



DATE: March 19, 2012
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff
 FROM: John Jaschke, Executive Director *J.A.*
 SUBJECT: BWSR Board Meeting Notice – March 28, 2012

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, March 28, 2012, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

COMMITTEE MEETINGS

Metro Water Planning Committee

- 1. Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision** - The Metropolitan Area Local Water Management Rule Revision, Minnesota Rules Chapter 8410, is at a point where the formal rulemaking process can begin. The Rule Advisory Committee has completed its work and a draft revised rule has been developed. The next step would be to publish and mail the Request for Comments. In August, or later, the draft revised rule and SONAR would come before the Board for a decision. At this point the only item before the Board is to begin the formal rulemaking process. The Metro Water Planning Committee met on March 8, 2012. After review of the information, the Committee unanimously voted to recommend beginning the rulemaking process for Chapter 8410 per the attached draft Resolution. **DECISION ITEM**

Public Relations, Outreach & Strategic Planning Committee

- 1. PRAP and Training Assistance Grants to LGUs** - The Board is requested to authorize the use some of the cost share rollover dollars that currently fund the PRAP program to be used for grants or contracts to local government units with organizational development, training or critical assistance needs. In most cases the money will buy professional consultant services or training to help LGUs address operational needs or issues identified by BWSR staff during a PRAP or other assessment. The individual grants or contracts under this authorization will be awarded by the Executive Director and will not require further Board action. **DECISION ITEM**

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

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

Southern Water Planning Committee

1. **Belle Creek Watershed District (BCWD) Watershed Management Plan** - BCWD was established by BWSR Board Order on November 14, 1968. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The BCWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The BCWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the BCWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. One written comment was received by BWSR but there was not a request for hearing submitted. The Southern Water Planning Committee (Committee) met with representatives of the BCWD on February 9, 2012, after the state and local review period had ended. The Committee unanimously voted to recommend approval of the Plan.
DECISION ITEM

2. **Bear Valley Watershed District (BVWD) Watershed Management Plan** - BVWD was established by BWSR Board Order on April 27, 1961. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The BVWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The BVWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the BVWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. No written comment or request was received by BWSR. The Southern Water Planning Committee (Committee) met with representatives of the BVWD on February 9, 2012, after the state and local review period had ended. The Committee unanimously voted to recommend approval of the Plan to the full Board. **DECISION ITEM**

3. **Heron Lake Watershed District (HLWD) Watershed Management Plan** - The Commissioners in Nobles, Jackson, Murray, and Cottonwood Counties submitted a petition requesting the establishment of the Middle Des Moines Watershed District on April 2, 1969. The petition was approved on February 25, 1970. In October of 1995, the name of the district was changed to the Heron Lake Watershed District. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The HLWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The HLWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the HLWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. Written comments and a request for hearing were received by BWSR. On October 13, 2011 the Southern Water Planning Committee held a public hearing and received comments in opposition to the Plan and the creation of a Water Management District from Jackson County and watershed residents. The Committee met on Thursday, November 3, 2011 and took no action, based on HLWD request to postpone any action on the Plan until the public had been provided the necessary information. On November 28, 2011, HLWD conducted an Open House on the Plan. A plan revision was drafted to impose a maximum per parcel charge of \$24. The Committee met again on Thursday, February 9, 2012. Clarification was provided that 103D.729 requires that projects are initiated and

ordered to be implemented through a formal hearing and adoption process. Although comments in opposition were received, the defined need for projects is evident through impaired waters in the watershed and flooding concerns that still need to be addressed. After discussion and based on the entire record, the Southern Water Planning Committee made a motion recommending approval of the revised Heron Lake Watershed District Water Management Plan. **DECISION ITEM**

4. **Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) Watershed Management Plan** - SRMCWD was established by BWSR Board Order on December 26, 1958. Minnesota Statutes 103D.401 states that a board of watershed district managers must adopt a plan for any or all reasons for which the district may be established. The SRMCWD has completed the planning process for its proposed ten-year plan through December 31, 2021. The SRMCWD distributed its draft Watershed Management Plan as required for final review and comment. Comments received were considered by the SRMCWD, the plan was revised as needed, and submitted to BWSR for approval. BWSR provided proper Notice of Filing for the plan. This notice provided an invitation to submit written comments or a written request for a hearing if opposed to the plan. One written comment was received by BWSR but there was not a request for hearing submitted. The Southern Water Planning Committee (Committee) met with representatives of the SRMCWD on February 9, 2012, after the state and local review period had ended. The Committee unanimously voted to recommend approval of the Plan. **DECISION ITEM**
[Note: See 3/19/12 memorandum from John Jaschke regarding a discussion of an alternative resolution.]
5. **Winona County Soil and Water Conservation District (SWCD) Nomination Districts Resolution** - The Winona County SWCD approved a Nomination Districts Resolution on July 13 2011, which proposed to change nomination districts for the Winona County SWCD supervisor seats. The proposed Nomination Districts will provide consistent and equal distribution of township representation in the County. The Southern Water Planning Committee met on February 9, 2012, discussed said Resolution, and unanimously voted to recommend approval of the Winona County SWCD Nomination Districts Resolution. **DECISION ITEM**

NEW BUSINESS

1. **Amending Board Resolution #11-96: FY 2012 Competitive Grants Program Funding Recommendation** – The Board is requested to amend Resolution #11-96 to address a fund calculation discrepancy and a request by the manager of a funded project. **DECISION ITEM**
2. **Evaluation of Water Related Programs** – Legislation was passed in Special Session 2011 that directs the Pollution Control Agency to accomplish an evaluation of water related programs in conjunction with other water agencies and the University of Minnesota. The legislation began as a rule moratorium but that aspect of the legislation was set aside. MPCA Deputy Commissioner John Stine will overview the plans developed thus far for the \$75,000 study and provide some perspective on how the Board and local governments may be best able to contribute. **INFORMATION ITEM**
3. **Agassiz National Wildlife Refuge (NWR) Water Quality Study** – Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist, with the U.S. Fish & Wildlife Service, will present information regarding the Agassiz NWR Refuge sedimentation study. **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting will adjourn about noon. I look forward to seeing you on March 28th!

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

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 28, 2012

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JANUARY 25, 2012 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

REPORTS

- Chair – Brian Napstad
- Administrative Advisory Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Wetlands Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Paul Langseth
- Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision – Jim Haertel – ***DECISION ITEM***

Public Relations, Outreach & Strategic Planning Committee

1. PRAP and Training Assistance Grants to LGUs – Don Buckhout – ***DECISION ITEM***

Southern Water Planning Committee

1. Belle Creek Watershed District (BCWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***
2. Bear Valley Watershed District (BVWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***
3. Heron Lake Watershed District (HLWD) Watershed Management Plan – Jeff Nielsen – ***DECISION ITEM***

4. Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) Watershed Management Plan – Paul Langseth – **DECISION ITEM**
5. Winona County Soil and Water Conservation District (SWCD) Nomination Districts Resolution – Paul Langseth – **DECISION ITEM**

NEW BUSINESS

1. Amending Board Resolution #11-96: FY 2012 Competitive Grants Program Funding Recommendation – Dave Weirens – **DECISION ITEM**
2. Evaluation of Water Related Programs – John Linc Stine, MPCA – **INFORMATION ITEM**
3. Agassiz National Wildlife Refuge (NWR) Water Quality Study – U.S. Fish & Wildlife Service Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist – **INFORMATION ITEM**

AGENCY REPORTS

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

ADVISORY COMMENTS

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

UPCOMING MEETINGS

- Next Board Meeting – April 25, 2012

Noon

ADJOURN

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

BOARD MEMBERS PRESENT:

Chris Elvrum, MDH; Paul Brutlag, Bob Burandt, Quentin Fairbanks, Rebecca Flood, PCA; Christy Jo Fogarty, Todd Foster, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Tom Landwehr, DNR; John Meyer, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:

Faye Sleeper

STAFF PRESENT:

Don Buckhout, Matt Drewitz, Travis Germundson, Jim Haertel, Jeff Hrubes, John Jaschke, Sherri Johnson, Al Kean, Kari Keating, Melissa Lewis, Kevin Lines, Dave Rickert, Ron Shelito, Kyle Skov, Dave Weirens, Marcey Westrick, Steve Woods, Brad Wozney

OTHERS PRESENT:

Suzanne Hanson, MPCA
Andy Holdsworth, DNR

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

PLEDGE OF ALLEGIANCE

**
12-01 **ADOPTION OF AGENDA** – Moved by Quentin Fairbanks, seconded by John Meyer, to adopt the agenda as amended. Motion passed on a voice vote.

**
12-02 **MINUTES OF DECEMBER 14, 2011** – Moved by Louise Smallidge, seconded by LuAnn Tolliver, to approve the minutes of December 14, 2011, as circulated. Motion passed on a voice vote.

NEW BUSINESS

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

INTRODUCTION OF NEW BWSR STAFF

- Dave Rickert, Easement Acquisition Specialist
- Kyle Skov, Conservation Drainage Engineer

RECOGNITION OF BWSR MEMBERS

- Paul Brutlag *Term 2004 - 2011*
- Louise Smallidge *Term 2004 - 2011*
- LuAnn Tolliver *Term 2004 - 2011*

NOMINATION OF VICE-CHAIR

**
12-03 Brian Napstad reported that the Governor will be making appointments for new board members in the near future, and that BWSR will need to elect a vice-chair to replace outgoing vice-chair Paul Brutlag. Paul Brutlag nominated Gerald Van Amburg. Motion by Quentin Fairbanks, seconded by LuAnn Tolliver, to close nominations. Motion passed on a voice vote.

REPORTS

Chair's Report – Brian Napstad reported DNR, BWSR, and Corps staff met to pursue flexibility to maximize wetland mitigations in the State of Minnesota. This project doesn't have a name yet, but the group is being gathered together to develop the

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program. Chair Napstad also reported on the EQB's efforts to begin the assessments that are prompted by the recent Governor's Executive Order.

Administrative Advisory Committee (AAC) – Brian Napstad reported that he will be working with the committees and appointing new members and chairs. He expects to be making appointments sometime in February based on the Governor's appointments. Chair Napstad also reported that it is time for the Executive Director's review. The evaluation form will come to board members in the mail. BWSR has been invited to the southwest of Minnesota for this year's Board tour. The tour will be held the 4th Wednesday and Thursday of August.

Executive Director's Report – John Jaschke reported on the status of the legislative process including bonding, reform initiatives and the likely path for the Local Water Roundtable bill (HF1596).

Dispute Resolution Committee – Travis Germundson reported that there are 15 pending appeals and only one new appeal since the last board meeting.

Wetlands Committee – LuAnn Tolliver reported that the committee has not met in the last month with a possible April meeting. She thanked board and staff for their help with the wetland committee.

Grants Program & Policy Committee – Louise Smallidge reported that the committee has not met in the last month. The committee will be meeting immediately following the board meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the committee met yesterday and looked at PRAP and the strategic plan. The resolution has had some small adjustments.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the committee met and there will be a RIM/WRP item coming up later in the meeting.

Drainage Work Group – Tom Loveall and Al Kean reported that the group met on January 9, 2012.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Pioneer-Sarah Creek WMO Plan Amendment – Brad Wozney reported that an Amendment to the Pioneer-Sarah Creek WMO Watershed Management Plan was filed with the Board on November 28, 2011. The draft Order contains a summary of the changes and the reviewing agencies' comments. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water

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- **
12-04 Planning Committee recommends approval of the Plan Amendment. Motion by Bob Burandt, seconded by Sandy Hooker, to approve the Plan Amendment as presented. Motion passed on a voice vote.

- Rice Creek Watershed District Watershed Plan Amendment** – Melissa Lewis reported on an amendment to the Rice Creek Watershed District (District), located in the northeast portion of the Metropolitan Area, was established in 1972 by the Minnesota Water Resources Board. The District Board consists of two representatives each from Anoka and Ramsey counties and one representative from Washington County. The mission of the District is to prevent flooding and enhance water quality in harmony with development for the common good. The Plan Amendment establishes watershed management districts for drainage systems ACD 10-22-32, ACD 31/46, and ACD 53-62. These water management districts provide the framework for an equitable method to generate revenues for funding a portion of the repair projects from the properties benefiting from or contributing to the need for repair projects. The Metro Water Planning Committee recommends approval of the plan amendment. Motion by
- **
12-05 Bob Burandt, seconded by Louise Smallidge, to approve the Rice Creek Watershed District Plan amendment. Motion passed on a voice vote.

Northern Water Planning Committee

- Benton County Five Year Plan Update** – Keith Mykleseth reported that on August 28th, 2008, the Board of Water and Soil Resources approved Benton County's Comprehensive Local Water Management Plan for a ten year period from 2008-2018 with a required amendment by August 2013. On April 15th, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on October 27th, 2011. The Northern Water Planning Committee met on January 19th to review the plan amendment and recommends approval on the update through July 31st, 2018. Motion by Keith Mykleseth, seconded by Paul Brutlag, to approve the Benton County five year plan amendment. Motion passed on a voice vote.
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12-06

- Hubbard County Water Management Plan Extension** – Paul Brutlag reported that Hubbard County submitted a resolution requesting a two year extension of their county water plan on October 13, 2011. The Hubbard County Local Water Management Plan would expire on January 24, 2012. The Northern Water Planning Committee met on January 19th to review the Hubbard County extension request and recommends approval of the plan extension. Motion by Paul Brutlag, seconded by Sandy Hooker, to approve the Hubbard County Water Management Plan two year extension. Motion passed on a voice vote.
- **
12-07

City of Sauk Rapids Comprehensive Wetland Protection and Management Plan – Paul Brutlag reported that on July 27, 2009, the Sauk Rapids City Council moved to develop a Comprehensive Wetland Protection and Management Plan (CWPMP). The draft CWPMP was submitted to the BWSR, other state agencies and local governmental units on March 10, 2011. The agency comments were addressed in

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12-08 ** writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft plan, ordinance and all required documentation was submitted to the Board. On November 23, 2011, an extension was granted until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received, several changes were made to the plan and ordinance by the City of Sauk Rapids. On January 19, 2012, The Board's Northern Water Planning Committee met with City representatives and BWSR staff, and recommends approval of the ten year Comprehensive Wetland Protection and Management Plan. Motion by Paul Brutlag, seconded by Quentin Fairbanks, to approve the City of Sauk Rapids Comprehensive Wetland Protection and Management Plan. Motion passed on a voice vote.

12-09 ** **Sand Hill River Watershed District Water Management Plan** – Keith Mykleseth reported that the Sand Hill River Watershed District is seeking approval of the District's revised Water Management Plan. The Plan identifies quantifiable desired future conditions related to flood damage reduction and natural resource enhancement for the four planning region of the District, establishes these planning regions as Water Management Districts, and identifies by planning region the actions needed to accomplish the District's goals. The Plan meets the requirements of 103D.405, follows the guidelines provided by the Board of Water and Soil Resources, and upholds the intent of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998". Motion by Keith Mykleseth, seconded by Gerald Van Amburg, to adopt the Northern Water Planning Committee recommendation to approve the Sand Hill River Watershed District revised Water Management Plan. Motion passed on a voice vote.

12-10 ** **Marshall County Amendment of Local Water Management Plan** – Keith Mykleseth reported that by Board Order, the Board of Water and Soil Resources (Board) approved the Marshall County Comprehensive Local Water Management Plan (Plan) on December 20, 2006. This plan covers the ten-year period of 2007-2015 and contained a 2007-2011 five-year implementation section. The Board Order stipulated that the County was required to revise/update the implementation section for the period 2012-2015. Following the guidelines established by the Board, Marshall County has completed the local water management plan amendment process and submitted their 2012 Amendment, which is for a four-year period of 2012-2015. The Board's Northern Water Planning Committee (Committee) met on January 19, 2012 to review the Marshall County Plan 2012 Amendment and recommends approval. Motion by Keith Mykleseth, seconded by Paul Brutlag, to adopt the Northern Water Planning Committee recommendation to approve the Marshall County amendment of the Local Water Management Plan. Motion passed on a voice vote.

Red Lake Watershed District Territory Withdrawal – Gene Tiedemann reported that Beltrami County has submitted a petition "Withdrawal of Certain Territories within The Red Lake Watershed District" which petitions the withdrawal of approximately 2,200

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- acres in Beltrami and Itasca counties from the Red Lake Watershed District. Reasoning is that this territory actually drains into the Mississippi River Basin not the Red River of the North via the Red Lake River of the North which is in the jurisdictional boundary of the Red Lake Watershed District. Motion by Gene Tiedemann, seconded by Quentin Fairbanks, to approve the Northern Water Planning Committee recommendation of the withdrawal of territory from the Red Lake Watershed District. Motion passed on a voice vote.
- **
12-11

- Cormorant Lakes Watershed District (District) Watershed Management Plan –** Quentin Fairbanks reported that the Cormorant Lakes Watershed District was established on August 22, 1966 by the Water Resources Board. The last plan was adopted in 1999 and this is a required ten year revision of the plan. The mission of the CLWD is to protect and enhance the quality of waters within its jurisdiction; to ensure that appropriate decisions are made concerning the management of streams, wetlands, lakes, groundwater, and related land resources which impact these waters; and to accomplish the purposes for which a watershed district is established. The Plan identifies eight major goals that relate to: Maintain or Improve Surface Water Quality, Groundwater Resources, Erosion and Sedimentation, Prevention and Management of Aquatic Invasive Species, Damage from High Water, Maintain Channels and Water Flow, Habitat Improvement and Education. Motion by Quentin Fairbanks, seconded by Louise Smallidge, to adopt the Northern Water Planning Committee recommendation to approve the Cormorant Lakes Watershed District Watershed Management Plan revision. Motion passed on a voice vote.
- **
12-12

- Buffalo Red River Watershed District Enlargement and Increase in Number of District Managers Order for Hearing –** Gene Tiedemann reported that on January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District (BRRWD), Otter Tail County and Wilkin County to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers by two. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7, 2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. Motion by Keith Mykleseth, seconded by Gene Tiedemann, to proceed with a hearing for the enlargement and increased number of district managers for the Buffalo Red River Watershed District. Motion passed on a voice vote.
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12-13

Public Relations, Outreach & Strategic Planning (PROSP) Committee
2012 PRAP Report to the Legislature – Keith Mykleseth and Don Buckhout reported that the annual PRAP Report to the Legislature is required by statute as a summary of local government performance in water management. The report is prepared to monitor the local delivery system. Each year at the January meeting the Board is given the

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12-14 ** opportunity to approve this report before it is sent to the legislature by the February 1 deadline. This year the PROSP Committee has primary responsibility for the report and met on the evening before the board meeting to act on a recommendation to the full board regarding this report and resolution. Per the Committee's request a new summary was provided. Motion by LuAnn Tolliver, seconded by Sandy Hooker, to approve the PROSP Committee recommendation of the 2012 PRAP Report to the Legislature. Motion passed on a voice vote.

12-15 ** **BWSR 2012 Strategic Plan Recommendation** – Keith Mykleseth and Don Buckhout reported that the Public Relations, Outreach and Strategic Planning Committee of the Board has been working on updating the BWSR 2007 Strategic Plan for two years. This 2012 Update of the Plan is the culmination of that work. Preliminary steps to this Board action have been the identification of additional strategies for inclusion in the plan, revision of the plan's executive summary and the review of that document by other state agencies and key stakeholder groups, and review by the board of a status report of accomplishments for each of the strategies in the 2007 Plan. Motion by Keith Mykleseth, seconded by Louise Smallidge, to approved the PROSP Committee recommendation of the BWSR 2012 Strategic Plan update. Motion passed on a voice vote.

RIM Reserve Management Planning Committee

12-16 ** **RIM-WRP Partnership: Bond Fund Allocations** – Kevin Lines reported that the RIM Reserve Management Planning Committee met on January 13, 2012, to review and recommend bond fund allocations to implement the RIM-WRP Partnership in Minnesota. Motion by Paul Brutlag, seconded by Tom Landwehr, to approve the RIM Reserve Management Planning Committee recommendation of the remaining 2011 bond fund allocations. Motion passed on a voice vote.

NEW BUSINESS

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

Evaluation of Water Related Programs – John Linc Stine, MPCA, presentation was postponed until the March board meeting.

AGENCY REPORTS

Minnesota Department of Agriculture – Rob Sip reported that the 6th annual nutrition and management conference is coming up.

Minnesota Department of Health – Chris Elvrum had no items to report. Chris has been named the MDH representative to the BWSR Board by Commissioner Ehlinger.

Minnesota Department of Natural Resources – Chair Napstad reported that the gray wolf will be coming off of the endangered species list on Friday. Information should be on the DNR website.

ADVISORY COMMENTS

Minnesota Association of Townships – Sandy Hooker gave a short status report on township legislative items.

UPCOMING MEETINGS – Chair Napstad stated that the next BWSR Board Meeting is March 28, 2012.

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12-17 Moved by LuAnn Tolliver, seconded by Paul Brutlag and Louise Smallidge, to adjourn the meeting at 12:31 pm. Motion passed on a voice vote.

Respectfully submitted,

Kari Keating
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report

Meeting Date: March 28, 2012
Agenda Category: Committee Recommendation New Business Old Business
Item Type: Decision Discussion Information
Section/Region: Land and Water Section
Contact: Travis Germundson
Prepared by: Travis Germundson
Reviewed by: _____ Committee(s)
Presented by: Travis Germundson

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

None

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

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

Dispute Resolution Report
March 9, 2012
By: Travis Germundson

There are presently 14 appeals pending. All of the appeals involve WCA except File 10-10. There has been 1 new appeal filed since the last report dated January 25, 2012.

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

File 12-03 (2-21-12) This is an appeal of a no-loss determination in Hennepin County. The site is within the boundaries of the Mississippi National River and Recreation Area. The appeal regards the approval of a no-loss application contenting that the applicant provided no proof to show qualification. The project proposes to restore the site to an open space/park condition. The appeal has been remanded for the TEP to produce a written report and administrative proceedings.

File 12-02 (1-18-12) This is an appeal of a restoration order in Aitkin County. The appeal regards the excavation and filling of approximately 30,200 sq. ft. of a Type 7 wetland association with the construction of private road/trail. *The appeal has been placed in abeyance and the restoration order stayed for proper service of the restoration order and for submittal of additional information in support of the appeal.*

~~File 12-01 (1-5-12) This is an appeal of a restoration order in Rice County. The appeal regards the installation 2000 linear feet of drain tile through a Type 2 wetland for agricultural purposes. No decision has been made on the appeal. The appeal has been denied.~~

~~File 11-10 (12-19-11) This is an appeal of a restoration order in Redwood County. The appeal regards the filling, draining, and excavation of a Type 2 wetland associated with the development of a residential property. No decision has been made on the appeal. The appeal was denied in part and the restoration affirmed in part and modified to reduce the wetland replacement ration from 4:1 to 2:1.~~

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

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

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

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

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

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

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

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

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

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

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

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

Summary Table

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

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

1. Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision –
Jim Haertel – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Begin Rulemaking for Metropolitan Area Local Water Management Rule Revision

Meeting Date: March 28, 2012
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: [X] Resolution [] Order [] Map [X] 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 to Begin Rulemaking for Revising the Metropolitan Area Local Water Management Rules, Chapter 8410

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Metropolitan Area Local Water Management Rule Revision, Minnesota Rules Chapter 8410, is at a point where the formal rulemaking process can begin. The current rule dates to 1992. Obviously many changes have occurred in watershed management over the last 20 years that necessitate a rule revision. An advisory committee convened several times over many years and developed a draft revised rule.

The goal of the rule revision is to build on BWSR's experience implementing the Metropolitan Water Management program by moving away from an overly prescriptive, one-size-fits-all approach to a more result-oriented framework. In essence, future watershed management plans would consist of periodically updated inventories and goals, and frequently updated implementation and capital improvement plan sections.

Please see the attached March 1st document "Metropolitan Area Local Water Management Rule Revision" that describes the history of the rule revision including the Rule Advisory Committee and the guiding principles for the rule revision. Also attached are a list of the advisory committee members, a schedule for the rule to be promulgated and a summary of changes from the current rule to the draft revised rule. The draft revised rule is available on the BWSR website under "Resource Management and Planning".

After the Board approves the rulemaking to begin, the next step would be to publish and mail the Request for Comments. In August, or later, the draft revised rule and SONAR would come before the Board for action. At this point the only item before the Board is to begin the formal rulemaking process.

The Metro Water Planning Committee met on March 8, 2012. After review of the information, the Committee unanimously voted to recommend beginning the rulemaking process for Chapter 8410 per the attached draft Resolution.

Minnesota Board of Water and Soil Resources Resolution No. 12-_____

Authorization for Rulemaking in the Proposed Revision of Metropolitan Area Local Water Management Rules, Minnesota Rules, Chapter 8410

WHEREAS, the Board of Water and Soil Resources (Board) is authorized under Minn. Stat. §§ 103B.201 through 103B.255 to establish rules to govern implementation of the Metropolitan Surface Water Management Program; and,

WHEREAS, the Board adopted rules on May 27, 1992 in Minnesota Rules Chapter 8410 to address the Metropolitan Surface Water Management Program; and,

WHEREAS, there have been many changes in surface water management since 1992 that necessitate a rule revision, including development of new Best Management Practices (BMPs), storm water treatment systems, targeting systems using GIS and LIDAR, more data, Clean Water Funding, identification of impaired waters and preparation of plans to address impaired waters; and,

WHEREAS, Board staff have worked with a rule advisory committee to develop a draft revised rule; and,

WHEREAS, the Board's Metropolitan Water Planning Committee reviewed the need to revise Minnesota Rules Chapter 8410, acknowledged the need for revised rules, and unanimously recommended the Board authorize the initiation of rulemaking.

NOW THEREFORE BE IT RESOLVED, that the Board adopts the recommendation of the Metropolitan Water Planning Committee to authorize the initiation of the rulemaking process for the revision of Minnesota Rules Chapter 8410.

Dated at St. Paul, Minnesota this 28th day of March, 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

Metropolitan Area Local Water Management Rule Revision, March 15, 2012

The goal of the Metropolitan Area Local Water Management Rule revision, Minnesota Rules Chapter 8410 (Rules) is to build on BWSR's experience implementing the Metropolitan Water Management program by moving away from an overly prescriptive, one-size-fits-all approach to a more result-oriented framework. In essence, future watershed plans would consist of periodically updated inventories and goals, and frequently updated implementation and capital improvement plan sections.

In a nine month period from Fall 2001 to Summer 2002, the Metro Water Planning Rules Advisory Committee (Committee) met five times to complete a rough draft of the revised Rules. This process was temporarily delayed when BWSR intended to propose legislation to amend Minnesota Statutes §§ 103B.201 - 103B.255. The relevant statutes have not been amended.

The Committee defined their recommended changes in four categories: 1) Plan Content, 2) Plan Development Process, 3) Intergovernmental Coordination, and 4) Organizational Capacity. In their last meeting in June, 2002, the Committee agreed on the majority of specific rule changes needed to assemble a complete initial draft Rules document in accordance with the list below. The Committee identified a few issues that remain, however the remaining issues cannot be addressed in the Rules revision without statutory changes. The following is a brief summary, by category, of the Committee's recommended changes and any remaining unresolved issues:

1) Plan Content – “Efficient Implementation”

- Focusing plans on priority issues.
- Accountable administration and targeted capital improvement programs.
- Incorporating new data, analysis and inventories.
- Frequently updated implementation and capital improvement plans.
- Mechanisms for addressing impaired waters.

2) Plan Development Process – “Engagement and Involvement to Prioritize”

- Tailoring programs to meet multiple objectives.
- Early announcement of “priority issues” through intensive citizen and agency involvement.
- Better annual reporting to evaluate if implementation achieves local goals.
- More attractive amendment and review procedures.

B. Remaining Issues:

- Streamlining and shortening the plan review process (statute changed)

3) Intergovernmental Coordination – “Connection with Local Land use and State Regulations”

A. Rule Change Recommendations:

- Better link between local comprehensive land use plans and metro water management plans.
- Procedures if local preferences conflict with state standards.

B. Remaining Issues:

- Improving groundwater /surface water interactions (statute change would be necessary).

4) Organizational Capacity – “Accountability for a Consistent Level of Implementation Metro-Wide”

A. Rule Change Recommendations:

- Increase self-evaluation through development of report card.
- Develop guidelines for determination of non-implementation.
- Allow for alternative reporting methods such as “eLINK”.

B. Remaining Issues:

- No Issues Identified

A New Committee, consisting of many of the previous Committee members, met four times from February to June, 2009. The draft rule revision was extensively modified based on the New Committee’s recommendations. The New Committee reconvened from January to June, 2011 to finish work on the draft rule revision. Some statute revisions are being proposed in the 2012 legislative session. It is anticipated the formal rulemaking process will begin in May.

Questions or comments should be directed to Jim Haertel at jim.haertel@state.mn.us or 651-297-2906.

Minnesota Rules Chapter 8410
Metropolitan Area Local Water Management
Rule Amendment Schedule

Board of Water and Soil Resources
March 5, 2012

March 8, 2012	Board Metro Water Planning Committee reviews workplan and recommends proceeding with Rulemaking
March 28, 2012	Board authorizes proceeding with Rulemaking
April 2, 2012	Submit preliminary proposal form to Governor's office
April 5, 2012	Submit Additional Notice Plan to OAH
April 16, 2012	Receive administrative rule tracking number from Governor's office
April 29, 2012	Post draft Rule clean version, strikeout/underline version, and SONAR on BWSR website Send draft rule to Revisor's Office
April 30, 2012	Publish Request for Comments in the State Register Mail Request for Comments to BWSR's Rulemaking Mailing List, other affected parties, select legislators and legislative committees per Additional Notice Plan approved by OAH
June 15, 2012	Comment period closes
July 23, 2012	Metro Water Planning Committee reviews draft revised Rule, SONAR, and the additional notice plan Submit draft Rule to Revisor's Office for certification of form of Rule Send letter to MN Management and Budget to evaluate fiscal impact and benefit of proposed Rules on local governments [if it is determined that the proposed rule affects farming operations then the proposed rule and SONAR must be provided to MDA at least 30 days before publishing in the State Register]

August 23, 2012	BWSR Board approves final draft Rule and SONAR and delegates signature authority to Executive Director Submit Board-approved draft Rule, SONAR and Form to Governor's office for approval
October 1, 2012	After approval by Governor's office, Executive Director signs Notice of Intent to Adopt Rules [with/without/dual] a public hearing Post proposed Rule, strikeout / <u>underline</u> version and SONAR on BWSR website
October 22, 2012	Publish Notice of Intent to Adopt Rule in State Register Mail Notice to same list as Request for Comments plus any additional that commented Send a copy of the SONAR to the Legislative Reference Library
December 25, 2012	If no hearing requested, submit Final Review Form to Governor's office
January 8, 2012	Metro Water Planning Committee reviews final Rule
January 23, 2013	BWSR Board adopts Final Rule, Board chair signs Resolution and Order Adopting Rule Request official copy of Rule as adopted from Revisor's Office
February 2013	Submittal to OAH
March 2013	Revised Rule published in the State Register

Summary of Changes - Draft Minn. Rules Chapter 8410

3/1/12

Highlights of the currently proposed revisions to the rule are provided below, organized by part within the proposed revised rule. Many of the revisions are a reorganization of content and subsequent rewording of text with a goal towards a more clear and concise rule. In general, the proposed revisions are already being met by the higher performing organizations.

METROPOLITAN AREA LOCAL WATER MANAGEMENT

Scope

- Significantly new to the scope is that watershed plans can also be considered TMDL Implementation Plans if stated as an objective in a plan and reviewed and approved accordingly
- Revised rule would be applicable to plans and amendments one year after promulgation of the revised rule

Definitions

- Definitions no longer applicable due to changes in the rule removed, and a few new definitions added

Joint Powers Agreements

- Essentially unchanged except to allow map based on parcels rather than legal description.
- JPAs compliant with existing rule will not need to be amended to be compliant with new rule

Removal of Organization Representatives

- Essentially unchanged except removed BWSR from appeal process regarding decisions of appointing authorities

WATERSHED MANAGEMENT ORGANIZATION PLANS

Issue Identification and Assessment

- Combined multiple areas of the former rule
- Emphasizes the identification and assessment of issues up front prior to development of a plan in order to streamline the planning process. Includes advisory committee, resource assessments from plan review agencies, and review of local issues and controls.
- Requires an initial plan "kickoff" meeting
- Focuses an organization on developing a plan based on priority issues in consideration of water management problems and prevention, funding, and the regional/county/state/federal priorities identified

Executive Summary

- Reorganized but essentially unchanged

Land and Water Resources

- Reorganized and abridged data requirements
- Increased flexibility by allowing references to resource data rather than including the actual data – recognizes increased availability of data on the web and reduces volume of a plan

Establishment of Goals

- Goals required for priority issues identified as well as water quantity, water quality, public drainage systems, groundwater and wetlands
- Requires goals to be measurable, and establishment of procedures for evaluating progress towards goals at a minimum of every two years

Implementation Actions

- Requires establishment of procedures for evaluating progress towards implementation at a minimum of every two years
- Broad implementation program categories are essentially the same; however, the details within have changed to be more concise and incorporate reorganized parts of the existing rule
- Requires implementation programs within this part be included in the plan unless justification is provided for not including a particular program

Amendments

- Requires plan amendment if evaluation of progress on the implementation actions warrants
- Defines changes not requiring amendments
- Broadens minor amendment requirements so general amendments are needed less frequently

Annual Reporting and Evaluation Requirements

- Ties annual report to the calendar year and audit to the organization's fiscal year. Also gives additional time for the audit to be completed (6 months instead of 4 months)
- Increased emphasis on evaluation of progress towards goals and implementation
- Requires reporting on trends of water monitoring data rather than the data
- Requires a website with meeting agendas, minutes, contact information, activity report, etc. Majority of organizations already have websites though some may need to post additional information.

Determinations of Failure to Implement

- Clarifies considerations in determining failure to implement and includes failure to submit annual reports or audits to be considered just cause to begin failure to implement process

LOCAL PLANS

Plan Structure

- Requires local plans to be included in local comprehensive plans
- Removes requirement to outline the purposes of the water management programs contained in Minn. Statutes
- Removes requirement for analysis of financial impact to implement local plan

Metropolitan Watershed Management Rules Advisory Committee
Minn. Rules Chapter 8410

June 29, 2011

The Committee met four times from February to June, 2009. A draft revised rule was developed based on Committee recommendations. The Committee reconvened to review the draft from January to June, 2011. The draft rule revision will be reviewed with several stakeholder groups before the formal rulemaking process is started. Minutes of the meetings, background information, and documents are posted on the BWSR website under "Resource Management and Planning". The Committee members are as follows:

Karen Chandler, Barr Engineering
Eric Evenson, Minnehaha Creek Watershed District
Dale Homuth, MN Department of Natural Resources
Anna Kerr, MN Pollution Control Agency
Barb Peichel, MN Pollution Control Agency
Charles LeFevre, Kennedy & Graven
Matt Moore, South Washington Watershed District
Paul Nelson, Scott County
Randy Neprash, League of Minnesota Cities Stormwater Coalition
Art Persons, MN Department of Health
Judy Sventek, Metropolitan Council
Brian Watson, Dakota Soil and Water Conservation District

Jim Haertel, MN Board of Water and Soil Resources

Questions or comments should be directed to Jim Haertel at jim.haertel@state.mn.us or 651-297-2906.

COMMITTEE RECOMMENDATIONS

Public Relations, Outreach & Strategic Planning Committee

1. PRAP and Training Assistance Grants to LGUs – Don Buckhout – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: PRAP and Training Assistance Grants to LGUs

Meeting Date: March 28, 2012
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region:
Contact: DON BUCKHOUT
Prepared by: DON BUCKHOUT
Reviewed by: PUBLIC RELATIONS & ADMINISTRATIVE ADV. Committee(s)
Presented by: DON BUCKHOUT

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [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

Approve resolution

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The 2012 Strategic Plan Update and Performance Review and Assistance Program (PRAP) authorizing legislation contain mandates to enhance the performance of BWSR's local government delivery system. At times the remedy to an identified performance problem requires specialized assistance beyond that provided by BWSR's board conservationists. The services of a skilled mediator, advisor or trainer may be needed, which often come at a price that causes a struggling LGU to either ignore the problem or to seek a less costly, and usually less effective, option. Through this funding source BWSR will provide funds via grant or contract to help LGUs address their performance issues. The maximum available funds per year is \$50,000, capped at \$10,000 per LGU. Based on past experience, most of these amounts will be much less than the cap. This grant or contract will be based on a staff analysis of the LGU's needs and, in most cases, will be awarded on a cost-share basis, with the percent of LGU share determined by BWSR staff. Because of the need for rapid response to developing problems, the authority to award assistance funds will be delegated to the BWSR Executive Director.

**Minnesota Board of Water and Soil Resources
Board Authorization for PRAP and Training Assistance Grants to LGUs**

WHEREAS the Board of Water and Soil Resources (BWSR) has a mandate under Minnesota Statutes Chap 103B.102 to regularly review the performance of local government water management entities in the state and provide assistance for “underperforming entities,” and

WHEREAS BWSR routinely monitors the performance of Minnesota’s local government water and land management entities, has conducted detailed performance reviews of more than 30 of those entities, and during the course of those reviews has identified the need for specialized assistance to improve their operational performance, and

WHEREAS BWSR receives requests for specialized assistance that may not be available from BWSR staff to address particularly difficult operational or performance problems, and

WHEREAS the legislature has specifically authorized use of cost share rollover funds for local government assistance, such as mediation, training, or consultation, to address these specialized assistance needs.

NOW THEREFORE BE IT RESOLVED THAT the BWSR Board authorizes the Executive Director to expend up to \$10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery problems identified through PRAP activities, and

BE IT FURTHER RESOLVED THAT the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and

BE IT FURTHER RESOLVED THAT the aggregate amount of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature.

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

Date: _____

COMMITTEE RECOMMENDATIONS

Southern Water Planning Committee

1. Belle Creek Watershed District (BCWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***
2. Bear Valley Watershed District (BVWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***
3. Heron Lake Watershed District (HLWD) Watershed Management Plan – Jeff Nielsen – ***DECISION ITEM***
4. Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) Watershed Management Plan – Paul Langseth – ***DECISION ITEM***
5. Winona County Soil and Water Conservation District (SWCD) Nomination Districts Resolution – Paul Langseth – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Belle Creek WD Watershed Management Plan

Meeting Date: March 28, 2012
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Southern
Contact: Jeff Nielsen
Prepared by: Jeff Nielsen
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Board approval decision on update of 2011-2021 Belle Creek Watershed District Watershed Management Plan.

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Belle Creek Watershed District (District) 2011-2021 Watershed Management Plan (Plan) is a clear, concise update of the District's December 1991 Plan. The revised Plan maintains the District's commitment of building on past successes and identifies best management practices and related implementation activities to address future concerns. The revision is in conformance with the requirements of Minnesota Statute 103D and guidance developed by BWSR. On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of the District to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Belle Creek Watershed District 2011-2021 Watershed Management Plan to the full Board.

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

In the Matter of Prescribing a Proposed
Watershed Management Plan for the
Belle Creek Watershed District pursuant
to Minnesota Statutes 103D.405

**ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN**

Whereas, the Board of Managers of the Belle Creek Watershed District (BCWD) filed a Draft Watershed Management Plan (Plan) dated September 13, 2011, with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. 103D.401, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the BCWD on November 14, 1968.
2. **Requirement to Plan.** A watershed district is required to adopt a plan as a basis for watershed district regulations and funding authority pursuant to Minnesota Statutes 103D.401, Subd. 1(a). The Plan includes a background of the watershed, including the physical setting and overall objectives and purpose of the district, assessment of agency relationships, accomplishments, issues, goals, objectives and actions, implementation program and references, tables and figures. The major issues addressed by the Plan are flooding and water quality in the watershed.
3. **Nature of the Watershed.** The BCWD covers 82 square miles or 52,790 acres entirely within Goodhue County. Predominant land use includes cultivated crops, making up approximately 65% of the watershed's total land area, with the remainder a mix of pasture, forest and open lands. The watershed varies in elevation from 1,250 to 700 feet above sea level. Steep gradients resulting in rapid storm water runoff concentrations resulting in flash floods and serious soil erosion from unprotected land or uncontrolled runoff.
4. **Local Review.** The BCWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.401.

5. **Department of Natural Resources Review.** In September 2011 the DNR commented positively on the document. Specific comments related to the difficulty in implementing establishing perennial vegetation cover under the current economics of agriculture.
6. **Board of Water and Soil Resources.** Written comments were provided by BWSR staff recommending approval of the Plan. Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments. BCWD responses were not provided due to the supportive comments and a lack of suggested changes or negative comments.
7. **Publish Notice of Filing.** Legal Notice of Filing was published in the Red Wing Republic Eagle on January 11 and 18, 2012. The Legal Notice of Filing was also mailed in a letter from Board staff Travis Germundson dated January 9, 2012, to several addressees, including the Goodhue County Auditor and County Administrator and the Goodhue County Soil and Water Conservation District. There are no organized municipalities in the BCWD.
8. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.401, Subd. 4 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. No request for a hearing and one comment letter was received during the specified period of time and no hearing was held.
9. **Southern Water Planning Committee Meeting.** On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of BCWD to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Belle Creek Watershed District 2011-2021 Watershed Management Plan to the full Board.

CONCLUSIONS

1. All relevant, substantive, and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Belle Creek Watershed District pursuant to Minnesota Statutes 103D.401.
3. The Belle Creek Watershed District Watershed Management Plan attached to this Order defines water-related problems within the BCWD boundaries, possible solutions thereto, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected county comprehensive water plan.

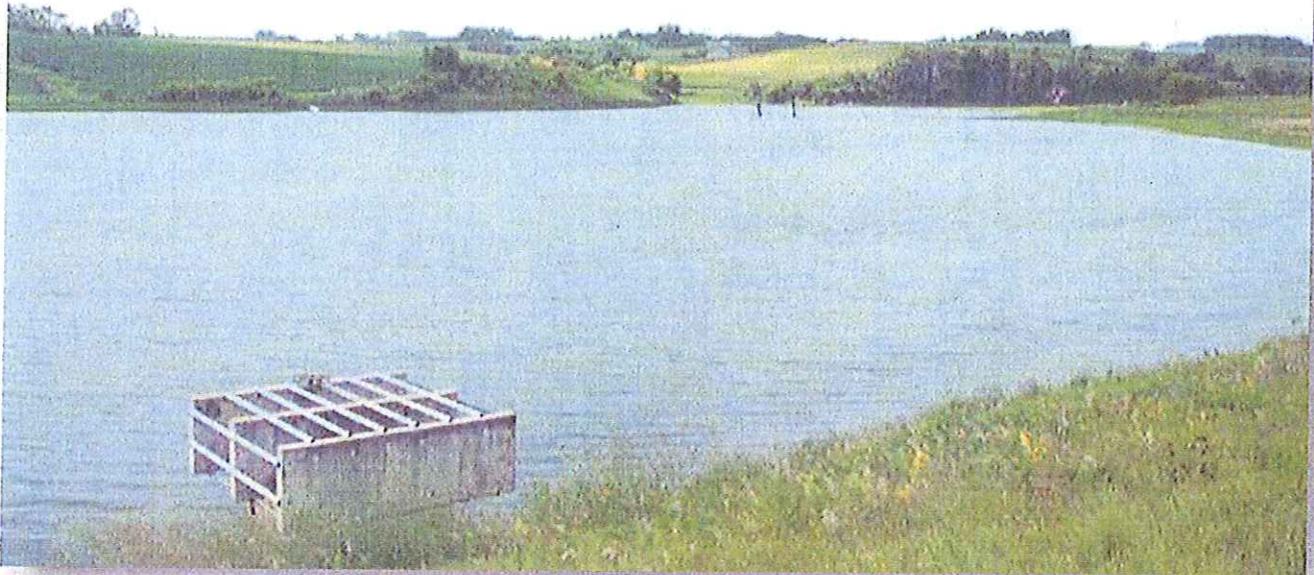
ORDER

The Board hereby prescribes the attached Plan as the Management Plan for the Belle Creek Watershed District.

Dated at St. Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

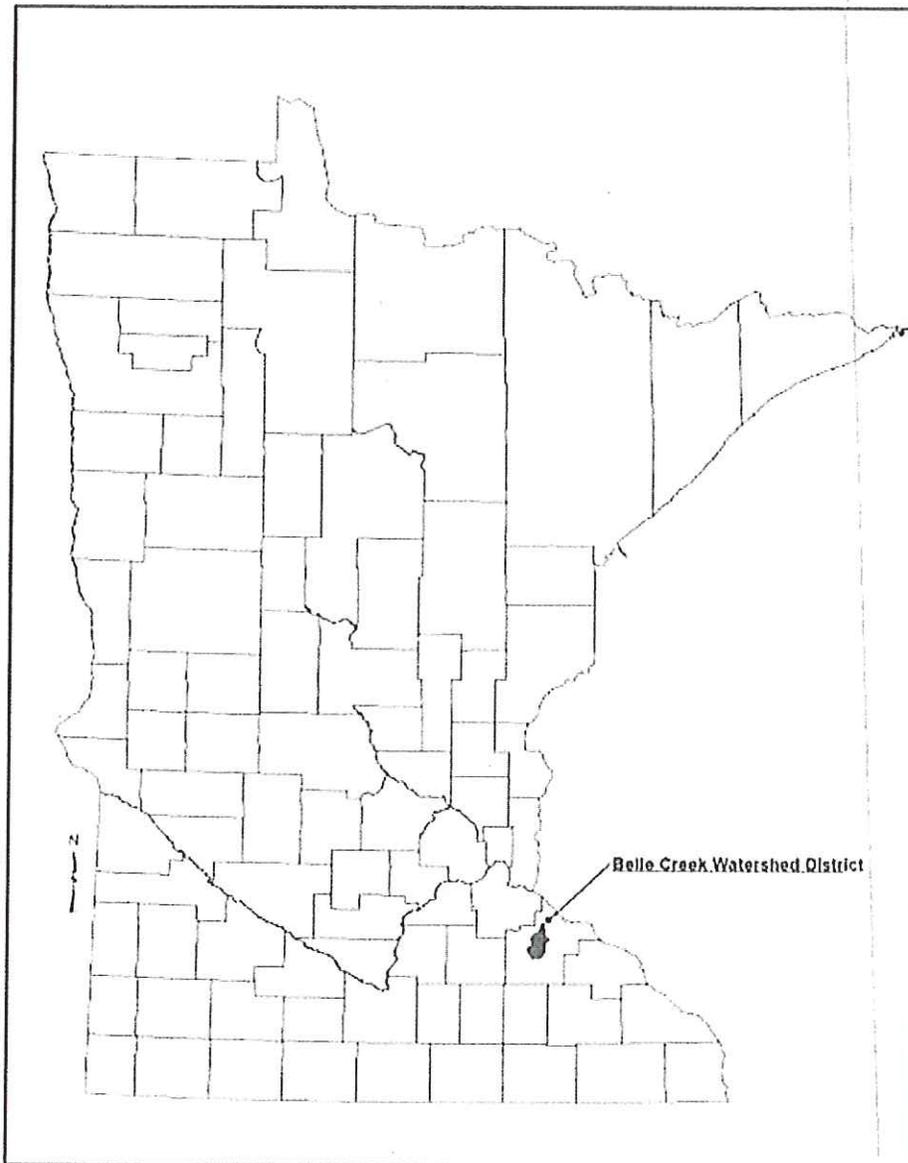


Belle Creek Watershed District
Belle Creek Township, Goodhue County, MN

2011 Watershed Management Plan Revision
September 2011

Prepared by:
Goodhue County Soil and Water Conservation District
104 E 3rd Ave
PO Box 335
Goodhue MN 55027
651-923-5286

State of Minnesota Watershed Locator Map



This 2011 Belle Creek Watershed District Plan Revision will examine past district management activities as well as layout the goals and objectives for the watershed over the next 10 years. Due to the fact that land use, priority concerns, goals and objectives have not significantly changed since the Districts' conception, it is the intent of this plan revision to be brief and pointed. The key issues within the watershed will be expanded upon in the Ongoing Issues and Concerns section of this plan. After discussion with the BCWD Board and BCWD Citizen Advisory Committee, it is evident that future land use changes, water quality/quantity concerns and resource management programs are expected to remain fairly constant for the 10 year. However, it is the goal of this plan to satisfy the framework

requirements of Minnesota State Statute Chapter 103D which encompasses all land within the Belle Creek Watershed boundary. The "BCWD 5 Year Activities Approach" document, located in the appendix of this plan, lays out how the District plans to implement this plan revision. This document aids in clarifying the yearly operations of the District and funding that may be associated with the levy and proposed projects.

Watershed Background and Overall Plan

The Belle Creek Watershed District is 52,790 acres in size and covers portions of Cannon Falls, Vasa, Belle Creek, Minneola, Leon, Wanamingo, and Featherstone townships. From the upper portions of the Watershed near Hader the Belle Creek flows north to the confluence with the Cannon River just east of Welch Village. The watershed is approximately 15 miles long and averages about 5 miles wide. From the upper portions of the watershed to the mouth at the Cannon River there is an elevation change of 550'. This watershed has gentling rolling hills in the upland portions to extremely steep forested bluffs near around Vasa and north.

Overall Plan

In the spring and fall of 1961 numerous damaging flood events took place in the Belle Creek Watershed. The Goodhue County SWCD, County Board, and local citizens took it upon themselves to investigate possible solutions to these devastating floods. The Watershed Protection and Flood Prevention Act (PL-566) was authorized in 1954 by the federal government to help protect and improve water resources and land management in watersheds below 250,000 acres in size. In 1963 the Goodhue County SWCD and the County Board of Commissioners filed a joint application for these PL-566 funds. The Belle Creek Watershed District (BCWD) was formed in 1968 following federal guidance stating that a local government unit is preferred to assist with the project. The BCWD was formed to see construction of the flood prevention structures through and be able to conduct maintenance on them in the future. In 1970 the appointed BCWD members adopted an Overall Plan which focused on the issues of flooding and water resources. The mission statement of the BCWD is *"to maintain the productivity of the soil by conservancy and restoring soil fertility through the practical application of erosion control and land use practices so as to promote the general welfare and security of the families within the district."* The original objectives of the watershed were:

1. Reduction of Floodwater Damage
2. Reduction of Sediment Damage

3. Reduction of Gully Erosion
4. Reduction of Streambank Erosion
5. Change in Land Use of Bottomland
6. Improvement of Habitat for Fish and Wildlife
7. Reforestation and Forest Management
8. Possibility of Recreational Development
9. Provide Clean Water

These overall objectives remain in place today however the main focus of the BCWD is to protect the infrastructure in place while continuing to improve the water quality and quantity within the Belle Creek Watershed District. Over the past 40+ years, 2 plan revisions have taken place. As per state statute M.S. Chapter 103D, a plan revision was last completed in 1991 by consultant Erling Weiberg

Land use

Land use within the watershed is predominately row crop agricultural making up approximately 65% of the land surface. The majority of row crop agriculture is located in the southern townships of the watershed where the slopes are moderate. Please see "Belle Creek Land Use Map" in the appendix. The soil types in the upper portion of the watershed are wind-blown in nature and consist mainly of a silt-loam matrix. Soil types near the mouth of the Belle Creek become more alluvial within the floodplain areas, loess soils on ridge tops and rock out-croppings. These soil types are conducive to producing moderate to above average yields for corn and soy bean crops. See "Belle Creek Soils Map" in the appendix for further information.

Crop trends within the Belle Creek Watershed generally mimic the trends that are seen across Goodhue County. Hay, corn and small grains made up majority of the landscape prior to the 1950's and 1960's. Major advances in planting, tillage and harvesting equipment, the loss of small scale dairy farms and high corn/soybean commodity prices, paved the way for what we see today in the watershed. We see a corn and soybean dominated landscape that has minimal hay in rotation and moderate tillage conservation practices.

Other plans within Belle Creek Watershed

Goodhue County Water Plan lists the Belle Creek Watershed District as a partner in continued conservation practice implementation within the Belle Creek Watershed. The Goodhue County Water Plan identifies water resources concerns across the county. Many of the concerns that are listed apply to the BCWD. Below is a list of resource concerns that the citizens of Goodhue County as well as the Water Plan Advisory Committee selected as priorities for protection and restoration. The concerns were split between Urban and Agricultural settings.

<u>Urban/Residential Water Quality Management</u>	<u>Rural/Agricultural Water Quality Management</u>
<ul style="list-style-type: none"> -Erosion and Sediment control -Septic System Compliance -Impaired Waters -TMDL involvement on listed waters w/in cities -Groundwater Protection 	<ul style="list-style-type: none"> -Erosion and Sediment Control -Feedlot Water Quality Improvement -Nutrient Management -Impaired Waters -TMDL involvement as non-point source

It is the goal of the County Water Plan and Water Plan Coordinator to implement projects/programs which help restore and protect the above listed concerns.

TMDL (Total Maximum Daily Load) The Belle Creek is currently listed under Section 303(d) Clean Water Act list of impaired waters for E.coli and Turbidity impairments. This means that often enough the level of sediment and bacteria in the water are so high that it limits the recreational use of the stream as well as the aquatic life within the Belle Creek. A TMDL Implementation Plan for the Lower Cannon River Watershed was completed in 2009 for the turbidity impairment. As per the Cannon River Watershed Summary of the Lower Lobe: *"The water quality goal is Total Suspended Solids (TSS) values of 44 mg/L or less. The reduction scenarios in the TMDL are based on a load duration curve from low flow to high flow. The most dramatic reductions are required during high flow conditions: 82% at the confluence reach and 49% at the Pine to Belle reach. Mid range flows require a 39% reduction at the confluence reach and an 8% reduction at the Pine to Belle reach. Under low flow conditions no reductions are needed."*

The Cannon River Watershed Partnership is currently undertaking a **Cannon River Water Management Strategy**. This document is a compilation of other local and state plans, public input as well as other pertinent information regarding the overall health of the Cannon River

Watershed. The Belle Creek Watershed falls under the "Lower Cannon River Lobe Management and Monitoring" heading. <http://www.crowp.net/cannon-river-strategy/>

Within this document, information on past monitoring locations and water quality results has been compiled. Short term goals were also set for this portion of the watershed. Here is a list of said goals;

1. Riparian Channel Assessment and Inventory to identify sediment source spots.
2. Use GIS and ground truthing to identify gullies and ravines.
3. Use GIS, SWAT modeling, and ground truthing to identify locations for rate and volume control BMPs.
4. Form groups of landowners, called Watershed Councils, 1-3.
5. Develop list and begin to carry out stream stabilization projects.

For further information on water quality data within the BCWD, visit the Environmental Database Access site on the MPCA home page at:

<http://www.pca.state.mn.us/data/eda/index.cfm>

Relationship between BCWD and SWCD

The Goodhue County SWCD will assist the Belle Creek Watershed District with the BCWD plan development and administration procedures when necessary. The intent of this relationship is to utilize the Goodhue SWCD staff's knowledge in assistance with: grant writing, implementing BCWD Plan, generating reports, as well as executing conservation projects throughout the watershed. These services will be provided on a fee for service basis as agreed upon by the BCWD Board and Goodhue SWCD Board via a Memorandum of Understanding every 3 years.

Relationship between BCWD and Goodhue County

The Goodhue County Board of Commissioners appoints the BCWD Board members. Currently Richard Samuelson (or his District 2 successor) selects 3 board members to manage BCWD duties and coordinate receiving and spending of the local levy. BCWD local levy is typically around \$9,000.00 from the tax payers within the watershed. Below is a summary breakdown of the past 5 years of income and expenditures.

In the past, Board duties have included; receiving hosting regular board meetings, paying insurance on structures,

Year	Deposits		Expenditures	
	County Levy	State Aid	Insurance	Other Bills
2010	\$9,459	\$1,135	\$7,621	\$5,703
2009	\$9,250	\$384	\$7,434	\$1,994
2008	\$9,018	\$381	\$7,398	\$1,680
2007	\$9,170	\$0	\$7,851	\$852
2006	\$10,661	\$0	\$6,981	\$5,336

conducting limited maintenance on structures, providing financials to Goodhue County Auditor. These appointed commissions are 3 year terms. Below is the list of 2011 BCWD Board members. Once a term expires, the Commissioner from the 2nd District will fill the position at the last County board meeting in December of each year. The selected Board member must live within the BCWD.

Les Kyllo	Chairman	14414 Cty 50 Blvd. Goodhue 55027	Term expiring 12/31/2013
James Hedeem	Treasurer	15478 Norelius Road, Welch, MN	Term expiring 12/31/2012
Francis McNamara	Secretary	35780 165 th Ave Goodhue, 55027	Term expiring 12/31/2011

Public Access to Belle Creek Watershed Structures

Public access to the BCWD structures has always been prohibited to the general public. The BCWD does have maintenance easements designated for appropriate Local/State/Federal agencies for access to the Belle Creek Watershed District property for inspections and repairs only. Public access is granted ONLY at the will of the landowners surround the impoundments.

Ongoing Issues and Concerns

Flood Control This section of the plan revision is intended to give additional background information on the structures the BCWD helped install and currently maintains. Each structure has its own ID and is labeled on the 'Belle Creek Watershed' project map. The BCWD main goal is to protect and to preserve the past investments made to help reduce the flooding impacts of the Belle Creek. The BWCD has and will continue to conduct efforts to maintain and improve this hydrologic system within the watershed.

No permits were reviewed or issued during since the past plan revision. BCWD does not choose to have permit authority on land use changes in the watershed.

Implementation of the Plan

1. Continue to Control Flood Waters

1. A) Maintaining Existing Structures – The goal of this objective is to implement various land use practices that will help extend the life and function of the structures that Belle Creek Watershed District maintain.

1. Restore existing water and sediment control structures (638/410) and other impoundment structures that are failing and/or sediment laden to assist with volume control.
2. Provide Cost Share incentives to landowners involved in implementing and improving rate control conservation practices.
3. Assess the amount of sediment in BC structures and seek funding for removal when/if needed.
 - (a) Funding sources such as the Clean Water Fund, NRCS and/or federal special funding opportunities, Watershed Management Organization funding possibilities and levy possibilities.

1. B) Grazing Management on/adjacent/above BCWD structures.

- 1 Implement managed rotational grazing plans on impoundment structures that have adjacent pasture land.
- 2 Utilize grazing to control woody vegetation on structures and emergency spillways.
- 3 Provide incentive payment for landowners interested in conducting rotational grazing on/near structures.
- 4 Implement routine inspection of grazing sites to assure a healthy and sustainable stand of vegetation.

1. C) Mechanical and Chemical removal of woody vegetation

- 1 Utilize mechanical and chemical methods of woody vegetation removal when necessary.

1.D) Install and implement additional flood reduction practices within the Belle Creek Watershed – The goal of this objective is to create additional upland storage by doing such things as increasing perennial vegetation and installing conservation practices along field edges, head cuts, eroded gullies, and sizing of culverts.

- 1 Utilize relevant elevation data and mapping software to assist with locating conservation sites
- 2 Promote the perennial vegetation throughout the watershed to encourage infiltration.
 - a. Seek out marginal cropland on steep slopes and adjacent to streams for hay and/or grazing promotion.
 - b. Market CRP and other set-a-side programs on marginal agricultural lands.

2. Erosion Control

2.A) Reduce erosion rates on agricultural fields by implementing conservation practices and reducing surface runoff volume.

- 1 Promote with education efforts & incentives 2nd and 3rd crop practices that leave fields green over winter.
- 2 Market contour buffer strips on slopes 6– 12%
- 3 Promote existing and new conservation tillage practices
 - a. Eliminate fall tillage of soybeans
 - b. Market farming on the contour.
 - c. Increase residue to 30% or greater on agriculture grounds within the watershed.
 - d. Promote conservation practices that reduce erosion and sedimentation
 - e. Maintain existing terraces/sed basins/dams by providing incentives for cleanouts and structural fixes on failing practices.
 - f. Provide incentives for landowners within the watershed that implement conservation practices that help control runoff and reduce overland flow.

2.B) Managing streambank erosion on the Belle Creek and tributaries.

- 1 Controlled grazing within stream riparian corridor.

- a. Supply landowners with the technical assistance needed to effectively carryout managed grazing plans in, and adjacent to, riparian areas.
- 2 Continue to remove sediment and debris from drainage system as needed
- 3 Implement grassed buffer strips adjacent to the Belle Creek and its tributaries.
- 4 Seek funding sources and provide local technical assistance to restore eroding streambanks
- 5 Utilize rip rap where necessary, but focus on bioengineering practices to help reduce erosion rates on cutbanks and eroding bluffs

3. Water Quality Improvement

3.A) Improve the quality of surface and ground water within the Belle Creek Watershed by informing and educating BCWD residence on the proper disposal of sanitary waste.

- 1 Cooperate with state and local government agencies to help achieve septic compliance throughout the watershed.
- 2 Provide cost-share programs and low interest loan opportunities to landowners who strive for septic system compliance.
- 3 Improve water quality within the BCWD through oversight of land applied chemicals
 - a. Partner with local and state agencies to help promote the proper use of herbicides and pesticides from agricultural activities.
 - b. Promote and market no fall application of anhydrous ammonia (without Nitrogen Stabilizer) in an effort to reduce the amount of nitrogen within the Belle Creek Watershed hydrologic system.

4. Outreach

4.A) Provide the general public with pertinent information related to the history and workings of the Belle Creek Watershed District

- 1 Partner with the Goodhue SWCD and Goodhue County, and other state/federal agencies, to generate educational materials for Belle Creek Watershed landowners
- 2 Partner with the Goodhue SWCD for posting information related to the BCWD on the Goodhue SWCD website. www.goodhueswcd.org
- 3 With assistance from Goodhue SWCD generate a yearly newsletter to all landowners within the BCWD.

Belle Creek Watershed District Five Year Activity Approach

This five year approach is intended to be a guidance document for the Belle Creek Watershed District as well as local/state/federal governing agencies. These items are to be used as reference as the 2011 Belle Creek Watershed District Plan Revision is implemented.

2011

- Develop 2011 Watershed Plan Revision assisted by Goodhue County SWCD
- Utilize the Citizen's Advisory Committee (CAC), SWCD and BWSR for guiding the plan revision
- Call on the Goodhue County Auditor's Office for developing various BWCD levy increase scenarios.
- Review BCWD financials and the plan revision with CAC, SWCD and the general public in the Belle Creek Watershed and discuss the Auditor's levy scenarios.
- Select item(s) from Implementation Plan to accomplish in 2012 based on local and BWCD Board interest.
- Set BCWD levy for 2012
- BWSR Approval of BCWD Plan Revision

2012

- Spring-Host open house to explain plan update, future projects and discuss a levy increase.
- Select item(s) from Implementation Plan to accomplish in 2013
- Conduct Watershed tour with local/state/federal agency for structure inspection and maintenance needs.
- Discuss Rule development for 2013.
- August -Set BCWD levy for 2013

2013

- Spring-Host open house-Discuss past year's project accomplishments and discuss prioritization of objectives for the coming year.
- Fund a project that is in the implementation plan and that was set as a priority during the spring meeting.
- Conduct Watershed tour with local/state/federal agency for structure inspection and maintenance needs.
- Select item(s) from Implementation Plan to accomplish in 2014 with funds available
- Set Rule(s) for District.
- August -Set BCWD levy for 2014

2014

- Spring-Host open house-Discuss past year's project accomplishments and discuss prioritization of objectives for the coming year.
- Fund a project that is in the implementation plan and that was set as a priority during the spring meeting
- Conduct Watershed tour with local/state/federal agency for structure inspection and maintenance needs.
- Select item(s) from Implementation Plan to accomplish in 2015 with funds available
- August-Set BCWD levy for 2015

2015

- Spring-Host open house-Discuss past year's project accomplishments and discuss prioritization of objectives for the coming year.
- Conduct Watershed tour with local/state/federal agency for structure inspection and maintenance needs.
- Fund a project that is in the implementation plan and that was set as a priority during the spring meeting
- Select item(s) from Implementation Plan to accomplish in 2016 with funds available
- August-Set BCWD levy for 2016



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Bear Valley WD Watershed Management Plan

Meeting Date: March 28, 2012
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Southern
Contact: Jeff Nielsen
Prepared by: Jeff Nielsen
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Board approval decision on update of 2012-2021 Bear Valley Watershed District Watershed Management Plan.

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Bear Valley Watershed District's previous plan adopted in 1998 was developed to wisely manage and conserve the waters and natural resources of the District. Flood control was the highest priority. The 2012-2021 watershed management plan emphasizes three main areas of action with the following goals:

- Erosion and flood control through soil conservation practices, structural practices, and watershed district rule implementation
Fishery habitat improvement in Cold Water Creek
Control of groundwater pollution through support of county programs by watershed district policy and rule implementation for abandoned wells, sinkholes, livestock production, household wastes and well testing

The Bear Valley Watershed District 2012-2021 watershed management plan is a clear, concise update of the district's 1998 plan. The revised plan maintains the District's commitment of building on past successes and identifies best management practices and related implementation activities to address future concerns. The managers rely heavily on intergovernmental cooperation in implementing goals of the plan, particularly through close coordination with the Wabasha and Goodhue Soil and Water Conservation Districts. The revision is in conformance with the requirements of Minnesota Statute 103D and guidance developed by BWSR.

On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of BVWD to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Bear Valley Watershed District 2012-2021 Watershed Management Plan to the full Board.

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

In the Matter of prescribing a Revised Watershed
Management Plan for the Bear Valley
Watershed District pursuant to Minnesota
Statutes Sections 103D.405

**ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN**

Whereas, the Board of Managers of the Bear Valley Watershed District (BVWD) filed a proposed Revised Watershed Management (Plan) dated January 2012 with the Board of Water and Soil Resources (Board) on January 26, 2012, pursuant to Minn. Stat. § 103D.405, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The District was established on April 27, 1961, by the Minnesota Water Resources Board and is located in southeastern Minnesota. Lands within the District are distributed in Wabasha and Goodhue counties. The general purpose of the District includes erosion, sediment and flood control, fishery habitat improvement and control of groundwater pollution.
2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board in December 1988. The Plan includes an inventory of the District's physical features and water resources, describes water-related problems and possible solutions, describes activities and projects that the District has completed, and states objectives for current and future water resource management.
3. **Nature of the Watershed** The watershed is roughly triangular in shape, gradually widening from a point at its outlet on the south to its greatest width at the north. The greatest width is 8 miles and the extreme distance from north to south is about 9 miles. The watershed is bounded on the east by the watershed of Spring Creek, tributary to the Zumbro River near Theilman, and by a small watershed tributary to the Zumbro River at Zumbro Falls. It is bounded on the south and west by the watersheds of small direct tributaries of the Zumbro River. It is bounded on the north by the watershed of Wells Creek, which is tributary to the Mississippi River near the City of Frontenac. The watershed is predominately agricultural. Bellechester, the only city in the watershed, is located in its upper reaches of the watershed.

4. **Territory.** The BVWD covers 45.8 square miles or 29,326 acres. Seventy-one percent or 20,821 acres is in Wabasha County and twenty-one percent or 8,505 acres are in Goodhue County.
5. **Local Review.** The BVWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405. The BVWD received comments.
6. **Department of Natural Resources (DNR) Review.** The DNR provided editorial comments and information on the fishery resources in Cold Creek.
7. **Other review comments.** No comments from other entities required to receive the Plan for comment.
8. **Highlights of the Plan.** The Bear Valley Watershed District's previous plan adopted in December 1988 was developed to wisely manage and conserve the waters and natural resources of the watershed. The 2012 Plan continues those objectives and emphasizes four main areas of action with the following goals:
 - Erosion and flood control through soil conservation practices, structural practices and watershed district rule implementation.
 - Fishery habitat improvement in Cold Water Creek.
 - Control of groundwater pollution through support of county programs by watershed district policy and rule implementation for abandoned wells, sinkholes, livestock production, household wastes and well testing.

The Bear Valley Watershed District 2012-2021 Watershed Management Plan is a clear, concise update of the District's 1988 plan. The revised plan maintains the District's commitment of building on past successes and identifies best management practices intergovernmental cooperation in implementing goals of the plan, particularly through close coordination with the Wabasha and Goodhue soil and water conservation districts. The plan appendix includes a copy of the District's rules and a statement regarding the administration of the rules.

9. **Hearing Notice.** The Legal Notice of Filing on the Plan, pursuant to Minn. Stat. § 103D.105 Subd. 2, was published in the Wabasha County Herald and the Red Wing Republican Eagle. Further, a copy of the notice of filing was mailed to several addresses notifying them of the legal notice of filing, including the Goodhue County and Wabasha County Auditors, Administrators, and both soil and water conservation districts; and a representative for the watershed district.
10. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minn. Stat. § 103D.105 Subd. 2, which requires within 30 days of the last date of publication of the Notice of Filing of the Revised Water Management Plan that a least one request for hearing be received by the Board before a hearing will be held. No request for hearing and no comments were received during the specified period of time and no hearing was held.

11. **Board Staff Report.** Written comments were provided by BWSR staff recommending approval of the plan. Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments. BVWD responses were not provided due to the supportive comments and a lack of suggested changes or negative comments.
12. **South Region Water Planning Committee.** The committee met on February 9, 2012, those in attendance from the Board's Committee were Paul Langseth - chair, Tom Loveall, Rob Sip and Chris Elvrum. Board staff in attendance were Jeff Nielsen and Dave Peterson. Representing the BVWD were Warren Majerus and Paul Huneke, WD managers. After discussion, the committee unanimously voted to recommend approval of the Plan.

CONCLUSIONS

1. The proposed Revised Plan is valid in accordance with Minn. Stat. § 103D.405.
2. Proper notice of filing was given in accordance with applicable laws.
3. All relevant, substantive, and procedural requirements of law have been fulfilled.
4. The Board has proper jurisdiction in the matter of approving a Revised Plan for the BVWD pursuant to Minn. Stat. § 103D.405.
5. The attached revised Plan of the BVWD dated January 2012 would be for the public welfare and public interest and purpose of Minn. Stat. Chapter 103D would be served.

ORDER

The Board hereby prescribes the attached Plan dated January 2012 as the Revised Watershed Management Plan for the Bear Valley Watershed District.

Dated at Saint Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

2012 OVERALL PLAN

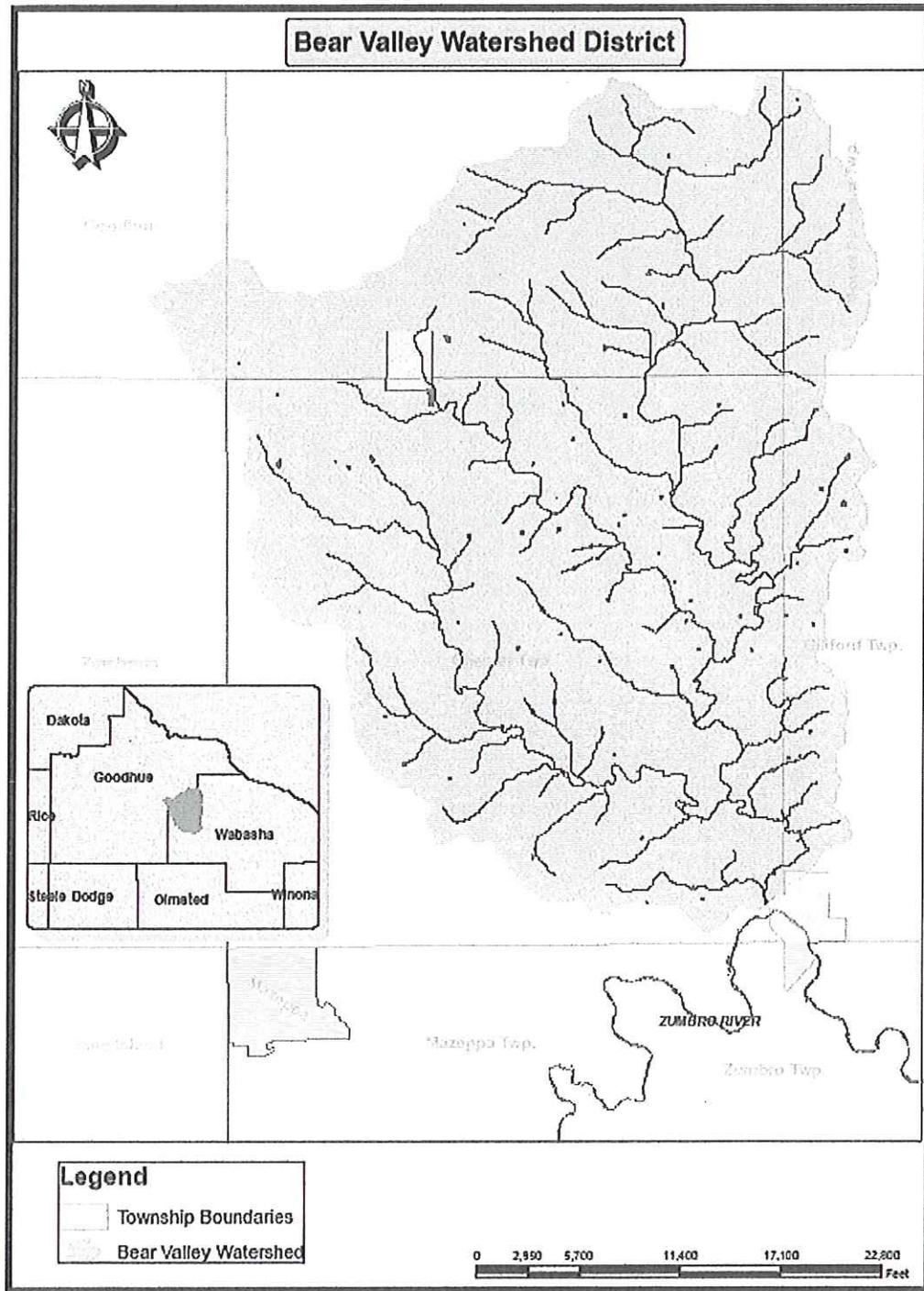
BEAR VALLEY WATERSHED

Overview of the Plan: This Watershed Management Plan is prepared for the management of the water resources in the Bear Valley Watershed District in Minnesota. It has been assembled by the Board of Managers with the assistance of the Board's advisory committee and other persons who helped delineate the Districts problems and suggest possible solutions.

General Objectives: The Bear Valley Watershed District was established with a number of objectives in mind; the attainment of which would be of benefit to the community and individual property owners. Among these were:

1. The control or reduction of damage to soil by sheet erosion and by deposits of sediments on the land and in watercourses;
2. The control or reduction of the damage to soil caused by gully advancement;
3. The reduction of damage to land and public and private improvements caused by flood waters;
4. The improvement of waterways and stream channels for drainage and other purposes;
5. The improvement of habitat and other natural conditions that could benefit wildlife;
6. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste;
7. Imposition of preventative or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby, and to reduce and prevent soil losses in excess of established soil loss tolerances;
8. Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams and marshes by permit or otherwise in order to preserve the same for beneficial use, such as recreation;
9. Protecting or enhancing the quality of water in watercourses or bodies of water;
10. Providing for public health by protecting the quality of groundwater, and to reduce the level of nitrogen entering the groundwater;
11. Care for the land surface in order that the portion of surface water recharging the groundwater directly carries a reduced load of pollutants.

Map 1 – Legal Boundary of the Bear Valley Watershed District



D. Drainage

Some upland waterways are poorly drained and need to have tile installed. Generally this problem can be taken care of on individual farms.

E. Wildlife and Recreation

Intensive farming has limited wildlife habitat within the watershed. Cover is limited to the relatively small acreage of woodland, roadside brush, and some cover along stream banks. Lack of winter cover and food restricts populations of squirrels, rabbits, pheasants, raccoons, deer, and small mammals.

Cold Creek is rated potentially as the best trout stream in Wabasha County. It is currently provides a cold stable environment for brown and brook trout.

Recreation facilities are limited within the watershed. There are no parks or lakes. There is a small parking area adjacent to Cold Creek at the junction of County Road 68 and State Highway 60, established by the Minnesota DNR.

VI. What is Planned?

A. Erosion Control

1. Land Treatment

It is expected that the proper treatment of privately owned land to reduce the problems of excessive runoff and erosion will be taken care of primarily through the programs of the Goodhue and Wabasha County Soil and Water Conservation District. This consists of assisting landowners and operators with development of resource management systems in the form of farm conservation plans and establishment of the land treatment practices. Permanency of practices is desired and important to the managers.

The measures and practices to be applied include proper land use, recommended crop rotations, contour strip cropping, terraces, diversions, grass waterways, farm ponds, and some “on farm” stabilizing structures. Good management of land used for pasture will be important.

Woodland practices should be used on the remaining timber land. This would include the planting of trees, their protection, and wise harvesting.

Proper treatment measures would improve conditions for wildlife. Increases in wildlife populations will require special treatment of some areas for wildlife purposes. Land treatment practices installed from 1999 to 2011 are shown in Table 14.

Table 14

Land Treatment Within Bear Valley Watershed District		
Years 1999 to 2011		
<u>Practice</u>	<u>Unit</u>	<u>Number Installed</u>
Animal Mortality Facility	#	2
Contour Buffer Strips	#	9
Contour Farming	ac	1308
Strip Cropping	ac	400
Grassed Waterways	#	12
Prescribed Grazing	#	13
Water and Sediment Control Basins	#	2
Restoration of Declining Habitats	#	7
Grade Stabilization Structures	#	4
Buffer Strips	ac	12
Tree Planting	#	1
Conservation Cover/CRP	ac	555.1
<i>(2011 NRCS Generated Report)</i>		

The trend among land owners is the increased use of conservation tillage and traditional erosion control structures. Farm ownership stability has remained stable in the District. Consequently, past land treatment measures remain in place and continue to function. Farm ponds continue to be an important part of water management. Overall interest in soil conservation remains strong.

2. Structural Measures

Problems that cannot be controlled by land treatment alone shall have the additional protection of specially designed structures. This will include structures to control further advance of gullies and establishment of major grassed waterways.

If suitable sites are available for storage of floodwaters, retarding structures will be installed. Should these be of sufficient capacity, they will be considered for recreational and wildlife development. The Bear Valley Watershed Managers will continue to monitor structures and work on clean-up and repair of existing ponds. They also intend to watch for indicators of sinkholes and work with landowners to repair those.

3. Intergovernmental Cooperation

The managers believe the proper use, care, and protection of the soil resources of the Bear Valley Watershed District are important to current land occupiers and even more important to future generations. The Watershed seeks the cooperation and assistance of the two soil and water conservation district boards of supervisors and their employees in maintaining and accelerating their programs of assistance to land occupiers. Assistance is also received through the Counties of Goodhue and Wabasha, through their Local Water Plan by supporting conservation practices that control erosion upland. The managers will support land treatment, installation of structures, and a project to reduce stream bank erosion along

Cold Creek. They will also support the Zumbro Valley Watershed in plans to reduce sedimentation and pollutants entering the Zumbro River.

4. Adoption of Rules

The managers have adopted rules to protect soil and water of the District to assist current and new land operators in their management of soil and water so that downstream watercourses are not overloaded with runoff or sediment, within or outside the District.

B. Fishery Habitat Improvement

Habitat improvements were completed during the 1980's and in 1990 in the lower reaches of Cold Creek by fishery managers. Projects included brushing, bank sloping, riprapping and seeding banks, adding cover and deflectors, removing log jams and repairing flood damage of habitat improvement structures. Habitat improvements that were completed in 1985 were evaluated again in 1991. Fall biomass of brown trout increased after habitat improvements and brook trout biomass did not change significantly.

Currently, the Department of Natural Resources (DNR), does not stock the stream and would assess Cold Creek to provide a cold stable environment for both brown and brook trout.

The Hiawatha chapter of Trout Unlimited is currently working with the DNR on planning a habitat improvement project in Cold Creek. They plan to clear and grub non-native species and remove debris left from flooding, restore and reshape the slope of the bank to create pooling places, and work to reduce sedimentation.

It is the position of the managers to cooperate with the area fisheries managers in maintaining and improving trout fisheries in Cold Creek.

C. Control of Groundwater Pollution

1. Abandoned Wells

The managers believe there are some abandoned wells in the District. The proper code procedures for abandonment will be followed. The County Health Department of Goodhue and Wabasha County is responsible for proper sealing of wells.

2. Sinkholes

There are active sinkholes in the District. The managers, working with NRCS, have repaired sinkholes in and near district structures. Other sinkholes in the district have not been repaired. Some small sinkholes have developed in agricultural fields. Immediate filling with soil has been effective in stabilizing them. The managers desire to cooperate with landowners and agencies to properly manage sinkholes to minimize potential groundwater contamination.

3. Livestock Production

There has been a reduction in unconfined livestock operations. Both dairy and hog confinement operations have increased in the District. Wabasha County and Goodhue County have adopted the Feedlot Program. The District wishes to work with the county feedlot officer and MPCA to enforce the rules of the district.

4. Household Wastes

Over a year's time, each rural household generates considerable quantities of waste. Rural residences are served by individual sewage treatment systems. Septic tanks must be maintained and periodically cleaned out. Malfunctioning treatment systems need to be repaired immediately. The managers will not allow running a pipe to a ditch or watercourse to solve the problem of a plugged system. The Health Department of Goodhue and

Wabasha County is responsible to see that these systems are properly maintained.

5. Well Testing

All wells should to be tested once a year for bacteria and nitrate contents. At this time, well testing is done on a voluntary basis.

VII. Policies of the District

A. Land Treatment

It will be the policy of the Board of Managers to encourage the installation of sound land treatment practices throughout the District to aid in the reduction of runoff and control of soil loss.

While the land above flood retarding structures receives no direct benefit from their installation, proper land treatment in the drainage areas above these structures is critical to their proper functioning and will be a high priority of the District.

Proper land treatment will mean management of cropland, pasture, and woodland. The managers will expect the Goodhue County and Wabasha County Soil and Water Conservation Districts to continue to furnish their assistance to landowners with the planning, application, and maintenance of sound land treatment practices.

B. Group Jobs

Flood conditions may be caused by obstruction of stream flow due to poorly designed private and public works. The managers will exercise control over any stream improvement, stream bank structure, or other works affecting the flow of surface waters.

Bear Valley Watershed District Water Management Plan – Summary:

This is a summary to be used as a quick reference to continue to implement and maintain the 2012 Bear Valley Watershed District Water Management Plan on a yearly basis. This will serve as a reminder to return to the 2012 Bear Valley Watershed District Water Management Plan as a working document for the next five years.

2012 –

- January – Annual Meeting
- February – Attend Regional Water Planning Committee Meeting for
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

2013 –

- January – Annual Meeting
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

2014 –

- January – Annual Meeting
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

2015 –

- January – Annual Meeting
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed

2016 –

- January – Annual Meeting
- March – Quarterly meeting
- May – Annual Inspection of federal structures
- August – Budget hearing
- Prioritize any upcoming projects and help with funding as appropriate and needed



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Heron Lake WD Watershed Management Plan

Meeting Date: March 28, 2012
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: South
Contact: Jeff Nielsen
Prepared by: Mark Hiles
Reviewed by: Southern Water Planning Committee(s)
Presented by: Jeff Nielsen

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [] Resolution [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 Heron Lake Watershed District Watershed Management Plan

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

The Heron Lake Watershed District was established on February 25, 1970 and encompasses a total of approximately 472 square miles. Lands within the District are distributed in the following counties: Nobles, Jackson, Murray, and Cottonwood. In October of 1995, the name of the district was changed from the Middle Des Moines Watershed District to the Heron Lake Watershed District (HLWD). The 2011 – 2021 Plan emphasizes seven main areas through the identification of the following goals:

- Water quality objectives include assess and monitor pollutant impairments, promote use and construction of agriculture and urban Best Management Practices (BMP's), develop attainable targets, and lead and participate in TMDL completion and implementation;
Water quantity and flooding objectives include identifying and assessing flood prone areas, regulating the placement of structures within the floodplain, and foster and encourage agriculture BMP's to reduce the rate and volume of runoff;
Drainage systems and natural waterways objectives include incorporate BMP's to reduce the peak rate of discharge and decrease sediment yield, minimize and address channel instability within natural waterways;
Biotic habitat objective includes minimizing aquatic habitat loss to ensure healthy, self-sustaining fish populations;
Wetlands objectives include manage and establish wetland management goal, restore wetlands and provide incentive to minimize and avoid wetland impact;
Education objectives include developing and disseminating education materials and programs for targeted audiences, including local governments, citizens, and educators, to encourage improved water quality, reduced runoff and enhance ecological systems, and develop and deploy an information management system for BMP information; and

- Funding objectives include use ad valorme levy to provide stable base funding, evaluate and implement measures to supplement ad valorme funds, and reduce expenditures to diminish the dependence on grant funds.

The HLWD 2011 – 2021 Watershed Management Plan (WMP) includes an updated inventory of the District's physical features and water resources, describes water related problems and possible solutions, describes past activities and projects the District has completed, and states objectives for current and future water resource management within the District. The plan also proposes to establish a Water Management District (WMD) pursuant to MN Stat. 103D.729 for the purpose of collecting revenues and paying cost of projects. Murray and Nobles Counties submitted resolutions in support of the HLWD WMP. Jackson County provided a letter declining to support the plan and expressed opposition to the WMP and in particular the establishment of the WMD.

Several comments and correspondence letters were received during and after the October 13, 2011 public hearing expressing concerns regarding the establishment of a WMD and its financial implications. In an effort to provide the public with an opportunity to receive more detailed information on the WMP and proposed WMD the HLWD Board of Managers submitted a letter to the Board of Water and Soil Resources on October 20, 2011, requesting to postpone action on the HLWD WMP until a public information meeting is held. HLWD hosted a public open house information meeting on November 28, 2011. On January 7, 2012, HLWD submitted the revised plan, dated December 20, 2011, which included a maximum annual per parcel charge for the WMD of \$24.

The Southern Water Planning Committee met on February 9, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Revised Plan per the attached draft Order.

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

In the Matter of prescribing a Revised Watershed Management Plan that establishes a Water Management District for the **Heron Lake Watershed District** pursuant to Minnesota Statutes Sections 103D.405 and 103D.729

ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN

Whereas, the Board of Managers of the Heron Lake Watershed District (HLWD) filed a proposed Revised Watershed Management (Plan) dated May 12, 2011 with the Board of Water and Soil Resources (Board) on May 13, 2011 and subsequent revisions, and Final Draft Revision dated December 20, 2011, received on January 7, 2012, pursuant to Minn. Stat. §§ 103D.405, and 103D.729, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Commissioners in Nobles, Jackson, Murray, and Cottonwood counties submitted a petition requesting the establishment of the Middle Des Moines Watershed District on April 2, 1969. The petition was approved on February 25, 1970. In October of 1995, the name of the district was changed to the Heron Lake Watershed District. The District is located in portions of Nobles, Jackson, Murray, and Cottonwood counties. The mission of the District is to protect and improve the water resources within its boundaries by supporting watershed residents through the use of education and financial programs.
2. **Requirement to Plan.** A watershed district is required to revise their watershed management plan at least once every ten years pursuant to Minnesota Statutes Section 103D.405, Subd. 1 (a). The latest Water Management Plan of the District was prescribed by the Board on September 26, 2001. The Plan includes an inventory of the District's water and land resources, describes water and natural resources in the HLWD and an assessment of the resources and their current status, and states objectives for current and future water resource management. The plan also establishes a water management district pursuant to Minn. Stat. § 103D.729 for the purpose of collection revenues and paying cost for projects initiated under Minn. Stat. §§ 103D.601, 103D.605, 103D.611 or 103D.730.

3. **Nature of the Watershed.** The Heron Lake Watershed District (HLWD) is approximately 472 square miles in size and includes part of Nobles, Jackson, Murray, and Cottonwood counties in southwestern Minnesota. The HLWD has three major lake systems, including Fulda, East/West Graham, and Heron lakes. These three major lake systems have high levels of phosphorus and total suspended solids and are subject to periodic flooding.
4. **Territory.** The HLWD is approximately 472 square miles in size and is located in southwestern Minnesota in the Heron Lake Basin. Lands within the District are distributed in the following counties: Nobles (47%), Jackson (42%), Murray (9%), and Cottonwood (2%).
5. **Local Review.** The HLWD sent a copy of the draft Plan to local units of government for their review pursuant to Minn. Stat. § 103D.405.
6. **Department of Natural Resources (DNR) Review.** The DNR is in support of the plan, provided some minor quantitative suggestions, and looks forward to working with the HLWD in the future (Exhibit 10).
7. **Department of Agriculture (MDA) Review.** Although not required by law to review, MDA commented that the Plan should provide additional discussion in the Plan and coordination of agricultural water management issues and conservation drainage at the local level to manage water quality and quantity on agricultural lands. It was also recommended that HLWD target placement of conservation structures and BMPs on the landscape (Exhibit 5).
8. **Pollution Control Agency (MPCA) Review.** Although not required by law to review, MPCA commented that the HLWD should address impaired waters as a priority in the Plan, along with providing a list of impaired waters identified in the District (Exhibit 9). MPCA also commented that “The HLWD did a nice job on identifying actions that line up well with MPCA’s watershed approach” (Exhibit 22).
9. **Other review comments.** In addition to the state agency review comments, HLWD and BWSR received comments from numerous citizens, primarily within Jackson County, opposed to the Plan and expressing concerns regarding the establishment of Water Management District and its financial implications (see Exhibit list). Murray and Nobles counties submitted resolutions in support of the HLWD Plan (Exhibits 6, 7, and 23). Jackson County declined to provide a letter of support and expressed opposition to the Plan, in particular the establishment of a Water Management District, stating that “HLWD is a nonessential unit of water management and our county Soil and Water Conservation District (SWCD), Planning and Environmental Services (PES) and Minnesota Extension Service could administer, educate and implement all programs currently being offered by the HLWD” (Exhibit 21).

10. **Highlights of the Plan.** Heron Lake and its watershed encompass many of the same problems seen in other rural, agricultural areas in Minnesota. Point and non-point source pollution, intensive tillage, noncompliant septic systems, feedlots, and urban storm water runoff are all problems that must be addressed. The HLWD implements a watershed approach for education and implementation efforts that is invaluable for determining environmental and economic stability. The plan has identified seven goals to address including: Water Quality, Water Quantity and Flooding, Drainage Systems and Natural Waterways, Biotic Habitat, Wetlands, Education, and Funding. This WMP provides a detailed approach for the HLWD to create water management districts (WMDs) as a means to limit dependence upon funds generated through means external to the HLWD, such as grants, thereby ensuring sufficient revenue for on-the-ground projects. It is anticipated that this new effort will help to enhance the HLWD's ability to the manage water resources.
11. **Hearing Notice.** Legal notice of the public hearing on the Plan, pursuant to Minn. Stat. § 103D.405 Subd. 5, was published in the *Cottonwood County Citizen* on August 31 and September 7, 2011 (Exhibit 13), in the *Daily Globe* on September 1 and 8, 2011 (Exhibit 14), in the *Murray County Wheel-Herald* on September 5 and 12, 2011 (Exhibit 15), in the *Jackson County Pilot* on September 8 and 15, 2011 (Exhibit 16) and in the *Fulda Free Press* on August 31 and September 7, 2011 (Exhibit 42). Further, a copy of the hearing notice and map was mailed to several addresses notifying them of the public hearing, including the Nobles, Jackson, Murray, and Cottonwood County Auditors, Administrators, and Soil and Water Conservation Districts; all of the cities within the watershed district; DNR; and representative for the Watershed District (Exhibit 12).
12. **Public Hearing.** A public hearing was held on the Plan on October 13, 2011, at Heron Lake Community Center, 312 10th Street, Heron Lake, Minnesota. The proceedings were recorded. The hearing panel consisted of Southern Water Planning Committee Board members Tom Loveall, Todd Foster, Sandy Hooker, and Paul Langseth as chair. Board staff in attendance were Jeff Nielsen, Mark Hiles, and Travis Germundson. Travis Germundson, Board staff, entered Exhibit 1 through Exhibit 21 into the record by reading a brief description of each exhibit.

The following list of exhibits comprise the hearing record.

Exhibit 1. Draft Revised Watershed Management Plan for the Heron Lake Watershed District, dated May 12, 2011, received May 13, 2011.

Exhibit 2. Memorandum dated June 20, 2011, from Travis Germundson, Board of Water and Soil Resources, to members of the Board's Administrative Advisory Committee, including a draft order for a hearing on the revised plan.

Exhibit 3. Board Order for a public hearing to be held on the revised watershed management plan for the Heron Lake Watershed District, dated June 22, 2011.

Exhibit 3A. Letter dated June 22, 2011, from John Jaschke, Board of Water and Soil Resources, to Jan Voit with Heron Lake Watershed District, transmitted with Exhibit 3.

Exhibit 4. Letter dated June 29, 2011, from Mark Hiles, Board of Water and Soil Resources, to Jan Voit with Heron Lake Watershed District, providing comments on the Plan.

Exhibit 5. Letter dated July 13, 2011, from Robert Sip, Minnesota Department of Agriculture, to Jan Voit with Heron Lake Watershed District, providing comments on the Plan.

Exhibit 6. Murray County Resolution, dated July 19, 2011, in support of the Heron Lake Watershed District Watershed Management Plan.

Exhibit 7. Nobles County Resolution, dated July 21, 2011, in support of the Heron Lake Watershed District Watershed Management Plan.

Exhibit 8. Letter dated July 21, 2011, from Jan Voit, Heron Lake Watershed District, to Jackson County Commissioners on submittal of a resolution in support of the Heron Lake Watershed District Watershed Management Plan.

Exhibit 9. Letter dated July 25, 2011, from Rebecca Flood, Minnesota Pollution Control Agency, to Jan Voit with Heron Lake Watershed District, providing comments on the plan.

Exhibit 10. Letter dated August 25, 2011, from Tom Kresko, Department of Natural Resources, to Jan Voit with Heron Lake Watershed District, providing comments on the plan.

Exhibit 11. Email correspondence dated August 29, 2011, from John Jaschke, Board of Water and Soil Resources, approving the hearing date and location.

Exhibit 12. Memorandum dated August 29, 2011, from Travis Germundson, Board of Water and Soil Resources, to list of addressees, providing notice of the public hearing.

Exhibit 13. Affidavit of Publication dated September 7, 2011, of Legal Notice in the *Cottonwood County Citizen* on August 31, and September 7, 2011.

Exhibit 14. Affidavit of Publication dated September 8, 2011, of Legal Notice in the *Daily Globe* on September 1 and 8, 2011.

Exhibit 15. Affidavit of Publication dated September 13, 2011, of Legal Notice in the *Murray County Wheel-Herald* on September 5 and 12, 2011.

Exhibit 16. Affidavit of Publication dated September 15, 2011, of Legal Notice in the *Jackson County Pilot* on September 8 and 15, 2011.

Exhibit 17. Letter dated September 11, 2011, from Mark Bartosh to Travis Germundson with the Board of Water and Soil Resources, requesting that the October 13, 2011 hearing be delayed.

Exhibit 18. Letter dated September 21, 2011, from Travis Germundson, Board of Water and Soil Resources, to Mark Bartosh, stating that the Board of Soil Resources will proceed with the October 13, 2011 hearing as scheduled.

Exhibit 19. Compact Disk of Updated Draft Revised Watershed Management Plan for the Heron Lake Watershed District, dated September 29, 2011.

Exhibit 20. Memorandum, dated September 29, 2011, from Jan Voit, Heron Lake Watershed District, to residents in the district notifying them of the proposed water management district and the Board's hearing on the Plan.

Exhibit 21. Letter dated July 14, 2011, from David Henkels, Jackson County Board of Commissioners, to Jan Voit, Heron Lake Watershed District, declining to provide a letter of support on the proposed Watershed Management Plan, received October 11, 2011.

The following Exhibits were received during the October 13, 2011 public hearing

Exhibit 22. Letter dated October 13, 2011, from Kelli Nerem, Minnesota Pollution Control Agency, stating that the District has done a nice job identifying actions that line up with MPCA's Watershed Approach.

Exhibit 23. Letter from Wayne Smith, Nobles County Environmental Services Director, transmitting a Resolution in support of the Heron Lake Watershed Management Plan from Nobles County Planning and Zoning Commission, dated October 12, 2011.

Exhibit 24. List of questions regarding Water Management District from Eric Hartman, resident of the district.

Exhibit 25. Compact Disk of audio recording from the October 13, 2011 hearing.

After all people present at the public hearing were given an opportunity to speak and enter written comments, the hearing record was left open until 4:30 PM on October 24, 2011 for receipt of written comments. The following Exhibits were received while the hearing record was open.

Exhibit 26. Email dated October 14, 2011, from Stan Sievert, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised water management plan.

Exhibit 27. Email dated October 14, from Brad Sievert, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised water management plan.

Exhibit 28. Email dated October 14, 2011, from Mark Hassebroek, Heron Lake Watershed Restoration Association, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised water management plan.

Exhibit 29. Email dated October 17, 2011, from Pat Sontag, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised water management plan.

Exhibit 30. Letter dated October 17, 2011, from Dennis Haberman, resident of the district, to Travis Germundson with the Board of Water and Soil Resources requesting that a financial assessment of the district be performed.

Exhibit 31. Email dated October 18, 2011 from Jan Voit, Heron Lake Watershed District notifying BWSR that Heron Lake Watershed District passed a motion to schedule a public information meeting at the end of November.

Exhibit 32. Letter dated October 18, 2011, from Jeff Nielsen, Board of Water and Soil Resources, to the Board's Regional Water Planning Committee regarding the November 3, 2011, meeting agenda.

Exhibit 33. Email dated October 20, 2011, from Dave Luethe, Department of Natural Resources, to Travis Germundson with the Board of Water and Soil Resources on establishment of a water management district.

Exhibit 34. Letter dated October 20, 2011, from Jan Voit, Heron Lake Watershed District, to Jeff Nielsen and Mark Hiles with Board of Water and Soil Resources, requesting that the Board of Water and Soil Resources postpone action on the revised water management plan.

Exhibit 35. Email dated October 21, 2011, from Sandra Hartman, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition of increase in district revenue.

Exhibit 36. Letter dated October 19, 2011, from Robert and Judy Pikel, residents of the district to Travis Germundson with the Board of Water and Soil Resources in opposition to establishing a water management district.

Exhibit 37. Letter dated October 24, 2011, from Jan Voit, Heron Lake Watershed District to Travis Germundson with the Board of Water and Soil Resources in response to the editorial comments by the Jackson County Commissioners and LeRoy Peterson.

Exhibit 38. Compact Disk of watershed district annual reports transmitted with Exhibit 37.

Exhibit 39. Email dated October 24, 2011, from Nancy Ackermann, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in support of the Heron Lake Watershed District.

Exhibit 40. Email dated October 24, with attached letter dated October 21, 2011, from Eric Hartman to Travis Germundson with the Board of Water and Soil Resources of questions and comments pertaining to the revised water management plan.

Exhibit 41. Letter dated October 21, 2011, was received on October 24, 2011, from Robert Dieter, resident of the district, to Travis Germundson with the Board of Water and Soil Resources in opposition to the revised watershed management plan.

Exhibit 42. Affidavit of Publication dated January 9, 2012, of Legal Notice in the *Fulda Free Press* on August 31 and September 7, 2011.

13. **Board Staff Report.** On January 23, 2012, Mark Hiles, board conservationist, submitted a memo to Southern Water Planning Committee in regard to the Heron Lake Watershed District Water Management Plan Final Review. The letter summarized the watershed district history, setting, and planning process. Although through the hearing process the Board of Water and Soil Resources and HLWD received comments in opposition to the Plan and in particular the creation of a Water Management District (WMD), effort was made by HLWD to address the concerns, including an additional public information hearing and a plan revision imposing an annual maximum per parcel charge of \$24 for the WMD. Staff believes the revision is in conformance with the requirements of Minnesota Statute 103D and guidance developed by BWSR, and recommend approval of the 2011 – 2021 Heron Lake Watershed District Watershed Management Plan.
14. **Southern Water Planning Committee.** On October 13, 2011 the Southern Water Planning Committee held a public hearing and received comments in opposition to the Plan and the creation of a Water Management District from Jackson County and watershed residents. The Committee met on Thursday, November 3, 2011 and took no action, based on HLWD request (Exhibit 34) to postpone any action on the Plan until the public had been provided the necessary information. On November 28, 2011, HLWD conducted an Open House on the Plan. A plan revision was drafted to impose a maximum per parcel charge of \$24. The committee met again on Thursday, February 9, 2012. Clarification was provided that 103D.729 requires that projects are initiated and ordered to be implemented through a formal hearing and adoption process. Although comments in opposition were received, the defined need for projects is evident through impaired waters in the watershed and flooding concerns that still need to be addressed. Impaired waters identified were Elk Creek, Okabena Creek, Jack Creek, North and South Heron Lake. After discussion and based on the entire record, the Southern Water Planning Committee made a motion recommending approval of the revised Heron Lake Watershed District Water Management Plan.

CONCLUSIONS

1. The proposed Revised Plan including the establishment of water management district is valid in accordance with Minn. Stat. §§ 103D.405, and 103D.729.
2. Proper notice of hearing was given and one public hearing was held in accordance with applicable laws.
3. All relevant, substantive, and procedural requirements of law have been fulfilled.
4. The Board has proper jurisdiction in the matter of approving a Revised Plan that establishes a water management district for the HLWD.
5. The attached Revised Plan to establish a water management district of the HLWD as proposed in the Revised Plan and subsequent revisions dated December 20, 2011, received January 7, 2012, would be for the public welfare and public interest and the purpose of Minn. Stat. Chapter 103D would be served.

ORDER

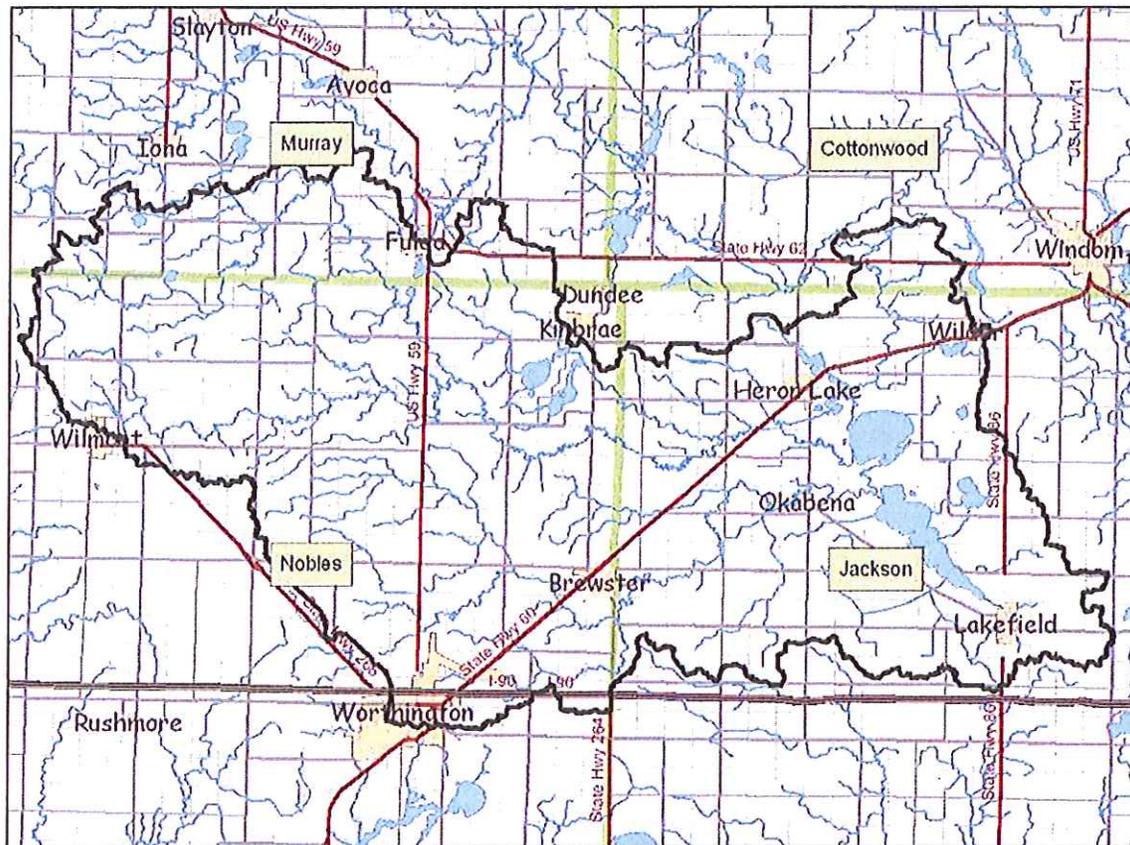
The Board hereby prescribes the attached Plan dated December 20, 2011, received January 7, 2012, as the Revised Watershed Management Plan for the Heron Lake Watershed District to establish a water management district. The Heron Lake Watershed District must include an evaluation of the use and effectiveness of the water management district in the next ten year plan revision.

Dated at Saint Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
Brian Napstad, Chair

Heron Lake Watershed District 10-Year Watershed Management Plan



December 20, 2011

Executive Summary

Heron Lake and its watershed encompass many of the same problems seen in other rural, agricultural areas in Minnesota. Point and non-point source pollution, intensive tillage, non-compliant septic systems, feedlots, and urban storm water runoff are all problems that must be addressed. The Heron Lake Watershed District (HLWD) implements a watershed approach for education and implementation efforts that is invaluable for determining environmental and economic stability. The approach is described in the Watershed Management Plan (WMP), a requirement of Minnesota Statutes 103D.405, which is overseen by the Board of Water and Soil Resources (BWSR). Statute also requires that the WMP be revised on a 10-year basis. The major goal for the WMP revision process is to develop and implement a WMP which protects and improves the water and natural resources within the HLWD boundary by supporting watershed residents' conservation efforts through the use of education and financial programs.

The WMP is organized in a manner that will allow the HLWD to concentrate its endeavors on the practical use of land and water resources. It provides a detailed description of the water and natural resources in the HLWD; assessments of the resources and their current status; a detailed framework for the goals, objectives, and action items identified to attain desired outcomes; specifically addresses identified issues; describes statutory authorities, as well as funding and financing options for identified actions; and provides detailed information about WMP coordination, implementation, roles and responsibilities, and evaluation.

This WMP is implementation oriented. It establishes a relationship between resource issues, the goals and policies of the HLWD, and specific actions, programs, and projects intended to address or resolve issues or to conclude that a resource issue is best addressed by another organization. The WMP includes a procedure for developing and implementing long-range and short-range work plans. It also includes a self-evaluation process which will be used as a tool to evaluate and monitor the success of WMP implementation.

Unlike previous planning efforts, this WMP describes how the HLWD provides both monetary and technical assistance to other organizations to help conserve and protect water and natural resources. The programs, the operational aspects of these programs, and various projects are summarized within the WMP. The staffing needed to operate the programs is funded by an ad valorem levy through the HLWD's general fund. This WMP provides a detailed approach for the HLWD to create water management districts (WMDs) as a means to limit dependence upon funds generated through means external to the HLWD, such as grants, thereby ensuring sufficient revenue for on-the-ground projects. It is anticipated that these new efforts will help to enhance the HLWD's ability to the manage water resources.

5. Goals, Objectives, and Actions

The HLWD goals, objectives, and action items presented in this chapter address the requirements set forth in Minnesota Rule 8410.0080. They are intended to address the priority resource issues outlined in Chapter 4 – Assessment of Existing Water and Water-Related Issues. The goals, objectives, and action items establish the direction HLWD will take and provide an indication of how problems and issues will be approached and resolved. The action items are the basis for the implementation plan.

The HLWD's goals are organized by management category. Policies and actions support the goals for the management category. Management categories are defined by this WMP as:

- A specific resource the HLWD will manage;
- Broad areas encompassing the actions and efforts of the HLWD related to its day to day operations and long-range goals for managing water and land related resources;
- A means to communicate HLWD efforts and activities to the cities and citizens; and
- An organizational framework to guide yearly implementation activities and the expenditure of HLWD financial resources.

The management categories are:

- Water Quality;
- Water Quantity and Flooding;
- Drainage Systems and Natural Waterways;
- Biotic Habitat;
- Wetlands;
- Education; and
- Funding.

As used within this WMP the terms goal, policies and actions are defined as follows:

Goal: Statement of intended accomplishment for the planning period within a management category. A goal is strategic because it describes a district-wide initiative. Goals are meant to be simply stated, achievable, and measurable. A single goal characterizes each management category.

Objective: A narrative description of the anticipated approach used to achieve the goal. Policies set focused objectives and form the basis for specific actions to be implemented by the HLWD. Policies within a management category are numbered for clarity only, rather than to imply importance. Several policies are often related to a single goal.

Actions: Specific, tactical activities that when accomplished are effective in implementing a policy and ultimately result in achieving the identified goal. Several actions are often related to a single policy. Actions tend to form the basis for portions of the implementation program.

Goals, objectives, and actions, are expected to be consistent with the mission statement of the HLWD. The HLWD mission statement is:

The mission of the HLWD is to protect and improve the water resources within its boundaries by supporting watershed residents through the use of education and financial programs.

5.1. Water Quality

Goal: Manage aquatic systems (lakes, rivers and wetlands) to maintain, improve and protect water quality consistent with user expectations and technically achievable goals, while recognizing their ecological and community value.

Objective 5.1-1 Assess, monitor, and document water quality pollutant impairments within streams and lakes.

Action 5.1-1a Continue the monitoring component of the surface Water Quality Improvement Program (WQIP) to assess resource condition, evaluate water quality trends, and assess the extent of water quality improvement.

Action 5.1-1b Identify and document the areas suspected as being the source of contaminants (e.g., sediment, phosphorus, etc.) affecting the water quality of the watershed to determine priority areas for implementation.

Action 5.1-1c Prepare a water quality monitoring program plan as the tool to guide surface water quality monitoring, with identified goals and technical objectives.

Action 5.1-1d Provide financial incentives or technical assistance to residents interested in participating in volunteer water quality monitoring programs.

Action 5.1-1e Complete monitoring to support state-lead TMDL and water quality assessment initiatives when financially supported by the State.

Action 5.1-1f Identify locations within the HLWD that regionally represent resource condition (i.e., Regional Assessment Locations) including water quality, as an organizing framework for water quality monitoring, modeling and assessing trends.

Action 5.1-1g Use biotic indices in addition to chemical data to assess the conditions of waters.

Objective 5.1-2 Promote the use and construction of BMPs in agricultural and urban settings to maintain and improve water quality.

Action 5.1-2a Continue the BMP implementation component of the WQIP.

Action 5.1-2b Use education to describe the many benefits of and promote the construction of BMPs.

Action 5.1-2c Encourage and assist citizens to upgrade waste systems, including septic systems, manure storage facilities and similar activities.

Action 5.1-2d Develop a BMP selection process to assist landowners in choosing proper BMPs to align with the HLWD's water quality goals and objectives.

Action 5.1-2e Use the Regulatory Program and permit process to reasonably ensure the implementation of water quality BMP.

Action 5.1-2f Develop a joint plan with the Drainage Authority to implement creative solutions for reducing erosion, improving channel stability, reducing sediment loads, and improving downstream water quality.

Objective 5.1-3 Develop attainable water quality targets, while recognizing water quality standards developed by the State of Minnesota and natural year-to-year variability in water quality.

Action 5.1-3a Develop a schedule for the implementation of lake management plans placing priority on those lakes currently meeting designated uses for protection.

Action 5.1-3b Determine lakes and streams worthy of protection prior to becoming impaired, and establish non-degradation water quality targets.

Objective 5.1-4 Serve as the local governmental agency lead and actively participate in the completion and implementation of TMDLs and water quality protection strategies and projects, consistent with the availability of external funds.

Action 5.1-4a Utilize the WFDNR and Heron Lake TMDL Implementation Plan and future implementation plans to identify and implement projects to achieve water quality goals.

Action 5.1-4b Assess and manage waters using a “one watershed” or “watershed-wide” approach.

Action 5.1-4c Request the acceleration of the MPCA lead water quality modeling for the HLWD to identify priority source areas causing water quality issues.

Action 5.1-4d Use watershed-wide models developed by the MPCA to establish maximum allowable loads to surface waters.

5.2. Water Quantity and Flooding

Goal: Minimize the potential damage to public and private infrastructure, private property, the land, and other important water related natural resources caused by excess runoff and flooding.

Objective 5.2-1 Minimize, avoid, and reduce flood damages by identifying and assessing flood prone areas, characterizing flood damages, and regulating the placement of structures within the floodplain.

Action 5.2-1a Develop a map showing flood prone areas, the frequency and the severity of flooding, and to serve as a tool to identify potential upstream priority storage areas.

Action 5.2-1b Confirm potential project priority flood storage locations as identified within past studies by the HLWD, for the protection of agricultural lands up to the 10-year flood event and for urban areas exceeding the 50-year flood event.

Action 5.2-1c As part of the Flood Damage Reduction Program, successively complete engineering feasibility reports to develop concept designs, evaluate technical feasibility, assess permit requirements, determine the probable flood damage reduction benefits, and develop Opinion of Probable Construction Costs for capital improvement flood damage reduction projects.

Action 5.2-1d Utilize the DNR Flood Damage Reduction Program and other suitable programs to construct those capital improvement flood damage reduction projects deemed as beneficial to the residents of the HLWD.

Action 5.2-1e Use existing tools including the USFWS restorable wetlands map, high resolution topographic data from the state-wide LiDAR collect, and other appropriate sources, to identify priority areas to create storage through restoring wetlands.

Action 5.2-1f Develop criteria to prioritize restorable wetlands according to the values of HLWD, including storage to reduce flooding.

Action 5.2-1g Engage public agency and nongovernmental organization partners and use existing programs and funding opportunities to restore priority wetland.

Action 5.2-1h Engage MPCA staff to ensure watershed models developed for water quality purposes by the agency as part of the TMDL program are suitable for use in estimating the hydrologic effects of projects and land use changes.

Action 5.2-1i Provide technical assistance to the drainage authority as requested, to credibly assess the adequacy of drainage system outlets and the downstream effects of public drainage system repairs and improvement projects.

Action 5.2-1j Coordinate with agencies to address water levels controlled by Heron Lake and consider modification or removal of the control structure to achieve management objectives for the lake.

Action 5.2-1k Participate in monitoring, evaluating and updating County All-Hazard Mitigation Plan to reduce flood-related impacts.

Objective 5.2-2 Foster and encourage the use of agricultural conservation practices, management practices, and the implementation of BMPs to reduce the rate and volume of runoff.

Action 5.2-2a Work cooperatively with the SWCDs to identify lands which may benefit from soil and water conservation planning and implementation of BMPs to control erosion and runoff.

Action 5.2-2b Provide watershed citizens with information and support regarding new and existing BMP technologies to reduce runoff rates and volumes.

Action 5.2-2c Identify technology-based and conservation BMPs that may best be implemented within the HLWD to reduce erosion and runoff.

5.3. Drainage Systems and Natural Waterways

Goal: Be a resource to the drainage authority on issues affecting public drainage systems and utilize waterways in a manner which recognizes the origin of the system (e.g., constructed vs. natural channel), the interconnectedness of resources, and present and future conveyance needs, while considering legally established drainage rights and the regulatory environment.

Objective 5.3-1 Use methods, procedures, standards, and criteria for the maintenance, repair, restoration, rehabilitation, and improvement of drainage systems and waterways, while acknowledging that traditional drainage repairs to the as-constructed and subsequently improved condition are a right of the benefitting lands.

Action 5.3-1a Develop or use an existing classification system for drainage systems, rivers and streams, which recognizes the origin of the system (*i.e.*, natural or man-made) and influence of human activities (*e.g.*, a constructed waterway, an altered natural waterway or an unaltered natural waterway).

Action 5.3-1b Identify and map existing private drainage systems within the HLWD when convenient, as a component of drainage system related activities.

Action 5.3-1c Encourage the use of standards and criteria for channel stability for all types of waterways including public drainage systems, based on stability, sediment transport and geomorphic considerations consistent with the waterway

classification system, to reduce future maintenance and repair. Consider the most appropriate method for implementing these standards if necessary.

Action 5.3-1d Assist the drainage authority with establishing criteria for evaluating the adequacy of the outlet and the potential for downstream flooding, when the public drainage system discharges to an area identified as flood prone by the HLWD.

Action 5.3-1e Use the resources and programs of the HLWD, working cooperatively with the drainage authority, to objectively evaluate the feasibility of implementing two-stage channel designs, natural resource enhancements and water quality improvements to public drainage systems, especially for those systems discharging to impaired waters.

Action 5.3-1f Pursue grant funding working with and on behalf of the drainage authority from the BWSR to modernize the public drainage system records.

Objective 5.3-2 Incorporate BMPs for mitigating water quality concerns, reducing the peak rate of discharge, and decreasing sediment yield within public drainage system projects where feasible and acceptable to the drainage authority.

Action 5.3-2a Identify priority public and private drainage systems for targeting water quality and peak flow reduction BMP implementation (especially buffers) consistent with the WQIP.

Action 5.3-2b Seek funding external to the benefitted area to implement feasible modifications, designs, and resource enhancements to the public drainage system, especially when costs are in excess of traditional repair and improvement costs.

Action 5.3-2c Survey private drainage system owners to gain an understanding of the level of interest for installing BMPs, including buffer strips.

Action 5.3-2d Work with the drainage authority to encourage greater enforcement of drainage law especially as it pertains to buffer requirements.

Action 5.3-2e Meet with the drainage authority and landowners to provide educational information regarding the benefits of buffers, grassed waterways, and similar BMPs.

Action 5.3-2f Evaluate locations where field-edge and intake buffers are lacking and where implementation can improve water quality.

Action 5.3-2g Lead efforts to evaluate water quality issues associated with public drainage systems in the watershed.

Objective 5.3-3 Minimize and address channel instability within natural waterways as a result of additional runoff due to land use changes and promote ecological value as appropriate for the type of open channel.

Action 5.3-3a Identify priority reaches for stream stabilization and rehabilitation.

Action 5.3-3b Conduct feasibility studies to define ways to address channel instability, bank erosion and promote ecological value.

Action 5.3-3c Implement projects to repair erosion and restore stream reaches using sustainable techniques.

Action 5.3-3d Provide information, resources, and examples to encourage citizens on how to improve stream bank stability by using BMPs (e.g., streambank buffers, two-stage ditches, cedar revetments, J-hook weirs, and similar practices).

5.4. Biotic Habitat

Goal: Maintain, improve and restore habitat for fish, wildlife and biota, which also provides aesthetic, recreational and related benefits including water quality improvement to the residents of the District.

Objective 5.4-1 Minimize aquatic habitat loss in streams and lakes to ensure healthy, self-sustaining fish populations.

Action 5.4-1a Encourage efforts to increase water storage in the watershed including wetland restorations to more closely mimic natural water regimes.

Action 5.4-1b Reduce sediment reaching the water bodies by implementing sediment reducing BMPs in the upper watersheds and consider creating sedimentation ponds to increase water retention time and settle out sediment before reaching streams and/or lakes.

Action 5.4-1c Monitor and remove sediment build-up in settling ponds to ensure proper functioning of sediment basins.

Action 5.4-1d Encourage the maintenance and enhancement of habitat important for fish and wildlife populations.

5.5. Wetlands

Goal: Manage wetlands in a manner which improves diversity and ecological integrity on a district-wide basis, consistent with the Wetland Conservation Act and local opportunities for preservation, enhancement, and restoration, while balancing multiple resource issues.

Objective 5.5-1 Manage wetlands and establish wetland management goals based on benchmark or reference and ecological condition.

Action 5.5-1a Develop information to establish reference conditions for each wetland type for the purposes of defining high wetland quality, wetland restoration goals, and establishing replacement and credit ratios.

Action 5.5-1b Use reference wetlands to evaluate, modify and improve methods currently used to characterize wetland functions and values.

Action 5.5-1c Evaluate the need for a bio-monitoring program for high quality and other wetlands to better quantify existing conditions and assess the benefits of water quantity control.

Action 5.5-1d Evaluate monitoring reference wetlands to determine hydrologic regimes and use data to refine wetland management efforts.

Objective 5.5-2 Provide incentives to private landowners to avoid wetland impact, minimize wetland impact, and restore wetlands, while acknowledging that wetland management and the monetary value of wetlands can be based upon differing value systems.

Action 5.5-2a Develop maps and other tools which identify the locations of degraded wetlands and therefore opportunities for restoration.

Action 5.5-2b Encourage landowners to restore wetlands for beneficial values associated with wetlands.

Action 5.5-2c Quantify values for the change in runoff volume, nutrient loads, and the reduction in sedimentation for wetland restoration and enhancement, which in

turn may be used as a financial incentive to landowners to manage wetland systems.

Action 5.5-2d Evaluate alternatives for establishing inclusive management boundaries along waterways that can provide multiple benefits including wetland functions and values, floodplain management, natural resource restoration, and open space.

Action 5.5-2e Sponsor and conduct workshops for local governments and landowners to communicate the opportunity for wetland restoration, clarify the process for wetland restoration, and understand the potential financial implications of restoration.

Action 5.5-2f Cooperate with others to assist with controlling the spread of exotic plant species within public and private wetlands.

5.6. Education

Goal: Use education and outreach tools as an integral element within the many aspects of the operation of the District to credibly convey data and information, thereby increasing knowledge, awareness and the capacity for decision-making among the constituents of the District.

Objective 5.6-1 Develop educational materials and programs for targeted audiences including local governments, citizens, educators and other interested parties.

Action 5.6-1a Offer schools service learning opportunities through restoration projects.

Action 5.6-1b Conduct educational tours of BMPs and other water conservation practices being utilized within the watershed or nearby watersheds.

Action 5.6-1c Utilize the CAC to engage private citizens and inform them about resource management issues and the activities.

Action 5.6-1d Utilize a CAC to engage local government and state and federal agencies and inform them about resource management issues, the activities of the HLWD and opportunities to partner.

Action 5.6-1e Develop, conduct, and sponsor workshops, participate in speaking engagements, and prepare press releases.

Action 5.6-1f Obtain and organize testimonials from citizens implementing BMPs within the watershed to encourage other citizens to implement similar BMPs.

Action 5.6-1g Consider a district-wide signage campaign for streams or other similar resources.

Action 5.6-1h Continue distributing information through several channels, including keeping an up-to-date website and periodic newsletters, to keep citizens informed in a timely manner.

Objective 5.6-2 Encourage landowners and cities to improve water quality, reduce runoff volume, and enhance ecological systems through the use of cost-share programs.

Action 5.6-2a Encourage communities to improve water quality using a targeted education program and BMP implementation cost-sharing.

Action 5.6-2b Encourage individuals to implement water quality improvement practices at their homes and businesses, using education and cost-sharing for the implementation of BMPs. Support and utilize SWCD cost-sharing programs to

encourage citizens to install BMPs for the purpose of improving water quality and reducing the volume of runoff.

Action 5.6-2c Evaluate the need for additional cost-share programs to provide incentives to landowners and others responsible for resource management.

Objective 5.6-3 Develop and deploy an information management system which identifies, describes, and conveys information about BMPs.

Action 5.6-3a Seek funding to develop and deploy a BMP database, which includes information about the type of project, pollutant removal efficiency, and cost.

Action 5.6-3b Evaluate deploying the BMP database through the web.

Action 5.6-3c Use the database as a tool to communicate the benefits of BMPs implemented.

5.7. Funding

Goal: Establish a stable and sustainable funding base for implementing the goals, objectives, and actions through the programs and projects identified in this Watershed Management Plan and establish a minimum funding level for grant cost-share matching dollars to capitalize on the use of external funds.

Objective 5.7-1 Use the ad valorem levy to provide stable base funding for the most critical programs and staffing needs.

Action 5.7-1a Prioritize the most important programs and confirm the base funding labels identified within this WMP.

Action 5.7-1b Define the minimum staff requirements and compliment needed to maintain and operate the priority programs.

Action 5.7-1c Adjust the ad valorem level (if possible by statute) to provide stable funding for the priority programs or request a legislative increase in the ad valorem levy.

Objective 5.7-2 Evaluate and implement measures to become less dependent on the ad valorem levy.

Action 5.7-2a Explore the options and effort needed to create a WMD or other alternative means of financing to collect revenues and pay the costs of initiated projects.

Action 5.7-2b Increase the fees charged (e.g., permitting fees, inspection fees, etc.) to be consistent with the level of service provided.

Action 5.7-2c Initiate assessment levies on improvements that benefit local properties as a means to pay for capital improvement and other projects.

Action 5.7-2d Apply for an increasing number of local, state, and federal grants and loans.

Objective 5.7-3 Evaluate and implement measures to reduce expenditures to diminish the dependence on grant money.

Action 5.7-3a Create and maintain working partnerships with non-governmental organizations such as Pheasants Forever, Ducks Unlimited, etc.

Action 5.7-3b Periodically assess internal operations and analyze areas where funding and efforts could be reduced or eliminated when progress toward the goal is not being achieved.

Action 5.7-3c Calculate the minimum operating budget through which the HLWD can successfully operate and the budget needs from grants versus tax collections.

Action 5.7-3d Assess all funded projects and determine if funding should be transferred to higher priority projects.

6. Implementation Program

6.1. Overview

This WMP is implementation oriented. It establishes a relationship between resource issues, the goals and policies of the HLWD, and specific actions, programs, and projects intended to address, resolve, or conclude that a resource issue is best addressed by some other entity or left unresolved. The issues, goals, objectives, policies, and actions are placed within one of several management categories, although there is some interdependence between these categories. Section 6.4 contains a self-evaluation process which is an important component of this WMP. The evaluation process can be used as a tool to evaluate and monitor the success of WMP implementation. Information from the evaluation process can also be used to assist with responding to BWSR's review of HLWD performance as a component of the Performance Review and Assistance Program (PRAP).

The activities related to the operations, management programs, and anticipated projects of the HLWD are embodied with the Long-Range Work Plan (LRWP). The LRWP is intended to be an organization tool for use by the HLWD which is inclusive of reasonably foreseeable capital improvement projects and actions related to the operation and programs. The LRWP is intended to include the content of the HLWD's Implementation Program and will be used periodically to update the implementation plan, including the list of proposed capital improvement projects and modifications to the various programs.

Expectations are that the LRWP will be used to identify, prioritize, plan, and implement specific actions, programs, and capital improvement projects to address the resource issues. The HLWD will periodically prioritize the actions contained within the LRWP, reassess and revise the priorities for implementation, and update the probable costs. The content within the LRWP can then be used to assist with establishing the annual work plan (AWP) and budget for the upcoming year. Unforeseen items originally not included in the LRWP, but consistent with the goals and policies of the District, will be added to the LRWP on an annual basis. Similarly, priorities may be modified and some action items eliminated.

The LRWP can also be used to establish priorities for three-year periods and form the basis for a Short Range Work Plan (SRWP). The SRWP can serve as a tool for planning and communicating the anticipated direction of the HLWD for a duration similar to a manager's appointment to the board by a county.

7. District Authorities, Funding, and Financing

7.1. Minnesota Statute 103D Authorities

7.1.1. Ad valorem tax levies

“Ad valorem” means a tax collected over an entire taxing district (e.g., a subwatershed or the entire District) based on property value “in proportion to the value” rather than the anticipated benefits received. An advantage of an ad valorem tax is that the HLWD does not need to appoint viewers/appraisers to determine benefits and divide the costs in proportion to benefits. The ad valorem tax rate is expressed as a percentage of the total value of real property. Several “funds” may be established by the HLWD and supported financially through an ad valorem tax.

- Organizational Expense Fund (MS 103D.905 Subd. 2) – When a watershed district is first established, or later enlarged, it may levy for an Organizational Expense Fund. The fund is to pay for organizational expenses and preparation of the WMP. Unspent funds remaining after organization and completion of the WMP may be transferred to the General Fund. The watershed district may levy only ONCE upon creation or expansion for this fund. (The HLWD may levy each time it expands, but only in the newly included area.) The amount cannot exceed 0.01596 percent of taxable market value or \$60,000, whichever is less.
- General Fund (MS 103D.905 Subd. 3) - The purpose of this fund is to pay for general administrative expenses and for the construction, or implementation, and maintenance of projects that are of common benefit. A watershed district may levy annually for a General Fund. The ad valorem tax levy may not exceed 0.048 percent of taxable market value or \$250,000, whichever is less. The amount of the annual levy for the fund must be determined and justified through the watershed district’s annual budget process (M.S. 103D.911).

The managers may annually levy to pay for the cost of basic water management features of projects initiated by petition of a political subdivision within the HLWD or by petition of at least 50 resident owners whose property is within the watershed district. The annual levy cannot exceed 0.00798 percent of taxable market value for more than 15 consecutive years. Political subdivision means a county, city, township, SWCD, school district, or other political subdivision of the state, but not a watershed district.

The HLWD is permitted to levy outside of the administrative levy for liability insurance. Minnesota Statute 466.06 “Liability Insurance” gives watershed districts the same authority that cities and counties have to levy in excess of their local tax rate limitation for the purchase of liability insurance. In order to exercise this authority, the HLWD must identify the liability insurance premium as a separate line in its levy certification to the county and indicate that the premium amount is being levied under MS Chapter 466.06.

- Survey and Data Acquisition Fund (MS 103D.905 Subd. 8) - The Survey and Data Acquisition Fund is designed to pay for making necessary surveys and acquiring data. This fund is to be established only if other funds are not available to the watershed

district. The Survey and Data Acquisition Fund is established by an ad valorem tax levy. The levy may only be collected once every five years. The maximum levy is 0.02418 percent of taxable market value of real property within the HLWD or \$50,000, whichever is less. The fund balance cannot exceed \$50,000. At the end of a five (5) year period, any balance remaining in the fund should be accounted for in the new levy in order to keep the fund balance below \$50,000. For future projects where a survey has been paid for from this fund, the cost of the survey, as determined by the board of managers, will be included as part of the project work and the sum repaid to the Survey and Data Acquisition Fund.

- Emergency Projects of Common Benefit (MS 103D.615, Subd. 3) - The purpose of this levy is to pay the costs of projects that protect the interest of the watershed district when associated with a declaration of an emergency. If the work is found to be of common benefit to the watershed district, funding may be raised by an ad valorem tax levy upon all taxable property within the watershed if the cost is not more than 25 percent of the most recent general ad valorem levy of the HLWD. This ad valorem authority may be combined with assessments against benefited property in order to pay costs associated with emergency work performed without a contract.

7.1.2. Assessment Levies

An assessment levy is a special tax levied on a property to pay for a local public improvement that will benefit that property. The amount of benefit is normally determined by appraisers (often called "viewers"). It is the responsibility of the viewers, not the engineer, to determine the benefits and damages to the property. The engineer is responsible for providing the technical data needed by the viewers to complete their analysis. The technical basis for the benefits may be items that include the extent to which water levels are lowered, the change in the frequency of flooding, or the anticipated increase in property value. Damages typically include the loss of crops associated with constructing a project or the acquisition of land or right-of-way. Assessment may not be levied against property or corporations in excess of the amount of benefits received.

The assessments of benefits must be based upon the benefits to the property due to the project and must include:

- all property receiving direct benefits, including property owned by the state or a political subdivision;
 - all property that is contributing water to the project (*i.e.*, within the hydrologic boundary);
 - all property for which the project provides improved drainage;
 - all property that contributes waters that are stored, handled, or controlled by the project;
 - benefits to the state by reason of improvement of lakes, streams, or other bodies of water; and
 - situations identified by MS 103D.725.
- Preliminary Fund (MS 103D.905 Subd. 6) - This fund is used for preliminary work on proposed projects of the watershed district. The fund must be established by District Court. The fund can be established both for projects that are petitioned and for

projects the managers initiate. Further, the fund can be established both for projects that are to be paid for by assessment and for projects that are to be paid for by a combination of assessment and ad valorem, such as basic water management features of a project. When a project is ordered, the fund must be repaid by assessment. If a project is not ordered, repayment could be made from ad valorem.

- Construction Fund (MS 103D.905 Subd. 5) - The purpose of the Construction Fund is to establish an account that consists of:
 - the proceeds of watershed district bonds or notes or of the sale of county bonds;
 - construction or implementation loans from the MPCA under MS 103F.701-103F.761 or from any agency of the federal government;
 - funds from special assessments, stormwater charges, loan repayments, and ad valorem tax levies levied or to be levied to supply funds for the construction or implementation of projects.

This fund is the primary repository for the construction of projects.

- Repair and Maintenance Fund (M.S. 103D.905, Subd. 7 and 103D.631) - The purpose of this fund is to provide money for maintaining the projects of a watershed district. The cost of normal or routine maintenance of the projects and the cost of removing obstructions/foreign substances from a drainage system may be paid from the maintenance fund. Managers may assess all the parcels of property and municipal corporations previously assessed for benefits at the time of construction. The assessment must be made pro rata according to benefits determined at the time of project establishment. The collection (or levy) resulting from an assessment may be made annually. However, the fund may not exceed 20 percent of the original cost of construction of the project. Before ordering the levy, the Board of Managers may give notice of a hearing on making the assessment and establishing the maintenance fund.
- Emergency Projects for Benefited Property Fund (MD 103D.615, Subd3) – The purpose of this fund is essentially identical to the fund Emergency Projects of Common Benefit, with the exception that the benefiting properties are assessed.

7.1.3. Bond Sales

A watershed district may establish a Bond Fund consisting of the proceeds of special assessments, storm water charges, loan repayments, and ad valorem tax levies pledged by the watershed district for the payment of bonds or notes issued by the watershed district. The fund is to be used for the payment of the principal, premium, or administrative surcharge and the interest on the bonds and notes issued by the watershed district and for payments required to be made to the federal government.

7.1.4. Funds Derived from Collection of Charges

This provision allows a watershed district, through the amendment of its WMP or during an update to the WMP, the authority to establish one or more WMDs for the purpose of collecting revenues and paying the costs of projects initiated under sections 103D.601, 103D.605, 103D.611, or 103D.730.

7.1.5. Funds Derived from Collection of Fees

Watershed districts are allowed by law to establish fees and charges for services provided. Fees cannot be charged to the federal government, state, or a political subdivision. These fees include:

- Permit Fees: application fees for processing applications for a permit to do work in the HLWD.
- Inspection Fees: fees charged for inspection of permitted work in the HLWD. The fee is established by the hourly rate of the individual doing the inspection.
- Engineer Review Fees: fees charged for the review work done by the Watershed Technician at the hourly rate.
- Wetland Delineation Fee: a fee for determining the type and boundary of a wetland. The fee suggested in statute is \$75. Some watershed districts have determined staff costs on an hourly rate and bill private individuals according to time involved in the delineation.

Permit fee records should be maintained in an organized manner.

The HLWD can also collect a permit performance escrow to ensure performance of permit requirements. Escrow is generally set up so that it can be calculated by a number of different variables, depending upon which are the most appropriate to the characteristics of the watershed district. Some watershed districts have set up wetland escrow accounts to cover the costs of wetland mitigation, including land acquisition, and attorney's fees.

7.2.

Water Management Districts

The HLWD plans on using WMDs as one of several funding mechanisms for the implementation of activities to solve local and regional problems and issues. The provision for collection of charges (MS 103D.729 and 444.075) allows a watershed district, through the amendment of its plan or during an update to the WMP, the authority to establish one or more WMDs for the purpose of collecting revenues and paying the costs of projects initiated under MS 103B.231, 103D.601, 103D.605, 103D.611, or 103D.730.

To establish a WMD, the WMP update or WMP amendment must describe the area to be included, the amount of the necessary charges, the methods used to determine the charges, and the length of time the WMD will remain in effect. After adoption, the amendment or WMP must be filed with the county auditor and county recorder of each county affected by the WMD. The WMD may be dissolved by the same procedures as prescribed for the establishment of the WMD.

A distinguishing element of the WMD over an assessment, or ad valorem tax is that the watershed district assumes the authority similar to that of a municipality - the ability to establish a system of charges based a prescribed method, such as a property's contribution of storm water and/or pollutants to a receiving body of water. Thus, funds generated by a WMD can be proportional to a problem rather than the value of the property. Ultimately the WMD provides a supplemental financing tool for the HLWD and is especially useful in situations when constituents express a desire for a mechanism of localized charges.

7.2.1. Heron Lake Subwatershed Water Management District (HLSWMD)

Establishment Purpose: To address long-term water quality goals for improving the water quality within Heron Lake through implementation of the WFDNR and Heron Lake TMDL Implementation Plan, to fund the Best Management Practice Implementation component of the WQIP, and to construct capital improvement projects through the Flood Damage Reduction Program that reduce sediment and phosphorus loads within the area contributing runoff to Heron Lake.

The Heron Lake watershed is approximately 472-square miles in portions of Nobles, Jackson, Murray, and Cottonwood Counties. The estimated size of the watershed at the outlet of Heron Lake is 444-square miles. Heron Lake has been the subject of the WFDNR and Heron Lake TMDL Study approved in 2008. The WFDNR and Heron Lake TMDL Implementation Plan identifies water quality issues that impact the lake and watershed, in-lake factors contributing to those issues, and sources contributing to the issues. The implementation plan set forth by the TMDL provides potential projects to improve the water quality and to reach the goals of the HLWD. The numeric goals for water quality for Heron Lake include total phosphorus concentrations less than or equal to 90 parts per billion, chlorophyll-A concentrations less than or equal to 32 parts per billion, and water transparency equal to or greater than 2.3 feet.

The HLSWMD includes the 444-square mile area to the outlet of Heron Lake. The portion of the HLWD downstream from the outlet in Cottonwood County is excluded. The revenue generated by the HLSWMD will be used specifically for the purpose of implementing water quality BMPs, including water storage to reduce sedimentation, within the contributing drainage area to North and South Heron Lake. The HLWD will pursue matching grant dollars from the MPCA, DNR, BWSR and other agencies, for implementation in an effort to reduce the amount of funds generated by the HLSWMD.

Projects: The WFDNR and Heron Lake TMDL Implementation Plan identifies a variety of projects required to manage and improve water quality within the WFDNR and Heron Lakes. The revenue generated through the WMD will be used to implement those projects which are the responsibility of the HLWD, through existing programs. Specifically, the revenue will be used for two “projects” which are:

- Best Management Practice Implementation – WQIP; and
- Capital projects through the Flood Damage Reduction Program.

The Best Management Practice Implementation – Water Quality Improvement Program is being initiated and implemented under MS 103D.730, Stormwater Management Facilities. Various practices will be considered eligible for funding. Cost-share and incentive programs for specific practices or “BMPs” will be funded by the HLWD using funds generated through the WMD charge, grant funds, and the general operating levy. The following types of practices are eligible for funding using the revenue collected through this WMD:

- Filter strips
- Terraces
- Grassed waterways
- Wetland restorations
- Septic system incentives
- Alternative tile intakes

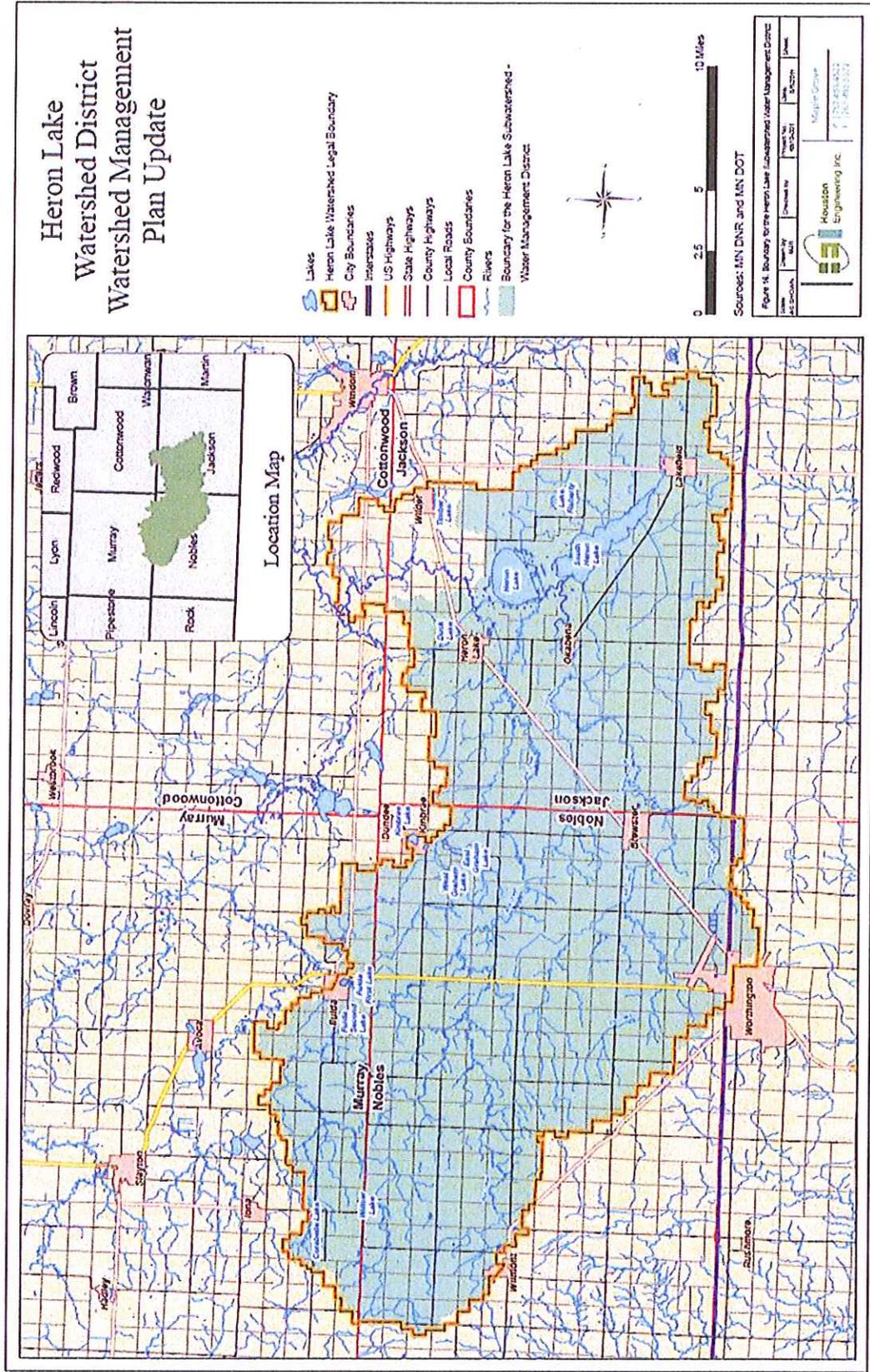
- Field borders on highly erodible land
- Created wetland/flood storage/sediment basins
- Shoreline restorations
- Streambank stabilization
- Two-stage ditches
- Conservation tillage practices
- Rain gardens
- Wood chip bioreactors

The revenue from the WMD will also be used to fund feasibility studies and construct capital projects with the specific purpose of reducing flooding within the priority areas in the Heron Lake Watershed District as shown in **Figure 12**, through the Flood Damage Reduction Program. The Flood Damage Reduction Program is being initiated and implemented under MS 103D.730, Stormwater Management Facilities. Feasibility studies only will be funded with WMD funds if the Board of Managers has first adopted an order for a potential project that includes a feasibility study and the use of WMD revenue. Following the completion of a feasibility study approved by the Board of Managers, specific capital improvement projects will be established in accordance with MS 103D.601, MS 103D.605, or MS 103D.611.

Estimated Costs: Based on the historic and anticipated number of projects the maximum revenue generated for projects is \$200,000 per year for a long- range (10-year) budget maximum of \$2,000,000. Less revenue may be collected at the discretion of the Board of Managers if funds are successfully secured through grant funds from MPCA, DNR, BWSR, or other agencies.

Area for Inclusion: The area to be included in the HLSWMD is land contributing runoff to North and South Heron Lake, but not downstream of these lakes (**Figure 9.18**), an area of 444-square miles.

Figure 16. Area encompassed by the Heron Lake Subwatershed Water Management District (HLSWMD)



Methods for Determining Charges: The charge will be in proportion to the amount of runoff and sediment generated by a parcel relative to the total runoff volume and sediment load, respectively within the HLSWMD. The method to determine the charge per parcel will be based on the amount of runoff generated by a parcel as an indicator of the contribution to the downstream conveyance system, as well as the relative sediment and phosphorus yield. The calculations will be based upon the type of land cover and soils for each parcel. The process of estimating the amount of runoff volume and sediment yield contributed by a parcel will consist of:

- Use of curve numbers and the annual average precipitation depth to compute the annual runoff volume for each parcel;
- Use of the sum of the annual average runoff volumes for all parcels within the HLSWMD to determine the total annual runoff volume;
- Compute the annual average sediment load from each parcel using the annual average runoff volume multiplied by an average annual sediment concentration;
- Use of the sum of the annual sediment loads for all contributing parcels within the HLSWMD to determine the total annual sediment load;
- Use of the sum of the annual sediment load and runoff volume for each parcel. By dividing the sum by the total annual sediment load and runoff volume for all parcels within the HLSWMD, a “charge ratio” can be derived.
- The charge ratio will then be applied to the total amount of revenue needed for the HLSWMD to carry out the projects, programs and activities of the HLWD within the HLSWMD. This charge will allow for a credit for water quality and volume control BMPs if requested by the landowner.
- **A maximum annual per parcel charge of up to \$24.00 will be imposed.**
- If the annual budget exceeds the funds derived from charges, the excess will be made from other funding mechanisms or a reduction in the number of implementation projects planned
- Lands in good permanent cover where it can be documented by the landowner that the amount of runoff and sediment load is at background levels within the HLSWMD may be considered exempt from the stormwater charge on a case-by-case basis.

Duration: The HLSWMD will be effective for a 10-year period. No later than two years prior to the termination of the 10-year period, the HLWD will determine the necessity to maintain the HLSWMD. If the HLSWMD is desired beyond the 10-year period, the HLSWMD will be addressed in a subsequent WMP.



DATE: March 19, 2012
 To: Board Members
 From: John Jaschke, Executive Director *John L. Jaschke*
 Re: Attached alternative resolution and order for Stockton-Rollingstone-MN City WD plan

The Southern Water Planning Committee considered and forwarded for recommendation the referenced WD plan on February 9, 2012. BWSR staff had recommended approval of the plan even though they had doubts as to the ability of the plan to financially undertake and accomplish the activities described within it.

The shortcomings of the plan are evident and in the time since the Committee acted, I have instructed staff to look for ways to improve the situation and discuss the possibilities with Committee Chair Langseth. Attached to this memorandum is an alternative resolution and order that represents the results of these efforts. The alternative version has NOT been presented or discussed by the Committee. The Administrative Advisory Committee is expected to discuss it briefly on March 28th.

The alternative resolution and order would provide a conditional approval that through 2015. This would allow the WD to continue their discussions of the role and financing of the WD operation for two years and then overtly consider embedding the WD plan within the Winona County Water Plan which will be updated around the same time. This is an example of the opportunities the Local Government Water Roundtable participants (AMC, MAWD, MASWCD with BWSR facilitation) hoped to capitalize on.

We will be drafting some criteria and considerations for plan review and approval and it is my hope that the Board would be receptive to a discussion in later this year about plan expectations, statutory requirements, and review and approval processes. The expected breadth and depth of watershed district and other local water plans is increasing, and not all of it comes from state statute. The outcome would be options and expectations guidance - which is needed most urgently now for a few of smaller WDs that have limited capacity.

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

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

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

In the Matter of Prescribing a Proposed
Watershed Management Plan for the
Stockton-Rollingstone-Minnesota City Watershed
District Pursuant to Minnesota Statutes 103D.405

**ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN**

Whereas, the Stockton-Rollingstone-Minnesota City Watershed District Watershed Management Plan has not been updated since the original plan in 1959, and;

Whereas, new Watershed District Managers have recently been appointed to serve on the watershed board by the Winona County commissioners, and;

Whereas, the Board of Managers of the Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) filed a Draft Watershed Management Plan (Plan) dated October 25, 2011, with the Minnesota Board of Water and Soil Resources (Board) pursuant to M.S. 103D.401, and;

Whereas, major flooding of recent years occurred within the watershed, causing damage to its communities, and;

Whereas, local, state, and federal flood recovery funds were spent in the watershed triggering intergovernmental discussions that began identifying the critical need for more community flood protection, and;

Whereas, the SRMCWD has expressed an interest in seeing the discussions continue in order to optimize intergovernmental coordination while reducing the public expenditures necessary to manage water, and;

Whereas, the SRMCWD coordinated and conversed with the Winona County Soil and Water Conservation District and the Winona County Water Plan Coordinator regarding implementation activities in the Plan, and;

Whereas, the SRMCWD Plan was developed with and dependent on assistance from the Winona County Water Plan Coordinator, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the SRMCWD on December 26, 1958. The petition that created the Stockton-Rollingstone-Minnesota City Watershed District outlined the following purposes:
 - A. For the control or alleviation of damage by floodwaters;
 - B. For the improvement of stream channels for drainage and for wildlife purposes;
 - C. For reclaiming wet and overflowed lands;
 - D. For regulating stream flow and conserving stream water;
 - E. For providing and conserving water supply for domestic, agricultural, industrial, recreational and other public uses; and
 - F. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste.
2. **Requirement to Plan.** A watershed district is required to adopt a plan as a basis for watershed district regulations and funding authority pursuant to Minnesota Statutes 103D.401, Subd. 1(a). The Plan includes a background of the watershed, including the physical setting and overall objectives and purpose of the district, assessment of agency relationships, accomplishments, issues, goals, objectives and actions, implementation program and references, tables and figures. The major issues addressed by the SRMCWD Plan are similar to the Winona County Water Plan: flooding, water quality, and control of erosion and sediment in the watershed.
3. **Nature of the Watershed.** The SRMCWD covers about 98 square miles or 62,800 acres entirely within Winona County. The three small cities of Stockton, Rollingstone, and Minnesota City are in the watershed. Predominant land uses include cultivated crops and a mix of pasture, forest and open lands. There is a trend in converting non-cultivated lands to cropland. State forest land and city and county park lands are also part of the watershed. The watershed varies in elevation from 1,200 to 660 feet above sea level. Steep gradients result in rapid storm water runoff concentrations resulting in flash floods and serious soil erosion from unprotected land or uncontrolled runoff.
4. **Local Review.** The SRMCWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.401.
5. **Department of Natural Resources Review.** Comments dated December 12, 2011, from DNR Fishery staff recommended changes to stream assessment and fishery management statements in the Plan for stream reaches in the watershed. The Plan was revised to include those comments. No other comments were received from DNR staff.
6. **Board of Water and Soil Resources.** Written comments dated November 29, 2011, were provided by Board staff recommending approval of the Plan with concerns regarding the lack of financial resources to support implementation of the Plan. Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments. SRMCWD responses were not required due to the nature of the agency comments.

7. **Publish Notice of Filing.** Legal Notice of Filing was published in the Winona Daily News on January 24 and 31, 2012. The Legal Notice of Filing was also mailed in a letter from Board staff Travis Germundson dated January 23, 2012, to several addressees including the Winona County Auditor and County Administrator; the Winona County Soil and Water Conservation District; and the municipalities of Stockton, Rollingstone, and Minnesota City.
8. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.401, Subd. 4 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. The Board received one comment letter; however, there was not a request for public hearing submitted. Therefore, a public hearing was not held.
9. **Southern Water Planning Committee Meeting.** On February 9, 2012, the Board's Southern Water Planning Committee (Committee) met with representatives of SRMCWD to discuss the draft Plan. After discussion, the Committee voted to recommend approval of the Stockton-Rollingstone-Minnesota City Watershed District 2011-2021 Watershed Management Plan to the full Board.

CONCLUSIONS

1. The procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District pursuant to Minnesota Statutes 103D.401.
3. The Stockton-Rollingstone-Minnesota City Watershed District Watershed Management Plan attached to this Order defines water-related problems within the SRMCWD boundaries, possible solutions thereto, and a minimal implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes 103D, Board guidelines for Watershed District Plan content, and is consistent with the affected county comprehensive water plan.
5. The Board staff expressed concerns regarding the lack of financial resources to support meaningful implementation of the Plan.
6. The Board staff recommends conditional approval with the understanding that the SRMCWD will provide a report to the Board of Water and Soil Resources on January 31, 2015 to gauge the progress in implementing the Plan and the results of the continuing community flood prevention discussions concurrent with the updating of the Winona County Water Plan.

ORDER

The Board hereby prescribes the attached Plan as the Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District with an expiration date of December 31, 2015.

Dated at St. Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

ALTERNATIVE RESOLUTION



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Stockton-Rollingston-Minnesota City WD
Watershed Management Plan

Meeting Date: March 28, 2012
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Southern Region
Contact: Jeff Nielsen
Prepared by: Jeff Nielsen
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of Stockton-Rollingstone-Minnesota City Watershed District Watershed Management Plan

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

The Stockton-Rollingstone-Minnesota City Watershed District (SRMCWD) previously submitted a revised plan in 1986 which was not prescribed by BWSR due to inadequacies. The SRMCWD does not have a current prescribed plan. The 2011-2021 Watershed Management Plan emphasizes four areas of action with the following goals:

- Flood mitigation particularly in Stockton and downstream to Minnesota City
Addressing water quality impairments for fecal coliform and turbidity
Soil erosion prevention and sediment control
Improve district operations and interagency cooperation

The Stockton-Rollingstone-Minnesota City Watershed District 2011-2021 Watershed Management Plan is clear and concise. It replaces a long outdated plan and should provide a basis for greater activity by the board of managers to address resource problems in the district. The plan identifies best management practices and related implementation activities to address concerns identified in public meetings and a citizen survey.

The citizen survey of watershed concerns and district support showed forty percent of respondents in favor of increasing the district levy, forty percent for maintaining the current levy, and twenty percent in favor of disbanding the district. The current levy is seriously inadequate to support the activities identified in the plan. There is a significant base of citizens in favor of increased activity and resources to fund the district. The revision conforms to the requirements of Minnesota Statute 103D and guidance developed by BWSR.

On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of SRMCWD to discuss the Watershed Management Plan. After discussion, the Committee voted to recommend approval of the Stockton-Rollingstone-Minnesota City Watershed District 2011-2021 Watershed Management Plan to the full Board.

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

In the Matter of Prescribing a Proposed
Watershed Management Plan for the
Stockton-Rollingstone-Minnesota City Watershed
District Pursuant to Minnesota Statutes 103D.405

**ORDER
PRESCRIBING
WATERSHED MANAGEMENT
PLAN**

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Whereas, the SRMCWD coordinated and conversed with the Winona County Soil and Water Conservation District and the Winona County Water Plan Coordinator regarding implementation activities in the Plan, and;

Whereas, the SRMCWD Plan was developed with assistance from the Winona County Water Plan Coordinator, and;

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

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

FINDINGS OF FACT

1. **District Establishment.** The Minnesota Water Resources Board, by order, established the SRMCWD on December 26, 1958. The petition that created the Stockton-Rollingstone-Minnesota City Watershed District outlined the following purposes:
 - A. For the control or alleviation of damage by floodwaters;
 - B. For the improvement of stream channels for drainage and for wildlife purposes;
 - C. For reclaiming wet and overflowed lands;
 - D. For regulating stream flow and conserving stream water;
 - E. For providing and conserving water supply for domestic, agricultural, industrial, recreational and other public uses; and
 - F. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste.
2. **Requirement to Plan.** A watershed district is required to adopt a plan as a basis for watershed district regulations and funding authority pursuant to Minnesota Statutes 103D.401, Subd. 1(a). The Plan includes a background of the watershed, including the physical setting and overall objectives and purpose of the district, assessment of agency relationships, accomplishments, issues, goals, objectives and actions, implementation

program and references, tables and figures. The major issues addressed by the SRMCWD Plan are flooding, water quality, and control of erosion and sediment in the watershed.

3. **Nature of the Watershed.** The SRMCWD covers about 98 square miles or 62,800 acres entirely within Winona County. The three small cities of Stockton, Rollingstone, and Minnesota City are in the watershed. Predominant land uses include cultivated crops and a mix of pasture, forest, and open lands. There is a trend in converting non-cultivated lands to cropland. State forest land and city and county park lands are also part of the watershed. The watershed varies in elevation from 1,200 to 660 feet above sea level. Steep gradients result in rapid storm water runoff concentrations, resulting in flash floods and serious soil erosion from unprotected land or uncontrolled runoff.
4. **Local Review.** The SRMCWD sent a copy of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103D.401.
5. **Department of Natural Resources Review.** Comments dated December 12, 2011, from DNR Fishery staff recommended changes to stream assessment and fishery management statements in the Plan for stream reaches in the watershed. The Plan was revised to include those comments. No other comments were received from DNR staff.
6. **Board of Water and Soil Resources.** Written comments dated November 29, 2011, were provided by BWSR staff recommending approval of the Plan with concerns regarding the lack of financial resources to support implementation of the Plan. Staff has provided information and assistance as needed throughout the planning process through meeting attendance and informal discussion. Staff has reviewed agency and local government comments. SRMCWD responses were not required due to the nature of the agency comments.
7. **Publish Notice of Filing.** Legal Notice of Filing was published in the Winona Daily News on January 24 and 31, 2012. The Legal Notice of Filing was also mailed in a letter from Board staff Travis Germundson dated January 23, 2012, to several addressees, including the Winona County Auditor and County Administrator; the Winona County Soil and Water Conservation District; and the municipalities of Stockton, Rollingstone, and Minnesota City.
8. **Public Hearing.** The Legal Notice of Filing was published pursuant to Minnesota Statutes Section 103D.105, Subd. 2 and 103D.401, Subd. 4 which require within 30 days of the last date of publication of the Notice of Filing of the Plan that at least one request for hearing be received by the Board before a hearing will be held. The Board received one comment letter; however, there was not a request for public hearing submitted. Therefore, a public hearing was not held.
9. **Southern Water Planning Committee Meeting.** On February 9, 2012, the BWSR Southern Water Planning Committee (Committee) met with representatives of SRMCWD to discuss the Watershed Management Plan. After discussion, the Committee voted to recommend approval of the Stockton-Rollingstone-Minnesota City Watershed District 2011-2021 Watershed Management Plan to the full Board.

CONCLUSIONS

1. The procedural requirements of the law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Watershed Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District pursuant to Minnesota Statutes 103D.401.
3. The Stockton-Rollingstone-Minnesota City Watershed District Watershed Management Plan attached to this Order defines water-related problems within the SRMCWD boundaries, possible solutions thereto, and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes 103D, BWSR guidelines for Watershed District Plan content, and is consistent with the affected county comprehensive water plan.

ORDER

The Board hereby prescribes the attached Plan as the Management Plan for the Stockton-Rollingstone-Minnesota City Watershed District.

Dated at St. Paul, Minnesota this 28th day of March 2012.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

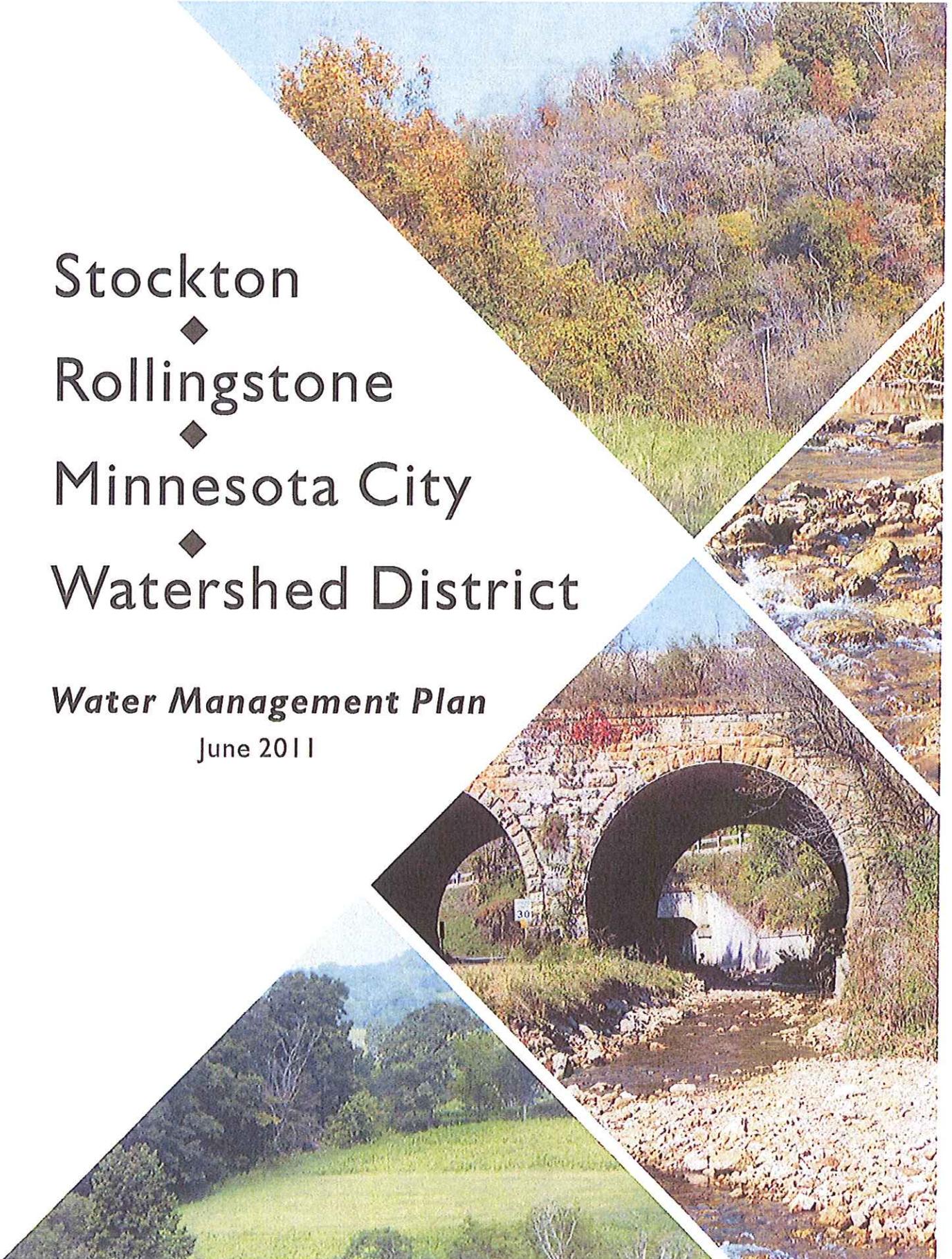
BY: Brian Napstad, Chair

JAN 11, 2012

Stockton
◆
Rollingstone
◆
Minnesota City
◆
Watershed District

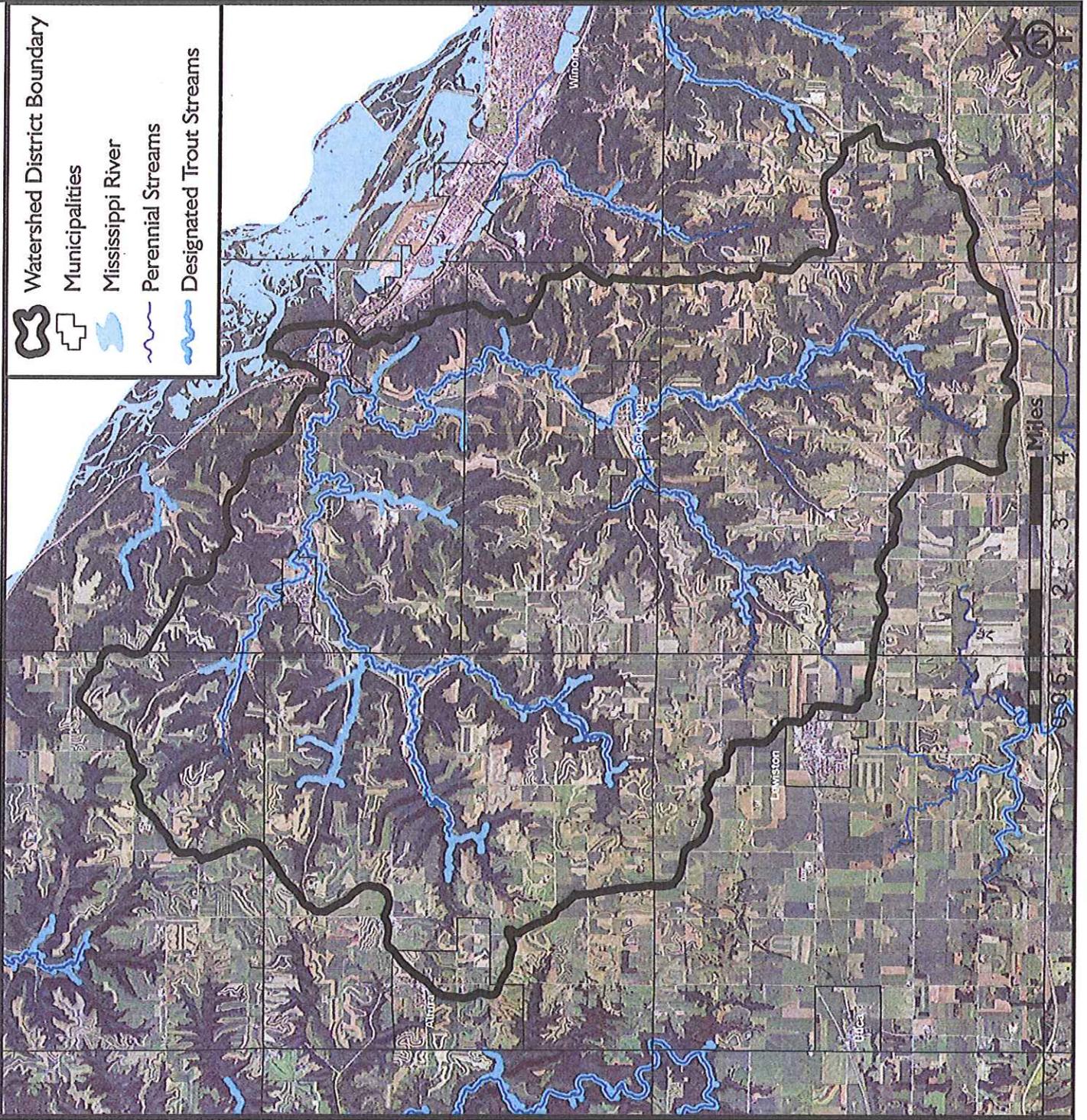
Water Management Plan

June 2011



Stockton, Rollingsstone, Minnesota City Watershed District

- Watershed District Boundary
- Municipalities
- Mississippi River
- Perennial Streams
- Designated Trout Streams



Executive Summary

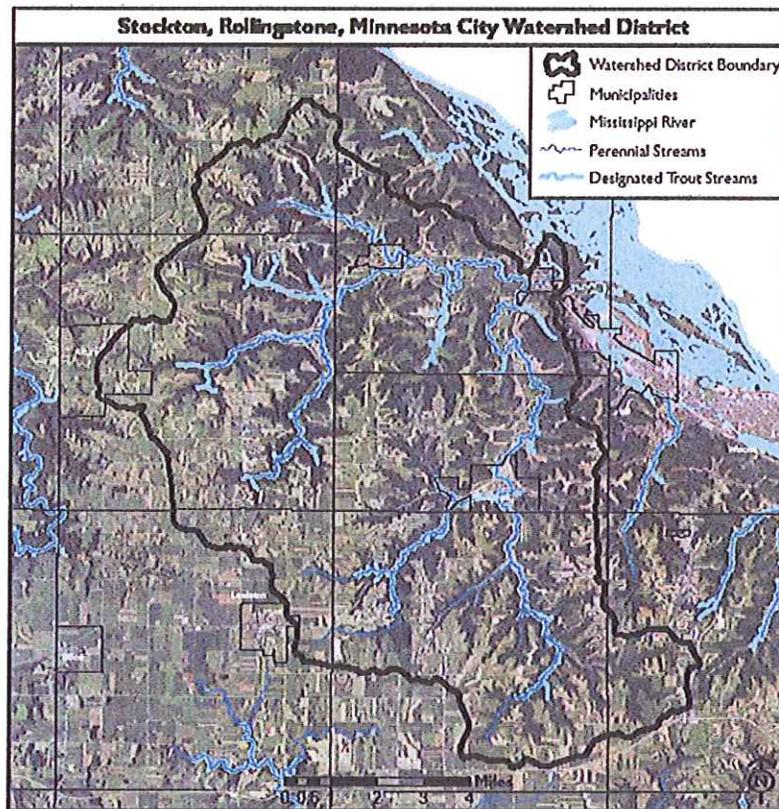
Watersheds

A watershed is a region or area where water drains into a river, creek, lake, wetland or some other recognized basin. Watersheds have the distinction of being nested landforms since as watersheds encompass greater areas, the greater the number of smaller watersheds it contains. In Minnesota, there are eight major basins (very large watersheds) encompassing 81 major watersheds which eventually drain into either the Gulf of Mexico or the Atlantic Ocean.

Watershed Districts

Watershed Districts are special government entities having the responsibilities to monitor and regulate various aspects of water management. State legislation enacted in 1955 authorized the existence of watershed districts as a reaction to the federal Watershed Protection and Flood Prevention Act of 1954. This Act provided federal dollars for the state and local governments to carry out projects designed to protect soil resources and minimize flood damages. Other efforts provided for in the Act included the conservation, development, utilization and disposal of water resources, and the promotion of sound land management practices.

Minnesota Statutes Chapter 103D governs the administration of Watershed Districts with each district having a board of managers appointed by the county commissioners in which the district lies. As described in Chapter 103D, the general purpose of watershed districts is to conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of natural resources.



In 2009, there were 46 Watershed Districts in Minnesota.

History

The Stockton-Rollingstone-Minnesota City Watershed District has a history of recurrent episodes of floods. This flood history prompted local citizens through their units of government to apply for federal money under the Watershed Protection and Flood Prevention Act, commonly referred to as PL-566. The Soil Conservation Service (SCS) (now named the Natural Resource Conservation Service) responded to this request by visiting the area in 1957 and 1958. Based on these visits, the SCS personnel devised a project to ease the flooding threat.

The establishment of the Stockton-Rollingstone-Minnesota City Watershed District occurred to provide the local authority to finance and carry out the project. On September 12, 1958, the Winona County Board of Commissioners filed a petition with the Minnesota Water Resources Board to form the Watershed District. The District's commencement started on December 26, 1958 with Minnesota City as its place of business.

The original flood mitigation project and its alternative projects were considered many times between 1958 and 1967 when the SCS ended all planning efforts. The Natural Resource Conservation Service (NRCS) issued a 2008 assessment report on Garvin Brook which includes a nice summary of the watershed district and early efforts to establish flood control structures in the watershed.

Purpose

The Stockton Rollingstone Minnesota City Watershed District Watershed Management Plan describes how the District will approach water resource management over the next ten years. The first Watershed Management Plan occurred in 1959 and was subsequently revised in 1984. However, the Minnesota Water Resources Board never officially adopted the 1984 revision. This plan is then a required and necessary revision of the Watershed Management Plan. It incorporates the items listed in 103D.405 and follows guidance of the Minnesota Board of Water and Soil Resources.

The petition that created the Stockton-Rollingstone-Minnesota City Watershed District outlined the following purposes:

- A. For the control or alleviation of damage by floodwaters;
- B. For the improvement of stream channels for drainage and for wildlife purposes;
- C. For reclaiming wet and overflowed lands;
- D. For regulating stream flow and conserving stream water;
- E. For providing and conserving water supply for domestic, agricultural, industrial, recreational and other public uses; and
- F. Providing for sanitation and public health and regulating the use of streams, ditches, or watercourses for the purpose of disposing of waste.
 1. To monitor livestock feedlots for satisfactory operations;
 2. To monitor release of effluent from community waste treatment plants;
 3. To monitor the operation of individual waste treatment facilities.

The un-adopted 1984 revision also contained these Objectives:

- A. Providing water supply for irrigation;
- B. Diverting or changing watercourses in whole or part;
- C. Repair, improve, relocate, modify consolidate, and abandon, in whole or part, drainage systems within a watershed district;
- D. Imposition of preventive or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;
 1. To reduce the amount of soil particles and sediment entering the watercourses;
 2. To reduce and prevent soil losses in excess of established soil loss tolerance;

- E. Regulating improvements by riparian landowners of the beds, banks, and shores of lakes, streams, and marshes by permit or otherwise in order to preserve the same for beneficial use;
- F. Providing for the generation of hydroelectric power;
- G. Protecting or enhancing the quality of water in watercourses or bodies of water;
 - I. To reduce the amount of phosphorus and nitrogen entering the watercourses;
- H. Providing for public health by protecting the quality of ground water in the karst formation, by permit or otherwise, in order to present the same for beneficial uses.

At the time of the District's inception, many of the present day regulatory programs were not in place to address environmental problems. As federal, state, and local programs expanded, the focus of the Watershed District has narrowed. Recent years have seen the Watershed District concentrating its efforts along stream corridors. Because of the 2007 flood, the Watershed District has taken a renewed interest in implementing effective strategies to reduce flood damage within the District.

Watershed Management Plan Revision Process

The process to revise the Watershed Management Plan included:

1. Gathering input from citizens and resource specialists regarding land and water problems and priority issues;
2. Reviewing the statutory authority of the Watershed District and other government units and determining the types of future projects that the Watershed District should undertake alone or in cooperation with other agencies based on resource capacity of the district; and
3. Developing realistic objectives and actions for the next five years to achieve the purposes of the Watershed District and the priority issues.

The Watershed District managers started meeting with staff from the Board of Water and Soil Resources (BWSR), Winona County Soil and Water Conservation District (SWCD), and Winona County Planning Department in the summer of 2007 to discuss revising the Watershed Management Plan. In August 2007, a disastrous flood hit the area and resulted in the decision to delay the revision in order to address the immediate flood response within the Watershed.

The process started nearly a year later when an appointed advisory committee met on July 1, 2008. The advisory committee reviewed a draft action plan and staged a public open house in December of 2008 to gather input from citizens. The committee sent meeting notices to all known property owners within the District. Furthermore, the committee composed a survey as a means to encourage public participation and input. (see Appendix for a summary of survey results). Comments were also solicited from local agencies as well as the Garvin Brook Watershed Alliance (a citizens group that was formed in the wake of the August 2007 flood) in order to obtain information on their understanding of problems and priorities within the Watershed.

Summary of studies on active or planned projects

Presently there are no completed studies on active or planned projects. A proposed stream crossing for cattle over the Middle Valley Creek had surveys completed but the project is in suspension. (A list of recently completed projects is contained in the appendix).

In response to the 2007 flood, the SRMC Watershed District along with Winona County and the Winona County SWCD requested the NRCS undertake an assessment of flood control options in the Garvin Brooke Watershed. The resulting May 2008 assessment report analyzed a previously completed study by the US Army Corps of Engineers (USACE) that was completed in 1994 on flood control in the City of Stockton. NRCS recommends that the USACE plan be studied further for economic costs and benefits, hydrology, engineering, and environmental impacts. The NRCS assessment also offers a number of alternatives to the USACE flood control plan. Each alternative is briefly analyzed and includes an estimated cost benefit ratio. The 2008 NRCS assessment report and recommendations have not been acted on primarily because of lack of federal funding for the project. No further studies of the USACE plan or NRCS alternatives have been commissioned and the watershed district continues to seek partners and funding for additional studies.

The City of Stockton contracted with Zenk-Read-Trystad & Associates to identify options of flood control measures and provide cost estimates. The consultant recommended to city officials that they consider reconstruction of the existing channel as the most feasible option. The consultant also recommended the City of Stockton collaborates with the Watershed District to explore funding options for the project.

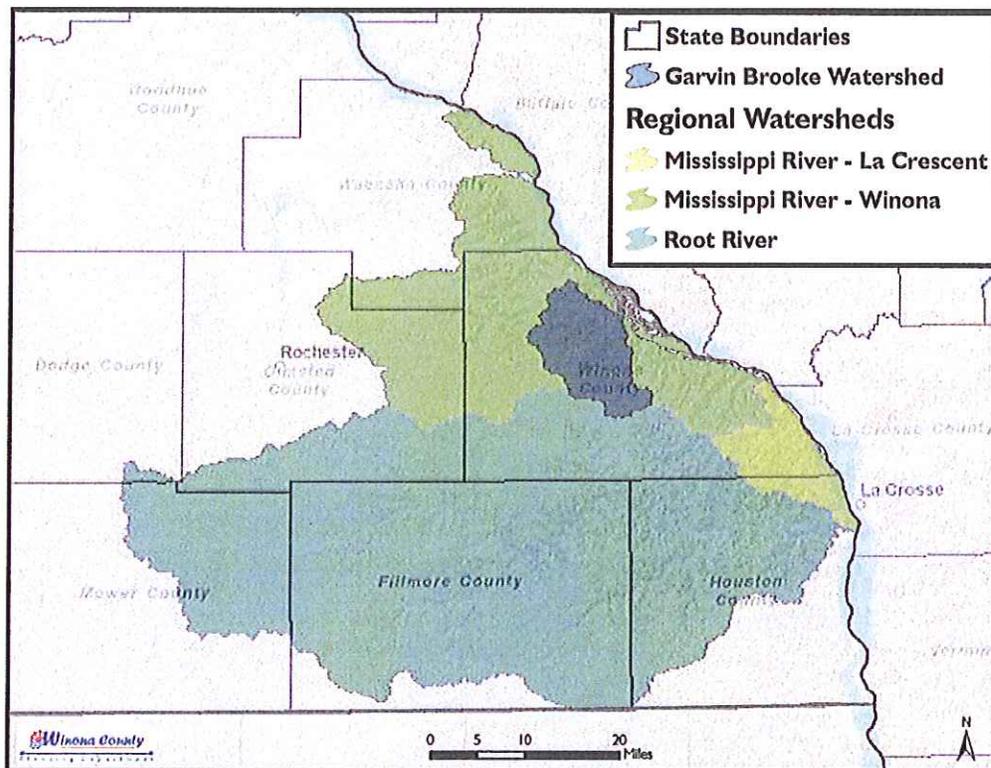
Rules

The Watershed District records show that prior to 1990, the District had rules associated with a permitting program. Recently, the District has rules for funding recipients but, no systematic permitting program. The District managers recognized a major initiative over the next five years consists of the development of rules and a permitting program.

DESCRIPTION

Location and Size

The Stockton-Rollingstone-Minnesota City Watershed District lies within the Mississippi - Winona Watershed and is part of the Lower Mississippi River Basin. The District corresponds to the geographical extent of the Garvin Brook Watershed and lies entirely within Winona County. The Garvin Brook Watershed comprises approximately 15.4-percent of the County or roughly 100 square miles. The SRMC Watershed District consists of all or parts of Hillsdale, Mount Vernon, Norton, Rollingstone, Warren, Wilson, and Utica Townships. The Cities of Minnesota City, Rollingstone, and Stockton lie completely within the District as well. The easternmost portions of the Cities of Altura and Lewiston are in the District, and with the recent annexation of the Gunderson Addition, Goodview now has land within the District.



The Stockton-Rollingstone-Minnesota City Watershed District itself consists of eleven minor watersheds. The major streams within the District are Garvin Brook, Stockton Valley Creek, and Rollingstone Creek. Stockton Valley Creek flows into Garvin Brooke just above Stockton. Garvin Brooke continues downstream until it converges with Rollingstone Creek above Minnesota City, before dis-

Implementation Plan Summary

Objective - Effectively operate the Watershed District organization according to MN Statutes 103D		
Action	Contact	Timeline
Provide training and resources to managers and staff.	SRMCD	Ongoing
Review and revise Watershed District Rules.	SRMCWD	2012
Develop a permit program.	SRMCWD	2012
Complete annual report.	SRMCWD	Annually
Maintain an active advisory committee.	SRMCWD	Ongoing

Objective - Coordinate activities with other organizations to provide efficient natural resource protection and management for the lands and waters within the Garvin Brook Watershed.		
Action	Contact	Timeline
Collaborate with Winona County to explore ways of improving services and becoming more efficient.	SRMCWD, Winona County	Ongoing
Partner with Winona County SWCD on projects of mutual interest.	SRMCWD, SWCD	Ongoing
Partner with Winona County to develop a web based location for the watershed district to post information.	SRMCWD, Winona County	2012
Attend the Winona County SWCD Board meeting on a quarterly basis.	SRMCWD, SWCD	Ongoing
Represent the watershed district at Garvin Brook Alliance meetings.	SRMCWD	Ongoing
Collaborate with partners to provide nontax funding sources.		Ongoing

Objective - Focus Watershed District resources in order to provide the greatest beneficial results for the time, energy and money invested.		
Action	Contact	Timeline
Hire a consultant to conduct detailed study.	SRMCWD	2013
Focus resources using a watershed approach.	SRMCWD	Ongoing

Objective - Improve flood management in Garvin Brook Watershed		
Action	Contact	Timeline
Provide input for the Winona County Hazard Mitigation Plan	SRMCWD, Winona County	Ongoing
Examine options for flood mitigation by structural means.	SRMCWD	Ongoing
Examine flood damage reduction through enhanced floodplain / shoreland management.	SRMCWD	Ongoing
Provide support for conservation practices that result in water retention.	SRMCWD	Ongoing

Objective -Address water quality impairments in the watershed.		
Action	Contact	Timeline
Host meetings with MPCA and public to update on TMDL activities.	SRMCWD	Annually
Host meetings with Winona County and public regarding MPCA intensive watershed monitoring results.	SRMCWD, Winona County	2012
Promote benefits of livestock grazing and pasture management systems.	SRMCWD	Ongoing

Objective -Prevent Soil Erosion and Control Sediment		
Action	Contact	Timeline
Promote and educate about cover cropping, contour plowing, crop rotation and conservation cropping systems.	SRMCWD	Ongoing
Assess gully erosion.	SRMCWD	Ongoing
Implement a pond cleanout program.	SRMCWD	2011-
Assist with funding of grade stabilization structures.	SRMCWD	Ongoing
Assist with funding grassed waterways and diversions.	SRMCWD	Ongoing

Five Year Activity Plan

This five year plan is intended to be used as a guidance document for the watershed district managers as well as a reference document for local citizens and local/state/federal agencies.

2011

- * Develop the watershed management plan with assistance from Winona County for BWSR review.
- * Create a web based location for information relating to the watershed district.
- * Establish a pond cleanout program to help restore storage capacity to erosion control structures that have filled with sediment.
- * Set SRMCWD levy for 2012.

2012

- * Assemble and maintain an active Citizens Advisory Committee (CAC).
- * Review watershed District Rules for adoption in 2013.
- * Collaborate with Winona County and SWCD to find efficiencies and areas of collaboration.
- * Review financial options for accomplishing the Watershed District's goals.
- * Continue the pond cleanout program through the spring of 2012.
- * Set SRMCWD levy for 2013.

2013

- * Adopt new SRMCWD Rules.
- * Hire a consultant to analyze where the watershed district should focus its resources to provide the greatest benefit utilizing a watershed approach at the minor watershed level.
- * Select an item from the implementation plan to accomplish with available funds in 2014 utilizing the consultants' recommendations.
- * Promote farm practices in cooperation with SWCD that accomplish the water quality and soil erosion goals of the watershed district.
- * Set SRMCWD levy for 2014.

2014

- * Fund a project that was selected for completion the previous year.
- * Select an item from the implementation plan to accomplish with available funds in 2015.
- * Set SRMCWD levy for 2015.

2015

- * Host an educational event highlighting the watershed districts work and promoting conservation within the watershed.
- * Fund a project that was selected for completion the previous year.
- * Select an item from the implementation plan to accomplish with available funds in 2016.
- * Set SRMCWD levy for 2016.

Funding Mechanisms

The Watershed District has a number of different taxing authorities available to fund their implementation program. These mechanisms are summarized below and include ad valorem tax levies and assessment levies. Other funding options include, funds generated through bonds, funds generated through collection of charges and grants, as well as donations and in-kind contributions. Often the first funding options that must be exhausted are the levying capabilities. The funds that are often established are included under the corresponding levy. The following information was gathered from the Minnesota Association of Watershed Districts, Watershed District Handbook.

Ad Valorem Tax Levies

"Ad valorem" taxes are based on the value of real estate or personal property. Ad valorem taxes are collected over the entire taxing district and are based on property value. Funds commonly established by watershed districts and funded by ad valorem tax levies include Organizational Expense Fund (M.S. Chapter 103D.905, Subd. 2); General (Administrative) Fund (M.S. Chapter 103D.905, Subd. 3); Survey and Data Acquisition Fund (M.S. Chapter 103D.905, Subd. 8); Emergency Projects of Common Benefit Fund (M.S. Chapter 103D.615, Subd. 3); Planning and Implementation Fund (metro only) (M.S. Chapter 103B.241, 103B.231 and 103B.235) and Maintenance of Capital Improvements Fund (metro only) (M.S. Chapter 103B.251, Subd. 9).

Assessment Levies

An assessment levy is a special tax charged to a property to pay for a local public improvement that will benefit that property or group of properties specifically. The most common assessment levies are for



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Winona County SWCD Nomination Districts

Meeting Date: March 28, 2012
Agenda Category: [X] Committee Recommendation [] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Southern Region
Contact: Jeff Nielsen
Prepared by: Jeff Nielsen
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

[] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [X] Resolution [] 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

Decision on Winona SWCD Nomination Districts Changes

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Winona County Soil and Water Conservation District (SWCD) approved a Nomination Districts Resolution on July 13, 2011. The reason for this resolution is to address confusion caused by current Nomination District boundaries in Winona County. Currently, the Nomination Districts for District 2 and District 3 follow County Road 23; the rest of the Nomination Districts in the County follow township lines. This inconsistency creates confusion for landowners deciding whether they are eligible for open SWCD supervisor seats. The proposed Nomination Districts will be more consistent and provide equal distribution of township representation in the County.

NOMINATION DISTRICTS RESOLUTION

Be it resolved by the Winona County Soil and Water Conservation District Supervisors that pursuant to M.S. 103C.311, the district be divided into five areas for nominating candidates for the positions of Soil and Water Conservation District Supervisors to be elected at large as follows:

District	Description of Boundaries
I	The townships of Whitewater, Mount Vernon, Elba and St. Charles
II	The townships of Norton, Hillsdale, Utica and Warren
III	The townships of Rollingstone, Winona and Wilson
IV	The townships of Saratoga, Fremont, Hart and Wiscoy
V	The townships of Homer, Richmond, Pleasant Hill, New Hartford and Dresbach

I, Arlene Nelson, Secretary of the Winona County Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Winona County Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on July 13, 2011, that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of 4 to 0 of the members present.

Signed: Arlene Nelson
Secretary

Winona County Soil and Water Conservation District

Be It resolved by the Board of Water and Soil Resources that the division of the Winona County Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on _____, 20____, is hereby approved.

I, _____, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of resolution relating to the division of the Winona County Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on _____, 20____, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present thereat, and that said resolution was duly adopted thereat by a vote of ____ to ____ of the members present.

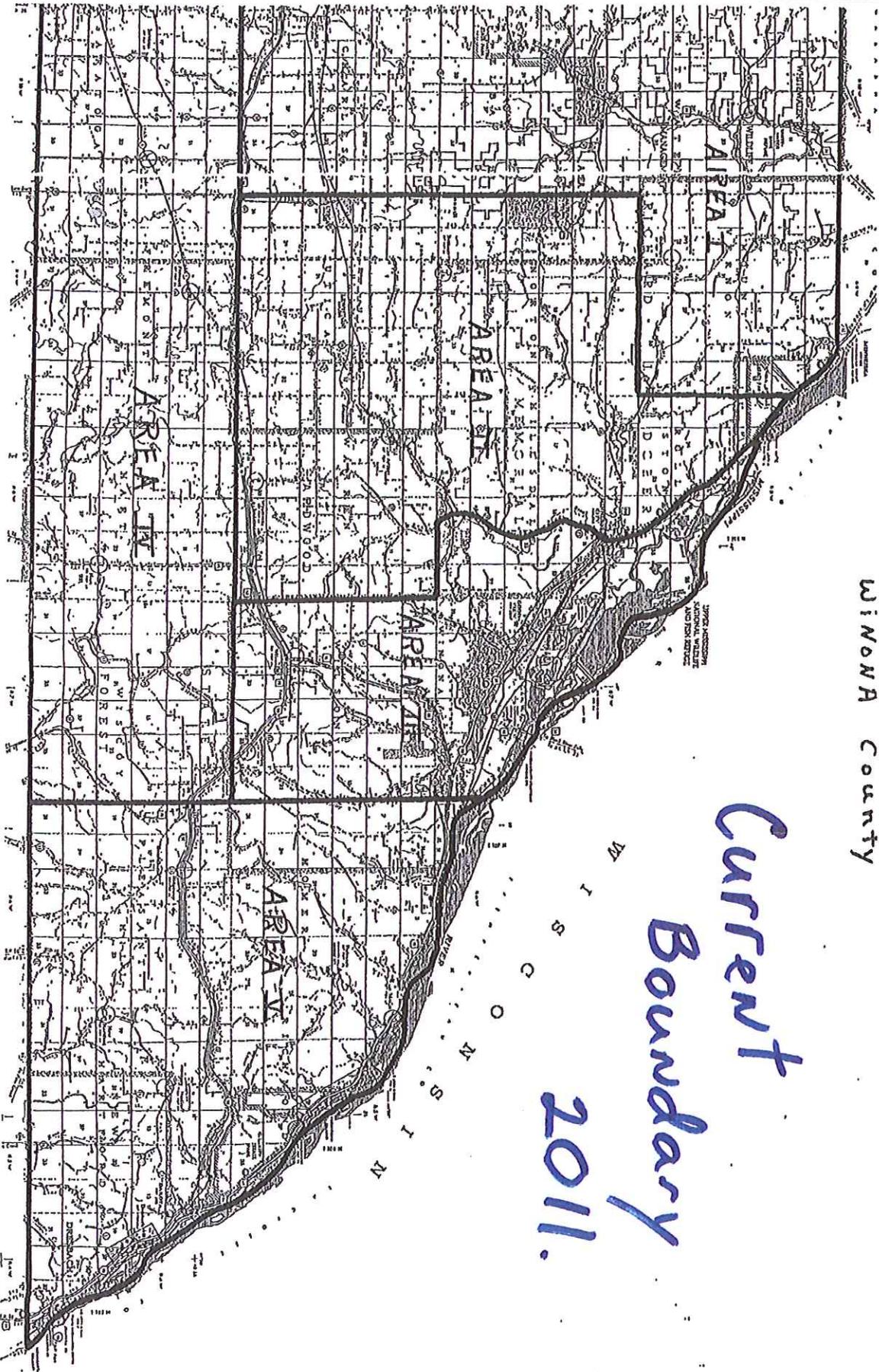
Signed: _____
Executive Director
Board of Water and Soil Resources

Filed _____ day of _____, 20____.

Signed: _____
County Auditor
Winona County

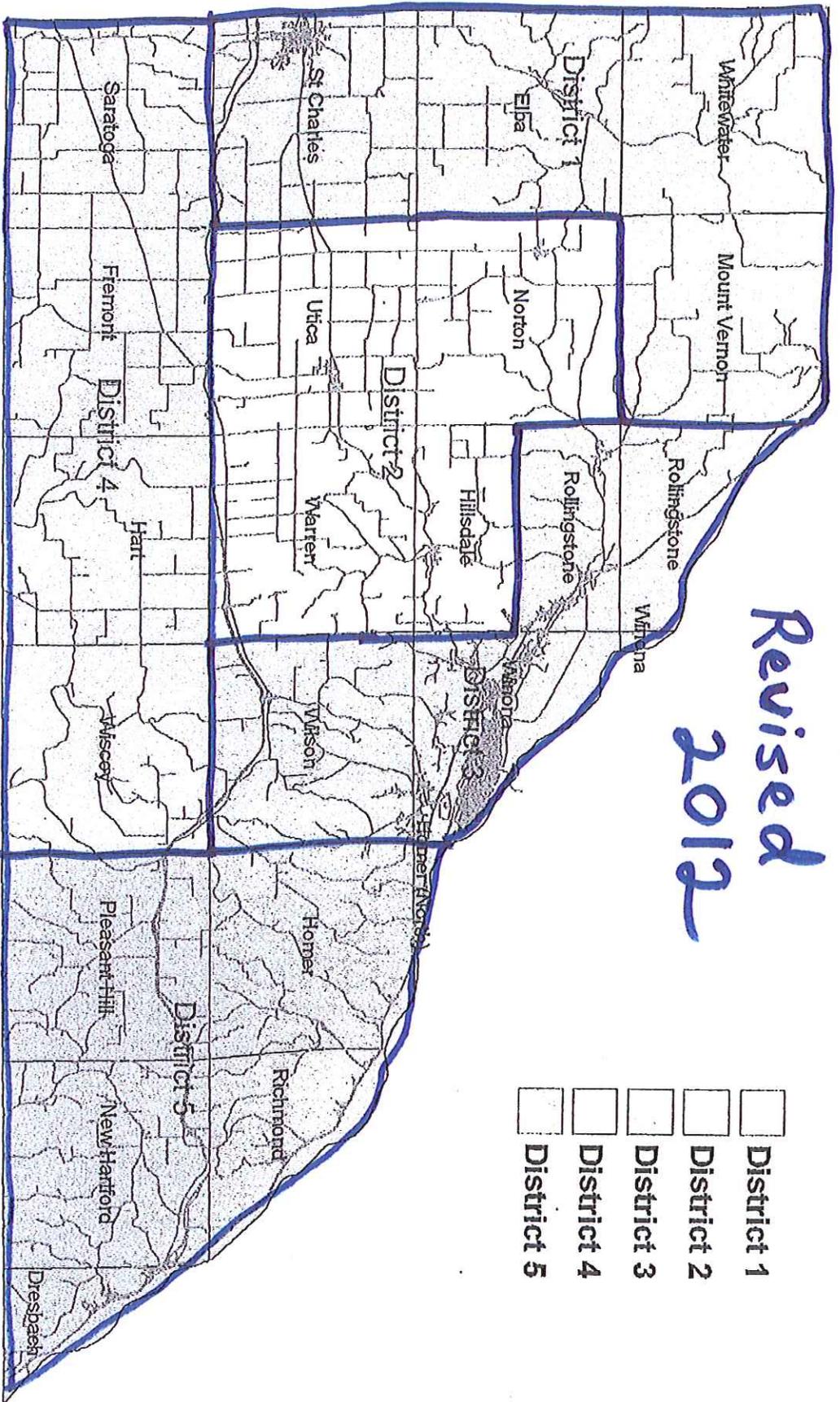
WINONA County

Current
Boundary
2011.



Winona County SWCD Board of Supervisors Nominating Districts

Revised
2012



- District 1
- District 2
- District 3
- District 4
- District 5

NEW BUSINESS

1. Amending Board Resolution #11-96: FY 2012 Competitive Grants Program Funding Recommendation – Dave Weirens – ***DECISION ITEM***
2. Evaluation of Water Related Programs – John Linc Stine, MPCA – ***INFORMATION ITEM***
3. Agassiz National Wildlife Refuge (NWR) Water Quality Study – U.S. Fish & Wildlife Service Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Amending Resolution #11-96, FY2012 Competitive Grant Program Allocations

Meeting Date: March 28, 2012
Agenda Category: [] Committee Recommendation [X] New Business [] Old Business
Item Type: [X] Decision [] Discussion [] Information
Section/Region: Land and Water Section
Contact: Dave Weirens
Prepared by: Dave Weirens
Reviewed by: Committee(s)
Presented by: Dave Weirens

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

ACTION REQUESTED

The Board is requested to amend Resolution #11-96 to remove project C12-159 from the list of projects funded with FY2012 Clean Water Funds, and instead to fund this project with FY2013 Clean Water Funds.

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

On December 14, 2011, the Board adopted Resolution #11-96 which allocated funds to projects under the FY2012 Competitive Grants Program. During processing of these grants, a discrepancy was discovered whereby a \$500,000 obligation of the Conservation Corps of Minnesota and Iowa was not factored into these grant allocations.

While the grants were being processed, regional staff learned that Olmsted County project C12-159, would be delayed due to a pending land sale and that the County would welcome a delay in the start of the project and an extension to the duration of the grant agreement.

The requested action will resolve both of these issues, in that, the delay in the initiation of project C12-159 will enable currently available FY2012 grant funds to cover all other projects approved in Resolution #11-96 and meet the revised project timeline as requested by Olmsted County.

Board Resolution # 12-

AMENDING BOARD RESOLUTION #11-96: FY 2012 COMPETITIVE GRANTS PROGRAM FUNDING RECOMMENDATION

WHEREAS, the Board adopted Resolution #11-96 on December 14, 2011 in which FY 2012 Competitive Grants Program funds were allocated; and

WHEREAS, a discrepancy in fund calculation occurred due to an obligation to the Conservation Corps of Minnesota and Iowa that was not factored into the grant allocation which resulted in Resolution #11-96 allocating \$500,000 more in FY2012 Clean Water Assistance funds than were available; and

WHEREAS, in Resolution #11-96 \$575,000 was awarded to Olmsted County for Project C12-159, titled "Cascade Creek Turbidity Reduction Through Rural Retention and Stream Restoration" and

WHEREAS, BWSR staff have been in contact with Olmsted County and have learned that implementation of project C12-159 is being delayed due to the sale of property where work is scheduled to occur and that a delay in receiving funds and an extension in the grant agreement is desirable; and

WHEREAS, delaying Project C12-159 and funding it with FY2013 Clean Water Funds will allow all projects approved for funding in Resolution #11-96 to be implemented as proposed.

NOW THEREFORE BE IT RESOLVED, that the Board amends Resolution #11-96 to remove Project C12-159 from the list of projects funded with FY2012 Clean Water Funds and to instead fund this project with FY2013 Clean Water Funds.

Brain Napstad, Chair
Board of Water and Soil Resources

Date: _____



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Evaluation of Water Related Programs

Meeting Date: March 28, 2012

Agenda Category: [] Committee Recommendation [x] New Business [] Old Business

Item Type: [] Decision [] Discussion [x] Information

Section/Region:

Contact:

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s)

Presented by: John Stine, MPCA Deputy Commissioner

[] 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

None

SUMMARY

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

Minn. Laws 2011 1Sp, Chapter 2, Article 4, Sec. 33. EVALUATION REQUIRED. (a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management. (b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013

Water Governance Evaluation

Streamline, strengthen and improve sustainable water management

John Linc Stine
Deputy Commissioner
MPCA

January 25, 2012

2011 Special Session

91.10 Sec. 33. EVALUATION REQUIRED.

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2011 Special Session

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Water-Related Statutory Purposes

- Public Waters Regulation
- Water Use and Appropriation
- Flooding
- Pollution Prevention and Control
- Water Quality
- Shoreland Management
- Groundwater Protection
- Wetland Conservation
- Drinking Water
- Public Health Risk Assessment
- Drainage
- Water Well Construction

Minnesota Pollution Control Agency

Water Governance Project

Project Managers – John Linc Stine and Rebecca Flood, MPCA
 Project Staff – undecided
 Project Input – Interagency Leadership Team, Clean Water Council, Local Government Roundtable

Project Timeline:

August – February 2012	Organize and Plan
February – September 2012	Interagency Work and Evaluation
October – December 2012	Report Drafting
January 2013	Final Report

Minnesota Pollution Control Agency



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Agassiz National Wildlife Refuge (NWR)
Water Quality Study

Meeting Date:

Agenda Category: [] Committee Recommendation [x] New Business [] Old Business

Item Type: [] Decision [] Discussion [x] Information

Section/Region:

Contact: John Jaschke

Prepared by:

Reviewed by: John Jaschke Committee(s)

Presented by: Jim Leach, U.S. Fish & Wildlife Service

[] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

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

Jim Leach, Refuge Supervisor; Josh Eash, Regional Hydrologist; and Gregg Knutsen, Wildlife Biologist, with the U.S. Fish & Wildlife Service, will present information regarding the Agassiz National Wildlife Refuge (NWR) Water Quality Study.