



DATE: April 15, 2014  
 TO: Board of Water and Soil Resources' Members, Advisors, and Staff  
 FROM: John Jaschke, Executive Director *J.J.*  
 SUBJECT: BWSR Board Meeting Notice – April 23, 2014

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 23, 2014, 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**

***Metro Region Committee***

- Riley Purgatory Bluff Creek Watershed District Plan Amendment** - The final draft Amendment to the Riley Purgatory Bluff Creek Watershed District Watershed Management Plan was filed with the Board on February 26, 2014. The Amendment proposes to revise the District's current implementation program by adding four capital improvement projects. The total estimated cost of the projects is \$1,275,000. The draft Order contains the reviewing agencies' comments and the District's response to them. The Metro Region Committee met and recommends approval of the Plan Amendment per the attached draft Order. **DECISION ITEM**

***Northern Region Committee***

- Cass SWCD Petition to Revise Nomination Districts** - Cass SWCD submitted a letter and petition to BWSR signed March 6, 2014 to revise the nomination districts for supervisors. The primary purpose for this request is to provide a better opportunity for the SWCD to solicit supervisor candidates. The SWCD Operational Handbook located on the BWSR web site lays out the procedure for an SWCD to follow when revising SWCD nomination districts. The Cass SWCD has followed this procedure and has submitted the required materials to BWSR to be approved in time for the filing period. **DECISION ITEM**
- Cass County Water Management Plan Extension** – Cass County submitted a resolution requesting a two-year extension of their county water plan on March 18, 2014. The Cass County Local Water Management Plan would expire on May 27, 2014. The North Region Committee recommended approval of the Cass County extension request at its April 9, 2014 meeting. **DECISION ITEM**
- Bois de Sioux Watershed District Overall Plan Amendment Hearing** - The Northern Region Committee held a hearing to receive testimony on the Bois de Sioux proposed Overall Plan Amendment. The hearing was held on April 9, 2014 from 5:30 p.m. - 7:00 p.m.

Bemidji	Brainerd	Duluth	Fergus Falls	Mankato	Marshall	New Ulm	Rochester
403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	1004 Frontier Drive Fergus Falls, MN 56537 (218) 736-5445	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	3555 9 <sup>th</sup> Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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

at the American Legion Club in Wheaton, MN. 106 people attended the hearing including watershed district representatives; five people signed up to testify. The record will remain open through April 23, 2014. The Northern Region Committee will likely take action on this plan amendment at the June 11, 2014 Committee meeting. **INFORMATION ITEM**

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

1. **One Watershed, One Plan – Final Suggested Boundary Map** – On January 2, 2014 notice was sent to local governments initiating the 60-day review and comment period which closed on February 28, 2014. After discussing the comments and revised map, the Committee agreed with the requested changes and voted to recommend adoption of the One Watershed, One Plan Final Suggested Boundary Map, dated March 25, 2014, to the full Board at its April 23, 2014 meeting.

Additionally staff on behalf of the PROSP Committee will update the Board on the following operating procedures and policies that are expected to be brought to the board at its June 2014 meeting for Board action. They include: 1) plan extension policy; 2) participation requirements; 3) formal agreement requirement; 4) plan initiation process; and 5) boundary procedures. The Committee will also outline the pilot watershed review, selection and recommendation process that will be used to bring a recommendation for selection to the Board in June. **DECISION ITEM**

**NEW BUSINESS**

1. **FY2014 Clean Water Fund Outcomes** – A comprehensive overview of the implementation activities conducted via the BWSR Clean Water Fund grant programs will be presented. The objective is to help meet statewide water quality goals through the prevention and reduction of non-point source pollution. **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-296-0878. The Board meeting will adjourn at 10:30 a.m.

**BWSR Board Workshop – The Non-Point Priority Funding Plan (10:30 a.m. to 2:00 p.m.).** Lunch will be provided. Workshop information is attached.

I look forward to seeing you on April 23rd!

BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, APRIL 23, 2014

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 26, 2014 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

INTRODUCTION OF NEW BOARD MEMBERS

- Jill Crafton, Watershed District
- Douglas Erickson, Non-Metro City Official
- Kathryn Kelly, SWCD
- Neil Peterson, County Commissioner

REPORTS

- Chair & 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, Oversight & Strategic Planning Committee – Jack Ditmore
- RIM Reserve Management Planning Committee – Gene Tiedemann
- Drainage Work Group – Tom Loveall/Al Kean

COMMITTEE RECOMMENDATIONS

***Metro Region Committee***

1. Riley Purgatory Bluff Creek Watershed District Plan Amendment – Steve Christopher – ***DECISION ITEM***

***Northern Region Committee***

1. Cass SWCD Petition to Revise Nomination Districts – Tom Schulz - ***DECISION ITEM***
2. Cass County Water Plan Extension Request – Tom Schulz - ***DECISION ITEM***

3. Bois de Sioux Watershed District Plan Amendment Hearing – Gerald VanAmburg – ***INFORMATION ITEM***

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

1. One Watershed, One Plan – Suggested Boundary Map – Melissa Lewis – ***DECISION ITEM***

**NEW BUSINESS**

1. FY2014 Clean Water Fund Outcomes – Dave Weirens – ***INFORMATION ITEM***

**AGENCY REPORTS**

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

**ADVISORY COMMENTS**

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

**UPCOMING MEETINGS**

- Next BWSR Board Meeting – May 28, 2014, in St. Paul

**10:30 AM ADJOURN**

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**BWSR Workshop: Non-Point Priority Funding Plan      10:30 a.m. – 2:00 p.m.**

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, MARCH 26, 2014**

**BOARD MEMBERS PRESENT:**

Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Loveall, Brian Napstad, Judy Ohly, Dave Schad, DNR; Tom Schulz, Faye Sleeper, MES; Steve Sunderland, Gerald VanAmburg

**BOARD MEMBERS ABSENT:**

Gene Tiedemann  
Matt Wohlman, MDA

**STAFF PRESENT:**

Mary Jo Anderson, Tim Dykstal, Dan Fabian, Travis Germundson, Tom Gile, Keith Grow, Jim Haertel, John Jaschke, John Overland, Mary Peterson, Ron Shelito, Sarah Strommen, Dave Weirens, Marcy Westrick, Brad Wozney

**OTHERS PRESENT:**

Jeff Lewis, RRBC  
Don Baloun, NRCS  
Jill Crafton, Riley Purgatory Bluff Creek WD

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

#### PLEDGE OF ALLEGIANCE

- \*\*  
14-11 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Joe Collins, to adopt the agenda as presented. *Motion passed on a voice vote.*
- \*\*  
14-12 **MINUTES OF JANUARY 22, 2014 BOARD MEETING** – Moved by Judy Ohly, seconded by Steve Sunderland, to approve the minutes of January 22, 2014 as circulated. *Motion passed on a voice vote.*

**CONFLICT OF INTEREST DECLARATION** - Chair Napstad explained that the conflict of interest declaration process is being used today on two agenda items: Targeted Water Demonstration Program; and Red River Basin Commission Annual Report and Funding Request.

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

**RECOGNITION OF BOARD MEMBER** – John Jaschke acknowledged Paul Langseth’s service as a BWSR board member SWCD representative. John and Chair Napstad presented Paul with a Distinguished Service Award plaque for his dedicated service to Minnesota’s water and soil resources from 2006 – 2014. Chair Napstad thanked Paul for his service and membership on the Board. Paul stated that he enjoyed serving on the Board.

**INTRODUCTION OF NEW BWSR EMPLOYEE** – Jim Haertel introduced Dan Fabian, Board Conservationist in the metro region. Chair Napstad welcomed Dan to BWSR.

Chair Napstad introduced Jill Crafton, newly appointed board member, watershed representative. Jill’s appointment is effective March 28, 2014.

#### REPORTS

**Chair’s Report** – Brian Napstad reported that he attended the EQB meeting on March 19<sup>th</sup> in Rochester. The meeting was held in Rochester to accommodate those in the area affected by the silica sand issues and to address their concerns. Chair Napstad stated that Legislation mandated EQB to develop model standards and criteria that may be used by local units of government in developing local ordinances regarding the mining, processing, and transporting of silica sand. The document ‘*Tools to Assist Local Governments in Planning for and Regulating Silica Sand Projects*’ was prepared with assistance from several state agencies, including: Department of Natural Resources, Pollution Control Agency, Department of Health, Department of Transportation, Department of Agriculture, and Environmental Quality Board. EQB thanked all contributing agencies, including BWSR, that commented on the document. Chair Napstad reported that the EQB unanimously approved the model set of standards document.

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Chair Napstad reported that he attended PROSP Committee meetings, things are progressing well in addressing the difficult task of implementing the One Watershed One Plan.

**Administrative Advisory Committee (AAC)** – Chair Napstad reported that the AAC met this morning; items discussed included board member appointments, effective March 28, 2014; reappointments of Chair Napstad and Gene Tiedemann. New board members in addition to Jill Crafton, include Neil Peterson, Pennington County Commissioner; Kathryn Kelly, Renville SWCD Supervisor; and Douglas Erickson, non-metro elected city official, Mayor of Bird Island; will be introduced at the April Board meeting. Chair Napstad and John Jaschke will review BWSR Committees; new appointments to committees will be effective in April.

Chair Napstad reported that the Board Tour will be held August 27; the Board meeting on August 28; in the metro area, details to be determined.

Chair Napstad stated that the AAC discussed the Executive Director's performance review by board members using a confidential doodle poll survey with two parts all done electronically. Angie Becker Kudelka will send information to board members via e-mail. Chair Napstad and Vice-Chair VanAmburg will conduct John's performance review. Chair Napstad asked board members to include comments, the review process will remain anonymous and will be due by the end of April.

Chair Napstad reported that the April 23<sup>rd</sup> Board Meeting will be a shorter meeting, adjourning about 10:30 a.m.; with a workshop on the Nonpoint Priority Funding Plan convening until 2:00 p.m.

Chair Napstad reported that the January 22, 2014 Board meeting minutes are accurate, regarding the issue of the Middle-Snake-Tamarac Rivers Watershed District, the Polk County Board requested the matter be tabled until March 2014. The Board remanded the matter to the Northern Region Committee to hold a public meeting to accept additional testimony and evidence. Due to unanticipated developments the petitioner requested a further delay from March 2014.

Chair Napstad reported that the January 22, 2014 minutes state that the Northern Region Committee would present their recommendation to the Board at the March 26, 2014 meeting regarding the Bois de Sioux Watershed District Plan Amendment. This issue is not on the agenda today due to an unexpected request for a public hearing by the Bois de Sioux Watershed District. Chair Napstad stated that the Board meeting minutes are accurate as of the date of approval.

**Executive Director's Report** – John Jaschke reviewed information in board members' packets. John reported that EPA and USACoE jointly released a proposed rule to clarify Clean Water Act jurisdiction, effective March 25, 2014, a 90-day public comment period, then agency review, estimating it might take roughly a year before a final rule is issued.

John stated that the updated Board member roster lists new appointments, let Mary Jo Anderson know of any changes to contact information.

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John reported that a meeting with BWSR, DNR, MPCA, MDA, USFWS and USDA will be held on March 28, at 11:00 a.m., to discuss CREP exploration and development. More information will be provided as the effort moves forward.

John provided an update based on a legislative update provided by Sarah Strommen, summarizing major bills and issues BWSR has been working on or tracking.

Outcomes, Substitutions, and Supplements: Last week BWSR's Clean Water Fund programs were the focus of an "Outcomes" hearing in the House Environment, Natural Resources, and Ag Finance Committee. While these types of hearings can be a challenge to prepare for, they also provide a good opportunity to showcase the important work we do.

BWSR will be part of a hearing in the House Legacy Committee on "Clean Water Fund Substitutions vs Supplements." BWSR staff highlighted accomplishments (work that has been completed or accelerated as a result of the CWF) and gaps (where demand exceeds dollars available).

Unsession:

*HF 2715/SF 2454* - The bill was heard and passed through several committees. This bill is a combined BWSR/PCA/DNR bill that includes the following BWSR items:

- 1) reform and simplification of the process for voluntary consolidation of SWCDs;
- 2) elimination of statutory language related to the State Lakes Board (now an independent 501 (c)3 organization);
- 3) elimination of statute referencing the Minnesota River Board (in the process of dissolving);
- 4) repeal of a 2010 Session Law that requires BWSR to send-back a portion of returned cost-share funds (intended to be a 1-time measure but still exists).

*HF 1864/SF2289* - This bill repeals the RIM Clean Energy Technical Advisory Committee, which completed its initial charge and is no longer needed.

LCCMR (HF1874/SF1899) - This bill contains funding for three BWSR programs: 1) Conservation Apprenticeship Academy; 2) Phase 2 of the White Cedar Restoration Project; and 3) Drainage Records Modernization. The House bill has already cleared all committees and has been placed on the General Register (ready for floor action). Senate hearings have yet to be scheduled.

LSOHC (HF1926/SF2098) - BWSR has five RIM-related programs funded in this bill: 1) RIM-Wetlands; 2) RIM Buffers; 3) Wild Rice Easements; 4) RIM-Native Prairie Bank Grasslands Program; 5) ACUB. The House bill has cleared all committees and has been placed on the General Register. No hearings have been scheduled in the Senate.

Bonding (HF3250) - Rep. Hausman introduced her bonding bill. It includes \$20 million for RIM and \$5.4 million for the Local Government Road Wetland Replacement Program. This is a good start, but there's still a lot of work to be done due to the fact that the total amount of her bill significantly exceeds the target. While there is no overall bill in the Senate at this time, there may be a hearing on SF705 (Sen. Sparks RIM bonding bill from last year).

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DWG (HF2571/SF2221) - The Drainage Work Group consensus bill has moved quickly through the Senate and the House and is waiting floor action in both bodies.

Conservation Easement Tax Provisions (HF2102/SF1933) - A bill to reinstate valuation reductions for conservation easements was introduced in the House and the Senate. It was heard in the House and anticipated to be included in the House Omnibus Tax bill. Unfortunately, when the Property Tax Division's report came out, that provision was not included. This makes it unlikely that action will be taken to undo last year's law change, but we will continue to work with Senator Skoe on this issue.

WCA - Early in Session Representative Roger Erickson and Senator Skoe introduced WCA-related bills to address concerns over mitigation siting in NE Minnesota. Their proposals differed greatly from the recommendations of the Interagency NE Mitigation Siting Team, and therefore we worked with DNR to offer alternative approaches to Rep. Erickson and Senator Skoe. After much discussion with legislators and stakeholders, there was consensus to not move forward with any legislation this year. A Senate hearing included an overview of the recommendations contained in the Interagency Team's report.

Other - There are numerous other bills which are being tracked, some of the topics include formation of a legislative water commission, creation of a state hydrologist position, biofuels incentives, and prohibition of county commissioners serving as drainage inspectors.

John reported that he and Sarah attended the MAWD Legislative Briefing and Day at the Capitol, March 19-20; and MASWCD Legislative Briefing and Day at the Capitol March 24-25.

**Dispute Resolution Committee** – Travis Germundson reported there are 11 appeals pending. There has been one new appeal filed since the last report in January; a replacement plan decision in Stearns County. Travis reported that the oldest appeal from 2005, a replacement plan decision by the Rice Creek Watershed District, has withdrawn the appeal.

**Grants Program & Policy Committee** – Paul Langseth reported that the Grants Program & Policy Committee met on March 13, recommendations are on the agenda later today.

**Public Relations, Oversight & Strategic Planning (PROSP) Committee** – Jack Ditmore thanked Chair Napstad for his complimentary comments on the work of the PROSP Committee. The Committee met last night, discussion included procedural requirements in pilot projects; policy for water plan extensions; work on formal agreements for planning/implementation phase. Copies of 'One Watershed, One Plan, An evolution of water planning in Minnesota' were distributed. Jack suggested the boundary map be included on the April board meeting agenda. The PROSP Committee will meet on April 22; 5:30- 7:00 PM. Jack thanked Committee members and staff for all their work.

**Drainage Work Group** – Tom Loveall reported that Drainage Work Group met; appreciated Al Kean's effort in getting information together and through the legislative process.

## COMMITTEE RECOMMENDATIONS

### ***Southern Region Committee***

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14-13 **Wabasha County Priority Concerns Scoping Document (PCSD)** – Paul Langseth reported that the Southern Region Committee met on March 12, 2014, discussed the content of the PCSD; state agency review comments on the PCSD; and recommendations for the content of the final Comprehensive Local Water Management Plan. The state's expectations for the final plan must be sent to Wabasha County. Moved by Paul Langseth, seconded by Chris Elvrum, to approve the Wabasha County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

### ***Audit Committee***

- \*\*  
14-14 **Data Practices Policy** – Tim Dysktal reported that the Data Practices Policy is needed to comply with the requirements of the Minnesota Government Data Practices Act (MGDPA), which charges government entities to inform the public about the kinds of not public data they collect, keep, and create; to make the data they have accessible to those with a right to have it; and to develop data protection procedures to assure that data on individuals is accurate, complete, current, and secure. The Audit Committee met March 21, 2014, and recommends approval of the Data Practices Policy; approves the designation of the Executive Director as the agency's responsible authority under the MGDPA, and authorizes staff to develop and implement a BWSR Data Practices Manual. Moved by Gerald VanAmburg, seconded by Tom Schulz, to approve the Audit Committee's recommendation. *Motion passed on a voice.*

Chair Napstad stated that board members have submitted their completed Conflict of Interest Declaration forms; the documents will be filed for the grant decision items.

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

**Targeted Watershed Demonstration Program** – Paul Langseth reported that the Grants Program and Policy Committee met on March 13, 2014, and explained that on October 23, 2013, the Board adopted resolutions #13-92 which authorizes staff to conduct a Request for Interest for Nominations for the Targeted Watershed Demonstration Program. Marcey Westrick reported nominations were accepted from October 28 through December 13, 2013. Local governments submitted 25 nominations requesting \$46,380,000 in Clean Water Funds. Total available grants funds are \$5 million in FY2014. Marcey presented the scoring guidelines, an overview of applications and proposed funding recommendations. Marcey reported that the Grants Program and Policy Committee reviewed the Targeted Watershed Demonstration Program proposed grant allocations and recommend:

- 1) Approval of the allocation of \$5,705,000 to the top three scored nominations according to the Targeted Watershed Demonstration Program Recommendations and Targeted Water Demonstration Program results.
- 2) Amends Board Resolution 14-05 by eliminating \$907,500 of funding for the following projects: C14-7463(#4) and C14-8176(#6) and distributing this balance to fully fund projects C14-8172(#40) and C14-9086(#41) and partially fund C14-7301(#42).

- \*\*  
14-15 Paul explained that this is a demonstration program and encouraged applications next year for those not accepted this year. Moved Paul Langseth, seconded by Christy Jo Fogarty, to approve the resolution. Discussion followed. Steve Sunderland stated that nominees appreciate the time that BWSR staff took to come out and explain those whose proposals were not funded. Gerald

VanAmburg complimented staff on the thorough process for the demonstration project. *Motion passed on a voice vote.*

Chair Napstad called for a break in the meeting at 10:40 a.m.; the meeting reconvened at 10:53 a.m..

Chair Napstad stated that board members have submitted their completed Conflict of Interest Declaration forms; the documents will be filed for the grant decision items.

### **NEW BUSINESS**

**Red River Basin Commission (RRBC) Annual Report and Funding Request** – Jeff Lewis reported that he was hired as executive director of the Red River Basin Commission (RRBC) on January 1, 2014; replacing Lance Yohe, who retired. Jeff explained that the RRBC is an international organization that receives financial support from the states of North Dakota, Minnesota, and the province of Manitoba. BWSR is the Minnesota state agency that reviews and approves the annual reports and work plans of the RRBC. Jeff presented the RRBC's 2013 annual report, 2014 work plan and budget. Jeff also presented a project summary of nutrient capture through water management and biomass harvesting of cattails. John explained the funding from government sources, this is a pass through appropriation; when approved, the Minnesota grant is processed by BWSR. Moved by Faye Sleeper, seconded by Paul Langseth, to approve the RRBC 2013 annual report, 2014 work plan, and budget. Tom Schulz suggested an amendment to the motion: approval be contingent upon correcting the numerical discrepancy in the budget summary. Faye Sleeper and Paul Langseth accepted the amendment to the motion. Jeff Lewis will provide the corrected budget summary to John Jaschke, with a signature page to be signed by John for approval. Discussion followed. *Motion passed on a voice vote.*

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14-16

**Farm Bill Conservation Title Summary** – Don Baloun, NRCS State Conservationist, reported that NRCS is running in a deficit; there is an indication that the funding will be coming; looking at consolidation of some NRCS offices. Don stated that the Farm bill is very promising for conservation in Minnesota; sign-up is on hold; awaiting new Farm Bill, hopeful by May there will be confirmed information. Don distributed and presented information on the 2014 Farm Bill, and Regional Conservation Partnership Program (RCP). Chair Napstad stated that the Farm Bill provides opportunities. Discussion followed. Chair Napstad thanked Don for his informative presentation.

Chair Napstad stated that Dave Weirens needs to attend a legislative hearing; his presentation on FY2014 Clean Water Fund Outcomes will planned to be on the agenda at the April Board meeting.

### **AGENCY REPORTS**

**Minnesota Department of Natural Resources (DNR)** – Dave Schad reported that DNR is now involved in groundwater efforts statewide. It's a learning process, meetings are being held to discuss planning work, and how to handle groundwater allocations in the future. Dave stated that it's a complicated endeavor as legislation a few years ago limits groundwater appropriations affecting trout streams and fens. DNR is working with new requests for wells in close proximity of streams and fen, and owners in the vicinity to determine thresholds and allocate groundwater

based on approach. Dave reported that MPR has a series on groundwater issues in the metro area; Park Raids; and the Cold Spring Brewery, impacting a trout stream; a link between landuse, groundwater and surface water quality. Agencies are working together with the City of Cold Spring on this effort. Discussion followed.

**Minnesota Extension Service** – Faye Sleeper reported that “The Cost of Climate Change in Minnesota” premieres Sunday, April 6 at 7:00 PM on Twin Cities Public Television. The half hour production features Bob Johnson of the Insurance Federation of Minnesota, Mark Seeley of the University of Minnesota and Paul Douglas of WeatherNationTV. This was recorded at the Minnesota Climate Adaptation Conference on November 7, 2013.

Faye was happy to announce that her co-chair of the Minnesota Water Conference this year is BWSR's Brad Wozney. The Minnesota Water Conference will be held October 14-15, 2014, at the St. Paul RiverCenter.

#### **ADVISORY COMMENTS**

**Minnesota Association of Townships (MAT)** – Sandy Hooker reported that MAT is busy at the State Capitol lobbying township issues during the legislative session. MAT is conducting a three-week training session statewide for township officers. Chair Napstad suggested updating the MAT website to include a link to townships.

#### **UPCOMING MEETINGS**

- BWSR Board Meeting & Workshop – April 23, 2014, in St. Paul

\*\*  
14-17 Moved by Paul Langseth, seconded by Christy Jo Fogarty, to adjourn the meeting at 12:17 p.m.  
*Motion passed on a voice vote.*

Respectfully submitted,

Mary Jo Anderson  
Recorder



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution Committee Report

**Meeting Date:** April 23, 2014

**Agenda Category:**  Committee Recommendation  **New Business**  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** Land and Water Section

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson

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

Travis Germundson/Gerald

**Presented by:** Van Amburg

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
- Other:  Clean Water Fund Budget

**ACTION REQUESTED**

None.

**LINKS TO ADDITIONAL INFORMATION**

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

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

Dispute Resolution Report  
April 10, 2014  
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 (March 26, 2014 Board Meeting).

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

File 14-2 (4-3-14) This is an appeal of a restoration order in McLeod County. The appeal regards multiple drainage impacts to a Type 3 wetland associated with installation of agricultural drain tile and a ditch improvement project. No decision has been made on the appeal.

File 14-1 (2-3-14) This is an appeal of a replacement plan decision in Stearns County. The appeal regards the approval of a wetland replacement plan application. Previous appeals (File 12-19 and File 13-5) were remanded for further technical work and administrative proceedings, and now the current approval is being appealed. The appeal has been accepted and a pre-hearing conference is scheduled for June 2, 2014.

File 13-7 (8-30-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal involves the same project and local unit of government decisions as File 13-6. The appeal has been combined with File 13-6 and remanded for further technical work and administrative proceedings. The parties mutually agreed to extend the time for decision on remand.

File 13-6 (8-28-13) This is an appeal of several replacement plan decisions in Le Sueur County. The appeal regards the approval of three wetland replacement plan applications for a silica sand mining operation. At issue is that the decisions allow for substantial wetland impacts to occur without replacement. The appeal has combined with File 13-7 and remanded for further technical work and administrative proceedings. The parties mutually agreed to extend the time for decision on remand.

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 12-12 (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 proceed 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. A portion of the site has been restored and it appears the landowner is committed to restoring the remaining areas.

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.

## Summary Table

Type of Decision	Total for Calendar Year 2013	Total for Calendar Year 2014
Order in favor of appellant		
Order not in favor of appellant	2	
Order Modified	1	
Order Remanded	4	
Order Place Appeal in Abeyance	2	
Negotiated Settlement	1	
Withdrawn/Dismissed		

**COMMITTEE RECOMMENDATIONS**

***Metro Region Committee***

1. Riley Purgatory Bluff Creek Watershed District Plan Amendment – Steve Christopher –  
***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Riley Purgatory Bluff Creek WD Plan Amendment<sup>L</sup>

Meeting Date: April 23, 2014
Agenda Category: [X] Committee Recommendation [ ] New Business [ ] Old Business
Item Type: [X] Decision [ ] Discussion [ ] Information
Section/Region: Metro
Contact: Steve Christopher, Board Conservationist
Prepared by: Steve Christopher, Board Conservationist
Reviewed by: Metro Region Committee(s)
Presented by: Steve Christopher

[ ] Audio/Visual Equipment Needed for Agenda Item Presentation

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

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of Plan Amendment to the Riley Purgatory Bluff Creek Watershed District Watershed Management Plan

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

Background:

The Riley Purgatory Creek Watershed District was established on July 31, 1969 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). Bluff Creek was added to the District in June 1984. The District is approximately 47 square miles in size and located in both Hennepin County and Carver County, within the Minnesota River basin. The following municipalities lie partially within the District: Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. The District is bound by the Lower Minnesota River Watershed District to the south, the Carver County WMO to the southwest, the Minnehaha Creek Watershed District to the west and north, and the Nine Mile Creek Watershed District to the east. The current third generation watershed management plan was approved by the Board in January 2011.

Amendment Summary:

The Amendment proposes to revise the current implementation program by adding four capital improvement projects. The projects include the Lake Lucy Water Quality Improvement Project, the Lake Susan Water Quality Improvement Project, the Purgatory Creek Stabilization Project, and the Bluff Creek Water Quality Improvement Project. The total estimated cost of the projects is \$1,275,000. There were few comments on the plan amendment and the District addressed them.

The Metro Committee met on April 1, 2014. After review of the information, BWSR staff was in favor of and the Committee unanimously voted to recommend approval of the Plan Amendment dated September 6, 2013, to the full Board per the attached draft Order.

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

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In the Matter of the review of the  
Amendment to the Watershed Management  
Plan for the Riley Purgatory Bluff Creek  
Watershed District, pursuant to Minnesota  
Statutes Section 103B.231, Subdivision 11.

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**ORDER  
APPROVING  
AMENDMENT TO  
WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Riley Purgatory Bluff Creek Watershed District (District) submitted an Amendment to the Watershed Management Plan (Amendment) dated September 6, 2013 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, subd. 11, and;

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

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

**FINDINGS OF FACT**

1. **Watershed District Establishment.** The Riley Purgatory Creek Watershed District was established on July 31, 1969 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act (Minnesota Statutes, Chapter 112). The first water resources management plan for the District was prepared and adopted in 1973. The second plan was adopted in 1982. Bluff Creek was added to the District in June 1984. The plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982 (M.S. 103B), and approved by the Board of Water and Soil Resources (Board) in August 1996. The Board approved the current "third generation" Watershed Management Plan in January 2011.
2. **Authority to Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The watershed management plan may be amended according to Minnesota Statutes Section 103B.231, subd. 11.
3. **Nature of the Watershed.** The District is approximately 47 square miles in size and located in both Hennepin County (32.8 sq. miles) and Carver County (14.5 sq. miles), within the Minnesota River basin. The land use in the watershed consists predominantly of single family low density residential land use, with a mix of recreational/golf courses/preserved areas, commercial, industrial, institutional land

uses, as well as undeveloped areas. Development pressure within the watershed is projected to slightly increase through the life of this Plan, particularly from medium density residential development. There are a total of 13 major lakes and three major creeks in the District. The following municipalities lie partially within the District: Bloomington, Chanhassen, Chaska, Deephaven, Eden Prairie, Minnetonka, and Shorewood. The District is bound by the Lower Minnesota River Watershed District to the south, the Carver County WMO to the southwest, the Minnehaha Creek Watershed District to the west and north, and the Nine Mile Creek Watershed District to the east.

4. **Amendment Development and Review.** The draft Amendment was submitted to the Board, other plan review agencies, and local governments for the required 60-day review on September 6, 2013. The Amendment proposes to revise the implementation program by adding four capital improvement projects to improve water quality. The projects include the Lake Lucy Water Quality Improvement Project, the Lake Susan Water Quality Improvement Project, the Purgatory Creek Stabilization Project, and the Bluff Creek Water Quality Improvement Project. The District held a public hearing on December 3, 2013. No revisions to the Amendment were made as a result of comments received at the hearing. The final draft Amendment was submitted to the Board and plan review agencies on February 26, 2014, for final review and approval.
5. **Local Review.** The District circulated a copy of the draft Amendment to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, subd. 7, and did not receive any comments.
6. **Metropolitan Council Review.** The Metropolitan Council stated that there were no comments on the Amendment.
7. **Department of Agriculture Review.** The MDA stated that there were no comments on the Amendment.
8. **Department of Health Review.** The MDH did not comment on the Amendment.
9. **Department of Natural Resources Review.** The DNR commented on their support of the District's efforts and encouraged the District to develop a monitoring plan for the projects to quantify their effectiveness.
10. **Pollution Control Agency Review.** The MPCA suggested additional discussion with the LGUs and state agencies for the Lake Susan Water Quality Improvement Project if the preferred alternative for phosphorus treatment is a water of the state instead of a constructed stormwater pond. The District agreed that a coordinated effort would take place if the location for the project is within a water of the state. The MPCA is supportive of the District's implementation actions that follow recently approved TMDL Implementation Plan recommendations.
11. **Department of Transportation Review.** The DOT did not comment on the Amendment.

12. **Board Review.** Board staff commented that the proposed project timeframe by year be included with each new Capital Improvement Project.
13. **Amendment Summary.** The Amendment proposes to revise the implementation program by adding four new capital improvement projects. The projects include the Lake Lucy Water Quality Improvement Project, the Lake Susan Water Quality Improvement Project, the Purgatory Creek Stabilization Project, and the Bluff Creek Water Quality Improvement Project. The total estimated costs for the projects is \$1,275,000.
14. **Metro Region Committee Meeting.** On April 1, 2014, the Board's Metro Region Committee and staff met in St. Paul to review and discuss the Amendment. Those in attendance from the Board's Committee were Jack Ditmore, Rebecca Flood and Joe Collins as chair. Board staff in attendance were Metro Region Supervisor Jim Haertel. Board staff recommended approval of the Amendment. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board with the requirement that Board staff contact the District regarding requirements for using waters of the state for stormwater treatment.

## CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving an Amendment to the Watershed Management Plan for the Riley Purgatory Bluff Creek Watershed District pursuant to Minnesota Statutes Section 103B.231, subd. 11.
3. The Riley Purgatory Bluff Creek Watershed District's Amendment attached to this Order defines the need and purpose of the Watershed Management Plan changes and the methods of financing.
4. The attached Amendment is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

**ORDER**

The Board hereby approves the attached Amendment dated September 6, 2013 to the Riley Purgatory Bluff Creek Watershed District Watershed Management Plan.

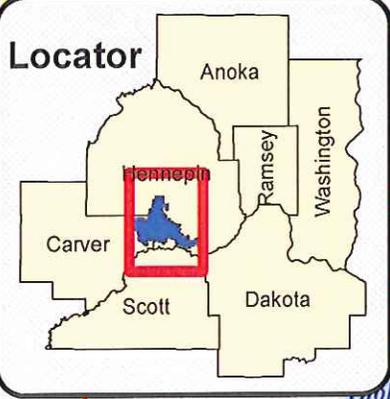
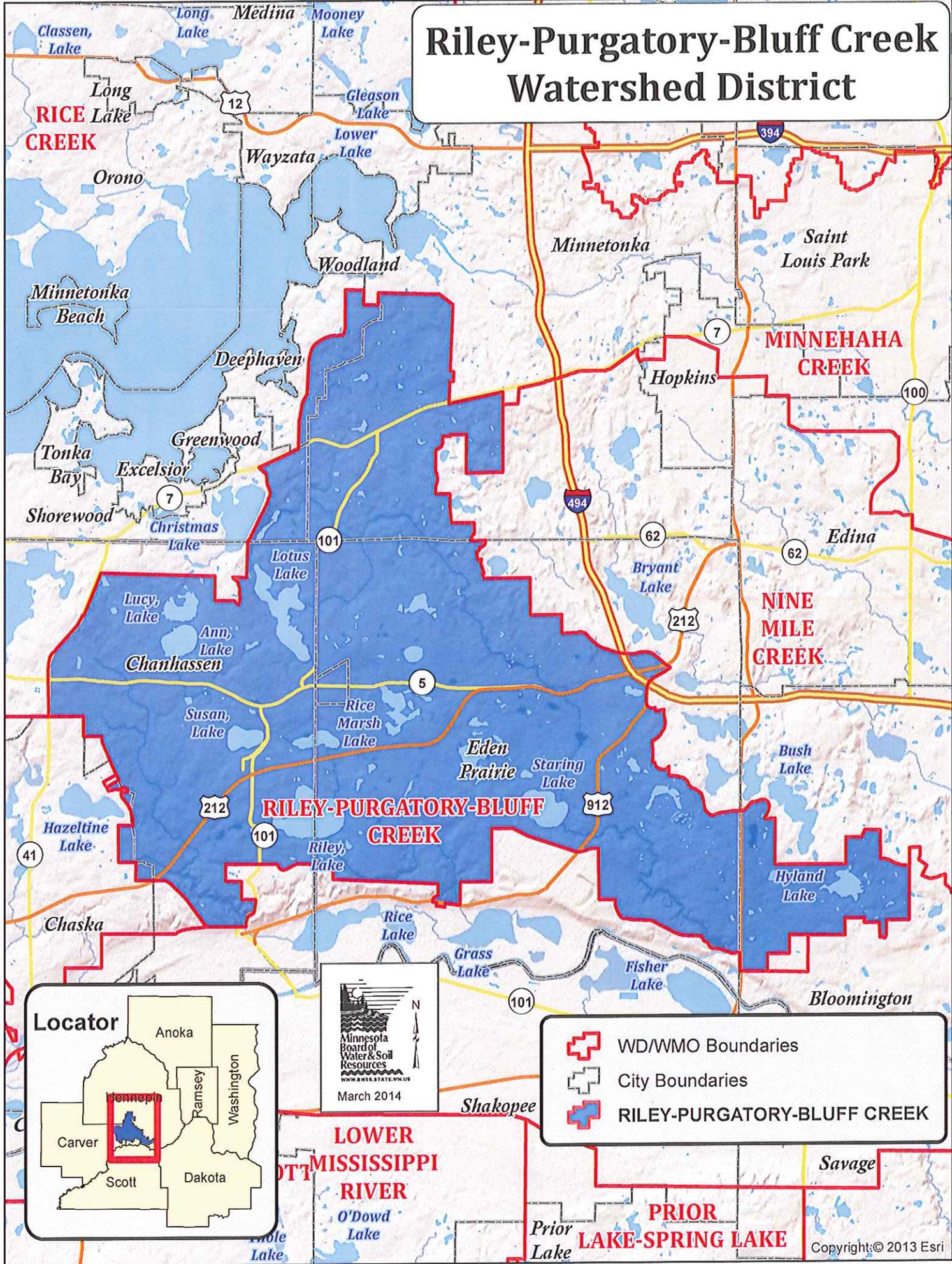
Dated at Saint Paul, Minnesota this 23<sup>rd</sup> day of April 2014.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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BY: Brian Napstad, Chair

# Riley-Purgatory-Bluff Creek Watershed District



-  WD/WMO Boundaries
-  City Boundaries
-  RILEY-PURGATORY-BLUFF CREEK

**COMMITTEE RECOMMENDATION**

***Northern Region Committee***

1. Cass SWCD Petition to Revise Nomination Districts – Tom Schulz - ***DECISION ITEM***
2. Cass County Water Plan Extension Request – Tom Schulz - ***DECISION ITEM***
3. Bois de Sioux Watershed District Plan Amendment Hearing – Gerald VanAmburg – ***INFORMATION ITEM***



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Cass SWCD Petition to Revise Nomination Districts

**Meeting Date:** April 23, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** Northern Region

**Contact:** Dan Steward

**Prepared by:** Dan Steward

**Reviewed by:** Northern Region Committee(s)

**Presented by:** Brian Napstad

**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**

Decision on Cass SWCD Petition to Revise Nomination Districts

**LINKS TO ADDITIONAL INFORMATION**

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

The Cass Soil and Water Conservation District (SWCD) approved a Nomination Districts Resolution on March 4, 2014. The reason for the resolution and the proposed change to nominating districts is to have a better chance at recruiting supervisors for District 4. The proposed change would move Blind Lake and Barclay Townships from District 3 to the new District 4.



Date: March 24, 2014

To: North Region Committee

From: Dan Steward, Board Conservationist

RE: Cass SWCD Supervisor's Nominating Districts Change

On March 4, 2014, at their regular meeting, the Cass Soil and Water Conservation District passed a resolution to request a change to their nominating districts for Supervisor elections. The Board has been having a difficult time recruiting candidates to run from District 4. The Board proposes to remove Blind Lake and Barclay Townships from District 3 and place them in District 4. Attached is the Board's resolution requesting the change, two maps showing the areas proposed to be changed, and their cover letter. I have discussed the changes with the District Manager, and support the proposed changes.

<b>Bemidji</b> 403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	<b>Brainerd</b> 1601 Minnesota Drive Brainerd, MN 56401 (218) 828-2383	<b>Duluth</b> 394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	<b>Fergus Falls</b> 1004 Frontier Drive Fergus Falls, MN 56537 (218) 736-5445	<b>Mankato</b> 12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	<b>Marshall</b> 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	<b>New Ulm</b> 261 Highway 15 South New Ulm, MN 56073 (507) 359-6074	<b>Rochester</b> 3555 9th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889
Central Office / Metro Office		520 Lafayette Road North	Saint Paul, MN 55155 Phone: (651) 296-3767		Fax: (651) 297-5615		
www.bwsr.state.mn.us		TTY: (800) 627-3529	An equal opportunity employer				



Cass Soil & Water  
Conservation District  
Cass County Courthouse  
PO Box 3000  
Walker, MN 56484  
Phone: 218-547-73

RECEIVED

MAR 14 2014

Bd. of Water & Soil Resources  
St. Paul

March, 10, 2014

John Jaschke  
Executive Director  
Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
St. Paul, MN 55155

Dear Director Jaschke,

Please find a Nomination Districts Resolution from the Cass Soil and Water Conservation District, which was passed unanimously at our March 4, 2014 meeting, requesting a redistricting of our SWCD Districts. *The Cass SWCD Supervisors are elected at-large as per M.S. 103C.311, subd. 1.* The primary reason for this resolution is because it is becoming difficult in District 4 to find willing individuals to serve as SWCD Supervisor. Mr. Dave Harder, a longtime SWCD Supervisor passed away last year. With some difficulty, we were able to find a willing individual to serve the remainder of Mr. Harder's term. However, even after looking hard, we were still unable to find a supervisor candidate that resided in the actual physical district. This may be due to the small populations in the unincorporated townships.

We are proposing to move Blind Lake and Barclay Townships from District 3 and include them in the new District 4. We will not significantly change the relative populations of either District, and we will have good representation for both of these slightly changed Districts. We will now have very solid candidates for the SWCD Supervisor position from this redistricting. It will help us greatly in maintaining a strong and diverse Cass SWCD Board of Supervisors.

Since Cass SWCD elects their supervisors at-large, we think it is imperative to get the best willing individuals to serve on the Board of Supervisors. We believe this redistricting will accomplish that and serve us well into the future. Thank you for your consideration.

Sincerely,

Thomas Kuschel, Secretary  
Cass SWCD

John P. Ringle  
Cass SWCD District Manager and  
Cass County Environmental Services Director

CC: Cass SWCD Supervisors

## NOMINATION DISTRICTS RESOLUTION (Revised)

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

<u>District</u>	<u>Description of Boundaries</u>
I	McKinley, Bull Moose, Ansel, Bungo, Walden, Wilson, Poplar, Moose Lake and Loon Lake Townships of Cass County Minnesota. Also the city of Pine River Minneosta.
II	Byron, Meadowbrook, Homebrook, Becker, May (N & S), Fairview (E & W), and Sylvan (E & W) Townships of Cass County Minnesota. Also the cities of Lake Shore, East Gull Lake, and Pillager Minnesota.
III	Hiram, Birch Lake, Woodrow, Wabedo, Deerfield, Powers, Ponto Lake, and Pine River Townships of Cass County Minnesota. Also the cities of Backus and Hackensack Minnesota.
IV	Gould (E), Boy River, Salem, Torrey, Boy Lake (E), Rogers, Slater, Kego, Inguadona, Remer, Lima, Trelipe ( N & S), Thunder Lake, Smoky Hollow, Blind Lake, Crooked Lake, Beulah, Barclay and certain Unorganized Townships (T145-R28, T145-R27, T145-R26, T144-R28, T144-R27, T144-R26, T144-R25, T142-R25) of Cass County Minnesota. Also the cities of Remer, Federal Dam, Boy River, Longville, Chickamaw Beach, and Bena Minnesota.
V	Pike Bay, Wilkinson, Otter Tail (NW & NE, SW, SE) , Leech Lake, Turtle Lake (N, C, S), Gould (W), Shingobee (N & S), Boy Lake (W),Pine Lake, and certain Unorganized Townships (T145-R30, T143-R30, T142-R29) of Cass County Minnesota. Also the cities of Cass Lake and Walker Minnesota.

I, Thomas Kuschel, Secretary of the Cass Soil and Water Conservation District, do hereby certify that the above resolution relating to the division of the Cass Soil and Water Conservation District into five nominating areas was adopted by the said District Supervisors at a regular meeting held on March 6, 2014 that I have compared the above copy with the original resolution as set forth in the minutes of said meeting, and it is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of the Board was duly called and held, that a quorum of members of said Board was present therat,

and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: Thomas Kusche

Secretary, of the Cass Soil and Water Conservation District

Be it resolved by the Board of Water and Soil Resources that the division of the Cass Soil and Water Conservation District into five nominating areas as set forth in the above resolution adopted by the supervisors of said district on March 6, 2014, is hereby approved.

I, \_\_\_\_\_, Executive Director of the Board of Water and Soil Resources, do hereby certify that I have compared the above copy of the resolution relating to the division of the Cass Soil and Water Conservation District into five nominating areas adopted by said Board at a regular meeting held on March 6, 2014, with the original as set forth in the minutes of said meeting, and that said copy is a true and correct copy of and transcript from said original and the whole thereof. I further certify that said meeting of said Board was duly called and held, that a quorum of members of said Board was present therat, and that said resolution was duly adopted thereat by a vote of 5 to 0 of the members present.

Signed: \_\_\_\_\_

Executive Director Board of Water and Soil Resources

Filed \_\_\_\_\_ day of \_\_\_\_\_.

Signed: \_\_\_\_\_

County Auditor of Cass County Minnesota

**CASS SOIL AND WATER CONSERVATION DISTRICT  
BOARD OF SUPERVISORS MEETING  
MARCH 6, 2014**

IT IS THE MISSION of the Cass Soil and Water Conservation District to provide leadership and technical assistance to landowners and cooperating agencies in the wise use, conservation, and management of Cass County's natural resources.

Meeting was called to order by Chairman James Ballenthin at 10:00 am followed by the Pledge of Allegiance.

**Present were:** Chairman-James Ballenthin, V.Chair.-Willard Pehling, Secretary-Thomas Kuschel, Treasurer-Clifton Peterson, Member-Kenneth LaPorte, Dist. Man.-John Ringle, Dist. Clerk-Brenda Davis, NRCS-Jessica Weis, and ESD-Kelly Condiff.

**M/S Willard Pehling/Clifton Peterson to approve the agenda with the following additions: Draft of proposed resolutions. Motion carried.**

**M/S Kenneth LaPorte/Thomas to approve the consent agenda as presented. Motion carried.**

**John Ringle Reports:**

John referred to copies of the Final Financial report For Cass SWCD for yearend 2013. Jim Ballenthin questioned some of the figures in the statement and how they are determined. He feels that some of the figures are incorrect and would like to table approval of the report until Brenda can explain the differences. **M/S Kenneth LaPorte/Willard Pehling to table approval of the Final Financial Report for 2013 until the April Cass SWCD meeting. Motion carried.**

John suggested that Cass SWCD should consider changing the supervisor district areas. It has been difficult finding anyone interested in filing for the SWCD supervisor positions because of lower population in unincorporated townships. We lost one of our supervisors this past year that had been on the board for a very long time. Lucky we were able to appoint Clifton Peterson to fill his position. However, Clifton is actually in Jim's district. Redistricting may be necessary to find people interested in being a SWCD supervisor. John suggested moving Blind Lake and Barclay Townships from District III to District IV. Clifton actually lives in Barclay Township so this will put him in the right District even though supervisors are elected county wide. Clifton stated that he would indeed be interested in filing for the SWCD supervisor's position. **M/S Willard Pehling/Thomas Kuschel to move Blind Lake and Barclay Townships from District Three to District Four. Motion carried. Thomas Kuschel, Clifton Peterson and Willard Pehling are up for election in 2014.**

**Kelly Condiff Reports:**

The newest 9 County Grant has officially been closed. Two new forest plans have just been approved and paid for. As of today, over 7,400 acres have been enrolled in the Tulibee/Cisco Lakes Plan.

Kelly and Will attended the AIS meeting in February 28<sup>th</sup>. Cass County has now agreed to set aside \$5,000 for the AIS project.

The Area VIII Envirothon Committee is still requesting a \$250.00 donation from Cass SWCD. The committee feels that the envirothon can't keep going unless all the districts are willing to donate. Looks like we will have to discuss how we want to handle this. Last month, Cass SWCD decided NOT to donate to the Area VIII Envirothon and instead help schools with funding so they could attend the envirothon. The Area VIII Envirothon is scheduled for May 7<sup>th</sup> at Itasca State Park. Clifton and Brenda both volunteered to help with the envirothon. As of today, over 1300 well records/locations have been entered into the Cass County Mapping system.

Discussion followed regarding the return of Cost Share funds. Kelly really thinks we should amend our cost share rate policy.

### **NRCS – Jessica Weis Reports:**

EQIP and CSP have delayed due to the signing of the Farm Bill. Old contracts are being modified.

WHIP is no longer available.

NRCS is swapping offices with FSA.

Jessica attended the Forage Council Workshop in Staples. Attendance was very good.

NRCS has hired an administrative assistant through a contracting company. He started this last Monday and will cover Aitkin, Cass, Crow Wing and Morrison Counties.

The Raindrop Logo will be no longer. USDA wants one logo for all its agencies.

A new Hone Bee Initiative has been announced but no info on funding or how the program will work.

### **Supervisor's Reports:**

No one from Cass SWCD will be attending Legislative Days.

John, Jim, Tom and Will will be attending the Area VIII meeting scheduled for March 14<sup>th</sup> in Bemidji.

Ken would like to attend the Organic Management Workshop scheduled for March 21 in Verndale. M/S Clifton Peterson/Thomas Kuschel to pay expenses for anyone wishing to attend either or both the Area VIII Meeting and the Organic Management Workshop. Motion carried. Jim presented some proposed resolutions for consideration. Please read these and let's put these on the agenda for next month.

### **Vouchers:**

M/S Clifton Peterson/Thomas Kuschel to pay the vouchers as presented. Motion carried.

At this time the SWCD Board met with other members of the Liaison Committee including: Commissioners-Neal Gaalswyk and Jeffrey Peterson, County Administrator Robert Yochum, NRCS-Jessica Weis, Cass County Land Department-Scott Noland, as well as ESD/SWCD staff John Ringle, Kelly Condiff and Brenda Davis. Minutes to follow.

Adjourn:

M/S Clifton Peterson/Willard Pehling adjourn at 12:35 PM. Motion carried.

Thomas Kuschel  
Secretary, Board of Supervisor's

3-10-14  
Date

R 31 W R 30 W R 29 W R 28 W R 27 W

T 146 N

T 145 N

R 26 W R 25 W

T 145 N

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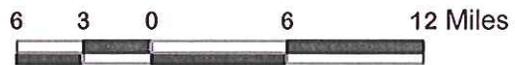
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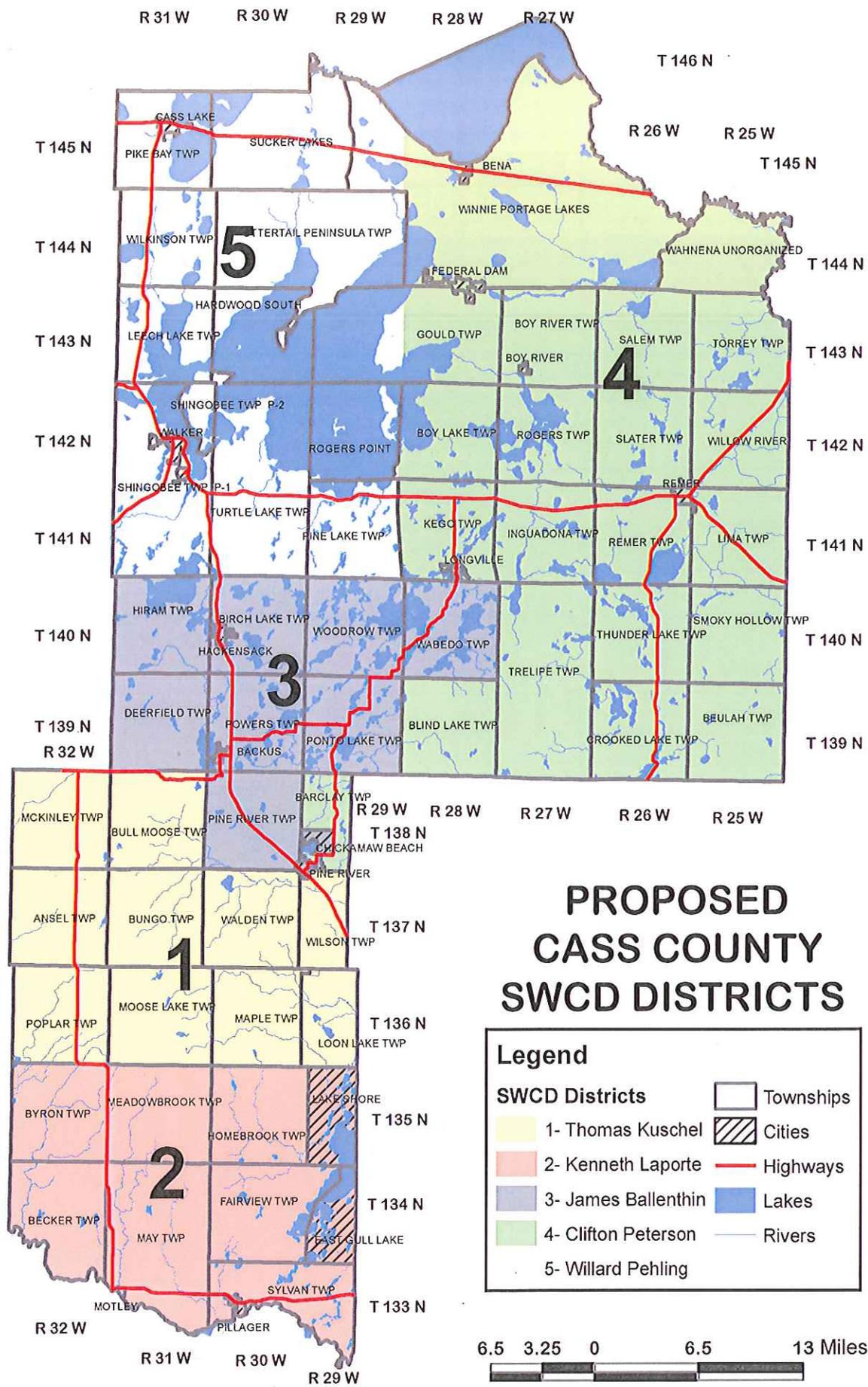
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# CASS COUNTY SWCD DISTRICTS

## Legend

- |   |   |
|---|---|
| <b>SWCD Districts</b>   |  Townships |
|  1- Thomas Kuschel   |  Cities    |
|  2- Kenneth Laporte  |  Highways  |
|  3- James Ballenthin |  Lakes     |
|  4- Clifton Peterson |  Rivers    |
|  5- Willard Pehling  |   |







# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Cass County Water Plan Extension Request

**Meeting Date:** April 24, 2014

**Agenda Category:**  Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** Northern Region

**Contact:** Dan Steward

**Prepared by:** Dan Steward

**Reviewed by:** North Region Committee(s)

**Presented by:** Brian Napstad

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**

Decision

**LINKS TO ADDITIONAL INFORMATION**

[http://www.co.cass.mn.us/soil\\_conservation/soil\\_water.html](http://www.co.cass.mn.us/soil_conservation/soil_water.html)

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

On May 27, 2009, the Minnesota Board of Water and Soil Resources (Board) approved the Cass County Comprehensive Local Water Management Plan (Plan). The Plan expires on May 27, 2014. The County is requesting a two-year extension while the County completes the update. The North Region Committee reviewed the request on January 19, 2012.

Minnesota Board of Water and Soil Resources  
St. Paul, Minnesota 55155

-----  
In the Matter of Extending the Comprehensive Local Water Plan  
For Cass County (1995 Minnesota Session Law, Chapter 184,  
Section 24, authorizing BWSR to grant extensions).  
-----

Whereas, Cass County has a State approved Comprehensive Local Water Plan that is effective until May 27, 2014, pursuant to Minnesota Statute 1990, Section 103B.301, and

Whereas, the Cass County Board of Commissioners passed a resolution requesting an extension for the Comprehensive Local Water Plan to the Board of Water and Soil Resources (BWSR) on March 18, 2014, pursuant to Minnesota Session Law 1995, Chapter 184, and

Whereas, the Board of Water and Soil Resources has authorization to grant extensions pursuant to Minnesota Session Law 2012, Chapter 103B.3367

Now therefore, the Board of Water and Soil Resources hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. On March 27, 2014, the Board of Water and Soil Resources received a resolution from Cass County requesting a two-year extension of their Comprehensive Local Water Plan to May 27, 2016.
2. On March 27, 2014, Board of Water and Soil Resources staff reviewed and recommended approval of the extension request by Cass County.
3. On April 9, 2014, the Northern Region Committee met and reviewed the Cass County request for an extension. The Committee recommended approval of the request.

CONCLUSIONS

1. All relevant requirements of law and rule have been fulfilled. The Board of Water and Soil Resources has proper jurisdiction in the matter of extending the Comprehensive Local Water Plan of Cass County pursuant to Minnesota Session Law 1995, Chapter 184, Section 24.

ORDER

The Board of Water and Soil Resources hereby approves the two-year extension of the Cass County Comprehensive Water Plan until May 27, 2016.

Dated at St. Paul, Minnesota, this 23rd day of April 2014.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: \_\_\_\_\_  
Brian Napstad, Chair

Commissioner Downham offered Resolution No. 16 - 14 and moved its adoption; Commissioner Peterson seconded:

WHEREAS, 1995 amendments to the Comprehensive Local Water Planning Act, M.S. §103B.311 gave the MN Board of Water and Soil Resources (BWSR) authority to extend the date of local water plans for a period not to exceed two (2) years; and

WHEREAS, Cass County has a current state approved and locally adopted Comprehensive Local Water Plan with an end date of January 2014;

WHEREAS, the public comment period has been conducted and results of the public survey have been prioritized for the extension of the 2014 water plan to January 24, 2016; and;

WHEREAS, Cass County is an active participant in four MPCA watershed projects the Crow Wing Watershed, Pine River Watershed, Leech Lake River and the Upper Mississippi River. All of projects are in various stages of completion. Data from these four projects could be used as in future LWP decision making.

WHEREAS, the Crow Wing County Local Water Planner has created a model for Local Water Plans targeted at the minor watershed level and which coordinates with the Department of Natural Resources Fisheries Lake Protection and Restoration Strategy Cass County would like to integrate both practices into the updated LWP to create a common methodology to prioritize, target and develop measurable outcomes for future projects

Now THEREFORE, BE IT RESOLVED, The Cass County Board of Commissioners request from MN Board of Water and Soil Resources (BWSR) an additional special 24 month extension for a total extension of two (2) more years (January 24, 2016) to include the work being completed on the four watersheds and implement advanced GIS Mapping capabilities and the DNR Fisheries Lake Protection and Restoration model for minor watersheds to be added to the Cass County Comprehensive Water Plan

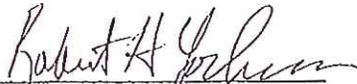
BE IT FURTHER RESOLVED, that Cass County will ensure continued public participation in the form of a Water Plan Task Force and Public Information meetings.

Resolution No. 16 - 14 was adopted by majority vote: Downham, Dowson, Gaalswyk, Kangas, Peterson. Nays: None.

STATE OF MINNESOTA            }  
County of Cass                 } ss.  
Office of County Administrator    }

I, Robert H. Yochum, Administrator of the County of Cass, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the \_\_\_ day of \_\_\_\_\_ A. D. 2014, and the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF MY OFFICE  
at Walker, Minnesota, this \_\_\_ day of \_\_\_\_\_, A. D. 2014.

  
Robert H. Yochum  
County Administrator

RECEIVED

MAR 27 2014

BD OF WATER & SOIL  
RESOURCES-BRAINERD



## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Bois de Sioux Watershed District Plan Amendment Hearing

**Meeting Date:** April 23,, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

**Section/Region:** North Region

**Contact:** Pete Waller

**Prepared by:** Ron Shelito

**Reviewed by:** North Region Committee Committee(s)

**Presented by:** Gerry Van Amburg

**Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**  Resolution  Order  Map  Other Supporting Information

### Fiscal/Policy Impact

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget      |

### ACTION REQUESTED

None

### LINKS TO ADDITIONAL INFORMATION

<http://www.frontiernet.net/~bdswd/Files/Final%20Overall%20Plan%205-23-03.pdf>

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

On October 2, 2013 BWSR received a petition to amend the Bois de Sioux Watershed District Overall Plan pursuant to M.S. 103D.411. The petition proposes to amend the District's Overall Plan to clarify the basis and means to achieve the retention goals of the District via impoundments. A public hearing was requested and held in Wheaton on April 9, 2014. The North Region Committee presided over the hearing. The record will remain open following the hearing through April 23, 2014. The earliest this plan will come to the full BWSR Board for action is June 25, 2014.

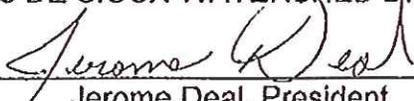
**BOIS DE SIOUX WATERSHED DISTRICT**

**PETITION TO AMEND THE OVERALL PLAN  
PURSUANT TO M.S. 103D.411**

The Bois De Sioux Watershed District hereby files this petition with the BOARD OF SOIL AND WATER RESOURCES to initiate an amendment of its overall plan pursuant to Minnesota Statute 103D411.

Petitioner requests that the BOARD proceed with adopting the attached proposed amendment.

Dated this 20<sup>th</sup> day September, 2013.  
BOIS DE SIOUX WATERSHED DISTRICT

By   
Jerome Deal, President

RECEIVED

OCT 02 2013

Bd. of Water & Soil Resources  
St. Paul

DRAFT

Proposed Amendment to  
Bois de Sioux Watershed District Overall Plan  
(May 2003)

INSERT ON PAGE 99 AS PARTS V.C, D, E and F:

C. LAND ACQUISITION

A primary purpose of the District is to reduce damaging flood flows (Overall Plan, pages 1-2). To this end, it has sought to construct flood damage reduction projects since its inception in 1988 (Overall Plan, page 32). One of the recommended methods for reducing flood flows is impoundments. (Overall Plan, page 35).

These are land-intensive projects. Land use within the District is devoted almost entirely to agriculture (Overall Plan, page 18). One challenge the District faces is the necessity to locate retention projects on agricultural lands. Throughout the District's existence, the demand for agricultural land within the District has exceeded the supply.

Under the Watershed Law, chapter 103D, the District has the authority to "acquire by gift, purchase, taking under the procedures of this chapter, or by the power of eminent domain, necessary real and personal property" within District boundaries. Minn. Stat. §103D.335, subd. 11. Property may be acquired for any watershed purpose under Minnesota Statutes §103D.201. The District may hold and manage real property for conservation purposes, for the purpose of locating projects of the District, in anticipation of projects, or for multiple water resource management purposes, all of which the District considers necessary to accomplish its purposes and the goals of its Overall Plan. The District may acquire and hold a fee interest, an easement, or other property rights as the board of managers determines may allow the District to achieve its plan goals. The District also may enter into contracts regarding real property including options, contracts for deed, leases and assignments. Pursuant to this authority, the District will acquire property interests for projects and, in particular, in anticipation of projects.

The planning work performed by the District is typically on a subwatershed basis. Especially with respect to water quantity, the most important planning is to establish subwatershed flow reduction or storage goals, rather than specific project locations. In addition to the plan itself, which outlines goals for the District's 10 subwatersheds, the "Application of the Flow Reduction Strategy in the Bois de Sioux Watershed" (June 4, 2010), sets storage goals specifically within the Lake Traverse and Rabbit River basins. See Appendix 12. Table 1 of this Flow Reduction Strategy identifies potential impoundment sites. It is important to note that, because of the District's topography and the regional nature of the plan goals, the potential impoundment sites, or locations for other water quantity or quality projects, should be considered illustrative but not the only possible sites for these projects. Thus, there are multiple sites where impoundment projects would be feasible and beneficial. The more critical objective is to achieve the overall retention goals in each subwatershed.

The District has a strong preference to work cooperatively with landowners in order to site projects that accomplish its goals. Rather than identify a project location and then attempt to acquire the land at that location, the District chooses to establish criteria for the location, setting and type of land that is likely to support an effective project, and to encourage property owners interested in selling or granting easements on their land to come forward. A project that rests on a cooperative relationship with property owners is more likely to have general support and avoid unproductive controversy, delay and potential legal challenge. Even where the District engineer and the District have identified multiple impoundment sites, project development has not proceeded for lack of a landowner willing to sell needed property. When land does become available, the District often must act quickly if it wishes to acquire the land for potential project use.

Accordingly, the District will acquire property interests for projects as follows:

1. The District strongly prefers to rely on willing landowners to supply land and easements through negotiated arms-length transactions.
2. The District will evaluate a potential acquisition by considering whether the land has characteristics that make it likely to be suited for project needs in that subwatershed, whether the price is fair, and the District's ability to avoid financial loss in the event a project using that land does not go forward.
3. For each subwatershed, as a part of its project planning activities the District will prepare land acquisition guidelines that identify the extent of land rights the District may need for projects and the characteristics of the land needed, including general location, acreage, topography, soils and any other features that would determine the land's physical suitability for District purposes. These guidelines will be publicly available and will be used by the board of managers to judge the soundness of an anticipatory acquisition. The guidelines will also acknowledge that the managers retain the ability to make case-by-case judgments. The District may also consult its technical advisory committee or the Red River Basin Flood Damage Reduction Work Group in developing these guidelines.
4. The District will obtain an appraisal before acquisition or disposition, except in very limited circumstances, such as cases where the tracts of land are small and the District determines that it is appropriate to determine benefits and damages pursuant to Minnesota Statutes Section 103D.721. The District may also utilize auction bidding to acquire property where the District has established a maximum price through review of recent area land sales. The District will dispose of excess lands by auction or through other competitive process.
5. Occasionally, the District may find it prudent and necessary to acquire lands that will not be located within the project itself. The District may use such lands, when so requested, to trade for lands that are located within the project. The District will dispose of property not needed for projects in a way that avoids unnecessary holding costs and illiquidity of assets.

6. The District generally will obtain fee title to the necessary property for its projects. In each case the managers will judge the cost and financial risk to the District in purchasing land rights before full project definition and a formal decision to proceed with a project. The District will look to structure an acquisition to limit risk, through means such as buying an option, leasing lands consistent with project needs, preserving compatible uses by an underlying fee owner and disposing of land rights not needed for a project. For each acquisition, the District will prepare a management plan to describe how the District will minimize land holding costs and liabilities, and maximize water resource outcomes, until such time as the project is constructed.
7. The District acknowledges that it may in rare circumstances find it necessary to acquire land and easements for projects through all authorized means, including eminent domain, in the event project priorities so require.

#### D. PROJECT FUNDING

In addition to the project funding authorities available to watershed districts pursuant to Minnesota Statutes Chapter 103D, the District has several other important funding sources for its projects.

The District is a member of the Red River Watershed Management Board (RRWMB), a joint powers body of watershed districts located in the Red River Basin. The RRWMB levies an additional ad valorem tax on real property authorized by special legislation, which may not exceed 0.04836 percent of the taxable market value of all property within the district. The proceeds of one half of this levy is to be used for the development, construction, and maintenance of projects and programs of benefit to the District. The proceeds of the remaining one-half of this levy is credited to the general fund of the Red River watershed management board and is to be used for funding projects and programs of benefit to the Red River basin. It is the District's policy to seek RRWMB funding for any eligible project, as many of its projects also provide benefit to the Red River basin. The procedures to do so are set forth in the RRWMB's Application Procedures for Funding Flood Damage Reduction Projects and Related Programs. The District also utilizes the project planning and review procedures established by the December 9, 1998 mediation agreement of the Red River Basin Flood Damage Reduction Work Group.

The District may also receive funding for its projects from the State of Minnesota, such as the Department of Natural Resources Flood Damage Reduction program, and other state sources.

#### E. PROCEDURE FOR ESTABLISHING PROJECTS

The District primarily establishes projects by resolution of the board of managers pursuant to Minnesota Statutes-Section 103D.601, although it occasionally receives petitions for projects as discussed in Section V.A above. Section 103D.601, Subdivision 1, requires adoption of the resolution by a majority of the managers that finds:

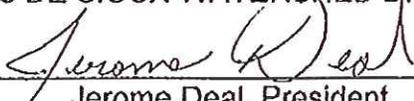
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By   
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RECEIVED

OCT 02 2013

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St. Paul

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- (1) the project is financed by grants totaling at least 50 percent of the estimated project cost; and
- (2) the engineer's estimate of costs to parties affected by the watershed district, including assessments against benefited properties but excluding state, federal, or other grants, is not more than \$750,000 for the project.

The District considers its own property tax levies or assessments to be subject to the \$750,000 limitation, and considers the funding sources from the RRWMB levy to be sources that are not subject to the \$750,000 limitation.

Promptly after purchasing property suitable for a project, the district will direct the district engineer to prepare a preliminary report and advise the managers whether the proposed project is feasible, and estimate the cost of the project. The District will then hold a hearing pursuant to 103D.601, unless it reasonably believes it will receive a petition. If, after the hearing, the managers determine that the proposed project promotes the public interest and welfare and is practicable and in conformity with the watershed management plan of the watershed district, the managers must adopt a final resolution approving the project and identify the proceeding by name and number. Then the proceeding must continue as provided for a project initiated by a petition. However, the District's projects will typically be considered basic water management projects as identified in the watershed management plan, or Overall Plan, and therefore it is appropriate to proceed under Section 103D.605

There is likely to be considerable engineering work to be done before the exact design of the project is developed and there may be additional lands needed other than those the Watershed District is able to initially purchase. Therefore, the planning process may extend over a substantial number of years. During this time, the District will attempt to acquire the remaining property identified as necessary and beneficial for the proposed project. The district will give published notice of and hold an informal public meeting every six months to discuss the status of its identified projects so as to provide information to the public during this development period. It may also hold public hearings on individual projects so as to keep the public informed of developments.

Again, the District will typically not assess for benefits, so will not utilize the assessment procedures. The District will follow the project team process which incorporates early permit coordination with state and federal agencies. The District will proceed to obtain the engineer's final report, the reports from the Department of Natural Resources and the Board of Soil and Water Resources, together with all the necessary permits, and thereafter schedule a final hearing pursuant to Section 103D.605. The District will conduct the final hearing to consider whether to establish the project, and make findings and order the project upon finding that the project will be conducive to public health, promote the general welfare, be in compliance with the watershed management plan and with Chapter 103D. If at the time of the final hearing, the District has not been able to purchase all of the necessary real property, it will direct the commencement of eminent domain proceedings pursuant to Minnesota Statutes Chapter 117, and include this direction in the order. Upon making such findings, the managers will order the establishment of the project, and order the engineer to proceed with making the necessary surveys and preparing plans and specifications that are needed to construct the project and report the results of the

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surveys and plans to the managers. The final hearing shall be recessed as necessary until the court order is issued approving the public purpose and authorizing the taking pursuant to Section 117.075, and until the engineer's report and the bids are received.

The District also develops and coordinates its projects as appropriate in accordance with the comprehensive watershed planning and project review and permitting processes of the Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998 ("Mediation Agreement"), as it relies on the Red Board for funding.

#### F. FUNDING PROJECT MAINTENANCE

Minnesota Statutes Section 103D.631 provides for a maintenance fund and describes how it is to be funded: "the managers may assess all the parcels of property and municipal corporations previously assessed for benefits in proceedings for the construction or implementation of the project, to establish a maintenance fund for the project." As stated above, the District typically would not fund a project by assessing parcels for benefits. The RRWMB levy described above provides that the proceeds from that levy may be used for project maintenance.

Much of the agricultural land the District has acquired is not intended to be part of the project's permanent flood pool and will remain suitable for farming in most years. The District also owns land dedicated to projects that have yet to be constructed. The local population strongly supports the District making this land available to agriculture producers.

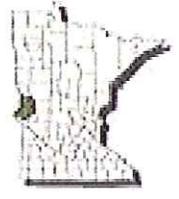
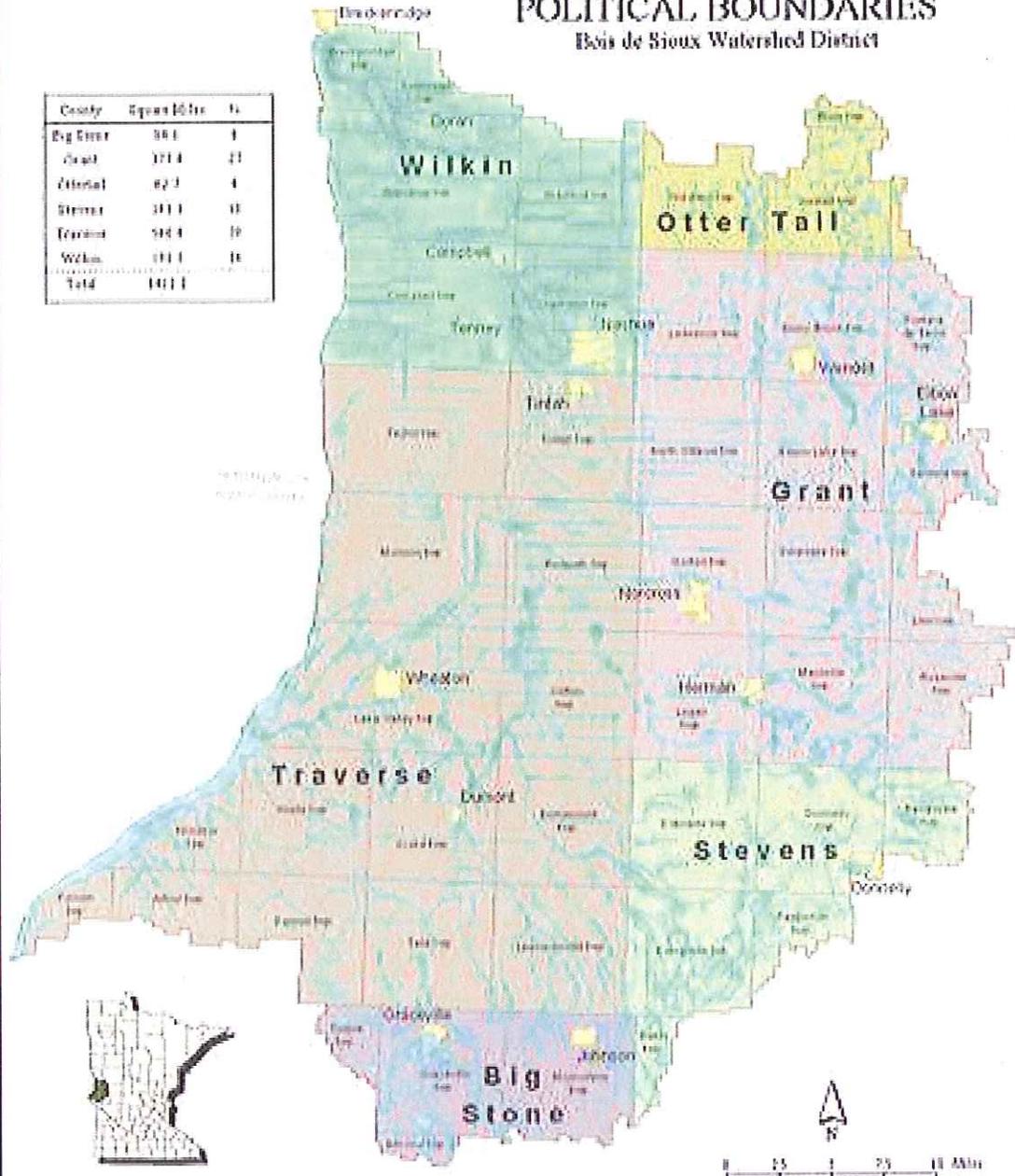
The District has determined that it is appropriate to utilize this land rental income to fund its project maintenance obligations. Therefor the District leases out the available croplable acres it owns on bids and places the rental income it receives in its maintenance fund. The District's policy is to have these rental receipts be the primary source of funding for maintenance, augmented as necessary with the RRWMB levy. The District has established a single project maintenance fund accordingly, rather than maintain separate funds for each project.

The District understands it is not to lease out lands purchased with State of Minnesota bonding funds unless the purchase of those lands included acknowledgement for leasing as part of the purchase price for the land, or such leasing arrangement is otherwise consistent with formal rulings of Minnesota Management and Budget and the Internal Revenue Service.

# POLITICAL BOUNDARIES

## Bois de Sioux Watershed District

County	Square Miles	%
Big Stone	54.1	1
Grant	171.4	23
Olson	62.3	8
Stevens	111.1	15
Wilkin	140.1	19
<b>Total</b>	<b>1401.1</b>	



**COMMITTEE RECOMMENDATIONS**

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

1. One Watershed, One Plan – Suggested Boundary Map – Melissa Lewis – ***DECISION ITEM***



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** One Watershed, One Plan Implementation

**Meeting Date:** April 23, 2014

**Agenda Category:**  Committee Recommendation  New Business  Old Business

**Item Type:**  Decision  Discussion  Information

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

**Contact:** Doug Thomas

**Prepared by:** Doug Thomas/Melissa Lewis  
Public Relations, Oversight &

**Reviewed by:** Strategic Planning Committee(s)

**Presented by:** Jack Ditmore/Melissa Lewis

**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
- Other:  Clean Water Fund Budget

### ACTION REQUESTED

Adoption of Final Suggested Boundary Framework Map  
Update on Operating Procedures and Policies being worked on for the June Board meeting  
Update on the Pilot Watershed review and recommendation process

### LINKS TO ADDITIONAL INFORMATION

One Watershed, One Plan – Suggested Boundary Framework Map (attached)

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

The One Watershed, One Plan program was initiated in 2011 by the Local Government Water Roundtable (AMC, MASWCD, MAWD) and followed with authorizing legislative authority to BWSR in 2012. The Board’s Public Relations, Oversight, and Strategic Planning Committee (PROSP) is charged with assisting in the development of operating procedures and policies that will guide program implementation. At this time the PROSP Committee is recommending Board adoption of the One Watershed, One Plan Final Suggested Boundary Map.

The initial Draft Suggested Boundary Framework and Map were developed by the PROSP Committee in the fall of 2013 and recommended for adoption to the Board at its November 14, 2013 meeting. On December 18, 2013 the Board adopted the Draft Suggested Boundary Map and authorized a 60 day review and comment period. On January 2, 2014 notice was sent to local governments and posted to the BWSR website initiating the 60-day review and comment period which closed on February 28, 2014. Ten comments were

received, half in support of the map as presented and half requesting changes. None of the changes requested conflicted with each other. The comments were reviewed by the PROSP Committee, along with a revised boundary map which incorporated the requested changes at its March 25, 2014 meeting. After discussing the comments and revised map, the Committee agreed with the requested changes and voted to recommend adoption of the One Watershed, One Plan Final Suggested Boundary Map, dated March 25, 2014 to the full Board at its April 23, 2014 meeting.

Additionally staff on behalf of the PROSP Committee will update the Board on the following operating procedures and policies that are expected to be brought to the board at its June 2014 meeting for Board action. They include 1) plan extension policy, 2) participation requirements, 3) formal agreement requirement, 4) plan initiation process, and 5) boundary procedures. The Committee will also outline the pilot watershed review, selection and recommendation process that will be used to bring a recommendation for selection to the Board in June.



Board Resolution # 14-

**ONE WATERSHED, ONE PLAN  
FINAL SUGGESTED BOUNDARY MAP**

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**WHEREAS**, the Clean Water Fund (CWF) is established in M.S. 114D.50; and,

**WHEREAS**, Clean Water Funds have been appropriated to BWSR in Laws of Minnesota 2013, Chapter 137, Article 2, Section 7(j) for assistance and grants to local governments to transition local water management plans to a watershed approach as provided for in Minnesota Statutes, chapters 103B, 103C, 103D, and 114D; and

**WHEREAS**, M.S. 103B.101. Subd. 14, provides that the board shall, to the extent practicable, incorporate a watershed approach when adopting the resolutions, policies, or orders, and shall establish a suggested watershed boundary framework for development, approval, adoption, and coordination of plans; and

**WHEREAS**, the Board on June 26, 2013 concurred that a set of guiding principles and operating procedures were necessary to guide and support the development of the One Watershed, One Plan program, and pilot watershed approach; and

**WHEREAS**, the Board on December 18, 2013 voted to approve resolution #13-106 adopting the One Watershed, One Plan draft suggested boundary map and charged the Public Relations, Oversight, and Strategic Planning Committee (PROSP) working with staff to initiate a 60 day review and comment period to seek input on the draft map and to recommend a final suggested boundary map for consideration by the Board at a future meeting; and,

**WHEREAS**, the PROSP Committee met on March 25, 2014 and after review and discussion of the ten written comments received and a revised suggested boundary map agreed with the requested changes and voted to recommend adoption of the One Watershed, One Plan Final Suggested Boundary Map, dated March 25, 2014 to the full Board.

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

- 1) Adopts the One Watershed, One Plan Final Suggested Boundary Map dated March 25, 2014.

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

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

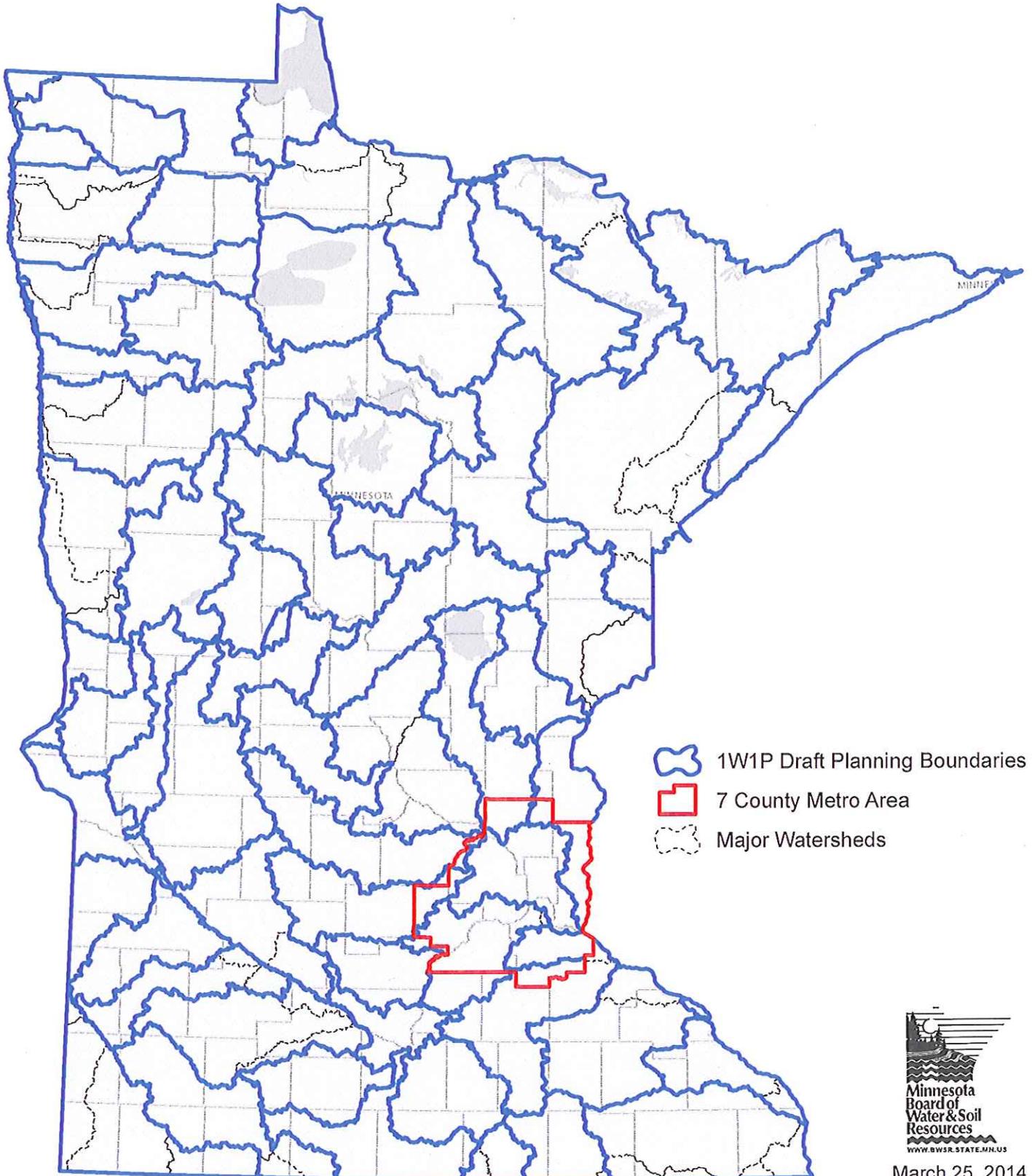
Attachments:

One Watershed, One Plan – Final Suggested Boundary Map, March 25, 2014.

# One Watershed, One Plan

## *Suggested Boundary Map*

**DRAFT**



March 25, 2014

\*Not legal boundaries; intended for planning purposes through One Watershed, One Plan only.

**NEW BUSINESS**

1. FY2014 Clean Water Fund Outcomes – Dave Weirens – *INFORMATION ITEM*



# BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** FY2014 – Clean Water Fund Outcomes

**Meeting Date:** April 23, 2014

**Agenda Category:**  Committee Recommendation     **New Business**     Old Business

**Item Type:**  Decision     Discussion     Information

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

**Contact:** Dave Weirens

**Prepared by:** John Jaschke

**Reviewed by:** N/A    Committee(s)

**Presented by:** Dave Weirens, Acting Asst. Director

**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

Overview via PowerPoint of BWSR Clean Water Fund FY2014 outcomes.

## LINKS TO ADDITIONAL INFORMATION

<http://www.bwsr.state.mn.us/cleanwaterfund>

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

The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation. The purpose of this presentation is to provide a comprehensive overview of implementation activities conducted via the BWSR Clean Water Fund (CWF) grant programs. BWSR's Clean Water Fund goal is to help meet statewide water quality goals through the prevention and reduction of non-point source pollution.

The Competitive Grants program works through the local conservation delivery system to fund projects that are prioritized and targeted to the most critical source areas.

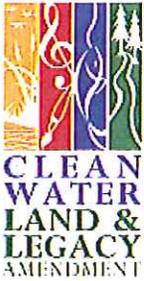
CWF easements provide permanent protection of private land in riparian and groundwater locations, resulting in improved surface water quality and the health and security of community water supplies.



# FY 2014 Clean Water Fund Outcomes

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Minnesota Board of Water and Soil Resources





## Clean Water Fund Goal

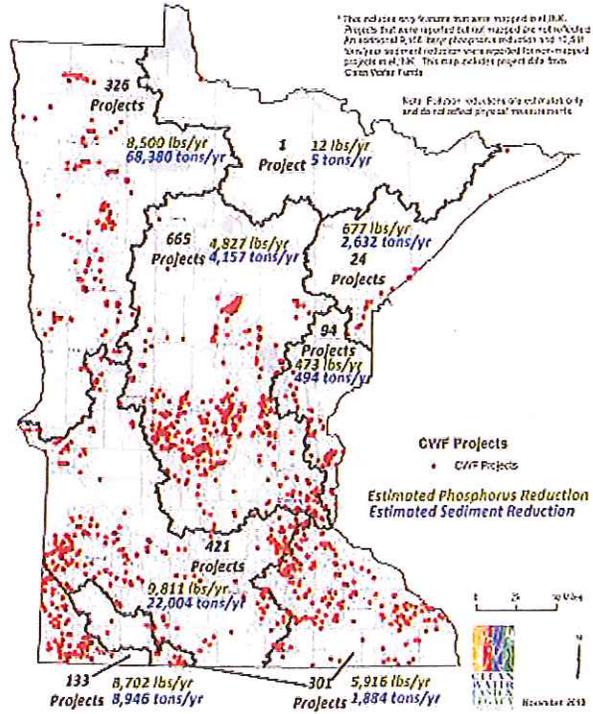
BWSR's Clean Water Fund goal is to help meet statewide water quality goals through the prevention and reduction of non-point source pollution.

- The Competitive Grants program works through the local conservation delivery system to fund projects that are prioritized and targeted to the most critical source areas.
  - CWF easements provide permanent protection of private land in riparian and groundwater locations, resulting in improved surface water quality and the health and security of community water supplies.
-



# Overview of Projects To-Date

2010-2013 Projects and Estimated Pollution Reductions by Major Basin



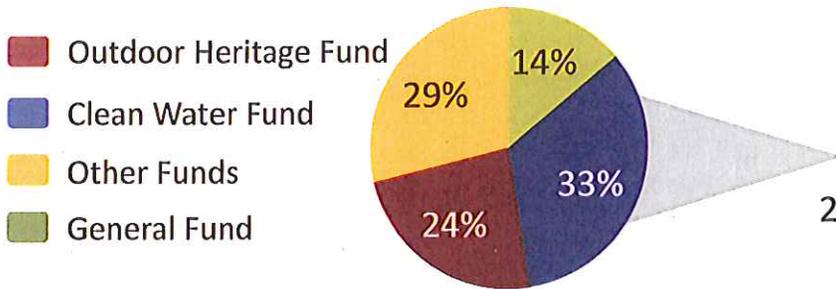
\* The reduction figures are estimates based on DNR projects that are reported to the DNR. The DNR does not collect data on all projects. The map reflects project data from Green Valley Funds.

Note: Estimated reductions are estimates only and do not reflect project implementation.

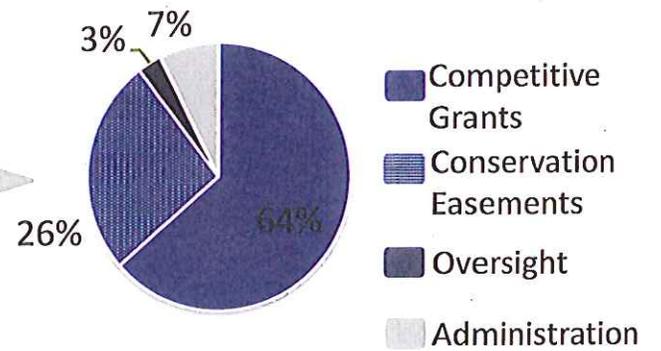


# Budget Overview

### BWSR Revenue for FY14

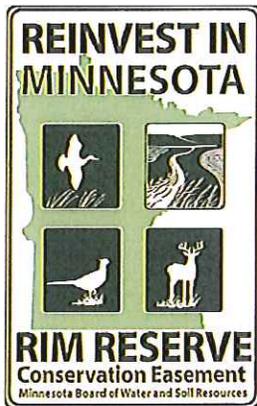


### Clean Water Fund FY14 Budget





## Conservation Easement Programs



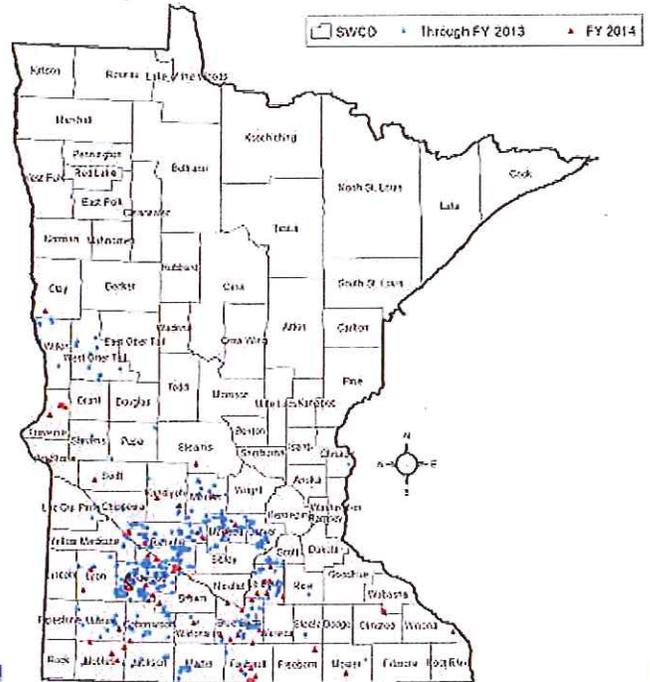
Program	FY14 Appropriation
Riparian buffer conservation easements	\$6.5 million
Wellhead protection conservation easements	\$1.3 million



# Riparian Buffer Program

Reinvest In Minnesota (RIM) Reserve

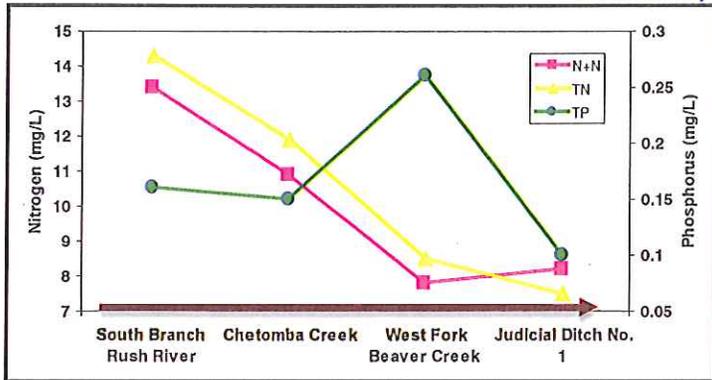
**FY 2014**  
**Easements: 76**  
**Acres: 988**  
**Funds: \$6.5M**



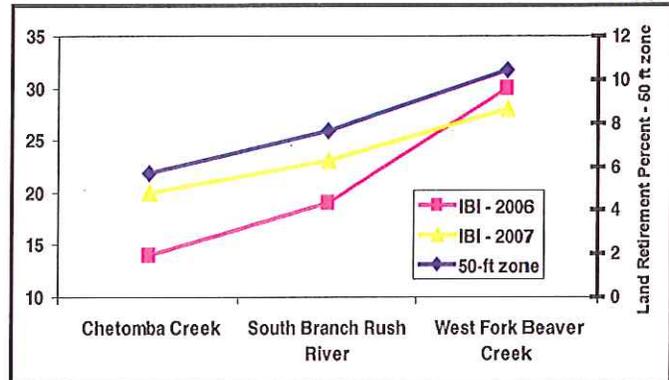


# Riparian Buffer Study Outcomes

Chemistry



Biology



Increasing land retirement results in increased environmental benefits.

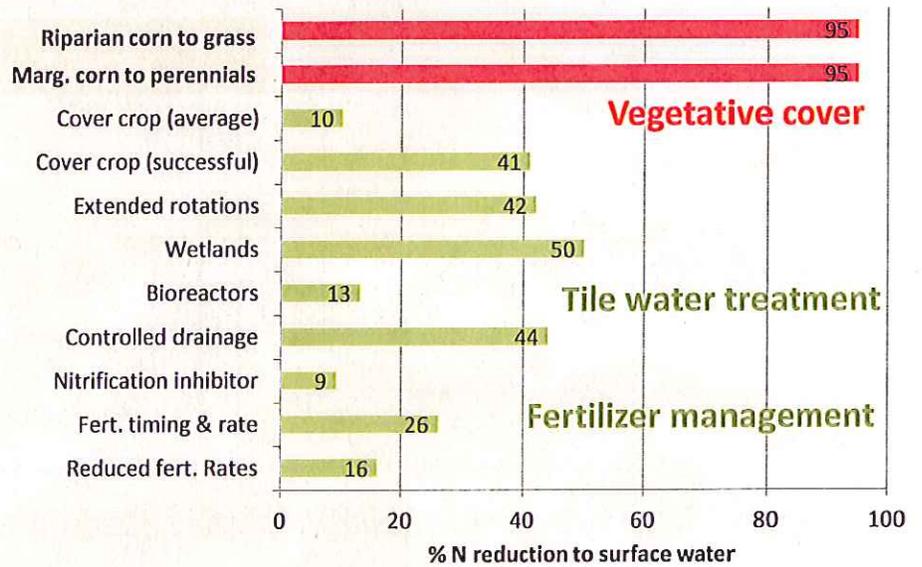
Source: Effects of Agricultural Land Retirement on the Minnesota River Basin, USGS/BWSR, funded by ENRTF as recommended by LCCMR.





# Riparian Buffers: Key Strategy for Nitrogen Reduction

### % nitrogen reduction in treated area



Source: 2013 MPCA study on Nitrogen in Minnesota Surface Waters



## Wellhead Protection Easement

**2010-2013**

**Easements: 16**

**Acres: 1,018**

- Estimate 500 acres (250 per year) will be protected with FY14 appropriation
  - Perpetual easements are the only tool available for permanently reducing the threat.
-



## Competitive Grants/Local Implementation

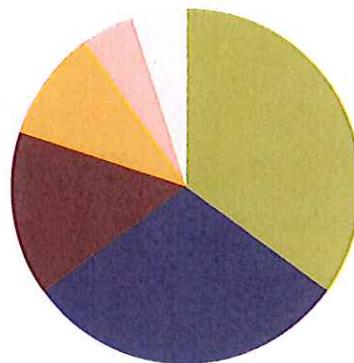
Program	FY 2014 Allocation
Projects and Practices	\$ 8.4 M
Accelerated Implementation	\$ 2.2 M
Accelerated Implementation: Shared Services	\$ 2.0 M
Community Partners Conservation Program	\$ .86 M
Soil Erosion and Drainage Law Compliance	\$ 1.1 M
Targeted Watershed Demonstration Program	\$ 5.0 M
One Watershed, One Plan	\$ .45 M



## Selection Process

### Projects and Practices Weighted Criteria

BWSR asks for projects that are prioritized, targeted and capable of achieving measurable results.

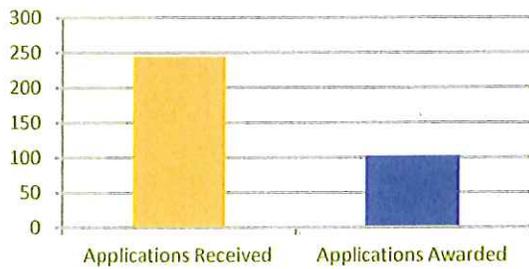


- Measurable Outcomes
- Targeting
- Plan Connection
- Project Readiness
- Project Description
- Biennial Budget Request

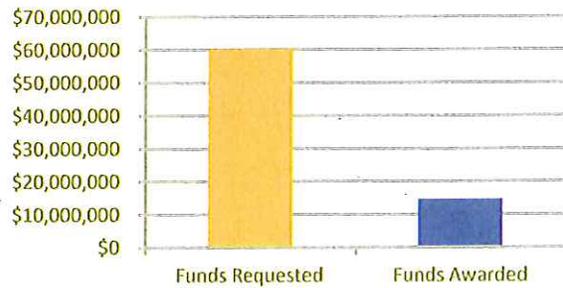


## Supply and Demand

2014 CWF Competitive Grant Applications



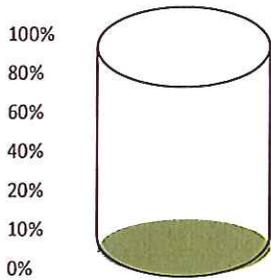
2014 CWF Competitive Grant Funding





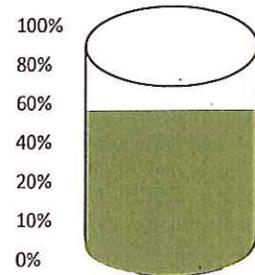
## Context for outcomes

St. Croix River



**1% toward goal**  
**62% toward goal**

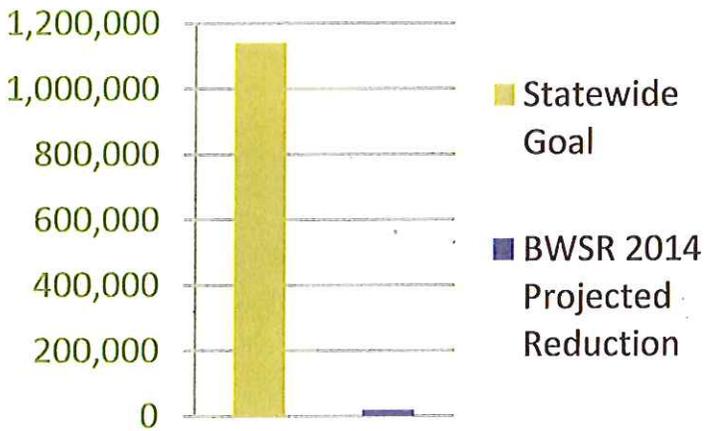
Comfort Lake



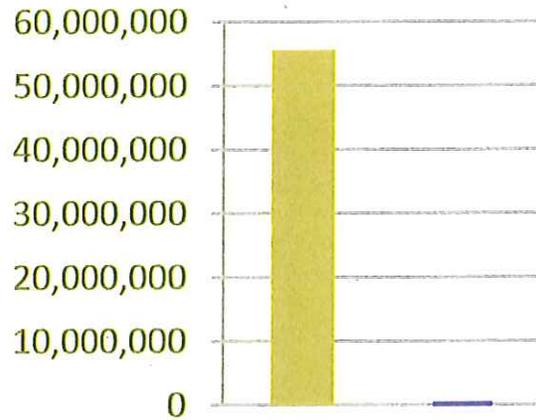


## 2014 Statewide Pollutant Reduction Goals

Phosphorus (lbs/yr)



Nitrogen (lbs/yr)

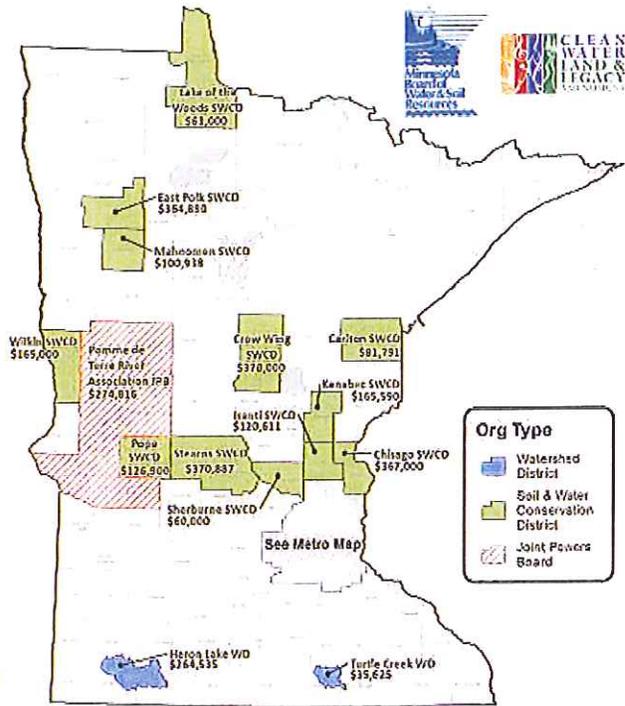


Goals as outlined by the draft MN Nutrient Reduction Strategy



# Projects and Practices Grants: Outstate

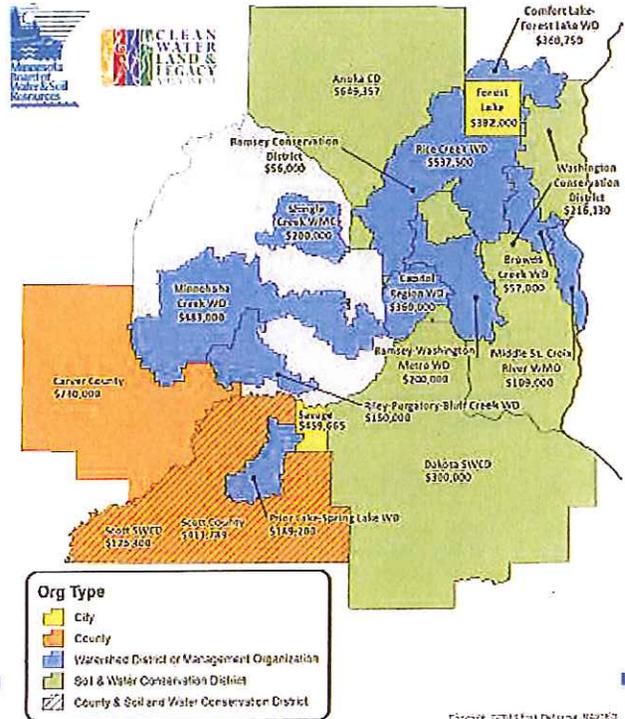
**FY 2014 Funding:  
\$2,929,573**





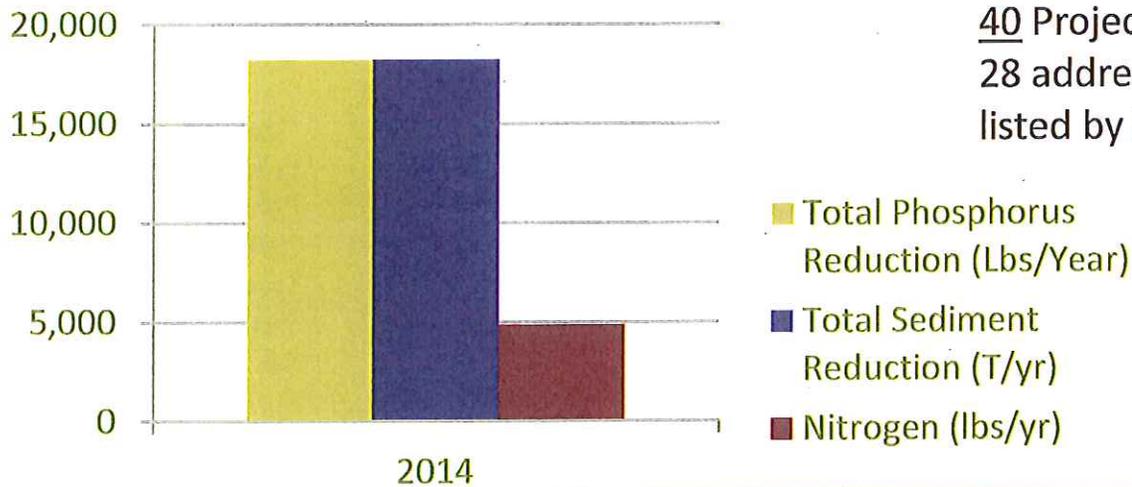
# Projects and Practices Grants: Metro

**FY 2014 Funding: \$5,487,791**





## FY 2014 Projects and Practices Estimated Pollution Outcomes

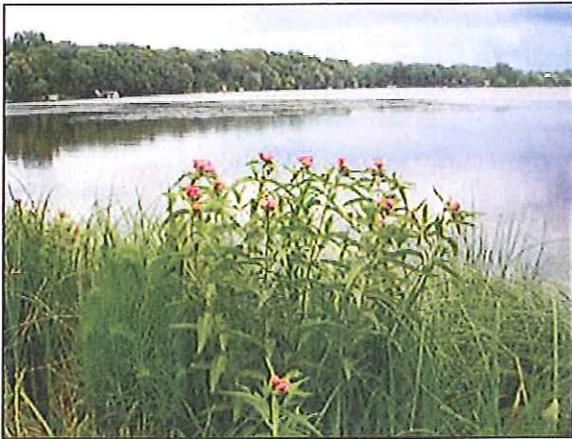


40 Projects Funded  
28 address impairments as  
listed by MPCA.

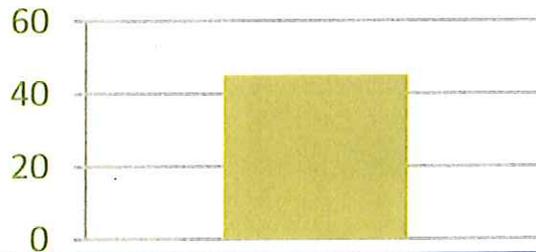


## Lake McCarron Protection: Upper Villa Park Volume Reduction and Stormwater Reuse Project

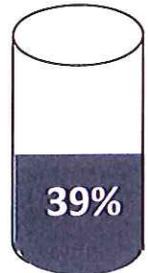
FY 2014 Grant Award: \$360,000



**Projected Pollution  
Reduction:  
Phosphorus (45 lbs/yr)**



100%  
80%  
60%  
40%  
20%  
10%  
0%



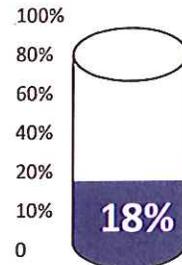
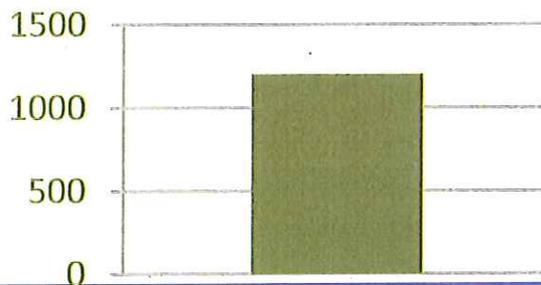


# Red River Sediment Reduction Project

FY2014 Grant Award: \$165,000



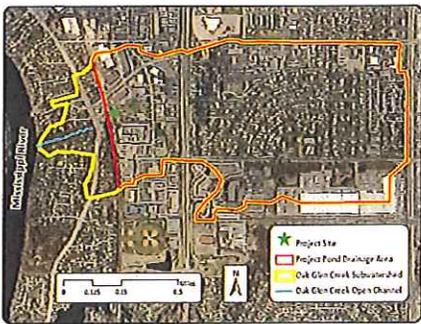
**Projected Pollution  
Reduction: Sediment  
(1,200 tons/yr)**



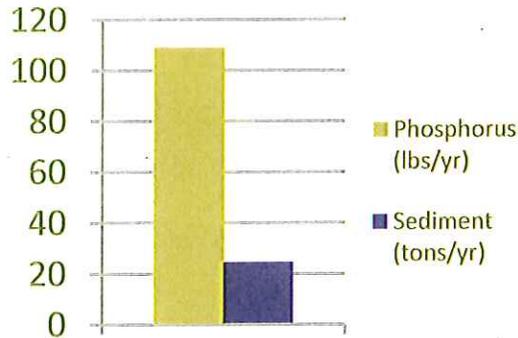


# Oak Glen Creek Stormwater Pond Expansion and Iron Enhanced Sand Filter Retrofit

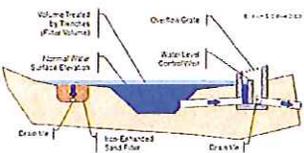
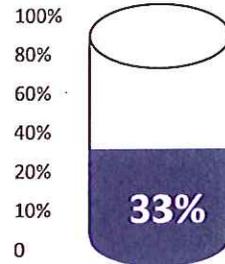
FY 2014 Grant: \$517,780



A 520 acre area drains to the existing stormwater pond and the open channel section of Oak Glen Creek, which then flows to the Mississippi River.



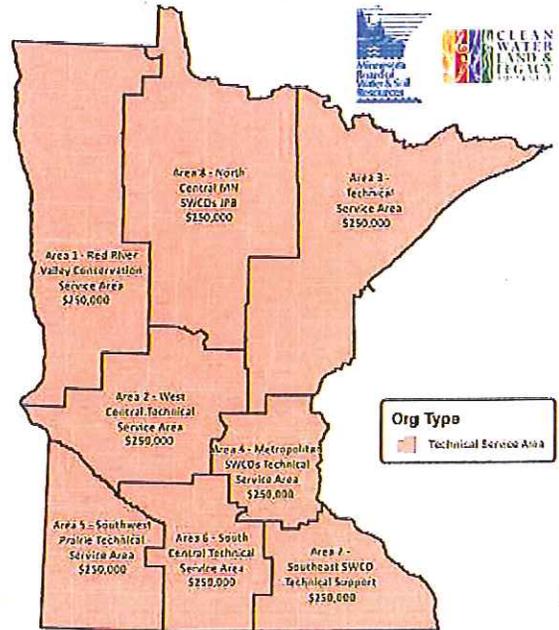
Projected Outcomes





# Accelerated Implementation Grants: Shared Services

**FY 2014 Funding: \$2,000,000**





## TSA 7: Improving Soil Health

**FY 2014 Grant Award: \$250,000**

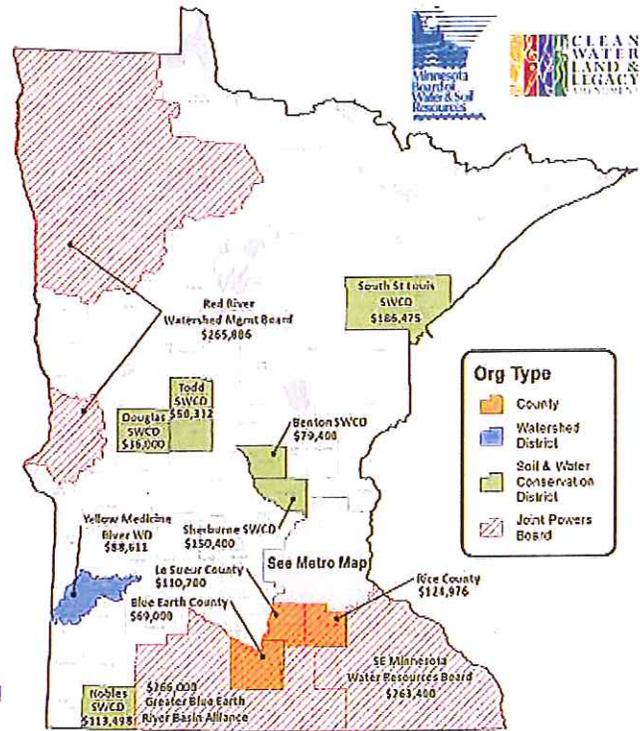
- Accelerates the adoption of soil health practices
- Targets managed grazing and cover crops
- Expected output: an additional 50 producers/year who would adopt cover crop practices





# Accelerated Implementation Grants: Outstate

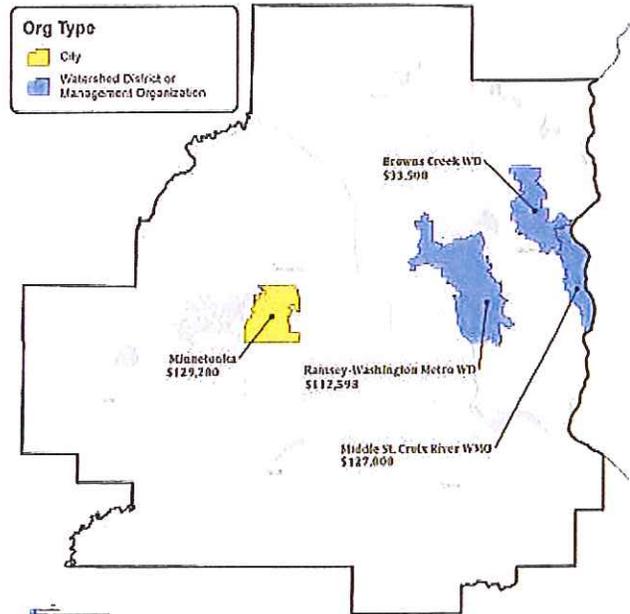
FY 2014 Funding:  
**\$1,804,658**





# Accelerated Implementation Grants: Metro

**FY 2014 Funding:  
\$402,298**





## Integrating MIDS into Local Ordinance and Zoning Code

FY 2014 Grant Award: \$127,000

### **Project Goal:**

- Up to 13 communities in the St. Croix River Basin will adopt ordinance for stormwater quality and volume standards.

### **Results:**

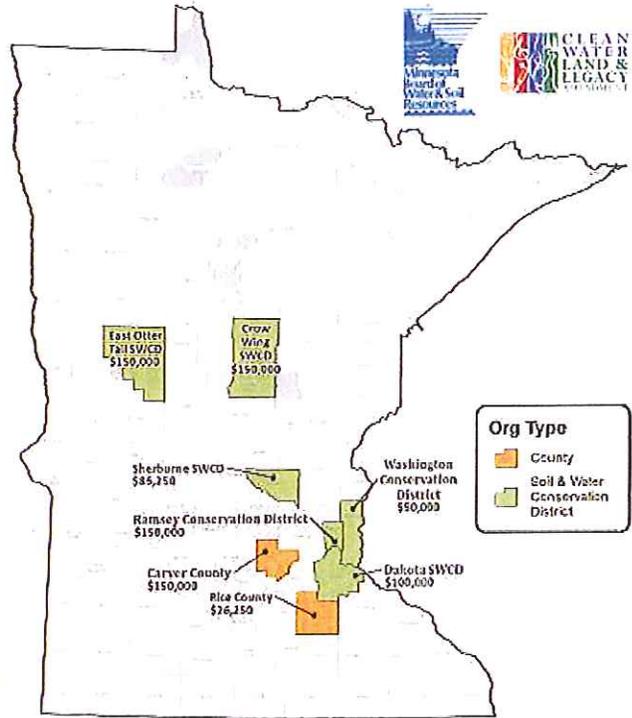
- Permanent local permitting processes
- Standardized Low Impact Development (LID) stormwater approaches





# Community Partners Conservation Program Grants

**FY 2014 Funding:  
\$862,500**





## Otter Tail Community Partners Grant

FY 2014 Grant Award: \$150,000

### Project Goal:

- Will provide targeted community groups to go beyond planning and take action to protect their water resources

### Results:

- 6 community partner sub-grants to lake associations with recently completed lake assessment reports

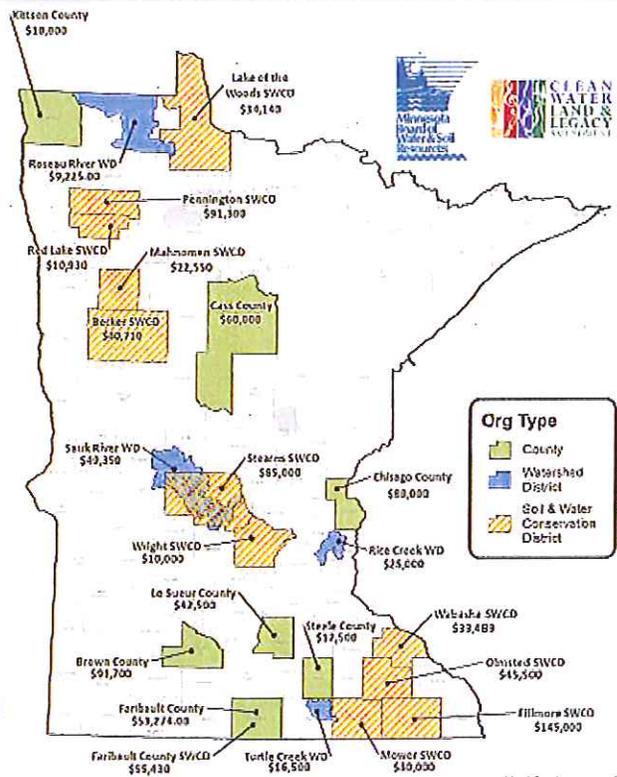


Stabilization Project  
Designed and Installed by  
Natural Shore Technologies



# Soil Erosion and Drainage Law Compliance Program Grants

**FY 2014 Funding:**  
**\$1,355,000**





## Pennington SWCD Side Water Inlet and Buffer Inventory FY 2014 Grant Award: \$91,300

### Project Goal:

- Identify and inventory priority sites for side water inlet control structures and buffer strip needs on drainage ditches in Pennington County.

### Results:

- Used by County Ditch Authority for implementation.

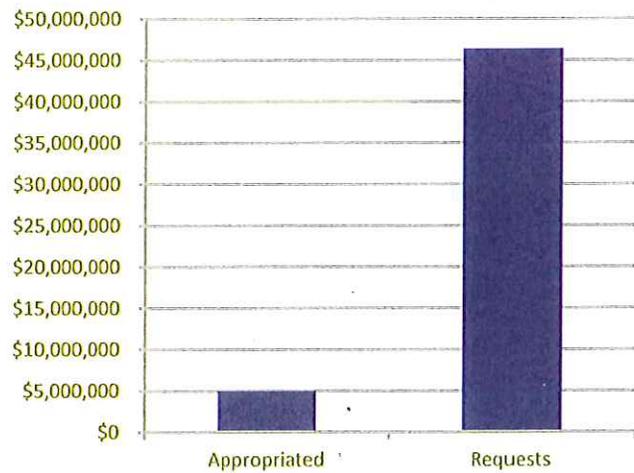




# Targeted Watershed Demonstration Program Grants

**FY 2014 Funding:  
\$5,700,000**

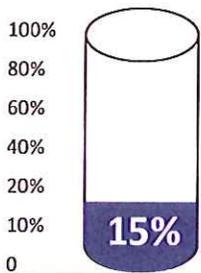
**FY 2014 Targeted Watershed Demonstration Program Response**



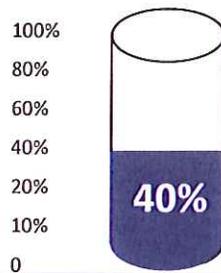


## 2014 Targeted Watershed Demonstration Program Grants

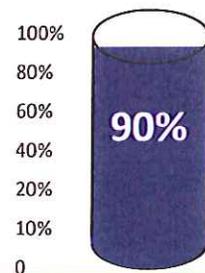
**Dobbins Creek**  
*Cedar River WD*  
Grant Amount: \$1.5 M



**Long Lake**  
*Rice Creek WD*  
Grant Amount: \$3 M



**Serpent Lake**  
*Crow Wing SWCD*  
Grant Amount: \$1.2 M





**CLEAN  
WATER  
LAND &  
LEGACY**  
AMENDMENT

