



DATE: April 18, 2011  
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff  
 FROM: John Jaschke, Executive Director  
 SUBJECT: April 27, 2011 Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 27, 2011, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (use hooded parking areas).

The following information pertains to agenda items:

**COMMITTEE MEETINGS**

***Metro Water Planning Committee***

1. **Coon Creek Watershed District Boundary Change Petition** - The Coon Creek Watershed District (CCWD) submitted a boundary change petition pursuant to Minn. Stat. § 103B.215 to change the legal boundaries between the CCWD and Lower Rum River Water Management Organization (LRRWMO). The CCWD's 2004 Comprehensive Plan directs the District to review its boundaries on an ongoing basis to ensure accuracy. The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the CCWD and the LRRWMO. The Metro Water Planning Committee met on April 12, 2011 and unanimously voted to recommend approval of the Petition to the full Board. All relevant substantive procedural requirements have been fulfilled. The Board must determine if the boundary change is in the public's best interest. See attachments.

***DECISION ITEM***

2. **Coon Creek Watershed District Boundary Change Hearing** - In conjunction with the dissolution of the Six Cities Watershed Management Organization, the Coon Creek Watershed District submitted a boundary change petition to enlarge the district into areas of the former Six Cities Watershed Management Organization. The petition involves parts of the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park. The Board action is to order a public hearing on the petition. See attachments.

***DECISION ITEM***

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>Mankato</i>	<i>New Ulm</i>	<i>Rochester</i>
701 Minnesota Ave., Suite 234 Bemidji, MN 56601 (218) 333-8024	1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	394 South Lake Ave., Room 403 Duluth, MN 55802 (218) 723-4752	1004 Frontier Drive Fergus Falls, MN 56537-2505 (218) 736-5445	1400 East Lyon St., Box 267 Marshall, MN 56258 (507) 537-6060	1160 Victory Drive S., Suite 5 Mankato, MN 56001-5358 (507) 389-1967	261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	2300 Silver Creek Rd N.E. Rochester, MN 55906 (507) 206-2889

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

3. **Amendment to South Washington Watershed District Watershed Management Plan** - The mission of the South Washington Watershed District (SWWD) is to manage water and related resources within the District in cooperation with citizens and communities. The Amendment to the SWWD Plan incorporates natural resource data, issues, and goals for the area of the former Lower St. Croix Watershed Management Organization (LSCWMO). The Amendment was ordered by the BWSR Board in conjunction with the enlargement of the SWWD into areas of the former LSCWMO. The Amendment is consistent with the former LSCWMO Watershed Management Plan. The Amendment establishes the area of the former LSCWMO as a watershed management unit for project funding by stormwater utility fees. The Metro Water Planning Committee met on April 12, 2011. After review of information, the Committee decided with a unanimous vote to recommend approval of the Plan Amendment by the Board per the attached draft Order. **DECISION ITEM**
  
4. **Scott Watershed Management Organization Plan Amendment** - A Plan Amendment to the Scott WMO Watershed Management Plan was filed with the Board on February 11, 2011. The draft Order contains a summary of the Plan changes. No comments were received during the review process that resulted in substantial revisions to the draft Amendment. The Metro Water Planning Committee recommends approval of the Plan Amendment dated April 2011 per the attached draft Order. **DECISION ITEM**
  
5. **Mississippi Watershed Management Organization Revised Watershed Management Plan** - The Mississippi WMO was established in 1985. It encompasses 31.5 square miles of fully developed urban lands located primarily in Minneapolis in Hennepin County with a small portion of St. Paul in Ramsey County. The Watershed Management Plan final draft was filed with the Board on March 10, 2011. The attached draft Order contains a summary of the planning process, the reviewing agencies' comments, and highlights of the Plan. The MWMO offered LGUs and state agencies a number of opportunities to provide upfront input via Technical Advisory Committee meetings and releasing preliminary drafts. The Metro Water Planning Committee met on April 12, 2011, with a presentation on the history and key focus areas of the MWMO as well as highlights of the implementation section of the revised Plan. After review of the information, the Committee unanimously voted to recommend approval of the Plan by the Board per the attached draft Order. **DECISION ITEM**

***Northern Water Planning Committee***

1. **Red Lake Watershed District Plan Amendment for Formation of a Water Management District** -The Red Lake Watershed District (RLWD) proposes a watershed management plan amendment providing for the establishment of a Water Management District for the Thief River Falls Flood Damage Reduction Project. The District has worked hard to develop a comprehensive flood damage reduction solution that involves numerous partners including the RLWD, State, City, County, Townships, and local landowners. This project will address a long-standing flooding problem in the City of Thief River Falls. See attachments. **DECISION ITEM**

2. **Middle-Snake-Tamarac Rivers Watershed District Order to Hold a Public Hearing on Watershed Plan** - The Board must give notice and hold a hearing on Watershed District Plan updates within 45 days after receiving the Department of Natural Resources' recommendation on the revised Plan pursuant to Minn. Stat. § 103D.405 Subd.5 (a). The action needed is for the Board to order a hearing for the Middle-Snake-Tamarac Rivers Watershed District Plan revision to meet this statute requirement. See attachments. **DECISION ITEM**
3. **Wadena County Water Plan Amendment** – Wadena County submitted their revised Local Water Management Plan for final state review and comment. The Northern Water Planning Committee met April 13, after the state agencies comment period ended. The Committee's recommendations or requirements will be presented at the Board meeting for action. See attachments. **DECISION ITEM**

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

1. **Mower County Local Water Management Plan Amendment** - The Southern Water Planning Committee met on November 4, 2010, to review the Mower County Comprehensive Local Water Plan 2010 Amendment. The December 14, 2005, BWSR Order approving the 10-year plan required a review and update of the implementation section in five years or by the end of 2010. This Committee will provide its recommendation to the Board at its April 27, 2011, meeting. See attachments. **DECISION ITEM**

#### **NEW BUSINESS**

1. **Chesapeake Bay Watershed – Water Quality Pursuits** – The Environmental Protection Agency's (EPA) Chesapeake Bay Total Maximum Daily Load (TMDL) was adopted in late 2010 and the NRCS released a study assessing conservation practices ag-land in the region. There are some potential approaches and ideas that could be relevant for Minnesota and the Minnesota Ag Water Resources Coalition (MAWRC) recently visited the Bay area to assess past and planned activities. EPA and MAWRC presenters will provide some background and assessment of federal, state and local efforts to achieve water quality improvements in the Chesapeake Bay watershed. Presenters: Richard Batiuk, Associate Director for Science, U.S. Environmental Protection Agency, Chesapeake Bay Program Office and Warren Formo, Executive Director, MN Ag Water Resources Coalition. **INFORMATION ITEM**

#### **OLD BUSINESS**

1. **Allocation of Available Clean Water Funds** – BWSR has received numerous appropriations over the past four years for the Clean Water Legacy and Clean Water Fund programs. Funds have been awarded to local governments for a variety of projects and activities. Funds are occasionally returned when a project has been completed under budget, or projects components cannot be completed. The resolution will allow highly ranked proposals to be authorized with the returned funds. See attachment. **INFORMATION ITEM**
2. **Adjustment to 2011 Board Meeting Schedule** – The schedule for Board decision-making related to the anticipated Clean Water Fund (CWF) grants will necessitate adding a July meeting if the legislature's adjournment remains on the schedule for May 23. To keep meetings to a minimum, we are planning to cancel the May 25<sup>th</sup> meeting. See attachment. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to give me a call at (651) 296-0878. The Board meeting will adjourn about noon. I look forward to seeing you on April 27th!

P.S. The Southern Water Planning Committee will meet immediately following adjournment of the Board Meeting. The Public Relations, Outreach, and Strategic Planning Committee will meet immediately following adjournment of the Southern Water Planning Committee.

BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, APRIL 27, 2011

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 23, 2011 MEETING

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

CONFLICT OF INTEREST DECLARATION

REPORTS

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

COMMITTEE RECOMMENDATIONS

*Metro Water Planning Committee*

1. Coon Creek Watershed District Boundary Change Petition – Bob Burandt/Travis Germundson – **DECISION ITEM**
2. Coon Creek Watershed District Boundary Change Hearing – Jim Haertel – **DECISION ITEM**
3. Amendment to South Washington Watershed District Watershed Management Plan – Jim Haertel – **DECISION ITEM**
4. Scott Watershed Management Organization Plan Amendment - Brad Wozney – **DECISION ITEM**
5. Mississippi Watershed Management Organization Revised Watershed Management Plan – Brad Wozney – **DECISION ITEM**

### ***Northern Water Planning Committee***

1. Red Lake Watershed District Plan Amendment for Formation of a Water Management District – Keith Mykleseth – ***DECISION ITEM***
2. Middle-Snake-Tamarac Rivers Watershed District Order to Hold a Public Hearing on Watershed Plan - Gene Tiedemann – ***DECISION ITEM***
3. Wadena County Water Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***

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

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

### **NEW BUSINESS**

1. Chesapeake Bay Presentation – Richard Batiuk, EPA; and Warren Formo, Minnesota Ag Water Resources Coalition – ***INFORMATION ITEM***

### **OLD BUSINESS**

1. Allocation of Available Clean Water Funds – Dave Weirens – ***DECISION ITEM***
2. Adjustment to 2011 BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

### **AGENCY REPORTS**

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

### **ADVISORY COMMENTS**

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

### **UPCOMING MEETINGS**

- Next BWSR Board Meeting – June 22, 2011 in St. Paul

Noon

**ADJOURN**

## Board of Water and Soil Resources Grants Conflict of Interest Declaration



Meeting: Allocation of Available Clean Water Funds

Date: April 27, 2011

Policy 08-01: Grants Conflict of Interest Minnesota state agencies must work to deliberately avoid both actual and perceived conflicts of interest related to grant-making at both the individual and organizational levels. When a conflict of interest concerning state grant-making exists, transparency shall be the guiding principle in addressing it.

### **Grant Making Meeting Procedure**

Meetings that are part of the grant making process will include an agenda item to identify and disclose actual or perceived conflicts of interest. During this agenda item, the chair of the meeting shall make a statement that defines what a conflict of interest is and a request that meeting participants disclose any actual or perceived conflicts. This statement is as follows:

Agenda Item: Conflicts of Interest Declaration.

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

This form provides Board of Water and Soil Resources (BWSR) grant reviewers an opportunity to disclose any conflicts of interest, or potential for conflicts of interest that exist during a grant making process. It is the grant reviewer's obligation to be familiar with the Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest. The grant reviewer is not required to explain the reason for the conflict of interest as this form is considered public data under Minn. Statute 13.599-Grants. **A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

*Please read the descriptions of conflict of interest below and mark the appropriate box that pertains to you and your status as a reviewer of this grant.*

**Descriptions of conflicts of interest:** - A conflict of interest shall be deemed to exist when a review of the situation by the grant reviewer (or other agency personnel) determines any one of the following conditions to be present:

- (a) A grant reviewer uses his/her status or position to obtain special advantage, benefit, or access to the grantee or grant applicant's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
- (b) A grant reviewer receives or accepts money or anything else of value from a state grantee or grant applicant or has equity or a financial interest in or partial or whole ownership of an applicant organization.
- (c) A grant reviewer is an employee of a grant applicant or is a family member of anyone involved in the grantee or grant applicant's agency.

(d) A grant reviewer is in a position to devise benefit by directly influencing a grant-making process to favor an organization the grant reviewer has an interest in.

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- Based on the descriptions above, I do not have a conflict of interest.
- Based on the descriptions above, I have or may have an actual or perceived conflict of interest, which I am listing below. *(The grant reviewer should list the specific grant-making evaluation, recommendation, or allocation with which they may have a conflict of interest. The grant reviewer may describe the nature of the conflict in the space below, but this information is not required since this form is considered public information.)*

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*(continue below or on an attachment if needed)*

- Based on the descriptions above, I am unable to participate in this evaluation, recommendation or allocation process because of a conflict of interest.

If at any time during the grant-making process I discover a conflict of interest, I will disclose that conflict to the meeting chair immediately.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

**All forms must be submitted to the lead staff for the meeting and filed with the meeting agenda by the BWSR Grant Coordinator upon completion.**

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, MARCH 23, 2011**

**BOARD MEMBERS PRESENT:**

Paul Brutlag, Bob Burandt, Christy Jo Fogarty, Quentin Fairbanks, Sandy Hooker, Tom Landwehr and Dave Schad, DNR; Tom Loveall, Joe Martin, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Gene Tiedemann, LuAnn Tolliver, Doug Wetzstein, MPCA; Matthew Wohlman, MDA

**BOARD MEMBERS ABSENT:**

Paul Langseth  
Linda Bruemmer, Department of Health  
Louise Smallidge  
John Meyer

**STAFF PRESENT:**

Mary Jo Anderson, Angie Becker-Kudelka, Don Buckhout, Travis Germundson, Dianne Hubbell, John Jaschke, Kari Keating, Melissa Lewis, Kevin Lines, Paul Senne, Dave Weirens, Steve Woods, Wayne Zellmer

**OTHERS PRESENT:**

Steve Hirsch and Luke Skinner, DNR Ecological-Waters Division  
Tera Guetter and Barb Halbakken Fischburg, Pelican River Watershed District  
Eric Evenson, Minnehaha Creek Watershed District  
Michael Welch, Smith Partners  
Paige Stradley, U of M Law  
Lance Yohe, Red River Basin Commission  
Rob Sip, Department of Agriculture  
Jill Crafton, Riley Purgatory Bluff Creek Watershed District

**Chair Napstad called the meeting to order at 9:05 a.m.** Chair Napstad thanked everyone for the extra effort in getting here today due to the weather conditions.

### **PLEDGE OF ALLEGIANCE**

Chair Napstad introduced and welcomed Matt Wohlman, Assistant Commissioner, Minnesota Department of Agriculture (MDA), newly appointed Board Member representing MDA. Matt provided brief background information, and stated that he looks forward to representing MDA on the BWSR Board.

**\*\* ADOPTION OF AGENDA** – Moved by Paul Brutlag, seconded by LuAnn Tolliver,  
11-12 to approve the agenda as presented. Motion passed on a voice vote.

**\*\* MINUTES OF JANUARY 26, 2011** – Moved by Quentin Fairbanks, seconded by Keith  
11-13 Mykleseth, to approve the minutes of January 26, 2011, as circulated. Motion passed on a voice vote.

**CONFLICT OF INTEREST DECLARATION** – Chair Napstad reported that two agenda items today need the Conflict of Interest Declaration form submitted. The agenda items are: FY2011 Red River Basin Commission Administrative Grant; and the Lake Protection Water Plan Challenge Grant. Chair Napstad read the statement:

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

Chair Napstad asked board members to submit their completed Conflict of Interest Declaration forms to John Jaschke. John explained BWSR’s policy on grant authorization and completing the form. The Conflict of Interest Declaration documents will be filed with each grant.

### **REPORTS**

**Chair’s Report** – Brian Napstad reported that the Administrative Advisory Committee (AAC) met this morning. The four board member positions (one watershed representative, one county commissioner representative, one citizen representative, and one non-metro city representative) are open; the application process is on the Secretary of State’s website: [www.sos.state.mn.us](http://www.sos.state.mn.us)

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Chair Napstad reported that the Board's summer tour will be in Todd/Morrison Counties and include Camp Ripley in the Little Falls area. Mary Jo Anderson will coordinate logistics for the tour including bus transportation from St. Paul to Little Falls the afternoon of August 23. The tour will be held on Wednesday, August 24<sup>th</sup> and the Board Meeting will be held on Thursday, August 25. Information will be provided at a later date.

Chair Napstad reported that he had met with the U.S. Army Corps of Engineers representative responsible for the control structures in the Mississippi Headwaters area. Reservoir and river levels are being closely monitored to minimize spring flooding. Chair Napstad attended meetings at the Capitol on behalf of the Mississippi Headwaters Board.

**Executive Director's Report** – John Jaschke reviewed items in the Board Meeting packet today: updated Board Member listing; "BWSR Snapshots"; PRAP 2011 Report to the MN Legislature; Procedure for Establishing a Watershed District; Watershed District Establishment Outline; and a letter regarding the Six Cities Watershed Management Organization.

Commissioner Tom Landwehr and Dave Schad, DNR, arrived at the meeting at 9:25 a.m.

Bob Burandt arrived at the meeting at 9:30 a.m.

John Jaschke provided an update regarding the Governor's and Legislative Recommendations for the General Fund and Omnibus Finance Bills. John explained that letters were sent to the Senate and House regarding BWSR's budget recommendations. John asked board members to contact Mary Jo Anderson if they would like a copy of the correspondence sent to the Senate and House. John outlined the Committees busy legislative schedule this week: AMC legislative meetings, MAWD legislative breakfast tomorrow, as well as ongoing legislative hearings at the Capitol. Chair Napstad reminded BWSR members that when representing BWSR, we must support the Dayton Administration positions as we are part of the Administration.

**Dispute Resolution Committee** – Travis Germundson reported that there are no new appeals. Travis provided minor updates to the report. Chair Napstad reported that he was contacted by a constituent regarding misinformation he received about the \$500 filing fee for a restoration order appeal. Travis reported that the LGU and DNR conservation officer provided the wrong information, the correct information has been on the BWSR website since 2009. Chair Napstad stated the importance of communication and keeping information up-to-date.

**INTRODUCTORY REMARKS FROM MPCA COMMISSIONER PAUL AASEN -**

Chair Napstad introduced newly appointed MPCA Commissioner Paul Aasen. Commissioner Aasen stated that the hallway conversations with MPCA, DNR, and BWSR are so important; it's good to be connected. Commissioner Aasen stated that MPCA, DNR, and BWSR are lucky to have Clean Water Funds available to our agencies; it's obvious that our agencies are and will be working together. Commissioner Aasen stated that the perception of water regulation duplication and 'confusion' at the local level proves that we need to work together even more. Commissioner Aasen looks forward to working with BWSR on issues such as environmental policy governance in the future and coordination of environmental policy efforts. Chair Napstad congratulated Commissioner Aasen on his appointment and thanked him for his comments. Commissioner Aasen commented on the importance of education and informing legislators of agency policy and process during the Legislative Session.

**INTRODUCTORY REMARKS FROM MDA COMMISSIONER DAVE FREDERICKSON**

Chair Napstad welcomed newly appointed Department of Agriculture Commissioner Dave Frederickson. Commissioner Frederickson stated that he has had the privilege of working with John Jaschke and some board members in the past. Commissioner Frederickson provided brief background information about himself. Commissioner Frederickson looks forward to working with BWSR via dialogue, and problem solving. It's a great opportunity to work with MPCA, DNR, and BWSR. Chair Napstad congratulated Commissioner Frederickson on his appointment and thanked him for coming in today.

**Wetlands Committee** – LuAnn Tolliver stated that the Wetlands Committee has not met; there will be a meeting in the next couple of months coordinated around the BWSR Board Meetings.

**Grants Program & Policy Committee** – John Jaschke stated that Grants Program & Policy Committee recommendations are on the meeting agenda later today.

**Public Relations, Outreach & Strategic Planning Committee** – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee has not met; however, the Committee will meet immediately following the Board Meeting today.

**RIM Reserve Planning Committee** – Paul Brutlag reported that the RIM Reserve Planning Committee met via conference call. Committee recommendations are on the agenda later today.

**Drainage Work Group** – Tom Loveall stated that Drainage Work Group met in January and will meet again after the legislative session adjourns.

**COMMITTEE RECOMMENDATIONS**

***Grants Program & Policy Committee and RIM Reserve Management & Planning Committee Combined Recommendation***

**Draft Cost-Share and RIM Reserve Rule, Statement of Need and Reasonableness and Draft Cost-Share Policy** – Dave Weirens reviewed information in board members' packet and explained that statutes governing the Cost-Share Program and the RIM Reserve Program were amended in 2009. Staff began to work on amendments after the enactment of these changes to:

- 1) Incorporate statutory changes that have occurred in the RIM Reserve Law (103F.505 to 103F.531);
- 2) Reflect statutory amendments enacted in 2009, including a directive to adopt Cost-Share Program Policies (103C.501);
- 3) Streamline the administration to increase efficiencies for both SWCDs and BWSR;
- 4) Respond to evolving resource management strategies by accommodating greater use of other Best Management Practices (BMPs); and
- 5) Improve the clarity of the permanent rule.

Dave explained that the Resolution is intended for information on rule making; not policy at this time. Kevin Lines highlighted the RIM Program and proudly reported that this 25-year program is the most successful conservation easement program in the country! The Erosion Control and Water Management Program, known as the Cost-Share Program, will come before the Board for adoption of policy when the Rule is ready for final adoption. John Jaschke explained that the Resolution formally starts the process for public review and comment.

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11-14 Moved by Christy Jo Fogarty, seconded by Quentin Fairbanks, to adopt the Erosion Control and Water Management Program (Cost-Share) and the RIM Reserve Program (Minn. Rule Chapter 800) and Statement of Need and Reasonableness and authorizes staff to:

- i) make minor grammatical, formatting, and reference changes to prepare the rule for publishing;
- ii) seek approval from the Governor's Office to proceed with adopting the rule;
- iii) submit the rule to the Revisor of Statutes for review and approval of the form of the rule; and
- iv) complete the processes necessary to adopt the rule.

Motion passed on a voice vote. Chair Napstad thanked Dave and Kevin for their presentation.

**Grants Program & Policy Committee**

**Red River Basin Commission (RRBC) Work Plan Presentation** – Lance Yohe, RRBC Executive Director, distributed reference material regarding the RRBC and provided information on long-term flood solutions and reported on a weekly flood status report. Additional information can be found on the RRBC website: [www.redriverbasincommission.org](http://www.redriverbasincommission.org) Chair Napstad thanked Lance for his presentation.

**FY '11 Red River Basin Commission Administrative Grant** –Wayne Zellmer reported that the 2009 Legislature appropriated \$90,000 to BWSR for RRBC administration in FY2011. This appropriation was reduced to \$84,000 by the 2010 Legislature. The Grants Program & Policy Committee reviewed the RRBC's 2011 Work Plan and Budget and recommends approval of the allocation. Moved by Keith Mykleseth, seconded by Gene Tiedemann, to authorize staff to allocate \$84,000 to the RRBC for administration and management of water quality and floodplain management programs.

John Jaschke reported that 14 Conflict of Interest Declaration forms were received, all are eligible to vote. Quentin Fairbanks abstained; 13 voting members. Chair Napstad called for the vote. Motion passed on a voice vote.

**Lake Protection Water Plan Challenge Grant** – Dave Weirens reported that the Grants Program & Policy Committee met to review the Lake Protection Water Plan Challenge Grant and recommends approval of the \$99,893 allocation. Moved by Faye Sleeper, seconded by Doug Wetzstein, to adopt the recommendation of the Grants Program and Policy Committee and authorize staff to allocate funds to local governments as presented.

John Jaschke reported that 14 Conflict of Interest Declarations forms were received, all are eligible to vote. Brian Napstad is abstaining due to the allocation to Aitkin County, which may be perceived as a conflict due to his position as an Aitkin County Commissioner. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:43 a.m. The meeting reconvened at 10:55 a.m.

**Voluntary Public Access and Habitat Incentive (Walk-in) Program** – John Jaschke provided background information on the three-year pilot Public Access and Habitat Incentive Program. Dave Weirens explained that this is an opportunity for BWSR to

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partner with DNR to implement this program by enrolling up to 50,000 acres of private land, targeting lands that are currently enrolled in CREP, RIM, WRP, and CRP. BWSR's role is to provide funds to SWCDs for their efforts and to manage the agreements with landowners. Total funds available for grants to SWCDs is \$80,000 for the first year of the program. Tabor Hoek is the lead staff working with SWCDs on this voluntary program.

Deputy Commissioner Dave Schad was introduced, serving as Commissioner Landwehr's alternate on the Board. Dave Schad stated that DNR has been asked to consider this program but there had never been a source of funding until now. He stated that this is a good opportunity to pilot this program, query the interest in this three-year pilot program, work to find funding in the future if funding is not allocated. The pilot is primarily focused on pheasant hunting in southwestern Minnesota. Mr. Schad appreciates the partnership with BWSR and SWCDs; DNR appreciates the hard work by staff on this program. Discussion followed.

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11-17 Moved by Tom Loveall, seconded by Keith Mykleseth, to adopt the Grants Program & Policy Committee recommendation; authorize staff to allocate up to \$80,000 to SWCDs that are willing to participate in this program; and authorize staff to complete tasks necessary to implement the Walk-in Public Access and Habitat Incentive Program in coordination with DNR.

Discussion followed. Bob Burandt doesn't support the program as the federal government doesn't have \$2.5M to start a new program when a hunter can ask the landowner to hunt on his land without spending public funds. Christy Jo Fogarty asked why the USDA is involved in a hunting program. John Jaschke explained that federal involvement is in getting the most public benefit from conservation lands. Rural economic development via recreational visitors is part of this endeavor. Tom Loveall stated that this is a pilot program. Joe Martin stated that we need to separate the concept, whether SWCDs should or should not have a role. Keith Mykleseth stated that the Grants Program and Policy Committee discussed these issues related to a pilot program. Dave Schad stated that funding aspect of public access on easement lands may lead to better acceptance and broader support of the hunting community; possibly more conservation on the ground. Dave Weirens suggested an evaluation at the end of the pilot program, what happens after year three to see where we go from there. Christy Jo is concerned regarding the high administrative costs. John explained that BWSR and DNR are modeling this after other states. The landscape in Minnesota is different from other states; there are questions and reservations about this until this pilot is actually tried. It's an opportunity with federal resources to give it our best shot as a pilot program. Motion passed on a voice vote.

***RIM Reserve Management & Planning Committee***

**Reinvest in Minnesota (RIM) Reserve – Wetlands Reserve Program (RIM-WRP) Partnership Program** – Paul Brutlag reported that the RIM Reserve Management & Planning Committee reviewed two resolutions and recommends approval. Paul explained that the first resolution recommends that the RIM-WRP Partnership become operational and authorizes staff to successfully implement the RIM-WRP Partnership. The second resolution recommends that payment rates be used for RIM and the RIM-WRP Partnership and establishment of a continuous enrollment process to commence in April 2011. The payment rates would be effective until changed by the Board. Kevin Lines reported that the Legislature is expected to appropriate FY12 funds for use by the RIM Reserve Program to leverage federal WRP funds in Minnesota. These funds will be used to restore previously drained wetlands and adjacent native grasslands to protect soil and water quality, increase fish and wildlife habitat, reduce flood damage and provide other public benefits. Kevin stated that Minnesota continues to be successful on these efforts.

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11-18 Moved by Paul Brutlag, seconded by Bob Burandt, to authorize staff to successfully implement the RIM-WRP Partnership in recognition of, and consistent with the findings noted. Motion passed on a voice vote.

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11-19 Moved by Keith Mykleseth, seconded by Christy Jo Fogarty, to authorize staff to develop and implement the RIM-WRP Partnership as follows:

- Continuous enrollment period to begin no sooner than April 2011 for the RIM-WRP Partnership.
- Staff is authorized to develop eligibility, prioritization, sign-up and selection procedures for the RIM-WRP Partnership.
- The payment rate for eligible croplands enrolling in the RIM Reserve Program is not to exceed 100% of the AATV and for non-cropland acres and not to exceed 60% of AATV.
- The payment rate for wetland restorations eligible for the RIM-WRP Partnership for cropland acres is not to exceed 125% of the Average Assessed Tillable Value (AATV) and for cropland acres not to exceed 70% of the AATV.
- Rates are to be calculated using the most current township average tillable property value as established by the Minnesota Department of Revenue.

Motion passed on a voice vote. Kevin reported that there has been an exceptional response to the September 2010 flood relief sign-up in southern Minnesota. Chair Napstad thanked Kevin for the good work on this endeavor.

**NEW BUSINESS**

**Aquatic Invasive Species (AIS): Connection to Local Water Management** – The AIS is a special category of water related issues that require unique applications of funding, regulation and education tools. DNR has conducted a series of stakeholder meetings and prepared a report recently presented to the legislature and is developing strategies to address a diverse and persistent list of problem species. Several local water management authorities have played a role and are being asked by their constituents to do more. BWSR has the responsibility to review and approve amendments to local water management plans per M.S. Chapters 103B and 103D that may authorize funding or regulations to address AIS.

Luke Skinner and Steve Hirsch, DNR Ecological-Waters Division, presented information on AIS prevention: public awareness of personal responsibility, regulation, enforcement, and inspections. AIS is a serious threat to the State of Minnesota, Legislation has been introduced to increase enforcement; the Governor's budget recommendation proposes increases. DNR is taking action as AIS is a high priority for DNR; looks to partner locally to assist with this program. Discussion followed.

Christy Jo Fogarty left the meeting at 11:55 a.m.  
Sandy Hooker arrived at the meeting at 11:55 a.m.

Tera Guetter, Pelican River Watershed District (PRWD), provided history on the formation of the PRWD. Tera presented information on the problems of algae, curly-leaf pondweed, flowering rush, and zebra mussels. Tera expressed the importance of a cooperative effort, it takes everybody to assist with prevention and treatment of AIS. Tera reported on the cost and expenses incurred by the PRWD for AIS. An emergency response mode is needed for prevention. Tera explained the frustrations with the cumbersome permitting process for AIS; permits are issued through DNR Fisheries. The Pelican River Watershed District is looking forward to working together with a stakeholder management group to assist with the AIS. LuAnn Tolliver stated that we need to assist with an action plan.

Eric Evenson and Michael Welch (Smith-Partners), Minnehaha Creek Watershed District (MCWD) – Michael Welch presented the legalities of addressing AIS; the statutory proposals to minimize capital expenditures, protect and enhance fish and recreational facilities, and surface water management. The MCWD is assessing, addressing, and implementing a plan to protect and improve, they cannot take on the AIS alone. Eric Evenson stated that he's excited about the DNR legislative bill, and supports DNR's response. Eric explained the MCWD's response and presented the economic impact on zebra mussels. The MCWD recognizes the costs to effectively

**BWSR Meeting Minutes**  
**March 23, 2011**  
**Page Ten**

prevent the zebra mussels; what tools are available to slow down the movement, and the permitting program. Eric stated that the MCWD needs the support from the State, collaboratively, to take a leadership role and it needs to be done now. Eric stated that the MCWD will bear the full cost of two pilot projects so action can be taken now.

The Attorney General's office declined to offer a legal opinion on an AIS inquiry posed by MCWD. However, the question may need to be asked in a different manner. Discussion followed. Chair Napstad thanked everyone for their informative presentations.

Jill Crafton, Buffalo Creek Watershed District, asked to speak to the issue. Chair Napstad allowed her to comment. Ms. Crafton suggested that BWSR contact EPA to request funding for AIS. She stated that water treatment is needed as well as the need to be more proactive in dealing with the problems. Chair Napstad stated the need for Aquatic Invasive Species to be included in county water plans.

**AGENCY REPORTS**

**Minnesota Department of Natural Resources (DNR)** – Commissioner Tom Landwehr stated that he appreciates the speakers' presentations today regarding two legislative bills proposing funding and policy on AIS. Commissioner Landwehr stated that he's optimistic regarding the AIS legislation, there's good support from stakeholders on AIS, and boat owners also need to take responsibility. Commissioner Landwehr stated that is true with all agencies, we can only do so much when statutes and legislative mandates are in place; we need the support of many people to get things done. Commissioner Landwehr reported that DNR testified on the general fund reductions. DNR faces closing state parks, and reductions that impact the timber and rural economy. He stated that it's painful to ponder what will happen as it's early in the budgeting process.

**Minnesota Extension Service (MES)** – Faye Sleeper reported that life in higher education is looking at cuts, federal funding reductions, lay-offs and not refilling positions; MES continues to be in a holding pattern.

**Minnesota Pollution Control Agency (MPCA)** – Doug Wetzstein reported that Rebecca Flood is in St. Louis, Missouri this week attending a Hypoxia Task Force meeting.

**ADVISORY COMMENTS**

**Minnesota Association of Townships (MAT)** – Sandy Hooker reported that MAT staff are conducting short courses throughout the State for townships, school boards, and counties. MAT meets tomorrow; the MAT lobbyist is busy at the Capitol.

**UPCOMING MEETINGS**

Chair Napstad reported that the next BWSR Board Meeting is April 27, 2011 in St. Paul. He asked board members to mark their calendars for August 24-25, Board Tour and Meeting in the Little Falls area.

Chair Napstad stated that the Public Relations, Outreach & Strategic Planning Committee meets today immediately following adjournment of the Board meeting.

\*\*  
11-20 Moved by LuAnn Tolliver, seconded by Bob Burandt, to adjourn the meeting at 1:05 PM.

Respectfully submitted,

Mary Jo Anderson  
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: April 27, 2011  
Agenda Category:  Committee Recommendation  New Business  Old Business  
Item Type:  Decision  Discussion  Information  
Section/Region: Land and Water Section  
Contact: Travis Germundson  
Prepared by: Travis Germundson  
Reviewed by: \_\_\_\_\_ Committee(s)  
Presented by: Paul Brutlag/Travis Germundson

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:  Resolution  Order  Map  Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other: \_\_\_\_\_
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

None

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

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

Dispute Resolution Report  
April 15, 2011,  
By: Travis Germundson

There are presently 17 appeals pending. All of the appeals involve WCA except File 10-10. There has been **no** new appeals filed since the last report (March 23<sup>rd</sup> Board Meeting).

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

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

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

File 11-2 (1-24-11) This is an appeal of an exemption and no-loss determination in Waseca County. The appeal regards the denial of an exemption and no-loss application. A previous denial of the same exemption and no loss application had been appealed (File 8-4). The appeal was remanded for or further technical evaluation and a hearing, and now the current denial has been appealed. The appeal has been granted and a copy of the record has been submitted. A pre-hearing conference has been scheduled for May 3, 2011.

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

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

File 10-12 (8-27-10) This is an appeal of a restoration order in St. Louis County. The appeal regards the excavation and filling of approximately 43,394 square feet of wetland and the construction of over 1,000 feet of drainage ditches. The appeal has been placed in abeyance and the restoration order stayed to allow the LGU to respond to the data practices request and for the TEP to convene and develop written findings. The appellant has recently applied for an after-the-fact wetland application to retain the open water areas on the site.

File 10-10 (6-10-10) This is an appeal filed under Minn. Stat. 103D.535 regarding an order of the managers of the Wild Rice Watershed District not to go forward with the Upper Becker Dam Enhancement Project as proposed. Appeals filed under 103D.535 require that the Board follow the Administrative Procedures Act. The Act requires that the hearing be conducted by an Administrative Laws Judge through the Office of Administrative Hearings. The appeal has been placed in abeyance pending settlement discussions. A verbal settlement agreement has been reached by the parties. (at the December 2001 Board meeting, Managers voted 6 to 1 to move forward with Option D)

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

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

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

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

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

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

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

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

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

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

## Draft Summary Table

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

## **COMMITTEE RECOMMENDATIONS**

### ***Metro Water Planning Committee***

1. Coon Creek Watershed District Boundary Change Petition – Bob Burandt/Travis Germundson – ***DECISION ITEM***
2. Coon Creek Watershed District Boundary Change Hearing – Jim Haertel – ***DECISION ITEM***
3. Amendment to South Washington Watershed District Watershed Management Plan – Jim Haertel – ***DECISION ITEM***
4. Scott Watershed Management Organization Plan Amendment - Brad Wozney – ***DECISION ITEM***
5. Mississippi Watershed Management Organization Revised Watershed Management Plan – Brad Wozney – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Coon Creek WD Boundary Change Petition

Meeting Date: April 27, 2010  
Agenda Category:  Committee Recommendation  New Business  Old Business  
Item Type:  Decision  Discussion  Information  
Section/Region: Metro  
Contact: Travis Germundson  
Prepared by: Travis Germundson  
Reviewed by: Metro Water Planning Committee Committee(s)  
Presented by: Bob Burandt/Travis Germundson

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:  Resolution  Order  Map  Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other: \_\_\_\_\_
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

**ACTION REQUESTED**

Approval of the Coon Creek Watershed District Boundary Change

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

The Coon Creek Watershed District (CCWD) submitted a boundary change petition dated February 15, 2011. The Petition was submitted pursuant to Minn. Stat. § 103B.215 together with the required written statements of concurrence from City of Coon Rapids and Lower Rum River Water Management Organization (LRRWMO). The statute allows the boundary change to be approved by BWSR with no public hearing after proper notice and if no timely request for a hearing is received as pursuant to Minn. Stat. § 103B.215 Subd. 3. The legal Notice of Filing was published in a legal newspaper for two successive weeks and no timely request for a hearing was received.

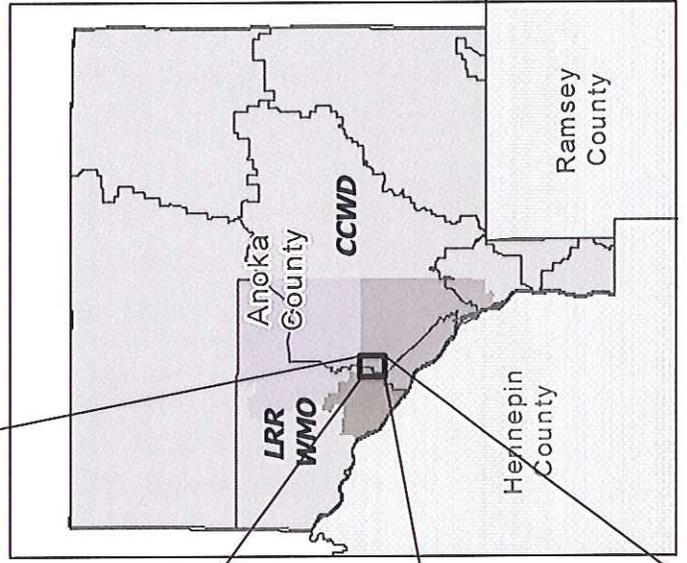
The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the CCWD and the LRRWMO. The proposed boundary change encompasses approximately 34.7 acres of land in Section 5 of Coon Rapids, Minnesota that would change the common boundary of the CCWD and the LRRWMO. The Petition proposes the following: 1.) Transferring 6.8 acres currently within CCWD legal boundaries to the LRRWMO, and 2.) Transferring 27.9 acres currently within LRRWMO legal boundaries to the CCWD.

The Metro Water Planning Committee met on April 12, 2011 and unanimously voted to recommend approval of the Petition to the full Board.

A copy of the Petition and a map illustrating the proposed boundary change are attached. Also attached is a draft Board Order that would approve the boundary change.

# Coon Creek Watershed District / Lower Rum River WMO Boundary Amendment

-  Proposed Watershed Boundary
-  Current Watershed Boundary
-  Area Transferred to CCWD
-  Area Transferred to LRRWMO



## **Request for Order**

### **COON CREEK WATERSHED DISTRICT BOARD OF MANAGERS**

#### **RESOLUTION 11-03**

#### **PETITION FOR AN ORDER CHANGING THE BOUNDARY BETWEEN THE LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION AND THE COON CREEK WATERSHED DISTRICT**

**WHEREAS**, a watershed is defined under Minnesota Statutes section 103B.205 (11) (2007) as a drainage area having boundaries which are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns and which cross the borders of two or more local government units; and

**WHEREAS**, The Coon Creek Watershed is a watershed under Minnesota Statutes section 103B.205 (11); and

**WHEREAS**, The Coon Creek Watershed District is established and authorized under Minnesota Statutes 103D; and is a watershed management organization as defined under Minnesota Statutes section 103B.205 (13) (2007) to manage the drainage area of Coon Creek; and

**WHEREAS**, The Coon Creek Watershed District is a watershed district wholly within the "metropolitan area" as defined under Minnesota Statutes sections 103B.205 (8) and 473.121 (2) (2007); and

**WHEREAS**, The boundaries of a watershed district wholly within the metropolitan area may be changed pursuant to this section or chapter 103D.215; and

**WHEREAS**, On February 14, 2011 the Board of Managers of the Coon Creek Watershed District voted unanimously to amend the boundary of the Coon Creek Watershed District with the Lower Rum River Watershed Management Organization using the process described in M.S. 103B.215

**NOW, THEREFORE, BE IT RESOLVED**, the Coon Creek Watershed District petitions the Minnesota Board of Water and Soil Resources pursuant to Minnesota Statutes section 103B.215 to issue an order changing the boundary of the Coon Creek Watershed District, the Lower Rum River Watershed Management Organization as described in the "Petition of Coon Creek Watershed"

The adoption of the foregoing resolution was made by Manager MacNally and seconded by Manager Marvin. The motion carried with the following vote:

	Yea	Nay
Westlund	X	
MacNally	X	
Marvin	X	
Hoffman	Absent	
Capra	X	

**STATE OF MINNESOTA  
COUNTY OF ANOKA  
COON CREEK WATERSHED DISTRICT**

I, Tim Kelly, Administrator to the Board of Managers of the Coon Creek Watershed District, Anoka County, State of Minnesota, do hereby certify that I have compared the foregoing copy of the resolution with the original minutes of the proceedings of the Board of Managers of the Coon Creek Watershed District, Anoka County, Minnesota at their regular meeting on the 14<sup>th</sup> day of February 2011, now on file in the District office, and have found the same to be true and correct copy thereof.

Witness my hand and official seal of the Coon Creek Watershed District this 15<sup>th</sup> day of February, 2011.

---

Tim Kelly, District Administrator

**STATE OF MINNESOTA  
BOARD OF WATER AND SOIL RESOURCES**

**PETITION OF COON CREEK WATERSHED DISTRICT  
FOR AN ORDER  
CHANGING ITS BOUNDARY BETWEEN  
THE LOWER RUM RIVER WATERSHED MANAGEMENT  
ORGANIZATION  
AND  
THE COON CREEK WATERSHED DISTRICT**

**Summary and Request**

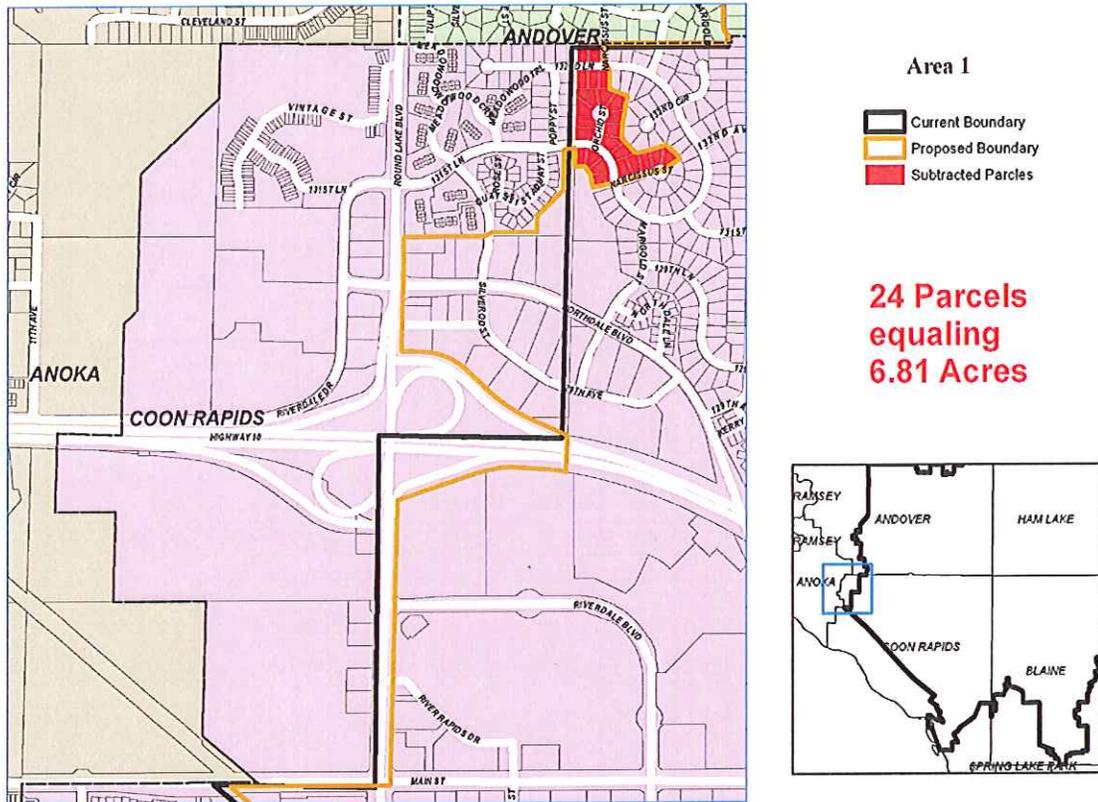
The Coon Creek Watershed District is petitioning the Minnesota Board of Water and Soil Resources to change the Boundary between the Lower Rum River Watershed Management Organization and the Coon Creek Watershed District in Sections 5, of Coon Rapids, Minnesota. The reason for the requested boundary change is to achieve a more accurate alignment between the hydrologic and legal boundaries of the two WMOs. This will be accomplished by:

1. Transferring 6.8 acres currently within the Coon Creek Watershed District legal boundaries to the Lower Rum River Watershed Management Organization
  
2. Transferring 27.9 acres currently within the Lower Rum River Watershed Management Organization legal boundaries to the Coon Creek Watershed District.

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## Location

The Coon Creek watershed boundary within the City of Coon Rapids and between Coon Creek watershed and the watershed of the Six Cities WMO is shown below. The map also shows the locations of the Coon Creek WD boundary, the City of Coon Rapids relative to Anoka County and the proposed boundary amendments.



## Background and Record of Actions

In 2004 the Coon Creek Watershed District Comprehensive Plan was approved by the Board of Water and Soil resources. The Comprehensive Plan committed the Coon Creek Watershed District to a review of its boundaries.

On July 12, 2010 the Board of Managers of the Coon Creek Watershed District affirmed amending the boundary through the 103B.215 process.

In November and December 2010 staff reviewed the proposed boundary on a parcel and stormsewer basis with Coon Rapids and Blaine staffs to ensure an accurate hydrologic boundary.

In December 2010 a revised parcel maps and list of PINs was forwarded to Anoka County. Anoka County made corrections and additions and raised several questions and concerns about properties the County has listed as Rice Creek WD and the type of taxing district listed and Six Cities WMO/Pleasure Creek. The concerns are in the process of being clarified and will be resolved by seeking for a "Letter of Concurrence" from Anoka County prior to submittal the BWSR

On January 10, 2011 the Board of Managers requested “Letters of Concurrence” (LOC) from:

<b>Entity</b>	<b>LOC Received</b>
City of Coon Rapids	2/3/11
Lower Rum river Watershed Management Organization	1/31/11

## Watershed Boundary Change Process under M.S. 103B.215

### Authorization

The Coon Creek Watershed District, Lower Rum River Management Organization are wholly within the “metropolitan area” as defined under Minnesota Statutes sections 103B.205 (8) and 473.121 (2) (2007).

Both organizations are watershed management organizations as defined under Minnesota Statutes section 103B.205 (13) (2007).

On July 12, 2010 the Board of Managers of the Coon Creek Watershed District voted unanimously to amend the boundary of the Coon Creek Watershed District with the Lower Rum River Watershed Management Organization using the process described in M.S. 103B.215

### Petition

Under the boundary amendment process described in M.S. 103B.215, the governing board of a watershed management organization may petition the Board of Water and Soil Resources for an order changing the boundaries of a watershed district wholly within the metropolitan area, by adding new territory to the district or by transferring territory that is within the district to the jurisdiction of another watershed management organization.

The petition must include the following:

1. <b><u>Description of the Requested Change in the Boundary</u></b>	A description of the requested change in boundary, the territory affected, and the reasons for the change
2. <b><u>Description of Statutory Consistency</u></b>	An explanation that the change is consistent with the purposes and requirements of sections 103B.205 to 103B.255
3. <b><u>List of Affected Properties</u></b>	Identify property subject to section 103B.225
4. <b><u>Statement of Concurrence</u></b>	A written “statement of concurrence” from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred

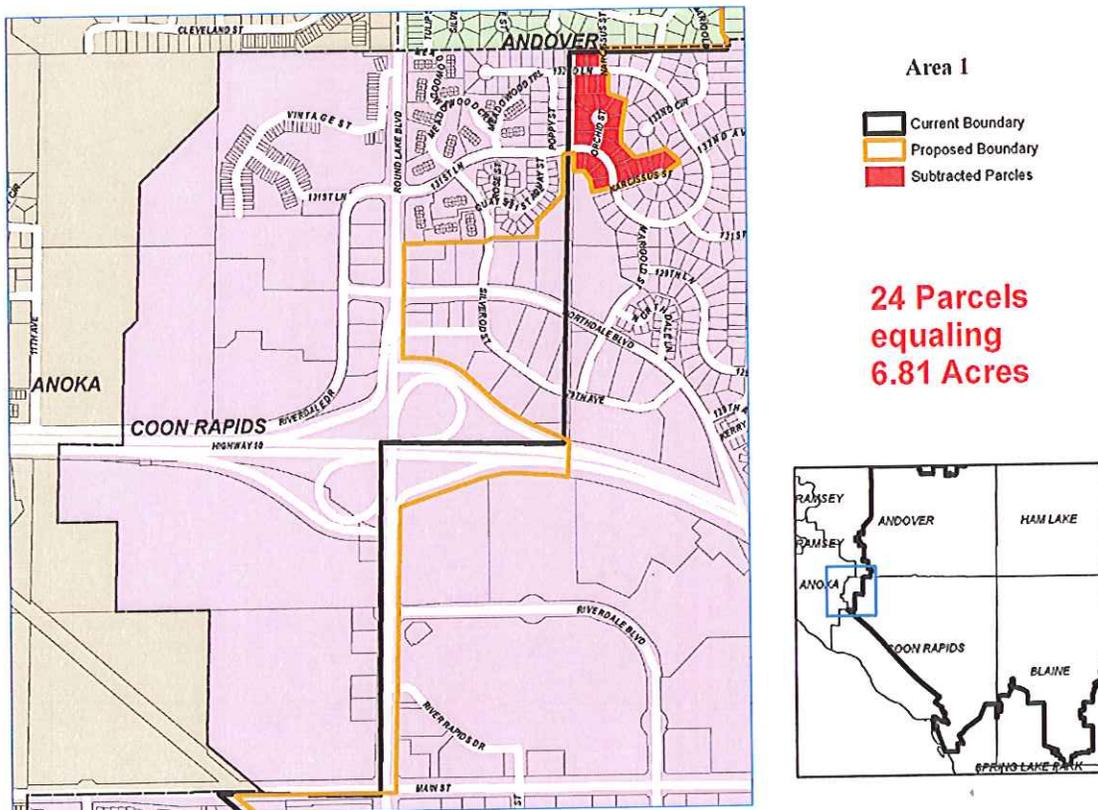
## Description of the Requested Change in the Boundary

Between 1978 and 2003, the Coon Creek Watershed District and the City of Coon Rapids reviewed development plans adjacent to the District boundary with Six Cities Watershed Management Organization in Coon Rapids. During the permit review process it became apparent that boundary adjustments were necessary to more accurately describe the hydrologic boundary between the districts.

In 2004 as part of the Watershed District's Comprehensive Planning process and again in 2008, the City of Coon Rapids requested that Coon Creek Watershed District evaluate the boundary between the District and Six Cities WMO within the City.

The proposed boundary change involves

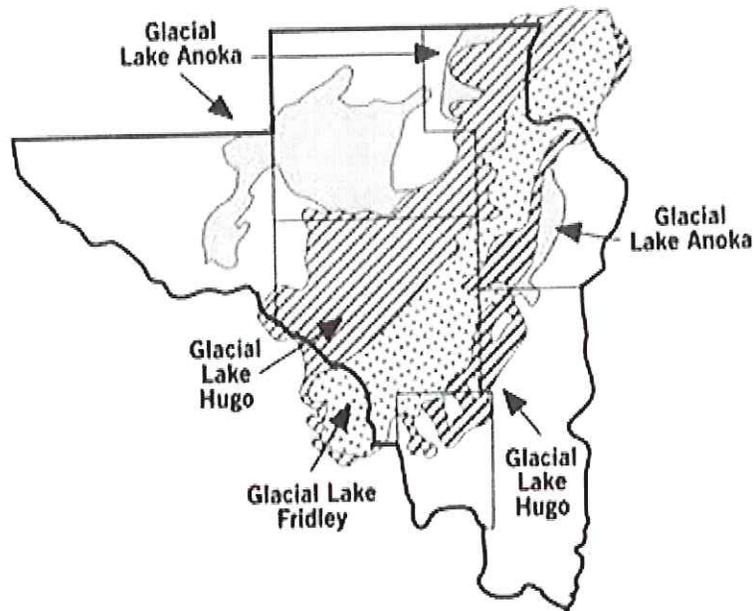
1. Transferring 6.8 acres currently within the Coon Creek Watershed District legal boundaries to the Lower Rum River Watershed Management Organization
2. Transferring 27.9 acres currently within the Lower Rum River Watershed Management Organization legal boundaries to the Coon Creek Watershed District.



## Description of the Affected Area

### Geomorphology

The area under review is within the Lake Hugo Lake Plain and Glacial Lake Fridley Lake Plain portions of the Anoka Sand Plain. The area is a broad undulating sand plain comprised of rolling dunes and small flats in the upland, and low-lying depressions and flats. Topographic changes are typically 5-15 feet.



### Native Plant Communities

Dominant native plant communities include

- Mixed Oak Forest
- Deciduous forest (Oak & Aspen)
- Wet to Wet-mesic prairie
- Shrub Carr
- Sedge meadows

## Soils

The hydrologic boundary contains the following soils. The boundary is dominated by Sartell and Zimmerman sands.

Soils	Acres Added	Pct
Alluvial	1.0	0.4%
Becker	1.7	0.8%
Cut and Fill	0.7	0.3%
Dickman	8.0	3.6%
Hayden	6.8	3.1%
Hubbard	23.8	10.8%
Isanti	7.6	3.5%
Kratka	1.9	0.8%
Lino	10.8	4.9%
Markey	0.4	0.2%
Millerville	0.2	0.1%
Nymore	0.4	0.2%
Sartell	75.8	34.6%
Seelyeville	2.9	1.3%
Water	0.2	0.1%
Zimmerman	77.2	35.2%

219.11

## Hydrology

The area is characterized by a naturally occurring high water table that is at or near the surface of the land in most depressed areas

The area hydrologically within Coon Creek Watershed drains to county ditch 54 and to Coon Creek and then to the Mississippi River.

## Land Use

The affected area is currently in the following land uses:

Land Use	Acres Added	Acres Subtracted
Commercial	31.30	17.61
Industrial	0.15	2.90
Major Highway	41.90	14.46
Multi-Family Residential	18.05	5.55
Parks & Rec	3.44	2.99
Public / Semipublic	13.38	18.48
Railway	0.06	0.71
Single Family Residential	81.87	51.73
Vacant	28.90	10.57
Water	0.25	0.30

## **Consistency with the purposes and requirements of M.S. 103B.205 to .255 (Metropolitan Surface Water Management Act)**

### **Hydrologic Consistency**

Requirement: Minnesota Statutes section 103B.205 (11) defines “Watershed” as “a drainage area having boundaries which are substantially coterminous with those of an aggregation of contiguous minor watershed units possessing similar drainage patterns and which cross the borders of two or more local government units.”

Evidence: The “land use in the boundary adjustment area” map shows areas within and outside the hydrologic boundaries of the Coon Creek Watershed. The areas proposed to be removed from the Coon Creek Watershed District are found to be lands that are clearly outside of the hydrologic boundary of the watershed. These lands were confirmed through review of municipal stormwater plans and street and road surveys conducted by the City Coon Rapids and Anoka County Highways during preparation of this petition

### **Watershed Management Plans**

Purpose: Minnesota Statutes section 103B.205 to 103B.255 generally describes the required data and program elements to comprehensively manage surface water resources within the metropolitan area

Response: Including the areas which are hydrologically within the Coon Creek Watershed District and within Lower Rum River Watershed Management Organization will allow the two WMOs to manage their water resources in a uniform manner consistent with the purposes and requirements of the Metropolitan Surface Water Management Act.

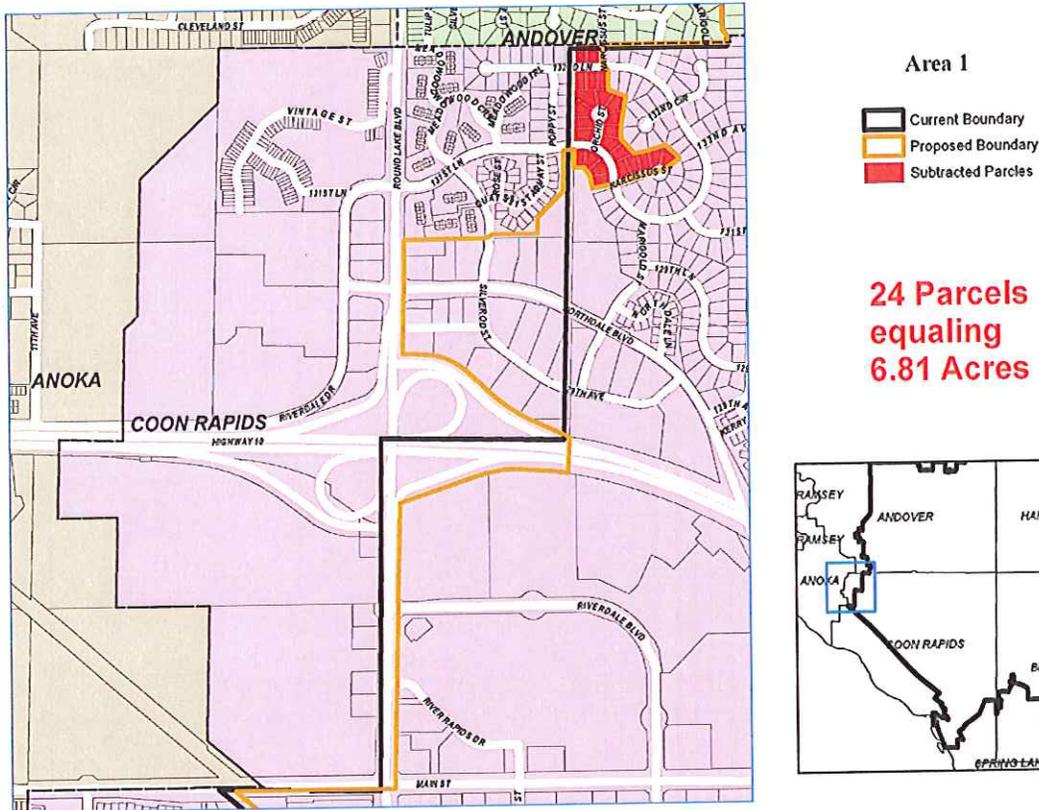
Incorporating these properties in the Coon Creek Watershed District will not affect the benefits or damages for any improvement previously constructed by the Coon Creek Watershed District or Anoka County

# Affected Properties

## Lower Rum River Watershed Management Organization

The following table indicates parcels currently within Coon Creek Watershed District that are proposed to be transferred to Lower Rum River Watershed Management Organization in the City of Coon Rapids. This area totals 6.8 acres.

### Parcels to be transferred from CCWD to LRRWMO

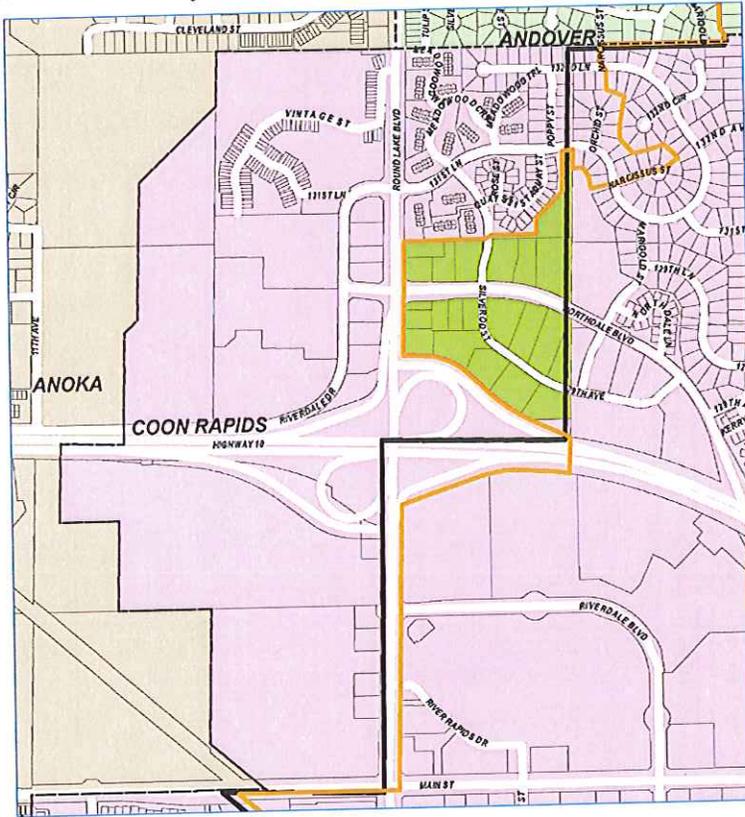


Area 1: Subtracted		FROM CCWD TO Lower Rum River WMO	CITY
PIN	LOC ADDR		
05-31-24-11-0007	3391 132ND LN NW		COON RAPIDS
05-31-24-11-0008	3381 132ND LN NW		COON RAPIDS
05-31-24-11-0021	3390 132ND LN NW		COON RAPIDS
05-31-24-11-0022	3380 132ND LN NW		COON RAPIDS
05-31-24-11-0023	3370 132ND LN NW		COON RAPIDS
05-31-24-11-0053	13182 NARCISSUS ST NW		COON RAPIDS
05-31-24-11-0054	13174 NARCISSUS ST NW		COON RAPIDS
05-31-24-11-0055	13166 NARCISSUS ST NW		COON RAPIDS
05-31-24-11-0056	13158 NARCISSUS ST NW		COON RAPIDS
05-31-24-11-0057	13150 NARCISSUS ST NW		COON RAPIDS
05-31-24-11-0058	3377 131ST LN NW		COON RAPIDS
05-31-24-11-0059	13155 ORCHID ST NW		COON RAPIDS
05-31-24-11-0060	13165 ORCHID ST NW		COON RAPIDS

05-31-24-11-0061	13175 ORCHID ST NW	COON RAPIDS
05-31-24-11-0062	13185 ORCHID ST NW	COON RAPIDS
05-31-24-11-0063	13195 ORCHID ST NW	COON RAPIDS
05-31-24-11-0064	13190 ORCHID ST NW	COON RAPIDS
05-31-24-11-0065	13180 ORCHID ST NW	COON RAPIDS
05-31-24-11-0066	13170 ORCHID ST NW	COON RAPIDS
05-31-24-11-0067	13160 ORCHID ST NW	COON RAPIDS
05-31-24-11-0093	3396 131ST LN NW	COON RAPIDS
05-31-24-11-0094	3384 131ST LN NW	COON RAPIDS
05-31-24-11-0095	3372 131ST LN NW	COON RAPIDS
05-31-24-11-0096	3360 131ST LN NW	COON RAPIDS

**Parcels to be transferred from LRRWMO to CCWD**

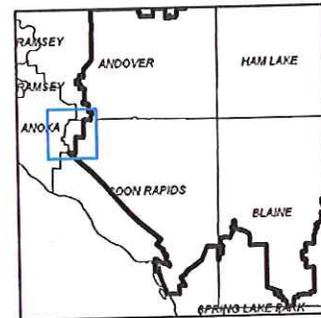
The following table indicates parcels currently within Lower Rum Watershed Management Organization that are proposed to be transferred to Coon Creek Watershed District in the City of Coon Rapids.



**Area 1**

- Current Boundary
- Proposed Boundary
- Added Parcels

**25 Parcels  
equaling  
27.89 Acres**



Area 1: Added		ADD TO CCWD. NOT CURRENTLY IN A WATERSHED	CITY
PIN	LOC	ADDR	CITY
05-31-24-12-0276			COON RAPIDS
05-31-24-13-0008			COON RAPIDS
05-31-24-13-0010	13001	ROUND LAKE BLVD NW	COON RAPIDS
05-31-24-13-0014	3505	NORTHDAL BLVD NW	COON RAPIDS
05-31-24-13-0015			COON RAPIDS
05-31-24-13-0021	13051	ROUND LAKE BLVD NW	COON RAPIDS
05-31-24-13-0023	3393	NORTHDAL BLVD NW	COON RAPIDS
05-31-24-13-0025			COON RAPIDS
05-31-24-13-0027	12999	ROUND LAKE BLVD NW	COON RAPIDS
05-31-24-13-0029	13057	ROUND LAKE BLVD NW	COON RAPIDS
05-31-24-13-0030	3550	NORTHDAL BLVD NW	COON RAPIDS
05-31-24-13-0032	3500	129TH AVE NW	COON RAPIDS
05-31-24-13-0033	3550	129TH AVE NW	COON RAPIDS
05-31-24-13-0034			COON RAPIDS

05-31-24-13-0036	3530 NORTHDALE BLVD NW	COON RAPIDS
05-31-24-13-0037	3510 NORTHDALE BLVD NW	COON RAPIDS
05-31-24-13-0039	3470 129TH AVE NW	COON RAPIDS
05-31-24-13-0040	3430 129TH AVE NW	COON RAPIDS
05-31-24-13-0041	3420 129TH AVE NW	COON RAPIDS
05-31-24-13-0042	3490 NORTHDALE BLVD NW	COON RAPIDS
05-31-24-13-0043	3430 NORTHDALE BLVD NW	COON RAPIDS
05-31-24-13-0045	3495 NORTHDALE BLVD NW	COON RAPIDS
05-31-24-13-0046	3465 NORTHDALE BLVD NW	COON RAPIDS
05-31-24-13-0047	3420 NORTHDALE BLVD NW	COON RAPIDS
05-31-24-13-0048	3410 NORTHDALE BLVD NW	COON RAPIDS

## Statements of Concurrence

Two Statements of concurrence are required. Letters requesting these Statements of Concurrence from the following units of government are attached as are the responses.

<b>Entity</b>	<b>LOC Requested</b>	<b>LOC Received</b>
City of Coon Rapids	1/14/11	2/3/2011
Lower Rum River Watershed Management Organization	1/14/11	1/31/2011

January 14, 2011

Matt Fulton, City Administrator  
City of Coon Rapids  
11155 Robinson Dr  
Coon Rapids, MN 55433

RE: Request for Statement of Concurrence on Proposed Boundary Change between Coon Creek Watershed District and Six Cities Watershed Management Organization in the City of Coon Rapids.

We are requesting a "**Statement Of Concurrence**" from the City of Coon Rapids as required under M.S. 103B.215 to be submitted with the petition for boundary change.

Attached is a copy of a DRAFT petition to the Board of Water and Soil Resources (BWSR) under M.S. 103B.215. The reason for the proposed boundary change is to achieve a more accurate alignment between the hydrologic and legal boundaries of the two Watershed Management Organizations (WMOs).

The Coon Creek Watershed District (CCWD) Board of Managers hopes to address the final petition at its February 14, 2011 meeting. We are requesting your response **by Friday February 11, 2011.**

If you have questions or concerns please call me at 763-755-0975.

Sincerely,

Tim Kelly  
District Administrator

CC: Steve Gatlin, Coon Rapids  
Doug Vierzba, Coon Rapids  
M. Lewis, BWSR  
T. Germundson, BWSR

January 14, 2011

Todd Haas, Chair  
Lower Rum River WMO  
7550 Sunwood Dr NW,  
Ramsey, MN 55303

RE: Request for Statement of Concurrence on Proposed Boundary Change between Coon Creek Watershed District and Six Cities Watershed Management Organization

We are requesting a "**Statement Of Concurrence**" from the Six Cities Watershed Management Organization as required under M.S. 103B.215 to be submitted with the petition for boundary change.

Attached is a copy of a DRAFT petition to the Board of Water and Soil Resources (BWSR) under M.S. 103B.215. The reason for the proposed boundary change is to achieve a more accurate alignment between the hydrologic and legal boundaries of the two Watershed Management Organizations (WMOs).

The Coon Creek Watershed District (CCWD) Board of Managers hopes to address the final petition at its February 14, 2011 meeting. We are requesting your response **by Friday February 11, 2011.**

If you have questions or concerns please call me at 763-755-0975.

Sincerely,

Tim Kelly  
District Administrator

CC: Doug Vierzba, Coon Rapids  
M. Lewis, BWSR  
T. Germundson, BWSR



February 1, 2011

Coon Creek Watershed District  
12301 Central Avenue NE, Suite 100  
Blaine, MN 55434

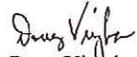
Attn: Tim Kelly, District Administrator

Subject: **Statement of Concurrence** for Proposed Watershed Boundary Changes within the City of Coon Rapids

Dear Mr. Kelly,

On February 1, 2011, the Coon Rapids City Council approved the proposed watershed boundary changes as proposed by the Coon Creek Watershed District.

Sincerely,

  
Doug Vierzba  
City Engineer

RECEIVED

FEB 3 2011

COON CREEK  
WATERSHED DISTRICT



February 8, 2011

Mr. Tim Kelly, Administrator  
Coon Creek Watershed District  
12301 Central Avenue NE, Suite 100  
Blaine, MN 55434

Subject: Statement of Concurrence, Proposed Boundary Changes

Dear Tim:

The City of Coon Rapids has reviewed documents describing a proposed boundary change between the Coon Creek Watershed District and two watershed management organizations within the city of Coon Rapids including the Lower Rum River Watershed Management Organization and the Six Cities Watershed Management Organization. The proposed changes include the following:

- 24 parcels equaling 6.81 acres transferred from the CCWD to LRRWMO
- 25 parcels equaling 27.89 acres added to CCWD not currently in a watershed district
- 13 parcels equaling 3.63 acres transferred from the CCWD to SCWMO
- 122 parcels equaling 62.15 acres transferred from SCWMO/Pleasure Creek WMO to CCWD
- 104 parcels equaling 47.80 acres transferred from SCWMO/Pleasure Creek WMO to CCWD
- 3 parcels equaling .96 acres transferred from CCWM to SCWMO

The City concurs with these actions and sees it as a means of providing improved protection to the water resources and a higher level of service to the residents of Coon Rapids. We understand that this action pertains only to the process of improving the accuracy between the alignment of hydrologic and legal boundaries within our city.

Thank you for the opportunity to review this proposal. We look forward to continuing our excellent working relationship with the Coon Creek Watershed District.

Sincerely,

  
Matt Fulton  
City Manager

cc: Jean Keely, Blaine City Engineer  
Doug Vierzba, Coon Rapids City Engineer

LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION  
ANDOVER - ANOKA - COON RAPIDS - RAMSEY  
2015 First Avenue • Anoka, MN 55303

---

January 21, 2011

Tim Kelly, District Administrator  
Coon Creek Watershed District  
12301 Central Avenue NE  
Blaine, MN 55434

Re: Statement of Concurrence on Proposed Boundary Change between Coon Creek Watershed District and Lower Rum River WMO in the City of Coon Rapids

Dear Mr. Kelly:

The Lower Rum River WMO at their meeting of January 20, 2011, approved the proposed boundary change between the Coon Creek Watershed District and the Lower Rum River WMO.

If you have any questions, feel free to contact me at (763) 767-5131.

Sincerely,

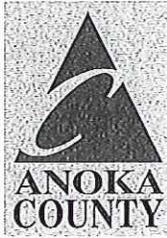


Todd Haas  
Chair

cc: Chris Lord, ACD  
LRRWMO

RECEIVED

JAN 31 2010  
COON CREEK  
WATERSHED DISTRICT



# C O U N T Y O F A N O K A

## PROPERTY RECORDS AND TAXATION DIVISION

GOVERNMENT CENTER • 2100 3RD AVENUE • ANOKA, MN 55303  
FAX (763) 323-5421

- Property Assessment
- Property Records and Public Service
- Property Tax Accounting and Research

February 11, 2011

Coon Creek Watershed District  
Attn: Tim Kelly, District Administrator  
12301 Central Avenue Northeast, Suite 100  
Blaine, MN 55434

RE: Statement of Concurrence on Proposed Boundary Change between Coon Creek Watershed District and Six Cities Watershed Management Organization.

I have reviewed the DRAFT petition received by our office on January 18, 2011, and from a purely administrative standpoint, concur that Anoka County can complete the proposed boundary changes as presented.

If you have any questions, please contact me at (763) 323-5438.

Sincerely,

Jodie Raymond  
Tax & Assessment Research Analyst

Affirmative Action / Equal Opportunity Employer

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

---

**In the Matter** of the Boundary Change for the  
Coon Creek Watershed District in Anoka County  
pursuant to Minnesota Statutes § 103B.215

---

**ORDER  
BOUNDARY  
CHANGE**

**Whereas**, the Coon Creek Watershed District filed a Petition dated February 15, 2011 with the Board of Water and Soil Resources (Board) on February 16, 2011, to change the boundary of the Coon Creek Watershed District (CCWD) 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 CCWD with the Lower Rum River Water Management Organization (LRRWMO) was filed by the CCWD Board of Managers with the Board on February 16, 2011.
2. **Property Description.** The territory included in the boundary change, the Petitioned Area, is located in the City of Coon Rapids in Section 5 in Anoka County entirely within the metropolitan area and totals approximately 34.7 acres of land. The Petitioned Area includes the transfer of 6.8 acres from the CCWD to the LRRWM, and the transfer of 27.9 acres from LRRWMO to CCWD. The Petitioned Area is depicted on maps attached to the Petition and further identified in property identification tables attached to the Petition.
3. **Reasons for Boundary Change.** The proposed boundary change would achieve a more accurate alignment between the hydrologic and legal boundaries of the CCWD and LRRWMO. The requested boundary change is consistent with the purposes and requirements of Minn. Stat. §§ 103B.205 to 103B.255.

4. **Statements of Concurrence.** The required statements of concurrence pursuant to Minn. Stat. §103B.215, Subd. 2 item c from the City of Coon Rapids, and the LRRWMO where submitted with the Petition.
5. **Effect on Benefits and Damages.** The Petition states the proposed boundary change will not affect the benefits or damages for any improvements previously constructed by the CCWD or the LRRWMO.
6. **Notice of Filing.** 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 February 25 and March 4, 2011.
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 and no comments were received during the specified period of time and no hearing was held.
8. **Metro Water Planning Committee.** On April 12, 2011, the Board's Metro Water Planning Committee and staff met in St. Paul to review as discuss the boundary change Petition. Those in attendance from the Board's Committee were Louise Smallidge, Faye Sleeper, Christy Jo Fogarty, and Bob Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel, Board Conservationists Melissa Lewis and Brad Wozney, and Water Management Specialist Travis Germundson. CCWD District Administrator Tim Kelly was also present. Board staff recommended approval of the boundary change. After discussion, the Committee unanimously voted to recommend approval of the Petition to the full Board.

## CONCLUSIONS

1. The Petition for Boundary change of the CCWD is valid in accordance with Minn. Stat. § 103B.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 territory included in the requested boundary change is within the hydrologic boundaries of the CCWD or the LRRWMO.
5. The governing bodies of the City of Coon Rapids, and LRRWMO concur with the requested boundary change.
6. The requested boundary change is consistent with the purpose and requirements of Minn. Stat. §§ 103B.205 to 103B.255.
7. The requested boundary change can be accomplished in conformance with Minn. Stat. § 103B.225 regarding benefits and damages.
8. The proposed boundary change should be approved per the Petition for CCWD, and the LRRWMO should be encouraged to change their organizational boundaries consistent with this Order.

## ORDER

The Board hereby orders that the boundaries of the Coon Creek Watershed District are changed per the Petition as depicted on the maps, attached to this Order and made a part hereof, including the data sets the maps were created from. The Board strongly recommends that the Lower Rum River Water Management Organization take immediate action to change its organizational boundary consistent with this Order.

Dated at Saint Paul, Minnesota this \_\_\_\_\_ day of April, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_  
Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Coon Creek WD Boundary Change Hearing

Meeting Date: April 27, 2011  
Agenda Category:  Committee Recommendation  New Business  Old Business  
Item Type:  Decision  Discussion  Information  
Section/Region: Metro  
Contact: Jim Haertel  
Prepared by: Jim Haertel  
Reviewed by: Metro Planning Committee(s)  
Presented by: Jim Haertel

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:  Resolution  Order  Map  Other Supporting Information

Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget
- Other: \_\_\_\_\_

**ACTION REQUESTED**

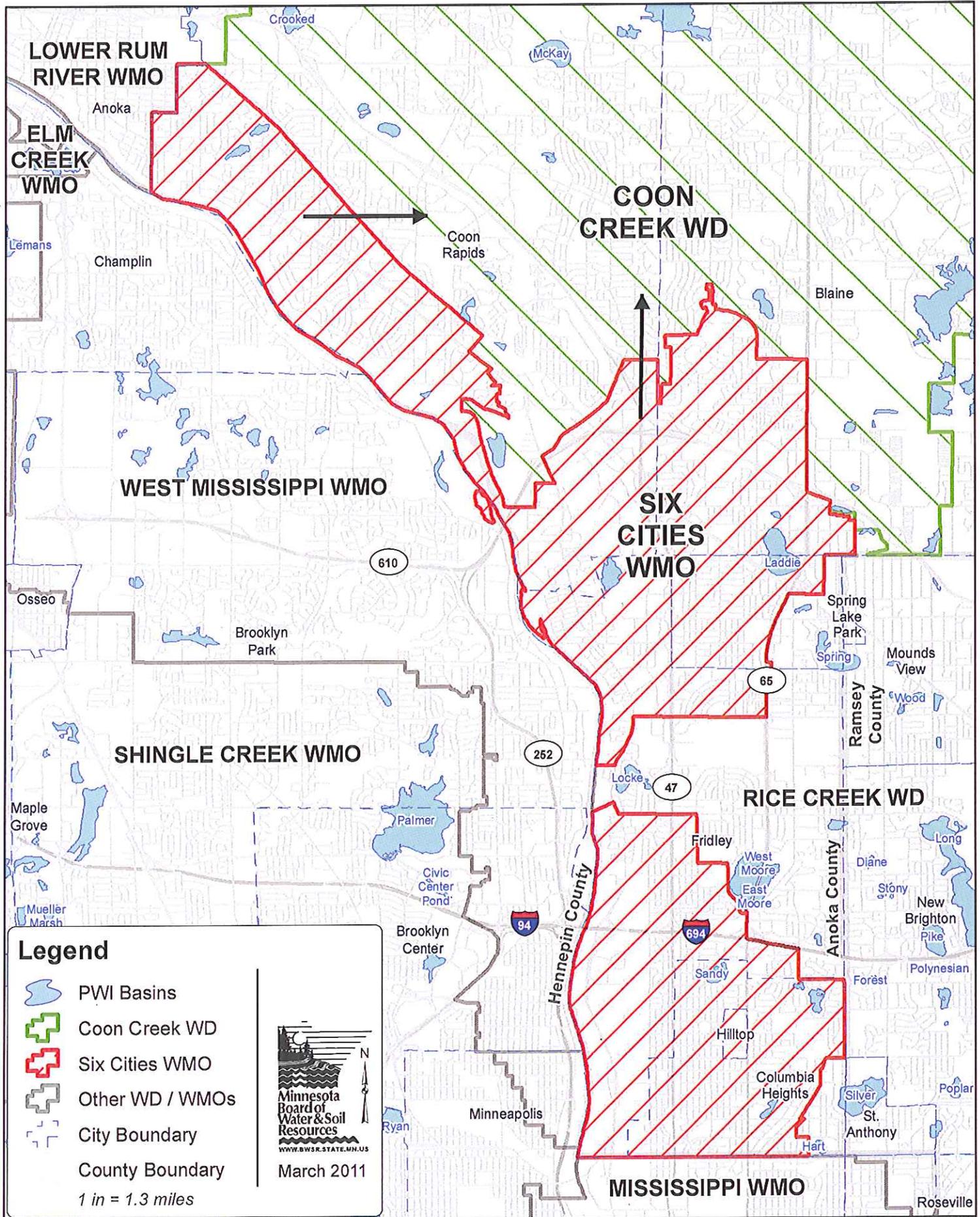
Order Public Hearing for Boundary Change Petition for Coon Creek Watershed District

**SUMMARY** (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)  
In conjunction with the dissolution of the Six Cities Watershed Management Organization, the Coon Creek Watershed District submitted a boundary change petition to enlarge the district into areas of the former Six Cities Watershed Management Organization. The petition involves parts of the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park. Minn. Stat. § 103B.215, subd. 3, item a requires a Notice of Filing be published once each week for two successive weeks, that the notice be mailed to several entities, that the notice invite written comments, and that the notice allow for a public hearing to be requested by any person. Staff recommended the Notice of Filing not be done and the Board directly order a public hearing be held. There are two reasons for the recommendation.

- 1. There are certain timing issues with the Department of Revenue associated with the filing of the Board's Order for the boundary change with the Secretary of State.** If the Notice of Filing was published after the April 27<sup>th</sup> Board meeting there may not be enough time to bring the matter to the Board's June meeting and, if a hearing was requested then there would certainly not be enough time to bring the matter to the Board's June meeting. If the boundary change is not approved by the Board and filed with the Secretary of State by June 30<sup>th</sup>, then Department of Revenue regulations would preclude the district from levying in the new areas in 2012.
- 2. A hearing is likely to be requested.** Staff believe it is likely a public hearing would be requested in response to the Notice of Filing. Bypassing the Notice of Filing and ordering a public hearing would be efficient, timely and likely save the Board the costs of two rounds of publications for the Notice of Filing. Timing of the publication of the Notice of Public Hearing and the date of the hearing would be done so no one is deprived of any rights to comment.

The Metro Water Planning Committee met on April 12, 2011. After review of information, the Committee decided with a unanimous vote to recommend the Board order a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties, per the attached draft Order.

# Coon Creek Watershed District Proposed Boundary Change



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

---

**In the Matter** of the Petition for a Boundary Change of the Coon Creek Watershed District in the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park, Anoka County, pursuant to Minnesota Statutes Section 103B.215.

---

**ORDER  
WATERSHED DISTRICT  
BOUNDARY CHANGE  
PUBLIC HEARING**

**Whereas**, a petition (Petition) for a boundary change of the Coon Creek Watershed District (CCWD) was filed by the CCWD Board of Managers with the Board on March 24, 2011, 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. On March 24, 2011 the Board received a Petition for a boundary change of the CCWD from the CCWD Board of Managers pursuant to Minn. Stat. §103B.215.
2. The proposed watershed district boundary change would enlarge the watershed district into areas of the former Six Cities Watershed Management Organization involving parts of the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park.
3. Written statements of concurrence from the governing bodies of each affected city, town, and watershed management organization accompanied the Petition as required by Minn. Stat. § 103B.215, subd. 2, item c.
4. Staff has determined that a valid Petition exists pursuant to Minn. Stat. § 103B.215.

5. Minn. Stat. § 103B.215, subd. 3, item a requires a Notice of Filing be published once each week for two successive weeks, that the notice be mailed to several entities, that the notice invite written comments, and that the notice allow for a public hearing to be requested by any person.
6. The Board's Metro Water Planning Committee and staff met on April 12, 2011 in St. Paul to review and discuss the Petition. Those in attendance from the Board's Committee were Christy Jo Fogarty, Louise Smallidge, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance were Metro Regional Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended the Notice of Filing not be done and the Board order a public hearing be held after proper notice is given due to certain timing issues with the Department of Revenue associated with the filing of the Board's Order for the boundary change with the Secretary of State. Board staff noted it is likely a public hearing would be requested in response to the Notice of Filing, thus ordering a public hearing would be efficient, timely and likely save the Board the costs of two rounds of publications for the Notice of Filing. Timing of the publication of the Notice of Public Hearing and the date of the hearing would be done so no one is deprived of any rights to comment. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be ordered to be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties.

## CONCLUSIONS

1. The Petition for a boundary change is valid in accordance with Minn. Stat. § 103B.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 public hearing to determine whether the proposed boundary change should be approved in accordance with Minn. Stat. § 103B.215.
4. A public hearing should be held within thirty-five days of the date of this order after proper notice has been given.
5. The Board's Metro Water Planning Committee should preside over the public hearing and bring recommendations on the Petition to the Board after the public hearing has been held.

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

## ORDER

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

Dated at Saint Paul, Minnesota this 27th day of April, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_  
Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: SWWD Watershed Plan Amendment

Meeting Date: April 27, 2011
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Metro
Contact: Melissa Lewis
Prepared by: Melissa Lewis
Reviewed by: Metro Planning Committee(s)
Presented by: Jim Haertel

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [X] Order [X] Map [ ] Other Supporting Information

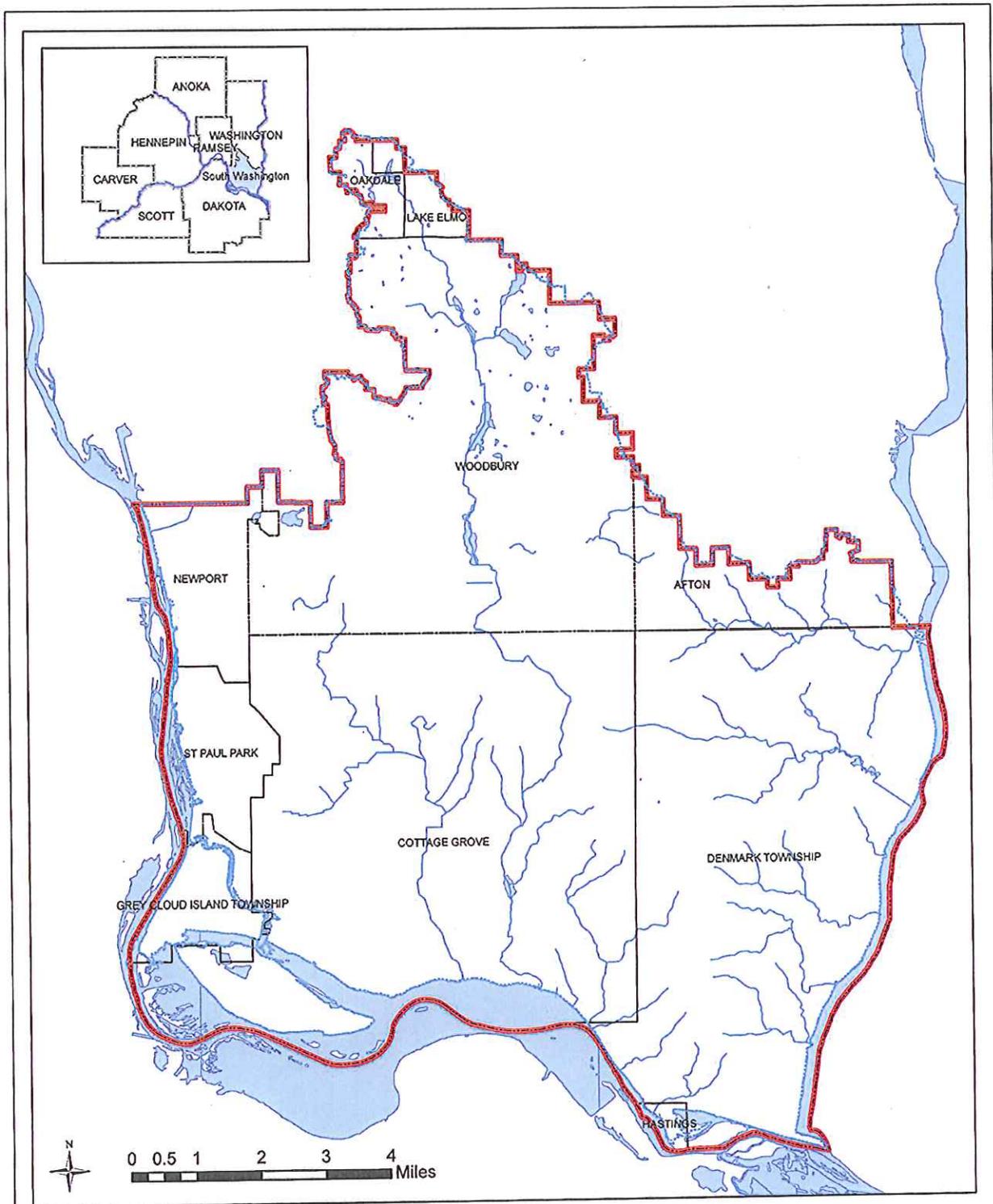
Fiscal/Policy Impact

- [X] None [ ] General Fund Budget
[ ] Amended Policy Requested [ ] Capital Budget
[ ] New Policy Requested [ ] Outdoor Heritage Fund Budget
[ ] Clean Water Fund Budget
[ ] Other:

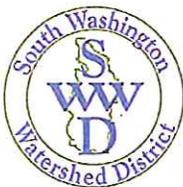
ACTION REQUESTED

Approval of Amendment to South Washington Watershed District Watershed Management Plan

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The South Washington Watershed District (SWWD) was established in 1993 and is located in the eastern portion of the Metropolitan Area entirely within Washington County, bound by the Mississippi River to the south and west, the Ramsey-Washington Metro Watershed District to the northwest, the Valley Branch Watershed District to the north and east and the St. Croix River to the east. The mission of the District is to manage water and related resources within the District in cooperation with citizens and communities. The Amendment incorporates natural resource data, issues, and goals for the area of the former Lower St. Croix Watershed Management Organization (LSCWMO) into the Plan, consistent with the former LSCWMO Watershed Management Plan and consistent with the BWSR Board Order that enlarged the SWWD to include part of the former LSCWMO. The Amendment also establishes the area of the former LSCWMO as a watershed management unit for project funding by stormwater utility fees. The Metro Water Planning Committee met on April 12, 2011. After review of information, the Committee decided with a unanimous vote to recommend approval of the Plan Amendment by the Board per the attached draft Order.



Map 1.1: SWWD Jurisdictional Area & Member Cities



-  Member Cities
-  SWWD Jurisdictional Boundary
-  Hydrological Boundary

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

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**In the Matter** of the review of the Amendment  
to the Watershed Management Plan for the  
**South Washington 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 South Washington Watershed District (District) submitted an Amendment to the Watershed Management Plan (Plan) dated March 9, 2011, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 11, and;

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

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

**FINDINGS OF FACT**

1. **Watershed District Establishment.** The District was established in 1993 as the Cottage Grove Ravine Watershed District. The District name was changed in 1995 to the South Washington Watershed District to prevent confusion with the City of Cottage Grove. The District was enlarged in 2003 to include the area formerly within the East Mississippi Watershed Management Organization and again in 2009 and 2010 to include portions of the area formerly within the Lower St. Croix Watershed Management Organization (LSCWMO). The mission of the District is to manage water and related resources of the South Washington Watershed District in cooperation with citizens and communities.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on September 26, 2007. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, Subd. 11.
3. **Nature of the Watershed.** The District is located in the eastern portion of the Metropolitan Area entirely within Washington County and includes all or portions of Denmark and Grey Cloud Island Townships and the cities of Afton, Cottage Grove, Hastings, Lake Elmo, Newport, Oakdale, St. Paul Park, and Woodbury. The District encompasses approximately 101.8 square miles;

bound by the Mississippi River to the south and west, the Ramsey-Washington Metro Watershed District to the northwest, the Valley Branch Watershed District to the north and east, and the St. Croix River to the east. The drainage pattern of the portion of the district draining to the Mississippi River is generally from north to south. The topography of this area is characterized by two distinct regimes; the northern landscape of ridges and knolls separated by areas of flat and wide valleys, and the southern landscape with more subtle changes in elevation for most of the area with steep ravines adjacent to the Mississippi River. The portion of the District draining generally west to east towards the St. Croix River is dominated by exposed bedrock and dissected till and outwash plain characterized by long swells and swales. This area includes numerous well-defined stream channels, steep ravines, and river bluff and terrace deposits.

4. **Amendment Development and Review.** The District circulated a copy of the draft Amendment to the Board, other state agencies, Metropolitan Council, and local governments for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7 on December 17, 2010. A summary of comments received and the District's response was received on February 22, 2011. A public hearing was held on March 8, 2011. No comments were received. The final draft of the Amendment was received by the Board on March 15, 2011.
5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7.  
City of Afton. The City requested the District incorporate additional information about the St. Croix River and include that the City is the Local Government Unit responsible for administering the Wetland Conservation Act. The District responded by including the additional text requested.
6. **Metropolitan Council Review.** The Council did not comment on the Amendment.
7. **Department of Agriculture Review.** The MDA did not comment on the Amendment.
8. **Department of Health Review.** The MDH did not comment on the Amendment.
9. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.
10. **Pollution Control Agency Review.** The PCA did not comment on the Amendment.
11. **Department of Transportation Review.** The DOT requested the Amendment include a flat water quality policy and standards rather than one that changes based on the TMDL. The District responded that the variable standard in the Plan would remain.
12. **Board Review.** Board staff requested a map of the current jurisdictional boundary be included with the final submittal, minor changes to a table in the Amendment, and that the maps on the District website be updated with the current jurisdictional boundary prior to final submittal. The District fully addressed these comments.
13. **Amendment Summary.** The Amendment incorporates natural resource data, issues, and goals for the area of the former LSCWMO into the Plan. The information incorporated is consistent

with the former LSCWMO Watershed Management Plan. The Amendment also establishes this area as a watershed management unit for project funding by stormwater utility fees.

14. **Metro Water Planning Committee Meeting.** On April 12, 2011, the Board's Metro Water Planning Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Christy Jo Fogarty, Louise Smallidge, Faye Sleeper, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

#### **CONCLUSIONS**

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the South Washington Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 11.
3. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

#### **ORDER**

The Board hereby approves the attached Amendment, dated March 9, 2011, to the South Washington Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 27<sup>th</sup> day of April, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Scott WMO Plan Amendment

Meeting Date: April 27, 2011
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Metro Region
Contact: Brad Wozney, Board Conservationist
Prepared by: Brad Wozney, Board Conservationist
Reviewed by: Metro Water Planning Committee(s)
Presented by: Brad Wozney, Board Conservationist

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [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
[ ] Clean Water Fund Budget
[ ] Other:

ACTION REQUESTED

Approval of the Scott Watershed Management Organization Watershed Management Plan Amendment

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

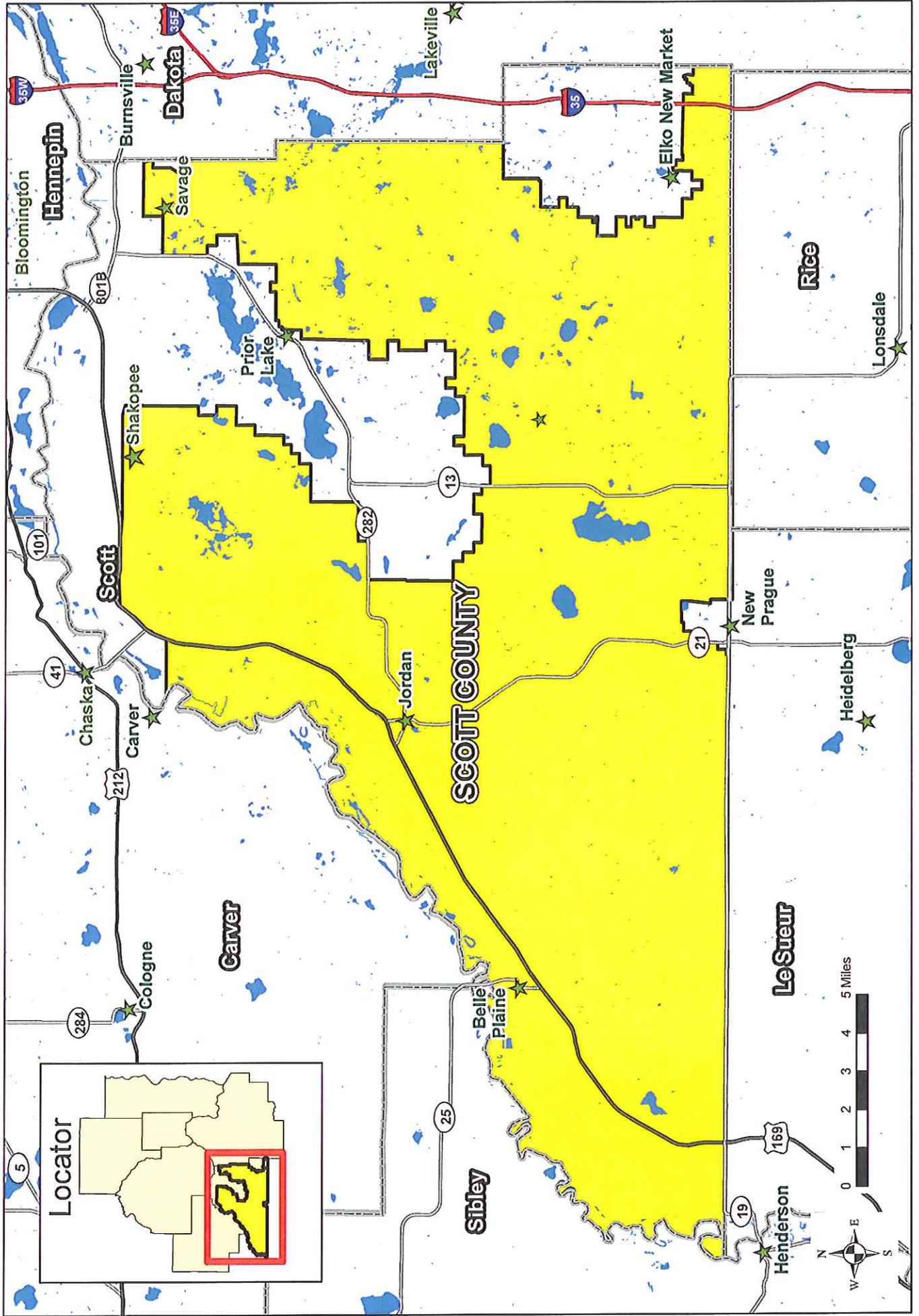
The Scott Watershed Management Organization (SWMO) extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River WD, Prior Lake-Spring Lake WD, the Vermillion River Watershed Joint Powers Organization, and Black Dog WMO. There are also 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.

The SWMO became necessary after the failure of four Joint Powers Agreement 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.

The plan amendment proposes to modify the capital improvement program, add and revise various implementation strategies, and incorporate the county adopted "Scott Clean Water Education Comprehensive Plan". This amendment reflects SWMO's willingness to regularly review their implementation program and amend the Plan as studies are completed and projects identified. During the formal comment period, Met Council recommended further analysis of the use of alum on aquatic life, which the Commission will address before and during the permit process. No other comments were received during the formal comment period or at the public hearing regarding the amendment. The amendment does not change the overall planning level budget because the original plan had a preliminary budget amount for projects in anticipation that strategies and projects would be added and further defined in an amendment.

The Metro Water Planning Committee met on April 12, 2011. BWSR staff recommended approval. After review of the information, the Committee unanimously voted to recommend approval of the Plan Amendment 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

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**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.

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**ORDER  
APPROVING  
AMENDMENT TO  
WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Board of the Scott Watershed Management Organization (SWMO) submitted a Watershed Management Plan Amendment dated April 2011 (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 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.
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 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 the Capital Improvement Program, adds and revises various implementation strategies, and incorporates the county adopted “Scott Clean Water Education Comprehensive Plan”. The draft Amendment was submitted to the Board, other state agencies, and local governments for the required 60-day review on October 1, 2010. The SWMO received a comment letter from Metropolitan Council and the Board. The SWMO held a public hearing on January 11, 2011. No new suggested changes were offered during the meeting. The final draft Amendment was submitted to the Board and plan review agencies on February 11, 2011, for the required 90-day review and approval period.
5. **Metropolitan Council Review.** Met Council was supportive of the amendment stating it is consistent with the Council’s *Water Resources Management Policy Plan*. However the Council commented that proposed alum treatments on the two lakes should be further assessed for its impacts on macro-invertebrates and bottom feeding fish. SWMO stated that they will follow DNR and MPCA permit requirements which are set to be protective of aquatic life. SWMO will also thoroughly review all studies and evidence related to the topic and consider alternatives.
6. **Department of Agriculture Review.** The MDA did not comment on the Amendment.
7. **Department of Health Review.** The MDH did not comment on the Amendment.
8. **Department of Natural Resources Review.** The DNR did not comment on the Amendment.
9. **Pollution Control Agency Review.** MPCA provided an updated schedule of completing future TMDL studies in the WMO.
10. **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.
11. **Board Review.** Board staff commended the Commissions for its systematic approach to maintaining a current Plan.
12. **Highlights of the Plan Amendment.** The plan amendment proposes to modify the capital improvement program, add and revise various implementation strategies, and incorporate the county adopted “Scott Clean Water Education Comprehensive Plan”. This amendment reflects SWMO’s willingness to regularly review their implementation program and to amend the Plan as studies are completed and projects identified.
13. **Metro Water Planning Committee Meeting.** The Board’s Metro Water Planning Committee met on April 12, 2011, to review and discuss the Amendment. Those in attendance from the Board’s Committee were Christy Jo Fogarty, Faye Sleeper, Louise Smallidge, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis.

Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

### CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the 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 2011 to the Scott Watershed Management Organization's Watershed Management Plan.

Dated at Saint Paul, Minnesota this 27<sup>th</sup> day of April 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Mississippi WMO Revised Plan

Meeting Date: April 27, 2011
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Metro Region
Contact: Brad Wozney, Board Conservationist
Prepared by: Brad Wozney, Board Conservationist
Reviewed by: Metro Water Planning Committee(s)
Presented by: Brad Wozney, Board Conservationist

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [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
[ ] Clean Water Fund Budget
[ ] Other:

ACTION REQUESTED

Approval of the Mississippi Watershed Management Organization Watershed Management Plan

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

BACKGROUND: The [Middle] Mississippi Watershed Management Organization (MWMO) 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. This agreement added the new MWMO business name to the organization, formerly the Middle 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.

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 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 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.

Five Commissioners comprise the MWMO Board, one from each member organization.

**REVISED PLAN PROCESS AND SUMMARY:** The MWMO Plan was a culmination of an extensive 2.5 year public involvement process with 12 different sources of input and over a 1,000 comments collected during the issues identification phase. The result is the ultimate buy in and support of all member cities and agencies.

BWSR staff have been involved throughout all phases of the Plan development process, including several special meetings between BWSR and MWMO staff and numerous correspondences via phone and email. Beginning in 2007 in order to assist the MWMO Commissioners with the development of the plan, two technical advisory committees were organized: an Implementation Advisory Group (IAG) made up of staff from member communities and related agencies; and a Science Advisory Group (SAG) comprised of staff from member communities, agencies, and the University of Minnesota who have a science background and experience in various aspects of watershed management. The IAG and SAG met five times over the course of the planning process to discuss issues, goals, stormwater standards, and implementation strategies offering opportunities for stakeholders and state agencies to provide verbal and written comments. During the issue identification planning phase, extensive efforts to acquire citizen input were made through an online survey, a series of meetings with two focus groups – one representing businesses and the other recreational interests, the Citizen Advisory Committee, and four open houses. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on June 4, 2010. A public hearing was held on November 9, 2010. In response to comments received at the public hearing the MWMO requested staff meet with Minneapolis and MNDOT to resolve remaining issues. On March 10, 2011, the final draft of the revised Plan was received by the Board and other state agencies for the final 90-day period. MWMO staff are committed to working with member communities and other authorities over the next two years to finalize standards language which will result in changes to the Plan.

The Plan outlines a good framework for protecting the water resources of the MWMO. Overall the Plan is weighted toward non-structural and programmatic solutions, however modeling and other efforts will be completed early in Plan implementation to develop water quality/quantity trend analyses and identify projects for expanding the CIP. Ten key focus areas are outlined in the Plan:

#### Water Quality Focus Area

- Protect and improve the water resources of the MWMO.
- Account for water quality conditions upstream that impact the MWMO.
- Participate in the development and implementation of TMDLs.
- Identify the role the MWMO will take in addressing soil contamination and groundwater quality.

#### Water Rate and Volume Focus Area

- Manage the causes and reduce the effects of flooding that impact the watershed.
- Manage the causes and reduce the effects of drought that impact the watershed.

#### Monitoring & Data Assessment Focus Area

- Make decisions based on science and best available data.

#### Education and Outreach Focus Area

- Provide resources and opportunities to build capacity and leadership and promote responsible stewardship of water and natural resources.
- Create education and outreach connections within MWMO programs
- Enhance communications between MWMO and constituents.

#### Ecosystem Health Focus Area

- Find ways to protect, create, and enhance vegetated areas, springs, native plant communities, habitat, open space, and green infrastructure.

- Protect more land that significantly impacts surface and groundwater resources and natural resources.

#### Regulations & Enforcement Focus Area

- Promote consistency in rules, regulations, standards and enforcement across jurisdictions.
- Improve compliance and enforcement of regulations related to water and natural resources.

#### Urban Stormwater Management Focus Area

- Promote unique and innovative solutions for stormwater management in highly developed urban areas.

#### Emergency Preparedness & Response Focus Area

- Protect natural resources when natural disasters and emergencies occur.

#### Emerging Issues Focus Area

- Develop new approaches that protect water and natural resources as conditions change and emerging issues arise.

#### Financial Responsibilities and Strategies Focus Area

- Develop a comprehensive financial framework to implement goals, strategies and actions of the plan.
- Maintain a funding strategy that is effective, efficient and transparent.

Financing of this Plan is levied funds through the "Special Taxing District" authority, similar to watershed districts, granted to MWMO by the legislature in 2001. The projected annual budget ranges from \$4.66 million in 2010 to \$6.37 million in 2016 when they will be fully staffed at 12-14 full-time employees.

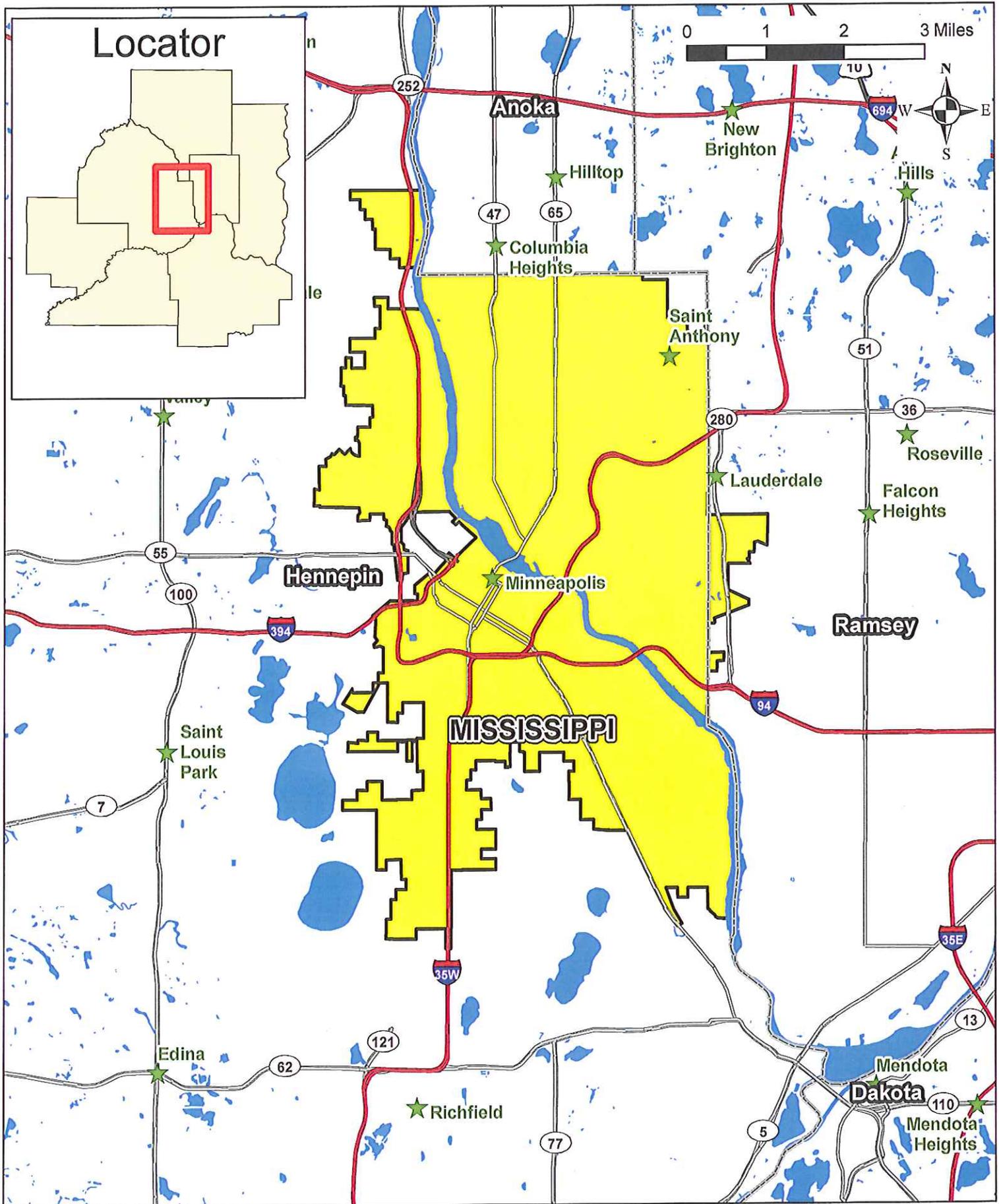
REVISED PLAN HIGHLIGHTS: The highlights of the revised Plan include:

- Ample opportunities to provide upfront comments on the Plan prior to submitting the formal draft.
- Completion of a very comprehensive gap analysis of the water related activities and regulations of the member communities and adjacent WMOs.
- Outline of clear roles, responsibilities, and standards for the member communities to update their local water plans.
- For effective management the Plan is organized into four "pipeshed" (subwatershed) areas.
- A robust set of implementation programs such as a significant monitoring program to prove results and support the management approaches, a successful education and outreach program which has most notably made effective connections within the Hmong Community, an Emergency Response Fund Program which has expanded in light of the I35W bridge collapse, a land conservation program to purchase property or acquire easements to enhance greenway corridors, and a program partnering with Minnehaha Creek Watershed District to fund innovative practices, activities, and research.
- An active, effective, and engaged Citizen Advisory Committee.
- An aggressive staffing plan to meet the high future workload demands.
- Annual review of the implementation of the stormwater standards including project design and construction costs and criteria of variances granted to ensure the standards are implementable, progressive, clear, and cost effective.

Local and state comments received in regards to the revised Plan have been sufficiently addressed.

METRO WATER PLANNING COMMITTEE: On April 12, 2011, the Board's Metro Water Planning Committee and staff met with representatives from the MWMO in St. Paul to review and discuss the Plan. Board staff recommended approval of the Plan. After review of the information, the Committee voted unanimously to recommend approval of the Revised Plan to the full Board per the attached draft Order. .

# Mississippi Watershed Management Organization



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

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**In the Matter** of the review of the Watershed Management Plan for the **Mississippi Watershed Management Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

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**ORDER  
APPROVING  
WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Board of Commissioners of the Mississippi Watershed Management Organization (MWMO) 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. **WMO Establishment.** The [Middle] Mississippi WMO (MWMO) 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. This agreement added the new MWMO business name to the organization, formerly the Middle 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 Minnesota 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 §§ 103B.201 to 103B.251.
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 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 the 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 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.

4. **Plan Development and Review.** Beginning in 2007 in order to assist the MWMO Commissioners with the development of the plan, two technical advisory committees were organized: an Implementation Advisory Group (IAG) made up of staff from member communities and related agencies; and a Science Advisory Group (SAG) comprised of staff from member communities, agencies, and the University of Minnesota who have a science background and experience in various aspects of watershed management. The IAG and SAG met five times over the course of the planning process to discuss issues, goals, stormwater standards, and implementation strategies offering opportunities for stakeholders and state agencies to provide verbal and written comments. During the issue identification planning phase, extensive efforts to acquire citizen input were made through an online survey, a series of meetings with two focus groups – one representing businesses and the other recreational interests, the Citizen Advisory Committee, and four open houses. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on June 4, 2010. A public hearing was held on November 9, 2010. In response to comments received at the public hearing the MWMO requested staff meet with Minneapolis and MNDOT to resolve remaining issues. On March 10, 2011, the final draft of the revised Plan was received by the Board and other state agencies for the final 90-day period.
5. **Local Review.** The MWMO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes § 103B.231, Subd. 7. The MWMO received comments from the cities of Minneapolis, St. Paul, Lauderdale, and the Bassett Creek WMO. The primary comments from Minneapolis were related to: language clarification of MWMO standards to simplify the process of applying the standards, questioning the need for and scientific basis for requiring volume control in an ultra-urban setting when the receiving water is the Mississippi River, request for municipal financial assistance to cities to help meet MWMO stormwater standards, concerns for infiltration requirements in contaminated and unsuitable soils, lack of adequate analysis on the financial impact to LGUs as a result of this Plan, and add a map

of known flooding problems or flood-prone areas. The MWMO responded in writing to all municipalities who provided comments, addressing each concern. The MWMO has elected to delay the adoption of a runoff volume standard until results from studies have been analyzed.

6. **Metropolitan Council Review.** The Council commented on the need for a plan amendment within the first five years of implementation to examine needs for capital projects. The Council recommended the Plan outline the amendment process to include potential projects listed. The MWMO addressed each comment resulting in changes to the Plan.
7. **Department of Agriculture Review.** The MDA did not comment on the Plan.
8. **Department of Health Review.** The MDH did not comment on the Plan.
9. **Department of Natural Resources Review.** The DNR did not comment on the Plan.
10. **Pollution Control Agency Review.** The PCA requested language clarification on the industrial stormwater permit narrative and recommended referring to the Phase 1 municipal stormwater permits for Minneapolis and St Paul for language related to combined sewer overflows. The MWMO adjusted the Plan text accordingly.
11. **Department of Transportation Review.** MNDOT offered many comments throughout the planning process. Comments centered around the following: a requested alternative approach or standard for volume control on linear projects but in-lieu fees are not an option, clarification of redevelopment definition as it relates to linear projects, and the impracticality of the 3 year deadline for producing an alternatives analysis of MNDOT road projects to meet certain stormwater standards. The MWMO stated that they have a shared goal with MNDOT to develop stormwater standards over the next 2.5 years that are suitable and reasonable in an urban setting balancing the economic, transportation, and natural resource needs of the watershed. All comments were addressed resulting in revisions to the Plan.
12. **Board Review.** Board staff recommended adding the following to the Plan: an outline of MWMO's role and process when an LGU is considering variances, details on how Total Maximum Daily Load (TMDL) implementation plan strategies will be incorporated, more detailed descriptions of proposed capital improvement projects (CIPs), define a maintenance program, clarification that the CIP must be reviewed for potential amendments minimally every two years, avoid the use of "passive verbs" for action items in the implementation table, specify that cost share expenditures are capped at 25% of the total CIP budget annually, list cost share program priority areas and criteria for project selection, adjust the plan expiration to 10 years after BWSR approval, and include the executed joint powers agreement with the final submittal. The MWMO 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 MWMO. The basis of this is largely the result of

numerous studies completed under the previous plan. A brief self assessment document that lists accomplishments of the previous plan was incorporated into the revised Plan in the Executive Summary. The highlights of the revised Plan include:

- The MWMO offered ample opportunities to provide upfront comments on the Plan prior to submitting the formal draft.
- Completed a very comprehensive gap analysis of the water related activities and regulations of the member communities and adjacent WMOs.
- Offers clear roles, responsibilities, and standards for the member communities to update their local water plans.
- For effective management the Plan is organized into four “pipeshed” (subwatershed) areas.
- A robust set of implementation programs such as a significant monitoring program to prove results and support the management approaches, a successful education and outreach program which has most notably made effective connections within the Hmong Community, an Emergency Response Fund Program which has expanded in light of the I35W bridge collapse, a land conservation program to purchase property or acquire easements to enhance greenway corridors, and a program partnering with the Minnehaha Creek WD to fund innovative practices, activities, and research..
- An active, effective, and engaged Citizen Advisory Committee.
- An aggressive staffing expansion plan to meet the high future workload demands.
- Annual review of the implementation of the stormwater standards including project design and construction costs, and criteria of variances granted to ensure the standards are implementable, progressive, clear, and cost effective.

14. **Metro Water Planning Committee Meeting.** On April 12, 2011, the Board’s Metro Water Planning Committee and staff met with representatives from the MWMO in St. Paul to review and discuss the Plan. Those in attendance from the Board’s Committee were Rebecca Flood, Christy Jo Fogarty, Faye Sleeper, Louise Smallidge, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationists Brad Wozney and Melissa Lewis. Representatives from the MWMO included Administrator Doug Snyder and Program Coordinator Dan Kalmon. 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 Mississippi Watershed Management Organization pursuant to Minnesota Statutes § 103B.231, Subd. 9.
3. The Mississippi Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the MWMO's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes §§ 103B.201 to 103B.251.

## ORDER

The Board hereby approves the attached Watershed Management Plan dated March 9, 2011, as the Watershed Management Plan for the Mississippi Watershed Management Organization.

Dated at Saint Paul, Minnesota this 27th day of April, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair

## **COMMITTEE RECOMMENDATIONS**

### ***Northern Water Planning Committee***

1. Red Lake Watershed District Plan Amendment for Formation of a Water Management District – Keith Mykleseth – ***DECISION ITEM***
2. Middle-Snake-Tamarac Rivers Watershed District Order to Hold a Public Hearing on Watershed Plan - Gene Tiedemann – ***DECISION ITEM***
3. Wadena County Water Plan Amendment – Quentin Fairbanks – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Amendment to the Red Lake WD Plan

Meeting Date: April 27, 2011
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [ ] Decision [ ] Discussion [ ] Information
Section/Region: North Region
Contact: Brian Dwight
Prepared by: Brian Dwight
Reviewed by: Northern Plan Review Committee Committee(s)
Presented by: Keith Mykleseeth

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [X] Order [ ] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [X] None [ ] General Fund Budget
[ ] Amended Policy Requested [ ] Capital Budget
[ ] New Policy Requested [ ] Outdoor Heritage Fund Budget
[ ] Clean Water Fund Budget
[ ] Other:

ACTION REQUESTED

Board approval of Order prescribing an Amendment to the Red Lake Watershed District Plan

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

Petition for a Water Management Plan (Plan) Amendment was filed by Red Lake Watershed District (RLWD) with the Board of Water and Soil Resources on December 9, 2010 to establish a water management district. The petition proposes to amend the District's Plan to establish a water management district for the Thief River Falls Flood Damage Reduction Project. Territory is limited to lands adjacent to Pennington County Ditch #1 encompassing approximately 1,070 acres. The establishment of the water management district will allow the watershed district to collect revenues to fund a portion of the flood damage reduction component of the project. The petition was submitted pursuant to Minn. Stat. §§ 103D.411, and 103D.729 and signed by the Chairman of the District.

The Amendment was initiated as a requirement to establish a water management district for the purpose of collecting revenues and paying costs for projects pursuant to Minn. Stat. § 103D.729. The purpose of the proposed Amendment is to allow the RLWD to collect revenues and pay a portion of the costs of the Thief River Falls Flood Damage Reduction Project initiated under Minn. Stat. § 103D.605. The project will provide a diversion, and installation of storm sewer through the city. The necessary charges will be limited to 30 percent of all costs associated with the Flood Damage Reduction component of the project not to exceed \$700,000. The method used to determine the charges is based on runoff volume calculated from lands within the territory on a per parcel basis. The construction charges for the water management district will be assessed and recovered over a period not to exceed 20 years. The water management district will be established in perpetuity for maintaining the flood damage reduction portion of the project.

BOARD OF WATER AND SOIL RESOURCES

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Red Lake Watershed District  
Proposed Amendment to Create a Water  
Management District regarding  
Thief River Falls Flood Damage Reduction Project  
(TRF FDR) Project #171A

Petition for Water Management  
Plan Amendment

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The Red Lake Watershed District Board of Managers (District) hereby petitions the Board of Water and Soil Resources (BWSR) to amend the District's watershed management plan (WMP) to establish a water management district (WMD).

1. **Authority:** Under Minnesota Statutes Section 103D.729, a watershed district may establish a water management district by amendment to its plan in accordance with Section 103D.411 for the purpose of collecting revenues and paying the costs of projects initiated under section 103D.605. The amendment shall describe with particularity the territory or the area to be included in the water management district, the amount of the necessary charges, the methods used to determine charges, and the length of time the water management district will remain in force. A detailed description of these requirements is included in the proposed plan amendment language herein.

2. **Purpose:** The District has initiated the Thief River Falls Flood Damage Reduction Project (TRF FDR) to reduce flood damages and support continued progress towards achieving water quantity goals as listed in the District's WMP. A WMD established for the project will have the purpose of generating revenues to pay costs for a portion of the TRF FDR Project.

3. **Findings:** The Managers have made the following findings:

a. That the infrastructure that supports the water quantity goals listed in the District WMP is important to the economic future of the area affected by the TRF FDR Project.

b. That it is essential to the sound management of waters for the TRF FDR Project, that the District adopt, implement, and amend its WMP to accomplish the WMD's purpose.

c. That the TRF FDR Project is a project initiated by the District under 103D.605 on July 8, 2010 and amended on September 9, 2010 under a finding that the project will be conducive to public health, promote the general welfare, and is in compliance with the watershed management plan.

d. That the TRF FDR Project is proceeding toward a Final Hearing under Minn. Stat. §103D.605 upon completion of required intermediate proceedings and actions under the statute. The ability to implement water management charges for the project is considered essential to successful project implementation.

e. That an amendment to the District's WMP to provide for a WMD for the proposed TRF FDR Project area is consistent with 103D.729 and will provide a necessary and equitable method to generate revenues for a portion of the TRF FDR Project from properties benefiting from or contributing to the need for the project.

f. That properties within the TRF FDR Project area will benefit from the project because it will protect the economic vitality of the area, maintain property values, and prevent destruction to vital public and private infrastructure.

g. That the proposed TRF FDR Project area will benefit from a stable source of revenues to provide for construction and maintenance of the flood control and stormwater management project.

4. **Amendment to Section 7.1.6.2 of WMP:** The language of Section 7.1.6.2 which will become part of the District's WMP, if approved, is as follows:

**7.1.6.2** In order to collect revenues and pay a portion of the basic water management (flood control) features of the Thief River Falls Flood Damage Reduction Project (TRF FDR) initiated under Minn. Stat. §103D.605, a Water Management District (WMD) is established in accordance with Minn. Stat. §§103D.729 and 103D.411 for the purpose of collecting revenues and paying the costs of TRF FDR Project. The WMD is designated the "Thief River Falls Flood Damage Reduction Project Water Management District".

Pennington County Ditch #1 (CD 1) has been a source of agricultural and urban flooding problems for years. Since its construction 100 or more years ago, the ditch has routinely flooded out of its banks in spite of cleanouts and culvert replacements. In 2005, the Pennington County Board of Commissioners, Thief River Falls City Council, Red Lake Watershed District (RLWD), and others requested a drainage study, which suggested several alternatives to remedy the drainage and flooding problems. Due to funding limitations and procedural uncertainties related to Minnesota ditch law, no entity was able to advance the project forward until a landowner ditch improvement petition was received by the RLWD in 2009.

In response to the landowner petition for improvement of CD 1, the RLWD has approved the Preliminary Survey Report and Detailed Survey Report in accordance with Minnesota (MN) Statute 103E. These reports explain the project in detail and are available for review from the RLWD upon request.

Because of the severity of the flooding problem and the complexity and cost of the proposed CD 1 improvement within the urban environment, the RLWD established a separate project, the TRF FDR Project, in accordance with Minn. Stat. §103D.605. The TRF FDR project addresses the works necessary (the basic water management or flood control features), in addition to the CD 1

improvement, to achieve the water quantity objectives contained in the District’s watershed management plan.

As part of the funding strategy for the project, the RLWD will implement a water management charge system to generate revenues to pay for a portion of the costs of construction and maintenance of the TRF FDR Project. Items a-d below describes the framework of the WMD and charge system.

a. The territory or area to be included in the WMD shall be limited to the CD 1 drainage area north of CSAH 8 / Challenger Road generally depicted in “Figure 1 attached hereto.” A parcel listing for the WMD shall be developed and included in the project record for the TRF FDR Project.

b. The amount of necessary initial charges will be limited to \$700,000, or the local share (30%) of the projects costs of the TRF FDR Project as indicated in Table 1 below, whichever is less.

**Table 1. Project Funding Breakdown**

Project Component	Funding Source
	35% Red Lake Watershed District
Flood Damage Reduction	35% State of MN - FDR Program
	30% WMD charges

c. The initial charges for the WMD for construction of the TRF FDR Project shall be implemented over a period not to exceed 20 years. In addition to the initial cost recovery period of 20 years, the WMD will remain in-place perpetually, unless terminated by the District, in order to generate revenue for maintaining the project as a work of the District. The imposition of charges for maintenance of the project are subject to the fund limitations found in Minn. Stat. §103D.631

d. The method used to determine the amount of charges each parcel will pay to the WMD run-off and pollutant loading values associated with various landforms and land uses within the WMD. Associated run-off Curve Number (Cn) values are used to evaluate related contributions for various classes of properties.

The charge value, as a relative number, is determined by an approximation of the volume of storm water runoff from a parcel. Runoff volume is a factor of the parcel’s area, and the portion of the area that has impervious surfaces, such as rooftops, parking lots, driveways, and sidewalks. Each parcel that falls within the WMD boundaries will be placed into a land use

classification, and assigned a Residential Equivalency Factor (REF) for each classification as follows in Table 2 below.

Because the area with the WMD is subject to future municipal development, a portion of the water management charge for undeveloped property may be deferred and imposed at a future date as development occurs. This process is necessary to ensure that similar properties, currently developed and future developed, are treated similarly relative to their contributions to the function and need for the project.

**Table 1. Residential Equivalency Factor (REF)**

Land Use Classification	Residential Equivalency Factor (REF)
Single Family	1.0
Manufactured Home	1.0
Multi-Family Residential	1.5
Commercial/Industrial	1.5
Schools/Churches/Institutional	1.5
City-Owned Land	1.0
Vacant/Vegetative/Agricultural/Unimproved	0.1 with cap

Then, the formula for determining the monthly charge is as follows:

$$\text{Water Management District Charge} = (\text{REF}) \times \text{size of parcel (acres)} \times \text{fee per acre}$$

5. **Additional Matters:** The Board’s Order under Minn. Stat. §103D.411 may include addition requirements including, but not limited to evaluation of the WMD during any ten-year WMP revision. Appeals from orders of the District related to the WMD or the TRF FDR Project are subject to the requirements of Minn. Stat. §§103D.535 to .539 and 103D.729, as applicable. The Board may limit the effective date of the WMD to coincide with the final order of the District establishing the TRF FDR Project under Minn. Stat. §103D.605 and the expiration of resolution of any appeals to that order.

Dated: \_\_\_\_\_

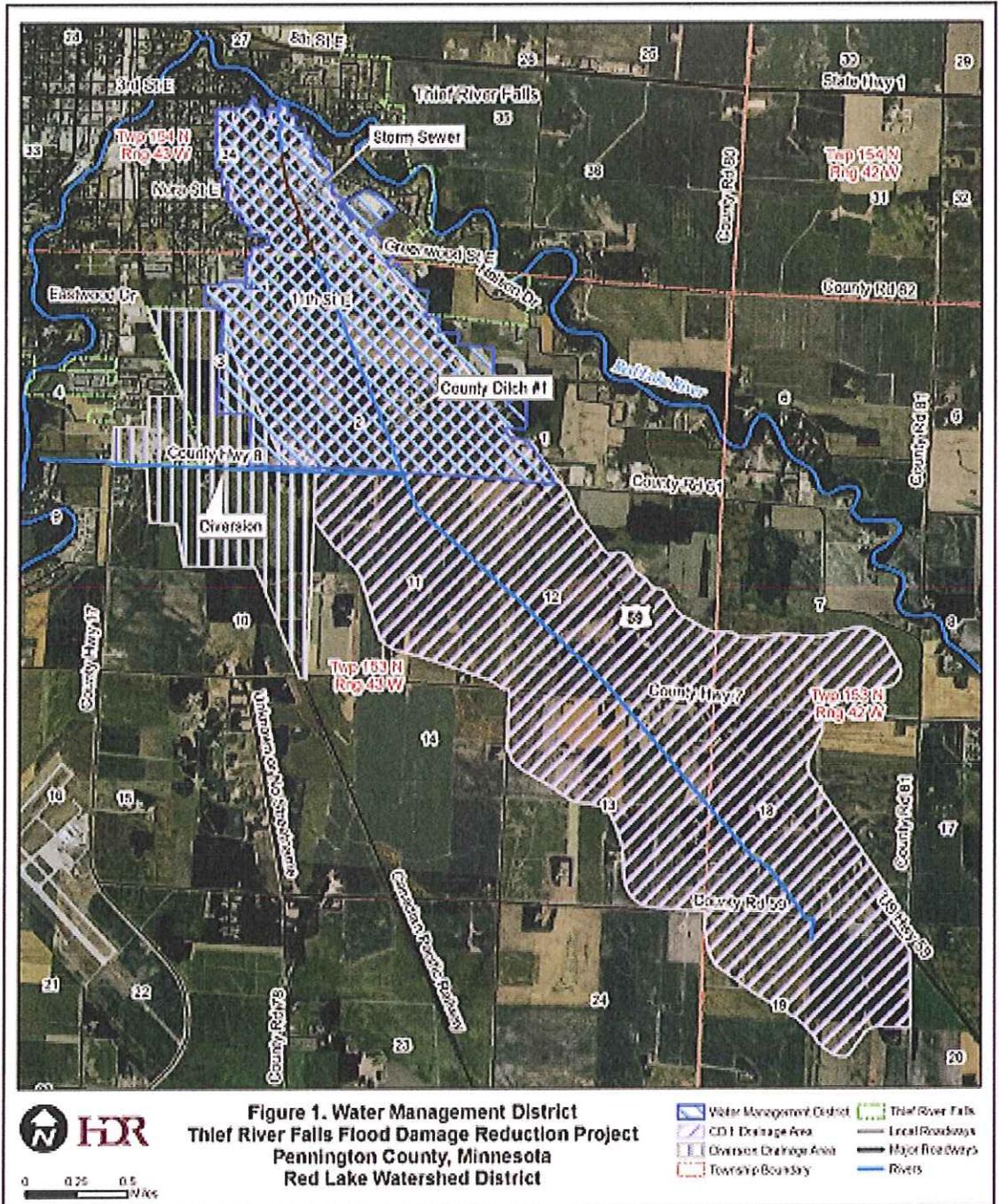
RED LAKE WATERSHED DISTRICT, PETITIONER

By: \_\_\_\_\_

Dale Nelson, Chairman

## Water Management District

The WMD is approximately 1,070 acres in area and is a mix of agricultural, commercial, industrial, and residential properties. See Figure below for a map of the WMD boundary.



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

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**In the Matter** of prescribing an Amendment of Watershed Management Plan to establish Water Management District for the **Red Lake Watershed District** pursuant to Minnesota Statutes Sections 103D.411 and 103D.729

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ORDER  
PRESCRIBING  
AMENDMENT OF  
WATERSHED MANAGEMENT  
PLAN

**Whereas**, the Board of Managers of the Red Lake Watershed District (RLWD) filed a petition to make an amendment of the RLWD Watershed Management Plan (Plan) dated December 6, 2010 and a revised final petition on March 10, 2011 with the Board of Water and Soil Resources (Board) on December 9, 2010 pursuant to Minn. Stat. § 103D.411, and 103D.729, 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.** On December 9, 2010 the Board received a petition from RLWD for a water management plan amendment to establish a water management district pursuant to Minn. Stat. §§103D.411, and 103D.729.
2. **District Establishment.** The RLWD was initially established as the Red Lake Drainage and Conservancy District. In April of 1970 the Minnesota Water Resource Board approved the RLWD as a Watershed District.
3. **Amendment of Plan.** The Amendment was initiated as a requirement to establish a water management district for the purpose of collecting revenues and paying costs for projects pursuant to Minn. Stat. § 103D.729. The purpose of the proposed Amendment is to allow the RLWD to collect revenues and pay a portion of the costs of the Thief River Falls Flood Damage Reduction Project initiated under Minn. Stat. § 103D.605. The project will provide a diversion, and installation of storm sewer through the city. The necessary charges will be limited to 30 percent of all costs associated with the Flood Damage Reduction component of the project not to exceed \$700,000 dollars. The method used to determine the charges is based on runoff volume calculated from lands within the territory on a per parcel basis. The construction charges for the water management district will be assessed and recovered over a period not to exceed 20 years. The water management district will be established in perpetuity for maintaining the flood damage reduction portion of the project.

4. **Territory.** The territory to be included in the water management district encompassing approximately 1,070 acres and is limited to lands adjacent to Pennington County Ditch # 1 within the City of Thief River Falls. The territory consists of agricultural, commercial, industrial, and residential properties.
5. **Nature of the Watershed.** The RLWD encompasses an area of approximately 5,990 square miles in northwestern Minnesota. The RLWD includes the watersheds of the Red Lake River, Thief River, Clearwater River, and the Grand Marais River, which are tributaries to the Red River of the North. The RLWD includes all or parts of the following counties; Beltrami, Clearwater, Itasca, Koochiching, Mahnomen, Marshall, Pennington, Polk, Red Lake and Roseau. The RLWD also encompasses a major portion of the Red Lake Indian Reservation.
6. **Water Management Districts.** BWSR guidelines dated December 2010 states that for water management districts established in perpetuity, Watershed Districts must establish a local appeal process and evaluate the water management district in each ten-year plan revision. The RLWD's Amendment to establish a water management district was being developed when BWSR finalized guidelines for water management districts.
7. **Notification and Review.** The RLWD sent a copy of the proposed petition to local units of government for their review pursuant to Minn. Stat. § 103D.411. The Amendment was sent to the Beltrami, Clearwater, Itasca, Koochiching, Mahnomen, Marshall, Pennington, Polk, Red Lake and Roseau county auditors and Soil and Water Conservation Districts, all municipalities affected by the RLWD, the Commissioner of the Department of Natural Resources, and the Board.
8. **Public Hearing.** On March 31, 2011 the RLWD held a public hearing in Thief River Falls Minnesota to hear testimony on the Amendment to establish a water management district to assist in the financing of the Thief River Falls Flood Damage Reduction Project
9. **Board Review.** Board staff agreed that the proposed Amendment supports the water quantity, water quality, and natural resource goals of the District's Plan. That the Plan Amendment process identified in Minn. Stat. § 103D.411 was adequately followed. That the Amendment adequately describes the required items to establish a water management district as identified in Minn. Stat. § 103D.729.
10. **Department of Natural Resources (DNR) Review.** Comments received from the DNR stated that the proposed Amendment adequately addressed the general requirements specified in statute. It was recommended that a stormwater management plan be created prior to construction to reduce erosion and sedimentation along the project corridor.

11. **Other review comments.** The city of Thief River Falls provided testimony at the March 31, 2011 public hearing that supported the purpose of the project and were in support of the Amendment and the establishment of a water management district to assist in the financing of the Thief River Falls Flood Damage Reduction Project. The city submitted, during the review period a list of questions to the RLWD which focused on project details, cost distribution, and fee schedule.
  
12. **Notice of Filing.** The Legal Notice of Filing was published pursuant to Minn. Stat. §103D.105, Subd. 2, which requires within 30 days of the last date of publication of the Notice of Filing of the Petition that at least one request for hearing be received by the Board before a hearing will be held. No requests for hearing and no comments were received during the specified period of time and no hearing was held.  
  
Legal Notice of Filing of the proposed amendment pursuant to Minn. Stat. §103D.105, Subd. 2, was published in the Leader Record on January 31, 2011, the Bemidji Pioneer on February 1, 2011, the Stephen Messenger, Thief River Falls Times, The Exponent, Red Lake Falls Gazette, Herald Review, and The Daily Journal on February 2, 2011, the Mahnomen Pioneer on February 3, 2011, and the Roseau Times Region on February 5, 2011. Further, a copy of the notice of filing was mailed to several addressees including all of the counties, cities, and SWCD's in the RLWD.
  
13. **Board Staff Report.** In review of the petition submitted by the RLWD for a plan amendment to establish a water management district under Minn. Stat. § 103D.729, the proposed amendment to the watershed management plan meets these requirements. With these requirements being met, Board staff recommend the Amendment to the RLWD watershed management plan be approved giving the RLWD the authority to initiate charges under a water management district if they determine it is necessary to fund the Thief River Falls Flood Damage Reduction Project.
  
14. **Northern Water Planning Committee.** The Committee met on Wednesday, April 13, 2011 in Bemidji. Committee members present were Quentin Fairbanks, Gene Tiedemann, Keith Mykleseth, Brain Napstad, and Paul Brutlag. Board staff present were Ron Shelito and Brian Dwight. Based on the entire record, the Committee made a unanimous decision to make a recommendation to approve the Plan Amendment as submitted.

## CONCLUSIONS

1. The petition for an amendment to the RLWD Plan to establish a water management district is valid in accordance with Minn. Stat. §§ 103D.411, and 103D.729.
2. Proper notice of filing was given and no request for a hearing was submitted 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 amendment of watershed plan to establish a watershed district.
5. The attached Amendment to the Plan to establish a water management district of the RLWD as proposed in the Petition would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.
6. For water management districts established in perpetuity, watershed districts should consider establishing a local appeal process for land owners who feel their fee/charges deserve adjustment due to land treatment/use changes.
7. Watershed Districts must include an evaluation of the use and effectiveness of the water management district and make needed adjustments in each ten-year plan revision.

## ORDER

The Board hereby prescribes the attached Plan Amendment dated March 10, 2011 as a formal Amendment to the April 2006 Revised Plan for the RLWD to establish a water management district and the RLWD must include an evaluation of the use and effectiveness of the water management district in each ten-year plan revision.

Dated at Saint Paul, Minnesota this 27<sup>th</sup> day of April, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_  
Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: MSTRWD Order to Hold Public Hearing on Plan

Meeting Date: April 27, 2011
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: North region
Contact: Brian Dwight
Prepared by: Brian Dwight
Reviewed by: Northern Water Planning Committee Committee(s)
Presented by: Gene Teidemann

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [X] Order [ ] Map [ ] Other Supporting Information

Fiscal/Policy Impact

- [X] None [ ] General Fund Budget
[ ] Amended Policy Requested [ ] Capital Budget
[ ] New Policy Requested [ ] Outdoor Heritage Fund Budget
[ ] Clean Water Fund Budget
[ ] Other:

ACTION REQUESTED

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

On March 4, 2011 the Middle-Snake-Tamarac River Watershed District (MSTRWD) announced a 60-day review period of MSTRWD Plan update. This plan was sent out for review to multiple local, state, federal agencies and Red River Basin organizations. Included in this review list is the Department of Natural Resources. Pursuant to Minn. Stat. § 103D.405 Subd.5 (a). the Board must give notice and hold a hearing on the proposed Plan within 45 days after receiving the Department of Natural Resources' recommendation on the revised Plan. The DNR review comments are anticipated to be received around May 1st. With the next Northern Water Planning Committee (Committee) and BWSR meetings scheduled for June, the Committee considered this Order and made a recommendation to the full Board to approve at this time so the statutory requirement can be met.

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

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**In the Matter** of a Revised Watershed Management  
Plan public hearing for the Middle-Snake-Tamarac Rivers  
Watershed District pursuant to Minnesota Statutes 103D.405

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**ORDER  
REVISED PLAN  
HEARING**

**Whereas**, the Board of Managers of the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) filed a proposed Revised Watershed Management (Plan) dated March 2011 with the Board of Water and Soil Resources (Board) on March 9, 2011, pursuant to Minn. Stat. § 103D.405, and;

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

**FINDINGS OF FACT**

1. **District Establishment.** The District was established on August 28, 1970 by Order of the Water Resource Board. The District is located in the northwest portions of Minnesota and includes parts of Marshall, Kittson, Polk, Pennington, and Roseau Counties. The mission of the District is to manage the District's resources for the efficient movement of water across the District for purposes of reducing flooding, providing agricultural drainage to protect and improve water quality.
2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minn. Stat. § 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board on October 26 1994. This Plan was amended in December 2004 for purposes of addressing water management issue in the Tamarac River watershed for which the Watershed District was expanded to include by petition from the Marshall Count board of Commissioners in 2002. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resource management.
3. **Nature of the Watershed.** The MSTRWD is approximately 1,476 square miles in size and is located in Northwestern Minnesota in the Red River of the North Basin. Lands within the District are distributed in Marshall, Kittson, Polk, Pennington, and Roseau Counties. The MSTRWD includes the watersheds of the Middle River, Snake River, and Tamarac River.

4. **Highlight of the Plan.** The MSTRWD Revised Water Management Plan is a very comprehensive plan, which sets quantifiable flood damage reduction and natural resource enhancement goals for five individual planning regions covering the entire watershed district. The Plan establishes a watershed wide monitoring system which will be used to evaluate progress in the area of stream flow reductions, water quality and overall stream health.
5. **Filing.** Pursuant to Minn. Stat. § 103D.405 Subd. 3 the Plan was filed for review by the Board of Managers of the MSTRWD with the Marshall, Kittson, Polk, Pennington, and Roseau County Auditors and Soil and Water Conservation Districts, all municipalities affected by the MSTRWD, the Commissioner of the Department of Natural Resources, and the Board. In addition the plan was filed for review with multiple local, state, federal agencies, and Red River Basin organizations.
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 Water Planning Committee should preside over the hearing and bring a recommendation to the Board.
8. **Hearing Time.** The Executive Director should determine the time and date of the hearing after coordinating with the appropriate parties.
9. **Hearing Location.** The public hearing should be held at a location in the city of Warren in Marshall County. 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 MSTRWD shall be presided over by the Northern Water Planning Committee.

5. The Executive Director shall make a decision on the date of the public hearing after coordinating with the appropriate parties.
6. The public hearing shall be held at the (location) in (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 MSTRWD to be 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 27th day of April, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: \_\_\_\_\_  
Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wadena County Water Plan Amendment

Meeting Date: April 27, 2011
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Northern Region
Contact: Dan Steward
Prepared by: Dan Steward
Reviewed by: Northern Water Planning Committee Committee(s)
Presented by: Quentin Fairbanks

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [X] Order [ ] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [X] None [ ] General Fund Budget
[ ] Amended Policy Requested [ ] Capital Budget
[ ] New Policy Requested [ ] Outdoor Heritage Fund Budget
[ ] Clean Water Fund Budget
[ ] Other:

ACTION REQUESTED

Decision

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
Amendment of Local Water Management Plan - Wadena County

By Board Order, the Board of Water and Soil Resources (Board) approved the Wadena County Comprehensive Local Water Management Plan (Plan) on March 22, 2006. The Plan covers the ten year period of March 2006 to March 2016 and contained a 2006-2011 five year implementation section. Board Order required an update of the Implementation section (Goals, Objectives and Actions) by March 31, 2011. Following the guidelines established by the Board, Wadena County has completed the local water management plan amendment process and submitted the 'Implementation Plan Amendment March 2011 - March 2016'. The Board's Northern Water Planning Committee (Committee) met on January 12, 2011 to review the Wadena County Plan Amendment, and on April 13, 2011 to review the summary of the February 1, 2011 public hearing. The Committee recommends approval of the Plan Amendment.

See attachments: Board Order, County Location Map and the Wadena LWP Implementation Plan Amendment March 2011 - March 2016 DECISION ITEM.

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

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In the Matter of Reviewing the Local Water Management Plan Update  
for Wadena County (Minnesota Statutes , Section 103B.311,  
Subdivision 4 and Section 103B.315, Subdivision 5.)

ORDER  
APPROVING  
LOCAL  
WATER MANAGEMENT  
PLAN UPDATE

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**Whereas**, on March 26, 2006, the Minnesota Board of Water and Soil Resources Board (Board), by Board Order, approved the Wadena County Comprehensive Local Water Management Plan Update (Plan); and

**Whereas**, The Board Order stipulated Wadena County was required to update the action plan in five-years (2011); and

**Whereas**, the Wadena County Board of Commissioners submitted a Local Water Management Plan 2011 Amendment to the Board on December 3, 2010; and

**Whereas**, the 2011 Amendment contains the updated five-year implementation section as ordered by the Board; and

**Whereas**, the Board has completed its review of the 2011 Amendment;

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

**FINDINGS OF FACT**

- 1) On August 3, 2010, Wadena County passed a resolution to amend the five-year implementation portion of the LWMP and delegated the Wadena SWCD the responsibility of amending the plan.
- 2) On October 4, 2010, Wadena County convened its water plan task force to review to review past accomplishments and review proposed changes to the Plan.
- 3) On December 3, 2010, Wadena County submitted the 2011 Amendment, which includes the 2010-2014 five year implementation schedule for the required state agency review.
- 4) On December 3, 2010, Wadena County also submitted the 2011 Amendment to adjacent counties.
- 5) This update will be in effect until March 31, 2016.

## CONCLUSIONS

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

Dated at St. Paul, Minnesota, this 27<sup>th</sup> day of April 2011.

## MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair

**COMMITTEE RECOMMENDATIONS**

***Southern Water Planning Committee***

1. Mower County Local Water Management Plan Amendment – Paul Langseth –

***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Mower Water Plan Amendment

Meeting Date: April 27, 2011
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Southern Region
Contact: Jeff Nielsen
Prepared by: Chris Hughes
Reviewed by: Southern Water Planning Review Committee(s)
Presented by: Paul Langseth

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [X] Order [ ] Map [X] Other Supporting Information

Fiscal/Policy Impact

- [X] None [ ] General Fund Budget
[ ] Amended Policy Requested [ ] Capital Budget
[ ] New Policy Requested [ ] Outdoor Heritage Fund Budget
[ ] Clean Water Fund Budget
[ ] Other:

ACTION REQUESTED

Decision

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
Amendment of Local Water Management Plan of Mower County

By Board Order, the Board of Water and Soil Resources (Board) approved the Mower County Comprehensive Local Water Plan (Plan) on December 14, 2005. This Plan covered a ten-year period of 2006-2015 and contained a 2006-2010 five-year implementation section. Board Order stipulated that the County was required to revise/update the implementation section by December 31, 2010. Following the guidelines established by the Board, Mower County has completed the local water management plan amendment process and submitted their 2010 Plan Amendment. The Board's Southern Water Planning Review Committee met on November 4, 2010 to review the County's 2010 Amendment. This committee will provide its recommendation to the Board on April 27, 2011.

**Mower County**  
**Local Water Management Plan**  
**2006 – 2015**

**Implementation Plan Updated In 2010**

## **1.0 Executive Summary**

### **1.1 Location and History**

Mower County is situated in southeastern Minnesota approximately 100 miles south of Minneapolis, 362 miles northwest of Chicago, 381 miles northeast of Kansas City and 197 miles east of Sioux Falls, South Dakota. It is bordered on the north by Dodge and Olmsted Counties, Minnesota; on the east by Fillmore County, Minnesota; on the west by Freeborn County, Minnesota; and the northern border of Iowa on the south. It contains 449,920 acres or 703 square miles of rich, productive agricultural land. Austin, a city of approximately 23,900 people located in the west central section of the county, is the county seat. Thirteen smaller cities serve as trade centers for the rural population.

Historically, two major factors are responsible for the growth of the Mower County economy. The first is the rich agricultural land and good agricultural climate, which is conducive to the growing of wheat and later corn, soybeans and other crops. More recently the highly productive soil made it easy to grow livestock feeding crops which in turn fostered the growth of livestock raised in the area. The other factor which fostered the early growth of the Mower County community was the coming of the railroads in the late 1800's. The railroads enabled the farmers to market their products to other than local markets. High agricultural productivity of the area and the ability to market these crops via the good railroad system fostered the growth of the second largest industry in the county – the meat packing industry.

Although a few additional industries have developed in the county, there have not been many and as a result the Mower County economy has been dominated by agriculture and meat packing since its early development. Mower County took its first step in water planning on November 23, 1987, when the County Board established by resolution the Mower County Water Policies Resource Policy Committee. The Committee included representatives of the City of Austin, Mower County Board of Commissioners, Austin Utilities, Township Association, County Planning Commission, City Planning Commission and citizens. The committee met many times during this period as it developed its Comprehensive Water Plan and Action Implementation Plan. The County held their public information meeting on March 15, 1988. Citizen comments and concerns were also requested.

### **1.2 Purpose of the Local Water Management Plan**

The purpose of this updated Local Water Management (LWM) Plan for Mower County is:

- To focus efforts on identified existing and potential priority concerns and/or opportunities for protection, management, and development of water resources and related land resources in the county.
- To continue to develop, update, and implement a plan of action to promote sound management of water and related land resources in the county through the use of Best Management Practices.
- To intensify work aimed at effective environmental protection and management in the county by addressing existing and potential priority concerns on a watershed basis.

### **1.3 Description of Priority Concerns**

Through the Water Plan update process, 5 priority concerns were identified to focus water management efforts in 2006 through December 31, 2015; Soil Erosion, Flooding, TMDL, Pollution Management and Groundwater. The process through which these priority concerns were identified is further detailed in the Priority Concerns Scoping Document contained in Appendix A.

### **1.4 Summary of Goals and Actions**

The implementation portion of the plan was updated in 2010. Additions were made to the action items to document the actions that were accomplished from 2006-2010. Specific action items were added to outline goals for the next five years. The following is a summary of goals and actions to be taken for the five identified priority concerns:

- Soil Erosion – Protect our surface water and farm land from excessive soil erosion.
- Flooding – Identify all potential properties that might be at risk for flooding.
- TMDL – To work towards bringing Mower County rivers, streams and lakes into compliance with TMDL requirements.
- Pollution Management – To protect surface and ground water resources from pollution sources.
- Groundwater – To protect ground water resources by determining which hydrologic units are determined to be vulnerable due to geography or geology and implement protection strategies.

In the process of the LWM plan update, Mower County examined the Turtle Creek Watershed, Cedar River Watershed District, other counties, and State Agencies to ensure consistency with other water resource management efforts.

### **1.5 Consistency of the Plan with Other Pertinent Local, State & Regional Plans**

The Mower County LWM plan fits well as a customized application of the Pollution Control Agency's (PCA) recently completed Lower Mississippi River Basin Water Quality Plan.

The Turtle Creek Watershed District revised their overall plan in 2004. Major needs or issues of concern from the plan focus on: 1) Permit Requirement; 2) Criteria for Reviewing Permit Applications; and 3) Enforcement Powers of Managers. Additional cooperation between the County and Turtle Creek Watershed is expected due to the proposed BWSR grant to study flooding, etc. in Mower County, Freeborn County and Steele County.

The Cedar River Watershed District was established in 2007. The CRWD is charged with reducing flood damage and addressing water quality concerns. The District has set a goal of reducing flows through the City of Austin by 20%. The District is also addressing area needs of Erosion and sediment control, Wetlands, Natural Resources, Recreation, Habitat, Shoreland Management, Groundwater, Education and Public Involvement.

### **1.6 Recommended Amendments to Other Plans**

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

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

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

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ORDER  
APPROVING  
LOCAL WATER  
MANAGEMENT PLAN  
AMENDMENT

**Whereas**, on December 14, 2005, the Minnesota Board of Water and Soil Resources (Board), by Board Order, approved the Mower County 2006 – 2015 Comprehensive Local Water Plan Update (Plan), which contained a 2006 – 2010 five-year implementation section; and

**Whereas**, this Board Order stipulated that Mower County was required to update the implementation section by December 31, 2010; and

**Whereas**, the Mower County Board of Commissioners submitted the Mower County Plan 2010 Amendment to the Board on March 11, 2011; and

**Whereas**, this 2010 Amendment contains the updated five-year implementation section as ordered by the Board; and

**Whereas**, the Board has completed its review of the 2010 Amendment.

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

**FINDINGS OF FACT**

1. On July 30, 2010, the Board received a resolution from Mower County stating its intent to amend its current Plan by providing for the required update of the five-year implementation section, pursuant to M.S. Section 103B.314, Subd. 6.
2. On June 24, 2010 and July 26, 2010 Board staff provided information on the amendment process to Mower County.
3. On July 29, 2010, Mower 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 August 30, 2010, Mower County convened its water plan task force to initiate the five-year implementation section update. An additional task force meeting was conducted on January 28, 2011.
5. Mower County received written comments from the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency, and the Minnesota Department of Natural Resources in September 2010. Written comments were also received from the Minnesota Department of Health.
6. No other state agency or local government unit provided written comments to Mower County.

7. The final document developed by Mower County, which includes the revised five-year implementation section January 2011 – December 2015 is entitled the Local Water management Plan 2006-2015 - Implementation Plan Updated in 2010.
8. On February 1, 2011, after providing for proper public notice, Mower County conducted a public hearing on the proposed 2010 Amendment. No additional comments were submitted at the hearing.
9. On March 11, 2011, the BWSR received the Mower County 2010 Amendment, a record of the public hearing, and copies of all written comments pertaining to the 2010 Amendment, pursuant to M.S. Section 103B.314, Subd. 6.
10. On November 4, 2010, the Board's regional Water Planning Committee (Committee) reviewed the Mower County 2010 Amendment, pursuant to 103B.301 and guidelines established by the Board.
11. Board regional staff provided its recommendation of contingent approval to the Committee.
12. The Committee voted to recommend approval to the full Board contingent upon Mower County approval, having a public hearing and getting staff approval.
13. This 2010 Amendment will be in effect until **December 31, 2015**.

### **CONCLUSIONS**

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of Mower County pursuant to Minnesota Statutes, 103B.314, Subd. 6.
2. The Mower County 2010 Amendment attached to this Order states goals, objectives, and actions the county will address in the five-year implementation section January 2011 – December 2015. The 2010 Amendment, as well as the previously approved Mower County 2006 – 2015 Comprehensive Local Water Plan Update, is in conformance with the requirements of M.S. Section 103B.301.

### **ORDER**

The Board hereby approves the attached 2010 Amendment of the Mower County Water Management Plan for January 1, 2006 – December 31, 2015. Mower County will be required to provide for a complete update of its Water Management Plan prior to December 31, 2015.

Dated at St. Paul, Minnesota, this **27th day of April 2011**.

### **MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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BY: Brian Napstad, Chair

## **NEW BUSINESS**

1. Chesapeake Bay Presentation – Richard Batiuk, EPA; and Warren Formo, Minnesota Ag Water Resources Coalition – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Chesapeake Bay Watershed: Water Quality

Meeting Date: April 27, 2011

Agenda Category:  Committee Recommendation  New Business  Old Business

Item Type:  Decision  Discussion  Information

Section/Region: \_\_\_\_\_

Contact: John Jachke

Prepared by: John Jaschke

Reviewed by: \_\_\_\_\_ Committee(s)

Presented by: Richard Batiuk, EPA & Warren Formo, MAWRC

Audio/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

Discussion with Q & A.

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

The EPA's Chesapeake Bay Total Maximum Daily Load (TMDL) was adopted in late 2010 and the NRCS released a study assessing conservation practices ag-land in the region. There are some potential approaches and ideas that could be relevant for MN and the Minnesota Ag Water Resources Coalition recently visited the Bay area to assess past and planned activities. EPA and MAWRC presenters will provide some background and assesment of federal, state and local efforts to achieve water quality improvements in the Chesapeake Bay watershed. Presenters: Richard Batiuk, Associate Director for Science, U.S. Environmental Protection Agency, Chesapeake Bay Program Office and Warren Formo, Executive Director, MN Ag Water Resources Coalition.

## Chesapeake Bay Watershed: Water Quality Improvement Pursuits

The Chesapeake Bay constitutes the largest estuary in the United States and is one of the largest and most biologically productive estuaries in the world. Despite significant efforts by federal, state, and local governments and other interested parties, pollution in the Chesapeake Bay prevents attainment of existing water quality standards. The pollutants that are largely responsible for impairment of the Bay are nutrients, in the form of nitrogen and phosphorus, and sediment.

1. The United States Environmental Protection Agency (EPA), in coordination with the jurisdictions of Maryland, Virginia, Pennsylvania, Delaware, West Virginia, New York, and the District of Columbia (DC), developed and, on December 29, 2010, established a nutrient and sediment pollution diet for the 64,000 square mile Chesapeake Bay watershed, consistent with Federal Clean Water Act requirements, to guide and assist Chesapeake Bay restoration efforts. This pollution diet is known as the Chesapeake Bay Total Maximum Daily Load (TMDL), or Bay TMDL (see: <http://www.epa.gov/chesapeakebaytmdl> ).
2. The USDA-NRCS recently released a study, "Assessment of Conservation Practices on Cultivated Cropland in the Chesapeake Bay Region," (see: [www.nrcs.usda.gov/technical/nri/ceap/chesapeake\\_bay/index.html](http://www.nrcs.usda.gov/technical/nri/ceap/chesapeake_bay/index.html)) which quantifies environmental gains and identifies opportunities for further progress. The study also shows that there are opportunities for further reductions of sediment and nutrient losses from agriculture by focusing conservation activities on the most vulnerable acres.

Key findings of the Conservation Effects Assessment Project (CEAP) study include:

- Conservation practices have reduced edge-of-field losses of sediment by 55%, nitrogen in surface runoff by 42%, nitrogen in subsurface flow by 31% and phosphorus by 40%.
  - Targeting enhances effectiveness and efficiency. Additional conservation practices on acres with a high need for additional treatment can reduce per-acre sediment and nutrient losses by more than twice that of treatment of acres with low or moderate conservation needs.
  - Comprehensive conservation planning and implementation are essential. The study shows that the most significant conservation concern on cultivated cropland in the watershed is the loss of nitrogen by leaching and overland flow. Suites of conservation practices that include soil erosion and comprehensive nutrient management are required to address soil erosion and nutrient losses simultaneously.
3. There are some potential approaches and ideas that could be relevant for MN and thus the Minnesota Ag Water Resources Coalition (See: [www.mawrc.com](http://www.mawrc.com)) recently visited the Bay area to assess past and planned activities (see: <http://www.agrinenews.com/extension/specialist/sees/challenges/with/chesapeake/bay/tmdl/story-3449.html>). The University of Maryland - Extension and others are evaluating the allocation process that will enable Maryland to meet a key requirement for the Bay TMDL and Maryland's Watershed Implementation Plan: the sub-allocation of major basin loading caps of nutrient and sediment to each of 58 "segment-sheds" in Maryland – the land areas that drain to each impaired Bay water quality segment – and to each pollutant source sector in those areas.

## **Appendix – possible discussion questions for Board members.**

1. Why did the EPA take on a special role in this TMDL?
2. Is there a timeline associated with the pollution reduction allocations?
3. What roles are expected of the states?
4. What roles are expected of the local governments?
5. Are there other significant water issues in the watershed, e.g. flooding, water supply, groundwater, aquatic habitat?
6. What portion of the watershed is in ag production now compared to years/decades past?
7. Are there any special funding mechanisms established to address water quality in the Chesapeake Bay watershed?
8. Does each jurisdiction (state) or subwatershed have the same standards for “reasonable assurance” that the actions will achieve the nutrient and sediment reductions necessary to implement the TMDL within their respective boundaries?
9. Are the models used to assess the entire watershed accurate at a much smaller subwatershed scale? If not, what alternate approaches are used?
10. Are there projects and practices that work well for addressing both nitrogen and phosphorus?

**OLD BUSINESS**

1. Allocation of Available Clean Water Funds – Dave Weirens – ***DECISION ITEM***
2. Adjustment to 2011 BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Allocation of Available Clean Water Funds

Meeting Date: April 27, 2011
Agenda Category: [ ] Committee Recommendation [ ] New Business [x] Old Business
Item Type: [x] Decision [ ] Discussion [ ] Information
Section/Region: Land and Water Section
Contact: Dave Weirens
Prepared by: Dave Weirens
Reviewed by: Administrative Advisory Committee(s)
Presented by: Dave Weirens

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [x] Resolution [ ] Order [ ] Map [ ] Other Supporting Information

Fiscal/Policy Impact

- [ ] None [ ] General Fund Budget
[ ] Amended Policy Requested [ ] Capital Budget
[ ] New Policy Requested [ ] Outdoor Heritage Fund Budget
[x] Other: Clean Water Legacy [x] Clean Water Fund Budget

ACTION REQUESTED

The Board is requested to adopt the attached resolution that grants the executive director the authority to allocate available and previously unallcated Clean Water Legacy and Clean Water Fund Funds to local governments that have previously made an application to BWSR for these funds.

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
BWSR has received numerous appropriation over the past four years for the Clean Water Legacy and Clean Water Fund programs. Funds have been awarded to local governments for a variety of projects and activities. Funds are occasionally returned when a project has been completed unbder budget, or projects components cannot be completed. The following funds are currently available:

- 1. FY2008 Clean Water Legacy ISTS Inventory Funds - \$27,753
2. FY2009 Clean Water Legacy Non-point Restoration Funds - \$49,753
3. FY2010/2011 Clean Water Fund - \$38,235

At this time there are two projects that BWSR staff are recommending recieve some of these funds, these are both projects that were previously applied for under the Clean Water Legacy and Clean Water Fund grant programs, these are:

- 1. FY2008 Clean Water Legacy: South St. Louis SWCD-Miller Creek Jumbo Gully Remediation Project. An additional \$12,000 is requested due to project cost overruns that resulted from delays while land title issues were resolved.
2. FY2011 Clean Water Fund SSTs Inventory: Stearns County. This project was emailed to BWSR by the deadline but never received by BWSR. This application would have been funded if included in the pool of projects that were considered in December.

Board Resolution # 11-

**ALLOCATION OF AVAILABLE CLEAN WATER LEGACY AND CLEAN WATER FUND FUNDS**

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**WHEREAS**, the Board has authority under Minn. Stat. 103B.3369 to make grants to cities, townships, counties, soil and watershed 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 or activity implements a county water plan, watershed management plan, or county groundwater plan; and

**WHEREAS**, Laws of Minnesota 2007, Chapter 57, Section 5 appropriated Clean Water Legacy funds to the Board of Water and Soil Resources (BWSR); and,

**WHEREAS**, the Board adopted resolution #08-11 on January 23, 2008 which awarded FY2008 Clean Water Legacy funds; and,

**WHEREAS**, the Board adopted resolution #08-115 on December 17, 2008 which awarded FY2009 Clean Water Legacy funds; and,

**WHEREAS**, Laws of Minnesota 2009, Chapter 172, Section 6 appropriated Clean Water Funds to the BWSR; and,

**WHEREAS**, the Board adopted resolution #10-06 on January 28, 2010 which awarded FY2010 Clean Water Funds; and,

**WHEREAS**, Laws of Minnesota 2010, Chapter 361, Article 2, Section 6 appropriated additional Clean Water Fund funds to BWSR; and,

**WHEREAS**, the Board adopted resolution #10-109 on December 15, 2010 which awarded FY2011 Clean Water Funds; and,

**WHEREAS**, the Board regularly receives returned grant funds from local governments when projects are completed under budget.

**NOW THEREFORE BE IT RESOLVED**, that the executive director is authorized to allocate funds to eligible local units of government that have previously made an application for funds consistent with the intent of prior Board resolutions, governing appropriations and statutes.

\_\_\_\_\_  
Brain Napstad, Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Adjustment to 2011 BWSR Board Meeting Schedule

Meeting Date: \_\_\_\_\_

Agenda Category:  Committee Recommendation  New Business  Old Business

Item Type:  Decision  Discussion  Information

Section/Region: \_\_\_\_\_

Contact: \_\_\_\_\_

Prepared by: John Jaschke

Reviewed by: Chair Napstad Committee(s)

Presented by: John Jaschke

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:  Resolution  Order  Map  Other Supporting Information

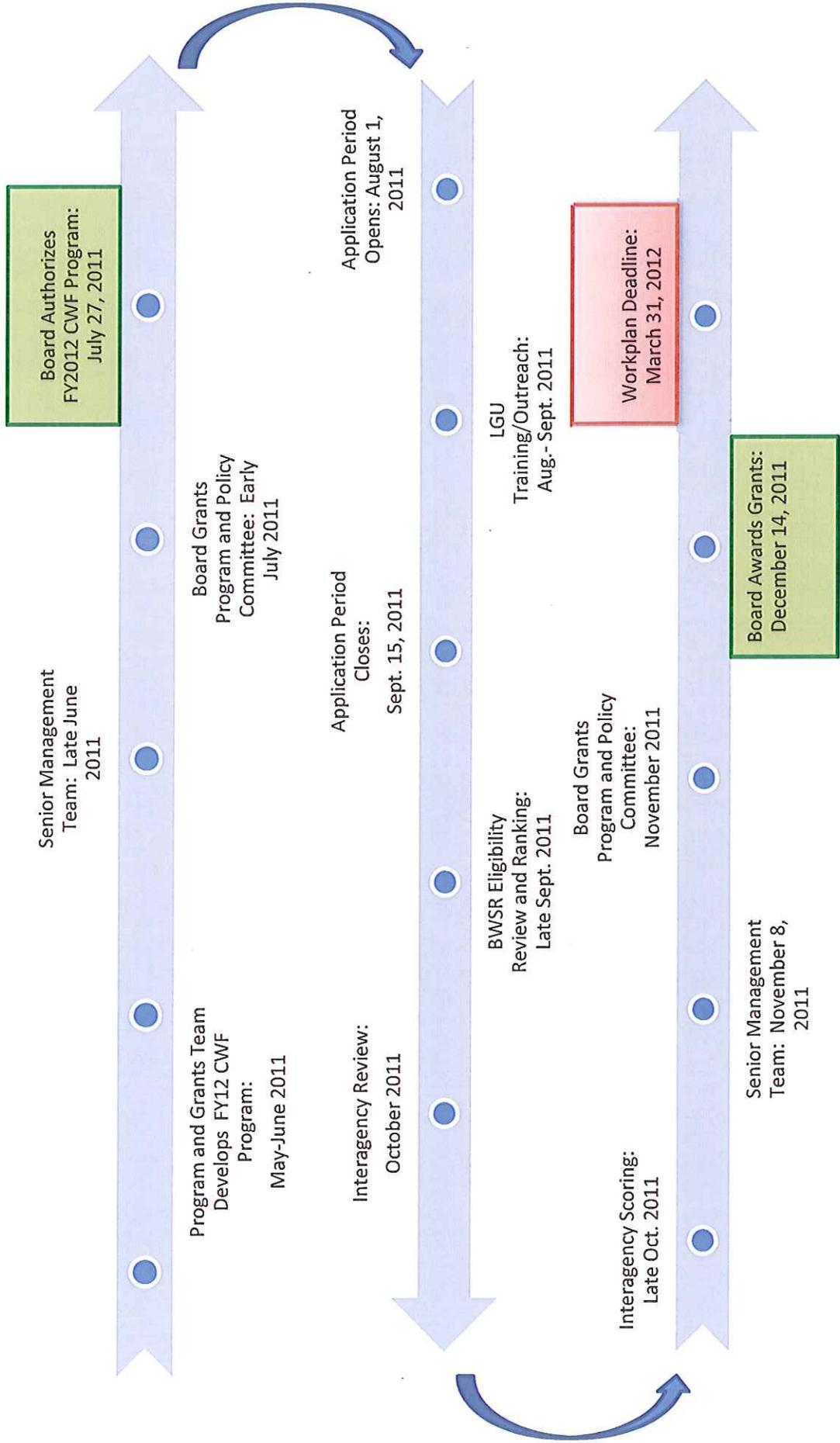
Fiscal/Policy Impact

- None
- Amended Policy Requested
- New Policy Requested
- Other: \_\_\_\_\_
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

**SUMMARY** (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)  
The schedule for Board decision-making related to the anticipated Clean Water Fund (CWF) grants will necessitate adding a July meeting (July 27th) if the Legislature's adjournment remains on schedule for May 23rd. To keep meetings to a minimum, we are planning to cancel the May (May 25th) meeting. This meeting calendar adjustment will be an agenda item at the upcoming April Board meeting.

# DRAFT: FY2012 Clean Water Fund Grants Program Timeline



Date: April 5, 2011

**Revised 2011 BWSR Board Meeting Schedule**

*(Fourth Wednesday of the month unless noted)*

January 26

February - no meeting

March 23

April 27

May 25 - no meeting

June 22

July 27

August 24-25 - Tour and Meeting

September 28

October 26

November – no meeting

December 14

Date \_\_\_\_\_

\_\_\_\_\_  
Brian Napstad, Chair  
Minnesota Board of Water and Soil Resources