



520 Lafayette Road
St. Paul, MN 55155-4194
Phone: 651-757-2873
Fax: 651-297-2343
www.eqb.state.mn.us

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Wednesday, July 16, 2014

Meeting Location: MPCA Board Room

St. Paul, Minnesota

1:00 p.m. – 4:00 p.m

Please see attached for a map of visitor parking

The Jupiter Parking Lot is for all day visitors and is located across from the Law Enforcement Center on Grove Street.

The Blue Parking Lot is also available for all day visitors and is located off of University and Olive Streets.

AGENDA

- I. *Adoption of Consent Agenda
Proposed Agenda for July 16, 2014 Board Meeting
June Meeting Minutes
- II. Introductions
- III. Chair's Report
- IV. Executive Director's Report
- V. Environmental Review Internship update
- VI. Overview of EQB statutory water responsibilities
- VII. Water Governance Evaluation: 2014 Update and Future Directions
- VIII. Planning for Groundwater Sustainability in the 21st Century Minnesota
- IX. One Watershed One Plan
- X. Update on the Implementation of the Minnesota Agriculture Water Quality Certification Program
- XI. Adjourn

Note: Items on the agenda are preliminary until the agenda is approved by the board.

This agenda and schedule may be made available in other formats, such as Braille, large type or audiotape, upon request. People with disabilities should contact Elizabeth Tegdesch, Board Administrator, as soon as possible to request an accommodation (e.g., sign language interpreter) to participate in these meetings.



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Wednesday, July 16, 2014

Meeting Location: MPCA Board Room

St. Paul, Minnesota

1:00 p.m. – 4:00 p.m.

ANNOTATED AGENDA

General

This month's meeting will take place in the MPCA Board Room at 520 Lafayette Road in St. Paul. The meeting will begin at 1:00 p.m. Staff will be available for briefing and questions at 12:30 p.m. *Please see attached for a map of visitor parking. The Jupiter Parking Lot is for all day visitors and is located across from the Law Enforcement Center on Grove Street. The Blue Parking Lot is also available for all day visitors and is located off of University and Olive Streets.*

I. *Adoption of Consent Agenda

Proposed Agenda for, July 16, 2014 Board Meeting
June Meeting Minutes

II. Introductions

III. Chair's Report

IV. Executive Director's Report

V. Environmental Review Internship update

Presenter: Caroline Magnuson, EQB Staff
651-757-2472
Amy Whooley
Environmental Review Intern

Materials enclosed: None

Issue before the Board: The EQB's environmental review intern will present draft revised "Citizen's Guide to Environmental Review" documents and recommendations to help improve understanding of environmental review for members of the public. Board members may discuss the revised documents, as well as the recommendations and priorities.

Background: EQB staff partnered with an undergraduate environmental review class at the University of Minnesota to update and improve the EQB's "Citizen's Guide to Environmental Review" documents. Staff presented to the class in April to discuss the role that the EQB plays as well as the class's assignment which was to critique and evaluate the documents. At the end of the semester 60 student evaluations were collected from the class and an Intern was selected to review the students' feedback

* Items requiring discussion may be removed from the Consent Agenda

**Denotes a Decision Item

and revise the Citizen's Guide documents to improve accuracy, clarity and effectiveness. As well as develop a list of recommendations for making the information more user-friendly and encourage effective use. After completion of this project, EQB staff will finalize the documents and consider the prioritized recommendations.

VI. Overview of EQB statutory water responsibilities

Presenter: Erik Cedarleaf Dahl, EQB Staff
651-757-2364
Kate Frantz, EQB Staff
651-757-2370

Materials enclosed: None

Issue before the Board: Staff will present an overview of EQB statutory responsibilities associated with water; GICD recommendations; Minnesota Water Plan summaries; and other report recommendations.

Background: In 2013, one of the several recommendations identified through the Environmental Congress and the Governors' Institute on Community Design (GICD) planning process was for the EQB to prioritize water management within its strategic and long-range planning program. Specifically, the GICD report identified an interest in having EQB member agencies report to the EQB about their efforts related to water management and their efforts related to the MPCA's Water Governance Evaluation recommendations.

Discussion: The 2013 GICD report identified as a priority the need for management across various regulations and competing priorities to have more effective and efficient management of water resources. In an effort to fulfill this recommendation, EQB staff has engaged member agencies in an attempt to highlight signature interagency water management initiatives and facilitate a dialogue with the Board and the public on the status and opportunities contained in these initiatives. As a starting point, staff will provide an overview of statutory responsibilities that have been assumed over the past four decades.

VII. Water Governance Evaluation: 2014 Update and Future Directions

Presenter: Suzanne Rhees, Floodplain & Land Use Planner, DNR
Division of Ecological and Water Resources (and Project Coordinator for Report)

Materials enclosed:

- Water Governance power point
- Appendix B-legislative timeline from the 2013 report

Additional materials available:

- 2014 Water Governance Update <http://www.pca.state.mn.us/index.php/view-document.html?gid=20951>
- Link to the original full report: <http://www.pca.state.mn.us/index.php/view-document.html?gid=18927>
 - Link to Appendix D, Literature Survey (these documents are all on the same webpage): <http://www.pca.state.mn.us/index.php/water/water-permits-and-rules/water-rulemaking/the-water-governance-evaluation-project.html>

Issue before the Board: Review the 2014 Update of the Water Governance Evaluation (2013) and discuss potential role of EQB and other agencies going forward.

Background: The primary report was directed by the Legislature in 2011 and published in January 2013. Since then, the interagency work group that contributed to the report has continued to meet and discuss implementation of various initiatives and recommendations. This 2014 update captures the major implementation actions now taking place, and suggests some new areas for research.

Discussion: The Governors' Institute on Community Design's Final Report to the EQB (June 2013) recommended that coordination of state water management should be a priority for the EQB, and referenced the Water Governance Evaluation. This presentation may provide an opportunity for the Board to discuss this recommendation and potential roles and responsibilities.

VIII. Planning for Groundwater Sustainability in the 21st Century Minnesota

Presenter: Jason Moeckel

Minnesota DNR, Division of Ecological and Water Resources

Materials enclosed: None

Issue before the Board: Water use trends and groundwater management in Minnesota.

Background: 75% of Minnesotans rely on groundwater to meet water supply needs, and Minnesota's use of groundwater has increased by about 3 billion gallons a year, over the last 25 years. However, groundwater is not equally distributed around the state, and water use tends to be concentrated. The Minnesota Legislature has charged the DNR with responsibility to manage water sustainably through its water appropriation permit program.

Discussion: Minnesota is at risk of overusing and contaminating groundwater. As the use of groundwater is increasing and water levels are declining in some parts of the state, several communities and water users are experiencing difficult to sometimes critical water shortages, which limits growth and economic stability. In addition, Minnesota's many lakes, rivers, wetlands and streams are all connected to groundwater at various local and regional scales and to various degrees. Increased use and reliance on groundwater may not be a sustainable path for continued economic growth, development, and water resources. Understanding sustainable limits of water use is a key to informing changes and innovations that will be necessary to meet our long term water supply needs.

IX. One Watershed One Plan

Presenter: Melissa Lewis

Board of Water and Soil Resources, 651-297-4735

Materials enclosed: One Watershed, One Plan Factsheet June 2014

Issue before the Board: This presentation is to inform the Board about developing the One Watershed, One Plan program.

Background: Minnesota has a long history of water management by local government. One Watershed, One Plan is rooted in this history and in work initiated by the Local Government Water Roundtable (Association of Minnesota Counties, Minnesota Association of Watershed Districts, and Minnesota Association of Soil and Water Conservation Districts) in 2011 which recommended that the local governments charged with water management responsibility should organize and develop focused

implementation plans on a watershed scale. This recommendation was followed by legislation in 2012 that permits BWSR to adopt methods to allow comprehensive plans, local water management plans, or watershed management plans to serve as substitutes for one another; or to be replaced with one comprehensive watershed management plan. This legislation is referred to as One Watershed, One Plan. BWSR's vision for One Watershed, One Plan is to align local water planning on major watershed boundaries with state strategies towards prioritized, targeted and measurable implementation plans – the next logical step in the evolution of water planning in Minnesota.

Discussion: In December 2013, the BWSR Board adopted a set of Guiding Principles to direct and influence the One Watershed, One Plan program's future policies and procedures. And, in April 2014, after a comment period, the Board adopted a Suggested Boundary Map. Boundaries within this map are recommended planning boundaries with flexibility to adjust within certain criteria. Finally, in June 2014 the BWSR Board approved a set of operating procedures and selected five watershed planning boundaries and for piloting One Watershed, One Plan: Red Lake River, Lake Superior North, North Fork Crow River, Yellow Medicine River, and Root River. These pilot watershed areas will organize and develop watershed-based plans over the next year and a half and through this experience will help BWSR develop, test, and inform the final One Watershed, One Plan program framework, policies, criteria, and guidance. The final One Watershed, One Plan program is anticipated to be adopted by the BWSR Board in December 2015. A comment period and opportunities to learn about the experiences of the pilot watershed areas will be available prior to final adoption.

X. Update on the Implementation of the Minnesota Agricultural Water Quality Certification Program

Presenter: Matt Wohlman

Assistant Commissioner, Minnesota Department of Agriculture

Materials enclosed: Summer 2014 Newsletter

Issue before the Board: This is an update on the implementation of this new program.

Background: The Minnesota Agricultural Water Quality Certification Program (MAWQCP) is a voluntary program designed to accelerate adoption of on-farm conservation practices that protect Minnesota's lakes and rivers. Producers who implement and maintain approved farm management practices will be certified and in turn assured that their operation meets the state's water quality goals and standards for a period of 10 years.

Through this program, certified producers receive:

- Regulatory certainty: certified producers will not be subject to new water quality regulations during the period of certification
- Priority for technical assistance and cost share dollars for practices that protect water quality

Through this program, the public receives:

- Assurance that certified producers are using conservation practices to protect Minnesota's lakes, rivers and streams

The program is the product of a state-federal partnership that includes the Minnesota Department of Agriculture, the Minnesota Pollution Control Agency (MPCA), the Minnesota Board of Water and Soil

Resources (BWSR), the Minnesota Department of Natural Resources (DNR), the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS), and the U.S. Environmental Protection Agency (EPA).

A Memorandum of Understanding was signed on January 17, 2012, by Minnesota Governor Mark Dayton, U.S. Agriculture Secretary Tom Vilsack, and EPA Administrator Lisa Jackson. This document formalizes the state-federal partnership and confirms the joint commitment to developing and implementing the program.

The Memorandum of Understanding requested the creation of an advisory committee to make recommendations about the program. This committee is made up of a diverse group of stakeholders that made recommendations through a series of whitepapers. These recommendations were the basis for the program's legislation (MN Statute 17.9891) which was passed in 2013.

The Minnesota Agricultural Water Quality Certification Program is being piloted in four watersheds across Minnesota. In June, 2014, the Department began certifying Minnesota Farmers in this program.

XI. Adjourn

VISITOR PARKING MAP

MINNESOTA POLLUTION CONTROL AGENCY (MPCA)

BOARD OF WATER AND SOIL RESOURCES (BWSR)



MINNESOTA ENVIRONMENTAL QUALITY BOARD MEETING MINUTES

Wednesday, June 18, 2014
MPCA Room Board Room, 520 Lafayette Road N, St. Paul

EQB Members Present: Dave Frederickson, Mike Rothman, John Saxhaug, Erik Tomlinson, Kristen Eide-Tollefson, Tom Landwehr, Dr. Ed Ehlinger, Katie Clark-Sieben, Julie Goehring, Brian Napstad, John Linc Stine, Sandy Rummel (Met Council), Leah Hedman (Attorney General's Office)

EQB Members Absent: Spencer Cronk, Charlie Zelle, Kate Knuth

Staff Present: Will Seuffert (EQB), Kate Frantz (EQB), Megan Eischen (EQB), Caroline Magnuson (EQB), Erik Dahl (EQB), Anna Henderson (EQB), Beth Tegdesch (MPCA for EQB)

Chair Dave Frederickson called the meeting to order.

I. Adoption of Consent Agenda and Minutes

A motion to adopt the Consent Agenda and approve the May 21, 2014, meeting minutes was made and seconded.

II. Chair's Report

The Board's job today is to determine whether the Michelle and Tracie Erickson 19.11 acre mine site is a phased action to the Minnesota Sands multi-site EIS project. The audience was asked if they had any new information they think the Board would be interested in or could use as they move forward in the discussion.

III. Executive Director's Report

Will Seuffert made a couple of brief announcements. The Climate Change Subcommittee meeting presentations will be posted on the EQB website. Rulemaking advisory panel met yesterday and it is their intent to have a proposal before the Board for consideration and discussion in September. We are looking at traveling off site at the August meeting; will follow up with details.

Staffing updates: Heather Arends, DNR staff, will be working temporarily for the EQB on a part time basis to be the lead on silica sand issues.

IV. Whether the Michelle and Tracie Erickson 19.11 acre mine site is a phased action to the Minnesota Sands multi-site EIS project

Commissioner John Stine made a motion to table the decision at last month's meeting. Today he is making a motion to take the matter off the table. It was seconded, and all were in favor. Motion carries.

Discussion followed.

The following people provided testimony:

1. Marilyn Frauenkron Bayer, Land Stewardship Project
2. Johanna Rupprecht, Land Stewardship Project
3. Chase Squires, attorney representing the Houston County Board

Commissioner Mike Rothman made a motion to amend the Findings of Fact, Conclusions and Order. Under #8 of the Findings, he would like to add, after *Dissolution of Contract*, "and testimony received at the May 21, 2014, EQB Meeting." All voted in favor of the amendment. Comments, questions, and clarifications were made.

On the motion to adopt the Resolution and Findings as amended: 10 ayes and 1 abstaining; motion prevails.

V. Adjourn

If you would like to hear the audio recording of the June 18th Climate Change Subcommittee/EQB Board Meeting, click on the following link: ftp://files.pca.state.mn.us/pub/EQB_Board/

**STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD**

In the Matter of requests to determine
whether the Erickson 19.11 acre mine site
in Houston County is a phased action
of the Minnesota Sands, LLC
Multi-site Environmental Impact Statement.

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The above-captioned matter came before the Minnesota Environmental Quality Board (EQB) at a regular meeting on June 18, 2014, pursuant to a request for clarification by Houston County.

Based upon all of the proceedings herein, the Minnesota Environmental Quality Board makes the following:

FINDINGS OF FACT

1. The September 3, 2012, *EQB Monitor* published a notice that Houston County, acting as Responsible Governmental Unit (RGU), granted an Environmental Assessment Worksheet (EAW) for the Erickson Quarry Project in response to a citizen petition.
2. On March 5, 2013, the Houston County Board of Commissioners submitted a letter to the EQB, requesting the EQB reconsider the RGU for the multiple Minnesota Sands projects both in Houston County and in neighboring counties.
3. On March 20, 2013, the EQB reconsidered and renamed itself the RGU for the multi-site Minnesota Sands, LLC project.
4. In the EQB's Findings, Conclusions, and Order, the EQB found that the mining sites listed, including the Erickson 19.11 acre mine site, were phased actions of the Minnesota Sands, LLC multi-site project as defined by Minnesota Rules 4410.0200 Subp. 60.
5. Per Minnesota Rules 4410.2000 Subp. 4, phased actions must be considered in total for environmental review.
6. On March 25, 2014, EQB staff sent a letter to Minnesota Sands, LLC, requesting an update on the status of the Minnesota Sands, LLC projects, as well as clarification of the relationship between the Erickson site and Minnesota Sands, LLC. Specifically, the letter requested, "any past, current, or anticipated future association and include, but not be limited to, a partnership, ownership, shareholder, buyer, seller, processor, transporter, or relationship of any kind."
7. The EQB received a response on April 5, 2014, from Minnesota Sands, LLC that included a *Dissolution of Contract*, incorporated to these findings by reference.

8. According to the terms of the *Dissolution of Contract*, and testimony received at the May 21, 2014 EQB meeting, Mr. Richard Frick of Minnesota Sands, LLC and Tracie and Michelle Erickson are no longer under contract for Minnesota Sands, LLC to mine at the Erickson 19.11 acre mine site.

9. Minnesota Rule 4410.0200, Subp. 60 reads:

“Phased action” means two or more projects to be undertaken by the same proposer that a RGU determines:

A. will have environmental effects on the same geographic area; and

B. are substantially certain to be undertaken sequentially over a limited period of time.

Minn. R. 4410.0200, Subp. 60 (2011).

10. The Minnesota Sands, LLC multi-site project and the Erickson mine site are not proposed by the same project proposer.

11. Pursuant to MN Rules 4410.4300 Subp 9, a mandatory Environmental Impact Statement is required for non-metallic mineral mining projects, “For development of a facility of the extraction of mining of sand, gravel, stone or other nonmetallic minerals, other than peat, which will excavate 160 acres of land or more to a mean depth of ten feet or more during its existence.”

12. The remaining sites identified should move forward to scoping.

Based on the foregoing Findings of Fact, the Minnesota Environmental Quality Board makes the following:

CONCLUSIONS

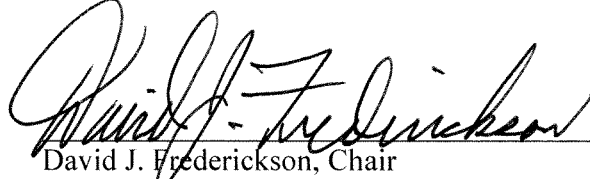
1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.
2. The Environmental Quality Board has jurisdiction over the subject matter of this proceeding pursuant to Minnesota Statutes chapter 116D and Minnesota Rules, 4410.
3. The Erickson 19.11 acre mine is not a phased action to the Minnesota Sands, LLC multi-site project pursuant to Minn Rule 4410.0200 Subp. 60.

Based on the Findings of Fact, Conclusions and the entire record of this proceeding, the Minnesota Environmental Quality Board hereby makes the following:

ORDER

The EQB orders a EIS for the Minnesota Sands, LLC multi-site project, without inclusion of the Erickson 19.11 acre mine site, as it is not a phased action.

Approved and adopted this 18th day of June, 2014.



David J. Frederickson, Chair
Minnesota Environmental Quality Board

Water Governance Evaluation – 2014 Update

“Streamline, strengthen and improve sustainable water management”

Environmental Quality Board
July 16, 2014

Topics:

1. Background and Purpose of the Study
2. Timeline of Water Legislation and Governance
3. 2014 Update: Current Implementation Efforts
4. Discussion: Next Steps



2011 Special Session

91.10 Sec. 33. EVALUATION REQUIRED.

- (a) The Pollution Control Agency, in conjunction with other water agencies and the University of Minnesota, shall evaluate water-related statutes, rules, and governing structures to streamline, strengthen, and improve sustainable water management.
- (b) The Pollution Control Agency must submit the study results and make recommendations to agencies listed under paragraph (a) and to the chairs and ranking minority party members of the senate and house of representatives committees having primary jurisdiction over environment and natural resources policy and finance no later than January 15, 2013.



Need for Study

- q Inconsistencies among agency missions and enabling laws
- q Difficulty in implementing 'systems thinking' across agencies
- q Complex patchwork of local governments and water management organizations
- q Decline in local government capacity
- q "Ground-level" complexity breeds confusion and mistrust
- q Agencies typically must react to external proposals; this is an opportunity to identify and develop recommendations from within the executive branch



Water management and the regulatory landscape

State Agencies

- DNR
- MPCA
- Board of Water and Soil Resources (BWSR)
- Department of Agriculture
- Department of Health
- Public Facilities Authority (DEED)
- MnDOT (permittee, etc.)
- Mn Geological Survey

Regional Agencies

- Metropolitan Council
- River Basin Boards and Commissions

Local Entities

- Counties, Cities, Townships
- SWCDs
- Watershed Districts
- Etc.

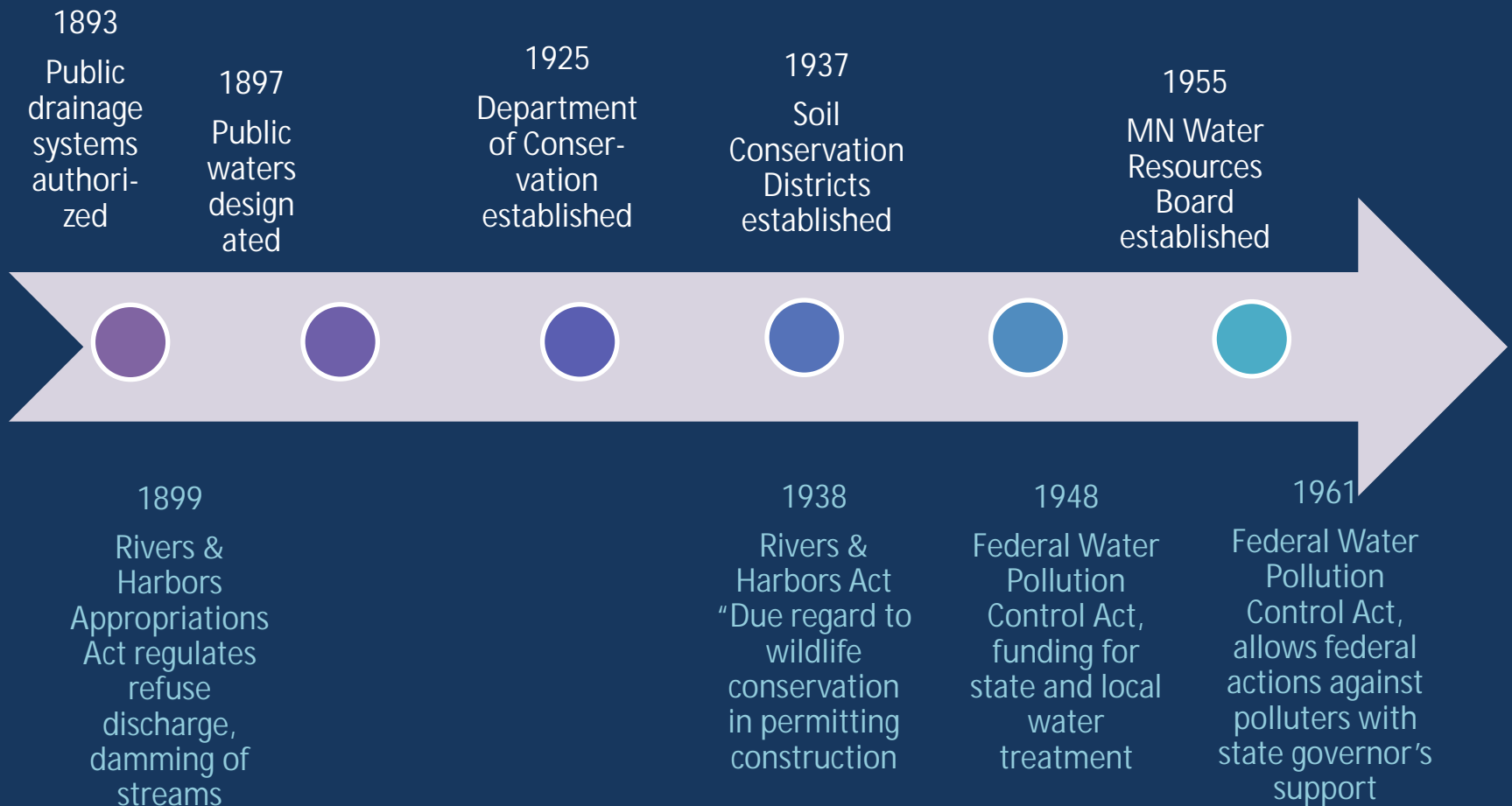
Functions

- Drainage
- Public Waters Regulation
- Water Use and Appropriation
- Flooding
- Pollution Prevention and Control
- Water Quality
- Shoreland Management
- Groundwater Protection
- Wetland Conservation
- Drinking Water
- Public Health Risk Assessment
- Water Well Construction
- Low Cost Public Infrastructure Financing

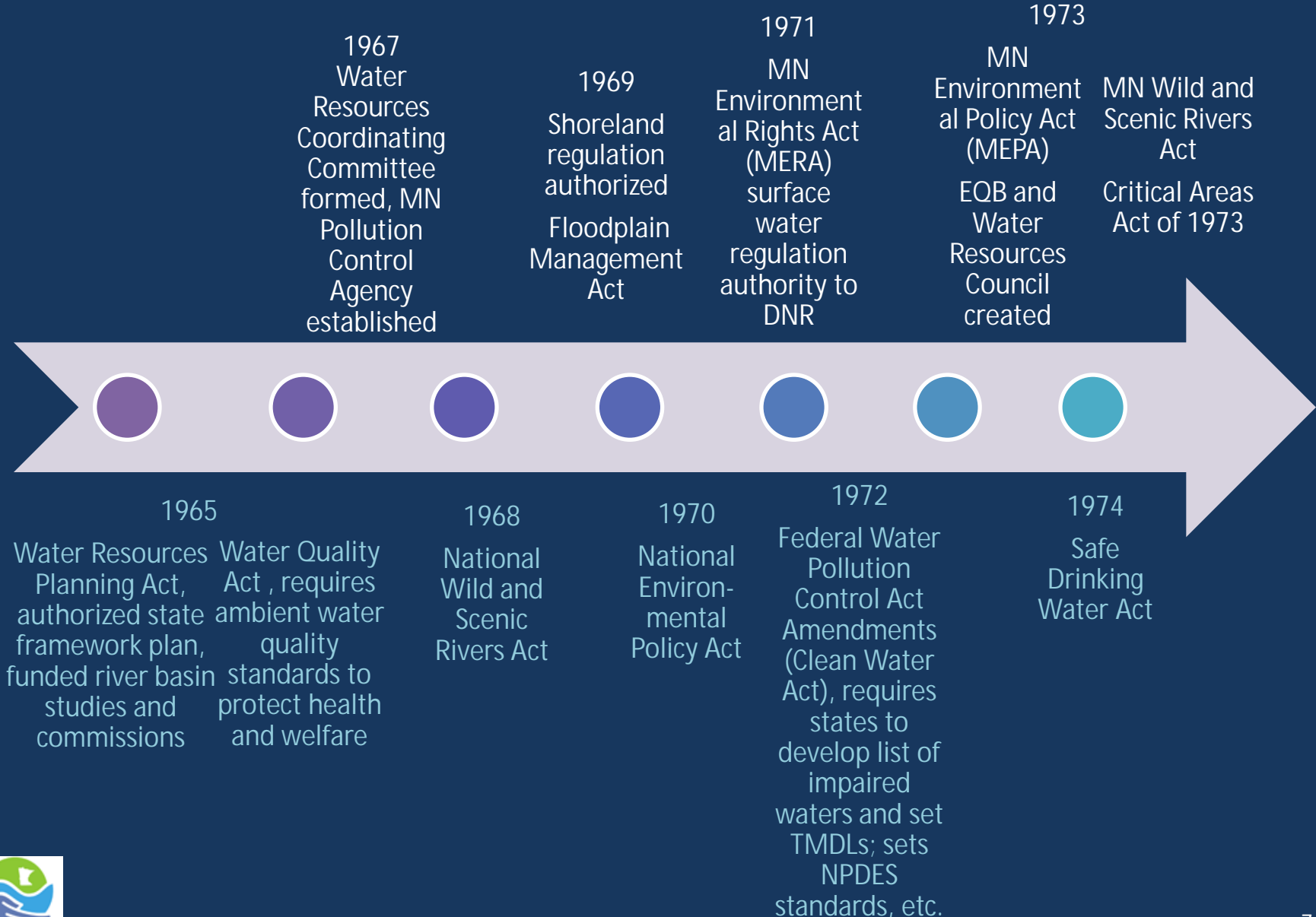
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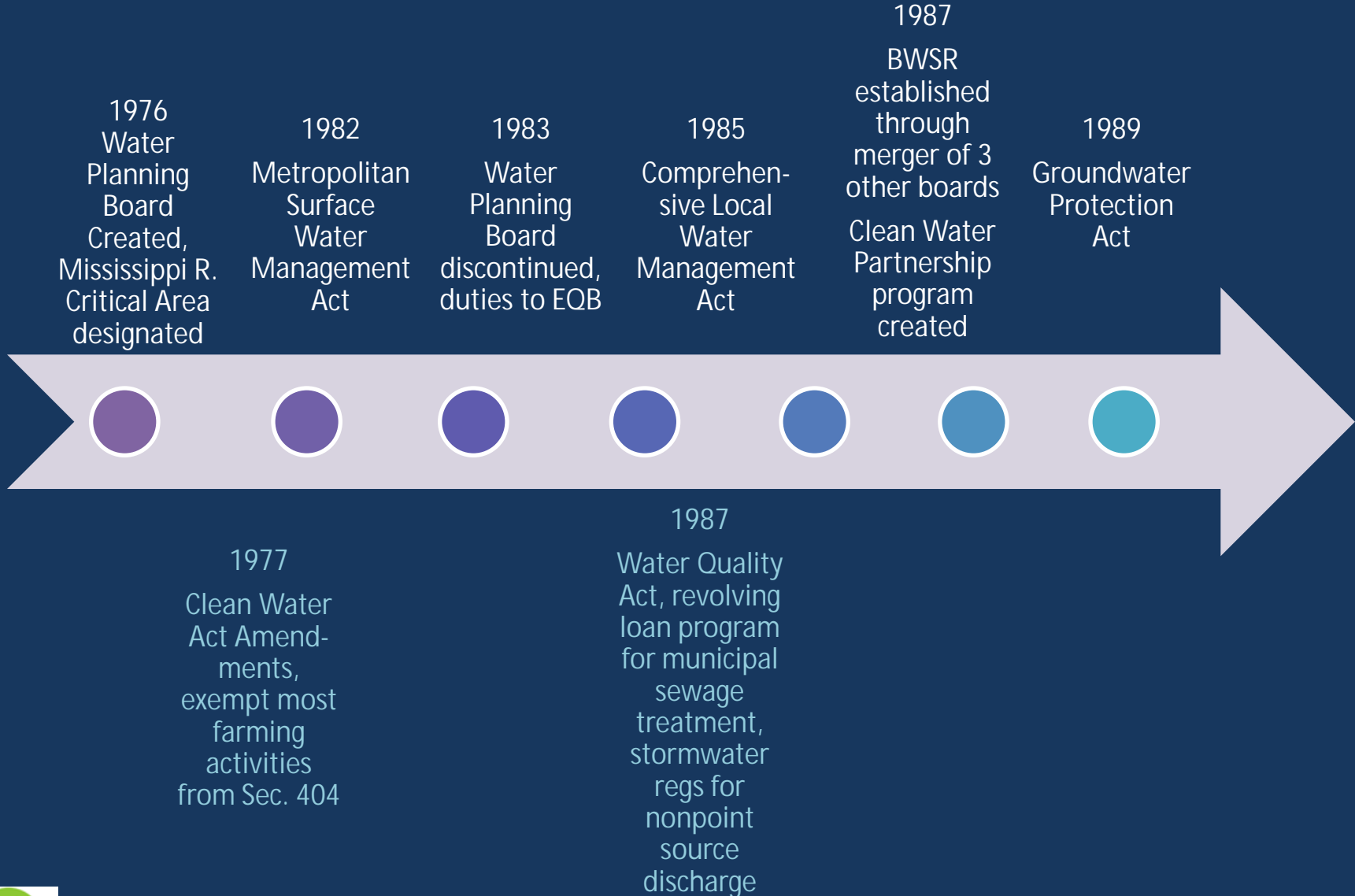
Water governance timeline



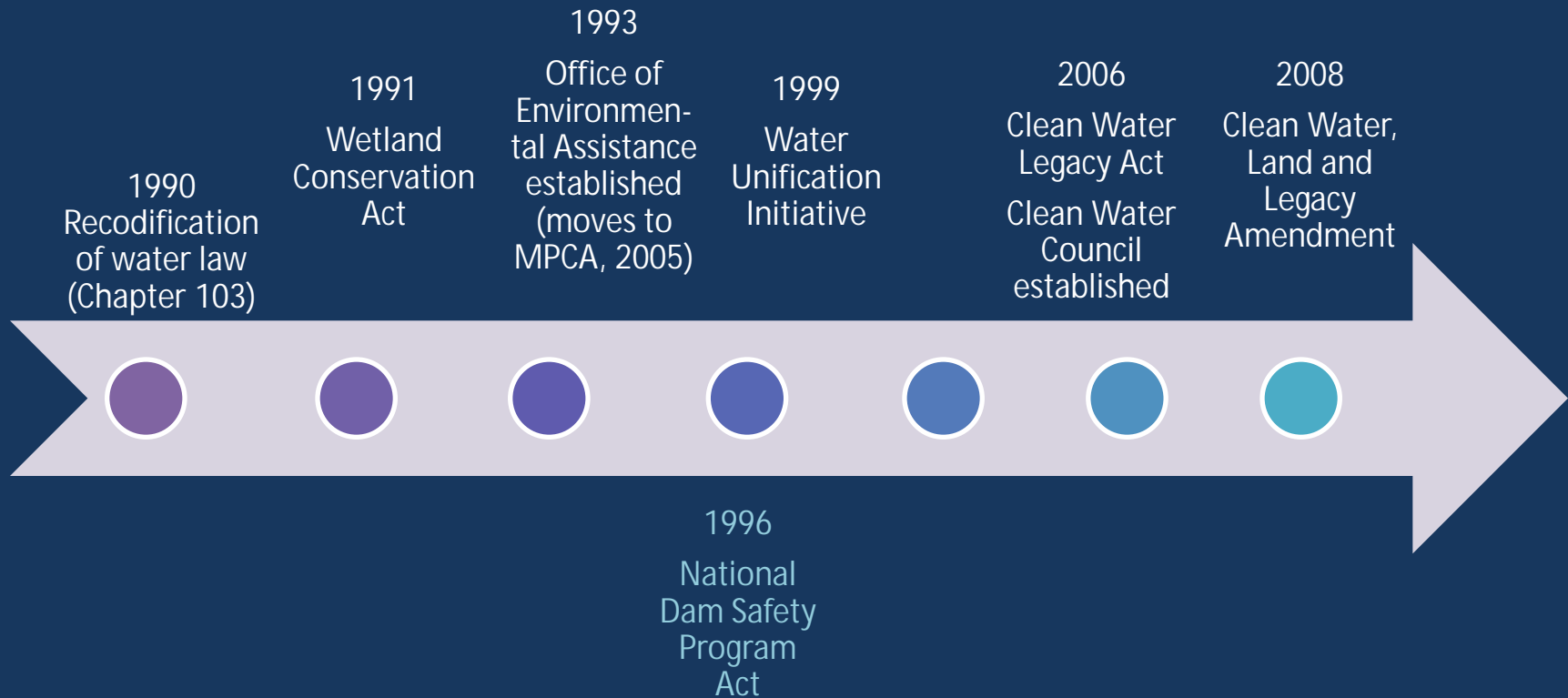
Water governance timeline



Water governance timeline



Water governance timeline



Related Activities, 2012 - 2013

- q EQB Governance study and Environmental Congress
- q Wetlands Executive Order (EO 12-04) – BWSR to evaluate and improve wetland protection, restoration, coordination efforts
- q Agricultural Water Quality Certification Program
- q Local Government Roundtable / BWSR: One Watershed – One Plan” 2012 legislation

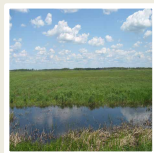


Project Activities

- q State Agency Work Group
 - § MPCA
 - § DNR Ecological and Water Resources
 - § Department of Health
 - § Department of Agriculture
 - § Board of Water and Soil Resources
 - § Metropolitan Council
- q Survey of Agency Staff and Partners
- q Internal and Partners Review



Structural Recommendations Relate to 3 Levels of Government



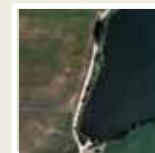
State

- MPCA
- DNR
- Health (MDH)
- Agriculture (MDA)
- BWSR
- Other Agencies (MnDOT, PFA, EQB, LCCMR, etc.)



Regional

- Metro Council
- Regional Development Commissions
- River Boards and Commissions
- Other Organizations



Local

- County Governments
- SWCDs
- Watershed Districts
- Lake Improvement Districts
- Other Organizations (lake associations, etc.)



Structural Recommendations

State responsibility: A synchronized approach to water management

Improve delivery of water management services

Implement water management at watershed scale



Resource-Oriented Recommendations

Public Waters and Wetlands: Improve Alignment of Statutes, Rules, Regulatory Processes

Groundwater Management: Interagency Consensus and Usable Standards

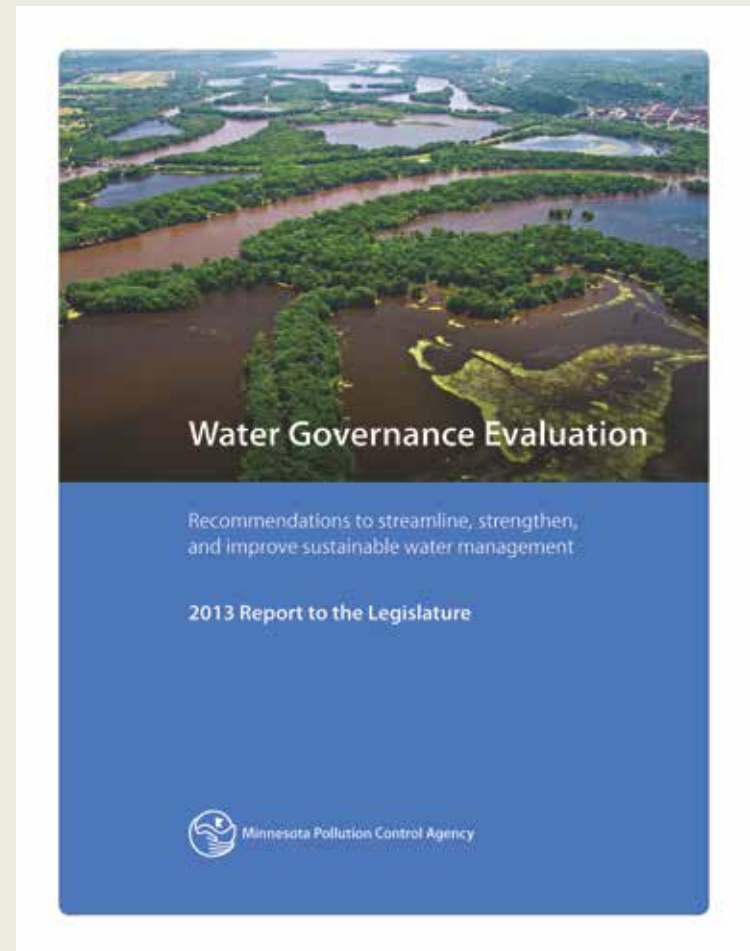
Re-Link Land Use and Water Management

Support and Strengthen Landowner and Occupier Efforts



Implementation?

- q Final Report submitted to Legislature, January 15, 2013



Implementation

- q Work group: identify potential actions:
 - § Initiatives completed or in progress
 - § New initiatives
 - § Issues in need of further legislative action or direction



Water Governance Evaluation: Update 2014

Recommendations to streamline, strengthen, and improve sustainable water management

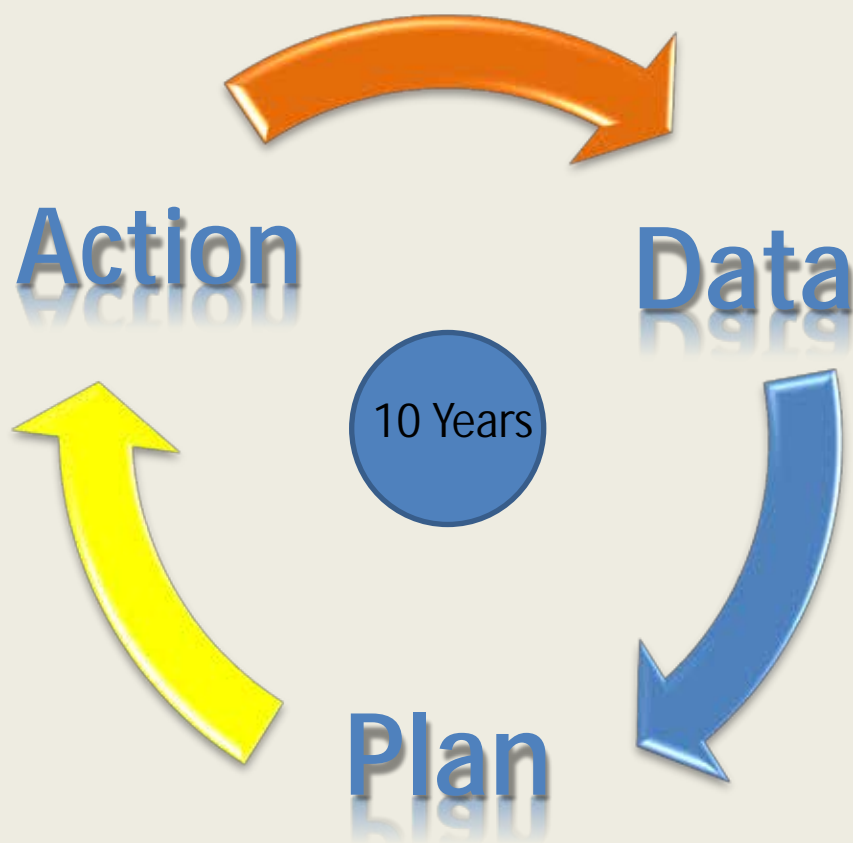


Minnesota Pollution
Control Agency

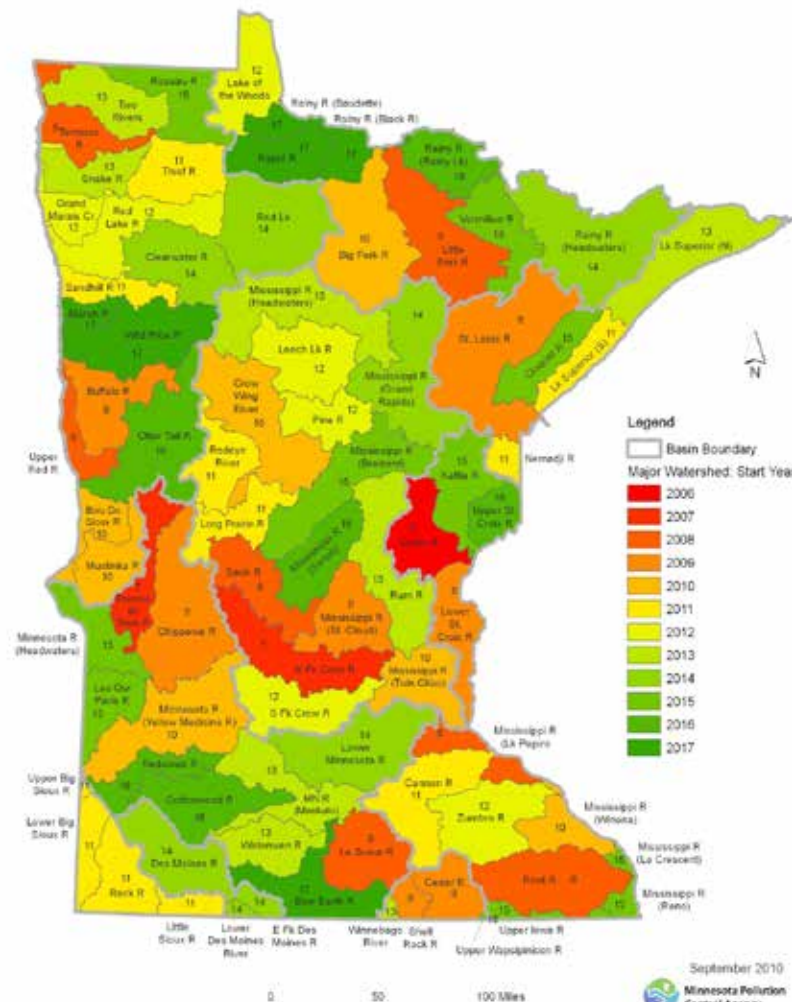
April 2014



The Watershed Approach



Watershed Approach Projects



State Water Management Initiatives

- q “A more formal mechanism for lateral coordination among state agencies”
- q Clean Water Fund Interagency Coordination Team – the watershed approach



Groundwater Management: Initiatives

- q DNR:
 - § Draft Groundwater Management Strategic Plan
 - § Pilot Groundwater Management Areas
 - § Research and monitoring accelerated
 - § Recommendations to Legislature
- q DNR & MDH: Water appropriations and well construction approvals partially integrated
- q CWF ICT: Groundwater version of the WRAPS cycle
- q Water Reuse Interagency Work Group (MDH-sponsored) defining issues and obstacles

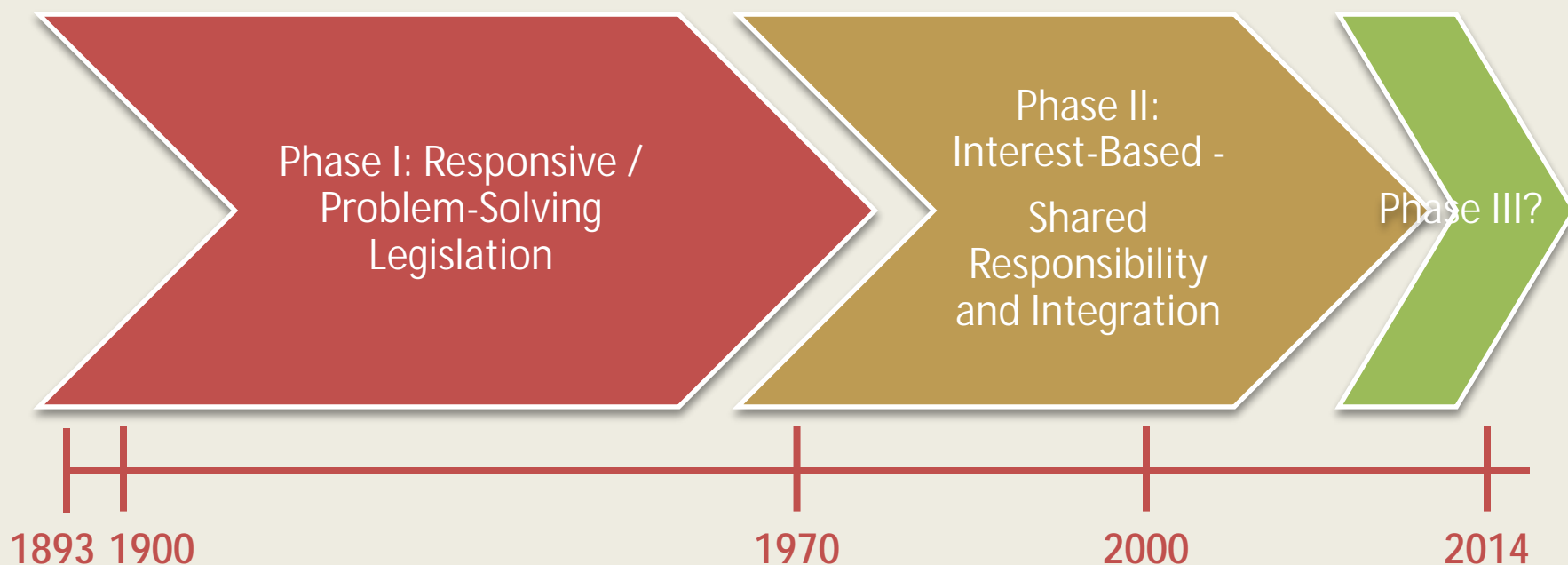


Recent Reports and Agency Initiatives

- q MDA: Ag Water Quality Certification – 4 pilot areas; *Draft Nitrogen Fertilizer Management Plan*
- q BWSR: One Watershed One Plan pilots; Soil Erosion and Drainage Law Compliance Program; Targeted Watershed Demonstration Program; Nonpoint Priority Funding Plan
- q MPCA: *Nitrogen in Minnesota Surface Waters; Draft Minnesota Nutrient Reduction Strategy*
- q DNR/BWSR: Realignment of public waters/WCA wetlands; shoreland protection grant program; research on ag shoreland buffer compliance



Eras of Water Governance



Future Directions of Water Governance Work

- q MPCA-initiated interagency effort thus far
- q Role of CWF Interagency Coordination Team?
- q Role of EQB?



Appendix B: Timeline of Water Resources Legislation and Governance in Minnesota

Year	Federal Legislation and Actions	Minnesota Legislation and Actions	Selected Water-Related Studies
1883		County commissioners authorized to establish public drainage systems (Laws 1883, c. 108)	
1897		Public waters designated - meandered lakes and streams supporting beneficial uses (Laws 1897, c. 257)	
1899	River and Harbors Appropriation Act (33 USC §407) prohibits discharge of solid refuse into navigable waters, regulates damming of streams and bridge, dock and pier construction		
1925		Departments of Health, Drainage and Waters and Conservation created (Minn. Stat. 1925 c. 426)	
1935	Soil Conservation Act (PL 74-46) establishes Soil Conservation Service		
1937		MN Soil Conservation Districts Law establishes process for creating soil conservation districts to control erosion; districts may enact land use regulations, State Soil Conservation Committee established (Laws 1937, c. 441 §1) Public waters system expanded; no obstruction without conservation commissioner's approval (Laws 1937, c. 468 §5)	
1945		State Water Pollution Control Act creates MN Water Pollution Control Commission (Laws 1945, c 395 §§1-12)	
1947		Drainage of public waters restricted , public waters definition includes some wetlands (1947 Laws, c. 142)	
1948	Federal Water Pollution Control Act (PL 80-845) provides funding for state and local water treatment		
1954	Watershed Protection and Flood Prevention Act (PL 83-566) provides planning and funding for flood control projects		
Gov. Orville Freeman Administration			
1955		Minnesota Watershed Act (Laws 1955, c. 799) (§103D.201). Drainage code amended to require consideration of conservation MN Water Resources Board established, authorized to create watershed districts	
1957		State interest in public waters defined (Laws 1957, c. 502)	

Continued

Year	Federal Legislation and Actions	Minnesota Legislation and Actions	Selected Water-Related Studies
Gov. Elmer Anderson Administration			
1961	Federal Water Pollution Control Act Amendments (PL 87-88) increase federal support for water treatment; allow federal action against polluters with state governor's consent		
Gov. Karl Rolvaag Administration			
1963	Land and Water Conservation Fund created		
1965	Water Quality Act (PL 89-234) requires states to issue water quality standards for interstate waters Water Resources Planning Act (PL 89-90) authorizes state framework plan, funds river basin studies and commissions		
Gov. Harold LeVander Administration			
1967		Water Resources Coordinating Committee formed to carry out federal WRP Act. MN Pollution Control Agency established (Laws 1967, c. 882, §§1-11) State Soil Conservation Committee becomes Soil & Water Conservation Commission Metropolitan Land Planning Act (Laws 1967, c. 896, §§1-9) establishes Metropolitan Council	
1968	National Wild and Scenic Rivers Act (PL 90-542)	Upper St. Croix River designated National Wild & Scenic River	
1969		Shoreland regulation authorized (Laws 1969, c. 777; MS 103F) Floodplain Management Act (Laws 1969, c. 590, §1; 103F)	
1970	National Environmental Policy Act (NEPA) (PL 91-190), Clean Air Act Amendments (PL 91-604); US EPA established		State Planning Agency, Water Resources Coordinating Committee. <i>Minnesota Water and Related Land Resources: First Assessment.</i>
Gov. Wendell Anderson Administration			
1971		MN Environmental Rights Act (MERA) (Laws 1971, c. 952); surface water regulation authority to DNR (Laws 1971, c. 636 s 28); Southern Minnesota Rivers Basin Council formed	

Continued

Year	Federal Legislation and Actions	Minnesota Legislation and Actions	Selected Water-Related Studies
1972	<p>National Dam Inspection Act of 1972 (PL 92-367); Coastal Zone Management Act</p> <p>Lower St. Croix River designated National Wild & Scenic River (PL 92-560)</p> <p>Federal Water Pollution Control Act Amendments (Clean Water Act) require states to develop list of impaired waters, set TMDLs. EPA authority to regulate point sources. USACE permitting authority for dredging/filling in waters of the U.S.</p>		
1973		<p>MN Environmental Policy Act (MEPA) (Laws 1973, c. 412); waters of state redefined to include wetlands (c. 315 §§2-4)</p> <p>Environmental Quality Board created (Laws 1973, c. 342 §§1-9). MN Water Resources Council created by Executive Order</p> <p>Minnesota Wild and Scenic Rivers Act (Laws 1973, c. 271; 103F §§301-345); state program established</p> <p>Lower St. Croix Wild and Scenic River Act (Laws 1973, c. 246, §§1-2)</p> <p>Critical Areas Act of 1973 (Laws 1973, c. 752 §1) establishes process for designating areas of critical concern (EQB & Governor).</p> <p>Lake Improvement Districts authorized (Laws 1973, c. 702 §§1-22)</p>	
1974	Safe Drinking Water Act (PL 93-523)	<p>MPCA authorized to regulate NPDES, SDS water quality permits</p> <p>SWCC (1967) becomes Soil & Water Conservation Board</p>	
1976	Resource Conservation and Recovery Act (PL 94-580), Toxic Substances Control Act (PL 94-469)	<p>DNR directed to inventory and designate water bodies serving a “beneficial purpose” as public waters (Laws 1976, c. 83, §7); DNR must offer to purchase drainage rights (c. 83, §8).</p> <p>Water Planning Board created. Mississippi River Critical Area designated by Executive Order.</p>	University of Minnesota Center for Studies of the Physical Environment. <i>Environmental Decision-Making in Minnesota: An Overview, Applicability of Innovations in Other States to Minnesota, and Alternatives</i> . Report to the State Planning Agency.
Gov. Rudy Perpich Administration			
1977	Clean Water Act of 1977 (amendments to 1972 CWA). Section 208 of Clean Water Act requires water quality planning effort. Surface Mining Control & Reclamation Act (PL 95-87)	Water Planning Board Framework planning process begins. SWCD Cost-Share Program established.	
1978		Dam safety programs and inspections authorized (Laws 1978, c. 779). DNR establishes Dam Safety Grants program.	
Continued			

Year	Federal Legislation and Actions	Minnesota Legislation and Actions	Selected Water-Related Studies
Gov. Al Quie Administration			
1979		Certain wetlands defined as public waters (Laws 1979, c. 199, §3 and §103G.005) Executive Order 79-19, continues Critical Area designation for urban Mississippi River	Minnesota Water Planning Board. <i>Toward Efficient Allocation and Management: A Strategy to Preserve and Protect Water and Related Land Resources.</i>
1980	Comprehensive Environmental Response, Compensation and Liability Act ("Superfund" program) (PL 96-510)	WPB directed to study local management of water resources (Laws 1980, Chap 548)	
1981			Minnesota Water Planning Board. <i>Toward Efficient Allocation and Management: Special Study on Local Water Management.</i>
1982		Metropolitan Surface Water Management Act (Laws 1982, c. 509) - establishes watershed management organizations in Metro area	<i>Partnerships in Water Management: Minnesota's Challenge of the 1980s.</i> Summary of the Special Study on Local Water Management.
Gov. Rudy Perpich Administration			
1983		Water Planning Board discontinued; duties to EQB	
1984			<i>State and Local Water Planning Issue Team Report.</i> Minnesota State Government Issues: Executive Branch Policy Development Program.
1985	Food Security Act of 1985 (Farm Bill, PL 99-198) creates Conservation Reserve Program (CRP), sodbuster and swampbuster provisions	Comprehensive Local Water Management Act (§103B.301 to 103B.355)	<i>Ground Water Management Strategy Issue Team Report.</i>
1986			<i>Nonpoint Source Pollution Issues Team Report.</i>
1987	Water Quality Act of 1987 (PL 100-4) amends CWA, requires industrial stormwater dischargers and municipal separate storm sewer systems ("MS4") obtain NPDES permits	Board of Water and Soil Resources created from Water Resources Board, Soil and Water Conservation Board, and So. Minn. Rivers Basin Council (Laws 1987, c. 358, §103). Clean Water Partnership Act (Laws 1987, c. 392, §§1-12), institutes funding program and requirements for nonpoint source management DNR need not offer compensation for public water wetland drainage rights (Laws 1987, c. 357, §20)	EQB. <i>Protecting Minnesota's Waters: An Agenda for Action in the 1987-1989 Biennium.</i>
1988	Mississippi National River and Recreation Area (MNRRA) designated	Environmental & Natural Resources Trust Fund created to receive proceeds from Minnesota Lottery	EQB. <i>A Strategy for the Wise Use of Pesticides and Nutrients.</i>
1989		Groundwater Protection Act (Laws 1989, c. 326, codified as MS §§103H.001-103H.280)	EQB. <i>Protecting Minnesota's Waters: Priorities for the 1989-1991 Biennium.</i> MN Planning. <i>The Minnesota Ground Water Protection Act of 1989: A Summary.</i>
1990		Recodification of Water Law (Laws 1990, c. 391, codified as MS §§ 103A-103)	
Continued			

Year	Federal Legislation and Actions	Minnesota Legislation and Actions	Selected Water-Related Studies
Gov. Arne Carlson Administration			
1991		Wetland Conservation Act (Laws 1991, c. 354). Draining and fill impacts to non-public waters wetlands regulated. No net loss in wetland public value.	EQB. <i>Minnesota Water Plan: Directions for Protecting and Conserving Minnesota's Waters.</i> EQB. <i>Water Quality Program Evaluation. Overview Adopted by Minnesota EQB.</i>
1992	Pilot Wetland Reserve Program established (1990 Farm Bill, PL 101-624)		EQB. <i>1991 Minnesota Water Research Needs Assessment.</i> EQB. <i>The Minnesota Water Monitoring Plan.</i>
1993		Office of Environmental Assistance established	
1994	MNRRRA Plan completed, incorporates MN Critical Areas, Floodplain and Shoreland requirements by reference. Wetland Reserve Program goes national, Soil Conservation Service becomes NRCS.		EQB. <i>1995-97 Water Policy Report: A Focus on Ground Water.</i>
1995	MNRRRA Plan approved	Environmental reorganization bill (Laws 1995, c. 248, art. 5) directs 1996 "Cross-currents" report. Mississippi Critical Area management shifted from EQB to DNR by administrative reorganization order.	EQB. <i>Meeting Minnesota's Water and Wastewater Needs: A Working Paper.</i>
1996	Food Quality Protection Act National Dam Safety Program Act of 1996, Public Law 104-303		EQB. <i>Saving Resources: Meeting Minnesota's Water and Wastewater Needs.</i> MN Planning. <i>Crosscurrents: Managing Water Resources.</i>
1998	Minnesota River is second Conservation Reserve Enhancement Program created	RIM matched with WRP and CREP, Red River Basin Flood Damage Reduction Work Group formed	EQB. <i>Soundings: A Minnesota Water Plan Assessment.</i>
Gov. Jesse Ventura Administration			
1999		Water Unification Initiative - E.O. 99-15	EQB. <i>Preparing for Minnesota Water Plan 2000. Public Review Draft.</i>
2000			EQB. <i>Minnesota Watermarks: Gauging the Flow of Progress 2000 - 2010. (MN Water Plan)</i>
2002		Laws 2001, First Special Session, c. 10, Art 1, § 11 directs Urban Rivers study preparation	Minnesota Planning. <i>Connecting with Minnesota's Urban Rivers: Helping Cities Make Sustainable Choices for the Future.</i> EQB. <i>Charting a Course for the Future: Report of the State Water Program Reorganization Project.</i>

Continued

Year	Federal Legislation and Actions	Minnesota Legislation and Actions	Selected Water-Related Studies
Gov. Tim Pawlenty Administration			
2003		Governor's Clean Water Initiative, Clean Water Cabinet	
2005		Office of Environmental Assistance becomes a PCA division	EQB. <i>Protecting Minnesota's Waters: Priorities for the 2005-2007 Biennium</i> . A Biennial Report of the Environmental Quality Board.
2006		Clean Water Legacy Act (Laws 2006, c. 251, §§1-17). Clean Water Council established.	
2007	CRP enrollment peaks in Midwest.		EQB. <i>Protecting Minnesota's Waters: Priorities for the 2008-2009 Biennium</i> . A Biennial Report of the Environmental Quality Board. EQB and DNR. <i>Use of Minnesota's Renewable Water Resources: Moving Toward Sustainability</i> .
2008	Food, Conservation, and Energy Act of 2008 (Farm Bill, PL 110-234) increases support for ethanol production	Clean Water, Land and Legacy Amendment (MN Constitution, Article XI, §15) Clean Water Fund established. Lessard-Sams Outdoor Heritage Council created	EQB. <i>Managing for Water Sustainability: Report of the EQB Water Availability Project</i> . Freshwater Society. <i>Water is Life: Protecting a Critical Resource for Future Generations</i> .
2009		Laws 2009, c 172, art. 2, §33 directs U of MN to prepare Water Sustainability Framework	Citizens League. <i>To the Source: Moving Minnesota's Water Governance Upstream</i> .
2010		MN Session Laws 2009, c 37, § 4 directs DNR groundwater study preparation	DNR. <i>Long-Term Protection of the State's Surface Water and Groundwater Resources</i> .
Gov. Mark Dayton Administration			
2011		Water Governance Evaluation required (Laws 2011 1st Special Session, c 2, art. 4, §33); Governor's Executive Order #11-32 re EQB and environmental governance .	U of MN Water Resources Center. <i>Minnesota Water Sustainability Framework</i> .
2012		Governor's Executive Order #12-04 re wetland policy; "One watershed - one plan" legislation (Laws 2012, c 272, §32)	



One Watershed, One Plan

Evolution of water planning in Minnesota



Water Planning Timeline

1937: MN Soil Conservation Law

1938: MN's 1st Soil & Water Conservation District formed

1955: MN Watershed Act

1957: MN's 1st Watershed District

1982: MN Metro Surface Water Management Act

1985: MN Comprehensive Local Water Management Act (County Water Planning)

2012: One Watershed, One Plan (1W1P) legislation passed

2013-2014: 1W1P Program Development

Goal for 2015: Completion of first plan through 1W1P

June 2014



One Watershed One Plan

What is One Watershed, One Plan?

Minnesota has a long history of water management by local government (see sidebar). One Watershed, One Plan is rooted in this history and in work initiated by the Local Government Water Roundtable (Association of Minnesota Counties, Minnesota Association of Watershed Districts, and Minnesota Association of Soil and Water Conservation Districts). Roundtable members recommended that the local governments charged with water management responsibility should organize and develop focused implementation plans on a watershed scale.

The recommendation was followed by legislation that authorizes the Minnesota Board of Water and Soil Resources (BWSR) to adopt methods to allow comprehensive plans, local water management plans, or watershed management plans to serve as substitutes for one another; or to be replaced with one comprehensive watershed management plan. The legislation also requires BWSR to establish a suggested watershed boundary framework for these plans. This legislation is referred to as **One Watershed, One Plan**.

BWSR's vision for One Watershed, One Plan is to align local water planning on major watershed boundaries with state strategies towards prioritized, targeted and measurable implementation plans – the next logical step in the evolution of water planning in Minnesota.

What's happened so far?

In December 2013, the BWSR Board adopted a set of Guiding Principles to direct and influence the program's future policies and procedures. After a comment period, the Board adopted the Suggested Boundary Map in April 2014 (see page 2). Boundaries within this map are recommended *planning* boundaries with flexibility to adjust within certain criteria.

Finally, in June 2014 the BWSR Board approved a set of operating procedures and selected five watershed planning boundaries and for piloting One Watershed, One Plan: Red Lake River, Lake Superior North, North Fork Crow River, Yellow Medicine River, and Root River. These pilot watershed areas will organize and develop watershed-based plans over the next year and a half.

What's next?

The pilot watersheds areas will help BWSR develop, test, and inform the final One Watershed, One Plan program framework, policies, criteria, and guidance. Through the pilot process, local governments developing watershed-based plans developed within the framework will have:

- A shared understanding of the concepts of prioritized, targeted, and measured;
- Agreement on the expectations, benefits, and outcomes for implementing One Watershed, One Plan;
- A watershed-based plan, targeted by sub-watershed, where implementation activities will address the largest threats and provide the greatest measurable environmental benefit;

- Understanding of the procedures for substituting or replacing all or portions of existing water plans; and
- An understanding of next steps for coordinated funding and implementation.

The final One Watershed, One Plan program is anticipated to be adopted by the BWSR Board in December 2015. A comment period and opportunities to learn about the experiences of the pilot watershed areas, will be available prior to final adoption.

How do I stay informed?

For up-to-date information, a One Watershed, One Plan page is available on the BWSR website:

www.bwsr.state.mn.us/planning/1W1P/index.html.



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



Minnesota Agricultural Water Quality Certification Program

Summer 2014
UPDATE

Certifying that Minnesota's farms and waters can prosper together

Become a Water Quality Certified Farm!

The Minnesota Agricultural Water Quality Certification Program provides a voluntary opportunity for farmers and agricultural landowners to take the lead in implementing practices that protect our water. This is a new program that is in a pilot phase in four watersheds across the state. The purpose of the pilot phase is to gather feedback from local farmers and conservation professionals to improve and refine the program before it is available statewide.

Assessment

This program certifies farmers for managing the land within their operation in a way that protects water quality. Local technical staff works with farmers to assess their operations for certification. Agricultural operations are assessed based on:

- Physical field characteristics
- Nutrient management
- Tillage management
- Pest management
- Irrigation and drainage management
- Conservation practices

If the assessment identifies the need for additional conservation, priority technical and financial assistance will be available from both state and federal sources.

Why become certified?

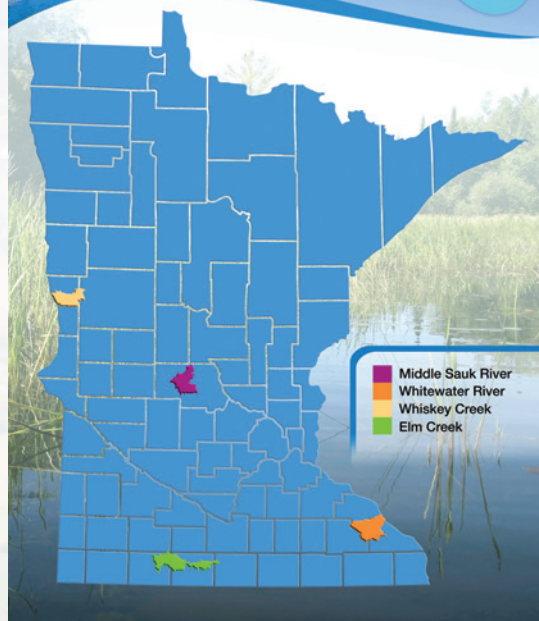
Certification provides recognition to farmers who are implementing new or additional conservation measures on their land. It also gives certified farms regulatory certainty; the regulatory environment will not change for the duration of their ten year certification. The public receives assurance that certified producers are implementing and maintaining conservation practices that protect Minnesota's lakes, rivers and streams.



"Conservation and agriculture work well together. The value of conservation is real and I hope people can see that."

Chuck Uphoff

Minnesota Agricultural Water Quality Certification Program Pilot Areas



If you are a farmer or landowner within one of the pilot areas, please contact your local SWCD or one of our pilot partners below to find out how you can become a Certified Farm!

Elm Creek

Rural Advantage
507-238-5449

Middle Sauk River

Stearns County SWCD
320-251-7800, ext. 3

Whiskey Creek

Buffalo-Red River Watershed District
218-354-7710

Whitewater River

Whitewater River Watershed Project
507-523-2171, ext. 110



www.mda.state.mn.us/awqcp

Background photo of Chisago County, MN by Kent Larson

Middle Sauk River pilot watershed



Chuck and Deb Uphoff
New Munich, Minnesota

Chuck Uphoff is a certified farmer in the Middle Sauk River pilot area. Chuck and his family have a diversified dairy operation with crop rotations of corn, alfalfa, and small grains. Chuck's interest in the Minnesota Agricultural Water Quality Certification Program was to advance his use of cover crops in his operation. "I think cover crops are essential for the direction we're going on our farm. They're going to be a major tool."

Chuck has been an exemplary conservationist in Stearns County. He has served on the Stearns County SWCD Board for 14 years, and chaired the board for eight years. He is also a member of the local advisory committee directing the Middle Sauk River pilot area. Chuck sees the value in participating in conservation programs, and encourages other farmers in the area, especially beginning farmers to invest in their operations.

"This program is an opportunity for people to try out new conservation on their farm and to see the value of these improvements."

Chuck Uphoff

Certification Process Piloted by Local Conservation Professionals

The Certification Program relies on the expertise of local conservation professionals to carry out the on-farm assessment of agricultural operations. These technical experts work through the assessment process of the program with landowners and operators seeking certification in the pilots.

Mark Lefebvre has been serving as the Stearns County Soil and Water Conservation District Nutrient Management Specialist for nine years. Mark says that conducting assessments has been an opportunity to have a conversation with those seeking certification. "The process has been beneficial because of the dialogue we have. Sometimes the farmers understand their management decisions better. Maybe they weren't crediting for second year alfalfa or maybe there is a conservation practice they haven't considered before."

Those interested in seeking certification first commit to the program through an application form. Formal application establishes producers' eligibility for dedicated program funds. This form also ensures that existing water quality laws and rules are already addressed.

The next step is for the operation to be evaluated through a process utilizing an Assessment Tool. The Assessment Tool is a unitless index from 1 to 10. The threshold for certification eligibility is a score of 8.5. technical staff are typically collecting information and entering the data before meeting with the farmers. According to Mark Lefebvre, "It is time consuming, but the more information I have up front the less time the farmer has to spend with me. I run most of the management through the tool before we visit."

If the producer chooses to change management or add a conservation practice, technical and financial assistance is available specifically for this program. Once the operation is up to certification standards, it can be formally certified. Certification comes with a ten year period of regulatory certainty. All data collected through this program will remain private, including the name and location of the certified farmer unless that farmer chooses to be publically recognized.

MAWQCP Pilot Advisory Committees Provide Feedback

The input of leaders in each pilot area is important to ensure the program meets local needs. Each pilot has formed a local advisory committee that provides a forum for discussion about the implementation of the program. These local advisory committees are comprised of farmers, crop advisors, conservation professionals, and industry leaders.

The Whitewater River Watershed Project has been utilizing the expertise of local leaders through their Farmer-Led Council which is made up of local producers. Representatives



Mark Lefebvre (right), Stearns County SWCD Nutrient Management Specialist verifying conservation practices in the field.

on this council provide input on a variety of water quality projects happening in the watershed. This model has been very effective in expanding awareness about water quality issues, as well as empowering farmers to influence decisions that solve these issues.

Jim Frederick, chair of the Farmer-Led Council and member of the Whitewater River pilot advisory committee said, "The two main goals of the Council are to improve water quality while keeping farming profitable. Certainly water quality is first, but maintaining profitability has to be a component to meet the goals for water quality." The Farmer-Led Council has worked on numerous projects including providing input on local TMDL projects and citizen engagement.

The certification program's local advisory committee in the Whitewater River pilot has some overlapping members with the Farmer-Led Council. According to Jim Frederick, "The Ag Water Quality Certification committee has a wider spectrum of people involved. There are co-op representatives and farm management professionals with farmers. It's a good group of people with more perspectives than our council." Jim thinks this model of engagement will benefit the development of the Certification Program. "We need to have a recognition that farmers are taking positive steps. We also need to get the message out that more work still needs to be done."

Open Houses Held in Each Pilot Watershed

Open houses were hosted by each of the pilot areas this spring. These meetings were an opportunity for farmers in the pilots to learn more about the program, hear from some of the local advisory committee members, and talk with local technical staff about getting their farm assessed.

"I was very impressed by the turnout at each of these meetings," said Matthew Wohlman, Assistant Commissioner at the Minnesota Department of Agriculture. "It just shows the level of engagement in these communities with regard to addressing water quality and conservation issues."

A panel of representatives from the local advisory committees presented and was available to answer questions about program implementation. Many of the farmers on these panels have already had their farms assessed and are working through the process to certification. They were able to explain their experiences and opinions about the assessment process and the program.

Darwin Roberts, a corn and soybean farmer and member of the Elm Creek local advisory committee spoke on the open house panel. He said, "We know water quality issues will be staring us in the face in upcoming years. As you assess your operation, we have some good opportunities for EQIP* through NRCS. It gives everyone a chance to plan for our next generation and go about it with an approach that is going to solve the problem."

**More information about the Environmental Quality Incentives Program (EQIP) can be found on the Natural Resources Conservation Service (NRCS) website or by contacting your local NRCS office.*



An open house was held in Trimont, Minnesota located in the Elm Creek pilot area. More than 60 farmers were present to learn more about the program.

Whitewater River pilot watershed



Glen and Tammy Haag
Lewiston, Minnesota

Glen and Tammy Haag have a certified beef, corn, soybean and alfalfa operation among the rolling hills of the Whitewater River pilot area. Glen is active in the community, serving as a member of the Whitewater Joint Powers Board's Farmer-Led Council and on the Whitewater River pilot area local advisory committee.

When asked about his experience with the Certification Program, Glen explained that he liked the flexibility of the program. "I think there are a number of ways you can do it. There are a lot of management styles to choose from and there are tools to be used for each of them in my mind."

"We're stewards of the land. We want to pass this onto the next generation."

Glen Haag

Knowledge, Attitudes, and Practices Surveys Beginning in Pilot Areas

At the beginning of a new program it is important to think about evaluation. How will we determine if the program had a positive impact? A “KAP” survey is being conducted in each of our pilots to provide information about the Knowledge, Attitudes, and Pactices surrounding local water quality challenges. This type of survey is used widely throughout the world to understand health and environmental issues and is specific to a local region. The KAP Surveys for this program are being developed in part by members of each pilot’s local advisory committee and researchers from the University of Minnesota. Each pilot advisory committee will identify watershed-specific topics to be covered in the survey with regard to the Certification Program.

The results of this study will inform the development of the program by helping to understand local needs as well as differences across regions. The outcomes of the study will provide information about incentives and how to best conduct communications and outreach efforts. It will also identify constraints and challenges agricultural producers in the area face.

A baseline study conducted at the onset of the pilot and a second-round study at the end of the pilot will show the impact of the efforts of the MAWQCP and what changes should be made to best serve the farmers and local communities within the pilots. A randomly selected sample of farmers or landowners in each pilot watershed will receive a mailed survey to fill out. If you do receive a survey, please fill it out to ensure accurate and effective results!



Members of the Whiskey Creek Pilot Advisory Committee conduct the initial KAP Study Gap Analysis which is used to develop the survey.



In accordance with the Americans with Disabilities Act, this information is available in alternative forms of communication upon request by calling 651-201-6000. TTY users can call the Minnesota Relay Service at 711 or 1-800-627-3529. The MDA is an equal opportunity employer and provider.

www.mda.state.mn.us/awqcp

Phone: 651-201-6489

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Water Quality Certification Program
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625 Robert Street North
St. Paul, MN 55155-2538

