

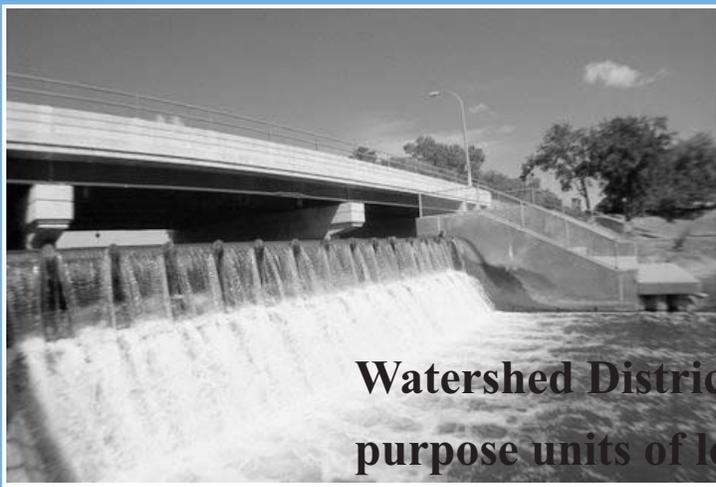
**MINNESOTA
ASSOCIATION OF
WATERSHED
DISTRICTS, INC**

Land and Water Shall be Preserved

*Minnesota Association
of Watershed Districts*

November 2005- October 2006

Annual Report



**Watershed Districts are special
purpose units of local government
whose boundaries follow those of
a natural watershed.**



President's Report

By Warren Seykora

The past year has presented many different and unique challenges for watershed districts. We had two watershed districts terminated - one voluntarily and one under duress. We are being audited by the Legislative Auditor, and we've had serious changes proposed to our governance structure at the capitol this past session.

MAWD and the South Two River WD Board are still waiting to make final arguments in the termination of the South Two River WD before the Appeals Court. We expect a final decision on that appeal some time next year.

While MAWD was able to hold off most of the proposed changes at the capitol, we can expect similar legislation modifying our governance structure this upcoming session from individual legislators.

The Legislative Auditor's report on watershed management in Minnesota should be presented to the legislature in early January. Presumably many of their recommendations will be drafted into bill form for consideration by the legislature.

Watershed Districts will need to be very vigilant and proactive if this legislation surfaces. We will need to be working with our local legislators to ensure our voices are heard on any proposed changes, either from the Legislative Auditor or individual legislators.

Minnesota Watershed Districts are held up as a model for effective watershed management across the nation. We need to make sure that model is not harmed or restricted.

MAWD has been representing watershed districts on two separate efforts currently underway at BWSR.

MAWD has been working with BWSR and other stakeholder groups on what started out as an effort to clarify and

enhance drainage ditch buffers. The study was completed last January and presented to the legislature early last session with several recommendations.

Perhaps one of the most meaningful recommendations coming from the stakeholder group was to continue ad hoc discussions on more general drainage issues. Commitments were made and the Buffers Work Group morphed into the Drainage Work Group. That group will be presenting recommendations to the legislature this session dealing mostly with the ditch buffer issue.

The Drainage Work Group MAWD representatives include myself and Administrator Ray Bohn. We expect the Work Group to continue looking at various drainage issues attempting to work out solutions at that table instead of at the capitol. Our preliminary recommendations for this session are outlined on page 25 of this report. We would appreciate any feedback on these important issues as soon as possible.

As I indicated earlier the MAWD Board sided with the South Two River WD Board in the termination of the watershed district. Because of the precedent established by BWSR's action, the Board thought it imperative to pursue an appeal of their order. Many questions remain unanswered from the process and evidence, consequently, we will be asking the courts to clarify those issues in a friend of the court filing (amicus brief). MAWD and the South Two River WD Board are still waiting to make final arguments in the termination case before the Appeals Court. We expect a final decision on that appeal some time next year.

The first round of grants have been authorized for the Clean Water Legacy Funding. Watershed districts received just over 8% of available funds for res-

toration and protection. This does not count funds where watershed districts are not the lead agency. We are obviously disappointed in the results of the funding distribution, but because of the criteria that was developed for use of the funds watershed districts fell short.

There was minimal overlap between completed TMDLs and watershed districts, and that was clearly a large factor weighing against us in the distribution of restoration funds. We will have to take another look at this situation and decide where we go from here.

Roger Lake has been representing MAWD throughout the year attending monthly WCA Assessment stakeholder group meetings on the Wetland Assessment Process. This process was undertaken by BWSR at the behest of the Governor and Clean Water Cabinet. A Wetland Assessment Roundtable was held in early November with limited results. The consensus from the Roundtable appeared to be to not make any major changes in the WCA. See more completed details on this issue on Page 22 of this report.

Administrator Ray Bohn and Peg Bohn have put in a lot of time and effort to keep watershed districts at the forefront of water management. They have spent considerable time lobbying and keeping us informed on the issues that effect us all. Thanks to their efforts watershed districts have fared very well in this year's bonding cycle and at the Capitol in general!

Congratulations to all of the watershed districts that have distinguished themselves this year! Our Annual Report is replete with various awards won by watershed districts around the state. Keep up the good work!

Congratulations to Gene Tiedemann
(Continued on page 10)

2006 Board of Directors

Minnesota Association of Watershed Districts

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Secretary

Warren Seykora
Don Craigmile

Vice President
Treasurer

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Marvin Brunsell

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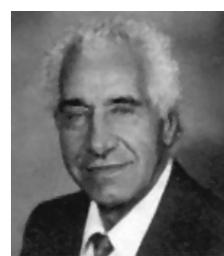


Roger Lake

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Warren Seykora

Wild Rice
Region Term 2006
13683 390th Street
Ulen, MN 56585
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218-849-2479 (C)
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Governor Pawlenty appoints three to BWSR

Governor Tim Pawlenty recently appointed Paul Langseth, Brian Napstad, and Gene Tiedemann to the Board of Water and Soil Resources.

The Governor also designated current board member Randy Kramer as the board's new chair. Kramer replaces outgoing board member Jerome Deal, Bois de Sioux WD as the board chair. Paul Langseth, of Worthington, is an elected Nobles County Soil and Water District Supervisor. He is appointed to a board position for a soil and water conservation district supervisor and will serve a four-year term which ends January 4, 2010. Langseth replaces Paul Krabbenhoft on the board.

Brian Napstad, of McGregor, is an Aitkin County Commissioner. He is appointed to a board position for a county commissioner and will serve a four-year term which ends January 4,

2010. Napstad replaces Clair Nelson on the board.

Gene Tiedemann of Euclid, is a member of the board of managers for the Red Lake Watershed District. He will serve a four-year term which ends January 4, 2010. Tiedemann replaces Jerome Deal, Bois de Sioux Watershed District on the board, and joins Watershed District managers Kay Cook and LuAnn Toliver on the Board.

The Board of Water and Soil Resources (BWSR) is the state's administrative agency for 91 soil and water conservation districts, 45 watershed districts, 27 metropolitan watersheds, and 80 county water management organizations. The agency's purpose, working through local government, is to protect and enhance the state's irreplaceable soil and water resources by implementing the state's soil and



Gene Tiedemann represents watershed districts on the BWSR board.

water conservation policy, comprehensive local water management, and the Wetland Conservation Act as it relates to the 41.7 million acres of private land in Minnesota. The board consists of 17 members, including 12 members appointed by the Governor.

MAWD 2007 Calendar of Events

- **Legislative Breakfast - March 14 - 15**
- **Summer Tour - June 28 - 30**
Hosted by Ramsey Washington Metro Watershed District
- **Annual Meeting - Nov. 29 - Dec. 1**

Minnesota Association of Watershed Districts

Websites can be reached through mnwatershed.org - Where is my Watershed?

Bear Valley

25409 County 16 Blvd.
Goodhue, MN 55027-8602
Phone: 612-923-4038
Region III

Belle Creek

Rt. 1, Box 158
Goodhue, MN 55027
Phone: 612-258-4115
Region III

Bois De Sioux

704 South Highway 75
Wheaton, MN 56296
Phone: 320-563-4185
Administrator: Jon Roeschlein
bdswd@frontiernet.net
Region I

Brown's Creek

1380 W Frontage Road, Hwy 36
Stillwater, MN 55082
Phone: 651-275-1136
Administrator: Karen Kill
karen.kill@mnwcd.org
Region III

Buffalo Creek

Box 55
Glencoe, MN 55336
Phone: 320-864-6250
Region II

Buffalo-Red River

123 Front Street, Box 341
Barnsville, MN 56514
Phone: 218-354-7710
Administrator: Bruce Albright
brrwd@bvillemn.net
Region I

Capitol Region

1410 Energy Park Drive, Suite 4
St. Paul, MN 55108
Phone: 651-644-8888
Administrator: Mark Doneux
mark@capitolregionwd.org
Region III

Carnelian-Marine

21150 Ozark Avenue, PO Box 188
Scandia, MN 55073
Phone: 651-433-9283
Region III

Clearwater River

3147 South 15th Avenue
St. Cloud, MN 56301
Phone: 320-202-0554
Administrator: Merle Anderson
merleanderson@cloudnet.com
Region II

Comfort Lakes - Forest Lake

220 N Lake St., Forest Lake City Hall
Forest Lake, MN 55025
Phone: 651-779-5054
Administrator: Randy Anhorn
Region III

Coon Creek

12301 Central Av NE #100 Blaine,
MN 55434
Phone: 763-755-0975
Administrator: Tim Kelly
tkelly@cooncreekwd.org
Region III

Cormorant Lakes

10929 County Highway 5
Pelican Rapids, MN 56572
Phone: 218-439-6044
Administrator: Duane Henrikson
Region I

Crooked Creek

603 N. Sprague, Ste. 1
Caledonia, MN 55921
Phone: 507-724-5261
Region II

Heron Lake

PO Box 345
Heron Lake, MN 56137
Phone: 507-793-2462
Administrator: Jan Voit
hlwd@roundlk.net
Region II

High Island

c/o C. Thomas Wilson, Attorney
2700 South Broadway, P.O. 458
New Ulm, MN 56073
Phone: 320-328-5908
Region II

Joe River

Box 27
Humboldt, MN 56731
Phone: 218-379-3205
Region I

Kanaranzi- Little Rock

215 Maine Ave
Adrian, MN 56110
Phone: 507-483-2971
Administrator: Kevin Norskog
comserv@frontiernet.net
Region II

Lac Qui Parle-YellowBank

600 6th Street, Courthouse
Madison, MN 56256
Phone: 320-598-3132
Administrator: Darrel Ellefson
deellefson@mail.co.lac-qui-parle.mn.us
Region II

Lower Minnesota River

1600 Bavaria Road
Chaska, MN 55318
Phone: 952-227-1037
Administrator: Terry Schwalbe Info@
watersheddistrict.org
Region III

Middle Fork Crow River

Post Office Box 1
Spicer, MN 56288
Phone: 320-796-0888
Administrator: Julie Klocker
middlefork@charterinternet.com
Region I

Middle-Snake-Tamarac Rivers

453 N McKinley St. Box 154
Warren, MN 56762
Phone: 218-745-4741
Administrator: Nick Drees
mrsrwd@wiktel.com
Region I

Minnehaha Creek

18202 Minnetonka Blvd.
Deephaven, MN 55391
Phone: 952-471-0590
Administrator: Eric Evenson
www.minnehahacreek.org
Region III

Nine Mile Creek

7710 Computer Avenue, Suite 135
Edina, MN 55435
Phone: 952-835-2078
Administrator: Kevin Bigalke
kbigalke@ninemilecreek.org
Region III

—Continued on next page

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North Fork Crow River

PO Box 40, 100 Prairie Av N Brooten,
MN 56316
Phone: 320-346-2869
Administrator: Allan Kuseske
nferwsd@tds.net
Region II

Okabena- Ocheda

1567 McMillan Street, Suite 3
Worthington, MN 56187
Phone: 507-376-9150 Ext. 3
Administrator: Dan Livdahl
daniel.livdahl@mn.nacdnet.net
Region II

Pelican River

801 Roosevelt Avenue
Detroit Lakes, MN 56502-1043
Phone: 218-846-0436
Administrator: Tara Guetter
tguetter@lakesnet.net
Region I

Prior Lake- Spring Lake

15815 Franklin Trail SE
Prior Lake, MN 55372-2926
Phone: 952-447-4166
Region III

Ramsey- Washington Metro

2665 Noel Drive
Little Canada, MN 55117
Phone: 651-792-7950
Administrator: Cliff Aichinger
Cliff@rwmwd.org
Region III

Red Lake

102 North Main Ave., P.O. Box 803
Thief River Falls, MN 56701
Phone: 218-681-5800
Administrator: Myron Jesme
rlwaters@wiktel.com
Region I

Rice Creek

4325 Pheasant Ridge Drive, Suite 611
Blaine, MN 55449-4541
Phone: 763-398-3070
Administrator: Steve Hobbs
shobbs@ricecreek.com
Region III

Riley-Purgatory Bluff Creek

225 S. 6th Street # 4320
Minneapolis, MN 55402
Phone: 612-333-7400
Administrator: Paul Haik
Region III

Roseau River

119 2nd Street SW
Roseau, MN 56751
Phone: 218-463-0313
Administrator: Rob Sando
rrwd@mncable.net
Region I

Sand Hill River

P. O. Box 584
Fertile, MN 56540
Phone: 218-945-3204
Administrator: Dan Wilkens
shrwd@gvtel.com
Region I

Sauk River

524 South 4th Street
Sauk Centre, MN 56378
Phone: 320-352-2231
Administrator: Lowell Enerson
lowell@srwdmn.org
Region II

Shell Rock River

Box 1147 Freeborn County Courthouse
Albert Lea, MN 56007
Phone: 507-402-4806
Administrator: Brett Behnke
brett.behnke@co.freeborn.mn.us
Region II

South Two River

PO Box 743, 741 Lake Avenue
Albany, MN 56307
Phone: 320-845-6050
Administrator: Merle Anderson
strwd@albanytel.com
Region II

South Washington

8301 Valley Creek Road
Woodbury, MN 55125-3330
Phone: 651-714-3729
Administrator: Matt Moore
mmoore@ci.woodbury.mn.us
Region III

Stockton- Rollingstone-MN City

23886 County Road 25
Lewiston, MN 55952
Phone: 507-523-2371
Region II

Thirty Lakes

17064 Commercial Park Road
Brainerd, MN 56401
Phone: 218-828-0243
Administrator: Marty Peisch
lakeswsd@brainerd.net
Region III

Turtle Creek

201 Amsterdam Avenue E
Hollandale, MN 56045
Phone: 507-434-2603
Administrative Services: Bev Nordby
Region II

Two Rivers

410 South 5th Street, Suite 112 Hallock,
MN 56728
Phone: 218-843-3333
Administrator: Dan Money
daniel.money@mn.nacdnet.net
Region I

Upper Minnesota River

342 NW 2nd Street
Ortonville, MN 56278
Phone: 320-839-3411
Administrator: Diane Radermacher
dkr@mnortonvil.fsc.usda.gov
Region II

Valley Branch

P.O. Box 838
Lake Elmo, MN 55042
Phone: 651-738-6342
Region III

Warroad

Route 3, Box 364
Warroad, MN 56763
Phone: 218-386-1410
Region I

Wild Rice

11 East 5th Avenue
Ada, MN 56510
Phone: 218-784-5501
Administrator: Steve Dalen
steved@loretel.net
Region I

Yellow Medicine River

215 North Jefferson Street
Minneota, MN 56264
Phone: 507-872-6687
Administrator: Terry Renken
ymrw@starpoint.net
Region II

What is a Watershed District?

Minnesota Board of Water and Soil Resources

Water does not respect political boundaries

This saying lies at the heart of why Minnesota has made it possible to manage water resources on the basis of watersheds areas of land that drain to a given lake, river, stream or wetland. Since water flows from place to place, a water resource problem in one community may be caused by another community's actions. By managing water resources on a watershed basis, communities can jointly plan to prevent problems, and coordinate and equably pay for projects to correct problems when they do occur.

Watershed district authority created in 1955

Recognizing the need to manage water on a broader basis than municipal or county boundaries, the Minnesota State Legislature established the Watershed Act¹ in 1955. This act provided the means to create watershed districts anywhere in the state. As outlined by statute, the purposes of watershed districts are:

To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare and the provident use of the natural resources.

Watershed districts are special purpose units of local government whose boundaries follow natural watershed divides. Watershed districts have been given broad authorities, including the authority to:

- Adopt rules with the power of law to regulate, conserve, and control the use of water resources within the district.
- Contract with units of government and private and public corporations to carry out water resource management projects.
- Hire staff and contract with consultants.
- Assess properties for benefits received and levy taxes to finance district administration.
- Accept grant funds, both public and private, and encumber debt.
- Acquire property needed for projects.
- Acquire, construct, and operate, drainage systems, dams, dikes, reservoirs, and water supply systems.
- Enter upon lands within and without the district to make surveys and conduct investigations

Since the inception of the Watershed Act, 47 watershed districts have been created through a process of citizens or local governments petitioning to the state. They range in size from 40 to 6,000 square miles, and together they cover approximately 30 percent of Minnesota's land area.

The watershed management plan:

One of the first responsibilities of a new watershed district is to prepare a watershed management plan. The plan outlines existing and potential water resource issues and planned projects to be undertaken. A watershed management plan must be written by the watershed district and approved by the Minnesota Board of Water and Soil Resources before projects can be undertaken.

¹ Minnesota State Statutes Chapter 112, now repealed and reorganized in Chapter 103D

What is a Watershed District? *continued*

Watershed district governance:

A local board of managers numbering from three to nine members governs watershed districts. When a watershed district is first established, members of the initial board of managers are appointed by the Minnesota Board of Water and Soil Resources for a one-year term. Subsequent board of manager members are then appointed by the county board of commissioners that have territory in the watershed district. District managers must reside in the watershed district, and cannot be a county, state, or federal elected officials (soil and water conservation district supervisors do not fall under this restriction and may serve on board of managers).

Watershed district accountability:

Watershed district board of managers are accountable to the county board of commissioners that appointed them. Watershed districts file annual audit and activity reports to both the Minnesota Board of Water and Soil Resources and the Minnesota State Auditor's Office. Watershed management plans and changes in district boundaries need to be approved by the Minnesota Board of Water and Soil Resources.

Advisory committee:

Watershed districts are required to appoint an advisory committee of at least five members to advise and assist the district board on all matters affecting the interests of the watershed district. When practicable, advisory committees need to include representation from a soil and water conservation district, a county board, an outdoor sporting organization, and a farming organization.

Watershed management within the Twin Cities metropolitan area:

Because of the complexity of water management in urban areas, the Legislature has made the development and implementation of watershed management plans in the 46 Twin Cities metropolitan area² watersheds mandatory. This was done through the 1982 Metropolitan Surface Water Management Act³.

To carry out watershed management plans, the Metropolitan Water Management Act also required the formation of a watershed management organization (WMO) for each of the 46 watersheds. Watershed management organizations can be administered under three different frameworks: as watershed districts, as joint powers agreements among municipalities, or under county government (with the exception of Hennepin and Ramsey Counties, which are unable to administer WMOs under county government). Within the metropolitan area, 14 watershed management organizations are organized as watershed districts, 23 are organized as joint powers agreements, and several are organized under county government.

Watershed districts within the Twin Cities metropolitan area come under the guidance of both the Watershed District Act and the Metropolitan Water Management Act.

More information:

For more information on watershed districts, contact the Minnesota Board of Water and Soil Resources at 651-296-3767 or visit the Minnesota Association of Watershed Districts at www.mnwatershed.org or call 651-452-8506.

² Metropolitan Area Counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

³ Minnesota State Statutes, Chapter 103B, Sections 103B.201 to 103B.255.

Holding area, floodway keep Warren dry after quick melt

Reprinted with permission of the Warren Sheaf, April 5, 2006

Warren had a close brush with another major flood Friday night, but, thanks to the off-channel floodwater storage structure along the Snake River about 10 miles upstream from Warren, the city was spared the misery and destruction from flooding that has been felt many times, most recently in April 1997.

The Snake River crested at 850 feet above mean sea level at 2 a.m. Saturday, according to word from city and watershed officials. Experienced flood watchers in Warren know that is the level at which serious flooding problems start to happen, even though flood stage for the Snake here is 845 feet.

The floodwater holding structure, located in the middle of Comstock Township, is holding back approximately 4,800 acre feet of floodwater. Were that water not held in storage, it would cover 15 sections of land to a depth of 6 inches. Ron Adrian, now a water engineering consultant to the Middle-Snake-Tamarac Rivers Watershed District and formerly engineer for the district, says he determined, through consultations with the Natural Resources Conservation Service, which oversaw construction of the Comstock holding area, that the holding back of floodwater there reduced the crest in Warren by about two feet.

The floodway bypass ditch on the east and south sides of Warren is calculated to have taken another 1 foot off the peak level of the Snake at Warren's Bridge Avenue river gauge. The two flood control facilities, the floodway and the holding structure, together make up the PL-566 Snake River Watershed flood control project. The 4.5-mile floodway itself is complete, but the diversion structure a mile northeast of Warren, which sends excess Snake River floodwaters into the floodway ditch, is not yet in service.

Still, enough Snake River water flowed passively over the entrance weir at the head of the ditch to help reduce flooding pressure by about a foot of crest in Warren. When the diversion structure is complete later this year, the floodway and holding area, working together, should be able to hold the level of the Snake through Warren at flood stage, 845 feet.

But, the heavy lifting of flood control in Friday's event was done by the Comstock holding area. The watershed district engineer says the off-channel storage structure is lessening effects of Snake River flooding downstream from Warren, as well.

The effect of not having the PL-566 facilities in place this spring would have been a flood with a peak of 853 feet,



PL-566 Comstock holding area

which would have meant a slightly worse flood in Warren than the flood of 1997, with its peak of 852.7. It would have been more than a foot higher than the April flood of 1996, which crested at 851.7, the same level as the 1969 flood. It would have been nearly two feet higher than the flood of 1979. It would have been only 1.2 feet lower than the flood of record at Warren in April 1950.

Though Warren dodged the bullet in this last spring snowmelt without protection from 100-year flooding events, the city was not completely unscathed. A high of 50 degrees last Wednesday, followed by a half-inch of rain Thursday morning and another half-inch of rain overnight Thursday/Friday is thought to be a factor in the unusually rapid snowmelt in the Snake River Watershed above Warren. "People who have long experience watching the snowmelt in the area say they have never seen it melt so quickly as this year," says Warren Mayor Robert Kliner.

Starting early Friday morning, local runoff from the rainfall caused street flooding on North and South Seventh Streets and nearby streets. This flooding appears to have been worsened by a bottleneck at a South Seventh Street culvert.

About suppertime Friday, the Snake rose 1 foot in the span of an hour or less, essentially reaching its peak level and sending city workers scurrying to close storm sewer valves that had still been open, says Todd Hanson, Warren operations superintendent. (The three lowest sewers had been closed earlier.) A little later in the night, the Snake broke out of its banks near the south side of the Fifth Street bridge.

There was also a breakout near the north end of Division

Holding area, floodway (*continued*)

Street and one near the campground, though that was contained in the nearby coulee. Localized street flooding occurred in several areas, including on First Street and its Highway 1 intersection, and short sections on East Johnson, Prairie and Colvin Avenues. City workers began pumping water from several catch basins into the river and by Saturday morning those problems were in hand.

A call was put out for volunteer sandbaggers about 9:45 p.m. Friday. "The response was phenomenal," says Hanson. He estimates 3,000-5,000 sandbags were filled by shovel-wielding volunteers. Many of these sandbags were placed at about a dozen residences, mostly on Shady Lane and North Fifth Street.

"We kept the water between the curbs," says Hanson. He credits the hard and effective work of the city crews. "They really busted their humps to eliminate or diminish any and all threats." He also praised members of the city council, all of whom showed up and asked how they could help.

Mayor Kliner echoed Hanson's praise of city workers. "City staff worked as a team, and many townspeople came out to see how they could help."

MAWD loses a dear friend

Richard P. Nelson, 47, Warren, MN, passed away on Thursday, January 19, 2006 at his home in Warren surrounded by his family. Dick was financial coordinator/lobbyist for the Red River Watershed Management Board and was mayor of Warren, MN. He had also farmed for many years and was a registered nurse.



Richard P. Nelson

Dick served as mayor of Warren since 1996 and was dedicated to his family and community. Because of his unrelenting quest to save Warren from further flood damage, the floodway on the PL566 Diversion Project at Warren was named "the Richard P. Nelson Floodway" in his honor prior to his death. This project, while still not totally complete, was instrumental in preventing the City of Warren from flooding in April, 2006.

President's report *continued from page 2*

from Red Lake WD on his appointment to the BWSR. We look forward to working with him in the years ahead!

Special thanks to the Sauk River WD on their excellent Summer Tour! The comments were all extremely favorable. Thanks for a job well done and for sharing your watershed district with us for several days.

Ramsey Washington Metro WD will host the 2007 MAWD Summer Tour on June 28-30. The MAWD Legislative Breakfast is scheduled for March 14-15th ... please put these important dates on your calendar today!

South Two River WD terminated by BWSR; order appealed by STRWD and MAWD

The Board of Soil and Water Resources (BWSR) voted to terminate the South Two River Watershed District on August 24th in a 11-2 vote. A BWSR committee, which reviewed the petition and was involved in the public hearing had earlier voted 3-1 to recommend termination of the watershed district.

In the conclusion of its order, the BWSR outlines the reasons for termination of the district. Those included “opposition to its existence” contained in the record, lack of support from local units of government, non-implementation of programs and projects to sufficiently address water resource issues for which it was established, the district is too small, has no public outreach or communications strategy, has not prepared annual reports and has not had annual audits prepared as required by law.

BWSR concluded that the STRWD does not benefit the public welfare and public interest and that the county local water management plans can address the water resource issues of the district.

On September 14, 2006 the Board of Managers voted to appeal the BWSR order and filed an appeal with the State Appeals Court. The STRWD argues that the district did present evidence of a need for the district by filing engineering studies at the termination hearing, using data collected through water quality monitoring, which showed using sound scientific principals that the District is needed to manage the water resources with the geographic area of

the district. The STRWD did admit to a historic failure of past managers of the district and erosion of public confidence in the district, but sited the BWSR's failure to follow statutory procedures in its process.

In addition, BWSR's termination order was not supported by the evidence in the record. The STRWD argues that the decision was based on popularity and political considerations rather than the environmental needs of the STRWD or the ability of the District to address those needs using sound scientific principals and the statutory authority granted to it under the Watershed Act.

They also argue that because of these deficiencies the BWSR decision would have a substantial impact on watershed districts throughout the state.

The MAWD Board of Directors, after conferring with the STRWD, agreed with the district arguments and voted to support them by joining the District in its appeal of the BWSR order. MAWD will be submitting a friend of the court brief (amicus) for the appeal. MAWD also filed a brief with the BWSR during the termination process in opposition to the termination. A final decision is expected sometime next year from the Appeals Court.

BWSR Board terminates Cooks Valley Watershed District

At its October board meeting the Minnesota Board of Water and Soil Resources voted to terminate the Cooks Valley Watershed District.

The action concluded a process that began when a petition was filed with BWSR on June 28 to terminate the watershed district. One hundred eleven resident owners in the Cooks Valley Watershed District filed a petition with the Wabasha County auditor on June 21 to terminate the watershed district. State law requires that at least 25 percent of resident owners in a particular watershed district sign a petition to terminate a watershed district before it can be brought before the BWSR board for action. As part of the process, a public hearing was held Sept. 27 in Wabasha.

The watershed district was approximately 44.5 square miles

and was entirely within Wabasha County. It included all or parts of the cities of Kellogg and Wabasha, and the towns of Glasgow, Greenfield, Highland, Minneiska, and Watopa. The watershed district was established in 1963.

A BWSR board subcommittee noted that the watershed district should be terminated because they had not been operational for a number of years.



2006 Legislation Session Report

by Ray Bohn

The 2006 Legislative Session concluded with most calling it a success. Two major bills did not come back from conference committee, the Transportation Finance Bill and the Constitutional Amendment bill could not be compromised. Fortunately for our activities, the legislation we needed made it through the process and should be helpful in our work.

Bonding bill: included \$25 million for Flood Hazard Mitigation, funding for the clean water legacy, and various other items. The eminent domain language in the bonding bill was removed after the Agassiz settlement. No additional money was provided for CREP II funding this year. Complete details are available below.

Clean Water Legacy: The Supplemental Appropriation bill provided \$15 million of general fund dollars for the Clean Water Legacy (Impaired Waters), while the bonding bill provided \$9.3 million.

Watershed District Governance: Rep. Dan Severson/Rep. Larry Hosch offered their amendment which would have altered watershed district management to SF762 in House debate. After much discussion the amendment was withdrawn, but another version of their amendment which eliminates the provision requiring a bond for a watershed district termination petition was added in a later bill. The legislation eventually passed the House and the Senate the last night of session. This amendment continues to highlight the ongoing battle in the South Two River WD and concerns various legislators have with watershed districts.

Eminent Domain: The final version of the eminent domain bill passed both houses and was signed by the governor. Clarifying language in this

Chapter 117 legislation was inserted in the conference committee to continue to enable watershed districts to use chapters 103D & 103E for eminent domain. In addition, watershed districts were also exempted from most provisions of the chapter 117 language.

The Buffalo-Red WD levy increase heard in the House taxes committee and added to the defeated House Taxes bill was resurrected in the Taxes Conference committee and added to the final bill. The levy would allow a two year levy increase from 0.00798 to 0.02394% of taxable market value to pay the cost attributable to basic water management features of a project initiated by petition. Funds from this levy increase can also be used for TMDL implementation.

Legislative Audit: One of the most important elements to come out of this session is not even in bill format. It is a recommendation by the Legislative Audit Commission that the Legislative Auditor conduct a program audit on watershed management in Minnesota. This has all the potential of having a major impact on us for the future. In their evaluation of watershed management, the LAC will be examining the operations and performance of local water authorities (watershed districts, joint powers watershed management organizations, soil and water conservations districts, coun-

ties, joint powers boards, and other organizations). They will be looking at all aspects of watershed management (water planning, water quality, flooding, wetlands, permitting, drainage ditches, septic systems, stormwater runoff, agricultural best management practices, etc.).

If you want to see how the LAC operates visit their web site at: <http://www.auditor.leg.state.mn.us/minutes.htm>.

Below are bills of interest to watershed districts. Copies of all bills can be found on the legislative web site at "<http://www.revisor.leg.state.mn.us>". Please share this legislative update with your managers, key staff, and key partners.

HF826 Ozment, SF762 Frederickson: Clean Water Legacy Act, creating the Clean Water Legacy Act; providing authority, direction, and funding to achieve and maintain water quality standards for Minnesota's surface waters in accordance with section 303(d) of the federal Clean Water Act; The final bill appropriates \$15 million in general fund and \$9.3 million in GO bonds for a total of \$24.3 million.

HF2632 Lanning, SF2665 Skoe; Wild Rice Watershed District flood hazard mitigation project funding provided, bonds issued, and money appropriated. \$5.5 million appropriated

**To be included in the MAWD e-net send
your email address to
raybohnmg@aol.com.**

Legislative updates will be sent periodically throughout the session and links to specific legislation will also be posted on the MAWD web page at www.mnwatershed.org

for Flood Hazard Mitigation projects. Amended to \$1.8 million. \$1.5 million recommended by House and Senate Environment Finance committees. \$1.5 million in both House & Senate bonding bills. Funding authorized in final bonding bill.

HF2846 Johnson, J., SF 2750 Bakk; Eminent domain public use or purpose defined and modified, evidence for certain takings required, attorney fees provided, and other changes provided. Both house file and senate file have moved through several committees and various changes have been made. Watershed districts and drainage authorities are defined as public service corporations in both bills under Chapter 117 and are exempt from most provisions of the bill. Legislation has passed and been signed into law.

HF2872 Erickson, SF2612 Robling; defining political subdivision for the purposes of the chapter governing the state auditor; applying provisions for the state auditor to all political subdivisions; Basically this bill places watershed districts and other special purpose districts under the state auditor similar to other local units of governments. Annual audits will be required for all special districts with more than \$150,000 in revenue by either the state auditor or a CPA. Less than \$150,000 revenue must have an audit once every 5 years, but financial statements must be prepared yearly. All audits must be completed within 180 days of the end of the fiscal year. Governance information must be filed within 60 days of adoption of the bill to the state auditor. Allows auditor to complete an examination instead of an audit as the state auditor deems the public interests to demand. SF2612 has passed to the Senate floor, and HF2872 was passed to the House Government Operations Finance committee and inserted into the House State Departments finance bill and passed to the floor. Legislation passed House floor but was not heard

on the Senate floor. Legislation failed to pass.

HF2919 Lanning, SF2782 Langseth; Clay county Oakport township flood mitigation bond issue and appropriation. Appropriates \$12 million for the Flood Hazard Mitigation program. Funds provided for in both bonding bills. Funding authorized in the bonding bill.

HF2971 Dorman, SF3118 Sparks; Shell Rock River Watershed District storm water retention and flood mitigation grants provided, bonds issued. \$790,000 appropriated for the Flood Hazard Mitigation program. Included in House bonding bill. Funding authorized in final bonding bill.

HF2972 Tingelstad, SF2814 Sams; LCMR reform bill. Lists membership of 17 members, five legislators each from the senate and house, including the chairs of the environment and natural resources finance committees, and seven citizens, five appointed by the governor and one each appointed by the senate and the house. Two legislative members from each body must be from the minority caucus. The chair must rotate between legislative and citizen members. Citizen members appointed for initial staggered terms, and all LCCMR members serve for a maximum of six years. Citizen members must have environment and natural resource experience, know the issues, and show ability to work collaboratively. Needs an affirmative vote of 12 members or more to approve a recommended trust fund expenditure bill to the full legislature. Bill was passed.

HF3057 Beard, SF 2655 McGinn; Allows the Lower Minnesota River Watershed District to acquire, maintain, operate, and improve a dredge material site, authorizes fees, use for public and private purposes, and the use eminent domain to acquire the land if needed. Heard in both the Senate & House Environment commit-

tees and House Environment Finance Committee. Senate file moved to Senate floor and House file moved to House Local Government Committee. The bill, minus bonding language was then amended into House Environment Finance Bill. This legislation passed both bodies and is on its way to the governor for signature.

HF3071 Severson, SF3382 Fischback; Watershed district manager elections are mandated, automatic termination of watershed district if a project has not been successfully completed within 5 years of establishment. Changes the language to terminate a watershed district to make it easier to terminate a district, establishes election process, manager districts, members, terms, etc. and repeals existing statutes. Bill not heard in either body.

HF3163 Dorman, SF3118 Sparks; Austin, Albert Lea, and Shell Rock Watershed District flood mitigation grants provided; bonds issued; \$5.3 million appropriated to the Flood Hazard Mitigation program. Funding included in final bonding bill.

HF3176 Smith, SFXXXX; Minnehaha Creek Watershed District funding provided, bonds issued, and \$500,000 is appropriated for the Flood Hazard Mitigation program. Not heard. HF1909 Hackbarth, SF2734 Sams; Sales tax receipt dedication for Natural and Cultural Resources purposes. Senate version: Constitutional amendment for sales tax dedication to natural and cultural resources purposes; arts, humanities, museum and public broadcasting, heritage enhancement, parks and trails funds and clean water and heritage enhancement councils. 3/8ths of one-percent increase for 25 years beginning July 1, 2007. 34% fish & wildlife, 22% parks, trails, & zoos, 22% Clean Water Legacy, 22% arts, humanities, museum and Public Broadcasting. Added on to present

(Continued on next page)

(Legislative update continued)

6.5% sales taxes. Submitted to voters for approval. Different versions passed their respective floors and was sent to conference committee. No agreement was forthcoming so the legislation died in conference.

HF3348 Lanning, SF3590 Langseth; Buffalo-Red River Watershed District levy increase; Allows levy increase from 0.00798 to 0.02394% of taxable market value to pay the cost attributable to basic water management features of a project initiated by petition. Can also be used for TMDL implementation. For taxes payable 2007 – 2012. Heard in the House taxes committee and added to tax bill. Tax bill defeated in committee. Added in Taxes conference committee to final bill. Authorized for a 2 year period.

HF3535 Lanning, SF3391 Skoe; Wild Rice Watershed District flood hazard prevention study money appropriated. Appropriates \$692,000 from the general fund for Wild Rice Flood Hazard Prevention Study. Heard in the House Environment Finance committee but not included in the final bill. No further action.

HF3825 Simpson, SF3362 Higgins; A bill for an act relating to watershed districts; If the annual audit is to be made by the state auditor it must be initiated by a petition with 100 resident owners or a resolution by the board of managers. If fewer than 500 residents owners, the petition must bear 25 names. After discussions with the Sec. of State's office the bill was dropped.

HF 3478 Hosch, SF3262 Fischbach: A bill for an act relating to waters; modifying watershed district provisions; Eliminates the need for a bond for terminating a watershed district, and allows for a recall election to remove watershed district board of managers from office if the BWSR has issued three or more letters of non-

compliance for failure to comply with a requirement of Chapt. 103D, and a recall petition signed by at least 25 percent of the resident owners residing in the district. If the managers are removed, the county commissioners must appoint a successor board within 60 days and managers removed cannot be re-appointed. Not heard in either body.

HF 3527 Cornish, SF3214 Tomassoni; A bill for an act relating to waters; modifying membership of the Board of Water and Soil Resources; Adds one township officer to BWSR. Not heard.

HF3418, Hansen, SF3316 Chaudhary; A bill for an act relating to water; requiring reports by drainage authorities to the Board of Water and Soil Resources; creating a work group; Referred to the Senate Environment Policy committee and House Government Operations committee. Agreed-to amendment moved in House Government Operation committee and passed and referred to House environment committee. Heard in the Senate Environment Committee and passed to floor. Language was then amended to the SF2974 — Senate Game & Fish bill. Item was rejected in conference committee.

HFXXXX, SF3365 Chaudhary; A bill for an act relating to natural resources; providing for abandonment of public drainage systems in the seven-county metropolitan area; Referred to the Committee on Environment and Natural Resources. Bill not heard, no House companion file.

HF 2959 Dorman, Langseth; Capital Investment bill (bonding) Final.
Program Final
Flood Hazard Mitigation \$25,000,000
Grand Marais Creek Project
Manston Slough
Oakport Township
Shell Rock River WD
Wild Rice River WD
RIM & CREP Easements \$ -0-

Metro Greenways \$ 500,000
MN River Area II \$ 500,000
Streambank, Lakeshore Erosion Control \$ 1,000,000
Wetland Road Replacement \$4,200,000
TMDL Grants \$ 5,000,000
Clean Water Legacy \$ 3,310,000

Language Issues: Language inserted into the Senate bonding bill which would have prohibited WD's from condemnation of lands for natural resources or wildlife enhancement or other measures that are not mitigation measures under chapter 103F.161 was eliminated.

HF3391 Beard, SF3023 Rest; Establishes timeline for agency action. This legislation, 1st engrossment, places watershed districts and SWCDs under the 60 day rule for decisions for a permit, license, or other government action. Bills passed both floors and on its way to the governor for signature. Lower MN River WD bill attached as an amendment to this bill in the House and accepted by the Senate author for inclusion in the bill.

HF3079 Abrams, SF2648 Rest; Limits local government liability in joint venture claims (Reimer decision). This legislation started out clarifying that municipal and state tort liability limits (\$300,000) apply to joint powers arrangements in the same manner as they apply to local units of governments. It appears, however, that the bill increased overall liability limits over the next 3 -4 years while clarifying responsibilities of units of government participating in a joint venture.



Watershed districts display their projects and programs for others to see at each Annual Meeting & Trade Show. The Trade Show is busy between educational seminars offered throughout the Annual Meeting. In addition to the business meeting the program includes four concurrent training sessions, with three seminars to choose from in each session, for a total of twelve seminars. In addition, there were two ADA Technical Seminars for staff held during the business part of



The new and improved Watershed District Handbook was distributed in 2005 in paper and CD form. It is also available at mnwatershed.org.

Annual Meeting & Trade Show
 Arrowwood Conference Center
 Alexandria, MN

MAWD Annual Events



Rep. Mike Beard (center) with Dan Pereira, So. Washington WD, and Terry Schwalbe, Lower Minnesota River WD.



Senator Gen Olson with Jim Calkins, Minnehaha Creek WD at the 2006 MAWD Legislative Breakfast on March 23, 2006.

Legislative Breakfast
 Kelly Inn
 St. Paul, MN

Summer Tour

Hosted by Sauk River Watershed District

Sauk River staff members make a presentation at a park during the summer tour. The pictures on the cover are also from the summer Tour.



2005 MAWD Program of the Year Award Winner



One-Stop Shopping to Restore Your Yard and Shore: Rice Creek Watershed District

Landowners interested in doing restoration work on their property were unable to obtain the technical expertise or plant material to do the work. Using only their staff, the Rice Creek Watershed District developed the means to eliminate barriers to restoration work, developed partnerships with local nurseries, and nursery staff trained in environmentally-friendly landscaping, provided economic incentives for nurseries to participate and stock native plants, developed a website

that could be used as a planning tool for landowners, and sought grant funds to provide landowners a “rebate” based upon square footage of restored area.

The Rice Creek Watershed District has received numerous accolades from landowners regarding the planning tools on the website. The nurseries saw a significant increase in native plant sales and will participate in the program next year. In addition, they received a Met Council Grant to continue the rebate program.



The Minnesota Association of Watershed Districts Board of Directors asked for nominations for the MAWD Awards Program to recognize watershed districts throughout Minnesota for their achievements. This awards program gives special recognition to those watershed districts that deserve an extra pat on the back for a job well done.

The program has two award categories. They are: **Capital Improvement Project of the Year** and **Watershed Program of the Year**. One award is given in each category. The MAWD Awards committee, chaired by Jan Voit, Heron Lake WD selected and the board ratified the 2005 MAWD award winners.

2005 MAWD Project of the Year Award Winner



Lake Phalen Shoreland Restoration Project: Ramsey-Washington Metro Watershed District

Lake Phalen is the focal point of the Phalen Regional Park in the City of St. Paul. This park receives over one half million visitors annually. “Taming” the lakeshore began in 1899, as emergent vegetation was removed and dredge material was used to fill wetland shore edges. These activities ultimately resulted in massive shore erosion. Bank slumping was affecting several areas, threatening the walking path, and creating a major safety hazard.

The Ramsey-Washington Metro Watershed District and the City of St. Paul authored a five-year restoration plan for Lake Phalen. The goals of this plan include natural shore stabilization to reduce erosion, improve safety, create fish and wildlife habitat, and improve aesthetics.

Restoration activities began in 2001. The total project resulted in the restoration of approximately 1.4 miles or 50% of the lake’s shoreline. This is the most comprehensive lakeshore restoration project in Minnesota. Plant survival rates are over 90%. Bank slumping has been eliminated by the use of native plants. Public feedback during installation and monitoring has been extremely positive.



Heron Lake WD wins Minnesota Environmental Initiative education award

Heron Lake Watershed District is the 2006 Environmental Education Award winner. The Minnesota Environmental Initiative (MEI)

The sponsors of the awards were MEI, Bloomberg & Podpeskar, LLP, Great River Energy, Andersen Windows & Doors, 3M, Medtronic, SenEarthCo, Emerson Process Management, and NAWA.

The applications were judged by representatives from Great River Energy, Hamline University, Twin Cities Public Television, Friends of the Mississippi River, Marathon Ashland Petroleum LLC, CenterPoint Energy, Association of Metropolitan Municipalities, Eco Education, Oslund & Associates/ Minneapolis Planning Commission, Twin Cities Habitat for Humanity, Minnesota League of Conservation Voters, E. Christine Schultze Architect, Dorsey & Whitney LLP, Minnesota Renewable Energy Society, and Hubert H. Humphrey Institute of Public Affairs.



Heron Lake Watershed District administrator Jan Voit, front left, surrounded by staff members

Over sixty nominations were received in five categories:

- Land Use
- Environmental Education
- Public Sector Innovation
- Private Sector Innovation
- Energy

Three finalists were chosen for each category. The HLWD was a finalist in

the Environmental Education category for our WATER program (Watershed Assistance Through Education and Resources), a compilation of all the good things we do every day for the residents of our watershed district!

A PowerPoint presentation was given for each of the fifteen finalists. One winner was chosen in each category. A partnership of the year award was also given.

Local Watershed Administrator Testifies Before Congress

On December 6, 2005, Bruce E. Albright, Administrator, Buffalo-Red River Watershed District, testified before the Subcommittee on Conservation, Credit, Rural Development and Research, Committee on Agriculture, in Washington, DC. Congressman Frank D. Lucas, Oklahoma, extended the invitation. Albright testified regarding the United States Department of Agriculture (USDA) Watershed Programs, in particular, Public Law-566. Albright's written and oral testimony can be found on the Agriculture Committee's website at <http://www.house.gov/agriculture/hearings/transcripts.html>

Others testifying on the panel included Bruce I. Knight, Chief, Natural Resource Conservation Service (NRCS), USDA; Washington, DC; Bill Wilson, President, National Association of Conservation Districts, Kinta, Oklahoma; Michael L. Sykes, Chairman, National Watershed Coalition, Romney, West Virginia; and Ed Wytorvich, President, Eastern Pennsylvania Coalition for Mine Reclamation, Ashland, Pennsylvania.



Buffalo Red River Watershed District Administrator Bruce Albright visits with Congressman Collin Peterson in Washington D. C.

Albright is the Administrator for the Buffalo-Red River Watershed District, which is headquartered in Barnesville, MN, and covers 1,380 square miles in parts of Clay, Becker, Wilkin, and Otter Tail Counties. The District was formed in 1976. Albright has been the District Administrator since 1980.

DNR Waters Honors Buffalo-Red as WD of the Year

Buffalo Red River Watershed District has been chosen WD of the year so often because the District has built respect and partnerships with a vast array of entities. They truly are collaborative and have taken the lead in a wide range of projects from municipal to strictly ag. They are very creative in their funding mechanisms and seem to be able to do projects when nobody else can.

The word DNR thought of for this District is collaborative.



Kent Lokkesmoe (left) presents the DNR Watershed District of the Year award to Buffalo-Red River Watershed District managers Roger Ellefson, John Hanson and Curtis Nelson.

Buffalo-Red Projects of note:

Developed a project to deal with **Whisky Creek** flood within the valley. They incorporated setback levees, stream restoration/cleanout, wetland restoration, and watershed conservation practices. They used a variety of funding sources including DNR, DU, NRCU, BWSR, and local share.

Worked with Clay SWCD/Water Planning to address severe erosion of **Spring Creek** in Spring Prairie. What started out to be an indictment of DNR for permitting Clay County a larger culvert in their road changed to a stream restoration and watershed wide practices including preparing for wetland restoration and conservation land practices.

Manston Slough. This is one of the Governor's 5 projects, which entails restoration of a partially drained large wetland complex. They have done a wonderful job of working with DNR Wildlife, USFWS and NRCS (WRP) to obtain a majority of the land needed to recreate the wetland complex. The District has been obtaining landowner acceptance of lands that haven't been obtained/enrolled by one of the other entities.

This project will restore around 10 sq. mi. of significant wildlife habitat along with providing flood reduction on the upper end of the South Branch Buffalo River. It is also on top of the Buffalo Aquifer and should supply recharge to this important municipal ground water source.

Oakport Township Dikes. They are the lead in the larger metropolitan flood protection project. They are working with municipal, county, township, DNR and private citizens to protect many homes previously damaged by Red River flows.

Swede Grove Lake. Buffalo-Red is taking the lead to create an outlet for this prairie type 5, which has been flooding since the 90's. Local folks, the county, DNR and FWS want this lake lowered. DNR Fish uses it for rearing and wants it lower to kill the bullheads out. Both Wildlife and USFWS want it lower for waterfowl habitat. It is another one of those win/win projects the District has taken on and facilitated.

Lawndale Trout Stream Restoration. The District is in the initial stages of restoring the only trout stream in Wilkin County. It is also a county ditch. It is another win/win project that they are leading.

Clay County CPT. They are providing local share for this project by paying for the Buffalo River model. Though funding for the model is coming from BWSR for their plan, Buffalo-Red stepped up and offered it also as a part of the County's local share. Another win/win.

Sauk River wins Minnesota Waters monitoring award

reprinted from www.minnesotawaters.org

The Minnesota Waters' Citizen Monitoring Program of the Year Award salutes exemplary water quality monitoring programs involving citizens in Minnesota. HDR* is pleased to sponsor the 2006 Citizen Monitoring Program Award Winner: Sauk River Watershed District, a quasi-local government working to apply unique abilities and authorities in ways that protect and enhance the Sauk River Watershed's resources for today and tomorrow.

The Sauk River Watershed District (SRWD) believes that volunteer monitors play a significant role in a successful water quality monitoring program. In 2002-2003, they developed the "Care for Your Waters" Monitoring Program and in March 2003 the SRWD, along with the Rivers Council of Minnesota, Stearns SWCD, and Stearns Environmental Services, held its first annual Volunteer Monitoring Workshop. The workshop was a success with nearly 70 interested citizens in attendance. Now, as demand grows, they also help train volunteers outside of their watershed.

To date, the "Care for Your Waters" Workshop has trained over 180 community members to monitor their lakes and streams - learning that citizens like to be involved when they see it makes a difference. Currently volunteers collect data on 10 lakes and 30 streams sites. Here is what one volunteer, Bob Bjork from Big Sauk Lake Association, said about the program: "The SRWD Volunteer Program has helped our lake association determine which streams are contributing excessive nutrients to our lake and we've created a plan to address land use issues."

The SRWD has designed a comprehensive citizen monitoring plan and focused citizen efforts on quality training and consistent data collection. "Volunteers provide important data used in assessing future monitoring efforts as well as monitoring where time and money have limited previous efforts. They also are a liaison between agencies and local citizens, helping to build an awareness of the health or the threats to our water resources," says Amy Trisko SRWD Citizen Monitoring Coordinator.

The SRWD has used citizen data to document land use, direct best management practice efforts and obtain baseline water quality data that may direct future SRWD monitoring efforts. The data is compiled annual and shared with decision makers, citizen groups and agencies such as MPCA.

Minnesota Waters' highlights the Sauk River Watershed District's citizen monitoring program as it engages citizens and promotes cooperation between citizens, nonprofits, local governments and state agencies to better understand the health of our rivers and lakes. Congratulations, SRWD!

** HDR is a multidisciplinary, national consulting firm providing services to local, regional, state and federal agencies. HDR has a long history of handling river management and restoration issues, including flood management of the Red River of the North; reconnaissance studies for work on the Upper Mississippi River; and programmatic environmental impact statement work on Missouri and Colombia Rivers.*

Susan Scribner presented with certificate of appreciation



Ray Bohn, MAWD administrator presents a Certificate of Appreciation to Susan Scribner, past MAWD president, treasurer, and board member at the MAWD Annual Meeting. Susan has retired from the Riley Purgatory Board to spend more time with her husband and grand kids.

Harnack receives the Dave Ford Water Resources Award

Becomes only the sixth award recipient in 20 years

Ron Harnack, Executive Director of the Minnesota Board of Water and Soil Resources (BWSR), recently received the Dave Ford Water Resources Award in recognition of his many significant accomplishments in water resource management. The award is presented at the University of Minnesota Annual Water Resources Conference, and Harnack is only the sixth recipient of the award in the past 20 years.

“This is not an annual award given to someone each year or because they had a title or visibility,” said BWSR Assistant Director Steve Woods, who presented the award. “It is given to individuals with a long-term record of achieving results in water resource management.”

In addition to serving as BWSR Executive Director for 16 years, Harnack worked for 20 years in various roles for the Minnesota Department of Natural Resources’ Division of Waters. He earned a degree in agricultural engineering from the University of Minnesota’s Institute of Technology in 1970.



Ron Harnack

Harnack Takes Position with Red River Watershed Management Board

Ron Harnack, executive director of the Board of Water and Soil Resources will retire effective January 11, 2007 and take a position with the Red River Watershed Management Board. Harnack will be serving as the RRWMB’s financial consultant and lobbyist.

Harnack has served in his present position 16 years, and prior to that served for 20 years in DNR Division of Waters.

Accomplishments cited by the conference planning committee include:

- Transforming the Wetland Conservation Act of 1991 from a conceptual law into a specific program that has overcome countless challenges. The WCA protects the quantity, quality and biological diversity of Minnesota’s wetlands, and it serves as a safety net for wetlands that are exempt from other programs, like Swampbuster, Section 404 of the Clean Water Act, and state DNR programs.
- Modifying the roles and membership of the 17-member Board of Water and Soil Resources to give voting roles to the commissioners of the DNR, Pollution Control Agency, Health Department, and Department of Agriculture, which has given each of those departments greater public input in setting policy and choosing priorities. Good communication among those agencies is essential in meeting the state’s conservation goals, Harnack said.
- Working with state, local and federal government partners to accomplish the goals of the Conservation Reserve Enhancement Program, which established 100,000 acres of conservation easements on privately owned lands in the Minnesota River watershed, including almost 50,000 acres of restored wetlands. He was instrumental in attracting and implementing \$254 million in funding for the program, and he worked closely with BWSR’s partner organizations on the project: the USDA Natural Resources Conservation Service, USDA Farm Service Agency, and Minnesota’s local Soil and Water Conservation Districts.

MAWD Participates in Wetland Assessment Project

The Board of Water and Soil Resources (BWSR) is undertaking an assessment of selected issues within the Wetland Conservation Act (WCA). This assessment is being conducted due to a request made by Governor Pawlenty to the Clean Water Cabinet. This request is in response to the 2001-2003 Minnesota Wetland Report that documented a net loss under WCA. As shown in this report, the net loss is solely due to the exemptions authorized under the law. Copies of the report are available on the BWSR web site at: www.bwsr.state.mn.us/wetlands/publications/wetlandreport.pdf.

The Assessment began with the establishment of a stakeholder group in February, 2006 and concluded in November with a Wetland Roundtable. Monthly stakeholder meetings were held to discuss the Governor's charge. Roger Lake, MAWD board member and chair of the Ramsey Washington Metro WD is representing MAWD on the stakeholder group.

In addition, LuAnn Toliver, Nine Mile Creek WD and a member of BWSR, chairs the Wetland Committee and the Assessment Project.

The charge given by the Governor on the Assessment Project asks the Clean Water Cabinet to "report on the following issues so that we may more closely align with the principle of "no net loss":

1. Improvements to the accounting and reporting system for wetlands.
2. Alternatives to the existing WCA exemptions.
3. Alternatives to the existing replacement ratios.
4. Improvements to voluntary efforts that build on the success of the past but require a minimum of additional resources.
5. Other recommendations you deem appropriate.

The Clean Water Cabinet and BWSR Wetland Committee will have primary oversight of this assessment with significant participation by numerous interested organizations. This process may lead to changes to the statutes and rules that govern the WCA.

Minnesota Association of Watershed Districts Revenues & Expenditures November 1, 2005 through October 31, 2006

REVENUE	Actual 11/01/05 through 10/31/06
Dues	\$70,022
Interest	823
Annual Meeting	17,128
Summer Tour	13,295
Legislative Breakfast	2,327
Trade Show Fees	14,628
ADA Training	1,400
Drainage Seminar	1,960
New Managers Training	700
TOTAL REVENUE	122,283
EXPENDITURES	
Administration & Lobbying	56,475
Admin Expenses	6,171
Supplies & Equipment	500
Directors/Committee PerDiem/Expenses	16,260
Directors Meeting Expenses	693
Payroll Taxes	125
Accounting Fees	3,579
Watershed District Handbook	10,809
Liability Insurance	555
Contingency	300
Website Expenses	450
ADA Seminar Expenses	858
Trade Show Expenses	7,696
Annual Meeting Expenses	10,258
Summer Tour Expenses	10,649
Summer Tour Stipend	1,000
Legislative Breakfast Expenses	3,373
Drainage Seminar Expenses	1,438
New Managers Training Expenses	720
Legal Fees	6,334
Membership services/communications	7,074
TOTAL EXPENDITURES	145,317
REVENUE MORE THAN (LESS THAN) EXPENDITURES	(23,034)
FY06 BUDGET ACTIVITY:	
Drainage Seminar Fees	(100)
Drainage Seminar Expenses	(100)
Trade Show Fees	30
Trade Show Expenses	115
	(55)
Subtotal	(23,089)
BEGINNING FUND & CASH BALANCES	125,892
ENDING FUND & CASH BALANCES	\$ 102,803

Wetland assessment roundtable held

The Wetland Assessment Project being conducted by BWSR concluded its public input round by hosting a Wetland Assessment Roundtable in St. Cloud on November 14-15. The purpose of the Roundtable was to meet with various stakeholder groups to discuss recommendations coming out of monthly stakeholder group meetings held over the course of the year.

Items under discussion included alternatives to current exemptions, alternatives to the current wetland replacement requirements, and the administration of the WCA, including wetland reporting and accounting. Roger Lake, MAWD board member and Ray Bohn, MAWD coordinator represented watershed districts at the Roundtable.

Stakeholder groups were asked to consider the following criteria as they discuss the preliminary recommendations or “ideas for change” and possibly generate new ideas:

1. Does the proposal move WCA closer to no net loss?
2. Does the proposal make WCA easier to administer; what is the impact on the cost to administer WCA?
3. What impact does the proposal have on landowners?

The goals of this part of the Roundtable were to

- (1) increase stakeholder understanding of the issues,
- (2) identify where the stakeholders can agree on changes and where they cannot, and/or
- (3) generate new proposals to address the key issues of “more closely aligning with no net loss” and increasing program administrative efficiency, to the extent there is no agreement on the Wetland Committee recommendations.

After a day and one-half of discussions by over 50 stakeholder representatives, there did not appear to be much enthusiasm to make substantial changes to the WCA from the vast majority of stakeholder participants.

Some support for administrative streamlining to create more consistency between Section 404 and WCA for wetland replacement was discussed.



Roger Lake (2nd from left), MAWD board member and chair of the Ramsey Washington Metro WD is representing MAWD on the stakeholder group.

In addition positive discussion took place to allow for banking regions for more efficient and effective use of mitigation funding, with emphasis on putting wetland mitigation where wetlands have been lost in the state, not where there is already an abundance of wetland present.

A final report will be prepared for BWSR to act on in December, and then the report will be forwarded to the Clean Water Cabinet and the Governor for final action.

The Minnesota Association of Watershed Districts provides educational opportunities, information and training for watershed district managers and staff through yearly tours, meetings and quarterly reports.

BWSR publishes “Public Drainage Ditch Buffer Study”

Report shows approximately 60 percent of public drainage ditches may have buffers

ST. PAUL, MN. - Approximately 60 percent of the estimated 21,415 miles of public drainage ditches in Minnesota may have natural buffer, a buffer established because of state law, or one established through a voluntary state or federal conservation program.

This was one of several key findings of a report released today (March 3) by the Minnesota Board of Water and Soil Resources. In 2005, the Minnesota Legislature directed BWSR to conduct an assessment of the use, maintenance, and benefits of grass strips required along certain public drainage ditches. BWSR worked in consultation with farm groups, local government unit and other associations, conservation groups, and federal agencies that implement voluntary conservation programs involving vegetated buffers. BWSR received \$109,000 in state funding for the study.

Because Minnesota has many thousands of miles of public and private drainage ditches, buffer strips along these ditches are a significant issue from both environmental and agricultural perspectives.

The requirement for grass strips along certain public drainage ditches is contained in Minnesota Statutes, Section 103E.021 (“Ditches must be planted with permanent grass”). Drainage authorities were first given the authority to require minimum 1-rod grass strips along public drainage ditches in 1959. It is believed that the principal purpose was to help reduce ditch maintenance related to tillage up to or over the edge of the bank of public drainage ditches. In 1977, the Legislature changed the operative word from “may” to “shall,” creating a requirement for grass strips when the drainage authority appoints

viewers to assess benefits and damages and acquire drainage system right-of-way.

The report also found that:

- ◆ 72 percent of the reported public ditch miles required to have minimum 1-rod grass strips along them are reported to be in place, compared to 43 percent reported in a 1987 study;
- ◆ major federal and state conservation programs have enabled filter strip and riparian buffer practices along 1,787 miles of public drainage ditches in the state;
- ◆ concentrations of conservation program lands were noted in three areas of the state, one of which is the Minnesota River Basin where the second Conservation Reserve Enhancement Program in the U.S. was implemented;
- ◆ narrow grass buffers along drainage ditches can have soil erosion control, water quality, and limited wildlife habitat benefits, depending in part on the topography along the ditch and management of the grass strips;
- ◆ Minnesota is one of three states in the Midwest that have state requirements for permanent grass strips, ditch corridors, or seeded berms along certain public drainage ditches.

The study provides historical information about the minimum 1-rod grass buffer strip requirements of state law. In addition, the study included a literature review about the benefits of grass strips along drainage ditches.

Another study component is a summary of the requirements, incentives, and state roles regarding buffers along public drainage ditches in Minnesota

and other Midwestern states having substantial agricultural drainage.

The Minnesota State University, Mankato, Water Resources Center developed Geographic Information System analyses and illustrations of voluntary buffer implementation along public drainage ditches. The MSU Water Resources Center also assisted with compilation and interpretation of responses of surveys. The University of Minnesota Water Resources Center conducted a literature review regarding the benefits of grass buffer strips along public drainage ditches.

An electronic copy (in PDF format) of the report is available on the BWSR web site (www.bwsr.state.mn.us).

Watershed Districts are special purpose units of local government whose boundaries follow those of a natural watershed (an area of land in which all water flows to one outlet). All other government units, such as states, counties and cities have political boundaries. Water, however, knows no political boundaries and instead goes where it wants to, when it wants to.

Minnesota report shows overall gain of wetland acreage

The Minnesota Board of Water and Soil Resources (BWSR) has published the *2001–2003 Minnesota Wetland Report*, which shows an overall net gain of approximately 148,600 wetland and related upland acres in the state during that time period. That net gain is achieved by combining data from wetland conservation programs and regulatory programs in the state.

Conservation programs managed by state and federal agencies show a gain of more than 150,000 acres of wetland and associated upland during 2001–2003, according to the new report. On the regulatory side, the report noted that Wetlands Conservation Act (WCA) data shows an estimated loss of 1,367 acres during 2001–2003, when counting acres lost through reported exemptions, regulated impacts, and required mitigation. Those losses are small, with more than 85 percent being less than one acre in size. The exemptions and replacement ratios being used today were part of the compromises that allowed WCA to become law in the early 1990s.

According to the data available from the National Wetland Inventory (completed over the period 1982–1993), Minnesota has approximately 10.6 million acres of wetlands.

The report includes data from a variety of state and federal regulatory and conservation programs, including BWSR, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation, the Minnesota Pollution Control Agency, the U.S. Fish and Wildlife Service, the Army Corps of Engineers, the U.S.D.A. Natural Resources Conservation Service, and the U.S.D.A. Farm Service Agency.

Data reported by local governments that administer WCA show that it is fulfilling one of its major goals – to

avoid and minimize impacts to wetlands. During 2001–2003, more than 30 percent of initial landowner inquiries about draining or filling wetlands resulted in project revision to avoid and minimize impacts to wetlands, preventing approximately 10,000 acres of wetlands from being filled or drained.

“Minnesota’s wetland protection, conservation, and enhancement programs are some of the best in the nation,” said Ron Harnack, executive director of BWSR. “Interagency partnerships with the Army Corps of Engineers, USDA, DNR, PCA, and local units of government and private conservation organizations have contributed greatly to Minnesota’s success.”

“The BWSR Board is receiving the

report and acknowledges the significant role that WCA and conservation programs have played in the state’s wetland efforts. I want to acknowledge the leadership of Governor Pawlenty in creating the Clean Water Cabinet, pushing for CREP II in the bonding bill, and for working to secure additional programs, such as the Wetlands Reserve Enhancement Program, with our federal partners,” said Jerome Deal, chair of the BWSR Board. “Over the next several months, we will review the wetland report in detail and will determine appropriate next steps.”

An electronic copy (in PDF format) of the report is available on the BWSR web site (www.bwsr.state.mn.us).

Minnesota Stormwater Manual released

The final, full-color version of the Minnesota Stormwater Manual was released at the Minnesota Pollution Control Agency’s (MPCA)

With help from the consultant team Emmons and Olivier Resources, Inc. and the Center for Watershed Protection, the 800-page document (1,200 pages with appendices) grew out of a collaboration between the 40 members of the Minnesota Stormwater Steering Committee, which includes representatives of state agencies, local governments, businesses, and a variety of environmental, educational and water-protection groups.

The Stormwater Manual is a comprehensive stormwater-management tool that addresses the adverse impacts of stormwater runoff facing Minnesota water professionals. The manual guides professionals and newcomers alike through the process of designing sites that control stormwater, shows how to choose the best BMPs for a site, demonstrates the impact of cold climates on runoff management—and much more. The manual appendix provides detailed CADD drawings for specific BMPs.

Drainage work group preliminary recommendations

The Drainage Ditch Buffer Work Group, established as a stakeholders group to deal with ditch buffer issues, morphed into a Drainage Work Group upon conclusion of the BWSR Ditch Buffers Study in January. This came about when stakeholder groups came to the realization during the buffer study process that there were other drainage issues that needed to be discussed. All of the participating groups committed to remain at the table to finish any work on the buffer issue and begin dealing with other more general drainage issues like ditch abandonment, Con Con ditch payments by DNR, etc.

To that end, Warren Seykora, Wild Rice WD and president of MAWD and Ray Bohn have been representing MAWD at these meetings convened by BWSR. Also included in the work group are representatives from county organizations, SWCDs, conservation groups, environmental groups, farm groups, and drainage ditch inspectors and viewer organi-

zations. Doug Thomas and Al Kean from BWSR have convened and staffed the meetings.

Meetings have been held monthly since the end of the 2006 session and some preliminary recommendations are being presented to the stakeholder groups at their annual meetings for feedback and consideration.

Below are the proposed recommendations for action during the 2007 legislative session.

Drainage Work Group

Fact Sheet and Status Report November 2006

Background

Since 1977, Minnesota drainage law (Section 103E.021) has required establishment and maintenance of permanent grass strips along **public** drainage ditches, as well as on the ditch side slopes, when viewers are appointed to determine benefits and damages (i.e. for public ditch establishment, improvement, repairs that require additional land rights, and redetermination of benefits). The required strips of perennial vegetation are primarily a farming setback to protect the ditch bank and reduce ditch maintenance.

The 2005 Minnesota Legislature directed the Board of Water and Soil Resources to conduct an assessment of the use, maintenance and benefits of required grass strips along public drainage ditches, in consultation with stakeholders. That effort produced the **Public Drainage Ditch Buffer Study**, February 2006. The Drainage Work Group is an outgrowth of that study.

Goals of the Drainage Work Group

- Improve implementation and maintenance of buffers along **public** drainage ditches
- Address other drainage issues brought forward by work group members
- Work together to develop consensus recommendations for consideration by the Legislature, state agencies, and other stakeholders

Topics with Draft Recommendations

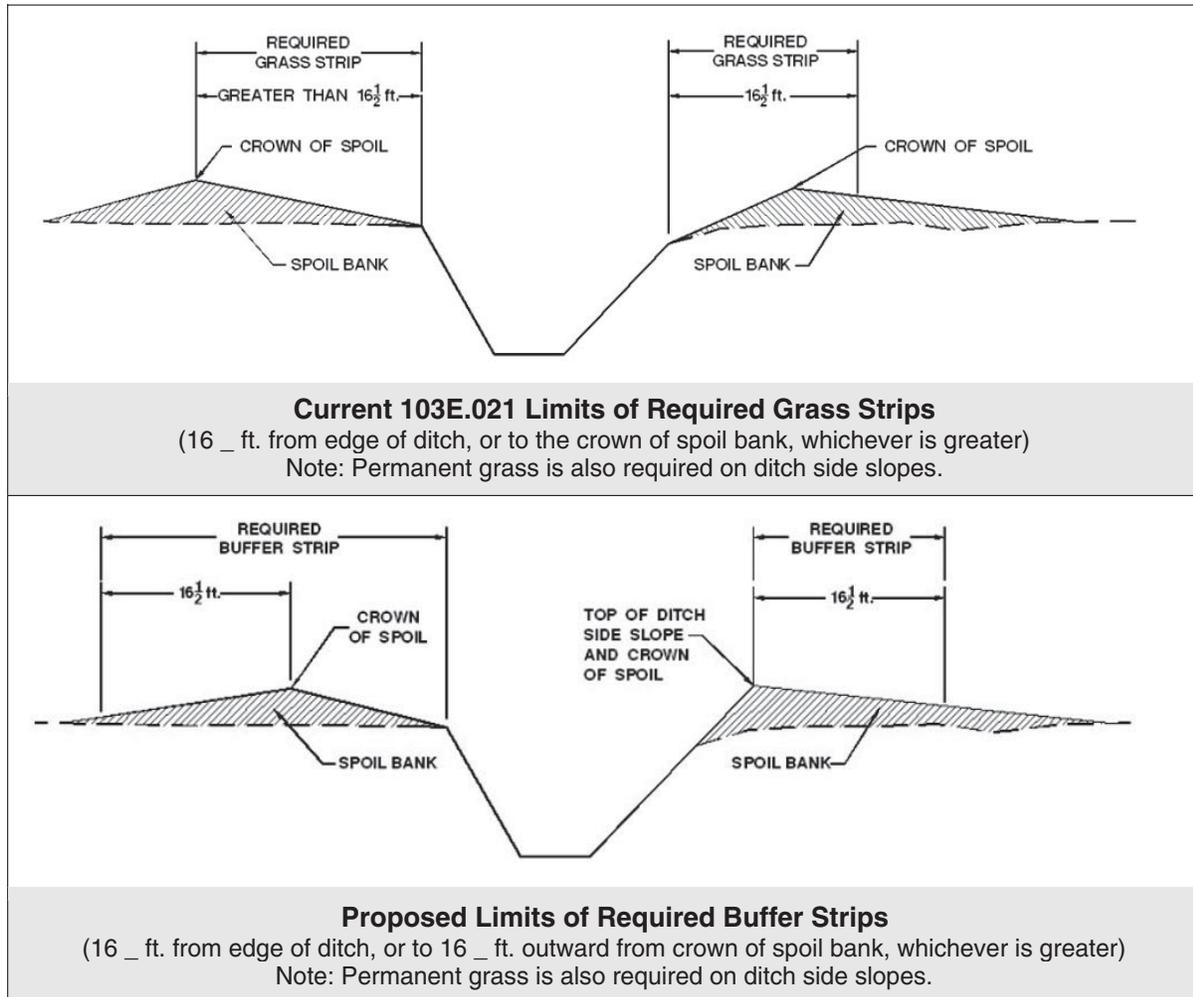
The Drainage Work Group has developed draft recommendations addressing the following topics:

- Drainage records preservation and modernization
- Enhance authority to establish and maintain buffers along public drainage ditches (includes incremental establishment of buffers and side inlet controls, perennial vegetation for permanent strips, and coordination with federal and state conservation programs)
- Point of beginning for measuring required buffer strips along ditches (See example cross sections on Page 2)
- Update of the Minnesota Public Drainage Manual, including best management practice recommendations for drainage systems
- Buffer compliance, enforcement and reporting

Drainage work group *continued from page 25*

Topics for Future Discussion

- Impounding, rerouting or diverting a drainage system for conservation projects
- Removal of property from a drainage system (or reducing assessment) for projects such as wetland restoration
- Partial abandonment within a drainage system for projects such as wetland restoration



Drainage Work Group Membership

Farm Groups	Minnesota Farm Bureau
	Minnesota Farmers Union
	Lobbyist for several other Ag groups
Environmental Groups	Minnesota Center for Environmental Advocacy
	Fish and Wildlife Legislative Alliance
	Minnesota Conservation Federation
Public Drainage Authorities	Association of Minnesota Counties
	Minnesota Association of Watershed Districts
Other Associations	Minnesota Association of Soil and Water Conservation Districts
	Minnesota Viewers Association
	Minnesota Association of Drainage Inspectors
	Red River Watershed Management Board
State Agencies	BWSR, DNR, MDA, MPCA
Legislature	Legislators and/or House and Senate Ag Committee staff

Watershed Districts in Action

North Ottawa Impoundment Project - #001 Bois de Sioux Watershed District

The North Ottawa Impoundment will be a multi-purpose facility.

The primary purpose is flood damage reduction. Secondary benefits include feeding and resting areas for migrating species, water quality improvement, and stream flow maintenance.

The impoundment will have 100% of its storage capability (16,000 Acre Feet of gate controlled storage) available for the spring runoff, which is typically the highest volume flood event. After spring runoff, the impoundment will be drawn down as quickly as possible, determined by downstream conditions, to restore about 80% of its flood storage (12,800 Acre Feet). This is sufficient volume to store all of the anticipated runoff from a 100 year, 24 hour summer storm event. The remaining 20% will be drawn out slowly over the balance of the year to provide the secondary benefits described above. When a storm event occurs requiring flood storage in the impoundment, Flood Control will take priority over all other management activities.

Drawdown would continue so that by the next spring runoff event, the impoundment would have 100% of its available flood capacity restored.



The impoundment will control 75 square miles of the 320 square mile Rabbit River Watershed on 1,920 acres of land. It is expected to reduce peak flood flows at Wahpeton/Breckenridge by about 5% and have significant benefits to agricultural lands all around.

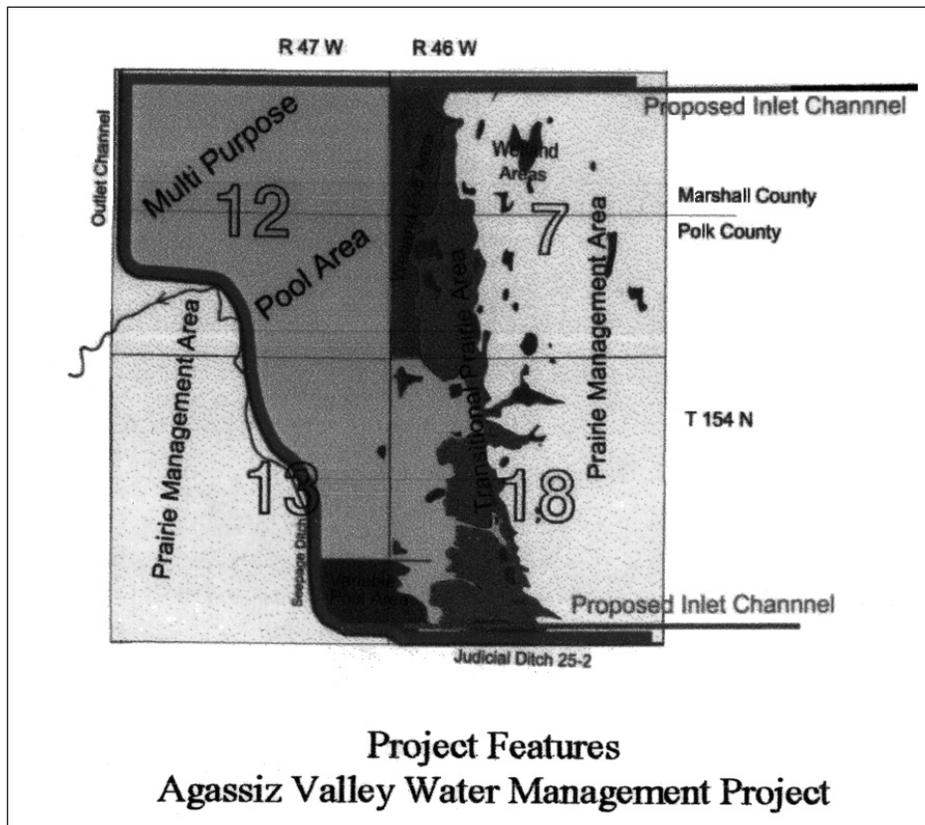
The project involves constructing dikes around the perimeter of the impoundment area and building a collection system to divert water into the impoundment. Waters carried by the upstream drainage ditches will be intercepted by a diversion channel, and brought into the impoundment through diked inlet channels.

Functional Design Data

Drainage area	75 Square Miles
Impoundment Area	1,920 Acres (3 Square Miles)
Storage Area	16,000 acre feet (gated) 2,000 acre feet (ungated and metered out)
Spring Runoff Control	5.6" (100 year event)
Summer Runoff Control	4.3" (100 year – 10 day rain event, 9.4" Rainfall)



Agassiz Valley Water Management Project Middle Snake Tamarac Watershed District



Description:

This project is a multi-purpose project which combines flood control and environmental enhancement features. The project occupies four sections of land (2,560 acres) in Marshall and Polk Counties. The project occupies parts of four townships. The project will provide flood flow reduction from an area of approximately 33 square miles and provide environmental enhancement features.

Project Benefits:

Flood Control: Sufficient flood water storage (6800 acre feet gated and 3800 ungated) will be provided to reduce flood flows to the area downstream of the site, to the Snake River and to the Red River of the North. The project will reduce the 100 year spring peak discharge from 59% to 94% from the project area.

Wetland/Prairie Restoration & Creation: Both wetlands and prairie will be restored and or created with the project. For prairie restoration approximately 400 acres are available outside the pool area and approximately 700 acres are available above the 10 year pool elevation.

Maintain Tax Base:

The site is being designed and is proposed to be managed

to incorporate income producing areas to maintain tax base for the local governments.

Wetland Research Education & Recreation: Nature trails, observation blinds, kiosks, and hunting are being included in the plan. In addition education programs are being developed with the local Audubon Chapter.

Low Flow Augmentation:

Temporary storage will be provided for base flow augmentation to the Snake River (July thru August). An estimated 700 acre-feet of storage is proposed to be provided in the multi-purpose pool area for this.

Estimated cost: \$6,500,000

Status:

Land acquisition process is pending.

Partners:

Red River Watershed Management Board and the State of Minnesota Flood Damage Reduction Program.

Watershed Districts on the move



Bois de Sioux WD Office Building: Construction on the new office building began in September of 2005. The BDSWD moved into their new office space May 11, 2006. The estimated cost to construct the building was \$490,000. Because the district acted as their own general contractor and entertained bids from local contractors, the BDSWD was able to put up the structure for \$250,000 complete. About half of the architect's estimate!

The building shell is a Morton Building. The pole type structure saved \$30,000 alone (\$25,000 in cement footings that are not needed with the pole structure).

The office space includes a good size meeting room, 4 offices, a fire resistant room for records, a storage room and a 2 stall garage.

Watershed District Address Changes:

Lower Minnesota River

1600 Bavaria Road
Chaska, MN 55318
Phone: 952-227-1037
Fax: 952-227-1039

Ramsey Washington Metro

2665 Noel Drive
Little Canada, MN 55117
Phone: 651-792-7952
Fax: 651-792-7951

Nine Mile Creek

7710 Computer Avenue, Suite 135
Edina, MN 55435
Phone: 952-835-2078

Bois de Sioux

704 South Highway 75
Wheaton, MN 56296
Phone: 320-563-4185

Middle Fork Crow River

PO Box 1
Spicer, MN 56288
Phone: 320-796-0888



Ramsey Washington Metro WD located to a new facility and in the process decided to use this opportunity to feature and promote new technologies for stormwater quality and quantity control.

To that end they installed a "green roof" on their building to help demonstrate the potential reduction in runoff with a green roof.

The design objectives of the green roof included:

- Provide retention, filtration, cooling, and slowing of stormwater while reducing its overall volume.
- Improve roof runoff water quality by binding heavy metals and toxins that contaminate precipitation before they get to streams and waterways.
- Minimize impervious land coverage.
- Utilize local and recycled materials.
- Extend the life of the roof membrane.
- Aesthetics

For more information on the RWMWD green roof and other demonstrations projects visit their web site at and mark June 28-30, 2007 on your calendar to see first hand at the MAWD Summer Tour how the green roof is working!

New Administrators

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Watershed District
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■ Kevin Bigalke
Nine Mile Creek Watershed District
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E-mail: kbigalke@ninemilecreek.org

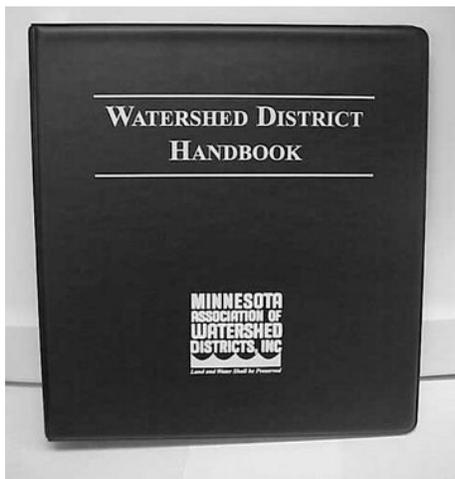
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New & Improved Watershed District Handbook

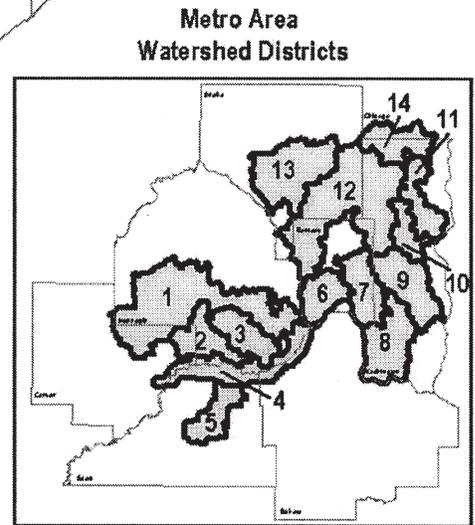
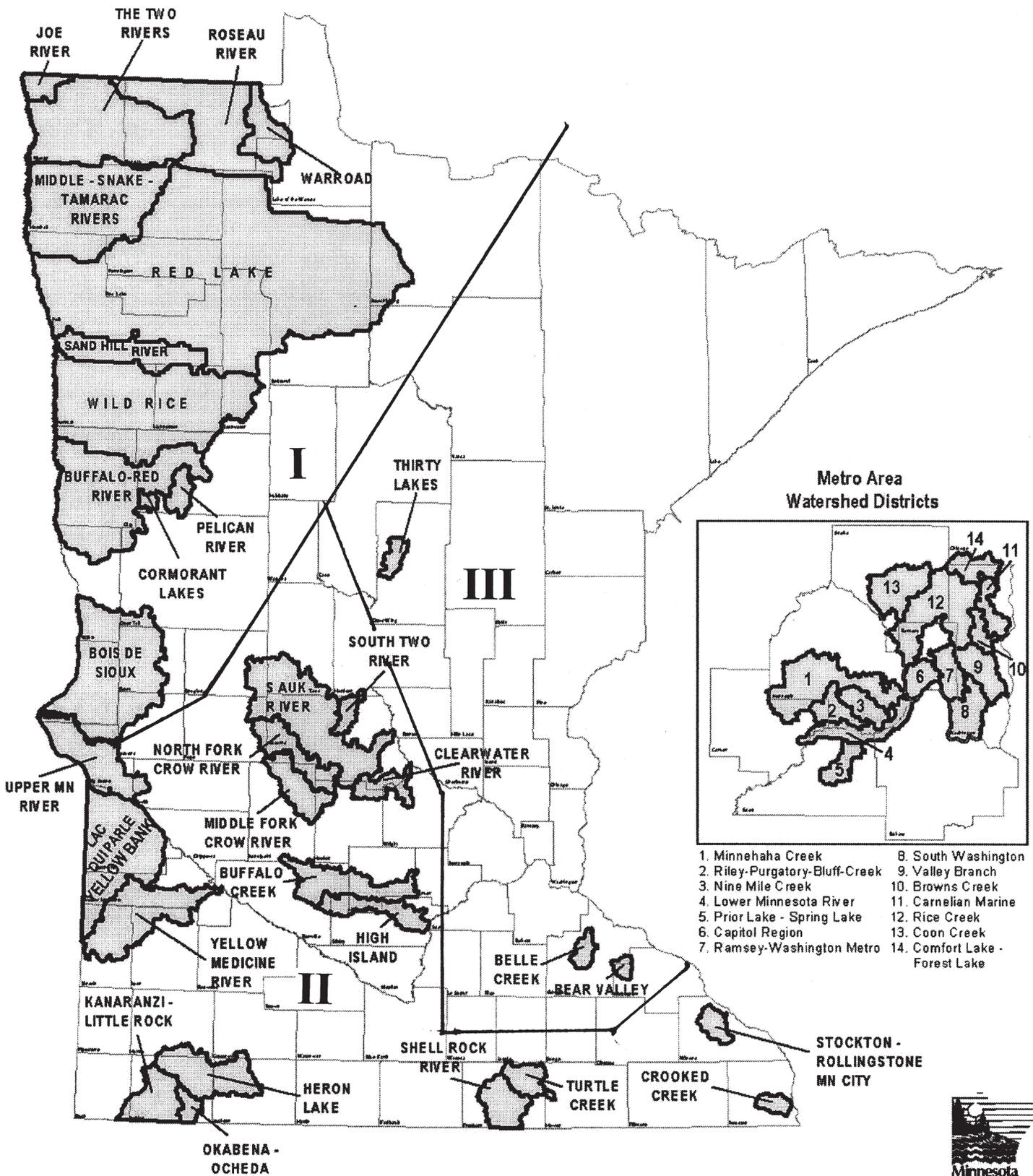


The Watershed District Handbook is available to all watershed districts free of charge. Please call the MAWD office at 651-452-8506 or email raybohnmg@aol.com.

The Handbook is available on CD or on the MAWD website at www.mnwatershed.org.

Minnesota Association of Watershed Districts

MAWD



- 1. Minnehaha Creek
- 2. Riley-Purgatory-Bluff-Creek
- 3. Nine Mile Creek
- 4. Lower Minnesota River
- 5. Prior Lake - Spring Lake
- 6. Capitol Region
- 7. Ramsey-Washington Metro
- 8. South Washington
- 9. Valley Branch
- 10. Browns Creek
- 11. Carnelian Marine
- 12. Rice Creek
- 13. Coon Creek
- 14. Comfort Lake - Forest Lake



540 Diffley Road
St. Paul, MN 55123

Inside:

Watershed District Awards

Address Changes

Welcome new administrators

Drainage Work Group

Wetlands Roundtable

MAWD Annual Activities