



DATE: January 14, 2013  
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff  
 FROM: John Jaschke, Executive Director  
 SUBJECT: BWSR Board Meeting Notice – January 23, 2013

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 23, 2013, beginning at 9:00 a.m. The meeting will be held in the lower level Board Room at 520 Lafayette Road N., St. Paul. Parking is available in the lot directly in front of the building (see hooded parking area).

The following information pertains to agenda items:

**COMMITTEE RECOMMENDATIONS**

***Northern Water Planning Committee***

1. **Crow Wing County Priority Concerns Scoping Document** – Crow Wing County submitted the Priority Concerns Scoping Document for state review and comment, as part of updating their Comprehensive Local Water Management Plan. The Northern Water Planning Committee met January 9, 2013, after the state agencies comment period ended. The Committee's recommendations or requirements for the content of the final plan are drafted for the Board's review and decision. The state's expectations of the final plan must be sent to Crow Wing County. **DECISION ITEM**
2. **Pope County Priority Concerns Scoping Document** - Pope County, as part of updating their Comprehensive Local Water Management Plan, submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Northern Water Planning Committee, chaired by Brian Napstad, met with Pope County on January 9, 2013, to discuss the content of the PCSD; state agency review comments on the PCSD; and recommendations for the content of the final Comprehensive Local Water Management Plan. The Committee's recommendation for the PCSD will be provided to the full Board for review and action. The state's expectations for the final plan must be sent to Pope County. **DECISION ITEM**

***Public Relations, Outreach & Strategic Planning Committee***

1. **2013 PRAP Report to the Legislature** - The agenda item is the revision of the PRAP Guiding Principles and the approval of the 2013 PRAP Legislative Report. Both of these items are coming to the Board through the Public Relations, Outreach and Strategic Planning Committee. The Committee has acted on the revisions to the Guiding Principles. This is the first time the Guiding Principles have been addressed since they were adopted in 2007. The Committee will be meeting on January 22, 2013, to recommend approval of the 2013 PRAP Report. **DECISION ITEM**

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

Central Office / Metro Office

520 Lafayette Road North

Saint Paul, MN 55155

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## **NEW BUSINESS**

1. **Amending Resolution – FY2013 Competitive Grant Program Allocations** - On December 12, 2012, the Board adopted Resolution #12-113 which allocated funds to projects under the FY2013 Clean Water Fund Competitive Grants Program. Shortly after the Board adopted this resolution, it was brought to the attention of staff that a Livestock Waste Management Project proposed by Benton SWCD had been incorrectly scored as not being riparian. This error occurred due to the operation of the software used to facilitate application processing. If this project had been scored as riparian, it would have been recommended for funding. The Board is requested to amend Resolution #12-113 to increase funding to project CWF13-51 with returned grant funds in the amount of \$80,235. **DECISION ITEM**
  
2. **Principal Place of Business Change in Location for Comfort Lake-Forest Lake Watershed District** - The Comfort Lake-Forest Lake Watershed District office and meetings are currently in the Forest Lake City Hall. The City of Forest Lake is building a new city hall and the old one will be demolished. The old city hall is within the watershed district, however the new city hall is about one-quarter mile outside of the watershed district. There are no other public facilities available within the watershed district. Statute requires BWSR designate the nearest suitable public facility as a watershed district's principal place of business when no public facilities are available within the watershed district. Staff recommends Board approval of the attached resolution to designate the new Forest Lake City Hall as the principal place of business for the watershed district. **DECISION ITEM**
  
3. **Washington Conservation District Change of Location of Principal Office** - The Washington Conservation District proposes to change the location of their office from Stillwater to Oakdale. Both locations are within Washington County. MS Section 103C.221, Change of Location of Principal Office, requires the District Board of Supervisors to adopt a resolution stating the new location and receive approval from the BWSR Board before filing the change in location with the Secretary of State. A copy of the adopted District resolution is attached. BWSR staff recommend the attached draft resolution be approved. **DECISION ITEM**
  
4. **Conflict of Interest Training and Disclosure** – Tim Dykstal, Fiscal Compliance Director, will present a training session on conflict of interest in grant reviewing. Tim will explain why it is a concern for the BWSR Board, and discuss three categories of conflict as the Office of Grants Management defines them: potential, perceived, and actual. Board members will be asked to disclose any potential and perceived conflicts. **INFORMATION ITEM**
  
5. **Current Groundwater Topics/Issues in Minnesota** – Eric Mohring, Hydrogeologist, and other agency staff (TBD) will present an overview of current aspects of groundwater management priorities. **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to give me a call at 651-296-0878. The Board meeting is expected to adjourn about noon. I look forward to seeing you on January 23rd!

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

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF DECEMBER 12, 2012 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

RECOGNITION OF RETIRING BOARD MEMBER

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

*Northern Water Planning Committee*

1. Crow Wing County Priority Concerns Scoping Document – Keith Mykleseth –  
**DECISION ITEM**
2. Pope County Priority Concerns Scoping Document – Gerald Van Amburg –  
**DECISION ITEM**

**Public Relations, Outreach & Strategic Planning Committee**

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

**NEW BUSINESS**

1. Amending Resolution – FY2013 Competitive Grant Program Allocations – Dave Weirens – **DECISION ITEM**
2. Principal Place of Business Change in Location for Comfort Lake-Forest Lake Watershed District – Jim Haertel - **DECISION ITEM**
3. Washington Conservation District Change of Location of Principal Office – Jim Haertel – **DECISION ITEM**
4. Conflict of Interest Presentation – Tim Dykstal – **INFORMATION ITEM**
5. Current Groundwater Topics/Issues in MN – Eric Mohring – **INFORMATION ITEM**

**AGENCY REPORTS**

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

**ADVISORY COMMENTS**

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

**UPCOMING MEETINGS**

- Next BWSR Board Meeting – March 27, 2013

Noon **ADJOURN**

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

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Paul Langseth  
John Meyer  
Christy Jo Fogarty

**STAFF PRESENT:**

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

**OTHERS PRESENT:**

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

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

#### PLEDGE OF ALLEGIANCE

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12-100 **ADOPTION OF AGENDA** – Chair Napstad made an adjustment to the agenda: a Second Public Access Forum will be added before the Metro Water Planning Committee Recommendation. Also, MPCA Commissioner Stine's presentation on Water Governance Study Recommendations will be on the agenda at 10:00 a.m. Moved by Sandy Hooker, seconded by Tom Landwehr, to adopt the agenda as presented. Motion passed on a voice vote.
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12-101 **MINUTES OF OCTOBER 24, 2012 BOARD MEETING** – Moved by Quentin Fairbanks, seconded by Gerald Van Amburg, to approve the minutes of October 24, 2012 as circulated. Motion passed on a voice vote.

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

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

Chair Napstad read the statement:

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

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

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

#### INTRODUCTION OF NEW BWSR STAFF

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

#### REPORTS

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

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

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

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

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

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

John asked that Conflict of Interest Declaration forms be submitted.

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

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

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

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

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

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

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

**COMMITTEE RECOMMENDATIONS**

***Southern Water Planning Committee***

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

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

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

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

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

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12-106

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

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12-107

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

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12-108

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

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12-109

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

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

### **NEW BUSINESS**

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

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

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

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

- Richard Strong, Hennepin Conservation District (HCD) Supervisor, commented on the uniqueness of the Hennepin Conservation District. Mr. Strong stated that HCD can look at other funding sources; HCD no longer has a district management deficit; looking for civic engagement; propose 18-month probationary period; delivery services of HCD will not be curtailed due to HCD no longer contracting with the Hennepin County Environmental Services; reformed the district so WCA is being delivered. Metro Conservation District supports HCD. Citizens of HCD have a right to have an elected Board. HCD is a coordinating board at the local level. HCD would like to have input. Chair Napstad thanked Mr. Strong for his comments.
  
- Rosemary Lavin, Hennepin County Environmental Services. Since 2003, Hennepin County Environmental Services has been providing services for the HCD. Hennepin County would like a different way to deliver services. HCD does not have the means to sustain its future, but Hennepin County does with their track record. Hennepin County

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

***Metro Water Planning Committee***

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

The item is before you today because of the findings contained in the November 13<sup>th</sup> report included in your materials and because Hennepin County will be proposing legislation that would directly dissolve the Hennepin Conservation District through legislative action. This will be the third consecutive year that Hennepin County will be proposing the legislation. I have been informed by the Chair of the Hennepin County Board that they plan to aggressively pursue the legislation this next session.

BWSR staff and County staff have outlined draft compromise legislative language that would allow Hennepin County to file a dissolution petition with BWSR and would have BWSR make a decision on the petition without a referendum. Under the compromise language, Chapter 103C, the section of statute pertaining to SWCDs, would not change. The legislation would be limited to Hennepin County and accomplished via a change to a section of statute dedicated solely to Hennepin County. The County would be responsible for carrying out the duties of a SWCD and there would be options for BWSR to take action to assure the duties are carried out, even re-establishing the SWCD if necessary. The compromise language would have the administrative process go through BWSR to dissolve the District and/or transfer the District's duties to the County, which is consistent with Chapter 103C.

In your board packet is the staff report covering the delivery of conservation services in Hennepin County over the past ten years by the Hennepin Conservation District and the Hennepin County Department of Environmental Services. Attachment A of the report is the draft compromise language that staff have worked on. Also in your board packet are two draft resolutions. Version 1 is basically what was before the Metro Water Planning Committee. Version 1 mainly relies on the contents of the staff report. Version 1a has been modified based on the Committee meeting and Committee member comments. Version 1a adds some important basis to the WHEREAS findings and allows the resolution to stand apart from the report with a more complete understanding of the important limits and unique circumstances. Version 1a also adds the "transfer of duties" option to the "discontinuance" option. Please note in Version 1a there is one minor edit: in the last WHEREAS, first line, the word "Committee" should be added after "Metropolitan Water Planning" to read "Metropolitan Water Planning Committee".

A Resolution from the Board is necessary to give the County an expectation of the direction of the Board if the legislation were enacted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Jack Ditmore clarified that the referendum was in 2002.

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

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

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

***Grants Program and Policy Committee***

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

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

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

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Community Partners Conservation Programs Grants	\$ 1,400,000
MDA Ag BMP Loans	<u>\$ 4,500,000</u>

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

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

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

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

**Wetlands Committee**

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

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

**BWSR Meeting Minutes**  
**December 12, 2012**  
**Page Eleven**

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

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

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

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

- \*\*  
12-116 These values are multiplied by the wetland credit value coefficient of 6.0, with a maximum increase of 75% over the values established in Board action 11-98 as indicated on the fee schedule. Moved by Keith Mykleseth, seconded by Steve Sunderland, to approve the wetland banking fee policy update; the revised policy is effective on January 1, 2013 and applies to wetland bank credit sales made after this date. Motion passed on a voice vote.

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

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

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

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

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

#### **NEW BUSINESS**

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

#### **AGENCY REPORTS**

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

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

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

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

**ADVISORY COMMENTS**

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

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

**UPCOMING MEETINGS**

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

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

Respectfully submitted,

Mary Jo Anderson  
Recorder



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution Committee Report<sup>L</sup>

Meeting Date: January 23, 2013

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

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

Section/Region: Land and Water Section

Contact: Travis Germundson

Prepared by: Travis Germundson

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

Presented by: Gerald Van Amburg/Travis Germundson

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [ ] 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

None

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

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

Dispute Resolution Report

January 11, 2013

By: Travis Germundson

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

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

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

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

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

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

File 12-16 (11-16-12). This is an appeal of a wetland banking credit deposit request in Stearns County. The appeal regards the approval of a wetland banking plan request to deposit 9.9 acres of credit. A previous appeal (File 12-13) was remanded for the LGU to develop an adequate record, and now that new decision is being appealed. At issue are the eligibility requirements for banking credits. The appeal has been granted.

File 12-12 (7-16-12) This is an appeal of an exemption determination in Renville County. The appeal regards the denial of an agricultural drainage exemption associated with a 1.5 acre wetland. At issue is the wetland type determination. A previous appeal (File 12-5) was remanded for further technical evaluation and administrative proceedings, and now the current approval is being appealed. A verbal settlement agreement has since been reached that includes submittal of a replacement plan application. The appeal has been placed in abeyance by mutual agreement to determine the viability of a wetland replacement plan application.

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

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

File 10-7 (2-19-10) This is an appeal of a restoration order in Stearns County. The appeal regards draining and filling impacts to approximately 18.44 acres of Type2/3 wetland and 3.06 acres of Type 2 wetland. The appeal has been placed in abeyance and the restoration order stayed for submittal of "as built" or project information pertaining to a public drainage system. The landowner has committed to restoring the site and the TEP plans to conduct a site visit in the spring of 2013 to verify that restoration has occurred.

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

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

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

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

### Summary Table

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

**COMMITTEE RECOMMENDATIONS**

***Northern Water Planning Committee***

1. Crow Wing County Priority Concerns Scoping Document – Keith Mykleseth –  
***DECISION ITEM***
2. Pope County Priority Concerns Scoping Document – Gerald Van Amburg –  
***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Crow Wing County Priority Concerns Scoping Document Approval

Meeting Date: January 23, 2013
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Northern Region
Contact: Dan Steward
Prepared by: Dan Steward
Reviewed by: North Region Water Plan Committee(s)
Presented by:

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

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

LINKS TO ADDITIONAL INFORMATION

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

On January 9, 2013, the BWSR North Region Water Plan Committee met with Crow Wing County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee recommends approval of the Crow Wing County PCSD. The Committee's recommendation will be brought to the full BWSR Board on January 23, 2013. BWSR's official state comment letter pertaining to the review of the Crow Wing County PCSD will need to be sent to Crow Wing County.



1601 Minnesota Drive, Brainerd, MN 56401

January 23, 2013

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

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

Dear Crow Wing County Commissioners:

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

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

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

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

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

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

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

Sincerely,

Brian Napstad, Chair  
Board of Water and Soil Resources

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

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

AGENDA ITEM TITLE: Pope County Priority Concerns Scoping Document Approval<sup>1</sup>

Meeting Date: January 23, 2013
Agenda Category: [X] Committee Recommendation [X] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Northern Region
Contact: Pete Waller
Prepared by: Pete Waller
Reviewed by: North Region Water Plan Committee(s)
Presented by:

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: [ ] Resolution [ ] Order [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 Pope County Comprehensive Local Water Management Plan Priority Concerns Scoping Document (PCSD).

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

On January 9, 2013, The BWSR North Region Water Plan Committee met with Pope County to review the PCSD. All required components of the PCSD have been covered and the priority concerns selected are deemed appropriate. After review and discussion, the Committee decided with a unanimous vote to recommend approval of the Pope County PCSD and bring it forward to the full BWSR Board. BWSR's official state comment letter pertaining to the review of the Pope County PCSD will need to be sent to Pope County.



January 24, 2013

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

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

Dear Mr. Gerde:

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

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

- Reducing Priority Pollutants ~ Surface Water Quality
  - TMDL Implementation
  - Feedlot/Livestock Management
  - Subsurface Sewage Treatment Systems
  - Aquatic Invasive Species
- Erosion and Sediment Control
- Surface Water Management
  - Agricultural Drainage
  - Stormwater Management
  - Wetlands and Water Storage/Retention
  - Shoreland Management
- Groundwater Quality & Quantity
  - Wellhead Protection Areas
  - Drinking Water Quality
  - Groundwater Quality
- Plan Administration
  - Watershed Focus
  - Stakeholder Cooperation
  - Raising Public Awareness

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

Central Office / Metro Office

520 Lafayette Road North

Saint Paul, MN 55155

Phone: (651) 296-3767

Fax: (651) 297-5615

Mr. Paul Gerde  
January 24, 2013  
Page Two

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

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

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

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

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

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

The Committee commends Pope County for the process used to select the priority concerns. The priority concerns to be addressed in the plan were deemed to be appropriate; the BWSR does not recommend or require any changes to the PCSD as drafted. Please proceed with the development of your next LWP.

Sincerely,

Brian Napstad, Chair  
Minnesota Board of Water and Soil Resources

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

**COMMITTEE RECOMMENDATIONS**

***Public Relations, Outreach & Strategic Planning Committee***

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



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2013 PRAP Report to the Legislature<sup>1</sup>

Meeting Date: January 23, 2013
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Regional Operations-PRAP
Contact: Don Buckhout
Prepared by: Don Buckhout
Reviewed by: Public Relations, Outreach & Strategic Planning Committee(s)
Presented by: Don Buckhout

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

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

Fiscal/Policy Impact

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

ACTION REQUESTED

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

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

Two part action contained in one resolution.

Part 1: Amend PRAP Guidelines

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

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

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



Board Resolution # \_\_\_\_\_

## **Performance Review and Assistance Program Guiding Principles Revisions and 2013 Report to the Minnesota Legislature**

---

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

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

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

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

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

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

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

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

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

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

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



**MINNESOTA BOARD OF WATER AND SOIL  
RESOURCES**

**PERFORMANCE REVIEW AND ASSISTANCE  
PROGRAM**

**Guiding Principles**

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

[BOARD REVIEW DRAFT]

# Performance Review and Assistance Program (PRAP)

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## 2013 Report to the Minnesota Legislature

### Program Highlights

<p><b>Board Amends PRAP Guiding Principles</b> (Page 1)</p>	<p><b>Watershed- based PRAP Pilot Project in central MN</b> (Page 5)</p>	<p><b>New PRAP Assistance Grants Available</b> (Page 7)</p>
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## BOARD REVIEW DRAFT

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[www.bwsr.state.mn.us/PRAP/index.html](http://www.bwsr.state.mn.us/PRAP/index.html)

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Approximate cost for the production of this report was \$4075.

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## BOARD REVIEW DRAFT

# MINNESOTA BOARD OF WATER AND SOIL RESOURCES

## Performance Review and Assistance Program (PRAP)

### Executive Summary

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

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

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

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

#### 2012 Program Accomplishments

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

#### 2012 LGU Delivery System Performance

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

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

**LGUs in Full Compliance with Level I Performance Standards 72%**

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

#### 2013 PRAP Objectives

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

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

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

<sup>1</sup>PIA=Performance Improvement Agreement

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## About this Report

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

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## What is PRAP?

### Supporting Local Delivery of Conservation Services

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

### Amended Guiding Principles

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

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

### Guiding Principles

At the program's start in 2007 the BWSR board adopted principles to guide the implementation of this program. In 2013 the board re-visited and refreshed the

principles with two minor changes (see box). The principles still set the program's goal of providing reliable, comprehensive information in a way that encourages LGUs to act in their own best interests.

### Multi-level Process

PRAP has three operational components:

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

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

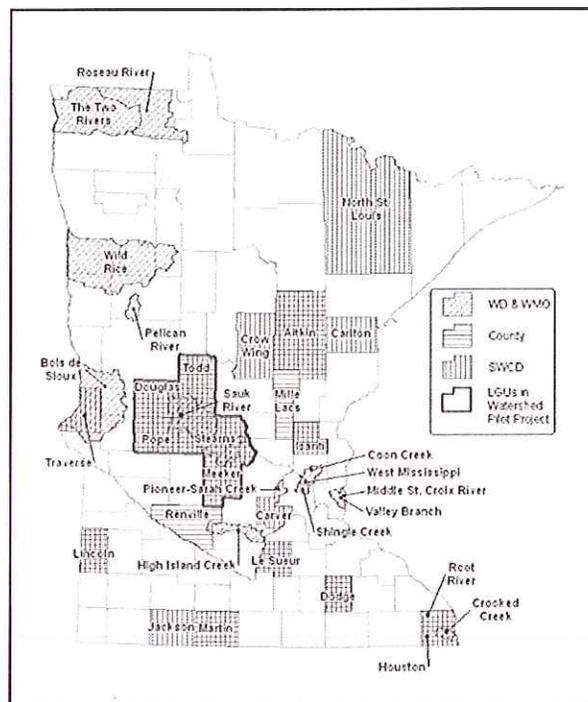
**Level I** is a tabulation of required LGU plans and reports with website posting of the results. Level I is accomplished with current program funding and does not require additional effort by LGUs.

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

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

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

## Level II PRAP LGUs 2008-2012



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

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

## Accountability: From Measuring Effort to Tracking Results

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

## Performance Review of PRAP

### BWSR's Accountability

BWSR continues to hold itself accountable for the accomplishments of the PRAP program. In consideration of that commitment, this section matches program

objectives from last year's PRAP legislative report with corresponding program activities during 2012.

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

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

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

### PRAP Advisory Team

The purpose of the Advisory Team is to advise BWSR on program implementation and help BWSR maintain a balance between the need for accountability and the need to minimize the program's

administrative burden on LGUs. The Team has not met for several years. BWSR provide the members with periodic program updates. BWSR will consult with the team only in the event of substantial program modifications.

## LGU Performance Review Results

### 2012 Objectives

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

### Level I Results

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

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

#### LGUs Meeting All 2012 Level I Performance Standards

All LGUs 72%

SWCDs 94% (85/90)

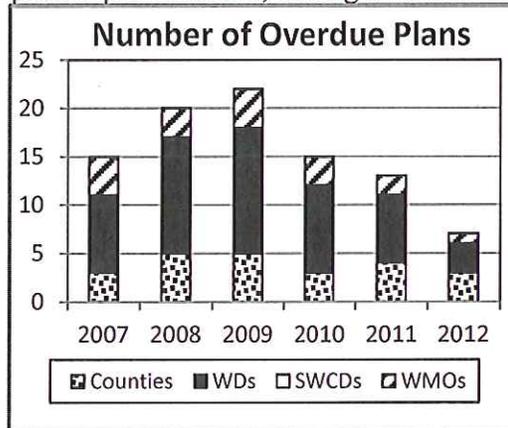
WMOs 74% (14/19)

Counties 61% (53/87)

WDs 50% (23/46)

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

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



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

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

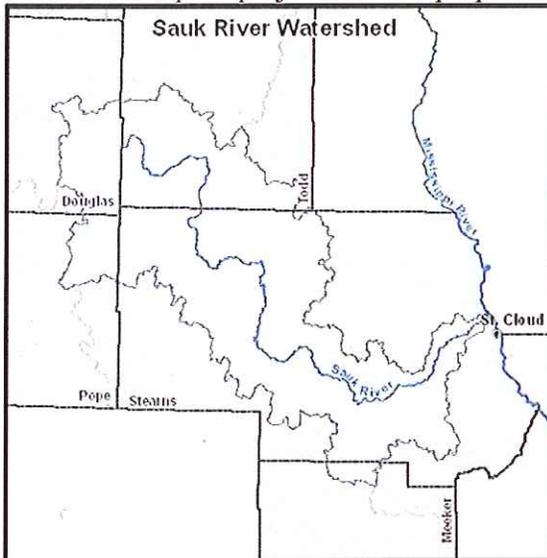
WDs in greater Minnesota continue to have difficulty complying with the annual activity report requirement. Local drainage authorities, 94 counties and watershed districts, struggle to meet the February 1 due date for their annual buffer strip reports, with 36 percent arriving late. One county was penalized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

**Annual financial reports and audits.**

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

**Watershed-based PRAP Pilot Project**

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



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

jurisdictional collaboration and suggest remedies to improve collaboration.

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

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

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

## Level II Results

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

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

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

## Level III Results

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

BWSR regional supervisors regularly monitor the performance of LGUs experiencing change in order to assess the

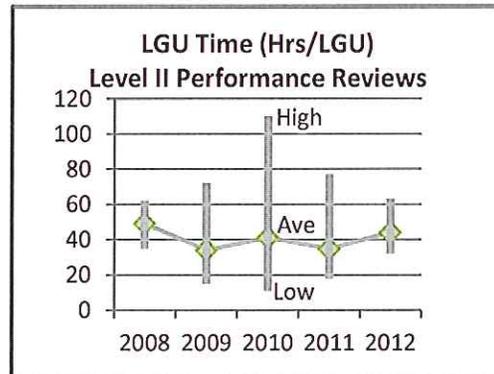
need for Level III review. Also, LGUs can request these detailed performance assessments to determine the need for organizational improvements.

## Level IV Results

No Level IV actions were needed in 2012.

## PRAP Program Costs

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



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

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

# Assistance Services to Local Governments

## Focus on Assistance

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

## PRAP Assistance Grants

In 2012 the BWSR Board delegated authority to the Executive Director to award grants or contracts for the purpose of assisting LGUs in making

### 2012 PRAP Assistance to LGUs

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

organizational improvements consistent with the goals of PRAP. The reason for the delegation is the need for a timely response to the grant requests. Four of these PRAP Assistance Grants have been awarded to three different LGUs for a total possible award of \$6300. The availability of the grants has been marketed to LGUs via the BWSR website and through the PRAP review process.

LGUs that undergo a formal BWSR performance review are automatically

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

## Assessing the Needs

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

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

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

## Reporting

### Purpose of Reporting

The purposes of reporting about LGU performance are:

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

### Report Types

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

#### LGU-Generated

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

#### BWSR Website

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

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

2010-	1437
2011-	695
2012-	213

[www.bwsr.state.mn.us/PRAP/reporting/index.php](http://www.bwsr.state.mn.us/PRAP/reporting/index.php)

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

#### Performance Review Reports

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

#### Annual Legislative Report

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

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

### Rewards and Recognition

The PRAP Guiding Principles require that the program also recognize exemplary LGU performance. Each year this legislative report highlights those LGUs that are recognized by their peers or other organizations for their contribution to

Minnesota's resource management and protection, as well as service to their local clientele. (See Appendix H.)

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



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

## Program Conclusions and Future Direction

### Conclusions

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

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

### PRAP in 2013

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

#### NEW PRAP Elements

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

#### MODIFIED PRAP Elements

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

#### CONTINUED PRAP Elements

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

### Challenges Long-Term

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

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

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## **Appendices**

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

**B. PRAP Advisory Team Members**

**C. Level I: 2012 Long-range Plan Status**

**D. Level I: Status of Annual Reports for 2011**

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

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

**G. Watershed-based PRAP Pilot Project Summaries**

**H. 2012 LGU Performance Awards and Recognition**

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## Appendix A

### PRAP AUTHORIZING LEGISLATION

#### ***103B.102, Minnesota Statutes 2007***

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#### **103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.**

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

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

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

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

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

**History:** 2007 c 57 art 1 s 104

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## Appendix B

### PERFORMANCE REVIEW AND ASSISTANCE PROGRAM ADVISORY TEAM MEMBERS

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

---

## Appendix C

<b>Level I: 2012 LGU Long-Range Plan Status</b> as of December 31, 2012
--

### **Soil and Water Conservation Districts**

(Districts have a choice of option A or B)

#### **A. Current Resolution Adopting County Local Water Management Plan**

All resolutions are current.

#### **B. Current District Comprehensive Plan**

All comprehensive plans are current.

### **Counties**

#### **Local Water Management Plan Revision Overdue**

All local water management plans are current.

#### **Metro County Groundwater Plan Revision Overdue**

Carver

Ramsey

Scott

(Anoka and Hennepin Counties have chosen not to participate in this optional program.)

### **Watershed Districts**

#### **10-Year Watershed Management Plan Revision Overdue:**

##### **Plan Revision in Progress**

Coon Creek

Crooked Creek

Upper Minnesota River

### **Watershed Management Organizations**

#### **10-Year Management Plan Revision Overdue:**

##### **Plan Revision in Progress**

Gun Club Lake

---

## Appendix D

<b>Level I: Status of Annual Reports for 2011</b> as of December 31, 2012
--

### **Soil and Water Conservation Districts**

#### **eLINK Reports of Grant Expenditures: Reports submitted late**

Carlton                      North St. Louis

#### **Website Content: Missing Content Elements**

Beltrami                      Waseca

### **Counties**

#### **Drainage Authority Buffer Strip Report**

36% submitted late (27 of 74)

Otter Tail (grant temporarily withheld)

#### **eLINK Reports of Grant Expenditures: Reports submitted late**

Cook

Lake

### **Watershed Districts**

#### **Drainage Authority Buffer Strip Report**

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

#### **Annual Activity Reports Not Submitted**

Belle Creek

Joe River

Buffalo-Red River

Sand Hill River

#### **Annual Activity Reports Submitted Late**

Bear Valley

Ramsey Washington Metro

Upper Minnesota River

Brown's Creek

Red Lake

Warroad

Cormorant Lakes

Roseau River

Pelican River

Turtle Creek

### **Metro Watershed Management Organizations**

#### **Annual Activity Reports Not Submitted**

Mississippi River

#### **Annual Activity Reports Submitted Late**

Carver

Black Dog

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## Appendix E

<b>Level I: Status of Audits and Financial Reports for 2011</b> as of December 31, 2012
--

### **Soil and Water Conservation Districts**

#### **Annual Financial Reports (all 90 Districts)**

All reports submitted on time.

#### **Annual Audits (58 required)**

Morrison (late)

### **Watershed Districts**

#### **Annual Audits Not Completed**

Bear Valley

High Island Creek

Joe River

Stockton-Rollingstone-Minnesota City

Turtle Creek

#### **Annual Audits Submitted Late**

Brown's Creek

Capitol Region

Carnelian-Marine

### **Metro Watershed Management Organizations**

#### **Annual Audits Not Submitted**

Mississippi River

#### **Annual Audits Submitted Late**

Black Dog

Middle St. Croix

## Appendix F

### LEVEL II FINAL REPORT SUMMARY

#### PRAP

Performance Review and Assistance Program

**2012 Level II Review:**  
Crooked Creek Watershed District (*Houston County*)

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

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

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

#### Crooked Creek Watershed District Summary of Performance Review Results

##### What BWSR Found

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



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

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

##### Action Items (need immediate attention)

- Data practices policy needed
- Manager appointments: need to be reported
- Watershed management plan: out-of-date
- Website needs additional content.

##### Commendations (show exemplary performance)

The district meets six of BWSR's benchmark standards for watershed districts in greater Minnesota.

BWSR has offered four recommendations for district performance improvements.

## Appendix F

### LEVEL II FINAL REPORT SUMMARY

#### PRAP

Performance Review and Assistance Program  
**2012 Level II Review:**  
Houston County Local Water Management  
(Houston County)

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

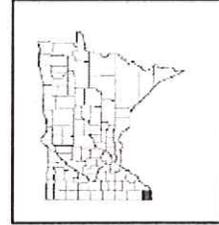
BWSR has conducted a routine Level II performance review of Houston County's local water management because they are near the midpoint in implementing their 10-year local water management plan.

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

#### Houston County Local Water Management Summary of Performance Review Results

##### What BWSR Found

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



##### Commendations (show exemplary performance)

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

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

# Appendix F

## LEVEL II FINAL REPORT SUMMARY

### PRAP

Performance Review and Assistance Program

2012 Level II Review:

Root River SWCD (*Houston County*)

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

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

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

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

#### What BWSR Found

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



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

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

#### Commendations (show exemplary performance)

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

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

# Appendix F

## LEVEL II FINAL REPORT SUMMARY

### PRAP

Performance Review and Assistance Program  
**2012 Level II Review:**  
Traverse SWCD (*Traverse County*)

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

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

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

### Traverse Soil and Water Conservation District Summary of Performance Review Results

#### What BWSR Found

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



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

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

#### Action Items (need immediate attention)

None

#### Commendations (show exemplary performance)

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

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

# Appendix G

## WATERSHED BASED PRAP FINAL REPORT SUMMARY

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

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

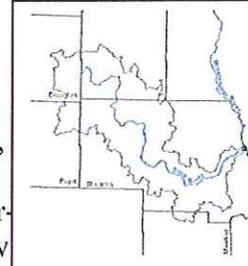
BWSR selected the LGUs  
working in the Sauk River  
watershed because this is a  
well-defined major watershed  
covered by a watershed  
district. The LGUs are all  
recognized as strong  
performers in delivering their  
projects and programs. None  
of them have previously been  
the subject of a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

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

### Sauk River Watershed – All LGUs Summary of Performance Review Results

#### What BWSR Found

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



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

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

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

## Appendix G

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

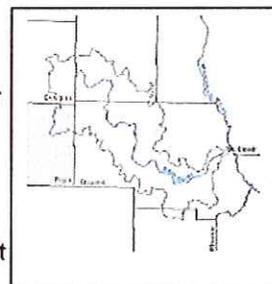
**Why BWSR did this review**  
Since 2008 BWSR has conducted individual Level II performance reviews of 35 different LGUs. This pilot project is designed to test a new methodology that will assess the extent to which LGUs that operate within the same watershed have a watershed focus and work together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

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

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

**What BWSR Found**

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



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

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

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

## Appendix G

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Summaries of PRAP Watershed-based Pilot Project

Reports for the eight other LGUs--

**Sauk River Watershed District**

**Douglas County and SWCD**

**Todd County**

**Stearns County**

**Stearns SWCD**

**Meeker County and SWCD—**

were not finalized at the time this report was published. Summaries will be published on the

BWSR website as they become available.

([www.BWSR.state.mn.us/PRAP/index.html](http://www.BWSR.state.mn.us/PRAP/index.html))

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## Appendix H

### **2012 Local Government Performance Awards and Recognition**

(Awarding agency listed in parentheses.)

County Conservation Award

(Association of Minnesota Counties and Board of Water and Soil Resources)

**Landfill Reclamation Initiative, Olmsted County**

Outstanding SWCD Employee

(Board of Water and Soil Resources)

**Greg Ostrowski, Todd SWCD**

Outstanding Supervisor Award

(Minnesota Association of Soil and Water Conservation Districts)

**Roland Cleveland, Chisago SWCD**

Appreciation Award

(Department of Natural Resources)

**Blue Earth SWCD**

Outstanding WD Employee

(Board of Water and Soil Resources)

**Anna Eleria, Capitol Region WD**

Watershed District of the Year

(Department of Natural Resources)

**Cedar River WD**

Program of the Year

(Minnesota Association of Watershed Districts)

**East Metro Water Resource Education Program,  
Brown's Creek, Carnelian Marine-St. Croix, Ramsey Washington Metro,  
Rice Creek, South Washington and Valley Branch WDs**

Project of the Year

(Minnesota Association of Watershed Districts)

**Maplewood Mall Runoff Reduction Retrofit Project,  
Ramsey Washington Metro WD**

## **NEW BUSINESS**

1. Amending Resolution – FY2013 Competitive Grant Program Allocations – Dave Weirens – ***DECISION ITEM***
2. Principal Place of Business Change in Location for Comfort Lake-Forest Lake Watershed District – Jim Haertel - ***DECISION ITEM***
3. Washington Conservation District Change of Location of Principal Office – Jim Haertel – ***DECISION ITEM***
4. Conflict of Interest Presentation – Tim Dykstal – ***INFORMATION ITEM***
5. Current Groundwater Topics/Issues in MN – Eric Mohring – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Amending Resolution #12-113,
FY2013 Competitive Grant Program Allocations

Meeting Date: January 23, 2013

Agenda Category: [ ] Committee Recommendation [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 [x] 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 #12-113 to increase funding to project CWF13-51 with returned grant funds in the amount of \$80,235.

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

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

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



Board Resolution # 13-

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

---

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

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

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

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

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

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

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

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

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

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

## **2013 CWF Review Process/ Benton SWCD CWF Feedlot Request**

**January 11, 2013**

### **Overview.**

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

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

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

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

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

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

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

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

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

### **Proposal.**

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



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Principal Place Of Business Change In Location For Comfort Lake-Forest Lake Watershed District

Meeting Date: January 23, 2012

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

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

Section/Region: Metro

Contact: Jim Haertel

Prepared by: Jim Haertel

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

Presented by: Jim Haertel

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Decision

LINKS TO ADDITIONAL INFORMATION

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

*DRAFT*



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

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

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

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

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

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

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

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

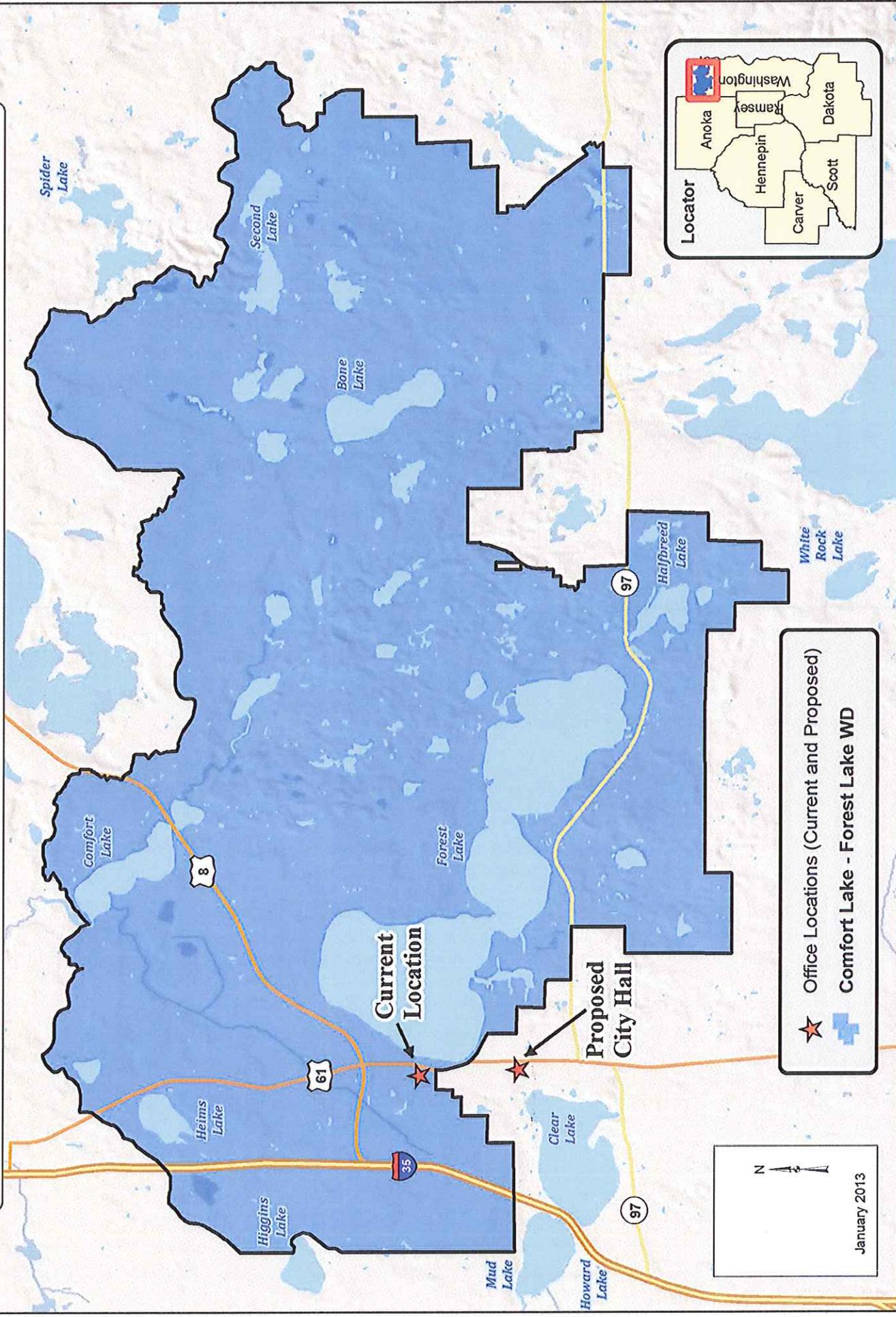
Dated at St. Paul, Minnesota this 23<sup>rd</sup> day of January, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair

# Comfort Lake - Forest Lake WD Proposed Office Location



★ Office Locations (Current and Proposed)  
+ Comfort Lake - Forest Lake WD

N  
↑  
January 2013

Doug Thomas  
Administrator  
651.209.9753  
doug.thomas@clflwd.org



220 North Lake Street  
Forest Lake, MN 55025

TO: Mary Kells, Board Conservationist  
FROM: Doug Thomas, Administrator   
DATE: December 20, 2012  
SUBJECT: CLFLWD Office Relocation Inquiry

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

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

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

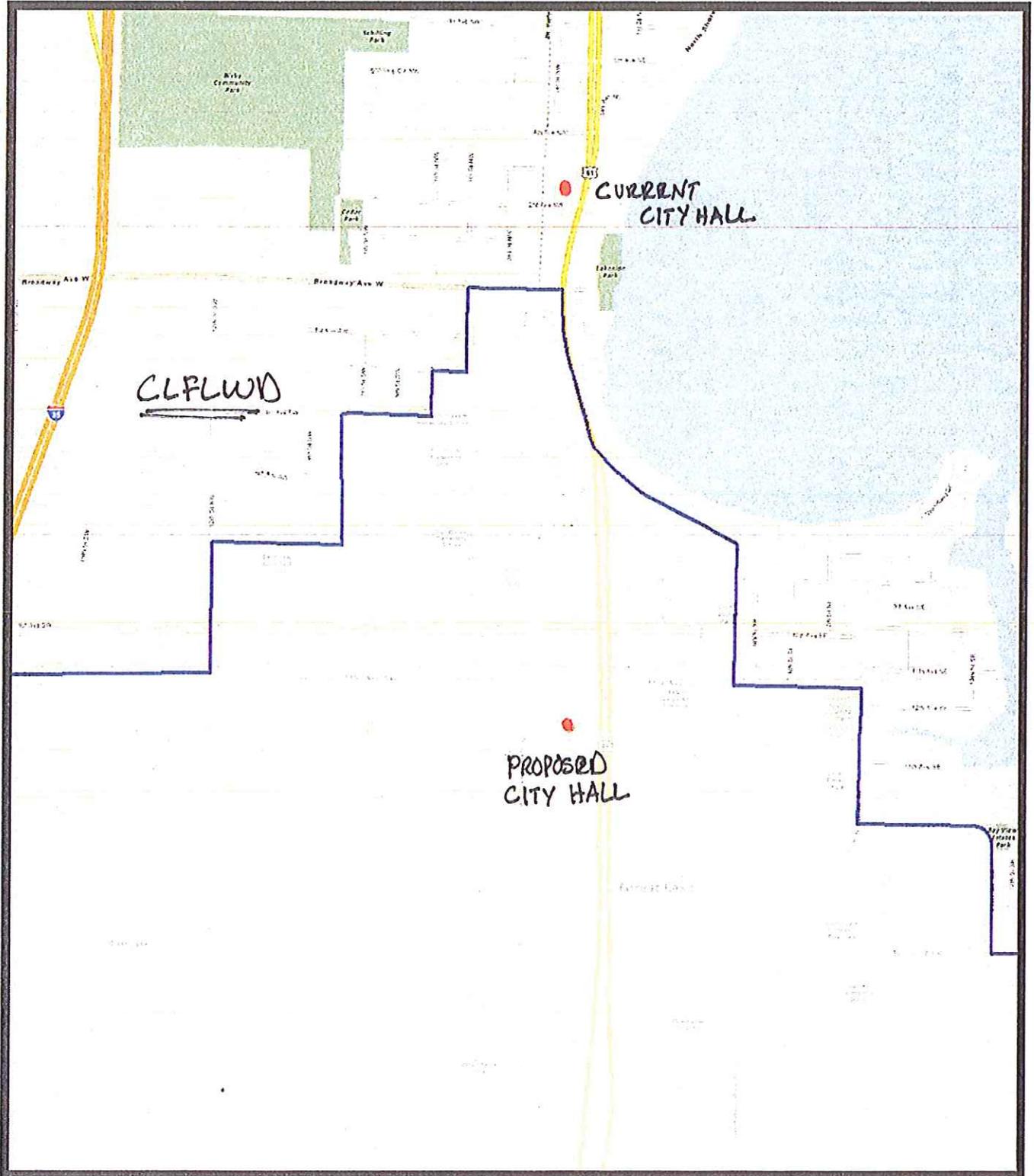
Hopefully BWSR will concur and be able to provide us with a letter or similar documentation that it will support the proposed new principal place of business when that occurs which is expected to be in mid 2014. With the City in the early stages of building design it is important that the District be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

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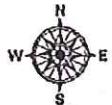
Board of Managers

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

# New City Hall Location



Disclaimer: Maps and documents made available to the public by the CLFLWD are not legally recorded maps nor surveys and are not intended to be used as such.  
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**103D.321 PRINCIPAL PLACE OF BUSINESS**

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

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

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

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

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



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Washington Conservation District
Change Of Location Of Principal Office

Meeting Date: January 23, 2013

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

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

Section/Region: Metro Region

Contact: Jim Haertel

Prepared by: Mary Peterson

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

Presented by: Jim Haertel

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Washington Conservation District Change of Location of Principal Office

LINKS TO ADDITIONAL INFORMATION

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

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

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

*DRAFT*



**Minnesota Board of Water and Soil Resources Resolution No. 13-\_\_\_\_\_**

**Washington Conservation District  
Change of Location of Principal Office**

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

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

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

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

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

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

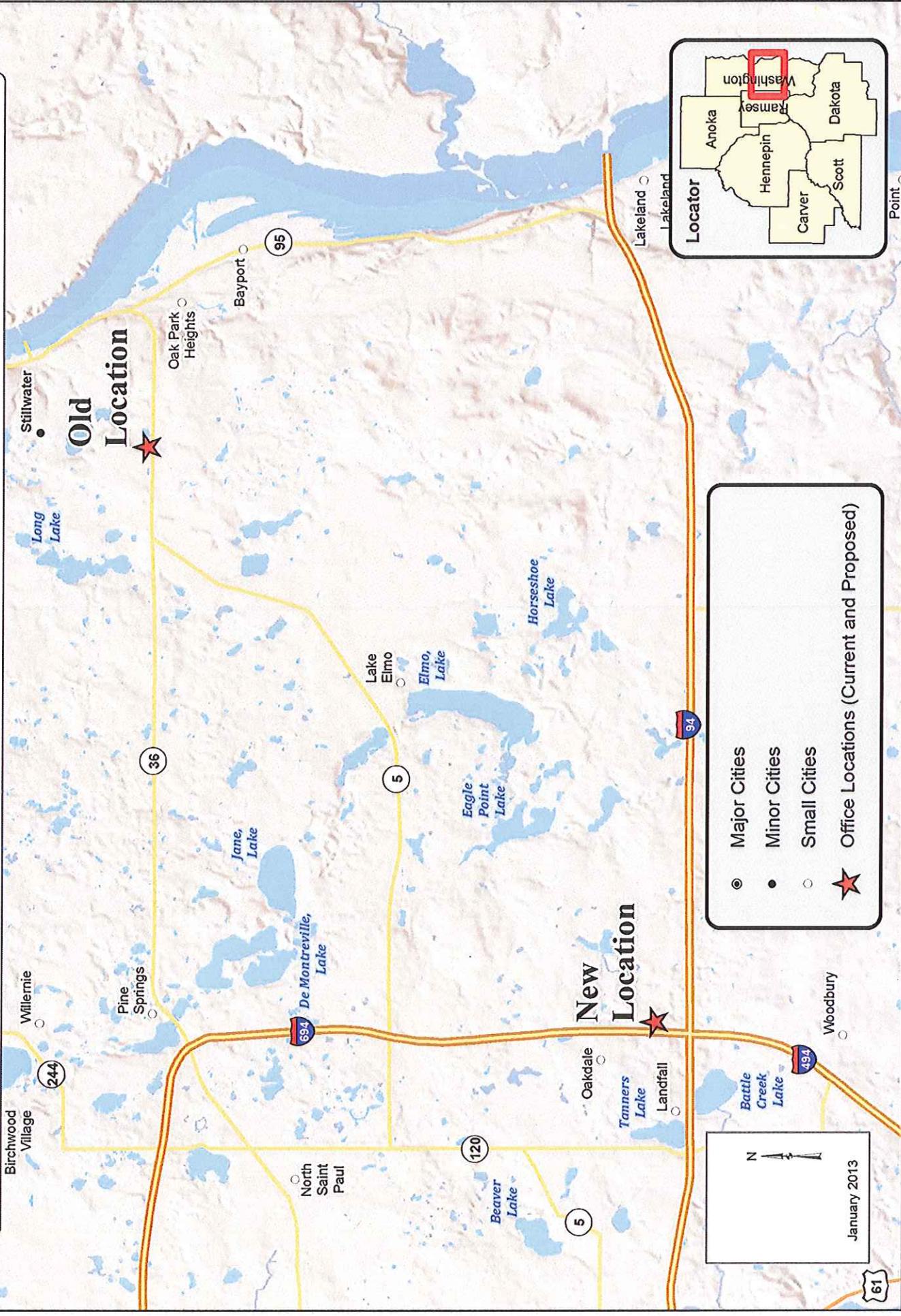
Dated at St. Paul, Minnesota this 23<sup>rd</sup> day of January, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair

# Washington Conservation District Proposed Office Location



**Legend**

- Major Cities
- Minor Cities
- Small Cities
- ★ Office Locations (Current and Proposed)

N

January 2013

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BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Conflict of Interest Training and Disclosure<sup>L</sup>

Meeting Date: January 23, 2013

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

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

Section/Region:

Contact: Tim Dykstal

Prepared by: Tim Dykstal

Reviewed by: John Jaschke Committee(s)

Presented by: Tim Dykstal

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

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

ACTION REQUESTED

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

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation) The 06/18/12 revision of the Office of Grant's Management (OGM) Conflict of Interest policy added a definition of a "potential" conflict of interest to the existing categories of "perceived" and "actual" conflicts. A "potential conflict ... may exist," the policy states, "if a grant reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests." This training session will stress the importance of guarding against conflict of interest and will explain how the OGM's policy and its three categories of conflict--actual, perceived, and potential--apply to BWSR's structure and mission. At the conclusion of the training, BWSR will encourage Board members to disclose potential and perceived conflicts of interest.

Link to OGM Policy 08-01, Conflict of Interest--
http://www.admin.state.mn.us/documents/grants\_policy2012\_08-01.pdf



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Current Groundwater Topics/Issues In Mn

Meeting Date: January 23, 2013
Agenda Category: [ ] Committee Recommendation [X] New Business [ ] Old Business
Item Type: [ ] Decision [ ] Discussion [ ] Information
Section/Region: Engineering and Technical Services
Contact: Eric Mohring
Prepared by: John Jaschke
Reviewed by: N/A Committee(s)
Presented by: Eric Mohring and other agency staff

[X] 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

Information Item

LINKS TO ADDITIONAL INFORMATION

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

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