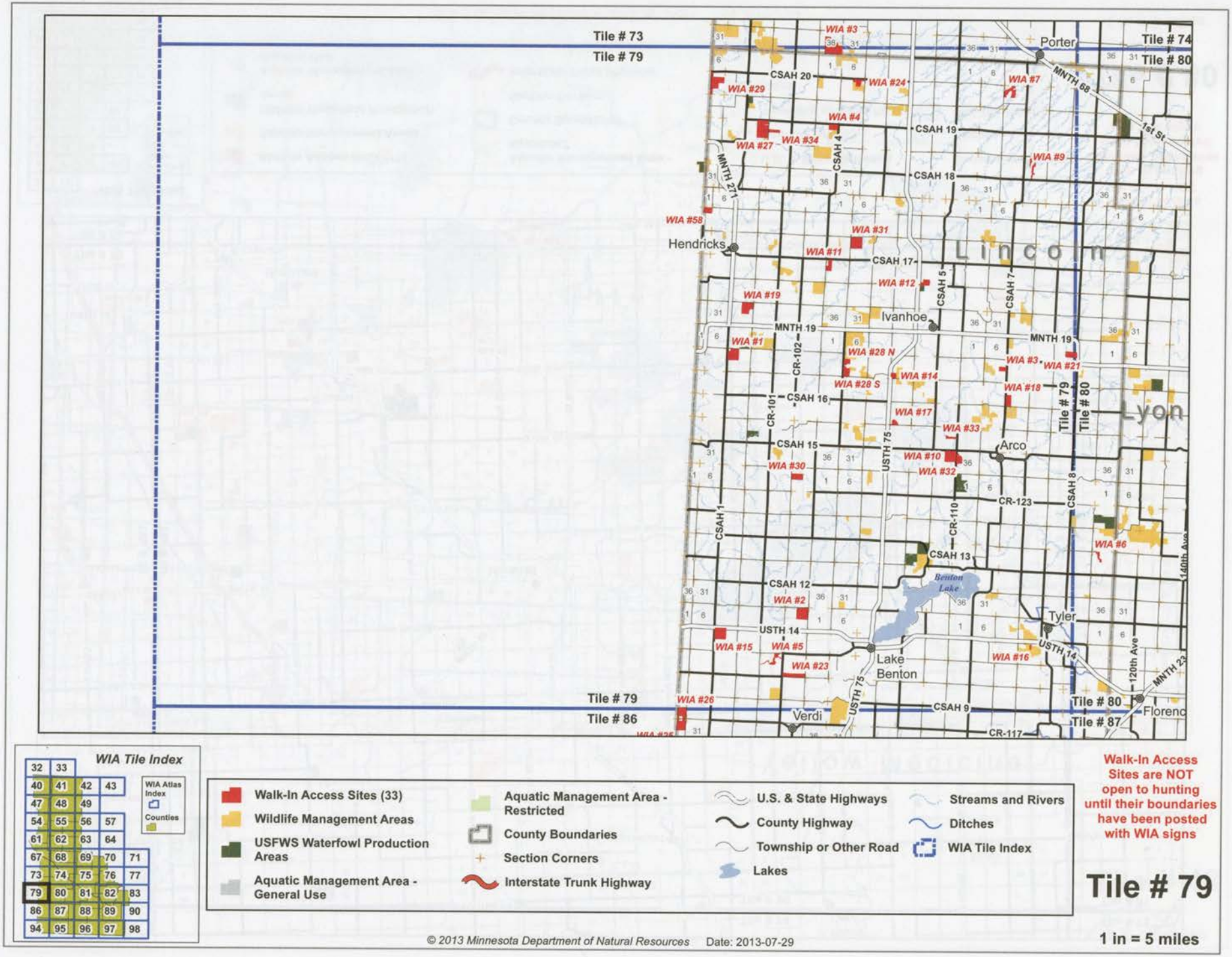

WIA Tile Index

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86	87	88	89	90
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WIA Atlas Index
Counties

- Walk-In Access Sites (33)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
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- Aquatic Management Area - Restricted
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- Section Corners
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- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 79

1 in = 5 miles

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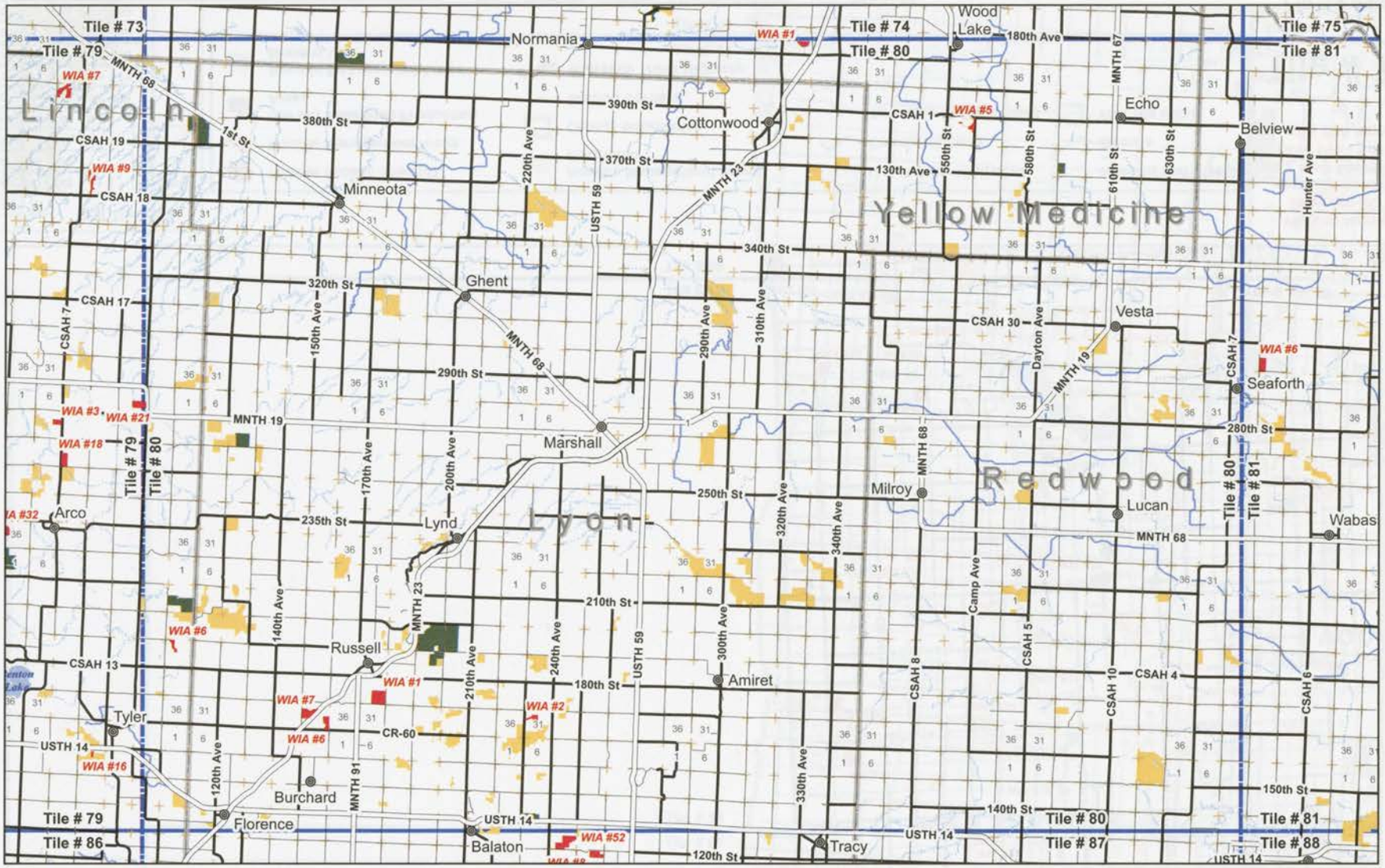

WIA Tile Index

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WIA Atlas Index
Counties

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- County Highway
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- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 80

1 in = 5 miles

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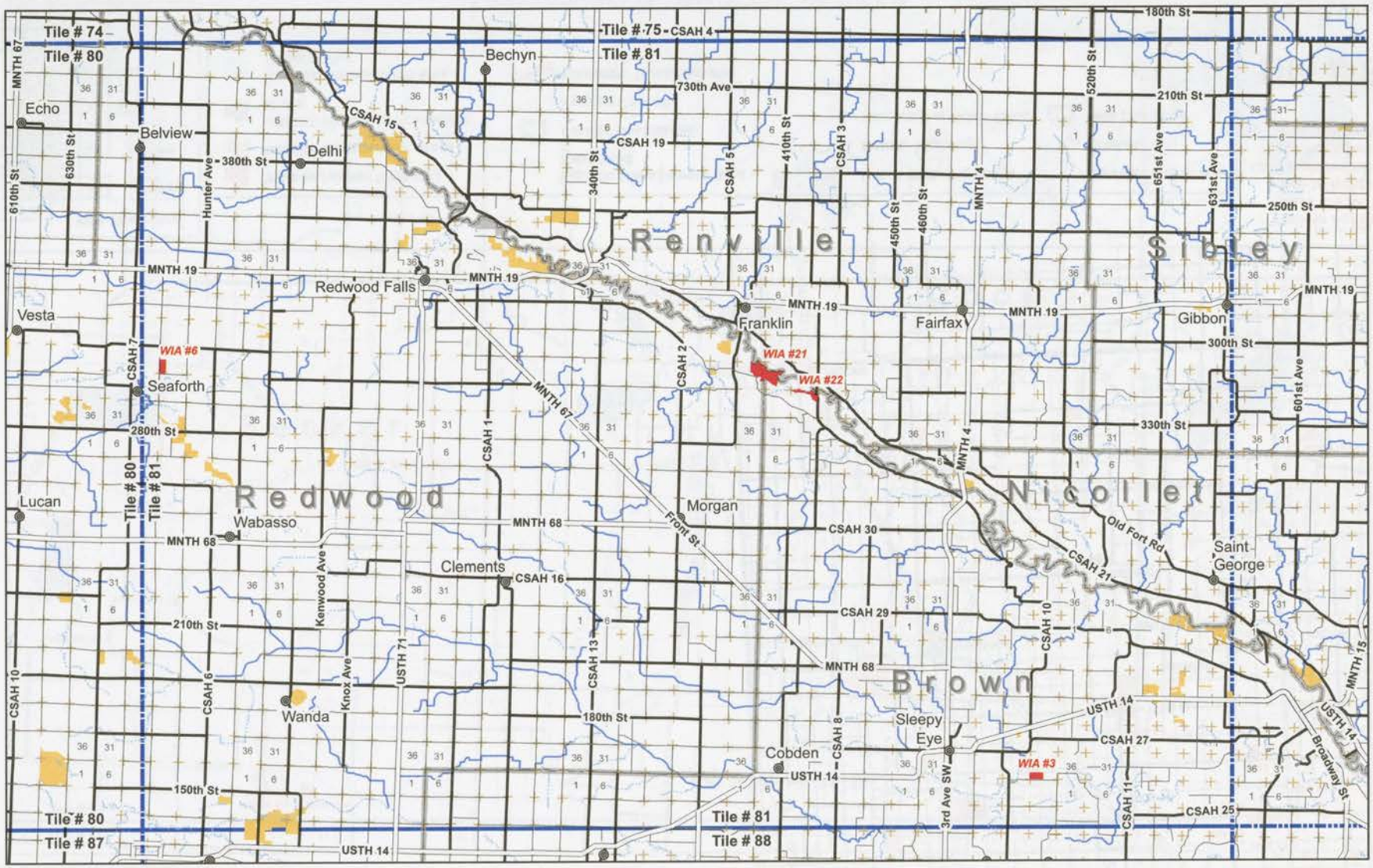

WIA Tile Index

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WIA Atlas Index
Counties

- Walk-In Access Sites (4)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 81

1 in = 5 miles

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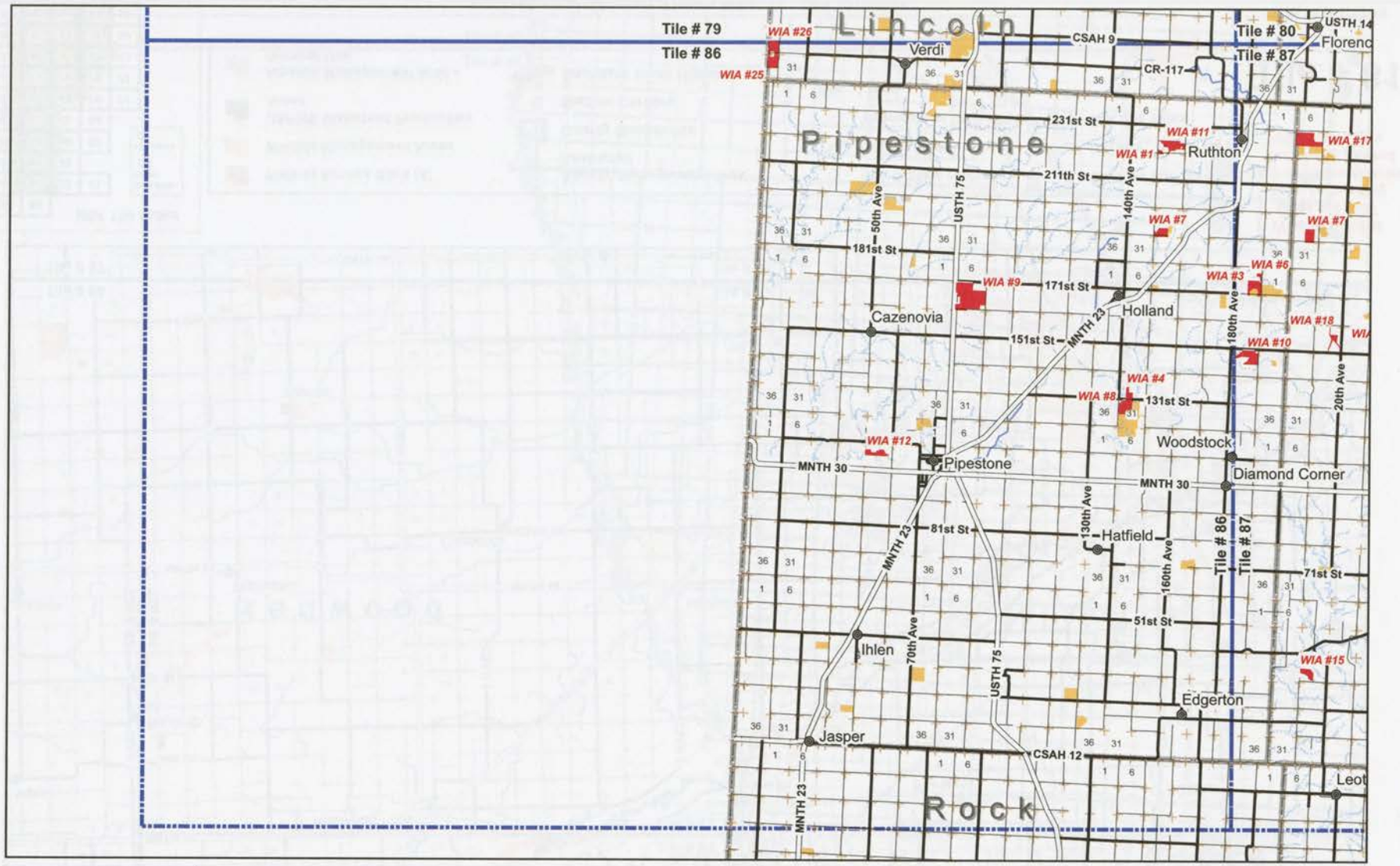

WIA Tile Index

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WIA Atlas Index
Counties

- Walk-In Access Sites (17)
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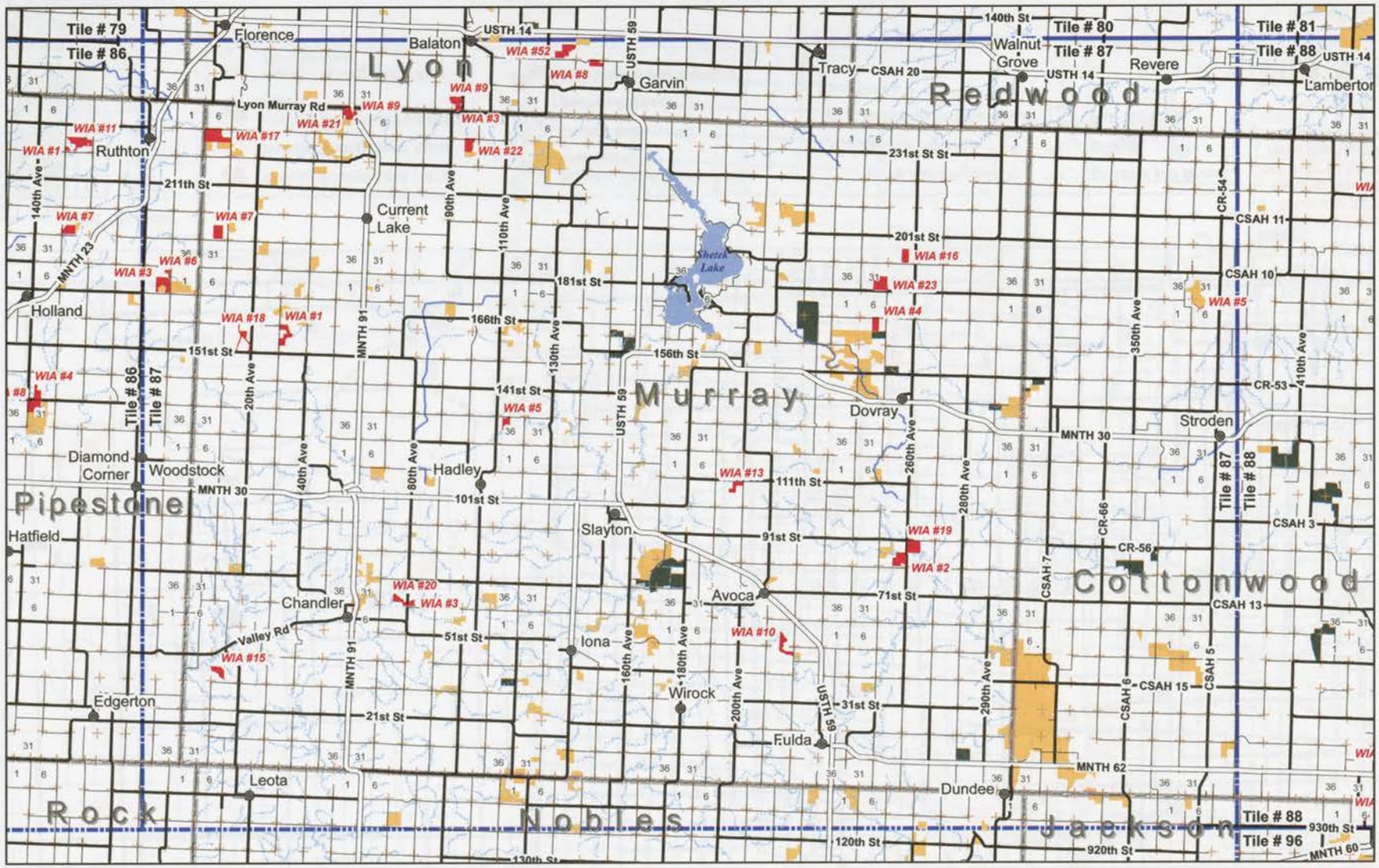
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 86

1 in = 5 miles

© 2013 Minnesota Department of Natural Resources Date: 2013-07-29



WIA Tile Index

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94	95	96	97	98

WIA Atlas Index

Counties

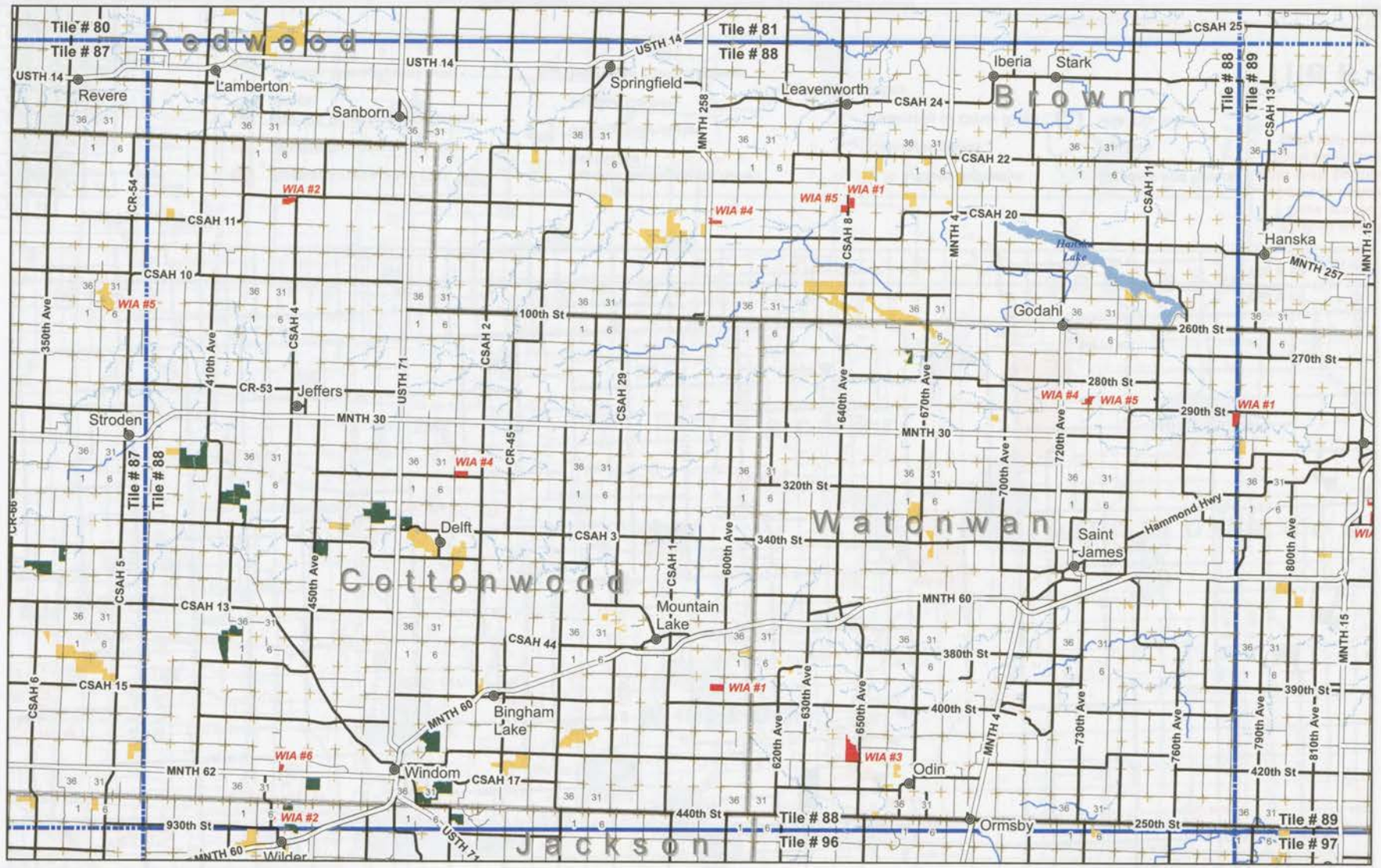
- Walk-In Access Sites (33)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 87

1 in = 5 miles

© 2013 Minnesota Department of Natural Resources Date: 2013-07-30



WIA Tile Index

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86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

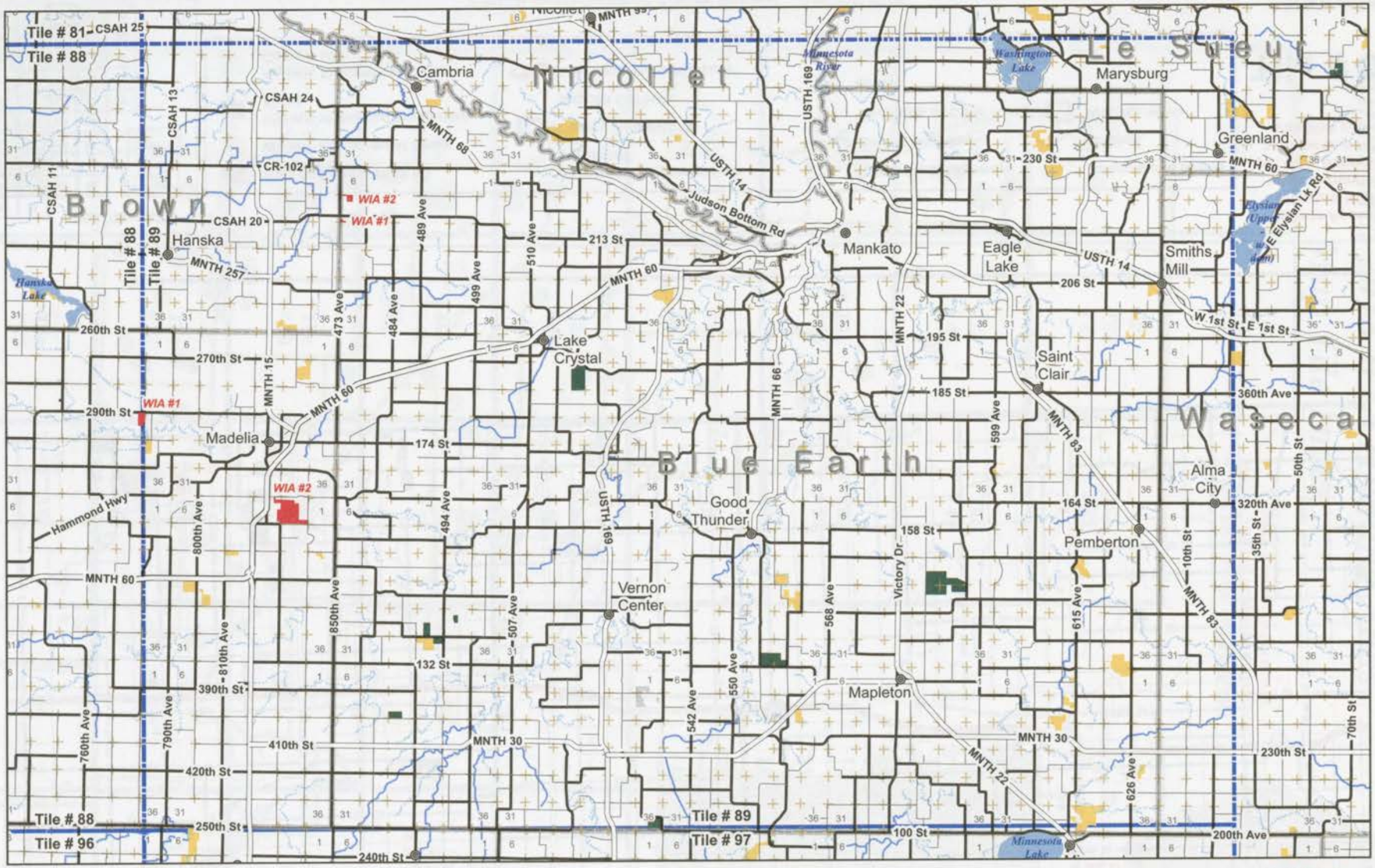
- Walk-In Access Sites (14)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 88

1 in = 5 miles

© 2013 Minnesota Department of Natural Resources Date: 2013-07-29



WIA Tile Index

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67	68	69	70	71
73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (4)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 89

1 in = 5 miles

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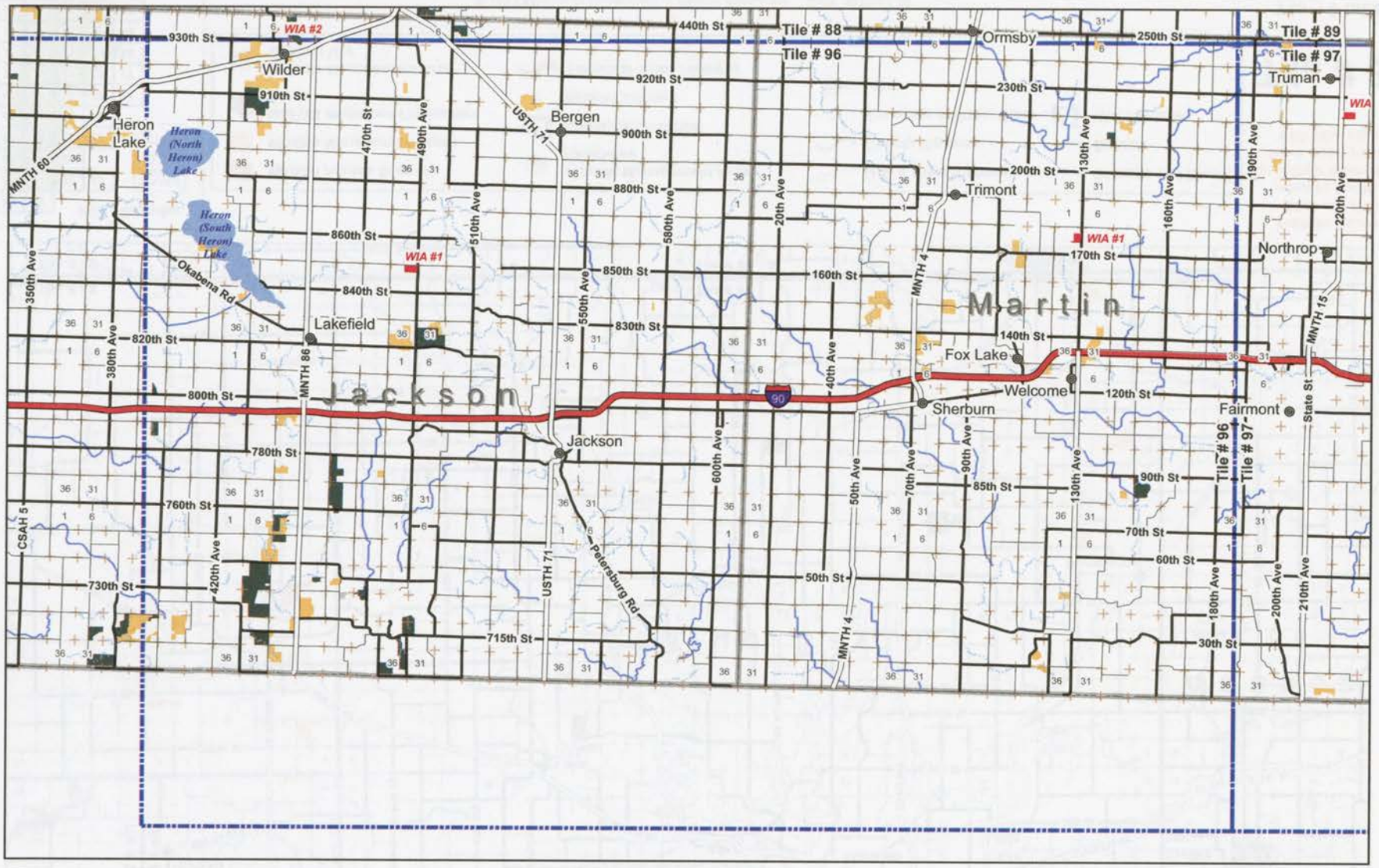

WIA Tile Index

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61	62	63	64	
67	68	69	70	71
73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (4)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

Tile # 96

1 in = 5 miles

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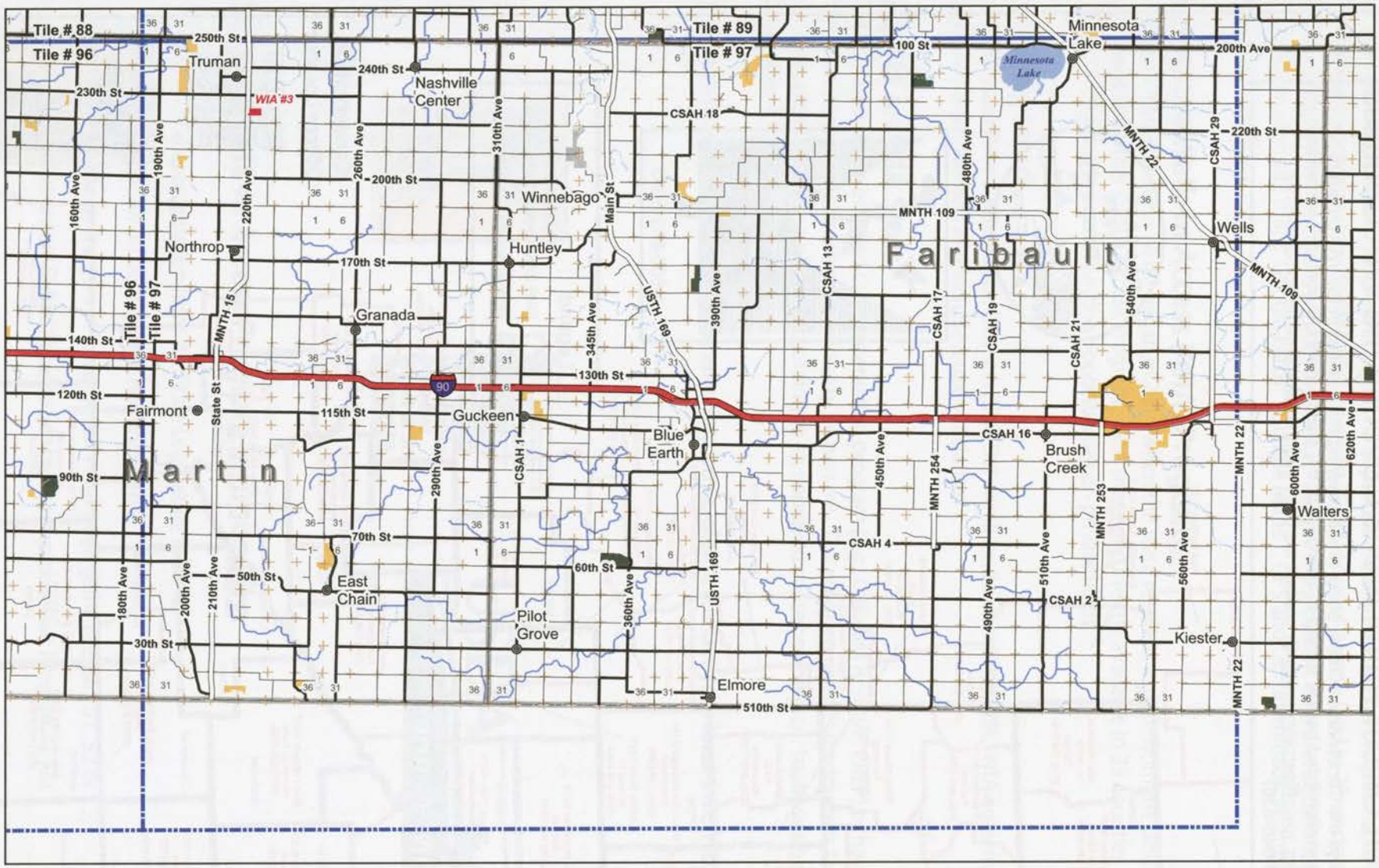

WIA Tile Index

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61	62	63	64	
67	68	69	70	71
73	74	75	76	77
79	80	81	82	83
86	87	88	89	90
94	95	96	97	98

WIA Atlas Index
Counties

- Walk-In Access Sites (1)
- Wildlife Management Areas
- USFWS Waterfowl Production Areas
- Aquatic Management Area - General Use
- Aquatic Management Area - Restricted
- County Boundaries
- Section Corners
- Interstate Trunk Highway
- U.S. & State Highways
- County Highway
- Township or Other Road
- Lakes
- Streams and Rivers
- Ditches
- WIA Tile Index

Walk-In Access Sites are NOT open to hunting until their boundaries have been posted with WIA signs

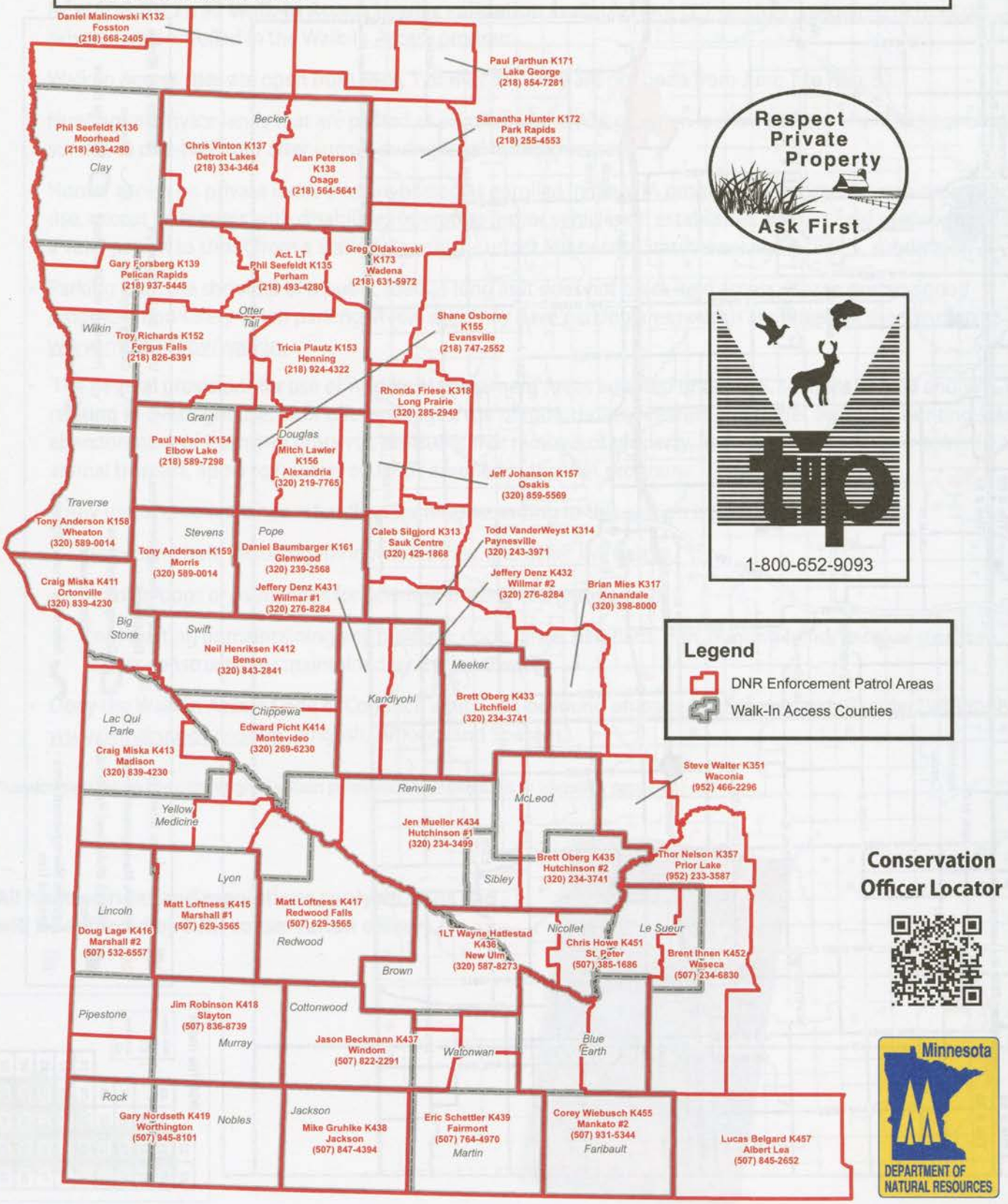
Tile # 97

1 in = 5 miles

© 2013 Minnesota Department of Natural Resources Date: 2013-07-29

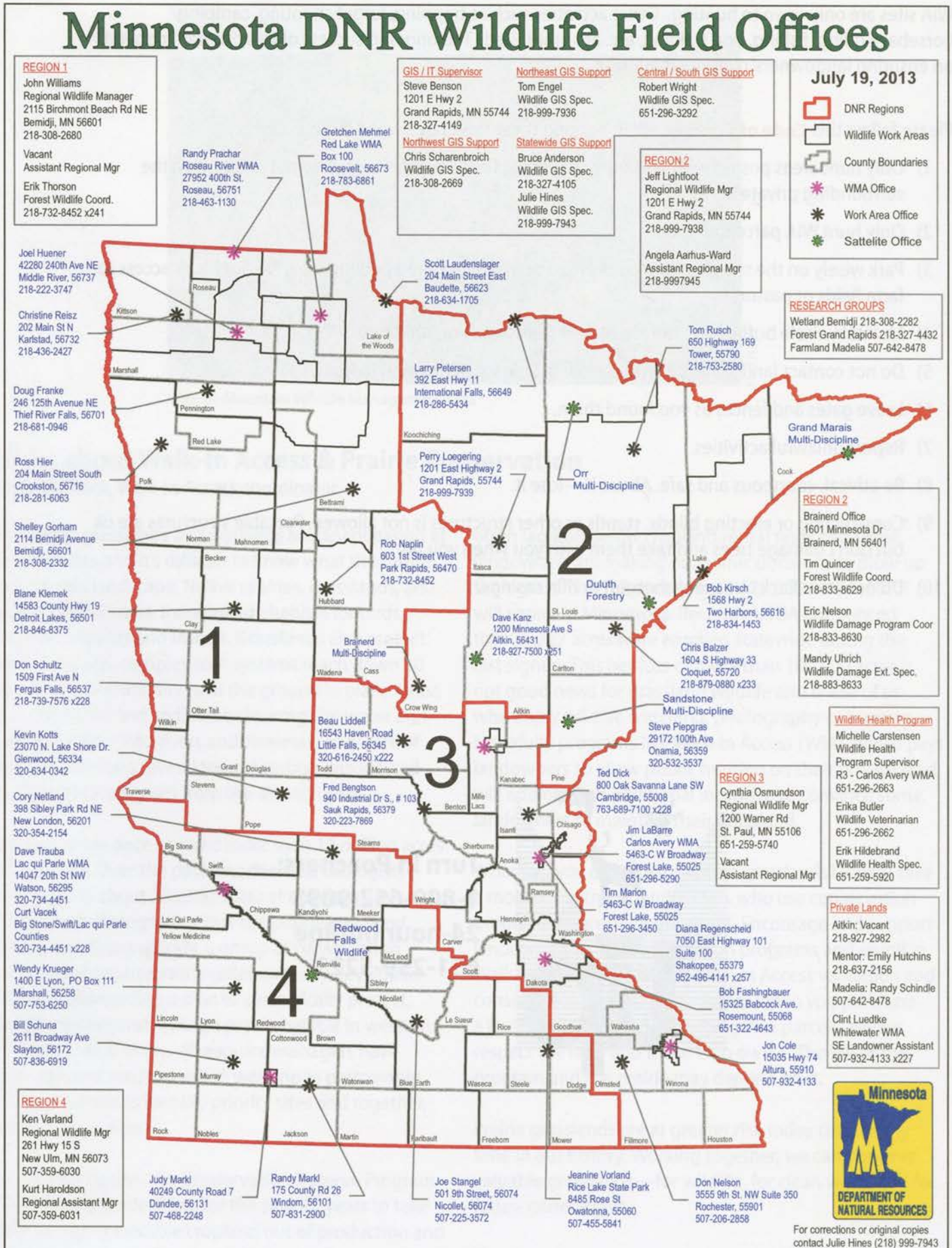
Conservation Officer Patrol Areas Covering the WIA Counties

This map displays the Conservation Officer patrol areas covering the counties in the WIA program. CO contact information listed here is subject to change. For the most current CO contact information, visit www.mndnr.gov/officerpatrolareas Or contact the DNR Information Center at 651-296-6157 or toll-free 888-646-6367.



Date: 2013-07-22

Minnesota DNR Wildlife Field Offices



WIA sites are only open to hunting. Other activities such as trapping, target shooting, camping, horseback riding, fishing, dog training, etc. are prohibited. The ongoing success of this program depends on ensuring landowners' continued interest.

Please follow this **Code of Conduct** while hunting these privately owned lands:

1) Only hunt areas posted with WIA signs. Know the field boundaries and do not trespass on the surrounding private land.
2) Only hunt WIA parcels on foot.
3) Park wisely on the shoulder of a public road or in a designated parking area. Do not block access to farm fields or pastures.
4) Maintain a safe buffer—do not shoot near farmsteads or buildings.
5) Do not contact landowners of WIA parcels asking for permission to hunt.
6) Leave gates and fences as you found them.
7) Report unlawful activities.
8) Be ethical, courteous and safe. Abuse it—lose it.
9) Constructing or erecting blinds, stands or other structures is not allowed. Portable structures are ok but don't damage trees and take them with you when you go.
10) Do not litter. Pack out spent shotgun or rifle casings.

Turn in Poachers:
1-800-652-9093
24-hour hotline
651-259-5223

Site Notes

Back cover photo:
Female greater prairie chicken on a *lek* (also known as a "booming ground") courted by a male in the background. The prairie chicken is synonymous with grassland habitats, especially relatively treeless native prairie. Loss and degradation of remaining habitat poses threats to the populations that remain. Fortunately, wildlife agencies and non-profit conservation groups are aggressively protecting and managing the remaining haunts to ensure a future for this charismatic grassland bird. Photo by Beau Liddell, Images by Beaulin.

Home Sweet Home

Prairie chickens, ducks, and other species need a mix of prairie grass and wetlands. Support the Minnesota Prairie Plan.

Learn more at mndnr.gov

Minnesota
DEPARTMENT OF NATURAL RESOURCES

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 18, 2013

BOARD MEMBERS PRESENT:
Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Judy Ohly, Tom Schulz, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald VanAmburg,

BOARD MEMBERS ABSENT:
Matt Wohlman, MDA

STAFF PRESENT:
Mary Jo Anderson, Luke Anderson, Jeannette Austin, Donna Caughey, Steve Christopher, Tom Garry, Travis Germundson, Tim Fredbo, Jim Haertel, Tabor Hoek, John Jaschke, Al Kean, Melissa Lewis, Bill Penning, Mary Peterson, Ron Shelito, Sarah Strommen, Doug Thomas

OTHERS PRESENT:
Rosemary Lavin, Hennepin County Environmental Services
Joel Settles, Hennepin County Environmental Services
Randy Anhorn, Hennepin County Environmental Services
Tom Petersen, HCD Consulting Administrator
LeAnn Buck, MASWCD

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

PLEDGE OF ALLEGIANCE

** 13-96 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Jack Ditmore, to adopt the agenda as presented. Motion passed on a voice vote.

** 13-97 **MINUTES OF OCTOBER 23, 2013 BOARD MEETING** – Moved by Gene Tiedemann, seconded by Joe Collins, to approve the minutes of October 23, 2013, as presented. Motion passed on a voice vote.

PUBLIC ACCESS FORUM

- Tom Petersen, Hennepin Conservation District (HCD) Consulting Administrator, commented that HCD has a plan to address the petition to discontinue the Hennepin Conservation District.

INTRODUCTION OF NEW BWSR EMPLOYEES

- Luke Anderson, Conservation Easement Technician, St. Paul
- Tom Garry, Conservation Easement Technician, St. Paul
- Jeannette Austin, Grants Compliance Specialist, Brainerd
- Steve Christopher, Board Conservationist, St. Paul

Chair Napstad welcomed new staff to BWSR.

REPORTS

Chair's Report – Brian Napstad reported that the Environmental Quality Board (EQB) Silica Sand Subcommittee will meet today at 1:00 PM. The EQB meeting in November had a presentation on historical climatic events. Tom Landwehr summarized how the silica sand mining issue was addressed at the EQB meeting. Chair Napstad reported that the next wetland mitigation meeting will be held on the Iron Range on January 15. Chair Napstad attended the AMC meeting last week.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC met this morning; items discussed included board member open appointments, committee reports, and staffing status. BWSR currently has six openings for member appointments for vacancies and terms beginning January 2014; all appointments will be made by the Governor. Openings include: one Soil and Water Conservation District Supervisor Representative; two Watershed District Representatives; two County Commissioner Representatives; and one Elected City Official Representative – Non-Metro. Brian Napstad, Paul Langseth, and Gene Tiedemann terms expire in January 2014; they will continue to serve until notified. Chair Napstad reported that the open appointments announcement was posted in November; however, the applications process remains open. If board members have questions regarding information on the vacancies and application process, contact John Jaschke.

Executive Director's Report – John Jaschke reported that BWSR's 2013 Outstanding SWCD Employee Award recipient is Jerad Bach, Blue Earth SWCD. BWSR's 2013 Outstanding WD Employee Award recipient is Cliff Aichinger, Ramsey-Washington Metro WD; and Washington County's Land and Water Legacy Program received the 2013 County Conservation Award from

AMC. John also recognized that Steve Sunderland was the recipient of MASWCD's SWCD Supervisor of the Year!

John attended the Minnesota River Board meeting on Monday in Olivia. The Minnesota River Board decided to disband due to loss of funding, more information will be provided later.

John reported that Clean Water Fund grant applications greatly exceeded BWSR's available funding, a challenge for the future. Tom Landwehr stated that non-point project and practice funding needs to be greater. The CWF roadmap effort, on the agenda later today, will hopefully assist in the funding process. John stated that the 1W1P initiative may assist with the applications. John reviewed information in board members packets.

NEW BUSINESS

Clean Water Fund Roadmap Presentation – MPCA Commissioner John Linc Stine and Sarah Strommen, BWSR Assistant Director, provided an update on the status of the roadmap project. At the request of the Clean Water Funded Executive branch agency heads, the Clean Water Fund Interagency Coordination Team launched a project this past June, with the assistance of Environmental Initiative, to establish a Clean Water Fund Roadmap. Sarah recognized the agency leadership of DNR Commissioner Tom Landwehr; MPCA Assistant Commissioner Rebecca Flood; Chris Elvrum, MDH; and MDA. The idea behind the Roadmap is to develop a few key goals and measures for Clean Water Fund implementing agencies to monitor our pace of progress in achieving those goals over the course of the 25 years of constitutional amendment funding; the Environmental Initiative **project web page** has more details. While the ultimate goal is to achieve clean, sustainable water resources, the executive branch agencies believe it is important to track progress on a high level, and use this information to make course corrections as we move forward. Discussion followed. Commissioner Stine thanked agency staff for working on this challenging project. Chair Napstad thanked Commissioner Stine and Sarah for their informative presentation.

Dispute Resolution Committee –Travis Germundson provided a status report of appeals.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee will meet in January, date to be determined.

Public Relations, Oversight & Strategic Planning Committee – Jack Ditmore reported that a recommendation is on the agenda later today. The Public Relations, Oversight & Strategic Planning Committee will meet on January 21, 2014; 5:30 – 7:30 PM.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee met yesterday, recommendations are on the agenda later today.

Drainage Work Group – Al Kean reported that the Drainage Work Group met on December 12; discussion included upcoming forums; the draft Nutrient Reduction Strategy; considerations for Section 103E.015; and drainage system assessments to road authorities. The next Drainage Work Group meeting is January 9, 2014.

Chair Napstad called for a break in the meeting at 10:27AM. The meeting reconvened at 10:42 AM.

Metro Region Committee

Hennepin County Petition to Discontinue the Hennepin Conservation District – Jim Haertel reported that in the Board packet is the draft Order based on the Metro Region Committee's recommendation and in your folder is Hearing Exhibit #15.
The Hennepin County Board of Commissioners submitted a petition to discontinue the Hennepin Conservation District and transfer the duties and authorities of the District to the Hennepin County Board of Commissioners.

Legislation was adopted last spring that allowed Hennepin County to submit the petition that is before the Board today. The petition lists about a dozen reasons that support the petition. The reasons are listed in the draft Order under Finding of Fact number 2.

The legislation that was adopted is codified in Minnesota Statutes section 383B.761. Subdivision 2 sets forth the Standard of Review that the BWSR Board must follow in making a decision on the petition. The Standard of Review references Minnesota Statutes section 103C.005, which is the State Soil and Water Conservation Policy. There are eight major items listed in that Policy and all of the items relate to soil and water conservation measures. The State Soil and Water Conservation Policy and the Standard of Review are in Finding of Fact number 7 in the draft Order.

The standard of review in Minn. Stat. § 383B.761, subd. 2 reads as follows:
The Minnesota Board of Water and Soil Resources shall review the petition submitted under subdivision 1 to determine whether progress toward the goals identified in section 103C.005 can be achieved by discontinuing the Hennepin Soil and Water Conservation District and transferring the duties and authorities of the district to the Hennepin County Board of Commissioners. If the Board of Water and Soil Resources determines that progress toward the goals identified in section 103C.005 can be achieved by the discontinuance of the district and the transfer of district duties and authorities to the Hennepin County Board of Commissioners, the Board of Water and Soil Resources shall order the discontinuance of the Hennepin Soil and Water Conservation District.

For the past decade the Hennepin County Environmental Services Department has been delivering conservation services and carrying out many of the duties commonly undertaken by soil and water conservation districts in the Twin Cities metropolitan area. They are listed on Exhibit 15 that you have a copy of. Because of this, it is extremely likely Hennepin County will continue to do this work in the future. Thus, it is very reasonable to expect Hennepin County can make progress towards achieving the goals in the State Soil and Water Conservation Policy. According to the Standard of Review, if the Board determines that Hennepin County can make progress towards achieving the goals in the State Soil and Water Conservation Policy then the Board must discontinue the district.

The Metro Region Committee presided over a public hearing on October 21st. The hearing record contains both support for, and opposition to, the Petition. The hearing record clearly supports that Hennepin County can deliver conservation services and carry out the duties of the Hennepin Soil and Water Conservation District. Nothing in the hearing record indicates Hennepin County cannot deliver conservation services or that Hennepin County cannot carry out the functions of the Hennepin Soil and Water Conservation District. That is the information to be considered under the Standard of Review in this matter.

Much of the opposition to the Petition in the hearing record focuses on a precedent being set by approval of the Petition, that other soil and water conservation districts in the state have been defunded by counties but still exist, the assistance the District has given, and the importance of the partnership between a county board of commissioners and a district board of supervisors. Although important, none of those factors are given weight under the Standard of Review that is set forth in statute.

Staff find progress toward the goals identified in the State Soil and Water Conservation Policy can be achieved by discontinuing the District and transferring the duties and authorities of the District to Hennepin County because Hennepin County staff for the past decade has been delivering conservation services and carrying out many of the duties of soil and water conservation districts in the metropolitan area. Therefore, the proposed discontinuance of the District and the transfer of duties and authorities from the District to Hennepin County would be substantially consistent with the purposes and requirements of Minnesota Statutes section 383B.761. Staff recommend the discontinuance of the District and the transfer of all duties and authorities of the District to Hennepin County be approved as proposed in the Petition, that the District's Board of Supervisors must transfer all assets of the District to Hennepin County within 60 days of the date of the BWSR Board Order, and that the discontinuance of the District and the transfer of duties and authorities to Hennepin County is effective the day the transfer of all assets of the District to Hennepin County is completed and no later than 60 days from the date of the BWSR Board Order.

If the District is discontinued the statute sets forth two different avenues for reestablishment of the District without a referendum. Hennepin County may petition BWSR to reestablish the District. Alternatively, BWSR may give notice to Hennepin County of corrective actions and time to implement corrective actions. After the time to implement the corrective actions has passed, BWSR may reestablish the District if it determines the goals identified in the State Soil and Water Conservation Policy are not being achieved. Thus, a discontinuance of the District and the transfer of duties and authorities of the District to Hennepin County is in place until such time as the District may be reestablished under Minnesota Statutes section 383B.761, subd. 6.

The Metro Region Committee met on December 3, 2013 and decided with a unanimous vote to recommend to the full Board approval of the Petition per the attached draft Order.

Note the two references to 60 days are from the requirements in Minnesota Statutes section 383B.761.

Steve Sunderland stated his concern for precedent being set. Joe Collins commended Jim Haertel for his excellent work on this issue. Joe's concern is for precedence, also the
** requirement to decide if the County can meet statutory requirements. Moved by Joe Collins, seconded by Rebecca Flood, that the Board orders that the Hennepin Soil and Water Conservation District, d/b/a Hennepin Conservation District, (District) is discontinued and all the duties and authorities of the District are transferred in their entirety to the Hennepin County Board of Commissioners effective the day the District's Board of Supervisors completes the transfer of all assets of the District to the Hennepin County Board of Commissioners and no later than 60 days from the date of this Order.

The discontinuance of the Hennepin Soil and Water Conservation District and the transfer of duties and authorities of the District to the Hennepin County Board of Commissioners is in place

until such time as the District may be reestablished under Minnesota Statutes § 383B.761, subdivision 6.

Discussion followed. Paul Langseth does not support the resolution due to the compromised position HCD faces and the fact that HCD is a locally elected board. Tom Schulz also expressed his concern with the way this matter transpired. Chair Napstad clarified that the decision is only
13-98 to HCD according to the narrow statutory language. Motion passed on a voice vote.

Southern Region Committee

Big Stone County Local Water Management Plan Update – Steve Sunderland reported that Big Stone County submitted their Local Water Management Plan Update for final State review on September 6, 2013. The Southern Region Committee met on November 7, 2013, reviewed the Plan update and recommends approval of the Big Stone County Local Water Management
** Plan Update. Moved by Steve Sunderland, seconded by Paul Langseth, to approve the update of the Big Stone County Local Water Management Plan 2014 - 2023 with a required update of the Implementation Section (Goals, Objectives, and Action) to be completed by December 18,
13-99 2018. Motion passed on a voice vote.

Chippewa County Local Water Management Plan Update – Steve Sunderland reported that Chippewa County submitted their Local Water Management Plan Update for final State review on September 4, 2013. The Southern Region Committee met on November 7, 2013, reviewed the Plan update and recommends approval of the Chippewa County Local Water Management
** Plan Update. Moved by Sandy Hooker, seconded by Paul Langseth, to approve the update of the Chippewa County Local Water Management Plan 2013 – 2023 with a required update of the Implementation Section (Goals, Objectives, and Action) to be completed by December 18, 2018.
13-100 Motion passed on a voice vote.

Lac qui Parle County Local Water Management Plan Update – Sandy Hooker reported that Lac qui Parle County submitted their Local Water Management Plan Update to the Board for final State review on September 6, 2013. The Southern Region Committee met on November 7, 2013, reviewed the Plan update and recommends approval of the Lac qui Parle County Local
** Water Management Plan Update. Moved by Sandy Hooker, seconded by Chris Elvrum, to approve the update of the Lac qui Parle County Local Water Management Plan 2014 – 2023 with a required update of the Implementation Section (Goals, Objectives, and Action) to be
13-101 completed by December 18, 2018. Motion passed on a voice vote.

Swift County Local Water Management Plan Update – Tom Loveall reported that Swift County submitted their Local Water Management Plan Update to the Board for final State review on September 6, 2013. The Southern Region Committee met on November 7, 2013, reviewed the Plan update and recommends approval of the Swift County Local Water
** Management Plan Update. Moved by Tom Loveall, seconded by Sandy Hooker, to approve the update of the Swift County Local Water Management Plan 2014 – 2023 with a required update of the Implementation Section (Goals, Objectives, and Action) to be completed by December
13-102 18, 2018. Motion passed on a voice vote.

Renville County Soil and Water Conservation District (SWCD) Nomination Districts Resolution – Paul Langseth reported that Renville County SWCD approved a Nomination Districts Resolution on August 15, 2013, which proposed to change nomination districts for the Renville County SWCD supervisor seats. The proposed Nomination Districts will provide

consistent and equal distribution of township representation in the County. The Southern Region Committee met on November 7, 2013, discussed the Resolution, and unanimously voted to
** recommend approval of the Renville County SWCD Nomination Districts Resolution. Moved by Paul Langseth, seconded by Chris Elvrum, to approve Renville County SWCD Nominations
13-103 Districts Resolution. Motion passed on a voice vote.

Houston County Local Water Management Plan Amendment – Chris Elvrum reported that the Southern Region Committee met on November 7, 2013, reviewed the Plan amendment, and recommends approval of the Houston County 2013 - 2017 Local Water Management Plan
** Amendment. Moved by Chris Elvrum, seconded by Steve Sunderland, to approve the 2013 Amendment of the Houston County Local Water Management Plan for 2013-2017. Houston County will be required to provide for a complete update of its Water Management Plan prior to
13-104 December 31, 2017. Motion passed on a voice vote.

Nobles County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Region Committee met on November 7, 2013, reviewed the Plan amendment, and recommends approval of the Nobles County 2013 - 2018 Local Water Management Plan
** Amendment. Moved by Paul Langseth, seconded by Tom Loveall, to approve the 2013 Amendment of the Nobles County Local Water Management Plan for 2013 – 2018. Nobles County will be required to provide for a complete update of its Water Management Plan prior to March 25, 2019; and authorize staff to confirm the dates to ascertain the actual date on the
13-105 Order. Motion passed on a voice vote.
(Note: Staff contacted Mark Hiles, he confirmed the dates listed are correct as stated on the original Order, in effect until March 25, 2019.)

Public Relations, Oversight and Strategic Planning (PROSP) Committee
One Watershed, One Plan Implementation – Jack Ditmore acknowledged the work of the Committee members and staff. Doug Thomas reported that the requested One Watershed, One Plan agenda item represents the first formal steps that the Board is being asked to take in the development and implementation of the One Watershed, One Plan Program since the June 26, 2013 Board Workshop. At the workshop the Board concurred with a general outline for development of the program that included developing a set of guiding principles, operating procedures, and a pilot/test program. Since then Board staff, the Senior Management Team, and the Public Relations Oversight and Strategic Planning (PROSP) Committee have developed and recommend:

1) Adoption of the One Watershed, One Plan Guiding Principles dated November 14, 2013;
2) Adoption of the draft One Watershed, One Plan suggested boundary framework map, dated October 23, 2013; and authorize staff to initiate a 60-day formal review and comment period for the purpose of seeking review and comment prior to formal adoption of a final suggested boundary framework map at a later date;
3) Adoption of the One Watershed, One Plan types for pilot watersheds; a) Water Quality Implementation Plan; b) Priority Concerns Watershed Implementation Plan; c) Comprehensive Watershed Management Plan; and
4) Authorization for staff to finalize, distribute and promote a Request for Interest (RFI) for the One Watershed, One Plan Pilot Program.

Doug stated that advancing the required suggested boundary framework and plan types for the pilot watersheds are necessary at this point in time if we are to stay on course for selecting the pilot watershed areas in June of 2014. There are a still number of remaining policy questions, operating procedures, and standards that are needed prior to initiation of the pilot watersheds and final program and which will continue to take place in the coming months. These additional work products will utilize a staff workgroup, local government roundtable workgroup and the
** PROSP Committee in their development. Moved by Jack Ditmore, seconded by Christy Jo Fogarty, to approve the Public Relations, Oversight and Strategic Planning Committee's recommendation of the One Watershed, One Plan Implementation as presented. Discussion followed. John Jaschke thanked Doug and Melissa Lewis for their outstanding efforts on the
13-106 1W1P. Motion passed on a voice vote. Chair Napstad thanked everyone for their work on this effort.

RIM Reserve Management Planning Committee (RRMPC)
Resolutions Authorizing RIM-WRP, RIM Buffers, RIM Wellhead Protection, RIM ACUB and RIM Wild Rice Programs – Bill Penning reported that the RRMPC met on December 17, 2013, reviewed and recommend approval of the RIM-WRP, RIM Buffers, RIM Wellhead Protection, RIM ACUB and RIM Wild Rice resolutions that provide general authorization for these programs. The purpose of this request is to authorize standing resolutions for each program that establish and set the broad parameters for each program. These resolutions will remain in effect regardless of the year and/or source of funding until substantial material changes occur in the program that would cause staff to seek an amended resolution. Periodic program updates will be given to the RRMPC and to the Board. Tom Landwehr supports the efforts of the resolutions. The RIM-WRP Resolution, page one, third Whereas, the word 'National' should be changed to 'Natural'. The RIM Wild Rice Resolution, page one, second Whereas, the word 'rural' will be deleted. It was noted that Board action on one Resolution will approve all five
** program resolutions. Moved by Gene Tiedemann, seconded by Paul Langseth, to approve the RIM Reserve Management Planning Committee's recommendation authorizing approval of the RIM-WRP, RIM Buffers, RIM Wellhead Protection, RIM ACUB, and RIM Wild Rice Programs
13-107 Resolutions. Motion passed on a voice vote.

Resolution Authorizing the RIM – Grasslands for the Future Pilot Project – Bill Penning reported that the RIM Reserve Management Planning Committee met and recommends approval to authorize the RIM - Grasslands for the Future Pilot Project resolution that provides authorization for this program. The RIM - Grasslands for the Future Pilot Project was approved by the Lessard-Sams Outdoor Heritage Council (LSOHC) and the Legislature, and funding was appropriated to BWSR on July 1, 2013. This pilot project will utilize RIM or Minnesota Land Trust easements in cooperation with The Conservation Fund to protect priority grasslands and utilize conservation grazing plans to manage the vegetation to optimize wildlife habitat while
** providing numerous other benefits. Moved by Tom Schulz, seconded by Rebecca Flood, to approve the resolution authorizing staff to: 1) Utilize appropriated funds to implement the RIM-Grasslands for the Future Pilot Project; 2) Make payments to MLT when they are acquiring the easement; and 3) Work with MLT and TCF to develop program guidelines and outreach efforts
13-108 focused on priority grassland landscapes. Discussion followed. Motion passed on a voice vote.

Resolution Authorizing RIM Standard Easement Payment Rates - Bill Penning explained that the RIM Reserve Management and Planning Committee met, reviewed, and recommends authorization for staff to establish RIM standard easement payment rates. The standard rates

will utilize township land values as established by the Department of Revenue and posted on the University of Minnesota Land Economics website as the basis for determining the rates.

** Tom Landwher supports this Resolution. Moved by Paul Langseth, seconded by Judy Ohly, to approve and establish RIM standard easement payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors: 1) The township land values as established by the Department of Revenue and posted on the University of Minnesota Land Economics website shall be used as the basis for determining payment rates; and 2) The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro counties due to a limited number of tillable land acres, and values that are influenced by development potential; and 3) The payment rate maximum for the other five Twin Cities metro counties (Anoka, Carver, Dakota, Scott and Washington) will not exceed the average Scott

13-109 County rate to more accurately reflect tillable values. Motion passed on a voice vote.

RIM Easement Alteration – Bill Penning introduced Tim Fredbo. Tim explained that the RRMPC met, reviewed, and recommends approval of the CREP easement alteration, and authorizes the easement staff to modify the easement 17-31-01-01 in Cottonwood County. The alteration was requested by the landowner and is consistent with the requirements of the

** Easement Alteration Policy. Moved by Gene Tiedemann, seconded by Gerald VanAmburg, to approve the alteration of RIM easement 17-31-01-01 as presented, and authorizes staff to work with Mr. Zieske, and Cottonwood SWCD staff to officially amend the necessary RIM easement

13-110 documents. Discussion followed. Motion passed on a voice vote.

AGENCY REPORTS

Minnesota Department of Health (MDH) – Chris Elvrum reported that he and other agency board members attended the Environmental Initiative's Policy Forum "Seizing Opportunities for Integration in Groundwater Management" on December 17. Chris proposed having a groundwater management presentation at a future Board meeting.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr stated that he also attended the Environmental Initiative's Policy Forum on groundwater management. Tom reported that DNR is engaged in a new endeavor of groundwater protection and management, conservation delivery systems protection, working with local units of government on groundwater and surface water to device strategies in three pilot areas; he will provide more information later.

Tom reported that DNR is seeking public review and input of the proposed PolyMet Mining project, NorthMet Supplemental Draft Environmental Impact Statement (SDEIS). Public meetings will be held in January.

Tom reported that the DNR Roundtable will be held January 9-10, 2014, at the Ramada in Bloomington. Board members are invited to attend; let John Jaschke know if you plan to attend.

Minnesota Extension Service (MES) – Faye Sleeper reported that MES and the Department of Agriculture are partnering to pay for research on ag water quality programs; a good educational opportunity.

Minnesota Pollution Control Agency (MPCA) – Rebecca Flood reported the public notice on the Nutrient Reduction Strategy is open for comments.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts (MASWCD) – LeAnn Buck commented on the water governance study on essential services; MASWCD is meeting with AMC and MAWD on January 29 to discuss roles. LeAnn reported that the Local Government Roundtable met yesterday. LeAnn thanked Doug Thomas for his work on 1W1P. Funding is an issue; the need for staffing for example; how much funding goes into civic engagement versus projects. LeAnn thanked Faye Sleeper and the U of M for partnering on education issues. LeAnn thanked agencies for assistance with the MASWCD convention.

Paul Langseth attended the AMC and MAWD conventions; great opportunity to discuss issues; he encouraged board member attendance in the future.

UPCOMING MEETING

- Next BWSR Board Meeting, January 22, 2014, St. Paul

Chair Napstad thanked everyone for their efforts in 2013 and wished everyone Happy Holidays.

Chair Napstad adjourned the meeting at 12:30 PM.

Respectfully submitted,

Brian Napstad
Chair

Drainage Work Group Report
for December 18, 2013 BWSR Board Meeting

by Al Kean, BWSR Chief Engineer and DWG Facilitator

The full Drainage Work Group did not meet in November, but did meet on December 12, 2013 at the MN Farm Bureau building in Eagan. During November, the DWG Section 103E.015 Subgroup met to further discuss and refine draft update recommendations for discussion by the full DWG. Following is a summary of the 12-12-13 DWG meeting.

- **Sharing about recent and upcoming forums involving drainage topics and related topics**
  - 14th Annual IA-MN-SD Drainage Research Forum, Nov. 14, 2013, Sioux Falls, SD
  - MAWD Annual Drainage Workshop, Dec. 5, 2013, Alexandria, MN
  - MASWCD Annual Meeting, Dec. 8-10, 2013, Bloomington, MN
  - 31st Annual Red River Basin Land and Water Summit Conference, Jan. 14-16, 2014, Fargo, ND
  - Lead Viewer training is being piloted by Ridgewater College, Willmar, MN, Jan. 14-17, 2014
  - Proposed Water Storage Forum, Jan. 22, 2014, Mankato, MN
  - DNR received $500K appropriation in 2013 for in-lieu funding for Con-Con lands and is meeting with counties to discuss allocation strategy.

- **Draft Minnesota Nutrient Reduction Strategy**
  - As a follow up to the presentation in September by Dave Wall, MPCA, about the Nitrogen in Minnesota Surface Waters Report, Wayne Anderson, MPCA, provided an overview of the Draft MN Nutrient Reduction Strategy.
  - The driving forces for the strategy are hypoxia in the Gulf of Mexico, eutrophication in Lake Winnipeg, protection of Lake Superior, eutrophication in MN lakes and rivers, and water quality standards for nitrogen in MN surface waters directed by the MN Legislature and anticipated to be rolled out in 2015.
  - There was much discussion about the sources of nitrogen and phosphorus in MN, trends and proposed reduction strategies.

- **Section 103E.015 Considerations before drainage work is done**
  - The DWG 103E.015 Subgroup provided draft recommendations for updating of Section 103E.015, with goals to update and clarify environmental, land use and water management criteria, and to help make connection to 103E.011, Subd. 5 Use of External Sources of Funding (for wetland restoration, water quality or flood control) (i.e. promote integration of public and private funding for multipurpose water management).
  - Discussion was robust and indicated a need for refinement of draft revision language and further discussion.

- **Drainage System Assessments to Road Authorities Subgroup Update**
  - MnDOT and BWSR staff met in Nov. to discuss 103D.729 Water Management District, and associated watershed district authority for drainage system assessments to benefited lands.
  - MnDOT, Rice Creek Watershed District and BWSR staff met on Dec. 13, 2013 to discuss the runoff-based method and associated parameters used for recent water management districts in the RCWD.

The next DWG meeting is scheduled for Thursday, January 9, 2014, 12:30 – 3:30 p.m., location to be determined.

John,
For your information to present at the December board meeting, here is a table with the status of the PRAP Assistance Grants.
As you can see, we have two active grants and one in process. We will be amending the BRRWD grant agreement to extend the term of the grant.

PRAP ASSISTANCE GRANTS/CONTRACTS									
No.	Grantee	Purpose	Assmnt.	Total Est. Expend.	Grant Amt.	App. Date	GA Exec. Date	End Date	Results/ Amt. spent
13-01	Chippewa SWCD	Staff realignment; position description revisions	BC support	2400	1200	10/18/2013	11/19/2013	1/31/2014	
13-02	Buffalo Red River WD	Strategic planning	BC and Reg. Sup recmd.	8000	4000	10/18/2013	12/3/2013	1/31/2014	
13-03	Sauk River WD	Staff realignment; position description revisions	BC and Reg. Sup.recmd.; PRAP Asstnc.	5000		11/27/2013			

Let me know if you have any questions.

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

BOARD MEETING AGENDA ITEM

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

Meeting Date: December 18, 2013

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

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

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: Committee(s)

Presented by: Travis Germundson/Gerald VanAmburg

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

None.

LINKS TO ADDITIONAL INFORMATION

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
December 6, 2013
By: Travis Germundson

There are presently **13** appeals pending. All of the appeals involve WCA except File 10-10. There have been no new appeals filed since the last report dated October 23, 2013

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 13-9 (9-23-13) This is an appeal of a restoration order in Stearns County. The appeal regards drainage impacts to wetlands associated with a private drainage ditch project.~~ *The restoration order was affirmed in part and modified in part. The restoration order was modified to reduce the number of structures required to be constructed along the ditch.*

~~File 13-8 (9-5-13) This is an appeal of a restoration order in St. Louis County. The appeal regards the placement of approximately 2,076 square feet of fill in a Type 3 wetland within the shore impact zone of Coon Lake for lake access.~~ *The appeal was denied.*

File 13-7 (8-30-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal involves the same project and local unit of government decisions as File 13-6. The appeal has been combined with File 13-6 and remanded for further technical work and administrative proceedings.

File 13-6 (8-28-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal regards the approval of three wetland replacement plan applications for a silica sand mining operation. At issue is that the decisions allow for substantial wetland impacts to occur without replacement. The appeal has combined with File 13-7 and remanded for further technical work and administrative proceedings.

File 13-5 (6-11-13) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. A pervious appeal (File 12-19) was remanded for further technical work and administrative proceedings, and now that new decision is being appealed. At issue is the adequacy of the TEP's Report to address partial drainage. The appeal has been remanded for further technical work directing the TEP to produce a revised written report adequately addressing partial drainage.

File 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

File 13-1 (1-9-13) This is an appeal of a restoration order in Swift County. The appeal regards drainage impacts to multiple wetlands associated with an agricultural drain tile project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the fact wetland application.

File 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. The appeal has been accepted and the briefing and hearing schedule stayed by mutual agreement to allow informal settlement discussions to continue.

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 has been 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 proceed 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. A portion of the site has been restored and it appears the landowner is committed to restoring the remaining areas.

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.

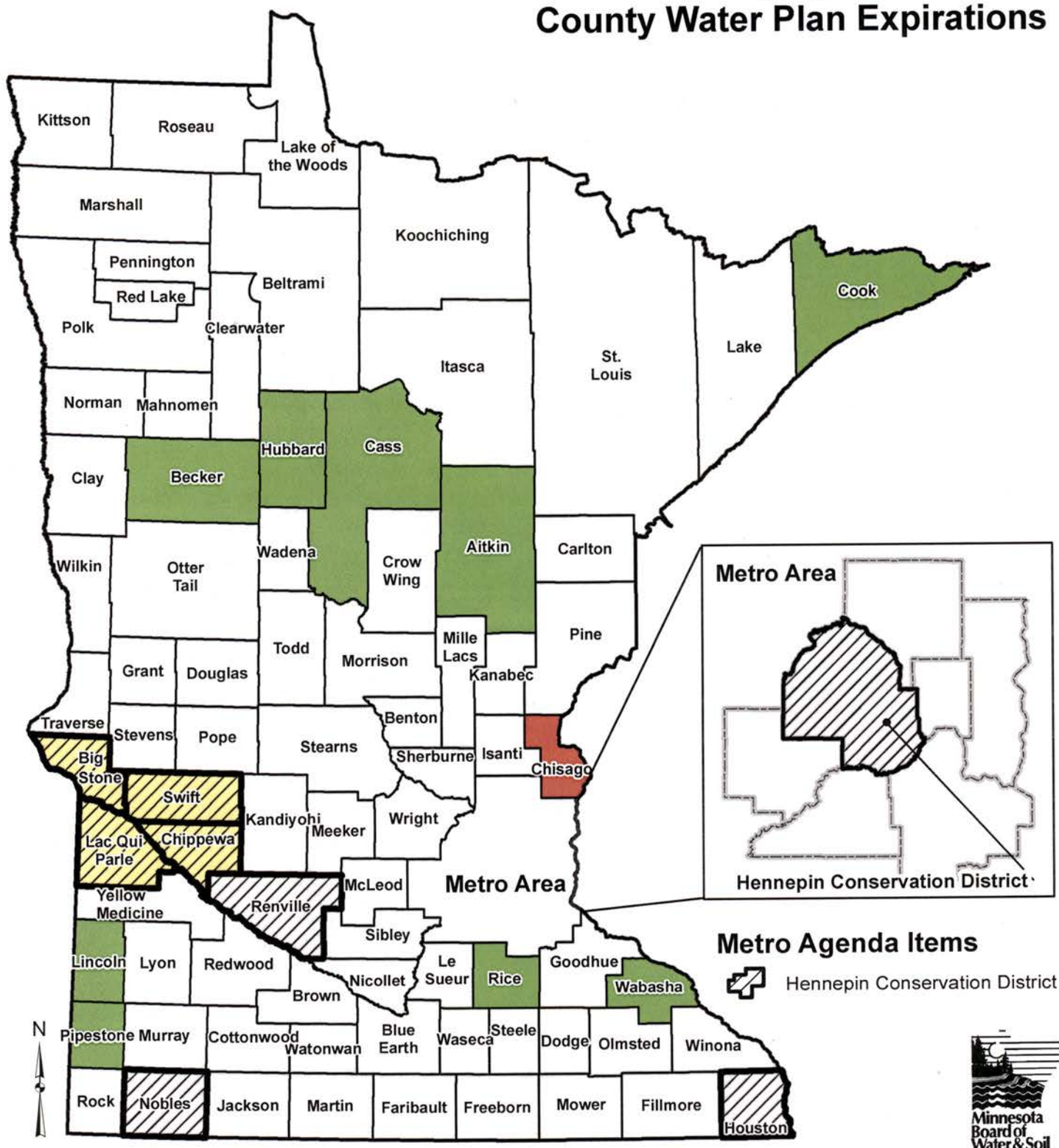
File 08-9. (03/06/08) This is an appeal of a replacement order in Pine County. The appeal regards impacts to approximately 11.26 acres of wetland. The replacement order has been stayed and the appeal has been placed in abeyance pending disposition with the U.S. Dept of Justice.

File 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 2012	Total for Calendar Year 2013
Order in favor of appellant	1	
Order not in favor of appellant	5	2
Order Modified		1
Order Remanded	4	4
Order Place Appeal in Abeyance	1	2
Negotiated Settlement		1
Withdrawn/Dismissed	4	

Board Meeting Agenda Items & County Water Plan Expirations



Metro Agenda Items

Hennepin Conservation District

Plan Expires

- Expired
- 2014
- 2013
- Beyond 2014

Outstate Agenda Items

- Big Stone County
- Chippewa County
- Houston County
- Lac Qui Parle County
- Nobles County
- Swift County
- Renville SWCD

Minnesota Board of Water & Soil Resources
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December 2013

COMMITTEE RECOMMENDATIONS

Metro Region Committee

1. Petition to Discontinue the Hennepin Conservation District – Jim Haertel – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Hennepin County Petition to Discontinue the Hennepin Conservation District

Meeting Date: 12/18/2013

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 Region Committee(s)

Presented by: Jim Haertel

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

Approval of Petition

LINKS TO ADDITIONAL INFORMATION

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

The Hennepin County Board of Commissioners (Hennepin County) submitted a Petition to discontinue the Hennepin Soil and Water Conservation District, d/b/a Hennepin Conservation District, (District) and transfer the duties and authorities of the District to Hennepin County pursuant to Minn. Stat. § 383B.761. The Metro Region Committee presided over a public hearing on October 21, 2013.

About a year ago the Board evaluated legislation being proposed by Hennepin County. Legislation was subsequently adopted that resulted in the Petition being filed. As discussed last year, the District has received little funding for more than a decade from Hennepin County or from other sources of revenue typical for soil and water conservation districts. During that time period, the Hennepin County Department of Environmental Services, through about a dozen staff members, has provided many of the services and duties commonly undertaken by soil and water conservation districts in the metropolitan area. The District's Board of Supervisors

has had frequent turnover during the past decade. The District has had a disproportionate amount of administrative costs compared to project and program funding during the past decade.

Due to the recent history of the District, Hennepin County petitioned to discontinue the District and have the County carry out the delivery of conservation services and the duties of a soil and water conservation district. The Petition lists several reasons:

A. The responsibilities and authorities of the District are consistent with Hennepin County's mission, vision and overarching goals.

B. The conservation programs identified in Minnesota Statutes Chapter 103C are important for maintaining a healthy and clean environment for the more than one million residents of Hennepin County.

C. Hennepin County has delivered the conservation services identified in Minnesota Statutes Chapter 103C under county auspices since 2003.

D. Hennepin County has provided technical services regarding the state cost-share program, the Reinvest in Minnesota (RIM) program, and the Wetland Conservation Act (WCA) program pursuant to a cooperative agreement since 2006.

E. There are 45 municipalities involved in regulating development that affects natural resources in Hennepin County.

F. There are 12 watershed management organizations in Hennepin County charged with protecting water and land resources.

G. There has been substantial changes in environmental management and conservation funding in the past ten years.

H. The District lacks the financial and technical resources to address these complex issues and opportunities.

I. The District, for the past ten years, has not secured financial resources from other sources to fulfill its programmatic responsibilities.

J. Hennepin County strives to provide services in an efficient and fiscally responsible way.

K. It is more efficient and fiscally responsible to provide all conservation services through Hennepin County, which eliminates the costs associated with negotiating and executing cooperative agreements with the District's Board of Supervisors as well as the administrative costs associated with maintaining the District's Board of Supervisors.

The standard of review is set forth in Minn. Stat. § 383B.761, subd. 2:

The Minnesota Board of Water and Soil Resources shall review the petition submitted under subdivision 1 to determine whether progress toward the goals identified in section 103C.005 can be achieved by discontinuing the Hennepin Soil and Water Conservation District and transferring the duties and authorities of the district to the Hennepin County Board of Commissioners. If the Board of Water and Soil Resources determines that progress toward the goals identified in section 103C.005 can be achieved by the discontinuance of the district

and the transfer of district duties and authorities to the Hennepin County Board of Commissioners, the Board of Water and Soil Resources shall order the discontinuance of the Hennepin Soil and Water Conservation District.

Minnesota Statutes § 103C.005, Soil and Water Conservation Policy, states:

Maintaining and enhancing the quality of soil and water for the environmental and economic benefits they produce, preventing degradation, and restoring degraded soil and water resources of this state contribute greatly to the health, safety, economic well-being, and general welfare of this state and its citizens. Land occupiers have the responsibility to implement practices that conserve the soil and water resources of the state. Soil and water conservation measures implemented on private lands in this state provide benefits to the general public by reducing erosion, sedimentation, siltation, water pollution, and damages caused by floods. The soil and water conservation policy of the state is to encourage land occupiers to conserve soil, water, and the natural resources they support through the implementation of practices that:

(1) control or prevent erosion, sedimentation, siltation, and related pollution in order to preserve natural resources;
(2) ensure continued soil productivity;
(3) protect water quality;
(4) prevent impairment of dams and reservoirs;
(5) reduce damages caused by floods;
(6) preserve wildlife;
(7) protect the tax base; and
(8) protect public lands and waters.

The standard of review requires the Board "…to determine whether progress toward the goals identified in [Minn. Stat.] section 103C.005 can be achieved by discontinuing the Hennepin Soil and Water Conservation District and transferring the duties and authorities of the district to the Hennepin County Board of Commissioners." Making a determination on whether progress towards the goals identified in the Soil and Water Conservation Policy can be achieved is essentially deciding if Hennepin County can deliver conservation services and carry out the duties of the Hennepin Soil and Water Conservation District. Because Hennepin County, through staff of its Environmental Services Department, for the past decade has been delivering conservation services and carrying out many of the duties commonly undertaken by soil and water conservation districts in the metropolitan area, the confidence level is extremely high for Hennepin County to continue to do so. Thus, Hennepin County can be expected to achieve progress toward the goals in the Soil and Water Conservation Policy. Therefore, with an extremely high level of confidence, the Board can decide the requirements set forth in the standard of review will be substantially met.

The hearing record contains both support for, and opposition to, the Petition. The hearing record clearly supports that Hennepin County can deliver conservation services and carry out the duties of the Hennepin Soil and Water Conservation District. Nothing in the hearing record indicates Hennepin County cannot deliver conservation services or that Hennepin County cannot carry out the functions of the Hennepin Soil and Water Conservation District. That is the information to be considered under the standard of review in this matter.

Much of the opposition to the Petition in the hearing record focuses on a precedent being set by approval of the Petition, that other soil and water conservation districts in the state have been defunded by counties but still exist, the assistance the District has given, and the importance of the partnership between a county board of commissioners and a district board of supervisors. Although important, none of those factors are given weight under the standard of review set forth in statute.

If the District is discontinued, Minn. Stat. § 383B.761, subd. 6 sets forth two different avenues for reestablishment of the District without a referendum. Hennepin County may petition the Board to reestablish the District. Alternatively, the Board, under its authority in Minn. Stat. § 103C.201, may give notice to Hennepin County of corrective actions and time to implement corrective actions. After the time to implement the corrective actions has passed, the Board may reestablish the District if it determines the goals identified in Minn. Stat. § 103C.005 are not being achieved. Thus, a discontinuance of the District and the transfer of duties and authorities of the District to Hennepin County is in place until such time as the District may be reestablished under Minn. Stat. § 383B.761, subd. 6.

Staff found progress toward the goals identified in Minn. Stat. § 103C.005 can be achieved by discontinuing the District and transferring the duties and authorities of the District to Hennepin County because Hennepin County staff for the past decade has been delivering conservation services and carrying out many of the duties commonly undertaken by soil and water conservation districts in the metropolitan area. Therefore, the proposed discontinuance of the District and the transfer of duties and authorities from the District to Hennepin County would be substantially consistent with the purposes and requirements of Minn. Stat. § 383B.761. Staff recommended the discontinuance of the District and the transfer of all duties and authorities of the District to Hennepin County be approved as proposed in the Petition, that the District's Board of Supervisors must transfer all assets of the District to Hennepin County within 60 days of the date of the Board's Order, and that the discontinuance of the District and the transfer of duties and authorities to Hennepin County is effective the day the transfer of all assets of the District to Hennepin County is completed.

The Metro Region Committee met on December 3, 2013 and decided with a unanimous vote to recommend to the full Board approval of the Petition per the attached draft Order.

EXHIBIT

tabbies 15

Hennepin County Conservation Services

10/13

Conservation services provided by Hennepin County

In 2003, the Hennepin County Board of Commissioners discontinued funding for the Hennepin Conservation District and authorized the Environmental Services Department to directly provide the following conservation services:

Provide technical and financial assistance

- **Award cost-share grants:** Approximately $460,000 awarded to landowners and local governments for 52 projects to implement best management practices that protect natural resources. Practices implemented include establishing native vegetation, reducing erosion and sedimentation, treating urban stormwater, enhancing wildlife habitat, and protecting and improving water quality.
- **Provide well-sealing funding:** More than $278,000 given to landowners to seal 433 high priority wells. In 2012, the county received a $42,000 grant from BWSR to supplement the county's well sealing program.
- **Administer Clean Water Fund grants:** Awarded $500,000 to five riparian restoration and streambank stabilization projects that will reduce sediment by 580 tons and phosphorous by 591 pounds annually. Also worked with a local partner on a Clean Water Fund project to implement best management practices that reduced phosphorous loads to an imparied water by 67 pounds per year.
- **Review site plans for development projects:** Reviewed 802 plans for compliance with local, state and federal requirements on behalf of local governments.
- **Provide technical assistance to landowners and local governments** regarding water quality, wetlands, erosion and sediment control, and drainage and flood plains.

Protect and preserve natural resources

- **Implement habitat enhancement projects:** 12 projects completed on permanently protected lands in partnership with the Minnesota Conservation Corps and Tree Trust.
- **Establish conservation easements:** Five easements that permanently protect 137 acres of critical natural areas have been established.
- **Prevent the spread of aquatic invasive species:** Installed a pilot project that included infrastructure changes and signage to motivate behaviors that prevent the spread of aquatic invasive species at a public access on Lake Minnetonka.
- **Demonstrate best management practices:** Implemented eight demonstration projects that feature rain gardens, low-maintenance landscaping and native vegetation for shoreline protection.

(continued)

A project to control erosion on the banks of Upper Nine Mile Creek in Hopkins was funded through a county-administered Clean Water Fund grant.

Hennepin County installed signage at a public access on Lake Minnetonka that prompts boaters to take the necessary actions to prevent the spread of aquatic invasive species.

The county and the Minnesota Tree Trust installed check dams on a conservation easement in Minnetrista to control stormwater runoff directed towards a rare bog downstream.

Hennepin County Environmental Services
612-348-8596

www.hennepin.us/naturalresources

Update and maintain natural resources data

- **Complete a natural resources inventory:** The county completed 469 square miles of the 600-square-mile Natural Resources Inventory of Hennepin County using the Minnesota Land Cover Classification System. The county helped six cities develop open space plans based on the Natural Resources Inventory data.
- **Conduct wetland assessments and inventories:** Completed a functional assessment of wetlands for the Mississippi Watershed Management Organization. Currently updating the Hennepin County Wetland Inventory and reviewing proposed changes to the Fish & Wildlife Service National Wetland Inventory in Hennepin County.

Provide environmental education and volunteer opportunities

- **Operate volunteer monitoring and outreach programs:** Volunteer monitoring programs involve more than 4,000 students and 1,000 adult volunteers. Also provide Master Naturalist training and organize volunteer opportunities.
- **Participate in planning and implementation of environmental education programs:** Haved helped with ten Children's Water Festivals and seven Envirothons and Junior Envirothons.
- **Give presentations:** Offer Non-Point Education for Municipal Officials (NEMO) presentations.

Conservation services provided by Hennepin County on behalf of the Hennepin Conservation District

In 2006, the Hennepin County Board of Commissioners approved a cooperative agreement with the Hennepin Conservation District to integrate the remaining conservation district programs into the conservation services provided by the county. The district still has statutory authorities and responsibilities regarding these programs. Conservation services delivered via the agreement include:

- **Enforce the Wetland Conservation Act (WCA):**
  - Participated on 300 technical evaluation panels.
  - Prepared 41 restoration orders relating to WCA violations.
  - Closed 76 WCA violation cases.
  - Currently working on 20 WCA violation cases.
- **Implement state cost-share fund projects:** $90,661 has been awarded for five projects with total project costs of $290,855.
- **Manage Reinvest In Minnesota conservation easements:** Conducted 60 easement inspections and prepared annual reports for 33 easements.

Hennepin County and the Minnesota Land Trust established a conservation easement on Camp Kingswood in 2012, permanently protecting the 127-acre property in Minnetrista that borders one of the cleanest lakes in the county and includes old growth forests and a floating tamarack bog.

Students from Hopkins High School collect water quality data through the county's River Watch program.

Hennepin County enforces the Wetland Conservation Act on behalf of the Hennepin Conservation District.

Minnesota Board of Water & Soil Resources

December 18, 2013

Mike Opat, Chair
Hennepin County Board of Commissioners
A-2400 Government Center
300 South Sixth Street
Minneapolis, MN 55487-0240

Erik Cedarleaf Dahl, Chair
Hennepin Conservation District
P.O. Box 3682
Minneapolis, MN 55403-3682

RE: Order, Discontinuance of Hennepin Conservation District and Transfer of Duties and Authorities of the District to Hennepin County Board of Commissioners

Dear Chair Opat and Chair Cedarleaf Dahl:

Please find enclosed an Order of the Board of Water and Soil Resources that discontinues the Hennepin Conservation District and transfers the duties and authorities of the Hennepin Conservation District to the Hennepin County Board of Commissioners.

Please note the discontinuance of the Hennepin Conservation District and the transfer of the duties and authorities of the Hennepin Conservation District to the Hennepin County Board of Commissioners is effective the day all assets of the Hennepin Conservation District are transferred to the Hennepin County Board of Commissioners and no later than 60 days from the date of the Order.

Should any questions or issues arise regarding the discontinuance or transfer, please contact Jim Haertel at 651-297-2906 or jim.haertel@state.mn.us.

Sincerely,

Brian Napstad
Chair

cc's on next page

Bemidji
403 Fourth Street NW
Suite 200
Bemidji, MN 56601
(218) 755-2600

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

Duluth
394 S. Lake Avenue
Suite 403
Duluth, MN 55802
(218) 723-4752

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

Mankato
12 Civic Center Plaza
Suite 3000B
Mankato, MN 56001
(507) 344-2821

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

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

Rochester
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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

cc: Marjorie Holsten, HCD Supervisor
Danny Nadeau, HCD Supervisor
Richard Strong, HCD Supervisor
Eleonore Wesserle, HCD Supervisor
Charlie Borrell, Wright County Commissioner
Marvin Johnson, City of Independence Mayor
Elizabeth Weir, City of Medina Mayor
Carl Michaud, Hennepin County Environmental Services
Rosemary Lavin, Hennepin County Environmental Services
Joel Settles, Hennepin County Environmental Services
Randy Anhorn, Hennepin County Environmental Services
Stacey Lijewski, Hennepin County Environmental Services
Tom Petersen, HCD Consulting Administrator
LeAnn Buck, MN Association of Soil and Water Conservation Districts
Mary Wetter, MN Association of Soil and Water Conservation Districts
Chris Lord, Anoka Conservation District
BWSR: John Jaschke, Sarah Strommen, Jim Haertel

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

In the Matter of the Discontinuance of the Hennepin Conservation District and the Transfer of Duties and Authorities to Hennepin County pursuant to Minnesota Statutes § 383B.761

ORDER
HENNEPIN SOIL AND WATER CONSERVATION DISTRICT DISCONTINUANCE

Whereas, a petition (Petition) to discontinue the Hennepin Soil and Water Conservation District and transfer the duties and authorities to the Hennepin County Board of Commissioners was filed with the Board of Water and Soil Resources (Board) on September 17, 2013, pursuant to Minnesota Statutes § 383B.761, and;

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

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

FINDINGS OF FACT

1. **Petition.** The Petition to discontinue the Hennepin Soil and Water Conservation District, d/b/a Hennepin Conservation District, (District) and transfer the duties and authorities of the District to the Hennepin County Board of Commissioners (Hennepin County) was filed by Hennepin County with the Board on September 17, 2013.

2. **Reasons for Discontinuance and Transfer of Duties and Authorities.** The Petition lists, among other items, the following reasons for discontinuing the District and transferring the duties and authorities of the District to Hennepin County:

   A. The responsibilities and authorities of the District are consistent with Hennepin County's mission, vision and overarching goals.

B. The conservation programs identified in Minnesota Statutes Chapter 103C are important for maintaining a healthy and clean environment for the more than one million residents of Hennepin County.

C. Hennepin County has delivered the conservation services identified in Minnesota Statutes Chapter 103C under county auspices since 2003.

D. Hennepin County has provided technical services regarding the state cost-share program, the Reinvest in Minnesota program, and the Wetland Conservation Act program pursuant to a cooperative agreement since 2006.

E. There are 45 municipalities involved in regulating development that affects natural resources in Hennepin County.

F. There are 12 watershed management organizations in Hennepin County charged with protecting water and land resources.

G. There has been substantial changes in environmental management and conservation funding in the past ten years.

H. The District lacks the financial and technical resources to address these complex issues and opportunities.

I. The District, for the past ten years, has not secured financial resources from other sources to fulfill its programmatic responsibilities.

J. Hennepin County strives to provide services in an efficient and fiscally responsible way.

K. It is more efficient and fiscally responsible to provide all conservation services through Hennepin County, which eliminates the costs associated with negotiating and executing cooperative agreements with the District's Board of Supervisors as well as the administrative costs associated with maintaining the District's Board of Supervisors.

3. **Recent History of the District.** The District has received little funding for more than a decade from Hennepin County or from other sources of revenue typical for soil and water conservation districts. During that time period, the Hennepin County Department of Environmental Services, through about a dozen staff members, has provided many of the services and duties commonly undertaken by soil and water conservation districts in the metropolitan area. See Exhibit 15. The District's Board of Supervisors has had frequent turnover during the past decade. The District has had a disproportionate amount of administrative costs compared to project and program funding during the past decade.

4. **Notice of Public Hearing.** A Legal Notice of Filing and Public Hearing was published in the Finance and Commerce (MN) newspaper on September 24, 2013, and October 1, 2013. Further, a copy of the Legal Notice of Filing and Public Hearing together with a copy of the Petition was mailed to several addressees including Hennepin County, the District, all of the municipalities in Hennepin County, all of the towns in Hennepin County, all of the watershed management organizations in Hennepin County, and the Minnesota Association of Soil and Water Conservation Districts.

5. **Public Hearing.** A public hearing was held on the Petition on Monday, October 21, 2013 at 7:00 PM in the lunch room at the Plymouth City Hall, 3400 Plymouth Boulevard, Plymouth, Minnesota. The hearing proceedings were tape recorded. The hearing panel was the Board's Metro Region Committee which consisted of Jack Ditmore, Christy Jo Fogarty, Rebecca Flood, Faye Sleeper, and Joe Collins as chair.

Jim Haertel, Board staff, entered Exhibits 1 through 11 into the hearing record by reading a brief description of each exhibit. Exhibits 12 through 17 were entered into the hearing record by individuals present during the hearing.

Exhibit 1. Petition to Discontinue the Hennepin Soil and Water Conservation District and transfer the duties and authorities to the Hennepin County Board of Commissioners dated August 29, 2013, received September 17, 2013 consisting of Exhibits 1A-1B.

Exhibit 1A. Hennepin County Resolution No. 13-0301 approving petitioning for the discontinuance of the Hennepin Soil and Water Conservation District and the transfer of duties and authorities, adopted August 27, 2013.

Exhibit 1B. Letter dated September 10, 2013 from Carl Michaud, Hennepin County Department of Environmental Services Director, to John Jaschke, Board of Water and Soil Resources Executive Director, transmitted with Exhibits 1 and 1A.

Exhibit 2. Letter dated September 19, 2013 from Travis Germundson, Board of Water and Soil Resources, to several addressees notifying them of the public hearing, including legal notice of the hearing, copy of the petition and list of addressees.

Exhibit 3. Affidavit of Publication dated October 1, 2013 of Legal Notice of Filing and Public Hearing in the Finance and Commerce (MN) newspaper on September 24 and October 1, 2013.

Exhibit 4. Letter dated September 18, 2013 from Doug Baines, Elm Creek Watershed Management Commission Chair, to Jim Haertel, Board of Water and Soil Resources, in support of the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 5. Letter dated September 19, 2013 from Lisa Whalen, Pioneer-Sarah Creek Watershed Management Commission Chair, to Jim Haertel, Board of Water and Soil Resources, in support of the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 6. Letter dated October 2, 2013 from Elizabeth Weir, City of Medina Mayor, to Jim Haertel, Board of Water and Soil Resources, in support of the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 7. Letter dated October 17, 2013 from Mike Opat, Hennepin County Board of Commissioners Chair, to Travis Germundson, Board of Water and Soil Resources, in support of the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 8. Board of Water and Soil Resources staff 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 the Hennepin Conservation District operations.

Exhibit 9. Board of Water and Soil Resources Resolution No. 12-112, dated December 12, 2012, directing staff to work with Hennepin County officials to pursue legislative language that would allow 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 without a referendum.

Exhibit 10. Copy of Minnesota Statutes § 383B.761; Discontinuance of Hennepin County Soil and Water Conservation District; Transfer of Duties.

Exhibit 11. Letter dated October 18, 2013 from Mark Zabel, MN Association of Soil and Water Conservation Districts President, to the Board of Water and Soil Resources, in opposition to the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 12. Letter dated October 16, 2013 from Jerry Posey to Erik Cedarleaf-Dahl, Hennepin Conservation District supervisor, in opposition to the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 13. Letter dated October 16, 2013 from Brad Spencer, City of Independence council member, to Erik Cedarleaf-Dahl, Hennepin Conservation District supervisor, in opposition to the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 14. Testimony given at the public hearing on October 21, 2013 of Richard Strong, Hennepin Conservation District supervisor, in opposition to the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 15. Fact sheet titled "Hennepin County Conservation Services" dated October 2013, prepared by the Hennepin County Department of Environmental Services, including a listing of conservation services provided directly by Hennepin County and a listing of conservation services provided by Hennepin County on behalf of the Hennepin Conservation District.

Exhibit 16. Testimony given at the public hearing on October 21, 2013 of Mary Wetter, MN Association of Soil and Water Conservation Districts, in opposition to the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

Exhibit 17. Letter dated October 21, 2013 from the Anoka Conservation District Board of Supervisors to the Board of Water and Soil Resources in opposition to the Hennepin County petition to discontinue the Hennepin Conservation District and transfer duties and authorities.

After all people present at the public hearing were given an opportunity to speak and to submit pertinent information the hearing record was closed and the hearing was adjourned.

6. **Statutory Authorization.** Laws 2013, chapter 114, article 4, section 96, codified as Minnesota Statutes § 383B.761, authorizes Hennepin County to petition the Board to discontinue the District and transfer the duties and authorities of the District to Hennepin County and authorizes the Board to discontinue the District and transfer the duties and authorities of the District to Hennepin County without conducting a referendum.

7. **Standard of Review.** The standard of review for this matter is set forth in Minnesota Statutes § 383B.761, subdivision 2, which states in pertinent part:

> The Minnesota Board of Water and Soil Resources shall review the petition submitted under subdivision 1 to determine whether progress toward the goals identified in section 103C.005 can be achieved by discontinuing the Hennepin Soil and Water Conservation District and transferring the duties and authorities of the district to the Hennepin County Board of Commissioners. If the Board of Water and Soil Resources determines that progress toward the goals identified in section

103C.005 can be achieved by the discontinuance of the district and the transfer of district duties and authorities to the Hennepin County Board of Commissioners, the Board of Water and Soil Resources shall order the discontinuance of the Hennepin Soil and Water Conservation District.

Minnesota Statutes § 103C.005, Soil and Water Conservation Policy, states:

> Maintaining and enhancing the quality of soil and water for the environmental and economic benefits they produce, preventing degradation, and restoring degraded soil and water resources of this state contribute greatly to the health, safety, economic well-being, and general welfare of this state and its citizens. Land occupiers have the responsibility to implement practices that conserve the soil and water resources of the state. Soil and water conservation measures implemented on private lands in this state provide benefits to the general public by reducing erosion, sedimentation, siltation, water pollution, and damages caused by floods. The soil and water conservation policy of the state is to encourage land occupiers to conserve soil, water, and the natural resources they support through the implementation of practices that:
>
> (1) control or prevent erosion, sedimentation, siltation, and related pollution in order to preserve natural resources;
> (2) ensure continued soil productivity;
> (3) protect water quality;
> (4) prevent impairment of dams and reservoirs;
> (5) reduce damages caused by floods;
> (6) preserve wildlife;
> (7) protect the tax base; and
> (8) protect public lands and waters.

8. **Metro Region Committee Meeting.** On December 3, 2013, the Board's Metro Region Committee and staff met to review and discuss the Petition. Those in attendance from the Board's Committee were Jack Ditmore, Rebecca Flood, Faye Sleeper and Joe Collins as chair. Board staff in attendance were Clean Water Specialist Brad Wozney and Metro Region Manager Jim Haertel.

Board staff noted the standard of review in making a decision is to determine whether Hennepin County can make progress toward achieving the goals identified in Minnesota Statutes § 103C.005, which is essentially if Hennepin County can deliver conservation services and carry out the duties of the Hennepin Soil and Water Conservation District, by discontinuing the District and transferring the duties and authorities of the District to Hennepin County. Because county staff during the past decade have been delivering conservation services and carrying out many of the duties commonly undertaken by soil

and water conservation districts in the metropolitan area, Board staff were confident Hennepin County will continue to substantially achieve the requirements set forth in the standard of review. See Exhibit 15. Board staff noted nothing in the hearing record indicates Hennepin County cannot deliver conservation services or that Hennepin County cannot carry out the duties of the Hennepin Soil and Water Conservation District. Board staff noted Minnesota Statutes § 383B.761, subdivision 6 allows for reestablishment of the District without a referendum if the District is discontinued. Board staff recommended discontinuance of the Hennepin Soil and Water Conservation District and the transfer of duties and authorities to Hennepin County per the Petition.

After discussion, the Committee found that progress toward the goals identified in Minnesota Statutes § 103C.005 can be achieved by discontinuing the District and transferring the duties and authorities of the District to Hennepin County because Hennepin County staff during the past decade have been delivering conservation services and carrying out many of the duties commonly undertaken by soil and water conservation districts in the metropolitan area. Therefore, the Committee found that discontinuance of the Hennepin Soil and Water Conservation District and the transfer of duties and authorities from the District to Hennepin County would be substantially consistent with the purposes and requirements of Minnesota Statutes § 383B.761. The Committee decided with a unanimous vote to recommend to the full Board that the discontinuance of the Hennepin Soil and Water Conservation District and the transfer of all duties and authorities of the District to Hennepin County be approved as proposed in the Petition, that the District's Board of Supervisors must transfer all assets of the District to Hennepin County within 60 days of the date of this Order, and that the discontinuance of the District and the transfer of duties and authorities to Hennepin County is effective the day the transfer of all assets of the District to Hennepin County is completed and no later than 60 days from the date of this Order.

CONCLUSIONS

1. The Petition for the discontinuance of the Hennepin Soil and Water Conservation District, d/b/a Hennepin Conservation District, (District) and the transfer of duties and authorities of the District to the Hennepin County Board of Commissioners (Hennepin County) is valid in accordance with Minnesota Statutes § 383B.761, subdivision 1.

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

3. The Board has proper jurisdiction in the matter of ordering the discontinuance of the District, and the transfer of all duties, authorities and assets of the District to Hennepin County, pursuant to Minnesota Statutes § 383B.761, subdivisions 2, 3 and 4.

4. With discontinuance of the District and the transfer of duties and authorities from the District to Hennepin County, Hennepin County can make progress toward achieving the goals identified in Minnesota Statutes § 103C.005 because Hennepin County staff during the past decade have been providing many services and duties commonly undertaken by soil and water conservation districts in the metropolitan area.

5. Discontinuance of the District and the transfer of duties and authorities from the District to Hennepin County is substantially consistent with the purposes and requirements of Minnesota Statutes § 383B.761.

6. The District's Board of Supervisors must transfer all assets of the District to Hennepin County no later than 60 days from the date of this Order pursuant to Minnesota Statutes § 383B.761, subdivision 4.

7. The District will be discontinued and all duties and authorities of the District will be transferred in their entirety to Hennepin County effective the day the District's Board of Supervisors completes the transfer of all assets of the District to Hennepin County and no later than 60 days from the date of this Order pursuant to Minnesota Statutes § 383B.761, subdivisions 2, 3 and 4.

ORDER

The Board hereby orders that the Hennepin Soil and Water Conservation District, d/b/a Hennepin Conservation District, (District) is discontinued and all the duties and authorities of the District are transferred in their entirety to the Hennepin County Board of Commissioners effective the day the District's Board of Supervisors completes the transfer of all assets of the District to the Hennepin County Board of Commissioners and no later than 60 days from the date of this Order.

The discontinuance of the Hennepin Soil and Water Conservation District and the transfer of duties and authorities of the District to the Hennepin County Board of Commissioners is in place until such time as the District may be reestablished under Minnesota Statutes § 383B.761, subdivision 6.

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

COMMITTEE RECOMMENDATIONS

Southern Region Committee

1. Big Stone County Local Water Management Plan Update – Steve Sunderland - ***DECISION ITEM***

2. Chippewa County Local Water Management Plan Update – Steve Sunderland - ***DECISION ITEM***

3. Lac qui Parle County Local Water Management Plan Update – Sandy Hooker - ***DECISION ITEM***

4. Swift County Local Water Management Plan Update – Tom Loveall - ***DECISION ITEM***

5. Renville County Soil and Water Conservation District (SWCD) Nomination Districts Resolution – Paul Langseth – ***DECISION ITEM***

6. Houston County Local Water Management Plan Amendment – Chris Elvrum - ***DECISION ITEM***

7. Nobles County Local Water Management Plan Amendment – Paul Langseth - ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Big Stone County Comprehensive Water Plan**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: David Sill, Board Conservationist

Reviewed by: Southern Region Committee(s)

Presented by: Steve Sunderland

☐ **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

LINKS TO ADDITIONAL INFORMATION

http://www.bigstonecounty.org/environmental/waterplanning/2014BigStoneCountyWaterPlan[FinalStateReview].pdf

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

On March 27, 2013, the Board of Water and Soil Resources (BWSR) provided official comments pertaining to the State Review of the Big Stone County Priority Concerns Scoping Document. On March 27, 2013, the BWSR officially approved Big Stone County's written request to extend the current Local Water Management Plan (Plan), which would expire on May 28, 2013. The extended end date of the current Plan is December 31, 2013.

On September 6, 2013, the BWSR received the final draft Big Stone County Comprehensive Local Water Plan 2014-2023 as required for final review by state agencies. I have completed my final review of the Plan and find that it does meet the requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- assess 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.

Big Stone County contracted with Midwest Community Planning, LLC. to assist with Plan development. More specifically, Water Plan Coordinator Darren Wilke and the Big Stone County Water Plan Task Force worked diligently throughout the plan process to make this a useful plan. Specifically on Chapter Three of the Plan (Goals, Objectives and Actions to Address Priority Concerns) significant effort was made to insure the action steps were targeted and measurable.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Big Stone County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on September 6, 2013 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On January 7, 2013, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On January 25, 2013, the Board received a written request (resolution) from the County for an extension of their current local water management plan.

3. On March 27, 2013, the Board approved official comments on the County PCSD, which were mailed to the County on March 27, 2013. The priority concerns the PCSD and Plan Update addresses include:

   - Reduce Priority Pollutants – Surface Water Quality
   - Surface Water Management
   - Groundwater Quality & Quantity
   - Plan Administration

4. On March 27, 2013, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to December 31, 2013. This approval was mailed to the County on March 27, 2013.

5. On September 6, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On November 7, 2013, the Southern Region Committee of the Board met to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) noted the Plan does not violate any statutory or rule requirements administered by MPCA and recommends approval of the entire Plan as submitted. (MPCA did provide several comments providing corrections or minor clarification.)
   - Minnesota Department of Health (MDH) provided no comments.
   - Minnesota Department of Natural Resources (DNR) noted Plan Update does not violate any statutory or rule requirement administered by DNR and recommends approval of the entire Plan Update.
   - Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update. (MDA also offered several comments for consideration for clarification purposes regarding that crop prices are not the only factor that may cause increases in tiled farmland.)
   - Minnesota Environmental Quality Board provided no comments.

   The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's December 18, 2013 meeting.

7. On December 18, 2013, the Southern Region Water Planning Committee of the Board presented its recommendation of approval of the Big Stone County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.

8. This Plan Update will be in effect for a ten-year period until December 18, 2023, with the Goals, Objectives and Action items amended by December 18, 2018.

CONCLUSIONS

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

2. The Big Stone County Plan Update states water and water-related problems within the County; possible solutions; goals, objectives, and actions of the County; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Big Stone County Local Water Management Plan 2014-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by December 18, 2018.

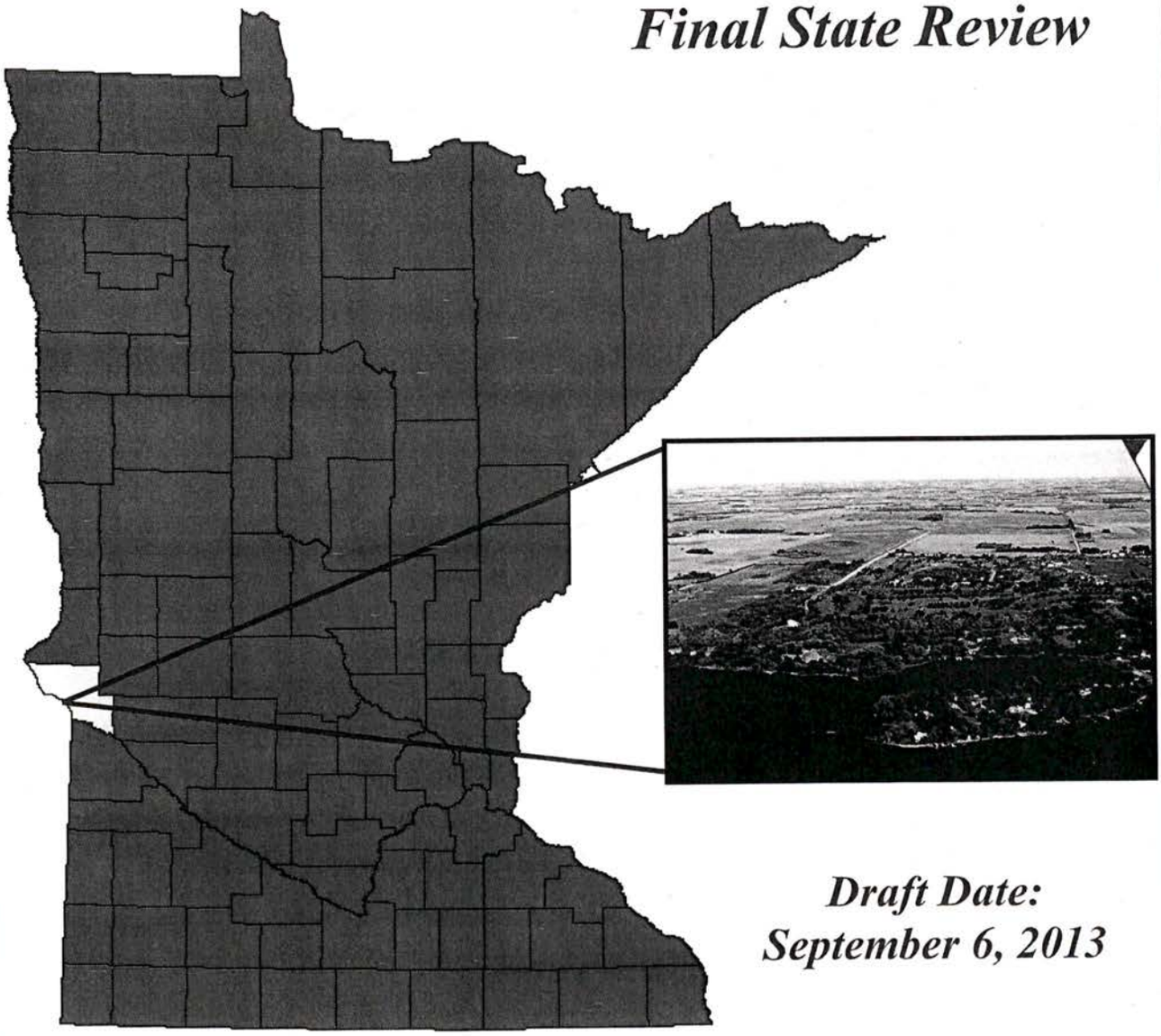
Dated at St Paul, Minnesota this December 18, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Big Stone County Water Plan (2014-2023)

Final State Review



Draft Date:
September 6, 2013

Prepared by
Big Stone County, with assistance from
Midwest Community Planning, LLC

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Big Stone County Water Plan:

Executive Summary

The Big Stone County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Water Plan.

A. Purpose of the Local Water Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, the Big Stone County Water Plan:

- Covers the entire area of Big Stone County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2014-2023), with a 5-year implementation plan (2014-2018). In 2018, the implementation plan will be updated.

In addition, the Water Plan will also serve as the Big Stone County Soil and Water Conservation District's (SWCD) Comprehensive District Plan. This will need to be passed by the SWCD's Board of Supervisors by Resolution.

B. A Description of Big Stone County's Priority Concerns

Chapter Two provides a detailed assessment of the priority concerns. Based upon the Big Stone County Water Plan Survey, and comments received by the various water plan stakeholders, the Water Plan Task Force identified the following priority water planning issues (note: these issues are not ranked):

1. Reducing Priority Pollutants ~ Surface Water Quality
    a. TMDL Implementation
    b. Feedlot/Livestock Management
    c. Subsurface Sewage Treatment Systems
    d. Erosion and Sediment Control

2. Surface Water Management
    a. Agricultural Drainage
    b. Stormwater Management
    c. Wetlands and Water Storage/Retention

3. Groundwater Quality & Quantity
    a. Wellhead Protection Areas
    b. Irrigation
    c. Drinking Water Quality

4. Plan Administration
    a. Stakeholder Cooperation – Watershed Focus
    b. Raising Public Awareness – Education

C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Big Stone County Water Plan Task Force held meetings to develop the four goal areas. These four goal areas are further broken down into interrelated objectives that address each of the priority concerns. Most importantly, each objective has a series of action steps designed to help achieve implementation of the identified goal.

A summary of the County's Water Plan Goals, Objectives and Action Steps is provided below. Collectively they form the Implementation Plan for the County. In addition, a summary of annual estimated costs is provided. These estimated expenses are separated into Overall Costs and Local Costs. Overall Costs include all monies spent by water plan stakeholders, including the County, watershed districts, state agencies, and landowners. The Local Costs include funds spent and activities performed by Big Stone County (including items such as the County's 103E administrative costs) and the Big Stone County SWCD. The Water Plan Task Force recognizes that not all of the identified Action Items will be accomplished over the course of the Water Plan's time-frame, however, the intent is to accomplish as many implementation activities as feasible. Also keep in mind the costs identified are only estimates, and actual direct and/or indirect costs may be more or less than indicated. Finally, many of the Action Items will be dependent upon receiving grants. Chapter Three contains the Water Plan's complete Goals, Objectives, and Action Steps, and Chapter Four provides additional details on administering the Water Plan.

Surface Water Quality Initiatives

The first goal area focuses on addressing surface water quality issues. Objectives were developed for protecting and enhancing the County's surface water resources, removing waters off the MPCA's 303d list of impaired waters, feedlots, failing Subsurface Sewage Treatment Systems (SSTS), and Aquatic Invasive Species (AIS). Implementation steps under the first goal area include a wide range of the following surface water quality Best Management Practices (BMPs):

- Surface Water Quality Monitoring: including developing a web-based mapping application that connects users with water quality data from specific monitoring sites.

- Surface Water Quality Profiles: including seeking opportunities to refine watershed analysis and management strategies using detailed GIS information, water quality data, and other tools to guide plan actions, target implementation and augment funding from outside sources.

- Marsh Lake Restoration: Support/sponsor the Marsh Lake restoration efforts that will restore the Pomme de Terre River to its historic channel, modify the Marsh Lake Dam, construct fishway, construct secondary drawdown structure, breach dike at abandoned fish pond, install gated culvert in the Louisburg Grade Road (2017).

- Target Areas: Implementing BMPs to protect and enhance water quality on Artichoke, Big Stone, Long, and East Toqua Lakes; Twelve Mile Creek/County Ditch 4; and Dry Wood Creek.

- Feedlots: Identifying and cost-sharing sites where cattle exclusions are needed; upgrading five feedlots with BMPs to eliminate runoff to nearby waters, and promoting 500 acres of pasture management.

- SSTS and Wastewater: Upgrading ten noncompliant SSTS systems annually; and resolving wastewater treatment-related pollution issues in Ortonville and Browns Valley.

- Aquatic Invasive Species (AIS): Developing an AIS Management Plan for Big Stone County and creating a local AIS Task Force.

The various action steps identified to address the first goal area of surface water quality improvements in Big Stone County are estimated to have an overall 5-year cost of $3,590,000. Of this amount, $359,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs. Many of these implementation activities will be eligible for grant funding.

Erosion and Sedimentation Control Initiatives

The second goal area is aimed at reducing erosion and controlling sedimentation. The specific objective is to "Work with landowner to identify priority sites to implement erosion and sediment control Best Management Practices." Implementation steps include the following BMPs:

- Cost-sharing BMPs, such as water and sediment control basins, alternative tile intakes, stream bank stabilization projects, grassed waterways, buffer strips, rain gardens, and wetland restorations.

- Targeting Stoney Run, Fish Creek, Long Tom Lake, and Artichoke Lake subwatersheds for erosion and sediment control BMPs.

- Soil Health: Promoting soil health by targeting marginal land for BMPs.

- Stabilizing the shoreline on Artichoke Lake.

- Completing ravine terrain analysis for Fish, Meadowbrook and Stoney Run Creeks;

- Participating with implementing the MN Prairie Plan goals/objective to have 40% grassland and 20% wetland coverage in key corridors.

The various action steps identified to address the second goal area of erosion and sediment control improvements in Big Stone County are estimated to have an overall 5-year cost of $605,000. Of this amount, $106,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Surface Water Management Initiatives

The third goal area is aimed at reducing managing surface water quantity issues, including separate objectives for agricultural drainage, stormwater management, wetlands/surface water retention, and shoreline restorations. The key implementation steps include the following:

- Drainage: Completing a ditch inventory and drainage records modernization project; conducting a buffer inventory; pursing funds to establish a two-stage ditch site; cost-sharing drainage BMPs; and targeting County Ditch 2 and 12 Mile Creek/County Ditch 4 for BMPs and the development of drainage management plans.

- Stormwater Management: Cost-sharing stormwater BMPs, such as urban stormwater ponds and rain gardens; assisting with developing a Stormwater Management Plans with the cities of Ortonville and Graceville.

- Wetlands/Water Retention: Restoring two wetlands countywide annually; increasing the number of Wetland Reserve Program easements by two each year; partnering with the Bois de Sioux on restoring Moonshine Lake Basin; targeting West Toqua Lake subwatershed with flood mitigation projects; and working with stakeholders to restore the original Upper Minnesota River near Ortonville and the Big Stone National Wildlife Refuge.

- Shoreland Restorations: Using LIDaR and GIS technology to annually identify potential sites; cost-sharing two shoreland restorations annually; and targeting Big Stone, Long Tom, Artichoke, Long, and East Toqua Lakes with shoreline BMPs.

The various action steps identified to address the third goal area of erosion surface water management issues in Big Stone County are estimated to have an overall 5-year cost of $1,990,000. Of this amount, $386,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Groundwater Quantity and Quality Initiatives

The fourth goal area focuses on addressing groundwater quality and quantity issues. Objectives were developed for drink water quality and groundwater quantity BMPs. Implementation steps include a wide range of the following groundwater Best Management Practices (BMPs):

- Groundwater Quality BMPs: Target sensitive groundwater recharge areas and Wellhead Protection Areas with groundwater quality BMPs; and cost-sharing sealing twenty-five abandoned wells.

- Pesticide Container Collection: Host an annual pesticide container collection day.

- Wellhead Protection: Working with cities on mutually agreed upon ordinance language for Wellhead Protection Areas.

- Groundwater Quantity: Increasing irrigation management by 1,000 acres; continue monitoring groundwater quantity; completing a County Geologic Atlas; and developing a Water Conservation/Drought Contingency Plan.

The various action steps identified to address the fourth goal area of groundwater quality and, quantity BMPs in Big Stone County are estimated to have an overall 5-year cost of $600,000. Of this amount, $137,500 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Plan Administration Initiatives

The fifth goal area is aimed at effectively implementing the County's Water Plan. The specific objective is to "Engage the Citizens and Stakeholders on key water planning issues and implementation opportunities." Implementation steps include the following:

- Education/Outreach: Publishing quarterly newsletters; establishing BMP test sites; annually hosting workshops; and semi-annually promoting BMP programs in local newspapers.

- Watershed Focus and Stakeholder Cooperation: Partnering with watershed/stakeholder groups on implementation activities to minimize expenditures and to maximize results.

The various action steps identified to address the fifty goal area of effectively administering the Water Plan in Big Stone County are estimated to have an overall 5-year cost of $85,000. Of this amount, $60,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Summary of Estimated Costs

The five water plan goal areas and their corresponding estimated costs are summarized below in Table 1. The initiatives identified in Chapter Three are estimated to cost approximately $1,328,400 annually overall, with approximately $209,700 coming from local/county funds.

Table 1:
Summary of Big Stone County's Water Plan
Estimated Overall and Local Costs

	Overall	*Local/County*
Goal Area One: Surface Water Quality	$3,362,000	$359,000
Goal Area Two: Erosion & Sedimentation Control	$605,000	$106,000
Goal Area Three: Surface Water Management	$1,990,000	$386,000
Goal Area Four: Groundwater Quality & Quantity	$600,000	$137,500
Goal Area Five: Plan Administration	$85,000	$60,000
5-Year Estimated Costs	**$6,642,000**	**$1,048,500**
Average Annual Estimated Costs	**$1,328,400**	**$209,700**

These estimated expenses are separated into Overall Costs and Local Costs. The Local costs include funds spent and activities performed (i.e., in-kind expenses) by Big Stone County and the Big Stone County SWCD.

*Note: Please refer to Chapters Three and Four for a more detailed description of the estimated overall costs and the estimated total local costs to Big Stone County and the Big Stone County SWCD. Expenses may seem exaggerated, but actually represent the numerous stakeholders involved and a collaboration of their corresponding activities and budgets.

D. Relationship to other Plans

The Big Stone County Water Plan Task Force includes a diverse group of people representing a number of key water plan stakeholders. Assistance from the Task Force in the planning process, along with information requested from Local Governmental Units, helped to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, were developed to be consistent with existing plans and official land use controls. As a result, the updated Big Stone County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls. In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Chippewa County Comprehensive Water Plan**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: David Sill, Board Conservationist

Reviewed by: Southern Region Committee(s)

Presented by: Steve Sunderland

☐ **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

LINKS TO ADDITIONAL INFORMATION

http://www.co.chippewa.mn.us/Water Plan Draft 2013.pdf

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

On March 27, 2013, the Board of Water and Soil Resources (BWSR) provided official comments pertaining to the State Review of the Chippewa County Priority Concerns Scoping Document. On March 27, 2013, the BWSR officially approved Chippewa County's written request to extend the current Local Water Management Plan (Plan), which would expire on May 28, 2013. The extended end date of the current Plan is December 31, 2013.

On September 4, 2013, the BWSR received the final draft Chippewa County Comprehensive Local Water Plan 2013-2023 as required for final review by state agencies. I have completed my final review of the Plan and find that it does meet the requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- assess 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.

Chippewa County contracted with Midwest Community Planning, LLC. to assist with Plan development. More specifically, Water Plan Coordinator JoAnn Bloome and the Chippewa County Water Plan Task Force worked diligently throughout the plan process to make this a useful plan. Specifically on Chapter Two of the Plan (Implementation to Address Priority Concerns) significant effort was made to insure the action steps were targeted and measurable.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Chippewa County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on September 4, 2013 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 7, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On January 24, 2013, the Board received a written request (resolution) from the County for an extension of their current local water management plan.

3. On March 27, 2013, the Board approved official comments on the County PCSD, which were mailed to the county on March 27, 2013. The priority concerns the PCSD and Plan Update addresses include:

   - Reduce Priority Pollutants – Surface Water Quality
   - Surface Water Management
   - Groundwater Quality & Quantity
   - Recreation and Biodiversity
   - Plan Administration

4. On March 27, 2013, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to December 31, 2013. This approval was mailed to the County on March 27, 2013.

5. On September 4, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On November 7, 2013, the Southern Region Committee of the Board met to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) provided no comments.
   - Minnesota Department of Health (MDH) provided no comments.
   - Minnesota Department of Natural Resources (DNR) noted Plan Update does not violate any statutory or rule requirement administered by DNR and recommends approval of the entire Plan Update.
   - Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update. (MDA also offered several comments for consideration for clarification purposes which the county was adopting.)
   - Minnesota Environmental Quality Board provided no comments.

   The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's December 18, 2013 meeting.

7. On December 18, 2013, the Southern Region Committee of the Board presented its recommendation of approval of the Chippewa County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.
8. This Plan Update will be in effect for a ten-year period until December 18, 2023, with the Goals, Objectives and Action items amended by December 18, 2018.

CONCLUSIONS

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

2. The Chippewa County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Chippewa County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by December 18, 2018.

Dated at St Paul, Minnesota this December 18, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

The 2013-2023 Chippewa County Water Plan

~ With 2013-2018 Implementation Plan ~

Prepared by the Chippewa County Water Plan Task Force and Midwest Community Planning, LLC.

DRAFT

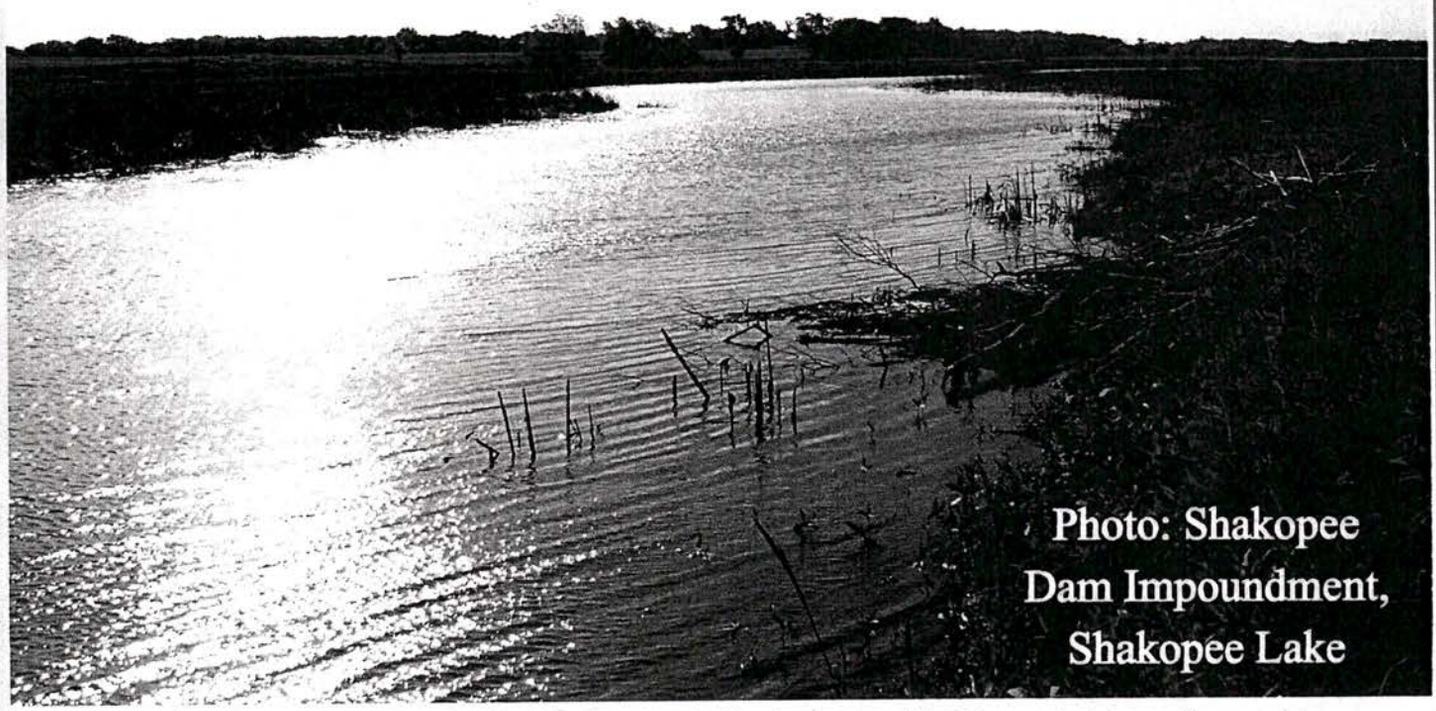

Photo: Shakopee Dam Impoundment, Shakopee Lake

"Each generation has its own rendezvous with the land, for despite our fee titles and claims of ownership, we are all brief tenants on this planet. By choice, or by default, we will carve out a land legacy for our heirs. We can misuse the land and diminish the usefulness of resources, or we can create a world in which physical affluence and affluence of the spirit go hand in hand." – *Stewart Udall in the forward to his 1963 book, "The Quiet Crisis", published by Holt, Rinehardt & Winston.*

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Chippewa County Water Plan:
Executive Summary

The Chippewa County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Water Plan.

A. Purpose of the Local Water Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, the Chippewa County Water Plan:

- Covers the entire area of Chippewa County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2014-2023), with a 5-year implementation plan (2014-2018). In 2018, the implementation plan will be updated.

In addition, the Water Plan will also serve as the Chippewa County Soil and Water Conservation District's (SWCD) Comprehensive District Plan. This will be passed by the SWCD's Board of Supervisors by Resolution.

B. A Summary of Chippewa County's Priority Concerns, Goals, and Objectives

Chapter Two provides a detailed assessment of the priority concerns. Based upon the Chippewa County Water Priority Concerns Scoping Document, and comments received by the various water plan stakeholders, the Water Plan Task Force identified the following priority water planning issues:

Priority Concern 1: Surface Water Quality and Quantity Impairments and Concerns

Goal 1: Remove Chippewa County's water bodies from the MPCA's 303d List of Impaired Waters by 2033.

- Address Fecal Coliform/Bacteria TMDL Implementation for Chippewa River Watershed and Hawk Creek Watershed.
- Address Turbidity TMDL Implementation for Chippewa River Watershed and Hawk Creek Watershed.

Goal 2: Have all feedlots in the county in compliance with MN Statutes 7020 standards by 2023.

- Provide assistance to producers to reduce water quality concerns related to animal agriculture.
- Encourage the development and updating of manure management plans.
- Provide education on proper setbacks from sensitive areas.
- Encourage the proper crediting of manure nutrients.

Goal 3: Promote wise use of nutrients for optimum economic benefit to the producer while minimizing impacts on the environment.

- Provide education and information on proper application rates.

Goal 4: Manage new and existing Subsurface Sewage Treatment Systems (SSTS).

- Maintain SSTS programs to protect surface and ground water quality.

Goal 5: Establish and implement a management program to ensure that existing SSTS are operated and maintained properly to prevent the impairment or degradation of surface and ground waters.

- Maintain SSTS programs to protect surface and ground water quality.

Goal 6: Reduce and minimize the effects of soil erosion and sedimentation.

- Market conservation programs and best management practices (BMP's) that reduce soil erosion and sedimentation in regard to water and wind erosion.
- Multipurpose Drainage Management Planning.
- Preserve and protect the most sensitive areas of Chippewa County.

Goal 7: Stormwater Management

- Assist and encourage non-regulated communities to develop Storm Water Management Plans.
- Encourage communities to promote or provide incentives for homeowners to implement best management practices at the lot size level.

Goal 8: Shoreland

- Protect Shoreland areas in the County.

Priority Concern 2: Groundwater Quality and Quantity Impairments and Concerns

Goal 1: Protect and improve groundwater based drinking water sources.

- Implement Best Management Practices in Wellhead Protection Areas (WPA).
- Ensure landowners and homeowners that their supply of water is safe for drinking.
- Groundwater Quantity/I.D. Recharge Areas

Priority Concern 3: Public Awareness and Plan Administration

Goal 1: Maintain a Watershed Focus

- Support watersheds in Chippewa County

Goal 2: Staff and Coordinate Stakeholder Cooperation

- Stakeholder Cooperation
- Implement the County's land use controls

Goal 3: Raise Public Awareness on Key Water Planning Issues

- Raise public awareness through education and cooperation with residents, business and schools.

C. Description of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Chippewa County Water Plan Task Force held meetings to develop the priority concern areas. The three priority concern areas were further broken down into interrelated goals and objectives that address each of the priority concerns. Most importantly, each objective has a series of action steps designed to help achieve implementation of the identified goal.

A summary of the County's Water Plan Goals, Objectives and Action Steps is provided below. Collectively they form the Implementation Plan for the County. In addition, a summary of the estimated costs is provided. These estimated expenses include all monies spent by water plan stakeholders, including the County, watershed districts, state agencies, and landowners.

Local costs include funds spent and activities performed by Chippewa County (including items such as the County's 103E administrative costs) and the Chippewa County SWCD. The Water Plan Task Force recognizes that not all of the identified Action Items will be accomplished over the course of the Water Plan's time-frame, however, the intent is to accomplish as many implementation activities as feasible. The costs identified are also only estimates, and actual direct and/or indirect costs may be more or less than indicated. Finally, many of the Action Items will be dependent upon receiving grants.

<u>Surface Water Quality and Quantity Initiatives</u>

The first priority concern area focuses on addressing surface water quality and quantity issues. Goals and Objectives were developed for numerous topics, including address

Impaired Waters, feedlots, nutrient management, Subsurface Sewage Treatment Systems, erosion, stormwater management, and protecting shoreland. The following water plan action steps highlight Chippewa County's key implementation strategies:

- Completing a Level 3 Feedlot Inventory and brining 20% of non-compliant feedlots into compliance by 2018.

- Providing technical and cost-share assistance with Manure Management Plans.

- Review implementing property transfer inspections for Subsurface Sewage Treatment Systems (SSTS) and developing an Operation and Maintenance Planning Program for SSTS users.

- Extensive bank stabilization projects throughout the Chippewa River and Hawk Creek Watersheds.

- Completing a Drainage Water Management Plan on Buffalo Lake/JD 18 and cost-sharing drainage Best Management Practices (BMPs), such as installing alternative tile intakes. In addition, seek funding to hire a drainage engineer who will complete a public drainage system survey, inventory and evaluation on at least the Dry Weather Creek Watershed and the Shakopee Creek Watershed (for a 3-year grant period).

- Seeking Clean Water Legacy funds to complete a terrain analysis of Chippewa County. Contract with the Water Resources Center at the Minnesota State University in Mankato to complete a Geographic Information System (GIS) terrain analysis for the County.

- Work with ag suppliers and producers on following the University of MN application rates.

- Marketing conservation programs and best management practices (BMP's) that reduce soil erosion and sedimentation in regard to water and wind erosion.

- Apply for a grant with joint partners along the MN River Valley to preserve and protect approximately 200 acres of Granite Rock Outcrops in Chippewa County and their associated wetlands, plus improve water quality and aquatic habitat within the Minnesota River Valley.

- Seek funds to implement urban best management practice demonstration sites for stormwater throughout the municipalities in Chippewa County. In addition, offer incentives to homeowners for on-lot infiltration practices, including reduced lot grading, rain gardens or rain barrels, which control runoff at its source.

- Inventory/Assess status of required 50' buffer in shoreland areas and offer existing programs to help become complaint.

The various action steps identified to address the first priority concern area of surface water quality and quantity improvements in Chippewa County are estimated to have an overall 5-year cost of $4,756,050. This amount represents a vast amount of staff time and money from all of Chippewa County's water plan stakeholders. In addition, many of the implementation activities will only be accomplished if grant funding becomes available.

Groundwater Quality and Quantity Initiatives

The second priority concern area is aimed at protecting and improving groundwater. Three objectives were developed to properly address Wellhead Protection Areas (WPAs), safe drinking water, and groundwater recharge (groundwater quantity). The key implementation steps include the following groundwater initiatives:

- Participating with Wellhead Protection Plans in the development and implementation stages, including inventorying abandoned wells in Wellhead Protection Areas (WPAs).
- Incorporating the County's sensitive groundwater recharge areas map into the local land use decision making process.
- Creating a gift certificate (not to exceed $50) for free well testing for new parents that get their drinking water from private wells and offer free annual nitrate water testing through the Minnesota Department of Agriculture water testing clinics.
- Establishing suitable pharmaceutical collection spots.
- Pursue funding through a CWF to establish a Water Conservation/Drought Contingency Plan.
- Purchase rain barrels and offer them at a reduced rate to urban residents promoting water conservation.

The various action steps identified to address the second priority concern area of groundwater quality and quantity issues in Chippewa County are estimated to have an overall 5-year cost of $66,700. Most of this amount is estimated to come from local sources, including direct and indirect (in-kind) expenses. This amount does not include, however, grant dollars awarded to address the issues and topics identified in the various action steps.

Public Awareness and Plan Administration Initiatives

The third priority concern area is aimed at effectively raising public awareness on key water planning issues and properly administering the County's Water Plan. Three specific goals were included to maintain a watershed focus, staff and coordinate stakeholder cooperation,

and to raise public awareness on key water planning issues. Key implementation steps include the following:

- Support watershed planning, monitoring and implementation activities by providing financial (in-kind) and technical assistance by attending and participating in the Local Work Group meetings, monthly meetings and annual meetings.

- Annually review monitoring data with the watersheds and implementation accomplishments to continue coordinating future initiatives. Participate and be informed via the watershed restoration and protection strategy (led me MPCA) and be an active participant as the watershed transitions to Comprehensive Watershed Management planning.

- Participate in training on how to use LIDAR based data to target BMPs to the most critical landscapes and improve the competitiveness of conservation grant proposal applications.

- Focus education and outreach efforts on two to three water planning issues a year. Integrate those efforts with the watershed projects educational goals. Identify the priority issues in spring each year.

- Hold five Problem Material Collections. Items to be collected are tires, appliances, electronics, fluorescent bulbs and other mercury items, cell phones and rechargeable batteries.

The various action steps identified to address the third priority concern area of effectively administering the Water Plan in Chippewa County are estimated to have an overall 5-year cost of $1,040,950. This averages to approximately $203,190 annually over the next five years.

D. Summary of Estimated Costs

The estimated costs for the three priority concern areas and their corresponding action steps are summarized below in Table 1. The initiatives are estimated to cost approximately $7,839,200 over the next five years. This averages to approximately $1,567,840 annually to address all of Chippewa County's water resource concerns.

Table 1:
Summary of Chippewa County's Water Plan
5-Year Estimated Costs*

	Cost Estimates
Priority Concern Area 1: Surface Water Quality/Quantity	$4,756,050
Priority Concern Area 2: Groundwater Quality/Quantity	$66,700
Priority Concern Area 3: Public Awareness/Plan Administration	$1,040,950
5-Year Totals:	$5,863,700
Average Annual Costs:	$1,172,740

****Note:*** Expenses may seem high but they actually represent the numerous stakeholders involved and a collaboration of their corresponding activities and budgets.

E. Relationship to other Plans

The Chippewa County Water Plan Task Force includes a diverse group of people representing a number of key water plan stakeholders. Assistance from the Task Force in the planning process, along with information requested from Local Governmental Units, helped to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, were developed to be consistent with existing plans and official land use controls. As a result, the updated Chippewa County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls. In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Lac qui Parle County Comprehensive Water Plan**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: David Sill, Board Conservationist

Reviewed by: Southern Region Committee(s)

Presented by: Sandra Hooker

☐ **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

LINKS TO ADDITIONAL INFORMATION

http://lacquiparleswcd.org/Home/Lac qui Parle Water Plan 2014-23 Final with Appendices.pdf

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

On March 27, 2013, the Board of Water and Soil Resources (BWSR) provided official comments pertaining to the State Review of the Lac qui Parle County Priority Concerns Scoping Document. On March 27, 2013, the BWSR officially approved Lac qui Parle County's written request to extend the current Local Water Management Plan (Plan), which would expire on May 28, 2013. The extended end date of the current Plan is December 31, 2013.

On September 6, 2013, the BWSR received the final draft Lac qui Parle County Comprehensive Local Water Plan 2014-2023 as required for final review by state agencies. I have completed my final review of the Plan and find that it does meet the requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- assess 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.

Lac qui Parle County contracted with Midwest Community Planning, LLC. to assist with Plan development. More specifically, Water Plan Coordinator Terry Wittnebel and the Lac qui Parle County Resource Commission worked diligently throughout the plan process to make this a useful plan. Specifically on Chapter Three of the Plan (Goals, Objectives and Actions to Address Priority Concerns) significant effort was made to insure the action steps were targeted and measurable.

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 Lac qui Parle County (Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Lac qui Parle County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on September 6, 2013 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 7, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On February 7, 2013, the Board received a written request (resolution) from the County for an extension of their current local water management plan.

3. On March 27, 2013, the Board approved official comments on the County PCSD, which were mailed to the county on March 27, 2013. The priority concerns the PCSD and Plan Update addresses include:

   - Reduce Priority Pollutants – Surface Water Quality
   - Surface Water Management
   - Groundwater Quality & Quantity
   - Plan Administration

4. On March 27, 2013, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to December 31, 2013. This approval was mailed to the County on March 27, 2013.

5. On September 6, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On November 7, 2013, the Southern Region Committee of the Board met to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) noted the Plan does not violate any statutory or rule requirements administered by MPCA and recommends approval of the entire Plan as submitted. (MPCA did provide several comments providing minor corrections or clarification.)
   - Minnesota Department of Health (MDH) provided no comments.
   - Minnesota Department of Natural Resources (DNR) noted Plan Update does not violate any statutory or rule requirement administered by DNR and recommends approval of the entire Plan Update.
   - Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update. (MDA also offered several comments for consideration for clarification purposes regarding that crop prices are not the only factor that may cause increases in tiled farmland.)
   - Minnesota Environmental Quality Board provided no comments.

   The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's December 18, 2013 meeting.

7. On December 18, 2013, the Southern Region Committee of the Board presented its recommendation of approval of the Lac qui Parle County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.

8. This Plan Update will be in effect for a ten-year period until December 18, 2023, with the Goals, Objectives and Action items amended by December 18, 2018.

CONCLUSIONS

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

2. The Lac qui Parle County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Lac qui Parle County Local Water Management Plan 2014-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by December 18, 2018.

Dated at St Paul, Minnesota this December 18, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

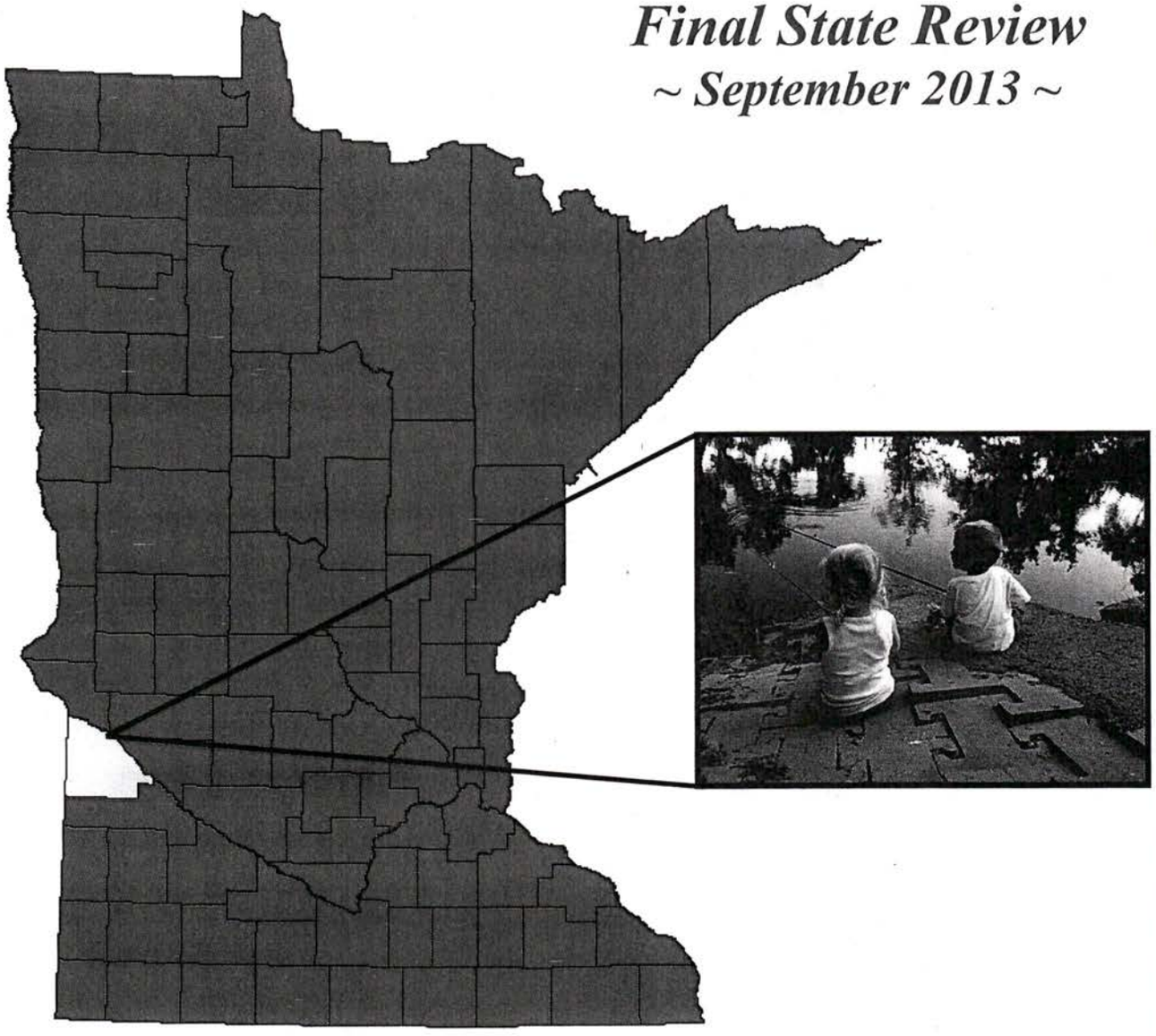
BY: Brian Napstad, Chair

Lac qui Parle County

Local Water Management Plan

Final State Review

~ September 2013 ~



Prepared by

The Lac qui Parle County Resource Commission,

with assistance from Midwest Community Planning, LLC

Lac qui Parle County
Water Plan (2014-2023)
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Lac qui Parle County Water Plan:

Executive Summary

The Lac qui Parle County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Water Plan.

A. Purpose of the Local Water Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, the Lac qui Parle County Water Plan:

- Covers the entire area of Lac qui Parle County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2014-2023), with a 5-year implementation plan (2014-2018). In 2018, the implementation plan will be updated.

In addition, the Water Plan will also serve as the Lac qui Parle County Soil and Water Conservation District's (SWCD) Comprehensive District Plan. This will be adopted by the SWCD's Board of Supervisors by Resolution.

B. A Description of Lac qui Parle County's Priority Concerns

The Lac qui Parle County Resource Commission met on August 14, 2012, to review the Water Plan Survey results and the Priority Concerns Input Forms received (Appendix A contains a copy of the Sign in Sheets). Based upon the survey results, the comments received during the Water Plan Public Meeting, and the comments received in the Priority Concerns Input Forms, the Resource Commission identified the following as Lac qui Parle County's priority water planning issues (note: these issues are not ranked):

1. Surface Water Management
    a. Agricultural Drainage
    b. Stormwater Management
    c. Wetlands and Water Storage/Retention
    d. Flooding

2. Reducing Priority Pollutants ~ Surface Water Quality
    a. TMDL Implementation
    b. Feedlot/Livestock Management
    c. Subsurface Sewage Treatment Systems
    d. Erosion and Sediment Control

3. Groundwater Quality & Quantity
    a. Wellhead Protection Areas
    b. Irrigation
    c. Drinking Water Quality

4. Plan Administration
    a. Watershed Focus
    b. Stakeholder Cooperation
    c. Raising Public Awareness

C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Lac qui Parle County Resource Commission held meetings and developed four goal areas. These four goal areas are further broken down into interrelated objectives that specific resource concerns. More importantly, each objective has a series of action steps designed to help address the priority concerns.

A summary of the County's Water Plan Goals, Objectives and Action Steps is provided below. Collectively they form the Implementation Plan for the County. In addition, a summary of annual estimated costs is provided. These estimated expenses are separated into Overall Costs and Local Costs. Overall Costs include all monies spent by water plan stakeholders, including the County, watershed districts, state agencies, and landowners. The Local Costs include funds spent and activities performed by Lac qui Parle County (including items such as the County's 103E administrative costs) and the Lac qui Parle County SWCD. The Lac qui Parle County Resource Commission recognizes that not all of the identified Action Items will be accomplished over the course of the Water Plan's time-frame, however, the intent is to accomplish as many implementation activities as feasible. Also keep in mind the costs identified are only estimates, and actual direct and/or indirect costs may be more or less than indicated. Finally, many of the Action Items will be dependent upon receiving grants. Chapter Three contains the Water Plan's complete Goals, Objectives, and Action Steps, and Chapter Four provides additional details on administering the Water Plan.

Goal 1: Protect and Improve Surface Water Quality by Reducing Priority Pollutants

The first goal area focuses on addressing surface water quality issues. Objectives were developed for TMDL implementation (removing waters off the MPCA's 303d list of Impaired Waters), feedlots and fertilizers, Subsurface Sewage Treatment Systems (SSTS), and erosion and sediment control. Implementation steps under the first goal area include a wide range of the following surface water quality Best Management Practices (BMPs):

- **TMDLs.** Targeting the impaired subwatersheds with numerous types of cropland, surface water management, streambank, and livestock BMPs. Key examples include increasing tillage residue by 10-15%, cost-sharing installing alternative tile intakes, restoring wetlands, developing manure management plans, and stabilizing streambank erosion sites.

- **Feedlots/Fertilizers.** Using the County's Level 3 Feedlot Inventory (when completed) to prioritize and target BMPs; seeking cost-share/incentive funds for producers with fewer than 300 animal units to develop nutrient management plans; and improving 100 acres of pasture management by implementing BMPs, such as stream crossing, fencing, remote water systems, managed grazing, etc.

- **SSTS.** Seeking funds to inspect all SSTS in Lac qui Parle County's impaired subwatersheds and securing MPCA and MDA funding to provide low interest loans to upgrade noncompliant systems.

- **Erosion and Sediment Control.** Target erosion and sediment control BMPs along Emily Creek; working with producers to increase tillage residue; installing grade control

structures; targeting floodplain acres for new enrollment in long-term grassland programs; and assisting producers to adopt improved pasture management techniques such as rotational grazing, prescribed grazing, or other pasture improvement BMPs.

The various action steps identified to address the first goal area of surface water quality improvements in Lac qui Parle County are estimated to have an overall 5-year cost of $4,175,500. Of this amount, $560,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs. Many of these implementation activities will be eligible for grant funding.

Goal 2: Groundwater Quantity and Quality Initiatives

The second goal area focuses on addressing groundwater quality and quantity issues. Objectives were developed for drinking water quality and groundwater quantity BMPs. Implementation steps include a wide range of the following groundwater Best Management Practices (BMPs):

- **Wellhead Protection Areas (WPA).** Participate in the preparation and implementation of wellhead protection plans for public water suppliers. Communities of Dawson, Madison, and Boyd are scheduled to be phased into the Wellhead Protection Program in 2017; targeting groundwater BMPs in Drinking Water Supply Areas (DWSAs) and WPAs; and sealing abandoned wells.

- **Safe Drinking Water.** Securing funding to provide technical assistance for the installation of BMPs; working with MN Geological Society and DNR to develop a hydrogeologic assessment as part of the County Geologic Atlas Program for Lac qui Parle County; conducting annual nitrate testing clinics; and holding annual pesticide and household hazardous waste collection days.

- **Groundwater Quantity.** Assist with groundwater quantity monitoring efforts and promote the adoption of measures to protect groundwater supplies; secure funding to cost share conversion of conventional irrigation systems to conservation systems; and seek funding to develop a County Water Conservation Plan.

The various action steps identified to address the second goal area of groundwater quality and quantity BMPs in Lac qui Parle County are estimated to have an overall 5-year cost of $866,500. Of this amount, $196,500 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Goal 3: Surface Water Management Initiatives

The third goal area is aimed at reducing surface water management/quantity issues, including separate objectives for agricultural drainage, stormwater management, wetlands/surface water retention, and flooding. The key implementation steps include the following:

- **Agricultural Drainage:** Increasing the number of stream miles protected by riparian buffers by one mile annually; seeking funds to provide incentive for implementation of saturated buffers on 15% ditches/streams within target watershed for each year of funding; and seeking funds to develop multipurpose drainage management plans.

- **Stormwater Management:** Work with landowners to help ensure that stormwater is managed properly and that both water quality and quantity issues are addressed; installing water and sediment control basins; and targeting the promotion of BMPs in critical areas of the landscape, encouraging use of federal, state, or other BMP implementation funds through the use of newsletter, news releases, radio, workshops, booth/display, personal contacts, or other means.

- **Wetlands/Water Retention:** Ensuring that wetlands and water storage/retention are managed properly and that both water quality and quantity issues are addressed; and creating an inventory using LiDar, terrain analysis, and other tools as they become available to identify the most important landscapes for wetland restoration for the purpose of water storage, sediment/nutrient reduction downstream, flood storage, and/or metering water flow.

- **Flooding:** Restoring one wetland annually in headwater areas of subwatersheds; improving residue management on 500 acres annually; and increasing the number of stream miles protected by riparian buffers/filter strips by one mile.

The various action steps identified to address the third goal area of surface water management issues in Lac qui Parle County are estimated to have an overall 5-year cost of $1,615,000. Of this amount, $265,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Goal 4: Plan Administration Initiatives

The fourth goal area is aimed at effectively administering the Lac qui Parle County Water Plan. A specific objective was developed to "Engage the Citizens and Stakeholders on key water planning issues and implementation opportunities." Implementation steps include the following:

- **Maintain Adequate Staffing.** Effectively administer the County's Water Plan; SSTS, Shoreland, and Feedlot programs; and Wetlands Conservation Act (WCA).

- **Maintain Stakeholder Cooperation.** Partner with stakeholders on implementation activities to minimize expenditures and to maximize results; and create an annual work plan for the water plan.

- **Watershed Focus.** Assist the MPCA's comprehensive monitoring efforts as part of the watershed approach and provide technical and/or financial assistance to partners.

The various action steps identified to address the fifty goal area of effectively administering the Water Plan in Lac qui Parle County are estimated to have an overall 5-year cost of $120,000. Of this amount, approximately $45,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

Summary of Estimated Costs

The four water plan goal areas and their corresponding estimated costs are summarized below in Table 1. The initiatives identified in Chapter Three are estimated to cost approximately $1,355,400 annually overall, with approximately $213,300 coming from local/county funds.

Table 1:
Summary of Lac qui Parle County's Water Plan
Estimated Overall and Local Costs

	Overall	*Local/County*
Goal Area One: Surface Water Quality	$4,175,500	$560,000
Goal Area Two: Groundwater Quality/Quantity	$866,500	$196,500
Goal Area Three: Surface Water Management	$1,615,000	$265,000
Goal Area Four: Plan Administration	$120,000	$45,000
5-Year Estimated Costs	**$6,777,000**	**$1,066,500**
Average Annual Estimated Costs	**$1,355,400**	**$213,300**

These estimated expenses are separated into Overall Costs and Local Costs. The Local costs include funds spent and activities performed (i.e., in-kind expenses) by Lac qui Parle County and the Lac qui Parle County SWCD.

**Note:* Please refer to Chapters Three and Four for a more detailed description of the estimated overall costs and the estimated total local costs to Lac qui Parle County and the Lac qui Parle County SWCD. Expenses may seem exaggerated, but actually represent the numerous stakeholders involved and a collaboration of their corresponding activities and budgets.

D. Relationship to other Plans

The Lac qui Parle County Resource Commission includes a diverse group of people representing a number of key water plan stakeholders. Assistance from the Resource Commission in the planning process, along with information requested from Local Governmental Units, helped to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, were developed to be consistent with existing plans and official land use controls. As a result, the updated Lac qui Parle County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls. In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Swift County Comprehensive Water Plan**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: David Sill, Board Conservationist

Reviewed by: Southern Region Committee(s)

Presented by: Tom Loveall

☐ **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

LINKS TO ADDITIONAL INFORMATION

http://www.swiftcounty.com/vertical/sites/%7BCB23E7E9-8CD6-437F-AE42-22084996955A%7D/uploads/Swift_County_Water_Plan_2014-23.pdf

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

On March 27, 2013, the Board of Water and Soil Resources (BWSR) provided official comments pertaining to the State Review of the Swift County Priority Concerns Scoping Document. On March 27, 2013, the BWSR officially approved Swift County's written request to extend the current Local Water Management Plan (Plan), which would expire on May 28, 2013. The extended end date of the current Plan is December 31, 2013.

On September 6, 2013, the BWSR received the final draft Swift County Comprehensive Local Water Plan 2014-2023 as required for final review by state agencies. I have completed my final review of the Plan and find that it does meet the requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
- assess 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.

Swift County contracted with Midwest Community Planning, LLC. to facilitate the Plan process and develop the Plan. The Swift County Local Water Plan technical team, task force and watershed partners worked diligently throughout the plan process to make this a useful plan with significant effort made to insure the action steps were targeted and measurable.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN UPDATE

Whereas, the Swift County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on September 6, 2013 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

FINDINGS OF FACT

1. On January 7, 2013, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.

2. On February 6, 2013, the Board received a written request (resolution) from the County for an extension of their current local water management plan.

3. On March 27, 2013, the Board approved official comments on the County PCSD, which were mailed to the county on March 27, 2013. The priority concerns the PCSD and Plan Update addresses include:

   - Reduce Priority Pollutants – Surface Water Quality
   - Surface Water Management
   - Groundwater Quality & Quantity
   - Plan Administration

4. On March 27, 2013, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to December 31, 2013. This approval was mailed to the County on March 27, 2013.

5. On September 6, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On November 7, 2013, the Southern Region Committee of the Board met to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

   - Minnesota Pollution Control Agency (MPCA) provided no comments.
   - Minnesota Department of Health (MDH) provided no comments.
   - Minnesota Department of Natural Resources (DNR) noted Plan Update does not violate any statutory or rule requirement administered by DNR and recommends approval of the entire Plan Update.
   - Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update. (MDA also offered several comments for consideration for clarification purposes regarding that crop prices are not the only factor that may cause increases in tiled farmland.)
   - Minnesota Environmental Quality Board provided no comments.

   The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's December 18, 2013 meeting.

7. On December 18, 2013, the Southern Region Committee of the Board presented its recommendation of approval of the Swift County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.

8. This Plan Update will be in effect for a ten-year period until December 18, 2023, with the Goals, Objectives and Action items amended by December 18, 2018.

CONCLUSIONS

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

2. The Swift County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the update of the Swift County Local Water Management Plan 2014-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by December 18, 2018.

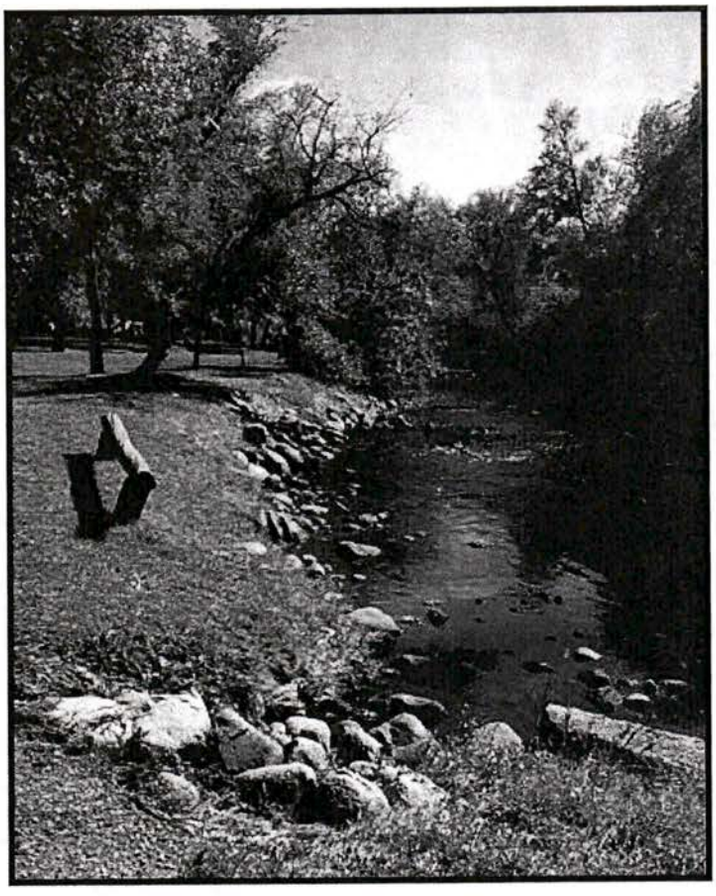
Dated at St Paul, Minnesota this December 18, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Swift County
2014-2023 Local Water Plan

~ With 5-Year Implementation Plan (2014-18) ~



Chippewa River

Final State Review
September 2013

Prepared by Swift County with assistance from
Midwest Community Planning, LLC

Swift County Water Plan:

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Swift County Water Plan:

Executive Summary

The Swift County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Water Plan.

A. Purpose of the Local Water Plan

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, the Swift County Water Plan:

- Covers the entire area of Swift County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2014-2023), with a 5-year implementation plan (2014-2018). In 2018, the implementation plan will be updated.

In addition, the Water Plan will also serve as the Swift County Soil and Water Conservation District's (SWCD) Comprehensive District Plan. This will be passed by the SWCD's Board of Supervisors by Resolution.

B. A Description of Swift County's Priority Concerns

The Swift County Water Plan Task Force met on December 12, 2012, to review the Priority Concerns Input Forms received (Appendix A contains a copy of the Sign in Sheet). The Water Plan Task Force identified the following as Swift County's priority water planning issues (note: these issues are not ranked):

1. Surface Water Management
    a. Agricultural Drainage
    b. Stormwater Management
    c. Wetlands and Water Storage/Retention

2. Reducing Priority Pollutants ~ Surface Water Quality
    a. TMDL Implementation
    b. Feedlot/Livestock Management
    c. Subsurface Sewage Treatment Systems
    d. Erosion and Sediment Control

3. Groundwater Quality & Quantity

4. Plan Administration
    a. Watershed Focus - Stakeholder Cooperation
    b. Raising Public Awareness - Education

C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Swift County Water Plan Task Force held meetings and developed four goal areas. These four goal areas are further broken down into interrelated objectives that specific resource concerns. More importantly, each objective has a series of action steps designed to help address the priority concerns.
A summary of the County's Water Plan Goals, Objectives and Action Steps is provided below. Collectively they form the Implementation Plan for the County. In addition, a summary of annual estimated costs is provided. These estimated expenses are separated into Overall Costs and Local Costs. Overall Costs include all monies spent by water plan stakeholders, including the County, watershed districts, state agencies, and landowners. The Local Costs include funds spent and activities performed by Swift County (including items such as the County's 103E administrative costs) and the Swift County SWCD. The Swift County Water Plan Task Force recognizes that not all of the identified Action Items will be accomplished over the course of the

Water Plan's time-frame, however, the intent is to accomplish as many implementation activities as feasible. Also keep in mind the costs identified are only estimates, and actual direct and/or indirect costs may be more or less than indicated. Finally, many of the Action Items will be dependent upon receiving grants. Chapter Three contains the Water Plan's complete Goals, Objectives, and Action Steps, and Chapter Four provides additional details on administering the Water Plan.

Goal 1: To Ensure Swift County's Surface Water Resources Exceed Minimum Water Quality Standards

The first goal area focuses on addressing surface water quality issues. Objectives were developed for maintaining a watershed focus and removing waters off the MPCA's 303d list of Impaired Waters. Additional objectives address feedlots, Subsurface Sewage Treatment Systems (SSTS), and erosion and sediment control. Implementation steps under the first goal area include a wide range of the following initiatives and Best Management Practices (BMPs):

- **Watershed Focus/TMDLs.** Supporting watershed planning, monitoring, and implementation by providing financial and in-kind assistance; annually reviewing monitoring data and participating in the watershed restoration and protection strategy with the Chippewa River, Pomme de Terre, and Upper Minnesota River Watersheds; and seeking opportunities to refine watershed analysis and management through GIS and other technology.

- **Feedlots.** Target feedlot inspections in shoreland areas; host annual educational meetings with feedlot operators; and cost share ag/waste feedlot BMPS, including nutrient management plans, closing unused ag waste impoundments; and identifying where grazing management improvements are needed.

- **SSTS.** Work with approximately 30 homeowners annually on compliance inspections; provide low interest loans to upgrade noncompliant systems; cost-share upgrading four low income noncompliant systems annually; and inspect all SSTS in impaired subwatersheds.

- **Erosion and Sediment Control.** Installing 80 acres of vegetative buffer strips annually (target J.D. 19 and Shakopee Creek); annually install two water and sediment control structures, five alternative tile intakes, two stream bank stabilization projects, and 1,000 feet of living snow fences. In addition, work with the watersheds districts/projects on implementing their numerous erosion and sediment control projects.

The various action steps identified to address the first goal area of surface water quality improvements in Swift County are estimated to have an overall 5-year cost of $2,325,000, which

averages to approximately $465,000 annually. Many of the implementation activities will be paid for through grants and in-kind expenses.

Goal 2: Surface Water Management Initiatives

The second goal area is aimed at effectively managing surface water resources for multiple purposes (surface water quantity). Separate objectives are included for agricultural drainage, stormwater management, and wetlands/surface water retention. The key implementation steps include the following:

- **Agricultural Drainage:** Re-determining the benefits on systems as requested; maintain and update a County Ditch Inventory; installing ten side inlets annually to control erosion; cost-sharing a wide range of drainage BMPs; and seeking funds to complete a drainage management plan.

- **Stormwater Management:** Assist with stormwater management planning; providing educational, technical, and financial support for the implementation of stormwater BMPs; and cost-sharing providing 50 rain barrels annually.

- **Wetlands/Water Retention:** Targeting impaired subwatersheds for wetland restorations and increasing the number of Wetland Reserve Program easements by two each year on marginal farmland.

The various action steps identified to address the second goal area of surface water management in Swift County are estimated to have an overall 5-year cost of $600,000, which averages to approximately $120,000 annually. Many of the implementation activities will be paid for through grants and in-kind expenses.

Goal 3: Groundwater Quantity and Quality Initiatives

The third goal area focuses on addressing groundwater quality and quantity issues. Objectives were developed for wellhead protection areas, ensuring there is an adequate supply of safe drinking water, and working with stakeholders to protect groundwater levels for multiple uses. Implementation steps include a wide range of the following groundwater Best Management Practices (BMPs):

- **Wellhead Protection Areas (WPA).** Target groundwater BMP Programs in Wellhead Protection Areas, such as RIM, CRP, manure management and nutrient planning,

abandoned well sealing and proper SSTS compliance; and target sealing all abandoned wells in Wellhead Protection Areas.

- **Safe Drinking Water.** Complete a pesticide management plan and water conservation plan with each new irrigation system; incorporate Swift County's sensitive groundwater recharge areas map into to the local land use decision making process; implement two groundwater BMP projects into the local and use decision making process annually.

- **Groundwater Quantity.** Continue to monitor 26 groundwater test sites annually; host a workshop every three years with the DNR and Minnesota Geological Survey on how best to incorporate the county's geologic and groundwater information into the land use making process; pursue funding to establish a water conservation/drought contingency plan.

The various action steps identified to address the third goal area of groundwater quality and quantity in Swift County are estimated to have an overall 5-year cost of $349,000, which averages to approximately $69,800 annually. Many of the implementation activities will be paid for through grants and in-kind expenses.

Goal 4: Plan Administration Initiatives

The fourth goal area is aimed at effectively administering the Swift County Water Plan. A specific objective was developed to "Engage the Citizens and Stakeholders on key water planning issues and implementation opportunities." Implementation steps include the following:

- **Ongoing Issues and Programs.** Properly raise awareness on key water planning issues and available BMP funding opportunities.

- **Water Plan Funding/Support.** Secure funding to properly implement the water plan and meet annually to review progress.

- **Watershed Focus and Stakeholder Cooperation.** Partner with watershed and stakeholder groups on implementation activities.

The various action steps identified to address the fifty goal area of effectively administering the Water Plan in Swift County are estimated to have an overall 5-year cost of $65,000, which averages to approximately $13,000 a year.

Summary of Estimated Costs

The four water plan goal areas and their corresponding estimated costs are summarized below in Table 1. The initiatives identified in Chapter Three are estimated to cost approximately $3,339,000 over the five years, which averages to approximately $667,800 annually.

Table 1:
Summary of Swift County's Water Plan
Estimated Overall and Local Costs

	5-Year	Yearly
Goal Area One: Surface Water Quality	$2,325,000	$465,000
Goal Area Two: Surface Water Management	$600,000	$120,000
Goal Area Three: Groundwater Quality/Quantity	$349,000	$69,800
Goal Area Four: Plan Administration	$65,000	$13,000
Totals	**$3,339,000**	**$667,800**

*Note: Please refer to Chapters Three and Four for a more detailed description of the estimated five-year and annual costs; expenses may seem exaggerated, but actually represent the numerous stakeholders involved and a collaboration of their corresponding activities and budgets.

D. Relationship to other Plans

The Swift County water planning process included feedback from local governmental units and stakeholders to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, were developed to be consistent with existing plans and official land use controls. As a result, the updated Swift County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls. In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Renville County SWCD Nomination Districts**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern

Contact: Jeff Nielsen

Prepared by: Jeff Nielsen

Reviewed by: Southern Region Committee(s)

Presented by: Paul Langseth

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

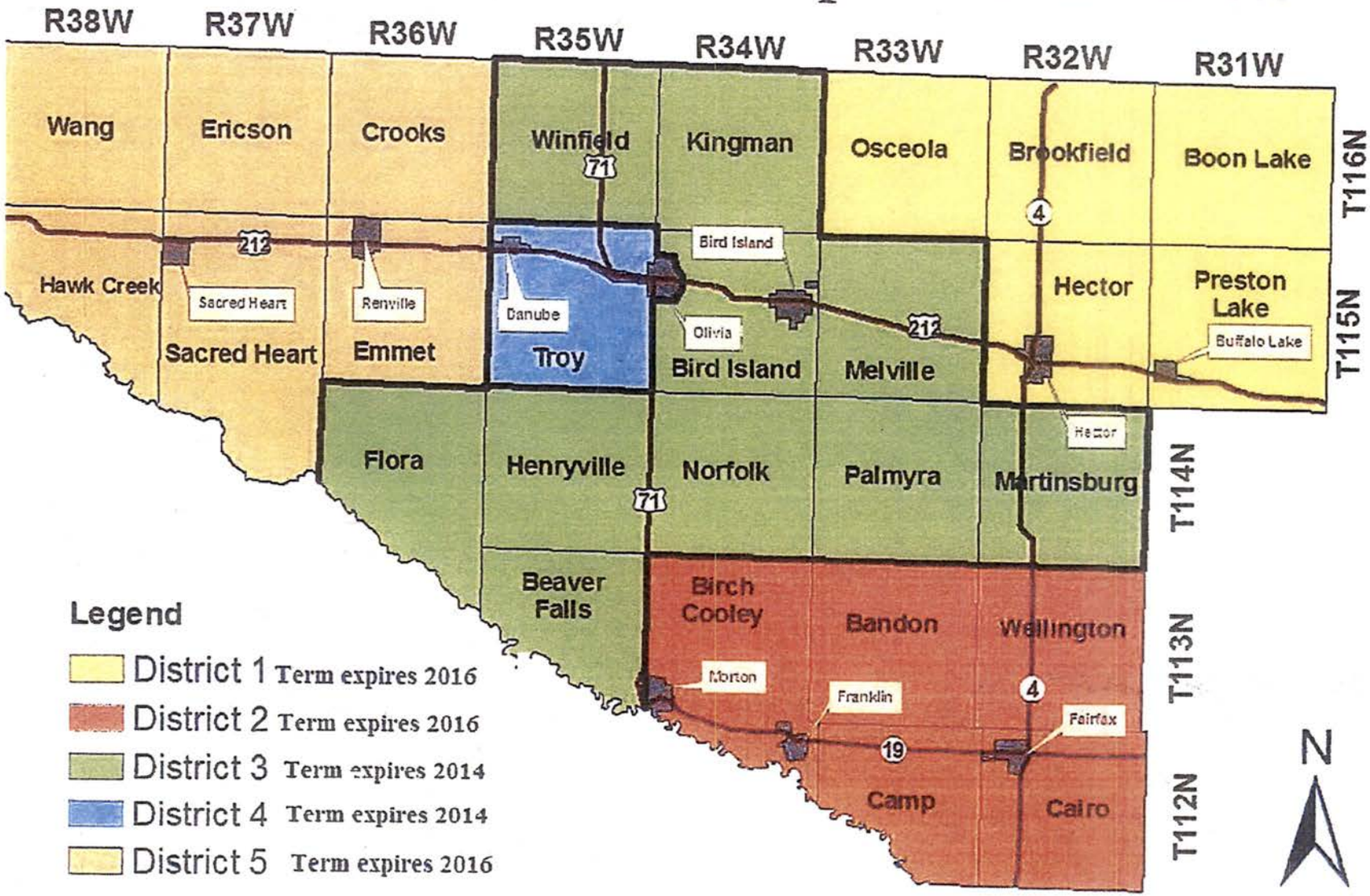
Decision on Renville County Soil and Water Conservation District Nomination District Changes

LINKS TO ADDITIONAL INFORMATION

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

The Renville County Soil and Water Conservation District (SWCD) approved a Nomination Districts Resolution on August 15, 2013. The reason for this resolution is to the redistricting conducted by Renville County Commissioners in April, 2012 as pursuant to Minnesota Statutes Chapter 375, which establishes the procedure and requires a process for redistricting County Commissioner districts based on population figures from the Federal Census. Pursuant to these statutes the 2010 Federal Census population figures were used to redraw these nomination district boundaries.

Renville County SWCD Supervisor Districts



Updated 8/15/2013

NOMINATION DISTRICTS RESOLUTION

Be it resolved by the Renville County Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, subd 2, the district be divided into five areas for nomination of candidates for the positions of Soil and Water Conservation District Supervisors to be elected by nomination district. Said nomination districts will be established by the Renville County Board as County Commissioner District precincts under M.S. 204B.14. Boundaries of the Supervisor Districts will be redrawn by the Renville County Board after each decennial federal census as provided in M.S. 204B.135. Current Districts are:

Districts	**Boundaries**
I	Townships of Osceola, Brookfield, Boon Lake, Preston Lake and Hector. Cities of Hector and Buffalo Lake.
II	Townships of Birch Cooley, Bandon, Wellington, Camp and Cairo and the cities of Morton, Franklin and Fairfax.
III	Townships of Winfield, Kingman, Bird Island, Melville, Flora, Henryville, Norfolk, Palmyra, Martinsburg and Beaver Falls and the City of Bird Island
IV	Township of Troy and Cities of Olivia and Danube
V	Townships of Wang, Ericson, Crooks, Hawk Creek, Sacred Heart and Emmet and the cities of Sacred Heart and Renville.

I, David Guggisberg, Secretary/Treasurer of the Renville County Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of Renville County Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on August 15, 2013. That I have compared the above copy with the original resolution as set forth in the minutes of said meeting and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: David Guggisberg
Secretary/Treasurer
Renville County Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Renville County Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on August 15, 2013, is hereby approved.

I, John Jaschke, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Renville County Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on August 15, 2013, with the original as set forth in the minutes of said meeting and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: John Jaschke
Executive Director
Board of Water and Soil Resources

Filed 21 ST day of JANUARY, 2014.

Signed Larry Jacobs
County Auditor
RENVILLE County

103C.311 FORMATION OF SUPERVISOR DISTRICTS.

Subdivision 1. **Supervisors elected at large.** (a) The district board shall, with the approval of the state board, divide a district into supervisor districts for purposes of nomination for election. At each election after the division, one or more supervisors shall be nominated from each supervisor district. A supervisor must be a resident of the supervisor district to be elected.

(b) If the boundary of a soil and water conservation district has been substantially changed by a division of the district, the district shall be divided into supervisor districts for nomination purposes.

(c) This subdivision does not disqualify a supervisor during the term for which the supervisor was elected or nominated for election. Supervisors nominated from the supervisor districts shall be included on the ballot for election from the entire area included in the soil and water conservation district.

(d) A certified copy of the minutes or the resolution of the supervisors establishing supervisor districts must be promptly filed by the chair of the district board with the county auditor of the counties where the district is located and with the state board.

Subd. 2. **Supervisors elected by districts.** (a) The district board, with the approval of the state board, may by resolution provide that supervisors will be elected by supervisor districts as provided in this subdivision.

(b) The supervisor districts must be composed of precincts established by county and municipal governing bodies under section 204B.14. The districts must be compact, include only contiguous territory, and be substantially equal in population. The districts must be numbered in a regular series. The districts must be drawn by the county board of the county containing the largest area of the soil and water conservation district, in consultation with the district board and with the approval of the state board. The boundaries of the districts must be redrawn after each decennial federal census as provided in section 204B.135. A certified copy of the resolution establishing supervisor districts must be filed by the chair of the district board with the county auditor of the counties where the soil and water conservation district is located, with the state board, and with the secretary of state, and the filings must occur within 80 days of the time when the legislature has been redistricted or at least 15 weeks before the state primary election in a year ending in two, whichever comes first.

(c) Each supervisor district is entitled to elect one supervisor. A supervisor must be a resident of the district from which elected.

(d) The district board shall provide staggered terms for supervisors elected by district. After each redistricting, there shall be a new election of supervisors in all the districts at the next general election, except that if the change made in the boundaries of a district is less than five percent of the average population of all the districts, the supervisor in office at the time of the redistricting shall serve for the full term for which elected. The district board shall determine by lot the seats to be filled for a two-year term, a four-year term, and a six-year term.

History: *1990 c 391 art 3 s 15; 1997 c 130 s 1; 1997 c 173 s 4; 1Sp2001 c 10 art 18 s 3; 2003 c 104 s 19,20; 2013 c 131 art 2 s 5*

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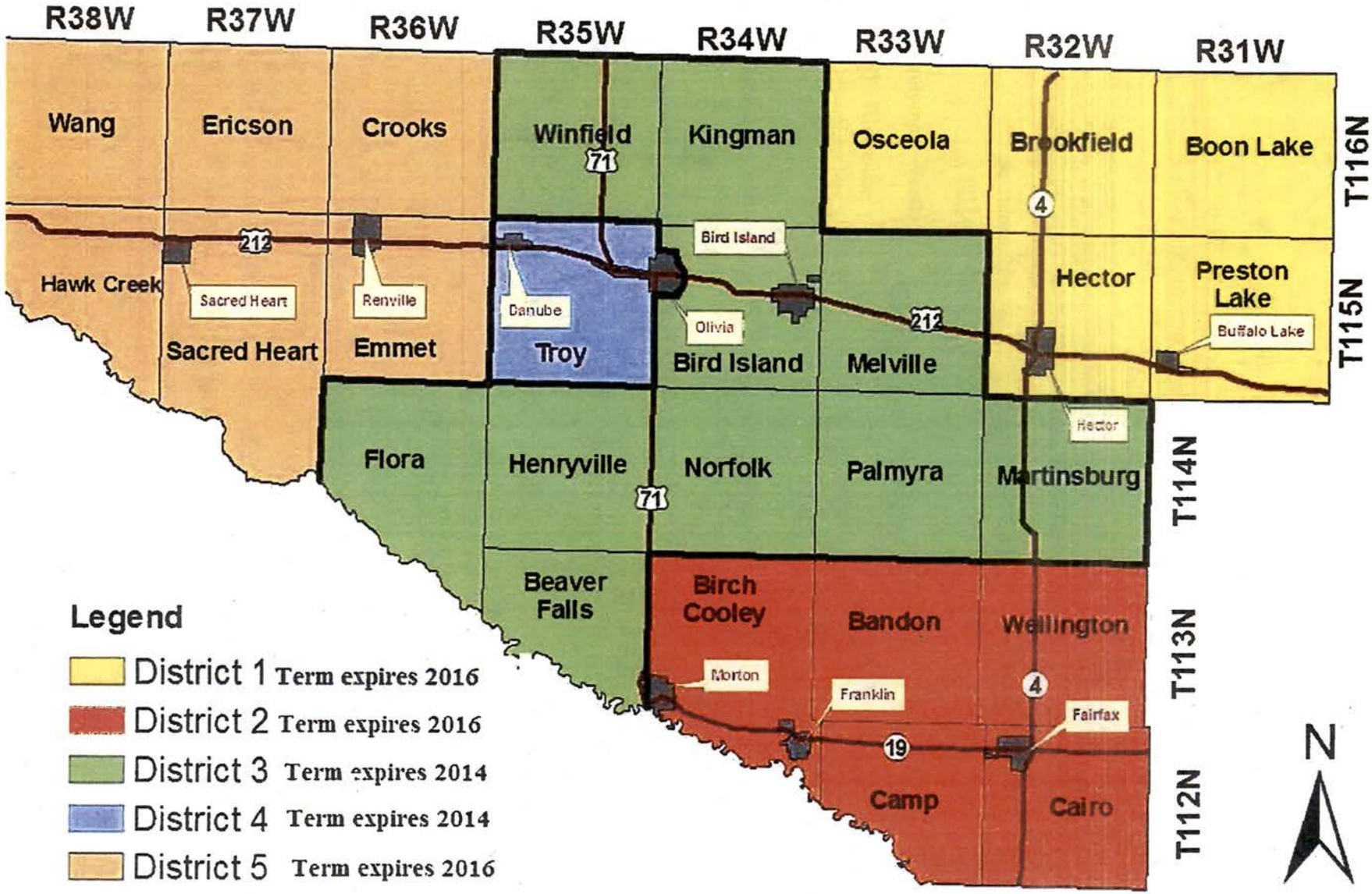
Renville County SWCD Supervisor Districts



Updated 8/15/2013

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, Barbara Hogen, of the City of St. Paul, County of Ramsey, State of Minnesota, being duly sworn on oath, deposes and says, that on January 29, 2014, she served a copy of a Nomination Districts Resolution dated January 21, 2014, and map of the Renville County Soil and Water Conservation District Supervisor Districts, on to Mark Ritchie, Secretary of State, at the State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd, Saint Paul, County of Ramsey, State of Minnesota.

By depositing the same in the State of Minnesota Central Mail pickup mail box located at the Board of Water and Soil Resources Office, located in Saint Paul, Minnesota, properly enveloped and marked for Inter-Office mail delivery.

MARY JO ANDERSON
Notary Public-Minnesota
My Commission Expires Jan 31, 2015

Barbara Hogen

Subscribed and sworn to before me
This 29th day of January, 2014.

Mary Jo Anderson
Notary Public

AFFIDAVIT

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Minnesota Board of Water and Soil Resources

I, Travis Germundson, Water Management Specialist with the Minnesota Board of Water and Soil Resources, County of Ramsey, State of Minnesota, being first duly sworn, on oath says that he has compared the attached copy of a one page Nomination District Resolution, which includes an attachment of a map, of the Renville County Soil and Water Conservation District Supervisor Districts, relating to the Nomination Districts Resolution on file with the Minnesota Board of Water and Soil Resources, and that said attached copy is hereby certified as a true and correct copy of said original and the whole thereof.

Travis Germundson

Subscribed and sworn to before me
this 29th day of January, 2014.

MARY JO ANDERSON
Notary Public-Minnesota
My Commission Expires Jan 31, 2015

Mary Jo Anderson

Notary Public

Renville County Soil & Water Conservation District

1008 West Lincoln, Olivia MN 56277
Phone: 320-523-1559 Fax: 320-523-2389
Website: www.renvilleswcd.com

RECEIVED
JAN 28 2014
Bd. of Water & Soil Resources
St. Paul

January 23, 2014

John Jaschke, Director
BWSR
520 Lafayette Road N
St. Paul MN 55155

RE: Nomination Districts Resolution

Enclosed please find the BWSR copy of the Renville County SWCD Nomination District Resolution. As you can see, our County Auditor/Treasurer Larry Jacobs has signed the form and has retained a copy for his records. I have also retained a copy for our Renville County SWCD records.

If you have any questions or concerns, feel free to contact me or our Board Chair, Kathryn K Kelly.

Sincerely,

Karen Flom

Karen Flom, Office Manager

Minnesota Board of Water & Soil Resources

December 18, 2013

Renville County Soil and Water Conservation District
c/o Karen Flom, Office Manager
1008 West Lincoln
Olivia, MN 56277

Dear Renville County Soil and Water Conservation District:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you that it approved the Renville County Soil and Water Conservation District (SWCD) request for Nomination Districts boundaries change at its regular meeting held on December 18, 2013.

Enclosed are three BWSR approved copies of the Nomination Districts Resolution, which was approved by the Renville County SWCD Board on August 15, 2013. Please have the Renville County Auditor sign and date all three copies of this Resolution. The Renville County Auditor will retain one copy of the signed Resolution, one copy will be retained in Renville County SWCD files, and the other copy will need to be returned to the BWSR St. Paul office.

The BWSR appreciates the attention and action of the Renville County Soil and Water Conservation District in simplifying the SWCD supervisor nomination process.

Sincerely,

Brian Napstad
Chair

c: Jeff Nielsen, Southern Region Supervisor
Adam Beilke, Board Conservationist

Bemidji
403 Fourth Street NW
Suite 200
Bemidji, MN 56601
(218) 755-2600

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

Duluth
394 S. Lake Avenue
Suite 403
Duluth, MN 55802
(218) 723-4752

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

Mankato
12 Civic Center Plaza
Suite 3000B
Mankato, MN 56001
(507) 344-2821

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

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

Rochester
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

NOMINATION DISTRICTS RESOLUTION

Be it resolved by the Renville County Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, subd 2, the district be divided into five areas for nomination of candidates for the positions of Soil and Water Conservation District Supervisors to be elected by nomination district. Said nomination districts will be established by the Renville County Board as County Commissioner District precincts under M.S. 204B.14. Boundaries of the Supervisor Districts will be redrawn by the Renville County Board after each decennial federal census as provided in M.S. 204B.135. Current Districts are:

Districts	Boundaries
I	Townships of Osceola, Brookfield, Boon Lake, Preston Lake and Hector. Cities of Hector and Buffalo Lake.
II	Townships of Birch Cooley, Bandon, Wellington, Camp and Cairo and the cities of Morton, Franklin and Fairfax.
III	Townships of Winfield, Kingman, Bird Island, Melville, Flora, Henryville, Norfolk, Palmyra, Martinsburg and Beaver Falls and the City of Bird Island
IV	Township of Troy and Cities of Olivia and Danube
V	Townships of Wang, Ericson, Crooks, Hawk Creek, Sacred Heart and Emmet and the cities of Sacred Heart and Renville.

I, David Guggisberg, Secretary/Treasurer of the Renville County Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of Renville County Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on August 15, 2013. That I have compared the above copy with the original resolution as set forth in the minutes of said meeting and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: David Guggisberg
Secretary/Treasurer
Renville County Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Renville County Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on August 15, 2013, is hereby approved.

I, John Jaschke, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Renville County Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on August 15, 2013, with the original as set forth in the minutes of said meeting and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: _____
Executive Director
Board of Water and Soil Resources

Filed_____day of _____, 20____.

Signed_____
County Auditor

_____County

Minutes of the Regular meeting of the Renville County Soil & Water Conservation District Board of Supervisors held on Thursday, August 15, 2013 at the Ag Services Building in Olivia MN.

Present: **Marc Iverson**
Kathryn Kelly
Dave Guggisberg
Mark Koenig
Jim Hebrink

Also present: John Stahl, Renville County Board; Karen Flom, Tom Kalahar, Tara Latozke & Jason Beckler, staff.

Meeting was called to order at 7:00 a.m. by Chair Marc Iverson.

MSC (Kathryn, Dave) to approve the Minutes of the July 11, 2013 Regular meeting.

MSC (Dave, Kathryn) to approve the July 2013 Treasurer's Report subject to Audit and the bills as presented.

Staff Reports:

Tom reported on general easement management and maintenance and reported that all the required site inspections are completed. Staff are busy with staking new easements and restaking some old boundaries using the GPS. Sweet Clover control is an issue and staff are working with individual landowners on this issue.
Tom reported on the BWSR Senior Leadership Team tour held in Yellow Medicine & Renville Counties.
Tom completed 8 feedlot inspections during the month.
On July 25th Tom attended the Olivia Kiwanis's meeting. The city prairie site and storm water pond were discussed along with general clean water practices and land use impact on downstream water courses.
On August 1st there was a meeting of DNR, USGS, MPCA, Hawk Creek Watershed project and the SWCD to discuss a possible project on Limbo Creek &Timm's Creek.
Tom worked at Farmfest on August 6th.
Tom will be appearing before the LSOHC on Sept. 4th along with Bill Penning of BWSR & Jason Garms of DNR.This is the interview for the $40 million Prairie Easement grant request to the LSOHC.

Karen reported on general office workload. She noted that the SWCD was able to enter into Contribution Agreements with MASWCD to write CRP plans. She also noted that additional funds are available for Farm Bill Assistance Grants. There was discussion on workload and feasibility of additional staff.
MSC (Jim, Dave) to apply for 1.0 FTE Farm Bill Assistance Grant while continuing to study the feasibility of an additional staff member. The Personnel Committee will work with staff on logistics of an additional Farm Bill Tech.

Jason reported that there were 18 CCRP contracts the past month for a total of 67.5 acres. Five Renville County landowners had their General CRP bids accepted. There were a total of 10 applications.
Easement processing continues with landowners, BWSR and the attorney's office. Several interested landowners are waiting for the new RIM rates to be published before applying.
Jason reported that he designed a long-term RIM Management agreement form which was used as an example at the BWSR tour.
Jason attended the Lake Pepin meeting in Mankato on July 18th. He attended a CRP Contribution Agreement teleconference on July 23rd and the DNR Minnesota River recreational area meeting in Redwood Falls on July

30th. On August 7th he worked at FarmFest. On August 13th he attended the Pheasants Forever district meeting in Willmar and on August 14th the BWSR Senior Leadership Team tour.

Tara reported that she's updated eLink for past grants. She's been working with landowners on weed control on easements and she did the easement well measurements.
She reviewed the County Ditch 124 expansion project for WCA compliance. She had a site visit with Kane Radel of BWSR on a violation site and completed the restoration order. This will require survey work to determine exact elevation of the required embankments.
Tara & Karen worked on the required documents for the SWCD Comprehensive Plan. Tara complete all the vouchers for well sealing contracts. She's assisting the county on a rain garden project that is a violation.

Tara reported that Renville County had adopted the Water Plan on Tuesday, August 13th and presented the Resolution. Karen also reported that all the required documents were ready for Renville County SWCD to adopt the Water Plan as the Five Year Comprehensive Plan. **MSC (Dave, Kathryn) to adopt the Water Plan as the SWCD Comprehensive Plan for the years 2013-2018.**

Board Reports:

Jim reported on the Hawk Creek Meeting.
Mark indicated that he will be attending the MASWCD Governance 101 training in September.
Marc reported that he and Kathryn met with Sara Folsted and Mark Erickson about the feedlot program and they also discussed future cooperation between the SWCD & County.
Kathryn reported on Ditch Viewer Training at Ridgewater, the Lake Pepin Meeting and the MRB Civic Engagement.

NRCS Report: Jeff Kjorness, District Conservationist

Jeff reported that NRCS staff met with owners and contractors for preconstruction meetings on plans for two Animal Mortality Facilities. There are three more to be completed this fall. The EQIP Local Work Group meeting is set for August 26th at 10:30 a.m.

Olivia had seven eligible applications for the 2013 CSP sign-up. Jeff has completed all field verifications, contracts and supporting documents for these applications which will be promoted to contracts.
Jeff worked at the FarmFest NRCS booth. Staff continue to receive and process 1026 requests. The *Feds FeedFamilies* Food Drive is going on today at B&D Market.

Jeff announced that Mike Anderson has resigned and be going to work for BWSR working out of the Willmar Field Office. His duties will be working on RIM/WRP wetland restorations.

MS (Marc, Mark) that the Renville County SWCD adopt the following Resolution to establish Renville County Board Districts as the SWCD election districts. Carried Unanimously

NOMINATION DISTRICTS RESOLUTION

Be it resolved by the Renville County Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, subd 2, the district be divided into five areas for nomination of candidates for the positions of Soil and Water Conservation District Supervisors to be elected by nomination district. Said nomination districts will be established by the Renville County Board as County Commissioner District precincts under M.S. 204B.14. Boundaries of the Supervisor Districts will be redrawn by the Renville County Board after each decennial federal census as provided in M.S. 204B.135. Current Districts are:

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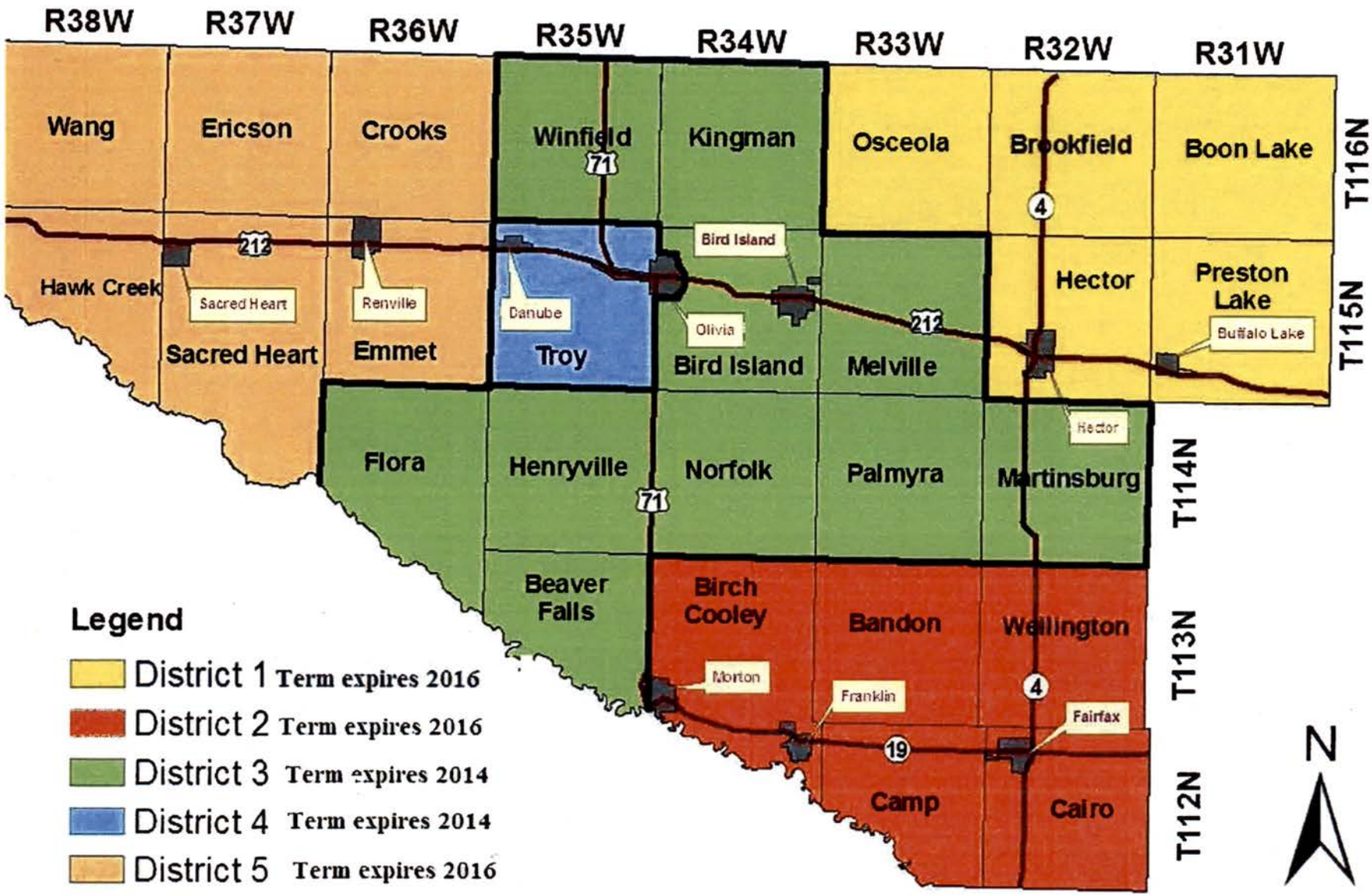
III	Townships of Winfield, Kingman, Bird Island, Melville, Flora, Henryville, Norfolk, Palmyra, Martinsburg and Beaver Falls and the City of Bird Island
IV	Township of Troy and Cities of Olivia and Danube
V	Townships of Wang, Ericson, Crooks, Hawk Creek, Sacred Heart and Emmet and the cities of Sacred Heart and Renville.

There was discussion regarding the upcoming Supervisor vacancy in District 2. Karen was instructed to advertise for applicants.

MSC (Dave, Mark) to adjourn the meeting at 9:40 a.m.

Renville County SWCD Supervisor Districts



Updated 8/15/2013

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Houston County Water Management Plan Five-Year Amendment**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen, Regional Supervisor

Prepared by: Steve Lawler, Board Conservationist

Reviewed by: Southern Region Committee(s)

Presented by: Chris Elvrum

☐ **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

LINKS TO ADDITIONAL INFORMATION

Houston County Five-Year Amendment

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

By Board Order, the Board of Water and Soil Resources (Board) approved the Houston County 2007 - 2017 Comprehensive Local Water Management Plan (Plan) on December 19, 2007. This Plan contains an implementation section with goals, objectives and actions to address the county's priority concerns. The Board Order required Houston County to update the Plan's implementation section by December 31, 2012.

On March 20, 2012, the Houston County Board of commissioners adopted and submitted a resolution and written request to BWSR requesting a two-year extension for the required five-year update of the implementation section of their Plan. On August 23, 2012, the Board approved the two-year extension. The extended end date of the implementation section update is December 31, 2014.

- Houston County followed the amendment process guidelines established by the Board and submitted their 2013 - 2017 Local Water Management Plan Amendment on October 11, 2013.

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on December 19, 2007, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Houston County 2007 – 2017 Local Water Management Plan Update (Plan), which contained a 2007 – 2012 five-year Implementation section; and

Whereas, this Board Order stipulated that Houston County was required to update the implementation section by December 31, 2012; and

Whereas, on March 21, 2012, the Board received a resolution and written request from the Houston County Board of Commissioners requesting a two-year extension of the implementation section update; and

Whereas, on August 23, 2012, the Board approved the request to extend the implementation section update to December 31, 2014, and

Whereas, the Houston County Board of Commissioners submitted the Houston County Plan 2013 Amendment to the Board on October 11, 2013; and

Whereas, this 2013 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2013 Amendment.

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

FINDINGS OF FACT

1. On July 28, 2010 and November 21, 2011, Board staff sent information on the amendment process to Houston County and the Root River SWCD.

2. On December 26, 2012 Houston County passed a resolution and submitted it to the Board stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.

3. On December 26, 2012, Houston County authorized establishment of the Water Management Advisory Committee to initiate the five-year implementation section update.

4. On August 8, 2013, Houston County provided proper notice to local units of government and state agencies of the County's intent to amend its five-year implementation section and invited all recipients to participate in the amendment process.

5. Houston County received written comments from the Minnesota Department of Agriculture, the Minnesota Department of Health, and one Houston County landowner. The Minnesota Board of Water and Soil Resources attended the water plan task force meeting(s) and provided comments.

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

7. The final document developed by Houston County, which includes the revised five-year implementation section 2013 - 2017 is entitled the Houston County Comprehensive Water Plan 2007 - 2017.

8. On September 24, 2013, after providing for proper public notice, Houston County conducted a public hearing on the proposed 2013 Amendment. No additional comments were submitted at the hearing.

9. On October 11, 2013, the BWSR received the Houston County 2013 Amendment, a record of the public hearing, and copies of all written comments supplied at the hearing pertaining to the 2013 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

10. On November 7, 2013, the Board's Southern Region Committee (Committee) reviewed the Houston County 2013 Amendment, pursuant to 103B.301 and guidelines established by the Board. Board regional staff provided its recommendation of approval to the Committee. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

11. This 2013 Amendment will be in effect until **December 31, 2017.**

CONCLUSIONS

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

2. The Houston County 2013 Amendment attached to this Order states goals, objectives and actions the County will address in the five-year implementation section 2013–2017. The 2013 Amendment, as well as the previously approved Houston County 2007 – 2017 Local Water Management Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2013 Amendment of the Houston County Local Water Management Plan for 2013 –2017. Houston County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2017.

Dated at St. Paul, Minnesota, this **18th day of December 2013**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Houston County

Comprehensive Water Plan

2007 – 2017

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Acronym Key

Executive Summary

The purpose of this plan is to identify the primary water resource concerns of local citizens and outline strategies to address those concerns through sound public policy, coordinating implementation with cooperating agencies and partners. These local citizen concerns are referred to as "Priority Concerns."

The Priority Concerns identified for Houston County are:

Goal 1: Protect ground water in order to maintain an adequate supply of safe drinking water for current and future generations.

Goal 2: Improve surface water quality in rivers and streams in Houston County.

Goal 3: Manage storm water runoff to minimize risk to human life, property and the environment.

Goal 4: Optimize recreational uses of water resources.

Goal 5: Review of local and regional plans and ordinances for compliance/compatibility.

An in-depth discussion of these concerns is outlined on the attached Priority Concerns Scoping Document. Houston County Water Plan was originally adopted in March1990 and updated in 1996, 2000 and expired on December 30, 2007. The current plan adopted in 2007 is being updated in 2013 and expires December 30, 2017.

We have provided an analysis of the watershed units as well as groundwater systems. Because of the complex interconnectivity of surface and groundwater in our Karst topography along with similarities in land use and physical characteristics, Houston County has addressed resource concerns across watershed boundaries.

Five major goals identified in the priority scoping document will be addressed through focus on efforts to reduce negative impacts of changes in agriculture and land use and implement cost effective measures to prevent potential degradation of resources through new and/or innovative applications of technology. A combined approach of information and education, technical and financial assistance from federal, state, county and private agencies, together with regulations will be utilized. An estimated $740,000 cash along with in-kind services will be expended from 2012 – 2017.

Every effort has been made to maintain consistency with other local water management plans and to coordinate efforts with local, state, and federal plans and contacts. The plan covers the policies, goals, and effectiveness which the county intends to follow over the coming ten years (2007 – 2017).

Implementation Schedule

GOAL #1 – Protect ground water in order to maintain an adequate supply of safe drinking water for current and future generations					
Issues/Objectives	**Actions/Brief Description**	**Lead Agency(ies)**	**Est. Cost In-kind/Cash**		**Timeline**
A. Provide technical and financial assistance to land users to properly manage and utilize agriculture nutrients	*1. Provide technical assistance on ag waste management on 20 per year.*	SWCD/SRF	*5,000/yr*	*15,000/yr*	*2012 – 2017*
	2. Establish demonstration plot exploring manure application rate and nitrogen/phosphorus rates.	*UME*	*500/yr*	*1,500*	*2014*
	3. Manure Application Field Day.	*SWCD – UME*		*1,000*	*2014*
B. Address non-conforming Individual Sewage Treatment Systems (ISTS)	*1. Update 50 non-conforming ISTS.*	*Zoning*	*10,000/yr*	*9,000/yr*	*Ongoing*
	2. Inspect all new & upgraded ISTS.	*Zoning*	*10,000/yr*	*9,000/yr*	*Ongoing*
	3. Administer Ag BMP loan program.	*Zoning*	*3,000/yr*	*0*	*Ongoing*
	4. Enter all new & upgraded ISTS inspections on a parcel bases.	*Zoning*	*1,000/yr*	*2,000/yr*	*2013/Ongoing*
C. Well Tests	*1. Offer free infant well tests to15 families/year.*	*Public Health*	*500/yr*	*500/yr*	*Ongoing*
	2. Offer well water testing kit at low cost to landowners.	*SWCD*	*300/yr*	*300/yr*	*Ongoing*
	3. Participate in SE MN Domestic Well Network.	*SWCD*	*2,000/yr*	*2,000/yr*	*2013 - 2015*
	4. Provide annual free nitrate testing to Houston County residents.	*SWCD*	*500/yr*	*500/yr*	*Ongoing*
	5. Prepare two news articles annually on well testing.	*SWCD*	*500/yr*	*500/yr*	*Ongoing*
	6. Prepare posters on prenatal and infant care & place where appropriate.	*Public Health*	*300*	*300*	*2014*
D. Support community public water suppliers in implementing their wellhead protection plans	*1. Provide financial incentives for sealing unused unsealed wells with priority give to those wells in Drinking Water Supply Management Areas.*	*Zoning*	*1,000/yr*	*10,000/yr*	*Ongoing*

Implementation Schedule

GOAL #2 – Improve surface water quality in rivers and streams in Houston County					
Issues/Objectives	**Actions/Brief Description**	**Lead Agency(ies)**	**Est. Cost In-kind/Cash**		**Timeline**
A. Explore methods to slow decline in perennial vegetation	*1. Promote existing programs which offer incentives to establish/maintain perennial vegetation.*	UME/SWCD	*1,000/yr*	*5,000/yr*	*2012 – 2017*
	2. Develop local/regional incentives to establish 1,000/acres of perennial vegetation annually.	UME/SWCD	*5,000/yr*	*10,000/yr*	*Ongoing*
	3. Information/education campaign on importance of hay land for erosion control and runoff reduction.	UME/HC	*500/yr*	*500/yr*	*Ongoing*
	4. Assist with implementation/ administration of programs that support/promote animal agriculture.	UME/SWCD	*0*	*0*	*Ongoing*
	5. Promote perennial vegetation within the riparian zone through buffer initiatives that reduce sediment delivery and nutrient reduction. Goal of 20 acres annually.	SWCD/TNC	*1,000/yr*	*5,000/yr*	*2014 - 2017*
B. Provide incentives to adopt conservation practices which will offset the effects of current cropping trends on runoff and erosion in Houston County	*1. Establish incentive program to plant 500 acres of fall cover crops.*	SWCD/TNC	*1,000/yr*	*7,500/yr*	*2013*
	2. Continue technical assistance to the NRCS through contribution agreements and other related programs to install approved EQIP conservation practices.	SWCD	*2,500/yr*	*5,000/yr*	*2012 - 2017*
	3. Seek federal, state and local grants including but not limited National Fish & Wildlife (NFWF), Emergency Defense Fund (EDF), Clean Water Fund (CWF), and The Nature Conservancy to provide cost share and technical assistance to landowners for	SWCD	*500/yr*	*500/yr*	*Ongoing*

Implementation Schedule

	conservation practice implementation county wide.				
	4. Conduct one annual meeting with county commissioners and watershed groups to discuss funding mechanisms for BPM installation.	SWCD	*500/yr*	*500/yr*	*Annually*
	5. Continue partnership opportunities with The Nature Conservancy and NRCS to install 500 linear ft of stream bank restoration and 30 acres of stream bank buffers and 20 BMP's within priority areas of the Root River Watershed.	SWCD/NRCS/TNC	*5,000/yr*	*50,000/yr*	*2013 - 2017*
	6. Provide technical and administrative assistance to the Crooked Creek Watershed to implement their watershed plan.	SWCD	*1,000/yr*	*11,000/yr*	*Ongoing*
	7. Contact ARS (Agriculture Research Station) to obtain cover crop data information for Houston County landowners and conduct one landowner workshop.	UME/SWCD/BWSR/ NRCS	*500*	*500*	*2015*
	8. Assist Minnesota Board of Water & Soil Resources (BWSR) in the conservation practice implementation and enhancement of the Hokah Wetland Bank Project. Plant/maintain 15 acres of trees. Enhance/maintain 80 acres of native grass plantings.	SWCD	*0*	*20,000*	*2013 - 2014*
	9. Provide outreach to landowners/landlords throughout the county through two annual news articles on the importance of conservation planning and installation of recommended practices. Goal of 20 per year.	SWCD	*1,500/yr*	*500/yr*	*Ongoing*
	10. Provide guidance, cost share assistance and recommendations to	SWCD/NRCS	*1,000/yr*	*20,000*	*2014 - 2017*

Implementation Schedule

	20 Bee/Duck Creek Watershed landowners through the federal EQIP program.				
	11. Provide technical assistance and cost-share to 30 private forest landowners using various programs (CRP, EQIP,State) for forest stewardship activities that reduce runoff, improve wildlife habitat and maintain, expand and improve perennial cover.	DNR Forestry/FSA/ NRCS/BWSR/SWCD	*1,000*	*125,000/ yr*	*2016*
	12. Continue prioritization and promotion of BMPs using LiDAR and the Stream Power Index (SPI) as a way to target sensitive landscape features that contribute a disproportionate amount of sediment and nutrients.	SWCD	*1,000/yr*	*0*	*Ongoing*
C. Provide technical and financial assistance on feedlots	*1. Provide planning and financial assistance for low-cost feedlot fixes on five (5) lots per year.*	Zoning/SWCD	*10,000/yr 5,000 yr*	*30,000/yr 0*	*2013 2014-2017*
	2. Provide technical assistance to Houston County to conduct inspections and provide maintenance recommendations on 7% of open lot agreements (OLA program) per year.	SWCD	*15,000/yr*	*15,000/yr*	*2012 - 2017*
	3. Promote residue management on 500 acres of highly erodible land annually.	SWCD	*1,000/yr*	*1,000/yr*	*Ongoing*
	4. Encourage wetland restoration on two (2) sites in Houston County.	SWCD	*500/yr*	*500/yr*	*2013 - 2017*
	5. Plan and implement grazing plans on 250 acres of sensitive areas annually.	SWCD/NRCS	*300/yr*	*1,000/yr*	*Ongoing*
D. Provide technical and financial assistance to land users to establish practices which will reduce discharge of	*1. Continue ongoing partnership with county feedlot officer to address open lot agreement workload.*	SWCD	*2,500/yr*	*5,000/yr*	*Ongoing*

Implementation Schedule

pollutants from animal feedlots					
	2. Assist JPB with two (2) large feedlot storage and runoff projects.	SWCD	*500/yr*	*1,000/yr*	*Ongoing*
E. Develop additional alternatives to promote non-traditional livestock operations	*1. Prepare and submit an annual news article on information and opportunities for non-traditional livestock operations and agricultural operations that support the use of perennial vegetation.*	UME/SWCD	*100/yr*	*100/yr*	*Ongoing*
	2. Provide most updated information and material related to non-traditional livestock operation and provide guidance and contacts to interested residents.	UME/SWCD	*300/yr*	*300/yr*	*Ongoing*

GOAL #3 – Manage storm water runoff to minimize risk to human life, property and the environment					
Issues/Objectives	**Actions/Brief Description**	**Lead Agency(ies)**	**Est. Cost In-kind/Cash**		**Timeline**
A. Provide technical and financial assistance to establish practices that reduce sediment delivery	*1. Provide financial incentives to establish five (5) push-up ponds annually.*	SWCD	5,000/yr	*5,000/yr*	*2012 – 2017*
	2. Develop program providing storm water retention through road culvert/or ditch size reduction on two (2) township and county roads annually.	SWCD/HC DOT	*1,000/yr*	*1,000/yr*	*2013 - 2017*
B. Explore opportunities to reduce peak flow from rural and urban residential development	*1. Provide home site evaluations on average of 12 rural building sites per year.*	Zoning/SWCD	5,000/yr	*500/yr*	*Ongoing*
C. Explore opportunities for solutions to flooding concerns throughout the county, including prioritization of water retention/flood storage using LiDAR Terrain Analysis and	*1. Participate with US Fish and Wildlife Service, Root River Citizens Committee and other partners.*	SWCD/USFS/ Root River CC	*500/yr*	*100/yr*	*Ongoing*

Implementation Schedule

solicitation of funding sources for project costs and technical assistance along with utilizing upstream jurisdiction and other partners					
D. Provide administrative and technical assistance to address issues related to existing wetland within Houston County	*1. Assist the county in administrating the Wetland Conservation Act (WCA).*	SWCD	*12,000/yr*	*12,000/yr*	*Ongoing*
E. New Technology	*1. Provide funding and in-kind contributions for improved technology using LiDAR, stream monitoring projects and computer design software in an effort to enhance natural resource protection.*	SWCD/NRCS/BWSR /DNR/DOT/Houston County	*1,000/yr*	*20,000/yr*	*2013 - 2017*
	2. Discuss and prepare staff training needs for both technical and administrative employees.	SWCD	*500/yr*	*500/yr*	*Ongoing*
F. Flood retention	*1. Complete 2007, 2008 flood workload (Staggemeyer site 2).*	SWCD	*5,000*	*90,000*	*2013 -2014*
	2. Provide annual maintenance on existing Winnebago Watershed flood control structures.	SWCD	*3,000/yr*	*3,000/yr*	*2012 - 2017*
	3. Provide technical and planning assistance to the Bee/Duck Creek, Crooked Creek and Winnebago Watershed committees.	SWCD	*500/yr*	*500/yr*	*Ongoing*
	4. Seek funding opportunities for cost share assistance through the Clean Water Grant proposal to install flood retention structures within the Bee/Duck Creek, Crooked Creek and Winnebago Watersheds.	SWCD	*1,000/yr*	*1,000/yr*	*Ongoing*

Implementation Schedule

GOAL #4 – Optimize recreational uses of water resources					
Issues/Objectives	**Actions/Brief Description**	**Lead Agency(ies)**	**Est. Cost In-kind/Cash**		**Timeline**
A. Recreation access to water resources	*1. Operate Wildcat Park.*	Houston County Auditor	*2,000/yr*	*0*	*Ongoing*
	2. Develop Botcher Park.	Houston County	*2,000/yr*	*5,000/yr*	*Ongoing*
	3. Provide access information on Houston County Hwy. maps.	Houston County DOT	*1,000/yr*	*0*	*Ongoing*

GOAL #5 – Review of local and regional plans and ordinances for compliance/compatibility					
Issues/Objectives	**Actions/Brief Description**	**Lead Agency(ies)**	**Est. Cost In-kind/Cash**		**Timeline**
A. Administer all provisions of Houston County Water Plan	*1. Staff part-time Water Plan Coordinator.*	SWCD	*6,000/yr*	*12,000/yr*	*Ongoing*
	2. Continue participation on SE WRB.	SWCD	*500/yr*	*4,000/yr*	*Ongoing*
	3. Review local/regional plans to insure compliance with Water Plan.	SWCD	*500/yr*	*0*	*As Needed*

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Nobles County Water Management Plan Five-Year Amendment**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Southern Region

Contact: Jeff Nielsen

Prepared by: Carla Swanson-Cullen

Reviewed by: Southern Region 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

LINKS TO ADDITIONAL INFORMATION

Nobles County Five-Year Amendment

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

On March 25, 2009, the Board of Water and Soil Resources (BWSR), by board order, approved the Nobles County 2009 – 2019 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 2009 - 2014. The Board Order stipulated that Nobles County was required to revise / update this implementation section by March 25, 2014.

On April 2, 2013 the Nobles County Board of Commissioners resolved to amend its five-year implementation section as directed by BWSR. Nobles County conducted a public hearing on the plan on October 22, 2013. The County followed the process for amending as described within the Comprehensive Local Water Management guidance document developed by BWSR.

On October 22, 2013 the BWSR regional staff received the 2013 Amendment to the Nobles County Comprehensive Local Water Plan. The 2013 Amendment contains an Executive Summary and a new 2014 - 2018 implementation section. The amendment has prioritized action items in the implementation section of the plan. The implementation section addresses the following priority concerns:

- Surface Water Quality
- Drainage Management
- Public Water Supply

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

ORDER APPROVING LOCAL WATER MANAGEMENT PLAN AMENDMENT

Whereas, on March 25, 2009, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Nobles County 2009 – 2019 Local Water Management Plan Update (Plan), which contained a 2009 – 2014 five-year Implementation section; and

Whereas, this Board Order stipulated that Nobles County was required to update the implementation section by March 25, 2014; and

Whereas, the Nobles County Board of Commissioners submitted the Nobles County Plan 2014 Amendment to the Board on October 22, 2013; and

Whereas, this 2013 Amendment contains the updated five-year implementation section as ordered by the Board; and

Whereas, the Board has completed its review of the 2014 Amendment.

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

FINDINGS OF FACT

1. On April 2, 2013, Nobles County passed 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 July 9, 2013, Nobles 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.

3. On July 23, 2013, Board staff sent information on the amendment process to Nobles County and Nobles SWCD.

4. On August 1, 2013 and September 18, 2012, Nobles County convened its water plan task force and held public update information meetings to develop the five-year implementation update.

5. Nobles County received written comments from the Minnesota Department of Agriculture, the Minnesota Board of Water and Soil Resources, and one Nobles County landowner. The Minnesota Board of Water and Soil Resources attended the water plan task force meeting(s) and provided comments.

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

7. The final document developed by Nobles County, which includes the revised five-year implementation section 2013 – 2018 is entitled the Nobles Local Water Management Plan, a 10-year plan with a five-year implementation schedule 2009-2018, 2013 Amendment.

8. On October 22, 2013, after providing for proper public notice, Nobles County conducted a public hearing on the proposed 2013 Amendment. No additional comments were submitted at the hearing.

9. On October 22, 2013, the BWSR received the Nobles County 2013 Amendment.

10. On October 31, 2013 the BWSR received a record of the public hearing, and copies of all written comments supplied at the hearing pertaining to the 2013 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.

11. On November 7, 2013, the Board's Southern Region Committee (Committee) reviewed the Nobles County 2013 Amendment, pursuant to 103B.301 and guidelines established by the Board. Board regional staff provided its recommendation of approval to the Committee. The Committee voted to recommend approval to the full Board at its next scheduled meeting.

12. This 2013 Amendment will be in effect until **March 25, 2019.**

CONCLUSIONS

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

2. The Nobles County 2013 Amendment attached to this Order states goals, objectives and actions the County will address in the five-year implementation section 2013–2018. The 2013 Amendment, as well as the previously approved Nobles County 2009 – 2018 Local Water Management Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

ORDER

The Board hereby approves the attached 2013 Amendment of the Nobles County Local Water Management Plan for 2013 –2018. Nobles County will be required to provide for a complete update of its Water Management Plan prior to March 25, 2019.

Dated at St. Paul, Minnesota, this **18th day of December 2013**.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

NOBLES LOCAL WATER MANAGEMENT PLAN

A 10-year plan with a five-year implementation schedule 2009-2018

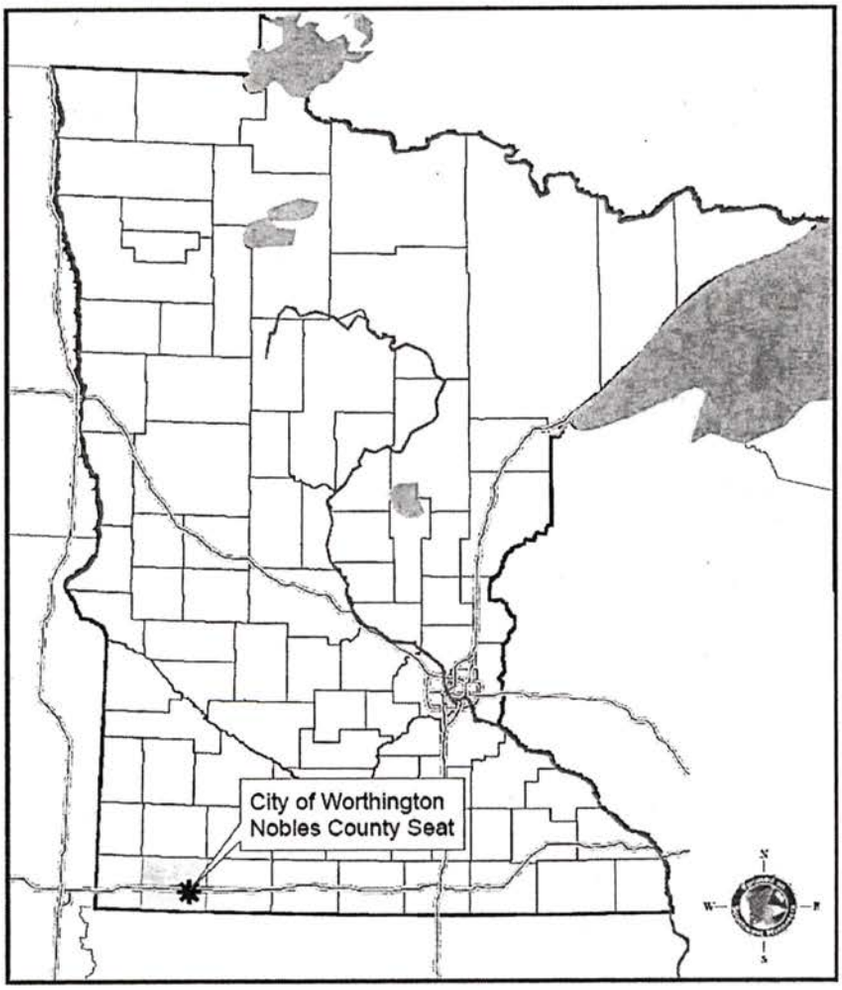
2013 AMENDMENT

DRAFT

10/22/13

Prepared for the Nobles County Local Water Management Plan Task Force
By Nobles Soil & Water Conservation District and
Nobles County Environmental Services

Covering Nobles SWCD, Nobles County Environmental Services,
Kanaranzi-Little Rock Watershed District, Okabena-Ocheda Watershed District



A. Executive Summary

Nobles County is located in southwestern Minnesota, adjacent to Rock, Murray, Cottonwood, and Jackson counties. Iowa's Lyon and Osceola counties are located south of the state line. The City of Worthington is the county seat. Nobles County's population in the 2010 U.S. Census was 21,378.

Nobles County is divided between the Mississippi and Missouri major water basins. The West Fork Des Moines major watershed flows east into the Heron Lake system. The Little Sioux watershed drains southeast into Iowa. The Rock River watershed drains the western part of the county south and west. Groundwater is the primary source of drinking water.

A.1 Purpose & Introduction

The *Nobles 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.

Nobles County developed a unified comprehensive water resources management plan for the entire county over a period from 1994 to 1998, incorporating the Nobles Soil and Water Conservation District (SWCD) comprehensive plan and watershed district plans for the Kanaranzi-Little Rock Watershed District (KLRWD) and Okabena-Ocheda Watershed District (OOWD). While not a formal member of this plan, the Heron Lake Watershed District (HLWD) is an important collaborator on water planning in Nobles County. The KLRWD also includes areas of Rock County.

A.1.a Plan Requirements

In 2008 Nobles County developed a unified comprehensive water resources management plan for the entire county incorporating the Nobles County Local Water Plan, Nobles SWCD comprehensive plan and watershed district plans for the KLRWD and OOWD. This was a collaborated effort to achieve goals for sound hydrological management of water and related sources. The plan is a ten-year plan effective until March 25, 2019. However it was developed with a five-year implementation schedule. The plan is now being reviewed and updated including a new five-year implementation schedule. The intent is that this plan is to continue to cover the four participating water management organizations.

Requirements of a local water plan are set forth in current state statute (Minnesota Statute §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.

SWCDs often adopt the local water management plan as their comprehensive plan required for certain state funding, as long as the plan has details of "high priority erosion problems" and "high priority water quality problems". Watershed Districts have additional requirements to meet for their Watershed Management Plan, which like the SWCD are subject to Board of Water and Soil Resources (BWSR) guidelines and are implemented in more detailed work plans. Minn. Stat. §103D.405 requires that a revised watershed management plan include:

> (1) updates and supplements of the existing hydrological and other statistical data of the watershed district;
>
> (2) specific projects and programs to be considered for implementation;
>
> (3) a statement of the extent that the purposes for which the watershed district had been established have been accomplished;
>
> (4) a description of problems requiring future action by the watershed district;
>
> (5) a summary of completed studies on active or planned projects, including financial data; and
>
> (6) an analysis of the effectiveness of the watershed district's rules and permits in achieving its water management objectives in the watershed district.

This plan attempts to balance the requirements of each water management organization to achieve a useful, strategic document that is easily understandable and useful for decision makers and residents of Nobles County. It is intended to describe a vision for the future, not as an encyclopedic reference of the past. Historical information contained in previous editions of the water plan are incorporated by reference.

A.1.b Accomplishments

Major accomplishments under Nobles County's previous water management plans included from 2009-2013:

- Appointed Co-Water Planners in the SWCD and County Environmental Office.
- Provided technical assistance for wellhead protection updates for the cities of Ellsworth, Adrian, Lismore, Worthington and the Community of Leota.
- Partnered with the HLWD for continuation of a Minnesota Pollution Control Agency (MPCA) Clean Water Partnership (CWP) grant.
- Supplied data and collected surveys for a Red Rock Rural Water project to bring water to the four townships in southeast Nobles County.
- Funded a conservation tillage cost-share program for the Upper Elk Creek.
- Provided Funding and staff time to an annual education program by the Prairie Ecology Bus Center for local schools.
- Participated in the multi-state Upper Des Moines River Watershed Accelerated Implementation Plan.
- Completion of 1 Critical Area Planting.

- Completion of 28 Grassed Waterways
- Completion of 232 Terraces and Water and Sediment Control Basins
- Completion of 4 Clean Water Diversions
- Planted 52.7 acres of Farmstead Windbreaks
- Installed 600 feet of Field windbreaks.
- Planted 13.3 acres of private wildlife plantings.
- Enrolled and planted 41.5 acres of riparian buffers.
- Enrolled 29.7 acres of permanent easements.
- Enrolled/re-enrolled 1131.7 acres of non-wetland Conservation Reserve Program (CRP) acres.
- Enrolled/re-enrolled 90.4 acres of wetland practice CRP acres.
- Assisted with the completion of 20 Nutrient Management Plans.
- Assisted with the completion of 7 Ag. Waste Management systems.
- Protection of 2400 feet of streambank and shoreland areas.
- Partnered with neighboring counties with a MPCA funded Watershed Coordinator for the Missouri River Total Maximum Daily Load (TMDL).
- Completed water sampling needed for Missouri River TMDL.
- Completed MPCA Stream Water Assessment Grants related to streams and lakes in Nobles County.
- KLRWD received $350,000 of American Recovery and Reinvestment Act (ARRA) Funds for watershed improvement projects.
- Applied for and received $157,058 in Clean Water Assistance Grant Funds in 2010 for remaining projects that requested KLR ARRA.
- Applied for and received $154,000 in Clean Water Assistance Grant funds in 2011 to restore/protect 1,600 feet of Lake Ocheda Shoreline.
- Applied for and received $165,263 in Clean Water Assistance Grant funds in 2011 to improve a feedlot on a tributary of the Kanaranzi Creek.
- Applied for and received $241,308 in Clean Water Assistance Grant Funds in 2012 to mitigate feedlot pollution problems on a tributary of the Kanaranzi Creek.
- Applied for and received $285,508 in Clean Water Assistance Grant funds in 2013 for erosion control practices such as terraces, waterways, and streambank stabilization practices.
- Applied for and received $176,933 to complete 2 feedlot improvement projects including mitigating one pollution sites adjacent to the City of Lismore's Wellhead Protection Area and one on Lake Ocheda.
- Provided technical assistance to the HLWD in developing the WFDMR and Heron Lake TMDL Implementation Plan which was approved in September of 2009.
- Entered into a Memorandum of Agreement (MOA) with Nobles, Jackson, Murray, Cottonwood, Martin, Pipestone, and Lyon Counties and SWCDs and the HLWD in October 2009 to leverage funds and resources by solidifying our commitment to the WFDMR watershed. This MOA allows those involved to

maximize resources more effectively, provide new opportunities, and establish a diverse, unique commitment. Coordination among local government units is needed to maximize the benefits of the efforts and available resources, while providing the best possible avenues to address the environmental, educational, economic, and agricultural needs of the watershed, its communities, and its residents.

- Offered cost-share for the installation of alternative tile intakes to replace open tile intakes through a CWP grant awarded to the HLWD. The grant ran until June 2013. Fifty-six alternative tile intakes were replaced in Nobles County.
- Partnered with county feedlot officers and SWCD staff in Nobles, Jackson, Murray, and Cottonwood Counties, and HLWD staff to complete an intensive, onsite inventory and inspection (Level III Feedlot inventory) of eighty percent of the feedlots (592) in the WFDMR watershed through inkind contributions. The inventory is instrumental in order to gage the need for funds to address the feedlots and ultimately decrease the bacteria concentrations in the streams and rivers. A staff person dedicated to the project was hired to promote the project and seek additional funding for implementation and education. Project partners will host a one-day manure management workshop for feedlot owners and operators, develop a project brochure and website, and conduct committee meetings.
- Partnership between Pheasants Forever, Department of Natural Resources (DNR), Worthington Public Utilities and OOWD to purchase 8 parcels of marginal agricultural land totaling 320 acres in the Bella wellhead protection area. Permanent prairie habitat and wetland restorations were completed to protect the aquifer from pollution and promote groundwater recharge.
- Provided cost-share to seal 19 unused wells and replace 8 non-compliant septic systems in the OOWD.
- Partnership between Minnesota West Community and Technical College, City of Worthington, Olson Trust and OOWD to enlarge a new regional storm water pond to slow flow and treat runoff from a 70-acre agricultural watershed.

Nobles Loans Water Management Plan

AgBMP Loans -- New and Revolving Funds

	Tillage Equipment		Ag Waste		SSTS Upgrades		Erosion Control	
2005	7	222,900	1	31,500	4	20,800	2	16,900
2006	7	174,700	6	285,545	2	9,500		
2007	15	300,870	2	26,850	1	5,000		
2008	4	139,790	7	210,350	3	22,060		

2009	6	249,300	4	111,150	3	25,661	
2010	5	168,800	5	190,300	1	7,600	
2011	6	176,650	3	71,837	1	11,700	
Source: Nobles SWCD							

A.1.c Plan Update, Adoption and Amendment

Nobles SWCD and Nobles County Environmental Services (ENVS) are responsible for local water management in Nobles County, including facilitation of public input and convening the Local Water Management Task Force. Nobles County Environmental Services and the Nobles SWCD were tasked with the Plan Amendment process.

Task Force membership included:

- Ed Lenz, Nobles Soil & Water Conservation District
- Wayne Smith, Nobles County Environmental Services
- Jane Steffl, Nobles Soil & Water Conservation District
- John Shea, Nobles Soil & Water Conservation District
- Paul Langseth, Nobles Soil & Water Conservation District
- Dawn Madison, NRCS Worthington F.O.
- Dan Livdahl, Okabena-Ocheda Watershed District
- Coleen Gruis, City of Rushmore
- Marvin Zylstra, Nobles County Commissioner
- Gene Metz, Nobles County Commissioner
- Mark Hiles, MN Board of Water & Soil Resources
- Jan Voit, Heron Lake Watershed District
- Bruce Heitkamp, Kanaranzi-Little Rock Watershed District
- Stephanie McLain, Natural Resources Conservation Service
- Jerry Lonneman, Lincoln-Pipestone Rural Water
- Eric Roos, Worthington Public Utilities
- Lynn Darling, Nobles Soil & Water Conservation District
- Ken Wolf, Nobles Soil & Water Conservation District
- James Knips, Nobles Soil & Water Conservation District
- Chessa Frahm, Missouri River Basin

Technical Committee

- Ed Lenz, Nobles Soil & Water Conservation District, Kanaranzi –Little Rock WD
- Wayne Smith, Nobles County Environmental Services
- Al Langseth, Nobles County Environmental Services
- Dan Livdahl, Okabena-Ocheda Watershed District
- Jan Voit, Heron Lake Watershed District
- Chessa Frahm, Missouri River Watershed Coordinator

The following public and internal forums and meetings were held to provide public input into the update process:

12/6/12 Update planning meeting w/SWCD, County ENVS Office, KLR and O-O watershed districts, BWSR (5 att.)

4/2/13 Nobles Board of County Commissioners adopts resolution to update.

7/9/13 Mail/email Notice to Revise and Update to BWSR routing list, adjacent counties, cities & townships.

8/1/13 Local Water Plan Public Update Information Meeting held at Nobles County Public Works Building, Worthington (22 att.)

9/18/13 Local Water Plan Public Update Information Meeting held at Nobles County Public Works Building, Worthington

9/30/13 First Draft of Water Plan Amendment published on SWCD website.

10/2/13 Worthington Daily Globe publishes article notifying public on water plan update and request for public comment.

10/11/13 Public comment period closed.

10/11/13 Second Draft of Water Plan Amendment published on SWCD website.

10/12/13 Notice of Public Hearing Published in *Worthington Daily Globe.*

10/17/13 Technical Committee Meeting Held at Nobles County Public Works Building, Worthington

10/22/13 Public Hearing before Nobles County Board of Commissioners.

Upon approval of this plan amendment by the Board of Water and Soil Resources (BWSR), the County Board 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.

Approximately two years—and no later than 18 months—prior to the end of the five year management schedule, the County Board should consider a new Resolution to update this plan, according to the rules then in place.

A.2 Description of Priority Concerns

The Priority Concerns listed below were selected by the Water Plan Task Force members by consensus, after carefully reviewing submitted concerns and comments, and then refined based on discussion in public meetings. While the assessment of priority concerns utilized the best available information, this plan rests solidly on data and analysis contained in previous editions of the county's local water management plan.

Priority Concern 1. Surface Water Quality.

Minnesota has an abundance of surface waters. A number of these waters in Nobles County and the region are listed as TMDL Impaired by MPCA and the U.S. Environmental Protection Agency (EPA). Impaired waters affect both the local environment and communities' ability to provide for their future. High priority soil erosion problems continue to be present, while management of nutrients, feedlots and sewage treatment systems require ongoing attention.

Priority Concern 2. Drainage Management.

The landscape of Southwest Minnesota has changed greatly since settlement. Management of the resulting drainage system—the modern hydrograph—is often disjointed and uncoordinated, leading to issues with both quantity and quality of water. Flooding and stormwater retention remain concerns across the county. There are also particular issues in the region with wetlands, habitat and critical species.

Priority Concern 3. Public Water Supply.

A long-term, sustainable supply of surface and ground water is essential to growth and development in Nobles County. There is particular concern with wellhead protection, protection of critical lands, and provisions for both urban and rural water supply systems.

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

Goals and Actions were selected to address priority concerns, with a focus on principles of sound hydrological management.

Priority Concern 1. Improve Surface Water Quality.

This concern will be addressed to prevent further degradation of stream and lake water quality, with a priority for shoreland areas, TMDL-listed waters, and un-sewered communities. Objectives include addressing TMDL impaired waters, preventing soil erosion; promoting agricultural best management practices (AgBMPs), and facilitating compliance of nutrient management, feedlot and septic treatment systems with state and federal requirements.

Implementation actions include promotion and education, administration and review of plans and ordinances, working with state and federal agencies on measures to improve water quality, technical assistance with programs and best

management practices, financial incentives for conservation practices, and development of information systems.

Projected costs over the five years of the management plan to implement all actions would include about $75,000 for TMDL plans and implementation, $4,152,500 to complete projects including TMDL implementation projects, $617,000 for technical assistance and administration, $590,000 for buffer programs, $300,000 for developing a soil loss ordnance, and $51,250 for outreach and education, as well as annual in-kind services. All dollar figures are rough estimates and recognize approximate known costs of identified implementation partners.

Priority Concern 2. Drainage Management.

This concern will be addressed to restore more natural flows in the drainage system, focusing on shoreland areas. Objectives include improving shoreland and impervious surface areas; improving flood control, drainage systems and stormwater retention; encouraging wetland restoration; and addressing habitat and critical species issues.

Implementation actions include providing education and outreach, administration and review of rules and ordinances, maintenance of GIS data, technical assistance with conservation and wetlands projects, and mitigation improvements in flood control.

Projected costs would include about $6,165,000 for the flood control project on County Ditch 12 in Worthington, $2,565,000 for best management practices (BMP's), $1,500,000 for conservation practices and easements for wetland restorations, $300,000 for development of a Comprehensive Drainage Management Plan, $500,000 for Re-determination of benefits, $95,000 for technical assistance and administration, and $62,500 for outreach and education, as well as annual in-kind services.

Priority Concern 3. Public Water Supply.

This concern will be addressed to assure long-term quality and quantity of water supplies, with a priority for drinking water supply management areas and areas not currently served by public/community systems. Objectives include encouraging well head protection, preventing groundwater contamination, facilitating land retirement, and supporting rural water systems and long-term water supplies.

Implementation actions include outreach and education, technical assistance and incentives for landowners and water providers, review of plans and ordinances, maintenance of GIS data, providing assistance to seal unused wells, cooperative efforts for land retirement, and working with cities and water providers for long-term water supplies.

Projected costs would include about $2,600,000 towards land retirement partnerships including RIM, WRP, and other easement programs. $20,000 for

assistance to landowners sealing unused wells, $102,360 for technical assistance and administration, and $12,250 for outreach and education, as well as annual in-kind services.

A.4 Consistency with Local, State and Regional Plans

Nobles County Environmental Services administers the County's comprehensive land use plan and zoning ordinance. This helps to maintain consistency between this plan and the County's other plans and ordinances. The County's *comprehensive plan* identifies goals and policies for the County, which has been reviewed for consistency with this water management plan. Task Force members are also familiar with HLWD management documents and operations procedures for KLRWD, and OOWD. While portions of the KLRWD are located in Rock County, Minnesota, this plan has fully considered (and is based on the format of) the *Rock County Water Plan* (revised and adopted 9/2011). No other formal plans were received for review.

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

No specific amendments are recommended at this time. Action items include consideration of updates to 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.

Lake Okabena. *Photo by SRDC*

COMMITTEE RECOMMENDATIONS

Public Relations, Oversight, & Strategic Planning Committee

1. One Watershed, One Plan Implementation – Jack Ditmore and Doug Thomas – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: One Watershed, One Plan Implementation

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region:

Contact: Doug Thomas

Prepared by: Doug Thomas/Melissa Lewis

Reviewed by: Public Relations, Oversight & Strategic Planning Committee(s)

Presented by: Jack Ditmore/Doug Thomas

☐ **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

Adoption of One Watershed, One Plan Guiding Principles
Adoption of Draft Suggested Boundary Framework and initiate formal review and comment period
Adoption of Plan Types
Authorize One Watershed, One Plan Pilot Program – Request for Interest

LINKS TO ADDITIONAL INFORMATION

One Watershed, One Plan - Guiding Principles (attached)
One Watershed, One Plan – Suggested Boundary Framework memo & map (attached)
One Watershed, One Plan – Plan Types memo (attached)
One Watershed, One Plan – Pilot Watershed Request for Interest (attached)

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

The requested Board actions are the first formal steps in the development and roll out of the One Watershed, One Plan program. The One Watershed, One Plan program was initiated in 2011 by the Local Government Water Roundtable (AMC, MASWCD, MAWD) and followed with authorizing legislative authority to BWSR in 2012. The Board's Public Relations, Oversight, and Strategic Planning Committee (PROSP) was charged with assisting in the development of guiding principles and operating procedures that will guide program implementation. The PROSP Committee has met three times and at this time is recommending Board adoption of guiding principles, plan types, and the initiation of a formal review and comment period for a suggested boundary framework. In addition staff are requesting approval to initiate a pilot watershed request for interest. The PROSP committee will continue to meet in 2014 to continue to develop and make recommendations on additional operating procedures and policies necessary to fully implement the One Watershed, One Plan program.

Minnesota Board of Water & Soil Resources

Board Resolution # 13-106

ONE WATERSHED, ONE PLAN IMPLEMENTATION

WHEREAS, the Clean Water Fund (CWF) is established in M.S. 114D.50; and,

WHEREAS, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2013, Chapter 137, Article 2, Section 7(j) for assistance and grants to local governments to transition local water management plans to a watershed approach as provided for in Minnesota Statutes, chapters 103B, 103C, 103D, and 114D; and

WHEREAS, One Watershed, One Plan was authorized pursuant to M.S. 103B.101, Subd. 14, and which provides that the board may adopt resolutions, policies, or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan; and,

WHEREAS, M.S. 103B.101. Subd. 14, provides that the board shall, to the extent practicable, incorporate a watershed approach when adopting the resolutions, policies, or orders, and shall establish a suggested watershed boundary framework for development, approval, adoption, and coordination of plans; and

WHEREAS, the Board on June 26, 2013 concurred that a set of guiding principles and operating procedures were necessary to guide and support the development of the One Watershed, One Plan program, and pilot watershed approach; and

WHEREAS, the Board Chair charged the Public Relations, Oversight, and Strategic Planning Committee (PROSP) working with staff to develop and recommend One Watershed, One Plan guiding principles and select operating procedures; and,

WHEREAS, the BWSR Director charged the BWSR Senior Management Team to develop and recommend a Request for Interest to seek local government nominations for a pilot program; and,

WHEREAS, the PROSP Committee met on November 14, 2013 and reached consensus on One Watershed, One Plan guiding principles, a draft suggested watershed boundary framework (including initiation of a 60 day review and comment period), and plan types for pilot watersheds and recommends adoption of each by the Board; and,

WHEREAS, the Senior Management Team on November 12, 2014 concurred with the staff recommendation for the pilot program and to seek nominations through a request for interest and recommends initiation of the pilot watershed request for interest by the Board.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1) Adopts the One Watershed, One Plan Guiding Principles dated November 14, 2013.

2) Adopts the draft One Watershed, One Plan Suggested Boundary Framework map, dated 10/23/13 and authorizes staff to initiate a 60 day formal review and comment period for the purpose of seeking review and comment prior to formal adoption of a final Suggested Boundary Framework map at a later date.

3) Adopts the following One Watershed, One Plan Types for Pilot Watersheds:
   a. Water Quality Implementation Plan
   b. Priority Concerns Watershed Implementation Plan
   c. Comprehensive Watershed Management Plan

4) Authorize staff to finalize, distribute and promote a Request for Interest (RFI) for the One Watershed, One Plan Pilot Program.

Date: 12/18/13

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments:

One Watershed, One Plan - Guiding Principles, November 14, 2013
One Watershed, One Plan – Suggested Boundary Framework memo & draft map, November 13, 2014
One Watershed, One Plan – Plan Types memo, November 18, 2014
One Watershed, One Plan – Pilot Watershed Request for Interest, December 2013

MASWCD
Minnesota Association of Soil and Water Conservation Districts

AMC
ASSOCIATION of MINNESOTA COUNTIES

MINNESOTA ASSOCIATION OF WATERSHED DISTRICTS, INC
Land and Water Shall be Preserved

November 25, 2013

Local Government Water Roundtable
Comprehensive Water Planning and Management
Policy Paper

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Minnesota Local Government Water Roundtable

The Association of Minnesota Counties (AMC), the Minnesota Association of Soil and Water Conservation Districts (MASWCD), and the Minnesota Association of Watershed Districts (MAWD) understand the value and strength of working together and have developed the **Minnesota Local Government Water Roundtable** (Roundtable). The Minnesota Board of Water and Soil Resources (BWSR) is serving in an advisory capacity.

Background

On July 12, 2010, more than 380 local water management officials gathered in St. Cloud, Minn. at a "Water Management Summit", to begin discussions of present and future involvement of Local Government Units in the management of Minnesota's water resources. Leading up to the Summit, the Roundtable was formed to discuss and act on issues of common concern.

The major topics identified by the Roundtable for further investigation and recommendations include:

- Watershed and basic water management
- Comprehensive water planning and management
- State funding process for local water plan implementation.

Following the Summit, a 30-member advisory committee of County, Soil and Water Conservation District (SWCD), and Watershed District (WD) board members and staff from across the state was formed and divided into three subcommittees, with each subcommittee responsible for one of the major topic areas. This policy paper contains the key concepts, policy statements, findings, and recommendations of the Roundtable.

The Minnesota Local Government Water Roundtable's goal is to provide consensus recommendations to our members and state policy makers on how to deliver water management in Minnesota to be more efficient and effective in accordance with economic realities of our state and nation and the accompanying pressures on state and local resources.

Our three Associations and our members are committed to collaborative efforts and have developed the One Watershed, One Plan *approach.*

Vision

The Roundtable envisions a watershed framework in the State where all stakeholders in water take an active role in creating healthy watersheds.

Key Concept

A key concept developed and supported by the Roundtable is the *One Watershed, One Plan* approach. *One Watershed, One Plan* came about in response to discussion and information generated by the Roundtables' collective members during the Local Water Management Summit (July 2010) to answer the question of what should be the recommended method for organizing, planning and implementing water restoration and protection activities.

> *"Each river system, from its headwaters in the forest to its mouth on the coast, is a unit and should be treated as such."*
>
> -President Theodore Roosevelt

Policy Statements

The following four major policy statements embody the collective work of the Advisory Committee and Roundtable have been crafted to inform and shape the transition of the current local water management structure in Minnesota to a comprehensive watershed based approach:

Policy Statement 1. The recommended scale for watershed planning should be on the basis of 81 major watershed boundaries.

Policy Statement 2. The water management and planning programs under 103B and 103D should be changed to the 81 major watershed boundaries, except for areas subject to Metro Surface Water Management Act. This will enable the framework for unified and comprehensive watershed management plans.

Policy Statement 3. Long term predictable state funding should be provided for implementation of actions identified in watershed based plans.

Policy Statement 4. Incentives and/or the removal of barriers should be provided to Local Governmental Units water management activities to voluntarily share services or consolidate in order to achieve greater efficiencies in service delivery.

Benefits from the *One Watershed, One Plan* will be:

- Accelerated science-based, comprehensive management of water resources on a watershed basis
- Plans focused on implementation that are prioritized, targeted, and measurable
- Maximized benefits and outcomes of our water planning and soil and water conservation programs
- Facilitated concept of shared services between local governments
- A local means of establishing "essential watershed services"
- Effective means to solicit input from and engage agency experts & stakeholder groups
- Can establish a framework for future collaborative grant application/funding process
- Expanded local government partnerships for program delivery efficiency and effectiveness gains (less planning, more coordination and implementation)
- Achieve a consolidation of the number of water plans from over 200 to less than 100
- Effective means for incorporating Watershed Restoration and Protection Strategies (WRAPS) into local comprehensive watershed management plans

Policy Findings

AMC, SWCD and WD board members and staff from across the state worked together to develop the following policy findings and which have been adopted by the Roundtable. BWSR and Minnesota Pollution Control Agency (MPCA) leaders assisted with evaluating the changes to also align with Clean Water Legacy Act elements.

- The Roundtable, consistent with the State's watershed management policy found in MS 103A.212, finds that it is in the public interest to manage groundwater and surface water resources from the perspective of aquifers, watersheds, and river basins to achieve protection, preservation, enhancement, and restoration of the state's valuable groundwater and surface water resources.
- The Roundtable finds that the primary local watershed management planning and implementation framework should follow the delineated 81 major watersheds or smaller. The 81 major watershed designations is based on the eight-digit Hydrologic Unit Code (HUC) covering the state and is based on a standardized set of watersheds that was developed by the DNR in 1979, and based on United States Geological Survey and the USDA Natural Resource Conservation service data.

- The Roundtable finds that existing comprehensive water management plans in most cases, contain adequate inventories of resources and assessment of issues, and as such major watershed based plans should focus on implementation of restoration and protection activities that are prioritized, targeted, and measureable.
- The Roundtable finds that the MPCA's ten-year watershed approach and resulting WRAPS will be a valuable tool to help inform *One Watershed- One Plan* efforts.

WRAPS

Based on the watershed assessment, a watershed restoration and protection strategy (WRAPS) report is completed. This report:

- Summarizes scientific studies of the watershed, including the physical, chemical, and biological assessment of the water quality of the watershed;
- Identifies impairments and water bodies in need of protection;
- Identifies biotic stressors and sources of pollution (both point and nonpoint);
- Scientific analysis for impairments (TMDLs) that determines the sources of pollution and the reductions needed to meet water quality standards; and
- Includes an implementation table which contains strategies and actions designed to achieve and maintain water quality standards and goals.

Recommendations

The Roundtable supports change to allow Comprehensive Local Water Management (CLWM) to be conducted on a watershed basis instead of a county boundary. The ten-year transition for comprehensive water management planning from a political boundary to a watershed boundary builds off of the existing work that is already being implemented by counties, SWCDs and WDs.

Scale

1. The Roundtable supports changes to allow Comprehensive Local Water Management (CLWM) to be conducted on a watershed basis instead of a county boundary.
2. The Roundtable recommends streamlining the Comprehensive Water Planning & Management process by organizing on the 81 major watersheds (eight-digit HUCs) or a smaller sub-watershed scale instead of the current County and/or SWCD boundary. This will create local government efficiency that allows greater focus on project implementation.

Governance

3. The Roundtable recommends that in order for a major watershed to receive funding for "Comprehensive Watershed Management Plan" a formal agreement (e.g. memorandum of understanding or a joint powers agreement) is required of the counties, SWCDs and WDs within the watershed.

4. The Roundtable recommends the State of Minnesota provide financial incentives for collaboration of existing counties, SWCDs and WDs related to water and land management duties and purposes. The recommendation does not mandate local government consolidation – it leaves the process up to local governments and the citizenry if needed.

Funding

5. The Roundtable recommends developing a cost-effective method to distribute all water management funds on an equitable statewide basis as a foundation for implementing local priorities.

6. The Roundtable recommends that watershed level funding authority outside of levy limits is needed for base and programmatic water management and planning activities.

In addition to the preceding reccomendations, the Roundtable offers the following funding principles to guide the devleopment of a new framework for the allocation of state financial reosurces that will further the transition to comprehensive watershed management plans statewide and enhance the local capacity to implement once develped and adopted.

- Locally identified priorities should be the basis for funding. It is expected that local plans be developed in participation with local, regional, state, and federal authorities.
- The State should implement an approach that distributes state water funds to local governments using the following formula: 15 percent for core watershed services, 70 percent for implementation of watershed based plans, and 15 percent for competitive projects and programs.
- The funding mechanism should allow streamlined administration to maximize efficiency, minimize redundancy, and prevent duplication of efforts.
- Local governments must contribute cash or in-kind match in order to be eligible to receive state funding.
- Oversight and accountability measures must be implemented to assure public funds are being wisely used for water quality improvement.
- State level activities should be guided by local needs (i.e. guidance manuals, research, education) to support local implementation.
- State funding should be made available to support the development of One Watershed – One Plans.

Procedures

7. The Roundtable recommends that the State of Minnesota (via BWSR) should adopt watershed management plan content rules. These rules should acknowledge and replace the SWCD, WD and County ***plans*** addressing watershed management.

8. The Roundtable recommends BWSR establish a process for plan boundary establishment, appeals and dispute resolution

9. The Roundtable recommends using existing Minnesota Statutes and Rules governing comprehensive local water planning and management (Minnesota statute 103B) to realign and streamline the process to integrate local governmental services and capacity for ground and surface water management. The resultant focus will be implementation (conservation on the ground) on a watershed scale directed at improving water resource quantity and quality (physically, chemically and biologically.)

Collectively, these recommendations have the ability to:

- Integrate local government efforts in watershed management into a single watershed focused plan;
- Establish and define the "comprehensive watershed management plan" at approximately the 81-major (8-digit HUC) scale, provide consistency with existing watershed management policy and statutes;
- Establishes the use of WRAPS as a tool along with existing TMDL and other agency plans as an effective means of informing watershed implementation plans;
- Retain the local sovereignty of local government units;
- Allow for plans developed by counties, SWCDs and WDs to substitute for each other to reduce *planning* work and increase coordinated implementation work;
- Retain all current plans to be in place as they exist now for the expected three-ten years it will take to work through the transition;
- Establish a process for plan boundary establishment, appeals and dispute resolution;
- Update provisions for BWSR to award Clean Water Funds and other grants to local governments to be based on one-watershed plans; and
- Allows streamlined funding and administration to maximize efficiency, minimize redundancy, and prevent duplication of efforts.

These recommendations will not:

- Affect existing authorities of local governments or the existing processes to approve, adopt and amend plans or the petition procedures to establish and adjust boundaries.

Comprehensive Watershed Management Plans Concepts for Content and Scope

In preparation for the transition to comprehensive watershed management plans built largely around the State's 81 major watersheds, the Roundtable Advisory Committee on Comprehensive Water Management and Planning developed the following concepts for the scope and content of what will become an approvable plan by BWSR.

After 30+ years of implementing local water management we have, in most cases, adequate inventories of land and water resources and assessments of issues associated with them. Therefore the need for wholesale updates and/or revisions to watershed based plans in the future will be limited. Instead greater flexibility is needed to allow for a more streamlined process for more frequent updates to incorporate collected data, trends analysis, changes in land use, and prioritization of resource concerns. Focusing local government implementation, under the umbrella of a watershed based plan, utilizing shorter term workplans and budgets is preferred. This shorter term workplan and budgeting process should occur in such a way so that it can become the basis for BWSR's Bi-annual Budget Request (BBR). The BBR is based on a three year budget cycle to demonstrate local conservation restoration and protection needs.

Each plan will define roles and responsibilities of local governments in the watershed, based on core service areas. Specialized service areas will also be identified based on location and watershed management issues. These services are available on a contract basis in the watershed for other areas with needs, but at a lower priority.

Included in the plan, county/city core services will be listed as watershed priority concerns. This will allow each county/city to continue core services (i.e. SSTS, environmental health, shoreland, floodplain, well permitting, hazardous and solid waste, land application, storm water management etc.) as an element of the watershed plan. Local government core services, as determined by the local government, will remain within the local government governance structure and applied to those areas in the watershed under that county's jurisdiction. A county may decide to contract those services for that area with an adjacent local government.

Each watershed plan will create/maintain a Citizen Advisory Committee (CAC) for input to priority concerns and projects. The CAC will be established and defined by the local governments.

Project teams, composed of local and agency staff along with other stakeholder groups' staff will provide technical input to priority concerns and projects. Project teams will help establish priority projects and make recommendations to the governing body. Project teams will also seek to provide multiple benefits to the watershed from proposed projects.

A key to success of this system is to have sufficient detail that local government units can, with certainty, indicate a pollutant of concern in a water body, identify the source(s) of the pollutant, and

provide a detailed project that addresses that particular source. Local government has at its disposal a myriad of services to address watershed issues with existing programs. Another key to success will be to integrate units of government and their individual roles and responsibilities to create a successful watershed project.

Through an organized effort of local governmental units, sharing of resources becomes much more prevalent. This allows local governments in one part of the watershed to share and contract with another local government for specialized services that may not be a high priority in that local government's jurisdiction. For example, if a project requires forest resource management technical assistance, but that local government does not have a staff forester, the watershed plan local government's contract may allow for shared services to implement the project.

Since watershed management is governed differently in the seven-county metro area and there is not one major watershed that covers the majority of the area, the sub-committees analysis was limited to those portions of the state outside the seven-county metro area.

The Metropolitan Surface Water Management Act establishes a process and structure that develops watershed plans and local municipal plans linked to municipal comprehensive plans. Currently, the Minnesota Board of Water and Soil Resources is updating the rules for Metropolitan Watershed Management Plans. Therefore, no recommendations for metro planning have been developed by this committee.

At a minimum, a comprehensive watershed management plan should address the following plan concepts:

- Acknowledge and build off of existing comprehensive water management plans
- Acknowledge and build off of existing local governmental services and capacity
- Maintain core local government services on jurisdictional boundary
- Cover a period of 10 years and be designed in a way that supports creation of shorter term work plans and budgets for participating local governments. (e.g. 1, 2, and 5 year workplans and/or implementation schedules)
- Ensure citizen input
- Require the creation and use of Project Teams
- Make use of existing TMDL studies, WRAPS, and other agency plans
- Implementation plans are prioritized, targeted, and measureable
- Local water management responsibilities and activities are coordinated by the plan
- Identify necessary technical services across jurisdictional lines
- Coordination with comprehensive land use plans of counties and cities

The Local Government Water Roundtable identified the scope of watershed and land related resource management to include all or some of the following activities. Specific activities should be addressed by local government units through the watershed planning process:

- Protect, restore, and enhance water quality
- Water supply (protect, provide and conserve)
- Wetland management
- Shoreland and riparian management
- Stormwater management
- Wastewater management
- Irrigation management
- Groundwater protection
- Flood damage reduction
- Monitoring and assessments of water resources
- Manage stream channel and watercourses
- Repair, improve, relocate, modify and abandon drainage ditches
- Control soil erosion and sedimentation
- Natural resource conservation
- Wildlife and fisheries
- Education and outreach
- Emerging contaminants and issues (e.g. climate change)
- Invasive species management

Transition

The Local Government Roundtable recognizes that reorganization of the state's 30 years of watershed planning efforts may not occur quickly. A transition period of 10 years is anticipated during the time between watershed organization and required watershed plan updates take place. During the transition, coordination among Local Government Units within a watershed to plan and prioritize implementation projects will be critical. As local coordination matures over time, watershed based organizations will also mature and Local Government Units will be able to determine the most efficient means of governance locally if necessary. At a time to be determined locally, the watershed plan will be organized on a watershed boundary and submitted for state approval.

One Watershed, One Plan

Pilot Program DRAFT – Pending Board Approval

Request for Interest December 12, 2013

About the program

In 2013, the Minnesota Legislature passed Chapter 137-HF 1183 (Clean Water Fund Appropriations) which provided authorization and funding to BWSR for assistance and grants to local governments to transition local water management plans to a watershed approach as provided for in Minnesota Statutes, chapters 103B, 103C, 103D, and 114D.

Based on this legislation, BWSR created the *One Watershed, One Plan* Program and is seeking nominations for the purpose of selecting six to eight pilot watershed areas in 2014. Watershed areas selected will be expected to establish a formal agreement and undertake and complete the development of a watershed plan the end of 2015.

Priority will be given to watershed areas where a WRAPS has been completed or will be completed before the third quarter of 2015 and can demonstrate a high level of commitment from the involved counties, soil and water conservation districts, watershed districts, and water management organizations. Watershed areas with large scale TMDL's, Phase 1 diagnostic studies, or equivalent local studies will also be considered.

Clean Water Funding Amount

Up to $495,000.

General Requirements

No match will be required of grant recipients. A nomination may be made by one or more of the eligible applicants within a watershed area. A formal agreement between participants establishing the watershed management organization/entity will be required within 3 months after execution of the grant agreement. Grant recipients will be required to document local involvement in the plan development process in order to demonstrate that the grant is supplementing/enhancing water resource restoration and protection activities.

Applicant Eligibility

Eligible applicants include Counties, Soil & Water Conservation Districts, Watershed Districts, and Metropolitan Joint Powers Agreement Watershed Management Organizations (per MN Statutes §103B.211). Applicants must be working under a current state approved and locally adopted water management plan.

Pilot Watershed Nominations

To nominate a watershed area, provide a written response to the following questions. Nominations can be submitted by one or more of the eligible local governments on behalf of others in the watershed area. Written responses are subject to a five-page limit, minimum font size 11 pt (watershed maps are not included in the page limit).

1. Provide a general watershed map of the proposed planning boundary.
    a. If the proposed planning boundary deviates significantly from the draft planning boundaries being considered by BWSR, provide a brief narrative of the reasons for the deviation.
    b. Include a list of the local government units (LGUs) within the boundary (it is not required to list cities and townships). List can be incorporated into #2.

2. In consideration of the LGUs within the boundary, provide a narrative or table with:
    a. Existing plan type and expiration date of each LGU;
    b. Whether the LGU has expressed interest in participation, and if so, how (e.g. verbal, letter, resolution, etc.). If not, why (e.g. haven't had opportunity to respond, unwilling to commit until the LGU has more information, not willing to participate at all, may participate on limited basis but area too small to be a required participant, etc.);
    c. Identify, if known, a lead staff person(s) and/or primary contact(s) from each participating LGU.
3. Briefly describe at what point your watershed area is in the MPCA's ten year water approach/WRAPS, and any other TMDLs, diagnostic studies, and/or local studies and plans have been completed that can help inform the development of the *One Watershed, One Plan*.
4. Identify which plan type the participants are most interested in preparing with these funds (Comprehensive Watershed Management Plan, Priority Concerns Implementation Plan, or Water Quality Implementation Plan):
    a. Briefly describe how this plan is anticipated to benefit the participating LGUs;
    b. Briefly describe how the plan is anticipated to benefit resource management within the planning area;
    c. Briefly describe how the One Watershed, One Plan might be used to develop a collaborative approaches to things such as shared services and developing and submitting requests for Clean Water Funds.
5. Describe what the grant funds will be used for along with an estimate of the cost.
6. Describe what the partners need from the state in development of the plan.
7. Provide a generalized outline of the approach the participating organizations will take in 1) the development of the required formal agreements and operating procedures, and 2) development of the plan, including major steps or milestones.

Submittal

All responses must be electronically delivered to: BWSR.Grants@state.mn.us and must be received no later than 4:30 p.m. on April 21, 2014. Late responses will not be considered. The burden of proving timely receipt is upon the responder.

Evaluation and Ranking Criteria

All nominations submitted for consideration will be reviewed by BWSR staff, with assistance from an inter-agency review committee based on the responses to questions #1-5. The review range for the response to each question is indicated below. The maximum score per nomination is 100 points.

The successful watershed areas will be selected by the Board of Water and Soil Resources on recommendation of the selection committee.

Ranking Criteria	Maximum Points Possible
1. Inclusion of general watershed map and list of local governments provided.	5
2. Inclusion of list of plans with expiration dates for each local government, documentation of the level of interest expressed by identified local governments, and identification of lead staff.	15

3. Types of existing information available and their pertinence to developing the watershed-based plan.	15
4. Demonstrated understanding of the multiple benefits of developing a watershed-based plan.	15
5. Demonstration of realistic estimate of needed grant funds, what the funds will be used for, and that the funds will not supplant existing funds for similar activities.	10
6. Recognition of the level and types of assistance that are or will be expected of the participating state agencies.	10
7. Demonstrated understanding of the organizational phase, the planning phase, and ability to complete a draft plan by Oct. 2015.	30
Total Points Available:	**100**

BWSR Grant Administration

BWSR reserves the right to partially fund any and all nominations based on the number of eligible nominations submitted and the amount of funding available.

Timeline

- February 10, 2014 – Nomination period begins
- April 21, 2014 – Nomination deadline at 4:30 PM
- May 2014 - Review of requests
- June 2014 - BWSR Board approval of pilot watersheds (tentative)
- September 1, 2014 – Work plan submittal deadline
- October 1, 2014 – Grant execution deadline
- December 31, 2014 – Formal agreement in place as required*

*Grant agreements will be developed and executed based on available biennial funding; formal agreements must be in place within 3 months of grant execution.

Questions

Question concerning submittal of a watershed area nomination maybe submitted to Doug Thomas, doug.thomas@state.mn.us or 651-215-6338 (office) or 651-655-2082 (cell).

One Watershed, One Plan

Guiding Principles – DRAFT, Not Board Approved

Minnesota Board of Water & Soil Resources

CLEAN WATER LAND & LEGACY AMENDMENT

November 14, 2013

Vision: BWSR's vision for *One Watershed, One Plan* is to align local water planning on major watershed boundaries with state strategies towards prioritized, targeted and measurable implementation plans – the next logical step in the evolution of water planning in Minnesota.

Purpose: The purpose of this document is to further outline the *One Watershed, One Plan* vision through providing the guiding principles that will direct and influence the program's future policies and procedures.

One Watershed, One Plan will result in plans with prioritized, targeted, and measurable implementation actions that meet or exceed current water plan content standards.

One Watershed, One Plan will set standards for plan content that will be consistent with or exceed the plan approval standards currently in place for local water plans. Most existing water management plans contain adequate inventories of resources and assessment of issues. *One Watershed, One Plan* will build from this point, with an expanded focus on prioritized, targeted, and measureable implementation of restoration and protection activities. The intent is for these future water plans to use existing plans, local knowledge and other studies and planning documents—including Watershed Restoration and Protection Strategies developed through the Minnesota Pollution Control Agency—to establish plans with clear implementation timelines, milestones, and cost estimates that will address the largest threats and provide the greatest environmental benefit unique to each watershed.

One Watershed, One Plan is not an effort to change local governance.

Local governments have been at the forefront of water management dating back to 1937 with the formation of the State's first soil and water conservation district. One Watershed, One Plan is intended to utilize the existing structures of counties, soil and water conservation districts, watershed districts and Metropolitan watershed management organizations by increasing collaboration and cooperation across political boundaries.

One Watershed, One Plan will strive for a systematic, watershed-wide, science-based approach to watershed management; driven by the participating local governments.

It is important for all communities to take part in managing their watersheds through goal setting, monitoring, restoring and protecting water resources and local habitats and ensuring a good quality of life for all who live, work, and recreate in those spaces. A decided "bottom up" approach for water management—allowing the key discussions of major water resource issues, concerns, problems, goals and objectives and potential solutions to originate and be first fully vetted at the stakeholder level—is envisioned. Expanding involvement and collaboration at the ground-level creates greater buy-in and support at all levels of government.

One Watershed, One Plan will use the state's delineated major watersheds (8-digit hydrologic unit codes or HUC8) as the starting point for defining the preferred scale for local watershed management planning.

The Local Government Water Roundtable (LGWR), a collaboration between the Association of Minnesota Counties, the Minnesota Association of Watershed Districts, and the Minnesota Association of Soil and Water Conservation Districts, determined it is in the public interest to manage ground and surface water resources from the perspective of watersheds and aquifers and to achieve protection, preservation, enhancement, and restoration of the state's valuable water resources. This determination is consistent with the state's water management policy, furthered through legislation passed in 2012 that provided BWSR with: the authority to develop and implement a

comprehensive watershed management plan approach and to establish a suggested watershed boundary framework for implementing this planning approach. *One Watershed, One Plan* will transform the current system of water plans, largely organized on political boundaries, to one where plans are coordinated and consolidated largely on a watershed basis.

One Watershed, One Plan must involve a broad range of stakeholders to ensure an integrated approach to watershed management.

The underlying principle of watershed management is that people, land, and water are connected. People use land in a variety of ways, and affect ecosystems and ultimately their own communities for better or worse. Managing and protecting the environment while providing a high quality of life for people is a complex process that is most successful when governing bodies, community members, and experts in various fields are true partners in the planning process. *One Watershed, One Plan* envisions an approach that will pull parties together in every aspect of the water arena in a way that goes beyond the interests of any one government agency or stakeholder and in a way that has never been done before.

Plans developed within One Watershed, One Plan should embrace the concept of multiple benefits in the development and prioritization of implementation strategies and actions.

Prioritized, multi-benefit projects provide benefits to more than one group or interest and address more than one environmental resource within a watershed. These types of projects are necessary to build the support of citizens and agencies, achieve water quality and quantity goals, and produce the environmental goods and benefits that a healthy watershed provides. Examples of multiple benefits might include a combination of any of the following: flood control, water quality benefits, ecological benefits, administrative efficiencies, economic benefits, or others. Identification of and action on multi-benefit projects should be a priority in *One Watershed, One Plan* strategies and actions.

One Watershed, One Plan implementation will be accomplished through formal agreements among participating local governments on how to manage and operate the watershed.

Decision-making that spans political boundaries is essential to fully implement watershed management and achieve established goals for the watershed; therefore, formal agreements outlining the means and method for this decision-making are also essential.

One Watershed, One Plan planning and implementation efforts will recognize local commitment and contribution.

History shows us that when local water management programs and projects rely almost entirely on outside funding, they are unable to sustain themselves over time. Locally supported and funded technical, administration, support, and outreach actives that leverage funding from the State will be key to ensuring sustainable local government capabilities and long-term success on both the local level and watershed scale.

One Watershed, One Plan is not intended to be a one size fits all model.

One Watershed, One Plan must recognize that our local governments charged with water management are just as diverse as the water resources and landscapes that we have in the State. As such, the *One Watershed, One Plan* policies and procedures guided by this principle will be designed to provide options for local governments to choose from that can account for these differences while at the same time move forward in achieving the transition to comprehensive watershed management plans that blanket the State.

One Watershed, One Plan

Suggested Boundary Framework

November 13, 2013

Purpose: As per Minnesota Statutes §103B.101 Subd. 14: *"the board shall, to the extent practicable, establish a suggested watershed boundary framework for development, approval, adoption, and coordination of plans."* This document outlines the decision and recommendations of the BWSR Public Relations, Oversight & Strategic Planning Committee along with the proposed process for review, comment, and adoption of the suggested boundary map.

Suggested Boundary Framework:

Suggested vs. Mandatory - The PROSP committee recommends that BWSR adopt a boundary framework including a map suggesting 1W1P planning areas. Actual boundaries will be established through individual review and comment by BWSR staff at the time a 1W1P is initiated and approved by Board concurrent with the plan approval.

Considerations:

- Map is adopted by BWSR as suggested boundaries only, and individual boundaries are established through the plan approval process;
- More in line with the voluntary nature of the program;
- Requires less up front time in developing a map and places emphasis on boundary criteria;
- Some risk for having orphan areas and/or local boundary disagreements later on.

Initial Watershed Area Boundaries – At its October 21st meeting the PROSP committee recommended using a modified version of the "81 major watershed" boundary map.

Next Steps:

October 29-30, 2013 – BWSR Academy, initial role out of suggested boundary map.

November 12-13, 2013 - SMT review and discuss needed and/or interest to have additional internal review and comment on draft map.

November 27, 2013 – Deadline for comments if additional internal review is selected.

December 18, 2013 – Adoption of draft map by BWSR and initiation of a 60 day formal review and comment period.

January 1, 2014 – Memo and map sent to all LGU's soliciting review and comment on the draft map

February 28, 2014 – Deadline for submission of comments on draft map.

March, 11 2014 – SMT review and recommendation.

March, 25 2014 – PROSP Committee review and recommendation.

April 23, 2014 – BWSR adoption of suggested boundary map and operating procedures.

Boundary Framework Procedures & Criteria

Procedures

As per Minnesota Statutes §103B.101 Subd. 14, BWSR shall establish a suggested watershed boundary framework for development, approval, adoption, and coordination of plans. The procedures for determining boundaries will conform to the following:

a. **Boundary Establishment.** BWSR Board adopted the 1W1P Boundary Map on <insert date>. Before commencing planning under Minnesota Statutes §103B.101 Subd. 14, local governments participating in the plan (participants) shall submit a map delineating the boundaries of the watershed to BWSR for review and comment. Participants must provide written documentation of the rationale and justification for the proposed boundary and specifically deviation from the adopted map. BWSR may request additional information needed to make a plan boundary determination. The Board shall have 60 days to comment on the conformance of the boundaries with the requirements of §103B.101 Subd. 14 and will establish the final boundary concurrent with plan approval.

b. **Boundary Amendment or Adjustment**. After a boundary has been established, participants may find adjustments or amendments to the boundary are necessary. Procedures for changing a boundary will follow the boundary establishment procedure above. A plan amendment may be required to address the newly included or excluded area(s).

c. **Appeals.** Participants may appeal a board decision to deny approval of a plan or the establishment of a plan boundary. An appeal of a board decision may be taken to the state Court of Appeals and must be considered an appeal from a contested case decision for purposes of judicial review under Minnesota Statutes §14.63 to 14.69. Participants may request the board's dispute resolution committee or executive director to hear and make recommendations to resolve boundary and plan implementation disputes.

Criteria

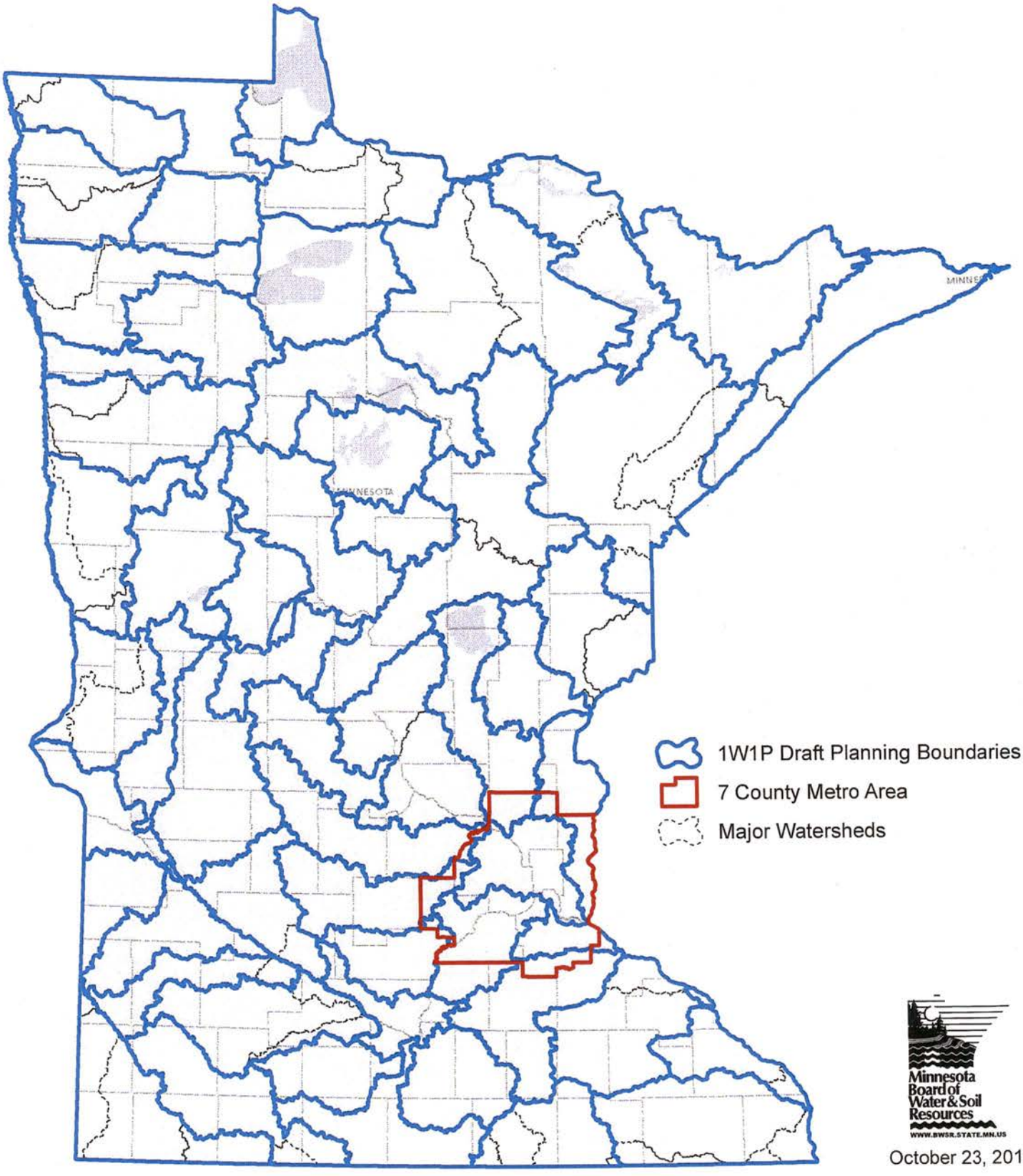
The following criteria will be considered in development and review of the 1W1P boundaries. Boundary establishment and amendment decisions will also consider, but are not limited to these criteria:

- Smaller than/partial HUC8:
  - Smaller area does not conflict with the purposes/intent of 1W1P
  - Significant dissimilarities or complexities in resource issues and solutions within the HUC8 to justify the smaller area
  - HUC8 crosses a major river, e.g. HUC8 is on both sides of the Minnesota River
  - Existing watershed district in the area
  - HUC8 crosses Metro Water Planning area
  - Boundary for the smaller area closely follows a minor watershed, e.g. a 10 or 12 digit hydrologic unit code.
- Larger than HUC8, e.g. one HUC8 plus additional minor or major watershed(s)
  - Inclusion of a partial watershed on a state line
  - Confluence of major basins
  - Efficiencies due to similarity of issues and solutions
  - Existing watershed district that includes larger area
  - HUCs already lumped for PCA 10-year watershed approach/WRAPS
  - Boundary for the larger area closely follows a minor watershed, e.g. a 10 or 12 digit hydrologic unit code.
- When a HUC8 crosses into the seven-county metro:
  - The area within the seven-county metro may or may not be considered for inclusion in the boundary. If included, the area within the seven-county metro is not excluded from Metro Surface Water Management Act.

One Watershed, One Plan

Suggested Boundary Map

DRAFT



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

October 23, 2013

* Not legal boundaries. For one watershed, one plan planning purposes only.

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One Watershed, One Plan

Plan Types for Pilot Watersheds

DRAFT, Not Board Approved

November 18, 2013

Purpose: As per Minnesota Statutes §103B.101, Subd. 14: "*the board may adopt resolutions, policies, or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan.*" This document outlines concepts for three approvable plan types within the *One Watershed - One Plan* framework.

Plan Types

To achieve the guiding principle that "*One Watershed, One Plan is not intended to be a one size fits all model,*" and in recognition of the need for options through the ten year transition; the following three types of plans are proposed to be tested through the pilot watershed program.

Concept Plan Types (additional information on page 2):

- **Water Quality Implementation Plan**: This plan further develops the strategies identified in a Watershed Restoration and Protection Strategies (WRAPS) document or equivalent studies into a consolidated implementation plan. This plan can be used to replace the implementation section of an existing plan(s), or can be used by local government partners on its own to collaboratively apply for state grants.
- **Priority Concerns Watershed Implementation Plan**: This plan leverages the existing process for developing a plan based on priority concerns typically associated with current county water planning; but shifts the scope of the plan to a watershed boundary and elevates requirements for prioritizing, targeting, and measuring implementation actions.
- **Comprehensive Watershed Management Plan**: This all-inclusive plan will likely leverage the existing requirements for watershed district plans and have the highest standards of the three plan options. These plans will address surface and groundwater, water quality and quantity, and land use; and implementation actions in the plan will consider the broad range of tools, including capital improvements, official controls, and other tools and programs necessary to achieve the goals of the plan.

Planning boundaries for all proposed plan types will be locally shaped and consistent with the BWSR Board adopted Suggested Boundary Map. Plan development is recommended to start a few years after intensive monitoring in order to develop and use the WRAPS document and is not recommended to start in the 2-3 years leading up to onset of intensive monitoring. All plans developed through *One Watershed, One Plan* will establish shared goals and vision for local government participants; define the roles and responsibilities of partners/participants; contain implementation actions that are prioritized, targeted, and measureable; and include estimated costs and timeframe for these actions.

Next Steps

Operating procedures and content requirements for each plan type will be developed in the first half of 2014, and the details put to the test through the pilot watersheds. Policies will be presented to the Board as developed.

	Water Quality Implementation Plan	Priority Concerns Implementation Plan	Comprehensive Watershed Management Plan
General Description	**Means to collaborate, leverage WRAPS, & apply for grants without going all in.**	**County Water Planning on a *watershed* boundary.**	**Plan based on assessment all water and land related resources within the watershed.**
Timing	To maintain eligibility for grant applications, revisions occur concurrently with completion or revision of 10-year assessment/WRAPS.	Revisions every 10 years. Plan extensions allowed for existing plans to provide for development through One Watershed, One Plan.	
Proposed Applicability	Won't substitute or replacement the *entirety* of existing plans, but can be used for portions of plans.	May serve as a substitute for county water plans & soil and water conservation district comprehensive plans.	May serve as replacement for watershed district, SWCD, and county water plans.
O[redacted]cation Requirements	Formal agreement to signal group intentions are sufficiently serious, most likely a memorandum of understanding or agreement.	Requires formal agreement sufficient to demonstrate and sustain commitment; most likely a joint powers agreement.	
Preliminary considerations for who *must* participate...	Majority of SWCDs and/or majority of counties. May include watershed districts and/or joint powers agreement watershed organizations.	Likely a majority of counties and SWCDs within the planning boundary, with a waiver for organizations with minimal land area within the boundary.	Likely a majority of watershed organizations, counties, & SWCDs within the watershed planning boundary; with a waiver for organizations with minimal land area in the boundary.
	Cities and townships may, but will likely not be required to, participate.		
You might choose this plan if...	Participants aren't ready to establish a formal organization. Plans existing in the area are recently adopted and of a high quality.	Not all participants are ready to include the detailed requirements of the Comprehensive Watershed Management Plan.	An existing watershed district is participating and its boundaries cover the majority of the land area. Most existing plans will be expiring soon.

COMMITTEE RECOMMENDATIONS

RIM Reserve Management Planning Committee

1. Resolutions Authorizing RIM-WRP, RIM Buffers, RIM Wetland Protection, RIM ACUB and RIM Wild Rice Programs – Bill Penning – ***DECISION ITEM***

2. Resolution Authorizing the RIM - Grasslands for the Future Pilot Project – Bill Penning – ***DECISION ITEM***

3. Resolution Authorizing RIM Standard Easement Payment Rates – Bill Penning – ***DECISION ITEM***

4. RIM Easement Alteration – Tim Fredbo – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Resolutions Authorizing RIM-WRP, RIM Buffers, RIM Wellhead Protection, RIM ACUB and RIM Wild Rice Programs**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement

Contact: Bill Penning

Prepared by: Bill Penning

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Bill Penning

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize the RIM-WRP, RIM Buffers, RIM Wellhead Protection, RIM ACUB and RIM Wild Rice resolutions that provide general authorization for these programs.

Note that the method of determining RIM standard easement payment rates (except for ACUB and Wild Rice) is set under a separate Board Resolution that is also part of this month's packet.

LINKS TO ADDITIONAL INFORMATION

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

Multiple times each year BWSR staff asks the Board for Resolutions that re-authorize existing programs. These programs often do not change substantially from year to year as they are established and working well. For the most part, any changes that do occur are at the implementation level rather than the program authorization level.

The purpose of this request is to authorize standing resolutions for each program that establish and set the broad parameters for each program. These resolutions will remain in effect regardless of the year and/or source of funding until substantial material changes occur in the program that would cause staff to seek an amended resolution. Periodic program updates will be given to the RRMPC and to the full Board.

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 107

Reinvest in Minnesota (RIM) Reserve –Wetlands Reserve Program (RIM-WRP) Partnership Program

WHEREAS the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Section 103F.515 in partnership with the Wetlands Reserve Program (WRP) as the RIM-WRP Partnership Program; and

WHEREAS the RIM-WRP Partnership, the premier private lands wetland restoration program in the nation, is a local-state-federal partnership delivered locally by the Natural Resources Conservation Service (NRCS), the Soil and Water Conservation Districts (SWCDs) and the Board of Water and Soil Resources (BWSR); and

WHEREAS the RIM-WRP Partnership is possible through the collaboration of many local, state, and federal partners including Ducks Unlimited, (DU), the Minnesota Waterfowl Association (MWA), Pheasants Forever (PF), the Minnesota Department of Natural Resources (MN DNR), and the United States Fish and Wildlife Service (USFWS); and

WHEREAS the RIM-WRP Partnership permanently protects and restores previously drained wetland and adjacent native grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat on private lands enrolled in the Partnership; and

WHEREAS NRCS National Headquarters has requested Minnesota NRCS to develop a process which allows for continuous enrollment of RIM-WRP Partnership easement applications and the necessary obligation of federal WRP funds with eligible Minnesota landowners; and

WHEREAS a Minnesota Wetlands Restoration Evaluation Worksheet will be used to score and rank applications for the RIM-WRP Partnership; and

WHEREAS the RIM-WRP Partnership will establish scoring periods in which eligible applications will be approved for funding by BWSR and NRCS; and

WHEREAS over the last 25 years, the United States Department of Agriculture (USDA) Conservation Reserve Program (CRP) has been the largest and most significant private lands conservation program in Minnesota's history. An entire generation of Minnesotans have benefitted from improved water quality and enhanced wildlife habitat; and

WHEREAS in the five year period - 2013 to 2017, the aforementioned benefits are now in jeopardy as nearly 634,000 acres of Minnesota's conservation lands enrolled in the USDA CRP will expire; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS the Board by separate resolution has established the process for determining RIM standard easement payment rates; and

WHEREAS this resolution is supplemental but controlling to previously approved BWSR Board resolutions and will remain in effect until material changes in the program warrants an amendment; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on December 17, 2013 and unanimously recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize appropriated RIM funds to implement this program; and
2. Target expiring CRP contracts with critical wetland restoration practices for enrollment in to the RIM-WRP Partnership; and
3. Work with MN NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the RIM-WRP Partnership.

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 107

Reinvest in Minnesota (RIM) Reserve –Riparian Buffer Conservation Easement Program

WHEREAS the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Section 103F.515; and

WHEREAS the purpose of the RIM Riparian Buffer Conservation Easement Program is to purchase and restore permanent conservation easements on riparian buffers of at least 50 feet in width to keep water on the land in order to decrease sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface waters and increase infiltration for groundwater recharge; and

WHEREAS these same buffers may be extended to improve habitat for wildlife; and

WHEREAS funds are available to purchase and restore permanent conservation easements on riparian buffers of at least 50 feet on average unless there is a natural impediment, road or other impediment beyond the control of the landowner. Measurements start at top of bank, stream, bluff and ditches or water's edge for lakes; and

WHEREAS a majority of the riparian buffer area enrolled must have a cropping history and a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts into a RIM Reserve permanent conservation buffer easement; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS the Board by separate resolution has established the process for determining RIM easement rates; and

WHEREAS this resolution is supplemental but controlling to previously approved BWSR Board resolutions and will remain in effect until material changes in the program warrants an amendment; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on December 17, 2013 and unanimously recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize appropriated funds to implement this program; and

2. Maintain a Requests for Proposals (RFP's) process; and

3. Review and approve RFPs for SWCD participation based on the following criteria:
    a. Local priority and initiative: i.e., ag shoreline, redetermination of benefits
    b. Water plan and water quality improvement priority: Agricultural landscape with a focus on cropland
    c. Resource Assessment: Ecological Ranking Tool – water quality data, land use, inventory, on-site determinations, etc.
    d. Anticipated Outcomes: Clean Water Benefits in Minnesota's agricultural landscape and enhancement for wildlife when suitable conditions exist.
    e. Readiness to Proceed: Marketing, technical approval authority, and easement processing
    f. Expiring CRP & CCRP contracts
    g. Floodplains; and

4. Develop riparian buffer certification process to determine landowner eligibility. The certification shall require SWCD technical approval authority or equivalent to ensure lands being enrolled meet NRCS 393 Technical Standard for filter strip. This includes eligibility of frequently and occasionally flooded soil types in an effort to address riparian floodplain as a buffer area. Buffers of up to 350' will be allowed for sediment and water quality purposes; and

5. Develop and approve a riparian buffer enrollment and allocation process; and

6. Direct SWCDs to establish a pending list to be maintained for future funding.

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 107

Reinvest in Minnesota (RIM) Reserve – Wellhead Protection Initiative

WHEREAS the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR), to purchase and restore permanent RIM Reserve Conservation easements on wellhead protection areas under Minnesota Statutes, section 103F.515, subd.2, paragraph(d); and

WHEREAS priority must be placed on land that is located where the vulnerability of the drinking water supply management area, as defined under Minnesota Rules, part 4720.5100, subpart 13, is designated as high or very high by the Commissioner of the Minnesota Department of Health (MDH); and

WHEREAS a majority of the enrollment into a Permanent RIM Reserve Wellhead Protection Initiative easement will be limited to Wellhead Protection Areas (WHPA) identified by the MDH and mapped as high or very high vulnerability; and

WHEREAS a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts within the WPA with priority given to areas with cropping history; and

WHEREAS the MDH, in consultation with the Minnesota Department of Agriculture (MDA), has identified for BWSR the most highly vulnerable WPA's conducive to enrollment in the Permanent RIM Reserve Wellhead Protection Initiative Program; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS the Board by separate resolutions has established the process for determining RIM standard easement payment rates for the Wellhead Protection Initiative; and

WHEREAS this resolution is supplemental but controlling to previously approved BWSR Board resolutions and will remain in effect until material changes in the program warrants an amendment; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on December 17, 2013 and unanimously recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize appropriated funds to implement this program; and
2. To implement the acquisition of RIM Reserve Wellhead Protection Initiative easements in the targeted areas with high or very high vulnerability as provided to the BWSR by the MDH.

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 107

Reinvest in Minnesota (RIM) Reserve – Camp Ripley Army Compatible Use Buffer (ACUB) Program

WHEREAS the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Section 103F.515; and

WHEREAS the Board of Water and Soil Resources is authorized by Minnesota Statutes 103B.101, subdivision 9, authorizes BWSR to accept gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other sources to achieve an authorized purpose. The Board may receive and expend money to acquire conservation easements, as defined in Chapter 84C, on behalf of the state and federal government consistent with Camp Ripley's Army Compatible Use Buffer (ACUB) Program; and

WHEREAS the Camp Ripley ACUB has identified a three mile zone around Camp Ripley to create and enhance a natural buffer to ensure that the military training mission is not impeded by encroachment; and

WHEREAS the ACUB will greatly benefit the natural resources of central Minnesota by minimizing the fragmentation of surrounding lands and subsequent loss of valuable habitat for sensitive species; and

WHEREAS the Camp Ripley ACUB and the State of Minnesota through its Department of Natural Resources and the Board of Water and Soil Resources has identified riparian properties located on the Mississippi and Crow Wing Rivers located in the Camp Ripley ACUB as its highest priority for enrollment in the ACUB program; and

WHEREAS riparian lands adjacent to the Mississippi River and Crow Wing River in the 3-mile buffer areas have not been successfully enrolled into the Camp Ripley ACUB because existing ACUB payment rate for conservation easement are not sufficient to attract interest by landowners who own high-valued river frontage properties; and

WHEREAS the Camp Ripley ACUB and their staff have been working with BWSR and the local Morrison SWCD to identify an additional payment formula method which would create a more equitable payment rate for these highly valued properties; and

WHEREAS the equitable payment rate for these identified river frontage properties would be 60% of the most recent assessed market value of the land as determined by the county assessor of the county where the land is located; and

WHEREAS the majority of non-high value riparian lands easements are taken on existing agricultural lands and that agricultural activities are still allowed an equitable payment rate of 50% of the RIM cropland rate as established by the Board by separate resolution is warranted; and

WHEREAS the state of Minnesota, acting through BWSR and the National Guard Bureau (NGB) have entered into a five year agreement for implementation of the ACUB Program; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS this resolution is supplemental but controlling to previously approved BWSR Board resolutions and will remain in effect until material changes in the program warrants an amendment; and

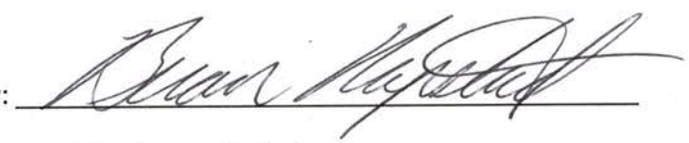
WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on December 17, 2013 and unanimously recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize appropriated funds to implement this program; and
2. Implement a high value riparian lands payment rate of 60% of the most recent assessed market value of the land as determined by the county assessor of the county where the land is located; and
3. Implement a non-high value riparian lands rate of 50% of the RIM cropland rate as established by the Board by separate resolution; and
4. Continue to enter into Cooperative Agreements with the Camp Ripley ACUB that continue the successful implementation of this program and that are consistent with the provisions of this resolution; and

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: 

Brian Napstad, Chair

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 107

Reinvest in Minnesota (RIM) Reserve –SHORELAND PROTECTION ON WILD RICE LAKES

WHEREAS the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Section 103F.515; and

WHEREAS Minnesota has more acres of natural wild rice than any other state in the country and wild rice is an important social and cultural component for Native American tribes and Minnesota communities; and

WHEREAS The Lessard-Sams Outdoor Heritage Council's top priority action identified for the northern forest section of Minnesota is to "protect shoreland and restore and enhance critical habitat on wild rice lakes and shallow lakes; and

WHEREAS BWSR will work closely with local SWCD's to offer permanent shoreland conservation easements on wild rice lakes through the RIM Reserve Conservation Easement Program; and

WHEREAS the Board has authorized staff to work with the involved SWCDs to successfully develop and implement the *Shoreland Protection on Wild Rice Lakes Project* in eight counties, specifically Aitkin, Carlton, Cass, Crow Wing, Hubbard, Itasca, St. Louis, and Wadena counties in north central Minnesota, consistent with all statute and provisions; and

WHEREAS BWSR and involved SWCDs will target specific tracts identified based on the degree to which they will add to the base of land in permanent protection around the targeted 117 shallow wild rice lakes as identified by the Wild Rice Working Group; and

WHEREAS BWSR and the involved SWCDs have been evaluating payment formula method alternatives which would create an effective and equitable easement payment rate for the high value properties targeted by *Shoreland Protection on Wild Rice Lakes Project* in north central Minnesota; and

WHEREAS BWSR and involved SWCD staff are recommending a payment rate for this project to be 60% of the most recent assessed taxable market value of the land as determined by the county assessor of the county where the land is located; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS this resolution is supplemental but controlling to previously approved BWSR Board resolutions and will remain in effect until material changes in the program warrants an amendment; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on December 17, 2013 and unanimously recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize appropriated funds to implement this program; and

2. Develop eligibility, prioritization, sign-up and selection procedures, and;

3. Establish payment rates for the *Shoreland Protection on Wild Rice Lakes Project* at 60% of the most recently assessed taxable market value of the land as determined by the county assessor of the county where the land is located.

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Resolution Authorizing the RIM – Grasslands for the Future Pilot Project**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement

Contact: Bill Penning

Prepared by: Bill Penning

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Bill Penning

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize the RIM-Grasslands for the Future Pilot Project resolution that provides authorization for this program.

Note that the method of determining RIM standard easement payment rates is set under a separate Board Resolution that is also part of this month's packet.

LINKS TO ADDITIONAL INFORMATION

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

The RIM - Grasslands for the Future Pilot Project was approved by the Lessard-Sams Outdoor Heritage Council (LSOHC) and the Legislature, and funding was appropriated to BWSR on July 1, 2013. This pilot project will utilize RIM or Minnesota Land Trust easements to protect priority grasslands and utilize conservation grazing plans to manage the vegetation to optimize wildlife habitat while providing numerous other benefits. This resolution authorizes staff to utilize these funds and develop and implement this program.

BWSR staff will continue to work with our named partners in this project, The Minnesota Land Trust and The Conservation Fund on all aspects of this pilot project. Periodic program updates will be given to the RRMPC and to the full Board.

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 108

Reinvest in Minnesota (RIM) Reserve – Grasslands for the Future Pilot Project

WHEREAS the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Section 103F.515 in partnership with the Minnesota Land Trust (MLT) and The Conservation Fund (TCF) as the Grasslands for the Future Pilot Project; and

WHEREAS this pilot project will acquire permanent conservation easements on grasslands; and

WHEREAS BWSR, MLT and TCF will work together to utilize alternative easement purchase options to evaluate alternatives; and

WHEREAS BWSR as detailed in the appropriation language may enter into an agreement with MLT to acquire permanent easements; and

WHEREAS if a MLT easement will be pursued, MLT will utilize appraisal standards and process in accordance with MLT easement acquisition procedures; and

WHEREAS BWSR as detailed in the appropriation language may enter into an agreement with TCF for professional services; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS SWCDs will be reimbursed for their services using the most current RIM Reserve services rate; and

WHEREAS the Board by separate resolution has established the process for determining RIM standard easement payment rates; and

WHEREAS this resolution is supplemental but controlling to previously approved BWSR Board resolutions and will remain in effect until material changes in the program warrants an amendment; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on December 17, 2013 and unanimously recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize appropriated funds to implement this program; and
2. Make payments to MLT when they are acquiring the easement; and
3. Work with MLT and TCF to develop program guidelines and outreach efforts focused on priority grassland landscapes.

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **Resolution Authorizing RIM Standard Easement Payment Rates**

Meeting Date: December 18, 2013

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

Item Type: ☒ Decision ☐ Discussion ☐ Information

Section/Region: Conservation Easement

Contact: Bill Penning

Prepared by: Bill Penning

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Bill Penning

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

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

Fiscal/Policy Impact

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

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

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize staff to establish RIM standard easement payment rates. The standard rates will utilize township land values as established by the Department of Revenue and posted on the University of Minnesota Land Economics website as the basis for determining the rates.

LINKS TO ADDITIONAL INFORMATION

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

The BWSR Board has been given the authority to set payment rates for RIM conservation easements in Minnesota Statutes, Section 103F.515. The township land values as established by the Department of Revenue and posted on the University of Minnesota Land Economics website shall be used as the basis for determining RIM easement payment rates. The RIM rates will best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history.

This resolution authorizes staff to establish RIM rates using the guidelines above and to utilize this easement rate setting process annually. Annual rate resolutions will no longer be needed. If conditions or processes change a new resolution will be brought forward to the Board to consider changes to the standard RIM easement payment rate process.

Minnesota Board of Water & Soil Resources

Board Resolution # 13- 109

Reinvest in Minnesota (RIM) Reserve – Standard Easement Payment Rates

WHEREAS the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Section 103F.515; and

WHEREAS the BWSR Board has been given the authority to set payment rates for RIM conservation easements in Minnesota Statutes, Section 103F.515 Subdivision 6; and

WHEREAS the RIM Reserve Conservation Easement Program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs); and

WHEREAS this resolution is supplemental but controlling to previously approved BWSR Board resolutions and will remain in effect until material changes in the program warrants an amendment; and

WHEREAS the Board and BWSR staff, in consultation with the University of Minnesota Applied Economics Department, have determined that the most recent Township Land Values as established by the Department of Revenue and posted on the Minnesota Land Economics Website is the most relevant, consistent and available land value data to use as a basis for easement payment rates; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on December 17, 2013 and unanimously recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

Establish RIM standard easementpayment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors:

1. The township land values as established by the Department of Revenue and posted on the University of Minnesota Land Economics website shall be used as the basis for determining payment rates; and

2. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro counties due to a limited number of tillable land acres, and values that are influenced by development potential; and

3. The payment rate maximum for the other five Twin Cities metro counties (Anoka, Carver, Dakota, Scott and Washington) will not exceed the average Scott County rate to more accurately reflect tillable values.

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Brian Napstad, Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **RIM Easement 17-31-01-01, Alteration**

Meeting Date: Dec. 18, 2013

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

Item Type: x Decision ☐ Discussion ☐ Information

Section/Region: Easement Section

Contact: Tim Fredbo

Prepared by: Tim Fredbo

Reviewed by: RIM Reserve Management Planning Committee(s)

Presented by: Tim Fredbo

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

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

Fiscal/Policy Impact

☐ None
☐ Amended Policy Requested
☐ New Policy Requested
x Other:
Approval for easement alteration

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

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to authorize easement staff to modify easement 17-31-01-01 in Cottonwood County. The alteration was requested by the landowner and is consistent with the requirements of the Easement Alteration Policy (see link below).

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/easements/easement_alteration_policy.pdf

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

Background

Mr. Perry Zieske, the landowner of the property covered by easement 17-31-01-01, is requesting the Board to allow an alteration of his RIM easement boundary. This perpetual RIM easement on 16.6 acres originally was enrolled via the MN River Conservation Reserve Enhancement Program (CREP), and was recorded on May 8, 2002. The easement is located in Sec. 1, T 107 N, R 37 W, Cottonwood County. Mr. Zieske is seeking to have 1.5 acres on the very north end of his easement removed, and replace those acres with 4.5 acres of non-cropland on both sides of Dry Creek just to the east and adjacent to the current easement. The 1.5 acres proposed for removal from the easement was non-cropland when it went in to the CREP easement, so not currently in the USDA Conservation Reserve Program contract.

Mr. Zieske is looking into selling some or all of his property in this area of the easement to an adjacent landowner who needs pasture, and they would like to have the ability to run a fence straight east – west

along the new proposed north boundary of the altered easement. This would make fence easier to install and maintain.

Mr. Zieske has submitted all items needed to comply with current RIM rule, and Board Policy for the Board to consider his request, including the $500 processing fee. Please refer to the attachment titled, "Zieske RIM alteration.pdf". The SWCD is in concurrence with this request, as is the DNR Area Wildlife Supervisor. Also included in the attachment is a copy of the original recorded RIM easement, which includes the legal description and Exhibit A map.

Mr. Zieske is a land surveyor and has offered to legally survey the revised easement boundary, if approved, for the new legal description we will need for the revised easement at no cost to the State. He has extensive involvement with numerous conservation type projects in Cottonwood, Murray and Redwood Counties. A list is included on page 2 of his letter.

Proposed Solution

This alteration, as proposed, meets the recommendations of the BWSR Easement Alteration Policy. The release of 1.5 acres will be replaced by 4.5 acres, which exceeds the 2:1 requirement. The replacement acres will buffer more acres along the intermittent Dry Creek, which drains to the Cottonwood River, than the current easement. The revised easement would contain a new total of 19.6 acres, which is a net gain of 3 acres.

Although the Cottonwood SWCD did not send a letter recommending approval of this request, they did consider it at their June 27, 2013 Board meeting, and they were not opposed to the easement change. Additionally, Dave Bucklin, Cottonwood SWCD Technician, sent a follow-up e-mail to further clarify the SWCD Board position as being in support.

Staff recommends that this alteration request be approved.

Attachment: Zieske RIM alteration.pdf packet

Minnesota Board of Water & Soil Resources

Board Resolution # 13-110

Reinvest in Minnesota (RIM) Reserve – RIM Easement 17-31-01-01 Alteration, Perry Zieske

WHEREAS the BWSR acquired a 16.6 acre RIM easement from Mr. Perry Zieske in Cottonwood County via the MN River CREP program on May 8, 2002; and

WHEREAS Mr. Zieske has now requested the BWSR to release 1.5 acres from within his easement boundary and replace it with 4.5 acres to better accommodate grazing some of the adjacent grassland; and

WHEREAS Section 8400.3610 of RIM rule and the BWSR Easement Alteration Policy allows landowners to request the BWSR to alter or terminate their easements; and

WHEREAS Mr. Zieske has submitted all items required by 8400.3610, has submitted his $500 processing fee, and the proposed alteration meets the terms of the of the alteration policy; and

WHEREAS the 1.5 acres proposed for release were non-cropland when they went into the CREP program, so not in a federal CRP contract, and the 4.5 acres proposed for replacement are also non-cropland; and

WHEREAS both the Cottonwood SWCD and the DNR Area Wildlife Manager are in agreement with Mr. Zieske's proposal; and

WHEREAS the proposed alteration will create a net gain of 3 acres to the current easement and provide more land under easement adjacent to Dry Creek, providing increased permanent buffering and water quality protection benefits ; and

WHEREAS Mr. Zieske is a land surveyor and has offered to legally survey the boundary of the new altered easement, if the Board approves, at no cost to the State; and

WHEREAS the Board of Water and Soil Resources RIM Reserve Management Planning Committee met on December 17, 2013 and recommend approval of this easement alteration proposal;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources approves the alteration of RIM easement 17-31-01-01 as proposed, and authorizes staff to work with Mr. Zieske, and Cottonwood SWCD staff to officially amend the necessary RIM easement documents.

Dated at Saint Paul, Minnesota this 18th day of December, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By:

Brian Napstad, Chair

6/05/2013
Revised: 09/05/13

RE: Conservation Easement
Alteration Request
Sec. 1-107-37, Cottonwood Co., MN

To All Concerned:

My name is Perry L. Zieske and I own property in Sec. 1-107-37 in Storden Township, Cottonwood County, Minnesota and in that Section 1 I own 36.8 acres of which 3 acres is crop land, 16.6 acres in CREP which turns into RIM in 2017, the remaining acres are pasture with dry creek running through it. Of the 16.6 acres 1.5 is non-cropland outside of CREP area between the dry creek and 15 year CRP area. The 1.5 acres is adjacent to part of the CREP area that is highest elevation in the section meaning there is virtually no chemical runoff from farmland as the CREP area is already a buffer strip. I would like to exchange that 1.5 acres of non cropland area for 4.5 acres (3 times more) farther east where there is more potential of farm runoff toward dry creek and CREP as the contours indicate. I would be giving up non-cropland on both sides of dry creek, which will continue to stay grass and act as a buffer strip on both sides of dry creek where farming does occur. I think having permanent easement (RIM) on both sides of dry creek where farming occurs on both sides is preserving waters & keeping chemicals from reaching dry creek than 1 side as is the present situation. I am including a list of 12 projects that I am currently involved in along with a couple of potential projects regarding wetland restoration and buffer strips along creek. Thank you for reviewing this option and hopefully approval of exchange helping wildlife habitats.

Tim,

I revised above where I had 15.8 acres in CREP to 16.6 as per contract. Sorry about that, I don't know how I got 15.8 but I did. Anyway the property owner adjacent to me may be interested in some or all of the 36.8 acres I own and if he were to buy part of it he would prefer or option to pasture the north part and this exchange will provide for putting a fence up that is straight and a location easy to maintain and would abut the high ridge of existing CREP. And as stated above the 4.5 acres would contain both sides of dry creek which I feel will improve habitat and would provide permanent buffer. If you have any questions my cell number is (507) 822-1658.

Thank You,
Perry L. Zieske

RECEIVED
SEP 09 2013
Bd. of Water & Soil Resources
St. Paul

LIST OF RIM, DNR, AND, CONSERVATION PRACTICES ON VARIOUS LANDS

1) CREP & Trees & 1.5 acres ± RIM in W ½ SE ¼ & SW ¼ NE ¼ in Sec. 1-107-37, Storden Township, Cottonwood County (SUBJECT AREA)
2) Tree Planting & 180' Buffer Strip in SE ¼ Sec. 22-106-38, Rosehill Township, Cottonwood County, along shoreline of Long Lake
3) CRP in N ½ NE ¼ Sec. 9-107-37, Storden Township, Cottonwood County
4) 40 Acres SAFE in S ½ Sec. 4-107-37, Storden Township, Cottonwood County (Pheasant Habitat both sides Highwater Creek)
5) Grade Stabilization Project: Area II Minnesota River Basin in Sec. 4-107-37, Storden Township, Cottonwood County (2012) (Farm Drainage to Highwater Creek)
6) CRP in NE ¼ Sec. 10-108-39 in Holly Township, Murray County
7) RIM in NE ¼ Sec. 10-108-39 in Holly Township, Murray County (Both sides Plum Creek)
8) CREP RIM in S ½ SE ¼ Sec. 27-109-36, Charlestown Township, Redwood County (Along Cottonwood River)
9) Sold 61 acres to DNR along Cottonwood River, woods etc. in 2012 to DNR in Sec. 27-109-36 along Cottonwood River
10) Sold 62± acres to DNR by Lake Julia, Sec. 25-107-39, Dovray Township, Murray County
11) Considering Wetland restoration project to Murray County & creek buffer strip in Cottonwood County
12) Potential 53 acre sale to DNR in Redwood County along Cottonwood River.

Perry L. Zieske

Perrry L. Zieske

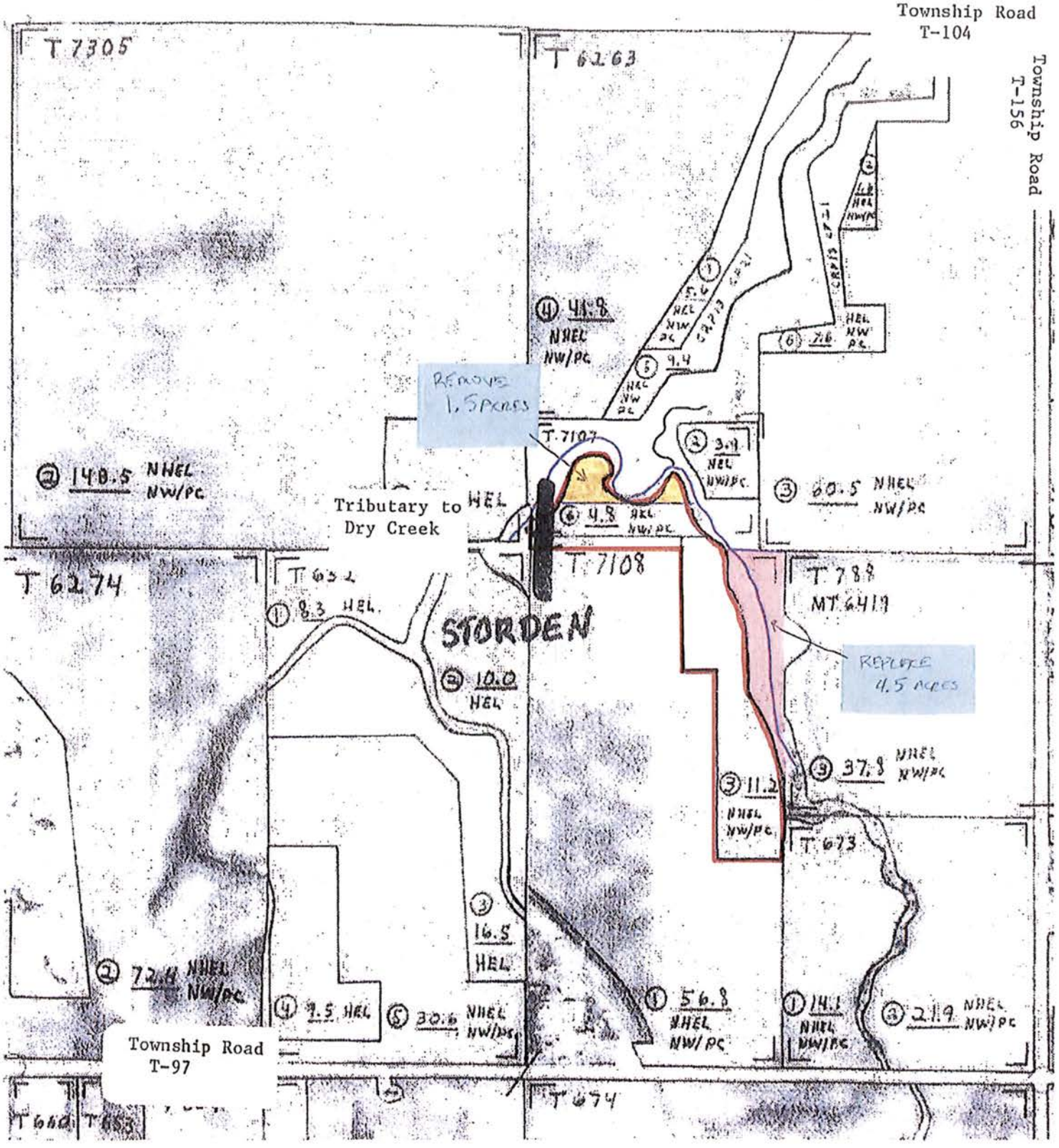
Perry L. Zieske
P.O. Box 473
Westbrook, MN 56183

17-31-01-01
CURRENT BOUNDARY

#17-31-01-01

COTTONWOOD

May 2000



DNR OBSERVATION WELL AGREEMENT
Motion by Nerem, second by Muller to approve the 2014 DNR Observation Well Agreement.
Affirmative: Lingbeek, Muller and Nerem.
Opposed: None.
Motion carried.

DNR WIA AGREEMENT AMENDMENT
Motion by Muller, second by Nerem to approve the DNR WIA Agreement Amendment.
Affirmative: Lingbeek, Muller and Nerem.
Opposed: None.
Motion carried.

SWCD COMPUTER BACKUP
Motion by Muller, second by Nerem to approve the upgrade of computer backups for the SWCD Office.
Affirmative: Lingbeek, Muller and Nerem.
Opposed: None.
Motion carried.

Office staff will contract the new Cottonwood County IT Specialist and review the quote and work to be done.

LEADERSHIP and GOVERNANCE PARTICIPATION
Motion by Muller, second by Nerem to approve the participation for the MASWCD Leadership Institute for $2,300 for Supervisor Clark Lingbeek and to allow any interested supervisor participate in the SWCD Governance 101 being held in Alexandria, MN.
Affirmative: Lingbeek, Muller and Nerem.
Opposed: None.
Motion carried.

SUPERVISOR MEETINGS
July 3 - RCRCA Meeting – Redwood Falls; July 12 – GBERBA Policy/Technical Meeting – Mankato; July 24 - SWCD Board Meeting and Tour – Office/County; July 31 – SWCS Invasive Species Tour – Cottonwood/Jackson Counties.

SWCD EMPLOYEE MEETINGS
July 9 – Organic Field Day – Lamberton; July 12 – GBERBA Policy/Technical Meeting – Mankato; July 22 - Watonwan SWCD Board Meeting – St. James; July 24 SWCD Board Meeting and Tour – Office/County; July 24 – Cohort Training – Redwood Falls; July 31 – SWCS Invasive Species Tour – Cottonwood/Jackson.

Motion by Nerem, second by Muller to approve the Supervisor and Employee meetings and expenses for the month of July.
Affirmative: Lingbeek, Muller and Nerem.
Opposed: None.
Motion carried.

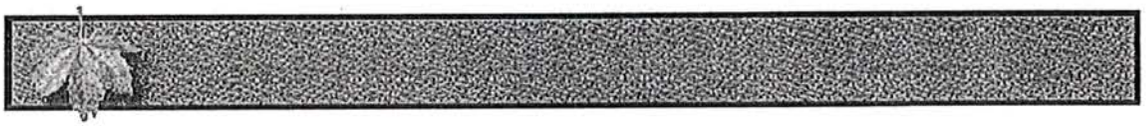
DISTRICT TECHNICIAN REPORT – David Bucklin – Written Report
CONSERVATION EASEMENT APPLICATION
Norma Grunewald and Debra Van Oosbree Lakeside 18 50.8 acres

Motion by Nerem, second by Muller to approve and submit the Norma Grunewald and Debra Van Oosbree Conservation Easement Application.
Affirmative: Lingbeek, Muller and Nerem.
Opposed: None.
Motion carried.

CONSERVATION EASEMENT CHANGE REQUEST
Board agreed to the landowner submitting an Easement Change to the State of Minnesota BWSR. Easement owned by Perry Zieske #17-31-01-01. The Board did not consider this proposed 'switching of acres' to be environmentally negative to the easement area.

Fredbo, Tim R (BWSR)

From: David Bucklin [david.bucklin@windomnet.com]
Sent: Thursday, September 05, 2013 10:17 AM
To: Fredbo, Tim R (BWSR)
Cc: kay.clark@windomnet.com
Subject: Zieske RIM acre swap request 17 31 01 01



Tim,

I spoke with Perry and asked him to rewrite the letter of request to you. He was not sure where his acres came from either.

As for the SWCD board, they are in support and feel it is a good swap for the environment.

Thank You,

Dave Bucklin.

DAVID BUCKLIN
GBERBA Coordinator
District Technician
Cottonwood Soil and Water Conservation District

507-831-1153 Ext. 3 (w)
david.bucklin@windomnet.com

http://www.cottonwoodswcd.org

Minnesota Department of Natural Resources

DNR - Wildlife, 175 County Road 26, Windom, MN 56101
507-831-2900 Ext 226

7/5/13

Cottonwood Co SWCD
339 9th St
Windom, MN 56101

Re: Perry Zieske RIM Easement Alteration Request

Dear Board:

This letter is in response to Perry Zieske's request to modify a RIM easement, in Section 1, Storden Twp, by removing 1.5 acres from the easement and adding 4.5 acres. I have no concerns with this proceeding as long as the CRP and RIM easement requirements for this are met.

This is based upon the increase in acres protected under the RIM easement, the additional protection to the stream, and similar benefits to wildlife habitat. Since grazing on adjacent land had been mentioned as a reason for this request, it is hoped that the change will facilitate a better fencing alignment, protecting the stream and providing for grazing management that also benefits the natural resources. This will need to be taken into consideration when assessing the benefits of the alteration related to costs.

Thank you for the opportunity to review and comment on this activity. Feel free to contact me with any questions.

Sincerely,

Randy Markl
Area Wildlife Supervisor

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No. 235933

Office of County Recorder
State of Minnesota
County of COTTONWOOD

I hereby certify that the within named instrument was filed in this office for record on the 8th day of May 20 02 at 3:00 o'clock P. M and was duly recorded in File 203 on Card 320

Maryann Anderson
County Recorder

CREP Easement (12/98)

EASEMENT I.D. # 17-31-01-01

PERPETUAL RIM CONSERVATION EASEMENT
STATE OF MINNESOTA, BOARD OF WATER AND SOIL RESOURCES

This conservation easement, hereinafter referred to as "Easement", is made this 2nd day of May 20 02, between Perry L. Zieske and Joan K. Bultman Zieske, husband and wife. hereinafter collectively referred to as "Grantors", and the State of Minnesota, by and through the Board of Water and Soil Resources, hereinafter referred to as the "State".

WITNESSETH

WHEREAS, the REINVEST IN MINNESOTA RESOURCES LAW (RIM) and the Minn. Stat. Sec. 103F.501 et. seq., along with Section 84.95, authorize the State to acquire conservation easements on eligible lands; AND

WHEREAS the State is authorized to establish conservation practices to protect soil and water quality and to enhance fish and wildlife habitat on conservation easements; AND

WHEREAS, the Grantors are the owners of eligible marginal lands, and/or drained wetlands and/or cropland adjacent to these lands, and desire to convey such lands as a perpetual RIM conservation easement to the State of Minnesota.

NOW, THEREFORE, the Grantors, for themselves, their heirs, successors and assigns, in consideration of the sum of Ten Thousand Three Hundred Seventy Two and 51/100 DOLLARS ($ 10,372.51), do hereby grant, convey and warrant to the State, its successors and assigns, forever, a perpetual easement in accordance with the terms and conditions as hereafter set forth in Minn. Stat. Sec. 103F.501 et. seq. and all rules adopted thereto, over and upon the following described land situated in the County of Cottonwood State of Minnesota, to-wit:

THE LEGAL DESCRIPTION IS ATTACHED HERETO AND INCORPORATED HEREIN.

The Easement covers only that portion of the parcel delineated as the "EASEMENT AREA" identified on Exhibit(s), which is attached hereto and incorporated herein. The easement area consists of a total of 16.6 acres, of which 0.0 acres are not monetarily compensated by the State but are subject to the terms of the Easement. The easement area is subject to all prior easements, roadways, and mineral rights of record including the 15-year CRP contract dated 4-30-02.
No rights are granted to the general public for access to or entry upon the lands described herein.

FURTHER, the Grantors represent and warrant that there are no hazardous substances pollutants or contaminants in or on the easement area, and that the Grantors, their heirs, successors or assigns shall not place any toxic or hazardous substances, pollutants or contaminants in or on the easement area.

FURTHER, the Grantors, their heirs, successors and assigns warrant the perpetual right to access and an ingress and egress route to the easement area from a public road to allow authorized agents of the State to enter upon the easement area for the purpose of inspection and enforcement of this Easement. Access route can utilize existing driveways, field roads, etc.

FURTHER, the Grantors, for themselves, their heirs, successors and assigns warrant that they:

1. Shall establish and maintain vegetative cover and structural practices in accordance with the Conservation Plan on file at the local Soil and Water Conservation District (SWCD) or at the State. Conservation Plan maintenance includes any necessary replanting of vegetative cover and repair of structures. Any amendment to the Conservation Plan shall be mutually agreed to by the landowner, the SWCD and the State.

2. Shall perpetually allow for the legal manipulation of existing drainage systems and other land alterations on the easement area that are associated with establishing and managing wetland practices identified in the Conservation Plan. Water levels will be managed and controlled only by the State or its agents, which may include the SWCD or Department of Natural Resources.

3. Shall not appropriate water from any existing or restored wetlands within the easement area unless obtaining the prior written consent of the State and all necessary governmental permits.

4. Shall not produce agricultural crops on the easement area, except as provided in the state approved Conservation Plan for wildlife management purposes. Interim land uses established prior to the recording of this Conservation Easement and in accordance with the Conservation Easement Agreement, may be continued without violating this Easement.

5. Shall not remove or harvest any trees on the easement area, except as provided in the state approved Conservation Plan for forest management and wildlife habitat improvement purposes.

6. Shall not graze livestock on the easement area. Interim grazing land use established in accordance with the agreement for Conservation Easement will not be a violation of this Easement.

7. Shall not place any materials, substances or objects, nor erect or construct any type of structure, temporary or permanent, on the easement area, except as provided in the Conservation Plan.

8. Shall be responsible for weed control by complying with noxious weed control laws and emergency control of pests necessary to protect the public health on the easement area.

9. Shall not alter wildlife habitat, natural features, the vegetative cover, or other conservation practices on the easement area as described in the Conservation Plan, without the prior written approval of the State.

10. Shall restore the easement area to the condition described in the Conservation Plan after any lawful repair or improvement necessary to maintain a public drainage system or public utility system.

11. Shall not use any wetlands restored under the RIM Reserve program to mitigate other wetland losses.

12. Shall notify the State in writing of the names and addresses of the new owners within 30 days after the conveyance of all or part of the title or interest in the land described herein.

13. Shall pay when due all taxes and assessments, if any, that may be levied against the easement area.

14. Shall undertake the protection and management of the easement area in accordance with the conditions set forth in this Easement.

15. Other provisions: The State expressly recognizes the federal CRP 15-year contract # 1011 dated 4-30-02 encumbering some or all of this RIM easement. To the extent that any inconsistencies exist between the CRP contract and the RIM easement, the later is subordinated to the former and the provisions in the CRP contract shall control over the RIM easement for the duration of the 15-year CRP contract.

FURTHER, this Easement shall be enforceable by the State as provided in Minn. Stat. Sec. 103F.515, Subd. 9, and/or by such other relief as may be authorized by law. Any ambiguities in this Easement shall be construed in a manner which best effectuates the purposes of protecting soil, improving water quality, and enhancing fish and wildlife habitat.

FURTHER, THE GRANTORS OF THIS CONSERVATION EASEMENT, FOR THEMSELVES, COVENANT that they shall not convert to agricultural crop production or pasture any other land, owned or leased as part of the same farm operation at the time of application, if said land supports natural vegetation or has not been used in agricultural crop production.

IN WITNESS WHEREOF, the Grantors have caused this Easement to be duly executed.

GRANTOR(S) SIGNATURE(S) AND ACKNOWLEDGMENT

Perry L. Zieske

Perry L. Zieske

Joan K. Bultman-Zieske

Joan K. Bultman Zieske

STATE OF Minnesota)
)
COUNTY OF Cottonwood)

The foregoing instrument was acknowledged before me this 2nd day of May, 2002

by Perry L. Zieske and Joan K. Bultman Zieske, husband and wife.

(Notary Stamp or Seal)

KAY DEE CLARK
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2005

Notary Signature Kay Dee Clark

Commission expires on 1-31-2005

Instrument Drafted By: Board of Water and Soil Resources
One West Water Street, Suite 200
St. Paul, Minnesota 55107
(Land Title & Abstract Co., Inc.)

Easement Number 17-31-01-01

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
CONSERVATION EASEMENT
LEGAL DESCRIPTION

That part of the south 505 feet of the SW1/4 of the NE1/4 and that part of the W1/2 of the SE1/4 lying north of the south 999.11 feet thereof, all in Section 1, T.107 N., R.37 W., shown as the "Easement Area" on Exhibit "A" attached to and made a part of this Conservation Easement, and located within Tract 1 described below:

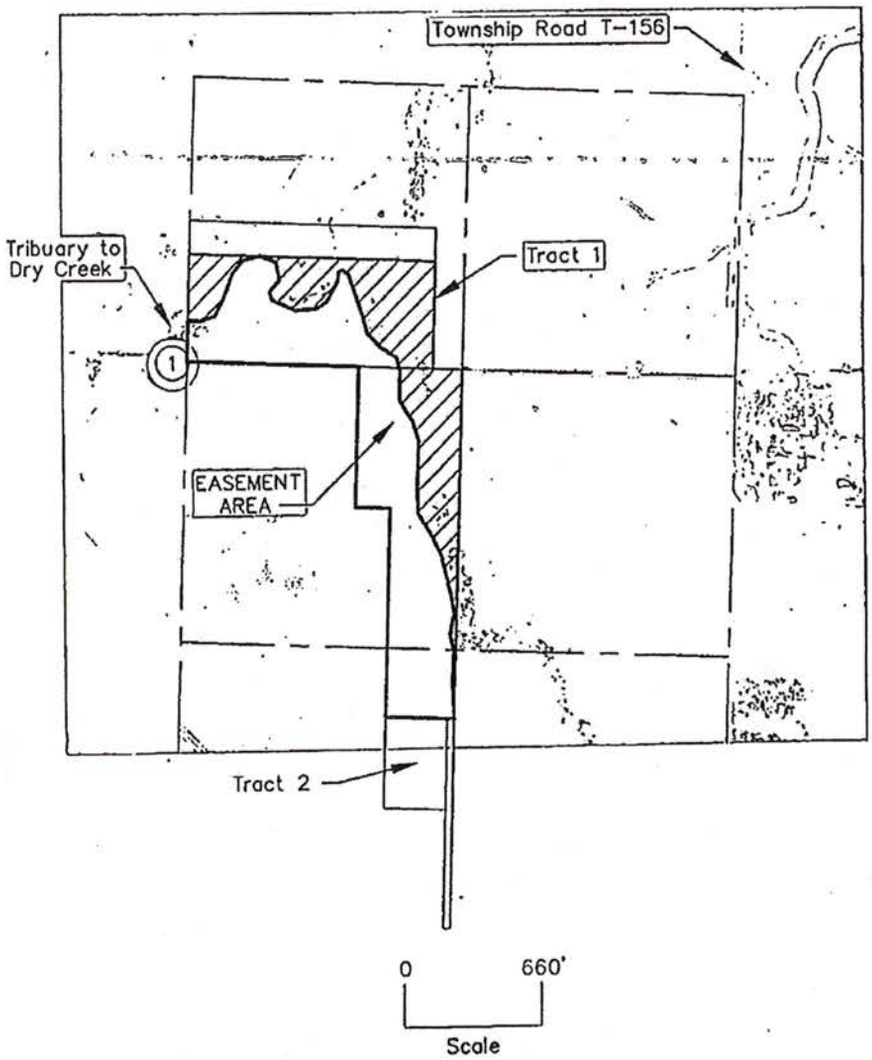
Tract 1.
Commencing at an existing iron monument at the Southwest Corner of said SE1/4;
thence south 88 degrees 39 minutes 55 seconds East, bearing based on Cottonwood County Coordinate System, along the south line of said SE1/4, a distance of 1289.05 feet, this being the point of beginning of said Tract 1;
thence North 00 degrees 37 minutes 40 seconds East, parallel with the east line of said W1/2 of the SE1/4, a distance of 999.11 feet;
thence North 88 degrees 39 minutes 55 seconds West, parallel with the south line of said SE1/4, a distance of 297.00 feet;
thence North 00 degrees 37 minutes 40 seconds East, parallel with the east line of said W1/2 of the SE1/4, a distance of 990 feet;
thence north 88 degrees 56 minutes 38 seconds West, parallel with the north line of said SE1/4, a distance of 165.00 feet;
thence North 00 degrees 37 minutes 40 seconds East, parallel with the east line of said W1/2 of the SE1/2, a distance of 660.00 feet, to a point on the north line of said SE1/4;
thence North 88 degrees 56 minutes 38 seconds West, along the north line of said SE1/4, a distance of 830.28 feet, to the North west Corner of said SE1/4;
thence North 00 degrees 33 minutes 25 seconds East, along the west line of said NE1/4 of Section 1, a distance of 663.00 feet;
thence South 88 degrees 55 minutes 07 seconds East, a distance of 1185.00 feet;
thence South 00 degrees 23 minutes 01 second West, a distance of 662.50 feet, to a point on the north line of said SE1/4 of Section 1;
thence South 88 degrees 56 minutes 38 seconds East, along the north line of said SE1/4, a distance of 138.26 feet, to the Northeast Corner of said W1/2 of the SE1/4;
thence South 00 degrees 37 minutes 40 seconds West, along the east line of said W1/2 of the SE1/4, a distance of 2650.71 feet, to the Southeast Corner of said W1/2 of the SE1/4;
thence North 88 degrees 39 minutes 55 seconds West, along the south line of said SE1/4, a distance of 33.00 feet, to the point of beginning.

Easement I.D. No: 17-31-01-01
Map 1 of 1

STATE OF MINNESOTA
BOARD OF WATER AND SOIL RESOURCES
CONSERVATION EASEMENT
EXHIBIT 'A'

This map delineates the easement area(s) referred to in the attached easement conveyance.

Section 1 T. 107 N., R. 37 W., Cottonwood County



Prepared By:

Board of Water and Soil Resources

Dated:

January 29, 2002

LEGEND

- Center of Section
- Boundary of Described Lands
- Easement Area — Lands Included in Easement
- Lands Not Included in Easement
- Section/Quarter/Sixteenth Line

NEW BUSINESS

1. Clean Water Fund Roadmap Presentation – Sarah Strommen and MPCA Commissioner John Linc Stine - ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Clean Water Fund Roadmap Presentation

Meeting Date:

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

Item Type: ☐ Decision ☐ Discussion ☒ Information

Section/Region:

Contact: Sarah Strommen

Prepared by: Sarah Strommen

Reviewed by: John Jaschke Committee(s)

Presented by: Sarah Strommen and John Linc Stine

☐ **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

Information Item
MPCA Commissioner John Linc Stine and Sarah Strommen, Assistant Director of the Board of Water and Soil Resources will provide an update on the status of the project.

LINKS TO ADDITIONAL INFORMATION

A summary of the Clean Water Roadmap Stakeholder Meeting on October 21, 2-13, including attendees, major themes, and live polling results, is now available on the project web page. The summary also contains next steps coming out of the October stakeholder meeting.

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

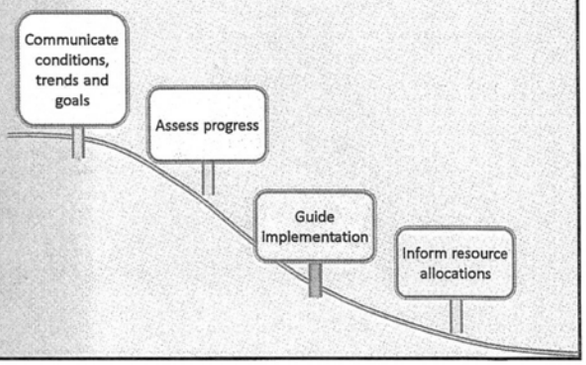
At the request of the Clean Water Funded Executive branch agency heads, the Clean Water Fund Interagency Coordination Team launched a project this past June, with the assistance of Environmental Initiative, to establish a Clean Water Fund Roadmap. The idea behind the Roadmap is to develop a few key goals and measures for Clean Water Fund implementing agencies to monitor our pace of progress in achieving those goals over the course of the 25 years of constitutional amendment funding;

CLEAN WATER FUND
Roadmap Project

John Linc Stine, Commissioner
Pollution Control Agency

Sarah Strommen, Assistant Director
Board of Water and Soil Resources

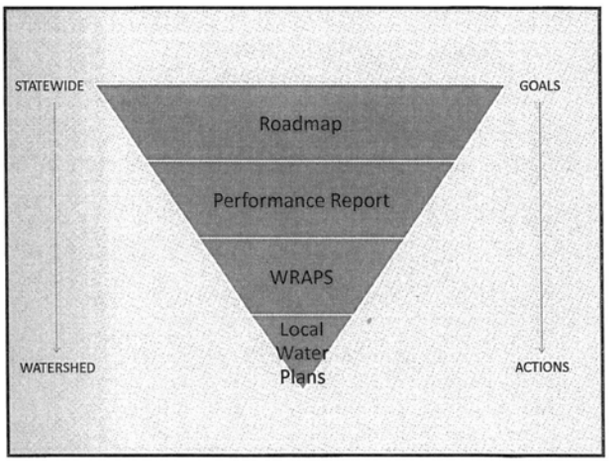
Roadmap project purpose

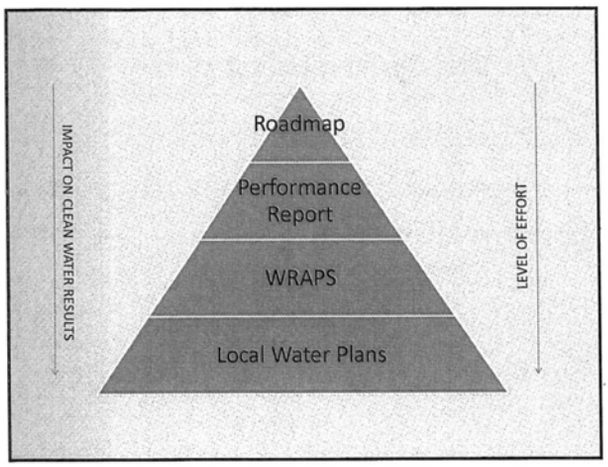


Why a Roadmap?

Generally a roadmap helps identify:

- Where you are
- Where your destination is relative to your current location
- How fast you will want/need to travel





What Makes the Roadmap Unique?

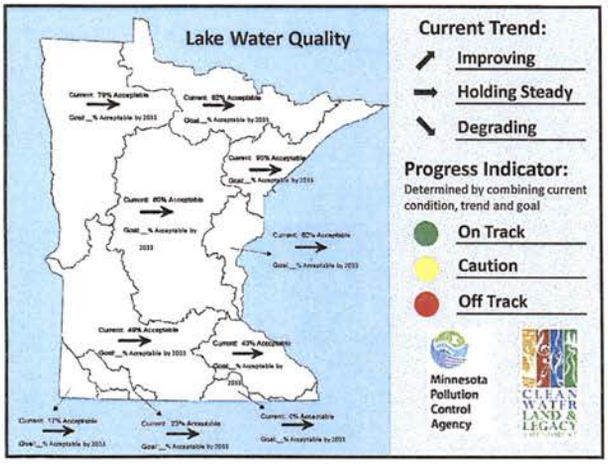
- Forward-looking
  - Specific goals
  - Pace of progress (5-year benchmarks)
- Common expectations across agencies/departments

Roadmap elements

- Selected indicators of progress
- Long-term goals
- Success stories and challenges
- Process to review progress every five years

Framework for communicating goals & progress

- Lake Water Quality
- River/Stream Water Quality
- Ground Water Quality
- Ground Water Quantity (Aquifer Levels)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On Track
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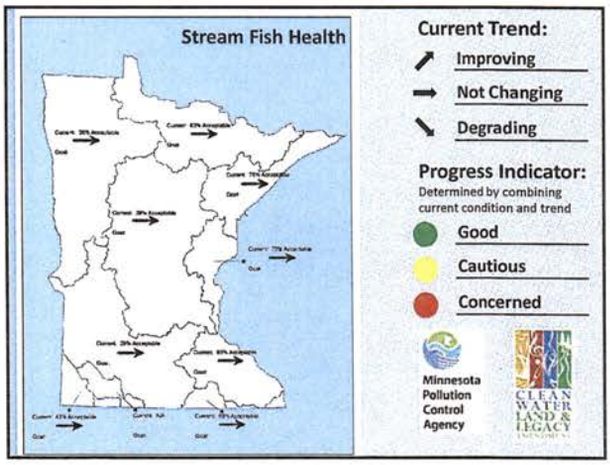
Minnesota Pollution Control Agency
CLEAN WATER LAND & LEGACY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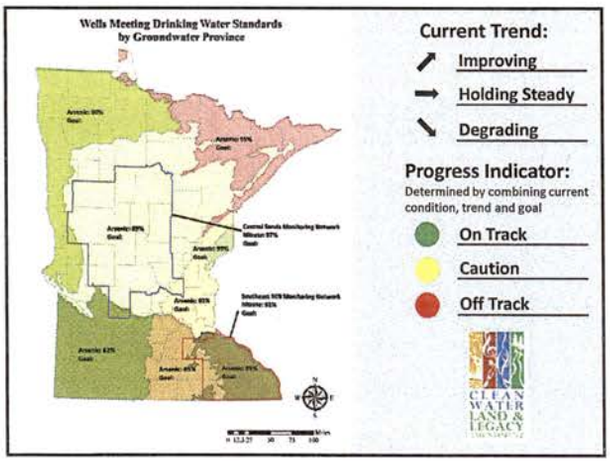
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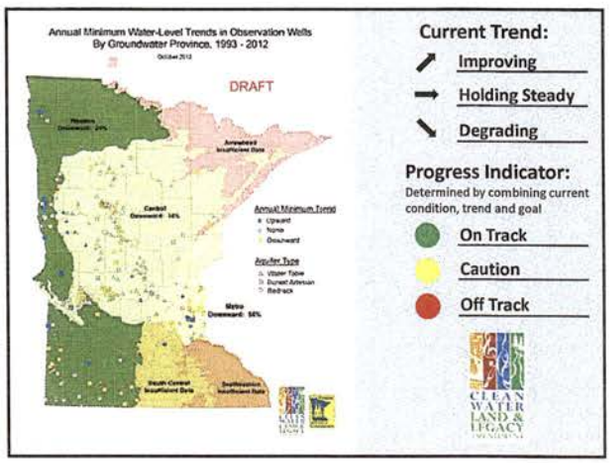
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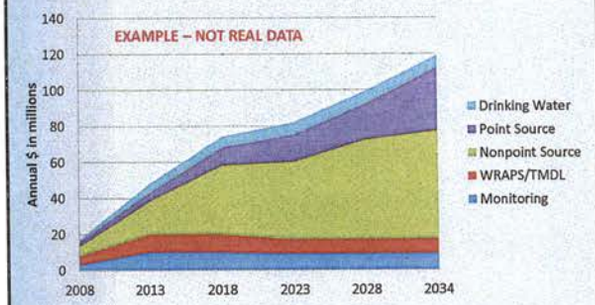

Next Steps

January	Long-term goals set by agency leaders
February	Refine relationship to funding process and use as guide for course corrections
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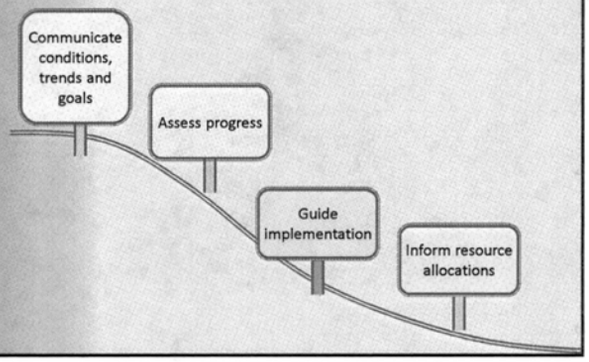

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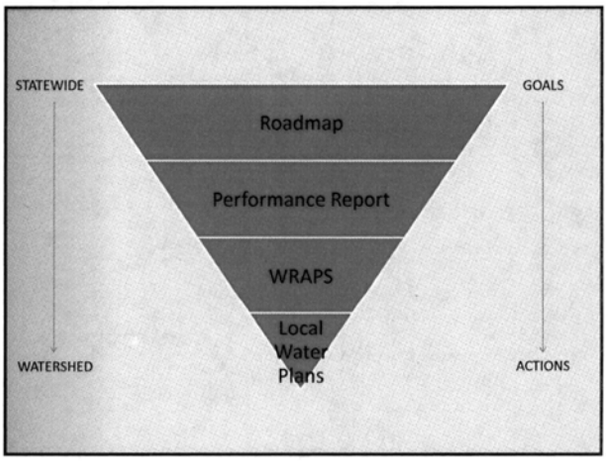

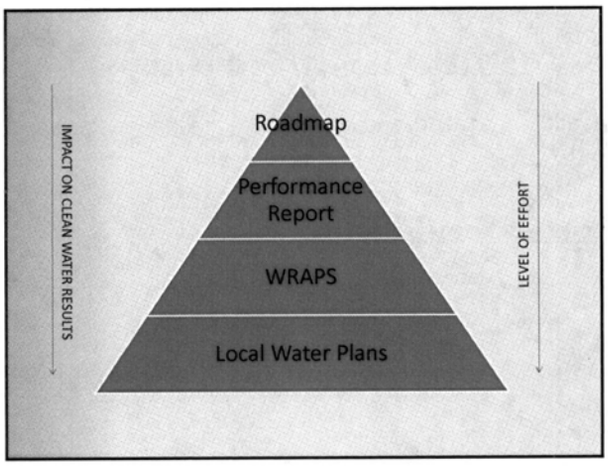

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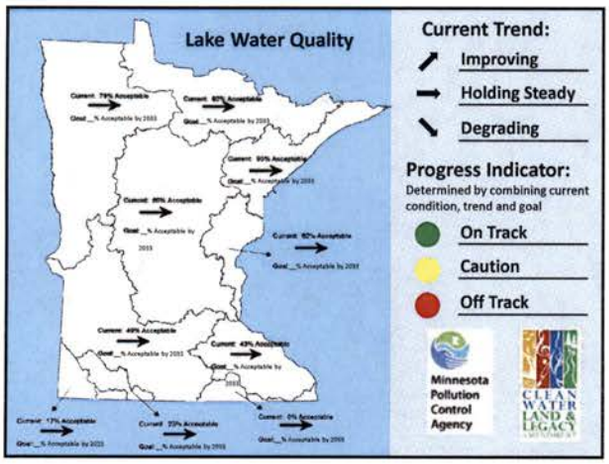
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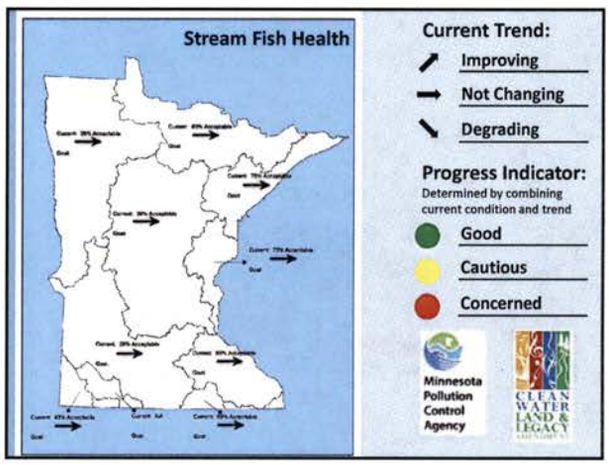
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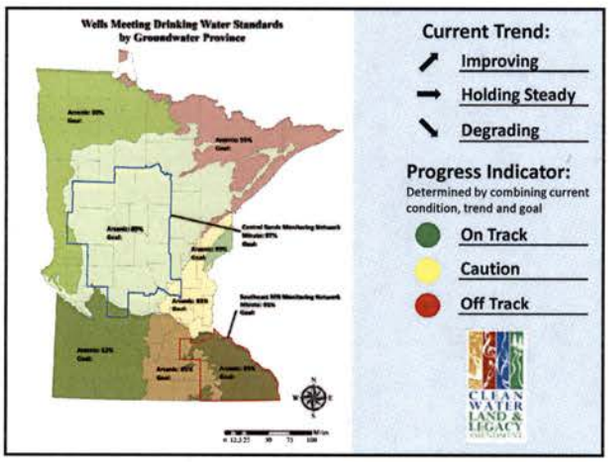
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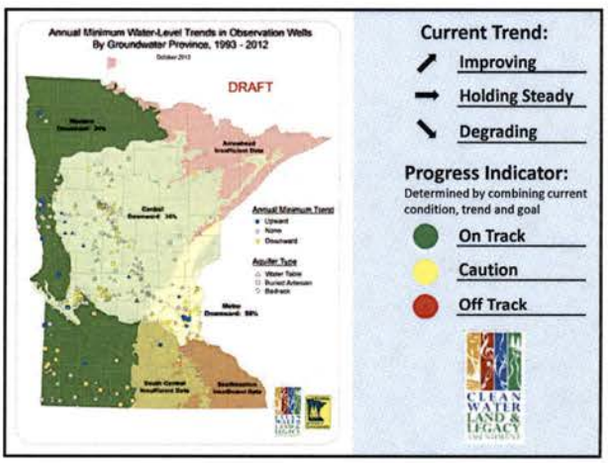
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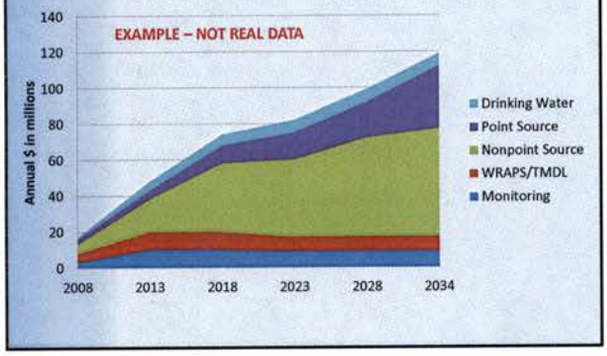

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