



DATE: June 18, 2013  
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff  
 FROM: John Jaschke, Executive Director *John L. Jaschke*  
 SUBJECT: BWSR Board Meeting Notice – June 26, 2013

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, June 26, 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 Local Water Management Plan** – Crow Wing County submitted their revised Local Water Management Plan for state review and comment. The Northern Water Planning Committee met on June 12, 2013; reviewed the Plan and recommends approval. **DECISION ITEM**
2. **Kanabec County Comprehensive Local Water Plan Amendment** - On August 23, 2007, the Board of Water and Soil Resources approved Kanabec County's Comprehensive Local Water Management Plan for a ten year period from 2007-2017 with a required amendment by 2012. On May 23, 2012, Kanabec County passed a resolution to begin the amendment process. The amended plan was submitted to BWSR on May 2, 2013. The Northern Water Planning Committee met on June 12, 2013, reviewed the plan amendment and recommends approval of the update through August 2017. **DECISION ITEM**
3. **Koochiching County Five Year Plan Amendment** - On August 23, 2007, the Board of Water and Soil Resources approved Koochiching County's Comprehensive Local Water Management Plan for a ten year period from August 23, 2007 to December 31, 2017 with a required amendment by December 31, 2012. On May 8, 2012, Koochiching County passed a resolution to begin the amendment process. The amended plan was submitted to BWSR on May 2, 2013. The Northern Water Planning Committee met on June 12, reviewed the plan amendment and recommends approval of the five-year plan amendment through December 31, 2017. **DECISION ITEM**
4. **Pope County Local Water Management Plan Update** – On April 15, 2013, the Board of Water and Soil Resources received the Pope County Local Water Management Plan Update for final state review. On June 12, 2013, the Northern Water Planning Committee met with representatives of Pope County to discuss recommendations of the state review agencies; the Committee recommends approval of the Pope County Local Water Management Plan Update. **DECISION ITEM**

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|--|--|---|---|---|---|---|---|
| Bemidji  | Brainerd   | Duluth  | Fergus Falls  | Mankato   | Marshall  | New Ulm   | Rochester   |
| 403 Fourth Street NW<br>Suite 200<br>Bemidji, MN 56601<br>(218) 755-2600 | 1601 Minnesota Drive<br>Brainerd, MN 56401<br>(218) 828-2383 | 394 S. Lake Avenue<br>Suite 403<br>Duluth, MN 55802<br>(218) 723-4752 | 1004 Frontier Drive<br>Fergus Falls, MN 56537<br>(218) 736-5445 | 12 Civic Center Plaza<br>Suite 3000B<br>Mankato, MN 56001<br>(507) 344-2821 | 1400 East Lyon Street<br>Marshall, MN 56258<br>(507) 537-6060 | 261 Highway 15 South<br>New Ulm, MN 56073<br>(507) 359-6074 | 3555 9 <sup>th</sup> Street I<br>Suite 350<br>Rochester, MN<br>(507) 206-2889 |

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

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

1. **Renville County Local Water Management Plan Update** - Renville County submitted their Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Update to the Board for final State review April 22, 2013. On June 12, 2013, the Board's Southern Water Planning Committee reviewed the recommendation of the state review agencies regarding final approval of the Renville County Local Water Management Plan Update. The Committee recommends approval. ***DECISION ITEM***

### ***Grants Program & Policy Committee***

1. **Proposed FY 2014 SWCD Programs and Operations Grant Allocations** – The Grants Program & Policy Committee is forwarding their FY'14 allocation recommendations for the Conservation Delivery, Easement Delivery, Non-Point Engineering Assistance, and Cost-Share Base Grant Programs. ***DECISION ITEM***
2. **Proposed FY 2014 Natural Resources Block Grant** - The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee recommends Board approval of the Proposed FY '14 Natural Resources Block Grant allocations. ***DECISION ITEM***
3. **Farm Bill Assistance Program Authorization** - The Board is requested to authorize grants to selected SWCDs to continue the Farm Bill Assistance partnership between BWSR, DNR, Pheasants Forever, and SWCDs. ***DECISION ITEM***

### ***Wetland Committee***

1. **BWSR-NRCS Agricultural Wetland Banking MOU** - BWSR and NRCS have been working together on enhancing coordination of the Wetland Conservation Act (WCA) and Swampbuster under an agreement for more than two years. One of the key accomplishments has been the implementation of the Agricultural Wetland Bank. This memorandum of understanding is being proposed to establish details of the operations of this Bank including the use of the Bank under the WCA agricultural exemption. ***DECISION ITEM***

### ***Administrative Advisory Committee***

**\*\* Tentative\*\* Emergency Haying and Grazing on Conservation Lands** – Governor Dayton sent a letter to USDA Secretary Vilsack on June 14<sup>th</sup> requesting Federal action to support the livestock forage and feed shortage due to inclement spring weather in Minnesota. Authorization for emergency haying and grazing on state conservation lands may be considered pending related action.

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 10:30. The One Watershed One Plan (1W1P) Initiative Workshop will begin immediately following adjournment of the Board Meeting. Lunch will be provided. I look forward to seeing you on June 26th!

BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, June 26, 2013

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MAY 22, 2013 BOARD MEETING

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

RECOGNITION OF BOARD MEMBER

- Keith Mykleseth

INTRODUCTION OF NEW BOARD MEMBERS

- Judy Ohly, citizen member
- Tom Schulz, SWCD member

INTRODUCTION OF NEW BWSR EMPLOYEES

- Brian Dwight, Clean Water Specialist
- Barbie Hogan, Office & Administrative Specialist
- Sherri Johnson, Fiscal Services
- Kristi Mack, Easement Acquisition Specialist Senior
- Polly Remick, Easement Section Program Analyst
- Gwen Steel, Land & Water Specialist
- Marcey Westrick, Clean Water Coordinator

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 Water Plan Update – Brian Napstad – **DECISION ITEM**
2. Kanabec County Comprehensive Local Water Management Plan Amendment – Gerald Van Amburg – **DECISION ITEM**

3. Koochiching County Local Water Management Plan Amendment – Gene Tiedemann – **DECISION ITEM**
4. Pope County Local Water Management Plan Amendment – Gene Tiedemann – **DECISION ITEM**

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

1. Renville County Comprehensive Water Plan Update – Paul Langseth – **DECISION ITEM**

#### **Grants Program & Policy Committee**

1. FY'14 Natural Resources Block Grant Allocations – Wayne Zellmer – **DECISION ITEM**
2. FY'14 SWCD Program & Operations Grant Allocations – Wayne Zellmer – **DECISION ITEM**
3. Farm Bill Assistance Program Authorization – Dave Weirens – **DECISION ITEM**

#### **Wetland Committee**

1. BWSR-NRCS Agricultural Wetland Banking Memorandum of Understanding – Les Lemm – **DECISION ITEM**

#### **Administrative Advisory Committee**

1. **\*\*Tentative\*\*** Emergency Haying & Grazing on Conservation Lands – John Jaschke and Bill Penning – **DECISION 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 – Don Baloun

#### **UPCOMING MEETINGS**

- BWSR Board Tour/Meeting – August 28-29, 2013, Two Harbors

**10:30 AM ADJOURN (estimated time)**

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**One Watershed One Plan Initiative Workshop (10:30 – 2:30)**

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, MAY 22, 2013**

**BOARD MEMBERS PRESENT:**

Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Sandy Hooker, Tom Landwehr, DNR; Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, UME; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Matt Wohlman, MDA

**BOARD MEMBERS ABSENT:**

Christy Jo Fogarty

**STAFF PRESENT:**

Mary Jo Anderson, Jim Haertel, John Jaschke, Tim Koehler, Bill Penning, Polly Remick, Jared Schmitz, Doug Thomas, Tom Wenzel, Brad Wozney, Elizabeth Zuehlke

**OTHERS:**

Bob Patton and Jeff Smyser, EQB  
Ray Bohn, MAWD  
Myron Taylor, NRCS

**CALL MEETING TO ORDER** - Chair Napstad called the meeting to order at 9:02 a.m.

**PLEDGE OF ALLEGIANCE**

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13-27 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Chris Elvrum, to adopt the agenda as presented. ***Motion passed on a voice vote.***

**MINUTES OF MARCH 27, 2013 BOARD MEETING** – Jack Ditmore requested the minutes of March 27, 2013 reflect his opposition to the Big Stone County Comprehensive Local Water Management Plan Extension, Resolution #13-19; his opposition to Blue Earth County Comprehensive Local Water Management Plan Extension, Resolution #13-20; his opposition to Chippewa County Comprehensive Local Water Management Plan Extension, Resolution #13-21; his opposition to Lac qui Parle County Comprehensive Local Water Management Plan Extension, Resolution #13-22; and his opposition to Swift County Comprehensive Local Water Management Plan Extension, Resolution #13-23.

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13-28 Moved by Keith Mykleseth, seconded by Sandy Hooker, to approve the minutes of March 27, 2013 as amended. ***Motion passed on a voice vote.***

**INTRODUCTION OF NEW BWSR EMPLOYEES**

Chair Napstad welcomed new BWSR staff.

- Doug Thomas, Senior Policy & Program Advisor, was introduced by John Jaschke.
- Bill Penning, Conservation Easement Section Manager, was introduced by John Jaschke.
- Elizabeth Zuehlke, Accounting Officer, was introduced by John Jaschke.
- Jared Schmitz, Engineering Technician, was introduced by Tom Wenzel.

**REPORTS**

**Chair's Report** – Brian Napstad reported that he and Vice-Chair Gerald Van Amburg conducted the executive director's performance evaluation. Chair Napstad reported that John Jaschke requested a more advanced appraisal using a 360 review process which included evaluations by various BWSR staff, LGUs, and clientele. Chair Napstad reported that John's performance evaluation was positive, ranging from very good to outstanding. The 360 review assessment valued John's exceptional skills in leadership, and the agency is proud to have a strong leader at BWSR.

Chair Napstad reported that he attended the RIM Reserve Management Planning Committee meeting on May 21<sup>st</sup>, and was impressed with the level of thoroughness, procedures, policies, and great committee structure at BWSR. Chair Napstad reported

## **BWSR Meeting Minutes**

**May 22, 2013**

**Page Three**

that Kevin Lines attended the Committee meeting as a citizen; he's cancer free and is doing well.

Chair Napstad attended the EQB meeting. EQB has enlisted staff from the Governor's Institute on Community Design (GICD) to facilitate future meetings to develop policy as an outcome of the Minnesota Environment and Energy Report Card. Tom Landwehr stated that the GICD will meet with the EQB in June to discuss recommendations on environment, land, water, air, and energy.

Chair Napstad reported that EQB discussed the challenges faced by the U.S. Army Corps of Engineers navigating the river bend in the Hastings area due to silt and sedimentation problems. Dakota County and DNR are discussing dredge, drainage, and channelization concerns and may involve BWSR in the future regarding watershed issues.

Chair Napstad commented on the great information that GIS can provide at a local level, projects funded by BWSR through the challenge grant process. The Northern Water Planning Committee meets next month to review the Crow Wing County Water Plan.

**Administrative Advisory Committee (AAC)** – Brian Napstad reported that the AAC did not meet this month.

**Executive Director's Report** – John Jaschke reported that Governor Dayton made appointments to BWSR. Tom Loveall and Christy Jo Fogarty were reappointed to terms expiring January 2017. Two new appointments were announced, effective May 23, 2013: Tom Schulz will replace Bob Burandt, representing SWCDs; and Judy Ohly will replace John Meyer as a citizen member. John Jaschke will provide an orientation for new board members. Chair Napstad stated that he and John will review BWSR committees; he asked board members having specific interest on a committee to let him know.

Keith Mykleseth reported that he has been hired as the DNR Ecological & Water Resources Assistant Manager in Bemidji. Keith will be moving from Crookston to Bemidji and will no longer be a non-metro city representative on the BWSR Board. Keith stated that he has enjoyed serving on the Board, his last official BWSR Board meeting is June 26. John Jaschke congratulated Keith on his new position at DNR.

John reported that the One Watershed One Plan (1W1P) is being developed. A Board workshop will be held to assist in shaping the plan into the future; if board members have suggestions let him know.

## **BWSR Meeting Minutes**

**May 22, 2013**

**Page Four**

John reviewed information in board members' packets. John stated that BWSR will be sending its monthly newsletter "BWSR Snapshots" electronically to local partners publishing conservation stories from around the state. John briefly reported on the PRAP assistance grant. John stated that the newly revised 'Conflict of Interest Disclosure Form' for board members will be utilized at the June Board meeting.

**Dispute Resolution Committee** – Travis Germundson provided a brief status report on appeals. Travis stated that a training session will be held when new board member appointments are completed and committee assignments have been made.

**Wetlands Committee** – Gerald Van Amburg reported that the Wetlands Committee met last night; four issues will be brought before the Board in the future: 1) Memo of Understanding with BWSR and NRCS will come before the Board in June; 2) meetings will be held regarding wetland mitigation in northeast Minnesota, replacement credits for wetlands; 3) report on mitigation in lieu fee, and; 4) report on Executive Order 12-04 implementation work plan.

**Grants Program & Policy Committee** – Paul Langseth reported that the Grants Program & Policy Committee will meet today immediately following the Board meeting.

**Public Relations, Outreach & Strategic Planning Committee** – Keith Mykleseth reported that the Committee has not met; their next meeting will be June 23.

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

**Drainage Work Group** – Tom Loveall reported that the Drainage Work Group met on April 5, 2013. Tom distributed a written report and provided an overview of issues discussed at the Drainage Work Group meeting. John stated that a policy presentation will be provided to board members in the near future. Discussion followed. John reported that the Drainage Work Group recommended a number of updates to the drainage law, House File 66 (HF66). The bill passed both the Senate and the House unanimously and was signed by Governor Dayton. John stated that a summary will be provided to board members; the bill summary, now law is on the BWSR website.

### **COMMITTEE RECOMMENDATIONS**

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

**Mississippi WMO Plan 2013 Amendment** – Bob Burandt reported that the final draft 2013 amendment to the Mississippi WMO Watershed Management Plan was filed with the Board on March 13, 2013. The draft Order contains a summary of the changes and

**BWSR Meeting Minutes**  
**May 22, 2013**  
**Page Five**

the reviewing agencies' comments. No comments were received during the public hearing. The Metro Water Planning Committee recommends approval of the Plan amendment. Moved by Faye Sleeper, seconded by Joe Collins, to approve the Mississippi WMO Watershed Management Plan. **Motion passed on a voice vote.**

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13-29

**Northern Water Planning Committee**

**Beltrami County Comprehensive Local Water Plan (CLWP) Extension Request –** Gerald Van Amburg reported that Beltrami County has a Comprehensive Local Water Management Plan that will expire May 28, 2013. On March 19, 2013, the Board received a request for an extension of the Plan from Beltrami County. On March 27, 2013, the Northern Water Planning Committee met to discuss the extension request. The Committee recommends approval of the Beltrami County extension request. Moved by Gerald Van Amburg, seconded by Keith Mykleseth, to approve the Beltrami County Comprehensive Local Water Plan. **Motion passed on a voice vote, with at least one dissenting vote (Jack Ditmore).**

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13-30

**Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change –** Keith Mykleseth reported that the Lake of the Woods County SWCD approved a Nomination Districts Resolution on March 14, 2013, which proposed to change nomination districts for the Lake of the Woods County SWCD supervisor seats. The proposed Nomination Districts will align the Districts with the recently revised County Commissioner Districts. The Northern Water Planning Committee met on March 27, 2013, and unanimously recommends approval of the Lake of the Woods County SWCD Nomination Districts Resolution. Moved by Keith Mykleseth, seconded by Gerald Van Amburg to approve the Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change. **Motion passed on a voice vote.**

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13-31

**Marshall County SWCD Supervisor Nomination Districts Boundary Change –** Gene Tiedemann reported that the Marshall County SWCD approved a Nomination Districts Resolution on December 20, 2012, which proposed to change nomination districts for the Marshall County SWCD supervisor seats. The proposed Nomination Districts will provide consistent and equal distribution of township representation in the County. The Northern Water Planning Committee met on March 27, 2013, and unanimously recommends approval of the Marshall County SWCD Nomination Districts Resolution. Moved by Gene Tiedemann, seconded by Sandy Hooker, to approve the Marshall County SWCD Supervisor Nomination Districts Boundary Change. **Motion passed on a voice vote.**

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13-32

**Southern Water Planning Committee**

**Kandiyohi County Local Water Management Plan Update –** Paul Langseth reported that on January 22, 2013, the Board received the Kandiyohi County Local Water

**BWSR Meeting Minutes**  
**May 22, 2013**  
**Page Six**

Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of Kandiyohi County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3, which speaks to measureable goals, objectives and actions. The Plan Update was sent back to Kandiyohi County to address the concern. On May 2, 2013, the Committee met to review the revised Plan Update submitted by Kandiyohi County. The Committee recommends approval. Moved by Paul Langseth, seconded by Chris Elvrum, to approve the Kandiyohi County Local Water Management Plan 2013-2023. Discussion followed. **Motion passed on a voice vote.**

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13-33

**McLeod County Local Water Management Plan Update** – Paul Langseth reported that on December 28, 2012, the Board received the McLeod County Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of McLeod County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3. The Plan Update was sent back to McLeod County to address the concern. On May 2, 2013, the Committee met to review the revised Plan Update submitted by McLeod County. The Committee recommends approval. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the McLeod County Local Water Management Plan 2013-2023. Discussion followed. **Motion passed on a voice vote.**

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13-34

**Meeker County Local Water Management Plan Update** – Paul Langseth reported that on January 7, 2013, the Board received the Meeker County Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of Meeker County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3. The Plan Update was sent back to Meeker County to address the concern. On May 2, 2013, the Committee met to review the revised Plan Update submitted by Meeker County. The Committee recommends approval. Moved by Paul Langseth, seconded by Tom Loveall, to approve the Meeker County Local Water Management Plan 2013-2023. **Motion passed on a voice vote.**

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13-35

Chair Napstad called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:52 a.m.

***RIM Reserve Management Planning Committee***

**2013 RIM-WRP Partnership Rates** – Bill Penning introduced Myron Taylor, newly appointed Assistant State Conservationist for Programs at NRCS. Bill reported that the RIM Reserve Management Planning Committee (RRMPC) recommends approval to authorize the 2013 RIM-WRP Partnership easement payment rates. Board Resolution 13-25, approved March 27, 2013, directed staff to develop RIM-WRP Partnership eligibility and sign-up procedures. Myron provided an update on NRCS WRP appropriation acres, training scheduled in June; NRCS looks forward to continued partnership with BWSR. Bill reported that 2013 RIM-WRP payment rate determination is based on a 15% annual average increase for tillable land over the most recent two year period available via the MN Land Economics website. Bill stated that there are three rates: the rate date; the publication date; and the sales year date. Discussion followed.

\*\* Moved by Gene Tiedemann, seconded by Matt Wohlman, to authorize staff to:

13-36 Establish RIM-WRP Partnership payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors:

1. The township land values as established by the Department of Revenue and posted on the University of Minnesota land Economics website shall be used as the basis for determining the 2013 payment rates;
2. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro counties due to a limited number of tillable land acres, and values that are influenced by development potential;
3. The payment rate maximum for the other five Twin Cities metro counties (Anoka, Carver, Dakota, Scott and Washington) will not exceed the average Scott County rate to more accurately reflect tillable values.

***Motion passed on a voice vote.***

**NEW BUSINESS**

**Legislative Update** – John Jaschke and agency members Matt Wohlman, MDA; Tom Landwehr, DNR; Faye Sleeper, UME; Chris Elvrum, MDH; and Rebecca Flood, PCA; provided a summary of legislative decisions affecting their programs and responsibilities. Discussion followed.

**Environmental Quality Board (EQB) Frac Sand Summary and Status** – Bob Patton, EQB Executive Director, explained the roles of the EQB and the agencies involvement. Jeff Smyser, EQB staff, provided an overview of past and future actions related to frac sand mining and the Report on Silica Sand in Minnesota. Discussion followed. Chair Napstad thanked Bob and Jeff for their report.

**AGENCY REPORTS**

**University of Minnesota Extension** – Faye Sleeper reported on the University of Minnesota Extensions' new partnership with SWCDs. Staff and supervisors are able to sign-on to webinars at over 50 locations, meeting on various topics; an effective education tool through local models and the University of Minnesota.

**ADVISORY COMMENTS**

**Minnesota Association of Townships** – Sandy Hooker reported that the 2013 Legislative Session was good to townships.

**Minnesota Association of Watershed Districts** – Ray Bohn complimented BWSR, DNR, MDA, MDH, and PCA on their effectiveness of working together during the legislative session. MAWD legislative key issues included: drainage; conservation easements; sales tax exemption for cities and counties. MAWD looks forward to working with Doug Thomas on 1W1P. MAWD is working with the Drainage Work Group. MAWD Summer tour will be held June 20-21 in New Ulm, focus on MN River Basin; Ray encouraged board member attendance.

**UPCOMING MEETINGS**

- Grants Program and Policy Committee meeting today immediately following Board meeting
- Next BWSR Board Meeting – June 26, 2013

\*\* Moved by Rebecca Flood, seconded by Sandy Hooker, to adjourn the meeting at 1:00 PM. ***Motion passed on a voice vote.***

13-37

Respectfully submitted,

Mary Jo Anderson  
Recorder



BOARD MEETING AGENDA ITEM

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

Meeting Date: June 26, 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

June 12, 2013

By: Travis Germundson

There are presently 12 appeals pending. All of the appeals involve WCA except File 10-10. There has been 1 new appeal filed since the last report dated May 22, 2013.

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

File 13-5 (6-11-13) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. A previous appeal (File 12-19) was remanded for further technical work and administrative proceedings, and now that new decision is being appealed. At issue is the adequacy of the TEP's Report to address partial drainage. No decision has been made on the appeal.

File 13-4 (5-15-13) This is an appeal of an exemption decision in Swift County. The appeal regards the denial of an agricultural exemption application. At issue is the annually seeded/crop rotation eligibility requirements for the exemption. *The appeal has been remanded for further technical work.*

File 13-3 (3-19-13) This is an appeal of a restoration order in Big Stone County. The appeal regards impacts to DNR Public Waters and WCA wetlands on state property associated with an agricultural drainage project. The appeal has been placed in abeyance and the restoration order stayed until there is a final decision on an after-the-fact wetland application.

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

~~File 12-19 (12-27-12) This is an appeal of a wetland replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application for a tenth of an acre of impact to a Type 3 wetland. A previous appeal of a restoration order involving the same wetland impacts (File 12-10) was dismissed. The appeal has been remanded for further technical work. Appeal finalized upon new decision made under remand (May 23, 2013).~~

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

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

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

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

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

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

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

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

### Summary Table

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

**COMMITTEE RECOMMENDATIONS**  
***Northern Water Planning Committee***

1. Crow Wing County Water Plan Update – Brian Napstad – ***DECISION ITEM***
2. Kanabec County Comprehensive Local Water Management Plan Amendment – Gerald Van Amburg – ***DECISION ITEM***
3. Koochiching County Local Water Management Plan Amendment – Gene Tiedemann – ***DECISION ITEM***
4. Pope County Local Water Management Plan Amendment – Gene Tiedemann – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Crow Wing County Water Plan Update

Meeting Date: June 26, 2013
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Northern
Contact: Dan Steward
Prepared by: Dan Steward
Reviewed by: Northern Water Planning Committee Committee(s)
Presented by: Brian Napstad

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Decision

LINKS TO ADDITIONAL INFORMATION

http://crowwing.us/index.aspx?nid=241

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
By Board Order, the Minnesota Board of Water and Soil Resources (Board) approved the Crow Wing County Comprehensive Local Water Management Plan (Plan) on August 27, 2008. The Northern Water Planning Committee reviewed the plan on June 12, 2013; and recommends approval.

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

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

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ORDER  
APPROVING  
LOCAL  
WATER MANAGEMENT  
PLAN UPDATE

**Whereas**, the Crow Wing County Board of Commissioners submitted a Local Water Management Plan Update to the Board on May 1, 2013, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

**FINDINGS OF FACT**

- 1) On November 6, 2012, the Minnesota Board of Water and Soil Resources received a Priority Concerns Scoping Document from Crow Wing County, pursuant to M.S. Section 103B.312.
- 2) On January 9, 2013, the BWSR North Region Water Plan Review Committee met with representatives of Crow Wing County to review the Priority Concerns Scoping Document.
- 3) On January 23, 2013, the Board of Water and Soil Resources approved official comments on the Crow Wing County Priority Concerns Scoping Document, which were mailed to the county on January 23, 2013.
- 4) The priority concerns, in no particular order of importance, the local water management plan addresses include:
  - Aquatic Invasive Species
  - Surface Water
  - Ground Water
- 5) On May 1, 2013, the BWSR received the Crow Wing County Plan Update, for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 6) On June 12, 2013, the North Region Water Planning Committee of the board reviewed the recommendations of the state review agencies regarding final approval of the Crow Wing County Plan Update. Recommendations of the state review agencies were:
  - A) Minnesota Department of Natural Resources: recommended approval;

- B) Minnesota Department of Agriculture: recommended approval;
  - C) Minnesota Department of Agriculture: No comments received;
  - D) Minnesota Pollution Control Agency; No comments received;
  - E) Board of Water and Soil Resources; staff recommended approval;
  - F) Board Water Plan Review Committee recommended approval.
- 7) This update will be in effect for a ten year period until June 26, 2023, with the Goals, objectives and Action Items amended by June 26, 2018.

### **CONCLUSIONS**

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Update of Crow Wing County pursuant to Minnesota Statutes, 103B.315, Subd. 5.
2. The Crow Wing County Plan Update attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Update is in conformance with the requirements of M.S. Section 103B.301.

### **ORDER**

The Board hereby approves the attached update of the Crow Wing County Local Water Management Plan –June 26, 2013 to June 26, 2023 with a required update of the Implementation section (Goals, Objectives and Action Items) to be completed by December 31, 2018.

Dated at St. Paul, Minnesota, this twenty-sixth day of June, 2013.

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

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BY: Brian Napstad, Chair

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## EXECUTIVE SUMMARY

Water planning is identifying what works best to protect and enhance Crow Wing County's water resources. As the LGU responsible for the development and implementation of the Local Comprehensive Water Management Plan, the Crow Wing County Land Services Department is committed to protecting, preserving & improving water resources in Crow Wing County by being proactive, efficient, customer focused, organized, and innovative while being good stewards of the county's resources. The Land Services Department is committed to providing excellent customer service while helping landowners make wise choices that protect Crow Wing County's extraordinary natural resources. In administration of the water plan, Crow Wing County is committed to the following principals of action:

- Providing exceptional customer service that empowers landowners to manage and protect their land and water resources
- Coordinating funding, staff, & grass roots efforts to maximize effectiveness of public investment
- Managing, enhancing, and expanding the availability of educational materials and a network of resources and contacts
- Identifying existing and potential threats to surface and ground water resources with action plans to minimize them

This plan has identified surface water, ground water, and aquatic invasive species as the priority concerns. Objectives and action steps have been identified for each and are included on page 8. This plan takes a watershed protection approach and was developed in consultation with the Minnesota Pollution Control Agency and 30 Lakes Watershed District, who also conduct watershed-based planning. Implementation strategies were developed from these priority concerns and tailored specifically for each of the 125 minor watersheds in the County. Analysis of existing, readily available data has revealed the uniqueness of these minor watersheds while showing where data-driven strategies can be implemented in a more targeted and efficient manner. This 10-year plan is unique from past versions for the following reasons:

- Identifies local priority concerns, objectives, and actions related to surface and ground water resources
- Focuses on Aquatic Invasive Species for the first time in plan history
- Targets specific surface and ground water resources to focus implementation efforts
- Includes an implementation plan for the Mississippi River
- Uses a watershed-based, land protection model
- Includes analysis and maps of all 125 minor watersheds in the county

Incorporated by reference into this plan are the most current versions of the: Crow Wing County Land Use Ordinance, Wellhead Protection Plans for Baxter, Brainerd, Cuyuna, Ironton, and Pequot Lakes. Crow Wing County Stormwater Packet, Crow Wing County Solid Waste Plan, Minnesota Stormwater Manual, Crow Wing County Geologic Atlas, and NRCS Soil Survey.

Water Plan Committee (Board of Commissioners): Rosemary Franzen, Doug Houge, Paul Koering, Rachel Nystrom, Paul Theide

BWSR Board Conservationist: Dan Steward  
County Administrator: Tim Houle  
Land Services Supervisor: Chris Pence

Land Services Director: Mark Liedl  
Water Protection Specialist: Mitch Brinks



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Kanabec County CLWMP 5 Year Amendment<sup>L</sup>

Meeting Date: June 26, 2013
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Northern
Contact: Jason Weinerman
Prepared by: Jason Weinerman
Reviewed by: Northern Water Planning Committee(s)
Presented by: Gerald Van Amburg

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Five Year Amendment of the Kanabec County Comprehensive Local Water Management Plan

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

On August 23, 2007, the Board of Water and Soil Resources approved the Kanabec County Comprehensive Local Water Management Plan with a date range from 2007 to 2017. The Board required a five year update of the plan by 2012.

The County passed a resolution to amend the plan on May 23rd, 2012 and submitted the updated plan to the Brainerd field office on May 2, 2013. Additions to the amendment include an updated county resource description, amended action items to reflect changes over the past five years, and an updated calendar and budget summary. As part of the submission, the Kanabec County Water Planner included documentation of the required public hearing. Agency comments and recommendations for approval were received from the Department of Health and the Department of Agriculture.

The five year plan update was presented to the Northern Water Planning Committee on June 11, 2013. As the plan update met state statutes, was recommended for approval by state agency partners, and is non-controversial, the Committee recommended forwarding the plan to the full Board for approval.

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

ORDER  
APPROVING  
LOCAL  
WATER MANAGEMENT  
PLAN AMENDMENT

---

**Whereas**, the **Kanabec** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **May 2, 2013** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

#### FINDINGS OF FACT

- 1) On **August 23, 2007**, the Board of Water and Soil Resources approved the Kanabec County Comprehensive Local Water Management Plan from 2007 to 2017 with a requirement for an update by 2012.
- 2) On **May 23, 2012**, the Kanabec County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.
- 3) The priority concerns of the local water management plan remained the same and include:
  - A. The protection of shore lands and tributaries from erosion, sedimentation and nutrient loading
  - B. Drainage ditch maintenance
  - C. Ground water concerns
  - D. Ground and surface water
- 4) On **May 2, 2013**, the BWSR received the **Kanabec** County Plan Amendment, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On **June 11, 2013**, the Northern Plan Review Committee of the board reviewed the recommendations of the state review agencies regarding the five year update of the **Kanabec** County Plan Amendment. The Northern Plan Review Committee forwarded the plan to board with a recommendation for approval with the following recommendations for additional action items:
  - Regarding the comments on Page 78 of the draft plan, the MDA recommends the following language replace the yellow highlighted text in the fourth paragraph.

“Global needs for agricultural products and market pressures have resulted in high commodity demand. The result is that farmers need to increase production to meet these demands. Marginal lands can be used to increase crop production via drain tile, which removes excess water during the growing season. However, controlled/managed drainage is recommended to conserve moisture for critical times during the summer months. These marginal lands may also need other BMPs installed such as grassed waterways, buffers, cover crops, proper residue management, field windbreaks, side inlet controls, etc.”

Kanabec County may also want to reference the Ag BMP Handbook that was released in the Fall of 2012, which can be found at this website:

[http://www.eorinc.com/documents/AG-BMPHandbookforMN\\_09\\_2012.pdf](http://www.eorinc.com/documents/AG-BMPHandbookforMN_09_2012.pdf)

- Add an action item to the Ground and Surface Water priority concern indicated the county will partner with the MN Department of Natural Resources on aquatic invasive species management and to consider the development of a County Aquatic Invasive Species Management Plan.

6) This update will be in effect until **August 31, 2017**.

### CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Amendment of **Kanabec** County Local Water Management Plan pursuant to Minnesota Statutes , 103B.315, Subd. 5.
2. The **Kanabec** County Plan Amendment attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Amendment is in conformance with the requirements of M.S. Section 103B.301.

### ORDER

The Board hereby approves the attached five year amendment of the **Kanabec County** Local Water Management Plan **August 8, 2007 to August 31, 2017**.

Dated at **St. Paul**, Minnesota, this **twenty sixth day of June, 2013**.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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BY: Brian Napstad, Chair

## EXECUTION SUMMARY

The Kanabec County Comprehensive Local Water Plan update was coordinated with the assistance of the Water Plan Committee. Information obtained through a survey and committee meetings along with information provided from various agencies was used to update the plan for 2012.

Multiple TMDL's within the watershed that are completed or are ongoing will be used to prioritize and address issues within the watersheds.

Snake River TMDL-March 2010 to June 2013

Ann River TMDL-October 2010 to February 2013

Groundhouse River TMDL-October 2009- August 2014- This TMDL is in the implementation stage with a 319 Grant.

Lake St. Croix Implementation Plan - Kanabec County Section:

The TMDL allows for 39,500 lbs/yr of phosphorus to be loaded to the St. Croix River from Kanabec County. This requires 10,800 lbs/yr of reduction from the estimated TMDL baseline load of 50,300 lbs/yr in the early 1990s. Kanabec County's required reduction ranks 7<sup>th</sup> largest among the 19 counties in the basin.

To achieve the St. Croix Basin Partners' goal of 20% Reduction by 2020, Kanabec County needs to reduce loadings by 8,000 lbs/yr by the year 2020. To attain this goal, activities must be implemented that achieve an average annual rate of phosphorus reduction of 270 lbs/yr over 30 yrs, or 800 lbs/yr over 10 yrs.

The Snake River Watershed Management Board Water Quality Monitoring Program-1998 to 2008- was completed and a report was generated to show the results. This is being used to also address areas of needed BMP projects.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Koochiching County Local Water Management Plan Amendment

Meeting Date: June 26, 2013
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Northern
Contact: Chad Severts
Prepared by: Chad Severts
Reviewed by: Northern Water Planning Committee(s)
Presented by: Gene Tiedemann

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Five Year Amendment of the Koochiching County Comprehensive Local Water Management Plan

LINKS TO ADDITIONAL INFORMATION

http://www.co.koochiching.mn.us/dept/esd/Koochiching%20County%20Amended%20Water%20Plan%202012-2017%20Draft.pdf

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

On August 23rd, 2007, the Board of Water and Soil Resources approved the Koochiching County Comprehensive Local Water Management Plan with a date range from 2007 to 2017. The Board required a five year amendment of the plan by December 31, 2012.

The County passed a resolution to amend the plan on May 8, 2012 and submitted the updated plan and the public hearing documentation to the Bemidji field office on May 2nd, 2013. As part of the process, Koochiching County solicited input from the state review agencies, local units of government and the Water Management Plan Advisory Committee.

The five year plan amendment was presented to the Northern Water Planning Committee on June 12, 2013. Koochiching County followed the amendment process guidelines established by the Board and the Committee recommends approval of the amendment with the comments provided by MDH, DNR and the BWSR. The comments will be incorporated into the plan prior to the BWSR Board meeting.

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

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

ORDER  
APPROVING  
LOCAL  
WATER MANAGEMENT  
PLAN AMENDMENT

---

**Whereas**, the **Koochiching** County Board of Commissioners submitted a Local Water Management Plan Amendment (Plan Amendment) to the Board on **May 2, 2013** pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

**FINDINGS OF FACT**

- 1) On **August 23, 2007**, the Board of Water and Soil Resources approved the **Koochiching** County Comprehensive Local Water Management Plan from December 31, 2007 to December 31, 2017 with a requirement for an update by December 31, 2012.
- 2) On May 8, 2012, the **Koochiching** County Commissioners passed a resolution to begin the Five Year Amendment of their Comprehensive Local Water Management Plan.
- 3) The priority concerns of the local water management plan remained the same and include:
  - A. Erosion
  - B. Subsurface Sewage Treatment Systems
  - C. Education/Collaboration
  - D. Monitoring
  - E. Protection of Water Quality
  - F. Forestry
- 4) On May 2, 2013, the BWSR received the Koochiching County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the plan update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
- 5) On June 12, 2013, the Northern Water Planning Committee of the Board reviewed the recommendations of the state review agencies regarding the five year amendment of the **Koochiching** County Plan.
- 6) This amendment will be in effect until **December 31, 2017**.

## 7) CONCLUSIONS

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Comprehensive Water Plan Update of Koochiching County pursuant to Minnesota Statutes , 103B.315, Subd. 5.
2. The **Koochiching** County Plan Amendment attached to this Order states water and water-related problems within the county; possible solutions; general goals, objectives, and actions of the county; and an implementation program. The attached Plan Amendment is in conformance with the requirements of M.S. Section 103B.301.

### ORDER

The Board hereby approves the attached five year amendment of the **Koochiching County** Local Water Management Plan **August 23, 2007 to December 31, 2017**.

Dated at **St. Paul**, Minnesota, this **twenty-sixth day of June, 2013**.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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BY: Brian Napstad, Chair

# **Koochiching County**

## **Local Water Management Plan**

### **December 2012 Update**

**Duration: 2007 – 2017**

**Prepared by:**

**Richard Lehtinen**

**Koochiching County Environmental Services**

**with assistance from**

**Koochiching County Water Management Plan Advisory Committee**

**Kevin Adee, Commissioner**

**Nolan Baratono, MPCA**

**Ryan Heinen, SWCD Staff**

**Al Linder, SWCD Board**

**Marie Mettler, KCHD**

**Troy Promersberger, SWCD Board**

**Pam Tomevi, SWCD Staff**

**Marc Windsnes, Citizen**

**Justin Berg, SWCD Staff**

**Chad Severts, BWSR**

**Robert Anderson, Citizen**

**Jack (Jake) Blake, Citizen**

**Jeff Hrubes, BWSR**

**Wayne Merrell, Citizen**

**Kevin Peterson, DNR**

**Jana Toman, Citizen**

**Kelly Elijio, NRCS**

**Andrew Wright, Citizen**

**Dale Olson, ESD**

## Table of Contents

|   |           |
|---|-----------|
| <b>Acronyms .....</b>   | <b>3</b>  |
| <b>Introduction .....</b>   | <b>5</b>  |
| <b>Executive Summary .....</b>  | <b>7</b>  |
| <b>Water Management Plan Goals, Objectives and Action Plans .....</b>   | <b>13</b> |
| <b>Appendix A: Koochiching County Water Management Plan<br/>Implementation Schedule.....</b>  | <b>26</b> |
| <b>Appendix B: Koochiching County Water Management Plan<br/>2007 – 2017 Priority Concerns Scoping Document .....</b>                                  | <b>28</b> |
| <b>Appendix C: Response to Comments on the “Koochiching<br/>County Water Management Plan 2007 – 2017 Priority<br/>Concerns Scoping Document .....</b> | <b>37</b> |
| <b>Appendix D: Koochiching County Water Management Plan<br/>Accomplishments.....</b>  | <b>41</b> |
| <b>Appendix E: Bartlett Lake – Final Report, Lake Protection<br/>Challenge Grant Project.....</b>   | <b>43</b> |

# KOOCHICHING COUNTY WATER MANAGEMENT PLAN

## Introduction

This is an update to the 2007 KCWMP. That Plan was developed by the Water Management Plan Advisory Committee (WMPAC) in concert with ESD staff. The WMPAC had six citizen members and eleven agency and county representatives, two from SWCD staff and board, ESD, NRCS, DNR, MPCA, County Health Department, one County Commissioner and expert counsel from BWSR staff. This Committee worked hard, long and cooperatively with ESD staff to produce a Water Plan that fits the needs of Koochiching County.

The WMPAC and Koochiching County understand that the majority of surface waters in Koochiching County that have been sampled, meet or exceed current water quality standards for conventional pollutants, with the exception of the documented impairment for turbidity of the Little Fork River. Mercury impairments have been identified in streams, rivers and lakes within the county as they have across Minnesota. The Environmental Protection Agency (EPA) approved the Minnesota Pollution Control Agency's state-wide Mercury Total Maximum Daily Load (TMDL) and reduction plan.

The mercury TMDL identifies that atmospheric mercury deposition is uniform across the state and is responsible for over 99% of the mercury that finds its way into fish through the process of bioaccumulation. The reduction plan identifies a role for the State and Federal governments to control emissions from various sources. Comprehensive Local Water Management Plans play little to no role in the reduction of mercury pollution.

Comprehensive Local Water Management Plans can address conventional pollutants, including but not limited to nutrients, sediments, bacteria and other generally recognized constituents of non-point source (NPS) pollution. Broad categories of activities that can address NPS include information and education, technical assistance, conservation practices and administration and enforcement of laws, rules, statutes and ordinances that can protect water quality. Increasing the knowledge base by additional monitoring of water resources, inventories of land use activities and assessment of the effects that those land use activities have on water resources will help shape future water quality protection discussion and actions.

Minnesota Statutes Chapter 114D, the 2006 Clean Water Legacy Act defines water quality restoration as: actions, including effectiveness monitoring, that are taken to achieve and maintain water quality standards for impaired waters in accordance with a TMDL that has been approved by the United States EPA under federal TMDL requirements.

Chapter 114D.20 Subd. (6) identifies five priorities for addressing water quality restoration as follows:

- 1) coordinate with and utilize existing local authorities and infrastructure for implementation;
- 2) Can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

- 3) Most effectively leverage other sources of restoration funding, including federal, state, local and private sources of funds;
- 4) Show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means;
- 5) Show a high potential for long term water quality and related conservation benefits.

The statute also addresses water quality protection activities by as far as practicable, employing the priorities listed above to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but do not have an approved TMDL.

The 2007 update of the Koochiching County Comprehensive Local Water Management Plan has identified six priority concerns that have relevance to both protecting water resources and addressing the Little Fork River's turbidity impairment. There may be differences in the degree of emphasis of particular activities or specific priority locations, but until the TMDL study of the Little Fork is completed and a specific implementation plan is developed, the suite of actions identified in the CLWMP is generally accepted as having a beneficial impact on water quality. The objectives and actions of the LWMP may also be adapted to any additional water quality impairments that may be identified through monitoring and assessment activities.

## EXECUTIVE SUMMARY

In 2007 the Koochiching County Local Water Management Plan was updated by a sixteen-member Water Management Plan Advisory Committee led by Richard Lehtinen, Koochiching County Environmental Services Director. The purpose of the planning process was to develop a plan of work that would protect and enhance surface water, groundwater and related land resources within Koochiching County. The Advisory Committee developed a process designed to incorporate input from citizens, local, state, federal and Canadian units of government, and to develop a plan that was consistent with local, state and federal plans and controls. This document is a 5 year update of the 2007 plan. Requests for comments were mailed to more than 20 local, state and federal agencies. Only 3 comments were received.

The Committee used as a starting point the Rainy River Basin Plan, prepared by MPCA, and the second generation County Water Management Plan. By deriving the new Plan from these existing plans, the Committee was assured the new plan would address issues relevant to both the county and the state. The Committee identified issues it believed ought to be included in the new plan. These issues were then compressed into general categories. From these general categories the Committee proceeded to develop goals, objectives and action plans.

The Committee, after sifting through the Basin Plan, the Local Water Plan and the results of a survey conducted for this project, developed a set of priority concerns which the Plan would address. These priority concerns are:

1. Erosion
2. Subsurface Sewage Treatment Systems
3. Education/Collaboration
4. Monitoring
5. Protection of Water Quality
6. Forestry

With these priority concerns, the Committee developed a total of fourteen goals, three for Erosion, one for SSTS, one for Education, three for Monitoring, four for Water Quality and two for Forestry. It also created forty-six objectives and seventeen action plans. All these elements included ongoing activities of SWCD, ESD and state agencies and activities that were either new or given higher emphasis which qualified them as High Priority Concerns.

The 2007 Plan was reviewed by local, state, federal, Canadian and cities in Koochiching County as well as adjacent counties. This level of review assured the Committee that the Plan is consistent with the plans of other pertinent local, state and regional plans. Other plans do not have to be amended in order for this Plan to be adopted and implemented.

### CONTINUATION OF THE PRIORITY CONCERNS FOR THE 2007 – 2017 PLAN

All priority concerns point in one direction: water quality. Maintaining or enhancing existing water quality is the overriding goal of all priority concerns. The six priority concerns identified in this report attempts to segregate the concern for water quality into logical and discrete categories. Even though some of the priorities overlap they do offer a focus from which to derive goals, strategies and implementation measures. The six priority concerns are:

1. Erosion
2. Individual Sewage Treatment Systems
3. Education/Collaboration
4. Monitoring
5. Protection of Water Quality
6. Forestry

These concerns were developed by the WMPAC.

### Erosion

Erosion is one of the key contributors to poor water quality. It is a concern for Rainy Lake and for the three major rivers in the county, Rainy, Big Fork and Little Fork. It is also a concern for some of the smaller rivers and lakes.

Water levels in some of the lakes and streams in Koochiching can fluctuate by several feet. Ice movement and high water levels in the spring can damage shoreline vegetation. After the water recedes, vegetation doesn't always have time to reestablish before spring rains occur. Constantly changing water levels, wave action and water current all work on eroding the shoreline. In areas where the banks are high and steep this can contribute significantly to turbidity and sedimentation. Erosion in slightly sloped shoreline areas is more easily addressed than when it occurs on tall, steep banks.

This Plan will support:

- Cost share for erosion control on private land
- Technical assistance to property owners is provided by the Soil and Water Conservation District (SWCD), the Natural Resources Conservation Service (NRCS), the Department of Natural Resources (DNR), and the Minnesota Pollution Control Agency (MPCA)
- Best Management Practices for agricultural operations
- Forest Resources Council Guidelines for forestry management
- Study of the Little Fork River "impaired water" due to turbidity
- The Little Fork River / Big Fork River impaired river study
- Increased emphasis on shoreland protection by encouraging native vegetation and discouraging lawns up to the shoreline
- Implementation of National Pollution Discharge Elimination Standards (NPDES)
- Consider use of NEMO (Nonpoint Education for Municipal Officials) to determine cumulative impacts of runoff due to development
- Best Management Practices for residential and commercial construction, stormwater management, road construction and hydrologic modification contributing to bank instability.

- Take erosion control measures on the Rat Root River where the removal of beaver dams and other obstructions has increase the water flow and wave action due to boat traffic.

### **Subsurface Sewage Treatment Systems (SSTS)**

SSTS makes up a category of its own because there are several grant programs and major activities that fit into this area. It is generally acknowledged that faulty septic systems constitute the greatest manmade threat to water quality in the Rainy River Basin. Point sources of pollution were a major problem several decades ago but are now under strict permit requirements. Nonpoint sources, such as SSTS, now constitute the greatest threat.

- The Jackfish Bay Sewer Project has been completed so the county is currently putting its attention to the rest of Rainy Lake from Tilson Bay to Dove Island, and also Rainy Lake's islands
- The county is also researching the idea of extending sewer and creating a sewer district that would include areas south of Int'l Falls such as Papermakers Colony, Meadowview and other areas.
- The county adopted an SSTS ordinance in 2008. Updates to the ordinance will be made as needed
- Implementation of a Water Quality Cooperative, or other administrative structure, to be responsible for maintenance, repair and construction of new SSTS is still under consideration
- Support the development of Performance Standards for SSTS which would be used for a wide range of types SSTS and have a wider range of effluent quality standards to apply depending on a property's size, soil type and remoteness from surface water
- Combine effort with St. Louis County in finding solutions to SSTS problems in and around VNP

The Board of Commissioners has passed a resolution making the extension of centralized sewer east to Dove Island its top priority.

### **Education/Collaboration**

Education is a key component of any Water Management Plan. We all need to be educated about water. It is well known that Minnesotans cherish their water. They want to know how to maintain or enhance their water fronts, their surface water and their groundwater. Education efforts will be made in a variety of ways.

LBF High School currently does water monitoring on the Big Fork River. This is a great educational tool that may be expanded to other rivers in the county. There has been discussion regarding creation of a Water Resources Center (WRC) where information could be stored, shared, etc. If created, the WRC will be an international center absorbing information from both Minnesota and Canadian sources. It is important to note that 65 percent of the Rainy River Watershed is in Ontario. Collaboration between Minnesota and Ontario is fundamentally important to protection of the Rainy Basin's water quality.

- Seek funding for the WRC to further its principal objectives to
  - a) Monitor the Basin's water quality,
  - b) Manage collected data,
  - c) Disseminate collected data in informational reports,
  - d) Support citizen-based water quality programs such as River Watch
- Emphasize education over regulation (e.g., voluntary use of alternative standards for shoreline development)
- Prepare informational brochures on groundwater, water quality monitoring, shoreland vegetation and others
- Encourage MN DNR, MPCA, BWSR, Dept. of Health, Voyageurs National Park, Ontario Ministry of Natural Resources and Ontario Office of the Environment, Department of Fisheries and Oceans, Rainy River First Nations to disseminate informational reports, brochures and other educational materials
- Convene the Water Management Plan Advisory Committee at least one time each year to review progress on implementing the WMP 2007 – 2017.
- Promote natural vegetation for shoreland and alternative standards for shoreland development
- Provide information about the hazards of using surface water for drinking and promote safe treatment options and alternatives.

### **Monitoring**

Monitoring is important because it requires the active pursuit of information to develop a deeper understanding of the water resource. Generally, water quality in the Rainy Basin is considered "good" as compared to nationally accepted water quality measurement standards and to other geographic areas in Minnesota. There is information, enough to draw conclusions about the general quality of Koochiching County waters. But no body of water, except for the Big Fork River, has been systematically studied to the point where a baseline has been established. The Big Fork River has been systematically monitored by the Big Fork and Littlefork High Schools and guided by volunteer expert, Richard Lacher. The WMP will seek to expand water quality monitoring efforts.

- Continue water quality monitoring of the Big Fork River
- Create systematic water quality monitoring programs for Rainy River, Little Fork River, Rapid River, Rat Root River and Rainy Lake in cooperation with the Water Resources Center
- Encourage citizen water quality efforts
- Support funding of a Volunteer Water Monitoring Coordinator position at Rainy River Community College
- Seek funding for surface water studies
- Do inventories, as a form of monitoring, of wells in Koochiching County and of unused, unsealed wells
- Encourage high schools to commit to doing long term water quality monitoring consistent with MPCA requirements, in cooperation with the Water Resources Center
- Establish water quality baselines for Rainy Lake, Rainy River and the Little Fork River

- Utilize and build from the comprehensive Rainy Lake characterization study, organized by Voyageurs National Park, done in 2004
- Support studies of exotic species on Rainy Lake and other bodies of water as appropriate
- Support studies of cyano-bacteria (blue green algae) toxicity in Rainy Lake
- Rely on Rainy Lake's status as an Outstanding Resource Value Water (ORVW) to justify funding of studies and programs designed to enhance Rainy Lake's water quality
- Encourage the conduct of nutrient loading studies of Koochiching County's lakes and rivers.

### **Protection of Water Quality**

Due to the amount of wetlands in Koochiching County, nearly all new construction projects have the potential to affect water quality. Wetlands are more thoroughly addressed in the Koochiching County Wetland Flexibility Plan. The WMP will address Priority Concerns that are particularly related to impacts associated with man-made development projects.

- Promote planned, environmentally sensitive development in Koochiching County, designed to ensure good water quality
- Preserve and enhance native vegetation on shoreland
- Seek funding for wetland restoration where appropriate
- Promote use of alternative standards for shoreline development
- Follow local zoning and shoreland ordinances (e.g., setbacks, vegetation removal, etc.) in riparian areas to protect the shore impact zone
- Require site constraints analysis prior to designing residential or commercial/industrial projects
- Seek continued State support of Koochiching County's Wetland Flexibility Plan
- Insist that one size fits all is not appropriate to wetland mitigation in Minnesota
- Achieve flexibility in siting wetland replacement by allowing replacement for Koochiching County projects anywhere in Minnesota
- Do not require wetland mitigation be the same type of wetland as the type being affected
- Avoid adverse impacts on water quality from aggregate mining and quarrying
- Assist farmers in manure management and proper grazing practices
- Encourage frequent use of the Technical Evaluation Panel to evaluate projects that will affect wetlands
- Continue to have the SWCD provide technical assistance to Koochiching County cities and property owners
- Consider setting local thresholds for water quality that are stricter than national or state standards.
- Work with cities, landowners and other county departments to initiate or continue stormwater management projects.

## Forestry

Forestry is an important component of the Water Management Plan. SWCD will work with state and county governments to assure that this plan is part of their overall program.

This Plan will support:

- Preparation of Forest Stewardship Plans for private property owners
- Distribution of trees throughout the county in SWCD's tree sales program
- Collaboration with federal and state agencies and the private sector in helping to assure Koochiching County has healthy, productive and sustainable forests
- Promotion of forestry practices that protect water quality
- Promotion of the use of Voluntary Site-Level Forest Management Guidelines on private lands to protect water quality (e.g., riparian buffers, roads and culverts, stream crossings, etc.)
- Provide forest management education to non-industrial private forest landowners



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Pope County Local Water Management Plan Update

Meeting Date: June 26, 2013  
Agenda Category:  Committee Recommendation  New Business  Old Business  
Item Type:  Decision  Discussion  Information  
Section/Region: Northern Region  
Contact: Pete Waller  
Prepared by: Pete Waller  
Reviewed by: Northern Water Planning Committee(s)  
Presented by: Gene Tiedemann

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:  Resolution  Order  Map  Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Decision

LINKS TO ADDITIONAL INFORMATION

- <http://www.popeswcd.org/downloads/1304planWaterPope.pdf>
- <http://www.popeswcd.org/downloads/1304planPopeWaterAppendix.pdf>

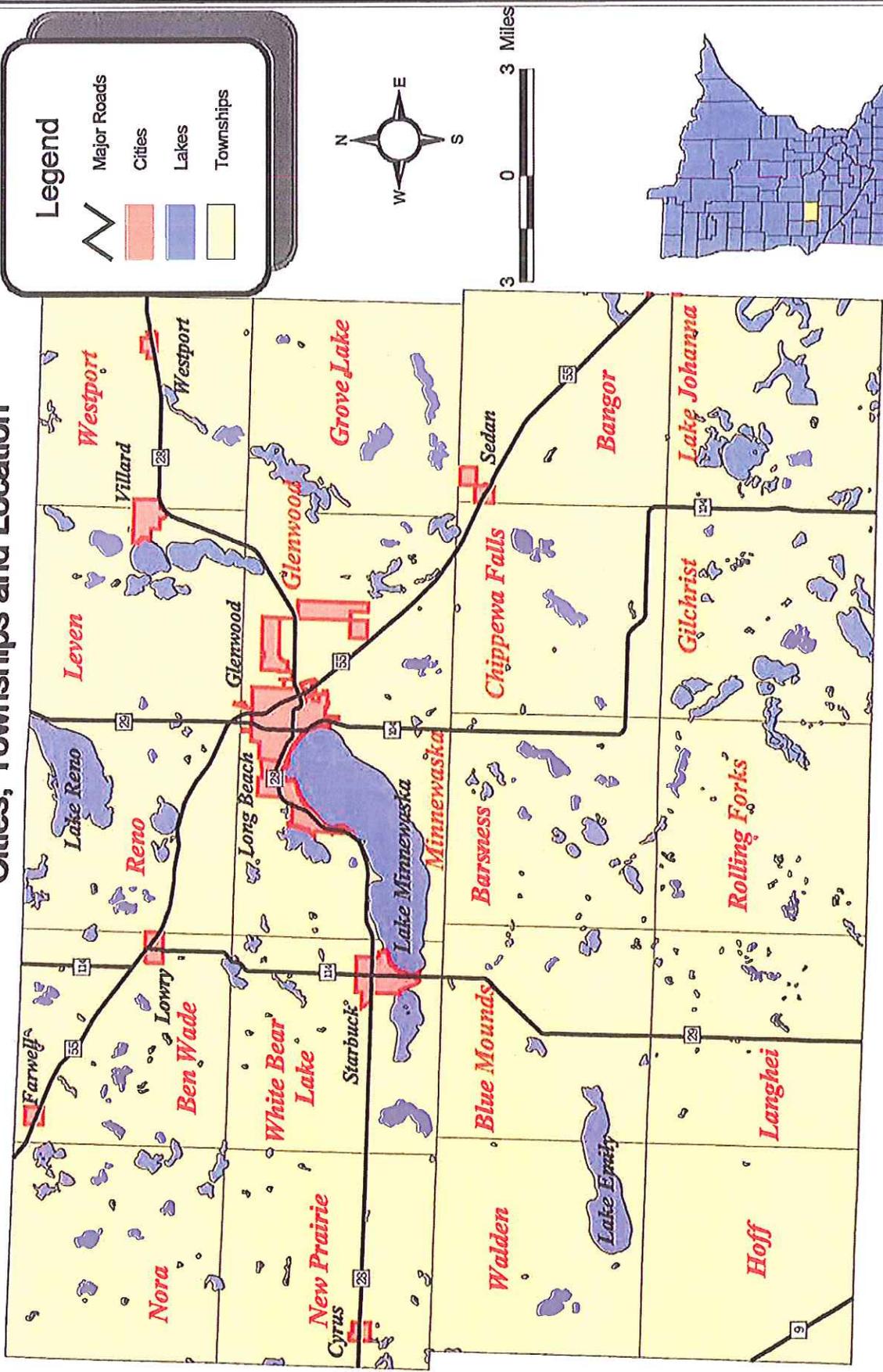
**SUMMARY** (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)

On January 30, 2013, the Board of Water and Soil Resources (Board) provided official State comments pertaining to the priority concerns identified in the Pope County Priority Concerns Scoping Document.

On April 15, 2013, the Pope County Local Water Management Plan Update (Plan Update) was submitted for review by the state agencies.

On June 12, 2013, the Northern Water Planning Committee of the Board met with representatives of Pope County and Pope Soil and Water Conservation District (SWCD) to review state agency comments and recommendations; the required Public Hearing record of April 2, 2013; and the Pope County Plan Update. The Committee recommends approval of the Pope County Plan Update.

# Map 1A: Pope County's Cities, Townships and Location



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

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

ORDER  
APPROVING  
LOCAL  
WATER MANAGEMENT  
PLAN UPDATE

---

**Whereas**, the Pope County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on April 15, 2013, pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

**FINDINGS OF FACT**

1. On December 3, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.
2. On January 30, 2013, the Board approved official comments on the County PCSD, which were mailed to the County on January 30, 2013. The priority concerns the PCSD and Plan Update addresses include:
  - Reducing Priority Pollutants ~Surface Water Quality;
  - Erosion and Sediment Control;
  - Surface Water Management;
  - Groundwater Quality and Quantity;
  - Plan Administration
3. On April 15, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update to the Board for final State review pursuant to M.S. Section 103B.315, Subd. 5.
4. On June 12, 2013, the North Region Water Plan Review Committee of the Board met with representatives of the County to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update were:
  - Minnesota Department of Agriculture (MDA): stated the Plan Update does not violate any statutory or rule requirement administered by the MDA and recommended several editorial changes and recommends approval after the suggested changes are made.
  - Minnesota Department of Health (MDH) provided no comments.
  - Minnesota Department of Natural Resources (MDNR) noted the Plan Update does not violate any statutory or rule requirements administered by MDNR, commended the Plan Update for being very comprehensive and well done and recommends approval of the entire Plan Update.
  - Minnesota Pollution Control Agency (MPCA) provided no comments.
  - Minnesota Environmental Quality Board (EQB) provided no comments.
  - Board regional staff recommends approval.

- North Region Water Plan Review Committee of the Board recommends approval.
5. This update will be in effect for a ten-year period until December 31, 2023; with the Goals, Objectives and Action Items amended by December 31, 2018.

### **CONCLUSIONS**

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Update of Pope County pursuant to Minnesota Statutes, 103B.315, Subd. 5.
2. The Pope County Plan Update states water and water-related problems within the County; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

### **ORDER**

The Board hereby approves the update of the Pope County Local Water Management Plan 2013-2023 through December 31, 2023 with a required update of the Implementation section (Goals, Objectives and Action Items) to be completed by December 31, 2018.

Dated at St Paul, Minnesota, this twenty-sixth day of June 2013.

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

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BY: Brian Napstad, Chair

**Pope County**  
**Comprehensive Local Water Management Plan:**  
**Executive Summary**

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*The Pope County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Water Plan.*

**A. Purpose of the Local Water Plan**

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, the Pope County Water Plan:

- Covers the entire area of Pope County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2013-2023), with a 5-year implementation plan (2013-2018). In 2018, the implementation plan will be updated.

In addition, the Water Plan will also serve as the Pope County Soil and Water Conservation District's (SWCD) Comprehensive District Plan. This will need to be passed by the SWCD's Board of Supervisors by Resolution.

## **B. A Description of Pope County's Priority Concerns**

Chapter Two provides a detailed assessment of the priority concerns. Based upon the Pope County Water Plan Survey, and comments received by the various water plan stakeholders, the Water Plan Task Force identified the following priority water planning issues (**note: these issues are not ranked**):

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

### C. Summary of Goals, Objectives, Action Steps, and Estimated Costs

To address the priority concerns identified in the scoping process, the Pope County Water Plan Task Force held meetings to develop the five goal areas. These five goal areas are further broken down into interrelated objectives that address each of the priority concerns. Most importantly, each objective has a series of action steps designed to help achieve implementation of the identified goal.

A summary of the County's Water Plan Goals, Objectives and Action Steps is provided below. Collectively they form the Implementation Plan for the County. In addition, a summary of annual estimated costs is provided. These estimated expenses are separated into Overall Costs and Local Costs. Overall Costs include all monies spent by water plan stakeholders, including the County, watershed districts, state agencies, and landowners. The Local Costs include funds spent and activities performed by Pope County (including items such as the County's 103E administrative costs) and the Pope County SWCD. The Water Plan Task Force recognizes that not all of the identified Action Items will be accomplished over the course of the Water Plan's time-frame, however, the intent is to accomplish as many implementation activities as feasible. **Also keep in mind the costs identified are only estimates, and actual direct and/or indirect costs may be more or less than indicated.** Finally, many of the Action Items will be dependent upon receiving grants. Chapter Three contains the Water Plan's complete Goals, Objectives, and Action Steps, and Chapter Four provides additional details on administering the Water Plan.

#### **Surface Water Quality Initiatives**

The first goal area focuses on addressing surface water quality issues. Objectives were developed for TMDL implementation, feedlots, failing Subsurface Sewage Treatment Systems (SSTS), and Aquatic Invasive Species (AIS). In addition, Objective A was written to "Protect Pope County's surface waters from being listed on MPCA's 303d List of Impaired Waters." It was discussed throughout the planning process that it is both easier and more cost-effective to protect water quality than it is to restore waterbodies once they become impaired. Implementation steps under the first goal area include a wide range of the following surface water quality Best Management Practices (BMPs):

- Complete a full inventory of the ravines along the south shore of Lake Minnewaska. Survey and develop preliminary plans to repair and enhance the ravines. Target and implement twenty water quality BMPs.
- Reduce total phosphorus levels in the lakes identified in the Pope 8 Lake TMDL Plan by implementing water quality BMPs, including restoring wetlands, developing enhanced manure management plans, cost-sharing feedlot upgrades, and establishing vegetative buffers. Project-specific implementation activities were identified for each impaired subwatershed.

- Enroll 50% of cropland within impaired subwatersheds into nutrient management plans.
- Inspecting all SSTS in impaired subwatersheds and securing financial assistance programs to provide assistance for homeowners to upgrade 10 noncompliant SSTSs annually.
- Identify sites where cattle exclusions are needed and cost-share five (5) BMP projects.
- Partnering with the Chippewa River Watershed Project on implementing the Chippewa River TMDL Plan.
- Conducting core samples to pursue dredging the Mill Pond.
- Creating a local Aquatic Invasive Species (AIS) Task Force.

The various action steps identified to address the first goal area of surface water quality improvements in Pope County are estimated to have an overall 5-year cost of \$3,840,000. Of this amount, \$832,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs. These amounts reflect the high costs associated with removing waters from the 303d List of Impaired Waters. Many of these implementation activities will be eligible for grant funding.

#### **Erosion and Sedimentation Control Initiatives**

The second goal area is aimed at reducing erosion and controlling sedimentation. The specific objective is to “Work with landowner to identify priority sites to implement erosion and sediment control Best Management Practices.” Implementation steps include the following BMPs:

- Install 100 acres of vegetative buffer filter strips annually.
- Install three (2) water and sediment control structures annually.
- Install five (5) alternative tile intakes.
- Install 500 feet of living snow fences annually.
- Install five (5) streambank stabilization projects annually.
- Install five (5) water and sediment control basins annually in the Little Chippewa River subwatershed.
- Install five (5) water and sediment control basins annually in the Main Branch Chippewa River subwatershed.
- Implement twenty (20) BMP projects in the south shore Lake Minnewaska subwatershed.

- Secure funding to properly implement a grade stabilization project in Hoff Township less than one mile from the Chippewa River.
- Install one mile of vegetative filter buffer strips per year along Ashley Creek.

The various action steps identified to address the second goal area of erosion and sediment control improvements in Pope County are estimated to have an overall 5-year cost of \$969,000. Of this amount, \$151,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

### **Surface Water Management Initiatives**

The third goal area is aimed at reducing managing surface water quantity issues, including separate objectives for agricultural drainage, stormwater management, wetlands/surface water retention, and shoreline restorations. Implementation steps include the following:

- Identify public and private tile lines that flow into the open ditch system.
- Install five (5) buffers and/or side inlets annually to control erosion and sedimentation and to maintain efficiency.
- Cost-share two (2) controlled drainage projects.
- Design and install a minimum of three (3) rain gardens annually.
- Promote the use of semi-permeable surfaces by creating two (2) demonstration sites.
- Assist with creating four (4) stormwater holding ponds.
- Apply for funds to develop a Stormwater Management Plan for the City of Starbuck.
- Partner with the City of Glenwood on implementing its Stormwater Management Plan.
- Restore two (2) wetlands annually.
- Target the impaired subwatersheds for wetland restorations.
- Increase the number of Wetland Reserve Program easements by two (2) each year by targeting marginal farmland.
- Examine alternatives to using rip-rap during shoreland restorations.
- Cost-share two (2) shoreland restorations annually.

The various action steps identified to address the third goal area of erosion surface water management issues in Pope County are estimated to have an overall 5-year cost of \$1,375,000. Of this amount, \$241,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

### **Groundwater Quantity and Quality Initiatives**

The fourth goal area focuses on addressing groundwater quality and quantity issues. Objectives were developed for wellhead protection, drinking water quality, and groundwater quantity BMPs. Implementation steps include a wide range of the following groundwater Best Management Practices (BMPs):

- Target groundwater BMP Programs in Wellhead Protection Areas, such as RIM and CRP.
- Work with cities on mutually agreed upon ordinance language for Wellhead Protection Areas.
- Target sealing all abandoned wells in Wellhead Protection Area. Implement two (2) annually.
- Incorporate the County's sensitive groundwater recharge areas map into to the local land use decision making process.
- Implement two (2) groundwater BMP projects annually.
- Seal four (4) abandoned wells annually.
- Cost-share converting conventional irrigation systems to conservation systems. Implement two (2) projects annually.
- Increase acres in Irrigation Management Program by 5,000 acres.

The various action steps identified to address the fourth goal area of groundwater quality and, quantity BMPs in Pope County are estimated to have an overall 5-year cost of \$418,500. Of this amount, \$95,500 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

### **Plan Administration Initiatives**

The fifth goal area is aimed at effectively implementing the County's Water Plan. The specific objective is to "Engage the Citizens and Stakeholders on key water planning issues and implementation opportunities." Implementation steps include the following:

- Quarterly publish newsletters.
- Promote BMP programs in the newspaper a minimum of two times annually.
- Establish BMP demonstration/test sites.
- Annually host workshops on priority water planning issues.

- Annually promote BMP practices and available funding at the Pope County Fair.
- Annually apply for Clean Water Funds and similar funding mechanisms to implement Action Steps.
- Ensure the County is prepared to provide matching funds in order to qualify for BMP grants.

The various action steps identified to address the fifty goal area of effectively administering the Water Plan in Pope County are estimated to have an overall 5-year cost of \$85,000. Of this amount, \$60,000 is estimated to come from the County, including direct and indirect (in-kind) SWCD estimated costs.

### *Summary of Estimated Costs*

The five water plan goal areas and their corresponding estimated costs are summarized below in Table 1. The initiatives identified in Chapter Three are estimated to cost approximately \$1,337,500 annually overall, with approximately \$276,000 coming from local/county funds.

**Table 1:  
Summary of Pope County's Water Plan  
Estimated Overall and Local Costs**

|   | <i>Overall</i>     | <i>Local/County</i> |
|---|--------------------|---------------------|
| <b>Goal Area One: Surface Water Quality</b>               | <b>\$3,840,000</b> | <b>\$832,000</b>    |
| <b>Goal Area Two: Erosion &amp; Sedimentation Control</b> | <b>\$969,000</b>   | <b>\$151,500</b>    |
| <b>Goal Area Three: Surface Water Management</b>          | <b>\$1,375,000</b> | <b>\$241,000</b>    |
| <b>Goal Area Four: Groundwater Quality &amp; Quantity</b> | <b>\$418,500</b>   | <b>\$95,500</b>     |
| <b>Goal Area Five: Plan Administration</b>                | <b>\$85,000</b>    | <b>\$60,000</b>     |
| <b>5-Year Estimated Costs</b>                             | <b>\$6,687,500</b> | <b>\$1,380,000</b>  |
| <b>Average Annual Estimated Costs</b>                     | <b>\$1,337,500</b> | <b>\$276,000</b>    |

These estimated expenses are separated into Overall Costs and Local Costs. The Local costs include funds spent and activities performed (i.e., in-kind expenses) by Pope County and the Pope County SWCD.

*\*Note:* Please refer to Chapters Three and Four for a more detailed description of the estimated overall costs and the estimated total local costs to Pope County and the Pope County SWCD. Expenses may seem exaggerated, but actually represent the numerous stakeholders involved and a collaboration of their corresponding activities and budgets.

#### **D. Relationship to other Plans**

The Pope County Water Plan Task Force includes a diverse group of people representing a number of key water plan stakeholders. Assistance from the Task Force in the planning process, along with information requested from Local Governmental Units, helped to ensure the Water Plan, and its corresponding Goals, Objectives and Action Steps, were developed to be consistent with existing plans and official land use controls. As a result, the updated Pope County Water Plan is believed to be consistent with the plans and official controls of the other pertinent local, State and regional plans and controls. In conclusion, there are no recommended amendments to other plans and official controls to achieve consistency with this Water Plan.

**COMMITTEE RECOMMENDATIONS**  
***Southern Water Planning Committee***

1. Renville County Comprehensive Water Plan Update – Paul Langseth – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Renville County Comprehensive Water Plan Update

Meeting Date: June 26, 2013
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Southern Region
Contact: Jeff Nielsen
Prepared by: Carla Swanson-Cullen
Reviewed by: Southern Water Planning Committee(s)
Presented by: Paul Langseth

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Decision

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/water\_plans\_for\_bd\_packet/Renville\_2013-2023.pdf

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

On December 12, 2012, the Board of Water and Soil Resources (BWSR) provided official comments pertaining to the State Review of the Renville County Priority Concerns Scoping Document. On December 12, 2012, the BWSR officially approved Renville County's written request to extend the current Local Water Management Plan (Plan), which would expire on December 31, 2012. The extended end date of the current Plan is May 30, 2013.

On April 22, 2013, the BWSR received the final draft Renville County Comprehensive Local Water Plan 2013-2023 as required for final review by state agencies. I have completed my final review of the Plan and find that it does meet the requirements of Minnesota Statute 103B.314. The Plan:

- focuses on the priority concerns identified in the Priority Concerns Scoping Document;
• assess the priority concerns and sets forth appropriate goals and objectives;
• provides an implementation program with measurable actions, timeline and budget; and
• includes all required sections.

Renville County contracted with Mid-Minnesota Development Commission, located in Willmar, Minnesota, to facilitate the process and develop the Plan. More specifically, Renville County Water Plan Coordinator Diane Mitchell and Renville Soil and Water Conservation District Technician Tara Latozke worked diligently on Chapter Three of the Plan (Goals Objectives and Action Steps (2013 - 2018)) to strengthen the action steps making many of them measurable. A total of ninety (90) action steps are identified in the Plan. The reader can easily determine that sixty seven (67) action steps are measurable. There are another ten (10) action steps that are somewhat measurable depending on the reader's interpretation.



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

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

---

ORDER  
APPROVING  
LOCAL  
WATER MANAGEMENT  
PLAN UPDATE

**Whereas**, the Renville County (County) Board of Commissioners submitted a Local Water Management Plan Update (Plan Update) to the Board of Water and Soil Resources (Board) on April 22, 2013 pursuant to M.S. Section 103B.315, Subd. 5, and

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

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

#### FINDINGS OF FACT

1. On August 30, 2012, the Board received a Priority Concerns Scoping Document (PCSD) from the County, pursuant to M.S. Section 103B.312.
2. On October 11, 2012, the Board received a written request (resolution) from the County for an extension of their current local water management plan.
3. On December 12, 2012, the Board approved official comments on the County PCSD, which were mailed to the county on December 12, 2012. The priority concerns the PCSD and Plan Update addresses include:
  - Reduce Priority Pollutants – Surface Water Quality
  - Erosion and Sediment
  - Surface Water Management
  - Groundwater Quality & Quantity
  - Recreation and Biodiversity
  - Plan Administration
4. On December 12, 2012, the Board approved the extension request made by the County. The end date of the current local water management plan was extended to May 30, 2013. This approval was mailed to the County on December 12, 2012.
5. On April 22, 2013, the Board received the County Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review pursuant to M.S. Section 103B.315, Subd. 5.

6. On June 12, 2013, the Southern Region Water Planning Committee of the Board met to review the following state agency comments, commendations and approval recommendations regarding the final approval of the County Plan Update:

- Minnesota Pollution Control Agency (MPCA) provided no comments.
- Minnesota Department of Health (MDH) provided no comments.
- Minnesota Department of Natural Resources (DNR) noted Plan Update does not violate any statutory or rule requirement administered by DNR and recommends approval of the entire Plan Update.
- Minnesota Department of Agriculture (MDA) noted Plan Update does not violate any statutory or rule requirement administered by the MDA and recommends approval of the entire Plan Update. MDA also offered comments for Board's consideration to make a recommended language change to the last paragraph on page 2-22.
- Minnesota Environmental Quality Board provided no comments.

The Committee's decision was to present a recommendation of approval of the Plan Update to the Board at the Board's June 26, 2013 meeting.

7. On June 26, 2013, the Southern Region Water Planning Committee of the Board presented its recommendation of approval of the Renville County Local Water Management Plan Update to the Board. The Board adopted the Committee's recommendation.
8. This Plan Update will be in effect for a ten-year period until June 26, 2023, with the Goals, Objectives and Action items amended by June 26, 2018.

### **CONCLUSIONS**

1. All relevant requirements of law have been fulfilled. The Board has proper jurisdiction in the matter of approving a Local Water Management Plan Update of Renville County pursuant to Minnesota Statutes, 103B.315, Subd. 5.
2. The Renville County Plan Update states water and water-related problems within the county; possible solutions; goals, objectives, and actions of the county; and an implementation program. The Plan Update is in conformance with the requirements of M.S. Section 103B.301.

### **ORDER**

The Board hereby approves the update of the Renville County Local Water Management Plan 2013-2023 with a required update of the Implementation section (Goals, Objectives, and Action) to be completed by June 26, 2018.

Dated at St Paul, Minnesota this June 26, 2013.

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

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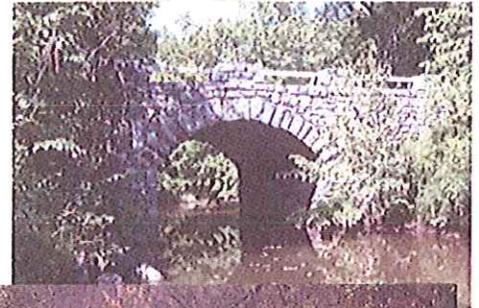
BY: Brian Napstad, Chair

# Renville County Comprehensive Local Water Management Plan 2013-2023

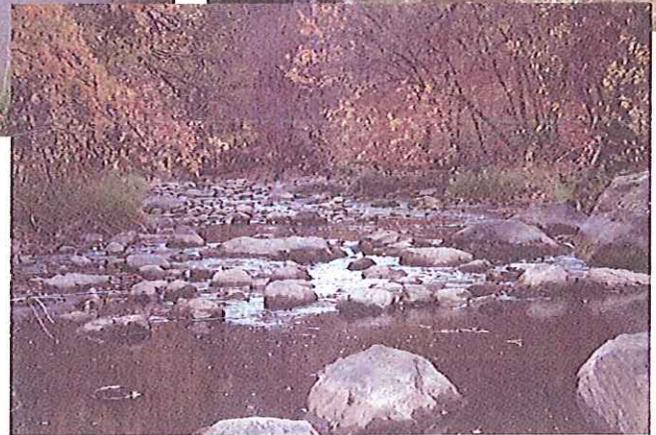
~ With 2013-2018 Implementation Plan ~



*Muck Lake*



*Birch Coulee*



*Beaver Falls*

~ Draft Date: April 16, 2013 ~

*Prepared by:  
Renville County Water Management Task Force  
Mid-Minnesota Development Commission*

## **Renville County Commissioners:**

**\*Randy Kramer ~ Renville County Commissioner, District 1**

**Robert Fox ~ Renville County Commissioner, District 2**

**\*Paul Setzepfandt ~ Renville County Commissioner, District 3**

**John Stahl ~ Renville County Commissioner, District 4**

**\*Lamont Jacobson ~ Renville County Commissioner, District 5 (alternate)**

## **\*Water Management Task Force:**

**Liz Lanning ~ Agriculture**

**Charles Kubesh ~ Buffalo Creek Watershed District**

**Gerald Fluck ~ Lakeshore**

**Jon Wogen ~ Sportsmen/Educator**

**Brad Aaseth ~ Agri-Business**

**Jill Brunns ~ Renville Public Health**

**Tara Latozke ~ Renville County SWCD Staff**

**Kathryn K. Kelly ~ Renville County SWCD Supervisor**

**Diane Sander ~ Crow River Organization of Waters**

**Heidi Rauenhorst ~ Hawk Creek Watershed Project**

**Brady Swanson ~ High Island Creek Watershed Project**

**Gary Bennett ~ DNR Waters**

**Tom Fischer ~ Board of Water and Soil Resources (BWSR)**

**Diane Mitchell, Water Management Coordinator  
Renville County Water & HHW Management**

*"Conservation is a state of harmony between men and land."*

*~Aldo Leopold*

**Renville County**  
**Comprehensive Local Water Management Plan**  
*~ Table of Contents ~*

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|  |             |
|--|-------------|
| <b>Executive Summary .....</b>   | <b>1</b>    |
| A: Purpose of the Local Water Management Plan.....                             | 1           |
| B: A Description of Renville County’s Priority Concerns .....                  | 2           |
| C: Summary of Goals, Objectives, Action Steps, and Estimated Cost.....         | 3           |
| D: Relationship to Other Plans .....   | 18          |
| E: Renville County’s Watersheds.....   | 18          |
| <br>   |             |
| <b>Chapter One: Renville County Priority Concerns Scoping Document.....</b>    | <b>1-1</b>  |
| <b>Section One: Introduction to the Water Plan &amp; Renville County .....</b> | <b>1-1</b>  |
| A: Water Plan Background.....  | 1-1         |
| B: Renville County Profile .....   | 1-2         |
| <b>Section Two: Priority Concerns Scoping Document Planning Process .....</b>  | <b>1-4</b>  |
| C: Resolution to Update the Renville County Water Plan .....                   | 1-4         |
| D: Notice of Plan Update .....   | 1-4         |
| E: Water Plan Survey Results.....  | 1-4         |
| F: State & Local Stakeholder Comments .....                                    | 1-8         |
| <b>Section Three: Renville County Priority Water Planning Issues.....</b>      | <b>1-12</b> |
| G: Water Plan Task Force .....   | 1-12        |
| H: Priority Water Planning Issues .....  | 1-12        |
| I: Priority Issues Not Addressed by this Water Plan .....                      | 1-13        |
| <b>Section Four: Renville County Ongoing Water Plan Activities .....</b>       | <b>1-14</b> |

---

|  |             |
|--|-------------|
| <b>Chapter Two: Assessment of Priority Concerns.....</b>                                 | <b>2-1</b>  |
| <b>Section One: Reducing Priority Pollutants ~ Surface Water Quality Assessment.....</b> | <b>2-2</b>  |
| A: TMDL Implementation Assessment.....   | 2-2         |
| B: Feedlots and Livestock Management Assessment .....                                    | 2-4         |
| C: Subsurface Sewage Treatment Systems Assessment .....                                  | 2-7         |
| D: Aquatic Invasive Species Assessment.....  | 2-8         |
| <b>Section Two: Reducing Erosion and Sediment Control Assessment.....</b>                | <b>2-12</b> |
| <b>Section Three: Surface Water Quantity/Management .....</b>                            | <b>2-22</b> |
| E: Agricultural Drainage Assessment .....  | 2-22        |
| F: Stormwater Management Assessment.....   | 2-28        |
| G: Wetlands and Water Storage/Retention Assessment.....                                  | 2-30        |
| H: Shoreland Management Assessment .....   | 2-33        |
| <b>Section Four: Groundwater Quality and Quantity Assessment .....</b>                   | <b>2-35</b> |
| I: Drinking Water Quality Assessment .....   | 2-35        |
| J: Wellhead Protection Areas Assessment .....  | 2-40        |
| <b>Section Five: Recreation and Biodiversity Assessment.....</b>                         | <b>2-41</b> |
| <br>   |             |
| <b>Chapter Three: Goals, Objectives, and Action Steps.....</b>                           | <b>3-1</b>  |
| A: Definition of Goals, Objectives and Action Steps.....                                 | 3-1         |
| B: Action Step Information .....   | 3-1         |
| C: Goals, Objectives, and Action Steps (2013-2018) .....                                 | 3-3         |

|   |            |
|---|------------|
| <b>Chapter Four: Plan Administration .....</b>          | <b>4-1</b> |
| A: Plan Coordination .....                              | 4-1        |
| B: Implementation Program .....                         | 4-1        |
| C: Implementation Schedule .....                        | 4-1        |
| D: Types and Sources of Water Plan Funds .....          | 4-2        |
| E: Recommended State Cooperation .....                  | 4-3        |
| F: Intergovernmental Conflicts/Resolution Process ..... | 4-4        |
| G: Water Plan Amendment Procedure .....                 | 4-4        |
| H: Water Plan Key Stakeholders .....                    | 4-5        |

## Appendices

|   |                   |
|---|-------------------|
| <b>Priority Concerns Supporting Documents .....</b>       | <b>Appendix A</b> |
| <b>Priority Concerns Input Forms/Correspondence .....</b> | <b>Appendix B</b> |
| <b>Public Review Documents.....</b>                       | <b>Appendix C</b> |

**Renville County**  
**Comprehensive Local Water Management Plan:**  
**Executive Summary**

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*The Renville County Water Plan follows the provisions set forth in Minnesota State Statutes 103B.314 - Contents of Water Plan.*

**A. Purpose of the Local Water Management Plan**

According to Minnesota Statute 103B, each county is encouraged to develop and implement a local water management plan with the authority to:

- Prepare and adopt a local water management plan that meets the requirements of this section and section 103B.315;
- Review water and related land resources plans and official controls submitted by local units of government to assure consistency with the local water management plan; and
- Exercise any and all powers necessary to assure implementation of local water management plans.

Pursuant to the requirements of the law, the Renville County Water Plan:

- Covers the entire area of Renville County;
- Addresses water problems in the context of watershed units and groundwater systems;
- Is based upon principles of sound hydrologic management of water, effective environmental protection and efficient management;
- Is consistent with comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system; and
- Will serve as a 10-year water plan (2013-2023), with a 5-year implementation plan (2013-2018). In 2018, the implementation plan will be updated.

In addition, the Water Plan will also serve as the Renville County Soil and Water Conservation District (SWCD) Comprehensive District Plan.

## **B. A Description of Renville County's Priority Concerns**

Chapter Two provides a detailed assessment of the priority concerns. Based upon the Renville County Water Plan Survey, and comments received by the various water plan stakeholders, the Water Management Task Force identified the following priority water planning issues (**note: these issues are not ranked**):

1. Reducing Priority Pollutants ~ Surface Water Quality
  - a. TMDL Implementation
  - b. Feedlot/Livestock Management
  - c. Subsurface Sewage Treatment Systems
  - d. Aquatic Invasive Species
2. Erosion and Sediment
3. Surface Water Management
  - a. Agricultural Drainage
  - b. Stormwater Management
  - c. Wetlands and Water Storage/Retention
  - d. Shoreland Management
4. Groundwater Quality & Quantity
  - a. Wellhead Protection Areas
  - b. Drinking Water Quality
5. Recreation and Biodiversity
6. Plan Administration
  - a. Watershed Focus
  - b. Stakeholder Cooperation
  - c. Raising Public Awareness

### **C. Summary of Goals, Objectives, Action Steps, and Estimated Costs**

To address the priority concerns identified in the scoping process, the Renville County Water Management Task Force met and developed six goal areas. These six goal areas are further broken down into interrelated objectives that address each of the priority concerns. Most importantly, each objective has a series of action steps designed to help achieve implementation of the identified goal.

A summary of the County's Water Plan Goals, Objectives and Action Steps are provided below. Collectively they form the Renville County Water Implementation Plan. In addition, a summary of annual estimated costs is provided. These estimated expenses are separated into Overall Costs and Local Costs. The Local Costs include funds spent and activities performed by Renville County and the Renville County SWCD. The Water Management Task Force recognizes that not all of the identified Action Items will be accomplished over the course of the Water Plan's time-frame, however, the intent is to accomplish as many implementation activities as feasible. Also keep in mind the costs identified are only estimates, and actual direct and/or indirect costs may be more or less than indicated. A more detailed description of Renville County's Goals, Objectives, and Action Steps is presented in Chapter Three, whereas Chapter Four provides more detail on administering the Water Plan.

#### ***GOAL 1: PROTECT AND IMPROVE SURFACE WATER QUALITY***

**Objective A: Continue efforts to reduce failing Subsurface Soil Treatment Systems (SSTS) and improve wastewater treatment discharges.**

- SSTS Program. Two County staff members will continue to provide oversight and assistance of State and County regulations and inspection services as part of the County's SSTS Program.
- Noncompliant SSTSs. Provide educational, technical, and financial assistance, as available, to homeowners to upgrade noncompliant SSTSs. Investigate and initiate corrective measures for improperly discharging SSTSs. Identify approximately 2 failing systems each year.
- SSTS Education. Provide information and assistance to homeowners on proper SSTS design, installation, operation, and maintenance through annual newsletters, mailings, and website resources.

- SSTS Funding. Secure and administer financial assistance programs to provide assistance for homeowners to upgrade noncompliant SSTSs. Promote cost-share incentive payments available through the watershed districts to encourage voluntary septic system upgrades. Work with 50 homeowners each year.
- Wastewater Treatment. Cooperatively work with partners to properly address community and industrial wastewater issues. Encourage industrial development to be located where municipal treatment services are available.

***Objective A Estimated Average Annual Overall Costs = \$691,500; Local Costs = \$96,500***

***Objective B: Proactively work to improve and remove water bodies from the MPCA's 303d list of Impaired Waters (TMDLs) while continuing to protect non-impaired water bodies.***

- Water Quality Monitoring. Cooperatively work with partners to continue current efforts and to expand surface water quality monitoring efforts. To obtain baseline and storm event data during the growing season, approximately 40 samples will be annually collected at 11 sites, depending on seasonal precipitation.
- Watershed Approach. Cooperatively work with the MPCA and partners to further the “watershed approach” process of assessment, restoration, and protection strategies for impaired waters.
- Intensive Watershed Monitoring. Assist the MPCA with identifying water quality impairments and sources of impairments within each watershed. Each of the four watersheds will be monitored once every ten-years, as determined by the MPCA. Approximately 50 sites, prioritized by the MPCA, will be tested for biological integrity within the four watersheds.
- Stressor Identification. Assist the MPCA's efforts in the development of stressor identification in aquatic ecosystems. Survey 12 waterbodies, as determined by MPCA, to target priority BMP locations.
- Flow/Level Monitoring Gauges. Assist water plan stakeholders with installing and monitoring flow and level gauges on major rivers and lakes in the County. Flow: Monitor flow on 3 waterbodies. Level gauges: Monitor water level gauges on 9

waterbodies. Approximately 40 measurements will be collected annually on 9 waterbodies, depending on seasonal precipitation. The water bodies include Hawk Creek, Sacred Heart Creek, West Fork Beaver Creek, Beaver Creek (main stream), Birch Coulee Creek, Fort Ridgley Creek, Buffalo Creek, Lake Allie, and Lake Preston.

- Priority BMP Locations. Evaluate and annually update land use data including GIS layers and LiDAR to identify and inventory high priority practice locations within watersheds (Initially evaluate in 2016-2018).
- BMP Collaboration. Coordinate efforts with local, state, and federal agencies and Watershed Management Organizations to collaborate resources for effective BMP implementation.
- BMP Program\*. Provide educational, technical, and financial assistance, as available, to landowners for the implementation of water quality-related BMPs that will address specific water bodies impairment. For example, excessive nutrients as a result of non-point source pollutants would be treated through filtering and holding water in the field with bioreactors (2), saturated buffers (5), filter strips (50 sites), sediment basins (5), grade stabilizations (2), rock intakes (10), and wetland restorations (5 sites). \*(Approximately 16 projects/sites per year).

***Objective B Estimated Average Annual Overall Costs = \$295,500; Local Costs = \$19,000***

***Objective C: Enhance shoreland management and protection efforts.***

- Shoreland Regulation. Two County staff members will continue to enforce public waters shoreland regulation, including requiring landowners to maintain the mandatory set-backs on public waters.
- Shoreland Conservation Easement Programs. Target marginal and sensitive land for enrollment in conservation easement programs adjacent to public waters, such as CRP, RIM, GRE, GRP, and WRP. Provide assistance to landowners for the management and enhancement of existing easements. Establish 2,000 acres within 100 easements by 2018.

- BMP Program\*. Provide educational, technical, and financial assistance, as available, to landowners for the restoration of shoreland. For example, stream bank stabilization structures: (5) two specific locations are Fort Ridgely Creek along the Mayflower Golf Course and on Hawk Creek located in Section 16 of Hawk Creek Township; bank stabilization and vegetation plantings: (5) examples include lakescaping, biological structures, and plantings on Lake Allie and Preston Lake; buffers (300 acres); and grazing exclusion fencing (2). \*(Approximately 5 per year).

***Objective C Estimated Average Annual Overall Costs = \$453,000; Local Costs = \$8,000***

***Objective D: Provide programs and regulations to protect surface water resources from livestock and manure contamination.***

- Feedlot Program. Two staff members will locally administer the County Feedlot Program to assist feedlot operators in obtaining and maintaining compliance with State and County regulations. Approximately 70 sites, or 20% of the County's feedlots, will be inspected annually.
- Noncompliant Feedlots. Provide educational, technical, and financial assistance, as available, to livestock producers to upgrade noncompliant feedlots. Work with approximately 5 noncompliant livestock producers each year.
- Manure and Nutrient Management Plans. Provide educational and technical assistance, as available, to agricultural and livestock producers on proper manure and nutrient management (Complete approximately 10 plans per year).
- BMP Program\*. Provide educational, technical, and financial assistance, as available, to livestock producers for the implementation of water quality-related BMPs that will reduce impacts from feedlots and manure management issues. For example, point source pollutants can be addressed on noncompliant feedlots by installing agricultural waste storage facility (2), bark beds (3), filter strips, roof structures (2), and animal mortality facilities (3). Non-point source pollutants could be addressed through exclusion fencing (3 systems) and by installing animal watering facilities (2) outside of natural water courses. \*(Approximately 3 projects/sites per year).

***Objective D Estimated Average Annual Overall Costs = \$385,000; Local Costs = \$72,000***

***Objective E: Ensure the proper handling and disposal of hazardous materials, solid waste, and other problem materials and environmental contaminants.***

- Solid Waste Management. Continue Renville County's Solid Waste programs. Educate residents and provide disposal options to discourage the illegal burning and burying of solid waste (Provide 2 educational events/projects per year). Investigate and remediate illegal dumping activities.
- Household Hazardous Waste. Continue to provide on-going opportunities for the proper disposal of hazardous waste through the utilization of the Renville County Household Hazardous Waste Facility and other regional collection facilities. Continue educational efforts to promote the proper use and disposal of household hazardous waste (i.e. school visits, newsletters, brochures, and events). Provide approximately 5 events/projects per year.
- VSQG Business Waste. Educate businesses on the Very Small Quantity Generators (VSQG) program for the proper disposal of hazardous waste (Assist 2 businesses/year).
- Business Waste. Provide information, as requested, to industries and businesses as to where they can obtain technical assistance for proper disposal and reduction of waste.
- Waste Pesticide. Continue to participate in the MDA's annual waste pesticide collection program.
- Pesticide Container Collection. Continue to provide an empty pesticide container collection program (Organize 1 collection event each year).
- Problem Material Collection. Continue to provide collection opportunities for residents and businesses to properly dispose of problem materials, such as pharmaceuticals/prescription drugs, electronics, tires, appliances, fluorescent bulbs, and rechargeable batteries (Organize 1 collection event each year and provide on-going collection opportunities at the Renville County Landfill & HHW Facility).
- Recycling. Increase recycling rates by continuing to explore alternative waste disposal practices and through cooperative efforts with townships, cities, and surrounding counties. Annually educate residents, students, and businesses on waste reduction, recycling, and composting through school visits, newsletters, brochures, events, etc.

***Objective E Estimated Average Annual Overall Costs = \$219,000; Local Costs = \$196,500***

## **GOAL 2: REDUCE EROSION AND SEDIMENT LOADINGS TO SURFACE WATERS RESOURCES**

***Objective F: Prioritize and implement BMPs to reduce erosion and sediment loading to surface water resources.***

- BMP Program.\* Provide educational, technical, and financial assistance, as available, to landowners and communities for the implementation of water quality-related BMPs, such as conservation tillage (5 sites), vegetative buffer strips (50 sites), sediment basins (5), grade stabilization structures (2), bank stabilization structures (3), shore land restoration (3), and rock intakes (10). \*(Approximately 16 projects/sites per year).
- Conservation Easement Programs. Target marginal and sensitive land for enrollment in conservation easement programs, such as CRP, RIM, GRE, GRP, and WRP (Establish approximately 100 easements totaling 2,000 acres will be completed by 2018). Provide assistance to landowners for the management and enhancement of existing easements.
- BMP Forage Programs. Provide educational, technical, and financial assistance, as available, to landowners for the conversion of marginal row crop agricultural land to forage production pasture and hay land (Establish 3 easements totaling 200 acres will be completed by 2018). Promote retaining land currently in forage production from being converted to agricultural row crop production. Assist with implementing state or federal grazing plan on private lands.
- BMP Funding. Annually seek additional funding in the form of state cost-share, Federal EQIP, and Clean Water Funds for the implementation of priority BMPs.

***Objective F Estimated Average Annual Overall Costs = \$2,320,000; Local Costs = \$75,000***

## **GOAL 3: PROTECT AND IMPROVE SURFACE WATER MANAGEMENT**

***Objective G: Encourage efforts to maintain the public drainage system while improving water quality and managing water quantity.***

- Public Drainage Systems. Renville County will ensure that public drainage systems are maintained in accordance with Minnesota Statutes Chapter 103E.
- Redetermination of Benefits. Support the redetermination of benefits on drainage systems as needed or requested.

- Public Drainage Systems BMPs. Cooperatively work with the Drainage Authority to incorporate water quality/quantity-related BMPs into the operation of public drainage systems.
- Drainage BMP Program.\* Provide technical and financial assistance, as available, to landowners for the installation of alternative drainage practices. Examples include: rock intakes (10), intake risers (3), controlled drainage (2 sites), bark beds (2), bio retention ponds (2), saturated buffer projects (5), and moist soil management (2). \*(Approximately 5 projects/sites per year).
- Controlled Drainage Inventory. Inventory potential sites for controlled drainage projects in underperforming stretches of the public tile systems. (Project will be initiated between 2015-2018).
- Educational Programs. Coordinate annual educational activities, such as newsletters and Field Day's, to promote the benefits of BMPs.
- Drainage Systems/Wetland Restorations. Work with the County Drainage Authority on abandoning or relocating public drainage systems in conjunction with wetland restorations. Target priority wetland restoration and saturated buffer projects for future funding. (Establish 3 locations beginning in 2014 and complete by 2018).
- Comprehensive Drainage Management Plan. Pursue the development of a comprehensive drainage management plan for public drainage systems and inventory sites for potential controlled drainage implementation. (Complete by 2018).
- Drainage Studies. Conduct, support, and utilize studies that address impacts of drainage on water quantity and quality, such as studying the water quality benefits of wetlands on Limbo Creek. (Beginning in 2014 and completed by 2018).

*Objective G Estimated Average Annual Overall Costs = \$225,500; Local Costs = \$37,500*

*Objective H: Manage surface waters to minimize storm water pollution and runoff.*

- Stormwater Storage. Work with municipalities to utilize storage basins and holding ponds for runoff retention and water quality treatment.
- NPDES Stormwater Permit Requirements. Provide educational assistance to landowners and contractors on NPDES stormwater permit requirements for construction activity. (Work with approximately 1 landowner/contractor each year).

- Stormwater Education. Provide educational opportunities, technical assistance, and financial assistance, as available, to create awareness of the effect of stormwater on water quality (i.e. storm drain decals, lawn care/fertilizer management. (Provide approximately 3 events/projects per year).
- BMP Program.\* Provide educational, technical, and financial assistance, as available, for the implementation of water quality-related BMPs that will increase the infiltration of storm water. Example BMPs include rain barrels (50), rain gardens (5), retention basins (3), and pervious surface (2 sites). \*(Approximately 12 projects/sites per year to be completed by 2018).

*Objective H Estimated Average Annual Overall Costs = \$97,000; Local Costs = \$8,800*

***Objective I: Protect floodplain areas from encroachment and minimize flood damage through land use controls.***

- Floodplain Regulations. Enforce State approved floodplain zoning regulation.
- Floodplain BMPs. Encourage the enrollment of flood prone areas into land retirement programs (Establish 2 easements totaling 300 acres, beginning in 2014 and completed by 2018).

*Objective I Estimated Average Annual Overall Costs = \$600,000; Local Costs = \$6,000*

***Objective J: Preserve and restore wetlands and shallow lakes, and promote other water retention opportunities.***

- WCA Administration. One SWCD employee will continue to administer the Minnesota Wetland Conservation Act (WCA). One Renville County staff member will continue to serve on the Technical Evaluation Panel (TEP). Renville County shall continue to be identified as a high priority area for administration of the WCA.
- Preservation and Restoration Programs. Provide educational, technical, and financial assistance to landowners to preserve and restore wetlands and grassland complexes. (Establish 500 acres to be completed by 2018).

- Wetland Easements. Pursue grants or easement opportunities to assist landowners in protecting remnant mesic wetlands not protected under State and Federal laws. (Establish 200 acres to be completed by 2018).
- WCA BMP Program.\* Promote the preservation and restoration of upland storage areas (wetlands [5 sites], water and sediment basins [5 sites], and other BMPs which will slow surface runoff, reduce peak flows, stabilize stream hydrographs, prevent stream bank erosion, and reduce downstream flooding. \*(Approximately 2 projects/sites per year to be completed by 2018).
- Education. Annually implement educational efforts to encourage opportunities to reduce the effects of accelerated runoff from urban, industrial and agricultural areas.
- Priority Sites. Inventory potential for priority wetland restoration sites using ARC GIS LiDAR, hydric soils layers, GIS Data layers, and other tools available. (Beginning in 2014 and completed by 2018).
- Manage Water Levels in Shallow Lakes. Pursue grants to install water control structures to manage the level of water within shallow lakes to improve nutrient filtration by increasing aquatic vegetation and invertebrates populations within these waterbodies and improve waterfowl habitat. Priority lakes in Renville County are Mud Lake, Hodgson Lake, Phare Lake, Long Lake, and Boon Lake that outlet into the County drainage systems. (Beginning in 2014 and completed by 2018).

*Objective J Estimated Average Annual Overall Costs = \$1,523,000; Local Costs = \$62,000*

#### ***GOAL 4: ENSURE A SAFE AND ADEQUATE SUPPLY OF GROUNDWATER***

***Objective K: Protect groundwater and drinking water sources from contamination.***

- Wellhead Protection. Assist the MDH and the ten municipalities within Renville County with the preparation and implementation of wellhead protection plans for public water suppliers.
- Groundwater Monitoring. Continue to use groundwater monitoring data to support land use decisions and to prioritize educational efforts. Utilize data from the approximately 5 established sites.

- **BMP Program.** Provide educational, technical and financial assistance, as available, to communities and landowners for the implementation of groundwater protection BMPs, including promoting livestock manure management plans (10 plans), SSTS upgrades (100 systems), abandoned well sealings (50 well sealings), proper decommissioning of storage tanks, wellhead protection conservation easements (2 easements totaling 300 acres), CRP contracts (2 contracts totaling 300 acres), and the proper application and disposal of pesticides and other chemicals. Projects will be completed by 2018.
- **Abandoned Wells.** Continue to provide information to the public on how to identify, locate and properly seal abandoned wells. Provide cost-share assistance, as available, to seal approximately 10 abandoned wells each year. Develop a Countywide inventory of abandoned wells (To be initiated by 2015 and completed by 2018).

*Objective K Estimated Average Annual Overall Costs = \$144,000; Local Costs = \$36,500*

***Objective L: Ensure adequate groundwater supplies for multiple uses.***

- **Precipitation Monitoring.** Continue the volunteer rain gauge monitoring program, which provides monitoring reports to the state Climatology Office. Increase the number of volunteer rain gauge readers from 9 townships to 27 townships.
- **Groundwater Monitoring.** Cooperatively work with partners to continue and expand groundwater permitting and monitoring efforts.
- **Groundwater BMPs.** Promote groundwater conservation BMPs such as bio-retention basins (5), rain barrels (50), and rain gardens (5) in urban areas including cities and lakeshore areas. In rural areas, BMPs would include conservation irrigation (1), wetland restorations (5), controlled drainage (2), and saturated buffers (5 sites including the Minnesota River and tributaries focusing on RIM easements). Approximately 14 projects/sites will be completed each year.
- **Education.** Annually provide groundwater protection and water conservation-related educational materials to industry, homeowners, and schools through newsletters, mailings, website resources, and presentations.
- **Hydrogeologic Atlas.** Complete, educate, and utilize the Renville County hydrogeologic atlas to evaluate the impact of land use activities on ground water supplies (Complete by

2014). Provide at least 2 educational training by 2014 on the use of the hydrogeologic atlas.

*Objective L Estimated Average Annual Overall Costs = \$376,000; Local Costs = \$21,750*

***GOAL 5: PROTECT AND IMPROVE BIODIVERSITY AND RECREATIONAL OPPORTUNITIES***

*Objective M: Manage natural resources to increase biodiversity and recreational opportunities.*

- Preservation and Restoration of Wildlife Habitat. Utilize conservation easements and other tools to preserve and restore wildlife habitat. (Establish 100 easements totaling 2,000 acres by 2018).
- Prescribed Burning. Annually provide educational and technical assistance to landowners on the use of prescribed burning as a tool to manage invasive species.
- Land Use Regulations. Cooperatively work with the DNR and other stakeholders annually to develop land use regulations that are receptive to protecting rare, threatened, and endangered features and species. Utilize the DNR County Biological Survey to protect rare, threatened, endangered and special concern species during land use decision making.
- Rare and Declining Habitat. Pursue grants to protect granite rock outcrop, remnant mesic native prairie, remnant dry hillside prairie, and wetlands under easement on private lands or public acquisition targeting the Minnesota River habitat corridor.
- Natural Habitat Corridors. Pursue grants to protect existing habitat and to expand natural corridors through easements on private lands or public acquisition, targeting the Minnesota River corridor and non-channelized reaches of its tributaries. Support Federal, State, and local agencies efforts to increase and improve fish and wildlife habitat areas. Encourage converting remaining agricultural land under Renville County ownership to natural habitat.
- Habitat BMP Program.\* Promote the planting of buffer strips (50 sites), windbreaks (2), living snow fences (3), native grasses (10 sites) and food plots (10 plots) to

increase wildlife habitat, while improving water quality. \*(Approximately 15 projects/sites per year).

- **Maintain and Protect Natural Waterways.** Maintain and protect high quality reaches of natural waterways, such as Limbo Creek. Support the study of the biological condition on these reaches and pursue grants to protect through permanent easements (5 easements), if possible, on private lands or public acquisition. (Initiate by 2014 and complete by 2018).
- **Aquatic Invasive Species Management.** Annually educate the public and provide technical assistance, as available, on prevention methods to protect Renville County water bodies from the spread of invasive species. For example, water craft inspections, pressure washing boats with hot water, and proper disposal of bait and live well water.
- **Aquatic Invasive Species Management BMP.** Provide educational, technical and financial assistance, as available, to identify breaches, install fish barriers at breaches to prevent spread of Asian Carp in the Minnesota River and tributaries. (Initiate if a reach is discovered and complete by 2018).
- **Management of Native Ecosystems.** Pursue grants to protect native ecosystems through woody invasive species control (5 sites) and utilizing managed haying and grazing to improve habitat quality and plant communities on remnant prairie and conservation easements targeting the Minnesota River and its tributaries. (Initiate by 2016 and complete by 2018).
- **Minnesota Scenic River.** Protect the Minnesota River shoreland through land use and shoreland regulations, to prevent development that would degrade the River's natural scenic and recreational opportunities.
- **Recreational Opportunities.** Promote, maintain, and enhance environmentally appropriate recreational opportunities throughout Renville County, such as the Renville County Park System, public water access (including canoe and fishing), and trails. (Initiate grants and projects by 2015).

- Water-based Recreational Opportunities. 1) Identify locations that have the potential for providing additional water-based recreation, prioritizing locations on scenic reaches of lakes and rivers. 2) Pursue grants and assistance for funding water-related recreation. 3) Support a cooperative effort between the State, County, SWCD, cities and local citizens to promote water-based recreation in the County. (Initiate by 2014 and complete by 2018).

*Objective M Estimated Average Annual Overall Costs = \$2,731,000; Local Costs = \$117,700*

*Objective N: Provide and participate in educational and outreach opportunities to engage citizens and stakeholders in the implementation of the Water Plan (i.e. civic engagement).*

- Public Meetings. Annually hold public meetings, as necessary, to keep the public informed of current water resource-related issues.
- Outreach and Education. Disseminate information to the public regarding water resource management activities and issues through newsletters (2 annually), brochures, websites, and media sources (on-going activities). Provide, as available, water quality-related educational materials to industry, homeowners, civic organizations, and schools.
- Educational Events and Workshops. Sponsor and facilitate educational events and workshops with partnering agencies. Complete 2-4 educational events, tours, or workshops annually.
- Funding Sources. Provide information to landowners, communities, and private interest groups regarding funding sources available for water resource management activities and projects.
- Partner Meetings. Hold and/or attend meetings with partners to discuss water resource management issues and potential partnership opportunities.

*Objective N Estimated Average Annual Overall Costs = \$57,500; Local Costs = \$30,300*

**Objective O: Continue local administration and coordination of water resource programs for the effective implementation of the Water Plan.**

- Water Management Coordinator. Maintain the Renville County Water Management Coordinator position and explore opportunities to expand the position to full time.
- Technical Coordinator. Continue utilizing the Soil and Water Conservation District (SWCD) to provide technical assistance to Renville County for Water Plan Implementation activities.
- Water Planning Taskforce Meetings. Hold quarterly Water Planning Taskforce meetings to discuss issues and review funding requests. Annually review progress in achieving Water Plan initiatives and identify emerging issues that should be incorporated into the Water Plan through the amendment process.
- Funding Sources. Actively pursue additional funding sources and grants to fund the implementation of Water Plan initiatives. Seek partnerships and cooperative agreements to finance initiatives, when appropriate.
- Grant Reporting. Annually report and manage grant funds once obtained from funding sources.
- Water Plan Revision. Review emerging issues that should be incorporated into the Water Plan through the amendment process and coordinate revisions to the Water Plan prior to its expiration.
- Joint Powers Board Membership. Support current and future membership in Joint Powers Boards. Attend meetings, as scheduled.
- GIS Datasets. Invest in the acquisition, development, and maintenance of GIS datasets, including LiDAR, digital soil survey, land use layers, US FWS restorable wetland inventory layers, USFWS nation wetland inventory, GIS generated storm maps, local inventory layers, and DNR data deli layers. Utilize these datasets to make informed decisions to prioritize implementation of conservation practices, land use planning, and water resource management.
- Consistency with the Water Plan. Work with local agencies, organizations, communities, and County departments to coordinate the consistency of plans, such as

the Comprehensive Land Use Plan, Solid Waste Plan, and Wellhead Protection Plans, with the goals and objectives of the Water Plan.

- Water Plan Revision. Review emerging issues that should be incorporated into the Water Plan through the amendment process and coordinate revisions to the Water Plan prior to its expiration. The Water Plan will need to be amended by 2018.

*Objective O Estimated Average Annual Overall Costs = \$233,000; Local Costs = \$118,000*

*\*Approximate Total Estimated Overall Annual Costs = \$10,351,000*

*\*Approximate Total Estimated Local Annual Costs = \$905,550*

These estimated expenses are separated into Overall Costs and Local Costs. The Local costs include funds spent and activities performed by Renville County and the Renville County SWCD.

*\*Note:* Please refer to Chapters Three and Four for a more detailed description of the estimated Overall Costs and the estimated total Local Costs to Renville County and the Renville County SWCD. Expenses represent the numerous stakeholders involved and a collaboration of their corresponding activities and budgets.

**COMMITTEE RECOMMENDATIONS**  
***Grants Program & Policy Committee***

1. FY'14 Natural Resources Block Grant Allocations – Wayne Zellmer – ***DECISION ITEM***
2. FY'14 SWCD Program & Operations Grant Allocations – Wayne Zellmer –  
***DECISION ITEM***
3. Farm Bill Assistance Program Authorization – Dave Weirens – ***DECISION ITEM***



# Conflict of Interest Disclosure Form for Board Members

Grant Program: Natural Resources Block Grant Allocations

Name of Review Group: Grants Program & Policy Committee

Before any review of grant applications, the chair of the meeting shall make this statement about conflict of interest:

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

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making, and to disclose any conflicts of interest accordingly. All grant reviewers *must* complete and sign a conflict of interest disclosure form. On the form, the grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, although they do not need to provide the reason for the conflict on the disclosure form.

**A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definitions of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this grant program.

Conflicts of interest may be actual, potential, or perceived:

#### ACTUAL CONFLICT OF INTEREST:

An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

#### POTENTIAL CONFLICT OF INTEREST:

A potential conflict of interest may exist if a grant reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests.

#### PERCEIVED CONFLICT OF INTEREST:

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

At a minimum, all internal parties who are involved in the grant review or grant management process must be made aware that an actual, potential, or perceived conflict has been disclosed and evaluated, even if it is not serious enough to remove or reassign the employee or grant reviewer. After reviewers have signed the conflict of interest form, therefore, the conflicts--if any--that have been disclosed shall be announced to the reviewing body as a whole. Disclosed conflicts and their resolution will also be noted in the meeting minutes, and the forms will be kept as documentation of the grant review.

As a grant reviewer, I certify that I have read and understand the descriptions of conflict of interest explained above and in OGM Policy 08-01. Check either box 1a or 1b **and** either box 2a or 2b.

- 1a. I have reviewed the list of applicants, and I do not have any conflicts of interest relating to this program's grant applicants or proposed projects.
- 1b. I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. (Note: If you disclose a conflict, you must identify the applicant on this form, but a description is discretionary. Under Minnesota Statute 13.599, this form is considered public data.)

| Applicant | Type of Conflict (ACTUAL, POTENTIAL, or PERCEIVED) | Description of Conflict (optional) |
|-----------|--|------------------------------------|
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |

- 2a. After reviewing this form and OGM Policy 08-01, I CHOOSE to participate in this review process.
- 2b. After reviewing this form and OGM Policy 08-01, I CHOOSE NOT to participate in this review process. I will avoid discussing the applicant and/or applications from organizations with which I have disclosed a conflict of interest with other reviewers.

Reviewer's printed name: \_\_\_\_\_

Reviewer's signature: \_\_\_\_\_

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

Reviewer's Organization/Agency: \_\_\_\_\_

Revised, 5/13



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Fy '14 Natural Resources Block Grant

Meeting Date: June 26, 2013

Agenda Category:  Committee Recommendation  New Business  Old Business

Item Type:  Decision  Discussion  Information

Section/Region: Land & Water

Contact: Wayne Zellmer

Prepared by: Wayne Zellmer

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Wayne Zellmer

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:  Resolution  Order  Map  Other Supporting Information

Fiscal/Policy Impact

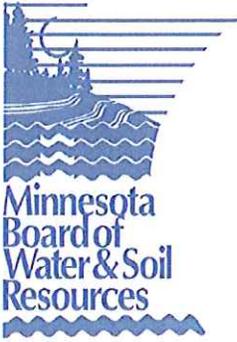
- None
- Amended Policy Requested
- New Policy Requested
- Other: \_\_\_\_\_
- General Fund Budget
- Capital Budget
- Outdoor Heritage Fund Budget
- Clean Water Fund Budget

ACTION REQUESTED

Approval of proposed '14 NRBG allocations

LINKS TO ADDITIONAL INFORMATION

**SUMMARY** (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)  
The 2013 Legislature has appropriated funding for the FY '14 Natural Resources Block Grant (NRBG) to provide assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, DNR Shoreland Management, MPCA County Feedlot, and MPCA Subsurface Sewage Treatment Systems. The Grants Program & Policy Committee review the staff proposal on May 22, 2013 and forwards this recommendation.



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

**FY '14 Natural Resources Block Grant Authorization**

**WHEREAS**, the Natural Resources Block Grant (NRBG), administered by the Board of Water and Soil Resources (BWSR), provides assistance to local governments to implement the state natural resource programs of Comprehensive Local Water Management, the Wetland Conservation Act, the DNR Shoreland Management, the MPCA County Feedlot, and the MPCA Subsurface Sewage Treatment Systems; and,

**WHEREAS**, the Laws of Minnesota for 2013 in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated, (LWM, WCA, DNR Shoreland), Section 3, Subd. 2 (MPCA-SSTS, MPCA-Feedlot), and Chapter 137—H.F. No. 1183, Article 2, Section 5, (j),(MPCA-SSTS) appropriated FY '14 Natural Resources Block Grant funds to BWSR and MPCA; and,

**WHEREAS**, the Grants Program & Policy Committee reviewed the proposed NRBG allocations on May 22, 2013.

**NOW THEREFORE BE IT RESOLVED**, the BWSR hereby authorizes staff to allocate appropriate individual grant amounts to counties meeting the NRBG Program requirements, as determined by the BWSR, MPCA, and DNR, and indicated on the attached spreadsheet *PROPOSED FY'14 NATURAL RESOURCES BLOCK GRANTS*; totaling:

|                   |                              |
|-------------------|------------------------------|
| LWM               | \$1,139,152                  |
| WCA               | \$1,906,485                  |
| DNR Shoreland     | \$377,369                    |
| MPCA Feedlot Base | \$(to be determined by MPCA) |
| MPCA SSTS         | \$1,599,600                  |

**AND**, for Local Water Management, Wetland Conservation Act, and DNR Shoreland Programs, Local Governmental Units will have the flexibility of determining the amount of the total of these three BWSR Programs, to allocate to each of their programs locally.

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

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

Attachment: *PROPOSED FY'14 NATURAL RESOURCES BLOCK GRANTS*

# PROPOSED FY 2014 NATURAL RESOURCES BLOCK GRANT

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The Natural Resources Block Grant (NRBG) provides assistance to local governments to implement state natural resource programs. These programs are: Comprehensive Local Water Management, the Wetland Conservation Act, DNR Shoreland Management, MPCA County Feedlot, and MPCA Subsurface Sewage Treatment Systems.

The NRBG is a composite base grant generally formulated to reflect need/activity of these programs in all counties. This grant is not competitive and all counties are eligible for any or all of the five grant program components.

## FUNDING

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

\$3,423,000 the first year and \$3,423,000 the second year are for natural resources block grants to local governments.

**\$3.423 M (General Fund)**

- |                             |           |
|-----------------------------|-----------|
| 1. Local Water Management   | \$1.139 M |
| 2. Wetland Conservation Act | \$1.906 M |
| 3. DNR Shoreland            | \$.377 M  |

Local Governmental Units will have the flexibility of determining the amount of the total of these three Programs, to allocate to each of their programs locally. The basis for determining match will not change.

### 4. MPCA County Feedlot Program

*Funding for this Program is appropriated directly to the MPCA and then transferred to BWSR. Allocations for this Program are determined by MPCA and have not yet been finalized.*

### 5. MPCA Subsurface Sewage Treatment Systems (SSTS)

*(Funding for this Program is appropriated directly to the MPCA and then transferred to BWSR.)*

**\$1.600 M**

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Section 3, Subd. 2, appropriated:

\$129,000 each year is for assistance to counties through grants for SSTS program administration.

\$.129 M (Environmental Fund)

The 2013 Legislature in Chapter 137—H.F. No. 1183, Article 2, Section 5, (j), appropriated:

\$3,250,000 the first year and \$3,650,000 the second year are for enhancing the

county-level delivery systems for subsurface sewage treatment systems (SSTS) activities necessary to implement Minnesota Statutes, sections 115.55 and 115.56, for protection of groundwater, including base grants for all counties with SSTS programs

\$1.471 M (Clean Water Fund)

## SELECTED PROGRAM HIGHLIGHTS

### *1. Local Water Management - \$1,139,152*

This component is for implementing comprehensive local water plans. For FY '14, the Board is requiring a local levy match or cash equivalent that will generate \$1.5 M on a statewide basis. This individual county amount is determined from a county's equalized taxable net tax capacity, as determined by the Dept. of Revenue. Counties must have a BWSR approved locally adopted comprehensive local water plan.

### *2. Wetland Conservation Act - \$1,906,485*

This component is for the local administration of the WCA. A local 1:1 match is required. The grant amount is formula derived from a base amount of county WCA activity. This formula was approved by BWSR at their April 2003 Meeting. The formula includes the following factors:

- Number of landowner contacts resulting in mitigation or replacement
- Number of cease and desist orders & restoration orders issued
- Change in population
- Amount of wetlands on non-public lands
- Amount of poorly drained soils on non-public lands
- Amount of shoreland on non-public lands

Of this amount, SWCDs are entitled to receive at least 15% or \$5,000, whichever is greater, for performing mandated WCA activities.

### *3. DNR Shoreland - \$377,369*

This component is for the administration of state approved Shoreland management programs. It is administered at the state level by the DNR. A local 1:1 match is required. The grant amount is derived from a base estimated amount of county Shoreland activity based on:

- Shoreline miles of lakes and rivers
- Amount of private lands
- Population

#### ***4. MPCA County Feedlot Program –***

This component is for county administration of the MPCA Feedlot Program. All counties that have received delegation from MPCA to administer this Program are eligible to apply. A local .7:1 match is required. Grant amounts are based on the grant formula that includes the following highlights:

- Grants are based on the number of feedlots with 10 or more animal units (AU) in shoreland areas or 50 or more AUs in non-shoreland areas, and that are currently registered.
- The base grant funding rate for FY 2014 is approximately \$XX.XX/feedlot.
- Registration Update Data, as recorded on eLINK, has been used as the number of feedlots eligible for funding.
- In addition to the projected grant amounts shown, counties will be eligible to earn an incentive award. The incentive is based on the amount of work performed by the county during the program year. A minimum of ten percent of the legislative appropriation is reserved for performance credit awards. These awards are based on County Feedlot Program Performance, represented as Performance Credits. Performance Credits are determined from the County Feedlot Officer and Performance Credit Report.

#### ***5. MPCA County Subsurface Sewage Treatment Systems Program – \$1,599,600***

All counties are required to pass ordinances regulating SSTS countywide. All counties that have enacted countywide ordinances and have a BWSR approved locally adopted comprehensive local water plan are eligible to receive this grant. No local match is required. Grant amount of \$18,600 is determined by equal county allocations.

### **RECOMMENDATION**

The Grants Program & Policy Committee recommends approval of the Proposed FY '14 Natural Resources Block Grant allocations as listed on the attached spreadsheet *PROPOSED FY '14 NATURAL RESOURCES BLOCK GRANTS*.

NOTE: Individual county allocation amounts for MPCA's County Feedlot Program will be provided to the Board as an informational item when finalized.

# PROPOSED FY'14 NATURAL RESOURCES BLOCK GRANTS

| COUNTY            | \$1.139 M             | \$1.906 M            | \$ .377 M                  | \$1.600 M             | \$X.XXX M                  |
|-------------------|-----------------------|----------------------|----------------------------|-----------------------|----------------------------|
|                   | \$3.422 M             |                      |                            |                       |                            |
|                   | CLWM<br>BASE<br>GRANT | WCA<br>BASE<br>GRANT | SHORELAND<br>BASE<br>GRANT | SSTS<br>BASE<br>GRANT | **FEEDLOT<br>BASE<br>GRANT |
| AITKIN            | \$13,888              | \$33,241             | \$10,786                   | \$18,600              | TBD                        |
| ANOKA             | \$8,094               | \$63,192             | \$2,615                    | \$18,600              | TBD                        |
| BECKER            | \$13,071              | \$24,238             | \$10,739                   | \$18,600              | TBD                        |
| BELTRAMI          | \$13,688              | \$64,601             | \$5,505                    | \$18,600              | TBD                        |
| BENTON            | \$13,271              | \$31,599             | \$3,286                    | \$18,600              | TBD                        |
| BIG STONE         | \$15,711              | \$8,778              | \$2,690                    | \$18,600              | TBD                        |
| BLUE EARTH        | \$10,023              | \$18,178             | \$3,243                    | \$18,600              | TBD                        |
| BROWN             | \$13,633              | \$8,778              | \$2,675                    | \$18,600              | TBD                        |
| CARLTON           | \$13,349              | \$22,507             | \$3,927                    | \$18,600              | TBD                        |
| CARVER            | \$8,094               | \$31,599             | \$2,615                    | \$18,600              | TBD                        |
| CASS              | \$10,502              | \$44,766             | \$10,699                   | \$18,600              | TBD                        |
| CHIPPEWA          | \$14,881              | \$8,778              | \$2,625                    | \$18,600              | TBD                        |
| CHISAGO           | \$11,243              | \$27,700             | \$4,943                    | \$18,600              | TBD                        |
| CLAY              | \$12,673              | \$16,447             | \$2,944                    | \$18,600              | TBD                        |
| CLEARWATER        | \$15,256              | \$19,909             | \$3,163                    | \$18,600              | TBD                        |
| COOK              | \$14,832              | \$12,985             | \$4,196                    | \$18,600              | TBD                        |
| COTTONWOOD        | \$14,844              | \$8,778              | \$2,772                    | \$18,600              | TBD                        |
| CROW WING         | \$8,094               | \$38,088             | \$19,128                   | \$18,600              | TBD                        |
| DAKOTA            | \$8,094               | \$52,804             | \$2,615                    | \$18,600              | TBD                        |
| DODGE             | \$14,484              | \$16,444             | \$2,675                    | \$18,600              | TBD                        |
| DOUGLAS           | \$12,077              | \$21,641             | \$8,544                    | \$18,600              | TBD                        |
| FARIBAULT         | \$14,550              | \$8,778              | \$2,735                    | \$18,600              | TBD                        |
| FILLMORE          | \$14,278              | \$8,778              | \$2,692                    | \$18,600              | TBD                        |
| FREEBORN          | \$13,120              | \$8,778              | \$3,139                    | \$18,600              | TBD                        |
| GOODHUE           | \$9,433               | \$16,447             | \$2,772                    | \$18,600              | TBD                        |
| GRANT             | \$15,503              | \$13,850             | \$3,056                    | \$18,600              | TBD                        |
| HENNEPIN          | \$8,094               | \$57,133             | \$0                        | \$18,600              | TBD                        |
| HOUSTON           | \$14,699              | \$12,985             | \$2,725                    | \$18,600              | TBD                        |
| HUBBARD           | \$13,245              | \$25,103             | \$8,434                    | \$18,600              | TBD                        |
| ISANTI            | \$13,251              | \$25,103             | \$4,004                    | \$18,600              | TBD                        |
| ITASCA            | \$10,447              | \$44,148             | \$10,107                   | \$18,600              | TBD                        |
| JACKSON           | \$14,717              | \$8,778              | \$3,011                    | \$18,600              | TBD                        |
| KANABEC           | \$15,071              | \$25,103             | \$4,090                    | \$18,600              | TBD                        |
| KANDIYOHI         | \$12,023              | \$21,641             | \$6,753                    | \$18,600              | TBD                        |
| KITTSON           | \$15,279              | \$16,447             | \$2,647                    | \$18,600              | TBD                        |
| KOOCHICHING       | \$15,025              | \$28,913             | \$2,722                    | \$18,600              | TBD                        |
| LAC QUI PARLE     | \$15,453              | \$8,778              | \$2,629                    | \$18,600              | TBD                        |
| LAKE              | \$14,736              | \$16,447             | \$4,614                    | \$18,600              | TBD                        |
| LAKE OF THE WOODS | \$15,809              | \$33,760             | \$3,492                    | \$18,600              | TBD                        |
| LE SUEUR          | \$13,501              | \$16,447             | \$4,918                    | \$18,600              | TBD                        |
| LINCOLN           | \$15,488              | \$8,778              | \$2,768                    | \$18,600              | TBD                        |
| LYON              | \$13,689              | \$8,778              | \$2,738                    | \$18,600              | TBD                        |
| MCLEOD            | \$12,642              | \$16,447             | \$2,988                    | \$18,600              | TBD                        |
| MAHNOMEN          | \$15,838              | \$12,985             | \$3,360                    | \$18,600              | TBD                        |
| MARSHALL          | \$14,993              | \$20,308             | \$2,615                    | \$18,600              | TBD                        |
| MARTIN            | \$13,697              | \$8,778              | \$3,024                    | \$18,600              | TBD                        |
| MEEKER            | \$13,990              | \$19,044             | \$4,735                    | \$18,600              | TBD                        |
| MILLE LACS        | \$14,361              | \$22,507             | \$4,808                    | \$18,600              | TBD                        |

## PROPOSED FY'14 NATURAL RESOURCES BLOCK GRANTS

| COUNTY          | \$1.139 M             | \$1.906 M            | \$ .377 M                  | \$1.600 M             | \$X.XXX M                  |
|-----------------|-----------------------|----------------------|----------------------------|-----------------------|----------------------------|
|                 | \$3.422 M             |                      |                            |                       |                            |
|                 | CLWM<br>BASE<br>GRANT | WCA<br>BASE<br>GRANT | SHORELAND<br>BASE<br>GRANT | SSTS<br>BASE<br>GRANT | **FEEDLOT<br>BASE<br>GRANT |
| MORRISON        | \$13,609              | \$30,298             | \$3,945                    | \$18,600              | TBD                        |
| MOWER           | \$13,047              | \$12,985             | \$3,264                    | \$18,600              | TBD                        |
| MURRAY          | \$15,050              | \$8,778              | \$3,221                    | \$18,600              | TBD                        |
| NICOLLET        | \$13,156              | \$16,447             | \$2,682                    | \$18,600              | TBD                        |
| NOBLES          | \$14,402              | \$8,778              | \$2,661                    | \$18,600              | TBD                        |
| NORMAN          | \$15,541              | \$12,985             | \$2,624                    | \$18,600              | TBD                        |
| OLMSTED         | \$8,094               | \$25,103             | \$3,149                    | \$18,600              | TBD                        |
| OTTER TAIL      | \$9,824               | \$59,729             | \$17,747                   | \$18,600              | TBD                        |
| PENNINGTON      | \$15,341              | \$16,447             | \$2,833                    | \$18,600              | TBD                        |
| PINE            | \$13,855              | \$34,626             | \$5,899                    | \$18,600              | TBD                        |
| PIPESTONE       | \$15,247              | \$8,778              | \$2,615                    | \$18,600              | TBD                        |
| POLK            | \$13,468              | \$21,641             | \$3,457                    | \$18,600              | TBD                        |
| POPE            | \$15,095              | \$15,581             | \$4,250                    | \$18,600              | TBD                        |
| RAMSEY          | \$8,094               | \$16,677             | \$0                        | \$0                   | TBD                        |
| RED LAKE        | \$15,857              | \$12,985             | \$2,873                    | \$18,600              | TBD                        |
| REDWOOD         | \$14,472              | \$10,387             | \$2,615                    | \$18,600              | TBD                        |
| RENVILLE        | \$14,047              | \$8,778              | \$2,662                    | \$18,600              | TBD                        |
| RICE            | \$10,457              | \$24,238             | \$4,189                    | \$18,600              | TBD                        |
| ROCK            | \$15,175              | \$8,778              | \$2,615                    | \$18,600              | TBD                        |
| ROSEAU          | \$15,131              | \$24,238             | \$2,697                    | \$18,600              | TBD                        |
| ST. LOUIS       | \$8,094               | \$75,657             | \$19,936                   | \$18,600              | TBD                        |
| SCOTT           | \$8,094               | \$41,551             | \$2,615                    | \$18,600              | TBD                        |
| SHERBURNE       | \$8,094               | \$31,599             | \$4,872                    | \$18,600              | TBD                        |
| SIBLEY          | \$14,615              | \$13,452             | \$2,700                    | \$18,600              | TBD                        |
| STEARNS         | \$8,094               | \$45,879             | \$9,003                    | \$18,600              | TBD                        |
| STEELE          | \$12,460              | \$12,118             | \$2,867                    | \$18,600              | TBD                        |
| STEVENS         | \$15,305              | \$8,778              | \$2,728                    | \$18,600              | TBD                        |
| SWIFT           | \$15,051              | \$12,118             | \$2,744                    | \$18,600              | TBD                        |
| TODD            | \$14,676              | \$21,641             | \$4,933                    | \$18,600              | TBD                        |
| TRAVERSE        | \$15,585              | \$8,778              | \$2,804                    | \$18,600              | TBD                        |
| WABASHA         | \$14,177              | \$12,118             | \$3,518                    | \$18,600              | TBD                        |
| WADENA          | \$15,390              | \$19,909             | \$3,084                    | \$18,600              | TBD                        |
| WASECA          | \$14,271              | \$12,118             | \$3,006                    | \$18,600              | TBD                        |
| WASHINGTON      | \$8,094               | \$41,551             | \$2,615                    | \$18,600              | TBD                        |
| WATONWAN        | \$15,108              | \$8,778              | \$2,733                    | \$18,600              | TBD                        |
| WILKIN          | \$15,232              | \$8,778              | \$2,632                    | \$18,600              | TBD                        |
| WINONA          | \$11,847              | \$12,118             | \$2,652                    | \$18,600              | TBD                        |
| WRIGHT          | \$8,094               | \$42,416             | \$9,339                    | \$18,600              | TBD                        |
| YELLOW MEDICINE | \$15,175              | \$8,778              | \$2,629                    | \$18,600              | TBD                        |
| <b>TOTALS</b>   | <b>\$1,139,152</b>    | <b>\$1,906,485</b>   | <b>\$377,369</b>           | <b>\$1,599,600</b>    |                            |

\*\* TBD - MPCA FEEDLOT BASE GRANT ALLOCATIONS ARE DETERMINED BY MPCA AND HAVE NOT YET BEEN FINALIZED.



# Conflict of Interest Disclosure Form for Board Members

Grant Program: SWCD Grant Allocations

Name of Review Group: Grants Program & Policy Committee

Before any review of grant applications, the chair of the meeting shall make this statement about conflict of interest:

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

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making, and to disclose any conflicts of interest accordingly. All grant reviewers *must* complete and sign a conflict of interest disclosure form. On the form, the grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, although they do not need to provide the reason for the conflict on the disclosure form.

**A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definitions of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this grant program.

Conflicts of interest may be actual, potential, or perceived:

#### ACTUAL CONFLICT OF INTEREST:

An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

#### POTENTIAL CONFLICT OF INTEREST:

A potential conflict of interest may exist if a grant reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests.

#### PERCEIVED CONFLICT OF INTEREST:

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

At a minimum, all internal parties who are involved in the grant review or grant management process must be made aware that an actual, potential, or perceived conflict has been disclosed and evaluated, even if it is not serious enough to remove or reassign the employee or grant reviewer. After reviewers have signed the conflict of interest form, therefore, the conflicts--if any--that have been disclosed shall be announced to the reviewing body as a whole. Disclosed conflicts and their resolution will also be noted in the meeting minutes, and the forms will be kept as documentation of the grant review.

As a grant reviewer, I certify that I have read and understand the descriptions of conflict of interest explained above and in OGM Policy 08-01. Check either box 1a or 1b **and** either box 2a or 2b.

- 1a. I have reviewed the list of applicants, and I do not have any conflicts of interest relating to this program's grant applicants or proposed projects.
- 1b. I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. (Note: If you disclose a conflict, you must identify the applicant on this form, but a description is discretionary. Under Minnesota Statute 13.599, this form is considered public data.)

| Applicant | Type of Conflict (ACTUAL, POTENTIAL, or PERCEIVED) | Description of Conflict (optional) |
|-----------|--|------------------------------------|
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |

- 2a. After reviewing this form and OGM Policy 08-01, I CHOOSE to participate in this review process.
- 2b. After reviewing this form and OGM Policy 08-01, I CHOOSE NOT to participate in this review process. I will avoid discussing the applicant and/or applications from organizations with which I have disclosed a conflict of interest with other reviewers.

Reviewer's printed name: \_\_\_\_\_

Reviewer's signature: \_\_\_\_\_

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

Reviewer's Organization/Agency: \_\_\_\_\_

Revised, 5/13



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY'14 SWCD Program & Operations Grant Allocations

Meeting Date: June 26, 2013
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: LAND & WATER
Contact: Wayne Zellmer
Prepared by: Wayne Zellmer
Reviewed by: GRANTS PROGRAM & POLICY Committee(s)
Presented by: Wayne Zellmer

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of proposed FY '14 SWCD Program and Operations Grants Allocations.

LINKS TO ADDITIONAL INFORMATION

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

The 2013 Legislature has appropriated funding for the FY '14 SWCD Program and Operations Grants: Conservation Delivery, Easement Delivery, Non Point Engineering Assistance, and Cost Share. The Grants Program & Policy Committee met on May 22, 2013 and is recommending the Board adopt the attached resolution and authorize staff to allocate grant funds to SWCDs.



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

**FISCAL YEAR '14 SWCD PROGRAMS AND OPERATIONS  
GRANTS ALLOCATIONS**

---

**WHEREAS**, Fiscal Year '14 Soil and Water Conservation District (SWCD) Programs and Operations Grants, administered by the Board of Water and Soil Resources (BWSR), provide cost share and conservation delivery grants allocations to SWCDs through its State Cost Share Grants, Conservation Delivery Grants, Easement Delivery Grants, and Non Point Engineering Assistance Grant Programs, and;

**WHEREAS**, Laws of Minnesota 2013, in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated cost share and conservation delivery grant funds to BWSR, and;

**WHEREAS**, as required by the appropriation, all SWCDs that have BWSR approved plans and reports are eligible to receive these grants, and;

**WHEREAS**, the Grants Program & Policy Committee reviewed the proposed SWCD grants allocations on May 22, 2013.

**NOW THEREFORE BE IT RESOLVED**, the Board authorizes:

1. Staff to allocate grant funds to individual SWCDs up to the amounts listed below and as provided on the attached allocation spreadsheet, *Proposed FY '14 SWCD Programs and Operations Grants*:

|                              |             |
|------------------------------|-------------|
| State Cost Share Base Grants | \$1,199,999 |
| Conservation Delivery Grants | \$1,765,001 |
| Easement Delivery Grants     | \$290,989   |

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

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

3. Authorize SWCDs, to use all or part of their State Cost Share Base Grant allocation for technical assistance, when the following conditions exist:

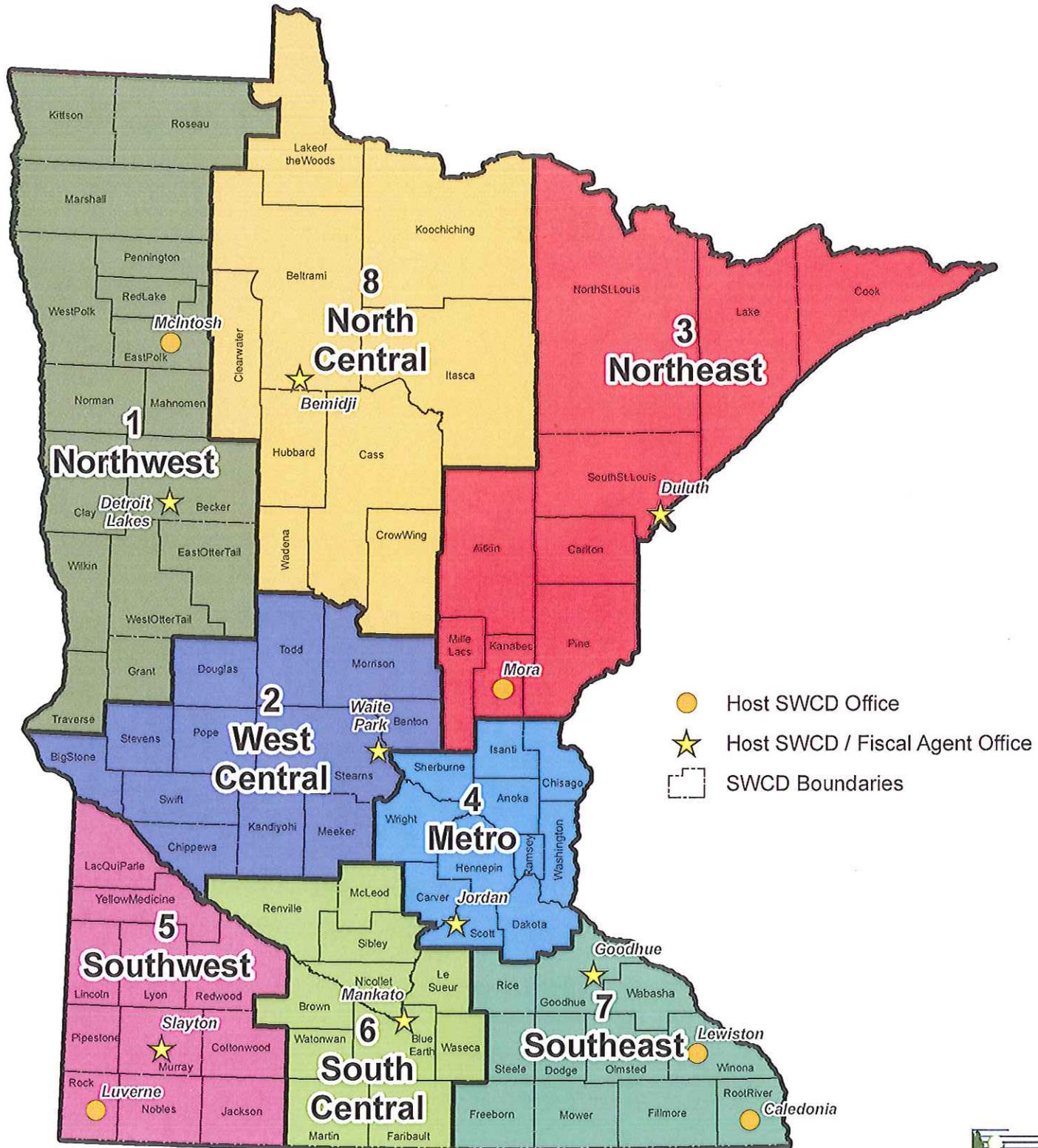
- i. Other non-state funds will be leveraged and they couldn't do the project otherwise;  
Or,
- ii. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2012 Financial Report indicates less than an 18-month fund balance; and
- iii. Board Conservationist approval.

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

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

**Attachments:** *Proposed FY '14 SWCD Programs and Operations Grants*

# Minnesota Association of Soil & Water Conservation Districts & SWCD Technical Service Areas



# PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS, NPEA ALLOCATIONS

---

|                                  |                  |
|----------------------------------|------------------|
| Conservation Delivery            | \$1.765 M        |
| Easement Delivery                | \$.291 M         |
| Non Point Engineering Assistance | <u>\$1.060 M</u> |
|                                  | \$3.116 M        |

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

\$3,116,000 the first year and \$3,116,000 the second year are for grants requested by soil and water conservation districts for general purposes, nonpoint engineering, and implementation of the reinvest in Minnesota reserve program.

## **Conservation Delivery Grants - \$1,764,033**

Conservation Delivery Grants provide each Soil and Water Conservation District with funds for the general administration and operation of the district. These administrative and operational costs include paying for the costs of: employing staff, office space, transportation, postage and utilities, and supervisors' compensation and expenses.

Grant amounts are identical to FY '13 allocations, and are listed on the attachment *PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS*.

## **Easement Delivery Grants - \$290,989**

This grant amount is to assist each SWCD with their site inspection costs and other miscellaneous management activities associated with the easements in their county. These activities include ownership changes, staking boundaries, conservation plan revisions, and assisting landowners with ongoing maintenance of installed conservation practices.

The BWSR currently holds 5,531 conservation easements on 215,786 acres throughout the state. SWCDs range from a low of 0 easements in 12 SWCDs, to a high of 409 easements in Redwood SWCD. The grant amount for FY '14 is based on \$52.61 per easement.

## **Non Point Engineering Assistance - \$1,060,000**

The Non Point Engineering Assistance (NPEA) Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices.

This Grant Program is proposed be implemented according to the August 2008 BWSR adopted CTAC Short-Term Consensus Recommendation to Address Structure and Financial Challenges of the NPEA Program Proposed Clarifications by Recommendations Work Group

The following policy from this Recommendation directs the FY '14 allocations as follows:

1. \$70,000 per 1 FTE engineer (TSA staff or contracted)
2. \$50,000 per 1 FTE technician (TSA staff or contracted)
3. Maximum annual grant amount for staff or contracted engineering services = \$120,000 per TSA. If less than the maximum is requested by one or more TSAs, the difference is split equally among all TSAs.
4. Additional \$5,000 per Host and/or Fiscal Agent SWCD (up to 2 Host SWCDs per TSA). The TSA decides how to distribute between Host and Fiscal Agent SWCD and Host-only SWCD.
5. 1 Fiscal Agent SWCD per TSA must be a Host SWCD, if the TSA has staff.
6. In order to help develop and maintain consistency across TSAs, the remaining state funding (estimate \$40,000/year, depending on number of Host SWCDs statewide) is used for NPEA staff training, computer hardware, software, and survey equipment and associated costs. This is based on an annual plan developed by NPEA staff and BWSR and coordinated with TSAs prior to grant allocations for current fiscal year.
7. Minimum 10% cash local share, from other than NPEA grant \$, for engineering assistance in the TSA.

Local share does not include in-kind services, but can include local, other state and federal funding for shared technical assistance to and through the TSA SWCDs, such as:

- Fees for services (from landowners, or other sources)
- Member SWCD cash contributions
- Federal TSP funding
- Federal grant funds
- Other state programs
- Gifts and donations

FY '14 NPEA Grants are proposed to be allocated according to the Board adopted policy as follows:

| NPEAP Area | Base Grant | Host/Fiscal Agent SWCD | Equipment    | Total Grant        |
|------------|------------|------------------------|--------------|--------------------|
| 1          | \$120,000  | \$10,000               | \$0          | \$130,000          |
| 2          | \$120,000  | \$5,000                | \$0          | \$125,000          |
| 3          | \$120,000  | \$10,000               | \$0          | \$130,000          |
| 4          | \$120,000  | \$5,000                | \$20,000     | \$145,000          |
| 5          | \$120,000  | \$10,000               | \$0          | \$130,000          |
| 6          | \$120,000  | \$5,000                | \$0          | \$125,000          |
| 7          | \$120,000  | \$10,000               | \$20,000     | \$150,000          |
| 8          | \$120,000  | \$5,000                | \$0          | \$125,000          |
|            |            |                        | <b>TOTAL</b> | <b>\$1,060,000</b> |

The legislature requires that any SWCD receiving these funds shall maintain a Web page that publishes, at a minimum, its annual report, audit, annual budget, and meeting notices and minutes.

## **PROPOSED FY'14 SWCD STATE COST BASE SHARE GRANTS - \$1.200 M**

The 2013 Legislature in Chapter 114--H.F. No. 976, Article 3, Sec. 5, appropriated:

(2) \$1,200,000 each year is for soil and water conservation district cost-sharing contracts for erosion control, nutrient and manure management, vegetative buffers, and water quality management;

This appropriation is a 23.1% or \$360,000 reduction from FY '13 (\$360,000 is designated by the legislature for feedlot water quality and cooperative weed management). The purpose of this program is to provide grants to SWCDs so they can help local landowners or land occupiers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation. As in the previous biennium, accompanying legislation;

Notwithstanding Minnesota Statutes, section 103C.501, the board may shift cost-share funds in this section and may adjust the technical and administrative assistance portion of the grant funds to leverage federal or other nonstate funds or to address high-priority needs identified in local water management plans or comprehensive water management plans.

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

1. Other non-state funds will be leveraged and they couldn't do the project otherwise.  
Or,
2. Funds are used on a project(s) that is State Cost Share Program or EQIP eligible and their 2012 Financial Report indicates less than an 18-month fund balance.  
And,
3. Board Conservationist approval.

### **Recommendation**

The Grants Program & Policy Committee is requesting Board approval of these FY '14 allocations for the:

|   |                              |
|---|------------------------------|
| Conservation Delivery Grants            | Easement Delivery Grants,    |
| Non-Point Engineering Assistance Grants | State Cost Share Base Grants |

**PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS**

|                   | \$1.765 M    | \$1.200 M | \$1.291 M |
|-------------------|--------------|-----------|-----------|
|                   | CONSERVATION | COST      | EASEMENT  |
| SWCD              | DELIVERY     | SHARE     | DELIVERY  |
| AITKIN            | \$20,212     | \$4,141   | \$53      |
| ANOKA             | \$20,765     | \$11,107  | \$0       |
| BECKER            | \$19,026     | \$26,044  | \$1,000   |
| BELTRAMI          | \$26,376     | \$10,122  | \$368     |
| BENTON            | \$19,224     | \$11,169  | \$1,210   |
| BIG STONE         | \$18,037     | \$6,550   | \$1,894   |
| BLUE EARTH        | \$18,868     | \$17,309  | \$11,364  |
| BROWN             | \$18,947     | \$14,757  | \$8,786   |
| CARLTON           | \$18,670     | \$8,001   | \$0       |
| CARVER            | \$19,698     | \$16,673  | \$2,683   |
| CASS              | \$18,275     | \$8,347   | \$53      |
| CHIPPEWA          | \$18,947     | \$11,213  | \$8,891   |
| CHISAGO           | \$19,737     | \$8,844   | \$421     |
| CLAY              | \$19,263     | \$16,468  | \$3,841   |
| CLEARWATER        | \$18,750     | \$7,506   | \$158     |
| COOK              | \$18,196     | \$10,142  | \$0       |
| COTTONWOOD        | \$18,947     | \$14,091  | \$9,943   |
| CROW WING         | \$18,354     | \$9,607   | \$0       |
| DAKOTA            | \$21,240     | \$22,054  | \$263     |
| DODGE             | \$19,343     | \$9,908   | \$684     |
| DOUGLAS           | \$20,172     | \$16,410  | \$5,419   |
| FARIBAULT         | \$19,343     | \$12,651  | \$9,628   |
| FILLMORE          | \$20,133     | \$24,289  | \$2,104   |
| FREEBORN          | \$19,145     | \$16,482  | \$5,524   |
| GOODHUE           | \$20,054     | \$25,855  | \$3,525   |
| GRANT             | \$19,026     | \$11,332  | \$1,894   |
| HENNEPIN          | \$25,930     | \$13,392  | \$1,368   |
| HUBBARD           | \$18,157     | \$7,761   | \$53      |
| ISANTI            | \$20,172     | \$6,050   | \$316     |
| ITASCA            | \$18,828     | \$6,931   | \$0       |
| JACKSON           | \$18,314     | \$11,769  | \$5,945   |
| KANABEC           | \$18,710     | \$9,607   | \$368     |
| KANDIYOHI         | \$19,501     | \$14,294  | \$9,102   |
| KITSON            | \$19,184     | \$9,607   | \$368     |
| KOOCHICING        | \$18,472     | \$10,142  | \$0       |
| LAC QUI PARLE     | \$18,750     | \$20,521  | \$9,365   |
| LAKE              | \$18,314     | \$10,142  | \$0       |
| LAKE OF THE WOODS | \$18,037     | \$10,142  | \$0       |

PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS

| SWCD            | \$1.765 M             | \$1.200 M  | \$291 M           |
|-----------------|-----------------------|------------|-------------------|
|                 | CONSERVATION DELIVERY | COST SHARE | EASEMENT DELIVERY |
| LE SUEUR        | \$19,619              | \$19,479   | \$4,682           |
| LINCOLN         | \$19,896              | \$15,527   | \$5,366           |
| LYON            | \$19,224              | \$14,141   | \$7,628           |
| MAHNOMEN        | \$18,117              | \$10,799   | \$263             |
| MARSHALL        | \$29,596              | \$9,491    | \$1,210           |
| MARTIN          | \$18,908              | \$17,945   | \$10,838          |
| MC LEOD         | \$18,789              | \$10,987   | \$4,630           |
| MEEKER          | \$18,552              | \$14,977   | \$4,051           |
| MILLE LACS      | \$18,868              | \$6,944    | \$631             |
| MORRISON        | \$20,252              | \$22,808   | \$1,526           |
| MOWER           | \$20,805              | \$10,819   | \$4,419           |
| MURRAY          | \$18,235              | \$10,884   | \$6,155           |
| NICOLLET        | \$19,224              | \$12,862   | \$3,841           |
| NOBLES          | \$18,512              | \$17,383   | \$1,368           |
| NORMAN          | \$18,986              | \$9,605    | \$2,683           |
| OLMSTED         | \$21,754              | \$30,642   | \$1,263           |
| OTTER TAIL EAST | \$18,986              | \$15,954   | \$579             |
| OTTER TAIL WEST | \$18,986              | \$20,932   | \$2,999           |
| PENNINGTON      | \$18,710              | \$11,038   | \$210             |
| PINE            | \$18,986              | \$13,045   | \$53              |
| PIPESTONE       | \$18,670              | \$15,873   | \$1,210           |
| POLK EAST       | \$18,828              | \$10,293   | \$158             |
| POLK WEST       | \$18,828              | \$13,414   | \$894             |
| POPE            | \$18,592              | \$19,927   | \$9,365           |
| RAMSEY          | \$19,343              | \$10,163   | \$0               |
| RED LAKE        | \$18,077              | \$5,632    | \$210             |
| REDWOOD         | \$19,343              | \$13,576   | \$21,517          |
| RENVILLE        | \$19,501              | \$10,460   | \$21,412          |
| RICE            | \$22,940              | \$14,891   | \$3,209           |
| ROCK            | \$19,343              | \$15,923   | \$1,157           |
| ROOT RIVER      | \$22,505              | \$20,901   | \$3,367           |
| ROSEAU          | \$18,750              | \$10,525   | \$53              |
| SCOTT           | \$19,935              | \$18,366   | \$2,894           |
| SHERBURNE       | \$21,635              | \$7,493    | \$0               |
| SIBLEY          | \$18,868              | \$9,005    | \$5,051           |
| ST. LOUIS NORTH | \$18,789              | \$8,550    | \$0               |
| ST. LOUIS SOUTH | \$18,789              | \$7,119    | \$0               |
| STEARNS         | \$22,030              | \$36,814   | \$894             |

**PROPOSED FY '14 SWCD PROGRAMS and OPERATIONS GRANTS**

|                         | \$1.765 M          | \$1.200 M          | \$291 M          |
|-------------------------|--------------------|--------------------|------------------|
|                         | CONSERVATION       | COST               | EASEMENT         |
| SWCD                    | DELIVERY           | SHARE              | DELIVERY         |
| STEELE                  | \$20,014           | \$10,609           | \$2,683          |
| STEVENS                 | \$19,184           | \$15,309           | \$4,209          |
| SWIFT                   | \$18,592           | \$10,055           | \$8,944          |
| TODD                    | \$20,054           | \$16,595           | \$210            |
| TRAVERSE                | \$19,145           | \$5,376            | \$1,368          |
| WABASHA                 | \$19,619           | \$15,401           | \$1,368          |
| WADENA                  | \$18,710           | \$10,142           | \$105            |
| WASECA                  | \$18,986           | \$10,552           | \$5,682          |
| WASHINGTON              | \$20,568           | \$11,736           | \$105            |
| WATONWAN                | \$18,394           | \$9,694            | \$5,366          |
| WILKIN                  | \$19,263           | \$13,427           | \$2,736          |
| WINONA                  | \$20,963           | \$11,629           | \$3,946          |
| WRIGHT                  | \$21,358           | \$15,797           | \$2,157          |
| YELLOW MEDICINE         | \$19,263           | \$17,060           | \$9,733          |
| <b>ALLOCATED TOTALS</b> | <b>\$1,765,001</b> | <b>\$1,199,999</b> | <b>\$290,989</b> |



# Conflict of Interest Disclosure Form for Board Members

Grant Program: Farm Bill Assistance Program Authorization

Name of Review Group: Grants Program & Policy Committee

Before any review of grant applications, the chair of the meeting shall make this statement about conflict of interest:

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

This form gives grant application reviewers an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist during a grant review process. It is the grant reviewer's obligation to be familiar with the Office of Grants Management (OGM) Policy 08-01, Conflict of Interest Policy for State Grant-Making, and to disclose any conflicts of interest accordingly. All grant reviewers *must* complete and sign a conflict of interest disclosure form. On the form, the grant reviewer must identify any grant applicant with which they have an actual, potential or perceived conflict, although they do not need to provide the reason for the conflict on the disclosure form.

**A disclosure does not automatically result in the grant application reviewer being removed from the review process.**

Please read the definitions of conflict of interest below and mark the appropriate boxes that pertain to you and your status as a reviewer of applications for this grant program.

Conflicts of interest may be actual, potential, or perceived:

#### ACTUAL CONFLICT OF INTEREST:

An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

#### POTENTIAL CONFLICT OF INTEREST:

A potential conflict of interest may exist if a grant reviewer has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests.

#### PERCEIVED CONFLICT OF INTEREST:

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist.

At a minimum, all internal parties who are involved in the grant review or grant management process must be made aware that an actual, potential, or perceived conflict has been disclosed and evaluated, even if it is not serious enough to remove or reassign the employee or grant reviewer. After reviewers have signed the conflict of interest form, therefore, the conflicts--if any--that have been disclosed shall be announced to the reviewing body as a whole. Disclosed conflicts and their resolution will also be noted in the meeting minutes, and the forms will be kept as documentation of the grant review.

As a grant reviewer, I certify that I have read and understand the descriptions of conflict of interest explained above and in OGM Policy 08-01. Check either box 1a or 1b **and** either box 2a or 2b.

- 1a. I have reviewed the list of applicants, and I do not have any conflicts of interest relating to this program's grant applicants or proposed projects.
- 1b. I have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest with the applicant(s) listed below. (Note: If you disclose a conflict, you must identify the applicant on this form, but a description is discretionary. Under Minnesota Statute 13.599, this form is considered public data.)

| Applicant | Type of Conflict (ACTUAL, POTENTIAL, or PERCEIVED) | Description of Conflict (optional) |
|-----------|--|------------------------------------|
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |
|           |  |                                    |

- 2a. After reviewing this form and OGM Policy 08-01, I CHOOSE to participate in this review process.
- 2b. After reviewing this form and OGM Policy 08-01, I CHOOSE NOT to participate in this review process. I will avoid discussing the applicant and/or applications from organizations with which I have disclosed a conflict of interest with other reviewers.

Reviewer's printed name: \_\_\_\_\_

Reviewer's signature: \_\_\_\_\_

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

Reviewer's Organization/Agency: \_\_\_\_\_

Revised, 5/13



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Farm Bill Assistance Program Authorization<sup>L</sup>

Meeting Date: June 26, 2013
Agenda Category: [X] Committee Recommendation [ ] 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: Grants Program and Policy Committee(s)
Presented by: Dave Weirens

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

The Board is requested to authorize the staff to allocate FY2014 Farm Bill Assistance Grants.

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
The Farm Bill Assistance Program provides funds to SWCDs to hire staff to accelerate implementation of the Farm Bill as well as other state and federal conservation programs that involve grasslands and wetlands conservation. The FY14 Farm Bill Assistance Program is being funded from several revenue sources, chief among them, the Environment and Natural Resources Trust Fund via the Legislative-Citizens Commission on Minnesota Resources. The Board is being requested to authorize these grants in order to minimize delay in getting funds to SWCDs.

The Grants Program and Policy Committee met on April 24, 2013 to review the proposed FY2014 Farm Bill Assistance Program and is recommending the Board adopt the attached resolution.



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

## FY '14 Farm Bill Assistance Program Authorization

**WHEREAS**, the MN Board of Water and Soil Resources (BWSR), in partnership with the MN Department of Natural Resources (DNR), Soil and Water Conservation Districts (SWCD), Natural Resources Conservation Service (NRCS) and Pheasants Forever (PF), have been implementing a program called the MN Farm Bill Assistance Project to accelerate staffing efforts at the local level for implementation of the Federal Farm Bill programs and other water quality, grassland and wetland programs; and,

**WHEREAS**, BWSR acting as fiscal agent for the program, has been appropriated funding from the MN Legislative Citizen Commission on Minnesota Resources (LCCMR) through the Environmental Natural Resources Trust Fund (ENRTF), and DNR to provide grants to SWCD's or their authorized agents for employing staff; and,

**WHEREAS**, BWSR, DNR and PF have conducted a Solicitation of Interest from SWCD's for funding under this program; and,

**WHEREAS**, BWSR staff have worked with our Program partners and are recommending the following allocation policy:

Eligible SWCD's will be competitively selected to receive a 90% state funded contribution towards employment of a staff position. The staff budget is established at \$50,000/full time equivalent position. The SWCD will provide 10% cash match to the position budget; and

**WHEREAS**, the Grants Program and Policy Committee reviewed staff recommendations regarding the Farm Bill Assistance Program on April 24, 2013 and is recommending the Board adopt the Program policies and authorize staff to allocate available funds.

**NOW THEREFORE**, the BWSR hereby authorizes staff to allocate up to \$3.0 million ENRTF, up to \$250,000 DNR, and any rollover or slippage from this program according to the following policy:

Eligible SWCD's or their authorized agent will be competitively selected to receive a 90% state funded contribution towards employment of a staff position. The staff budget is established at \$50,000/full time equivalent position. The SWCD will provide 10% cash match to the position budget; and

\_\_\_\_\_

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

Brian Napstad, Chair  
Board of Water and Soil Resources

**COMMITTEE RECOMMENDATIONS**  
***Wetland Committee***

1. BWSR-NRCS Agricultural Wetland Banking Memorandum of Understanding –  
Les Lemm – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: BWSR-NRCS Agricultural Wetland Banking MOU

Meeting Date: June 26, 2013
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Land & Water
Contact: Les Lemm
Prepared by: Les Lemm
Reviewed by: Wetland Committee Committee(s)
Presented by: Les Lemm

[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
[X] Other: WCA Exemption [ ] Clean Water Fund Budget

ACTION REQUESTED

Adopt resolution authorizing the Board Chair to sign the interagency MOU with NRCS.

LINKS TO ADDITIONAL INFORMATION

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
BWSR has state oversight and implementation responsibilities for the Wetland Conservation Act (WCA) and its corresponding rules (Chapter 8420) which include the administration and operation of a wetland banking system. The USDA Natural Resources Conservation Service (NRCS) is responsible for administering the wetland conservation provisions of the federal farm program (Swampbuster). BWSR and NRCS have entered into previous agreements regarding WCA and Swampbuster coordination, including an MOU effective 12-23-09 and a contribution agreement effective 9-21-12. The agricultural wetland bank was established consistent with those agency agreements. This MOU outlines the standards for use of the agricultural wetland bank for both WCA and Swampbuster purposes. The partnership established by the MOU also utilizes current statutory authority to reduce administrative redundancies through implementation of a WCA exemption for NRCS approved use of the wetland bank.



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

**ADMINISTRATION AND USE OF THE MINNESOTA AGRICULTURAL WETLAND BANK**

**Including Implementation of MN Stat. § 103G.2241, Subdivision 1(7)**

**WHEREAS** the Board of Water and Soil Resources (BWSR) and the USDA Natural Resources Conservation Service (NRCS) have developed a memorandum of understanding (MOU) for the administration and use of the Minnesota Agricultural Wetland Bank, including implementation of MN Stat. § 103G.2241, Subdivision 1(7); and

**WHEREAS** the BWSR Wetland Committee has reviewed and endorsed the draft MOU on May 25, 2013; and

**WHEREAS** the basis and rationale for the MOU is contained within the MOU itself, as attached.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources authorizes the Board Chair to sign the interagency agricultural wetland banking MOU with NRCS.

Dated at Saint Paul, Minnesota this 26th day of July, 2013.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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

Brian Napstad, Chair



## INTERAGENCY MEMORANDUM OF UNDERSTANDING

### ADMINISTRATION AND USE OF THE MINNESOTA AGRICULTURAL WETLAND BANK Including Implementation of MN Stat. § 103G.2241, Subdivision 1(7)

This Memorandum of Understanding (MOU) is made and entered into by the Minnesota Board of Water and Soil Resources (BWSR) and the USDA Natural Resources Conservation Service (NRCS).

WHEREAS, BWSR has state oversight and implementation responsibilities for the Wetland Conservation Act (WCA) and its corresponding rules (Chapter 8420) which include the administration and operation of a wetland banking system; and

WHEREAS, NRCS is responsible for administering the wetland conservation provisions of the federal farm program (Swampbuster); and

WHEREAS, MN Stat. § 103G.2241, Subdivision 1(7) allows the establishment of a WCA agricultural exemption for agricultural activities on agricultural land that is subject to the Swampbuster provisions of the federal farm program restrictions consistent with a memorandum of understanding and related agreements between the board and NRCS; and

WHEREAS, BWSR and NRCS have entered into previous agreements regarding WCA and Swampbuster coordination, including an MOU effective 12-23-09 and a contribution agreement effective 9-21-12;

WHEREAS, the agricultural wetland bank was established consistent with the aforementioned agency agreements; and

WHEREAS, the coordinated implementation of an agricultural wetland banking program is in the mutual interest of BWSR and NRCS to the benefit of the landowners and natural resources of Minnesota.

NOW THEREFORE BE IT RESOLVED, the undersigned agencies agree to implement the agricultural wetland bank, to the extent allowed under state and federal law, as follows:

The agencies agree on the following:

- I. Responsibilities.
  - A. BWSR will administer the Minnesota Agricultural Wetland Bank for WCA and Swampbuster mitigation purposes in accordance with the rules, guidance, and procedures developed by BWSR. BWSR responsibilities include overseeing the establishment of agricultural bank sites, the allocation, deposit, and use/withdrawal of credits for specific projects approved by either program, account tracking and maintenance, and other duties as defined in WCA or jointly agreed upon by the agencies. BWSR agrees to notify the appropriate NRCS staff of credit withdrawals completed for projects subject to federal farm program restrictions.

- B. NRCS responsibilities include the promotion of agricultural wetland banking and the coordination and sharing of information to the extent allowable under federal law. NRCS agrees to provide verification to BWSR of NRCS authorizations to withdraw credits from the Minnesota Wetland Bank using the "Application for Replacement of Agricultural Wetland Impacts Using the Minnesota Wetland Bank" as amended.

II. Use of the Agricultural Wetland Bank.

- A. For farm program participants, the Agricultural Wetland Bank can be used to replace impacts to the following wetlands identified according to a certified wetland determination completed by NRCS:

- 1) Farmed Wetland (FW);
- 2) Farmed Wetland Pasture (FWP);
- 3) a Wetland (W) impacted by an activity for which the landowner can provide evidence (i.e. Local Government Unit determination) of qualification for a WCA exemption under MN Rule 8420.0420, Subp. 2, Item A or Subp. 3, Item C(1);
- 4) a Wetland (W) less than five acres in size that is predominantly bordered by land that has been cropped 8 of the last 10 years when the wetland is degraded according to the BWSR Agricultural Wetland Evaluation Tool, as amended (the tool assesses vegetative diversity, downstream water quality protection, floodwater attenuation, and wildlife habitat - a wetland qualifies as degraded when the tool results in a ranking of low for vegetation and one or more other functions, and no higher than medium for any function); or
- 5) Converted Wetland (CW) that, prior to conversion, qualifies under items one through four above as determined by NRCS staff.

- B. For non-farm program participants, the Agricultural Wetland Bank can be used to replace impacts to the following wetlands identified according to a wetland determination completed or approved by the WCA Local Government Unit:

- 1) Wetlands designated as FW or FWP on a certified wetland determination completed by NRCS during a period of prior farm-program enrollment when the landowner can provide adequate documentation of the certified determination and FW/FWP designation;
- 2) a wetland on agricultural land that has been hydrologically modified and cropped prior to January 1, 1992; or
- 3) a wetland less than 5 acres in size on a cultivated field (see MN Rule 8420.0111, Subp. 73) when the wetland is degraded according to the BWSR Agricultural Wetland Evaluation Tool, as amended (the tool assesses vegetative diversity, downstream water quality protection, floodwater attenuation, and wildlife habitat - a wetland qualifies as degraded when the tool results in a ranking of low for vegetation and one or more other functions, and no higher than medium for any function).

- C. Wetland size is determined according to the entire basin, regardless of property ownership or mapping extent. When wetlands extend across property boundaries, size can be determined based on off-site delineation methods.
- D. Wetlands not listed in paragraphs A or B do not qualify for use of the Agricultural Wetland Bank.
- E. Wetland areas impacted for use as agricultural land, and that use the Agricultural Wetland Bank for replacement in accordance with this memorandum, must remain in agricultural use for a minimum of 10 years (in accordance with MN Rule 8420.0522, Subp. 4, Item E) or until participation in the federal farm program ends, whichever is longer.

III. Bank Service Areas and Replacement Ratios.

- A. Mitigation of agricultural wetland impacts through banking will occur according to wetland bank service areas (BSAs).
- B. The minimum replacement ratio of Agricultural Wetland Bank credits to each acre of wetland impacted on agricultural land shall be the following:

| Location of Ag Bank Relative to Impact | Replacement Ratio |
|--|-------------------|
| Same BSA                               | 1:1               |
| Adjacent BSA*                          | 2:1               |
| Non-Adjacent BSA                       | Not Allowed       |

\*When replacement occurs outside of the BSA, impacts in a <80% area may not be replaced in a >80% BSA.

This item does not apply to credits withdrawn from bank accounts resulting from agricultural wetland bank sites that were approved prior to the effective date of this MOU. Such accounts may continue to operate according to the policies existing at the date of this MOU until all credits associated with the prior bank site approval are withdrawn or transferred, or until this provision is superseded by a subsequent statute, rule, or MOU stipulation. BWSR will determine which accounts qualify for this provision and will maintain a list of such accounts.

- C. Wetland impacts in BSA 10 that are replaced in BSA 9 or the Des Moines River Basin in BSA 8 count as replacement in the same BSA for the purpose of determining replacement ratios.
- D. A BSA map and information about banking credits is available on the BWSR website at: [www.bwsr.state.mn/wetlands](http://www.bwsr.state.mn/wetlands).

IV. WCA Exemption for NRCS-Approved Mitigation.

In accordance with MN Stat. § 103G.2241, Subdivision 1(7), a WCA wetland replacement plan is not required for the mitigation of wetland impacts resulting from agricultural activities when:

- A. the activity impacts a wetland identified in Section II, Paragraph A of this memorandum that is subject to Swampbuster;
- B. wetland mitigation is required under Swampbuster and consists of the withdrawal of credits from the Minnesota Agricultural Wetland Bank in accordance with Section III of this memorandum;
- C. the activity and associated wetland credit withdrawal is authorized by NRCS using the "Application for Replacement of Agricultural Wetland Impacts Using the Minnesota Wetland Bank" (form) available on the BWSR website, as amended;
- D. the landowner agrees by signing the form to allow USDA to share information relating to the proposed activity and associated wetland bank credit withdrawal, and a copy of the completed and fully executed form with required attachments is provided to the BWSR Bank Coordinator; and
- E. the approved credits are withdrawn from the wetland bank and the landowner has received confirmation from BWSR of the withdrawal.

BE IT FURTHER RESOLVED, the undersigned agencies concur that the following provisions apply to the implementation of this agreement:

1. The policies and procedures contained within this MOU do not create any rights or obligations, either substantive or procedural, enforceable by any party or any third party. Deviation or variance from the wetland mitigation guidance included in this MOU will not constitute a defense for violators or others concerned with any State or Federal action.
2. Nothing in this MOU is intended to diminish, modify, or otherwise affect statutory or regulatory authorities of any signatory agencies. All formal guidance interpreting this MOU and background materials upon which this MOU is based will be issued after consultation with the signatory agencies.
3. All responsibilities identified in this MOU are subject and dependent on the availability of sufficient funds appropriated and allocated for that purpose.
4. Sections I through III of this MOU will take effect on the day after the date of the last signature below and will continue in effect until modified or revoked by the signatory agencies. Either signatory agency must provide the other a minimum notice of 30 days prior to revoking this agreement.
5. Section IV of this MOU will take effect 30 days after publication in the State Register and remain in effect unless superseded by subsequent statute, rule, or notice in the State Register.
6. This MOU is based on the state and federal authorities as they exist on the date of signature. Subsequent changes to these authorities are not binding on the parties to this MOU.

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Don Baloun  
State Conservationist  
Natural Resources Conservation Service  
United States Department of Agriculture

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Date

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Brian Napstad  
Chair  
Minnesota Board of Water and Soil Resources

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Date

**COMMITTEE RECOMMENDATIONS**  
***Administrative Advisory Committee***

1. **\*\*Tentative\*\*** Emergency Haying & Grazing on Conservation Lands – John Jaschke and Bill Penning – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Tentative - Emergency Haying & Grazing On Conservation Lands

Meeting Date: June 26, 2013

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

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

Section/Region: Easements/Executive

Contact: John Jaschke

Prepared by: John Jaschke

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

Presented by: John Jaschke/Bill Penning

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

LINKS TO ADDITIONAL INFORMATION

SUMMARY (Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)
\*\* Tentative\*\* Emergency haying and grazing on conservation lands – Governor Dayton sent a letter to USDA Secretary Vilsack on June 14th requesting Federal action to support the livestock forage and feed shortage due to inclement spring weather in Minnesota. Authorization for emergency haying and grazing on state conservation lands may be considered pending related action.



# STATE OF MINNESOTA

## Office of Governor Mark Dayton

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

June 14, 2012

The Honorable Tom Vilsack  
Secretary  
United States Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20251

Dear Mr. Secretary,

I am writing to urge you to take swift action to assist Minnesota livestock producers who are experiencing serious difficulty in sourcing feedstuffs due to the widespread winter kill of our alfalfa crop and the persistent wet conditions that have prevented many Minnesota farmers from planting a crop in a timely fashion.

This situation compounds a serious shortage of forage due to severe drought conditions in Minnesota last year. These events have contributed to record high forage prices and a lack of availability.

Minnesota's livestock industry is critically important to our economy. In 2010 Minnesota ranked fifth in the nation in overall agricultural production with sales of \$15.14 billion and sixth in animal agriculture with receipts of \$6.18 billion. Needless to say, our livestock industry is the foundation for thousands of Minnesota jobs.

I have heard from livestock producers across Minnesota who are very concerned about how they will source feedstuffs and the future of their industry if swift action is not taken. To that end, I have asked my administration to consider options to open state conservation lands to emergency haying and grazing. For all conservation lands – state and federal- we should identify opportunities to address this urgent forage need while ensuring we maintain the intended long-term conservation benefits. I also ask you to consider the following actions that USDA could take to provide immediate assistance to livestock producers in Minnesota:

1. **Waive the November 1<sup>st</sup> deadline that prohibits haying or grazing of cover crops on prevented plant acres.** The waiver would remove the penalty currently facing livestock producers within the crop insurance program. The waiver, along with the actions suggested below, would allow temporary relief to Minnesota's livestock producers facing a forage shortage.

2. **Emergency Haying and Grazing of Conservation Reserve Program (CRP) and Wetland Reserve Program (WRP) Lands:** USDA allowed emergency haying and grazing of Minnesota CRP lands in 2012 to confront the drought conditions in many parts of the country. I request that you again issue emergency orders to allow Minnesota producers to hay and graze CRP and WRP lands.
3. **Additional Funding for Cover Crops in Minnesota:** Due to the persistent wet conditions, many Minnesota farmers have been forced to take prevented plant on their crop insurance. This has resulted in many acres of unplanted crop land. I request that you provide cost share funding for Minnesota farmers to establish cover crops to grow additional forage for feed and protect the health of our soil.
4. **Waive Environmental Quality Incentive Program (EQIP) Rules to Allow Emergency Harvest of Minnesota Cover Crops:** The current EQIP contract rules do not allow the harvesting of cover crops. I request that you waive the EQIP rules on an emergency basis to allow Minnesota farmers to harvest these cover crops to help alleviate the shortage of feedstuffs in Minnesota.

I appreciate your consideration of this request and your dedication to maintaining the competitiveness of America's agricultural producers.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dayton". The signature is fluid and cursive, with a large initial "M" and "D".

Mark Dayton  
Governor