

MASWCD Policy Positions 2009

updated August 10, 2009



**A Compilation of All Standing Resolutions
Along with Policies Developed by the MASWCD
Board of Directors**



Minnesota Association of Soil and Water Conservation Districts
www.maswcd.org

MASWCD POLICY DEVELOPMENT

Each year, MASWCD membership utilizes the resolutions process as a means for members to voice concerns or opinions to influence change within the organization.

Resolutions are initiated at the local, grassroots level and must be approved by a member SWCD to move forward to the Area level. At the Area level, a resolution must pass by a majority vote to be considered at the state level.

The eight Area Directors then forward resolutions that passed at the Area level to the MASWCD Board of Directors, the board on which they serve. The MASWCD Board directs the Resolutions/Policy Committee to review the resolutions in order to consolidate identical resolutions, clarify intent when necessary and identify those which are already MASWCD policy. The Committee then presents its recommendations to the Board.

Upon the Board's review, the resolutions go out to member districts for statewide pre-convention balloting. This process is a means to limit debate on the floor of the convention on resolutions for which the membership is in strong agreement for or against. Through pre-convention balloting, each supervisor of a member-SWCD is eligible to vote once on each resolution to approve, disapprove or bring to the floor of the Annual Convention for discussion or amendment. One ballot is used per district to tally supervisor votes. The ballots are sent back to the MASWCD office to be tallied. The following rules apply to the pre-balloting process:

- **APPROVE:** If 66 percent of all supervisors whose ballots are received vote to APPROVE a resolution, the resolution will be deemed as moved and seconded for adoption at the annual meeting.
- **DISAPPROVE:** If 66 percent of all supervisors whose ballots are received vote to DISAPPROVE a resolution, it will automatically be rejected, with no further action at the annual meeting.
- **DISCUSSION, AMENDMENT:** If 34% of all supervisors whose ballots are received vote to BRING THE RESOLUTION TO THE CONVENTION FLOOR FOR FURTHER DISCUSSION OR AMENDMENT, it will be brought to the MASWCD annual meeting for further action. This provision overrides the first two, in the event that this condition and one of the above conditions are both met.

Resolutions which move forward as a result of pre-convention balloting are addressed during the business meeting portion of the MASWCD Annual Convention. Resolutions voted on from the convention floor require a majority vote for passage. MASWCD provides a parliamentarian to address *questions of amendment procedure, etc.* When a resolution passes, either through pre-balloting or on the convention floor, it then becomes MASWCD policy to support that resolution.

What follows is a compilation of all standing MASWCD resolutions. Also included are policies developed by the MASWCD Board of Directors.

* during appropriate legislative session – biennial budget odd years, capital budget (bonding) even years

** if federal program or issue involved

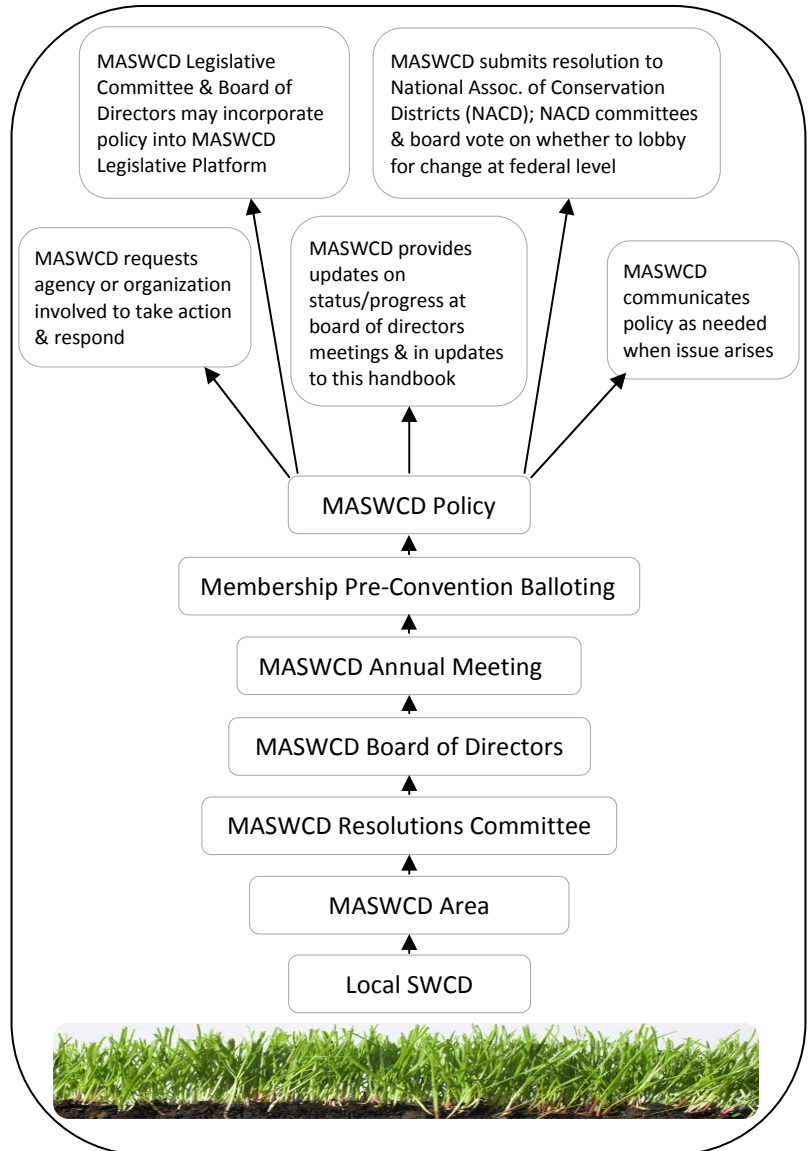


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Section 1 – MASWCD Operations

Changing MASWCD Area Boundaries to Match TSA Boundaries

01-2008

The membership directs the MASWCD Board of Directors to revise the current MASWCD Areas to be in conformity with the Technical Service Areas (TSA) boundaries no later than March 1st, 2009. The change in boundaries will improve the focus of MASWCD areas demographically and ecologically. Having the boundaries the same will increase the efficiency and communication between the TSA representatives of SWCDs. Meetings and communication can occur during areas meetings which could decrease the number of TSA meetings that are needed and save SWCD operating funds.

Approved: December 9, 2008 **Sunset Date:** **December, 2012**

Action: All MASWCD Area boundaries now coincide with Technical Service Area boundaries. MASWCD Areas are in the process of revising their area bylaws to conform to their member SWCDs.

Area Poster, Mural, Video Contests

25-2008

It is MASWCD policy to continue the poster, mural and video contest at the area level, to restore the poster, mural and video contest at the state level, and encourage all Areas in MASWCD to conduct a poster, mural and video contest at the area level. It is important that the young people of America be introduced to conservation ideals. It is important that young people be taught good conservation methods and reasons. The poster, mural and video contest is an excellent method of receiving active participation in learning conservation reasons. It is important to encourage the youth of America to participate actively in conservation learning.

Approved: December 9, 2008 **Sunset Date:** **December, 2012**

Supervisor Learning Opportunities

37-2007

It is MASWCD policy for its Board to designate and direct either a committee (such as the Education Committee) or a task force to gather, sort and report ideas to provide effective learning opportunities especially for supervisors at the district level. Our effective conservation delivery system depends on mutual respect and cooperation. Respect is often a result of recognized competence and passion of stakeholders who know what should be done to promote soil and water quality. A certain level of understanding is the personal duty of elected officials. The responsibility of becoming and remaining informed about SWCD issues and policies is that of the individual supervisor. Supervisors can be more effective in the conservation delivery system if they recognize the possibilities and limitations of their position on SWCD Boards.

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Action: MASWCD continues to recognize the importance of learning opportunities for supervisors. An orientation and refresher conference will be held as in past years to provide guidance to both newly elected board members as well as those who have a history of service with the districts.

Promotion of Soil & Water Conservation Districts at Career Fairs

39-2007

MASWCD Area 7 supports and strongly encourages MASWCD to organize a program that sponsors a booth at career fairs held at colleges and universities, and to adequately fund the costs associated with attending a career fair including, but not limited to, registration and travel expenses. SWCDs are always looking for well-qualified individuals to fill positions across the state. Many graduating college students are unfamiliar with the opportunities to work for an SWCD. It would be beneficial for colleges and students to know what is available in the future job market. Career fairs held at colleges and universities are a good way to expose the organization to the types of jobs available with SWCDs. By attending a career fair, all positions available for employment at the time could be advertised.

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Section 1 – MASWCD Operations (*continued*)

MASWCD State Officers Serving on NACD Committees

40-2007

It is MASWCD policy to fully budget for current board members serving on national committees to complete their responsibilities on national committees even if their term has expired. MASWCD state officers may serve on committees of the National Association of Conservation Districts. Some of these committee assignments extend into the year following the expiration of the state term of office. The state officers are not currently funded beyond their term to complete responsibilities on national committees. In such cases the supervisor is responsible for his/her expenses at the national convention the following year to complete his/her committee responsibilities. These committee responsibilities benefit the MASWCD and all districts.

Approved: December 4, 2007

Sunset Date: **December, 2011**

One-Day Registration Fee Option for MASWCD Annual Convention

30-2006

MASWCD shall reinstitute a one-day registration fee beginning with the 2007 annual convention.

Approved: December 5, 2006

Sunset Date: **December, 2010**

Action: MASWCD offered a 1 day registration fee option at the 2007 annual convention in Rochester and the 2008 convention in St. Paul.

MASWCD Annual Convention Structure

31-2006

MASWCD supports a process for allowing input toward the annual convention structure from the hosting Area.

Approved: December 5, 2006

Sunset Date: **December, 2010**

Action: This is MASWCD standing policy.

MASWCD Sponsored Events

Board Policy, ratified March 22, 2005

MASWCD events are benefits of dues paying membership into the Association, and as such, only supervisors and staff of dues paying SWCDs are eligible to register for and attend those events. The exception to this would be the annual meeting, where all SWCD supervisors and staff are eligible to pay registration and attend, but only supervisors of dues paying districts are eligible to vote during the business meeting, as specified in the MASWCD bylaws.

Section 2 – SWCD Operations

Remove Statement of Economic Interest Requirement

24-2008

It is MASWCD policy to work with State Legislators to develop a bill to remove SWCD supervisors from the requirement of completing and filing Economic Interest Statements. In 2007, the State Legislature enacted law which added SWCD supervisors to the definition of public official in MS 10A.01. This new designation carries with it the requirement of filing financial interest documents (Economic Interest Statements) upon election or appointment. These documents require SWCD supervisors to provide a vast amount of information on personal finances. Yet supervisors receive relatively small per diem reimbursements for their service on SWCD boards. The fine of \$3,000 for failing to disclose the information seems very excessive compared to modest per diems. The SWCD Boards are local units of government that do not establish or collect taxes as compared to county commissioners or state legislators. This additional requirement for SWCD supervisors will hinder the interest of candidates to run for these positions. For 69 years, SWCD supervisors have shown a track record of getting conservation on the ground without conflicts due to personal economic interest.

Approved: December 9, 2008

Sunset Date: December, 2012

Flexibility in Labeling SWCD Supervisor Election Ballots

24-2006

MASWCD shall seek, before the 2008 general election, either the amendment of MN Rules 82500.0370, subpart 2 to allow use of the corporate name in the labeling of ballots for SWCD/CD supervisor elections or seek change in MN statutes to allow use of the corporate name in the labeling of ballots for SWCD/CD supervisor elections. Four SWCDs have officially changed their name to “conservation district” (CDs), i.e., Hennepin Conservation District, Washington Conservation District, Anoka Conservation District, and Ramsey Conservation District. Prospective candidates for election to the Ramsey Conservation District Board of supervisors have raised concerns about the voting public being confused by the ballot not coinciding with the official name of the district.

Approved: December 5, 2006

Sunset Date: December, 2010

Action: The MASWCD Legislative Committee reviewed the resolution and determined to postpone this policy during the 2007 and 2008 legislative sessions. The committee focused on the Watershed Management Report and other SWCD and BWSR issues that needed to be addressed during the sessions.

Health Care Coverage for SWCDs

26-2006

MASWCD supports an “economies- of-scale” group health care option in which all SWCDs can participate.

Approved: December 5, 2006

Sunset Date: December, 2010

Action: The MASWCD Board of Directors addressed this resolution at their November, 2007 meeting. Consensus of board members was that MASWCD staff workload associated with such an effort would be potentially unlimited and that decisions regarding SWCD health care are best made by local SWCD board members. MASWCD will continue to monitor this issue.

Nomination Districts for Soil and Water Conservation District Supervisor Elections

01-2005

MASWCD continues to support current SWCD statute which provides for local SWCD determinations of supervisor nominating districts for elections of SWCD supervisors.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: This position is also reflected in Board Policy, ratified February 22, 2005 – “Election of SWCD Supervisors.” MASWCD Executive Director LeAnn Buck and BWSR Executive Director Ron Harnack sent a joint letter to SWCDs in September, 2005, reminding SWCDs of their nomination district options and the process to follow. MASWCD initiated and jointly sent a similar letter in November, 2007 with BWSR Executive Director John Jaschke.

Section 2 – SWCD Operations (*continued*)

Political Party Endorsement of SWCD Supervisor Election Candidates

02-2005

It is official MASWCD policy to discourage candidates for the SWCD Supervisor election from seeking political party endorsement. SWCDs have a long and honorable history of non-partisan elections. Many SWCD officials believe that much of their success as local leaders and stewards of Minnesota's natural resources is directly related to the non-partisan political history. Minnesota's natural resource conservation issues transcend partisan politics and are best served outside of partisan politics. Many current and past elected SWCD officials believe that injecting partisan political labeling into natural resource conservation leadership is not in the best interest of Minnesota's natural resources.

Approved: December 6, 2005

Sunset Date: **December, 2009**

Action: In October, 2006, MASWCD sent a letter from the MASWCD President to SWCD employees and board members reminding them of this policy.

Election of SWCD Supervisors

Board Policy, ratified February 22, 2005

MASWCD supports current SWCD statute which provides for local SWCD determinations of supervisor nominating districts for elections of SWCD supervisors. Further, MASWCD would oppose legislation to make it mandatory to change the SWCD statute regarding elections. SWCD statute provides for supervisors to be elected on a county-wide basis. In 2003, the MASWCD updated the SWCD statute to also allow SWCDs the option to be elected by nomination districts. The SWCD statute allows discretionary authority for SWCDs, with the approval of the Board of Water and Soil Resources, to change from the current county-wide election of supervisors to election by a nominating district. If an SWCD chooses to move to election by a district it requires that the supervisor districts must align with county commissioner districts. It also allows the number of supervisors to be greater than 5 in counties with more than 5 county commissioner districts such as Dakota, Ramsey, Hennepin, and St. Louis. SWCD supervisors are elected on the general ballot and work with private landowners to implement conservation projects throughout their local district. SWCDs benefit by having local elected supervisors familiar with the landscape, land-use, soil type and other natural resources issues throughout their district.

Section 3 – State Conservation Programs and Issues

SWCD LEVY AUTHORITY

Levy Authority for Districts

05-2007

MASWCD supports changes to Minnesota Statutes 2006, Section 103C.331, Subd. 16, to be amended as follows:

Minn.Stat. 103C.331, Subd. 16:

Subd. 16. Budget. The district board shall annually present a budget consisting of an itemized statement of district expenses for the ensuing calendar year to the boards of county commissioners of the counties in which the district is located. The county boards [DELETE "may"] [INSERT "shall"] shall levy an annual tax on all taxable real property in the district for the amount that the boards determine is necessary to meet the requirements of the district. The amount levied shall be collected and distributed to the district as prescribed by chapter 276. The amount may be spent by the district board for a district purpose authorized by law.

The original concept for funding of districts was for the state government to pay the administrative costs and the federal government to pay the operating costs. When Minnesota law was passed in 1937, it provided for the state to pay grants to the districts, the federal government to assist the district directly and through in-kind support, and for districts to submit annual budget requests to the county. Based on previous resolutions and the New Century Initiative, expanded funding options have been reviewed and proposed to improve conservation incentive programs and technical service delivery. Authorizing levy authority for districts would provide funding options and budget flexibility for districts.

Approved: December 4, 2007

Sunset Date: **December, 2011**

MASWCD adopted the levy options as part of the Association's legislative platform for 2003, 2004, 2005 and 2006. Most recently, MASWCD worked with the 2007 Legislature to promote project levy authority for SWCDs. This authority could be used to match CWL funding, EQIP, feedlot and other grant programs, and it would allow targeting of local resources to solve local problems in cooperation with counties. However, the legislature was focused on property tax relief following several years of state deficits and was not receptive to any legislation that included possible increases to local property taxes. MASWCD will continue to address the issue.

Section 3 – State Conservation Programs and Issues (continued)

OTHER SWCD FUNDING ISSUES

Increasing Base Funding Of Existing State Programs

02-2008

MASWCD shall work with the Board of Water and Soil Resources (BWSR) to pull together their resources to increase base funding for SWCDs through existing state programs or by developing a new funding source specifically for SWCD/JPA staff funding. The Non-Point Engineering Assistance (NPEA) Program, State General Services Grant and Comprehensive Local Water Management Plan (CLWMP) are all administered and overseen by BWSR. The NPEA program funding has not been increased since it was established in 1995. The General Services grant has only had approximately a 7% increase in the last decade. The CLWMP was permanently cut by 43% in FY 2004. Consequently, most SWCDs have experienced budget cuts, reduced staff hours and/or reduced positions during the last 5 years. Yet during the last 5 years, BWSR Full Time Equivalent (FTE) staff increased from 65 in FY 2004 (43 FTE funded by general fund and 22 FTE from other sources such as bonding, grants, agreements) to a current total of 78.8 (additional 7.8 FTE staff from general fund and 6 FTE from other sources; as of summer, 2008). If the State Legislature identifies a need for BWSR administrative funding to maintain and increase staff positions, it should logically follow that the SWCDs implementing the programs administered by BWSR should receive administrative increases as well. Further, when the state determines inflation and cost of living increases for BWSR, those increases should also be applied to the state programs implemented by SWCDs.

Approved: December 9, 2008

Sunset Date: [December, 2012](#)

Technical and Administrative Allocation for BWSR Grants

03-2008

It is MASWCD policy to work with the Board of Water and Soil Resources (BWSR) to change grant program rules to allow half of the technical and administrative assistance funding to be counted as income to SWCDs once the grant agreement is approved and the other half when the practices are complete. There are a number of BWSR grants available to provide technical assistance to landowners installing conservation practices. These grants are made available to landowners through the local SWCD that provides the technical and administrative assistance to the landowner. A certain percentage of the grant allocation to the local SWCD is dedicated for technical and administrative assistance. SWCDs are not allowed to count technical and administrative dollars as income until the practices are complete. Costs are incurred for SWCD staff to promote programs through advertising, establishing landowner contacts, and correspondence. Conservation practices also involve technical assistance to determine program eligibility; if it is determined the landowner, property or practice is ineligible there is no compensation for the time spent on that project.

Approved: December 9, 2008

Sunset Date: [December, 2012](#)

WCA Funding Directly to SWCDs

06-2008

MASWCD shall work with the Board of Water and Soil Resources (BWSR) to make any necessary changes to allow payment of Wetland Conservation Act (WCA) funds directly to SWCDs without first going through a county, and without requiring that SWCDs match the WCA funds. SWCDs have many responsibilities with WCA. SWCDs receive funding from the state through BWSR as compensation for some WCA workload. This funding is in the form of Natural Resources Block Grants, received by counties, with a portion required to be passed-through by the county to the SWCD(s) in the county. BWSR has an existing relationship with SWCDs where grants (General Service, Cost-share, etc) are paid directly to SWCDs. BWSR allocating funds first to counties to pass-through to SWCDs is a step that has caused delays in WCA payments being made to SWCDs.

Approved: December 9, 2008

Sunset Date: [December, 2012](#)

Section 3 – State Conservation Programs and Issues (continued)

OTHER SWCD FUNDING ISSUES (continued)

Natural Resource Block Grant Timeliness

16-2007

MASWCD requests that the Board of Water and Soil Resources (BWSR) develop a timeline in getting funding out to the Counties, SWCDs and other entities in a timely manner. BWSR receives funding from the State to provide funding to Counties, SWCDs and other entities through the Natural Resource Block Grant (NRBG). The NRBG provides funding for Local Comprehensive Water Planning, the Feedlot Program, the Wetland Conservation Act Program, the Individual Septic Treatment Systems Program and the DNR Shoreland Program. These programs are very important to the state of Minnesota to be completed in a timely manner. The NRBG applications are due on October 30th each year. Entities doing the Natural Resource Block Grant work are in need of those funds to keep the programs staffed.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Action: MASWCD forwarded the resolution to BWSR for consideration. May 2008 response from BWSR states the following:

State agencies are proposing two changes to expedite the NRBG granting process.

These recommendations were approved by the Senior Management Team on May 14, 2008, and will be looked at by the Grants Committee later this month. The changes are:

- 1. Beginning in FY 09 – The application process for the NRBG will be discontinued. No agency application approvals will be needed. Grant agreements with Feedlot Base Grants will be sent out around mid-August 2008. Grant Agreements without Feedlot Base Grants will be sent out around mid-July 2008.*
- 2. Beginning in FY 10 – MPCA will have transitioned to calendar year reporting (previously fiscal year). All Grant Agreements sent out mid-July of 2009.*

Section 3 – State Conservation Programs and Issues (continued)

OTHER SWCD FUNDING ISSUES (continued)

Affirmation of Legislative Intent to Fund SWCDs

03-2005

The MASWCD Board of Directors supports clarification by the legislature as to the intent of the language in Minnesota Statutes Section 103C.331, for counties to fund SWCDs. MASWCD will coordinate these activities with the BWSR. There are ninety-one SWCDs in Minnesota. These SWCDs were created by local voter referendum in accordance with Minn. Stat., Chapter 103C. Support to create an SWCD by voter referendum infers the county voters' willingness to fund the SWCD from county general funds or levies. Minnesota Statutes Section 103C.331, Subdivision 16, addresses annual SWCD budgets by stating ***"The district board shall annually present a budget consisting of an itemized statement of district expenses for the ensuing calendar year to the boards of county commissioners of the counties in which the district is located. The county boards may levy an annual tax on all taxable real property in the district for the amount that the boards determine is necessary to meet the requirements of the district. The amount levied shall be collected and distributed to the district as prescribed by chapter 276. The amount may be spent by the district board for a district purpose authorized by law."*** This language can be interpreted two ways – as meaning that county boards have the option of funding or not funding an SWCD, or that county boards have an obligation to financially support their SWCDs but may choose to do so from the general fund or through a special levy. Without clear statutory definition, county boards of commissioners faced with financial strains may feel justified to interpret the language to reduce or eliminate their financial support of SWCDs.

Approved: December 6, 2005

Sunset Date: **December, 2009**

Action: MASWCD has requested a statute clarification from BWSR, who in turn has consulted with legal advisors in the Attorney General's office. BWSR Executive Director Ron Harnack directed a response to MASWCD in a letter dated November 27, 2006, stating "Key to SWCD's realizing optimal funding from the counties is developing and maintaining strong communication and cooperation with the counties, communication between supervisors and commissioners and communication between the SWCD and county staff." The letter further states, "SWCD Policy and Law provides a specific referendum process for establishment and termination of SWCDs; as such, it is reasonable that a county board cannot effectuate the same result by failing to fund an SWCD so that it cannot perform its statutory functions and duties." The letter goes on to say, "I believe that the county does have an obligation/responsibility to reasonably fund the SWCD sufficiently to meet the statutory functions and duties of the district."

Section 3 – State Conservation Programs and Issues (continued)

COST-SHARE

Stormwater Infiltration Cost-Share Eligibility

07-2008

MASWCD supports the development of practice standards and the eligibility of infiltration techniques as a practice eligible under the State Cost Share Program. The Association also encourages BWSR to include stormwater infiltration techniques as a practice eligible for State Cost Share Program assistance. Stormwater runoff conveys nutrients, sediments and a capacity for erosion which holds the potential to degrade downstream waters as volumes increase. By 2030, the seven county metropolitan area alone is expected to add over one million new residents and 470,000 new households. Other major metropolitan areas within the State will experience similar growth and development over the next 25 years. New development increases impervious surface which produces increased stormwater runoff volumes that impact our shared water resources. Stormwater infiltration can reduce the burden on stormwater infrastructure, provide recharge to groundwater aquifers, and abstract stormwater runoff volumes to downstream waters to the benefit of the environment. Raingardens, porous road surfaces, vegetated swales and other such low impact development techniques have a history of use and effectiveness in stormwater infiltration and management. Technologies exist to implement stormwater infiltration techniques as best management practices on residential, but are often cost prohibitive.

Approved: December 9, 2008

Sunset Date: [December, 2012](#)

Stormwater Re-Use Cost-Share Eligibility

08-2008

MASWCD supports and encourages BWSR to include stormwater re-use as a technique eligible for State Cost Share Program assistance. Stormwater runoff is often viewed as a liability conveyed away from residential and agricultural sites to area waters. Stormwater runoff conveys nutrients, sediments and a capacity for erosion which holds the potential to degrade downstream waters as volumes increase. Stormwater detention and reuse at the site of runoff can: reduce the use of potable water for activities such as irrigation, livestock applications, household consumption in toilets and laundry; reduce the burden of potable water harvesting on groundwater aquifers and surface waters; and abstract stormwater runoff volumes to downstream waters to the benefit of the environment. Detention basins, cisterns, constructed wetlands, and other such engineered devices have a long history of use and effectiveness in stormwater re-use. Technologies exist to implement stormwater reuse techniques as best management practices on residential and agricultural sites, but are often cost prohibitive.

Approved: December 9, 2008

Sunset Date: [December, 2012](#)

Section 3 – State Conservation Programs and Issues (continued)

COST-SHARE (continued)

Expand State Cost-Share Program to Include Soil Quality Improvement, Irrigation Water Management, and Livestock Water Practices **09-2008**

It is MASWCD policy to work with the BWSR Grant Committee to expand the State Cost Share Program to add soil quality improvement, irrigation water management, and livestock watering as approved conservation practices utilizing applicable existing practice standards in the USDA Field Office Technical Guide. Protecting soil quality is as vital for the soil resource as prevention of soil erosion. Improving soil quality can: increase the capture of excess nutrients in the soil profile, alleviate soil compaction, reduce agricultural demands on water resources by increasing efficiency of natural precipitation and Irrigation water use. Efficient irrigation water management can reduce demand on water resources, reduce leaching of nutrients and pesticides from the soil to groundwater, and reduce soil erosion and sedimentation. The State of MN has deemed ensuring adequate livestock watering a priority via the drought disaster assistance emergency program. A regular livestock watering cost share assistance program would allow the time needed to get the most efficient and effective practice in place before drought periods occur and protect water quality by reducing the need for livestock access to surface water. Expansion of the State Cost share program could allow SWCDs to make better choices in allocating funds to local high priority projects.

Approved: December 9, 2008 **Sunset Date:** [December, 2012](#)

Control of Invasive Species as a Cost -Share Practice **10-2007**

MASWCD encourages BWSR to develop a State Cost Share Program practice for control of invasive species on the private lands of Minnesota. Invasive species such as Buckthorn, Prickly Ash and Garlic Mustard are adversely affecting ecosystems throughout the state. These species left undisturbed tend to develop into monocultures that negate the effects of the diversity of ecosystems including the degradation of water quality. Both the Federal EQIP (Environmental Quality Incentive Program) and WHIP (Wildlife Habitat Incentive Program) have control of such species as a cost share practice under these respective programs. Not every landowner can qualify for participation in these programs and/or there is lack of funding to adequately meet the need. The State Legislature has recently recognized this need and called upon BWSR to “develop forest ecological restoration standards and policies.”

Approved: December 4, 2007 **Sunset Date:** [December, 2011](#)

Action: MASWCD forwarded the resolution to the Board of Water and Soil Resources for consideration. Their response of May, 2008 indicates that two new eligible components of D.1 Critical Stabilization now allow cost-sharing on the control of invasive species:

1. Restoration and Management of Declining Habitats (643), *added March '08*
2. Establishment of Cooperative Weed Management Areas, *added May '08*
(May be used only for the establishment of cooperative weed management area programs)

Section 3 – State Conservation Programs and Issues (continued)

COST-SHARE (continued)

Bio-Retention as a State Cost-Sharable Practice **03-2006**

MASWCD supports allowing bio-retention as an eligible practice under the State Cost Share Program. Bio-retention is a concept that utilizes biologic activity to clean/filter stormwater through best management practices such as Infiltration Basins, Rainwater Gardens, and Surface Sand Filters.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: The MASWCD forwarded the resolution to BWSR for consideration. In 2007, BWSR and NRCS initiated the development of a bioretention practice standard, in coordination with conservation partnership staff. As of May 2008, the practice standard was in the process of being reviewed and approved by NRCS headquarters as an interim practice standard in Minnesota. Subsequent to that, NRCS approved the practice. At their December 17, 2008 meeting, the BWSR Grants Program and Policy Committee approved the addition of the NRCS practice Bioretention Basin (712) as eligible components of D.7 Filter Strips and D.8 Sediment Basins. The policy change is effective immediately (Dec. 17, 2008) and applies to any D.7 Filter Strips and D.8 Sediment Basins Practice project regardless of fiscal year funds the project is funded from.

Pervious Pavement as a State Cost-Sharable Practice **04-2006**

MASWCD supports allowing pervious pavement as an eligible practice under the State Cost Share Program. Pervious pavement is a technology that protects water quality through runoff volume reduction and flow attenuation. Properly designed and constructed pervious pavement has the secondary design benefit of removing suspended sediment and preventing nutrient loading.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: MASWCD requested a policy change from BWSR. The BWSR Cost Share Committee responded that they determined this practice should not be cost-shareable on new construction (retro-fitting only). There is no known practice standard for pervious pavement. For these reasons, the Committee does not support this resolution. SWCDs may still cost share on pervious pavement projects through the Other Recognized Technical Practice (ORTP) process.

Including Shoreline Buffers in Soil and Water Policy and as Cost-Share Practice **05-2006**

MASWCD supports an amendment to the soil and water policy statement in Minnesota Statutes, Section 103C.005 to reference shoreline buffers, and supports allowing the restoration of shoreline buffers as a cost-shareable practice.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: MASWCD submitted the request for a policy change to BWSR. The BWSR Cost Share Committee acknowledged that shoreline buffers are an important water quality practice to prevent nutrient and soil movement and should be cost shareable. Nutrient movement can be controlled with filter strips (393) and riparian forest buffers (391). Soil movement can be controlled with streambank and shoreland protection (580) already included in D.9.

- 1) The Committee does not recommend including shoreline buffers in statute.
- 2) The Committee did add 393 and 391 as eligible components to D.9, Streambank, Shoreland, and Roadside Protection, and 391 to D.7, Filter Strips.

Section 3 – State Conservation Programs and Issues (continued)

DRAINAGE

Drainage Assessments on Permanent Easements

02-2006

MASWCD supports changes that affect drainage assessments on lands enrolled in permanent conservation easements. Permanent conservation easements (CREP, RIM, WRP) located within watersheds of county and judicial ditches, established to grasses, trees and wetlands significantly reduces runoff to county and judicial ditches. By retaining runoff, they quantifiably reduce erosion, flood damage and sedimentation. Permanent conservation easements, with all development and agricultural income eliminated, are being assessed as cropland. Landowners are reluctant to enroll their marginal lands into permanent conservation easements because of the potential assessment liability.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: MASWCD forwarded the resolution to BWSR for consideration by the Drainage Work Group, which involves a broad cross section of stakeholders with an interest in public drainage law.

“Incremental adjustment of drainage system assessments for long-term land use change such as permanent easements or land development” is a discussion topic for the Drainage Work Group in 2007 – 2008. The Drainage Work Group has done some fact finding about this topic and may further explore it. Drainage system viewers have developed a mass appraisal process for drainage system benefits on conservation easement lands. However, adjustment of assessments typically requires a redetermination of benefits for the associated drainage system, because the total of all incremental assessments must equal 100%.

Section 3 – State Conservation Programs and Issues (continued)

ENERGY

Support of Clean, Renewable Energy

22-2007

MASWCD supports conservation treatment of land and waters in any clean, renewable energy initiatives. Minnesota has established itself as a leader in supporting clean, renewable energy. Initiatives that support cellulosic ethanol production from sources such as prairie grass, woody biomass and other cellulosic materials build on the ongoing success of Minnesota's ethanol industry. Production of clean, renewable energy has the potential to support cropping systems that protect and enhance land and water resources. The resulting economic development will enable landowners to reinvest in soil and water conservation practices on land they own or manage. A RIM Clean Energy program and related initiatives can support landowner efforts to participate in renewable energy production while protecting land and water resources.

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Action: (see action listed for 23-2007, below)

Perennial Grass as Alternative Fuel

23-2007

MASWCD urges legislators to adopt a bill to subsidize alternative fuel production utilizing perennial vegetation as a viable alternative fuel option. Current subsidies for alternative fuels are being provided for the corn to ethanol production. Southeast Minnesota is a vast area of karst topography and loess soils prone to very high rates of erosion. The production of row crops as feed has been known to be a contributing factor in soil erosion, and pollution of area streams and drinking water. Research has shown that a mixture of prairie grasses and forbs that were originally growing here naturally is more economically feasible per acre for alternative fuel production and carbon sequestration.

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Action: In allocating bonding dollars toward the Re-invest in Minnesota program, the 2008 Legislature authorized BWSR to enter into new agreements and amend past agreements with landowners as required by Minnesota Statutes, Section 103F.515, Subdivision 5, to allow for restoration, including overseeding and harvesting, of native prairie vegetation for use for energy production in a manner that does not devalue the natural habitat, water quality benefits, or carbon sequestration functions of the area enrolled in the easement. This shall occur after seed production and minimize impacts on wildlife.

Biomass for Ethanol Production

24-2007

MASWCD and local SWCDs, with assistance and cooperation of BWSR, RC&D Councils, the University of Minnesota (U of M), the Department of Natural Resources (DNR) and the private sector, shall launch a cooperative effort to support the development of a cellulosic ethanol and bioenergy industry. This would help to protect soil, water and air quality for future generations. Increasing energy needs are occurring throughout the world, and there is movement away from petroleum based energy. East Central and Northern Minnesota have thousands of acres of low quality mixed hardwoods forest and wetland areas that support considerable vegetative growth. Also found in these regions are large acreages of farmland that presently are producing small grains, hay and low quality forage grasses. The U of M is doing considerable research on bioenergy plants that could provide large quantities of renewable energy for the future. The planting of mixed grasses and forbs will greatly reduce erosion and improve water quality of our lakes, streams and wetlands. There are resource development agencies such as BWSR, the Onanegozie RC&D, DNR and the SWCDs found in this region that could provide technical assistance, leadership, education and organizational skills. There is a very strong need to improve alternative economic opportunities for people and landowners in these regions.

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Section 3 – State Conservation Programs and Issues (continued)

FEEDLOTS

District Delegated Feedlot Program

07-2005

MASWCD supports changes to Minnesota Statutes Section 116.07, Subdivision 7 to state that County delegated Soil and Water Conservation Districts can sign off on all permitting and complete all other necessary work of the delegated County Feedlot Officer. SWCDs may be delegated by their County Commissioners to fulfill the duties of the state Feedlot Program for the Minnesota Pollution Control Agency (MPCA). SWCD employees attend necessary training sessions and workshops learning the rules and regulations, process of feedlot inventories, the violation process, the process of reporting to MPCA. SWCD staff have completed several hours of training on solving feedlot issues such as runoff, developing diversions, manure management, nutrients, phosphorus, developing plans, and running Flevel software standards. SWCD employees make the first contact with the landowners for feedlot inventory site visits, to give the landowner information and advice on ag waste pits, manure usage, diversions, feedlot runoff, and other options. The MPCA rules under Minn. Stat. 116.07, subd. 7, state that the permitting responsibility cannot be delegated to the SWCD, and permits must be signed by a County employee. The counties may not have trained staff available to complete the MPCA Feedlot Program and may not have the time to send people to training regarding the Feedlot Program.

Approved: December 6, 2005

Sunset Date: **December, 2009**

Action: This is a work in progress. MASWCD submitted the resolution to MPCA and agency staff responded that they are supportive of SWCD participation in the feedlot program, but remain satisfied with the current statute as it relates to lines of authority for program administration. The MASWCD Board met with MPCA staff in September, 2006. Further clarification is needed related to whether an SWCD can accept the delegation, including the regulatory role related to the program.

Section 3 – State Conservation Programs and Issues (continued)

NATIONAL POLLUTANT DISCHARGE ELLIMINATION SYSTEM (NPDES)

Exemption of NPDES Permits for NRCS/SWCD Streambank Stabilization & Drainage Ditch Cleanout Projects

20-2007

It is MASWCD policy to work with the Natural Resources Conservation Service (NRCS) and the Minnesota Pollution Control Agency (MPCA) to allow an exemption from NPDES permits on all ditch and streambank stabilization projects that are engineered and overseen by an SWCD or NRCS employee with proper technical approval authority. The removal of sediment in drainage ditches is an agricultural practice that reduces soil erosion and improves water quality. Stabilizing ditch banks by reducing the slope of the bank and establishing it with grasses is an accepted means of erosion control. SWCDs and NRCS work to reduce soil erosion and improve the quality of our surface waters. The Environmental Protection Agency exempts agricultural activities from NPDES permits. The MPCA interprets cleaning and stabilizing drainage ditches as a non-agricultural activity. NRCS and SWCDs are involved in these types of projects for the sole purpose of improving water quality.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Action: The BWSR, NRCS and MASWCD worked with MPCA in 2007 to clarify policy regarding NPDES stormwater construction permit requirements for agricultural conservation projects, as well as for drainage ditch projects. The following fact sheets address these topics. Both are available on the MPCA web site.

- *Agricultural Conservation Practice Projects, Guidance Regarding Construction Stormwater Permit Requirements, June 2007 (wq-strm2-16)*
- *Drainage Ditch Projects, Guidance Regarding Construction Stormwater Permit Requirements, June 2007 (wq-strm2-17)*

Section 3 – State Conservation Programs and Issues (continued)

NONPOINT ENGINEERING ASSISTANCE PROGRAM

Nonpoint Engineering Assistance Program: Moving Forward

E1-2007

MASWCD urges the Conservation Technical Assistance Committee (CTAC), which includes representation from all eleven technical service areas, MASWCD, MACDE and BWSR, to forward a recommendation to the BWSR Board to address the structure and financial resources of the eleven joint power boards and the non-point engineering assistance program (NPEA). The CTAC should review the resolutions submitted by local SWCDs as well as all additional factors impacting the non-point engineering assistance program in developing a recommendation. The CTAC recommendation should be forwarded to the BWSR board by June 1, 2008 for consideration for future fiscal years' grant allocations and to create a long term resilient delivery system for SWCD technical assistance. Several resolutions have been submitted by local SWCDs requesting changes to the non point engineering assistance program and technical assistance areas to address the future delivery of SWCD engineering services. **Background:** *At a meeting on September 5, 2007 the CTAC determined that none of the solutions contained in the three resolutions, as written, completely addresses the challenges faced by this program. It was recommended that the CTAC develop an appropriate solution, based on current realities and the vision for a resilient delivery system for shared technical services. The alternative resolution language (listed above) was agreed to at a CTAC meeting on November 1, 2007. The CTAC was assembled in January 2004 to address the financial and service delivery for the Nonpoint Engineering Assistance Program. The stated purpose of this effort is to ensure long-term viability and relevance of the NPEA program, on a statewide basis. The CTAC includes representation from all eleven technical service areas, MASWCD, MACDE, and BWSR.*

Approved: December 4, 2007

Sunset Date: **December, 2011**

Section 3 – State Conservation Programs and Issues (continued)

PLANT MATERIALS

Use of Native Species

08-2007

MASWCD encourages the use of native species in tree sales and conservation plans, supports policy to that effect, and encourages the Natural Resources Conservation Service (NRCS) to continue efforts to develop, promote, and require the use of native plant alternatives. SWCDs facilitate the distribution of millions of bare root tree and shrub seedlings and thousands of pounds of seed annually for the purposes of conservation and wildlife habitat development. Invasive and exotic tree, shrub and herbaceous species compromise wildlife habitat productivity by reducing ecological diversity. There are many species native to Minnesota that can be substituted for invasive and exotic species while still providing the same function.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Non-Invasive & Native Plants

09-2007

MASWCD encourages the use of non-invasive plant material in tree sales and conservation plans with emphasis on using native species and support policy to that effect and encourages the Natural Resources Conservation Service to continue efforts to develop and promote the use of non-invasive native plant alternatives. SWCDs facilitate the distribution of millions of bare root tree and shrub seedlings and thousands of pounds of seed annually for the purposes of conservation and wildlife habitat development. Minnesota is graced with a diverse landscape of prairies, forests, waters, and agricultural areas that have high social, economic, and ecological value, and, a long tradition of resource-related recreational activities such as fishing and hunting, commercial activities (agriculture, forestry) and tourism. Invasive species, not native to Minnesota, harm our valuable state resources, and displace native species, thus threatening outdoor recreation opportunities, increase costs for industry, and diminish the natural heritage of significant sites in the state such as parks and natural areas. There are many species native to Minnesota that can be substituted for species known to be invasive while still providing the same function.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Tree Nursery Stock from Locally Grown Certified Sources

08-2006

MASWCD urges SWCDs to acquire tree nursery stock from locally grown inspected and certified sources, in compliance with Minnesota Statutes 18H, and encourages counties to purchase stock with a priority to purchasing first from within the state of Minnesota, then within the mid-west region.

Approved: December 5, 2006

Sunset Date: **December, 2010**

Action: This is standing policy for the MASWCD.

Section 3 – State Conservation Programs and Issues (continued)

SEWAGE MANAGEMENT

Sewage Discharge Notice

21-2007

It is MASWCD policy to partner with the Association of Minnesota Counties (AMC) and the Minnesota Pollution Control Agency (MPCA) to encourage wastewater treatment facility operators to provide adequate notice to the public 24 hours before any regular or bypass discharge takes place. Wastewater Treatment Facilities are given specific discharge guidelines through the MPCA permitting process and Total Maximum Daily Load (TMDL) loading allocations in water bodies where the study has been completed, for regular wastewater discharges. Due to unusual circumstances relating to weather, capacity, or equipment problems, it is becoming more frequent for facilities to find it necessary to release untreated or partially treated wastewater to water bodies. This is known as a sewage bypass and has the potential to contribute a large amount of pollution to surface waters, far exceeding most non-point sources attributed to agricultural practices. The public use of these Minnesota waters is growing in frequency and concentration. The public has the right to know the potential of high nutrient or contamination levels in the waters they are using.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Sewage Bypass Discharge

09-2005

MASWCD supports partnering with the Minnesota Pollution Control Agency (MPCA) to encourage wastewater treatment facility operators to establish more aggressive precautions to prevent untimely, and/or emergency discharges to surface waters that are in violation of the permitted load allocations, discharges to surface waters during low flows, or during critical spawning periods, and to explore alternate methods of discharge, including land application. The Federal Clean Water Act requires states to adopt water quality standards to protect the nation's waters. While the MPCA is the state agency responsible for protecting Minnesota's water quality, local SWCDs are instrumental in the establishment of water quality Best Management Practices, and are becoming partners in many Clean Water Partnership (CWP) and Total Maximum Daily Load (TMDL) projects. For each pollutant that causes a water body to fail to meet state water quality standards, the federal Clean Water Act requires MPCA to conduct a TMDL study to identify the source and determine the loading allocation. Wastewater Treatment Facilities are given specific discharge guidelines through the MPCA permitting process and TMDL loading allocations in water bodies where the study has been completed, for regular wastewater discharges. Due to unusual circumstances relating to weather or equipment problems, it is becoming more frequent for facilities to find it necessary to release untreated or partially treated wastewater to water bodies. This is known as a sewage bypass and has the potential to contribute a large amount of pollution to surface waters, far exceeding most non-point sources.

Approved: December 6, 2005

Sunset Date: **December, 2009**

Action: MASWCD forwarded the resolution to MPCA, and the agency responded that there are a couple ways that districts can help in this area. First, all facilities have the duty to notify untreated or partially treated wastewater releases under Minn. Stat. Section 115.061. MPCA relies on this reporting to respond to these situations. One way of assisting MPCA would be to call the Minnesota Duty Officer at 1-800-422-0798 when a district becomes aware of unreported bypasses. Second, in order to comply with permit requirements, many aging wastewater treatment facilities are pursuing upgrades and or new systems. MASWCD was a leader in the initial 2006 passage and on-going support of the Clean Water Legacy Act that provides additional resources for these facilities for replacing and repairing the aging infrastructure throughout the state.

Section 3 – State Conservation Programs and Issues (continued)

WETLANDS

Wetland Activity Permit Cards

18-2007

MASWCD supports the requirement of a wetland permit card, to be obtained from the Local Government Unit (LGU) and conspicuously displayed onsite, with said card to have allowed activities and impacts clearly defined. While some activities in wetlands are exempt, the exemption status of a project is very difficult for most landowners to determine. Failure to properly identify wetlands and comply with the associated regulations can have severe implications for the landowner and contractor. SWCDs have technical expertise in wetland resource management, delineation and have knowledge of local; and state and federal regulations. The landowner and contractor responsibility form is rarely being used. The issuance of this permit card would be an acknowledgement by the LGU that the described activities are in compliance with the Wetland Conservation Act (WCA) regulations. The absence of this displayed permit should cause contractors, and enforcement agencies to stop and ask questions regarding WCA compliance prior to allowing work to continue.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Shoreland Wetland Areas Non-Buildable Classification

19-2007

MASWCD supports the development of a new land classification that will help protect shoreland wetland areas from development. Certain shoreland properties have substantial near-shore wetlands. These wetlands are critical to maintaining the quality of the associated waters. Current classifications may allow impacts to these wetlands and tax said area as buildable. A new classification could provide land owners a break from the current tax structure and therefore provide an incentive for not developing these near shore wetlands. SWCDs have technical expertise in water resource management, wetland delineation and have knowledge of local pollution sources and problems. This activity is contrary to the actual health of the wetland or adjacent lake. By creating a new land classification to these areas it may provide a tax incentive not to develop or impact these wetlands.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Exemption of Wetland Conservation Act (WCA) from Minn. Stat. § 15.99

06-2005

MASWCD supports efforts to get the Wetland Conservation Act (WCA) decision making process exempt from strict requirements of Minnesota Statutes Section 15.99 and instead make time frames for action recommended by (BWSR. Minn. Stat. Section 15.99 is specific to zoning, septic systems, or expansion of metropolitan urban services area and does not apply to county subdivision approval. WCA Rule 8420.0225 provides for an applicant to apply for a Wetland Boundary or Type Determination to the local governing unit (LGU) which must make its decision within time frames of Minn. Stat. 15.99. WCA requires the delineation of wetlands using the Corp of Engineers three criteria approach that can only be done competently during the growing season. The presence of the three criteria is not always evident and may require monitoring, therefore making this process incompatible with the time frames required under Minn. Stat. 15.99. The LGU must have the ability to review the delineation in the growing season and some permit applicants have not forwarded delineation for review until after this period. The Corp of Engineers is not required to comply with Minn. Stat. 15.99; removing the requirement would make wetland permitting processes more congruent.

Approved: December 6, 2005

Sunset Date: **December, 2009**

Action: MASWCD recommended the change during BWSR's WCA assessment process. These recommendations resulted in changes to Minn. Stat. §15.99 requirements by the legislature. The changes allow an SWCD to comply with the 60 day response time requirement by issuing conditional approvals. Failure to satisfy the conditions may be a basis to revoke or rescind agency approval, and will not give rise to a claim that the 60-day rule was not met.

Section 3 – State Conservation Programs and Issues (continued)

WOODLAND RESOURCES

Continue BWSR State Forester Position **14-2008**

MASWCD encourages BWSR to hire a qualified full time forester, in a timely manner, to continue to provide vital forestry assistance to SWCDs and the citizens of the State of Minnesota. Forests are a vital natural resource in Minnesota. BWSR has become an important contributor to forest management in Minnesota. SWCDs have built strong forestry programs and continue to expand those programs. BWSR has provided valuable forestry assistance and coordination to SWCDs through its state forester.

Approved: December 9, 2008 **Sunset Date:** **December, 2012**

Forest Stewardship Plans **14-2008**

MASWCD supports SWCDs in working with the State Forest Stewardship Committee on lifting the “cap” on Forest Stewardship Plan Proposals, in order to make it more affordable for SWCDs to continue participating in the delivery of Forest Stewardship Plans to private landowners. SWCDs have participated in private forest land management through “Forest Stewardship Plan” contracts with the Department of Natural Resources. Private forest lands consist of more than 40% of Minnesota’s 14.8 million acres of timberland. Demands for technical assistance to private landowners for Forest Stewardship Planning are increasing. SWCDs are in a position to provide a wide variety of technical assistance to landowners that address forest management and other practices such as erosion control, wetlands protection and water quality issues. Beginning with the FY 2005 Forest Stewardship Grant – “Request for Proposals” from the State Forest Stewardship Committee placed a “cap” on Grant Proposal for Local Government Units at \$1.50 per acre, plus \$200 per plan. The cap was raised to \$200 per plan and \$2 per acre for current contracts. In previous years, grants were awarded to participating SWCDs on a competitive basis at rates that may have been higher than the current rates.

Approved: December 9, 2008 **Sunset Date:** **December, 2012**

Resource Planning for Small Tract Forestry Cost-Share **11-2007**

MASWCD requests that BWSR include Resource Management Planning as a cost-share practice, using the model formulated by the MN SWCD Forestry Assn, for those landowners who do not qualify for assistance under Forest Stewardship Program. Minnesota’s 14.4 million acres of forestland make up 27% of the land use in the state. Ownership of less than 20 acres is the fastest growing category of forest ownership. A recent U.S. Forest Service analysis shows there are more than 125,000 landowners in the 0-20 acre category. Many of these parcels are in sensitive areas adjacent to lakes, streams, and rivers. Many of these owners are not interested or able to manage their property for timber/fiber production; they are far more interested in other recreational uses of their property, as information from the Non-industrial Private Forest Landowner survey has shown. The State Legislature has recently recognized this need and called upon BWSR to develop a “forestry cost share docket.”

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Action: The MASWCD Board designated Area 3 Director Merrill Loy to participate in the “forestry cost-share docket” work group meeting on behalf of MASWCD. The Forestry Practices Cost Share standard was reviewed at the March 26, 2008 Grants Program & Policy Committee Meeting and subsequently approved at the April 23, 2008 BWSR Board meeting. It became effective July 1, 2008. The new practice – D. 13 Forestry Conservation Practice – allows for cost-sharing of non-SWCD technical assistance necessary for the installation of eligible components of the practice. Depending on site-conditions and needs, this may include resource management planning.

Section 3 – State Conservation Programs and Issues (continued)

WOODLAND RESOURCES (continued)

Emerald Ash Borer Protection

07-2007

MASWCD encourages a strong partnership beyond state and federal agencies to prepare for and respond effectively to a potential infestation of the Emerald Ash Borer (EAB). Since the late 1990's, EAB has killed over 20 million ash trees throughout Michigan, Ohio, Illinois, Indiana and Southeastern Ontario. Minnesota has the third highest population of ash trees in the nation. Larvae feed just under the bark of ash trees, killing them by preventing the flow of water and nutrients in the tree. Movement of firewood has been linked to the spread of EAB from its initial infestation of Detroit. The Minnesota Legislature enacted legislation to control the movement of firewood into land administered by the MN Department of Natural Resources. Failure to protect Minnesota from an infestation of EAB could cost millions of dollars not only in trees, but industry, tourism and aesthetics.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Woodland Protection & Preservation

06-2006

MASWCD supports the protection and wise stewardship practices of those remaining woodlands in south central and southwest Minnesota, and will work toward the development of a policy for the protection of woodlands and the safe and productive harvest thereof.

Approved: December 5, 2006

Sunset Date: **December, 2010**

Action: MASWCD is working with a larger coalition of partners via the Blandin Foundation and also a Forestry Protection Task Force to develop outcomes for forestry protection. Policy will be forthcoming.

Improving the Implementation of Forest Stewardship Plans

07-2006

MASWCD urges the State Forest Stewardship Committee to implement a price- reimbursement plan that would charge the landowner \$100.00 for each plan completed to be retained by SWCDs to help them offset their costs in addition to the funding they now receive from the Committee.

Approved: December 5, 2006

Sunset Date: **December, 2010**

Action: MASWCD requested that the Department of Natural Resources (DNR) Forest Stewardship Committee make this policy change. The DNR reviewed the recommendation and the agency's formal response states, "DNR Division of Forestry feels it needs to make the program as appealing as possible to the private landowners. Keeping the plans free is a large incentive for the landowner and DNR plans to continue with this policy." To date, DNR does not allow for the additional \$100 charge.

Small Woodlot Cost Share Program

10-2005

MASWCD supports funding for a technical and cost-share assistance program for landowners with 2 to 20 acres of wooded land. These size parcels are typically too small for current accepted forest management techniques. These smaller parcels generally do not qualify for government assistance programs such as the State Forest Stewardship Program. This leaves a large number of acres and associated forest resources unmanaged. These parcels are often in environmentally sensitive areas.

Approved: December 6, 2005

Sunset Date: **December, 2009**

Action: This resolution was forwarded to the National Association of Conservation Districts (NACD) 2006 Annual Convention and was approved by the membership in attendance. It is now NACD policy to support these changes with Congress, the President's Administration, and others. In addition, MASWCD submitted a letter to BWSR requesting that cost-share funding temporarily be allowed for assisting small woodlot owners with developing management plans. MASWCD was a leader in passage of the state Clean Water Legacy Act in 2006, which provided additional resources for the Forest Stewardship Program.

Section 3 – State Conservation Programs and Issues (continued)

OTHER STATE CONSERVATION PROGRAMS AND ISSUES

Annual Financial Reporting Requirements for SWCDs 04-2008

MASWCD shall work with BWSR financial oversight staff and the State Auditor's staff to develop reports within existing accounting programs to reduce SWCD staff time required to meet the states reporting requirements. The State of Minnesota requires SWCDs to complete annual financial reports in addition to regular independent audits. Completing these annual financial reports creates a significant workload for SWCDs with high administrative turnover or SWCDs without adequate administrative support. Most SWCDs use accounting software that could be utilized to create the needed financial information for submission as is to the State Auditor's office without the need for transferring data to forms that meet the State Auditors requirements.

Approved: December 9, 2008 **Sunset Date:** [December, 2012](#)

State Auditor's Office Charging for Audit Review 05-2008

It is MASWCD policy to look into the removal of the fee that is assessed to the SWCDs from the Office of the State Auditor and work toward any necessary rule or legislative change necessary for the removal of the fee. All SWCDs in the state are required to hire a private auditor to audit their financial statements. These private auditors are Certified Public Accountants and audits are conducted by accepted practices. These audits are to be full scope in nature, resulting in audited financial statements, the auditor's opinion on the financial statements, and reports on internal control and compliance. These audits will be conducted in accordance with general accepted auditing standards and the Minnesota Legal Compliance Guide for Local Government. These audits are forwarded to the State Auditor's Office for review and assessed a fee for their audit review of up to 15% of the audit.

Approved: December 9, 2008 **Sunset Date:** [December, 2012](#)

Appropriation of Minnesota's Ground Water and Surface Water to Projects outside the State 10-2008

MASWCD supports development of legislation that protects the State's groundwater and surface water resources from being appropriated outside the State of Minnesota. Water of the State of Minnesota is a public resource owned by the citizens of Minnesota. Landowners within Minnesota can appropriate water for domestic use, industrial use and irrigation through a permit process with the Minnesota Department of Natural Resources (DNR). The DNR has expressed concern about expanded use of water for ethanol plants, irrigation and other high capacity wells. International waters are protected through agreements between Minnesota and Canada.

Approved: December 9, 2008 **Sunset Date:** [December, 2012](#)

Section 3 – State Conservation Programs and Issues (continued)

OTHER STATE CONSERVATION PROGRAMS AND ISSUES (continued)

Conservation Easements for Drinking Water Supply Management Areas (DWSMA) 11-2008

It is MASWCD policy to work with Minnesota Department of Health, Minnesota Board of Water and Soil Resources, Minnesota Department of Agriculture, Minnesota Rural Water Association, and USDA in developing a conservation easement program that leverages local, state and federal resources (similar to CREP) to protect drinking water supplies. The conservation easement program would target community water suppliers with elevated contamination, especially suppliers approaching or exceeding health standards. Groundwater is an important source of drinking water in Minnesota. Fifteen to twenty agricultural communities are currently struggling with elevated nitrates. Seventy percent of Minnesota's residents rely on groundwater for drinking water supplies. A drinking water supply management area (DWSMA) is the geographic area, including the wellhead protection area, which is to be protected and managed by the wellhead protection plan. Nitrate removal systems on community water supplies often cost \$1-\$3 million plus annual maintenance costs. Perennial crops and/or native vegetation can reduce nitrate leaching losses by a factor of 30 to 50 times less than conventional row crop systems.

Approved: December 9, 2008

Sunset Date: [December, 2012](#)

Incentive Program for Vegetative Buffers along Lakes and Streams 12-2008

MASWCD policy is to work with BWSR, DNR and others to explore the opportunity for establishing a buffer incentive program in the state. Such a program would have SWCDs as the lead local governmental organization in providing technical assistance in the establishment of vegetative buffers. The agencies within Minnesota should recognize the importance of vegetative buffers and develop an aggressive promotional and awareness campaign for establishing, maintaining, and restoring these ecologically sensitive areas. SWCDs provide technical assistance to private landowners in establishing vegetative buffers adjacent to lakes, riparian, and wetland areas. The number of lakes and streams identified as impaired is increasing in the state and vegetative buffers can reduce loading to water resources. Vegetative buffers provide water quality benefits to water resources. Greater landowner participation can be achieved with incentives for establishing and maintaining vegetative buffers.

Approved: December 9, 2008

Sunset Date: [December, 2012](#)

LCCMR Conservation and Preservation Plan 19-2008

It is MASWCD policy to be an active participant in the implementation of the Statewide Conservation and Preservation Plan to ensure SWCDs are recognized as a pivotal partner for successfully accomplishing the goals and strategies outlined in the Plan. The Legislative Citizen Commission on Minnesota Resources (LCCMR) has prepared a Statewide Conservation and Preservation Plan (www.mnconservationplan.net). The purpose of the Plan is to offer a long term vision and serve as a guide for natural resource conservation and preservation efforts for the next 50 years. As local units of government dedicated to assisting land occupiers with the protection of soil and water resources, SWCDs have a long history of building effective conservation partnerships throughout the state

Approved: December 9, 2008

Sunset Date: [December, 2012](#)

Section 3 – State Conservation Programs and Issues (continued)

OTHER STATE CONSERVATION PROGRAMS AND ISSUES (continued)

Green Acres Program & Conservation Easements

E1-2008

It is MASWCD policy to work with Minnesota Department of Revenue, state legislators, and other interested parties in developing a solution to the problems with the "Green Acres" program. The "Green Acres" program is a tax deferral program for agricultural property. "Green Acres" farmland is valued for tax purposes on its agricultural value, rather than its future development potential or highest and best use value. These "Green Acres" are entitled to valuation and tax deferments; otherwise, taxes on potential development land could get so high they would force farmers off the land prematurely. Recent modifications resulted in confusion over "Green Acres" program eligibility for land in conservation easements, such as, the Conservation Reserve Program (CRP), Re-Invest in Minnesota (RIM), Conservation Reserve Enhancement Program (CREP). This confusion will reduce landowner participation in conservation easement programs.

Approved: December 9, 2008

Sunset Date: **December, 2012**

Water Quality Trading and SWCDs

04-2007

It is MASWCD policy to cooperate with the Board of Soil and Water Resources (BWSR), Minnesota Pollution Control Agency (MPCA) and the Minnesota Legislature in developing and implementing a Water Quality Trading program for Minnesota, using SWCDs as a technical resource. MASWCD will seek to be an active participant in both the development and review of Minnesota's Water Quality Trading rule that is being developed by the MPCA, to assure that the role of SWCDs is clearly established and recognized. Minnesota's rivers, streams and lakes are a valuable resource for the state. Many of Minnesota's water resources cannot currently meet their designated uses because of pollution problems from a combination of point and nonpoint sources. Water Quality Trading is a market-based tool for water quality improvements where one pollutant source with high treatment costs pays another to make a voluntary, yet quantifiable pollutant reduction for a lower cost. Water Quality Trading many times requires the implementation of nonpoint source pollution best management practices (BMPs) to reduce pollutant loadings. SWCDs are the optimum local units of government to provide the necessary state-wide technical assistance to private landowners in the protection of natural resources. SWCDs have been a vital tool in leveraging additional USDA and other Federal technical and financial assistance dollars for conservation practices in MN. SWCDs can assist with the promotion, design, implementation, inspection and tracking of installed BMPs as part of a future Water Quality Trading program. SWCDs believe that market-driven approaches such as water quality trading provide greater flexibility and have potential to achieve water quality and environmental benefits greater than would otherwise be achieved under more traditional regulatory approaches.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Local Property Tax Valuations on Perpetual RIM & Perpetual CREP Lands

06-2007

MASWCD supports legislation to keep property valuation on these lands at the rate in effect during initial enrollment, for the original landowners and heirs. There are landowners who enrolled in these programs with the intention of using the land for their own purposes, with no intent to sell the property. Sales of RIM and CREP land across the Minnesota have caused property tax valuations on these lands to increase dramatically. These lands are in perpetual easements and cannot be developed, built upon or produce commodity crops and will remain in the RIM and CREP Programs permanently. These tax payments could become a burden on the original owners or the heirs of the original owners.

Approved: December 4, 2007

Sunset Date: **December, 2011**

Section 3 – State Conservation Programs and Issues (continued)

OTHER STATE CONSERVATION PROGRAMS AND ISSUES (continued)

Hard Rock Mining and Mineral Exploration **09-2006**

MASWCD will compile information from SWCDs regarding their involvement with planning and zoning activities and whether their county has an existing mining ordinance. MASWCD will formulate information to be distributed to SWCDs regarding the potential impacts to ground and surface waters.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: MASWCD is working with Association of Minnesota Counties to utilize data already compiled.

Redefining BWSR's "Metro" to Include All of Area 4 **25-2006**

MASWCD supports a change in Minnesota Statutes to redefine the metro Area as all of the counties of Area 4 (Anoka, Benton, Carver, Dakota, Hennepin, Ramsey, Scott, Sherburne, Stearns, Washington and Wright) for representation on the Board of Water and Soil Resources (BWSR). Currently, only 7 of the 11 Area 4 counties are considered part of the metro area, leaving 4 that are not included in the metropolitan designation. (Benton, Sherburne, Stearns, and Wright). These 4 non-metropolitan counties are at a disadvantage for representation on the Board of Water and Soil Resources due to the Minnesota Statute stating representation must be spread across the state. M.S. 103B.101, subd. 2.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: The MASWCD Legislative Committee reviewed the resolution and determined to postpone this policy during the 2007 and 2008 legislative sessions. The committee focused on the Watershed Management Report and other SWCD and BWSR issues that needed to be addressed during the sessions. The policy was forwarded to the BWSR Board. The resolution is MASWCD standing policy.

Voluntary Authority for SWCDs to Develop TMDLs **08-2005**

MASWCD supports the opportunity for willing SWCDs to accept funding and responsibility from MPCA to establish TMDLs in watersheds at least partially within their respective Districts. The federal Clean Water Act mandates that States build scientifically sound plans for cleaning up their Impaired Waters by developing Total Maximum Daily Loads (TMDLs) for these waters. The Minnesota Pollution Control Agency (MPCA) expects to identify 10,000 impaired lakes, river and stream reaches, and wetlands by 2010. If states fail to develop TMDLs in a timely manner, these TMDLs can be established by the federal government or the federal government can restrict new or expanded pollutant discharges until an approved TMDL is in place. Minnesota already has a backlog of waters that must be tested and studied, and the MPCA cannot keep up the workload given current staff levels. SWCDs have technical expertise in water resource management and have knowledge of local pollution sources and problems.

Approved: December 6, 2005 **Sunset Date:** **December, 2009**

Action: SWCDs can accept funding and responsibility from MPCA to develop TMDLs. MASWCD actively opposed legislation that would have prevented SWCDs from taking on a role in TMDL development. In addition, MASWCD submitted the resolution to MPCA. The agency replied that it is currently operating along the lines suggested by MASWCD resolution, and seeks to strengthen the relationship with SWCDs. MPCA is looking to SWCDs to provide leadership in the development and implementation of TMDL studies. The level of local governmental participation is generally decided between the MPCA regional office technical staff and the local governmental unit itself. MASWCD was a leader in passage of the state Clean Water Legacy Act in 2006 that provided additional resources for TMDL development.

Section 3 – State Conservation Programs and Issues (continued)

OTHER STATE CONSERVATION PROGRAMS AND ISSUES (continued)

Promotion of Preventative Measures **11-2005**

MASWCD supports efforts by the state legislature to increase funding for cost-sharing and technical assistance for installation of preventative measures. Erosion and sediment problems can be predicted and prevented through best management practices and storm water planning. Restoration and reconstruction after the fact is significantly more expensive and requires greater technical input. SWCDs should promote measures that prevent erosion and sediment problems in problem areas.

Approved: December 6, 2005 **Sunset Date:** **December, 2009**

Action: MASWCD was successful in 2006 for obtaining funding for SWCDs through the state Clean Water Legacy Act for protection efforts.

Creation of a Farmland & Natural Areas Fund **12-2005**

MASWCD supports the creation of a farmland and natural areas fund by the State of Minnesota. SWCDs work to maintain the long term sustainability of farmland and natural resources for productivity and public benefits. The preservation, enhancement, and protection of lands for farming and natural resources purposes require management inputs.

Approved: December 6, 2005 **Sunset Date:** **December, 2009**

Action: This is standing policy for MASWCD

Section 3 – State Conservation Programs and Issues (continued)

OTHER STATE CONSERVATION PROGRAMS AND ISSUES (continued)

Minnesota Resource Conservation Commission **13-2005**

MASWCD supports creation of a MN Resource Conservation Commission (MRCC) and recommends:

- the MRCC consist of seven members whose responsibilities include making decisions affecting funding of natural resource programs and projects;
- the MRCC exercise the powers and authority of the Legislative Commission on Minnesota Resources (LCMR) under Chapter 116P of Minnesota Statutes, and that the LCMR be abolished;
- a nonpartisan conservation commission review applications, interviews candidates and select a panel of the eleven most qualified proposed members of the MRCC;
- the nonpartisan conservation commission be composed of 15 members selected as follows:
 - a) two members by [a recognized group representing commercial interests];
 - b) two members by [a recognized group representing broad environmental interests];
 - c) two members by the Minnesota Pollution Control Agency;
 - d) two members by the Minnesota Association of Soil and Water Conservation Districts;
 - e) two members by the University of Minnesota [environmental studies area];
 - f) one member selected by the governor; and
 - g) two members from each of the House of Representatives and the Senate (but in each body not more than one member from a single political party)
- the panel of the eleven most qualified proposed members of the MRCC be submitted to the governor with 60 days to appoint seven of the panelists to the MRCC;
- if the governor fails to appoint seven of the panelists to the MRCC, then the nonpartisan conservation commission appoint from the panel such number of persons to the MRCC as will constitute seven members;
- after any member of the MRCC has served for at least one year, the legislature remove such member after receiving the advice of the nonpartisan conservation commission;
- each member of the MRCC serve for a three-year term and the terms will be staggered such that the terms of 1/3 of the members will expire each year; and
- the nonpartisan conservation commission select a panel of three applicants to fill any vacancy on the MRCC and a similar appointment process to fill the vacancy.

Approved: December 6, 2005 **Sunset Date:** **December, 2009**

Action: The 2006 Legislature established the new Legislative Citizen Commission on Minnesota Resources (LCCMR). This replaced the former LCMR (20 legislators) with a legislative/citizen commission to oversee the Environment and Natural Resources Trust Fund (7 citizens, 5 members of the House and 5 members of the Senate). MASWCD invited Legislative Task Force member and former senator Steve Morse to the Nov. 2005 board meeting where discussion was held on this issue. MASWCD shared information from approved policy in preparation of 2006 session. MASWCD informed SWCD members of the changes as well as the open applications for the appointment process to the new LCCMR.

Section 3 – State Conservation Programs and Issues (continued)

OTHER STATE CONSERVATION PROGRAMS AND ISSUES (continued)

Riparian Grazing Lands Standards

19-2005

It is MASWCD policy to work with Minnesota Department of Agriculture, Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources to develop acceptable standards for control of undesirable trees in riparian corridors and for controlled grazing for maintenance of these areas. SWCDs are entrusted with minimizing soil loss and water sedimentation. SWCDs provide conservation plans and practices that aid in restoration and enhancement of wildlife and fisheries. Current natural progression of riparian forest is by undesirable species such as boxelder, cottonwood, and soft maple. Riparian areas dominated by these undesirable species lead to unstable channels, slowing of stream flow, and prevention of dense ground cover. Riparian areas dominated by undesirable trees may be better managed by removal of undesirable trees, establishment of grasses and forbs, and maintained by controlled grazing.

Approved: December 6, 2005

Sunset Date: **December, 2009**

Action: This is standing policy for MASWCD. The Association will continue to work with agencies on grazing standards.

Section 4 – Federal Conservation Programs and Issues

Advance NACD Meeting Location Notice

26-2009

MASWCD supports having the National Association of Conservation Districts (NACD) announce the location of the NACD Annual Meeting a minimum of two years in advance to facilitate District budgeting and participation. NACD is a non-profit organization that represents Conservation Districts by providing a unified voice for natural resource conservation. The NACD Annual Meeting, held in various locations throughout the nation, is the platform for approving resolutions and setting policy for resource concerns of SWCDs. SWCDs throughout the nation annually contribute to support the NACD. The NACD, until 1995, announced the location of the Annual Meeting three years in advance allowing Districts to budget and plan for participation.

Approved: December 9, 2008

Sunset Date: **December, 2012**

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD), the resolution was taken under advisement by the board of directors and is current NACD practice.

Managed Haying and Grazing for CRP

22-2008

It is MASWCD policy to work with USDA Farm Service Agency and Natural Resources Conservation Service to eliminate the 25% reduction in payment and make all practices with grass vegetation eligible for haying and grazing; basically, to make the critical feed use program an annual program including all conservation practices with grass vegetation. Prices for most field crops have advanced to record or near record levels recently, reflecting strong demand, tight supplies and competition for acres. Rental rates under the Conservation Reserve Program (CRP) are not competitive with other uses such as raising commodity crops. The increased demand for commodities and resulting higher prices has impacted the livestock industry, in particular. The “critical feed use program” initiated for 2008 will provide much needed feed and forage while maintaining the conservation benefits of CRP by haying and grazing after the nesting period and only charging a \$75 administrative fee. Haying and grazing are beneficial management practices that improve habitat for wildlife, similar to burning, by increasing diversity of the stand and provide long term benefits for wildlife. The Farm Bill also authorizes limited haying and grazing CRP contracts. Rules allow haying and grazing of CRP contracts with a 25% reduction in the annual payment only after the end of the primary nesting period. The primary nesting period has been determined to end August 1 in Minnesota. The value of such forage is not worth a 25% reduction in payment. Under the present rules, this practice will not be utilized to the extent Congress intended, which is to improve habitat while providing forage to livestock producers. Not all CRP practices are eligible to be hayed and grazed (such as CP23 & CP25). Mid contract management is mandatory in all new CRP contracts, calling for some sort of disturbance, whether it is mowing, burning, haying, etc. Ultimately it is better to have CRP that is hayed and grazed with a management plan rather than lose it to raising commodity crops.

Approved: December 9, 2008

Sunset Date: **December, 2012**

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD), the resolution failed and it was stated that CRP is intended to be a land retirement program, while this resolution would take the land back out of retirement without a corresponding reduction in program payments.

Section 4 – Federal Conservation Programs and Issues (continued)

EQIP Cost-Share Rate

21-2008

MASWCD requests that the USDA Natural Resources Conservation Service (NRCS) consider reviewing their practice payment rates under the Environmental Quality Incentives Program (EQIP) for both terraces and a water and sediment control basins. The payments should be based on a formula which includes the cost per foot with ridge break points at two feet, four feet, and six feet and above six feet. The payment rate should reflect 50% of the cost. NRCS administers EQIP to assist landowners with implementing practices that protect and improve soil, water, air, plant, and animal resources on their farms. Many landowners rely on practice payments in order to commit to installing needed practices. NRCS has established practice payment rates for all practices. Terrace practice payment rate covers only about 25% of construction costs. The water and sediment control basin practice payment rate is based on a number instead of feet. Both terrace and water and sediment control basin ridge heights most often vary between two and four feet. The current break point for water and sediment control basin's practice payment rates are based on break points at three feet, six feet and greater than six feet. The costs for terraces and water and sediment control basins are virtually identical when comparing the cost per foot with consideration of ridge height.

Approved: December 9, 2008 **Sunset Date:** **December, 2012**

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD), the resolution failed and it was stated that most states resolve this issue with their NRCS State Technical Committee. MASWCD also submitted the resolution to NRCS in Minnesota. The April 13, 2009 response from NRCS State Conservationist Bill Hunt states the following:

A few points need to be made and clarified about the "EQIP Cost Share Rates," and the ability to provide input to NRCS on costs related to the implementation of conservation practices.

- 1. In the past, including FY2009, the practice payment rates were set annually based on data collected from actual contracts and data from other sources.*
- 2. The payment schedules are statewide payment schedules and are not specific to a given county or NRCS area.*
- 3. NRCS no longer pays cost-share. We have a practice payment rate which is based on average costs of installation and a payment rate percentage, which for FY2009 for terraces and water and sediment control basins is 75 percent. Therefore, producers are not guaranteed to receive a given percentage of the cost to implement a practice. They receive a payment rate, which may reflect a range of "cost-share" percentages depending on the actual cost to the producer.*
- 4. The typical scenarios for terraces and water and sediment control basins were decided upon by the Area Engineers based on their knowledge of the typical practices being installed in their area. Since this is a statewide payment schedule, the typical scenarios may not specifically reflect exactly what is being installed in a given county.*
- 5. The payment rates are updated annually, given adequate data to support an increase/decrease in costs. The SWCDs can submit cost data for specific practices through their DC to the Area Office for submittal to the State Office. The FY2009 bulletin covering cost data collection states that, "If Area Offices have additional cost information that is important to the installation of conservation practices, such as information from SWCDs, custom rates, other federal programs (WRP) or information from other local sources, they can submit that information by scanning the document and saving it in the share point folder for the specific area."*

I believe that by increasing the payment rate percentage to 75 percent, the majority of the concerns brought up in this resolution have been handled. I also encourage all SWCDs to provide comments and cost data through the local District Conservationist for future practice payment schedules.

Section 4 – Federal Conservation Programs and Issues (continued)

Cellulosic Ethanol Production Utilizing CRP Native Prairie Grasses

25-2007

MASWCD encourages USDA Farm Service Agency (FSA) to allow a percentage of CRP native prairie grass acres to be harvested for the purpose of supplying cellulosic biomass to a prototype cellulosic refinery. The CRP contract holders supplying cellulosic biomass to a cellulosic facility should not see a reduction in their CRP payments and should be eligible to receive a reimbursement payment from a cellulosic plant for costs incurred in harvesting and transporting of the cellulosic biomass to a cellulosic facility. Energy policies both at the federal and state levels indicate there is a future to cellulosic ethanol production by utilizing biomass. There are millions of CRP acres planted to native prairie grasses that can be utilized as a Cellulosic Biomass Crop for ethanol production. CRP contract holders are required to perform a mid-management practice activity as part of their approved conservation plan. The mid-management practices, such as light disking, prescribed burning or mowing, are the only acceptable management practice activities allowed to be performed on these CRP acres. Burning creates potential liability, and mowing without removal of residual vegetation can cause more problems.

Approved: December 4, 2007 **Sunset Date:** December, 2011

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD) the resolution failed in committee 3-6. Currently some harvest is allowed with a CRP payment reduction. NACD policy is if Congress creates an energy crop production program, NACD will support a stand-alone energy program with conservation compliance and technical assistance.

Construction of Conservation Practices on Land Enrolled in General CRP

26-2007

It is MASWCD policy to work through the National Association of Conservation Districts (NACD) to encourage USDA to allow the construction of conservation practices on lands currently enrolled in CRP, if approved by the SWCD board and the corresponding Farm Service Agency County Committee. Due to the changing farm economy and farm bill, many expiring CRP contracts will not be renewed and the land will be put back into production. Many of the lands enrolled in CRP did not have adequate conservation practices, such as waterways, sediment basins and terraces before being enrolled in CRP. Permanent vegetation upslope from conservation practices reduces the erosive effects of precipitation. Installing conservation practices before the grasses are removed would reduce the risk of damage to newly-constructed and seeded conservation practices.

Approved: December 4, 2007 **Sunset Date:** December, 2011

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD) the resolution passed in committee 10-0 and was adopted by the full board on the consent calendar. It is now NACD policy. It was stated that this practice is already allowed in some states on a limited basis. The resolution was assigned to NACD's Natural Resource Policy Committee for further action.

Section 4 – Federal Conservation Programs and Issues (continued)

CRP Rental Rates

27-2007

MASWCD supports changes to current USDA Conservation Reserve Program (CRP) payment rates, which would add a 20% bonus to soils with an Erodibility Index greater than 15, in addition to the current rate. CRP rates are based on soil types and current rental rates, with higher rates paid for soils with higher productivity potential. However, while environmental benefits such as erosion control and improved water quality are primary goals of CRP, the most highly erosive soils generally receive the lowest CRP rates. Increasing CRP rental rates on these most highly erodible soils would provide an incentive for producers to enroll these environmentally sensitive soils resulting in greater environmental benefits than more productive, less erodible soils.

Approved: December 4, 2007 **Sunset Date:** December, 2011

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD) the resolution passed committee 9-1 and passed the full board meeting. This now joins NACD policy that already fully supported this concept but had other formulas and soil loss rates. The resolution was assigned to NACD's Natural Resource Policy Committee for further action.

CRP Eligibility

28-2007

MASWCD supports changes to current laws, policies, regulations and/or interpretations of the same which would allow rotational hay land to be eligible for the federal Conservation Reserve Program (CRP). Eligibility in the program is based in part on crop history. Consequently, certain land in a crop rotation including hay land may be ineligible for CRP depending on the year of establishment of the hay land, while other land with the same rotation may be eligible. Much of the highly erodible land (HEL) acres may have a crop rotation containing hay land. Crop records are generally readily available to determine crop rotations.

Approved: December 4, 2007 **Sunset Date:** December, 2011

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD) the resolution failed 1-8 in committee. There is current NACD policy that supports the eligibility of hay and pasture for CRP cropping history. The Food, Conservation, and Energy Act of 2008 states that with regard to highly erodible land, in general, "alfalfa and other multi-year grasses and legumes in a rotation practice approved by the Secretary of USDA shall be considered agricultural commodities." The Act further states that "[a]lfalfa, when grown as part of a rotation practice, as determined by the Secretary of USDA, is an agricultural commodity subject to the cropping history criteria for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years."

Emergency Haying and Grazing of CRP

31-2007

It is MASWCD policy to work with USDA Farm Service Agency, Natural Resources Conservation Service and the State Technical Committee (STC) to determine for the Conservation Reserve Program (CRP) an appropriate timeline to respond to requests of emergency situations and to treat all requests the same. In emergency situations, certain practices such as CP-23 should be included on the list of practices eligible to be hayed and grazed. While drought conditions in 2006 met the requirements of the STC to release CRP for emergency haying and grazing, two weeks passed before some requests were approved. During this time, livestock producers were in desperate need of relief from the drought. At the same time, many requests were approved in two or three days. Failure to act on a request in an appropriate matter of time can be perceived by some that the request may not be taken seriously.

Approved: December 4, 2007 **Sunset Date:** December, 2011

Section 4 – Federal Conservation Programs and Issues (continued)

Include Hay as Part of “Base Acres”

32-2007

MASWCD, through the National Association of Conservation Districts (NACD), encourages USDA to consider acres planted to hay as part of a producer’s “base acres.” A producer’s eligibility for Farm Bill Assistance payments is determined from his/her “base acres.” “Base acres” are determined by the number of acres seeded to corn, soybean or small grains. Acres planted to hay can only be counted if during the Farm Bill program years, the area is planted to corn soybeans or small grains. Hay rotations are part of a producer’s conservation plan to manage operations to prevent excessive erosion. By not allowing acres planted to hay as part of a producer’s base acres, the Farm Bill programs encourage less perennial vegetation on the landscape and make the landscape more susceptible to erosion. Using hay as part of “base acres” determinations will encourage more perennial vegetation in conservation planning and increase the economic vitality of producers.

Approved: December 4, 2007 **Sunset Date:** December, 2011

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD) the resolution failed for lack of a motion to bring it forward for a vote. There was strong opposition from all states, except Midwest states. There was very strong opposition from California representatives who stated that they are the number-one agricultural state and have very little commodity crops grown there and have no desire to see any added. Most stated that this is a commodity issue and not a conservation issue.

HEL Soil Loss Compliance

33-2007

MASWCD requests that the National Association of Conservation Districts (NACD) advocate for elimination of federal farm payments to producers who are not following a farm plan that lowers erosion to “T” or less. A system should be established that penalizes for failure to comply with the requirements of a conservation plan that is based on the severity of non-compliance. Many USDA programs require an approved conservation plan on all Highly Erodible Land (HEL) in order to stay eligible. SWCDs are asked to review and approve these plans. Failure to follow an approved conservation plan can make a producer ineligible for USDA programs, which may cause significant financial hardship for that producer. There is some apprehension by fellow producers and county committee members to enforce HEL planning provisions of the federal Farm Bill because of fear of causing catastrophic financial hardships. RUSLE2 has been adopted by the NRCS to determine soil loss for programmatic purposes. RUSLE2 soil loss tolerances do not seem to correspond to the same amount of soil savings on the land as RUSLE or USLE. A conservation plan that meets the “2T” standard of RUSLE2 may not meet the requirements of “2T” using the RUSLE criteria. A conservation plan for fields being sod busted is required to meet the “T” standard for allowable soil loss. More erosion would be prevented if USDA would require a conservation plan meet the standard of “T” using the RUSLE2 on all fields.

Approved: December 4, 2007 **Sunset Date:** December, 2011

Action: MASWCD forwarded the resolution to the national level. At the 2008 convention of the National Association of Conservation Districts (NACD) the resolution failed for lack of a motion to bring it forward; it already is NACD policy 8.J.7 and 8.C.1. NACD fully supports this policy.

The new Farm Bill (Food, Conservation, and Energy Act of 2008) includes a provision for graduated penalties. In the event a person has failed to comply with the provisions of their conservation plan but the person has acted in good faith and without intent to violate, there are opportunities to reduce program payments in lieu of applying ineligibility provisions. The same is true if the violation is technical and minor in nature and has a minimal effect on the erosion control purposes of the plan. The new Farm Bill states that in lieu of applying ineligibility provisions in these cases, the Secretary of USDA or a designee shall reduce program benefits “that the producer would otherwise be eligible to receive in a crop year by an amount commensurate with the seriousness of the violation.”

Section 4 – Federal Conservation Programs and Issues (continued)

FSA Aerial Photography

34-2007

It is MASWCD policy to work with the National Association of Conservation Districts (NACD) to acquire, at the national level, adequate funding for aerial photos for crop compliance to be completed annually. Regardless of which agency is handed the responsibility of acquiring this information, all public natural resource agencies should be allowed access. The USDA Farm Service Agency (FSA) has taken aerial photos annually for crop compliance since the late 1970's. This collection of annual records has become a valuable tool for all natural resource agencies. However, limited funding has forced FSA to eliminate aerial photography for 2007. If funding does not become available, all natural resource agencies may lose a valuable tool for assisting landowners to implement conservation practices.

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD) the resolution was amended so that the last paragraph reads: "NACD will work to (strike acquire) encourage adequate funding". The reason for the change was that NACD does not acquire funds. The resolution failed 1-10 in committee. The reasons given were that current NACD policy already recognizes the importance of the aerial photos but adequate funding is hard to define in these times of funding shortages.

Plastic Mulch Eligibility for Federal Cost-Share

35-2007

It is MASWCD policy to pursue statewide cost-share of funding of tree fabric through the USDA Farm Service Agency (FSA). FSA rule which makes Minnesota townships with an annual precipitation of 25 inches or more ineligible for tree fabric is not practical. SWCDs continue to sell and plant trees for their environmental benefits and beauty to the landscape. It also helps districts earn income to sustain their districts operations. This directive is limiting the planting of new plots. Tree fabric is so important to weed control and survivability of newly planted trees. The loss of cost-sharing dollars is decreasing new or added tree plantings which are so critical to our environment.

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Federal Field Windbreak Cost-Share Eligibility

36-2007

It is MASWCD policy to take appropriate action to encourage the USDA Farm Service Agency (FSA) and the Natural Resources Conservation Service (NRCS) to change their policy and allow cost-share on field windbreaks planted on any site deemed appropriate, without regard to wind erosion rates. In the event this cannot be changed for FSA Cost-Sharing under provisions of the Continuous Conservation Reserve Program (CCRP), changes should be sought to State Cost-Sharing Policy to allow field windbreaks on appropriate sites, without regard to wind erosion rates. FSA and NRCS jointly prepared eligibility rules for field windbreaks (Practice CP5A) that state "documented potential wind erosion must be equal to or greater than tolerable soil loss (T) in order for the practice to be eligible for cost-share." However, in many areas of the southern part of the state it's difficult to find locations that have soils eroding at levels greater than T from wind alone. Even though soil erosion may not exceed T on a site, soil erosion reduction benefits will be realized on all sites. Field windbreaks provide many other benefits including protecting nearby crops from wind related damage, managing snow deposition, increasing carbon storage and enhancing wildlife habitat.

Approved: December 4, 2007 **Sunset Date:** **December, 2011**

Section 4 – Federal Conservation Programs and Issues (continued)

National Public Service Messages

38-2007

It is MASWCD policy to work through the National Association of Conservation Districts (NACD) to create a national message about the need for conservation practices and implementation of Best Management Practices (BMPs) and apply to be selected as an Ad Council campaign. SWCDs need to do more to increase their exposure to the general public and get their message encouraging the adoption of conservation practices to a national audience. Many people are not aware of the existence of SWCDs and the services that they provide. The Ad Council is a non-profit group that produces, distributes and promotes thousands of public service campaigns on behalf of non-profit organizations and government agencies in issue areas such as environmental preservation. The mission of the Ad Council is to identify a select number of significant public issues and stimulate action on those issues through communication programs that make a measurable difference in our society. NACD is an organization that is national in scope and has a formal network of local chapters, affiliates and other ties throughout the country. NACD meets the eligibility requirements for consideration for selection as an Ad Council campaign.

Approved: December 4, 2007

Sunset Date: December, 2011

Action: MASWCD forwarded this resolution to the national level for action. At the 2008 annual convention of the National Association of Conservation Districts (NACD) the resolution failed 2-5 in committee. NACD policy already supports all media coverage. While Public Service Announcements (PSAs) are not specifically mentioned, it is part of the process. The MN delegates brought in Randy Koenen, the President of the National Farm Broadcasters and a MN native, to explain how PSAs worked, were made, and the cost. Randy did an excellent job of explaining how radio selects PSAs whether they come from the Ad Council or individual organizations. It was discussed that this resolution was a good reminder to the new NACD communications committee.

Improving NRCS Procedures for Modifying Existing CSP Contracts

10-2006

MASWCD requests that the USDA Natural Resources Conservation Service (NRCS) immediately institute administrative practices to inform all operators of the acceptance of the proposed modifications to the Conservation Security Program/Conservation Stewardship Program (CSP) contracts by February 1st of the cropping year or 30 days after the producer makes his intentions known, whichever is later.

Approved: December 5, 2006

Sunset Date: December, 2010

Action: MASWCD requested that NRCS make the policy change. The NRCS formal response includes: "NRCS cannot implement the proposed administrative changes in this resolution until or unless additional CSP funding becomes available. As with all NRCS conservation contracts, individuals CSP contracts do not offer any guarantee to the participant that they can modify their contract. NRCS has allowed modifications to CSP contracts in order to stimulate existing participants to continue expansion of their conservation activities under a nationally announced CSP modification period, if sufficient funds are available.

Section 4 – Federal Conservation Programs and Issues (continued)

Eliminating Imposition of Cost Recovery in EQIP Contracts Prior to 2007 **11-2006**

MASWCD strongly requests that the USDA Natural Resources Conservation Service (NRCS) immediately stop enforcing the cost recovery provision on contracts where no practices were implemented and Environmental Quality Incentive Program (EQIP) funds were not expended for all contracts signed before June 1, 2006. MASWCD further requests that in the future, all provisions of the contract relating to liquidated damages be specifically pointed out to and initialed by producers.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: MASWCD requested that NRCS make the policy change and NRCS did accept a portion of the resolution. All applicants for 2007 EQIP were required to initial the cost recovery part of the appendix in addition to signing all other required contract forms. NRCS believes this should help clarify to the contract holder that he or she will be subject to the contract cancellation or termination if non-compliance occurs. NRCS is unable to ignore the cost recovery portion of EQIP contracts. The NRCS State Conservationist does and has used the authority to consider each situation independently when computing the cost recovery amounts. In Minnesota, NRCS has a process to consider the contract holder's situation – hardship and a good faith attempt to implement the contract. NRCS also considers the agency's efforts in assisting the landowner to implement the contract. This analysis is completed on each contract that is either proposed to be cancelled by the contract holder or terminated for non-performance by NRCS. The max. cost recovery amount is based on the rules in the NRCS cost share appendix and manual. It can then be adjusted downward, to represent the specific non-compliance situation presented by the producer to NRCS. There are a few situations that have occurred where the landowner has tied up thousands of contract dollars and not provided a hardship nor made reasonable attempts to implement the contract. In these cases full cost recovery is normally sought.

Seeding Forbs at the Mid-Contract Maintenance Application **15-2006**

MASWCD encourages USDA Farm Service Agency (FSA) and Natural Resources Conservation Service (NRCS) to allow and encourage the seeding of forbs at the time of mid-contract maintenance (approximately the 4th year after seeding) to allow cooperators an opportunity to chemically control noxious weeds during the grass establishment years.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: MASWCD requested that NRCS make the policy change; however, NRCS is not amenable to making the change. NRCS's formal response includes "It is our position technically that it is not feasible to try to establish a diverse forb component into an existing/established native grass stand. With a few exceptions, the forbs cannot compete with the established grasses. NRCS has several options for inter-seeding forbs and legumes into introduced grasses. NRCS does recommend a few forbs that have the highest likelihood of surviving inter-seeding, but there are not enough to meet the diversity required in our NRCS practice standard seeding mixes. Field trials are providing better data on native forb tolerance to fairly new herbicides such as Transline and Milestone, so NRCS may soon be able to make forb recommendations on these sites." The resolution was also forwarded to the National Association of Conservation Districts and failed at the national level.

Remove 25% Cropland Limitation from Continuous CRP **16-2006**

MASWCD encourages the National Association of Conservation Districts (NACD) to hold as a priority changes to the next Farm Bill to remove the 25% cropland limitation for enrollment in the Continuous Conservation Reserve Program (CRP). Some counties in Minnesota have met the 25% cropland limitation and can no longer enroll any cropland acres in to CRP. These enrollment limitations could also eliminate Conservation Reserve Enhancement Program (CREP) signups in these counties.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: MASWCD forwarded the resolution to NACD and it was approved by the national membership.

Section 4 – Federal Conservation Programs and Issues (continued)

Field Borders as a Continuous CRP Practice **17-2006**

MASWCD encourages the state offices of the USDA Farm Service Agency (FSA) and the Natural Resources Conservation Service (NRCS) to make Field Borders an eligible practice for Continuous Conservation Reserve Program (CCRP) enrollment. If Field Borders cannot be made an eligible CCRP practice, MASWCD suggests allowing drainage or road ditches that convey water to be eligible for the Filter Strip Practice for CCRP.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: The policy was adopted by the National Association of Conservation District and they requested a policy change with FSA at the federal level.

Eligibility of Expiring CRP Contracts from 2008 through 2010 for Continuous CRP **18-2006**

MASWCD encourages FSA to allow eligible portions of contracts enrolled in Conservation Reserve Program (CRP), which are expiring 2008 through 2010, to be eligible to be enrolled in the Continuous Conservation Reserve Program (CCRP) and the Farmed Wetland Pilot (FWP) Program.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: This is standing policy for MASWCD. The Association will continue to work with agencies.

Haying of Filter Strips **20-2006**

MASWCD requests the USDA Farm Service Agency (FSA) and the Natural Resources Conservation Service (NRCS) to allow filter strip practices to be hayed after August 1st without penalty in an effort to reduce phosphorous loading to our waterways and to maintain practice integrity. Further, MASWCD requests NRCS and FSA to allow any other vegetative practices adjacent to watercourses to be hayed after August 1st without penalty within a certain distance of the watercourse to be technically determined.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: MASWCD forwarded the resolution to the Minnesota FSA -- the lead agency for the Continuous Conservation Reserve Program (CCRP). This resolution was also forwarded and failed by the membership in attendance at the 2007 NACD Annual Convention.

Support for Individual (Not Multi-County) NRCS Office Locations **22-2006**

The MASWCD Board of Directors encourages the USDA Natural Resources Conservation Service (NRCS) in Minnesota to maintain the existing county office structure and not follow any attempt by USDA Farm Service Agency (FSA) to combine offices into a multi-county system. Much of the work done by NRCS and SWCDs is done "on site" at the location of a conservation project or after a site visit to the project area. A single office location serving several counties would not be efficient or effective if long travel times are required to visit a work site. Individual county office locations are essential in order to provide quality service to landowners or operators in a timely manner when applying conservation practices on the land.

Approved: December 5, 2006 **Sunset Date:** **December, 2010**

Action: This is standing policy for the MASWCD as well as the National Association of Conservation Districts. NRCS's formal response includes "NRCS has done a district by district workload analysis in Minnesota and on that basis it is NRCS's intention to maintain present field office structure as long as the budget sustains any NRCS staffing and support costs.

Section 4 – Federal Conservation Programs and Issues (continued)

Support for Individual (Not Multi-County) FSA Office Locations

23-2006

MASWCD encourages the USDA Farm Service Agency (FSA) to maintain the current county by county office structure. A single office location serving several counties would require greater travel for many farmers visiting the office or FSA personnel visiting a farm. Individual county office locations are essential in order to provide quality service to landowners or operators in a timely manner.

Approved: December 5, 2006

Sunset Date: December, 2010

Action: This is standing policy for MASWCD and the National Association of Conservation Districts.

Conservation Security Program Restructuring

14-2005

It is MASWCD policy to support and strongly encourage the development of a new incentive driven program administered by the USDA Farm Service Agency (FSA) with assistance from the USDA Natural Resources Conservation Service (NRCS) and local SWCDs to replace the Conservation Security Program (CSP). Further, MASWCD encourages the National Association of Conservation Districts (NACD), USDA, and US Senators and Congressmen to draft and support legislation which simplifies administration of such a program and achieves a greater level of conservation nationwide. CSP as part of the 2002 Farm Bill has a purpose of rewarding conservation farmers and motivating the rest. CSP is a partially funded program available to select watersheds on a rotating basis. Due to this long rotation between funding watersheds, CSP's objective of "motivating the rest" most likely won't be achieved. Due to low funding levels, the CSP rewards a very small percentage of farmers. The CSP application and ranking process is very complex, and at the Field Office level has proven to be very time consuming. This has led to inefficient and counterproductive use of NRCS staff time and has caused confusion and consternation for farmers and landowners. The CSP payment of \$320 per acre in MN for delayed haying until July 1st for the protection of nesting wildlife is highly exorbitant. The FSA has been administering commodity programs for decades; the vast majority of farmers participate; and since 1985 have grown accustomed to sodbuster, swampbuster, and conservation compliance requirements. Linking a Core 4 approach using Conservation Tillage, Ephemeral Erosion control, Nutrient Management, and Conservation Buffers to commodity program participation would accomplish conservation on the vast majority of land. A three tier approach can be maintained providing a farmer a bonus over his/her present commodity payment for using Core 4 on his/her whole operation; the same commodity payment for using some of Core 4 on some of his/her operation, and a deduction to his/her present commodity payment for a low level of Core 4 adoption.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: This resolution was forwarded to the 2006 NACD Annual Convention and was voted down by the membership in attendance. Restructuring of CSP was addressed in discussions leading up to, and the final version of, the 2008 Farm Bill. The Conservation Security Program has been eliminated and replaced with a new program called the Conservation *Stewardship* Program. No new contracts may be entered into under the previous CSP. However, payments and modifications to existing contracts may be continued to be made until those contracts expire. Modification on old CSP contracts may conform to old or new CSP requirements at the option of the producer. The new program collapses the tier-based payment structure and replaces it with a stewardship enhancement payment.

Section 4 – Federal Conservation Programs and Issues (continued)

Conservation Security Program Eligibility

15-2005

It is MASWCD policy to seek changes to Conservation Security Program (CSP) rules through the National Association of Conservation Districts (NACD) to allow for continuous open enrollment. CSP is designed to reward conservation stewards. The current CSP requires levels of treatment beyond former USDA recommendations. Many farmers who have strictly followed the National Resource Conservation Service (NRCS) farm plan recommendations are not eligible for CSP. Watersheds currently eligible for enrollment in CSP will be disadvantaged over other farmers who are given additional time to meet these new stringent requirements.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: This resolution was forwarded to the 2006 NACD Annual Convention and was deemed existing NACD policy. NACD and MASWCD continued to support these changes with Congress, the President's Administration, and other groups. Restructuring of CSP was addressed in discussions leading up to, and the final version of, the 2008 Farm Bill. See "Action" for 14-2005 above.

EQIP Conservation Practice Payment Reduction for Residue Management (Practice Standard 329 A/B/C)

16-2005

It is MASWCD policy to formally request that the USDA Natural Resources Conservation Service (NRCS) State Technical Committee reduce the Environmental Quality Incentive Program (EQIP) practice payment for conservation tillage to \$15/acre on a 250 acre maximum for three years (\$11,250) total for future program year signups. The 2005 EQIP payment for residue management was \$30/acre maximum for three years, (\$22,500) total. Most counties were only able to fund a small number of applicants before exhausting their entire allocation thereby serving only a few. This practice is currently very popular with farm owner / operators seeking to improve their profit potential without making any commitments to install structural conservation practices they may need that might have a greater influence on soil erosion reduction and water quality improvement.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: MASWCD submitted the resolution to NRCS, and EQIP payments were reduced. NRCS indicated that as part of their regular on-going program review, 2006 EQIP payments for mulch tillage were reduced to \$15/acre for 120 acres maximum. Payment for no-till and ridge till remained at \$30/acre for a maximum of 250 acres.

Section 4 – Federal Conservation Programs and Issues (continued)

Eligibility of Certain Lands for Federal Continuous CCRP

18-2005

It is the policy of MASWCD to work with the USDA Natural Resources Conservation Service (NRCS), Farm Service Agency (FSA) and Congress to make lands around culverts and open tile intakes, which directly impact lakes and rivers, eligible for Continuous Conservation Reserve Program (CCRP) regardless distance from the water body. One of the main objectives of the CCRP is to improve water quality. Culverts and tile with open intakes that drain cropland can directly flush pollutants into streams and lakes. It is commonplace that these direct conduits to our water systems are in many instances forgotten by landowners and operators so that manure, fertilizer and pesticides are spread directly over these areas.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: This resolution was forwarded to the 2006 NACD Annual Convention and approved by the membership in attendance. It became NACD policy to support these changes with Congress, the President's Administration, and other groups.

The resolution was also forwarded to FSA in Minnesota. FSA's response dated October 11, 2006 is as follows: "Various options are currently available in CRP through FSA's general signup process that allow land around culverts and tile intakes to be enrolled without regard to proximity to water, provided the offered acreage meets basic eligibility requirements. However, the Continuous CRP buffer practice eligibility policy is established by FSA in consultation with NRCS and other environmental organizations; changing the policy would require solid justification based on sound scientific data."

Riparian Grazing Lands & CCRP

20-2005

It is MASWCD policy to encourage the USDA Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA) through the National Association of Conservation Districts (NACD) to allow enrollment of riparian acres with approved grazing plans in place into the Continuous Conservation Reserve Program (CCRP). Current natural progression of riparian forest is by undesirable species such as boxelder, cottonwood, and soft maple. Riparian areas dominated by undesirable trees may be better managed by removal of undesirable trees, establishment of grasses and forbs, and maintained by controlled grazing.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: This resolution was approved with amendments by the membership in attendance at the 2006 NACD Annual Convention. The policy NACD adopted is as follows: "In many areas, current natural progression of riparian area is dominated by undesirable species. Riparian areas dominated by these undesirable species lead to unstable channels, slowing of stream flow, and prevention of dense ground cover. Riparian areas dominated by undesirable species may be better managed by their removal, establishment of desirable vegetation, and maintenance by controlled grazing. NACD will request the FSA to allow enrollment of these riparian acres with approved grazing plans in place into the CCRP." This resolution was referred to the NACD Executive Board for implementation.

The resolution was also forwarded to FSA in Minnesota. FSA's response dated October 11, 2006 is as follows: "Grazing of CRP, whether through FSA's Managed or Emergency Haying and Grazing provisions, is ineligible on certain practices, including riparian buffers, and not allowed in close proximity to water (within 120 feet). Current policy was established by FSA in consultation with NRCS and other environmental organizations in an effort to properly protect the environment while utilizing grazing as a cover management practice. The Minnesota FSA State Committee and the NRCS State Technical Committee have recommended an expansion of grazing on currently restricted practices in the past without success."

Section 4 – Federal Conservation Programs and Issues (continued)

Protection of Sensitive Areas Lacking Crop History

21-2005

It is the policy of MASWCD to encourage the USDA Natural Resources Conservation Service (NRCS) and the Farm Service Agency (FSA) through the National Association of Conservation Districts (NACD) to allow enrollment of certain sensitive lands lacking cropping history and infeasible to farm, as approved and recommended by local SWCD boards, into the Continuous Conservation Reserve Program (CCRP). Some sensitive areas are not eligible for protection under existing federal or state programs due to lack of cropping history, wetland attainability, or program availability. These areas can be infeasible to farm. Protection of these sensitive areas not eligible for protection under existing programs will serve to reduce soil erosion and water pollution for the common good.

Approved: December 6, 2005 **Sunset Date:** December, 2009

Action: This resolution was forwarded to the 2006 NACD Annual Convention. It was voted down by the membership in attendance.

The resolution was also forwarded to FSA in Minnesota. FSA's response dated October 11, 2006 is as follows: "CRP eligibility requirements, including cropping history and infeasible to farm criteria, are established by statute and require Congressional action to modify. With the current farm bill scheduled to expire at the end of 2007, it is unlikely that changes to current eligibility requirements will be considered by Congress."

Support of Federal Funding for RC&Ds

26-2005

It is MASWCD policy to work with the National Association of Conservation Districts (NACD) to lobby the President and the Congress of the United States to reinstate funding to all Resource Conservation and Development (RC&D) Councils under the proposed President's 2006 budget.

Approved: December 6, 2005 **Sunset Date:** December, 2009

Action: This resolution was forwarded to the 2006 NACD Annual Convention. It was deemed existing NACD policy, which means NACD will continue to support this issue with Congress, the President's Administration and other organizations. MASWCD also submitted the resolution to the USDA Natural Resources Conservation Service (NRCS). NRCS State Conservationist Bill Hunt responded as follows:

"The 375 authorized RC&D areas will not be reduced by the President's budget proposal. What is proposed in the President's budget is a technical assistance graduation component for those councils in existence 40 years or more. RC&D Councils would be responsible for operation of their non-profit corporations. This new level of RC&D Program work will be more focused on multi-county planning, intergovernmental relations, serving as the Federal Government Representative on and Federal contracts with the RC&D Councils, and coordinating USDA assistance available toward implementation of RC&D plans. The RC&D program is unique in that it relies on a strong public and or private partnership in making the best use of limited resources."

Section 5 – Conservation Programs and Issues Related to Both State and Federal Levels of Government

Upland Buffers

22-2005

MASWCD supports upland buffers on all water resource areas. Further, it is the policy of MASWCD to promote the establishment and maintenance of native vegetation in upland buffer areas. MASWCD supports harvestable options for upland buffers on drainage ditches. Upland buffers on water resources provide multiple conservation benefits, i.e. reduction of soil loss, improved water quality, improved wildlife habitat, improved aesthetics. Upland buffers on water resources also provide direct economic benefits of reduced maintenance costs and reduced need for restoration activities.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: This is standing policy for the Association.

Biomass

25-2005

It is MASWCD policy to emphasize the importance of maintaining adequate crop residues to maintain soil quality and soil fertility and to prevent excessive soil erosion. Reduction on dependency on foreign oil through sustainable energy production is one of the goals of Minnesota's and our national energy policies. Biomass is currently being pursued as a viable sustainable energy source. Some proponents of biomass energy production are advocating the use of residues from crops, such as corn and soybeans, as a source for biomass energy production. SWCDs have long recognized the importance of crop residue for soil erosion control, soil quality, and soil fertility. Experts in biomass production may not recognize the importance of crop residue in soil erosion control, soil quality, and soil fertility.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: This is standing policy for the Association.

Multi-Flora Rose

27-2005

It is MASWCD policy to seek funding for an educational campaign to inform landowners of the aggressive spread of Multi-Flora Rose, the harmful effects of allowing the continued spread, and effective methods of control of this species. Further, MASWCD shall seek to facilitate partnerships with SWCDs, Board of Water and Soil Resources, Minnesota Department of Agriculture, Department of Natural Resources, and the United States Department of Agriculture to develop and implement an effective strategy for controlling Multi-Flora Rose. Multi-Flora Rose is a non-native invasive species which is spreading rapidly through Southern Minnesota. Many landowners are unaware of the rampant spread of this species. An educational program is needed to inform landowners of the aggressive spread and effective methods of control of this invasive species.

Approved: December 6, 2005

Sunset Date: December, 2009

Action: The resolution was forwarded to the 2006 NACD Annual Convention and was approved by the membership in attendance. This means it became NACD policy to support the changes with Congress, the President's Administration, and other organizations. MASWCD also submitted the resolution to both the state Department of Natural Resources and the USDA Natural Resources Conservation Service. State Agencies have been working toward a greater public awareness of invasive species.



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