



DATE: September 19, 2011
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff
 FROM: John Jaschke, Executive Director
 SUBJECT: September 28, 2011 BWSR Board Meeting Notice

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 28, 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. Comfort Lake-Forest Lake Watershed District (District) Watershed Management

Plan - The District was established in 1999 under Minnesota Statutes Chapter 103D and achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session. The first watershed management plan was adopted in 2001. This is a required ten year revision of their plan. The mission of the District is to protect and improve its water resources through adaptive management approaches and education of stakeholders. The Plan identifies eight major issue areas: Floodplain, Lakes, Streams, Wetlands, Upland Resources, Groundwater, Public Education, and Interagency Communication with goals focusing on the adaptive management of water and upland resources through District projects and programs and through education and coordination. The Metro Water Planning Committee recommends approval of the revised plan per the attached draft Order.

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>
4 West Office Complex 403 Fourth St. NW, Room 200 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 Street 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

2. **Public Hearing for Coon Creek WD Enlargement Petition** - The Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park filed a petition to enlarge the Coon Creek Watershed District (CCWD). The petition is very similar to a petition filed a few months ago by the CCWD that was withdrawn by the CCWD after the Metro Committee held a public hearing. The Metro Water Planning Committee recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the 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. **DECISION ITEM**

3. **Lower Mississippi WMO Watershed Plan** - The Lower Mississippi River Watershed Management Organization (LMRWMO) was established in 1985 and is located in the southeast part of the Twin Cities Metropolitan Area, in northern Dakota County and southern Ramsey County. The Plan sets the vision and guidelines for managing surface water within the WMO and was prepared with citizen, technical, and community review and input. The plan outlines the regulations involved, assesses specific and watershed-wide issues, sets goals and policies for the WMO and its resources, lists implementation tasks to achieve the goals, and discusses the financial considerations of implementing the plan including alternate funding sources. The Metro Water Planning Committee recommends approval of the revised plan per the attached draft Order. **DECISION ITEM**

Northern Water Planning Committee

1. **Hubbard County Priority Concerns Scoping Document** - Hubbard County submitted the Priority Concerns Scoping Document for state review and comment as part of updating their Comprehensive Local Water Management Plan. The Northern Water Planning Committee met September 14th, after the state agencies comment period ended. The Committee recommendation or requirements for the content of the final plan are drafted for the full Board to review and take action on. The state's expectations of the final plan must be sent to Hubbard County. **DECISION ITEM**
2. **Upper Red Lower Otter Tail Watershed District Establishment Petition Status Report** - A petition was filed by the Wilkin County Commissioners to establish the Upper Red Lower Otter Tail Watershed District. The required Establishment Hearing was held September 7th as per the June 22, 2011 Order. Written comments were accepted until noon, Wednesday September 14th. The Northern Water Planning Committee met the afternoon of September 14th. A motion was passed to continue the process as allowed by 103D statute. **INFORMATION ITEM**

Southern Water Planning Committee

1. **Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant** – BWSR oversees the administrative funding related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II). The 2011 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins

Project Inc., resulting in a fiscal year 2012 grant of \$120,000. The overall budget objectives are included in the plan. Staff recommends approval of this plan and execution of the administrative grant agreement for FY 2012. The Board's Southern Water Planning Committee met on September 8, 2011 to review the Area II Work Plan and recommends approval of the plan (with corrections added) and execution of the FY 2012 grant. **DECISION ITEM**

- 2. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant** – BWSR oversees the Bonding appropriation related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II) for construction of floodwater retarding and retention structures. The 2011 Minnesota Legislature appropriated Bonding funding for Area II Minnesota River Basins Project Inc. resulting in a fiscal year 2012 grant of \$1,000,000. The overall budget objectives are included in the plan. Staff recommends approval of this plan and execution of the grant agreement for FY 2012. The Board's Southern Water Planning Committee met on September 8, 2011 to review the Area II Bonding Work Plan and recommends approval of the plan and execution of the FY 2012 grant. **DECISION ITEM**

NEW BUSINESS

- 1. Camp Ripley Army Compatible Use Buffer (ACUB) Cooperative Agreement and Riparian Payment Rates** - Camp Ripley's ACUB Program and the BWSR authorize staff to develop, finalize and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley staff, and continue the successful implementation of the Camp Ripley ACUB. **DECISION ITEM**
- 2. Clean Water Funded (CWF) and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program** - The 2011 Minnesota State Legislature appropriated \$6.0 million of CWF and \$2.249M of Outdoor Heritage Funds to the Board of Water and Soil Resources (BWSR) for FY12 to purchase and restore permanent conservation easements and riparian buffers. The RIM Reserve Management Planning Committee met on September 15, 2011 to review staff recommendations for an RFP, a ranking process, and sign-up to begin later this year. **DECISION ITEM**
- 3. Wellhead Protection Area Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program** - The 2011 Minnesota State Legislature appropriated \$2.6 million of CWF to the BWSR to purchase and restore permanent RIM Reserve conservation easements on wellhead protection areas. The RIM Reserve Management Planning Committee met on September 15, 2011 to review and has recommended a draft resolution that authorizes staff to implement the acquisition of RIM Reserve Wellhead Protection easements in the targeted areas which have been identified by the Minnesota Department of Health (MDH) as high or very high vulnerability. **DECISION ITEM**

4. Minnesota Drainage Law Analysis and Evaluation Report - This study was conducted by Smith Partners, PLLP, and funded by an Environment and Natural Resources Trust Fund grant from the LCCMR. The final report, dated August 15, 2011, is on the BWSR website Drainage page under Technical Information and Resources. Smith Partners coordinated with the stakeholder Drainage Work Group (DWG) during the study, including DWG member participation on a study advisory committee and periodic presentations and discussion at DWG meetings. The report includes a number of recommendations and associated proposals for statute revisions in regard to drainage and the intersection of Comprehensive Wetland Protection and Management Plans and drainage systems. Louis Smith will provide an overview of the study and report and respond to questions. **INFORMATION ITEM**

5. Upcoming Federal Farm Bill Conservation Title – Minnesota Interagency Efforts – Barbara Weisman, MDA, and interagency team – **INFORAMTION 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 September 28th!

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

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

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF AUGUST 25, 2011 MEETING

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

INTRODUCTION OF NEW BWSR EMPLOYEE

- Jesse Preston, Conservation Engineering Technician

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. Comfort Lake-Forest Lake Watershed District Watershed Management Plan – Jim Haertel – ***DECISION ITEM***
2. Public Hearing for Coon Creek WD Enlargement Petition – Jim Haertel - ***DECISION ITEM***
3. Lower Mississippi WMO Watershed Plan – Jim Haertel – ***DECISION ITEM***

Northern Water Planning Committee

1. Hubbard County Priority Concerns Scoping Document – Quentin Fairbanks - ***DECISION ITEM***

2. Upper Red Lower Otter Tail Watershed District Establishment Petition Status Report – Travis Germundson - **INFORMATION ITEM**

Southern Water Planning Committee

1. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant – Paul Langseth – **DECISION ITEM**
2. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant – Paul Langseth – **DECISION ITEM**

NEW BUSINESS

1. Camp Ripley Army Compatible Use Buffer (ACUB) Cooperative Agreement and Riparian Payment Rates – Kevin Lines – **DECISION ITEM**
2. Clean Water Funded (CWF) and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines – **DECISION ITEM**
3. Wellhead Protection Area Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines – **DECISION ITEM**
4. Minnesota Drainage Law Analysis and Evaluation Report - Louis Smith, Smith Partners, PLLP – **INFORMATION ITEM**
5. Upcoming Federal Farm Bill Conservation Title - Minnesota Interagency Efforts - Barbara Weisman, MDA, and interagency team – **INFORMATION ITEM**

AGENCY REPORTS

- Minnesota Department of Agriculture – Rob Sip
- 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 – Don Baloun

UPCOMING MEETINGS

- Next Board Meeting – October 26, 2011 in St. Paul

Noon

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
CAMP RIPLEY TOWN HALL
15000 HIGHWAY 115
LITTLE FALLS, MINNESOTA 56345
THURSDAY, AUGUST 25, 2011**

BOARD MEMBERS PRESENT:

Paul Brutlag, Bob Burandt, Christy Jo Fogarty, Quentin Fairbanks, Rebecca Flood, PCA;
Todd Foster, Tom Landwehr, DNR; Paul Langseth, John Meyer, Keith Mykleseth, Brian
Napstad, Rob Sip, MDA; Faye Sleeper, MES; Louise Smallidge, Gene Tiedemann, LuAnn
Tolliver, Gerald Van Amburg

BOARD MEMBERS ABSENT:

Linda Bruemmer, MDH
Sandy Hooker
Tom Loveall

STAFF PRESENT:

Mary Jo Anderson, Julie Blackburn, John Jaschke, Dan Shaw, Ron Shelito, Dan
Steward, Jason Weirnerman, Dave Weirens

OTHERS PRESENT:

LeAnn Buck, MASWCD
Helen McLennan, Morrison SWCD
Jay Brezinka, Camp Ripley

Chair Napstad called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

Chair Napstad introduced Sgt. Major Dan Smith, Camp Ripley. Sgt. Major Smith welcomed everyone to Camp Ripley. He explained that the Camp Ripley meeting facilities are available to civilians, and not only utilized by the Department of Military Affairs, Minnesota National Guard. Many of the staff at Camp Ripley are state employees and are available to schedule civilian meetings/events at Camp Ripley. Sgt. Major Smith invited board members to attend the Open House at Camp Ripley on September 18. The Vietnam Vets will receive a 'welcome home' and be recognized for their efforts. Chair Napstad thanked Camp Ripley for their service to the country, the wonderful ACUB partnership, and appreciated the opportunity for the BWSR Board to meet at Camp Ripley.

INTRODUCTION OF NEW BOARD MEMBERS – Chair Napstad welcomed and introduced newly appointed Board Members:

- **Gerald Van Amburg**, citizen member, provided background information about himself. He stated that he looks forward to learning a lot from BWSR; it's a good organization and he looks forward to being here.

- **Todd Foster**, watershed district representative, provided background information about himself. He stated that he's excited to be here and looks forward to providing assistance and guidance to BWSR.

**** 11-52 ADOPTION OF AGENDA** – Moved by LuAnn Tolliver, seconded by Louise Smallidge, to approve the agenda as presented. Motion passed on a voice vote.

**** 11-53 MINUTES OF JUNE 22, 2011 MEETING** – Moved by Paul Langseth, seconded by Faye Sleeper, to approve the minutes of June 22, 2011 as circulated. Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION – Chair reported that two agenda items today need the Conflict of Interest Declaration form submitted: the Proposed FY12 Natural Resources Block Grant and the Proposed FY12 SWCD Grant Allocations. 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

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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 stated that the Conflict of Interest Declaration form for the Cooperative Weed Management Area Competitive Grant is not needed at this time, as this agenda item is for approval of the staff proposal to proceed with an RFP not a grant award at this time. John explained BWSR's conflict of interest policy for grant authorizations and completing the form. The Conflict of Interest Declaration document will be filed for the grant decision items.

REPORTS

Chair's Report – Brian Napstad reported that the Administrative Advisory Committee did not meet this month. Chair Napstad attended the Grants Program & Policy Committee meeting. Chair Napstad reported that the Dispute Resolution Committee participated in a training session on August 18th in St. Paul. John Jaschke, Travis Germundson and the Attorney General's Office attended the DRC training session to provide legal information and guidance on the importance of the dispute resolution process. Paul Brutlag stated that decisions on appeals are set forth by statute and rules; he appreciated the excellent training session. Quentin Fairbanks suggested that other BWSR committees that hold hearings conduct training sessions to assist them in the decision-making process.

Chair Napstad attended the Northern Water Planning Committee meeting yesterday. He reported that an appeal in his area is going through the BWSR appeal process.

Executive Director's Report – John Jaschke reviewed information in board members' packets, "For Your Information". John also noted the press release regarding the tour yesterday, board members can contact Jon Fure directly if they are interested in sending out a press release locally.

John and Julie Blackburn presented the "BWSR Update". Julie briefly reported on the Special Session: budget, Legacy, and bonding bills. Julie reported on the General Fund appropriations; the Environment and Natural Resource Trust Fund appropriations; the Clean Water Fund appropriations; the Outdoor Heritage Funds; and Bond Funds.

Julie reported on the extra effort and ongoing process of getting the message out regarding the Clean Water Fund Request for Proposals (RFP) application process. There have been various press releases, announcements, and an outreach webinar to get the word out about available funding; the application deadline is September 20.

John briefly reported on the new statute and policy regarding the Environment Policy Bill, SF1115, Chapter 107. This bill was passed during the regular legislative session

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and contains a number of environment and natural resource policy provisions, including aquatic invasive species (AIS) provisions, Wetland Conservation Act (WCA) changes, and changes and updates to the Clean Water Partnership Program.

Julie announced the RIM Reserve 25th Anniversary Celebration, September 21, at the Steele County Fairgrounds in Owatonna. Julie thanked MASWCD and NRCS for their tremendous assistance on the celebration.

John reported on the WCA–NRCS Agreement. BWSR, NRCS and about 30 SWCDs are nearing completion of an agreement to jointly implement national and state policy for wetland protection and assistance. Minnesota NRCS has not been automatically providing “certified” wetland determinations to farmers that are proposing to install drainage improvements. According to USDA policy, farmers are required to self certify their compliance with the wetland conservation provisions. This is done via use of USDA form AD-1026. In addition, all USDA program participants are required to disclose information concerning their drainage improvement plans on the AD-1026. NRCS is charged with evaluating drainage improvement plans by providing a “certified” wetland determination which contains a map locating wetland areas subject to protection. Instead of automatically issuing a “certified” wetland determination using a producer’s request on the AD-1026 form, Minnesota NRCS has also been requiring farmers to submit a signed request for a certified wetland determination on form CPA-038. Simply stated, the change in Minnesota procedure is that the CPA-038 form will no longer be used. The extra work the determinations will generate is at the core of a large-scale services agreement being developed with NRCS. Contact Les Lemm for more information.

Chair Napstad and Rob Sip would like an upcoming Board Meeting to have an overview of the connections between WCA and federal programs at USDA and the CoE.

John reported on the Local Government Water Roundtable. The Counties, Watershed Districts, and the Soil and Water Conservation Districts have renewed their efforts to improve and coordinate local water management programs. A bill was introduced late in the legislative session, HF1596, that includes a few of the ideas that have emerged. There are expected to be others that will emerge before the end of the year, not all requiring legislation. Don Buckhout is facilitating the Roundtable meetings. Contact Steve Woods or Julie Blackburn with ideas or questions.

John reported on the Walk-in Access (WIA). The new WIA is a three-year pilot program funded by the USDA. BWSR, DNR, and SWCDs in 21 counties of southwestern Minnesota have the first year sign-ups concluded and now move into the payment, posting and publication phase. John reported that Marybeth Block, former SWCD employee and BWSR employee, is the coordinator of the new WIA Program. Tabor Hoek can provide more details if needed.

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John reported that the BWSR Training Academy will be held October 25-27 at Breezy Point. Staff are working to make it a successful event for local government and other participants. Jason Weinerman stated that the registration period is now open and the agenda has been finalized.

John reported on BWSR Staffing. Plans for the legislatively mandated OET consolidation of IT staff is developing, with a goal of October 1st for finalization. The consequences to agency operations should be unnoticeable for the foreseeable future and we are working to make sure the best interests of the State, the agency and the employees are factored in. The time allocations for OAS staff Roxie Serreyn in Marshall and Mary Jo Flemming in Duluth are being increased to address the workload associated with the WIA program and the WCA-NRCS agreement, respectively. Finally, BWSR welcomed Jesse Preston as a member of the Engineering and Technical Services team on August 23rd.

Chair Napstad stated that BWSR needs to get the message out regarding in-kind grant match options, including volunteer time, 25% match is not necessarily cash.

Tom Landwehr stated that the Clean Water Council (CWC) needs to grow its visibility as they assume transparency and get messages out to citizens, like the Outdoor Heritage Council does. Rebecca Flood stated that MPCA staff the CWC and can relay the message; currently CWC is on MPCA's website. Rob stated that a clearer mission may be forthcoming as the CWC has changed due to legislation.

Dispute Resolution Committee – Paul Brutlag thanked Chair Napstad for the DRC training opportunity. John Jaschke reported that a new appeal has been received; a restoration order in Itasca County. Chair Napstad reported that the AG's office discussed at the training session the importance of understanding documentation and the amount of records to review. John stated that board members are entitled to ask questions without having to understand every detail or each argument; ask legal counsel or the chair to get more information.

Wetlands Committee – LuAnn Tolliver reported that the Wetlands Committee has not met; the Committee will meet immediately following the October Board Meeting.

Grants Program & Policy Committee – Louise Smallidge reported that the Grants Program & Policy Committee met on August 3; the Committee recommendations are on the agenda later today. Louise complimented staff on their preparedness to allow things to move forward immediately after the government shutdown.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Committee met in April and directed staff to formulate a Strategic Plan

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update. The Public Relations, Outreach & Strategic Planning Committee meets in September and will involve the full Board in the strategic planning update.

RIM Reserve Planning Committee – Paul Brutlag reported that the RIM Reserve Planning Committee has not met. Paul stated that it was a pleasant outcome to receive bonding appropriations for RIM.

John Jaschke provided an update on the meeting with NRCS regarding the RIM Program. BWSR received a bonding appropriation and enough funding now so a decision on the leveraging of federal funding won't be needed until after the new federal fiscal year begins in October or November.

Drainage Work Group – John Jaschke reported that the Drainage Work Group met last week. The Minnesota Drainage Law Analysis and Evaluation final report authored by Louis Smith and Chuck Holtman, will be presented to the Board by Smith Partners at an upcoming meeting.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Bassett Creek WMO Plan Amendment – Bob Burandt reported that Metro Water Planning Committee met on August 8 to review the Bassett Creek WMO Plan amendment and recommends approval. Moved by Bob Burandt, seconded by Christy Jo Fogarty, to approve the Bassett Creek WMO Plan amendment. Motion passed on a voice vote.

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11-54

Northern Water Planning Committee

Petition for Boundary Change; Sand Hill River Watershed District – Gene Tiedemann reported that the Northern Water Planning Committee met yesterday to review the Sand Hill River Watershed District petition for boundary change and recommends approval. Moved by Gene Tiedemann, seconded by Quentin Fairbanks, to order the boundaries of the Sand Hill River WD, the Red Lake WD, and the Wild Rice WD are changed per the Petition as depicted. The watershed districts plans should be amended within one year to include the boundary change. Discussion followed. Paul Brutlag stated that proper notice was given on this boundary change. Chair Napstad stated that the LIDAR technology allowed the hydrologic assessment of the boundaries, a great tool resulting in this boundary change. Paul Brutlag stated that there were no negative comments received on the changing tax assessment. Motion passed on a voice vote.

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11-55

Chair Napstad called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:40 a.m.

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John Jaschke reported that the Conflict of Interest Declaration forms have been received, all board members are eligible to vote on the Proposed FY12 Natural Resources Block Grant, and the Proposed FY12 SWCD Grants Allocations.

Grants Program & Policy Committee

Proposed FY12 Natural Resources Block Grant (NRBG) – Dave Weirens reported that the Grants Program & Policy Committee reviewed the proposed FY12 NRBG allocations and recommend approval. Dave stated that the amount of money for every county is slightly more than last year. The NRBG administered by the BWSR provides assistance to local governments to implement the state natural resources programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems.

Keith Mykleseth stated that he heard from the local SWCDs yesterday about deadlines, maybe the Board can look at the deadlines of the grants. Chair Napstad stated that BWSR will take into consideration comments received and discuss this.

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11-56 Moved by Quentin Fairbanks, seconded by Christy Jo Fogarty, that the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR. The NRBG Grants for:

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

And, for Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, local governmental units will have the flexibility to determine the allocation of these funds among these programs. Discussion followed. Motion passed on a voice vote.

Proposed FY12 SWCD Grant Allocations – Dave Weirens reported that the Grants Program & Policy Committee reviewed the FY12 SWCD grant allocations and recommends approval. The FY12 SWCD grant allocations administered by BWSR provide cost-share and conservation delivery grants allocations to SWCDs through its State Cost-Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non-Point Engineering Assistance Grant Programs.

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Helen McLennan asked how the workload is within the service areas. Dave stated that an equal level of engineering support is there, but not every workload is equal in the service areas as other funding contributes to their operations.

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 11-57 Moved by Louise Smallidge, seconded by Paul Langseth, that the Board authorizes staff to allocate grant funds to individual SWCDs up to the amounts presented:

State Cost Share Grants	\$1,543,279
Conservation Delivery Grants	\$1,764,033
Easement Delivery Grants	\$ 290,996

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

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

Authorize SWCDs, to use all or part of their allocation for technical assistance, when the following conditions exist:

- i. Federal funds will be leveraged and they couldn't do the project otherwise; or,
- ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2010 Financial Report indicates less than an 18-month fund balance; and
- iii. Board Conservationist approval.

Motion passed on a voice vote.

Cooperative Weed Management Area Competitive Grants – Dan Shaw reported that the Grants Program & Policy Committee reviewed the staff proposal on August 3, 2011, and recommend authorization of the FY12 Cooperative Weed Management Area Competitive Grant Program request for proposal. Dan reported that the Cooperative Weed Management Area Program was established in 2008 to promote the cooperative control of invasive species across geographic boundaries to manage and protect natural areas and conservation lands. Funds for this program were appropriated in 2007 and

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2009 that provided financial support for start-up and implementation costs of these programs by soil and water conservation districts. However, no funds were appropriated in 2011, staff are proposing allocating up to \$300,000 of Cost Share Roll-over funds to provide continued support for these programs.

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11-58 John Jaschke clarified that this authorizes staff to finalize, distribute, and promote an RFP and receive applications from those interested, and does not approve grants at this time. Moved by Paul Langseth, seconded by Louise Smallidge, that the Board authorize: 1) up to \$300,000 of Cost Share Roll-Over Funds to be made available through this grant program; and 2) Staff to finalize, distribute and promote a request for proposals for the FY2012 Cooperative Weed Management Area Competitive Grants Program as recommended by the Grants Program and Policy Committee. Discussion followed.

Tom Landwher asked about future structure as an incentive to group proposals together rather than individual proposals, if it makes sense. Staff will look into this. John Jaschke stated that the resolution authorizes staff to review. Dave Weirens stated that the criteria and funding tier give direction to the areas. Chair Napstad stated that a balance is needed, the point of the program is to make the best effort. When sacrifices are made and funding is lost by joining together to keep the program going, that's a financial disincentive, we want efficiencies, that's the reason to merge. Motion passed on a voice vote.

NEW BUSINESS

Morrison SWCD Report – Helen McLennan, Morrison SWCD Manager, thanked BWSR for the opportunity to speak to the Board today. Helen stated that Dan Steward's presentation yesterday reflective of conservation opportunities is noted in Morrison County. Local officials now better understand the complexity of BWSR responsibilities. Helen appreciates the excellent BWSR staff and their prompt response. Helen presented information related to the Morrison County Water Plan. Helen reported that the Morrison SWCD now administers the water plan on behalf of Morrison County and described how the SWCD uses the water plan to meet the goals of the SWCD. Helen also explained the effective partnership between the SWCD and the County. Helen expressed the importance of local water plans to LGUs, they do not want duplication and had some issues with the Framework Report by the University of Minnesota. Faye Sleeper stated that she made note of Helen's comments regarding the framework and will assist where she can.

Helen stated that she has received calls regarding the available funding from the Clean Water Fund and that outreach efforts to get the message out are effective. Helen commented on Todd County's restructuring, staff moving to the county office, and potential concern for other SWCDs being absorbed into the county, who will be the governing board for the employees, and how will this play out. Helen stated that

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Morrison SWCD is independent and respects the division of the county. She thanked BWSR for spending two days in Morrison County. Discussion followed. Paul Brutlag stated that Helen's comments are invaluable and wise regarding co-location.

Ron Shelito stated that BWSR depends upon LGUs. Todd and Morrison SWCDs have excellent district managers, Sandy Rohr and Helen McLennan, outstanding technical staff; great Boards with partnering; and they seek opportunities. They have implemented and have done so much over the years; and are two of the best SWCDs in the state and Ron thanked them for all their efforts. Chair Napstad thanked Helen for her very informative comments on the tour, he appreciates all that she has done, recognizes the value of true partnerships, and congratulated Helen on ACUB and the Award she received yesterday from Camp Ripley.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that regrettably Assistant Commissioner Matt Wohlman was unable to attend the tour. Rob stated that MDA would like to discuss the Farm Bill at a future board meeting. Rob stated that MDA has revamped their process on water plans and will be more involved. Rob stated that he is on both the Southern and Northern Water Planning Committees. John Jaschke stated that he attended Farm Fest and participated in two panel discussions, the event was well attended, including Governor Dayton, a great event to bring attention to agriculture.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported on the legislative process involving the environmental cluster of DNR, PCA, BWSR, and Commerce. DNR received about a 50% General Fund cut across the board and are dealing with reductions. Private forest management capabilities have been cut; assistance that DNR used to provide to landowners will be going away. Commissioner Landwehr reported that DNR has new authority and funding for zebra mussels, one-time funding on aquatic invasive species. The Bonding Bill appropriated DNR \$52M for flood damage reduction; \$16M for the Coon River flooding. Commissioner Landwehr stated that DNR looks forward to good collaborative conservation work with BWSR on grassland areas on RIM easements and targeted acquisitions.

Commissioner Landwehr reported on some good news about Asian, black, and silver carp. DNR is not seeing the Asian carp in great numbers, and can hopefully get ahead of them with intensive netting. This is a high priority effort, proposals are in place to look at sonic bubbler barriers and natural barriers. A summit is planned to request federal assistance for this as well.

Commissioner Landwehr reported on another challenge for DNR, aquatic invasive species (AIS), and public access for boats. There are over 3,000 public boat accesses statewide with DNR owning half. DNR is looking at new ideas and pilot projects,

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August 25, 2011
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fundamentally the responsibility falls on individuals to clean their boats when going from one water body to another. DNR will do what they can to assist with this effort.

Minnesota Extension Service (MES) – Faye Sleeper reported that many MES employees are retiring, it's unclear what that means in hiring as MES continues to shrink. Faye reported that the Water Resources Center received LCCMR funding for LIDAR training. This training is focused for use at the local level. The Water Resources Conference this year is focused on water quality issues.

Minnesota Pollution Control Agency – Rebecca Flood reported that the Clean Water partnership statute changes provide for a more flexible tool. Rebecca reported that MPCA is assessing the impact of statute changes for feedlots, permitting, and winter pasturing. Rebecca reported that MPCA MS4 permit is out on public notice; (extended due to the government shutdown) comments are due at the end of this month. Rebecca reported that a conference call was held this week regarding a proposal for a third outlet at Tolna Coulee, Devils Lake, North Dakota. Environmental review on overflow, concern for volume of water and quality issues is ongoing. Discussion followed.

ADVISORY COMMENTS

Minnesota Association of Soil and Water Conservation Districts – LeAnn Buck thanked BWSR for the opportunity to attend the tour. LeAnn, on behalf of MASWCD, thanked and commended John Jaschke, Julie Blackburn, and Steve Woods for their efforts during the legislative session. MASWCD will continue to move forward with budget reductions, concern for federal funding as well. LeAnn commented on the Local Government Water Roundtable. She explained that the Roundtable is a forum to strengthen the local delivery system; one plan, understanding watershed scale; 103B Statutes, TMDLs; how to collectively work on authorities. They are looking at barriers and how to strategically share LGUs resources more efficiently. MASWCD resolutions appreciate flexibility, 10% match for CWF a future matter to discuss. Chair Napstad clarified that MASWCD wants one plan per watershed. LeAnn stated that the challenge is how to do this, not basin-wide, look at watershed level. Keith Mykleseth asked about the costs of evaluations in taking small steps.

UPCOMING MEETINGS

Paul Langseth reported that the Southern Water Planning Committee will meet via conference call on September 3. The Southern Water Planning Committee will meet on November 3. Paul stated that he appreciates the Department of Agriculture's involvement so a quorum is present to take action on the issues before the Committee.

RIM Reserve 25th Anniversary Celebration, September 21, at the Steele County Fairgrounds in Owatonna.

BWSR Meeting Minutes
August 25, 2011
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The next BWSR Board Meeting will be September 28, 2011 in St. Paul.

** Moved by Quentin Fairbanks, seconded by Louise Smallidge, to adjourn the meeting at
11-59 12:20 p.m. Motion passed on a voice vote.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT



Board of Water and Soil Resources Grants Conflict of Interest Declaration

Meeting: Area II Minnesota River Basins Project, Inc.
FY2012 & FY2013 Biennial Work Plan and Grant

Date: September 28, 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.
-
-

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

(continue below or on an attachment if needed)

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

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

Name: _____

Signature: _____

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

Board of Water and Soil Resources Grants Conflict of Interest Declaration



Meeting: Area II Minnesota River Basins Project, Inc.
FY2012 & FY2013 Bonding Work Plan and Grant

Date: September 28, 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.

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-

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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 MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: September 28, 2011
Agenda Category: [] Committee Recommendation [] New Business [] Old Business
Item Type: [] Decision [] Discussion [x] Information
Section/Region: Land and Water Section
Contact: Travis Germundson
Prepared by: Travis Germundson
Reviewed by: Committee(s)
Presented by: Paul Brutlag/Travis Germundson

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

None

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

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

Dispute Resolution Report
September 16, 2011
By: Travis Germundson

There are presently 17 appeals pending. All of the appeals involve WCA except File 10-10. There has been 1 new appeal filed since the last report (August 25th 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 11-7 (8-19-11) This is an appeal of a restoration order in Itasca County. The appeal regards the unauthorized placement of approximately 2,275 sq. ft. of fill in a wetland area adjacent to Little Turtle Lake. No decision has been made on the appeal.

File 11-5 (4-13-11) This is an appeal of a forestry exemption decision in Carlton County. This involves the same location and similar issues as File 10-16. The LGU under a remand reversed their previous decision and denied the after-the-fact forestry exemption application for the construction of a forest logging road. Now that denial is being appealed by the Minnesota Timber Producers Association on behalf of the landowner. A pre-hearing conference convened on July 26th and settlement agreement has been drafted.

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). The appeal has been combined with File 11-2 and will be processed as one decision. Briefs have been filed and a DRC Hearing is scheduled for October 13, 2011.

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 combined with File 11-3 and will be processed as one decision. Briefs have been filed and a DRC Hearing is scheduled for October 13, 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 10-10 (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.

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	2
Order Modified		
Order Remanded	1	
Order Place Appeal in Abeyance	5	3
Negotiated Settlement	1	
Withdrawn/Dismissed	4	

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Comfort Lake-Forest Lake Watershed District Watershed Management Plan – Jim Haertel – ***DECISION ITEM***

2. Public Hearing for Coon Creek WD Enlargement Petition – Jim Haertel - ***DECISION ITEM***

3. Lower Mississippi WMO Watershed Plan – Jim Haertel – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: CLFLWD Watershed Management Plan

Meeting Date: August 24, 2011
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Metro
Contact: Jim Haertel
Prepared by: Melissa Lewis
Reviewed by: Metro Water Planning Committee(s)
Presented by: Jim Haertel

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [X] Order [X] 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

Approval of Comfort Lake Forest Lake Watershed District Watershed Management Plan

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

The Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D and achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session. The District is located in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County. Portions of the Cities of Forest Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The mission of the District is to protect and improve its water resources through adaptive management approaches and education of stakeholders.

The Plan provides for the protection and improvement of the water resources of the District, recognizing and building on the roles and actions of other stakeholders. The Plan emphasizes adaptive management principles supported by sound scientific technologies and methods to develop uniform, fiscally responsible, and integrated approaches to water management. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on January 24, 2011. A public hearing was held on May 26, 2011 and there were no comments received. The final draft of the revised Plan was received by the Board on June 24, 2011.

The Plan identifies eight major issue areas: Floodplain, Lakes, Streams, Wetlands, Upland Resources, Groundwater, Public Education, and Interagency Communication with goals focusing on the adaptive management of water and upland resources through District projects and programs and through education and coordination.

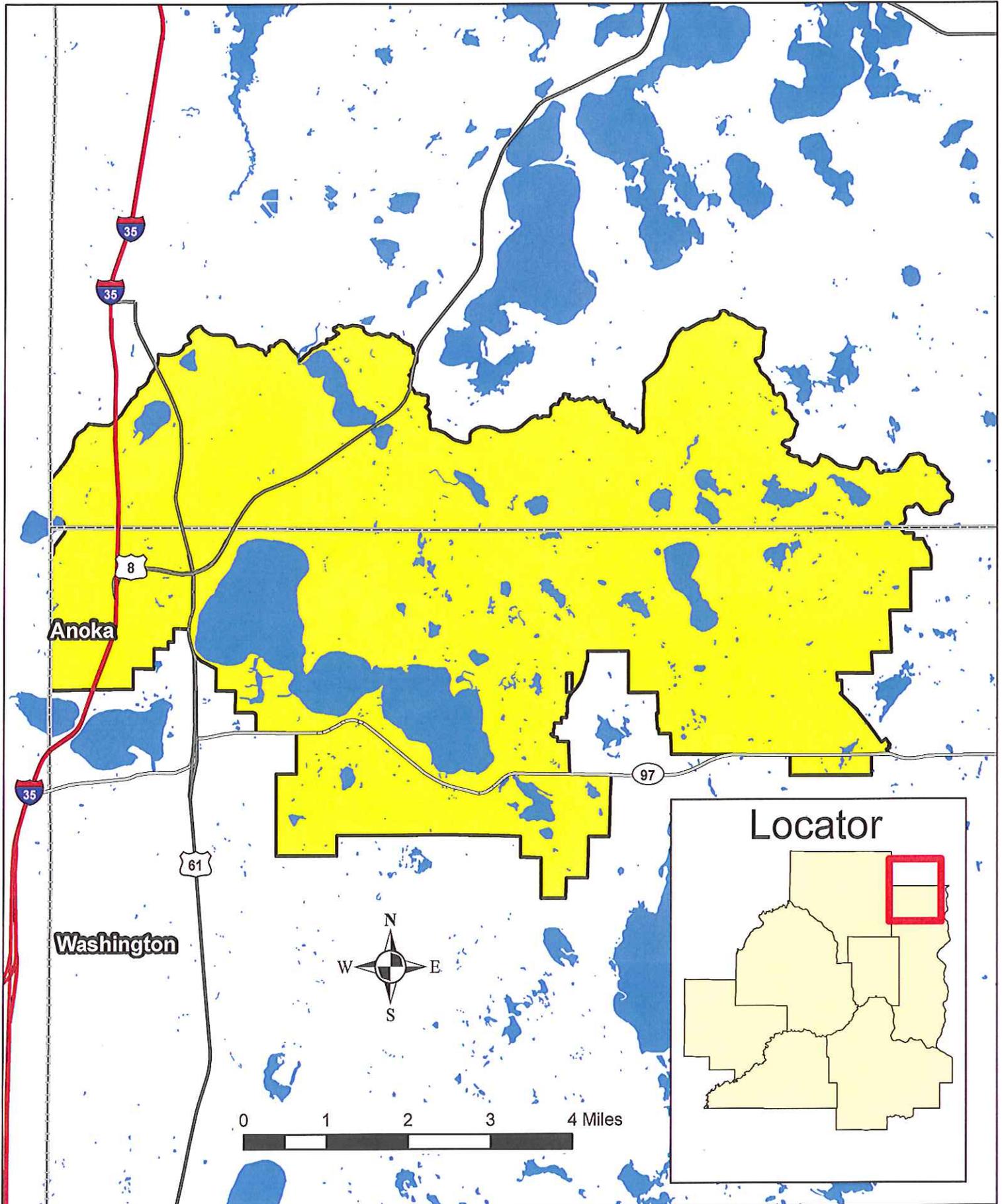
- Floodplain goals include conserving flood storage capacity and limiting flood damage.
Lake goals include management to protect and improve water quality, to limit the spread and entry of invasive species, and the preservation of shoreline buffers.
Stream goals are similar and focus on managing stream water quality and habitat, aquatic invasive species management education, and the preservation and establishment of stream buffers.

- Wetland goals address coordination with local governments to ensure no net loss, improving wetland habitat, research on phosphorus cycling in wetlands and the preservation and establishment of wetland buffers.
- Upland Resources goals include improving the beneficial use of upland areas for stormwater management, maintaining and restoring uplands, and promoting uplands conservation.
- Groundwater goals address the protection of groundwater quality and quantity and maintaining the function of groundwater-dependent natural resources.
- Public Education goals address providing education and outreach services to the public to increase knowledge of and appreciation for the resources of the District and increasing stewardship and participation in District programs.
- Interagency Communication goals focus on partnerships that ensure efficient and cost effective use of funds for water resource management and coordination of efforts toward managing water resources.

Overall, the Plan is well-written and comprehensive.

The Metro Water Planning Committee met on September 8, 2011. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

Comfort Lake-Forest Lake Watershed District



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

In the Matter of the review of the Watershed Management Plan for the **Comfort Lake Forest Lake Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Comfort Lake Forest Lake Watershed District (District) submitted a Watershed Management Plan (Plan) dated June 24, 2011, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The Comfort Lake-Forest Lake Watershed District (District) was established in 1999 under Minnesota Statutes Chapter 103D and achieved statutory designation under Minnesota Statutes Chapter 103B during the 2008 legislative session. The District is located in the northeast portion of the Metropolitan Area, approximately forty percent in Chisago County and sixty percent in Washington County. Portions of the Cities of Forest Lake, Scandia, and Wyoming, and the Towns of Chisago Lakes and Wyoming, are included in the District. The mission of the District is to protect and improve its water resources through adaptive management approaches and education of stakeholders.
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 August 28, 2008. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.
3. **Nature of the Watershed.** The District encompasses approximately 47 square miles in northern Washington County and southern Chisago County, bound by the Sunrise River Watershed

Management Organization to the west, the Rice Creek Watershed District to the south and west, the Carnelian-Marine-St. Croix Watershed District to the south and east, and no watershed management organizations to the north in Chisago County. The watershed outlets to the northwest to the Sunrise River, which flows northeast through Chisago County before discharging to the St. Croix River.

4. **Plan Development and Review.** The Plan provides for the protection and improvement of the water resources of the District, recognizing and building on the roles and actions of other stakeholders. The Plan emphasizes adaptive management principles supported by sound scientific technologies and methods to develop uniform, fiscally responsible, and integrated approaches to water management.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on January 24, 2011. A public hearing was held on May 26, 2011 and there were no comments received. The final draft of the revised Plan was received by the Board on June 24, 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 Forest Lake. The city encouraged the District to be complimentary in the implementation of rules and to focus on educational efforts and implementation of TMDLs. The city noted the plan is ambitious. The city expressed concern with potential redundancy in a number of the issues and goals with existing regulations. The city suggested the District evaluate the potential of contaminants reaching groundwater supply and requested clarification between the planned operating costs and funding levels. The District addressed all comments.

City of Wyoming. The city requested clarification of the term watershed in the financing section of the Plan and noted that the city expects to have their local surface water management plan completed prior to the deadline. The District addressed all comments.

Washington County. The county commended the District for developing a planning framework to provide direction for managing water resources. The county suggested the local water management plan requirements should include addressing the county groundwater plan and noted minor errors in the plan. The District addressed all comments.

6. **Metropolitan Council Review.** The Council stated that the Plan is consistent with the Council's *Water Resources Management Policy 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 found the Plan to be well-written and adequate and commended the District for willingness to go beyond current nutrient water standards for selected lakes. The DNR noted minor concerns with the use of volunteers to collect quality data, with the District's progress evaluation metric, and with the potential use of riprap and concrete for stabilization. The DNR suggested targeting approaches for District grants, prioritization criteria for stream bank projects, and offered continued availability to work

with the District on in-lake management. The DNR recommended continued tracking of flowering rush on Forest Lake. The District addressed all comments.

10. **Pollution Control Agency Review.** The PCA stated support for the District's Municipal Stormwater Remediation Grant Program and suggested care with the volume banking program. The PCA recommended alum or in lake chemical treatments be considered only after watershed reductions have been achieved. The District addressed all comments.
11. **Department of Transportation Review.** The DOT requested the District consider abstraction rather than infiltration as a means to incorporate best management practices. All comments were addressed.
12. **Board Review.** Board staff found the Plan to be well written and comprehensive.
13. **Plan Summary and Highlights.** The Plan identifies eight major issue areas: Floodplain, Lakes, Streams, Wetlands, Upland Resources, Groundwater, Public Education, and Interagency Communication with goals focusing on the adaptive management of water and upland resources through District projects and programs and through education and coordination.
 - Floodplain goals include conserving flood storage capacity and limiting flood damage.
 - Lake goals include management to protect and improve water quality, to limit the spread and entry of invasive species, and the preservation of shoreline buffers.
 - Stream goals are similar and focus on managing stream water quality and habitat, aquatic invasive species management education, and the preservation and establishment of stream buffers.
 - Wetland goals address coordination with local governments to ensure no net loss, improving wetland habitat, research on phosphorus cycling in wetlands and the preservation and establishment of wetland buffers.
 - Upland Resources goals include improving the beneficial use of upland areas for stormwater management, maintaining and restoring uplands, and promoting uplands conservation.
 - Groundwater goals address the protection of groundwater quality and quantity and maintaining the function of groundwater-dependent natural resources.
 - Public Education goals address providing education and outreach services to the public to increase knowledge of and appreciation for the resources of the District and increasing stewardship and participation in District programs.
 - Interagency Communication goals focus on partnerships that ensure efficient and cost effective use of funds for water resource management and coordination of efforts toward managing water resources.
14. **Metro Water Planning Committee Meeting.** On September 8, 2011, the Board's Metro Water Planning Committee and staff met with representatives from the District in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Rebecca Flood, Christy Jo Fogarty, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representatives from the District were District Board member Tom Lynch and District staff Doug Thomas. Board staff recommended approval of the Plan. After

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

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Comfort Lake Forest Lake Watershed District pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Comfort Lake Forest Lake Watershed District Watershed Management Plan attached to this Order defines water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan, dated June 24, 2011, as the Comfort Lake Forest Lake Watershed District Watershed Management Plan.

Dated at St. Paul, Minnesota this 28th day of September, 2010.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Hearing - Coon Creek WD Enlargement Petition

Meeting Date: September 28, 2011
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Metro
Contact: Jim Haertel
Prepared by: Jim Haertel
Reviewed by: Metro Water Planning Committee(s)
Presented by: Jim Haertel

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [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 Order for a public hearing

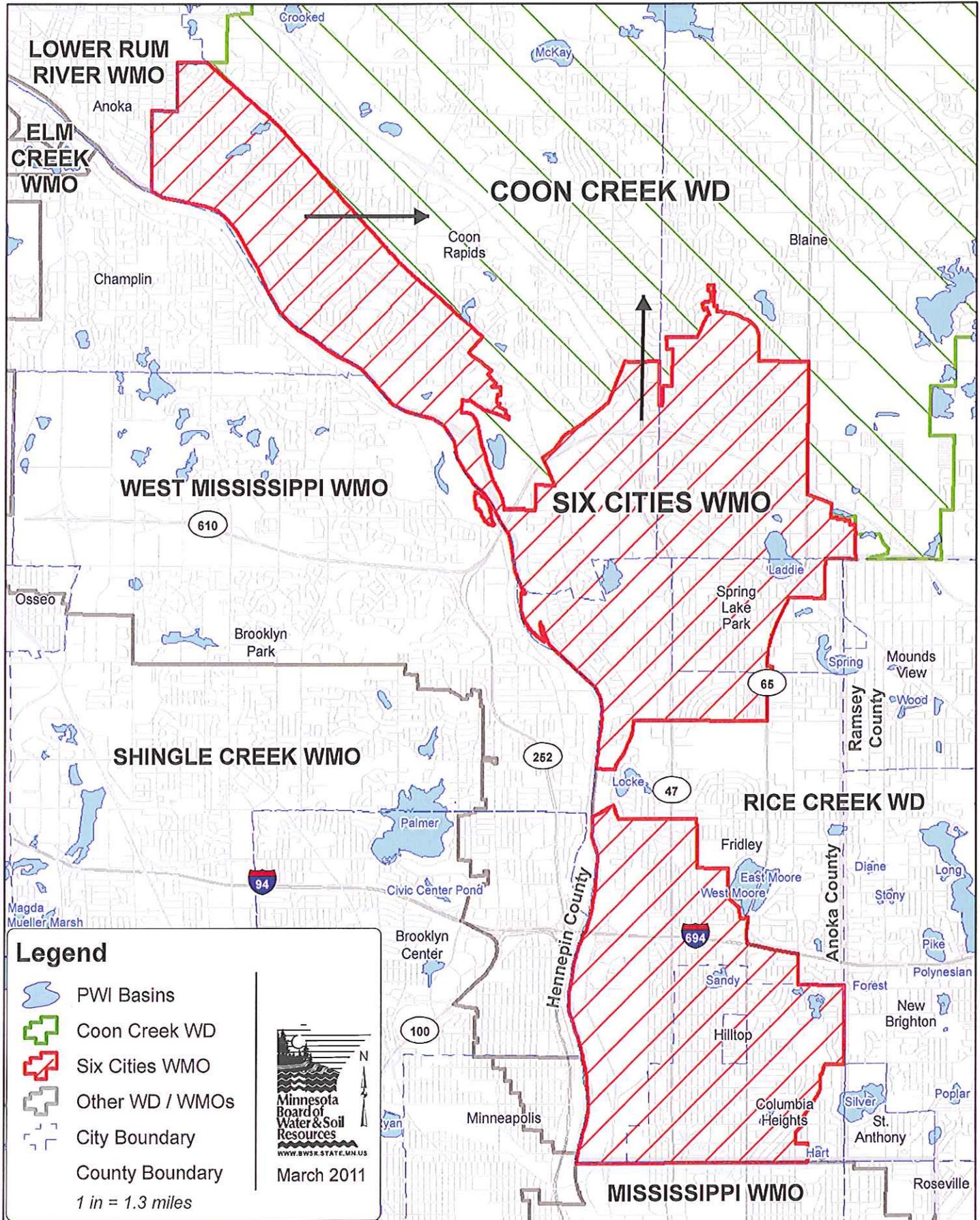
SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

The Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park filed a petition to enlarge the Coon Creek Watershed District (CCWD). The petition was accompanied by resolutions from the four cities. The petition proposes to enlarge the CCWD into areas of the former Six Cities Watershed Management Organization involving parts of the four cities.

The petition is very similar to a petition filed a few months ago by the CCWD that was subsequently withdrawn by the CCWD, except this petition was filed by the four cities under MS 103D instead of by the CCWD under MS 103B. Also similar procedurally is that BWSR could proceed with a Notice of Filing and possibly not hold a public hearing if the Board determined the petition was noncontroversial. However, BWSR staff recommended a public hearing be held because the CCWD withdrew their previous petition and in consideration of testimony at the public hearing on the previous petition.

The Metro Water Planning Committee met on September 8, 2011 and recommends a public hearing be held within 35 days of the date of the Board's Order after proper notice has been given, that the 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.

Six Cities Watershed Management Organization Proposed Changes



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

In the Matter of the Petition for Enlargement of the Coon Creek Watershed District in the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park, Anoka County, pursuant to Minnesota Statutes Section 103D.261.

**ORDER
WATERSHED DISTRICT
ENLARGEMENT
PUBLIC HEARING**

Whereas, a petition (Petition) for an enlargement of the Coon Creek Watershed District (CCWD) was filed by the CCWD Board of Managers with the Board on August 8, 2011, pursuant to Minn. Stat. § 103D.261, and;

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

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

FINDINGS OF FACT

1. On August 8, 2011 the Board received a Petition for a boundary change of the CCWD from the Cities of Blaine, Coon Rapids, Fridley and Spring Lake Park pursuant to Minn. Stat. §103D.261.
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 accompanied the Petition.

4. A majority of the cities in the proposed area of enlargement has proper standing to file the Petition pursuant to Minn. Stat. § 103D.261.
5. Staff has determined that a valid Petition exists pursuant to Minn. Stat. § 103D.261.
6. Minn. Stat. § 103D.261, subdivision 2, subitem a requires a public hearing to be held before the Board makes a decision on the Petition.
7. The Board's Metro Water Planning Committee and staff met on September 8, 2011 in Saint Paul to review and discuss the Petition. Those in attendance from the Board's Committee were Rebecca Flood, Christy Jo Fogarty, Louise Smallidge, Faye Sleeper, LuAnn Tolliver and Robert Burandt as chair. Board staff in attendance were Metro Regional Supervisor Jim Haertel and Board Conservationist Melissa Lewis. Board staff recommended the Board order a public hearing be held within 35 days of the date of the Board's Order after proper legal notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties. After discussion, the Committee unanimously voted to recommend to the full Board that a public hearing be ordered to be held within 35 days of the date of the Board's Order after proper notice has been given, that the Metro Water Planning Committee preside over the public hearing and bring recommendations on the Petition to the Board, and that the Executive Director set the date, time and location of the public hearing after coordination with the appropriate parties.

CONCLUSIONS

1. The Petition for enlargement of the Coon Creek Watershed District is valid in accordance with Minn. Stat. § 103D.261.
2. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of ordering a public hearing to determine whether the proposed enlargement should be approved in accordance with Minn. Stat. § 103D.261.
4. A public hearing should be held within thirty-five days of the date of this order after proper legal notice has been given.

5. The Board's Metro Water Planning Committee should preside over the public hearing and bring recommendations on the Petition to the Board after the public hearing has been held.
6. The Executive Director should set the date, time and location of the public hearing after coordination with the appropriate parties.

ORDER

The Board hereby orders a public hearing be held within 35 days of the date of this Order on the Petition for enlargement of the 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 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Lower Mississippi WMO Watershed Plan

Meeting Date: September 28, 2011
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Metro
Contact: Jim Haertel
Prepared by: Melissa Lewis
Reviewed by: Metro Planning Committee Committee(s)
Presented by: Jim Haertel

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

ACTION REQUESTED

Approval of the Lower Mississippi River WMO Watershed Management Plan

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Lower Mississippi River Watershed Management Organization (LMRWMO) was established in 1985 and is located in the southeast part of the Twin Cities Metropolitan Area, in northern Dakota County and southern Ramsey County. It encompasses 55.5 square miles, abutting the south and west sides of the Mississippi River from the confluence of the Mississippi the Minnesota River to Rosemount. The WMO is composed of seven cities wholly or partially within the boundary including Inver Grove Heights, Lilydale, Mendota Heights, St. Paul, South St. Paul, Sunfish Lake, and West St. Paul. The vision of the WMO is to manage water resources and related ecosystems to sustain their long-term health and integrity through member city collaboration and partnerships with other with other water management organizations with member city citizen support and participation.

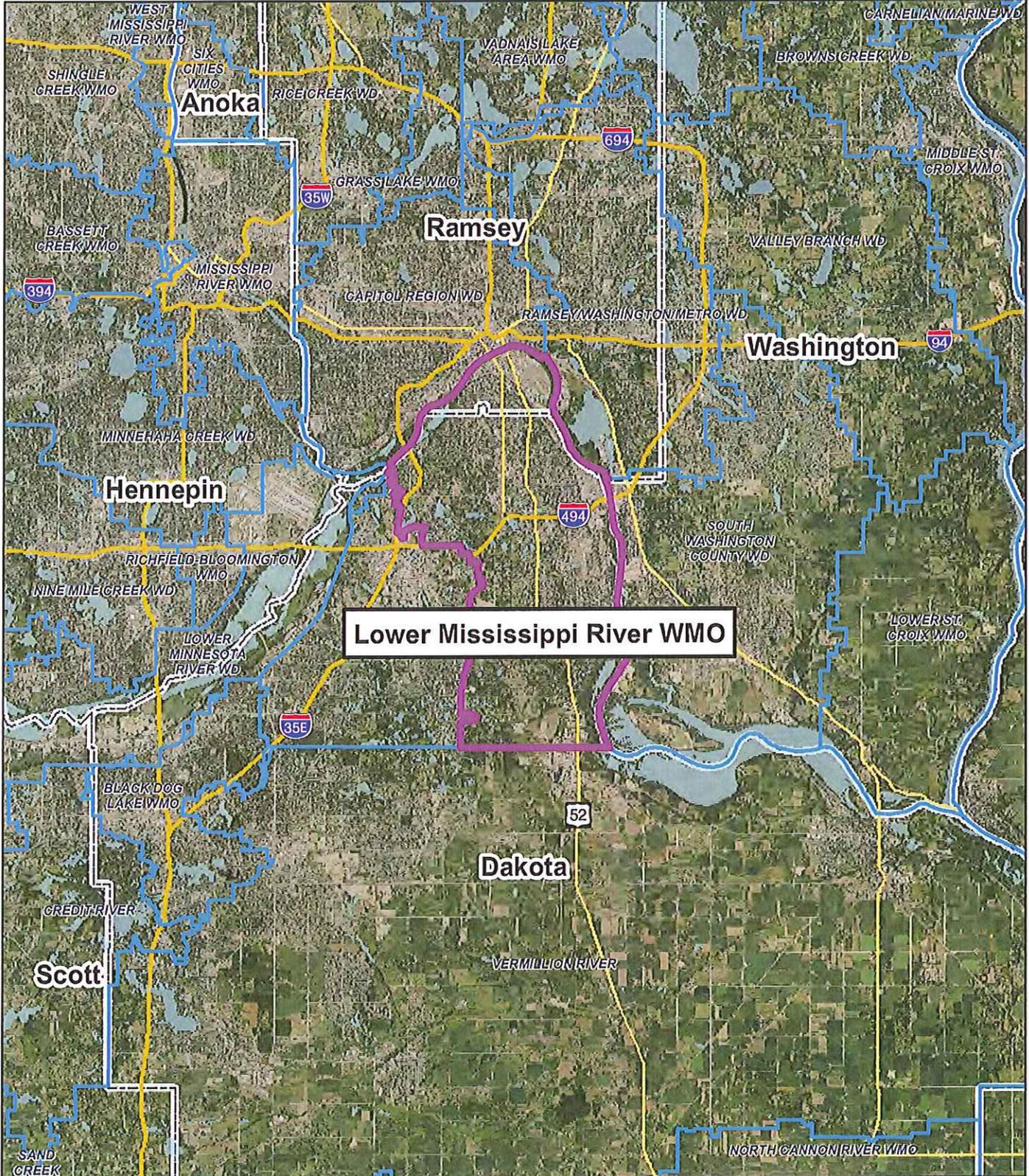
The Plan sets the vision and guidelines for managing surface water within the WMO and was prepared with citizen, technical, and community review and input. The plan outlines the regulations involved, assesses specific and watershed-wide issues, sets goals and policies for the WMO and its resources, lists implementation tasks to achieve the goals, and discusses the financial considerations of implementing the plan including alternate funding sources. The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on April 23, 2011. A public hearing was held on August 11, 2011 and no comments were received. The final draft of the revised Plan was received by the Board on August 30, 2011.

The highlights of the plan include the following purposes, with associated goals and actions to meet these purposes:

- Assist member communities in achieving current and future water quality and water quantity regulations collaboratively, equitably, and cost-effectively for all members within the watershed.
• Identify and effectively communicate member concerns to other government jurisdictions to better align their policies and activities with those of the WMO and its members.

- Educate citizens about the use, protection, and management of water resources and engage them in WMO water management programs and decision making.
- Consider potential impacts of MWO decisions on natural resources and habitat.
- Govern the WMO with a citizen led board and keep regulation at the local level – the WMO will not administer a permit program.
- Assist member communities with intercommunity runoff and water resource management issues.
- Assess the performance of the WMO and the member cities toward achieving the goals stated in the plan.
- Provide member cities with useful information about the WMO, its activities, and water resources management.

The Metro Water Planning Committee met on September 8, 2011. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.



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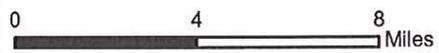
Source: Minnesota Department of Natural Resources, 2003

- Legend**
- Lower Mississippi River WMO
 - Watersheds
 - Interstate Highways
 - US Highways
 - County Boundaries

**Lower Mississippi River WMO
Watershed Management Plan**

Location Map

Figure 1



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

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

**ORDER
APPROVING
WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Lower Mississippi River Watershed Management Organization (WMO) submitted a Watershed Management Plan (Plan) dated August 30, 2011, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The WMO was established in 1985. The vision of the WMO is to manage water resources and related ecosystems to sustain their long-term health and integrity through member city collaboration and partnerships with other with other water management organizations with member city citizen support and participation.
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 WMO watershed management plan was approved by Board Order on October 4, 2001. The watershed management plan may be revised according to Minnesota Statutes Section 103B.231, Subd. 9.
3. **Nature of the Watershed.** The WMO is located in the southeast part of the Twin Cities Metropolitan Area, in northern Dakota County and southern Ramsey County. It encompasses 55.5 square miles, abutting the south and west sides of the Mississippi River from the confluence of the Mississippi and the Minnesota Rivers to Rosemount. The WMO is composed

of seven cities wholly or partially within the boundary including Inver Grove Heights, Lilydale, Mendota Heights, St. Paul, South St. Paul, Sunfish Lake, and West St. Paul.

4. **Plan Development and Review.** The Plan sets the vision and guidelines for managing surface water within the WMO and was prepared with citizen, technical, and community review and input. The plan outlines the regulations involved, assesses specific and watershed-wide issues, sets goals and policies for the WMO and its resources, lists implementation tasks to achieve the goals, and discusses the financial considerations of implementing the plan including alternate funding sources.

The draft revised Plan was submitted to the Board, other state agencies, and local governments for the 60-day review on April 23, 2011. A public hearing was held on August 11, 2011 and no comments were received. The final draft of the revised Plan was received by the Board on August 30, 2011.

5. **Local Review.** The WMO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. No comments were received.
6. **Metropolitan Council Review.** The Council found the plan to be consistent with the Council's *2030 Water Resources Management Policy 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 requested inclusion of additional information in the Land and Water Resources Inventory section of the plan, additional information on the water monitoring program, and provided the DNR's draft river restoration guidelines. The DNR requested clarification of the connection identified in the plan of wetland banking impacts to fish and wildlife and of the policy for phosphorus removal from new development. The DNR suggested inclusion of more proactive strategies for protecting and enhancing fish and wildlife habitat and allocation of funds for implementing strategies to be identified in watershed management studies. The WMO addressed all comments.
10. **Pollution Control Agency Review.** The PCA did not comment on the Plan.
11. **Department of Transportation Review.** The DOT did not comment on the Plan.
12. **Board Review.** Board staff requested minor edits and an additional strategy for collaboration with the adjacent watershed management organization. Board staff also requested clarification in the implementation table as to the WMO's commitment to completing the implementation plan and to the procedures the WMO will use to appeal local projects. All comments were sufficiently addressed.
13. **Plan Summary and Highlights.** The highlights of the plan include the following purposes, with associated goals and actions to meet these purposes:

- Assist member communities in achieving current and future water quality and water quantity regulations collaboratively, equitably, and cost-effectively for all members within the watershed.
 - Identify and effectively communicate member concerns to other government jurisdictions to better align their policies and activities with those of the WMO and its members.
 - Educate citizens about the use, protection, and management of water resources and engage them in WMO water management programs and decision making.
 - Consider potential impacts of MWO decisions on natural resources and habitat.
 - Govern the WMO with a citizen led board and keep regulation at the local level – the WMO will not administer a permit program.
 - Assist member communities with intercommunity runoff and water resource management issues.
 - Assess the performance of the WMO and the member cities toward achieving the goals stated in the plan.
 - Provide member cities with useful information about the WMO, its activities, and water resources management.
14. **Metro Water Planning Committee Meeting.** On September 8, 2011, the Board’s Metro Water Planning Committee and staff met with representatives from the WMO in St. Paul to review and discuss the Plan. Those in attendance from the Board’s Committee were Rebecca Flood, Louise Smallidge, Faye Sleeper, LuAnn Tolliver, Christy Jo Fogerty, and Robert Burandt as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel and Board Conservationist Melissa Lewis. The representatives from the WMO were WMO Board members Mary Lou Sabin and John Sacchi, WMO consultants Todd Hubmer and Jacob Newhall, and WMO administrator Laura Jester. Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Lower Mississippi River Watershed Management Organization pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The Lower Mississippi River Watershed Management Organization Watershed Management Plan attached to this Order defines water and water-related problems within the District’s boundaries, possible solutions thereto, and an implementation program.
4. The attached Watershed Management Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Plan, dated August 30, 2011, as the Lower Mississippi River Watershed Management Organization Watershed Management Plan.

Dated at St. Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brain Napstad, Chair

COMMITTEE RECOMMENDATIONS

Northern Water Planning Committee

1. Hubbard County Priority Concerns Scoping Document – Quentin Fairbanks - ***DECISION ITEM***

2. Upper Red Lower Otter Tail Watershed District Establishment Petition Status Report – Travis Germundson - ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Hubbard County PCSD Review

Meeting Date: September 28, 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(s)
Presented by: Quentin Fairbanks

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [] Order [X] 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

Approval of Hubbard County's Local Water Mangement Plan Priority Concerns Scoping Document

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

The Hubbard County Local Water Mangement Plan is due to expire on January 24, 2012. The County passed a resolution to begin the plan update process on March 16, 2011. The Priority Concerns Scoping Document was routed to the state review agencies on August 10, 2011. Comments were received and reviewed by BWSR.

The Northern Water Planning Committee met on September 14, 2011 to review the Priority Concerns Scoping Document. Mr. Fairbanks will bring the Committee's recommendation before the full board.



DATE: September 8, 2011

TO: BWSR Northern Plan Review Committee

FROM: Dan Steward, Board Conservationist

SUBJECT: Review of the Hubbard County Priority Concerns Scoping Document (PCSD)

The original Hubbard County Local Water Management Plan (LWMP) was approved in 1990. The first update to the original plan was completed in 1995. Subsequent water plan updates occurred in 2000 and 2007. The current or water plan will expire on January 24, 2012.

Since the county began development of their original water plan in 1989, the county has delegated implementation of the LWMP to the Hubbard County Soil and Water Conservation District.

On March 16, 2011, the Hubbard County Board of Commissioners passed a resolution to update the LWMP.

On August 10, 2011, Hubbard County submitted their Priority Concerns Scoping Document (PCSD) to the Board of Water and Soil Resources for review. The attached Hubbard County PCSD identifies the following priority concerns, and proposes the update be focused on these three water management issues.

1. Surface Water Protection and Improvement
2. Ground Water Quality and Quantity Protection and Improvement
3. Education

Hubbard County used the following process to develop the PCSD:

- On March 25, 2011, the county sent out written notice to interested parties of the intent to update. Parties were also asked to return a priority concerns input survey form listing their priorities for local water management. The SWCD had a excellent response to the survey.
- The Hubbard County Water Plan Task Force met on July 28th, 2011 to discuss the input received from the public, and select the priority concerns.

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
701 Minnesota Avenue Suite 234 Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	1601 Minnesota Drive Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	1004 Frontier Trail Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	2300 Silver Creek Road N.E. Rochester, MN 55906 phone (507) 281-7797 fax (507) 285-7144	520 Lafayette Road N. Saint Paul, MN 55155 phone (651) 296-3767 fax (651) 297-5615

The following priority concerns were submitted by the state review agencies:

- MPCA: Impaired waters, 1st Crow Wing, Upper Twin, 8th Crow Wing, Portage Lakes. Inventory of lakes significantly better than state standards.
- DNR: Groundwater Protection, Surface Water Protection, Education.
- MDH: Ground Water based drinking water, Sealing unused wells, Maintain local water quality database.
- MDA: Groundwater quality for pesticides and nitrates.
- BWSR: Protection of water quality during and after development, Erosion and sediment control, trend towards developing marginal lands, County lake water protection action plans.

On August 10, 2011 the PCSD was sent to the required state agencies for review. Agencies were asked to send comments to Ron Shelito by September 7, 2011; the following agency comments were received:

MPCA: The MPCA in its comments on the PCSD concurred with the priority concerns selected by the county. The MPCA offered one comment related to their Environmental Data Access System.

MDNR: The MDA in its comments on the PCSD strongly recommended but did not require the following revision: **Objective C: Shoreland and River Corridor Protection-** Should include an implementation goal of following the shoreland ordinance and minimizing impact to water quality in the issuance of variances from that ordinance. It would be appropriate here to show support for the alternate standards developed by the DNR that increase water quality protection.

The department noted that the process used to identify the priority concerns was commendable.

MDH: The MDH in its comments on the PCSD concurred with the priority concerns selected by the county. The MDH commended the county for the process used to identify concerns, and for recognizing the value of protection and preserving groundwater quality and quantity, specifically the initiatives that support the development and implementation of wellhead protection plans and the support for sealing unused, unsealed wells.

MDA: The MDA in its comments on the PCSD strongly recommended but did not require the following revision: "The citizen survey results appear to indicate elevated concerns over agricultural run-off and elevated nitrate levels in private and public wells. However, the plan priority concern related to groundwater includes only one general objective that covers both

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
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quantity and quality of groundwater. It would be advantageous to provide additional focus on this issue in their water plan. The MDA comments went on to provide suggestions that may prove useful as funding opportunities come up through the Department.

Since we are still in the PCSD phase of plan development I can work to include language in the BWSR Chair's letter to the County asking the county to pay close attention to both issues when they prepare the final plan.

In addition, the Hubbard SWCD district manager and local water plan coordinator position is currently vacant, as the staff person who developed the PCSD has taken another position. With the time it will take to advertise the position, interview candidates, and bring them on board, the County will not be able to complete the Update by January 24, 2012 when the current Plan expires. As a result Hubbard County will be requesting an extension from BWSR. I will be working with the County to bring that request to the Northern Region Water Plan Review Committee.

After reviewing the PCSD submitted by Hubbard County along with the comments provided by the review agencies, I conclude that the guidance requirements have been met. I recommend the committee approve the PCSD for Morrison County, with the inclusion of the two issues brought forward by the agency reviewers.

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
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BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Upper Red Lower Otter Tail Watershed District Establishment Petition - Status Report

Meeting Date: September 28, 2011
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [] Decision [] Discussion [X] Information
Section/Region: Northern
Contact: Pete Waller or Travis Germundson
Prepared by: Pete Waller
Reviewed by: Northern Water Planning Committee Committee(s)
Presented by: Travis Germundson

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [] 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

No action requested - Informational Item Only

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
Wilkin County Commissioners submitted the Upper Red Lower Otter Tail Watershed District Establishment Petition. As per the June 22, 2011 Board Order the required public hearing was held September 7, 2011 and written comments were accepted until noon, Wednesday September 14th. The Northern Water Planning Committee met September 14th after the close of the hearing's comment period. The Committee will review the status of this petition with the Board. Supporting materials will be available at the Board meeting on September 28th.

**Upper Red Lower Otter Tail Watershed District Petition
Status Report - as of September 19, 2011**

May 2008:

BWSR approves Wilkin Local Water Plan 2008 – 2017: Action item within the LWP Implementation Plan (page20): ‘Investigate establishment of a water management structure/ordinance for the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County.’

July 2008:

Wilkin County Commissioners invite Wilkin County Township supervisors to begin meeting regarding water management within the Lower Otter Tail and Red River Headwaters watershed areas of Wilkin County. A five member committee of township supervisors was appointed by Wilkin County Commissioners to research possible options.

July 2008 to November 2009:

The five member committee of township supervisors identified resource concerns and issues and discussed management structure alternatives.

November 2009:

Township Committee recommends to Wilkin County Commissioners a watershed district as the preferred water management structure and the proposed boundary as the preferred area to be included.

December 2009:

Wilkin County proposed the idea to Otter Tail County Commissioners. Counties agreed to hold joint public information meetings in Fergus Falls & Breckenridge (chaired by Commissioners Lyle Hovland, Wilkin County, and John Lindquist, Otter Tail County).

February 1, 2010:

Information meeting held in Breckenridge (60 to 80 people attended)

February 3, 2010:

Information meeting held in Fergus Falls (60 to 80 people attended). Outcome of the meetings: Commissioners asked lead local staff to investigate/develop alternative management structure options and determine if there are potential cost savings vs a watershed district.

March 10, 2010:

West Ottertail SWCD funded plane rides for local officials over the majority of the area within Otter Tail County, focusing on the JD 2 area.

April 13, 2010:

Otter Tail County sent a letter to Wilkin County stating their opposition to the WD and their intent to investigate establishing a Special Taxing District via 103B.

April 27, 2010:

Otter Tail County held the required hearing to establish a Special Taxing District (103B.245) for the majority of the area within Otter Tail County. The purpose of the Special Taxing District would be to deal with water quality issues. Two Wilkin County Commissioners attended.

June 2010:

Wilkin County drafted an establishment petition for the Upper Red Lower Otter Tail Watershed District. Also requested Otter Tail County provide names for potential managers.

June 25, 2010:

Otter Tail held a meeting with 6 to 8 Otter Tail residents. Meeting purpose was to educate residents about being a WD manager.

Upper Red Lower Otter Tail Watershed District Petition
Status Report - as of September 19, 2011

July 2010:

Full Board of Otter Tail County Commissioners met with Wilkin County Commissioners to express their opposition to establishing the Upper Red Lower Otter Tail WD.

September 1, 2010:

Wilkin County held WD manager education meeting at the Rothsay Community Center.

January 2011:

Upper Red Lower Otter Tail Watershed District Establishment petition was filed with BWSR.

January 18, 2011:

Otter Tail County Commissioners submitted a resolution in opposition to the petition for the establishment.

April 1, 2011:

DNR required report and preliminary map submitted. The DNR has completed its review, supports the establishment the establishment of a WD within the Otter Tail River system and has no objections to the proposed petition.

April 13, 2011:

BWSR North Region Local Water Management Committee recommends approval of draft order to hold a public hearing on the establishment.

May 24, 2011:

Otter Tail County held a hearing to establish a Special Taxing District (103B.245) for the majority of the proposed watershed area within Otter Tail County.

June 15, 2011:

The Wilkin County Board requested that the hearing be held following planting season. The BWSR North Region Local Water Management Committee recommended that the BWSR move forward with an establishment hearing for the Upper Red/Lower Otter Tail Watershed District and that the hearing be held on July 20 in Rothsay MN.

June 22, 2011:

BWSR Order for a public hearing to be held on the establishment petition.

June 28, 2011:

Otter Tail County passed a resolution establishing a Special Taxing District via 103B.

July 2011:

July 20th establishment hearing is postponed due to state government shutdown.

August 4, 2011:

John Jaschke, BWSR Executive Director, approves rescheduling of establishment hearing date of September 7, 2011.

September 7, 2011:

Establishment hearing was held and written comments accepted until noon Wednesday September 14, 2011.

September 13, 2011: the Otter Tail County Commissioners submitted a resolution they would join in a petition with Wilkin County to join the Buffalo-Red River Watershed District, and requested the petition to establish a new Watershed District be stayed.

September 14, 2011: North Region Local Water Management Committee passed a motion to continue the process as allowed in 103D statute.

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Biennial Work Plan and Grant – Paul Langseth – ***DECISION ITEM***
2. Area II Minnesota River Basins Project Inc. FY 2012 & FY2013 Bonding Work Plan and Grant – Paul Langseth – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Area II Minnesota River Basins Project Inc. Work Plan and Grant

Meeting Date: September 28, 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: David Sill
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

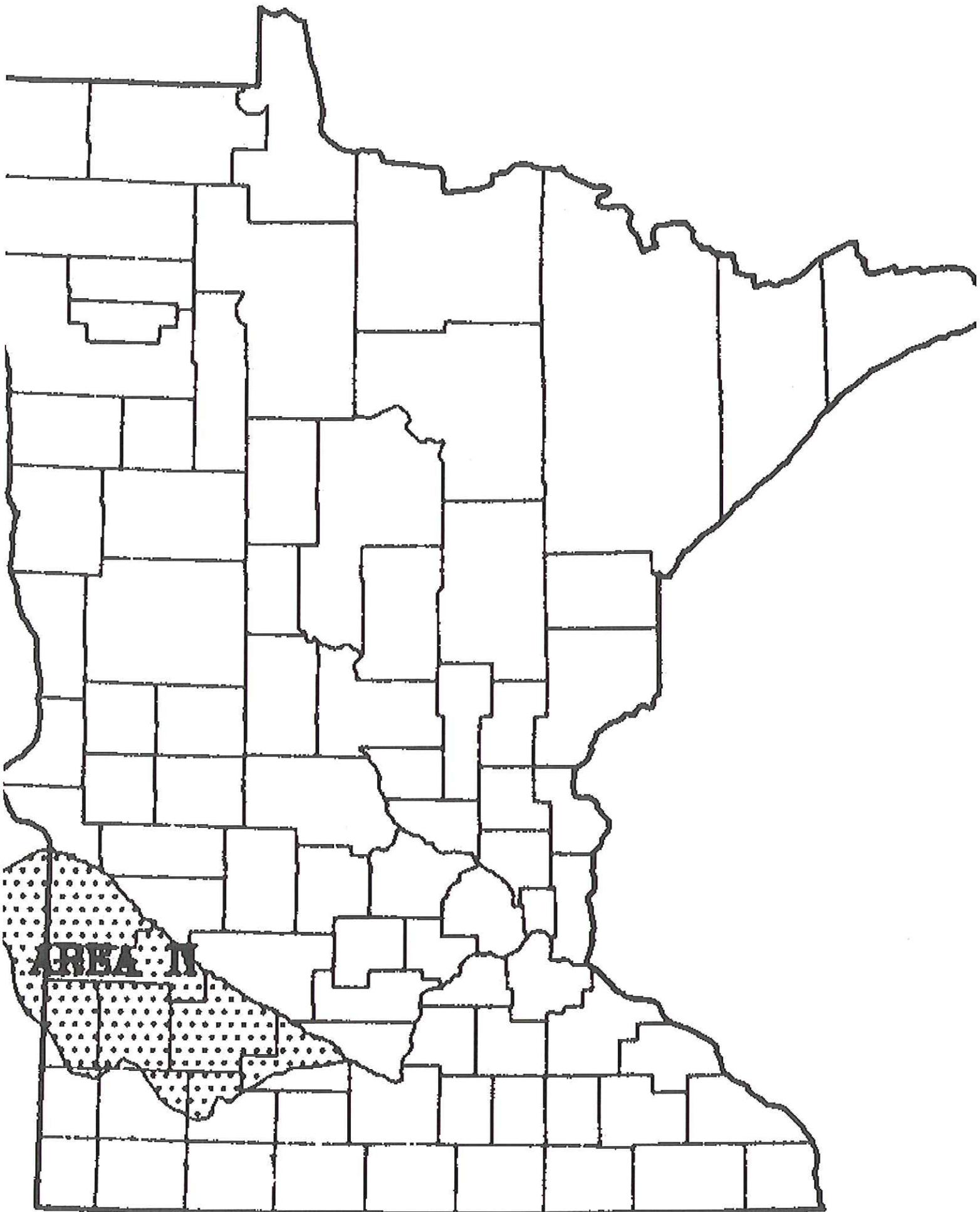
- [] None [X] General Fund Budget
[] Amended Policy Requested [] Capital Budget
[] New Policy Requested [] Outdoor Heritage Fund Budget
[] Other: [] Clean Water Fund Budget

ACTION REQUESTED

Approval and execution of fiscal year 2012 grant agreement

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

Legislative appropriation to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. Area II receives a cost share rate of 75% state funding and 25% local funding for office administration and project implementation; oversight is provided by BWSR.



AREA II



DATE: September 7, 2011

TO: Jeff Nielsen, BWSR Southern Region Supervisor

FROM: David Sill, Board Conservationist, Marshall

RE: Area II MN River Basins Project Inc. Biennial Plan and Budget FY 2012 & 2013 and Bonding Work Plan FY 2012 & 2013

I have reviewed the Area II MN River Basins Project Inc. Biennial Plan and Budget. I find all information to be in order and recommend approval. The biennial plan provides direction for a two-year period, while the Technical Office Budget is for one fiscal year. By May 30, 2012, updates to the Biennial Plan as well as the Technical Office Budget for FY 2013 will be provided for BWSR staff review.

The funding provided to this Board in specific legislation is targeted at administration of this nine-county joint powers board. For fiscal year 2012 this amount is \$120,000. This grant requires a 25% match.

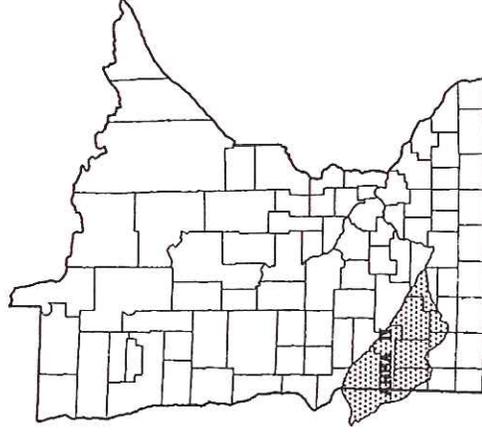
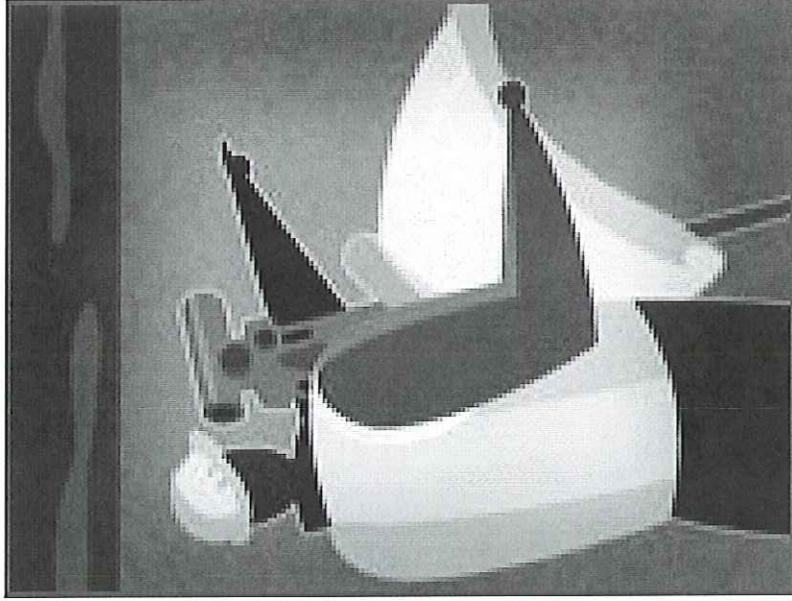
I have also reviewed the Area II MN River Basin Projects, Inc. Bonding Work Plan for FY 2012 and 2013. I also find this information to be in order and recommend approval. The specific appropriation language for these funds is Minnesota Statutes 2011 First Special Session, Chapter 12, Section 7, Subdivision 3 (\$1,000,000.) The intent is for grants to local governments in Area II of the Minnesota River Basin to acquire, design, and construct floodwater retention systems. A grant for a project is not available until the Area II Board determines that at least \$1 has been committed to the project from non-state sources for every \$3 of state grant.

Should you have questions, please contact me. Thank you.

<i>Bemidji</i>	<i>Brainerd</i>	<i>Duluth</i>	<i>Fergus Falls</i>	<i>Marshall</i>	<i>New Ulm</i>	<i>Rochester</i>	<i>Saint Paul</i>
701 Minnesota Avenue Suite 234 Bemidji, MN 56601 phone (218) 755-4235 fax (218) 755-4201	1601 Minnesota Drive Brainerd, MN 56401 phone (218) 828-2383 fax (218) 828-6036	394 S. Lake Avenue Room 403 Duluth, MN 55802 phone (218) 723-4752 fax (218) 723-4794	1004 Frontier Trail Fergus Falls, MN 56537 phone (218) 736-5445 fax (218) 736-7215	1400 E. Lyon Street Box 267 Marshall, MN 56258 phone (507) 537-6060 fax (507) 537-6368	261 Highway 15 S. New Ulm, MN 56073 phone (507) 359-6074 fax (507) 359-6018	2300 Silver Creek Road N.E. Rochester, MN 55906 phone (507) 281-7797 fax (507) 285-7144	520 Lafayette Road N. Saint Paul, MN 55155 phone (651) 296-3767 fax (651) 297-5615

BIENNIAL PLAN – FY 2012 & 2013

JULY 1, 2011 – JUNE 30, 2013



Member Counties

- Brown • Cottonwood • Lac qui Parle
- Lincoln • Lyon • Murray • Pipestone
- Redwood • Yellow Medicine

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

1400 EAST LYON STREET ~ MARSHALL, MN 56258

WWW.AREA2.ORG



CONTENTS

BIENNIAL PLAN – FY 2012 & 2013

2011 BOARD OF DIRECTORS - PAGE 2

WORK PLAN NARRATIVE- PAGES 3 & 4

OTHER PROJECT ENDEAVORS - PAGE 5

POTENTIAL PROJECTS - PAGE 6

FY 2012 TECHNICAL OFFICE BUDGET - PAGE 7

ATTACHMENTS:

A – SUMMARY OF 2006 BONDING / FY11 COMPLETED PROJECTS / CLEAN WATER FUND

B – FY 2010 ADMINISTRATIVE SERVICES GRANT REPORT

C – FY2011 ADMINISTRATIVE SERVICES GRANT REPORT



2011 BOARD OF DIRECTORS

BIENNIAL PLAN – FY 2012 & 2013

BROWN COUNTY

DENNIS POTTER/ ANDREW LOCHNER

ANDREW LOCHNER/ SCOTT WINDSCHITL (ALTERNATE)

MURRAY COUNTY

ROBERT MOLINE – CHAIR

JOHN GIESE (ALTERNATE)

COTTONWOOD COUNTY

NORMAN HOLMEN

JIM SCHMIDT (ALTERNATE)

PIPESTONE COUNTY

MARGE DERUYTER

HAROLD MILLER (ALTERNATE)

LAC QUI PARLE COUNTY

HAROLD SOLEM

TODD PATZER (ALTERNATE)

REDWOOD COUNTY

JOHN SCHUELLER – VICE CHAIR

ALLEN KOKESCH (ALTERNATE)

LINCOLN COUNTY

CURT BLUMEYER - SECRETARY/TREASURER

LARRY HANSEN (ALTERNATE)

YELLOW MEDICINE COUNTY

LOUIS SHERLIN

RON ANTONY (ALTERNATE)

LYON COUNTY

RODNEY STENSRUD

RICK ANDERSON (ALTERNATE)



WORK PLAN NARRATIVE

BIENNIAL PLAN – FY 2012 & 2013

Area II, formed in 1978 as a non-profit organization, works to alleviate the recurrent flood problems which plague this area of southwestern Minnesota. This organization is recognized as a leader in flood damage reduction by the installation of dams/reservoirs and road retentions. Area II assists the member counties in the engineering design, hydrologic and hydraulic modeling, construction and inspection, and finance of flood damage reduction projects. Due to the unique landforms of this region, particularly the Coteau de Prairies (the Buffalo Ridge), Area II receives a 75/25 cost-share rate for office administration and project implementation. Oversight of this grant-in-aid program is provided by the Minnesota Board of Water & Soil Resources.

This Biennial Plan provides direction for a 2-year period while the Technical Office Budget is for one fiscal year. By May 30, 2012, updates to the Biennial Plan as well as to the Technical Office Budget for FY2013 will be provided for BWSR staff review.

1) Initiative: FY 2012 – ADMINISTRATIVE SERVICES

Description: Provide administrative and coordination oversight for the AREA II Minnesota River Basin Projects, Inc. Board of Directors. Provide financial reports and records that meet State accounting and auditing standards, prepare budgets, provide supervision and management of staff, evaluate employee job performance, draft agenda and minutes of monthly board meetings. Conduct local government and citizen outreach and education.

Actions:

- Maintain a complete Board of Directors of 9 delegates and 9 alternates.
- Maintain adequate staffing to address the goals of AREA II. Evaluate job performance of all employees yearly.
- Conduct 10 monthly board meetings, 2 Executive Board teleconferences and 1 Annual Legislative Gathering.
- Utilize engineering consultant services to assist with engineering, hydrologic and planning/prioritization issues.
- Maintain policies and procedures. Review Operating Policies, Joint Powers Agreement and Articles of Incorporation annually.
- Maintain a public outreach and information program. Accomplish by maintaining the AREA II web site; conduct tours as necessary to highlight projects completed; prepare an annual report. Complete website reporting requirements by March 15 of each year.
- Strive for fiscal accountability. Accomplish by preparing and adopting an annual budget; reviewing monthly financial reports, conducting an annual audit of the financial records.
- Actively pursue new funding sources with local partners through Clean Water Fund and federal programs (EQIP, MRBI, WHIP).
- Continue administrative/operational efficiency discussions with RCRC. Schedule board meetings for the same day and same location to lessen per diems and expenses paid to board members. Future discussions may include sharing technical resources.
- Meet and communicate with member county commissioners, engineers, water planners, watershed districts, SWCD/NRCS, watershed project staff regarding technical services and potential projects.
- Serve on technical committees (as requested) for watershed projects, TMDL project assessment and implementation efforts.
- Provide input to USDA Environmental Quality Incentive Program (EQIP) local work group committees.

2) Initiative: FY 2012 – ENGINEERING SERVICES

Description: Employ senior engineering technician and consultant registered engineer to provide engineering services which include planning, design, construction and inspection of flood damage reduction projects to member counties of AREA II. Provide engineering services for project funded through outside sources involving USDA Environmental Quality Incentive Program (EQIP), Mississippi River Basin Initiative (MRBI), Clean Water Funds acquired by SWCDs, RCRCA and counties. Future work may include Natural Resource Conservation Service wetland conservation partnerships.

Actions:

- Continue contracting professional engineering services through Bolton & Menk, Inc.
- Schedule and complete annual inspections and reports for 9 reservoirs.
- Ensure annual inspection of road retention projects by owners and file inspection reports. Follow up on noted concerns.
- Provide wetland monitoring and annual wetland reporting for mitigation sites associated with constructed project.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built Plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township, counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, and others).

3) Initiative: FY 2012 – OPERATIONAL & SUPPORT EXPENSES

Description: Use funding for operational and support expenses of AREA II Minnesota River Basin Projects Inc., for such things as: payroll, consultant engineering fees, field and office supplies, telephone / internet and computer services, training and certification, vehicle and equipment expenses, liability / business / auto insurance, and general business expenses.

4) Initiative: FY 2012 – PROJECT IMPLEMENTATION VIA ADMINISTRATIVE GRANT

Description: See Potential Project List for FY2012 & FY2013 – Page 6.

5) Initiative: 2011 BONDING APPROPRIATION

Description: Provide project management and engineering services to construct flood damage reduction structures to meet the 3:1 match requirement and provide the most floodwater storage as practicable. Highest priority will be given to Road Retention structures which lack other funding resources which dams and grade stabilizations can secure.

Actions:

- Administer the \$1,000,000 appropriation and report project outcomes annually to BWSR Board.
- Complete fiscal expenditure report due at end of grant period listing total costs and cost-sharing by all partners.
- Facilitate wetland mitigation / creation if required proposed projects.
- Provide project management and coordination with local/state/federal permitting authorities.
- Process payment requests in a timely manner and provide as-built Plans and construction documentation.
- Assist in securing the local matching funds for projects which may include: owner(s), township, counties, watershed district, or special interest groups (Ducks Unlimited, Minnesota Waterfowl Association, and others).



OTHER PROJECT ENDEAVORS

BIENNIAL PLAN – FY 2012 & 2013

MISSISSIPPI RIVER BASIN HEALTHY WATERSHEDS INITIATIVE (MRBI)

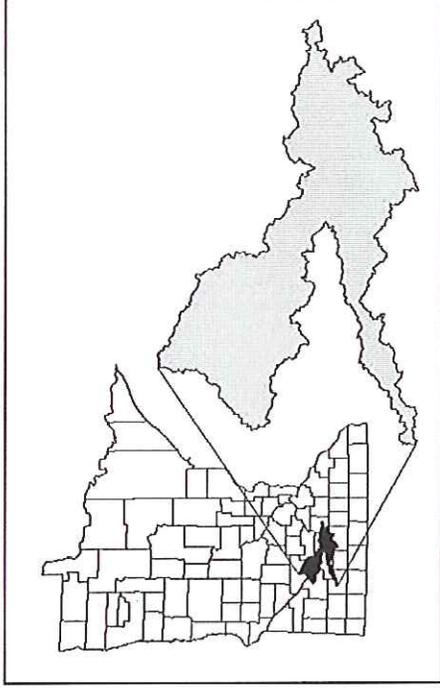
NATIONALLY:

The Natural Resources Conservation Service (NRCS) will provide up to \$43 million through existing conservation delivery programs to support more than 70 projects in 11 states.

Minnesota will receive \$8.8 million from MRBI – more than any other state – to help landowners voluntarily implement practices to prevent, control and trap nutrient runoff from agricultural lands.

Targeted Minnesota Watersheds:

- Sauk River
- Root River
- Upper Cedar River
- Middle Minnesota → →



LOCALLY:

The Redwood Soil & Water Conservation District made application to receive MRBI funding for the Middle Minnesota watershed that lies within Redwood County. The awarded grant provides for a total of eight (8) grade stabilization or grade stabilization restoration projects over the 4-year project period. \$80,000 is available the first year of the project and \$56,000 the consecutive 3 years. Funds will be distributed by the Environmental Quality Incentives Program (EQIP).



POTENTIAL PROJECTS

BIENNIAL PLAN – FY 2012 & 2013

COTTONWOOD COUNTY

- Germantown 1 Grade Stabilization Repair
- Delton 19 Streambank Stabilization

LINCOLN COUNTY

- Limestone 1 Road Retention

LYON COUNTY

- Amiret 29 Grade Stabilization
- Amiret 32/33 Road Retention
- Lynd 33 Grade Stabilization Repair
- Lynd 35 Grade Stabilization Repair
- Lynd 17 Grade Stabilization
- Coon Creek 24 Grade Stabilization
- Nordland 15 Grade Stabilization
- Custer 15 Grade Stabilization

PIPESTONE COUNTY

- Aetna 22/15 Road Retention
- Amiret 18/19 Road Retention
- Sodus 16 Grade Stabilization
- Lake Marshall 31 Grade Stabilization Repair
- Rock Lake 12 Grade Stabilization Repair
- Lynd 31/32 Road Retention
- Lynd 8 Grade Stabilization
- Nordland 24 Grade Stabilization

MURRAY COUNTY

- Holly 22 Road Retention
- Lake Sarah 31 Road Retention
- Holly 4 Dam Repair

REDWOOD COUNTY

- Charlestown 28 Grade Stab. Repair
- Gales 18 Grade Stabilization
- Springdale 17 Grade Stabilization
- Springdale 28 Grade Stabilization
- North Hero 34 Road Retention
- Springdale 29 Grade Stab. Repair
- Lambertton 18 Grade Stabilization Repair
- Lambertton 19 Grade Stabilization
- Springdale 24 Grade Stabilization
- Springdale 21 Road Retention
- Sherman 8 Grade Stabilization Repair
- Sherman 15 Grade Stabilization Repair



FY 2012 TECHNICAL OFFICE BUDGET

BIENNIAL PLAN – FY 2012 & 2013

OFFICE OPERATIONS

PERSONAL SERVICES:

Directors' Compensation.....	\$ 5,580.00
Directors' FICA.....	427.00
Employees' Salaries.....	94,425.00
Employees' FICA.....	7,223.50
Employees' Medical Insurance.....	15,845.00
Employees' Retirement.....	6,850.00
Employee' FlexPlan.....	420.00
Total Personal Services.....	\$ 130,770.50

SUPPLIES:

Office.....	\$ 2,000.00
Field.....	500.00
Capital Outlay.....	0.00
Total Supplies.....	\$ 2,500.00

OTHER SERVICES AND COSTS:

Directors' Expenses.....	\$ 4,250.00
Employees' Expenses.....	1,750.00
Continuing Education.....	0.00
Professional Services.....	30,000.00
Maintenance & Repairs.....	2,200.00
Telephone.....	950.00
Postage.....	2,100.00
Vehicle Expense.....	3,500.00
Director's Insurance.....	1,565.00
Other Insurance.....	10,104.46
Rent.....	9,511.68
Miscellaneous & Other Expenses.....	3,000.00
Miscellaneous Expenses - Directors.....	0.00
Total Other Services and Costs.....	\$ 68,931.14

TOTAL OFFICE OPERATIONS.....

Total Ineligible for Cost-Share by the State..... \$ 202,201.64

Total Eligible for Cost-Share by the State..... 11,822.00*

** These items not cost-shared by the State*

STATE SHARE OF ELIGIBLE OFFICE COSTS.....

Local Share of Eligible Office Costs..... \$ 120,000.00

..... \$ 70,379.64

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

ATTACHMENTS

BIENNIAL PLAN – FY 2012 & 2013

ATTACHMENT A

SUMMARY OF 2006 BONDING PROJECTS

FLORIDA 22 DAM REPAIR – Yellow Medicine	\$ 7,934.25
WEREGELAND 31 DAM REPAIR – Yellow Medicine	\$ 13,823.75
HANSONVILLE 18 DAM – Lincoln County	\$ 10,209.58
DRAMMEN 15 DAM – Lincoln County	\$ 44,217.73
DRAMMEN 14 DAM REPAIR – Lincoln County	\$ 1,102.50
AMIRET 18 ROAD RETENTION – Lyon County	\$ 70,268.25
MONROE 4 DAM REPAIR – Lyon County	\$ 2,373.74
MONROE 8 DAM – Lyon County	\$152,442.15
AMIRET 29 DAM – Lyon County	\$ 13,554.45
ISLAND LAKE 4 DAM – Lyon County	\$ 95,700.25
SODUS 5 DAM – Lyon County	\$ 38,946.90
AMIRET 35 DAM REPAIR – Lyon County	\$ 2,841.76
LYND 8 DAM REPAIR - Lyon County	\$ 16,431.98
LYND 35 DAM REPAIR - Lyon County	\$ 25,032.08
GALES 18 DAM – Redwood County	\$ 1,996.88
LAMBERTON 16SE DAM REPAIR – Redwood	\$ 3,123.75
<i>NOTE: Grant concluded June 30, 2011</i>	
TOTAL	\$ 500,000.00

GRANT SUMMARY	
Total Project Costs =	\$1,078,139.39
Local Match Provided =	\$ 273,396.15
Federal Funds Provided =	\$230,359.92
State/Local Cost-Share Ratio =	1.83 : 1
Acre-Feet of storage created=	549.5
Total Acre-Feet of storage =	700.0

FY11 COMPLETED PROJECTS

Lamberton 29 Dam - Redwood	\$ 55,112.85	Lamberton 16 Dam Repair - Redwood	\$ 20,693.86
EQIP Federal Funds	\$ 46,596.00	2006 Bonding Funds	\$ 3,123.75
Landowner	\$ 8,516.85	Landowner	\$ 4,132.21
		Clean Water Fund	\$ 12,396.65
		Area II Counties	\$ 1,041.25
Lynd 8 Dam Repair - Lyon	\$ 21,909.30	Drammen 14 Dam Repair – Lincoln	\$ 33,678.68
2006 Bonding Funds	\$ 16,431.98	2006 Bonding Funds	\$ 1,102.50
Landowner	\$ 4,954.82	Landowner	\$ 6,862.17
Area II Counties	\$ 522.50	RCRCA Cost-Share	\$ 23,586.51
		Area II Counties	\$ 2,127.50
Amiret 35 Dam Repair – Lyon	\$ 13,785.20		
2006 Bonding Funds	\$ 2,841.76		
Landowner	\$ 3,281.30		
Clean Water Fund	\$ 7,497.14		
Area II Counties	\$ 165.00		

SUMMARY OF FY11 COMPLETED PROJECTS	
2006 Bonding Funds	\$ 23,499.99
EQIP Federal Funds	\$ 46,596.00
Clean Water Legacy	\$ 19,893.79
RCRCA Cost-Share	\$ 23,586.51
Area II Counties	\$ 3,856.25
Landowners	\$ 27,747.35
TOTAL	\$145,179.89

CLEAN WATER FUND

REDWOOD & COTTONWOOD WATERSHEDS

A portion of the funding was earmarked to fund up to 10 small grade stabilization repairs (up to \$15,000 each) within the two watersheds. Area II provided surveying, engineering design and construction inspection services. The following projects were completed with this grant:
 Paxton 3, Lamberton 9, Lamberton 16E, Lamberton 22, North Hero 3, Redwood Falls 17, Springdale 30 – Redwood County; Amiret 35, Stanley 21 and Monroe 4 – Lyon County

**AREA II
MINNESOTA
RIVER BASIN
PROJECTS, INC.**



GRANT PERIOD:
(incl. extensions)
From: July 1, 2009
To: June 30, 2010

**AREA II STATUTORY
AUTHORITY:**
MN Statutes, Sections
103F.171-103F.187

**Administrative
Services Grant
Expenditures**

*NOTE: Totals from
Audited Financial Report for
Year Ended June 30, 2010
Richard W. Holmberg, Ltd.*

Personal Services	\$127,693.02
Other Services	\$78,842.85
Supplies	\$1,749.47
Investigation & Testing	\$8,720.00
Capitol Outlay	\$2,684.78
TOTAL EXPENDITURE	\$219,690.12

PROJECT CONTACT:
Kerry Netzke, Executive Director
(507) 537-6369
area2@starpoinet.net

ATTACHMENT B

**Project Title: FY'10 ADMINISTRATIVE SERVICES GRANT
AGREEMENT NO. 104-88 \$130,000.00**



Area II Minnesota River Basin Watershed Boundary

Member Counties:
*Brown
Cottonwood
Lac qui Parle
Lincoln
Lyon
Murray
Pipestone
Redwood
Yellow Medicine*

Overall Project Description

Minnesota Statutes establish a grant-in-aid program administered by BWSR for providing financial and technical assistance to local government units (counties, SWCDS, and watershed districts) located in Area II for project and construction costs of floodwater retarding and retention structures within a general plan for floodplain management.

Nine counties within Area II have entered into a Joint Powers Agreement since 1978 to coordinate the implementation of such floodwater retarding and retention projects, and for this purpose, established Area II Minnesota River Basin Projects, Inc.

Statute authorizes BWSR to supervise the program and provide individual project grants not to exceed 75% of total project costs where federal funds are not utilized, or 50% of the nonfederal costs where federal funds are utilized.

Area II has an established office which houses Area II personnel and equipment to provide the engineering and other technical services of projects cost-shared through this program.

Costs eligible for cost-sharing under this Grant Agreement include technical office costs and associated costs, but do not include Area II Directors' compensation, expenses, insurance and bonding costs. The combination of the nine member counties provide \$85,156.74 to the Administrative Services Grant of \$130,000. This is well beyond the required 25% local match.

**AREA II
MINNESOTA
RIVER BASIN
PROJECTS, INC.**



GRANT PERIOD:
(incl. extensions)
From: July 1, 2010
To: June 30, 2011

**AREA II STATUTORY
AUTHORITY:**
MN Statutes, Sections
103F.171-103F.187

**Administrative
Services Grant
Expenditures**

*NOTE: Totals from
Treasurer's Report for
Month Ended March 31, 2011
(3 months of fiscal year remain)*

Personal Services	\$101,110.23
Other Services	\$52,540.47
Supplies	\$1,266.94
Investigation & Testing	\$ -0-
Capitol Outlay	\$ -0-
TOTAL EXPENDITURE year to date	\$154,917.64

PROJECT CONTACT:
Kerry Netzke, Executive Director
(507) 537-6369
area2@starpoint.net

ATTACHMENT C

**Project Title: FY'11 ADMINISTRATIVE SERVICES GRANT
AGREEMENT NO. 104-89 \$120,000.00**



Area II Minnesota River Basin Watershed Boundary

Member Counties:
*Brown
Cottonwood
Lac qui Parle
Lincoln
Lyon
Murray
Pipestone
Redwood
Yellow Medicine*

Overall Project Description

Minnesota Statutes establish a grant-in-aid program administered by BWSR for providing financial and technical assistance to local government units (counties, SWCDS, and watershed districts) located in Area II for project and construction costs of floodwater retarding and retention structures within a general plan for floodplain management.

Nine counties within Area II have entered into a Joint Powers Agreement since 1978 to coordinate the implementation of such floodwater retarding and retention projects, and for this purpose, established Area II Minnesota River Basin Projects, Inc.

Statute authorizes BWSR to supervise the program and provide individual project grants not to exceed 75% of total project costs where federal funds are not utilized, or 50% of the nonfederal costs where federal funds are utilized.

Area II has an established office which houses Area II personnel and equipment to provide the engineering and other technical services of projects cost-shared through this program.

Costs eligible for cost-sharing under this Grant Agreement include technical office costs and associated costs, but do not include Area II Directors' compensation, expenses, insurance and bonding costs. The combination of the nine member counties provide \$85,156.74 to the Administrative Services Grant of \$130,000. This is well beyond the required 25% local match.



Board Resolution # _____

Area II Minnesota River Basins Project Inc. Biennial Work Plan and Grant

WHEREAS, the Area II Minnesota River Basins Inc. (Area II) is eligible to receive a \$120,000 FY 2012 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for administrative and implementation efforts of Area II within their nine county project area. This grant is available with a 25% local match requirement; and

WHEREAS, Area II has developed a Biennial Work Plan to cover activities for FY 2012 and 2013; and

WHEREAS, Area II has secured their 25 percent match requirement.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2012 and 2013 Biennial Work Plan; and

BE IT FURTHER RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

Brian Napstad, Chair

Minnesota Board of Water and Soil Resources

Date: _____



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Area II Minnesota River Basins Project Inc. Bonding Work Plan and Grant

Meeting Date: September 28, 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: David Sill
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval and execution of fiscal year 2012 bonding grant agreement

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

Legislative appropriation (Bonding) to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. A cost share rate of 75% state funding and 25% non-state sources is required for project implementation; oversight is provided by BWSR.

BONDING WORKPLAN FY 2012 & 2013

OCTOBER 1, 2011 – JUNE 30, 2013



Member Counties

*Brown • Cottonwood • Lac qui Parle
Lincoln • Lyon • Murray • Pipestone
Redwood • Yellow Medicine*

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

1400 EAST LYON STREET ~ MARSHALL, MN 56258

WWW.AREA2.ORG

PROJECT CONSIDERATIONS

STATUTORY AUTHORITY

Minnesota Statutes 103F.171 – 103F.187

Summary: “Southern Minnesota Rivers Basin Area II” is the area within the watershed of rivers and streams that are tributaries of the Minnesota River from the south between the cities of Ortonville and Mankato. Area II is a State grant-in-aid program providing financial assistance to units of local government (counties, soil and water conservation districts, and watershed districts) for construction of floodwater retarding and retention structures within a general plan for floodplain management. Grants may not exceed 75% of the total project cost including site acquisition, engineering, and construction. If federal funds are utilized, the State contribution cannot exceed 50% of the remaining nonfederal costs.

APPROPRIATION LANGUAGE

Minnesota Statutes 2011 First Special Session, Chapter 12, Section 7, Subdivision 3

\$1,000,000 For grants to local governments in Area II of the Minnesota River Basin to acquire, design, and construct floodwater retention systems. A grant for a project is not available until the board determines that at least \$1 has been committed to the project from non-state sources for every \$3 of state grant.

PRIORITY DETERMINATION

Floodwater retarding and retention structures may include the following:

- Road Retentions
- Dams / Grade Stabilizations
- Dam / Grade Stabilization Restorations
- Wetland Restorations

Priority of funding will be determined with the following provisions in mind:

- Road Retention projects will have highest priority as Bonding is the only source of funding for these structures beyond MNDOT Town Bridge or State-Aid. Many road retentions do not qualify for MNDOT funding due to culvert / bridge size or sufficiency rating of the bridge. The other project types (Dams / Grade Stabilizations, Dam / Grade Stabilization Restorations, and Wetland Restorations) have successfully been constructed through other funding means such as Clean Water Funds and USDA Environmental Quality Incentive Program (EQIP).
- Bonding will be utilized to stretch the State and Federal funding to achieve 75% maximum cost-share. Other funding sources, even combined sources, often provide less than 75%.
- Retarding and retention projects that are designed and awaiting funding will also be given first consideration. The 25% local match can often times be the limiting factor for construction. If the local match is available, higher priority consideration will be given.
- No watershed within the Area II watershed boundary will be given priority over another. As witnessed from the spring flooding of 2011, all watersheds have need for flood damage reduction.
- County Comprehensive Local Water Plans and watershed district Overall Plans will provide guidance for prioritization.

ESTIMATED EXPENDITURE OF FUNDS

October 1, 2011 – December 31, 2011	\$ 300,000
January 1, 2012 – June 30, 2012	\$ 300,000
July 1, 2012 – December 31, 2012	\$ 300,000
January 1, 2013 – June 30, 2013	\$ 100,000
	<u>\$1,000,000</u>

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.

POTENTIAL PROJECTS

PROJECTS IDENTIFIED AS ELIGIBLE FOR FUNDING
AS OF AUGUST 15, 2011

COTTONWOOD COUNTY

Delton 19 Streambank Stabilization

LINCOLN COUNTY

Limestone 1 Road Retention

LYON COUNTY

Amiret 18/19 Road Retention
Amiret 29 Grade Stabilization
Amiret 32/33 Road Retention
Coon Creek 24 Grade Stabilization
Custer 15 Grade Stabilization
Lake Marshall 31 Grade Stabilization Repair
Lynd 8 Grade Stabilization
Lynd 17 Grade Stabilization
Lynd 33 Grade Stabilization Repair
Lynd 35 Grade Stabilization Repair
Lynd 31/32 Road Retention
Nordland 15 Grade Stabilization
Nordland 24 Grade Stabilization
Rock Lake 12 Grade Stabilization Repair
Sodus 16 Grade Stabilization

MURRAY COUNTY

Holly 4 Dam Repair
Holly 22 Road Retention
Lake Sarah 31 Road Retention

REDWOOD COUNTY

Charlestown 28 Grade Stab. Repair
Gales 18 Grade Stabilization
Lamberton 18 Grade Stabilization Repair
Lamberton 19 Grade Stabilization
North Hero 34 Road Retention
Springdale 17 Grade Stabilization
Springdale 21 Road Retention
Springdale 24 Grade Stabilization
Springdale 28 Grade Stabilization
Springdale 29 Grade Stab. Repair

PIPESTONE COUNTY

Aetna 22/15 Road Retention

AREA II MINNESOTA RIVER BASIN PROJECTS, INC.



Board Resolution # _____

Area II Minnesota River Basins Project Inc. Bonding Work Plan and Grant

WHEREAS, via Statutory Authority (MS 103F.171 – 103F.187) and appropriation language (Minnesota Statutes 2011 First Special Session, Chapter 12, Section 7, Subdivision 3) Area II Minnesota River Basins Project Inc. (Area II) is eligible to receive a \$1,000,000 FY 2012 grant from the Minnesota Board of Water and Soil Resources (BWSR). This grant is available for construction of floodwater retarding and retention structures within the nine county project area of Area II, and

WHEREAS, floodwater retarding and retention structures may include Road Retentions, Grade Stabilizations, Grade Stabilization Restorations and Wetland Restoration, and

WHEREAS, Area II has developed a Bonding Work Plan to cover activities for FY 2012 and 2013.

THEREFORE BE IT RESOLVED, the BWSR hereby approves the Area II FY 2012 and 2013 Bonding Work Plan; and

BE IT FURTHER RESOLVED, the Board of Water and Soil Resources enter into a grant agreement with the Area II Minnesota River Basins Project Inc. for these funds.

Date: _____

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

NEW BUSINESS

1. Camp Ripley Army Compatible Use Buffer (ACUB) Cooperative Agreement and Riparian Payment Rates – Kevin Lines – ***DECISION ITEM***
2. Clean Water Funded (CWF) and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program – Kevin Lines – ***DECISION ITEM***
3. Wellhead Protection Area Clean Water Funded (CWF) Permanent RIM Reserve Wellhead Protection Easement Program – Kevin Lines – ***DECISION ITEM***
4. Minnesota Drainage Law Analysis and Evaluation Report - Louis Smith, Smith Partners, PLLP – ***INFORMATION ITEM***
5. Upcoming Federal Farm Bill Conservation Title - Minnesota Interagency Efforts - Barbara Weisman, MDA, and interagency team – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**Camp Ripley Army Compatible Use Buffer (ACUB)
Cooperative Agreement and Riparian Rates**

Meeting Date: September 28, 2011

Agenda Category: Committee Recommendation New Business Old Business
 Item Type: Decision Discussion Information

Section/Region: Conservation Easement Section

Contact: Kevin Lines

Prepared by: Kevin Lines

Reviewed by: RIM Reserve Management Planning Committee(s) (RRMPC)

Presented by: Kevin Lines

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None
 - Amended Policy Requested
 - New Policy Requested
 - General Fund Budget
 - Capital Budget
 - Outdoor Heritage Fund Budget
 - Clean Water Fund Budget
- Other: Federal-Department of Defense-National Guard Bureau Funds

ACTION REQUESTED

The Board is requested to adopt the recommendation of RIM Reserve Management Planning Committee (RRMPC) which authorizes staff to establish adjacent riparian payment rates and develop, finalize, and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley staff, and continue the successful implementation of the Camp Ripley ACUB consistent with an approved Cooperative Agreement consistent with provisions of this resolution.

SUMMARY

The BWSR and the National Guard Bureau entered into a five-year Camp Ripley ACUB Cooperative Agreement June 2006, and it will expire September 30, 2011. This will allow staff to develop, finalize, and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley Staff and allow the continuation of the most successful ACUB program in the nation.

The RRMPC met on September 15th to review and unanimously recommends the following to successfully continue the Camp Ripley ACUB Program.

Board Resolution # _____

Camp Ripley Army Compatible Use Buffer (ACUB) Program: Cooperative Agreement Renewal and Adjacent Riparian Rates

WHEREAS the Board of Water and Soil Resources is authorized by Minnesota Statutes 103B.101, subdivision 9, authorizes the BWSR to accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other sources to achieve an authorized purpose. The Board may enter into a contract or agreement necessary or appropriate to accomplish the transfer. The Board may receive and expend money to acquire conservation easements, as defined in Chapter 84C, on behalf of the state and federal government consistent with Camp Ripley's Army Compatible Use Buffer Program (ACUB);

WHEREAS the state of Minnesota, acting through its Minnesota Board of Water and Soil Resources and the National Guard Bureau (NGB) entered into a five year cooperative agreement #W9133N-OG-2-3056 June 19, 2006;

WHEREAS the Camp Ripley ACUB cooperative agreement issued by the National Guard Bureau W9133N-OG-2-3056 expires on September 30th, 2011 and will need to be updated for the next five year agreement period beginning October 1, 2011;

WHEREAS the Camp Ripley ACUB and the State of Minnesota through its Department of Natural Resources and the Board of Water and Soil Resources has identified riparian properties located on the Mississippi and Crow Wing Rivers located in the Camp Ripley ACUB as its highest priority for enrollment in the ACUB program;

WHEREAS the Board has authorized staff to work with the National Guard Bureau, Camp Ripley staff, and the involved local Soil and Water Conservation District staff to develop the next Camp Ripley ACUB Cooperative Agreement;

WHEREAS Camp Ripley has identified that riparian lands adjacent to the Mississippi River and Crow Wing River in the 3-mile buffer areas have not been successfully enrolled into the Camp Ripley ACUB because existing ACUB payment rate for conservation easement are not sufficient to attract interest by landowners who own high-valued river frontage properties;

WHEREAS the Camp Ripley ACUB and their staff have been working with BWSR and the local Morrison SWCD to evaluate payment formula method alternative which would create a more equitable payment rate for these highly valued properties;

WHEREAS BWSR, Camp Ripley, and Morrison SWCD staff have recommended a ACUB payment rate for these identified river frontage properties of 60% of the most recent assessed market value of the land as determined by the county assessor of the county where the land is located;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on Thursday, September 15th, 2011 and unanimously recommends the following to successfully continue the Camp Ripley ACUB Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

- 1) Immediately implement the adjacent riparian lands payment rate of 60% of the most recently assessed market value of the land as determined by the county assessor of the county where the land is located, and
- 2) Develop and finalize and sign the next Camp Ripley ACUB Cooperative Agreement with the National Guard Bureau and Camp Ripley Staff, and
- 3) Continue the successful implementation of the Camp Ripley ACUB consistent with an approved Cooperative Agreement consistent with the provisions of this resolution.

Dated at Saint Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Board of Water and Soil Resources



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

CWF - OHF Permanent RIM Reserve Riparian Buffer Easement Program

Meeting Date: September 28, 2011
Agenda Category: [X] Committee Recommendation [X] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Conservation Easements
Contact: Kevin Lines
Prepared by: Kevin Lines
Reviewed by: RIM Reserve Management Planning (RRMPC) Committee(s)
Presented by: Kevin Lines

[] 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
[X] New Policy Requested [X] Outdoor Heritage Fund Budget
[X] Clean Water Fund Budget
[] Other:

ACTION REQUESTED

The Board is requested to approve the recommendation of the RRMPC to adopt the FY12 CWF and OHF Permanent RIM Reserve Riparian Buffer Conservation Easement Program which authorizes staff to:

- 1. Finalize, distribute, and promote a Request for Proposal (RFP) for the FY 2012 Clean Water Fund Buffer program and the FY2012 Lessard Sams Outdoor Heritage Council Wildlife Buffer Program.
2. Develop a detailed ranking process (to be reviewed by the Board).
3. Conduct the RIM Reserve Riparian Buffer Easement Program sign-up and selection process with a target implementation date of December 1, 2011.

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

The BWSR has received its second appropriation of \$6.0M CWF for FY12 to purchase and restore permanent RIM Reserve conservation easements on riparian buffer areas. The BWSR also received its first appropriation of \$2.249M in Outdoor Heritage Funds to acquire permanent wildlife buffers adjacent to existing CWF buffers.

The RRMPC met on September 15, 2011 to review and unanimously recommends the following to successfully implement the CWF-OHF Permanent RIM Reserve Riparian Buffer Easement Program.

Board Resolution # _____

Clean Water Fund and Outdoor Heritage Funded Permanent RIM Reserve Riparian Buffer Conservation Easement Program: Criteria and Enrollment Procedures

WHEREAS the Minnesota State Legislature appropriated \$6.0 million of Clean Water Funds (CWF) to the Board of Water & Soil Resources (BWSR) in the 2011, 1st Special Session Law Chapter 6, Article 1, Section 7(e), to purchase and restore permanent RIM Reserve Conservation easements on riparian buffers areas under Minnesota Statutes, section 103F.515. This appropriation may be used for restoration of riparian buffers protected by easements purchased with this appropriation and for stream bank restorations when the riparian buffers have been restored;

WHEREAS the Minnesota State Legislature appropriated \$2.249 million of Outdoor Heritage Fund (OHF) to the Board of Water and Soil Resources (BWSR) in the 2011 1st Special Session Law Chapter 6, Article 1, Section 2 (c) to acquire permanent conservation easements to enhance habitat by expanding riparian wildlife buffers on private land;

WHEREAS funds are available to purchase and restore permanent conservation easements on riparian buffers of at least 50 feet on average unless there is a natural impediment, road or other impediment beyond the control of the landowner but no more than 100 feet on average measured from the edge of a channel or shoreline;

WHEREAS the purpose of these CWFs is to purchase and restore permanent conservation easements on riparian buffers of up to an average of 100 feet adjacent to public waters, excluding wetlands, to keep water on the land in order to decrease sediment, pollutant and nutrient transport, reduce hydrologic impacts to surface waters and increase infiltration for groundwater recharge;

WHEREAS CWF buffers may be extended to a maximum average of 200 feet for wildlife enhancement purposes in the Prairie Planning Section of LSOHC using the OHF appropriation;

WHEREAS the Reinvest in Minnesota (RIM) Reserve conservation easement program is administered by the BWSR in cooperation with local Soil and Water Conservation Districts;

WHEREAS the SWCDs will be reimbursed for their services related to riparian buffer easement acquisitions and conservation plan development at the BWSR's current RIM services rate;

WHEREAS eligible riparian buffers are adjacent to public waters, streams, ditches and lakes (excluding wetlands). These are streams identified as solid lines, ditches identified as a dashed line and basins marked with a 'P' on the Department of Natural Resources (DNR) Public Waters Inventory map, and other public ditches are defined by MN Statute 103E and available from the county or watershed district drainage system authority;

WHEREAS a majority of the riparian buffer area enrolled must have a cropping history and a priority will be placed on enrolling existing or recently expired USDA Conservation Reserve Program (CRP) contracts into a RIM Reserve permanent conservation buffer easement;

WHEREAS the Board has established Permanent RIM Reserve easement payment rates;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on September 15, 2011 to review and recommend the following provision to successfully implement the RIM Reserve Riparian Buffer Conservation Easement Program;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby authorizes staff to:

1. Develop a ranking process for review by the Board; the ranking criteria may include the following: project description, anticipated outcomes, project readiness, and prioritization and relationship to plan;
2. Finalize, distribute, and promote a Request for Proposals (RFP) for the FY 2012 Clean Water Fund Buffer program and FY2012 Lessard Sams Outdoor Heritage Council wildlife buffer program;
3. Conduct the RIM Reserve Riparian Buffer Easement Program sign-up and selection process with a target implementation date of December 1, 2011.

Dated at Saint Paul, Minnesota this 28th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Board of Water and Soil Resources



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM Reserve Wellhead Protection Easements

Meeting Date: September 28, 2011
Agenda Category: [X] Committee Recommendation [X] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Conservation Easement Section
Contact: Kevin Lines
Prepared by: Kevin Lines
Reviewed by: RIM Reserve Management Planning Committee(s)
Presented by: Kevin Lines

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to approve the recommendation of the RIM Reserve Management Planning Committee (RRMPC) to authorize staff to successfully implement the CWF RIM Reserve Wellhead Protection Conservation Easement Program.

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

The BWSR has received \$2.6M in Clean Water Funds for FY12 - FY13 to purchase and restore permanent RIM Reserve conservation easements on wellhead protection areas. No changes were recommended for the CWF RIM Reserve Wellhead Protection Easement Program.

The RRMPC met on September 15, 2011 to review and unanimously recommends the following to successfully continue the CWF RIM Resreve Wellhead Protection Easement Program.

Board Resolution # _____

**Clean Water Funded Permanent RIM Reserve
Wellhead Protection Easement Program**

WHEREAS the Minnesota State Legislature appropriated \$2.6 million of Clean Water Funds (CWF) to the Board of Water & Soil Resources (BWSR) in the 2011, 1st Special Session Law Chapter 6, Article 1, Section 7(f) Board of Water and Soil Resources, to purchase and restore permanent RIM Reserve Conservation easements on wellhead protection areas under Minnesota Statutes, section 130F.515, subd.2, paragraph (d);

WHEREAS priority must be placed on land that is located where the vulnerability of the drinking water supply management area, as defined under Minnesota Rules, part 4720.5100, subpart 13, is designated as high or very high by the Commissioner of the Minnesota Department of Health (MDH);

WHEREAS the Reinvest in Minnesota (RIM) Reserve conservation easement program is administered by the Board of Water and Soil Resources (BWSR) in cooperation with local Soil and Water Conservation Districts (SWCD);

WHEREAS the SWCDs will be reimbursed for their services related to wellhead protection easement acquisition and conservation plan development at the BWSR's current RIM services rate;

WHEREAS enrollment into a Permanent RIM Reserve Wellhead Protection easement will be limited to Wellhead Protection Areas (WHPA) identified by the MDH and mapped as high or very high vulnerability. A majority of the easement must be within the WHPA;

WHEREAS a priority will be placed on extending new or existing USDA Conservation Reserve Program (CRP) contracts within the WPA and will be limited to areas with cropping history;

WHEREAS the MDH, in consultation with the Minnesota Department of Agriculture (MDA), has identified for BWSR the most highly vulnerable WPA's conducive to enrollment in the Permanent RIM Reserve Wellhead Protection Easement Program;

WHEREAS the Board has established Permanent RIM Reserve easement payment rates;

WHEREAS the BWSR RIM Reserve Management Planning Committee met on September 15, 2011 to review and recommend the following provision to successfully implement the RIM Reserve Wellhead Protection Conservation Easement Program;

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to work with the appropriate SWCDs to implement the acquisition of RIM Reserve Wellhead Protection easements in the targeted areas with high or very high vulnerability as provided to the BWSR by the MDH.

Dated at Saint Paul, Minnesota this 15th day of September, 2011.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____

Brian Napstad, Chair

Board of Water and Soil Resources

DRAFT



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: MN Drainage Law Analysis and Evaluation

Meeting Date: September 28, 2011
Agenda Category: [] Committee Recommendation [x] New Business [] Old Business
Item Type: [] Decision [] Discussion [x] Information
Section/Region: Technical Services Section
Contact: Al Kean
Prepared by: Al Kean
Reviewed by: _____ Committee(s)
Presented by: Louis Smith, Smith Partners, PLLP

[x] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] 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
[] Clean Water Fund Budget

Report includes proposed statute revisions, including BWSR authority

[x] Other: recommendations

ACTION REQUESTED

None

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

In 2008, the Legislative-Citizen Commission on Minnesota Resources (LCCMR) conducted two Requests for Proposals for the Environment and Natural Resources Trust Fund. The Phase 1 RFP priorities were continuations of major projects and the Phase 2 priorities were targeted issue areas defined by the LCCMR, including "Minnesota Drainage Law Analysis and Evaluation" under the Water Quality category. The objective stated by the LCCMR was to: "Conduct a legal analysis of Minnesota drainage laws (M.S. Chapter 103E and other applicable drainage law) to determine the economic costs and benefits and environmental impacts of the laws and consider alternative strategies that would best serve the collective needs of public waters and property owners alike." The Smith Partners proposal was selected by the LCCMR and funded by the Legislature in 2009.

Smith Partners coordinated with the stakeholder Drainage Work Group to identify a cross section of participants for a project advisory committee and to serve as a sounding board for draft products during the study. The final report, dated August 15, 2011 is available on the BWSR website on the Drainage page under Technical Information and Resources. The report includes draft legislation (i.e. proposed statute revisions) to implement the study recommendations. These proposed statute revisions will be the subject of further Drainage Work Group discussion and consensus recommendations, as well as BWSR staff discussion and recommendations.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: DRAFT guiding principles for the 2012 Farm Bill

Meeting Date: September 28, 2011
Agenda Category: [] Committee Recommendation [] New Business [] Old Business
Item Type: [] Decision [] Discussion [x] Information
Section/Region:
Contact: Al Kean
Prepared by: John Jaschke
Reviewed by: John Jaschke Committee(s)
Presented by: Barbara Weisman, MDA

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
An interagency team from MDA, BWSR, DNR, and PCA has been working to develop principles and ideas for the Conservation Title in the next Federal Farm Bill for subsequent communications to Federal policy makers. Although the timing of the upcoming Farm Bill development and passage is still uncertain, MDA Commissioner Frederickson has chartered an effort to develop a Minnesota message to be ready later this year. The draft guiding principles and some general ideas will be presented and discussed.

For more information contact:

Dept of Agriculture (MDA) – Barbara Weisman, barbara.weisman@state.mn.us, 651-201-6631
Board of Water & Soil Resources (BWSR) – Al Kean, al.kean@state.mn.us, 651-297-2907
Dept of Natural Resources (DNR) – Mark Lindquist, mark.lindquist@state.mn.us, 507-359-6038
Pollution Control Agency (MPCA) – Wayne Anderson, wayne.p.anderson@state.mn.us, 651-757-2195

DRAFT guiding principles for the 2012 Farm Bill Conservation Title - 8/19/2011

Contacts:

MN Board of Water & Soil Resources (BWSR) – Al Kean, al.kean@state.mn.us, 651-297-2907

MN Dept of Agriculture (MDA) – Barbara Weisman, barbara.weisman@state.mn.us, 651-201-6631

MN Dept of Natural Resources (DNR) – Mark Lindquist, mark.lindquist@state.mn.us, 507-359-6038

MN Pollution Control Agency (MPCA) – Wayne Anderson, wayne.p.anderson@state.mn.us, 651-757-2195

This draft is part of an interagency effort to revisit State of Minnesota recommendations for the 2008 Farm Bill Conservation Title, which can be found at:

www.cwc.state.mn.us/documents/consev_policy_recommendations.pdf.

Principle 1 - The Conservation Title must work for those who work the land: it must be *practical*.

Principle 2 - The Conservation Title must work for the environment: it must be *effective*.

Principle 3 - The Conservation Title must work for conservation partnerships: it must be *collaborative*.



Principle 1 - The Conservation Title must work for those who work the land: it must be practical. *The success of farm bill conservation programs depends on the voluntary participation of end-users – the farmers and others who own, rent or manage agricultural and other rural lands, including non-industrial private forestland.*

- **Blending conservation & production:** Promote the idea that there is room for some conservation on every farm. Help producers incorporate conservation into business decision-making using environmental quality assurance or similar rapid assessment tools. Simultaneously pursue conservation goals and support agricultural production by emphasizing practical, economically feasible conservation practices and systems compatible with working farms and forests.
- **Investing in conservation:** Appropriately balance funding for conservation practices on sensitive lands with funding for conservation practices on working lands. Offer financial incentives to accelerate producers' private investments in establishing and maintaining conservation practices. Streamline the application process for all conservation programs and make sign-ups more predictable and convenient.
- **Leadership from the ground up:** Strengthen farmer-led initiatives and farmer-to-farmer learning opportunities to accelerate adoption of effective conservation practices. Help land owners/managers engage in locally led protection and restoration projects that connect field scale efforts to watershed or landscape scale results.
- **Economic valuation:** Provide a sound basis for new conservation-based economic opportunities by quantifying the economic value (on and off the farm) of the environmental benefits provided by conservation practices. Communicate to all the value of private and public investments in conservation.



Principle 2 - The Conservation Title must work for the environment: it must be effective. *To be effective, farm bill conservation programs must focus on the long-term resilience of the landscapes and watersheds we rely on for food, fuel, fiber, drinking water, wildlife and outdoor recreation.*

- **Precision conservation & other informed decisions:** Invest in the scientific support network necessary to establish conservation goals and expectations at multiple scales. Strategically target funding to high-impact practices in the best places to achieve conservation goals.
- **Measuring performance:** Quantify the environmental effectiveness of conservation practices and systems at multiple scales. Interpret measurement data at regular intervals to evaluate what's working and what's not.
- **Adaptive management:** Adjust and adapt practices based on research findings and analysis of performance measurement data. Accelerate practice standard development and updates to help farmers adopt successfully piloted practices.
- **Lasting benefits:** Build a conservation culture centered on long-term environmental stewardship. Help land owners and managers sustain annual or ongoing management practices and preserve or maintain enduring vegetative and structural practices.



Principle 3 - The Conservation Title must work for conservation partnerships: it must be collaborative. *Successful, efficient program delivery requires highly functional partnerships among federal, state, local and non-government agencies and organizations.*

- **Leveraging resources:** Work closely with states to coordinate and leverage funding in support of mutual conservation priorities. Partner fully with state and local agencies/organizations to reinvest in technical assistance and strengthen the local conservation delivery network. Overcome barriers to data-sharing that hinder strategic use of financial and technical assistance resources.
- **Locally led conservation:** Keep programs flexible enough to be tailored to state and local conservation priorities. Invest more resources in locally led projects, local conservation work groups and State Technical Committees, and share detailed data to facilitate informed decisions.
- **Transparent decisions:** Help local project leaders communicate the scientific basis for conservation goals and targets to project participants and communities.
- **Communicating results:** Collaborate with conservation partners to build a learning culture. Help disseminate research, demonstration and pilot project findings. Conduct persistent and consistent outreach and education to share what's working and what's not, especially at the local level.