



DATE: October 17, 2016

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – October 27, 2016

The Board of Water and Soil Resources (BWSR) will meet on Thursday, October 27, 2016, beginning at 9:00 a.m. The meeting will be held on 2nd floor, Conference Room 2A-B, at 520 Lafayette Road, Saint 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

Central Region Committee

1. **Sherburne County Priority Concerns Scoping Document** – On May 23, 2007, the Board of Water and Soil Resources approved Sherburne County's Comprehensive Local Water Management Plan for a ten year period ending January 31, 2017, which was extended to February 28, 2018. On July 7, 2015, the County passed a resolution to begin the plan update process. On August 28, 2016, the Sherburne County Water Planner submitted the priority concerns scoping document to the state agencies for review. The BWSR Central Region Committee met on October 6, 2016, reviewed the Sherburne County Comprehensive Local Water Management Priority Concerns Scoping Document and recommend approval; finding the priority concerns identified to be appropriate and for the County to continue working on the development of the Plan. **DECISION ITEM**
2. **South Washington Watershed District 2016-2026 Watershed Management Plan** – On August 22, 2016, the South Washington Watershed District (SWWD) filed with the Board, the final draft 10-year plan amendment of its Watershed Management Plan. The SWWD is located exclusively in southern Washington County in the eastern portion of the metropolitan area encompassing portions of the Cities of Afton, Lake Elmo, Oakdale, Woodbury, Cottage Grove and Denmark Township. The area is a highly desirable place to live and the remaining rural areas continue to be quickly developing in an organized manner. The SWWD covers 110 square miles (70,000 acres) at the confluence of the Mississippi and St. Croix Rivers, includes 12 lakes, over 120 miles of piped and natural streams, and over 2,400 acres of wetlands. The Board's Central Region Committee met on October 6, 2016, reviewed the Plan; and unanimously recommend approval of the Plan. **DECISION ITEM**

Northern Region Committee

1. **Thirty Lakes Watershed District Termination Petition** – The Thirty Lakes Watershed District (TLWD) was established on May 18, 1971, by Order of the Minnesota Water Resources Board, which is now the Board of Water and Soil Resources. The TLWD was established to address lake water quality concerns, increased lakeshore development, stormwater management, septic system regulations, prevalence of swimmer’s itch and garbage in lakes. Reasons for the termination include; the original water resource management purposes of the TLWD are currently being adequately addressed by other government agencies; the residents of the district are being served well by the other government agencies and this additional level of government is duplicative; and, the TLWD has not taxed property owners since 2012 due to lack of projects and excess funds. Resolutions supporting the termination of the TLWD have been adopted by Crow Wing County, Lake Edward Township and the TLWD Board. A public hearing was held by the Northern Region Committee (Committee) on August 16, 2016 and the Order was reviewed by the Committee on October 12, 2016. The Committee had a unanimous decision to recommend approval of the Order by the full Board. ***DECISION ITEM***
2. **Wadena County Comprehensive Local Water Management Plan** – Wadena County has submitted their Comprehensive Local Water Management Plan for State review. The Northern Region Committee met October 12, 2016 to review the content of the plan, state agency comments to the plan and to make recommendations for approval. The Committee recommends approval by the full Board. ***DECISION ITEM***
3. **Clay County Priority Concerns Scoping Document** – Clay County has submitted their Priority Concerns Scoping Document (PCSD) as part of the update to their Comprehensive Local Water Management Plan. Their current plan expires December 31, 2016. Clay County presented their PCSD to the Northern Region Committee on October 12, 2016, and the Committee reviewed the document, concurred with the priority concerns selected and recommended approval of the Clay County PCSD by the full Board. ***DECISION ITEM***
4. **Norman County Priority Concerns Scoping Document** – Norman County has submitted their Priority Concerns Scoping Document (PCSD) as part of the process to update their Comprehensive Local Water Management Plan. The current plan expires December 31, 2016. Agency comments were received as part of the PCSD process and were considered for inclusion in the comprehensive local water management plan. Norman County presented their PCSD to the Northern Region Committee and the Committee concurred with the selected priority concerns and recommended approval of the Norman County PCSD by the full BWSR Board. ***DECISION ITEM***

Wetland Conservation Committee

1. **Local Road Wetland Replacement Program: Status and Management Plan** - The Board of Water and Soil Resources has been providing wetland replacement since 1996 for certain county, city and township road projects. Due to persistent underfunding of this Program, we are now faced with the prospect of being unable to provide wetland replacement on a statewide basis as provided by statute. The Wetland Conservation Committee recommendation to adopt the Local Road Wetland Replacement Program Status and Management Plan will establish a process to manage remaining and anticipated future wetland credits the Program will realize. ***DECISION ITEM***

2. **Wetland Mitigation Fee Policy Update** - The Board last took action on the wetland mitigation fee policy in January of 2013 (Board Resolution #11-98). Since that time BWSR has gained additional experience with the assessment and collection of fees for wetland mitigation and also received additional fee authority in 2015 for easement acquisition and stewardship. In 2016, staff completed an evaluation of the existing fee policy structure and completed the necessary research and analysis to develop a structure for the new fee authorities. These efforts resulted in an updated wetland mitigation fee policy. The Wetland Conservation Committee recommendation to adopt the updated wetland mitigation fee policy will implement the new fee authorities and update our existing wetland mitigation fee structure. **DECISION ITEM**

NEW BUSINESS

1. **2017 Proposed BWSR Board Meeting Schedule** – The Board meets the fourth Wednesday of the month unless noted. The proposed meeting dates for 2017 will be considered for adoption. **DECISION ITEM**
2. **Lake Superior North Comprehensive Watershed Management Plan (One Watershed, One Plan)** - Members of the Lake Superior North Watershed (LSNW) Advisory Committee will be presenting on the progress of developing their comprehensive watershed management plan. In October 2014, Cook and Lake County Soil and Water Conservation Districts (SWCDs) were notified that LSNW had been selected as a pilot watershed for the One Watershed, One Plan (1W1P). Since this time, a Policy Committee comprised of elected officials and an Advisory Committee comprised of federal, state, and local agencies and groups have been meeting to develop the LSNW Comprehensive Watershed Management Plan (Plan). The Plan has been prioritized and targeted with measurable outcomes identified. To achieve this, Zonation modelling was utilized and will be discussed with the Board. There is a focus within the Plan of both protection and restoration tailored to the unique resources of the watershed. The plan is organized by prioritized resource areas and priorities for work identified within the Plan. Project leads, estimated budgets, and project partners have also been identified. After the public hearings are held for the Plan it will be submitted for review and consideration by the Board. **INFORMATION ITEM**
3. **Yellow Medicine River One Watershed, One Plan** - The Yellow Medicine River Watershed was selected by the Minnesota Board of Water and Soil Resources (BWSR) as one of the five pilot areas for the One Watershed, One Plan program. Beginning in September 2014, planning committee and workgroup members have attended regularly scheduled meetings and submitted the Yellow Medicine River 1W1P final draft plan to BWSR on September 19, 2016 for approval. Pending Southern Region Committee and BWSR Board approval, the Yellow Medicine River 1W1P will be approved and locally adopted in early 2017. Members of the Yellow Medicine River One Watershed, One Plan Policy and Advisory Committee will discuss the Yellow Medicine River One Watershed, One Plan development process, measurable goals, partnerships, and future implementation. **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 about noon. We look forward to seeing you on October 27th!

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
2nd FLOOR, CONFERENCE ROOM 2A-B
ST. PAUL, MINNESOTA 55155
THURSDAY, OCTOBER 27, 2016
PRELIMINARY AGENDA**

9:00 AM

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF SEPTEMBER 28, 2016 BOARD MEETING

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

INTRODUCTION OF NEW EMPLOYEES

- Tara Ostendorf, Board Conservationist, Waite Park
- Elsa Flage, Wetland Mitigation Program Assistant, St. Paul
- Jed Chestnut, Wetland Specialist, Rochester
- Tim Smith, Wetland Banking Coordinator, St. Paul
- Jill Sackett-Eberhart, Board Conservationist, New Ulm
- Shaina Keseley, Clean Water Specialist, Rochester
- Doug Goodrich, Board Conservationist, Marshall

REPORTS

- Chair & Administrative Advisory Committee – Brian Napstad
- Audit & Oversight Committee – Brian Napstad
- Executive Director – John Jaschke
- Dispute Resolution Committee – Gerald Van Amburg
- Grants Program & Policy Committee – Steve Sunderland
- RIM Reserve Committee – Gene Tiedemann
- Water Management & Strategic Planning Committee – Jack Ditmore
- Wetland Conservation Committee – Gerald Van Amburg
- Buffers, Soils & Drainage Committee – Brian Napstad
- Drainage Work Group – Tom Loveall/Al Kean

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. Sherburne County Priority Concerns Scoping Document – Kevin Bigalke – ***DECISION ITEM***

2. South Washington Watershed District Watershed Management Plan Amendment – Dan Fabian – ***DECISION ITEM***

Northern Region Committee

1. Thirty Lakes Watershed District Termination Petition – Ryan Hughes and Travis Germundson – ***DECISION ITEM***
2. Wadena County Comprehensive Local Water Management Plan – Tom Schulz – ***DECISION ITEM***
3. Clay County Priority Concerns Scoping Document – Gerald VanAmburg – ***DECISION ITEM***
4. Norman County Priority Concerns Scoping Document – Gene Tiedemann and Neil Peterson – ***DECISION ITEM***

Wetland Conservation Committee

1. Local Road Wetland Replacement Program: Status and Management Plan – Dave Weirens and Tim Smith – ***DECISION ITEM***
2. Wetland Mitigation Fee Policy Update – Les Lemm and Tim Smith – ***DECISION ITEM***

NEW BUSINESS

1. 2017 Proposed BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***
2. Lake Superior North Comprehensive Watershed Management Plan (One Watershed, One Plan) – Dan Schutte, Lake SWCD; Ilena Berg, Cook SWCD; and Paul Radomski, DNR – ***INFORMATION ITEM***
3. Yellow Medicine River One Watershed, One Plan – Kerry Netzke, Emily Javens, Pauline VanOverbeke, Rodney Stensrud, Gary Crowley – ***INFORMATION ITEM***

AGENCY REPORTS

- Minnesota Department of Agriculture – Rob Sip
- 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 – Jennifer Berquam
- Minnesota Association of Conservation District Employees – Tiffany Determan
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Nathan Redalen
- Minnesota Association of Watershed Districts – Ray Bohn
- Natural Resources Conservation Service – Cathee Pullman

UPCOMING MEETINGS

- MAWD Annual Convention, December 1-3, Arrowwood, Alexandria
- MASWCD Annual Convention, December 4-6, Double Tree Hotel, Bloomington
- AMC Annual Convention, December 5-6, Hyatt Regency, Minneapolis
- Next BWSR Meeting, Wednesday, December 14, St. Paul

Noon

ADJOURN

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N., LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 28, 2016

BOARD MEMBERS PRESENT:

Patty Acomb, Jill Crafton, Jack Ditmore, Doug Erickson, Kathryn Kelly, Tom Landwehr, DNR; Tom Loveall, Terry McDill, MPCA; Brian Napstad, Tom Schulz, Rob Sip, MDA; Faye Sleeper, MES; Steve Sunderland, Gerald VanAmburg, Paige Winebarger

BOARD MEMBERS ABSENT:

Joe Collins; Chris Elvrum, MDH; Neil Peterson, Nathan Redalen, Gene Tiedemann

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Kevin Bigalke, Dan Fabian, Travis Germundson, Tom Gile, Tim Gillette, Ryan Hughes, John Jaschke, Al Kean, Melissa Lewis, Mary Peterson, Dave Weirens, Julie Westerlund

OTHERS PRESENT:

Leah Hedman, Attorney General's Office
Amy Mace, Crow Wing County legal counsel
Patrick Schmeichel
Jason Garms, DNR
LeAnn Buck, MASWCD
Jennifer Berquam, AMC

Chair Napstad called the meeting to order at 9:03 a.m.

PLEDGE OF ALLEGIANCE

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16-69 **ADOPTION OF AGENDA** – Moved by Doug Erickson, seconded by Paige Winebarger, to adopt the agenda as presented. *Motion passed on a voice vote.*

MINUTES OF AUGUST 25, 2016 BOARD MEETING – Jill Crafton noted an error on page four, under the Buffers, Soils & Drainage Committee, the word conscience should be replaced with conscientious.

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16-70 Moved by Kathryn Kelly, seconded by Tom Schulz, to approve the minutes of August 25, 2016 as corrected. *Motion passed on a voice vote.*

PUBLIC ACCESS FORUM

- Patrick Schmeichel addressed the Board and provided a brief summary of a wetland application approved by Crow Wing County in April and then remanded. He respectfully asked the Board if they were held to the same standards as others. He asked for the Board to understand their situation and consider their request. Chair Napstad thanked Mr. Schmeichel for his comments.
- Jill Crafton addressed the Board, representing the Great Lakes Coalition, providing information from the Heal the Waters-Great Lakes Coalition annual conference she attended in Ohio. Jill stated she is proud of what BWSR is doing. Chair Napstad thanked Jill for her comments.

CONFLICT OF INTEREST DECLARATION

- SWCD Technology Capacity Survey & Report Grant

Chair Napstad read the statement:

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

INTRODUCTION OF NEW EMPLOYEES

- John Jaschke introduced Kevin Bigalke, Central Region Manager
- Melissa Lewis introduced Julie Westerlund, 1W1P Coordinator, St. Paul Office

Chair Napstad welcomed Kevin and Julie to BWSR.

REPORTS

Chair & Administrative Advisory Committee – Brian Napstad reported that he attended the AMC Policy Committee meeting on September 15 in Alexandria. He thanked John Jaschke, Angie Becker Kudelka and Les Lemm for their attendance and providing information on BWSR programs.

Chair Napstad attended the EQB meeting on September 21st and provided a summary of the meeting discussions: designation of Responsible Governmental Unit for environmental review; interagency pollinator coordinator and team update; Clean Power Plan in MN; incorporating climate change in environmental review; and updates on the status of pipeline projects.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning; recommendations are on the agenda later today.

Executive Director's Report – John Jaschke reviewed information in the board members' packets. John stated that a special legislative session is not expected. He reported that Anna Henderson is the Governor's water policy advisor, a new position in the Governor's office, to provide information to Governor Dayton regarding water issues. John attended the AMC Policy Committee meeting; staff are attending MASWCD area meetings statewide.

Kathryn Kelly asked about statewide sewer systems – John will ask staff or MPCA to provide information; and Terry McGill will contact MPCA staff as well. Chair Napstad mentioned a possible presentation at a future Board meeting.

Kathryn Kelly stated that SWCDs are incorporating natural plantings for pollinators in buffer programs.

Dispute Resolution Committee (DRC) – Travis Germundson provided a brief overview of the appeals filed with BWSR, currently there are 14 appeals pending. Travis reported that a hearing before the DRC took place on August 22nd; the DRC's recommendation of the WCA appeal of a replacement plan in Crow Wing County, File 15-9, that Patrick Schmeichel addressed during the Public Access Forum is on the agenda later today.

RIM Reserve Committee – John Jaschke stated that BWSR is diligently working on a CREP agreement with USDA-FSA.

Water Management & Strategic Planning Committee – Jack Ditmore reported that the Committee will be reviewing and updating the BWSR Strategic Plan in the year ahead.

Wetland Conservation Committee – Gerald VanAmburg reported that the Committee will meet October 12 in Detroit Lakes.

Buffers, Soils & Drainage Committee – Brian Napstad reported that the Committee will meet today immediately following adjournment of the Board meeting.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on September 15. Al Kean provided an overview of the meeting. Discussion followed. Rob Sip thanked Al for his efforts on the Drainage Work Group.

COMMITTEE RECOMMENDATIONS

Central Region Committee

Brown's Creek Watershed District 2017-2026 Watershed Management Plan – Kevin Bigalke stated that Joe Collins, chair of the Committee, is on vacation this week. Kevin reported that the Central Region Committee met on September 8, 2016. Dan Fabian reported that the Brown's Creek Watershed District (BCWD) was established in 1997 primarily to resolve flooding issues that its predecessor organization, the Brown's Creek Watershed Management Organization, was unable to resolve. Located in the east central portion of the metropolitan area the BCWD encompasses approximately 29.9 square miles of Washington County, contains several land uses and a number of significant natural resources, Brown's Creek ultimately flowing into the St. Croix River. This plan will be the fourth BCWD Plan approved by the Board under the Watershed Act, Minnesota Statutes Chapter 103D and the 1982 Metropolitan Surface Water Management Act, Minnesota Statutes Chapter 103B. It builds upon the successful implementation of the 2007 to 2016 Plan with a new implementation program designed to meet the BCWD's updated goals and priorities. The Central Region Committee unanimously recommends approval.

** - Moved by Faye Sleeper, seconded by Jill Crafton, to approve the Brown's Creek Watershed District Watershed Management Plan. A correction on page 3, Findings of Fact #11 noted it should read DOT rather than MDH. Kevin provided clarifications in the Order; substance of the Order remains the same. **Motion passed on a voice vote.**

Vadnais Lake Area Watershed Management Organization Plan 2017-2026 – Kevin Bigalke introduced Mary Peterson. Mary reported that the final draft Watershed Management Plan of the Vadnais Lake Area Watershed Management Organization (VLAWMO) was filed with the Board on July 5, 2016. The watershed is located in the northeast metro area within Ramsey and Anoka Counties and encompasses the City of North Oaks and portions of the Cities of White Bear Lake, Gem Lake, Vadnais Heights, Lino Lakes and White Bear Township. The Central Region Committee met September 8th and unanimously recommends approval. Moved by Patty Acomb, seconded by Kathryn Kelly, to approve the Vadnais Lake Area WMO Watershed Management Plan. **Motion passed on a voice vote.**

Administrative Advisory Committee

Watershed District Model Buffer Enforcement Rule – Dave Weirens reported that watershed districts can elect to enforce the Buffer Law. To facilitate consideration by watershed district boards, staff are proposing to amend an agreement with the Red River Watershed Management Board (RRWMB) to develop a model rule for consideration by watershed districts. Chair Napstad reported that the Administrative Advisory Committee (AAC) unanimously recommends approval. The Buffer Law allows watershed districts and counties to enforce. John Jaschke stated that MAWD and AMC support this effort; RRWMB supports this work if BWSR approves the proposed amendment. Moved by Brian Napstad, chair of the AAC; seconded by Doug Erickson, that the Board authorizes staff to amend the grant agreement authorized under Board Resolution #15-80 to provide up to \$30,000 to the RRWMB to support enforcement of the Buffer Law by watershed districts by developing model rule, administrative penalty and related compliance and enforcement language and guidance. Discussion followed. **Motion passed on a voice vote.**

John Jaschke stated that board members have submitted their completed Conflict of Interest Disclosure forms; the documents will be filed for the grant decision items. All board members are eligible to vote on the grant items.

SWCD Technology Capacity Survey & Report Grant – John Jaschke reported BWSR staff have been meeting with MASWCD to address the need for development of a statewide SWCD technology capacity survey and report, as well as future needs in partnership with NRCS. The survey will provide data to assess and formulate a plan of action that will address both current shortcomings in the operational agreements which will include technology services to SWCDs and recommend future models for how SWCD technology capacity needs can be met. LeAnn Buck, MASWCD, stated that an assessment of technology is needed that includes federal availability and security issues. Steve Sunderland stated the importance of SWCDs continuing to work with NRCS on conservation issues.

** - Chair Napstad reported that the Administrative Advisory Committee met this morning and unanimously recommends approved of this effort. Moved by Chair Napstad, seconded by Steve Sunderland, to authorize a conservation delivery grant allocation of \$18,494 to the Becker SWCD upon approval of a work plan, to conduct, in partnership with MASWCD and BWSR, a survey, assessment, and report of SWCD technology capacity and needs to benefit all SWCDs. **Motion passed on a voice vote.**

Chair Napstad called for a break in the meeting at 10:48 AM. The meeting reconvened at 11:00 AM.

Dispute Resolution Committee

Hearing on a Wetland Conservation Act (WCA) Appeal of a Replacement Plan Decision, Crow Wing County, File 15-9. Travis Germundson introduced Leah Hedman from the Attorney General's Office and acknowledged that Patrick Schmeichel (appellant) and Amy Mace (legal counsel for Crow Wing County) are in the audience.

Leah Hedman provided general advising instructions to board members for making their decision.

Travis stated that this is the appeal that Patrick Schmeichel discussed during the Public Access Forum earlier today. Travis stated that the appeal was filed on behalf of Patrick Schmeichel (appellant) relating to Crow Wing County's Wetland Conservation Act (WCA) replacement plan decision made on August 21, 2015. The August 21, 2015 decision was to deny the replacement plan application for wetland impacts associated with the construction of a driveway and modest family cabin with handicapped access within the Shoreland Management District of South Long Lake.

Crow Wing County initially approved Mr. Schmeichel's application on April 30, 2015. That decision was appealed to BWSR (BWSR File 15-5) by an adjacent property owner with standing to appeal. On June 25, 2015 BWSR remanded the petition for appeal back to Crow Wing County because the local government units' record was not adequate. The decision to approve the replacement plan provided no substantial findings on impact avoidance or feasibility of alternatives, including a no build alternative as required under Minn. R. 8420.0520. These are elements under Sequencing, a required component of a replacement plan application.

Travis stated that WCA requires that a Local Unit of Government ensures that an applicant has demonstrated that the activity complies with all the principles of sequencing, and may not approve a wetland replacement plan unless the sequencing requirements are satisfied.

As a result the remand, the applicant submitted supplemental materials in support of the application including 6 alternatives to the proposed construction of a cabin on the site. The Technical Evaluation Panel and Crow Wing County determined that 4 of the 6 alternatives (purchasing other properties in that general area on South Long Lake) were feasible and prudent alternatives that would avoid wetland impacts and denied the replacement plan application.

Travis indicated that the appellant argues that the alternatives are not reasonable because the alternative sites are outside the project budget, they are currently not owned by the applicant, the LGU ignored the basic purpose of the project to construct a modest cabin that allows handicapped family members with easy access to the lake, and that the LGU misapplied the rule to the facts.

Travis reported that the Dispute Resolution Committee conducted a hearing on August 22, 2016 at 1:00 PM in the Central/West Board Room in the St. Paul. Following the close of the hearing, the Dispute Resolution Committee deliberated and voted 4 to 1 approving a motion that the County's findings of fact are not clearly erroneous, that the County correctly applied the law to the facts, and that the local government unit made no procedural errors prejudicial to the party. The Dispute Resolution Committee recommends that Crow Wing County's August 21, 2015 decision denying the replacement plan application be affirmed.

Gerald VanAmburg, chair of the DRC, thanked committee members for helpful assistance. Gerald stated the function of the DRC is to study the appeal, and make a recommendation as to affirm, modify,

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16-75

remand, or repeal the LGU's decision. The DRC found that the property is all wetland and the project is not wetland dependent, therefore not exempt from impact avoidance. For clarification, Gerald read Minnesota Rule 8420.0520, subpart 3. C. (2-4) on impact avoidance, and stated that the DRC's findings of fact and conclusions of the law is that Crow Wing County's decision was not clearly erroneous. Moved by Gerald VanAmburg, seconded by Tom Landwehr, that the August 21, 2015, decision of Crow Wing County denying Patrick Schmeichel's application for a Wetland Replacement Plan be affirmed.

Jack Ditmore stated that the DRC decision was not taken lightly; it was debated with lengthy discussion. Jack stated that his opinion differs from the majority of the DRC members; the County was erroneous in the decision; he disagrees with his colleagues' decision to affirm; he would reverse the decision. Indicating that the alternatives proposed are not economically feasible and that the need to provide handicapped accessibility is a unique situation. DRC members briefly commented. **Motion passed on a voice vote.**

NEW BUSINESS

Minnesota Public Drainage Manual (MPDM) Update – Al Kean reported that BWSR received a legislative Clean Water Fund appropriation (\$235,000) in the FY14-15 biennium to update the Minnesota Public Drainage Manual (MPDM) first developed in 1991. The MPDM is to provide guidance to drainage authorities as they administer Chapter 103E drainage systems. Tim Gillette presented information on MPDM update project. The MPDM has multiple audiences: drainage authorities, their engineers, attorneys and inspectors; landowners; regulatory agencies; and other interested parties. It is a guidance document and is not rule or law. The updated MPDM will be accessible on BWSR's website in October. Al stated that the Drainage Work Group will make updates as needed. Discussion followed. Chair Napstad thanked Al and Tim for the information.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip reported that MDA Deputy Commissioner Jim Boerboom is retiring; Assistant Commissioner Matt Wohlman will serve as Deputy Commissioner. Rob stated that MDA can assist with pollinator questions.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that DNR is working on legislative proposals relating to the Governor's year of water. DNR received a good audit report last week regarding DNR's forest certification. Tom stated that the small game hunting season is now open. The Governor's pheasant opener will be in Montevideo. DNR looks forward to a good hunting season.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Water Resources Conference will be held October 18-19; Governor Dayton is planning to be the keynote speaker on October 19. MES is working with DNR on a pilot for aquatic invasive species training on a watershed basis; ready next spring.

Minnesota Pollution Control Agency (PCA) – Terry McDill reported that sulfate standards will go before the new advisory board in November, out for comment in early 2017. PCA is hiring for the WRAPs program; scheduled to be in place by December.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck distributed the MASWCD Report and highlighted collaborative leadership efforts. LeAnn thanked BWSR for their continued assistance. LeAnn stated that the MASWCD annual convention is December 4-6.

UPCOMING MEETINGS

- BWSR Academy, October 24-26, 2016, Brainerd
- Next BWSR Meeting, Thursday, October 27, St. Paul

Chair Napstad stated that the Buffers, Soils and Drainage Committee meets immediately following adjournment of the Board meeting.

Chair Napstad adjourned the meeting at 12:27 PM.

Respectfully submitted,

Mary Jo Anderson
Recorder

DRAFT



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

Dispute Resolution Committee Report

Meeting Date:

October 27, 2016

Agenda Category:

Committee Recommendation New Business Old Business

Item Type:

Decision Discussion Information

Section/Region:

Central Office

Contact:

Travis Germundson

Prepared by:

Travis Germundson

Reviewed by:

Travis Germundson/Gerald
Committee(s)

Presented by:

VanAmburg

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:

Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

None

LINKS TO ADDITIONAL INFORMATION

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

The report provides a monthly update on the number of appeals filed with BWSR.

Dispute Resolution Report
October 13, 2016
By: Travis Germundson

There are presently **15** appeals pending. All of the appeals involve WCA. There have been **2** new appeals filed since the last report (September 28th 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 16-12 (9-30-16) This is an appeal of a restoration order in Nicollet County. The appeal regards the unauthorized impacts to 11.2 acres of wetland associated with the installation of agricultural drain tile. No decision has been made on the appeal.

File 16-11 (9-27-16) This is an appeal of a restoration order in Waseca County. The appeal regards the unauthorized placement of 4,300 sq. ft. of fill in a wetland to create additional parking area. No decision has been made on the appeal.

File 16-10 (9-12-16) This is an appeal of an exemption decision in Sibley County. The appeal regards the denial of an agricultural drainage exemption associated with 8.5 acres of wetland. *The appeal has been remanded back to the LGU for completion of technical work and administrative proceedings.*

File 16-9 (8-15-16) This is an appeal of a restoration order in Todd County. The appeal regards the unauthorized impacts to approximately 19.9 acres of wetland associated with the placement of agricultural drain tile. The appeal has been placed in abeyance until the LGU makes a final decision on the applications for exemption and no-loss.

File 16-8 (8-9-16) This is an appeal of a replacement plan decision in St. Louis County. The appeal regards the denial of a replacement plan application for wetland impacts associated with the construction of a new high school. A decision has been made to grant and hear the appeal.

File 16-7 (7-7-16) This is an appeal of a restoration order in Morrison County. The appeal regards the unauthorized impacts to approximately 3.6 acres of wetland associated with an agricultural drainage project. The appeal has been placed in abeyance until the LGU makes a final decision on the applications for exemption, no-loss and a replacement plan.

File 16-6 (5-27-16) This is an appeal of a restoration order in Wabasha County. The appeal regards the unauthorized impacts to approximately 61 acres of wetland associated with the placement of agricultural drain tile. The appeal has been placed in abeyance for the Technical Evaluation Panel to convene onsite and develop written findings of fact.

File 16-5 (4-28-16) This is an appeal of an exemption and no-loss decision in Olmsted County. The appeal regards the denial of an exemption and no-loss application for agricultural activities resulting in 4.6 acres of wetland impact. The applications were submitted in conjunction with an appeal of a restoration order (File 15-7). The appeal has been placed in abeyance pending the outcome of a local appeal proceedings.

File 16-4 (4-18-16) This is an appeal of an exemption decision in Wright County. The appeal regards the denial of an exemption application for repair of a pre-existing drain tile system that will partially drain 5-10 acres of wetland. A decision has been made to grant and hear the appeal. A pre-hearing conference is scheduled for September 15, 2016.

File 15-10 (10-14-15). This is an appeal of a restoration order in Chisago County. The appeal regards the unauthorized placement of fill in a wetland resulting in approximately 1.5 acres of impact. The alleged impacts are associated with the construction of motor cross/ATV track. The appeal has been placed in abeyance and the restoration order stayed for the Technical Evaluation Plan to convene on site and develop written findings of fact on the area of impact.

~~File 15-9 (9-17-15) This is an appeal of a replacement plan decision in Crow Wing County. The appeal regards the denial of a replacement plan application for wetland impacts associated with the construction of a residential driveway and structure within the Shoreland Management District of South Long Lake. A previous decision approving a similar replacement plan application had been appealed (File 15-5). The appeal was remanded for additional technical evaluation on impact avoidance including a no-build alternative, and now the current denial is being appealed. The Board affirmed the LGU's decision denying an application for a wetland replacement plan.~~

File 15-7 (7-20-15) This is an appeal of a Restoration Order in Olmsted County. The appeal regards the unauthorized placement of drain tile in a purported wetland. Applications for exemption and no-loss determinations have been submitted to the local unit of government concurrently with the appeal. The appeal has been placed in abeyance until the LGU makes a final decision on the applications for exemption and no-loss. That decision has been appealed (File 16-5). The appeal will remain in abeyance until there is a final decision on the exemption and no-loss appeal.

File 14-6 (5-28-14) This is an appeal of a replacement plan decision by DNR Land and Minerals involving the Hibbing Taconite Mine and Stockpile Progression and Williams Creek Wetland Mitigation. The appeal regards the approval of a wetland replacement plan application for mining related activities. A similar appeal was also filed simultaneously with DNR under procedures required for permit to mine. The appeal has been placed in abeyance for completion of DNR's contested case proceedings. DNR's February 11, 2016 final decision has been appealed to the Court of Appeals. The appeal will remain in abeyance pending judicial review.

File 14-4 (4-28-14) This is an appeal of a restoration and replacement order in McLeod County. The appeal regards alleged drainage improvements associated with the excavation of a private drainage system. At issue is a prior exemption determination. The appeal was placed in abeyance and the restoration and replacement orders stayed for the LGU to make a final decision on the after-the-fact wetland applications. The applications were determined to be approved by operation of law under Minn. Stat. §15.99. That decision has been appealed (File 14-9). The appeal will continue to be held in abeyance until there is a final decision by the Court of Appeals on File 14-9. The Court of Appeals issued an Opinion on August 8, 2016 affirming BWSR's decision. However, appeal will remain in abeyance for additional 60 days in case the decision is appealed to the State Supreme Court.

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. Site certification is scheduled to take place during the 2016.

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 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. A revised wetland bank plan application has been approved with conditions. Those conditions require the approval of partial ditch abandonment along with a Conditional Use Permit for alterations in the floodplain.

Summary Table

Type of Decision	Total for Calendar Year 2015	Total for Calendar Year 2016
Order in favor of appellant		
Order not in favor of appellant	5	1
Order Modified		
Order Remanded	1	1
Order Place Appeal in Abeyance	4	5
Negotiated Settlement		1
Withdrawn/Dismissed	2	1

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. Sherburne County Priority Concerns Scoping Document – Kevin Bigalke – ***DECISION ITEM***
2. South Washington Watershed District Watershed Management Plan Amendment – Dan Fabian - ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Sherburne County Priority Concerns Scoping Document

Meeting Date: October 27, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Committee

Contact: Kevin Bigalke

Prepared by: Jason Weinerman

Reviewed by: Central Region Committee(s)

Presented by: Kevin Bigalke

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

Board acceptance of the Sherburne County Priority Concerns Scoping Document

LINKS TO ADDITIONAL INFORMATION

http://www.bwsr.state.mn.us/boardpackets/2016/Sherburne_PCSD_Aug2016.pdf

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

The Sherburne Comprehensive Local Water Management Plan is due to expire on February 28, 2018. The County passed a resolution to begin the plan update process on July 7, 2015. The initial step in the update process, the Priority Concerns Scoping Document (PCSD), was developed by the county and routed to the state review agencies on August 24, 2016. The BWSR Central Region Committee met on October 6, 2016 to discuss the content of the PCSD and the state agency comments and recommendations received for the final plan.

All required components of the PCSD have been covered and the priority concerns identified are deemed appropriate. The Central Region Committee voted unanimously to recommend the draft official state comment letter be forwarded to the full Board for chair signature.



October 27, 2016

Sherburne County Commissioners
c/o Dan Cibulka, Water Plan Coordinator
14855 Highway 10
Elk River, MN 55330

RE: Official Comments Pertaining to the State Review of the Sherburne County Priority Concerns Scoping Document for the Local Water Management Plan Update

Dear Sherburne County Commissioners:

Pursuant to Minnesota Statutes §103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Sherburne County has chosen to address in the update of the County Comprehensive Local Water Management Plan (Plan).

The Sherburne County Priority Concerns Scoping Document (PCSD) provides information about the County, summarizes the priority concerns development process, and provides the following priority concerns for inclusion in the Plan update:

- Surface Water Quality
- Ground Water Quality and Quantity
- Aquatic Invasive Species

The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the PCSD on August 24, 2016. Comments were received from Jason Weinerman (BWSR), the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Agriculture (MDA), and the Minnesota Department of Health (MDH). The Minnesota Pollution Control Agency (MPCA) did not provide comments on the PCSD.

The DNR, MDH, MDA, and BWSR concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable.

The BWSR Central Region Committee met on October 6, 2016, to discuss comments received from state review agencies and others, discuss the content of the PCSD, and recommendations for the content of the final plan. The Committee’s findings were presented to the BWSR Board at its meeting on October 27, 2016.

Bemidji	Brainerd	Detroit Lakes	Duluth	Mankato	Marshall	New Ulm	Rochester
403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 203-4470	26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	21371 State Hwy 15 New Ulm, MN 56073 (507) 359-6074	3555 9 th 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

The BWSR Board has deemed the priority concerns to be addressed in the Plan are appropriate; no changes are recommended or required to the PCSD as drafted. Please proceed with the development of your Plan. During the development of the goals and action items, the County should include a discussion on climate change and how that may influence water management within the County. The BWSR Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives, and an implementation plan.

We look forward to the completion of your Plan and its implementation.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Dan Cibulka, County Water Plan Coordinator
Rob Sip, MDA (via email)
George Minerich, MDH (via email)
Gina Bonsignore, DNR (via email)
Juline Holleran, MPCA (via email)
Kevin Bigalke, BWSR Regional Manager (via email)
Jason Weirnerman, BWSR Board Conservationist (via email)
Mary Jo Anderson, BWSR (file copy)

Sherburne County Local Water Management Plan Update

Priority Concerns Scoping Document

August 2016

DRAFT



Restored shoreline along Lake Orono, City of Elk River

Prepared by:

Sherburne Soil and Water Conservation District

Along with partners:

Sherburne County Water Plan Advisory Committee

Sherburne County Zoning Department

For more information contact:

Dan Cibulka

Sherburne SWCD Water Resource Specialist

761-567-5369

dcibulka@sherburneswcd.org

1. Introduction

The Priority Concerns Scoping Document (PCSD) serves to introduce and summarize Sherburne County's priority water resource concerns, which are proposed to be included in the upcoming revised Sherburne County Water Plan. This plan is anticipated to be completed in 2018 and would serve to guide planners in managing the local water resources for a period of 10 years. The content that follows is a summary of the county's proposed priority concerns, as determined by local stakeholders through numerous communication and outreach efforts.

Population Trends and Land Use

Sherburne County consists of a 451 square mile (1,168 square kilometer) region lying within east-central Minnesota (Figure 1). The county seat of Elk River is located roughly 35-40 miles from the twin cities of Minneapolis and St. Paul. Major population centers include Elk River, Becker, Big Lake, Princeton (partly in Mille Lacs County), St. Cloud (partly in Stearns County) and Zimmerman. The county has incurred steady growth from 1980-2015, increasing at an average rate of nearly 390 individuals per year. The Minnesota Department of Administration anticipates continued future growth within Sherburne County, however at a decreased rate from what has been experienced in previous years (Figure 2).

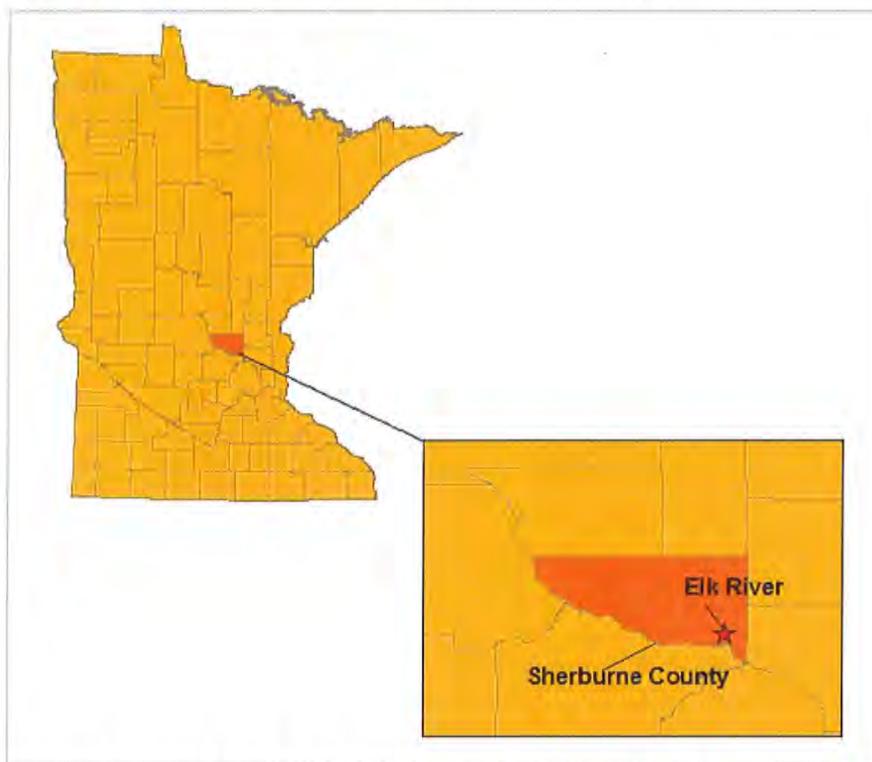


Figure 1: Sherburne County extent and county seat location (Elk River).

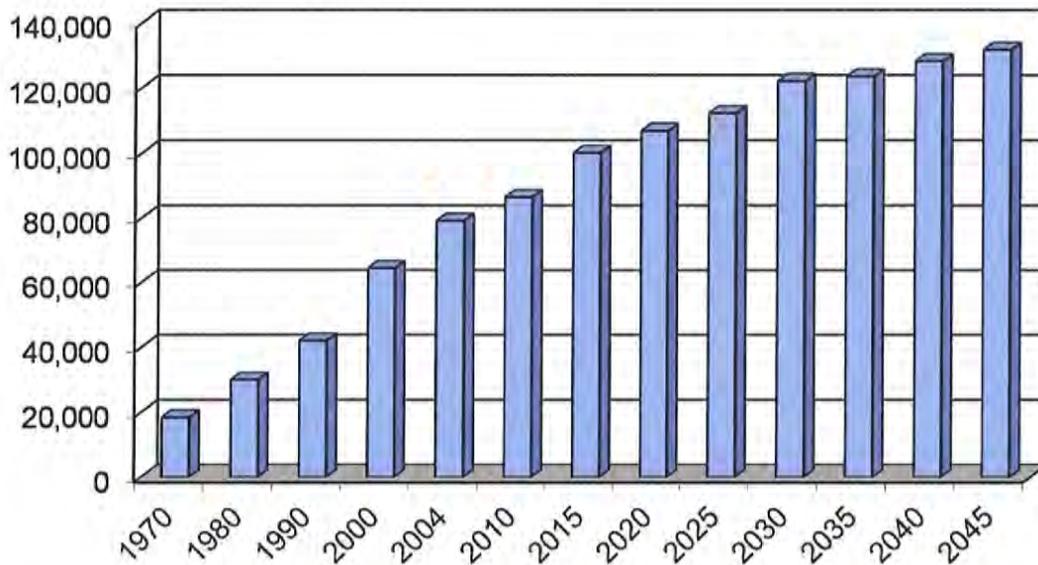


Figure 2: Sherburne County Population Estimates and Trends. Data provided by Sherburne County Auditor / Treasurer Department (1970-2004) and Minnesota Department of Administration State Demographic Center (2010-2045).

Sherburne County incorporates portions of two major watersheds within its political boundaries, the Mississippi River – St. Cloud Watershed and Rum River Watershed. The watersheds contain predominately agricultural land use (29%), however vast areas of forest (24%), pasture / grass (21%), and wetlands (19%) exist (Figure 3). Much of this natural land is located within the Sherburne National Wildlife Refuge along with the neighboring Sand Dunes State Forest. As the population of Sherburne County continues to grow, it is anticipated that rural residential and urban developments will slowly replace portions of agricultural land.

Sherburne County is comprised primarily of sandy soils, consisting of outwash sands from retreating glaciers and also wind-blown sands. These materials were deposited during the last glacial stage of the Pleistocene epoch (Wisconsin stage). The sandy soils make for high infiltration rates in most areas of the county. These soils are beneficial in some ways; for example, they can be effective at retaining surface water through infiltration into the groundwater table. However sandy soils need to be managed carefully, particularly in agricultural regions, due to the potential for leaching losses of nitrate.

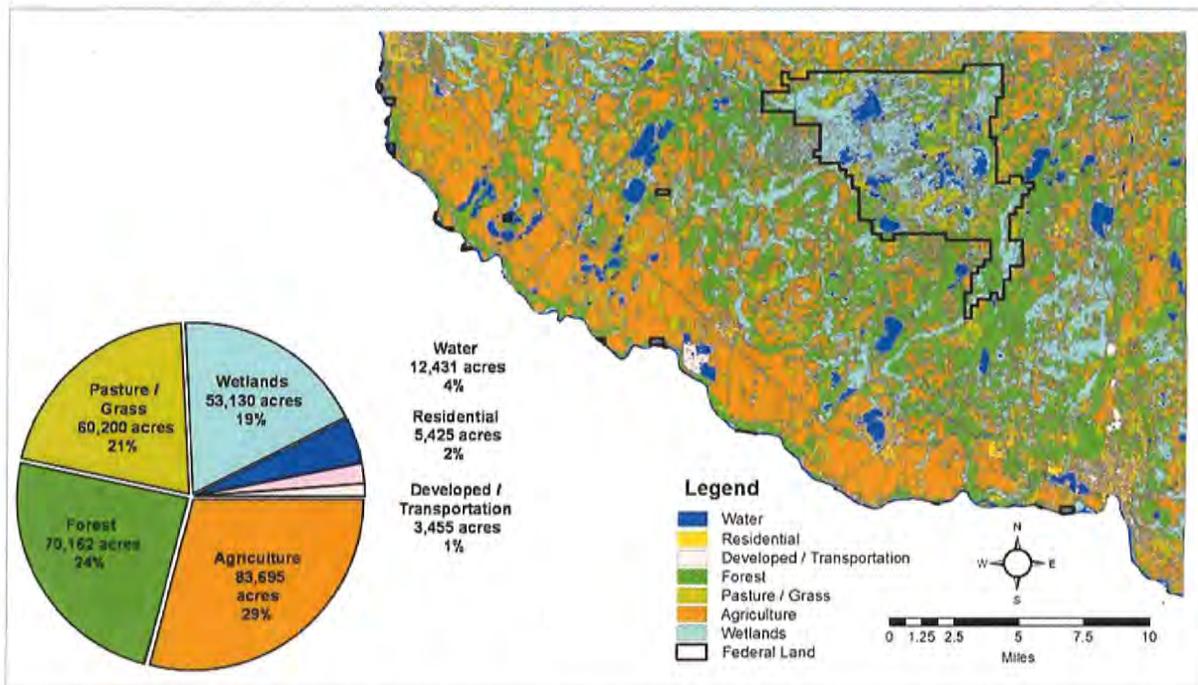


Figure 3: Sherburne County Land Use. Land use compiled by National Land Cover Database (www.mrlc.gov/nlcd2011.php - 2011).

Water Plan Information

The Sherburne Soil and Water Conservation District (SWCD) is the local water planning authority for Sherburne County. However, water resource management is shared by a number of partners including the Sherburne County Zoning Department as well as a Water Plan Advisory Committee that consists of representatives from townships, cities, natural resource agencies, county staff and citizens.

The original Sherburne County Local Water Management Plan was adopted in 1992. Since then, the plan was updated in 1995, 2001, and 2007. The 2007 plan was amended in 2012 and included an expiration date of 2017. In fall of 2015, Sherburne SWCD applied for an extension in order to accommodate staff transitions. This extension was approved by the BWSR (Board of Water and Soil Resources) in May of 2016, and the new plan expiration date was determined to be February 2018.

2. Proposed Priority Concerns

During a 9/22/2015 committee meeting and public open house, the Sherburne County Water Plan Advisory Committee reviewed public and agency comments regarding local water resource matters. From this review, the following priority concerns were selected for the upcoming water plan update:

1. Surface Water Quality:
 "Cumulative impacts of land use in directly connected and/or riparian areas which have a direct impact on surface water quality."

2. Ground Water Quality and Quantity:
 "High levels of nitrates in groundwater and quantity in areas identified as sensitive."

3. Aquatic Invasive Species:

“Introduction and spread of aquatic invasive species and their negative effect on water quality, navigation, recreation and fisheries.”

3. Priority Concerns Identification Process

To determine Sherburne County’s priority concerns, input was solicited from numerous stakeholder groups, including both the public and local and state agencies. These stakeholders were approached for input through formal meetings, a survey which was distributed in online and hardcopy formats, a public open house forum, and directed questions posed to local LGU’s and state agencies. Key input opportunities are summarized in Table 1 below.

Table 1: Priority Concerns Public Discussion and Input Summary. Documentation of events presented in Appendices.

Date	Stakeholders / Participants	Description	Documentation
7/7/2015	County Board	Resolution to Update Plan	Appendix B - Water Plan Resolution
7/21/2015	Water Plan Advisory Committee	Committee Meeting: discussion on water plan and outline of water plan process.	Appendix B - 07-21-2015 WPAC Meeting Minutes
7/22/15 - 9/4/15	General Public and Local Governmental Units	Public Input Survey: a survey was provided to the general public and LGU's through an online platform and hard-copy handout. The survey was advertised through numerous avenues, including posting the online version weblink on lake association and city websites, adding notice to local newspapers, and handing out hard-copies at the Sherburne County Fair.	Appendix C - Public Input Survey
8/20/2015	SWCD Staff	Staff Meeting: discussion held on priority concerns and identification of threats to county water resources.	Appendix B - SWCD Staff Meeting Notes
7/22/15 - 9/4/15	State agencies	Input from five state agencies on the priority concerns	Appendix D - State Agency Input
9/22/2015	Public	Public Open House held during Water Plan Advisory Committee Meeting.	Appendix B - 09-22-2015 WPAC Meeting Minutes
9/22/2015	Water Plan Advisory Committee	Committee Meeting: discussion on water plan priorities, including data gathered during public process, identification of priority concerns.	Appendix B - 09-22-2015 WPAC Meeting Minutes
1/26/2016	Water Plan Advisory Committee	Committee Meeting: a comment period was held on the three identified priority concerns. Committee agreed to move forward with the priorities and create the Priority Concerns Scoping Document.	Appendix B - 01-26-2016 WPAC Meeting Minutes

4. Priority Concerns Selection Process

The Water Plan Advisory Committee examined all input and topics presented within the aforementioned input opportunities, including those received in written format (survey) and conversations held amongst stakeholders. No comments were provided by the general public during the 9/22/2015 Public Open House. During an 8/20/2015 Sherburne SWCD staff meeting, input was compiled into an all-encompassing list of threats or challenges to county waterways (Table 2). These topics were combined into general impact categories of surface water, groundwater resources, wetlands, and aquatic invasive species. This assisted Sherburne SWCD staff in narrowing the list of many topics to three topics that are better defined and represent the majority of the comments and input received. The three topics determined through this process address many of the sub topics described within Table 2 and are representative of the majority of stakeholder concerns.

Table 2: Compiled water resource summary list. Issues determined through feedback from general public and LGU during priority concern determination process, 2015.

Specific Issue	Impact Category
Prevent AIS spread	Aquatic Invasive Species
Nitrogen movement in soil	Groundwater
Erosion	Surface Water
Pesticides / Herbicides	Groundwater, Surface Water
Groundwater contamination	Groundwater
Septic system regulations	Groundwater
Groundwater quantity	Groundwater
Reduce flooding	Groundwater, Surface Water, Wetlands
Contaminated runoff (all)	Surface Water
Agricultural runoff	Surface Water
Decreasing native shoreline vegetation	Surface Water, Aquatic Invasive Species
Land use development	Surface Water, Wetlands
Manage stormwater in existing developments	Surface Water, Wetlands
Impervious Surfaces	Surface Water, Wetlands
Decreasing native vegetation	Surface Water, Wetlands, Aquatic Invasive Species

The current PCSD and/or water plan for numerous neighboring counties were reviewed to determine similarities and differences to the priority concerns identified by the Sherburne County Water Plan Advisory Committee. The following county documents were reviewed:

- Benton County
- Mille Lacs County
- Stearns County
- Wright County
- Chisago County
- Isanti County

Surface water quality and groundwater quantity and quality issues are identified within neighboring Isanti, Benton, Wright, Mille Lacs, Chisago and Stearns County PCSDs and Water Plans. At the state level, Minnesota has prioritized surface water quality through numerous ways, including the recently enacted Buffer Law (Chp. 85 S.F. 2503) which is intended to filter nutrients and sediment from surface water runoff and reduce soil erosion. As groundwater supplies roughly 75% of the state’s drinking water and 90% of agricultural irrigation demands, Minnesota has prioritized this issue as well. The MDNR’s Groundwater Management Program was updated in 2013 to meet new challenges and demands and includes an objective to “heighten the priority given to groundwater management”.

Sherburne County's third priority concern, aquatic invasive species, was specifically mentioned within Isanti and Chisago County's most recent PCSDs. AIS is an emerging issue that may have not been captured in older county water plans. Sherburne County would like to take a proactive role in reducing the transport of AIS into county waters, while containing and strategically managing current infestations. AIS is an issue largely acknowledged at the state level, with programs being coordinated in categories of education and public awareness, inspection and enforcement, research, and management / control. During fiscal year 2015, expenditures at the state level totaled \$10,509,000.

5. Other Concerns

A single sub-topic that was mentioned in stakeholder comments briefly, flooding, was considered by the Sherburne County Water Plan Advisory Committee but ultimately was not represented further in the priority concern selection process. Although flooding can be an issue in Sherburne County, it was determined that this concern would be better implemented in a plan that addresses upstream waters (Benton County). The Water Plan Advisory Committee discussed an approach towards addressing this issue, which would center on deeper discussions with Benton County representatives and to form a collaborative working group during the Benton County Water Plan update. Further, it is anticipated that as Benton and Sherburne County implement water resource Best Management Practices for the purposes of water quality restoration and erosion control, flooding matters will be alleviated as an additional outcome.

In 2014, the Board of Water and Soil Resources (BWSR) completed a Level II Performance Review of the SWWD as part of BWSR's Performance Review and Assessment Program (PRAP). In the final PRAP Level II Report the SWWD was commended for meeting 12 out of 13 Benchmark Performance Standards. It was noted that this level of compliance shows organizational sophistication, attention to detail in overall district management, and a commitment to service for the people who live in the district and to the resources they depend upon. Two of the recommendations from that report were that the District *"Establish measurable goals for the next management plan and that they establish an advisory committee"*. Both of these recommendations were acted on during the development of this plan.

The SWWD has completed this 2016 Watershed Management Plan (Plan) as a part of its Mission *"To Manage Water and Related Resources of the District in Cooperation with Our Citizens and Communities"*.

Plan Highlights

The Plan pushes the envelope for watershed management plans being very innovative in its integration with the District website to the point that the website functions as an extension of the Plan. To fully appreciate and use the Plan it is best if the reader is viewing an electronic version with an internet connected computer. To accomplish this high degree of integration between Plan and website the SWWD simultaneously completed an extensive revision of its website to improve content organization and accessibility to features such as the SWWD water quality database, a web map viewer of SWWD information, and SWWD's on-line reference library. In addition to making it easier to keep the plan information current, the integration with the website allows the Plan to weigh in at a very svelte 96 pages yet providing the user if desired, a wealth of data on the SWWD including detailed supporting information on the various activities funded by the District.

The Plan starts with a streamlined "Table of Contents" that provides the reader hyperlinks directly to the major sections of the Plan. Next follows a concise "Executive Summary", information on "How to Use This Plan", and an "Acknowledgements" page. The "How to Use This Plan" provides a brief tutorial on the Plan and what to expect from it. Information is also provided here on the Plan's four primary web tools: the "Web Viewer" for viewing SWWD physical information mapped to date; the "Water Quality Monitoring Database" tool; the "Story Maps and Monitoring Reports" tool; and the "Resource Library" Tool. The main body of the Plan is divided into three parts.

"Part I: SWWD Introduction" provides some history of the SWWD and summarizes the "Land and Water Resources" information. The current conditions and goals of the SWWD's Primary Resources are summarized in Part I and the detail is then provided through links to reference documents, most of which are housed on the SWWD website.

"Part II: Assessment of Issues and Measurable Goals" includes identified issues and goals and serves as the basis for all actions that the SWWD takes. The section is organized to follow a Results Based Accountability approach. The identified issues are grouped into seven main issue groups: Flooding, Watershed Alterations, Groundwater Sustainability, Natural Resources, Climate Change, Information and Education and Efficiency and Accountability. An "Issue Statement" explains the issue which is followed by the established desired outcomes (goals/results) for each issue. This is followed by a bulleted list of "Implementation Indicators" which are activities that the SWWD will do to work towards addressing the issue and meeting the established goal. Completion of these indicators will help the SWWD evaluate its progress towards plan implementation and accomplishment of goals. The various Implementation Tools (District Programs) the SWWD uses to address the issue are identified. Each issue presented also includes a section with links to additional related information. Appendix 1 summarizes the process the SWWD took for plan development, issue and goal identification, including the public and partner involvement efforts.

Finally **"Part III: Implementation"** pulls everything together serving as the SWWD's implementation plan, establishing SWWD programs and documenting the SWWD's Long Range Work Plan and Administrative procedures. All SWWD implementation activities are accomplished through use of one of or more of the SWWD's five Implementation Programs (or tools): Planning; Regulatory; Implementation and Maintenance; Information and Education; and Administration. Information describing the background and function of each program is provided. Following that Performance Measures are established for evaluating how well the program is doing and to identify any improvements needed. An example of the performance evaluation form the SWWD proposes to use

is provided in Appendix 2. Part III ends with the SWWD's Long Range Workplan which establishes the estimated annual budget needs, reflects the priority issues identified in Part II of the Plan and prioritizes implementation based on anticipated available resources. The higher the priority the earlier in the workplan it is addressed. The workplan is further organized by SWWD programs and administrative costs with the SWWD Capital Improvement Program being the largest expenditure over the next ten years.

Plan Review

The planning process culminated with the completion of the draft plan which was approved by the SWWD's Board of Managers and then distributed to individuals, communities, Plan Review Authorities and other stakeholders on April 14, 2016 for the required 60-day review and comment period. Written comments were received, considered and responded to by the SWWD. The SWWD held a public hearing at its July 2016 to receive comments. That hearing was held open through the August 8, 2016 SWWD Board meeting with no additional comments being brought forth. The final draft Plan and all required materials were submitted and officially received by the Board on August 22, 2016 for the final 90-day plan approval period. All local and state comments received in regards to the Plan have been addressed and the Plan is in conformance with the requirements of Minnesota Statutes Section 103B.231.

Recommendation

The Central Region Committee met on October 6, 2016 to review the Plan, comments received and the BWSR staff recommendation. Staff recommended approval of the South Washington Watershed District 2016-2026 Watershed Management Plan. The Central Region Committee unanimously voted to recommend approval of the Plan to the full Board per the attached draft Order.

Attachments

1. Board Order for approval of the South Washington Watershed District 2016 - 2026 Watershed Management Plan
2. SWWD 2016 - 2026 Plan - Executive Summary
3. Map of the SWWD

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

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

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the South Washington Watershed District (SWWD) submitted a Watershed Management Plan (Plan) dated October 2016 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

1. **Watershed District Establishment.** The South Washington Watershed District (SWWD) was originally established in 1993 as the Cottage Grove Ravine Watershed District following the disbandment of the Cottage Grove Ravine Watershed Management Organization. At the time the focus was primarily on working with communities to address intercommunity flow issues between upstream and downstream communities. This continued focus to work with their communities to solve problems is reflected in the SWWD's mission "*To manage water and related resources of the District in cooperation with our citizens and communities*". In 1995, the name was changed to the South Washington Watershed District to prevent confusion with the City of Cottage Grove. The first SWWD Watershed Management Plan (Plan) was adopted in 1997 and later amended 2002.

In April 2003, the SWWD petitioned the Minnesota Board of Water and Soil Resources (BWSR) to expand its boundary to include the former East Mississippi Watershed Management Organization (EMWMO) as recommended in the Washington County Water Governance Study (1999). The petition to expand was approved by the Board of Water and Soil Resources in May, 2003. In May 2010, the SWWD again petitioned to expand its boundary to include 3 additional catchments from the former Lower St. Croix Watershed Management Organization (LSCWMO). The petition to expand was approved by the Board of Water and Soil Resources in September, 2010.

2. **Authority of 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 SWWD adopted its current Plan in 2007. This Plan was amended in 2010 to update the capital improvement program and in 2011 to incorporate information from the former LSCWMO Plan. The SWWD initiated the planning process for this Plan on January 12, 2015.
3. **Nature of the Watershed.** The SWWD is located exclusively in southern Washington County in the eastern portion of the Metropolitan Area encompassing portions of the Cities of Afton, Lake Elmo, Oakdale, Woodbury, Cottage Grove and Denmark Township. The SWWD covers 110 square miles (70,000 acres) at the confluence of the Mississippi and St. Croix Rivers, and includes 12 lakes, over 120 miles of piped and natural streams, and over

2,400 acres of wetlands. The area is a highly desirable place to live and the remaining rural areas continue to be quickly developing in an organized manner. It is bordered by the Vermillion River Watershed Management Organization to the south, the Lower Mississippi River Watershed Management Organization to the west, the Ramsey-Washington Metro Watershed District to the northwest, and the Valley Branch Watershed District to the northeast. The SWWD is somewhat unique among watershed districts in that it drains to two major watersheds the Mississippi River along its southern border and the St. Croix River along its eastern border.

4. **Plan Development and Review.** The SWWD informally started the plan update process with a Board Workshop in 2013 to discuss the status of its 2007 Plan as well as several changing and emerging issues. Building on that workshop and with the revision to MN Rule 8410, the SWWD decided to undertake this 10-Year Plan Amendment. In accordance with the requirements in MR 8410, the SWWD formally initiated the plan development process for the 2016 Plan on January 12, 2015 by notifying the designated State plan-review agencies, Washington County, Washington Conservation District, adjacent watershed management organizations, watershed communities and other identified stakeholders that it was starting the plan-update process and soliciting each plan review agency's priority issues, summaries of relevant water management goals, and water resource information. Concurrently, the SWWD re-formed its Citizen's Advisory Committee (CAC) and Technical Advisory Committee (TAC) to provide input to the Plan update process as well as to provide an on-going forum for members to raise issues and provide input to the Managers. Separate meetings were held on May 28, 2015 with the CAC and TAC to discuss issues and preliminary goals based on a review of the 2007 Plan and upfront input received from agencies and municipalities. Subsequently, the SWWD Board held an initial planning meeting on June 23, 2015, as required, to discuss input received following agency notification and from the initial CAC and TAC meetings. Draft goals based on identified issues were also prepared and discussed. Based on SWWD Board direction, staff completed Part II-Issues and Goals and Part III- Programs. The draft plan, including the long range work plan, were reviewed at a second SWWD Board planning meeting on October 13, 2015 that culminated with the SWWD Board directing staff to complete a full Draft plan. Staff continued to work with CAC and TAC members through several iterations of the various plan parts. Following the November 2015 CAC and TAC meetings, SWWD staff completed work on the draft Plan which was sent to all State and local review agencies for a 60-day informal review period. Based on the informal comments received, the SWWD further revised the draft Plan which was approved by the SWWD Managers, and then distributed to all State and Local Plan Review Authorities, and other stakeholders for the required 60-day review and comment period. That review extended from April 14, 2016 to June 17, 2016. Written comments were received, considered and responded to by the SWWD. The SWWD held a public hearing at its July meeting to receive additional public comments. That hearing was held open through the August 8, 2016 SWWD Board meeting with no additional comments being brought forth. Following the close of the public hearing SWWD Staff finalized edits to the Plan and the final draft Plan and all required materials were submitted and officially received by the Board on August 22, 2016.
5. **Local Review.** The SWWD sought and received input from local units of government throughout the plan development process. For the 60-day review the SWWD distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. Local written comments were received from the City of St. Paul Park, requesting some clarifications on location of various water resources and proposed projects mentioned in plan. The SWWD responded to comments by adding requested information. The City of Woodbury expressed support for and interest in partnering with SWWD on the ravine inventory and stabilization projects. Woodbury encouraged additional plan text related to the new Buffer Law MS4 exemption. SWWD responded that once SWWD responsibilities become clearer it would consider a WMP amendment. Woodbury also discouraged SWWD from requiring municipalities to provide annual progress updates without providing specific direction on format and content of such reporting. SWWD stated that they left requirements broad to provide reporting flexibility for individual cities and that the SWWD would work with individual cities during the development of LWMPs to figure out the reporting format.
6. **Washington County.** Washington County provided early input into the planning process. During the 60-day review the County found the WMP consistent with the County Groundwater Plan and requested that the SWWD add them as a partner in strategic groundwater assessment planning activities (which the SWWD did). The

County also commended the SWWD on the holistic approach taken by the WMP and the use of Results Based Accountability approach to measure project outcomes and increase accountability and transparency.

7. **Metropolitan Council Review.** The Council provided early input into the planning process and participated in TAC meetings. During the 60-day review, the Council mentioned a need for a sub-watershed map and also a need to map the problem flood areas. The SWWD responded by adding the requested map information. The Council notified BWSR during the 90-day review period that they had no additional comments.
8. **Department of Agriculture (MDA) Review.** During the 60 day review MDA provided a comment related to crop land erosion and timing of crop establishment. MDA provided comments and links to information on assistance MDA can provide with groundwater protection, nitrate monitoring, education, fertilizer management, Ag. BMP's and other water quality issues. Also provided was information on MDA pollinator habitat restoration efforts. During the 90-day review period MDA requested clarification on the Plan mention of the MDA Nitrogen Fertilizer Management Plan activities within the SWWD boundaries. The SWWD responded to all comments received.
9. **Department of Health (MDH) Review.** MDH notified BWSR during the 60-day and 90-day review periods that they had no comments.
10. **Department of Natural Resources (DNR) Review.** The DNR provided early input into the planning process and participated in TAC meetings. During the 60 day review the DNR provided general editorial content comments, technical language comments and requested clarification on some of the information provided as well as more specificity on over-generalized statements (St. Croix River Water Quality was provided as an example). Information on the impairment status of each Primary SWWD Water Resources was requested. Additional clarification was requested on the proposed Implementation Indicators and SWWD's proposed evaluation process. The SWWD responded to all comments received. DNR notified BWSR during the 90-day review period that they had no additional comments.
11. **Pollution Control Agency (PCA) Review.** PCA provided early input to the planning process, participated in TAC meetings and provided informal review comments. During the 60-day review the PCA noted that the SWWD had adequately incorporated PCA informal comments and that they had no additional comments. PCA notified BWSR during the 90-day review period that they had no additional comments.
12. **Department of Transportation (DOT) Review.** The DOT notified BWSR during the 90-day review period that they were satisfied with SWWD response to their 60-day comment requesting that DOT be identified as the WCA Authority within its ROW boundaries and had no other comments.
13. **Board Review.** Board staff initially met with SWWD Staff on February 12, 2015 to discuss the plan update process and content per the soon to be revised MR 8410. This meeting was followed with additional correspondence on May 28, 2015 of additional upfront information that further identified BWSR expectations that Metro Watershed Plans include: an inclusive and interactive development process; goals that produce measurable results addressing prioritized issues; and a comprehensive prioritized implementation section. BWSR staff participated in TAC meetings and attended several of the CAC meetings during development of the Plan. During the 60-day review BWSR staff commended the SWWD on preparing an innovative plan that is highly integrated with the SWWD website. BWSR staff also commended the SWWD on completing an extensive update of the District website to accommodate the integration with the Plan. BWSR staff comments included several in-depth editorial type comments, suggestions for improvements and requests for clarifications; all intended to make the plan stronger, clearer and easier for the reader to use. Detailed citations were requested for all reference documents especially those critical to the implementation plan actions (i.e. SWWD Guidance Documents). A need to be consistent with how the programs are named in the Plan (including Long Range Work Plan Table) and in the SWWD website was identified. A summary of the issue identification process, and rest of the plan development process (especially the work with the CAC and TAC) was requested. BWSR staff requested

the identification of procedures the District will use to address a local government not implementing portions of its local water management plan. Comments were provided on the need for inclusion of the SWWD guidance document adoption and update process, as well as the plan amendment language to be more consistent with the Plan amendment process identified in MR 8410. Inclusion of a table with all currently adopted SWWD Guidance Documents was also requested. During the 90-day final plan approval period BWSR staff identified a couple of the 60-day comment items that would benefit from some additional revision. BWSR staff met with SWWD staff on September 22, 2016 to discuss these items after which the SWWD made the necessary updates to the final draft Plan. SWWD has sufficiently addressed all comments received.

14. Plan Summary.

- The Plan is highly integrated with the SWWD website and the reader is encouraged to view an on-line copy of the plan with an internet connected computer.
- The plan provides a "Table of Contents" that links to major sections of the plan; a "Glossary" of terms and acronyms; and a comprehensive "Bibliography" of referenced documents that includes an abstract or summary of each document, including information on where to obtain the document.
- The Executive Summary is concise but informative summarizing: the SWWD purpose and history, issues and goals identification, and the actions the SWWD will take to address those issues and goals. Also included is a brief summary of the SWWD's expectations for local government responsibilities.
- A page entitled "How to Use This Plan" provides a short tutorial on using the Plan and what to expect from it. Information is also provided here on the Plan's four primary web tools: the "Web Viewer" for viewing SWWD physical information mapped to date; the "Water Quality Monitoring Database" tool; the "Story Maps and Monitoring Reports" tool; and the "Resource Library" Tool. The "Resource Library" also contains the SWWD's adopted "Guidance Documents" which provide in-depth support for the SWWD implementation activities.
- The main body of the Plan is divided into three parts starting with Part I – "SWWD Introduction" which provides some history of the SWWD and summarizes the "Land and Water Resources" information. The current conditions and goals of the SWWD's "Primary Resources" are summarized in Part I and the detail is then provided through links to reference documents, most of which are housed on the SWWD website.
- Part II: "Assessment of Issues and Measurable Goals" includes identified issues and goals and serves as the basis for all actions that the SWWD takes. The section is organized to follow a Results Based Accountability approach. The identified issues are grouped into seven main issues: Flooding, Watershed Alterations, Groundwater Sustainability, Natural Resources, Climate Change, Information and Education, and Efficiency and Accountability. An "Issue Statement" explains the issue which is followed by the established desired outcomes (goals/results) for each issue. This is followed by a bulleted list of "Implementation Indicators"; which are activities that the SWWD will do to work towards addressing the issue and meeting the established goal. Completion of these indicators will help the SWWD evaluate its progress towards plan implementation and accomplishment of goals. The various Implementation Tools (i.e. District Programs) the SWWD uses to address the issue are identified. Each issue also includes a section with links to additional related information. Appendix 1 summarizes the process the SWWD took: for plan development, issue and goal identification, along with the public and partner involvement efforts.
- Part III: "Implementation" establishes SWWD programs, documents the SWWD's Long Range Work Plan and Administrative procedures, and serves as the SWWD Implementation Plan. All SWWD implementation activities are accomplished through use of one of or more of the SWWD's five Implementation Programs (or tools): Planning; Regulatory; Implementation and Maintenance; Information and Education; and Administration. Information describing the background and function of each program is provided. Following

that, Performance Measures are established for evaluating how well the program is doing and to identify any improvements needed. An example of the performance evaluation form the SWWD intends to use is provided in Appendix 2. Part III ends with the SWWD's Long Range Work Plan which: establishes the estimated annual budget needs through 2026, reflects the priority issues identified in Part II of the Plan, and prioritizes implementation based on anticipated available resources. The work plan is organized by SWWD programs and administrative costs with the SWWD Capital Improvement Program being the largest expenditure over the next ten years.

15. **Central Region Committee Meeting.** On October 6, 2016, the Board's Central Region Committee and staff met in St. Paul to review and discuss the Plan. Those in attendance from the Board's Committee were Jack Ditmore, CIT; Terry McDill, PCA; and Patty Acomb, MC. Jill Crafton, WD; Faye Sleeper, UM/Extension; and Paige Winebarger, CIT joined by conference call. Board staff in attendance were Central Region Supervisor Kevin Bigalke, Board Conservationists Dan Fabian and Jason Weinerman. The SWWD representatives included John Loomis, Program Manager; Jack Lavold, President; and Brian Johnson, Vice-President. Following a presentation by the SWWD, Board staff recommended approval of the Plan. After discussion, the Committee unanimously voted to recommend approval of the Amendment to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the South Washington Watershed District (SWWD) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The SWWD Watershed Management Plan, attached to this Order, defines the water and water-related problems within the Watershed District's boundaries, possible solutions thereto, and an implementation program extending through 2026.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached South Washington Watershed District Watershed Management Plan dated October 2016.

Dated at Saint Paul, Minnesota this 27th day of October 2016.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Brian Napstad, Chair



EXECUTIVE SUMMARY

PURPOSE AND HISTORY

The South Washington Watershed District (SWWD) was formed in 1993 as the 42nd Watershed District in the State. At the time, the District’s focus was primarily on working with communities to address intercommunity flow between the District’s northern watershed including portions of Afton, Lake Elmo, Oakdale, and Woodbury that drain into Cottage Grove. Since that time, the District’s focus has expanded to include a wide range of flooding, water quality, natural resource, and groundwater issues as well as emerging issues such as climate change. Additionally, the District has grown geographically, expanding to include the former East Mississippi Watershed Management Organization and a portion of the former Lower St. Croix Watershed Management Organization. The District now covers 110 square miles at the confluence of the Mississippi and St. Croix Rivers, which includes 12 lakes, over 120 miles of piped and natural streams, and over 2,400 acres of wetlands. In addition to the map above, District geographical data is available on the District’s interactive [web viewer](#). Additional history and plan context is provided in Part I of the plan.

ISSUES AND GOALS

Drawing on evaluations of past District performance and input of District residents and partners, several issues were identified during development of this Watershed Management Plan. While issues are wide ranging, they can be categorized into several primary areas—Flooding, Watershed Alterations, Groundwater Sustainability, Natural Resources, Climate Change, Information and Education, and Efficiency and Accountability.

Reflecting identified issues, the goals of this plan are also wide ranging. However, each goal can in some way be tied to minimizing effects of flooding, protecting or restoring District land, surface water, and groundwater resources, adapting for climate change, providing education and informational resources, and effectively and efficiently operating the organization. Each of the identified issues and associated goals are detailed in Part II of the plan.

ACTION

To address identified issues and goals, the District operates in four primary program areas—Planning, Regulatory,

Implementation and Maintenance, and Education and Information—in addition to providing for effective and efficient administration of the organization. As part of annual evaluation and reporting processes, the District reviews and adjusts existing programs to ensure it can continue to effectively address identified issues. Each program area is covered in Part III of the plan which also includes the District's long range workplan that projects District expenditures over the life of the plan.

LOCAL GOVERNMENT RESPONSIBILITY

Reflecting the District's mission — *TO MANAGE WATER AND RELATED RESOURCES OF THE DISTRICT IN COOPERATION WITH OUR CITIZENS AND COMMUNITIES* — the District expects Cities and Townships to be active partners in addressing issues identified in this plan. Most notably, the District requires communities to adopt local water management plans that are in conformance with this plan, Minnesota State Rules and Statutes, and Metropolitan Council Water Resources Policy Plan. Additionally, these plans must include a mechanism for measuring and reporting implementation progress. Within 6 months approval of a local plan, communities must also enact local controls which reflect SWWD Rules. Additional information about the District's expectations of communities is in Part III of this plan.



HOW TO USE THIS PLAN

This Watershed Management Plan is structured to provide implementation flexibility, or the ability to respond quickly to new or changing issues, and utilize several web-based, interactive tools. Because of this structure, we strongly recommend that the plan be viewed on the web. The plan is kept intentionally brief so as to provide an accessible, general overview of the District, issues it faces, and its implementation programs. However, the plan is also intended to serve as a navigation tool for citizens, consultants, and municipal and agency staff to quickly and effectively locate existing information related to a specific topic of interest. To facilitate that purpose, we have taken several steps.

- As you read through the plan you will notice several live links. These links will point to related sections of the plan. For instance, for each issue identified in Part II of the plan, there is a section titled Implementation Tools which will include live links to relevant implementation programs in Part III.
- Each Issue and Program section includes a subsection titled Additional Information which points you to all relevant resources that we are aware of. This includes not only SWWD resources (e.g. Guidance Documents) but also those of our local, regional, state, federal, and non-governmental partners that provide information beyond those resources specifically cited in the text.
- In appropriate sections, you will notice several interactive buttons which direct you to interactive resources on the SWWD website, including:



Web Viewer: This resource houses basic District geographical data and provides several basic mapping and ID functions.



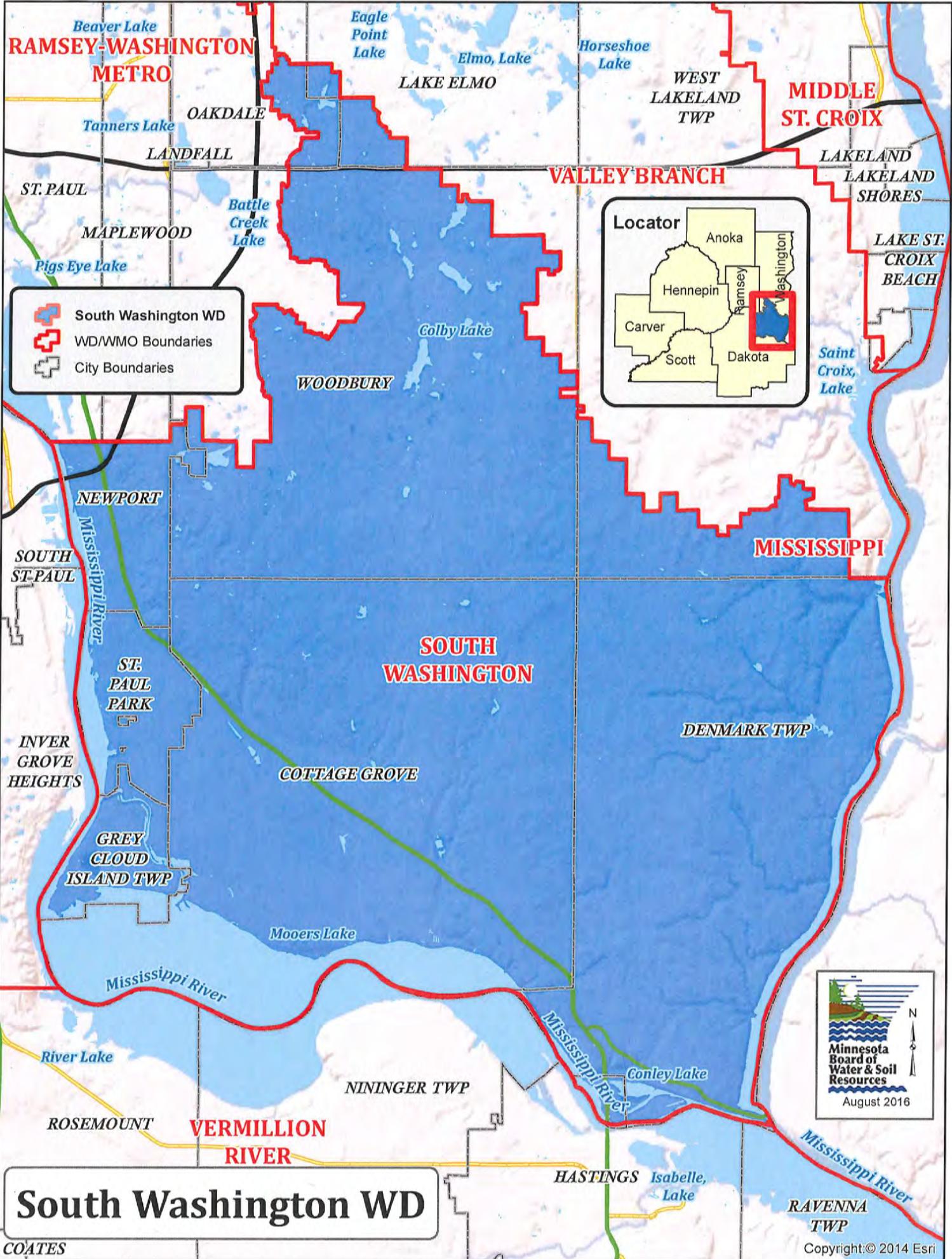
Water Quality Monitoring Database: This resource holds all of the District's surface water quality monitoring data and provides basic graphical and statistical functions. It also serves as a portal to download District monitoring data.



Story Maps and Monitoring Reports: These resources provide additional information about District projects including photos and interactive maps as well as annual resource monitoring reports for our primary water resources.



Resource Library: This link houses all District resources, including meeting agendas and minutes, guidance documents, lake management plans, annual reports, etc.



Beaver Lake
RAMSEY-WASHINGTON METRO

Eagle Point Lake
Elmo, Lake
Horseshoe Lake
LAKE ELMO

WEST LAKELAND TWP

MIDDLE ST. CROIX

OAKDALE
LANDFALL

VALLEY BRANCH

LAKELAND LAKELAND SHORES

ST. PAUL

MAPLEWOOD

Battle Creek Lake



LAKE ST. CROIX BEACH

Pigs Eye Lake

Legend:

- South Washington WD
- WD/WMO Boundaries
- City Boundaries

Golby Lake

WOODBURY

Saint Croix, Lake

NEWPORT

MISSISSIPPI

SOUTH WASHINGTON

SOUTH ST. PAUL

ST. PAUL PARK

DENMARK TWP

INVER GROVE HEIGHTS

COTTAGE GROVE

GREY CLOUD ISLAND TWP

Mooers Lake

Mississippi River

River Lake

NININGER TWP

Conley Lake

ROSEMOUNT

VERMILION RIVER

HASTINGS Isabelle, Lake

RAVENNA TWP

South Washington WD

COATES

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COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. Thirty Lakes Watershed District Termination Petition – Ryan Hughes and Travis Germundson – ***DECISION ITEM***
2. Wadena County Comprehensive Local Water Management Plan – Tom Schulz – ***DECISION ITEM***
3. Clay County Priority Concerns Scoping Document – Gerald VanAmburg – ***DECISION ITEM***
4. Norman County Priority Concerns Scoping Document – Gene Tiedemann and Neil Peterson – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Thirty Lakes Watershed District Termination Petition

Meeting Date: October 27, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Field Operations/North

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: Northern Region Committee(s)

Presented by: Ryan Hughes, Travis Germundson

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the attached Board Order for the termination of the Thirty Lakes Watershed District (TLWD).

LINKS TO ADDITIONAL INFORMATION

<http://crowwing.us/1012/30-Lakes-Watershed-Dist>

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

The public hearing on the Thirty Lakes Watershed District (TLWD) termination petition was held on August 16, 2016. No comments opposing the termination were provided at the public hearing and no additional comments were provided while the hearing record was left open for two additional weeks. Resolutions supporting the termination of the TLWD have been adopted by Crow Wing County, Lake Edward Township and the TLWD.

Tony Bauer, TLWD Board President, Darrel Palmer, TLWD Board Treasurer, and Chris Pence, TLWD Administrator/Crow Wing County Land Services Director, attended the October 12, 2016 Northern Region Committee meeting to provide clarifications regarding the orderly termination of the TLWD and the distribution and purpose of remaining TLWD funds. Based on these discussions, there are no existing TLWD projects that require on-going maintenance and remaining funds will be used for continued water quality monitoring within the boundaries of the TLWD, as established prior to the termination.

The Northern Region Committee reviewed the attached Order and unanimously recommended approval at the October 12, 2016 Northern Region Committee meeting.

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

In the Matter of the Termination Petition
for the Thirty Lakes Watershed District
pursuant to Minnesota Statute § 103D.271

**ORDER
TERMINATION OF
THIRTY LAKES
WATERSHED DISTRICT**

Whereas, a Petition was filed with the Board of Water and Soil Resources (Board) on May 19, 2016, by Crow Wing County on behalf of 1,107 resident owners residing in the Thirty Lakes Watershed District (TLWD), to terminate the TLWD, pursuant to Minn. Stat. §103D.271, and;

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

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

FINDINGS OF FACT

1. **Termination Petition Filing.** The Petition and supporting information (Exhibit 1) was filed with the Board on May 19, 2016, by Crow Wing County on behalf of numerous resident owners residing in the TLWD. The Petition was signed by 1,107 residents (Exhibit 2) consisting of 35.5% of resident owners residing in the TLWD pursuant to Minn. Stat. §103D.271, Subd. 4.
2. **Certification of Petitioner Signature.** On May 13, 2016, Mark B. Liedl, Crow Wing County Land Services Director verified that the number of requisite signatures has been met pursuant to Minn. Stat. §103D.271, Subd. 5 (Exhibit 3), which was included in the filing of the Petition. The Crow Wing County Land Services Director has been delegated the County Auditor duties by the Crow Wing County Board of Commissioners.
3. **District Establishment.** The District was established on May 18, 1971, by Order of the Minnesota Water Resource Board, which is now the Board of Water and Soil Resources. The establishment petitions identified the need of a Watershed District to address lake water quality concerns, increased lakeshore development, stormwater management, septic system regulations, prevalence of swimmer's itch, and garbage in the lakes.

4. **Property Description.** The territory of the TLWD is located in west central Crow Wing County and covers approximately 70 square miles, incorporating all or parts of the Cities of Breezy Point and Nisswa and the Townships of Lake Edward, Center, Pelican, and Mission. Over 50 percent of the area is covered by surface water. The topography is relatively gently rolling and predominately consists of glacial outwash.
5. **Frequency of Termination Petition.** The Board has not accepted a termination petition for the TLWD within the past five years, pursuant to Minn. Stat. §103D.271, Subd. 3.
6. **Reasons for Termination.** The Petition and supporting information list the following reasons for termination of the TLWD:
 - a) The TLWD was established in 1971 primarily to address lake water quality, lakeshore development, stormwater management, and septic system regulations.
 - b) The original water resource management purposes of the TLWD are currently being adequately addressed by other governmental agencies.
 - c) The residents of the district are being served well by the other governmental agencies and this additional level of government is duplicative.
 - d) The TLWD has primarily focused its efforts toward water quality testing on area lakes.
 - e) The TLWD has initiated a limited number of projects since establishment and is not responsible for ongoing maintenance costs of any project.
 - f) The TLWD has not taxed property owners since 2012 due to lack of projects and excess fund reserves.
 - g) The TLWD has initiated an effective communication plan resulting in adequate support for termination among resident owners.
 - h) The continued existence of the TLWD does not benefit the public welfare and public interest and the TLWD is not needed to accomplish the purpose of Minn. Stat. §103D.
7. **Resolutions of Support.** Resolutions supporting the termination of the TLWD have been adopted by Crow Wing County (Exhibit 4), Lake Edward Township (Exhibit 5) and TLWD (Exhibit 6).
8. **Hearing Order.** At its regular meeting on June 22, 2016, the Board determined the Petition met the requirements of Minn. Stat. §103D.271 and consequently ordered a public hearing to be held on the Petition (Exhibit 23).

9. **Hearing Notice.** Legal notice of the public hearing on the Termination Petition, pursuant to Minn. Stat. § 103D.271, Subd. 8, was published in the Brainerd Dispatch on July 18 and 25, 2016 (Exhibit 25). Further, a copy of the legal notice was mailed to several addressees notifying them of the public hearing, including the Crow Wing County Auditor, Administrator, and Attorney; Crow Wing County Soil and Water Conservation District; all cities and townships in the watershed district; Minnesota Department of Natural Resources; Minnesota Association of Watershed Districts; and representatives from the TLWD (Exhibits 24 and 26).

10. **Public Hearing.** A public hearing was held on the termination petition of the TLWD on August 16, 2016, at the Lake Edward Town Hall located at 23977 County Road 4, Nisswa, Minnesota. The hearing started at 6:00 PM. The proceedings were audio recorded. The hearing panel consisted of Neil Peterson, Gerald Van Amburg, Brian Napstad, Gene Tiedemann, Keith Mykleseth and Tom Schulz as chair. After all people present at the public hearing were given an opportunity to speak and enter exhibits, the hearing record was left open for two additional weeks until 4:30 PM August 30, 2016, for receipt of written comments. No additional comments were received during the additional two week period.

The following list of exhibits comprise the hearing record. Travis Germundson Board staff, entered Exhibits 1 through 28 into the record by reading a brief description of each exhibit at the public hearing.

- Exhibit 1.** Letter, dated May 13, 2016, from Chris Pence, TLWD Administrator, to Travis Germundson, Board of Water and Soil Resources, transmitting the Termination Petition and supporting documentation.
- Exhibit 2.** Termination Petition for the TLWD consisting of 1,107 resident owners signatures.
- Exhibit 3.** Certification of Petitioner signatures, dated May 13, 2016, from Mark B. Liedl, Crow Wing County Land Services Director/Auditor.
- Exhibit 4.** Crow Wing County Board of Commissioners' Resolution supporting the dissolution of the TLWD, dated May 10, 2016.
- Exhibit 5.** Lake Edward Township Board of Supervisor's Resolution supporting the dissolution of the TLWD, dated May 10, 2016.
- Exhibit 6.** TLWD Board of Managers' Resolution supporting the dissolution of the District, dated June 13, 2016.
- Exhibit 7.** Excerpts of the TLWD's 2015 Revised Water Management Plan, including actions to evaluate the purpose and need of the District, dated September 14, 2015.
- Exhibit 8.** TLWD Evaluation Report including findings of fact for the dissolution of the District.
- Exhibit 9.** TLWD Board meeting minutes from January 11, 2016, accepting the Evaluation Report.

Exhibit 10. Letter, dated March 14, 2016, from Chris Pence, TLWD Administrator, to the TLWD Managers regarding the District's 10 Year Communication Plan Recommendations.

Exhibit 11. TLWD Board meeting minutes from March 14, 2016, approving the communication plan process.

Exhibit 12. Letter, dated March 21, 2016, from Ryan Hughes, Board of Water and Soil Resources to Chris Pence, Thirty Lakes Watershed District Administrator, regarding the Board's concurrence with the TLWD communication plan.

Exhibit 13. Letter, dated March 29, 2016, from Tony Bauer, President of the TLWD, to area residents regarding background information on TLWD, online survey assessment and notice of public meeting.

Exhibit 14. Letter, dated April 12, 2016, from Tony Bauer, President of the TLWD, to area residents regarding background information on TLWD, online survey assessment, notice of public meeting and signing the petition to support the proposal.

Exhibit 15. Copy of legal notice, dated April 14, 2016, published in local papers regarding the public meeting.

Exhibit 16. TLWD Board meeting minutes from April 19, 2016 public meeting.

Exhibit 17. Letter, dated April 26, 2016, from Tony Bauer, President of the TLWD to area residents regarding signing the petition to support the termination.

Exhibit 18. On-line survey summary results on the proposed termination.

Exhibit 19. Fact sheet on tax levy amounts by calendar year.

Exhibit 20. Fact sheet on redundancy of services.

Exhibit 21. Board meeting notice and agenda, dated June 13, 2016.

Exhibit 22. June 22, 2016, Board meeting agenda item materials including a draft order for a public hearing to be held on the Petition for Termination.

Exhibit 23. Board Order authorizing a public hearing to be held on the Petition for Termination, dated June 22, 2016.

Exhibit 24. Letter, dated July 15, 2016, from Travis Germundson, Board of Water and Soil Resources, to several addresses notifying them of the Public Hearing, including list of addressees and legal notice.

Exhibit 25. Affidavit of Publication, dated July 25, 2016, of Legal Notice in the Brainerd Dispatch on July 18 and 25, 2016.

Exhibit 26. Letter, dated August 1, 2016, from Travis Germundson, Board of Water and Soil Resources, to several addresses notifying them of the Public Hearing Time Correction, including list of addressees.

Exhibit 27. Board Northern Regional Committee Packet dated August 5, 2016, from Ryan Hughes,

Board of Water and Soil Resources, notifying the Committee of the public hearing, including Exhibits.

Exhibit 28. Letter, dated August 15, 2016, from Paul D. Reuvers, TLWD attorney with Iverson Reuvers Condon, regarding a cooperative agreement between the watershed district and the Crow Wing County on transferring funds, including draft resolutions and cooperative agreement.

11. **Hearing Panel.** Based on the entire record in the matter and after due consideration, the Board Northern Regional Committee met on October 12, 2016, in the Board's Detroit Lakes Field Office Conference Room located at 26624 North Tower Road, Detroit Lakes, Minnesota. Those in attendance from the Board's Committee were Neil Peterson, Gerald Van Amburg, Brian Napstad, Gene Tiedemann and Tom Schulz as chair. Board staff in attendance were Regional Manager, Ryan Hughes, and Board Conservationist, Maggie Leach. The representatives from the TLWD were the TLWD Board President, Tony Bauer, TLWD Board Treasurer, Darrell Palmer, and TLWD Administrator/Crow Wing County Land Services Director, Chris Pence. After discussion, the Committee's decision was to present a recommendation of approval of the Order to terminate the TLWD.
12. **General Fund Levy.** The Board of Managers of the TLWD has not levied or collected funds since 2012 due to lack of projects requiring TLWD assistance and excess fund reserves (Exhibit 19). The present balance of all funds of the TLWD is approximately \$150,000.
13. **Projects and Programs.** The Board of Managers of the TLWD is not responsible for on-going maintenance cost of any former project. The majority of the TLWD emphasis was on water quality monitoring.

CONCLUSIONS

1. The Petition for Termination of the TLWD is valid in accordance with Minn. Stat. §103D.271.
2. All relevant, substantive and procedural requirements of law and rule have been fulfilled.
3. The Board has proper jurisdiction in the matter of terminating the TLWD.
4. The TLWD should be terminated for the following reasons:
 - A. Other government agencies are adequately addressing the water resource needs for which the TLWD was originally established, resulting in duplication of services.
 - B. The TLWD has not collected any levy funds since 2012 due to a lack of approved projects and excess fund reserves.

- C. The TLWD is relatively small and is contained entirely within Crow Wing County.
 - D. The TLWD completed a comprehensive evaluation of the purpose and need for the District as outlined in their water management plan and passed a motion supporting the findings of fact for termination.
 - E. The TLWD conducted an effective communication plan on the proposed termination, generating overwhelming public support.
 - F. Resolutions supporting the termination have been adopted by local units of government affected by the TLWD, including TLWD.
5. The TLWD should be terminated because the existence of the watershed district does not benefit the public welfare and public interest and the watershed district is not needed to accomplish the purpose of Minnesota Statutes Chapter 103D.
 6. All remaining funds of the TLWD shall be transferred to the Crow Wing County Land Services Director/Auditor within 60 days of the date this Order is filed with the Secretary of State's Office. Darrell Palmer, current Treasurer of TLWD, in accordance with Minn. Stat. §103D.315, Subd.6, shall conduct the transfer of funds from the TLWD to Crow Wing County.

ORDER

The Board hereby orders that the Thirty Lakes Watershed District is terminated because the existence of the watershed district does not benefit the public welfare and public interest and the watershed district is not needed to accomplish the purpose of Minnesota Statutes, Chapter 103D. The Board further orders that all remaining funds and real property of the Thirty Lakes Watershed District be transferred, in proportion to the manner collected, to the Crow Wing County Land Services Director/Auditor within 60 days of the date this Order is filed with the Secretary of State and recommends the funds be transferred to Crow Wing County for the continued water quality testing within the boundaries of the District, as established prior to termination.

Dated at Saint Paul, Minnesota this 27th day of October, 2016.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

By: _____
 Brian Napstad, Chair



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wadena County Comprehensive Local Water Management Plan

Meeting Date: October 27, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Northern Region

Contact: Chad Severts/Maggie Leach

Prepared by: Maggie Leach

Reviewed by: Northern Region Committee(s)

Presented by: Tom Schulz

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Wadena Comprehensive Local Water Management Plan 2016-2026 as recommended by the Northern Region Committee.

LINKS TO ADDITIONAL INFORMATION

Wadena Water Plan and appendices links located on Wadena County website:

http://www.wadenaswcd.org/2016_2026WadenaCountyWaterPlan_smaller-size-1.pdf (Water Plan)

http://www.wadenaswcd.org/2016AppendixA_PCSD_WadenaSWCD_smaller-size.pdf (Appendix A - PCSD)

http://www.wadenaswcd.org/2016AppendixB_IndividualWatershedMaps_smaller-size-1.pdf (Appendix B – maps)

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

Wadena County (County) has updated their Comprehensive Local Water Management Plan (Plan) as authorized under Minnesota Statutes, section 103B.301, the Comprehensive Local Water Management Act. On August 26, 2016, the BWSR received the Plan, a record of the public hearing and copies of all written comments pertaining to the Plan for final State review pursuant to Minnesota Statutes, section 103B.315, subd. 5. State agency review comments were received from MDH, MDNR and MPCA. MDA offered no further comments. The County has responded to all comments received and incorporated appropriate revisions to the final draft. The state agencies recommended that BWSR approve the entire Plan update as submitted.

The priority concerns to be addressed in the final Plan were deemed to be appropriate and no changes were recommended or required. These priority concerns included the following:

- 1) The cumulative impacts of current, past or potential land uses on the surface water resources in the Redeye and Crow Wing River Watersheds.
- 2) The cumulative impacts of current, past or potential land uses on the ground water resources in the Pineland Sands and Wadena Surficial Aquifers.
- 3) Ensure ground water sustainability to adequately address all various uses of ground water.
- 4) Restore and protect key aquatic and terrestrial habitats that have positive impacts on water quality.

The County actively engaged citizens, partners and agency representatives in the development of the Plan Update and included measurable and targeted goals and strategies in their implementation program.

BWSR staff completed its review and required additions and modifications to several areas of the Plan to meet the requirements of Minnesota Statutes, 103B.314, subd. 3 and 4. Regional staff also offered several suggestions to improve the overall readability and effectiveness of the Plan. The draft Plan was edited and subsequently found to meet the requirements of Minnesota Statutes, 103B.314. The Plan:

- 1) focuses on the priority concerns identified in the PSCD;
- 2) assesses the priority concerns and sets forth appropriate goals and objectives;
- 3) provides an implementation program with measurable actions, timeline and budget; and
- 4) Includes all required sections.

On October 12, 2016, the Northern Region Committee met with County representatives and BWSR staff to review and discuss the Plan. The Committee's decision was to recommend approval of the Wadena County Comprehensive Local Water Management Plan to the full Board per the attached draft Order.

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

In the Matter of the review of the Comprehensive Local Water Management Plan for Wadena County, pursuant to Minnesota Statutes, Section 103B.311, Subdivision 4 and Section 103B.315, Subdivision 5.

**ORDER
APPROVING
COMPREHENSIVE
LOCAL WATER
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of Wadena County (County) submitted a Comprehensive Local Water Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on August 26, 2016 pursuant to Minnesota Statutes, Section 103B.315, Subdivision 5, and;

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

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

FINDINGS OF FACT

1. On November 18, 2015, the Board received a Priority Concerns Scoping Document from Wadena County, pursuant to Minnesota Statutes, Section 103B.312.
2. On January 27, 2016, the Board approved official comments on Wadena County's Priority Concerns Scoping Document. The approval was mailed to the County on January 27, 2016.
3. The Plan focuses on the following priority concerns:
 - A. The cumulative impacts of current, past or potential land uses on the surface water resources in the Redeye and Crow Wing River Watersheds.
 - B. The cumulative impacts of current, past or potential land uses on the ground water resources in the Pineland Sands and Wadena Surficial Aquifers.
 - C. Ensure ground water sustainability to adequately address all various uses of ground water.
 - D. Restore and protect key aquatic and terrestrial habitats that have positive impacts on water quality.
4. On August 26, 2016, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Minnesota Statutes, Section 103B.315, Subd. 5. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. The following state review comments were received during the comment period.

- A) Minnesota Department of Agriculture offered no further comments at this point.
 - B) Minnesota Department of Health commended Wadena County for its recognition of the importance of protecting drinking and ground water resources.
 - C) Minnesota Department of Natural Resources recommended that forest conservation and protection be included as a goal under both "Priority Concern – Land uses on surface water in our watersheds" and "Priority Concern - Land uses on groundwater in our aquifers".
 - D) Minnesota Pollution Control Agency stated the plan appears to meet MPCA requirements and recommended approval of the Plan as written.
 - E) Board of Water and Soil Resources pursuant to Minnesota Statutes §103B.311, subdivision 4, required additions and modifications to several areas of the Plan to meet policy and guidance. Regional staff also offered several suggestions to improve the overall readability and effectiveness of the Plan.
5. **Northern Regional Committee.** On October 12, 2016, the Northern Regional Committee of the Board reviewed the recommendation of the state review agencies regarding final approval of the Plan. Those in attendance from the Board's Committee were Neil Peterson, Gerald Van Amburg, Brian Napstad, Gene Tiedemann and Tom Schulz as chair. Board staff in attendance were Regional Manager, Ryan Hughes, and Board Conservationist Maggie Leach. The representatives from the County were Jim Hofer, County Commissioner, and representatives from the Wadena Soil and Water Conservation District were, Anne Oldakowski, Water Plan Technician, and Darren Newville, District Manager. Board regional staff provided its recommendation of Plan approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Plan to the full Board.
6. This Plan will be in effect for a ten-year period until October 27, 2026.

CONCLUSIONS

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

ORDER

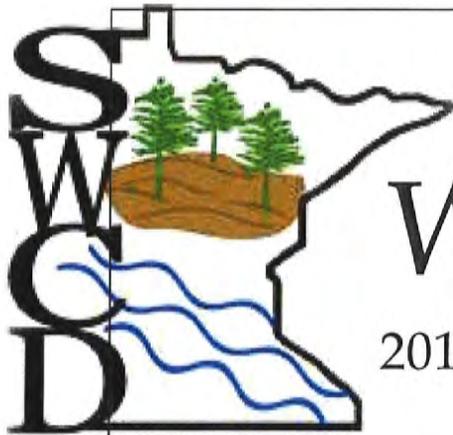
The Board hereby approves the attached Wadena Comprehensive Local Water Management Plan 2016 to 2026, with the requirement that the County assess the Plan at the midpoint of the effective period and amend as necessary.

Dated at St. Paul, Minnesota, this twenty-seventh day of October, 2016.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Brian Napstad, Chair

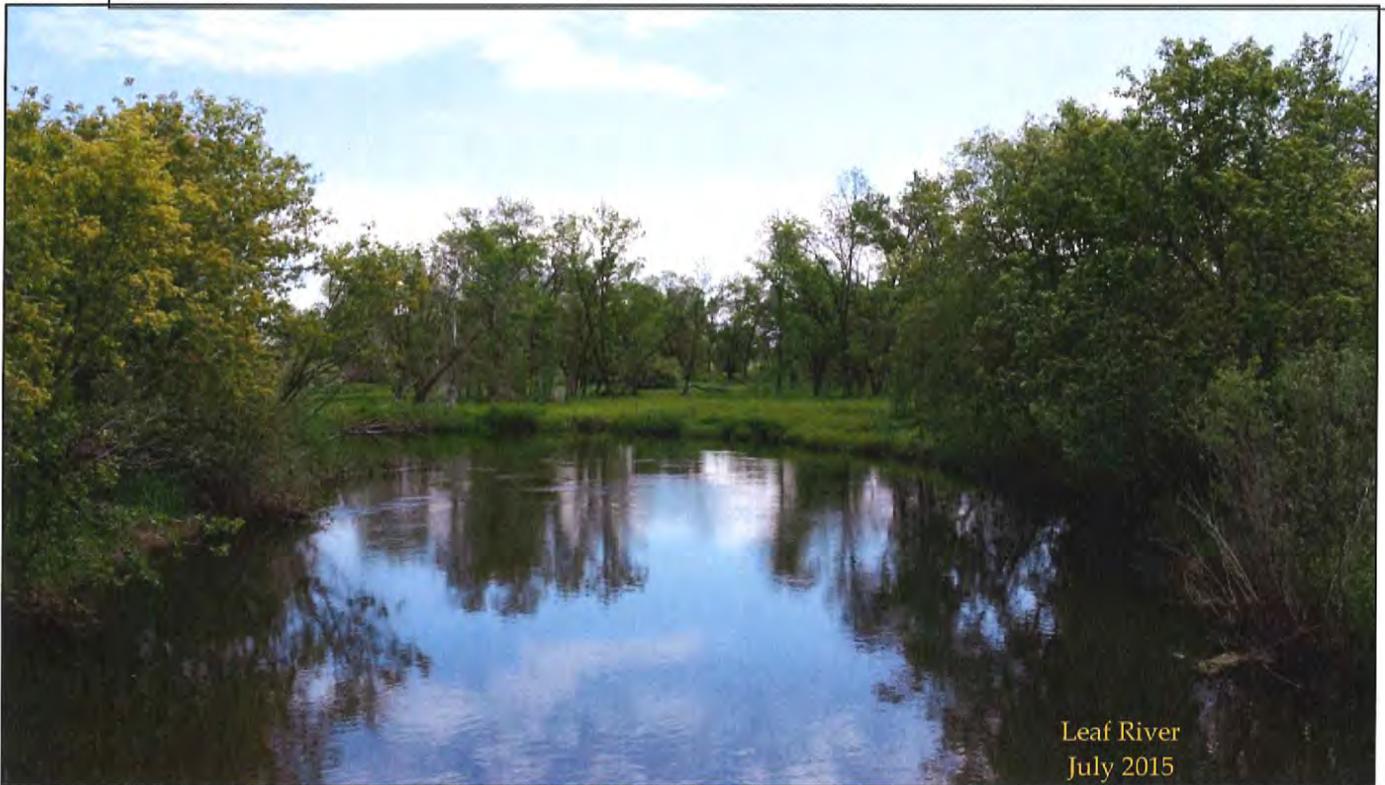
DRAFT



Wadena County

2016-2026 Local Water Management Plan

Executive Summary



Leaf River
July 2015

Prepared by:
Wadena County Soil and Water Conservation District
and the Wadena County Water Plan Task Force

The following Local Water Management Plan was written to assess priority water resource concerns in the entirety of Wadena County, to develop goals and objectives to address those priority concerns, and to develop an implementation program including strategies and actions to address those goals.

EXECUTIVE SUMMARY

Wadena County is in a distinctive location in the state of Minnesota due to the Crow Wing River State Water Trail, transitional forest zones, and unique geology. Situated in north central Minnesota, it is approximately 170 miles northwest of the Twin Cities and 95 miles east of Fargo, North Dakota. The county seat is located in Wadena, which is the largest city in the county with a population of 4,088. The 2010 census data indicates Wadena County has a total population of 13,843 residents. This is a 0.95% increase from the 2000 census numbers, with most new residential development occurring near the cities of Menahga, Staples, and Wadena and near the lakes in the northern part of the county.

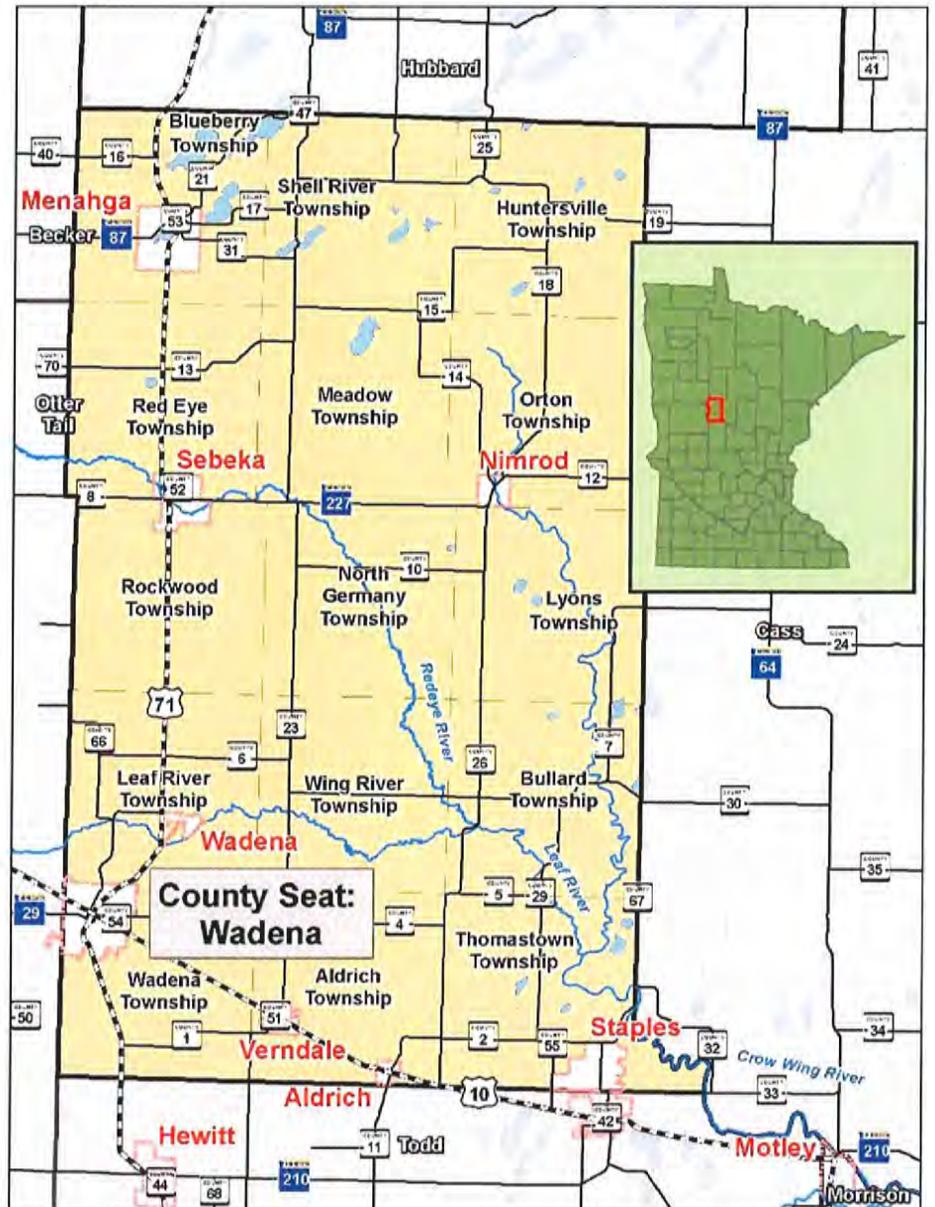


Figure 1. Political Boundaries of Wadena County and Municipalities

Surrounding counties include Hubbard County to the north, Cass County to the east, Todd County to the south and Becker and Otter Tail Counties to the west.

Wadena County is a stream-based county with few recreational lakes but many stream miles and over 80% of its wetlands remaining from pre-development times. This is very different than the surrounding counties which are lake-based.

Wadena County is within the Upper Mississippi River Basin and consists of the Crow Wing, Redeye and Long Prairie River watersheds. According to the US Forest Service's 2009 study *Forests, Water and People*, which compared over 500 watersheds in the Northeast and Midwest in their ability to produce clean water, the Crow Wing River Watershed ranked within the top fifteen watersheds in their western study area and ranked third of all major watersheds in the state of Minnesota that have private forestland which is highly important for protecting drinking water supplies. The US Forest Service's 2011 project *Forests to Faucets* also illustrates the link between forests and surface water.

The **Crow Wing River Watershed** is located in north-central Minnesota and covers approximately 1,946 square miles within Becker, Cass, Clearwater, Crow Wing, Hubbard, Morrison, Otter Tail, Todd, and Wadena Counties. There are 43 minor watersheds in Wadena County, covering 53% of our county. We have 14.5% of the entire watershed in our county. Land use in the watershed is forestland, agriculture and wetlands. Wadena County cities located within the watershed include Menahga, Nimrod, Aldrich and Staples. Wadena County lakes and streams in the watershed include Blueberry, Finn, Lily, Lovejoy, Lower Twin, Jim Cooke, Simon, Spirit, Stocking, Strike, Yaeger, Beaver Creek, Blueberry River, Cat River, Crow Wing River, Kettle River, Kitten Creek, Little Swamp Creek, Partridge River, and Shell River. This watershed is considered pristine, so our focus here will be on protection.
Hydrologic Unit Code (HUC): 07010106

The **Redeye River Watershed** is located in the northwestern to north-central part of the Upper Mississippi River Basin in central Minnesota and covers approximately 899 square miles within Becker, Otter Tail, Todd and Wadena Counties. There are 26 minor watersheds in Wadena County, covering 46.5% of our county. We have 28.3% of the entire watershed in our county. Land use in the watershed is agriculture, grassland, forestland and wetland. Wadena County cities located within the watershed include Sebeka, Verndale and Wadena. Wadena County has no lakes in this watershed, but the streams include Hay Creek, Leaf River, Redeye River, Union Creek, Whiskey Creek, and Wing River. This watershed has more disturbance, so our focus here will be on restoration and enhancement.

Hydrologic Unit Code (HUC): 07010107

The **Long Prairie River Watershed** is located in central part of the Upper Mississippi River Basin in central Minnesota and covers approximately 862 square miles within Douglas, Morrison, Otter Tail, Todd, and Wadena Counties. There is 1 minor watershed in Wadena County, covering 0.5% of our county. We have 0.3% of the entire watershed in our county. Only a small portion in the southcentral area of Wadena County is within this watershed, about four square miles. Land use in the watershed is agriculture, grassland and forestland. The portion of the watershed in our county is just east of the city of Aldrich. This watershed has more disturbance, so our focus here will be on restoration and enhancement.

Hydrologic Unit Code (HUC): 07010108

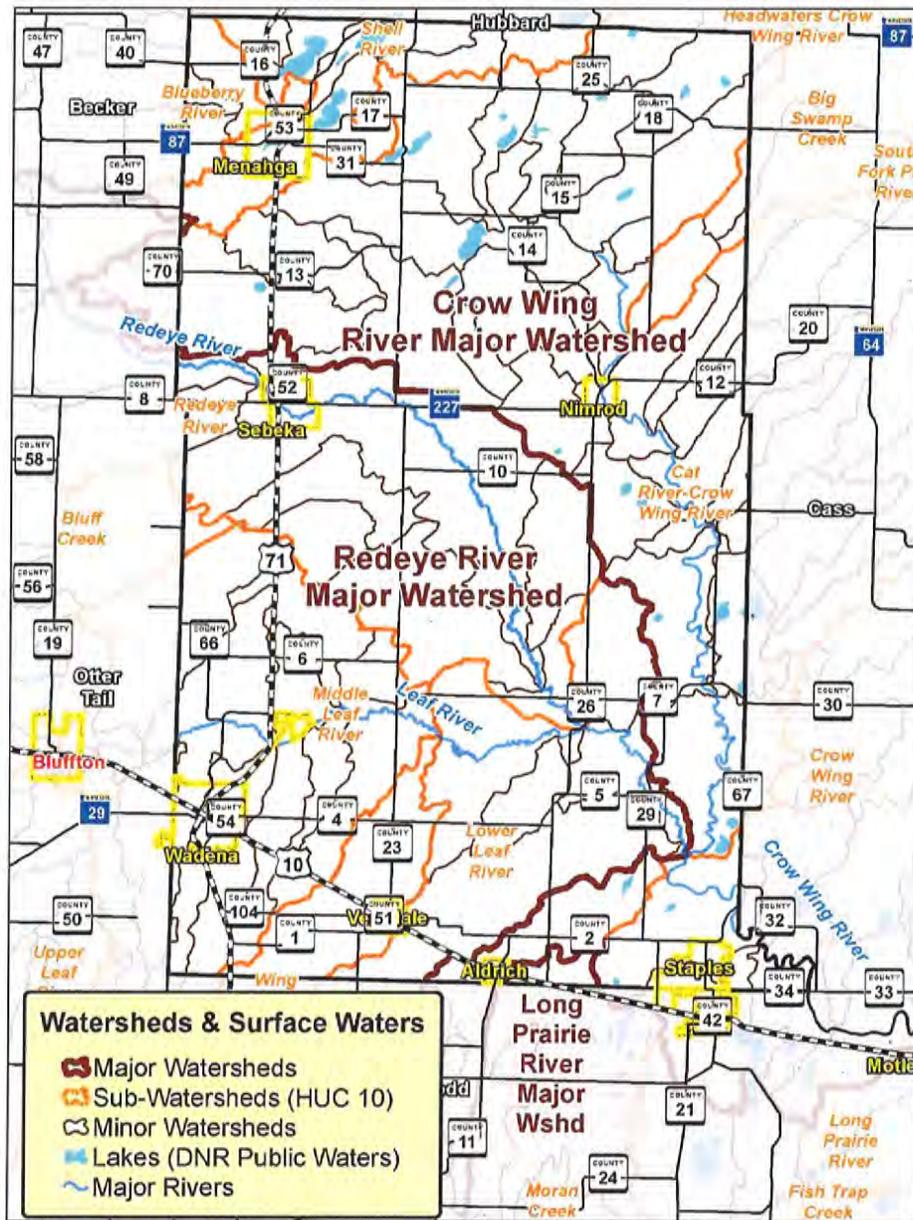


Figure 2. Watershed Boundaries and Water Features in Wadena County

Within Wadena County there are important high quality landscapes that add to the scenic beauty of the region. The Crow Wing River is a Scenic River Trail and important pristine water source for metro area residents' surface water and drinking water. There are several lakes in the county that have high or outstanding biological significance. Lakes are classified as Outstanding Resource Value Waters if they have exceptional water quality, or recreational, scientific, cultural, or aesthetic value. Wild rice is an important ecological and cultural resource in the state. There are many lakes in the county, including Blueberry, Stocking, Lower Twin, and Yaeger that are designated wild rice waters. Many of our lakes are very pristine, but many could also easily be impacted by phosphorus. These lakes have a high sensitivity to phosphorus that could impact water quality. The fact that these lakes still do have great water quality means the county has very little erosion and degradation of these water bodies and watersheds. In addition to lakes, there are many designated trout streams in the county that represent valuable recreational and water quality resources in the county. Many of these resources are located in the northwest portion of the county and represent a nexus of clean water, protective land use, and preservation. Continuing to protect these outstanding resources in the county is important for ecologic, economic, and recreational goals in Wadena County.

Soil and Water Conservation Districts (SWCDs) have been providing soil and water conservation services to private landowners since the late 1930s, the Wadena SWCD since 1958. These offered services, whether technical or financial, protect the quality of our natural resources. The Wadena SWCD works to implement a long-range plan for conservation in the county and currently has several programs available to private landowners.

Agricultural activities include examples such as: erosion control practices like field windbreaks, pesticide collection, rotational grazing, conservation tillage, adaptive agriculture, cost share, irrigation scheduling, ag weather network, feedlot permitting, nutrient management, and weed inspecting.

Forestry and wildlife activities include examples such as: tree plantings, pollinator plantings, and forest management planning.

Water quality activities include examples such as: implementing the county water plan, county comprehensive plan and wellhead protection plans, collecting baseline water quality data in our lakes and streams, shoreland ordinances, hazardous waste collections, wetland conservation, watershed restoration and protection strategy teams, sponsor water testing clinics for nitrates, erosion control practices like critical area stabilizations, cost share, and septic system inspections.

Environmental education activities include examples such as: conservation programs for the local schools, workshops and field days, scholarships for conservation camp, and providing educational materials.



Figure 3. Outstanding Water Resources in Wadena County

Wadena County also falls completely within the Wadena/Todd Drumlins and Osakis Till Plain of the North Central Hardwood Forests Ecoregion, but the Northern Lakes and Rivers Ecoregion isn't far away. Prior mapping efforts had Wadena County in two ecoregions. Ecoregions are identified by similar geology, physiography, vegetation, climate, soils, land use, wildlife, and hydrology. This North Central Hardwood Forests Ecoregion is a transitional area between the conifer forests to the north and agriculture to the south and contains drumlins and rolling plains with row crops, pasture and forest.



Figure 4. Ecoregions of Central Minnesota

Agriculture and forests dominate the landscape of Wadena County. Agriculture has a strong influence in Wadena County, even though the number of farms in the county has steadily decreased from the 1960's to the present. A noticeable difference in the agricultural industry has been the addition of irrigation to farm fields. Irrigated acres doubled between 1978 and 2007 and acreage continues to grow with more commercialized agri-business purchasing land in the county and surrounding counties, in this transitional zone from prairie to forest. The agricultural areas are also located over our surficial aquifers, which are directly tied to surface

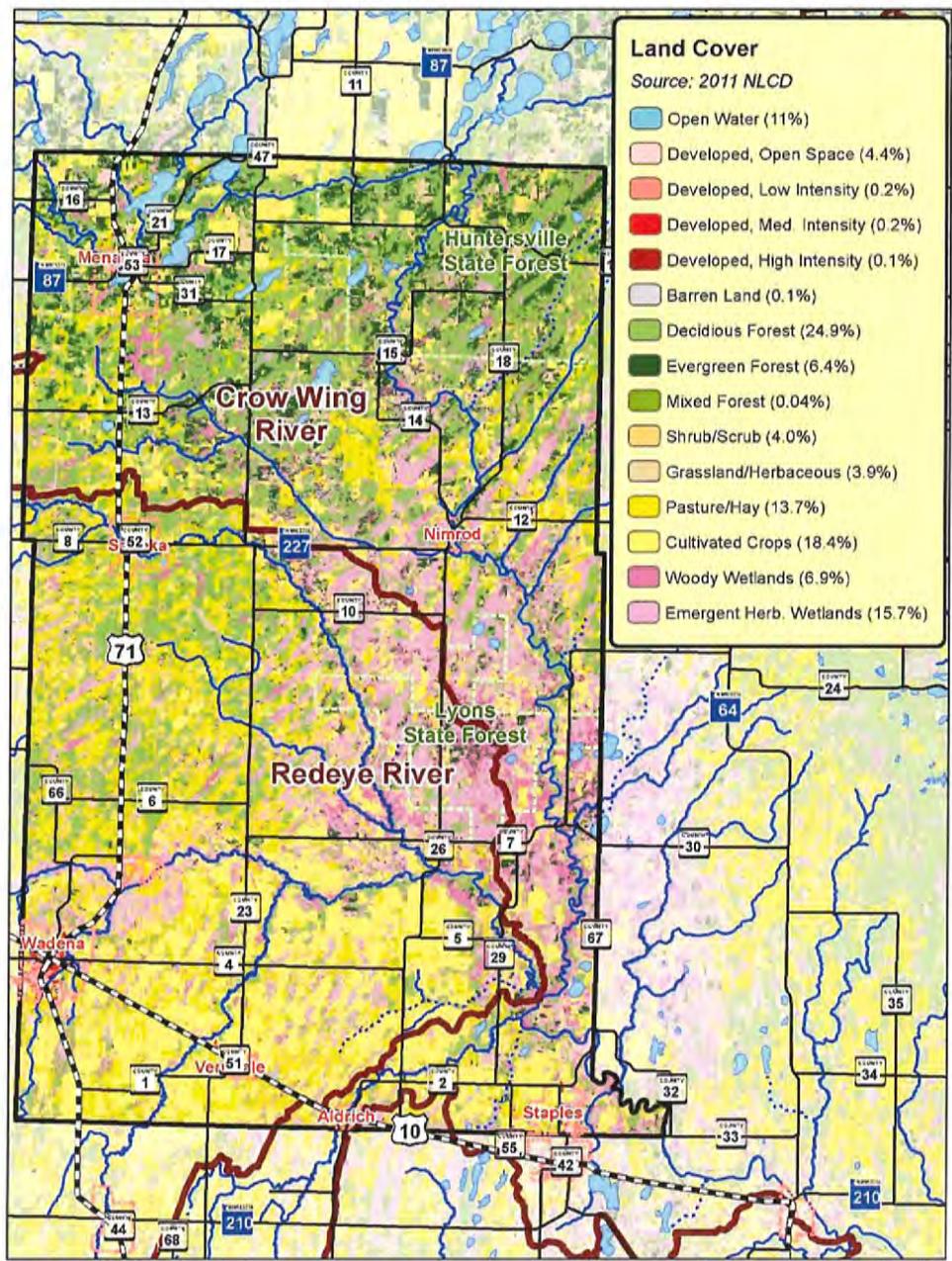


Figure 5. Land Cover in Wadena County

waters. There has been a sharp increase in conversion from forestland to agriculture, specifically with crop rotations including potatoes. The sandy soils in our area provide a good medium for growing potatoes if the land can be irrigated, but are also one of the most sensitive soils to contamination due to their permeability.

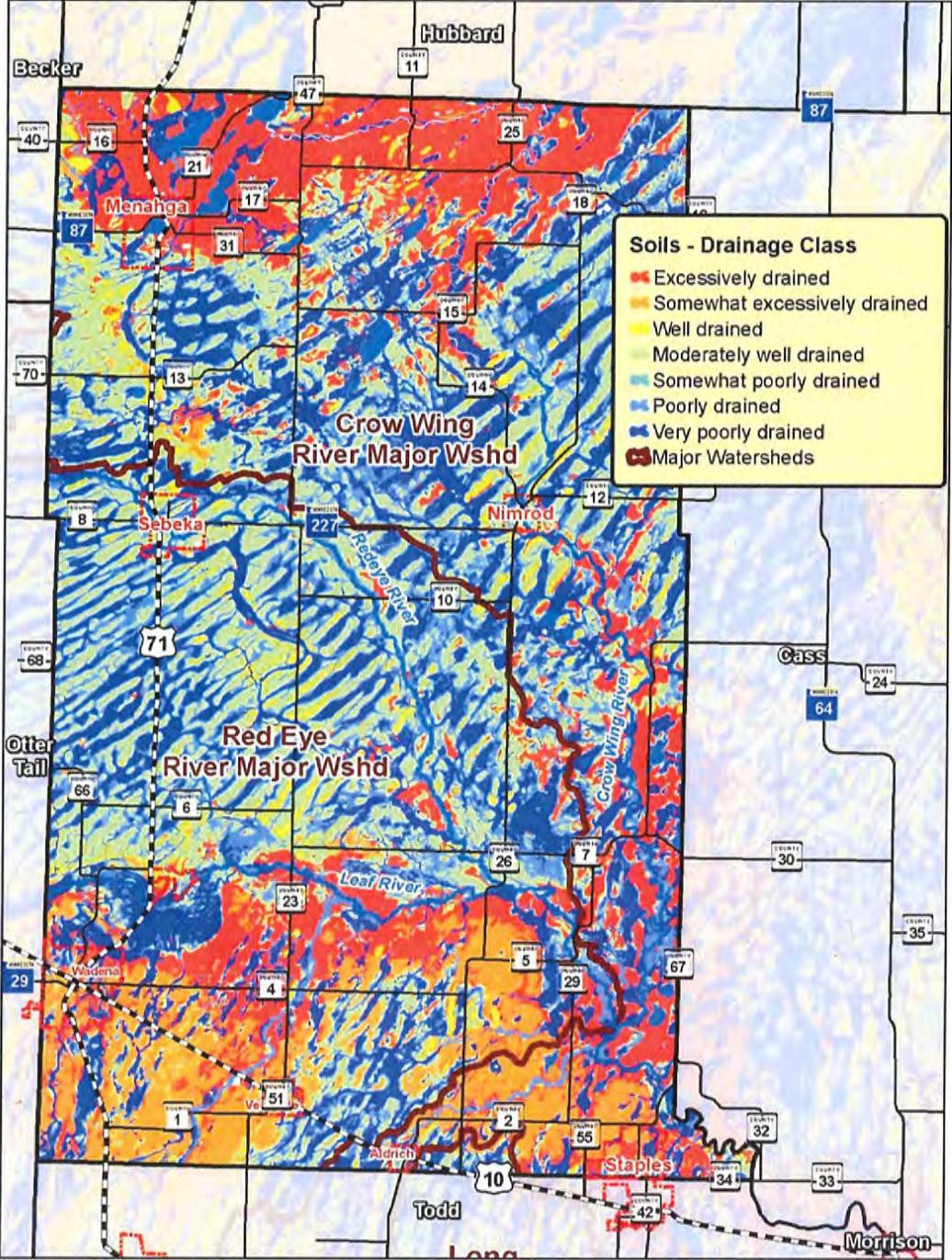


Figure 6. Soil Drainage Classes in Wadena County

Three aquifers also converge in Wadena County, two of which are shallow, surficial sand-plain outwash aquifers (Pineland Sands Aquifer and the Wadena Aquifer) and one uppermost confined till plain aquifer (the Otter Tail Aquifer) containing a drumlin field.

The two glacial outwash plains are dominantly sand and a small amount of gravel with nearly level to gently rolling slopes, except next to our lakes and rivers, and have many depressions where drainage is slow and water has the potential to sit. There are also remnants of the drumlin field that are covered with sand here. These sand plains make up about 70 percent of the county. The landscape in the confined aquifer is gently sloping to sloping, with slopes varying from short to moderately long. They make up about 30 percent of the county, with the most evident drumlins in the west-central part of the county by Sebeka and Bluegrass.

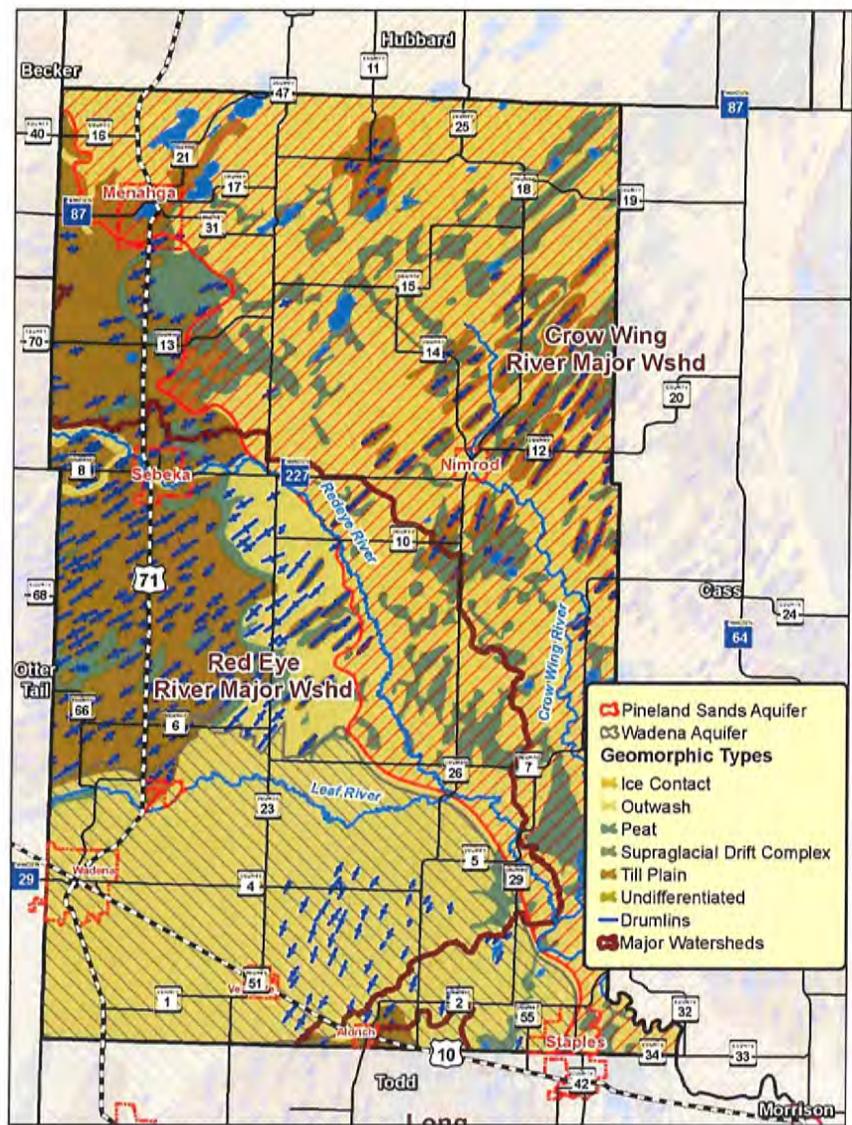


Figure 7. Soil Types and Aquifers in Wadena County



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Clay County Priority Concerns Scoping Document

Meeting Date: October 27, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Field Operations/North

Contact: Brett Arne

Prepared by: Brett Arne

Reviewed by: Northern Region Committee(s)

Presented by: Gerald Van Amburg

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Clay County Priority Concerns Scoping Document

LINKS TO ADDITIONAL INFORMATION

<http://claycountymn.gov/DocumentCenter/View/4826>

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

The Clay County Comprehensive Local Water Management Plan is due to expire on December 31, 2016. The County passed a resolution to begin the plan update process on October 5, 2015. The initial step in the update process, the Priority Concerns Scoping Document (PCSD), was developed by the county and routed to the state review agencies on August 12, 2016. The BWSR Northern Region Committee met on October 12, 2016 to discuss the content of the PCSD and the state agency comments and recommendations received for consideration in the development of the updated comprehensive local water management plan.

All required components of the PCSD have been covered and the priority concerns identified are deemed appropriate. The Committee voted unanimously to concur with the priority concerns selected by Clay County and recommends approval by the full Board. Attached is a letter to Clay County documenting BWSR approval for signature by the Board Chair.



October 27, 2016

Clay County Commissioners
c/o Lynn Foss, Water Plan Coordinator
1615 30th Ave S.
Moorhead, MN 56560

RE: Official Comments Pertaining to the State Review of the Clay County Priority Concerns Scoping Document for the Local Water Management Plan Update

Dear Clay County Commissioners:

Pursuant to Minnesota Statutes §103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Clay County has chosen to address in the update of the County Comprehensive Local Water Management Plan (Plan).

The Clay County Priority Concerns Scoping Document (PCSD) provides information about the county, summarizes the priority concerns development process, and provides the following priority concerns for inclusion in the Plan update:

1. Water Quality: Including, but not limited to; impaired waters (TMDL/WRAPS), nonpoint pollution, groundwater/aquifer pollution and protection (WHP, DWSMA), and septic systems.
2. Natural Resource Enhancement & Protection: Including, but not limited to; wetland/prairie restoration and protection, stream/river restoration, connectivity and buffers.
3. Flood Damage Reduction: Including, but not limited to; flooding (Fargo-Moorhead Flood Risk Management Project), effects of tiling (DWM) and drainage.
4. Erosion Concerns: Including, but not limited to; soil erosion (wind and water), streambank erosion, sedimentation in streams, rivers, ditches, promotion of BMPs (cover crops, residue management, soil health, and field windbreaks).

The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the PCSD on August 12, 2016. Comments were received from Department of Ag, and Minnesota Pollution Control Agency. The Department of Health, and Department of Natural Resources did not provide comments on the PCSD.

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403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 203-4470	26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	21371 State Hwy 15 New Ulm, MN 56073 (507) 359-6074	3555 9 th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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The Department of Agriculture and Pollution Control Agency (MPCA) concurred with the priority concerns identified and noted they felt the process to identify the concerns was commendable. The MPCA requested proactive feedlot enforcement be considered while developing the Plan update.

The BWSR Northern Region Committee met October 12, 2016, to discuss comments received, the content of the PCSD and consider recommendations for the content of the Plan. The Committee's findings were presented to the BWSR Board at its meeting on October 27, 2016.

The BWSR Board concurs with the selected priority concerns to be addressed in the Plan; no changes are recommended or required to the PCSD as drafted. Please proceed with the development of your Plan. The BWSR Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives and an implementation sections of the Plan.

We look forward to the completion of your Plan and its implementation.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Lynn Foss, County Water Plan Coordinator
Rob Sip, MDA (via email)
Jenilynn Marchand, MDH (via email)
Theresa Olson, DNR (via email)
Juline Holleran, MPCA (via email)
Ryan Hughes, BWSR Regional Manager (via email)
Brett Arne, BWSR Board Conservationist (via email)
Mary Jo Anderson, BWSR (file copy)



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Norman County Priority Concerns Scoping Document

Meeting Date: October 27, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Field Operations/Northern

Contact: Brett Arne

Prepared by: Brett Arne

Reviewed by: North Region Committee(s)

Presented by: Gene Tiedemann/Neil Peterson

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

Approval of the Norman County Priority Concerns Scoping Document

LINKS TO ADDITIONAL INFORMATION

<http://normancountyswcd.org/index.html>

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

The Norman County Comprehensive Local Water Management Plan is due to expire on December 31, 2016. The County passed a resolution to begin the plan update process on December 29, 2015. The initial step in the update process, the Priority Concerns Scoping Document (PCSD), was developed by the county and routed to state review agencies on August 15, 2016. The BWSR Northern Region Committee met on October 12, 2016, to discuss the content of the PCSD and comments and recommendations received for the development of the updated comprehensive local water management plan.

All required components of the Norman PCSD have been covered and the priority concerns identified are deemed appropriate. The Committee voted unanimously to concur with the priority concerns selected by Norman County and recommends approval by the full Board. Attached is a letter to Norman County documenting BWSR approval for signature by the Board Chair.



October 27, 2016

Norman County Commissioners
c/o Lori Thronson, Water Plan Coordinator
100 Main Ave E.
Twin Valley, MN 56584

RE: Official Comments Pertaining to the State Review of the Norman County Priority Concerns Scoping Document for the Local Water Management Plan Update

Dear Norman County Commissioners:

Pursuant to Minnesota Statutes §103B.313, subdivision 5, this letter communicates the official comments of the State of Minnesota pertaining to the priority concerns Norman County has chosen to address in the update of the County Comprehensive Local Water Management Plan (Plan).

The Norman County Priority Concerns Scoping Document (PCSD) provides information about the county, summarizes the priority concerns development process, and provides the following priority concerns for inclusion in the Plan update:

- Priority 1 will focus on reducing unwanted wind and water erosion and the associated sedimentation that occurs within Norman County.
- Priority 2 will focus on improving surface and groundwater quality at the watershed level.
- Priority 3 concentrates on the appropriate use of natural resources by coordinating and implementing government programs.
- Priority 4 puts emphasis on proper control of water movement, drainage, and retention.

The Board of Water and Soil Resources (BWSR), along with the state review agencies, received the PCSD August 15, 2016. Comments were received from the Department of Agriculture and the Department of Natural Resources. The Department of Health and Pollution Control Agency did not provide comments on the PCSD.

The BWSR Northern Region Committee met October 12, 2016, to discuss the comments received, the content of the PCSD and recommendations for the content of the final Plan. The Committee’s findings were presented to the BWSR Board at its meeting on October 27, 2016.

The BWSR Board concurs with the selected priority concerns to be addressed in the Plan; no changes are recommended or required to the PCSD as drafted. Please proceed with the development of your

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403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	1601 Minnesota Drive Brainerd, MN 56401 (218) 203-4470	26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	12 Civic Center Plaza Suite 3000B Mankato, MN 56001 (507) 344-2821	1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	21371 State Hwy 15 New Ulm, MN 56073 (507) 359-6074	3555 9th Street NW Suite 350 Rochester, MN 55901 (507) 206-2889

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Plan. The BWSR Board encourages the County to continue to engage in a process that includes a broad range of citizens and interest groups, in addition to local government officials, and state and federal resource managers during the development of goals, objectives and an implementation sections of the plan.

We look forward to the completion of your plan and its implementation.

Sincerely,

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

cc: Lori Thronson, Norman County Water Plan Coordinator
Rob Sip, MDA (via email)
Jenilynn Marchand, MDH (via email)
Theresa Olson, DNR (via email)
Juline Holleran, MPCA (via email)
Ryan Hughes, BWSR Regional Manager (via email)
Brett Arne, BWSR Board Conservationist (via email)
Mary Jo Anderson, BWSR (file copy)

COMMITTEE RECOMMENDATIONS

Wetland Conservation Committee

1. Local Road Wetland Replacement Program: Status and Management Plan – Dave Weirens and Tim Smith – ***DECISION ITEM***
2. Wetland Mitigation Fee Policy Update – Les Lemm and Tim Smith – ***DECISION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**Local Road Wetland Replacement Program:
Status and Management Plan**

Meeting Date:

October 27, 2016

Agenda Category:

Committee Recommendation New Business Old Business

Item Type:

Decision Discussion Information

Section/Region:

Wetland Section

Contact:

Dave Weirens

Prepared by:

Dave Weirens

Reviewed by:

Wetland Conservation Committee Committee(s)

Presented by:

Dave Weirens and Tim Smith

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

The Board is requested to adopt the recommendation of the Wetland Conservation Committee to establish a process to open and close wetland bank service areas to providing replacement for wetland impacts association with certain county, city and township road projects.

LINKS TO ADDITIONAL INFORMATION

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

Minnesota Statutes 103G.222, subdivision 1(m) exempts certain road projects of counties, cities and township from the replacement requirements of the Wetland Conservation Act (WCA). This provision further requires the Board of Water and Soil Resources (BWSR) to replace wetlands impacted by local government transportation projects on existing roads.

This wetland replacement also satisfies requirements of the Section 404 Program of the U.S. Clean Water Act and the Public Waters Permit Program administered by the Department of Natural Resources. The shortage of wetland credits that is discussed below and in more detail in the Status and Management Plan will also result in not providing wetland replacement for these programs.

Funding to meet this legal obligation has most often been provided by bond funding, which has been less than half the agency request for the past 8 years. This persistent underfunding has resulted in a shortage of wetland credits and the pending inability to provide wetland replacement on a statewide basis as required by statute.

In order to manage these circumstances and make the most efficient use of available and expected wetland credits, staff have developed a management plan that has been reviewed and recommended by the Wetland Conservation Committee.

This plan provides an ongoing review and decision process by which to determine which bank service areas can be open to providing wetland replacement and those that must be closed due to insufficient credits. The Plan and Board resolution provide for a delegation of authority to the Executive Director.

Finally, staff are discussing the status of the Local Road Wetland Replacement Program with the Minnesota Department of Transportation and local government associations to identify options for future funding of this program.



Resolution # 16 –

Local Road Wetland Replacement Program: Status and Management Plan

WHEREAS, BWSR is directed pursuant to Minn. Stat. 103G.222, Subd. 1(m) (referred to as the Local Road Wetland Replacement Program) to provide wetland replacement for certain local government road projects that are exempt from the replacement requirements of the Wetland Conservation Act (WCA); and

WHEREAS, the wetland replacement provided by the Local Road Wetland Replacement Program (LRWRP) also satisfies the replacement requirements of Section 404 of the U.S. Clean Water Act administered by the U.S. Army Corps of Engineers and the Public Waters Permit Program administered by the Department of Natural Resources; and

WHEREAS, the LRWRP has successfully provided approximately 4,200 wetland replacement credits to offset 2,800 acres of wetlands impacted by eligible county, city, and township road projects since the program was established in 1996; and

WHEREAS, the LRWRP has been appropriated \$27.7 million since its inception, most often as part of the State capital budget; and

WHEREAS, capital budget appropriations have consistently been much less than the amount requested; and,

WHEREAS, an evaluation of the wetland credit status of the LRWRP conducted in May 2016 determined that the LRWRP program is running out of credits, and that providing wetland replacement on a statewide basis was no longer prudent; and

WHEREAS, staff have developed a management plan to make the best use of remaining and expected wetland credits that has the following elements:

1. Effective December 2, 2016, only provide wetland replacement for where LRWRP wetland credits exist in the bank service area of impact and close bank service areas to replacement that have a zero balance of wetland credits;
2. Additional BSAs may be closed where available wetland credits are approaching zero;
3. LRWRP status will be reviewed periodically, but at least every July to determine which BSAs remain open and closed; and
4. The Executive Director will make the decision on future BSA opening or closure and inform the BWSR Wetland Conservation Committee; and,

WHEREAS, the Wetland Conservation Committee has reviewed LRWRP status and the proposed management plan on August 19, 2016 and October 12, 2016 and is recommending the Board adopt this resolution and the attached LRWRP Status and Management Plan

NOW THEREFORE BE IT RESOLVED, that the BWSR adopts the Local Road Wetland Replacement Program Status and Management Plan that includes delegating authority to the Executive Director to make decisions on BSA opening or closure.

BE IT FURTHER RESOLVED, that BWSR staff are directed to work with the Governor, Legislature, state and federal agencies and stakeholders to amend statute or address the funding shortage such that state policy is consistent with available financial resources.

_____ Date: _____
Brian Napstad, Chair
Board of Water and Soil Resources

Attachments: Local Road Wetland Replacement Program Status and Management Plan, October 27, 2016



Local Road Wetland Replacement Program: Status and Management Plan

October 12, 2016

Overview.

Minnesota Statutes 103G.222, subdivision 1(m) exempts certain road projects of counties, cities and township from the replacement requirements of the Wetland Conservation Act (WCA). This provision further requires the Board of Water and Soil Resources (BWSR) to replace the wetlands impacted by local government transportation projects on existing roads.

Funding to meet this legal obligation has most often been provided by bond funds; the funds appropriated since the establishment of this program in 1996 is shown below.

1996-97	\$3.00 million
1998-99	\$2.75 million
2000-01	\$4.30 million
2002-03	\$3.00 million
2004-05	\$4.36 million
2006-07	\$4.20 million
2008-09	\$3.48 million
2010-11	\$2.50 million
2012-13	\$6.00 million
2013-14	\$2.00 million
TOTAL	\$35.59 million

In preparation for the 2016 legislative session and the expected bonding bill, BWSR developed a long-term funding plan for the LRWRP to provide for ongoing solvency. This proposal called for \$10.33 million in 2016, \$10.84 million in 2018, and \$10.50 million in 2020. Ongoing funding after 2020 would require approximately \$5.0 million every year. The goal of this plan is to repay an existing debt to the Minnesota Department of Transportation (MnDOT) of \$1.7 million and result in a 3-year balance of credits to provide stability and assurances to local road authorities and the U.S. Army Corps of Engineers (Corps) that this program would continue to provide replacement wetland credits as required by law.

The capital budget bill that was being considered as the 2016 session adjourned included a \$5.00 million appropriation for this program. However, this amount was less than half that requested by BWSR. The pattern of providing less (often much less) funding than requested (see table below) was repeated with this legislation.

Year	Agency Capital Budget Request	Appropriation
2008	\$8,500,000	\$3,480,000
2010	\$8,420,000	\$2,500,000
2012	\$13,100,000	\$6,000,000
2014	\$5,400,000	\$2,000,000
2016	\$10,300,000	\$0

Project delays and cost increases for local road authorities are likely to result from inadequate LRWRP funding. Although under State rules LRWRP-eligible projects may be constructed prior to replacement of wetland impacts, projects requiring authorization under Section 404 of the Clean Water Act (Section 404) must provide adequate replacement prior to construction. Because most projects do require a Section 404 permit, most local road authorities will have to provide their own wetland replacement to satisfy Section 404 permit conditions if the LRWRP is inadequately funded to provide this wetland replacement in advance of impacts. This will result in local road authorities spending time and money to acquire private bank credits to purchase or developing their own wetland replacement sites. BWSR's obligation to replace wetland impacts for qualifying projects has little meaning if funds are not provided and local road authorities are forced to provide their own replacement in order to meet federal permit requirements.

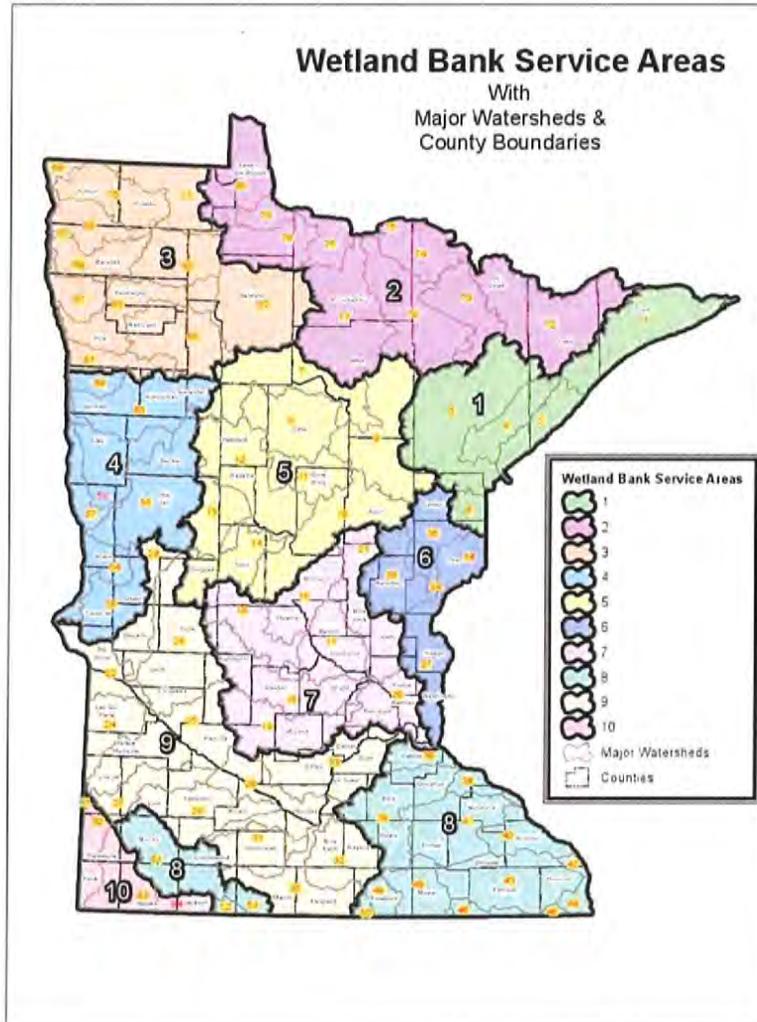
There are potential future implications for MnDOT projects as well. BWSR has a cooperative agreement with MnDOT whereby our agencies cooperatively develop and trade wetland credits as needed to accommodate both LRWRP and MnDOT wetland replacement needs. Without new and increased funding, BWSR's ability to effectively meet our obligations under the agreement will be compromised and the debt to MnDOT cannot be satisfied.

Status.

The availability of Corps-approved wetland credits as of September 2016 and the projection of credit demand and need (based on past use) through the end of this calendar year is presented in the following table:

Bank Service Area	Available Credits September 2016	Projected Additional Credits thru July 2017	Projected Annual Credit Need	Projected Credit Balance July 1, 2017
1	4	0	7	-3
2	0	51	7	44
3	36	0	29	7
4	0	0	10	-10
5	55	0	22	33
6	0	0	13	-13
7	12	16	50	-23
8	13	63	5	71
9	0	15	28	-13
TOTAL	120	145	171	93

There are currently no credits available in four of the nine bank service areas (BSAs) and a forecasted deficit in an additional BSA by July 1, 2017 (the locations of the bank service areas are show on the figure on the following page). Credit shortfalls in these BSAs are currently being addressed by using credits from other BSAs. This practice is not sustainable because (1) the credits from other BSAs are debited at a higher ratio which increases the program cost of the replacement relative to the impact and draws down the balance in the BSAs with credits at a faster rate; and, (2) it conflicts with federal policy that prioritizes replacement based on a watershed approach. To date, the Corps has not objected to the practice but it is uncertain if it will be allowed to continue indefinitely.



LRWRP BSA and Credit Management Plan.

As future funding remains uncertain and to ensure the LRWRP makes the most effective use of available wetland credits, short and long-term measures will be implemented to manage remaining LRWRP credits, communicate LRWRP status, and establish a process for continual LRWRP evaluation and reporting.

I. Closing of Wetland Bank Service Areas

On December 2, 2016, the following LRWRP changes will take effect:

- (1) Wetland replacement to satisfy federal or state permit or other regulatory requirements, through the LRWRP will be provided on a watershed basis using the BSA boundaries. Replacement credits from one BSA will not be used to replace impacts in another BSA except in very rare circumstances (see paragraph 2 in this section). Wetland replacement will not be provided for county, city and township road projects in BSAs that have a balance of zero wetland credits.

(2) Wetland replacement for county, city and township road projects in BSAs with a positive wetland credit balance will continue to be provided so long as credits are available in that BSA. In order to have wetland replacement provided through the LRWRP a county, city or township must have obtained an eligibility determination reviewed and confirmed by a technical evaluation panel (TEP). Upon receipt of the TEP eligibility determination, BWSR will reserve the identified amount and type of wetland credit and await confirmation from the federal or state regulatory authority that the reserved credits will satisfy their requirements. If any changes in the amount or type of wetland credit are required, BWSR will coordinate with the federal or state regulatory authority and provide verification of the final transaction amounts. Once a permit or other regulatory approval is issued the credits will be formally debited from the bank and verification of the transaction provided to the regulatory authority. If a federal or state permit or other regulatory approval is required for the work in wetlands, the permit or approval must be issued or verified within 120 days of BWSR's receipt of the TEP determination or the credits will be returned to the pool for that BSA.

In the event that a BSA has some, but not all, of the required replacement credits for a particular project BWSR will use all of the remaining credits in the BSA of impact and provide credits from another BSA for the balance of the required replacement so that the project can be permitted and constructed in its entirety.

If the supply of replacement credits in a particular BSA were to be exhausted before the annual review (see Section II), BWSR will take action to close that BSA for use in the LRWRP using the process provided in Section III. Similarly, if replacement credits become available in a BSA that is closed, BWSR will take action using the process in Section III to open the BSA to provide replacement for eligible projects.

Closure of BSAs to the use of BWSR-supplied wetland credits does not affect the process by which local road authorities apply and report qualifying impacts to BWSR, or the process for TEP eligibility review for the LRWRP. Local road authorities must continue to submit project information in accordance with MN Rule 8420.0544 regardless of credit availability. BWSR will also continue to track qualifying road projects in closed BSAs. If, in a closed BSA, sufficient credits become available to where the BSA can be re-opened under the LRWRP, BWSR will first provide mitigation for those eligible projects that have not yet secured alternative mitigation under an approved Corps' permit, in the order they were received by BWSR.

BWSR will provide initial and ongoing notification to counties, cities, townships and federal and state regulatory authorities regarding the status of the LRWRP, including BSAs where wetland replacement will continue to be provided.

II. Annual LRWRP and BSA Evaluation

BWSR staff will periodically review the status of individual BSAs every July and update the LRWRP status as necessary by August 31. This BSAs may be opened and/or closed for wetland replacement using the process provided in Section III based on the staff evaluation of the LRWRP and a forecast of expected credits and debits over the next twelve month period. The BWSR Wetland Conservation Committee will be informed of the annual LRWRP evaluation.

III. Process for BSA and Credit Management

BSAs where available credits are approaching zero will be added to the list of closed BSAs following the process below. Alternatively, BSAs where credits are expected to be deposited may be opened to provide replacement for eligible local government road projects. The following process will be used in evaluating the LRWRP and individual BSAs and in decision-making for opening and/or closing individual BSAs:

1. The Wetland Bank Coordinator will review LRWRP and individual BSA status;
2. Based on this review, the Wetland Bank Coordinator will consult with the Wetland Section Manager on the LRWRP and make a recommendation, as necessary, to the Executive Director;
3. The Executive Director will consider the staff recommendation and decide whether to open and/or close any BSAs;
4. The Board Wetland Conservation Committee will be informed of the Executive Director's decision; and
5. Local road authorities and state and federal regulatory authorities will be notified of changes to the status of any BSAs.

DRAFT

Appendix.

Mn Statutes 103G.222, Subdivision 1, (l) and (m):

(l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph. For the purposes of this paragraph, "transportation project" does not include an airport project.

(m) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wetland Mitigation Fee Policy Update

Meeting Date: October 27, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Wetland Section

Contact: Tim Smith

Prepared by: Tim Smith

Reviewed by: Wetland Conservation Committee Committee(s)

Presented by: Tim Smith and Les Lemm

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

The Board is requested to adopt the recommendation of the Wetland Conservation Committee to: (1) update existing fees associated with wetland mitigation; and, (2) collect new fees associated with establishing conservation easements and for stewardship of acquired easements.

LINKS TO ADDITIONAL INFORMATION

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

In 2015 BWSR was granted authority (Minn. Stat. 103B.103, Subd. 3 and 103G.2242, Subd. 14 and 15) for two new fees associated with wetland mitigation: stewardship and easement acquisition processing. As part of the implementation process for the new fee authority staff evaluated the existing fee policy approved by the Board via Resolution #11-98 and determined that updates to the existing fee policy was warranted.

The updated fee policy implements the new statutory authority to collect fees for easement acquisition and easement stewardship and also updates the existing policy by: (1) clarifying when maintenance and establishment fees will be collected; (2) requiring fees for each deposit of credits after the establishment deposit; and (3) simplifying the methodology used to determine the value of credits by relying solely on a BWSR derived value.



Board Resolution # 16-

Wetland Mitigation Fees: Policy Update

WHEREAS, BWSR is directed pursuant to Minn. Stat. 103B.103 Subd. 3 and 103G.2242, Subd. 14 and 15 to collect fees for administering the state wetland bank program; and,

WHEREAS, BWSR Board action 03-93 established the Wetland Banking Fee Policy, and updated this policy through BWSR Board actions 07-88, 08-113, 11-09, and 11-98; and,

WHEREAS, BWSR Board action 11-98 updated the wetland credit calculated values in Board action # 11-09 and established the fee policy for wetland banking transactions currently used by BWSR; and,

WHEREAS, Laws of Minnesota 2015, Chapter 4, Article 4 (1) direct BWSR to seek a financial contribution or assess an easement stewardship payment for each wetland banking easement acquired and (2) authorize BWSR to assess a fee to pay the costs associated with establishing conservation easements and other long-term protection mechanisms; and

WHEREAS, staff are proposing the current wetland credit fee policy be updated by replacing the existing fee policy established in Board Action 11-98; and,

WHEREAS, the Wetland Committee reviewed the revised fee policy on August 19, 2016 and October 12, 2016 and is recommending updating the wetland mitigation fee policy and publishing a fee schedule.

NOW THEREFORE BE IT RESOLVED, that the BWSR collect fees in accordance with the updated fee policy which includes:

- An account establishment fee collected at the time credits are first deposited into an account;
- An account maintenance fee collected annually except in calendar years where the account establishment fee is collected;
- Deposit fees collected each time credits are deposited into an established account after the initial deposit;
- Transfer fees collected each time credits are transferred from one account holder to another;
- Withdrawal fees each time credits are sold and withdrawn from an account;
- An easement acquisition fee collected when an applicant initiates the easement acquisition process with BWSR;
- An easement stewardship fee to cover the expense to the state associated with monitoring and enforcement of acquired easements;

The timing and amount of each fee will be as indicated on the attached Fee Policy.

BE IT FURTHER RESOLVED, that this revised policy is effective on June 1, 2017 and applies to wetland mitigation transaction made after this date unless specified otherwise in the Fee Policy

Date: _____

Brian Napstad, Chair
Board of Water and Soil Resources

Attachments:

1. 2017 Wetland Mitigation Fee Policy



2017 Wetland Mitigation Fee Policy

(Effective Implementation Date of June 1, 2017 as approved by the Board on October 27, 2016)

October 13, 2016

I. Background.

The Board of Water and Soil Resources has been granted statutory authority to assess fees to administer and oversee the state wetland bank and to acquire, monitor, and enforce conservation easements for wetland mitigation sites. The fees consist of two types: bank account fees and easement fees. Account fees are associated with establishment, maintenance, deposit, transfer, and withdrawals actions. Easement fees are associated with the acquisition, modification, or release of a conservation easement for a mitigation site and the monitoring and enforcement of the easement once it is acquired. The statutory authority for mitigation fees is provided in Attachment A.

II. Definitions.

- A. Account or wetland bank account. "Account or "wetland bank account" means a record of wetland banking debits and credits established by an account holder within the state wetland banking system.
- B. Account Holder. "Account holder" in the state wetland banking system, is a person, corporation, government agency, or organization that has the right to use/sell credits for mitigation purposes.
- C. Mitigation. An approved action taken under MN Rule 8420.0526 for the purpose of replacing lost wetland functions and values.
- D. Wetland banking credit. Replacement credits resulting from the actions in MN Rule 8420.0526 that have been certified and deposited in the wetland bank. Wetland banking credits can be sold to a third party, or used by the account holder to meet a state or federal mitigation requirement.
- E. Wetland mitigation credit. "Wetland mitigation credit" means a unit of measure (e.g., a functional or areal measure or other metric) representing the accrual or attainment of wetland functions at a mitigation site, or as otherwise defined in MN Rule 8420.

III. Fee Structure and Procedures.

- A. Account Establishment and Initial Deposit Fee. This fee is assessed at the time of the first credit deposit into the wetland bank account. The Account Establishment and Initial Deposit Fee will be assessed at 6.5% of the value of the credits deposited, not to exceed \$1,000. The value of the credit(s) will be determined according to Part III.H.
- B. Deposit Fees. Deposit fees will be assessed starting with the second credit deposit (the initial deposit is part of the Establishment fee). Credit deposit fees will be assessed at 6.5% of the value of the credits deposited, not to exceed a total of \$1,000 per deposit. The value of the credit(s) will be determined according to Part III.H. Wetland credits deposited into a wetland bank account cannot be used for replacement purposes until the deposit fees have been paid.

Approved applications to deposit credits received by BWSR prior to June 1, 2017 but not processed before this date will not be subject to the new deposit fees.

- C. **Account Transfer Fee.** Account transfer fees will be assessed at 6.5% of the value of the credits transferred, not to exceed \$1,000 per transfer. The value of the credits will be determined according to Part III.H. Transfer fees are assessed when credits are transferred by any means (e.g. sale, gift, donation, exchange) from one account holder to a new account holder, but not used for replacement purpose. The Wetland Bank Administrator may be contacted to verify the amount of the transfer fee. BWSR will not transfer the credits until the fee is paid.
- D. **Withdrawal Fee.** Withdrawal fees are incurred when credits are withdrawn for the purposes of wetland replacement and will be assessed at 6.5% of the value of the credits withdrawn. The value of the credits will be determined according to Part III.H. Credits will not be withdrawn from the account and used for wetland replacement purposes until the applicable withdrawal fees have been paid.
- E. **Account Maintenance Annual Fee.** Account maintenance fees will be assessed annually at 1% of the value of the credits in each account, not to exceed \$500. The value of the credits will be determined according to Part III.H. Account maintenance fees will be assessed at the time of the first transaction (withdrawal, transfer, or deposit) of each calendar year and will be based on the credits in the account at that time. If there are no transactions in an account for the year, then no maintenance fees will be assessed for that year. The account maintenance fee will not be assessed in the same calendar year during which an establishment fee is assessed and paid. No transactions will be processed until the assessed maintenance fee has been paid.
- F. **Easement Acquisition Fee.** Each wetland mitigation easement will be assessed an easement acquisition fee of \$3,400. The fee will be assessed in two installments: (1) an initial fee of \$1,000 will be assessed at the time the mitigation sponsor initiates the acquisition process. BWSR will not begin the easement acquisition process until the initial fee is paid; and, (2) the balance of the easement acquisition fee (\$2,400) will be assessed when BWSR prepares the conservation easement and transmits it to the landowner for signature. BWSR will not sign and accept the conservation easement until the easement acquisition fee is paid in full.

The easement acquisition fee will also apply to the modification, release, or partial release of the easement at the request of the account and/or landowner except the total fee will be the actual cost of the easement not to exceed to \$3,400. Upon request, the BWSR can provide an estimate of the total cost to modify or release the easement prior to initiating the process. The fee will be assessed in two installments with the first being the initial fee of \$1,000 at the time the account holder and/or landowner submits a written request to initiate the process. The second installment is the balance of the fee based on the actual cost to the BWSR to complete the process. BWSR will not sign and accept the modified conservation easement until the easement acquisition fee is paid in full.

Applicants that have received a wetland bank plan approval through a local government unit notice of decision and have initiated the easement acquisition process by submitting the required paperwork to BWSR prior to June 1, 2017 will not be charged the easement acquisition fee for that bank.

The easement acquisition fee will periodically be adjusted for inflation by BWSR using the U.S. Department of Labor Employment Cost Index (ECI) for Total Compensation for State and Local Government Workers (seasonally adjusted). Adjustments will be made relative to the January ECI of the year of the last adjustment (with January 2016 as the base year for the first adjustment). BWSR staff will provide notification, via a public announcement or equivalent method, of a fee adjustment no later than 30 days prior to the effective date of the fee change.

- G. Easement Stewardship Fee. The easement stewardship fee will provide a source of revenue to cover the costs of monitoring State-held wetland mitigation easements over time. The fee must be an amount sufficient to cover the costs of managing the easement at a level that neither significantly over recovers nor under recovers the cost to the State. The easement stewardship fee will be assessed as a per credit fee applied when credits are withdrawn from the account. The easement stewardship fee will be determined according to Part III. I. Credits will not be withdrawn from the account and used for wetland replacement purposes until the easement stewardship fee has been paid.
- H. Credit Value Determination. Credit value shall be calculated as the product of the land value (expressed as dollars per acre) in the county where the bank is located and the wetland credit value coefficient. In counties with a ratio of tillable acres to rural/vacant acres greater than 20%, the land value shall be the average agricultural ("tillable") land value. In counties with a ratio of tillable acres to rural/vacant acres less than 20%, the Rural/Vacant land value will be used in place of the average agricultural land value. In Ramsey and Hennepin counties, the land value shall be the average of the before and after deferral green acres values. All land values used in the credit value determination shall be as reported by the Minnesota Department of Revenue.

The Wetland Credit Value Coefficient reflects the value added to the land encompassed by the mitigation bank easement as a result of the activities completed to generate wetland credits. It is determined by BWSR based on the average ratio of credit sale price to county land value for credits that BWSR has purchased from existing bank accounts statewide. This coefficient will be updated by BWSR Board Policy to reflect recent wetland credit market values. Increases to the wetland credit value coefficient are limited to 75% of the previous value.

- I. Easement Stewardship Fee Determination. The easement stewardship fee will be determined using the following formula:

$$\text{per credit fee} = \frac{\text{stewardship cost per easement} * \text{average number of easements per bank}}{\text{average number of credits per bank}}$$

Where:

Stewardship cost per easement is a BWSR derived estimate for monitoring, landowner contacts, records storage and management, processing landowner notices, and legal services associated with easement management activities;

Average number of easements per bank is derived from the banking database and used as a multiplier to account for banks that may have multiple conservation easements and thus higher management cost; and,

Average number of credits per bank is derived from the banking database and is used in the equation to arrive at a per credit fee that can be assessed when credits are withdrawn from the account.

As of August 2016 the stewardship cost per easement is set at \$7,800. Similar to the easement acquisition fee, this figure will periodically be adjusted for inflation by BWSR using the U.S. Department of Labor ECI for Total Compensation for State and Local Government Workers (seasonally adjusted). Adjustments will be made relative to the January ECI of the year of the last adjustment (with January 2016 as the base year for the first adjustment). BWSR staff will provide notification, via a public announcement or equivalent method, of a fee adjustment no later than 30 days prior to the effective date of the fee change. The average number of easements per bank and the average number of credits per bank used in the stewardship fee calculation also will be adjusted on a recurring basis to reflect changes in the bank program.

IV. Effective Date. Unless specifically addressed in Section III, the effective date of these wetland mitigation fees shall be June 1, 2017.

Appendix.

Wetland Mitigation Fee Statutory Authority

103B.103 EASEMENT STEWARDSHIP ACCOUNTS.

Subdivision 1. Accounts established; sources. (a) The water and soil conservation easement stewardship account and the mitigation easement stewardship account are created in the special revenue fund. The accounts consist of money credited to the accounts and interest and other earnings on money in the accounts. The State Board of Investment must manage the accounts to maximize long-term gain.

(b) Revenue from contributions and money appropriated for any purposes of the account as described in subdivision 2 must be deposited in the water and soil conservation easement stewardship account. Revenue from contributions, wetland banking fees designated for stewardship purposes by the board, easement stewardship payments authorized under subdivision 3, and money appropriated for any purposes of the account as described in subdivision 2 must be deposited in the mitigation easement stewardship account.

Subd. 2. Appropriation; purposes of accounts. Five percent of the balance on July 1 each year in the water and soil conservation easement stewardship account and five percent of the balance on July 1 each year in the mitigation easement stewardship account are annually appropriated to the board and may be spent only to cover the costs of managing easements held by the board, including costs associated with monitoring, landowner contacts, records storage and management, processing landowner notices, requests for approval or amendments, enforcement, and legal services associated with easement management activities.

Subd. 3. Financial contributions. The board shall seek a financial contribution to the water and soil conservation easement stewardship account for each conservation easement acquired by the board. The board shall seek a financial contribution or assess an easement stewardship payment to the mitigation easement stewardship account for each wetland banking easement acquired by the board. Unless otherwise provided by law, the board shall determine the amount of the contribution or payment, which must be an amount calculated to earn sufficient money to meet the costs of managing the easement at a level that neither significantly overrecovers nor underrecovers the costs. In determining the amount of the financial contribution, the board shall consider:

- (1) the estimated annual staff hours needed to manage the conservation easement, taking into consideration factors such as easement type, size, location, and complexity;
- (2) the average hourly wages for the class or classes of state and local employees expected to manage the easement;
- (3) the estimated annual travel expenses to manage the easement;
- (4) the estimated annual miscellaneous costs to manage the easement, including supplies and equipment, information technology support, and aerial flyovers;
- (5) the estimated annualized costs of legal services, including the cost to enforce the easement in the event of a violation; and
- (6) the expected rate of return on investments in the account.

103G.2242 WETLAND VALUE REPLACEMENT PLANS.

Subd. 14. Fees established. (a) Fees must be assessed for managing wetland bank accounts and transactions as follows:

- (1) account maintenance annual fee: one percent of the value of credits not to exceed \$500;

(2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not to exceed \$1,000 per establishment, deposit, or transfer; and

(3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

(b) The board may establish fees at or below the amounts in paragraph (a) for single-user or other dedicated wetland banking accounts.

(c) Fees for single-user or other dedicated wetland banking accounts established pursuant to section 103G.005, subdivision 10i, clause (4), are limited to establishment of a wetland banking account and are assessed at the rate of 6.5 percent of the value of the credits not to exceed \$1,000.

(d) The board may assess a fee to pay the costs associated with establishing conservation easements, or other long-term protection mechanisms prescribed in the rules adopted under subdivision 1, on property used for wetland replacement.

Subd. 15 Fees Paid to Board. All fees established in subdivisions 9 and 14 must be paid to the Board of Water and Soil Resources and are annually appropriated to the board for the purpose of administration of the wetland bank and to process appeals under section 103G.2242 subdivision 9.

DRAFT

NEW BUSINESS

1. 2017 Proposed BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***
2. Lake Superior North Comprehensive Watershed Management Plan (One Watershed, One Plan) – Dan Schutte, Lake SWCD; Ilena Berg, Cook SWCD; and Paul Radomski, DNR – ***INFORMATION ITEM***
3. Yellow Medicine River One Watershed, One Plan – Kerry Netzke, Emily Javens, Pauline VanOverbeke, Rodney Stensrud, Gary Crowley – ***INFORMATION ITEM***



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2017 Proposed BWSR Board Meeting Schedule

Meeting Date: _____

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: _____

Prepared by: Mary Jo Anderson

Reviewed by: John Jaschke Committee(s)

Presented by: John Jaschke

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the proposed 2017 BWSR Board Meeting dates.

LINKS TO ADDITIONAL INFORMATION

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

The BWSR Board meets the fourth Wednesday of each month unless noted on the attached Proposed 2017 BWSR Board Meeting Schedule.



Board Resolution # _____

Proposed 2017 BWSR Board Meeting Schedule

*(Fourth Wednesday of the month unless noted *)*

January 25

February – no meeting

March 22

April 26

May 24

June 28

July – no meeting

August 23-24 Tour and Meeting

September 27

October 25

November – no meeting

December 20 * *(third Wednesday)*

Brian Napstad, Chair
Minnesota Board of Water and Soil Resources

October 27, 2016
Date



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Lake Superior North Comprehensive Watershed Management Plan
(One Watershed, One Plan) Presentation

Meeting Date: October 27, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Field Operations/North

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: N/A Committee(s)

Presented by: Dan Schutte, Lake SWCD; Ilena Berg,
Cook SWCD; Paul Radomski, DNR

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

This agenda item is a presentation on the development of the Lake Superior North Comprehensive Watershed Management Plan (One Watershed, One Plan)

LINKS TO ADDITIONAL INFORMATION

<http://co.cook.mn.us/2016site/index.php/soil-and-water>

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

The Lake Superior North Comprehensive Watershed Management Plan (One Watershed, One Plan) includes portions of Cook County, Lake County and St. Louis County in NE MN. This plan was developed as part of the pilot One Watershed, One Plan program. Dan Schutte, Lake SWCD, and Ilena Berg, Cook SWCD, are the local lead staff responsible for development of the plan and will be presenting and discussing the development of the prioritized, targeted and measurable components of the plan. In addition, Paul Radomski, DNR, is scheduled to attend the meeting and assist in the discussion of the Zonation Modelling process that was utilized as part of the prioritization and targeting of local resource concerns. The Zonation Model is a values-based model based on the fundamental conservation principles, including biodiversity and connectivity, and used the following five components of a healthy watershed conceptual framework to facilitate an organized process to assess and review watershed problems and solutions: biology, hydrology, waters quality, geomorphology and connectivity. The prioritization goal was to obtain both clean water benefits as well as other conservation benefits. There will be time for questions with Dan, Ilena and Paul.



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

**Yellow Medicine River One Watershed, One Plan
Pilot Experience Presentation**

Meeting Date: October 27, 2016

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Southern Region

Contact: Jason Beckler

Prepared by: Jason Beckler

Reviewed by: NA Committee(s)
Kerry Netzke, Emily Javens, Pauline VanOverbeke, Rodney Stensrud,

Presented by: Gary Crowley

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

None

LINKS TO ADDITIONAL INFORMATION

<http://www.area2.org/index.php/one-watershed-one-plan>

<http://www.area2.org/index.php/one-watershed-one-plan-decision-making-maps>

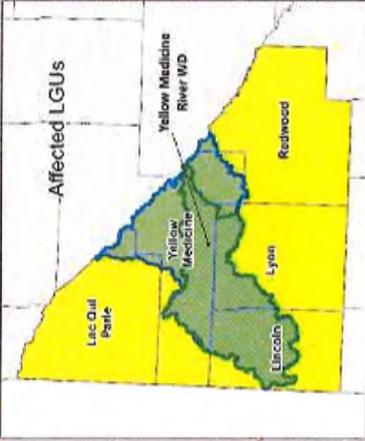
SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Yellow Medicine River Watershed was selected by the Minnesota Board of Water and Soil Resources (BWSR) as one of the five pilot areas for the One Watershed, One Plan program. This program allows counties to transition from county-based water management planning to watershed-based planning. The planning area for the Yellow Medicine River One Watershed, One Plan includes a drainage area of over 438,400 acres. The Lac qui Parle, Lincoln, Lyon, and Yellow Medicine County Boards of Commissioners and their respective SWCD Boards of Managers, along with the Yellow Medicine River Watershed District and Area II Minnesota River Basin Projects, have all given their support to the development and implementation of the Plan. Members of the Yellow Medicine River One Watershed, One Plan Policy and Advisory Committee will be present to discuss the Yellow Medicine River One Watershed, One Plan development process, measureable goals, partnerships, and future implementation.

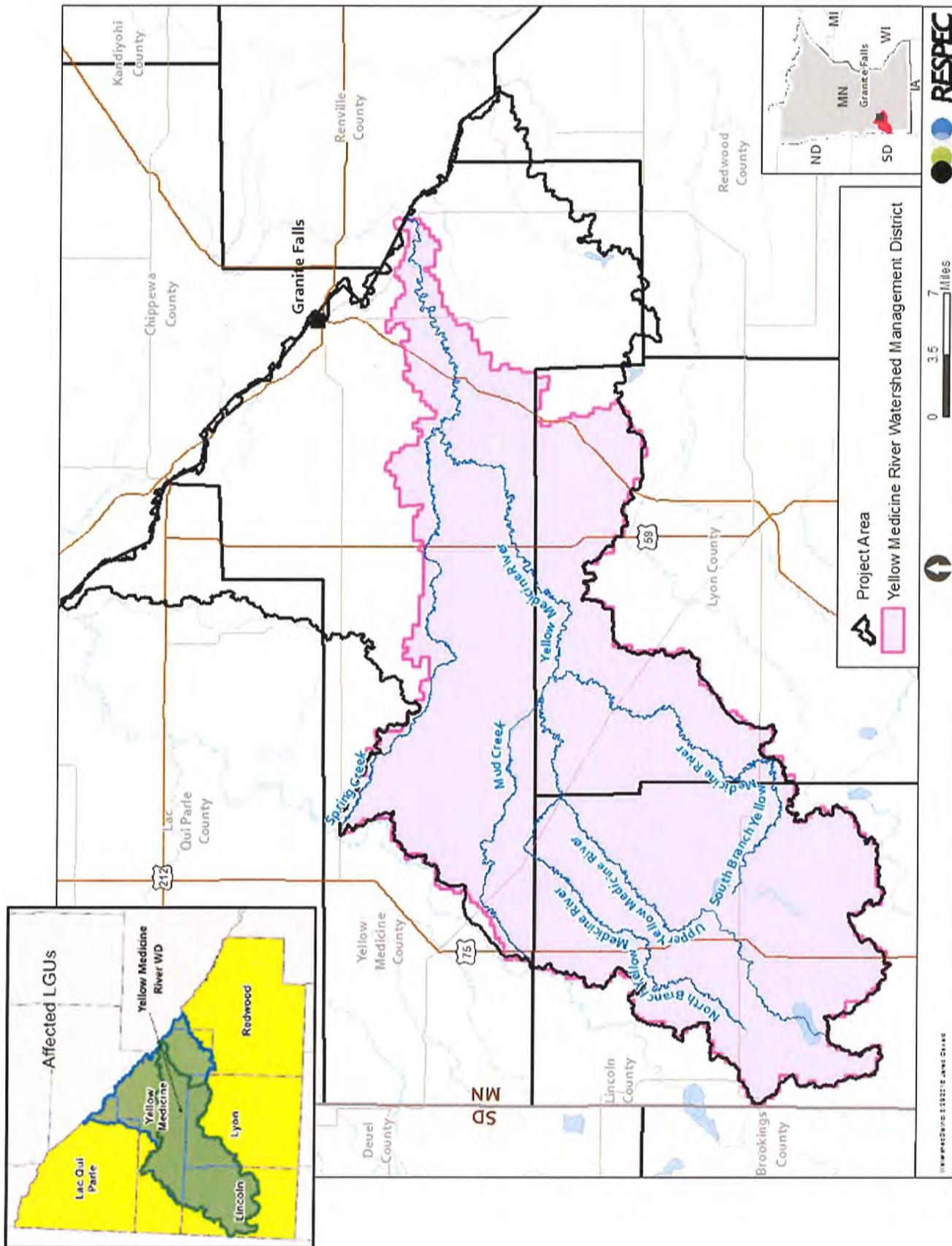
One Watershed, One Plan Pilot Area



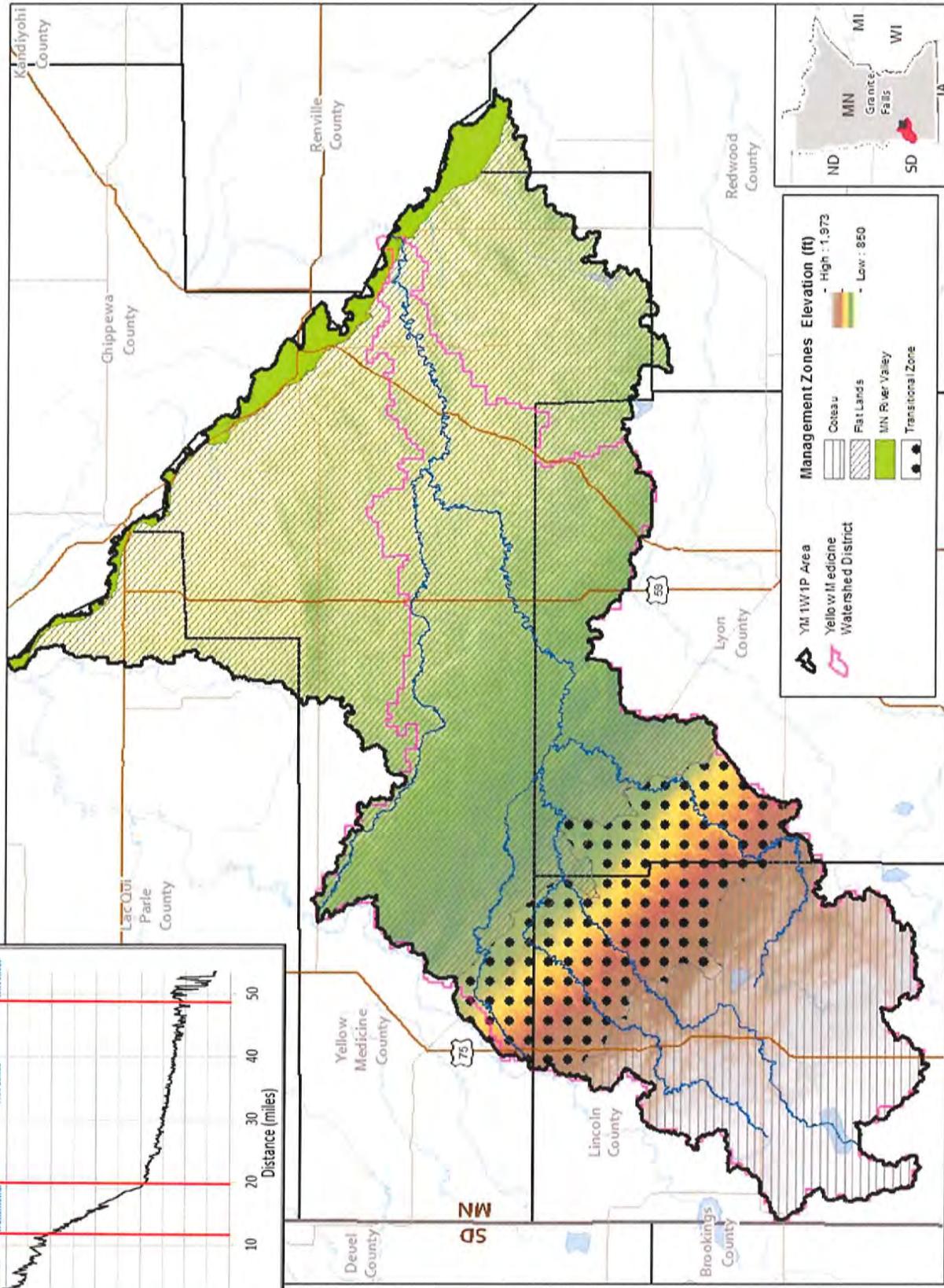
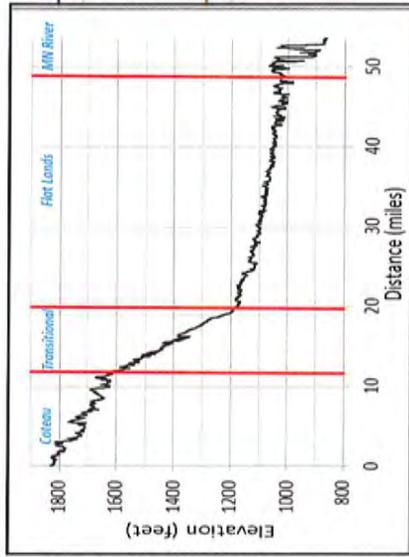
- Major Watersheds
- Minor Watersheds
- 1W1P Pilot Area
- Yellow Medicine River



Not legal boundaries. Intended for planning purposes through One Watershed, One Plan only.



Yellow Medicine 1W1P Boundary compared to YMRWD Boundary



0 3.5 7 Miles

RESPEC

Management Zones within the Yellow Medicine 1W1P Boundary

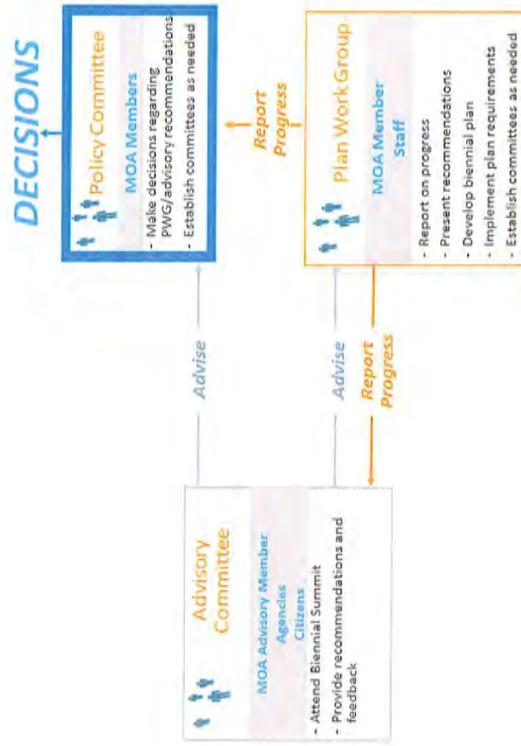
CHAPTER 5: IMPLEMENTATION PLAN PROGRAMS

- Results of Implementation Efforts

Parameter	Achievement	10-Year Goal	Ultimate Watershed Goal (from WRAPS)
Base flow	1% increase	3% increase	3% increase
	33% reduction	10% reduction	20% reduction
Sediment	1,466 ac-ft/yr	2,495 ac-ft/yr	3% increase
	9,919 tons/yr	3,036 tons/yr	20% reduction
Phosphorus	17,960 lbs/yr	8,388 lbs/yr	35% reduction
	268,689 lbs/yr	160,936 lbs/yr	25% reduction
Nitrogen	13% reduction	8% reduction	25% reduction
	268,689 lbs/yr	160,936 lbs/yr	25% reduction

CHAPTER 6: PLAN ADMINISTRATION AND COORDINATION

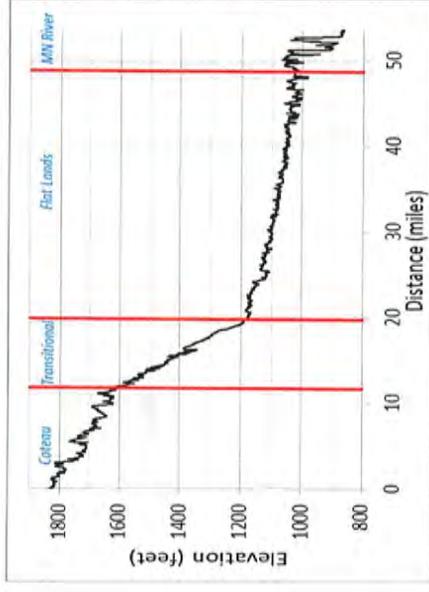
- Share responsibility and services
- Commit to strong local governance
- Reduce bureaucracy



Yellow Medicine One Watershed One Plan

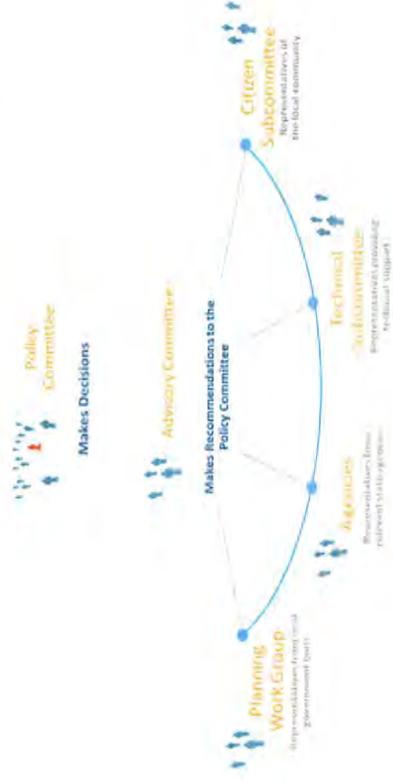
CHAPTER 1: INTRODUCTION

- General Description of the Area



665,073 acres
 16,000 acres of lakes
 1,700 miles of streams
 1,125' elevation change
 79% cropland
 76% loss of wetlands

- Background of One Watershed One Plan Project
- Description of Partnerships and Committees



CHAPTER 2: ANALYSIS AND PRIORITIZATION OF ISSUES

- Hold Public Meetings, Review Background Information
- Identify Priority Values, Concerns, Goals, and Strategy

MITIGATE ALTERED HYDROLOGY AND MINIMIZE FLOODING

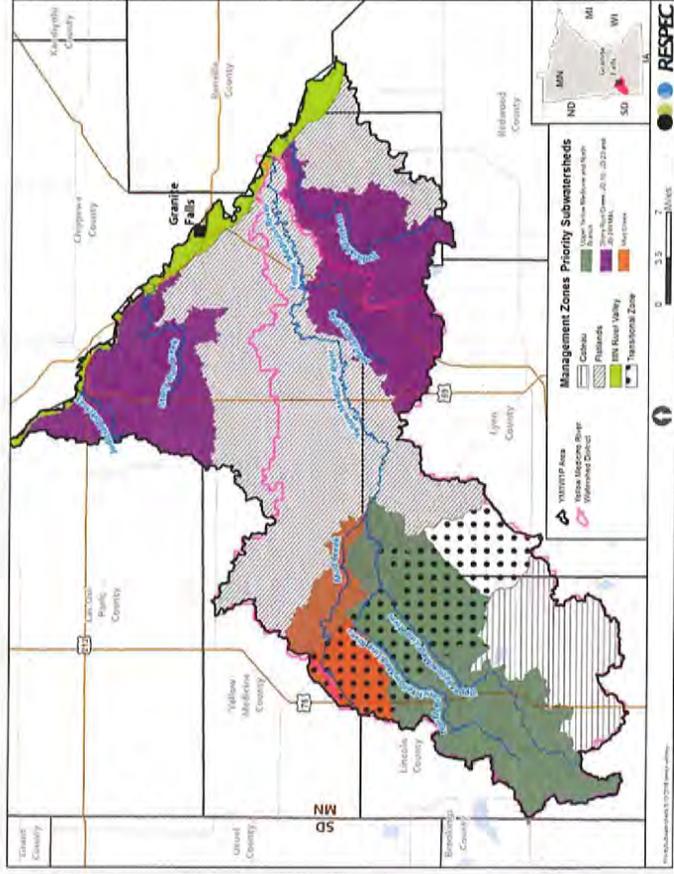
MINIMIZE TRANSPORT OF SEDIMENT, EXCESS NUTRIENTS, & BACTERIA PROTECT AND PRESERVE GROUNDWATER QUANTITY AND QUALITY

- Start Upstream and Work Downstream!
- Incorporate Multiple Benefits!

Coteau: Upper Yellow, North Branch (Teal Areas)

Transitional: Mud Creek (Red Area)

Flat Lands: Stony Run Creek, JD 10, JD 23, JD 24YM&L (Purple Areas)



CHAPTER 3: MEASURABLE GOALS

- Set Measurable Goals for Each Priority Concern

Priority Concern	Identified Issue	2017-2026 1W1P Measurable Goals	
Mitigate Altered Hydrology and Minimize Flooding	Flood reduction; Stream health	Add 1,000 acre-feet of new stormwater storage	
		No net increase in highest annual peak flows	
		3% increase in dry season base flow	
Minimize the Transport of Sediment, Excess Nutrients, and Bacteria	Excess sediment	10% decrease in total suspended solids (TSS) loads	
		Excess phosphorus	10% decrease in total phosphorus (TP) loads
		Excess nitrogen	8% decrease in total nitrogen (TN) loads
Protect and Preserve Groundwater Quantity and Quality	Potential groundwater contamination	Seal 25 unused wells per year Begin hydrogeologic atlas process Maintain fewer than 10% of private wells failing to meet the 10mg/L nitrate water quality standard	

- Establish Management Zones based on Elevation

CHAPTER 4: IMPLEMENTATION PLAN ACTIVITIES

- Install Best Management Practices
- Construct Capital Improvement Projects
- Acquire and Manage Data
- Perform Operation and Maintenance Activities
- Conduct Ongoing Monitoring, Track Results
- Consider Land Use and Regulatory Controls
- Provide Education and Outreach Activities