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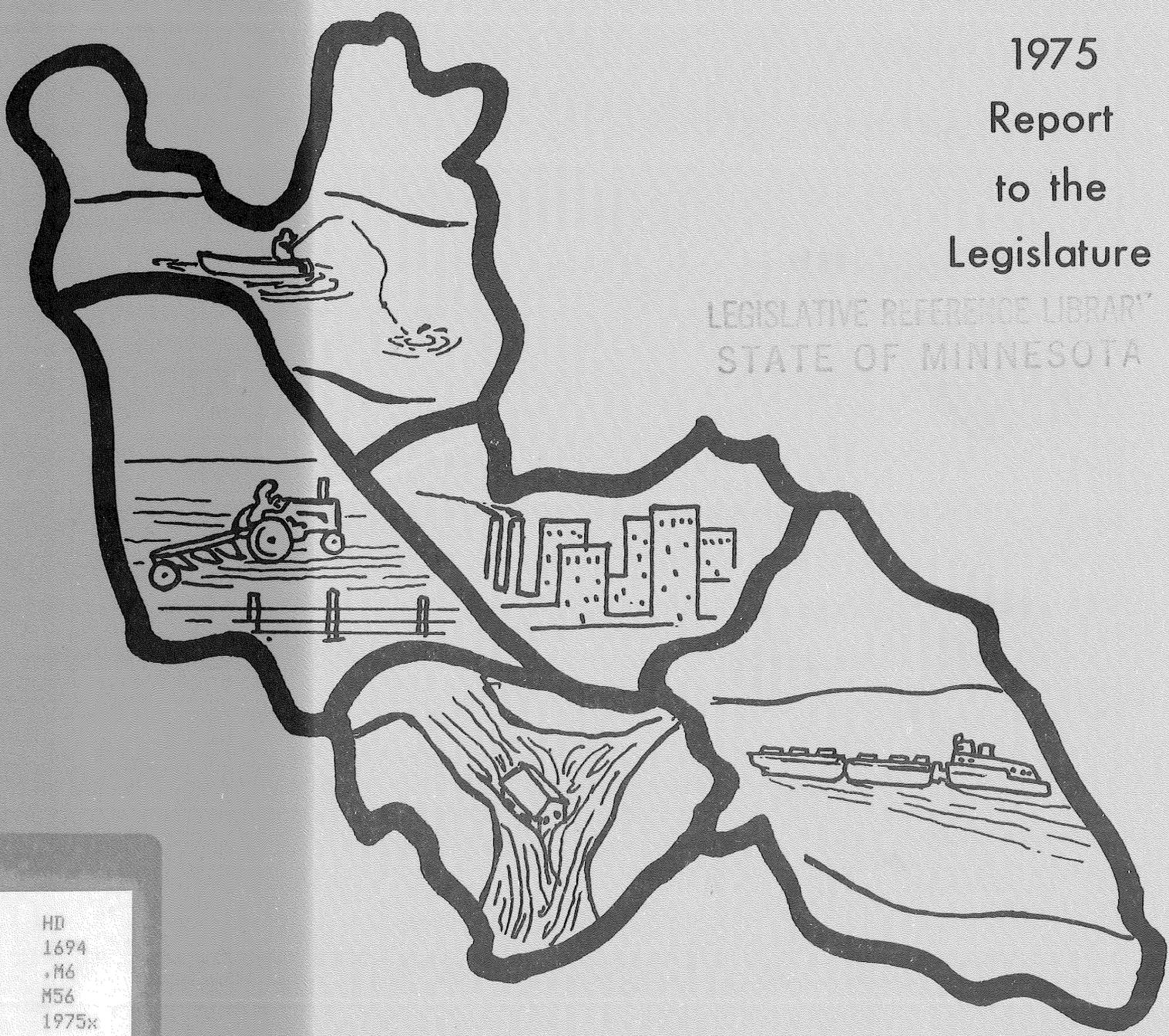
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# Southern Minnesota

## Rivers Basin Commission

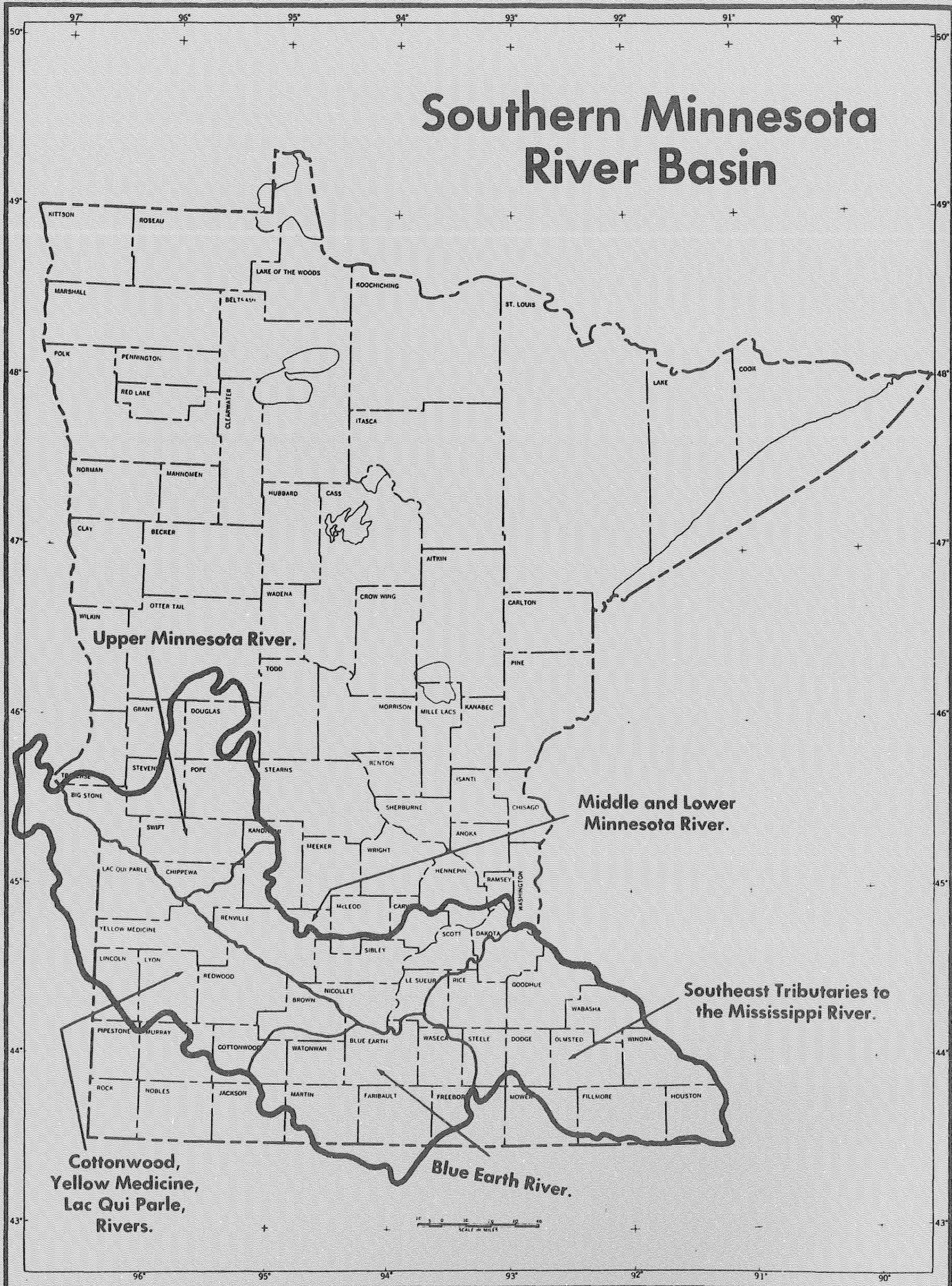
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# Southern Minnesota River Basin



## TO ALL MEMBERS OF THE LEGISLATURE

The Southern Minnesota Rivers Basin Commission has directed itself at fulfilling the intent of our enabling legislation. (Minnesota Statutes, Laws of 1971, Chapter 705.)

Under this Statute, the Commission is charged with the responsibility of guiding the creation and implementation of a comprehensive environmental conservation and development plan for parts of 45 counties in Southern Minnesota. To do this the Commission acts as a regional coordinating agency for all federal, state, and local agencies involved in water and related land resource development.

The success of the Commission has been greatly related to the concerns of local citizens and the participation they have shown in our efforts to bring the issues to the people.

It became evident early in the Commission's history that the only way an acceptable plan would be developed would be to form policy groups that are made up of local citizens. These groups are familiar with the area's resource problems and can select needed and palatable solutions for the agencies involved in planning.

Contained in this Report are the findings and recommendations that have been developed after careful review of the complex problems of the Southern Minnesota Rivers Basin. We thank you for the opportunity to present the 1973-75 activities of the Basin Commission, and it is hoped that the 1975 Legislature will give full consideration of these recommendations and the reasons behind them.

This Report is submitted with the knowledge that much is owed for the cooperation that the many separate agencies and interested citizens have provided. It is our hope, that this in part expresses our appreciation.

Respectfully submitted,

Southern Minnesota Rivers  
Basin Commission

# C O N T E N T S

## SOUTHERN MINNESOTA RIVERS BASIN COMMISSION

### Report to the Legislature

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# CHAPTER I

## INTRODUCTION

### A. The Nature of the Problem

A river basin is a complex of natural and man-made features which interact to comprise a changing environment for human life. The land use pattern must enable people to live in close cooperation yet freely pursue an enormous variety of interests. Yet it must minimize conflicts between development and limited land and water resources. There must be maintained an economic and ecological balance of human, animal, and plant life which will avoid gross public health, welfare, and resource problems. Water control facilities must be able to carry the flood and pollution loadings generated by the land use pattern.

The Southern Minnesota Rivers Basin which includes watersheds of streams that are tributaries of the Minnesota River and watersheds of streams that are tributaries of the Mississippi River south of the confluence with the Minnesota River at Fort Snelling is such a complex. The rivers of this geographic area constitute a functional unit which provides an outlet for runoff and drainage, water supply, recreation, wildlife habitat, and navigation to 45 counties in Minnesota; 6 in South Dakota and 3 in Iowa. (See map of the Basin.)

Within the Southern Minnesota Rivers Basin area, two factors stand out when dealing with the water resource problems.

1. The intensity of a particular problem varies with geographic location. For example: Increased agricultural drainage is most important to the intensive farming areas; water supply is important to New Ulm; flood control is important in Mankato, St. Peter, Henderson, Carver, Chaska, and Winona; the solution to flood control is important to Garden City; navigation is important to Winona and Savage; environmental and ecological concerns spread beyond the basin boundaries.

2. All of these concerns are truly regional in scope since they transcend the boundaries of any one municipality or county. It is the recognition of the fact that the solution to Chaska's problem may not be found in the creation of a solution for Garden City. Consequently, these problems must be resolved within the context of a regional planning effort and through the cooperation of all levels of government.

### B. Creation of the Commission

It was the awareness of the above problematic factors, highlighted by the highly visible flood disasters of 1965 and 1969 and the proposed Blue Earth "solution", by public officials and concerned citizens in the basin area which caused the creation of the Southern Minnesota Rivers Basin Commission. The enabling legislation sets forth the following intent and purpose:

*"Because of recurring flood damage, and because of other problems such as pollution, deficiencies in recreational and conservational opportunities, planning and projects, and deficiencies in planning and coordinating for economic growth, a southern Minnesota rivers basin commission is hereby created and charged with the obligation to guide the creation and implementation of a comprehensive environmental conservation and development plan for the southern Minnesota rivers basin. The commission may utilize all available scientific, economic, legal, and social resources so as to make effective the purposes and policy of this act."*<sup>1</sup>

The Legislature goes on to specifically indicate what the comprehensible plan should include:

*"The plan may include, but is not limited to, planning for the following purposes: 1) Control or alleviation of damages by flood waters; 2) Improvement of stream channels for handling of surface waters, navigation, and any other public purposes; 3) Reclaiming or filling of wet and overflowed lands; 4) Regulating the flow of streams and conserving the waters thereof; 5) Diverting or changing watercourses in whole or in part; 6) Providing and maintaining water quality and supply for municipal, domestic, industrial, recreational, agricultural, aesthetic, wildlife, fishery, or other public use; 7) Providing for sanitation and public health and regulating uses of streams, ditches, or watercourses for the purpose of disposing of waste and maintaining water quality; 8) Repair, improvement, relocation, modification, consolidation or abandonment in whole or in part of previously established public drainage systems within the territory; 9) Imposition of prevention or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby; 10) Regulation of improvements and land development by abutting landowners of the beds, banks, and shores of lakes, streams, watercourses, and marshes by permit or otherwise in order to preserve the same for beneficial use; such regulation to be in accordance with state*

department of natural resource standards and criteria; 11) Regulation of construction of improvements on and prevention of encroachments in the flood plains of the rivers, and the lakes, marshes and streams of the basin; such regulation to be in accordance with the state department of natural resource standards and criteria."<sup>2</sup>

In its progress report to the 1973 session of the Minnesota State Legislature, the Southern Minnesota Rivers Basin Commission indicated the accomplishments of the Commission as: 1) Utilizing the concept of citizen participation; 2) Establishment of local policy committees; 3) Conducted public hearings; 4) St. Peter flood control project; 5) USDA Inventory; 6) Utilization of multiple objective planning concepts to adjust the cost/benefit ratio; 7) State agency participation.

The report goes on to make specific recommendations with regard to policy formulation. It is at this juncture that the Commission and the report (the Legislative solution) meets head-on the continuing problem which thwarts any reasonable attempt at developing a regional plan. This problem can be best studied in two parts.

1. There is a lack of a state-wide or regional policy and objectives which can be utilized as a framework for the planning process. In the most basic sense, planning is a rational process for establishing and meeting objectives. The formulation of goals, policies, or objectives is, therefore, an essential task to be undertaken before plans can be prepared.

2. There must be uniform direction and participation by all the levels of government involved in the planning process. This requires the establishment of priorities, the development of an implementation and coordination process, and adequate funding to carry the planning process to the implementation stage.

### REGIONAL PLAN RECOMMENDATION #1

That Minnesota must establish a water and land use policy with consideration given to environmental quality, quality of life, regional development, and national economic development. Furthermore, we recommend that policy decisions be made legislatively, rather than administratively, and that they come from elected officials representing local interests.

### REGIONAL PLAN RECOMMENDATION #2

That the legislature must examine authority, assignments, and legality of agencies charged with natural resource responsibility.

### REGIONAL PLAN RECOMMENDATION #3

That the legislature delegate legislative authority to the Commission to direct agencies to fully participate in state and federal river basin studies. State agencies should be given appropriate funding or assigned existing funding in order to participate.

The result of this report was that the 1973 session of the Minnesota Legislature did in part meet the concerns of the Commission by amending the 1971 legislation. The amendments were as follows:

*"All state departments and agencies are hereby directed to cooperate with the commission, and to assist it in the performance of its duties."*<sup>3</sup>

*"Upon the request of the commission, the governor or the legislature may require any other department or agency of the state to furnish assistance, technical or otherwise, to the commission in the performance of its duties or in the exercise of its powers authorized by law."*<sup>4</sup>

*"(COMMISSION; POWERS, DUTIES.) In order to give effect to the purposes of this act, the commission shall have the power to adopt guidelines and regulations to coordinate natural resources management so as to prevent the pollution, impairment or destruction of the air, water, land or other natural resources located within the basin, assuring that the commission's activities will not unnecessarily overlap or conflict with any similar activities authorized by the legislature and performed by established agencies."*<sup>5</sup>

It is very questionable whether the amendments to Section 3 really provide any substantial improvement over the situation as it existed prior to the adoption of the legislation. The state Agency participation is still discretionary rather than clearly mandated.

The amendment of Section 5 more nearly meets what the basic concern of the Commission is, with regard to the establishment of framework objectives and policies upon which the Commission can make planning decisions. However, these guidelines or regulations will only be applicable to Basin Commission activities and will not be recognized by all regulatory agencies.

### **C. The Scope of the Study**

The primary purpose of this report will be to explore in detail the adverse and beneficial effects of alternative solutions to water resource problems within the Southern Minnesota Rivers Basin in order to develop general framework policies which



will a) serve as a basis for the planning process; b) meet the requirements of Section 5, Chapter 705, 1971 laws as amended in 1973, and; c) provide guidance to future legislative action for the development of state water resource policy.

It is not within the scope of this study to develop the whole planning process necessary to implement a watershed plan which includes inventories, analyses, forecasts, plan design, plan test and evaluation, and plan selection and adoption. Instead, deal with the objectives and policies essential to the development of the overall planning process.

Important among the goals to be achieved by this purpose are the protection of floodways and floodplains, the protection of water quality and supply, preservation of land for parks, open space, wildlife habitat, and in general, promotion of the wise use and judicious use of the limited land and water resources of the basin.

A secondary purpose will be to objectively review the roles of the various state agencies: Environmental Quality Council, Southern Minnesota Rivers Basin Commission, and other regional and local units of government involved in the planning and implementation process as they relate to water resource problems. Suggestions for alternative plans which may better serve to meet the water resource problems of the basin are also included.

#### D. The Method

The data base utilized in the study was largely developed through the efforts of the Southern Minnesota Rivers Basin Commission, the United States Department of Agriculture and reports prepared for various state and local government agencies. Of central importance to this study were:

1. The public hearings held by the Southern Minnesota Rivers Basin Commission at Mankato, Winona, Chaska, Redwood Falls, Montevideo, and Bloomington which identified over 60 problems and concerns of local people.
2. Seminars held by the Southern Minnesota Rivers Basin Commission with regard to specific water resource problems such as drainage.
3. Inventory and survey data collected by the U.S. Department of Agriculture as a result of the studies completed to date in the basin.
4. Local 701 plans and other comprehensive planning documents.
5. Reports prepared by various state agencies relative to water resource planning.
6. Personal interviews with elected officials, concerned citizens and technical specialists from the basin area.
7. Minnesota Soil and Water Conservation Needs Inventory - August, 1971.
8. Upper Mississippi River Comprehensive Basin Study.

# CHAPTER II

## BASIC PRINCIPLES

The Introductory Chapter of this report is based on the supposition that the "River Basin" is a logical planning unit. This supposition certainly could be challenged by local, regional, and state government on the basis that just another layer has been added to the planning process which duplicates existing authority or responsibilities.

Resource planning could conceivably be carried out on the basis of various geographic units, including areas defined by governmental jurisdictions, economic linkages, or basin boundaries. None of these are perfect as a resource planning unit. However, there are several advantages to selection of the "basin" as a resource planning unit since many resource problems and solutions are water oriented.

Storm water drainage and flood control facilities should form a single integrated system over the entire "basin". This system must be capable of carrying both current and future runoff loads generated by changing land use and water control facilities. Moreover, drainage and flood control problems are closely related to other land and water use problems. Consequently, flood plain preservation, park and open space preservation, and recreational facilities that are related to surface water resources also can best be studied on a "basin" format.

Water supply and sewerage frequency involve problems that cross many boundaries. Strong basin implications are involved if the source of water supply comes from the surface water resources of the basin or if the sewage systems discharge pollutants into the surface water system. Changes in land use are ordinarily not controlled primarily by basin factors but can have a great effect on "basin" problems.

The land use and transportation pattern affects the amount and spatial distribution of the hydraulic and pollution loads to be accommodated by water control facilities. In turn, the water control facilities and their effect upon the historic floodways and floodplains determine to a considerable extent the use to which such land areas may be put.

Finally, the related physical problems of a basin tend to create a strong community of interest among the residents which can assist in solving water related problems.

Therefore, it may be concluded that the "basin" is a logical aerial unit to be selected for resource planning purposes providing that the

relationships existing between the "basin" and surrounding region(s) are recognized.

Although it is important to recognize the importance of the basin as a planning unit it is equally necessary to remember the inter-relationship between the "basin" and the broader framework of the area wide, comprehensible regional planning. This is essential for three reasons:

1. Area wide urbanization indiscriminately crosses watershed and basin boundaries and exerts an overwhelming external influence on the physical development.
2. The meandering pattern of the natural basin boundaries rarely coincide with the artificial boundaries of municipalities, counties, townships, and special districts.
3. The surface water is an integral part of a larger hydrologic system which includes the underground water reservoirs. These reservoirs are affected by influences that extend beyond the basin boundaries.

The foregoing discussion suggests that there are some basic principles which can be developed and applied as guidelines to the basin planning process. In that respect, they are also valuable to the formulation of policy and objectives.

### THESE BASIC PRINCIPLES ARE INHERENT IN ALL WATER RESOURCE AND LAND USE PLANNING AND SHOULD BE ADOPTED BY THE MINNESOTA LEGISLATURE.

1. River Basins must be considered as rational planning units if workable solutions are to be found to water and related land resource problems.
2. A comprehensive, multi-purpose approach to water resource development and to the abatement of the water related problems is preferable to a single purpose approach.
3. River basin planning must be conducted within the framework of a broader area wide regional planning effort; and basin development objectives must be compatible with, and dependent upon, regional development plans and objectives.
4. Water resource planning must be conducted concurrently with land use planning.
5. Both land use and water resource planning must recognize the existence of a limited natural resource base to which urban and rural development must be properly adjusted to ensure a pleasant and habitable environment.



Water Resources Planning must be conducted concurrently with land use planning. Photo courtesy DNR.

6. The capacity of each water resource facility in the integrated basin system must carefully fit the present and probable future water supply needs with the hydraulic performance and hydrologic feasibility of the proposed facilities.

7. Primary emphasis should be placed on both structural and non-structural solutions to water resource problems. The export of water resource problems to downstream areas should be considered unwise on a long range and regional basis.

8. Plans for the solution of river basin problems and development of resources should offer as flexible an approach as possible in order to avoid "dead-end" solutions and provide latitude for continued adaptation to changing conditions.

## CHAPTER III

### IDENTIFICATION OF WATER RESOURCE ISSUES

The water resource problems of the Southern Minnesota Rivers Basin have been expressed and identified by numerous agencies, groups, and individuals over many years. However, the most comprehensive understanding of these problems may be developed by reviewing the inventory data which is a result of the Type-4 Study being conducted by the U. S. Department of Agriculture and by reviewing the public hearings and seminars conducted by the Southern Minnesota Rivers Basin Commission. The Soil Conservation Service inventory identifies and ranks general problems by coun-

ty and identifies specific localized problems within counties. These problem areas include flood damage, agricultural drainage, wetland preservation, recreation demands, water supply, and navigation.

#### A. Flooding

The most dramatic, most visible and most costly water resource problem in economic terms are flood damages. The Minnesota River Basin can trace severe flooding back as far as 1880. The floods of 1881, 1908, 1916, 1917, 1919, those of 1943 through 1947, 1952, and the 1965 and 1969 are remembered best with 1965 and 1969 standing out because of their magnitude and recentness. Floods within the basin are caused by a variety of conditions. Floods occurring as a result of snow melt come nearest to being general throughout the basin. However, a number of floods, particularly on the tributaries, have been a result of heavy localized precipitation, particularly during June.

With the exception of the urban areas in the upstream area, it can generally be stated that on the Minnesota River and its tributaries the majority of the agricultural damage is in the upstream area with urban damage being concentrated in the lower reaches. The Mississippi portion of the basin is not subject to such a generalization. At this time, it is sufficient to say that the flood damage problem is equally significant in the agricultural and urban sections. Therefore, solutions must deal with both sectors of the basin.

#### B. Drainage

The issue of agricultural drainage is a complex problem. Anyone that has been initially connected with agricultural drainage and agricultural production in general is well aware of the importance of agricultural drainage to food production. In some areas of the basin, drainage is one of the most important conservation practices, and should be encouraged. In other parts of the basin, valuable wetland and wildlife habitat should be retained. In many instances it is difficult to compare the two values since many of the values connected with wetlands are aesthetic in nature or related to wildlife habitat or recreation; whereas, the values that accrue through agricultural drainage are largely in dollars and cents.

Within the Minnesota Rivers Basin there are 5,300,000 crop and pasture acres with drainage problems, of which 2,300,000 acres are currently drained. 300,000 acres are impractical to drain and 2,700,000 acres have the potential to be drained. This does not include the consideration of draining potholes, sloughs, or other wet acres and wildlife habitat areas.

The other drainage problem is that of urban drainage and its impact. There is very little information available in the basin on the nature of this problem. It is sufficient to say at this point that urban drainage is a contributing factor to the run-off load and to the pollution problem.

### C. Recreation

Recreational demand has grown with the increased urbanization of the Metropolitan areas, the increased affluence of the consumer, increased leisure time, and such factors as increased mobility. Basically, the problem of recreational needs can be summarized as follows:

1. There are inequities in recreation resources when compared to population distribution. Much of the acquisition policy has been directed at resource-oriented areas and been directed away



Demands on fish and wildlife will be met by maintaining and improving habitat. Photo courtesy SCS.

from user-oriented areas near the urban center. This is probably a function of the need to preserve certain resource areas as well as buying cheaper lands rather than competing for expensive lands which would be more accessible.

2. Many recreational opportunities have been lost through poor land use management. This is particularly evident with regard to water related activities where water quality was allowed to deteriorate through misuse of the resource.

3. Construction of highways, railroads, and private ownership has restricted public access to many prime recreational areas.

The Southern Minnesota Rivers Basin currently has a land and water recreational acreage supply of 713,000 acres. The area will need an additional 207,000 acres by 1980 and 871,000 acres by the year 2,000. The problem then becomes one of not only meeting the acreage needs but also ensuring that it is located so as to meet the demands of the user.

### D. Wildlife

Wildlife and fish can hardly be separated from the above problem of recreation because much of the recreational activity in the Basin area revolves around hunting and fishing as well as the simple enjoyment of being able to observe creatures in their native habitat.

The Minnesota Department of Natural Resources has defined the hunting problem thusly:

*"As our human population has increased and can be expected to continue to increase along with such associated human developments as homes, schools, highways, airports, and intensified farming, the amount of available habitat for certain species will continue to decrease and will result in a reduction of animal numbers. Certain species of wildlife, particularly waterfowl, have been exhibiting declines due to loss of potential habitat. Reduced bag limits and crowded hunting areas have served to reduce the number of hunters who engage in this recreational activity."*<sup>6</sup>

In addition to this statement one could certainly add the adverse consequences of drainage of prime habitat and the problem of industrial, municipal, and agricultural pollution to the problem.

It is certain that demands placed upon wildlife and fish will continue to increase as the population continues to grow. The problem will, therefore, continue to be one of maintaining and improving habitat as well as developing management programs which will insure that all species are sustained in a reasonable balance.

## E. Navigation

The question of utilizing rivers in the Southern Minnesota Rivers Basin, principally the Mississippi and Minnesota Rivers, for commercial navigation give rise to questions which affect the whole water resource planning area. In order to continue navigation of the navigable portion of the Mississippi and Minnesota Rivers, it may be necessary to consider channelization and dredging. In order to consider the further development of navigation, all environmental, economic, and social factors must be considered. The Southern Minnesota Rivers Basin Area has seen a substantial growth in the utilization of grain handling facilities on both the Mississippi and the Minnesota Rivers. To the agricultural community, these rivers represent a prime transportation facility. The problem becomes one of determining whether the commercial and environmental concerns can be balanced.

## F. Land Use

Historically, land use and development patterns in the United States have been the cumulative of numerous private and public investment decisions and certain national programs rather than the result of conscious public land use policies. Furthermore, public capital improvements have tended to respond to private initiatives. However, in recent years there has been increasing acceptance by local officials and the public of the view that the right to develop private property should be circumscribed not only by the effects that such development may have on public safety, health and welfare, but also by the effects it may have on the cost of providing public services. The cumulative effects of such development upon the quality of life in urban areas, upon the environment, and upon certain natural and aesthetic resources must also be considered. As we move toward a new balance between private

development rights, on the one hand, and the public interest, on the other, the legislature should give consideration to: (1) strengthening the present land use controls exercised by municipalities and counties; (2) encouraging the development of greater planning capability and more effective participation in land use decisions by municipalities and counties; and (3) providing the necessary policy direction concerning those land use decisions which clearly have statewide or regional ramifications.

In the Southern Minnesota Rivers Basin there is not a tremendous conflict between rural and urban land uses except in metropolitan fringe areas and where some scattered site development is allowed in rural areas. However, there is a much more significant conflict between the intensive utilization of rural lands for agriculture and the maintenance of some of these areas for environmental and ecological reasons.

It is imperative that any policies or regulations that affect land use, recognize the need to balance the various interests. The land use policy must be the basis upon which comprehensive planning can be achieved. The policy must eliminate or at least minimize the polarization of special interest groups.

## G. Taxation - *Land capabilities*

Possibly the only real way to regulate land use, drainage, settlement, growth, and production is through incentive compensation accomplished with taxes. Unfortunately, our resource agencies are not involving the tax related departments in resource planning.

Taxation can be an important determinant in land use decisions, both personal and judicial. Property tax, in particular, can be used to foster the preservation of wetlands, open spaces, floodplains, or can destroy them. The property tax can be used in conjunction with land use plans as a tool for reducing the regulatory impact, or it can work at cross purpose by increasing the impact.

In Minnesota, the legislature has broad power to create classifications for the application of property tax. As long as the classification is reasonable, the regulation is uniform within the class, and the tax collected for a public purpose, the tax is valid. This broad authority does allow the legislature much flexibility in the development of tax policy.

# CHAPTER IV

## COMMISSION RECOMMENDATIONS

Many groups, including the Environmental Quality Council (EQC), Citizens Advisory Task Force, State Agencies, Federal Agencies, and Citizens Environmental Groups, have identified the need for a comprehensive state policy as the **NUMBER ONE PRIORITY**. The longer we delay, the more critical the need becomes, and planning efforts may be negated if developed before firm policies are developed. The energy crisis, environmental problems, and social concerns are going to become more important and will need attention starting with a firm declaration of state policy.

### A. Flooding

The flood damage reduction policy for the urban areas within the Southern Minnesota Rivers Basin shall be:

#### FLOODING RECOMMENDATION #1

**THAT ALL RURAL AND URBAN AREAS SHALL DEVELOP AND ENFORCE FLOODPLAIN MANAGEMENT REGULATIONS WHICH RESTRICT ALL STRUCTURAL DEVELOPMENT WITHIN THIS FLOODPLAIN. THAT UNTIL ALL FLOODPLAIN AREAS ARE CONCLUSIVELY IDENTIFIED A MORATORIUM SHOULD BE DECLARED ON ANY DEVELOPMENT WHICH MAY INFRINGE UPON THAT FLOODPLAIN.**

Exceptions: That developments which derive a specific benefit from the river will be allowed under certain conditions. These developments would include transportation and terminal facilities, power generating facilities, water supply and related treatment facilities.

Conditions: (a) That all proposed water transportation and generating facilities must serve a significant public benefit, and must waive all rights to federal and state subsidized flood protection. (b) That the development of such facilities shall be approved by the Environmental Quality Council or its equivalent and in accordance with its rules and regulations. (c) That the impact on flooding should not raise water surface elevations greater than 1/2 foot/reach either upstream or downstream from the facility.<sup>7</sup> (d) That water supply and treatment facilities should be constructed and protected in accordance with the Minnesota Pollution Control Agency rules and regulations.

#### FLOODING RECOMMENDATION #2

**THAT LOCAL URBAN PROTECTION FACILITIES SHOULD BE CONSTRUCTED TO PROTECT THOSE AREAS THAT CAN BE PROTECTED FROM FLOOD DAMAGE TO A 100-YEAR FREQUENCY PROTECTION LEVEL.<sup>8</sup>**

This shall include dams, channel modifications, levees, and diking projects which are integral to mainstem protection. In those areas where protection is not possible physically or economically, flood proofing or evacuation shall be carried out. These areas should receive the highest funding priority from state, federal, and local sources.

#### FLOODING RECOMMENDATION #3

**CHANNEL IMPROVEMENTS, LEVEES, AND FLOODWALLS SHALL BE RESTRICTED TO THE MINIMUM NUMBER AND EXTENT ABSOLUTELY NECESSARY FOR THE PROTECTION OF EXISTING AND PROPOSED LAND USE DEVELOPMENT, WHICH IS CONSISTENT WITH THE LAND USE ELEMENT OF THE COMPREHENSIVE WATERSHED PLAN.**

Any such improvements which may significantly increase flood discharges should be used only in conjunction with complementary facilities for the storage and movement of the floodwaters to offset increased discharges. The height of levees and floodwalls shall be based on the high water surface profiles for the 100-year recurrence interval flood, and shall be capable of passing the 100-year recurrence interval flood with a freeboard of three feet. Channel improvements, levees, or floodwalls shall not increase the height of the 100-year recurrence interval flood by more than 1/2 foot in any unprotected upstream or downstream reaches. Increases in flood stages in excess of 1/2 foot resulting from any channel, levee, or floodwall improvement shall be contained within the upstream or downstream extent of the channel, levee, or floodwall improvement.

The construction of channel improvements, levees, or floodwalls shall be deemed to change the limits and extent of the associated floodways and floodplains. However, no such change in the extent of the associated floodways and floodplains shall become effective for the purpose of land use regulation until such time as the channel improvements, levees, floodwalls, dams, or channel diversions are actually constructed and operative. Any development in a former floodway or floodplain located to the landward side of any levee or floodwall shall be provided with adequate drainage so as to avoid ponding and associated damages.

All water control facilities on major drainageways and perennial waterways other than bridges and culverts, such as dams and diversion channels, shall be adequate to accommodate the hydraulic loadings resulting from a 100-year recurrence interval flood.

#### FLOODING RECOMMENDATION #4

THE STATE SUBDIVISION LAW (MN STATUTES CHAPTER 394.25 FOR COUNTIES AND CHAPTER 462.358 FOR MUNICIPALITIES) SHOULD BE AMENDED SO THAT ALL COUNTIES AND MUNICIPALITIES ARE REQUIRED TO ADOPT POLICY WHICH REQUIRES THAT EROSION, SEDIMENTATION, AND VELOCITY OF RUN-OFF SHALL NOT BE INCREASED BY DEVELOPMENT.

This policy will require the construction of holding ponds and artificial recharge facilities for residential, commercial, and industrial subdivisions.

#### FLOODING RECOMMENDATION #5

THE DECISION TO USE RESERVOIRS OR DAMS AS FLOOD CONTROL FACILITIES BE WEIGHED IN CONTEXT WITH OVERALL WATER RESOURCE PROBLEMS i.e., TRANSPORTATION, WATER QUALITY, SEDIMENTATION, ETC.

It is recognized that a dam or reservoir may be the single best structural flood control facility as long as it is functional. However, to institute a policy that is supportive of dams or reservoirs solely for flood protection could discourage other meaningful and less costly measures.

#### FLOODING RECOMMENDATION #6

THE STATE HIGHWAY DEPARTMENT, COUNTIES AND MUNICIPALITIES SHALL GIVE TOP PRIORITY TO FUNDING AND CONSTRUCTING THOSE HIGHWAYS AND ROADS THAT WOULD SUBSTANTIALLY REDUCE FLOOD COSTS DUE TO TRANSPORTATION DETOURS, AND THAT THE TRANSPORTATION SYSTEM SHOULD BE LOCATED AND DESIGNED TO PROVIDE ACCESS NOT ONLY TO ALL LAND PRESENTLY DEVOTED TO URBAN DEVELOPMENT BUT ALSO TO ALL LAND WELL SUITED FOR URBAN DEVELOPMENT.

#### FLOODING RECOMMENDATION #7

THE WATERWAY OPENING ON ALL EXISTING BRIDGES AND CULVERTS OVER MAJOR DRAINAGeways AND PERENNIAL WATER-

WAYS SHALL BE ADEQUATE TO ACCOMMODATE SPECIFIED HYDRAULIC LOADINGS WITHOUT OVERTOPPING THE ROAD SURFACE AND DISRUPTING TRAFFIC.

- a. Minor streets used for access to abutting properties: A 10-year recurrence interval flood flow.
- b. Arterial streets and highways, other than freeways used primarily for through traffic: A 50-year recurrence interval flood flow.
- c. Freeways and expressways: A 100-year recurrence interval flood flow.
- d. Railroads: A 100-year recurrence interval flood flow.



Bridges shall be adequately built to accommodate specified hydraulic loads. Photo courtesy SCS.

#### FLOODING RECOMMENDATION #8

THAT IN CONJUNCTION WITH ALL DRAINAGE PROJECTS IN THE RURAL AREAS, UPSTREAM RUN-OFF RETARDING STRUCTURES SHALL BE CONSTRUCTED WHERE FEASIBLE.

### **B. Drainage**

Drainage of agricultural land in the past five years has become increasingly controversial. Legislation passed in the 1973 session brought attention to serious problems in Chapters 105 and 106, concerning private and public waters. Guidelines and criteria for drainage systems are being presented to the 1975 legislature; we urge a careful and healthy examination of their content.

They must be reviewed objectively under the assumption that proper agricultural drainage is a valuable and productive technique.

The Commission has held several information sessions with various authorities in drainage. Based on these meetings and the facts presented, we believe that drainage of agricultural land must be deemed in the public interest for world food production. Drainage pressure will continue as long as production demands, costs, and world markets make it economical.

We believe that with Minnesota's vast supply of natural resources, drainage of selected areas can proceed with relatively little supervision by authorities. However, certain identified wetlands and wildlife habitat must be maintained and should not be disturbed. These areas should be designated on certified maps presented to the Legislature. Once this designation of prime wetlands and agricultural areas is complete, a policy for drainage including restrictions can be formulated. At this time, the issue of incentive compensation must be resolved. The only real solution is through incentive compensation coupled with "common sense" policy, implemented by local governments.

#### DRAINAGE RECOMMENDATION #1

THE LEGISLATURE SHOULD IMMEDIATELY RE-DRAFT A WORKABLE FIELD-TESTED DEFINITION OF PUBLIC WATERS IN MINNESOTA. THIS DEFINITION WOULD BE USED BY THE DEPARTMENT OF NATURAL RESOURCES IN GRANTING PERMITS UNDER CHAPTER 105.

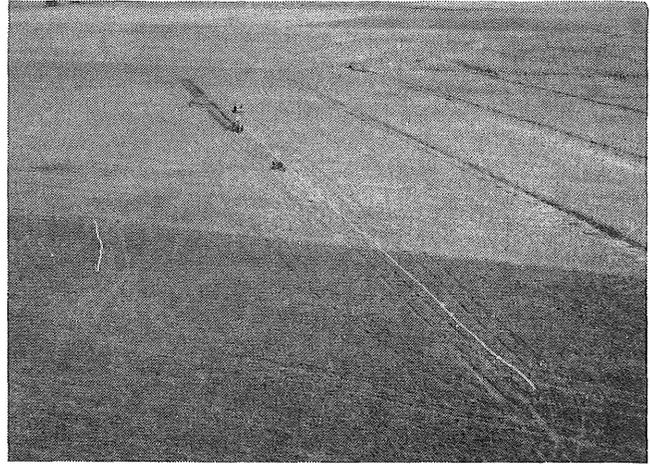
#### DRAINAGE RECOMMENDATION #2

THE LEGISLATURE SHOULD ASSIGN THE DEPARTMENT OF NATURAL RESOURCES THE TASK OF DELINEATING ALL PRIME WETLANDS WHERE DRAINAGE IS NOT ALLOWED. THIS MAP WILL ALSO DELINEATE ALL PRIME AGRICULTURAL AREAS WHERE DRAINAGE SHALL NOT BE RESTRICTED. THIS PROJECT SHOULD RECEIVE A HIGH PRIORITY AND PROPER FUNDING FOR A TWO YEAR PERIOD. ACTUAL DETERMINATION OF PRIME AREAS SHALL BE COMPLETED BY A TEAM CONSISTING OF COUNTY COMMISSIONERS, SOIL AND WATER CONSERVATION DISTRICT PERSONNEL, AND PROPER DEPARTMENT OF NATURAL RESOURCES' STAFF.

#### DRAINAGE RECOMMENDATION #3

THE LEGISLATURE SHOULD CONSIDER ASSIGNING THE DEPARTMENT OF TAXA-

**TION TO WORK ON A COMPENSATION FORMULA FOR LANDS RESTRICTED FROM DRAINAGE. INCENTIVE COMPENSATION SHOULD BE INCLUDED AS A METHOD TO ASSURE COMPLIANCE WITH FUTURE STATE POLICIES.**



Agricultural drainage is a valuable and productive technique. Photo courtesy SCS.

#### DRAINAGE RECOMMENDATION #4

PRIVATE LANDS VOLUNTARILY WITHHELD FROM DRAINAGE THAT COULD QUALIFY FOR DRAINAGE UNDER NORMAL CRITERIA, SHALL BE TAXED AND ASSESSED AT A RATE EQUAL TO THOSE LANDS RESTRICTED FROM DRAINAGE OR SHOULD BE PURCHASED BY THE STATE.

#### DRAINAGE RECOMMENDATION #5

PURCHASE OF PRIME WETLANDS BY THE STATE OF MINNESOTA SHALL BE MADE ON THE BASIS OF A COMPREHENSIVE ENVIRONMENTAL AND WILDLIFE PLAN. FUNDS FOR THE PURCHASE OF WETLANDS SHALL BE GENERATED BY DEDICATING A PORTION OF SALES TAX RECEIPTS FROM DRAINAGE RELATED PRODUCTS — ON A FORMULA DEVELOPED WITH COOPERATION FROM THE DEPARTMENT OF TAXATION.

### **C. Recreation**

#### RECREATION RECOMMENDATION #1

ASSURE ADEQUATE ACCESSIBILITY FOR ALL RESIDENTS OF THE BASIN.

In an era where energy utilization is going to be a continuing problem, it will be necessary to bring outdoor recreation to people rather than trying to move large masses of people to the most desirable resource areas.

#### RECREATION RECOMMENDATION # 2

**PLANNING, ACQUISITION, AND DEVELOPMENT PROGRAMS TO INCREASE OUTDOOR RECREATION OPPORTUNITIES SHOULD BE ACCELERATED BY ALL PUBLIC AGENCIES IN THE BASIN.**

It is important to identify deficiencies in available recreation opportunities and develop a program of improvement. The retention of woodlands serves as a good example of where a deficiency exists in the basin.

#### RECREATION RECOMMENDATION # 3

**EMPHASIS SHOULD BE PLACED ON SOLVING RECREATION NEEDS FOR URBANIZED AREAS WHERE THE MOST SERIOUS IMBALANCES BETWEEN SUPPLY AND DEMAND EXIST.**

#### RECREATION RECOMMENDATION # 4

**ENVIRONMENTAL CORRIDORS SHOULD BE PLANNED AND CONSTRUCTED AS AN INTEGRAL PART OF WATER RESOURCE DEVELOPMENT.**

Environmental corridors cannot only form the basis for future recreation development in rural areas but they can isolate critical hydraulic, topographic, and vegetative features that need to be protected.

#### RECREATION RECOMMENDATION # 5

**WATERSHED MANAGEMENT, SOIL CONSERVATION PRACTICES AND URBAN RUNOFF PRACTICES SHOULD BE INTENSIFIED AS A MEANS OF REDUCING SOIL EROSION AND ENABLING THE BASIN'S WATER RESOURCES TO INCREASE THEIR RECREATIONAL POTENTIAL.**

#### RECREATION RECOMMENDATION # 6

**TO SUPPLEMENT ACQUISITION PROGRAMS, FULL USE SHOULD BE MADE ON ZONING, EASEMENTS, LEASING, DEED RESTRICTIONS, AND OTHER LAND USE CONTROLS THAT PROVIDE POSSIBILITIES FOR RECREATIONAL OPPORTUNITIES.**

#### RECREATION RECOMMENDATION # 7

**EMPHASIS SHOULD BE PLACED ON COORDINATED MANAGEMENT BETWEEN THE STATE OF MINNESOTA AND THE FEDERAL GOVERNMENT AGENCIES.**

For instance, dredging of the Mississippi River has been detrimental to both recreation and wildlife habitat, yet with proper control and placement of spoils, some recreational facilities could be improved.

#### **D. Wildlife**

##### WILDLIFE RECOMMENDATION # 1

**REASONABLY ACCURATE PROJECTIONS OF THE NEED FOR FISH AND WILDLIFE AND THE NECESSARY HABITAT TO SUPPORT THE NEED MUST BE MADE.**

Much of the difficulties experienced between various groups over the retention of habitat has resulted from a lack of understanding the impact on the fish and wildlife resource. Therefore, it is absolutely necessary that there be (a) an inventory of physical and biological resources (b) estimates of future demand on these resources and (c) a plan for development to satisfy the demand and still maintain the resource.

##### WILDLIFE RECOMMENDATION #2

**THE PRIVATE LANDOWNER SHOULD BE ENCOURAGED TO MAINTAIN HABITAT THAT WILL SUPPORT WILDLIFE POPULATIONS.**

To accomplish this, the landowner must receive a suitable return on his investment. Technical assistance, cost sharing, and reduced tax rate must be a part of the program.

##### WILDLIFE RECOMMENDATION #3

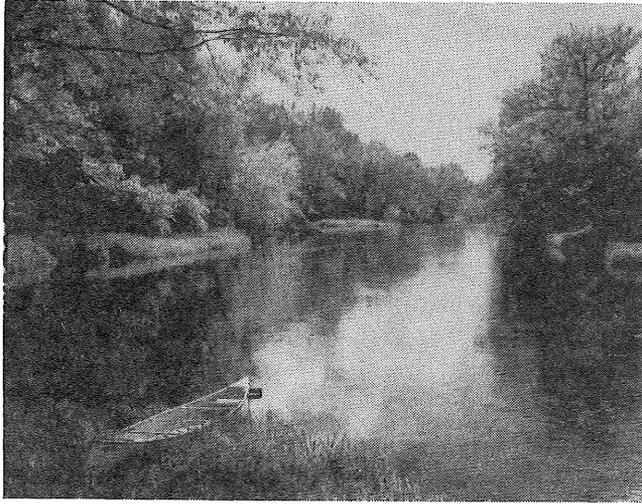
**WHERE NECESSARY HABITAT MUST BE UNDATED, DRAINED, OR OTHERWISE MADE UNAVAILABLE TO WILDLIFE, SIMILAR HABITAT MUST BE PROVIDED EQUAL TO THE MAGNITUDE OF THE LOSS.**

##### WILDLIFE RECOMMENDATION #4

**THERE MUST BE ACCELERATION OF RESEARCH STUDIES OF PESTICIDES, THERMAL EFFECTS, AND OTHER POLLUTION PROBLEMS.**

## WILDLIFE RECOMMENDATION #5

THERE MUST BE BETTER COMMUNICATION BETWEEN FEDERAL AND STATE CONSERVATION AGENCIES AND BETWEEN AGENCIES WITH VARYING OR CONFLICTING INTERESTS TO INSURE THAT BASIN NATURAL RESOURCES REMAIN.



Environmental corridors should be planned as an integral part of water resource development. Photo courtesy SCS.

## **E. Navigation**

### NAVIGATION RECOMMENDATION # 1

FUTURE DEVELOPMENT AND IMPROVEMENT FOR NAVIGATION SHOULD BE DONE IN CONJUNCTION WITH OTHER ASSOCIATED USES SUCH AS WILDLIFE AND RECREATIONAL VALUES.

### NAVIGATION RECOMMENDATION #2

THAT ANY EXTENSION OF NAVIGATION ON THE MINNESOTA RIVER SHOULD BE CONSIDERED ONLY AFTER A DETAILED ANALYSIS OF SUPPLY-DEMAND TRAFFIC.

### NAVIGATION RECOMMENDATION # 3

THAT THE DESIGN OF ANY NAVIGATIONAL SYSTEM, ie: CHANNEL WIDTH, DEPTH, ALIGNMENT, AND THE SIZE OF NAVIGATIONAL STRUCTURES SHOULD HAVE A DIRECT RELATIONSHIP TO THE TRAFFIC DEMAND.

## NAVIGATION RECOMMENDATION # 4

THAT THE HORSEPOWER AND SPEEDS OF COMMERCIAL TRANSPORTATION SHOULD BE REGULATED IN A MANNER WHICH WOULD BE CONSISTENT WITH OTHER USES OF THE RIVER.

## NAVIGATION RECOMMENDATION # 5

THAT PLEASURE CRAFT MARINAS WILL BE RESTRICTED IN NUMBER AND SIZE SO AS TO MINIMIZE CONFLICTS WITH COMMERCIAL TRANSPORTATION.

## NAVIGATION RECOMMENDATION # 6

THAT CHANNEL MAINTENANCE ACTIVITIES WILL BE CONDUCTED IN A MANNER THAT IS CONSISTENT WITH PREVAILING ENVIRONMENTAL AND ECOLOGICAL STANDARDS.

## **F. Land Use**

Rapid population increase and its potential consequences on the quality of life are aspects of growth that are both novel and pressing today. Recently, people have begun to realize that a growing area begins to use up its natural resources. Vacant land, clean air, and water become increasingly scarce.

Population growth and its consequences can be addressed through a variety of programs by local government. The programs include land use regulations (zoning, subdivision control, open space and comprehensive planning), regulation of capital projects both public and private, sewer and water programs, transportation, environmental controls, and building and housing codes. Many of these programs have been carried out routinely by local government. Some have not. But, a few local governments have handled these programs in a coordinated fashion with their consequences for growth clearly in mind.

With this in mind, there are a number of growth-oriented policies that should be adopted.

### LAND USE RECOMMENDATION #1

THAT LOCAL GOVERNMENT IS BEST SUITED, AMONG ALL LEVELS OF GOVERNMENT, FOR TAKING THE LAND IN GUIDING GROWTH.

Justification: Local government has the authority to regulate land, water and sewer construction, transportation, the environment, and other

areas. It provides the major services which influence growth, schools, police and fire, solid waste collection, etc. It also must be considered that the nature of growth problems varies so drastically between localities that any blanket federal or state policies would be unrealistic and unworkable. The density, dispersion, and socio-economic status of the population differ widely between jurisdictions; so too do the age and condition of the housing stock and the infrastructure.

Local control also insures the maximum freedom of choice to pursue any array of living arrangements, services and controls that best fit the respective citizens' needs. This is not to say that there is not a need for federal, state, and regional framework policies which may ensure against encroachment on the basic requirement of equal access to resources and amenities of life without social, economic, or other forms of discrimination.

Objectives: 1. Community must assess local growth needs. This assessment must include the people's attitudes toward the desirability of various levels of population growth, as well as population projections and the present and future capacities of city and county services (e.g. sewer and water systems, collection and disposal facilities, etc.). Assessments should include the cost of anticipated future growth in terms of higher levels of services and improvements of physical facilities. For some areas of the basin, this assessment will require an analysis of negative growth. From this assessment, a definitive growth policy should be developed.

2. Levels of growth should be defined first in terms of timing and the area to be covered. Levels should be projected in five-year intervals.

3. Strong land use regulations should be used to accomplish growth objectives.

4. Capital projects should be used in conjunction with land use regulation to implement and direct growth patterns.

5. Land developers should be required to pay secondary costs of their development.

### LAND USE RECOMMENDATION #2

**IN ORDER TO DEAL WITH GROWTH, IT IS ESPECIALLY IMPORTANT THAT REGIONAL BODIES BE CONSTITUTED AS UMBRELLA, MULTI-JURISDICTIONAL ORGANIZATIONS WHICH SEEK TO COORDINATE AREA DEVELOPMENT, LOCAL POLICIES, AND PROGRAMS THAT ARE RELATED TO GROWTH AND LAND USE ON A REGIONAL BASIS.**

Justification: With the increased state activity in land use, particularly in the recreation facilities, roads, natural resources and other state-wide land

uses in rural areas, it is especially important that local officials recognize that to maintain a strong role in land use control, they must act in concert at the regional level.

Objectives: 1. Regional organizations should provide local governments with information and technical assistance that will enable them to make informed and rational growth decisions.

2. Coordination should include determination of the impacts of development in a given locality for the whole region, and the ability to recommend or reject development, depending upon its impact on the region.

### LAND USE RECOMMENDATION # 3

**THE STATE OF MINNESOTA SHOULD ACT TO PROTECT THE OVERALL INTERESTS OF CITIZENS IN THE STATE WITH REGARD TO LAND USE, CONSERVATION OF RESOURCES, AND PROTECTION OF THE ENVIRONMENT BY THE ISSUANCE OF STANDARDS AND GUIDELINES FOR LAND USE DEVELOPMENT AND OTHER ASPECTS OF GROWTH.**

Justification: With the increase in the scale of population settlements and the general mobility of population, the necessity for state involvement in land use and growth decisions becomes both inevitable and desirable. The state can set standards and guidelines that relate to the overall needs of the state and in general outline the ways in which the needs are to be met. The state has done this in several areas such as Pollution Control Agency regulations and Floodplain and Shoreland regulations.

Major locational decisions on parks and wilderness areas and other natural assets will have to be made at the state level. The state will continue to become more involved in the regulation "complex sources" of environmental pollution, such as power plant facilities, mining operations, major traffic generation centers, etc. as the U. S. Environmental Protection Agency demands more state action.

Objectives: 1. The state should delegate growth policy coordination and development to regional development commissions.

2. Specific and basic locational decisions should be left to regional and local governments.

3. The state should provide local governments with funds for planning and management, technical assistance and information relative to growth. The role of the state should be one of overall guidance and support for essentially local decisions.

4. To strengthen land use legislation to allow local government the maximum flexibility to

control growth effectively and in an innovative fashion.

#### LAND USE RECOMMENDATION # 4

THE LEGISLATURE SHOULD SUPPORT AND FUND THE PROPOSED 15-YEAR ACCELERATED SOIL SURVEY SO THE BEST LAND USE DECISIONS CAN BE MADE.



Future growth in urban areas must consider present capacities of city services. Photo courtesy SCS.

### G. Tax Policy

It is inappropriate to develop specific wetland, open space, floodplain, and land use policies without taking into consideration corresponding policies that relate to the value of the property and the taxation of the property.

It is the opinion of this Commission that appropriate assessment and taxation policies should be adopted to reduce and balance the impact of state adopted standards and regulations. Therefore, the following policies are suggested:

#### TAXATION RECOMMENDATION # 1

**TAX POLICY (ASSESSMENT PROCEDURES) SHALL BE CONSIDERED WITH THE RECOMMENDED LAND USE OR REGULATORY POLICY.**

#### TAXATION RECOMMENDATION # 2

**TAX POLICY SHOULD BE USED AS A TOOL TO IMPLEMENT OR MAINTAIN THE DESIRED LAND USE BALANCE.**

#### TAXATION RECOMMENDATION # 3

THE STATE LEGISLATURE SHOULD INSTRUCT THE DEPARTMENT OF TAXATION TO DEVELOP SPECIFIC ALTERNATIVE RECOMMENDATIONS FOR THE ASSESSMENT OF PROPERTIES SUBJECT TO REGULATIONS WHICH RESTRICT THE INTENSIVE UTILIZATION THEREOF, ie. WETLANDS REGULATION.

#### TAXATION RECOMMENDATION # 4

POLICY SHOULD BE DEVELOPED WHICH RECOGNIZES THE POTENTIAL UTILITY OF THE LAND AND PROVIDES COMPENSATION EQUIVALENT TO THAT UTILITY.

This type of policy will run contrary to court decisions on the doctrine of public trust, which permits additional state regulation of activities (ie: drainage) that might harm areas of special public interest. Total restriction of intensive use and land conversion has been sustained without compensation. We submit that if a special public interest is in fact established then the public should be willing, through direct compensation, indirect income tax benefits and/or property tax benefits, to pay for that utility.

## CHAPTER V

### INSTITUTIONAL REFORM

The Southern Minnesota Rivers Basin Commission was created by the 1971 Legislature for the purpose of coordinating state, federal, and local resource programs and to report findings to the Legislature. We sincerely hope the legislators will examine the following considerations and apply them to forthcoming legislation. They are a serious attempt to relate the true, common sense issues as viewed by SMRB Commissioners and Basin residents, your constituents in Minnesota.

#### A. Comprehensive Planning

Programs to guide growth and settlement while distributing our resources in a fair compromise situation are what every planning expert says Minnesota needs. However, early in the Commission's history, it became apparent that no state agencies were accomplishing the task of comprehensive planning. The Commission found that in spite of good intentions, agencies are addressing specific issues in response to legislative direction. Policies and programs are not coordinated, but fragmented, with each agency responding individu-

ally to legislative mandates. The Commission found that many federal agencies are funded for such comprehensive programs but the state has a great deal of difficulty in participating due to both funding constraints and lack of defined state policy and planning guidelines.

### LEGISLATIVE RECOMMENDATION # 1

**WE RECOMMEND THAT THE 1975 LEGISLATURE REVIEW AND REDEFINE THE ROLE OF ALL AGENCIES INVOLVED IN WATER RESOURCE PROGRAMS. WE SUGGEST THAT THE MINNESOTA LEGISLATURE ASSIGN AN EXISTING AGENCY WITH THE TASK OF DEVELOPING A COORDINATED WATER AND RELATED LAND RESOURCE PLAN. THIS AGENCY WOULD BE HELD FIRMLY ACCOUNTABLE AND RESPONSIBLE FOR ASSIGNING TASKS AND DISTRIBUTING PRIORITY FUNDING TO APPROPRIATE AGENCIES.**

Past legislatures have allowed a fragmentation of laws and assignments to proliferate, thus no one agency has the "clear" charge to develop a total plan - and no plan has come forth. We suspect that unless the legislature designates a coordinator with appropriate funding and authority - no one agency will assume the complicated task.

## **B. Role of State, Local, and Federal Agencies**

### State Agencies

The Commission views the role of state agencies as being advisory to local units of government, the legislature, and the Governor. The agencies must be professional and responsible and held firmly accountable through the legislative process. Foremost among tasks of the agencies is the development of alternative state programs for legislative consideration. Legislators cannot be expected to make social, environmental, and political decisions without all the facts being presented. Agencies should not be placed in the position of developing state policy - but should be required to present programs for legislative adoption.

With respect to land and water resources, our Commission has found that assignments and authority are fragmented in many different areas. Certain agencies are working on floodplain management, others on pollution control, and others with population planning. Our Commission was charged to coordinate those programs and blend them into a state framework plan. At this time, there have been very few attempts at developing a

multi-agency plan. The individual agencies state that without proper delegated funding they cannot participate.

### a) Minnesota Water Resources Council

One such effort at coordinating state efforts has been through the newly formed Minnesota Water Resources Council. Operating under Executive Order #71, the Council is responsible for inner-coordination of state agency programs in water resources. However, there has been no funding assigned to each of the member agencies for participation.

### LEGISLATIVE RECOMMENDATION # 2

**THAT THE HOUSE AND SENATE IN THE LEGISLATURE SHOULD ASSIGN AN APPROPRIATE COMMITTEE TO THE WATER RESOURCES COUNCIL TO AGGRESSIVELY MONITOR AND PARTICIPATE IN DEVELOPING THE FRAMEWORK PLAN. WE FURTHER RECOMMEND PROPER FUNDING, EITHER THROUGH PRIORITY ASSIGNMENTS OR DIRECT ALLOCATION, BE GRANTED THE WATER RESOURCES COUNCIL.**

Unless the Council is charged to report directly to the legislature on their progress, we suspect that the plans will be delayed further and at a tremendous cost to citizens. In that same context, a Commission of lay citizens, such as ours, can provide public input and viewpoints necessary for formulation of acceptable plans.

### b) Environmental Quality Council

The Commission believes that the Environmental Quality Council (EQC) has effectively served the state in resolving certain major state questions of policy. However, the EQC's role in land and water resource planning and development has been severely restricted due to staff limitations and priority of issues. We suspect that a flood having magnitudes of 1965 or 1969 would get state attention, but that's a high price to pay. The EQC should remain a final pre-legislative authority in resource policy. Plans prepared by the Water Resources Council could be passed through the EQC before legislative presentation.

### Local Governments

Minnesota has an exceptionally fine system of local governments. The relationship between local government and the state bears particular examination because final implementation of a resource plan depends upon approval and authority of the local units.

### LEGISLATIVE RECOMMENDATION #3

**THAT ALL AGENCIES OF GOVERNMENT WORK TO IMPROVE THE RELATIONSHIP BETWEEN LOCAL UNITS, COUNTIES AND MUNICIPALITIES SHOULD BE INCLUDED IN FORMULATION OF POLICIES THAT THEY WILL BE REQUIRED TO IMPLEMENT.**

By involving local citizens in the planning process at an early time, the final outcome will be more acceptable. Too often in the past, planning has been allowed to continue only to have the final plans found not acceptable by the citizens who must live with the solutions. This we can no longer afford.

### LEGISLATIVE RECOMMENDATION #4

**THAT THE ROLE OF LOCAL GOVERNMENTS BE STRENGTHENED AND SUPPORTED BY THE STATE. ISSUES SUCH AS DRAINAGE OF AGRICULTURAL LAND, ZONING, WATER USE PERMITS, AND LAND USE PLANNING CAN BEST AND MOST EFFICIENTLY BE HANDLED AT THE LOCAL LEVEL. GUIDELINES PRESENTED BY THE STATE AGENCIES CAN BE USED BUT THE FINAL AUTHORITY SHOULD BE AT THE COUNTY AND MUNICIPAL LEVEL. LOCAL AGENCIES SHOULD UTILIZE APPROPRIATE SUB-UNITS OF GOVERNMENT, INCLUDING SOIL AND WATER CONSERVATION DISTRICTS, COLLEGE AND UNIVERSITY STAFF, AND OTHERS TO GATHER TECHNICAL ASSISTANCE.**

These local units of government have state-wide networks of members which can effectively implement regulations and programs. This method would be far more efficient than having a state agency develop the same capability.

#### Federal Agencies

The Federal Government also joins the ranks of water planners by adding approximately thirty agencies directly involved. Federal agencies have outstanding technical abilities which must be utilized by the state. Often times, their ability and authority go beyond the perspective of state boundaries. Therefore, they can advise the state on alternative methods of accomplishing large scale or national goals.

Programs and policies of the federal government are currently under vigorous examination by the Congress and planners throughout our nation. New Principles and Standards adopted by the Federal Water Resources Council have placed state and local interests in a leadership position. The Commission finds the new principles and standards

compatible with state and local development objectives.

State agencies and the legislature both must realize that federal agencies, their objectives, programs, and policies are to be used as a resource. Often the federal assistance needs state guidance, cooperation, and participation. Unfortunately, we detect a lack of trust and thus a lack of cooperation by state agencies. Federal agencies must be guided by state policies in order to insure state objectives. We must accept that challenge and utilize federal agencies to increase our ability to manage resources. State agencies should not attempt to duplicate the technical abilities of the federal government, but should provide a clear definition of guidelines, objectives, and policy so that programs are coordinated. The legislature should endorse a greater state participation with programs including the USDA Type-4 River Basin Study of the Southern Minnesota Rivers Basin, the Upper Mississippi River Basin Commission, and various Corps of Engineers programs.

## CHAPTER VI

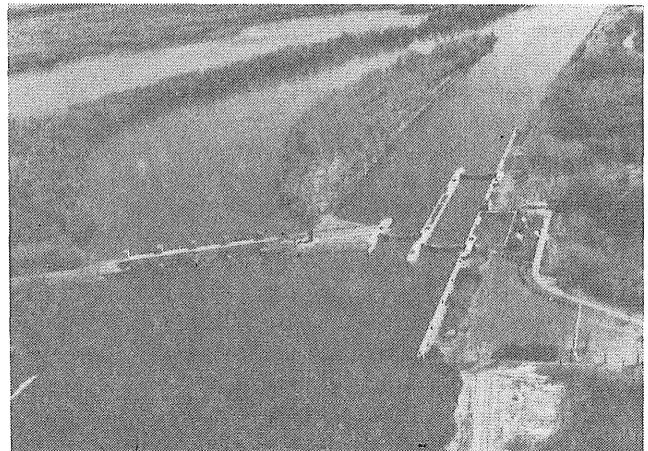
### CONCLUSIONS

#### A. Continuation of the SMRBC

After considerable discussion the Commission, by unanimous consent, supports continuing operations until the completion of the USDA Type-4 River Basin Study in 1978.

#### CONTINUATION RECOMMENDATION #1

**WE RECOMMEND THAT THE COMMISSION BE CONTINUED WITH AN APPROPRIATION FROM THE GENERAL FUND OF THE STATE OF \$95,000 FOR THE BIENNIUM.**



To Minnesota Agricultural the Mississippi River represents a prime transportation facility. Photo courtesy DNR.

Justification: Chapter 705 of the Minnesota Laws of 1971, charges the Southern Minnesota Rivers Basin Commission with the obligation to guide the creation and implementation of a conservation plan for the 45 counties within the basin. Our lay commission has successfully guided the \$1.8 million resource study by the USDA Planning Team. To our knowledge, there is no other program, either federal or state, which can accomplish this planning task. The Commission has created five local citizen committees and will take the final USDA recommendations to those groups for adoption. While the Commission itself has no technical planning staff, it is imperative that USDA plans be evaluated at the local level. We believe that the Commission can evaluate each of the five study plans and adopt a final recommended program for legislative action. It is not in the best interest of our state to demean the progress accomplished to date by abandoning the Commission and its work.

### CONTINUATION RECOMMENDATION #2

**OTHER AGENCIES, INCLUDING THE DEPARTMENT OF NATURAL RESOURCES, POLLUTION CONTROL AGENCY, AND STATE PLANNING AGENCY, SHOULD RECOGNIZE THE \$1.8 MILLION USDA STUDY AS A USEFUL PLANNING TOOL, AND MAKE A DIRECT EFFORT TO PARTICIPATE.**

The Commission has determined that the USDA program is the only technical analysis with sufficient detail to have meaningful value at the local government level. Our major concern is that plans generated at citizen's request and under direction of the Commission will not be supported by other state agencies. Agencies have continually used a lack of legislative funding as their major excuse for not openly participating. The Commission hopes that other related state agencies will take this opportunity in a legislative year to join forces with USDA and complete an acceptable program.

### CONTINUATION RECOMMENDATION #3

**THE LEGISLATURE SHOULD GIVE CAREFUL CONSIDERATION TO PLANS DEVELOPED FOR THE SOUTHWESTERN PORTION OF THE RIVER BASIN.**

Members of the Upper Minnesota River Basin Policy Committee will be introducing legislation asking for state cost-sharing money to aid in the construction of water holding ponds and related small land-treatment measures. USDA has identified over two-hundred possible sites plus a number of other land use measures. These in part will be presented in the Commission's review of alternatives for resource development.

The Commission has made significant progress in the area of public involvement. Five local citizen policy committees form a background for public hearings and information meetings.

During the next two years, USDA will be generating preliminary plans for each of the sub-basins. It will be necessary for an unbiased citizens committee to review those plans at the local level, conduct informational meetings, and coordinate state, federal, and local planning. A citizens Commission such as ours becomes the most important part of this process. We intend to spend the next two years working directly at the local level, developing a "citizens plan" from the technical information generated thus far. Only through this process can we achieve an acceptable river basin plan. We know of no other agency assigned to a project which is overlapping our charge. If the Commission did, we would delegate our authority to that agency. However, since the Commission has been involved from the start, we appear to be the logical agency to continue the planning.

### **B. Type-4 Study Areas**

In June of 1970, the United States Department of Agriculture was authorized to conduct a \$1.8 million eight-year river basin study of the Southern Minnesota Rivers Basin. The Soil and Water Conservation Commission is the state sponsor of the study, with the Soil Conservation Service, Forest Service, and Economic Research Service as the USDA agencies conducting the technical investigations.

The goal of the river basin study is three-fold: The orderly conservation, development and management of water and related land resources. To meet these goals, four steps are followed:

1. TO IDENTIFY GOALS. Basin studies insure proper development of natural resources within goals established by the people of Minnesota.
2. TO CONSIDER LOCAL NEEDS AND DESIRES. The study must follow the wishes of the people - present and future - in planning for the development of resources.
3. TO MOBILIZE AGENCY HELP. River basin studies coordinate the efforts of all agencies interested in the development of resources. This reduces conflict and duplication of effort. It also results in more service for each dollar spent.
4. TO ARRIVE AT A DEFINITE PLAN OF ACTION. The implementation of a basin study or plan is to meet the immediate and long range

needs for quality environment, well being of the people, and economic development of the area.

For the purpose of the study, the Southern Minnesota Rivers Basin was divided into five sub-basins: Blue Earth; Upper Minnesota; Headwaters; Lower Minnesota; and the Southeast Tributaries of the Mississippi River. This enables the USDA Planning Team to develop a plan of work that allows for the completion of one study area at a time. A short Interim Report will be prepared on each study area that will present available inventory results, data, and analysis. A USDA basin-wide report will expand the data presented in the Interim Reports and will make recommendations to the Southern Minnesota Rivers Basin Commission. Two such basin-wide reports will be prepared - one for the Minnesota River Basin and one for the Southeast Tributaries of the Mississippi River.

Because of the charge that was given the Southern Minnesota Rivers Basin Commission by the 1971 State Legislature, the Commission has assisted the USDA Planning Team with the Type-4 Study because it is a program that requires cooperation and coordination. It has been essential to the development of comprehensive planning that federal, state, and local units of government assist each other so that decisions concerning natural resources are made only after consulting local people who live with those decisions. The structure of the Southern Minnesota Rivers Basin Commission has allowed this type of planning effort and with the continuation of funding through the completion and publishing of the USDA Study in 1978, a balanced plan will be achieved that meets the goals of creating a comprehensive environmental conservation and development plan for the Southern Minnesota Rivers Basin Area.

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## FOOTNOTES

<sup>1</sup>Minnesota Statutes, Laws of 1971. Chapter 705. Section 1, Subdivision 1.

<sup>2</sup>Minnesota Statutes, Laws of 1971, Chapter 705, Section 3, Subdivision 1.

<sup>3</sup>Minnesota Statutes, Laws of 1973. Chapter 609. Amending Laws of 1971, Chapter 705. Section 3, Subdivision 1.

<sup>4</sup>Ibid.

<sup>5</sup>Minnesota Statutes, Laws of 1973. Chapter 609, Amending Laws of 1971. Chapter 705. Section 5.

<sup>6</sup>The Minnesota Volunteer. 1973.

<sup>7</sup>Definition: "Reach" means the hydraulic engineering term used to describe longitudinal segments of a stream or river influenced by a natural or man-made obstruction. Minnesota Regulations NR 85. 1970.

<sup>8</sup>Present Statewide Standard and Criteria for Management of Flood Plain Areas of Minnesota. Minnesota Regulations NR 85. 1970.

**SOUTHERN MINNESOTA RIVERS BASIN COMMISSION**

**BIENNIAL BUDGET**

Expenditure Classification	<u>Actual FY 74</u>	<u>Estimated FY 75</u>
01 Full time employees	\$ 1,000	\$10,715
04 Appointed Boards and Commissions	4,515	10,000
06 Employment Retirement	-0-	1,150
07 Employment Group Insurance	-0-	385
10 Rents and Leases	-0-	-0-
12 Repairs and Services	-0-	-0-
14 Printing and Binding	17	2,300
15 Non-State Employment (Contract)	10,725	950
20 Communications	150	700
21 Travel and Subsistence	4,430	7,812
30 Supplies and Materials	<u>1</u>	<u>150</u>
	<u>\$20,838</u>	<u>\$34,162</u>
	Biennial Appropriation	<u>\$55,000</u>

**SOUTHERN MINNESOTA RIVERS BASIN COMMISSION**

**Chairman Arnold Onstad  
Spring Grove**

**Appointed**

Representative Tony Eckstein  
New Ulm

Representative Carl Johnson  
St. Peter

Robert Langford  
Winona

Robert Lebens  
Apple Valley

John Ostrem  
Hastings

**Elected**

Lester Anderson  
Blue Earth Co. Commissioner

Morris Anderson  
Carver Co. Commissioner

Frank Jungas  
Cottonwood Co. Commissioner

Odean Skalbeck  
Renville Co. Commissioner

Gerald Tiedeman  
Olmsted Co. Commissioner

Lonnie Thomas, Administrative Assistant

Trudy Egelkraut, Secretary