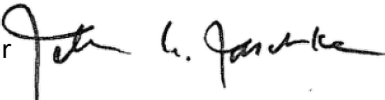




DATE: April 18, 2023

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – April 26, 2023

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 26, 2023, beginning at 9:00 a.m. The meeting will be held in the lower-level Board Room, at 520 Lafayette Road North, St. Paul and by Microsoft Teams. Individuals interested in attending the meeting through Teams should do so by either 1) logging into Teams by [clicking here to join the meeting](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 293 933 020#.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

- Approval of FY23 HELP Program Funding Recommendations** – The BWSR HELP grant program is made possible through an appropriation from the Environment and Natural Resources Trust Fund (ENRTF) and is focused on restoring and enhancing strategically located, diverse native habitat across Minnesota on conservation lands, natural areas, and open spaces to benefit populations of pollinators and beneficial insects as well as overall plant and animal diversity. The program also provides co-benefits of carbon sequestration, soil health, water quality improvements, and increased landscape resiliency. On October 26, 2022 the board adopted Board Order #22-48 which authorized staff to conduct a request for proposal (RFP) for the FY23 HELP grants. An application period was open from November 3, 2022 to February 23, 2023. Twelve (12) applications were received requesting a total of \$503,180. Grants were ranked by an advisory team on March 13, 2023. These results were presented to the BWSR Senior Management team on March 14, 2023. The BWSR Grants Program and Policy Committee reviewed the recommendations on March 27, 2023 and made a recommendation to the full Board. The funding recommendations included in the board order are the result of that meeting. **DECISION ITEM**
- Clean Water Legacy Partners Pilot Grant Award Recommendations** – The purpose of this agenda items is to allocation the FY 2022/2023 Clean Water Legacy Partners Pilots Grants. The Laws of Minnesota 2021, 1st Special Session, Chapter 1, Article 2, Section 6 (n) appropriated \$400,000 in fiscal year 2022 and \$600,000 in fiscal year 2023 from the Clean Water Fund “for developing and implementing a water legacy grant program to expand partnerships for clean water.” **DECISION ITEM**
- Board Order Authorizing the Rural Investment to Protect Our Environment (RIPE) 100 Partnership Program** – BWSR will be participating in a grant under the USDA Partnerships for Climate-Smart Commodities Program along with Virginia Tech, the RIPE organization, and the States of Arkansas, North Dakota and Virginia. The program will pay farmers and ranchers for conservation practices with payments that reflect multiple environmental benefits. The Board Order and slides (TBA) provide additional details about the program. **DECISION ITEM**

4. **Conservation Reserve Program State Incentives Pilot Program** – The purpose of this agenda item is to allocate noncompetitive FY24 CRP State Incentives Pilot Program grants. Grants will be awarded to up to 18 eligible LGUs located within watersheds with an approved One Watershed, One Plan and greater than or equal to 40% agricultural land. Grant funds will be utilized by LGU staff to provide one-time practice incentive payments to landowners enrolling or re-enrolling in the federal CRP. This incentive-based grant program is made possible through an appropriation from the Environment and Natural Resources Trust Fund (ENRTF). **DECISION ITEM**

RIM Reserve Committee

1. **RIM Riparian and Floodplain Restoration Program** – The purpose of this agenda item is to authorize staff to utilize current funds, as well as future funds, to develop and implement the RIM Riparian and Floodplain Restoration Program. This easement program is made possible through appropriations from the Clean Water Fund (CWF) and the Outdoor Heritage Fund (OHF). The intent of this program is to provide landowners further flexibility in the activities allowed in the terms of the conservation easement. The activities allowed will be dependent on the funding source of the easement. CWF easements may have the option of working lands activities within the terms of the easement and may be limited term (30-year) easements. OHF easements will be perpetual and will not have the added flexibility that CWF easements may. **DECISION ITEM**
2. **Easement Alteration Request for Public Road Project – RIM Easement #07-17-01-01** – Request for Board approval to amend RIM easement #07-17-01-01 in Rapidan Township, Blue Earth County, to accommodate road reconstruction and right-of-way expansion along CSAH 16. The Blue Earth County Highway Department is requesting the release of 0.16 acres from the 5.4-acre RIM easement for right-of-way purposes. The County will pay \$2285.02 for release of the acres as required by our Easement Alteration Policy. **DECISION ITEM**
3. **Easement Alteration Request - RIM Easement #86-06-91-01** – Request for Board approval to amend RIM easement #86-06-91-01 in Corrina Township, Wright County, in accordance with BWSR's Easement Alteration Policy. This request would release 3.2 acres from the RIM easement to resolve an unintentional easement violation and add 11.2 acres to the easement to both compensate for the impacts of the violation and add additional wildlife habitat and natural resource value to the RIM easement. **DECISION ITEM**

Central Region Committee

1. **Shingle Creek and West Mississippi Watershed Management Commissions Watershed Management Plan** – The Shingle Creek and West Mississippi Watershed Management Commissions (SCWM WMC) have been effectively addressing their water quality needs within the watersheds through implementation that directly follows the scientific data including Total Maximum Daily Loads (TMDLs). The proposed SCWM WMC Plan will emphasize the need to address climate resiliency, reach a more diverse audience and continue its strong partnerships at the city, county, and state level. **DECISION ITEM**
2. **North Cannon River Watershed Management Organization 4th Generation Watershed Management Plan** – The North Cannon River Watershed Management Organization (NCRWMO) has been working to address water quality needs within the watershed through implementation that focuses on soil health practices, outreach and education, and collaboration with other local entities to achieve plan goals. The proposed NCRWMO Plan will carry that forward with targeted implementation of BMPs in priority subwatersheds as well as increased engagement with municipalities and watershed residents. The Plan clearly identifies and prioritizes efforts within the 150-square-mile watershed for the next ten years. **DECISION ITEM**

Northern Region Committee

1. **Roseau River Comprehensive Watershed Management Plan** – The Roseau River watershed was selected by BWSR for a One Watershed, One Plan program planning grant in August of 2021. The watershed partnership attended regularly scheduled meetings and submitted the Roseau River Comprehensive Watershed Management Plan to BWSR for review and approval. The Northern Regional Committee met on April 5, 2023, to review the content of the Plan, State agency comments on the Plan, and to make a recommendation. The Committee unanimously recommended approval of the Plan by the full Board. ***DECISION ITEM***

NEW BUSINESS

1. **Minnesota Soil Health Action Framework – Interim Update** – In February 2022, BWSR received a grant from the McKnight Foundation for a two-year program to develop shared goals and strategies for increasing soil health management practices across Minnesota. BWSR has collaborated with the Minnesota Office for Soil Health (MOSH) throughout this process. Other participants include the MN Department of Agriculture, NRCS, local government associations, agricultural and environmental organizations, co-ops and agronomists, ag retailers, private sector food companies, University researchers and Extension advisors. A preliminary report has been developed but is still going through review by these stakeholders; this presentation will focus on the process to date and include some highlights from the report. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to call me at 651-539-2587. We look forward to seeing you on April 26th.

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
WEDNESDAY, APRIL 26, 2023**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF MARCH 22, 2023 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today's business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by members or staff before any vote.

REPORTS

- Chair & Administrative Advisory Committee – Gerald Van Amburg
- Executive Director – John Jaschke
- Audit & Oversight Committee – Joe Collins
- Dispute Resolution and Compliance Report – Travis Germundson/Rich Sve
- Grants Program & Policy Committee – Todd Holman
- RIM Reserve Committee – Jayne Hager Dee
- Water Management & Strategic Planning Committee – Joe Collins
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – Mark Zabel
- Drainage Work Group – Neil Peterson/Tom Gile

AGENCY REPORTS

- Minnesota Department of Agriculture – Thom Petersen
- Minnesota Department of Health – Steve Robertson
- Minnesota Department of Natural Resources – Sarah Strommen
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Katrina Kessler

ADVISORY COMMENTS

- Association of Minnesota Counties – Brian Martinson
- Minnesota Association of Conservation District Employees – Mike Schultz
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Eunice Biel
- Minnesota Watersheds – Jan Voit
- Natural Resources Conservation Service – Troy Daniell

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. Approval of FY23 HELP Program Funding Recommendations – Dan Shaw – ***DECISION ITEM***
2. Clean Water Legacy Partners Pilot Grant Award Recommendations – Shaina Keseley – ***DECISION ITEM***
3. Board Order Authorizing the Rural Investment to Protect Our Environment (RIPE) 100 Partnership Program – Tom Gile and Suzanne Rhees – ***DECISION ITEM***
4. Conservation Reserve Program State Incentives Pilot Program – Dusty Van Thuyne – ***DECISION ITEM***

RIM Reserve Committee

1. RIM Riparian and Floodplain Restoration Program – Dusty Van Thuyne – ***DECISION ITEM***
2. Easement Alteration Request for Public Road Project – RIM Easement #07-17-01-01 – Karli Swenson – ***DECISION ITEM***
3. Easement Alteration Request - RIM Easement #86-06-91-01 – Karli Swenson – ***DECISION ITEM***

Central Region Committee

1. Shingle Creek and West Mississippi Watershed Management Commissions Watershed Management Plan – Steve Christopher – ***DECISION ITEM***
2. North Cannon River Watershed Management Organization 4th Generation Watershed Management Plan – Anne Sawyer – ***DECISION ITEM***

Northern Region Committee

1. Roseau River Comprehensive Watershed Management Plan – LeRoy Ose, Matt Fischer, and Ryan Hughes – ***DECISION ITEM***

NEW BUSINESS

1. Minnesota Soil Health Action Framework – Interim Update – Suzanne Rhees, Tom Gile, and Marcelle Lewandowski – ***INFORMATION ITEM***

UPCOMING MEETINGS

- Northern Region Committee is scheduled for 9:00 a.m., May 3, 2023, location TBD.
- Buffers, Soils, and Drainage Committee is scheduled for 9:00 a.m., May 3, 2023, location TBD.
- BWSR meeting is scheduled for 9:00 a.m., May 24, 2023, in St. Paul and by MS Teams.

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, MARCH 22, 2023**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Neil Peterson, Rich Sve, Gerald Van Amburg, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ronald Staples, Mark Zabel, Katrina Kessler, MPCA; Thom Petersen, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

John Bilotta, University of Minnesota Extension; Carly Johnson

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Julie Westerlund, Doug Goodrich, Jason Beckler, Jeremy Maul, Ed Lenz, Adam Beilke, Lucy Dahl, Jeremy Olson; Lisa Sweep, Brad Leibfried, Alan Ritchie, Ann Sawyer, Craig Engwall, Dave Weirens, Shaina Keseley, Ryan Hughes, Melissa King, Erin Loeffler

OTHERS PRESENT:

Jeff Berg, MDA; Brian Martinson, AMC; Jan Voit, MAWD; Nicole Bernd, MACD, LeAnn Buck, MASWCD; Troy Daniell, NRCS; Amanda Gentry, Ashley Brenke, Dave Craigmile, Jack Bushman, Keith Mykleseth, Langer Skip, Melanie Bomier, Mitch Enderson, Quintin Peterson, R.C. Boheim, Sarah Soderholm, Tom Apple, Trudy Hastad, Daniel Wermager, Kerry Netzke, Blake Honetschlager

Chair Gerald VanAmburg called the meeting to order at 9:03 AM

PLEDGE OF ALLEGIANCE

23-10 **ADOPTION OF AGENDA** - Moved by LeRoy Ose, seconded by Ted Winter, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

23-11 **MINUTES OF JANUARY 25, 2023 BOARD MEETING** – Moved by Jayne Hager Dee, seconded by Todd Holman, to approve the minutes of January 25, 2023, as circulated. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Jeremy Olson introduced Renee Sutton, Contracts Accountant and Lisa Sweep, Accounting Technician. Lucy Dahl introduced Brad Leibfried, Easement Acquisition Specialist and Alan Ritchie, Easement Acquisition Specialist.

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg reported the EQB met March 15, 2023. Catherine Neuschler has been appointed as the new EQB Executive Director. A process update from consultants regarding the Environmental Review Program was given at the meeting.

Chair Van Amburg announced his term serving on the board is ending soon and thanked BWSR staff and board members for their work.

John Jaschke thanked Chair Van Amburg for his many years serving as a member and chair of the board.

Executive Director’s Report - John Jaschke reported the legislative session is underway and moving at a rapid pace. There have been several policy bills introduced, they’ve had hearings on legacy bills and budget bills. All bills will be heard by the April 4th deadline.

Stated they’re working with federal agencies to bring in federal dollars from the Inflation Reduction Act. They’re also working on moving climate smart pieces along via the USDA Secretary of Ag. Stated Justin Hanson and Tom Gile are in Washington DC working on the Federal Farm Bill with others at a national gathering of conservation districts.

John provided an update on the Strategic Plan update process, the last update took place in 2017. They have contracted a consultant (Anne Carroll) who will be the project lead. A Process Steering Team is being created to guide the overall process and Joe Collins will represent the Board. If there are any questions or comments you can contact Joe Collins or Jenny Gieseke.

John reviewed the Day of Packet that included the Drainage Work Group Report, summary material on the 1W1P Program, an updated board order for Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan, and Snapshots articles. Noted an electronic version of the expense form is located on the BWSR website.

Chair Van Amburg reminded board members to complete the Executive Director evaluation by Monday.

Audit and Oversight Committee – Joe Collins reported the committee has not met.

Dispute Resolution and Compliance Report – Travis Germundson reported there are presently nine appeals pending. There have been two new appeals filed since the last report.

File 23-2 is an appeal of a Buffer Administrative Penalty Order in Pope County. The APO regards the placement of a 50' buffer or implementation of an approved alternative practice. The petition claims that public watercourse was improperly classified. No decision has been made on the appeal.

File 23-1 is an appeal of a WCA Restoration Order in Olmsted County. The appeal regards the impact of approximately 6,000 sq. ft. of wetland associated with a parking lot expansion project. No decision has been made on the appeal.

Travis gave a Buffer Compliance Status update. Stated 76 parcels have been resolved since the last report.

Travis thanked Chair Van Amburg for his service.

Grants Program & Policy Committee – Todd Holman reported there is an action item on the agenda for today. Stated the committee has been working on watershed-based implementation fund formula considerations by adding in groundwater. The next scheduled meeting is March 27th and will have a joint session with the Water Management Strategic Planning Committee.

RIM Reserve Committee – Jayne Hager Dee reported they are meeting April 14, 2023 and will be bringing items to the April Board meeting.

Stated they have been working on new RIM rates and that have been presented to the districts.

Water Management & Strategic Planning Committee – Joe Collins reported they met in February and had an informational meeting where they discussed procedures to amend the 1W1P. Also had a discussion on how climate change can be considered in the 1W1Ps. Stated they are having a joint meeting on Monday with the Grants Program and Policy Committee.

Wetland Conservation Committee – Jill Crafton reported they have not met.

Buffers, Soils & Drainage Committee – Mark Zabel reported they are tentatively planning a meeting in April, no date has been set.

Drainage Work Group (DWG) – Neil Peterson reported the committee met. Stated the drainage registry portal is with the legislature now, it does not have DWG consensus. Ag Groups and County Associations are opposed to this. It was laid over in the House omnibus bill for consideration.

Commissioner Staples stated one of the topics was that DNR is going to bring back early notification in their legislation. People on the committee thought the portal should wait until this is done as it might take care of the issue.

John Jaschke stated there was a hearing in the House on the registry portal bill with several testifiers including AMC and Minnesota Watersheds.

Commissioner Strommen stated their early coordination proposal came forward. Will help with communication and build relationships. Stated they are not pursuing any legislation at this time.

Ted Winter asked what the portal is. Commissioner Staples stated the portal keeps track of and would provide public notice drainage projects. John Jaschke stated they are still working on the details.

Jill Crafton stated the Watershed Districts associated with drainage authorities are not resistant to putting out a good process, they would like it done well, and would like everyone to get a voice at the table.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported they have two different programs that are newer, the Soil Health Equipment Grant and Developing Markets for Continuous Living Cover Crops.

Jill Crafton asked if crimpers were equipment that was asked for in the Soil Health Equipment Grant. Commissioner Petersen stated they received requests for crimpers.

Ted Winter asked if there is a cap on the amount of money they can receive. Commissioner Peterson stated there is a cap.

Minnesota Department of Health – Steve Robertson reported the EPA has issued its draft national drinking standards for PFAS and new proposed MCLs. They also proposed a hazard index approach for another four PFAS compounds. There will be a review and comment period over the next several months.

Activity going on at legislature, they are hoping for bonding funding to support infrastructure work to help get lead service lines replaced.

Steve stated they have funding through the Groundwater Restoration and Protection Strategies Program for Accelerated Implementation Grants. They are designed for SWCDs, Watershed Districts, and other local partners to build capacity relative to groundwater. Grants are open until April 7th.

On April 27th the Minnesota Ground Water Association is convening their spring conference with a subject of Public Water Systems and will include a virtual tour of public water systems.

Jill Crafton stated she participated in an EPA webinar about PFAS and testing what's showing up in the food system. They tested and scored things throughout the world coming to grocery stores including the Great Lakes that had a higher score. Jill asked if they are working with other states within the Great Lake Basin to come up with something more uniform or asked if it's more of a state-by-state approach. Steve stated EPA has the authority of drinking water standards and Minnesota is developing additional health base guidance to supplement that work. Commissioner Kessler stated works needs to be done at a local, state, and national level. Joe Collins asked if the government is doing anything to prohibit the PFAS from being made. Commissioner Kessler stated bills are being discussed.

Minnesota Department of Natural Resources – Sarah Strommen reported they are working on legislative items. They have a budget package in front of the legislature and are hopeful their conservation network and outdoor recreation network is ready to serve Minnesotans. Stated they are watching for spring flooding. Stated with climate change she signed an extreme weather extension for timber permits and noted it's the third time in three years she's needed to sign one.

Minnesota Extension – No report was provided.

Minnesota Pollution Control Agency – Katrina Kessler reported there is a PFAS press conference at the capitol tomorrow with Dept. of Health. Celebrated Ag Day with Commissioner Petersen and Commissioner Strommen.

Stated MPCA in partnership with Commerce released a summary accounting of greenhouse gas emissions from Minnesota. Transportation remains the number source of emissions but have seen decreases, land use is the second largest source of emissions, and energy generation is the third.

Jayne Hager Dee asked what the attendance was like at the Ag-Urban Partnership Forum that took place March 1st. Commissioner Kessler stated they had a smaller turn out due to the weather, about 100 people attended. Stated they had good discussions and will be sharing their learnings. Jill Crafton asked if any information from the meeting could be shared. Commissioner Kessler stated she will follow-up with information.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported AMC hosted its legislative conference virtually due to the weather. Stated they are giving attention to several issues at Legislature, particularly the budget. Thanked administration for putting together good budget recommendations. Stated they had some requests that weren't part of the agency initiatives for County Ag inspectors in the work they do in the Noxious Weed Program along with additional money for the County SCORE Grants.

Brian stated a consensus was not reached on the Drainage Registry Portal and plan to begin on early coordination this summer.

Minnesota Association of Conservation District Employees – No report was provided.

Minnesota Association of Soil & Water Conservation Districts – No report was provided.

Minnesota Association of Townships – Eunice Biel reported Township Day was March 14th where they also held their township officer elections. Spring training courses will be offered to township officers. Stated they will be putting out bids for materials to repair roads.

Minnesota Watersheds – Jan Voit reported on February 14th they met with John Jaschke, and Justin Hanson discussing issues from the past and appreciated the time they had together. Also stated when the Board considers programs and policies those will be routed through Jan before the board acts so input can be given from their administrators and provide it to the Board. Stated she has been meeting monthly with Justin Hanson and that has been great.

They held their legislative event on February 15th and thanked John Jaschke, Justin Hanson, and Tom Gile for providing updates to their members. Their new name Minnesota Watersheds was officially adopted on February 15th at their special meeting of their membership. They launched their new website on February 17th.

Jan has been working with their lobbyist Ray Bohn, AMC, and with the Red River Watershed Management Board to inform their members about the Drainage Registry Portal.

Jan appreciated the opportunity to provide input for the upcoming BWSR Academy. They are working on updating their handbook to not just include Watershed Districts but also to Watershed Management Organizations and appreciates BWSR staff who've helped.

Working on their Summer Tour which will be June 20-22nd in Albert Lea. The hosts will be Shell Rock River Watershed District and Cedar River and Turtle Creek Watershed Districts.

Natural Resources Conservation Service – No report was provided.

Chair Van Amburg called a recessed at 10:35 a.m. and called the meeting back to order at 10:50 a.m.

OLD BUSINESS

Historical Context: Tribes – Melissa King and Craig Engwall presented Historical Context: Tribes

As part of continuous learning, a summary was shared of historical events that have shaped and impacted Tribal Nations in Minnesota. Also, an overview of agency responsibilities under Minn. Stat. §10.65 Government-to-Government Relationship with Tribal Governments was provided.

Joe Collins asked Melissa as a Tribal Nation Member, what she thinks good conservation practices are that need to be supported by the State. Melissa stated the needs and priorities vary across the bands.

Chair Van Amburg asked if this material is going to be available to read. Melissa said they are looking to have some candid conversations and could look at making it available.

Mark Zabel asked if any of the tribal governments have chosen to regulate Wetland Conservation Act (WCA) through their process. John Jaschke stated that the statute does not address tribal governance. Stated they can accept Sec. 401 authority under the Federal Clean Water Act that is exercised jointly with MPCA.

Jill Crafton asked if they'll have access to Melissa and Craig's contact information. They are listed in the staff directory and will have their contact information sent out.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

2023 Request for Proposals for One Watershed, One Plan Planning Grants – Julie Westerlund 2023 Request for Proposals for One Watershed, One Plan Planning Grants.

This is the seventh year BWSR is offering planning grants. The RFP has evolved over time to encourage more discussion among prospective planning groups during proposal development and to refine BWSR selection criteria. Relative to the 2022 RFP, only the dates changed for the 2023 RFP. This grant program operates under the policy updated by the by the Board in December 2022.

Ted Winter asked how many plans are left. Julie stated there are 60 total boundaries and 54 are in process or approved with six boundaries remaining.

Julie Westerlund thanked Chair Van Amburg for his work.

**

23-12

Moved by Ted Winter, seconded by Joe Collins, to approve the 2023 Request for Proposals for One Watershed, One Plan Planning Grants. ***Motion passed on a roll call vote.***

Northern Region Committee

St. Louis River Comprehensive Watershed Management Plan – Rich Sve presented St. Louis River Comprehensive Watershed Management Plan.

The St. Louis River watershed was selected by BWSR as one of the planning areas for the One Watershed, One Plan program in 2020. The watershed partnership Policy Committee and Advisory Committee members have attended regularly scheduled meetings and submitted the St. Louis River Watershed Comprehensive Watershed Management Plan to BWSR on January 12, 2023, for review and approval. The Northern Regional Committee met on March 1, 2023, to review the content of the Plan, State agency comments on the Plan, and to make a recommendation. The Committee recommends approval of the submitted Plan by the full Board.

Joe Collins commented this plan had a unique way of including climate change to uncover potential overlooked opportunities.

**
23-13 Moved by Rich Sve, seconded by Neil Peterson, to approve the St. Louis River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Southern Region Committee

Des Moines River Watershed Comprehensive Watershed Management Plan – Ted Winter and Doug Goodrich presented Des Moines River Watershed Comprehensive Watershed Management Plan.

The Des Moines River Watershed was selected by BWSR as one of the seven planning areas for the One Watershed, One Plan program in 2020. The watershed partnership Policy Committee, Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and submitted the Des Moines River Watershed Comprehensive Watershed Management Plan to BWSR on January 6, 2023 for review and approval. The Southern Regional Committee (Committee) met on March 13, 2023 to review the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Jayne Hager Dee asked if they had any interface with the State of Iowa. Doug stated there is an ongoing relationship with Iowa.

Commissioner Petersen left the meeting at 11:52 a.m.

**
23-14 Moved by Neil Peterson, seconded by Mark Zabel, to approve the Des Moines River Watershed Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan – Ted Winter and Jason Beckler presented Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan.

Lac qui Parle – Yellow Bank watershed was selected by BWSR for the One Watershed, One Plan program in 2021. The watershed partnership Policy Committee, Advisory Committee, and Steering Team members have attended regularly scheduled meetings and submitted the Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan to BWSR on January 6, 2023, for review and approval. The Southern Regional Committee met on March 13, 2023, to review the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval of the submitted Plan by the full Board.

John Jaschke confirmed with Jason the order is approving both the plan and making the boundary adjustment.

Jill Crafton asked if there will be a database for information to be pulled into or how it will work with the Department of Ag helping the monitoring of groundwater. Jason stated he is not sure how the Department of Ag is storing that information. Stated they keep records and are going to try and retrofit some of this tracking into what they're doing now. Jason stated they'll adapt and build upon anything if they need to. Jill stated she thought this plan was good and brings in more accountability.

**
23-15 Moved by Rich Sve, seconded by LeRoy Ose, to approve the Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Lower Minnesota River West Comprehensive Watershed Management Plan – Ted Winter, Jeremy Maul, and Ed Lenz presented Lower Minnesota River West Comprehensive Watershed Management Plan.

The Lower Minnesota River West was selected by BWSR for a One Watershed, One Plan Planning Grant in August of 2019. The Partnership established a Memorandum of Agreement in the spring of 2020 for the purposes of watershed planning. Planning was initiated on June 6, 2020 via notification to designated Plan review authorities. The Partnership has followed One Watershed, One Plan Operating Procedures and the Policy Committee, Technical Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the Lower Minnesota River West Comprehensive Watershed Management Plan (Plan) to BWSR on December 28, 2022 for review and approval. The Southern Regional Committee (Committee) met on March 13, 2023 to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Mark Zabel commented the cut out of area for Bevens Creek which flows into Carver County would be a fringe area to the Seven-County Metropolitan Area where they do surface water management planning under a different part of the statute and that Greater Minnesota is under 1W1P.

**
23-16 Moved by Mark Zabel, seconded by Jayne Hager Dee, to approve the Lower Minnesota River West Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Mississippi River – Winona/La Crescent Comprehensive Watershed Management Plan – Ted Winter and Adam Beilke presented Mississippi River – Winona/La Crescent Comprehensive Watershed Management Plan.

The WinLaC Partnership was selected by BWSR for a One Watershed One Plan (1W1P) Planning Grant in August of 2020. The Partnership established a Memorandum of Agreement on February 17, 2021 for the purposes of watershed planning. Planning was initiated on March 9, 2021 via notification to designated plan review authorities. The Partnership has followed 1W1P Operating Procedures and the Policy Committee, Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the WinLaC Plan to BWSR on March 3, 2023 for review and approval. The Southern Regional Committee (Committee) met on March 13, 2023 to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Jayne Hager Dee noted the city of Winona participated.

Joe Collins stated as he reads plans, he recognizes the value of cold water for trout and making those changes affects the temperatures of the waters in the streams.

John Jaschke stated there is a proposal at legislature for the response process for fish kills with MPCA, DNR, Department of Ag, and MDH in some instances also involved.

Mark Zabel asked if the plan does any actions addressing low flow critical period. Adam stated during the 60-day comment period they received responses from the DNR and MPCA regarding the issue. An action item was added to meet yearly with stakeholders, agencies, and local staff to discuss fish incidents and what can be done to help prevent those and providing more tools.

Ted Winter stated we're going to start seeing winter fish kill.

Commissioner Strommen stated the different root causes of winter kill and fish kill.

**
23-17 Moved by Ted Winter, seconded by Todd Holman, to approve the Mississippi River – Winona/La Crescent Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Water Management and Strategic Planning Committee is scheduled for 8:30 a.m. March 27, 2023, in St. Paul and MS Teams.
- Joint Grants Program and Policy Committee and Water Management and Strategic Planning Committee is scheduled for 9:00 a.m. March 27, 2023, in St. Paul and MS Teams.
- Grants Program and Policy Committee is scheduled for 10:15 a.m. March 27, 2023, in St. Paul and by MS Teams.
- Central Region Committee is scheduled for 2:30 p.m. on April 6, 2023, in St. Paul and by MS Teams.
- RIM Committee is scheduled for 10:00 a.m. April 14, 2023, in St. Paul and by MS Teams.
- BWSR meeting is scheduled for 9:00 a.m., April 26, 2023, in St. Paul and by MS Teams.

Chair VanAmburg adjourned the meeting at 12:27 PM

Respectfully submitted,

Gerald Van Amburg
Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution/Compliance Report

Meeting Date: April 26, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Wetland Conservation Act Appeals/Buffer Compliance

Section/Region: Central

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)

Presented by: Rich Sve DRC Chair/Travis Germundson

Time requested: Two-Minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

None

LINKS TO ADDITIONAL INFORMATION

See attached report.

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

The report provides a monthly update on the number of appeals filed with the Board of Water and Soil Resources and summary on buffer compliance/enforcement actions statewide.

Dispute Resolution and Compliance Report

April 11, 2023

By: Travis Germundson

There are presently **five** appeals pending. There has been **one** new appeal filed since last report.

Format note: New appeals that have been filed since last report to the Board.
~~Appeals that have been decided since last report to the Board.~~

File 23-3 (3-28-23), This is an appeal of a WCA notice of decision involving a replacement plan in Lake of the Woods County. The appeal regards the denial of an after-the-fact replacement plan for wetland impacts associated with the placement of a concrete driveway and boat ramp area. A previous decision by staff was upheld under appeal by the County Board of Commissioners and now that decision is being appealed. No decision has been made on the appeal.

~~File 23-2 (2-28-23) This is an appeal of a Buffer Administrative Penalty Order (APO) in Pope County. The APO regards the placement of a 50' buffer or implementation of an approved alternative practice. The petition claims that public watercourse was improperly classified. The appeal has been denied and the APO affirmed.~~

File 23-1 (2-27-23) This is an appeal of a WCA Restoration Order in Olmsted County. The appeal regards the impact of approximately 6,000 sq. ft. of wetland associated with a parking lot expansion project. The appeal has been placed in abeyance and the Restoration Order stayed until the LGU makes a final decision on an after-the-fact replacement plan application.

~~File 22-9 (12-27-2022) This is an appeal of a WCA Restoration Order in Otter Tail County. The appeal regards the placement of 34,125 sq. ft. of fill in a wetland. This appeal involves the same landowner and wetland as Appeal File 22-8. The petition request that that the appeal be placed in abeyance for a decision on an after-the-fact application for exemption and no-loss. The appeal was placed in abeyance and the Restoration Order stayed until the LGU makes a final decision on the after-the-fact application. The LGU denied the application and the notice of decision was not appealed. The appeal has been denied and the restoration order affirmed.~~

~~File 22-8 (12-14-2022) This is an appeal of a WCA Restoration Order in Otter Tail County. The appeal regards the placement of 27,770 sq. ft. of fill in a wetland. This appeal involves the same landowner and wetland as Appeal File 22-9. The petition request that that the appeal be placed in abeyance for the submittal/decision of an after-the-fact application for exemption and no-loss. The appeal was placed in abeyance and the Restoration Order stayed until the LGU makes a final decision on the after-the-fact application. The LGU denied the application and the notice of decision was not appealed. The appeal has been denied and the restoration order affirmed.~~

File 22-7 (12-6-2022) This is an appeal of a WCA notice of decision involving a replacement plan in Brown County. The appeal regards the approval of an after-the-fact replacement plan for wetland impacts associated with a road and turnaround areas located in a campground facility. The appeal has been remanded back to the Brown County to develop an adequate record that considers the written Technical Evaluation Panel Report. The 60-day deadline for remand proceedings has been extended.

File 22-6 (11-16-2022) This is an appeal of a WCA Restoration Order in Wright County. The appeal regards the alleged drainage impacts to wetlands associated with the installation of new drain tile. The petition request that that the appeal be placed in abeyance to allow further investigation and submittal of an after-the-fact application. The appeal has been placed in abeyance and the Restoration Order stayed for the submittal of a complete application. The time period to submit a complete application has been extended.

~~File 21-9 (12-17-2021) This is an appeal of a WCA notice of decision involving a no-loss determination in Pope County. The appeal regards the approval of a 36' inlet structure/tile to reduce inundation and~~

saturated soil on agricultural fields. At issue is the elevation that was approved (to high). The petition request that the appeal be placed in abeyance until technical data can be gathered. Note, this involves the same notice of decision being appealed under File 21-07. ~~The appeal has been combined with file 21-7 and placed in abeyance to allow the Technical Evaluation Panel to develop written finding of fact following the submission of additional technical analyses. The appeal has been remanded back to the local unit of government for expanded technical review and a new decision because of the submission of additional technical analyses. The 60-day deadline for remand proceedings has been extended.~~ A new decision was issued under remand. That decision was not appealed. As a result, the file has been closed and the case dismissed.

File 21-8 (12-17-21) This is an appeal of a WCA Restoration Order in Rock County. The appeal regards the alleged placement of tile lines through wetlands and DNR Public Waters. The petition request that the appeal be placed in abeyance for the submittal of an after-the-fact wetland application. *The appeal was placed in abeyance and the Restoration Order stayed for further investigation and submittal of an after-the-fact wetland application. An after-the-fact application for a no-loss was approved, which allows for the installation of non-perforated tile. The restoration/placement of this tile has yet to occur do to do DNR Public Waters permitting/approval. The time period on the stay of the Restoration Order has been extended.*

File 21-7 (12-14-2021) This is an appeal of a WCA notice of decision involving a no-loss determination in Pope County. The appeal regards approval of a 36" inlet structure/tile that allegedly rout water around U.S. Fish and Wildlife Service property and impact wetlands. At issue is the elevation that was approved (to low). ~~The appeal has been combined with file 21-9 and placed in abeyance to allow the Technical Evaluation Panel to develop written finding of fact following the submission of additional technical analyses. The appeal has been remanded back to the local unit of government for expanded technical review and a new decision because of the submission of additional technical analyses. The 60-day deadline for remand proceedings has been extended.~~ A new decision was issued under remand. That decision was not appealed. As a result, the file has been closed and the case dismissed.

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2022	Total for Calendar Year 2023
Order in favor of appellant		
Order not in favor of appellant	3	1
Order Modified	1	
Order Remanded	2	1
Order Place Appeal in Abeyance	5	
Negotiated Settlement		
Withdrawn/Dismissed	1	

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 103 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are seven active Corrective Action Notices (CANs) and 3 Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 93 of those have been resolved.

*Statewide 35 counties are fully compliant, and 48 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 438 CANs and 81 APOs actively in place. Of the actions being tracked over 2,429 of those have been resolved.

**Disclaimer: These numbers are generated monthly from BWSR's Access database. The information is obtained through notifications from LGUs on actions taken to bring about compliance and may not reflect the current status of compliance numbers.*

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. Approval of FY23 HELP Program Funding Recommendations – Dan Shaw – ***DECISION ITEM***
2. Clean Water Legacy Partners Pilot Grant Award Recommendations – Shaina Keseley – ***DECISION ITEM***
3. Board Order Authorizing the Rural Investment to Protect Our Environment (RIPE) 100 Partnership Program – Tom Gile and Suzanne Rhees – ***DECISION ITEM***
4. Conservation Reserve Program State Incentives Pilot Program – Dusty Van Thuyne – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Approval of FY23 HELP Program Funding Recommendations

Meeting Date: April 26, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: HELP, Habitat Enhancement, Pollinators, Beneficial Insects

Section/Region: Resource Conservation

Contact: Dan Shaw

Prepared by: Dan Shaw

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Dan Shaw

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input checked="" type="checkbox"/> Other:
Environment and Natural Resources Trust
Fund Budget | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Recommend approval of the board order to approve funding recommendation for the FY23 HELP Grants.

LINKS TO ADDITIONAL INFORMATION

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

The BWSR HELP grant program is made possible through an appropriation from the Environment and Natural Resources Trust Fund (ENRTF) and is focused on restoring and enhancing strategically located, diverse native habitat across Minnesota on conservation lands, natural areas, and open spaces to benefit populations of pollinators and beneficial insects as well as overall plant and animal diversity. The program also provides co-benefits of carbon sequestration, soil health, water quality improvements, and increased landscape resiliency. On October 26, 2022 the board adopted Board Order #22-48 which authorized staff to conduct a request for proposal (RFP) for the FY23 HELP grants. An application period was open from November 3, 2022 to February 23, 2023. Twelve (12) applications were received requesting a total of \$503,180. Grants were ranked by an advisory team on March 13, 2023. These results were presented to the BWSR Senior Management team on March 14, 2023. The BWSR Grants Program and Policy Committee reviewed the recommendations on March 27, 2023 and made a recommendation to the full Board. The funding recommendations included in the board order are the result of that meeting.

BOARD ORDER

FY 2023 Habitat Enhancement Landscape Pilot Grant Awards

PURPOSE

Authorize the grant awards for the Habitat Enhancement Landscape Pilot.

FINDINGS OF FACT / RECITALS

- A. The Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 5, Section 2, Subd. 8(b) appropriated \$750,000 from the Environment and Natural Resources Trust Fund to the Board for building a new initiative to strategically restore and enhance approximately 1,000 acres of diverse native habitat to benefit multiple insects through grants, cost-share, and outreach.
- B. On October 26, 2022, by Board Order #22-48, the Board authorized staff to complete and open the Habitat Enhancement Landscape Pilot (HELP) RFP to provide grants through a competitive process.
- C. The HELP RFP opened on November 3, 2022 and applications were accepted through February 23, 2023.
- D. A total of 12 applications requesting \$503,180 were received.
- E. Board staff reviewed applications for eligibility for this Program. Based on this review, 12 applications were determined to be eligible.
- F. An inter-agency review team ranked the eligible applications on March 13, 2023 and recommended applications for funding.
- G. The BWSR Senior Management Team, at their March 14, 2023 meeting, reviewed the proposed grant awards and recommended approval to the Grants Program and Policy Committee.
- H. The Grants Program and Policy Committee, at their March 27, 2023 meeting, reviewed the proposed grant awards and recommended approval to the Board.

ORDER

The Board hereby:

- 1. Approves the allocation of funds to each eligible applicant in the amounts listed in the attached table FY 2023 *Habitat Enhancement Landscape Pilot Funding Recommendations*.
- 2. Authorizes staff to enter into individual grant agreements for these funds.

Dated at St. Paul, Minnesota, this April 26, 2022.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Gerald Van Amburg, Chair
Board of Water and Soil Resources

**FY2023 Habitat Enhancement Landscape Pilot (HELP) Program
Funding Recommendations**

Applicant	Recommended Award
Anoka Conservation District	\$20,000
Washington Conservation District	\$59,915
Stearns Soil and Water Conservation District	\$60,000
Beltrami Soil and Water Conservation District	\$45,150
Winona Soil and Water Conservation District	\$46,000
Lyon Soil and Water Conservation District	\$28,725
Lake Soil and Water Conservation District	\$13,950
Total	\$273,740

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Clean Water Legacy Partners Pilot Grant Award Recommendations

Meeting Date: April 26, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Clean, water, legacy, partners, pilot, grant

Section/Region: Central Region

Contact: Shaina Keseley

Prepared by: Annie Felix-Gerth

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Shaina Keseley

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input checked="" type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approval of the FY 2022/2023 Clean Water Legacy Partners Pilot Grant Awards.

LINKS TO ADDITIONAL INFORMATION

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

The purpose of this agenda item is the allocation of the FY 2022/2023 Clean Water Legacy Partners Pilot Grants. On October 26, 2022, the Board adopted Board Order #22-49 which authorized staff to conduct a request for proposal (RFP) from NGOs and tribal governments for the Clean Water Legacy Partners Pilot grant program. The RFP combined FY22/23 funds for a total of \$1M that was split into \$500,000 available for NGOs and \$500,000 for tribal governments. The RFP was open from November 17, 2022 through February 15, 2023 There were a total of 22 applications received; 19 from NGOs (totaling \$2,766,767) and three from tribal governments (totaling \$530,000). BWSR staff, along with staff from MPCA and MDA, reviewed and scored applications to develop the list of applications recommended for funding. On March 27th, the Grants Program and Policy Committee made the funding recommendation to the full Board. A draft Order is attached based on that recommendation of the Grants Program and Policy Committee.

BOARD ORDER**Fiscal Year 2022/2023 Clean Water Legacy Partners Pilot Grants****PURPOSE**

Authorize Fiscal Year (FY) 22/23 Clean Water Legacy Partners Pilot Grants Program Awards.

FINDINGS OF FACT / RECITALS

- A. The Laws of Minnesota 2021, 1st Special Session, Chapter 1, Article 2, Section 6 (n) appropriated \$400,000 in fiscal year 2022 and \$600,000 in fiscal year 2023 from the Clean Water Fund “for developing and implementing a water legacy grant program to expand partnerships for clean water.”
- B. The Laws of Minnesota 2015 1st Special Session, Chapter 2, Article 2, Section 7(c).
- C. On October 26, 2022, the Board authorized staff to distribute and promote a request for proposals (RFP) for Clean Water Legacy Partners Pilot Grants (Board order #22-49).
- D. The request for proposals was noticed on November 17, 2022 with a submittal deadline of February 15, 2023.
- E. Applications were scored and ranked by the interagency committees on March 10, 2023.
- F. The Grants Program and Policy Committee, at their March 27, 2023 meeting, reviewed the proposed allocations and recommended approval to the Board.

ORDER

The Board hereby:

- 1. Authorizes staff to allocate the balance of \$56,374 in returned grant funds from previous years to completely fund projects C23-3738 and C23-7261.
- 2. Approves the allocation of funds to each applicant in the amounts listed in Table 1.
- 3. Authorizes staff to approve work plans and enter into grant agreements for these funds.
- 4. Establishes that the grants awarded pursuant to this order will conform to FY 2022/2023 Clean Water Legacy Partners Pilot Grants Policy

Dated at St. Paul, Minnesota, this April 26, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

Table 1. FY2022-23 Clean Water Fund Legacy Partners Pilot Funding Recommendations	
Applicant (Grant ID)	Recommended Award
Red Lake Nation (C23-9360)	\$250,000
Leech Lake Band of Ojibwe (C23-6013)	\$30,000
Upper Sioux Community (C23-3738)	\$250,000
Clean River Partners (C23-0771)	\$128,519
Upper Red Lake Area Association (C23-7512)	\$92,600
Spark-Y: Youth Action Labs (C23-2704)	\$249,965
Briggs Lake Chain Association (C23-7261)	\$55,290
Total	\$1,056,374

DRAFT

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Board Order Authorizing the Rural Investment to Protect Our Environment (RIPE) 100 Partnership Program

Meeting Date: April 26, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Grant, climate, soil, pilot, SWCDs

Section/Region: statewide

Contact: Tom Gile or Suzanne Rhees

Prepared by: Suzanne Rhees

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Tom, Suzanne

Time requested: 20 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input type="checkbox"/> None | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approval of attached draft Board Order

LINKS TO ADDITIONAL INFORMATION

TBA

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

BWSR will be participating in a grant under the USDA Partnerships for Climate-Smart Commodities Program along with Virginia Tech, the RIPE organization, and the States of Arkansas, North Dakota, and Virginia. The program will pay farmers and ranchers for conservation practices with payments that reflect multiple environmental benefits. The Board Order and slides (TBA) provide additional details about the program.

BOARD ORDER

Authorizing the Rural Investment to Protect Our Environment (RIPE) 100 Partnership Program

PURPOSE

Authorize staff to enter into agreements necessary to carry out the Board of Water and Soil Resources' responsibilities under the United States Department of Agriculture funded RIPE100 Partnership Program.

RECITALS /FINDINGS OF FACT

- A. BWSR staff have worked with Virginia Tech, RIPE, the States of Arkansas, North Dakota, Virginia and other national, regional and state partners on an application in 2022 to the USDA Partnerships for Climate-Smart Commodities Program.
- B. The application, "Rural Investment to Protect our Environment (RIPE) Partnership: Supporting Agricultural Producers at All Scales to Deliver Productivity, Market Opportunities, and Enhanced Soil, Water, and Climate Benefits" was selected for funding in October 2022, for an amount of approximately \$ 17 million allocated to Minnesota.
- C. The RIPE100 Program will pay farmers and ranchers who voluntarily implement conservation practices to earn payments that reflect the benefits they deliver to soil health, water, air and climate combined, with payments above implementation costs, economic losses during transition to new practices, and future climate policy costs.
- D. BWSR's responsibilities under this USDA-funded Program are to:
 1. Manage all pilot funds and sub-grants or contracts to the Minnesota Association of Soil and Water Conservation Districts to act as project facilitator and technical assistance provider and Soil and Water Conservation Districts (SWCD) to act as producer enrollers and technical assistance providers;
 2. Refine the pilot program design, including establishing parameters for Soil and Water Conservation District participation and working with researchers and local partners on GHG-reducing practices for Animal Feeding Operations.
 3. Identify the best suited regions for pilot implementation, working with local partners and advisors; and
 4. Disburse funds to selected SWCDs to implement the pilot;
- E. BWSR is committed to providing \$2,700,000 in match for additional technical and financial assistance as part of the USDA award.
- F. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
- G. The Grants Program and Policy Committee, at their March 27, 2023 meeting, reviewed the RIPE100 Partnership program authorization, and recommended approval to the Board.

ORDER

The Board hereby authorizes staff:

1. To finalize and issue a solicitation consistent with the USDA-approved RIPE proposal to select participating local governments and technical assistance providers, including selection criteria;
2. To select participating SWCDs and/or other partners;
3. To identify existing or anticipated state funding sources to provide the required matching funds;
4. To enter into agreements with SWCDs and/or other partners to secure their participation in the RIPE100 program; and
5. To report to the Board on program implementation.

Dated at St. Paul, Minnesota, this April 26, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

DRAFT

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Conservation Reserve Program State Incentives Pilot Program

Meeting Date: April 26, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: CRP, Incentive

Section/Region: Easements

Contact: Sharon Doucette

Prepared by: Dusty Van Thuyne

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Dusty Van Thuyne

Time requested: 10 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|--|---|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input checked="" type="checkbox"/> Other:
Environment and Natural Resources Trust Fund | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

The Board is requested to approve the recommendation of the Grants Program and Policy Committee to authorize the Conservation Reserve Program State Incentives Pilot Grant Program Board Order to adopt the Conservation Reserve Program State Incentives Pilot Program Policy and authorize staff to enter into grants for this program.

LINKS TO ADDITIONAL INFORMATION

[LCCMR M.L. 2022 Projects](#)

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

In 2022, the MN Legislature appropriated funds to BWSR to provide onetime state incentive payments to enrollees in the federal Conservation Reserve Program (CRP) during the continuous enrollment period and to enroll land in conservation easements consistent with Minnesota Statutes, section 103F.515.

BWSR staff recommended providing Conservation Reserve Program State Incentive Pilot Program grants to eligible watersheds with greater than 40% cropland that have approved and locally adopted watershed plans to provide onetime incentive payments to landowners enrolling or re-enrolling into the Continuous Conservation Reserve Program.

The program policy and allocation amounts have been reviewed by Senior Management Team and Grants Program and Policy and received recommendation for Board approval.

BOARD ORDER**Conservation Reserve Program State Incentives Pilot Program****PURPOSE**

Authorize a fiscal year 2023 Conservation Reserve Program State Incentive Pilot Program and adopt the *Conservation Reserve Program State Incentive Pilot Program Policy*.

RECITALS /FINDINGS OF FACT

- A. Laws of Minnesota 2022, Regular Session, Chapter 94, Section 2, Subdivision 10(e) appropriated funds to provide onetime state incentive payments to enrollees in the federal Conservation Reserve Program (CRP) during the continuous enrollment period and to enroll land in conservation easements consistent with Minnesota Statutes, section 103F.515.
- B. The BWSR Senior Management Team (SMT) met on March 14, 2023 and discussed recommendations from BWSR staff on the *Conservation Reserve Program State Incentive Pilot Program Policy* and providing Conservation Reserve Program State Incentive Pilot grants to eligible watersheds with greater than 40% cropland that have approved and locally adopted watershed plans to provide onetime incentive payments to landowners enrolling or re-enrolling into the Continuous Conservation Reserve Program.
- C. The Grants Program and Policy Committee, at their March 27, 2023 meeting, discussed the recommendations from the BWSR Senior Management Team and recommended approval to the Board.

ORDER

The Board hereby:

- 1. Adopts the attached *Conservation Reserve Program State Incentives Pilot Program Policy*.
- 2. Approves the allocation of up to \$650,000 to eligible watersheds, up to the amount listed in the attached allocation table.
- 3. Authorizes staff to reallocate funds to eligible watersheds utilizing a predetermined process should a grant award not be accepted, or full grant awards not expended.
- 4. Authorizes staff to enter into a grant agreement for this purpose.

Dated at St. Paul, Minnesota, this April 26, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

FY23 Conservation Reserve Program State Incentive Pilot Program Allocations

Watershed	FY24 Grant Amount
Missouri River Basin	\$53,000
Mustinka/Bois de Sioux River	\$53,000
Two Rivers Plus	\$53,000
Middle Snake-Tamarac Rivers	\$53,000
Hawk Creek-Middle Minnesota	\$53,000
Yellow Medicine River	\$53,000
North Fork Crow River	\$30,000
Cannon River	\$30,000
Red Lake River	\$30,000
Buffalo-Red River	\$30,000
Root River	\$30,000
Pomme de Terre River	\$30,000
Watonwan River	\$30,000
Greater Zumbro River	\$30,000
Wild Rice-Marsh	\$30,000
Sauk River	\$30,000
Shell Rock River and Winnebago	\$16,000
Cedar River	\$16,000
TOTAL	\$650,000

Conservation Reserve Program State Incentives Pilot Program Policy

From the Board of Water and Soil Resources, State of Minnesota

Version: 1.00

Effective Date: 04/26/2023

Approval: Board Order #23-

Policy Statement

This policy provides expectations for implementation activities conducted via the Board of Water and Soil Resources (BWSR) Conservation Reserve Program State Incentives Pilot Program as defined in the appropriation under Laws of Minnesota 2022, Chapter 94, Section 2, Subdivision 10e. This grant program is made possible through an appropriation from the Environment and Natural Resources Trust Fund (ENRTF).

Reason for the policy

The purpose of this policy is to provide specific requirements for the implementation of the Conservation Reserve Program State Incentives Pilot Program as defined in the appropriation under Laws of Minnesota 2022, Chapter 94, Section 2, Subdivision 10e.

BWSR will use grant agreements for assurance of deliverables and compliance with appropriate statutes, rules and established policies. Willful or negligent disregard of relevant statutes, rules and policies may lead to imposition of financial penalties or future sanctions on the grant recipient. BWSR's Grants Administration Manual (<https://bwsr.state.mn.us/gam>) provides the primary framework for local management of all state grants administered by BWSR.

Eligible Activities and Program Requirements

1. Local Governmental Unit Eligibility Criteria

To be eligible, local governments must have a current state approved and locally adopted comprehensive watershed management plan authorized under Minnesota statutes §103B.801 and have entered into an implementation agreement with other members of the planning partnership. If a local government within the geographic area of the plan has not adopted the plan, these funds can still be spent on implementation in that area by another eligible local government.

2. Eligible and Ineligible Activities

Conservation Reserve Program State Incentives Pilot Program provides eligible local government units with funds to incentivize landowner enrollment and re-enrollment into the federal Continuous Conservation Reserve Program (CCRP) and associated administrative and project development responsibilities. Funds used from this policy for cost share must follow the BWSR Watershed-Based Implementation Funding Policy (FY22-23) with the following exceptions.

- 2.1 **Administrative and Project Development Expenses.** A maximum of up to 10 percent (10%) of the total grant may be used for administrative and project development expenses.
Billing rates charged to these grants may only include the employee's base hourly rate plus benefits.
- 2.2 **Eligible Activities.** Incentive payments are only allowed for practices available through a Continuous CRP enrollment period.
- 2.3 **Effective Life.** Conservation practice lifespan must be equal to the length of the Continuous CRP contract.
- 2.4 **Practice Standards.** All practices must be consistent with the NRCS Field Office Technical Guide (FOTG). Vegetative practices must follow the BWSR Board adopted [Native Vegetation Establishment and Enhancement Guidelines](#).
- 2.5 **Incentive Payments to Land Occupiers.** Incentives to install or adopt CCRP practices that improve or protect water quality and/or provide pollinator and wildlife benefits are an eligible use of funds. Incentive payments should be reasonable and justifiable, supported by grant recipient policy, consistent with prevailing local conditions, and must be based on established FOTG standards. BWSR reserves the right to review and approve incentive payment rates established by grant recipient policy.
- 2.6 **Failure to Maintain Practices.** Funds repaid to a district from a landowner who has failed to maintain a practice, must be reallocated to the local cost share program according to this policy, less the administrative cost of the district.
- 2.7 **Ineligible Activities.** The following is considered ineligible:
 - a. Equipment purchases.
 - b. Facilities Expenses.
 - Environment and Natural Resources Trust Fund (ENRTF) funding cannot be used to pay for space and other associated overhead costs. Billing rates charged to these grants may include the employee's base hourly rate plus benefits.

3. Match Requirements

Match is not required.

4. Grant Work Plan

Work Plans are required for the Conservation Reserve Program State Incentives Pilot Program. Work plans shall be developed in eLINK and must be approved before execution of the grant agreement and before work can begin or grant funds spent. Work plans shall reflect each eligible activity that will be implemented, a description of the anticipated activity outcomes or accomplishments, how the activity achieves the goals of the comprehensive watershed management plan authorized under Minnesota statutes §103B.801 and grant funding amounts to accomplish each of the activities.

COMMITTEE RECOMMENDATIONS

RIM Reserve Committee

1. RIM Riparian and Floodplain Restoration Program – Dusty Van Thuyne – ***DECISION ITEM***
2. Easement Alteration Request for Public Road Project – RIM Easement #07-17-01-01 – Karli Swenson – ***DECISION ITEM***
3. Easement Alteration Request - RIM Easement #86-06-91-01 – Karli Swenson – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM Riparian and Floodplain Restoration Program

Meeting Date: April 26, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information Non-Public Data

Keywords for Electronic Searchability: RIM, Riparian, Floodplain, Outdoor Heritage Fund, Clean Water Fund

Section/Region: Conservation Easement

Contact: Sharon Doucette

Prepared by: Dusty Van Thuyne

Reviewed by: RIM Reserve Committee(s)

Presented by: Dusty Van Thuyne

Time requested: 10 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|--|
| <input type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input checked="" type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input checked="" type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

The Board is requested to approve the recommendation of the RIM Reserve Committee to authorize the RIM Riparian and Floodplain Restoration Program resolution that provides general authorization for this program.

LINKS TO ADDITIONAL INFORMATION

[Board Resolution # 21-45](#)

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

Board Resolution # 21-45 authorized the use of ML 2021 Outdoor Heritage Fund and Clean Water Fund appropriations to secure limited duration or permanent RIM easements through the OHF Riparian Buffer Conservation Easement Program and the CWF Pilot Working Lands Floodplain Program. ML 2022, Ch. 77, Art. 1, Sec. 2, subd. 2(f) (Outdoor Heritage Fund) designated funds “to acquire permanent conservation easements and restore habitat under Minnesota Statutes, section 103F.515, to protect, restore, and enhance habitat by expanding the riparian buffer program under the clean water fund for additional wildlife benefits from buffers on private land.”

This resolution authorizes staff to utilize the funds authorized under Board Resolution # 21-45, the ML 2022 Outdoor Heritage Funds, and any future funds appropriated by the Minnesota State Legislature to implement the RIM Riparian and Floodplain Restoration Program.

Board Resolution # 23- _____

Reinvest in Minnesota (RIM) Reserve Riparian and Floodplain Restoration Program

WHEREAS, Board Resolution # 21-45, Reinvest in Minnesota (RIM) Reserve Riparian Programs Authorization: OHF Riparian Buffer Conservation Easement Program and CWF Pilot Working Lands Floodplain Program, authorized staff to:

- Utilize ML 2021 Outdoor Heritage Funds and Clean Water Funds to implement the OHF Riparian Buffer Conservation Easement Program and the CWF Pilot Working Lands Floodplain Program;
- Work with partners to develop program guidelines and outreach efforts focused in priority areas;
- Utilize RIM easement payment rates as established for permanent easements;
- Utilize a modified RIM easement payment rate structure for limited duration and/or working lands easements;
- Conduct landowner sign-ups and select applications using available funding; and,

WHEREAS, the OHF Riparian Buffer Conservation Easement Program and CWF Pilot Working Lands Floodplain Program authorized under Board Resolution # 21-45, Reinvest in Minnesota (RIM) Reserve Riparian Programs Authorization: OHF Riparian Buffer Conservation Easement Program and CWF Pilot Working Lands Floodplain Program, will be combined into the RIM Riparian and Floodplain Restoration Program; and

WHEREAS, ML 2022 Chapter 77, Article 1, Section 2, Subd. 2(f) designated funds “to acquire permanent conservation easements and restore habitat under Minnesota Statutes, section 103F.515, to protect, restore, and enhance habitat by expanding the riparian buffer program under the clean water fund for additional wildlife benefits from buffers on private land”; and,

WHEREAS, future funds appropriated by the Minnesota State Legislature would be used consistent with the appropriation language to acquire and restore Reinvest in Minnesota (RIM) conservation easements under the RIM Reserve Riparian and Floodplain Restoration Program; and,

WHEREAS, this resolution is supplemental to previously approved BWSR Board resolutions; and

WHEREAS, the Board of Water and Soil Resources RIM Reserve Committee met on January 18, 2023, and unanimously recommends the following provisions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize existing and future appropriated funds of similar purpose to implement the RIM Riparian and Floodplain Restoration Program.
2. Conduct landowner sign-ups and select applications using available funding for the RIM Riparian and Floodplain Restoration Program.

BE IT FURTHER RESOLVED THAT, this resolution will remain in effect, as funding is available, until material changes in the program warrant an amendment.

Dated at Saint Paul, Minnesota this 26th day of April 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

BWSR's Easement Alteration Policy for public benefitted projects allows for release of land from the easement if the public entity compensates BWSR for the released acres at two times the current RIM payment rate, plus reimbursement of state funds paid for conservation practices, and a \$500 administrative fee. Blue Earth County has already submitted the \$500 application fee and has agreed to pay BWSR the additional amount calculated below for the release:

RIM Rate for Rapidan Township = \$7040.70/acre

2x the RIM rate = $7040.70 \times 2 = \$14,081.40/\text{acre}$

0.16 acres released x 14,081.40 = **\$2253.02**

State funds paid for restoration of native grasses and forbs = $\$200/\text{acre} \times 0.16 \text{ acres} = \32.00

Total to release the proposed 0.16 acres = 2253.02 + 32.00 = \$2285.02

The Blue Earth County highway department has met all requirements of BWSR's Easement Alteration Policy for public benefitted projects. The Blue Earth SWCD Board has also voted in favor of the easement alteration request (meeting minutes attached).

Recommendation

Easement staff recommends approval to formally amend easement 07-17-01-01 to release 0.16 acres, as proposed. The RIM Reserve Committee voted in favor of this request at their April 14, 2023 meeting.

Board Resolution # 23- _____

Easement Alteration Request for Public Road Project – RIM Easement #07-17-01-01

WHEREAS, BWSR acquired a 5.9 acre CREP Easement adjacent to CSAH 16 in Rapidan Township, Blue Earth County on 1/22/2002; and

WHEREAS, the Blue Earth County Highway Department will be undertaking reconstruction of the segment of CSAH 16 adjacent to the RIM easement, to correct deficiencies and address significant safety and maintenance concerns; and

WHEREAS, road safety improvements will include widening of lanes and shoulders and flattening backslopes, requiring acquisition of additional right-of-way lands adjacent to the highway; and

WHEREAS, the County Highway Department is requesting the release of 0.16 acres from the RIM easement to accommodate the expanded road right-of-way; and

WHEREAS MN Rule 8400.3610 states that the board may alter or release an easement only if the state board determines that the public interests and general welfare are better served by the alteration; and

WHEREAS the public interest and general welfare will be better served by correcting poor sight distances, steep vertical curves and narrow shoulders along the highway, resulting in improved public safety; and

WHEREAS the BWSR Easement Alteration Policy for public benefitted projects allows for the release of easement lands when the public entity compensates BWSR at 2x the current RIM rate for the township where the land is located, per acre released; and

WHEREAS Blue Earth County Highway department has agreed to pay BWSR the amount of \$2285.02, in accordance with the policy, for the release of the 0.16 acres, and has submitted all required materials and the \$500 application fee for the board to consider the alteration; and

WHEREAS the RIM Reserve Committee voted in favor of the proposal at their meeting held 4/14/23 and is recommending approval to the board

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources (BWSR) approves the alteration of RIM Easement #07-17-01-01, as proposed, releasing the 0.16 acres identified for public road right-of-way purposes; and authorizes staff to work with Blue Earth SWCD staff to officially amend the necessary RIM easement documents.

Dated at Saint Paul, Minnesota this 26th day of April, 2023

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____

Easement Partial Release Request - Van Lith





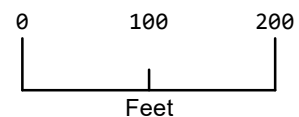
RIM Easement #07-17-01-01

Blue Earth County, T107N, R27W, Section 12



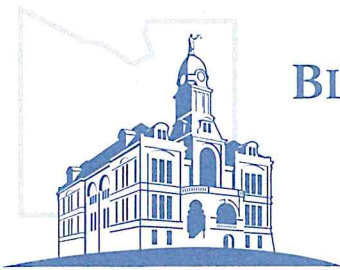
Legend

-  Release Area (0.16 Acres)
-  Easement 07-17-01-01 Boundary



Prepared by:
Board of Water and Soil Resources

Date:
April 10, 2023



BLUE EARTH COUNTY

*Effectively and Efficiently
Delivering Essential Services*

www.blueearthcountymn.gov

COMMISSIONERS

- District 1 Patty O' Connor
- District 2 Vance Stuehrenberg
- District 3 Mark Piepho
- District 4 Kevin Paap
- District 5 Kip Bruender

January 10, 2023

Blue Earth Soil & Water Conservation District
1160 South Victory Drive, Suite 5
Mankato, MN 56001

RE: Proposed RIM Land Release for Reconstruction of CSAH 16

Dear Committee:

Blue Earth County hereby requests approval for release of approximately 0.16 acres of RIM land owned by George and Karla Van Lith for conversion to County Highway Right of Way. CSAH 16 is significantly deteriorated with poor sight distances, steep vertical curves, and very narrow road shoulders. CSAH 16 is a vital corridor between TH 22 and Mankato. The reconstruction of CSAH 16 provides the traveling public and adjacent landowners a significantly safer roadway with wider shoulders, flatter ditch slopes, and a longer lasting pavement.

Our design approach in this segment between the LeSueur River and CSAH 90 is to reconstruct the road to correct deficiencies and significant safety or maintenance problems. The reconstruction project is designed to meet all MNDOT State Aid geometric requirements. The road will be constructed as a 10 Ton per axle section with softer vertical curves to improve sight distances and driver reaction time reducing crash rates and severity of crashes.

The road will be widened to include 12' driving lanes, 8' shoulders with flattened and safer inslopes, new drainage pipes under the road and approach driveways, pavement underdrains, and new bituminous pavement. The 8' shoulders will provide a safe spot for stalled vehicles as well as a safe location for equipment during routine maintenance activities. During preliminary design we have evaluated environmental, economic, social, and safety impacts.

If you have questions or would like to discuss, please call me at 507-304-4025. We look forward to your response regarding this worthy project.

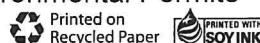
Sincerely,

Ryan Thilges, P.E.
Public Works Director / County Engineer
Blue Earth County Highway Department

Attachments: Location Map, Parcel Size, Construction Plan, Plat, Release Area, Refund

cf: Jack Hermer, Associate Engineer – Right of Way
Stefan Gantert, P.E. – Assistant County Engineer
Mike Krosch, Associate Engineer – Bridges & Environmental Permits

O:\ROWDOC\CSah16\LeSueur River to CSAH 90, 2022\Land Release - SWCD - Van Lith.docx
Blue Earth County is an affirmative action, equal opportunity employer.



Historic Courthouse

204 S. Fifth St.
PO Box 168
Mankato, MN 56002

Administration
TEL: 507-304-4150
FAX: 507-304-4344

Human Resources
TEL: 507-304-4150
FAX: 507-304-4344

Extension
TEL: 507-304-4325
FAX: 507-304-4059

Facilities Management
TEL: 507-304-4249

Government Center

410 S. Fifth St.
Mankato, MN 56001

Human Services
PO Box 3526
TEL: 507-304-4319
FAX: 507-304-4379

Property and Environmental Resources
PO Box 3566
TEL: 507-304-4251
FAX: 507-304-4431

License Center
PO Box 3524
TEL: 507-304-4340
FAX: 507-304-4396

Veterans Services
PO Box 168
TEL: 507-304-4246
FAX: 507-304-4225

Finance
PO Box 3524
TEL: 507-304-4182
FAX: 507-304-4077

Information Technology
PO Box 168
TEL: 507-304-4357
FAX: 507-304-4355

Public Works

35 Map Dr.
PO Box 3083
Mankato, MN 56002
TEL: 507-304-4025
FAX: 507-304-4049

Justice Center

401 Carver Road
Mankato, MN 56001

Sheriff's Office
PO Box 228
TEL: 507-304-4800
FAX: 507-304-4818

County Attorney
PO Box 3129
TEL: 507-304-4600
FAX: 507-304-4620

Probation
PO Box 3245
TEL: 507-304-4750
FAX: 507-304-4710

Library

100 E. Main St.
Mankato, MN 56001
TEL: 507-304-4001
FAX: 507-304-4009

www.beclibrary.org
TDD: 507-304-4399

NEW Right-of-Way
Existing Right-of-Way

Proposed Culvert
Typ.
County Road
Reconstruction

NEW County Right-of-Way
0.16 Acres

VAN LITH, GEORGE L.
& KARLA K., TRUSTEES,

ASFELUND, CASEY J. & LEIGH D.

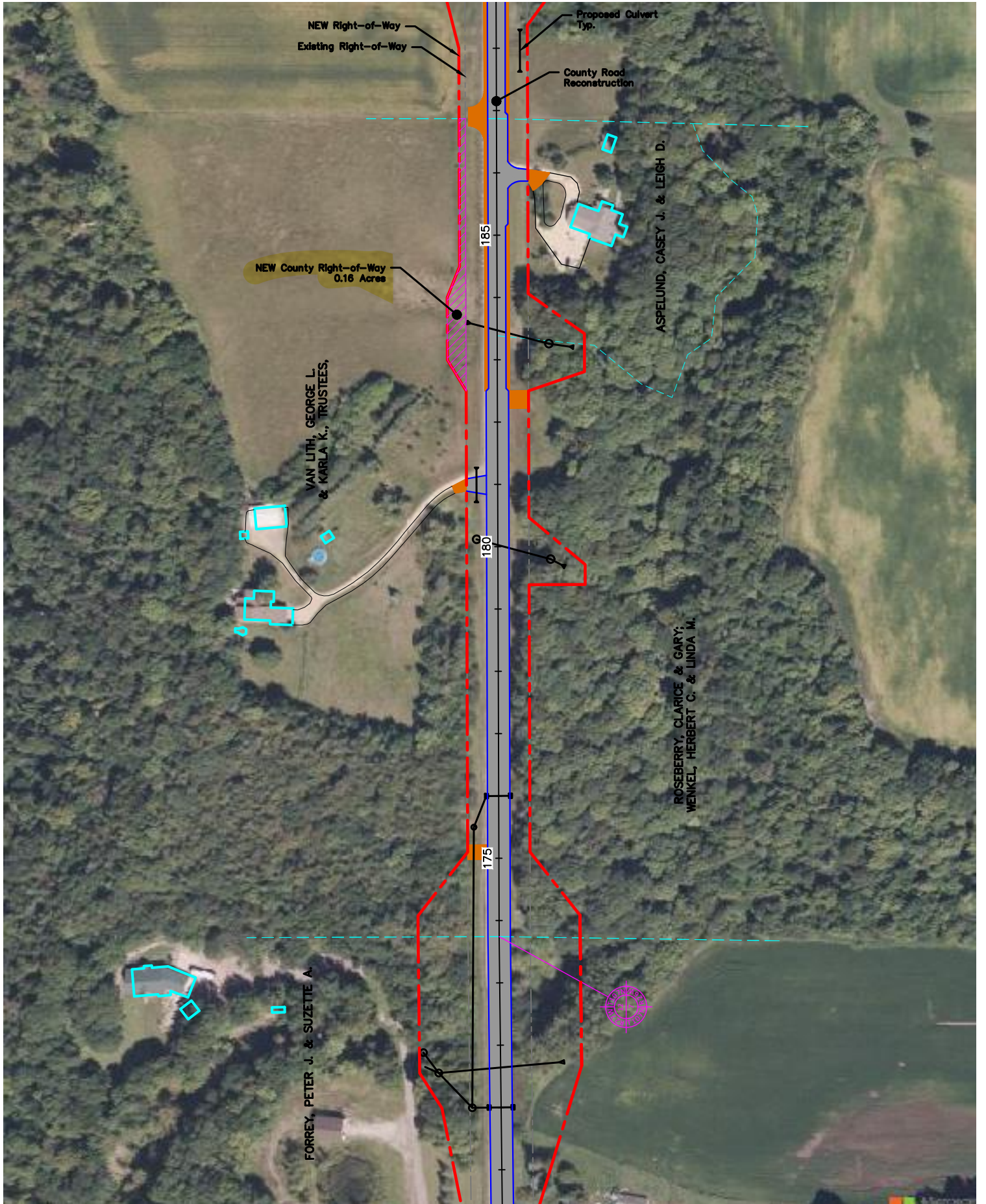
ROSEBERRY, CLARICE & GARY;
WENKEL, HERBERT C. & LINDA M.

FORREY, PETER J. & SUZETTE A.

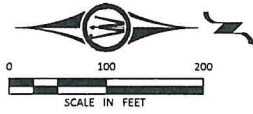
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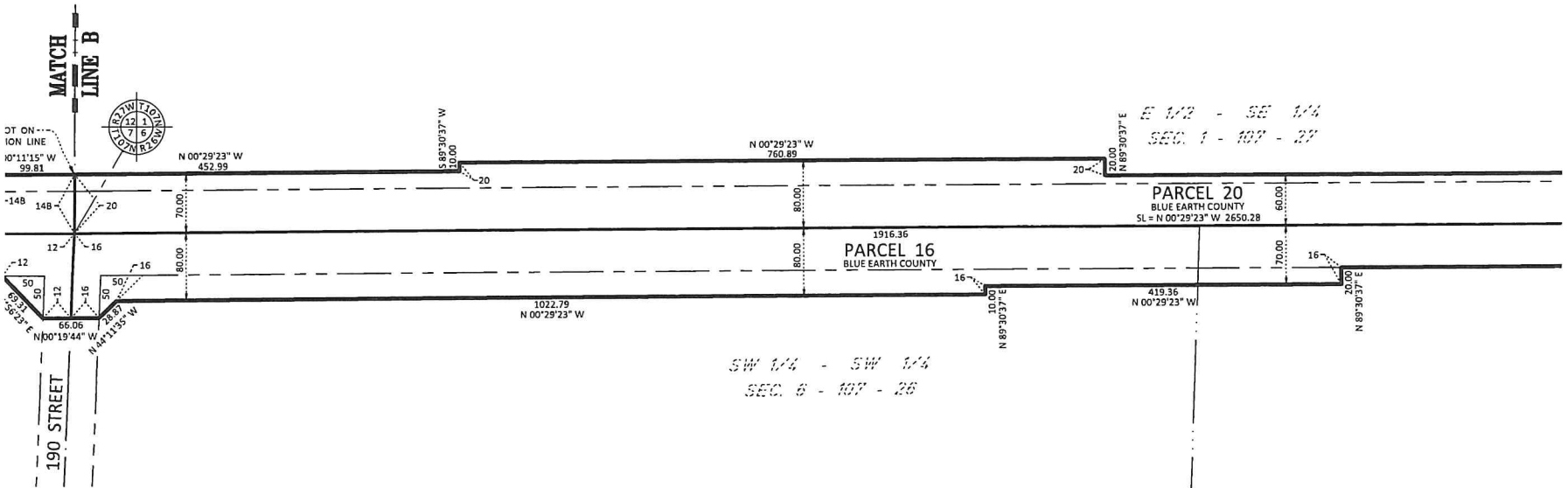
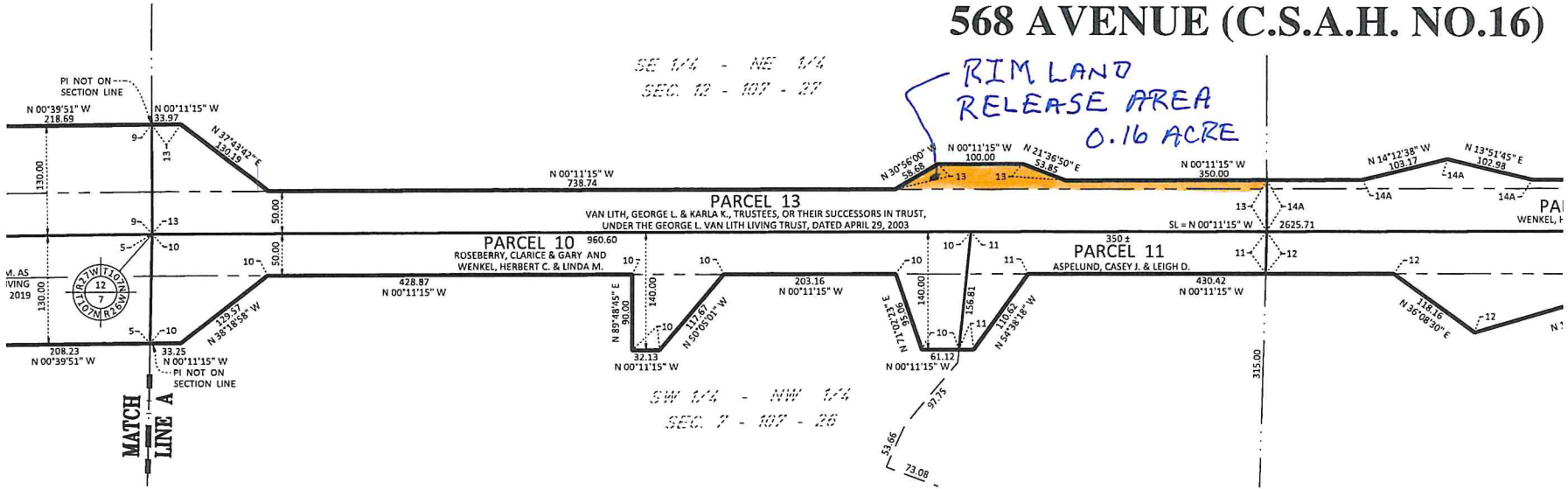


location and size of the acquisition parcel boundaries were determined based on deed evidence of record only. The acquisition parcel boundaries shown are intended to correspond with the existing ownership boundaries. If discrepancies between said boundaries, the acquisition parcel boundaries are adjusted to conform to the actual ownership boundaries.



BLUE EARTH COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 107

568 AVENUE (C.S.A.H. NO.16)



SE 1/4 - NE 1/4
SEC. 1 - 107 - 27



BLUE EARTH SOIL & WATER

1160 S. VICTORY DRIVE, STE #5
MANKATO, MN 56001
PHONE 507.345.4744
FAX 507.345.6036

Approved Minutes of February 9, 2023

Supervisors Present: Chairman: Chris Hughes, Vice Chairman: John Rollings, Treasurer: John Shanahan, Secretary: Jacob Quade, PR&I: Carol Krosch

Staff Present: Conservation Specialist: Jake Fritz, Conservation Technician: Haley Johnson, Administrative Specialist: Jillian Kuduk, District Conservationist: Jessica Beske

Staff Absent: District Manager: Jerad Bach

Guests: None

Proceedings: Meeting called to order by Chairman Hughes at 4:00 p.m.

Pledge: All present recited the Pledge of Allegiance.

HOUSEKEEPING

Agenda: Agenda was reviewed, Rollings moved to approve the agenda, seconded by Krosch.

Motion adopted.

Minutes: Minutes were reviewed, Shanahan moved to approve the January 5, 2023 minutes, seconded by Rollings. **Motion adopted.**

Treasurer's Report: (see attached)

Balance on hand	\$ 759,757.20
Receipts	\$ 538,181.35
Disbursements	\$ 421,308.60
Total	\$ 876,629.95

Kuduk presented the Treasurer's Report for January and requested to pay the Supervisor per diems, which were read by each Supervisor. Rollings moved to file the January Treasurer's Report subject to audit and pay Supervisor per diems as read, seconded by Quade. **Motion adopted.**

OPEN COMMUNICATIONS

District Conservationist: Beske presented the District Conservationist report. NRCS is in the middle of an office remodel with all new furniture. CSP signup is currently open with the application deadline ending tomorrow. There's a potential for an additional EQIP signup with the Inflation Reduction Act funding and we should know more in the coming weeks. The beginning of April will be the end of her 120 day acting detail and there's no word yet on her replacement.

District Manager: Bach included his District Manager report for the board to review in his absence (see attached).

NEW BUSINESS:

2022 AgBMP Report:

Kuduk reviewed the 2022 AgBMP loan report and stated the 2023 funding needs request was submitted last week. In 2022, a total of 12 loans were completed for a total of \$226,789.44.

eLink Report Update:

Kuduk presented the eLINK report update to the board. The SWCD reported on 14 grants for a total of \$685,525.00, which covers staff time, projects and equipment. Being the host district for the South Central TSA, the SWCD is also responsible for tracking and reporting on their 7 grants totaling \$1,130,000.00.

Le Sueur 1W1P Draft Plan Comments:

Kuduk reminded the board of the deadline to submit comments for the review period in the Le Sueur 1W1P planning process. If the board wishes to discuss possible comments and submit something formally as a group, they could do so at this time. Hughes voiced his opinion on how the planning process is going and the plan itself.

FY23 Conservation Delivery Grant Closeout:

Kuduk reported on the FY23 Conservation Delivery grant expenses and final financial report. Rollings moved to approve the FY23 Conservation Delivery grant closeout to be signed by the treasurer, seconded by Krosch. **Motion adopted.**

VanLith RIM Easement Alteration:

Johnson presented the VanLith RIM easement alteration and explained that the Blue Earth County Highway Department is requesting the release of 0.16 acres of the RIM Easement due to the reconstruction of the CSAH 16 project. Rollings made a motion to approve VanLith RIM Easement Alteration, seconded by Krosch. **Motion adopted.**

FY22 Audit Engagement Letter:

Kuduk requested that the board approve Peterson Company's bid of \$3,600.00 to complete the FY22 Audit. Rollings raised a concern which was discussed by the board. Rollings moved to table this topic until the March board meeting, seconded by Quade. **Motion adopted.**

MASWCD Legislative Briefing Day:

Kuduk informed the board of the upcoming MASWCD Legislative Briefing Day. Registration is open and the deadline to register is March 3rd. Supervisors were encouraged to contact legislators to setup meetings to discuss SWCD needs with the focus on SWCD Aid. An email will be sent out in the next week or two to take registrations from Supervisors.

MPI Banquet Donation Request:

Kuduk reviewed with the Board what has been given in the past as a donation towards the MPI Banquet. Rollings moved to donate a gift certificate for two bundles of trees and a gift certificate for a pollinator seed mix, seconded by Quade. **Motion adopted.**

SUPERVISOR REPORTS

Rollings – Asked to see a presentation on past projects and asked Fritz what new grants GBERBA will be taking on.

Hughes – Gave a review of the Area VI Chairman’s meeting he attended last week. The public hearing for the Le Sueur 1W1P has been scheduled for March 24th at 5pm.

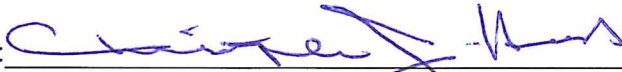
Shanahan – Gave a review of the last GBERBA policy/executive meeting he attended. They elected new officers for that group which will be a nice change.

Quade – No report.

Krosch – Discussed the news of the carbon pipeline that may be coming through the area.

Adjourn: There being no further business Hughes adjourned the meeting.

- * Meeting adjourned 5:36 p.m.
- * Next regular meeting will be held March 9, 2023
- * Minutes submitted by Jillian Kuduk, Administrative Specialist

Signature:  Approved Date: 3-9-2023

Printed Name: Christopher J. Hughes Title: Chairman

Signature:  Approved Date: 3-9-23

Printed Name: Jacob Quade Title: Secretary

permit to build their home. They also stated that before they purchased the land, they were told by the township planning and zoning department that there was a “building entitlement” on the land. Approximately 4.5 acres of the parcel were excluded from the original RIM easement, but unfortunately that is not where the landowners ultimately built their home. The landowners had also worked with NRCS to develop and implement a rotational grazing plan that was in place at the time of the 2021 RIM site inspection. Upon learning of the violation, the landowners subsequently ceased the grazing operation and removed all animals from the RIM easement area.

Due to the circumstances surrounding the easement violation, and as an alternative to pursuing an official enforcement action, BWSR staff suggested that the landowner could potentially resolve the violation by submitting an easement alteration proposal that would offer sufficient replacement lands to compensate for the impacts of the easement violation, and also satisfy the requirements of BWSR’s board approved Easement Alteration Policy.

Mr. and Mrs. Chlan submitted an initial easement alteration proposal in November of 2022 which was ultimately rejected by the RIM Reserve Committee as it did not meet the minimum replacement ratios required under agency policy. Through further discussion with Mr. Chlan and Wright SWCD, the current proposal was agreed upon and staff feel the proposal is sufficient to move forward with a recommendation for approval.

The current proposal is to release 3.2 acres from the RIM Easement, containing the landowner’s house, driveway, and yard. The landowner has offered to add 11.2 acres to the RIM easement in return. The replacement lands consist of the remaining 4.5 acres within the same parcel (3.2 acres of which have crop history) and an additional 6.7 acres on an adjacent parcel, consisting of existing woodland and wetlands. The total of these acres satisfies the required replacement ratios for cropland and non-cropland according to the policy. (Wetland acres were not counted toward the replacement ratio but will still be added to the easement.)

The replacement lands not only compensate for the 3.2 acres impacted by the easement violation but will add sufficient natural resource value to the easement by expanding permanently protected buffer areas around the existing wetlands and protecting wildlife habitat corridors between the RIM easement and adjacent protected lands. The net gain in perpetual easement acres would be 8 acres in addition to the direct replacement of the impacted acres and would result in added natural resource benefits to the state in alignment with the goals of the RIM program.

The Wright SWCD Board and DNR Area Wildlife Manager have each submitted letters in support of the current proposal. The landowners have also submitted the required \$500 application fee for BWSR to consider the proposal.

Recommendation

Staff recommend approval of this request. The request meets all conditions of BWSR’s Easement Alteration Policy, would compensate for the loss due to the unintentional easement violation, and would further protect additional land with added benefits to the RIM Program.

Board Resolution # 23- _____

Easement Alteration Request - RIM Easement #86-06-91-01

WHEREAS, BWSR acquired the 30.3-acre RIM Reserve Easement in Corinna Township, Wright County on September 9, 1993; and

WHEREAS, the current landowners, Eric and Michelle Chlan, purchased the property in September 2012; and

WHEREAS, in 2021, Wright SWCD reported on the RIM site inspection form that a house had been built within the easement area and that the easement area was being utilized as pasture for livestock; and

WHEREAS, Mr. & Mrs. Chlan responded that they had been unaware of the Perpetual RIM Easement when they purchased the property and subsequently constructed their home, and implemented an NRCS-approved grazing plan on the land; and

WHEREAS, upon learning of the violation, Mr. & Mrs. Chlan then ceased all grazing activity on the RIM easement; and

WHEREAS, to resolve the easement violation and avoid potential enforcement action, Mr. & Mrs. Chlan have agreed to the proposed easement alteration scenario to mitigate for the impacts of the easement violation, and add additional value to the easement; and

WHEREAS, Mr. and Mrs. Chlan are requesting to release 3.2 acres from the easement containing the house, driveway and yard, and are proposing to add 11.2 acres to the easement in return, as identified in the supporting documents; and

WHEREAS, the proposed replacement areas consist of 3.2 acres with crop history, 6.5 acres of woodland, and 1.5 acres of wetland. The proposed replacement area meets the minimum required replacement ratio in BWSR's Easement Alteration Policy; and

WHEREAS, MN Rule 8400.3610 states that the board may alter an easement only if the state board determines that the public interests and general welfare are better served by the alteration; and

WHEREAS, the State's natural resource interest would be benefitted by the easement alteration by not only replacing the acres impacted by the violation, but also adding 8 additional acres of non-cropland to the easement, significantly increasing the size of wetland buffer areas and protecting wildlife habitat corridors between the existing RIM easement and other permanently protected lands; and

WHEREAS, the Wright SWCD Board and DNR Area Wildlife Supervisor have both submitted letters in support of the easement alteration, and the request meets all other requirements and conditions of the Easement Alteration Policy.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources (BWSR) approves the alteration of RIM Easement #86-06-91-01, as proposed, releasing the 3.2 acres identified and adding 11.2 acres to the easement; and authorizes staff to work with Waseca SWCD staff to officially amend the necessary RIM easement documents; and

BE IT FURTHER RESOLVED THAT, Mr. and Mrs. Chlan shall be responsible for removing or correcting any objectionable title defects, liens, or encumbrances, as specified by BWSR, prior to amending this easement; and agree to pay any necessary title insurance, recording fees and restoration costs, if any, within the replacement areas.

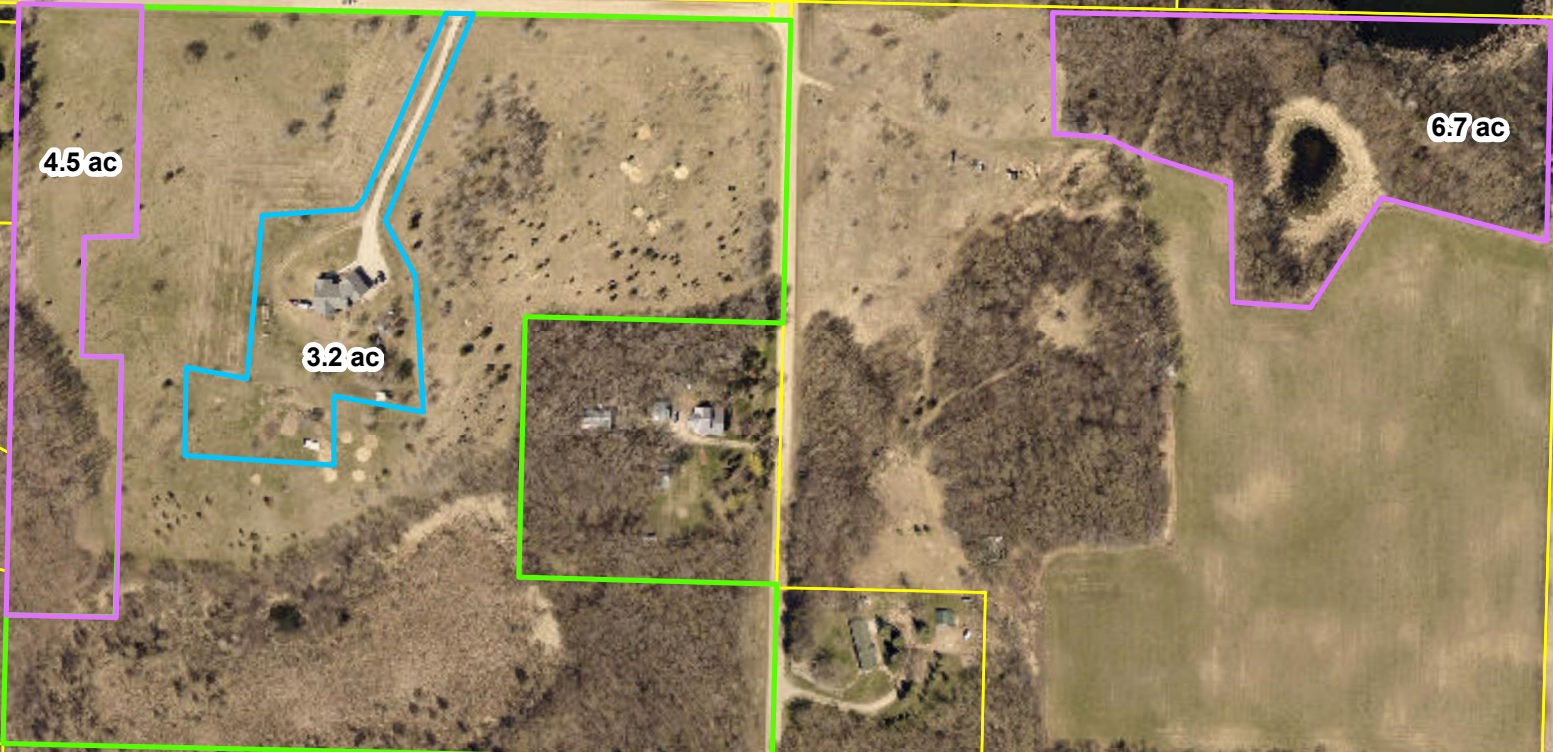
Dated at Saint Paul, Minnesota this 26th day of April, 2023

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: _____





RIM Easement 86-06-91-01 Chlan Alteration Proposal



4.5 ac

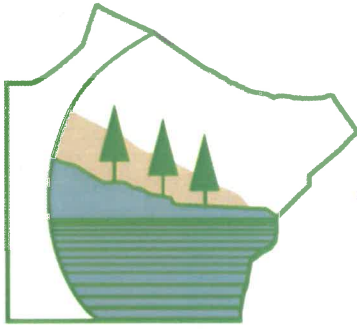
3.2 ac

6.7 ac

-  86-06-91-01 Replacement
-  86-06-91-01 Release
-  Current Easement Boundary
-  Parcel Boundary



Source: MGC & 2021 Aerial
Data shown may differ from actual survey
Map created by: Wright SWCD



Wright Soil & Water Conservation District

Wright SWCD
311 Brighton Avenue S., Suite C
Buffalo, MN, 55313

Tel. (763) 682-1933 Ext. 3
(763) 682-1970
Fax. (763) 682-0262
www.wrightswcd.org

March 13, 2023

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

RIM Committee,

The Wright Soil and Water Conservation District Board recommends the approval of the alteration of RIM Easement 86-06-91-01 as proposed by the private landowner and shown on the accompanying map. The landowner is proposing to remove 3.2 acres from the current RIM easement and will be replacing with 4.5 acres on the same parcel directly adjacent to the easement, along with 5.2 acres located on the parcel immediately to the east. Approximately 1.5 acres of wetland would also be included to create cleaner boundaries and conform with property lines. This alteration is proposed to correct a violation, where a home was unknowingly built on the easement.

The replacement acreages meet BWSR alteration policy by combining cropland (3.2 acres) at 2:1 replacement and non-cropland (6.5 acres) at a 4:1 replacement. These areas already have established perennial vegetation. The 3.2 acres of cropland is currently perennial grass that has been maintained consistent with the grassland area of the original easement. The 6.5 acres of non-crop area is wooded.

It is the opinion of the Wright Soil and Water Conservation District Board that this easement alteration will increase the protected acres on this parcel, while also protecting wildlife travel corridors between wetlands and other habitat on adjacent parcels to the west and to the east, creating a positive impact for wildlife.



Chris Uecker, Wright SWCD Board Chair

Enclosures: 1

February 24, 2023

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

RIM Committee,

I recommend approval of the alteration of RIM Easement 86-06-91-01 as proposed by the private landowner and shown on the accompanying map. The landowner is proposing to remove 3.2 acres from the current RIM easement and will be replacing with 4.5 acres on the same parcel directly adjacent to the easement, along with 5.2 acres located on the parcel immediately to the east. Approximately 1.5 acres of wetland would also be included to create cleaner boundaries and conform with property lines. This alteration is proposed to correct a violation, where a home was unknowingly built on the easement.

This proposal is a reasonable alteration that will meet the policy and spirit of mitigation.

Sincerely,



Fred Bengtson
Sauk Rapids Area Wildlife Manager

Michelle & Eric Chlan
7881 72nd St NW
Maple Lake, MN 55358

February 22, 2023

Mr. Chris Uecker
Chairman of the Board
Wright Soil & Water Conservation District
311 Brighton Ave S Suite C
Buffalo, MN 55313

RE: Reinvest in Minnesota Easement #86-06-91-01 Alteration Request, Corinna Township, Wright County

Mr. Uecker,

We are writing this letter to the District Board requesting an alteration to a perpetual easement. Below is a timeline on how we arrived at the point of requesting this change.

2012

- June - found property for sale online; viewed it with Oak Realty Realtor, Jenna Potter, GRI, CIS
- July - received letter from Ben Oleson, Planning & Zoning Administrator, Corinna Township and Wright Co, stating the property does have a building entitlement (no details restricting the location of the building)
- September - purchased foreclosed property from AgStar Bank

2013

- June - applied for & received a building permit from Corinna Township and Wright County, detailing the home plans and location
- October - passed home building inspection from Wright County

2015

- Turned down EQIP Conservation Plan offered via NRCS due to unfavorable terms

2016

- February - finalized and received Conservation Plan (Prescribed Grazing System, EQIP) via Katie Evans & Julie Reberg NRCS, Buffalo Office. Plan included installing water lines, fences, seeding, and rotational grazing beef cattle.

2017

- Received Minnesota Water Quality Certification through a special Environmental Quality Incentives Program (RCPPEQIP). On this agreement is MN DNR, MN Pollution Control Agency, and MN Board of Water & Soil Resources. Applying for this was recommended by Eric Mattson & Dan Nadeau of SWCD.

2018

- April - entered Conservation Program for Shelterbelt/Windbreak with Katie Evans of NRCS
- July - communicated with FSA & NRCS about our options to put part of land in CRP program, didn't qualify for any available programs

2021

- Chlan's contacted by Eric Mattson of SWCD that a portion of our property is in a perpetual conservation easement that was missed by NRCS, SWCD, Wright Co, & Corinna Township. We were previously unaware of the "perpetual conservation easement" and very confused how we could have entered the programming we have in place or been issued building permits. We felt very misled & misinformed by several agencies.

2022

- BWSR involved in discussions about easement violation with Eric Mattson of SWCD, Eric & Michelle Chlan

This has been quite the life changing event for us. We've sold our cattle and chickens as a result. Since we moved onto this property, we have been actively working on conservation practices. We grazed the invasive & noxious weeds down with the use of hair sheep. We rotationally and mob grazed our 100% grassfed cattle, increasing the fertility of the land and improved the vegetation species diversity. From 2018 to 2020 we planted a small fruit orchard with 7 varieties of 3 different fruits; 50+ Lilac bushes; 125 Dogwood bushes; 50+ Maple trees; 50+ Pine trees; 50+ Spruce trees; 10 crabapple trees. In 2021 we replaced the spruce trees that did not survive with an additional 75 trees including more fruit and nut trees. In 2022 we again replaced lost trees with another 50 replacements. The wildlife, birds and pollinators have enjoyed these efforts as they surround us in abundance any given day.

We would like to see the easement removed and for us to keep practicing our conservation and regenerative efforts, but we were told this is not an option. Currently there are 4.5 acres of this parcel that are not in the easement. Unfortunately, that is not where our house is as we were unaware of the easement and its parameters at the time we were issued the building permit. Another option we requested was 1:1 exchange of the 4.5 acres for land surrounding our house. Again, we were told that would not be possible.

Our current request is to exchange the 3.2 acres consisting of our driveway and homestead for the 4.5 acres on this parcel (3.2 acres cropland, 1.3 acres woodland) not in the easement plus 5.2 acres of woodland on the adjacent parcel to the east. We will also include 1.5 acres of wetland to square off boundaries of the proposed new easement area. We would like a 10 foot width along the northside of this new 5.2 acre area to remain out of the easement to maintain access to the property line. There is also an old road on the eastside of this area that we would leave out of the easement.

The reason for 3.2 acres as our homestead is so we can once again keep chickens and be able to continue gardening and maintain our orchard. We enjoy working outside raising our own food and teaching our three sons positive work ethics and the rewards of their labor.

The benefits of adding the 4.5 acres on the original parcel include providing a buffer for the wetland to the west and protecting a corridor for various wildlife species. The deer currently use this corridor as they travel from the wetland at the south of our property to the field and woodland to the north. The additional acreage on the adjacent property to the east would also provide wildlife habitat and corridor between the current easement and woodland and wetlands nearby. A wetland bank is in the planning process on the adjacent property east of that. This will be a large block of habitat consisting of wetlands and grasslands. Our proposed replacement area would provide habitat diversity, corridor, and refuge for wildlife as that project is constructed and maintained in the future.

We know there are guidelines to follow in the decision-making. Admittedly, we have responsibility in not understanding the easement in the title work when we bought the foreclosed property from the bank. We deeply wish this would have been brought to our attention before we built and went through the various government programs. This experience has been a devastating loss and very confusing. We have three sons that would love to have animals again and be able to expand into 4-H activities.

This has given us all a good education. And as we tell our boys, you can't let the bumps in the road get you down. You just have to change course and find a road that works with what you have.

Regards,
Eric & Michelle Chlan

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. Shingle Creek and West Mississippi Watershed Management Commissions Watershed Management Plan – Steve Christopher – ***DECISION ITEM***
2. North Cannon River Watershed Management Organization 4th Generation Watershed Management Plan – Anne Sawyer – ***DECISION ITEM***

generation watershed management plan was approved by the Board in March 2013. The Plan has also been amended annually to maintain a current Capital Improvement Program and to take advantage of funding through Minnesota Statute 103B.251.

The Shingle Creek and the West Mississippi Watershed Management Commissions are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi Watershed Management Organization, on the south by Bassett Creek Watershed Management Commission, and on the west by the Elm Creek Watershed Management Commission. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are sixteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined, the watersheds have approximately 20.5 miles of stream. Both watersheds are predominantly fully developed, with the remaining land being currently developed.

Plan Process and Highlights:

The SCWM WMC initiated the process on updating its Watershed Management Plan (Plan) in mid-late 2021 soliciting input from its stakeholders, convening its Technical Advisory Committee, as well as holding a joint workshop with the Bassett Creek Watershed Management Commission focusing on environmental justice, diversity, equity, and inclusion.

Through the process identified above, the SCWM WMC identified the following as their highest priority issues:

- Achieve lake and stream goals
- Stimulate implementation
- Engage and educate
- Develop climate resiliency and sustainability

The four overarching goals for the Plan are as follows:

1. Protect, maintain, and improve the water quality and ecological integrity of the water and natural resources within the watersheds and the downstream receiving waters.
2. Reduce stormwater runoff rates and volumes to limit flood risk, protect conveyance systems, protect surficial groundwater, and reduce or mitigate impacts that have already occurred.
3. Educate and engage all stakeholders in the watersheds on surface water issues and opportunities.
4. Anticipate and proactively work to withstand adverse impacts from changing environmental and climate conditions

Both the Shingle Creek and West Mississippi Watershed Management Commissions commitment to addressing the needs identified in the Total Maximum Daily Load studies is exemplary. They have effectively utilized both competitive and non-competitive grants as well as local (Hennepin County, City, Watershed Cost-Share) funds to accomplish these successes.

Attachments:

1. Draft order for approval of the Shingle Creek and West Mississippi Watershed Management Commissions (SCWM WMC) Watershed Management Plan.
2. SCWM WMC Plan Executive Summary.

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

In the Matter of the review of the Watershed Management Plan for the Shingle Creek and West Mississippi Watershed Management Commissions, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Commissioners of the Shingle Creek and the West Mississippi Watershed Management Commissions submitted a Watershed Management Plan (Plan) dated February 14, 2023 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

- A. **Watershed Management Organization Establishment.** Joint Powers Agreements established the Shingle Creek and the West Mississippi Watershed Management Commissions (SCWM WMC) in 1984. Each Commission is comprised of one member appointed from each community by their respective city council. The first Watershed Management Plan was published in April 1990. During the development process of the second-generation plan, both Commissions agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but remain separate, politically distinct Watershed Management Organizations. Four out of the five member cities of the West Mississippi Watershed Management Commission are also members of the Shingle Creek Watershed Management Commission. The third-generation watershed management plan was approved by the Board in March 2013. The Plan has also been amended nearly annually to maintain a current Capital Improvement Program.
- B. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
- C. **Nature of the Watershed.** The Shingle Creek and the West Mississippi Watershed Management Organizations are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi Watershed Management Organization, on the south by Bassett Creek Watershed Management Commission and on the west by the Elm Creek Watershed Management Organization. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are sixteen lakes in the

Shingle Creek watershed, and none in West Mississippi. Combined, the watersheds have approximately 20.5 miles of stream. Both watersheds are predominantly fully developed, with the remaining land being currently developed.

- D. **Plan Development and Review.** The SCWM WMC initiated the planning process for the 2023-2033 Plan in Fall 2021. As required by Minnesota Rules (MR) 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. The SCWM WMC also held a joint workshop with the Bassett Creek Watershed Management Commission addressing Diversity, Equity and Inclusion and how it could be considered for the respective watersheds. The SCWM WMC utilized their existing Technical Advisory Committee and each of the member cities designated a representative from its citizen's advisory commission to provide input on the Plan. The Plan was submitted for formal 60-day review on November 16, 2022. The SCWM WMC received 44 comments on the 60-day draft Plan. All comments on the draft Plan were addressed in writing. After formal review of the Plan, the SCWM WMC held a public hearing on the draft Plan on February 9, 2023. The final draft Plan and all required materials were submitted and officially received by the Board on February 22, 2023.
- E. **Local Review.** The SCWM WMC distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231, Subd. 7. Responses were received from the City of Minneapolis, Minneapolis Parks & Recreation Board, Hennepin County, and the Bassett Creek Watershed Management Commission. The City of Minneapolis requested clarification on several items as well as suggested additional information for inclusion. The Minneapolis Parks & Recreation Board made several editorial comments as well as provide suggested edits to the text. Hennepin County provided suggested edits to the text of the Plan. The SCWM WMC accepted the comments and made the suggested changes and additions to the Plan.
- F. **Metropolitan Council Review.** The Council suggested adding in a numeric goal for the improvement in water clarity for the lakes. Additionally, they supported and commended the SCWM WMC on their development process and Plan. The SCWM WMC revised the Plan to include the proposed addition.
- G. **Department of Agriculture (MDA) Review.** The MDA did not have any comments.
- H. **Department of Health (MDH) Review.** The MDH did not have any comments.
- I. **Department of Natural Resources (DNR) Review.** The DNR provided a letter that commended the SCWM WMC on their Plan.
- J. **Pollution Control Agency (PCA) Review.** PCA provided a letter that commended the SCWM WMC on their Plan.
- K. **Department of Transportation (DOT) Review.** The DOT did not have any comments.
- L. **Board Review.** Board staff commended the SCWM WMC for their well written plan that includes addressing communities that are often underserved as well as a high level of importance on dealing with climate resiliency. Board staff requested updating the Plan to include a numeric goal for water clarity in lakes and to define a quantifiable goal for Education & Outreach. The SCWM WMC made revisions to the Plan and provided responses to all items.
- M. **Plan Summary.** The SCWM WMC has identified four main priorities within its Plan. They include 1) Achieve lake and stream goals, 2) Stimulate implementation, 3) Engage and educate, and 4) Develop climate resiliency and sustainability. The Plan accompanies those priorities with measurable goals for the two watersheds to strive for. Both the Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission have been successful in the implementation of water resource improvement projects since establishment and have dovetailed their efforts seamlessly with the interests of their member cities. The SCWM

WMC has made considerable progress on the Total Maximum Daily Load studies and this new Plan should continue that advancement.

- N. **Central Region Committee Meeting.** On April 6, 2023, the Board’s Central Region Committee and staff met in St. Paul and via teleconference to review and discuss the final Plan. Those in attendance from the Board’s committee were Joe Collins (chair), Jill Crafton, Jayne Hager Dee, Mark Zabel, Heather Johnson, Joel Larson, and Grant Wilson. Board staff in attendance were Marcey Westrick, Anne Sawyer, Cecelia Rost, and Steve Christopher. Also in attendance virtually were SCWM WMC Plan Consultants Katie Kemmitt and Diane Spector. Katie Kemmitt and Diane Spector provided highlights of the Plan and process. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend the approval of the Plan to the full board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Shingle Creek and West Mississippi Watershed Management Commissions (SCWM WMC) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The SCWM WMC Watershed Management Plan, attached to this Order, defines the water and water-related problems within the SCWM WMC’s boundaries, possible solutions thereto, and an implementation program through 2033.
4. The SCWM WMC Watershed Management Plan will be effective April 26, 2023, through April 26, 2033.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Shingle Creek and West Mississippi Watershed Management Commissions Watershed Management Plan dated February 2023.

Dated at Saint Paul, Minnesota this 26th day of April 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Gerald Van Amburg, Chair

April 26, 2023

Shingle Creek and West Mississippi Watershed Management Commissions
c/o Judie Anderson
3235 Fernbrook Lane North
Plymouth, MN 55447

Dear Chairs and Board Members:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Shingle Creek and West Mississippi Watershed Management Commissions (SCWM WMC) revised Watershed Management Plan (Plan) at its regular meeting held on April 26, 2023. For your records, I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the SCWM WMCs must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

The board members, staff, consultants, advisory committee members, and all others involved in the planning process are to be commended for developing a plan that clearly presents water management goals, actions, and priorities of the watershed. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Steve Christopher of our staff at 651-249-7519, or at the central office address for further assistance in this matter.

Sincerely,

Gerald Van Amburg
Chair

Enclosure

Cc: Megan Moore, DNR (via email)
Jeff Risberg, MPCA (via email)
Mark Wettlaufer, MDH (via email)
Jeff Berg, MDA (via email)
Maureen Hoffman, Met Council (via email)
Jason Swenson, MN DOT (via email)
Marcey Westrick, BWSR (via email)
Steve Christopher, BWSR (via email)
File Copy

Executive Summary

The Watersheds

This watershed management plan describes how the Shingle Creek and West Mississippi Watershed Management Commissions (SCWM WMC) will manage activities in the two watersheds in the ten-year period 2023-2032.

The Shingle Creek Watershed Management Commission and the West Mississippi Watershed Management Commission are Watershed Management Organizations (WMOs) formed in 1984 using Joint Powers Agreements developed under authority conferred to the member communities by Minnesota Statutes 471.59 and 103B.201 through 103B.251. The watersheds are in the northwest portion of the Minneapolis-St. Paul seven county Metropolitan Area and are comprised of all or part of the following ten cities in Hennepin County (Figure 1-1):

Shingle Creek Watershed		West Mississippi Watershed		Combined
Cities	Area (sq mi)	Cities	Area (sq mi)	Area (sq mi)
Brooklyn Center	5.89	Brooklyn Center	2.47	8.36
Brooklyn Park	11.15	Brooklyn Park	14.20	25.35
		Champlin	5.12	5.12
Crystal	3.92			3.92
Maple Grove	7.73	Maple Grove	0.82	8.55
Minneapolis	3.15			3.15
New Hope	3.32			3.32
Osseo	0.45	Osseo	0.33	0.78
Plymouth	6.56			6.56
Robbinsdale	2.39			2.39
Total	44.56	Total	22.94	67.50

Note that the watershed boundaries used in all figures in this document are not the most up-to-date version. At the time of Plan submittal, an updated legal boundary is in review by the Commissions and therefore could not be used in Plan.

Each Commission is governed by a Board of Commissioners that is comprised of one member appointed from each community by their respective City Councils.

The Commissions' purpose is to preserve and use natural water storage and retention in the Shingle Creek and West Mississippi watersheds to meet Surface Water Management Act goals. Because many of the communities that are members of the Shingle Creek WMO are also members of the West Mississippi WMO the Commissions often work jointly on issues of interest to both, including this Fourth Generation Plan, and development Rules and Standards.

Fourth Generation Watershed Management Plan

The Shingle Creek and West Mississippi Watershed Management Commissions initiated work on the Fourth Generation Plan in Fall 2021. The Plan includes information required in Minnesota Administrative Rules Chapter 8410, Metropolitan Water Management: an updated land and water resources inventory, goals and policies; an assessment of problems and identification of corrective actions; an implementation program; and a process for amending the Plan. The Commissions' standing Technical Advisory Committee (TAC) served as primary advisors to the Commissions. Each member city also designated one of its citizen's advisory commissions to provide public input to the plan.

Executive Summary

In review of the Third Generation Plan, the Commissions and Citizen and Technical Advisory Committee acknowledged the Commissions' success and a desire to continue operations as usual, with some additional actions to address emerging issues. In the last ten years the Commissions have completed a number of projects, been extremely successful in receiving grant funds, have operated a successful regulatory program while maintaining a good relationship with developers, and have pursued special studies that have paved the way for water quality improvements. In discussions of potential improvements to the watersheds' functioning and desired focus areas under the Fourth Generation Plan, the Commissions and TAC identified the following:

- Continue making progress toward meeting water quality goals
- Provide more community engagement and education with adults, including with lake associations
- Continue to coordinate with DNR, MPCA, and cities
- Make progress toward eliminating the chloride impairment
- Increase community engagement with BIPOC and other underrepresented residents
- Undertake a climate vulnerability assessment
- Continue to complete subwatershed assessments to identify BMPs in older areas of the watersheds

Priorities and Goals

Through discussion of potential improvements, the SCWM WMC identified four priorities and goals to drive their water resources planning and management. The four priorities for the Fourth Generation Plan are:

1. **Achieve lake and stream goals.** Continue to work aggressively toward achieving TMDL lake and stream goals.
2. **Stimulate implementation.** Foster completion of TMDL load reduction and other implementation activities by identifying improvements, sharing in their cost, and proactively seeking grant funds.
3. **Engage and educate.** Expand the public education and outreach program to reach more stakeholders, including vulnerable communities and historically underrepresented groups.
4. **Develop climate resiliency and sustainability.** Anticipate and proactively work to understand and minimize adverse impacts from changing environmental and climate conditions.

The four goals for the Fourth Generation Plan are:

1. Protect, maintain, and improve the water quality and ecological integrity of the water and natural resources within the watersheds and the downstream receiving waters.
2. Reduce stormwater runoff rates and volumes to limit flood risk, protect conveyance systems, protect surficial groundwater, and reduce or mitigate impacts that have already occurred.
3. Educate and engage all stakeholders in the watersheds on surface water issues and opportunities.
4. Anticipate and proactively work to withstand adverse impacts from changing environmental and climate conditions

Implementation

This Fourth Generation Watershed Management Plan continues many activities that have been successful in the past, with some adaptations and additions. The Commissions will continue to undertake routine monitoring in lakes and streams; provide education and outreach opportunities, helping member cities to address their NPDES education requirements; review development and redevelopment for conformance with rules and standards; and implement a Capital Improvement Program that provides for

Executive Summary

Commission 25 percent cost share for certain types of water quality improvement projects and 100 percent of the cost of lake and stream internal load projects.

- Monitoring Program. The revised monitoring program includes both routine monitoring and monitoring to support project implementation. The Shingle Creek Commission will conduct more intensive monitoring, including aquatic vegetation and fish sampling on a routine basis, with focus on lakes that are currently impaired and have planned projects. The Commission will rely on volunteer monitoring to evaluate potential changes in water quality on delisted lakes. Shingle Creek will continue routine dissolved oxygen monitoring and routine macroinvertebrate and fish sampling in the Creek. West Mississippi will now routinely monitor one to two sites per year, rotating through Mattson Brook (the outlet of Century/Edinbrook Channels), the Environmental Preserve outlet channel, and a Mississippi River outfall at 65th Avenue N.
- TMDL Implementation. In the Shingle Creek watershed, eight TMDL reports have been completed that address 16 impairments in 13 lakes and two streams. In addition, both the Shingle Creek and West Mississippi watersheds contribute pollutant loading to impaired regional waterbodies including the Mississippi River (bacteria and turbidity) and Lake Pepin (nutrients). Since the TMDLs were developed, three lakes have been delisted and two are planned for delisting in 2024. The Plan includes additional monitoring, education, and modeling activities to implement the Commissions' assigned responsibilities for the TMDLs.
- Education and Outreach/Diversity and Inclusion. The Commissions will enhance the existing education and outreach programming, which focuses on TMDL implementation and youth education, to more broadly reach out to adults, with a special emphasis on targeted outreach on chloride management issues. The Commissions will also expand diversity and inclusion efforts by coordinating with member cities and partners who have established relationships with diverse communities and incorporate environmental justice assessments and actions into projects and programs.
- Resiliency and Sustainability. The Commissions will work to better understand the impacts of climate change on local and regional water resources and infrastructure by modeling various future precipitation scenarios with the HUC8 Hydrologic & Hydraulic (H&H) model update that was completed in 2021-2022 and participating in a Climate Resilience Working Group with Hennepin County and other interested agencies and parties.
- Other Activities. Both Commissions will continue undertaking intensive BMP assessments for subwatershed areas systematically across the watersheds. Each year the Capital Improvement Program will include a capital levy to provide member cities with match funds to implement public projects identified in the intensive assessments and an additional fund to help fund voluntary practices on private properties. Both Commissions will continue to implement feasibility studies to understand and define potential improvement projects.

This watershed management plan provides direction for SCWM WMC activities through the year 2032. The Commissioners intend the Plan to provide a flexible framework for managing the watersheds and, as such, may initiate amendments to this plan at any time. The Commissions will annually review the Capital Improvement Program and may adopt plan amendments adding or revising proposed capital improvement projects.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: North Cannon River Watershed Management Organization
4th Generation Watershed Management Plan

Meeting Date: April 26, 2023
Committee

Agenda Category: Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Central Region

Contact: Anne Sawyer

Prepared by: Anne Sawyer

Reviewed by: Central Region Committee(s)

Presented by: Anne Sawyer

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approval of the North Cannon River Watershed Management Organization 4th Generation Watershed Management Plan

LINKS TO ADDITIONAL INFORMATION

Full Plan link as follows:

<https://northcannonriverwmo.org/wp-content/uploads/2023/04/NCRWMO-4th-Gen-Plan-Final-REV1.pdf>

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

Background:

The NCRWMO was established in 1983. The mission of the NCRWMO is “Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities.” (Adopted July 18, 2012) The current plan was approved by the Board in August 2013.

The NCRWMO lies within the southern third of Dakota County, along the southernmost edge of the Twin Cities Metropolitan Area. Although Dakota County is considered a metropolitan county, the 150 square miles encompassed by the NCRWMO is rural in nature, with a population of 5,624 (2022) and agriculture as the predominant land use. The NCRWMO is bound by Rice County to the south and west, the Cannon River and Goodhue County to the south and east, and the Vermillion River Watershed Joint Powers Organization to the north. The NCRWMO as a unit of government is composed of eight townships (Castle Rock, Douglas, Eureka, Greenvale, Hampton, Randolph, Sciota, and Waterford) and three small cities (Miesville, New Trier and Randolph).

Plan Process and Highlights:

The NCRWMO initiated the process of updating its Watershed Management Plan (Plan) in mid-2021, soliciting input from stakeholders, convening an Advisory Committee and a Technical Committee, and hosting both virtual and in-person events in the fall of 2021 to gather public input. The NCRWMO developed priorities and goals for the next ten years of implementation based on existing plans, studies, monitoring data, and public/committee input, which were then validated and approved by the NCRWMO Board in 2022.

Through the process identified above, the NCRWMO identified the following as their highest priority issues:

- Tier 1
 - *Surface water* quality and quantity in priority water bodies
 - *Groundwater* quality and quantity in vulnerable aquifers
 - Supporting local governments with *policy and regulations* through partnerships
 - *Outreach and education* across all communities in the watershed
- Tier 2
 - *Habitat* protection and restoration for high-quality natural areas
 - *Data and studies* to support targeted implementation
 - Providing education and support for local partners regarding *emerging issues*

The NCRWMO developed a list of priority water resources based on opportunities for measurable improvements in land protection, erosion mitigation, and water quality. Those subwatersheds with greater potential for implementation activities and improvements are ranked higher than those where measurable outcomes will be harder to obtain. Priority water resources, ranked from highest to lowest, are Chub Creek, Chub Lake, Mud Creek, Pine Creek, Trout Brook, and Lake Byllesby.

The NCRWMO's implementation will focus on building relationships with local landowners to improve soil health and will continue to rely on valuable partnerships and collaboration with local governments, including Dakota Soil and Water Conservation District and Dakota County, for many implementation activities. The NCRWMO will continue its strong education and outreach program, making targeted efforts to gather feedback from participants to foster program improvement. Overall, this Plan will position the NCRWMO to prioritize and target implementation activities that benefit the most important water resources within the watershed.

Attachments:

1. Draft order for approval of the North Cannon River Watershed Management Organization (NCRWMO) 4th Generation Watershed Management Plan.
2. NCRWMO Plan Executive Summary.

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

In the Matter of the review of the Watershed Management Plan for the North Cannon River Watershed Management Organization, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the North Cannon River Watershed Management Organization (NCRWMO) submitted a Watershed Management Plan (Plan) dated February 2023 to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

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

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

FINDINGS OF FACT

- A. **Watershed Management Organization Establishment.** The NCRWMO was established in 1983. The mission of the NCRWMO is “Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities.” (Adopted July 18, 2012) The current plan was approved by the Board in August 2013.
- B. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.
- C. **Nature of the Watershed.** The NCRWMO lies within the southern third of Dakota County, along the southernmost edge of the Twin Cities Metropolitan Area. Although Dakota County is considered a metropolitan county, the 150 square miles encompassed by the NCRWMO is rural in nature, with a population of 5,624 (2022) and agriculture as the predominant land use. The NCRWMO is bound by Rice County to the south and west, the Cannon River and Goodhue County to the south and east, and the Vermillion River Watershed Joint Powers Organization to the north. The NCRWMO as a unit of government is composed of eight townships (Castle Rock, Douglas, Eureka, Greenvale, Hampton, Randolph, Sciota, and Waterford) and three small cities (Miesville, New Trier and Randolph).
- D. **Plan Development and Review.** The NCRWMO initiated the planning process for the 4th Generation (2023-2033) Plan in mid-2021. As required by Minnesota Rules (MR) 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, and notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. The NCRWMO engaged with the public, an Advisory Committee, and a Technical Committee for input throughout the planning process. A virtual open house was available in the fall of 2021 and an in person open house was held on November 10, 2021. Priority Issues, Resources and Concerns were developed based on the existing plans, studies and public input that was then validated by the committees and approved by the NCRWMO Board in January 2022. The goals, strategies and policies went through a similar development and validation process and were approved by the NCRWMO Board in July 2022. The Plan was submitted for formal 60-day review on November 17, 2022. The NCRWMO received 51 comments on the 60-day draft Plan. All comments on the draft Plan were addressed in writing. After formal review of the

Plan, the NCRWMO held a public hearing on the draft Plan on February 1, 2023. The final draft Plan and all required materials were submitted and officially received by the Board on February 13, 2023.

- E. **Local Review.** The NCRWMO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B132, Subd. 7. While no formal responses were received, the Dakota Soil and Water Conservation District provided informal feedback throughout the Plan development process.
- F. **Metropolitan Council Review.** During the 60-day review, the Council commented that having two prioritization schemes, one based on culturally-important resources and one based on the drainage areas with the greatest opportunity for measurable improvements, were confusing. They suggested using only the drainage area rankings for prioritization and include a narrative that describes why culturally-important resources are ranked lower on the list. They also commented that the implementation table lacks prioritization and should be revised to clearly identify actions targeted to each subwatershed based on the resource needs of the subwatershed. In response, the NCRWMO revised the resource rankings, added a corresponding narrative, and significantly revised the implementation table with improved prioritization and targeting.
- G. **Department of Agriculture (MDA) Review.** The MDA also commented on the overall lack of prioritization and targeting in the implementation table. NCRWMO revised the implementation table accordingly. The MDA also requested greater inclusion of information about several of their priority policies and programs, including the Groundwater Protection Rule and the Minnesota Ag Water Quality Certification Program. NCRWMO responded by including information and resources for all of MDA's cited programs, either in the Plan language or as part of the outreach and education program.
- H. **Department of Health (MDH) Review.** No comments were received by the MDH on the Plan.
- I. **Department of Natural Resources (DNR) Review.** The DNR also commented on the conflicting resource prioritization scheme as well as the rotating priorities and lack of targeting in the implementation table. They commended the WMO for the breadth and depth of Best Management Practices (BMPs) in the implementation table and suggested several additional activities that the WMO could include to better protect trout streams in the watershed. The NCRWMO responded with an update to both the resource prioritization and the implementation table, but opted not to include the specific trout stream implementation activities in the table. Instead, the WMO would prefer to pursue large (<400 linear ft.) trout stream restoration activities as part of a potential capital improvement project.
- J. **Pollution Control Agency (PCA) Review.** The PCA similarly commented that the resource and drainage area rankings were confusing, and that the implementation table should be revised to clearly prioritize and identify targeted actions based on the needs of each subwatershed. The PCA also requested that the modeled pollutant reductions in the implementation table be summarized and included in the surface water priority issues table, enabling evaluation of progress towards measurable goals based on reductions outlined in the Watershed Restoration and Protection Strategy (WRAPS) and Total Maximum Daily Load (TMDL) goals. In response, the NCRWMO revised the resource rankings and implementation table, as well as clarified and summarized pollutant reductions for measurable goals within the Plan.

The PCA also had comments related to specific resources, such as addressing the perched culvert on Trout Brook and adding data related to the Wild Rice water body classification for Chub Lake. They also recommended continued and increased monitoring on certain water bodies. The NCRWMO responded to all comments, and they incorporated resource-specific suggestions into the Plan. They did not add additional monitoring activity; rather, they incorporated language to include monitoring as a component of evaluating Plan progress and adjusting as needed.
- K. **Department of Transportation (DOT) Review.** DOT recommended removal of MnDOT from the acronym table since it did not appear anywhere in the main text of the Plan. They also commented on specific stormwater infrastructure associated with roadways within the NCRWMO and provided clarification of storm sewer system data availability to the NCRWMO. The NCRWMO updated the acronym table and included reference to the stormwater infrastructure.

- L. **Board Review.** Similar to comments from other agency reviewers, Board staff expressed concerns with conflicting resource rankings and lack of prioritization and targeting, both in the Plan overall and in the implementation table, in particular. Board staff also had several comments related to statutory requirements that were missing from the Plan and requested clarification of items such as measurable goals, plan evaluation, and outreach and education programming. NCRWMO made appropriate revisions to the Plan, including significant revisions to the implementation table, updated the Plan to meet statutory requirements, and provided responses to all comments.
- M. **Plan Summary.** The NCRWMO has identified surface water, groundwater, policy & regulation, and outreach & education as its highest priorities. Other priority issues include habitat, data & studies, and emerging issues such as chloride pollution and climate change. Targeted surface water improvements will be focused on water bodies where the NCRWMO feels measurable improvements in land protection, erosion mitigation, and water quality can be made.
- N. **Central Region Committee Meeting.** On April 6, 2023, the Board's Central Region Committee and staff met in St. Paul and via teleconference to review and discuss the final Plan. Those in attendance from the Board's committee were Joe Collins (chair), Jill Crafton, Jayne Hager Dee, Mark Zabel, Heather Johnson, Joel Larson, and Grant Wilson. Board staff in attendance were Marcey Westrick, Anne Sawyer, and Steve Christopher. NCRWMO Administrator Ashley Gallagher and NCRWMO Plan Consultant Paul Marston were also in attendance. Ashley Gallagher and Paul Marston provided highlights of the Plan and process. Board staff recommended approval of the Plan. After presentation and discussion, the committee unanimously voted to recommend the approval of the Plan to the full board, with Board member Hager Dee abstaining.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the 4th Generation Watershed Management Plan for the North Cannon River Watershed Management Organization (NCRWMO) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The NCRWMO 4th Generation Watershed Management Plan, attached to this Order, defines the water and water-related problems within the NCRWMO's boundaries, possible solutions thereto, and an implementation program through 2033.
4. The NCRWMO 4th Generation Watershed Management Plan will be effective April 26, 2023, through April 26, 2033.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached North Cannon River Watershed Management Organization's 4th Generation Watershed Management Plan dated February 2023.

Dated at Saint Paul, Minnesota this 26th day of April 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: _____
Gerald Van Amburg, Chair

April 26, 2023

North Cannon River Watershed Management Organization
c/o Ashley Gallagher
Dakota County SWCD
4100 220th St. West, Suite 102
Farmington, MN 55024

Dear Chair and Board Members:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the North Cannon River Watershed Management Organization (NCRWMO) 4th Generation Watershed Management Plan (Plan) at its regular meeting held on April 26, 2023. For your records, I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the NCRWMO must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

The board members, staff, consultants, advisory committee members, and all others involved in the planning process are to be commended for developing a plan that clearly presents water management goals, actions, and priorities of the watershed. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Anne Sawyer, Board Conservationist, at 651-392-5064 or at the St. Paul office address for further assistance in this matter.

Sincerely,

Gerald Van Amburg
Chair

Enclosure

CC: Megan Moore, DNR (via email)
Jeff Risberg, MPCA (via email)
Mark Wettlaufer, MDH (via email)
Jeff Berg, MDA (via email)
Maureen Hoffman, Met Council (via email)
Jason Swenson, MN DOT (via email)
Marcey Westrick, BWSR (via email)
Anne Sawyer, BWSR (via email)
File Copy

1.0 Executive Summary

Watershed Location

The North Cannon River Watershed (Watershed) drains approximately 150 square miles in the southern third of Dakota County (planning area) in eastern Minnesota (Figure 1-1). Dakota County lies at the southern edge of the Twin Cities metropolitan area and is considered a metropolitan county, although the Watershed is south of the Metropolitan Urban Service Area (MUSA) and is rural in nature with agriculture as the predominant land cover. The Watershed lies at the northern edge of the Cannon River watershed, which drains a total of 1,470 square miles in six southeastern Minnesota counties (Figure 1-1). However, approximately 90% of the Watershed drains directly to the Cannon River within Dakota County without crossing into a neighboring county.

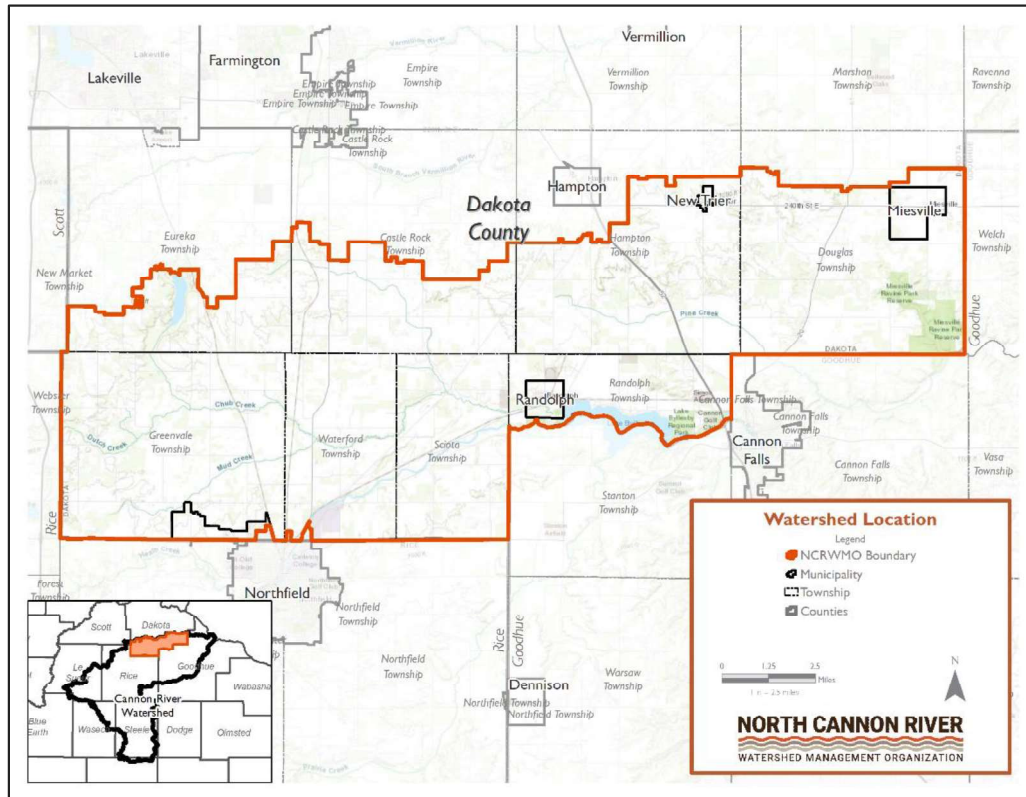


Figure 1-1: Watershed Location

NCRWMO Background

The North Cannon River Watershed Management Organization (NCRWMO) is a local government unit formed through a joint powers agreement (Appendix A) signed by eight townships and three small cities in southern Dakota County. The NCRWMO's Board of Managers is comprised of one representative appointed from each of the 11 communities that are within the Watershed. The Watershed includes the subwatersheds of Chub Creek, Trout Brook, and Pine Creek, and the Cannon River from Northfield to Lake Byllesby. The Watershed has an approximate population of 5,624 (2022), with a population expected to slightly decline to an estimated 5,590 in 2027. The jurisdictional boundary covers approximately 150 square miles, which includes all or part of the following communities (Figure 1-1):

- 
- Castle Rock Township
 - Douglas Township
 - Eureka Township
 - Greenvale Township
 - Hampton Township
 - Randolph Township
 - Sciota Township
 - Waterford Township
 - City of Miesville
 - City of New Trier
 - City of Randolph

A small portion of the City of Northfield that extends into southern Dakota County is not included within the NCRWMO boundary due to a formal exemption contained in the Metropolitan Surface Water Management Act; Minnesota Statute 473.121, subdivision 2.

The NCRWMO was created in 1983 as a result of the State of Minnesota’s Surface Water Management Act. Minnesota Statute 103B.201 states that the purposes of a Water Management Organization shall be to:

- Protect, preserve, and use natural surface and groundwater storage and retention systems;
- Minimize public capital expenditures needed to correct flooding and water quality problems;
- Identify and plan for means to effectively protect and improve surface and groundwater quality;
- Establish more uniform local policies and official controls for surface and groundwater management;
- Prevent erosion of soil into surface water systems;
- Promote groundwater recharge;
- Protect and enhance fish and wildlife habitat and water recreational facilities;
- Secure other benefits associated with the proper management of surface and groundwater.

In the past 10 years, the NCRWMO participated in, or accomplished the following tasks (additional detail on achievements through the 3rd generation plan can be found in the North Cannon Performance Review and Assistance Program (PRAP) completed in January 2022):

- Worked with Dakota County to install stream signs on County roads
- Assisted with improved cooperation for Trout Brook Habitat Management
- Advocated with Dakota County throughout their planning process to continue land conservation programs
- Collaborated with communities to help identify buffer priorities
- Re-examined possible buffer requirements for all watercourses
- Advocated with Dakota County to fund buffers on watercourses upstream from Minnesota Department of Natural Resources (MNDNR) streams
- Continued water quality monitoring efforts
- Provided education and disseminated information to partners and the public
- Provided funding for landowner technical assistance and project cost share through Dakota County SWCD Cost Share Program

Watershed Management Vision and Framework

While developing the 4th Generation Watershed Management Plan (Plan), the NCRWMO Board of Managers continued under the organization’s existing mission statement, which served as a guide throughout the plan development process.

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NCRWMO Mission Statement

“Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities.”
- Adopted July 18, 2012

This mission statement was adopted to reflect the goals the NCRWMO has been working on since its inception, often in cooperation and collaboration with others. This Plan is an adaptive plan and is part of an on-going campaign to improve water resources in the watershed. It is not a static document aimed at fixing all water quality issues within the next 10 years. Rather, this Plan is a framework for continuing the advancement of improvements in land use and conservation practices for the restoration and protection of water resources.

Watershed Management Priority Issues

Concerns in the watershed focus on poor surface water quality in creeks, the Cannon River, lakes, and increased water quantity from drainage activities. For example, poor water quality and increased water quantity impact the quality of fish and wildlife habitat, aesthetics, and aquatic recreation. Groundwater quality, specifically nitrates and drinking water conditions, and quantity, especially related to water use for purposes such as irrigation, are also areas of concern within the watershed. Additionally, the balance between landowners’ rights and necessary protection of water resources within the watershed through policy and regulation is a concern. Further details on the primary watershed concerns as well as the NCRWMO’s plan for addressing those concerns are described in the following chapters of this Plan.

To determine how to allocate limited staff capacity and funds, the watershed concerns were categorized into issues. These issues were then ranked based on priority and ordered into two tiers. In addition to ranking the watershed issues, surface water resources and their drainage areas were ranked separately and prioritized. These rankings were used in the development of this plan to develop targeted implementation actions that align with the priorities of the NCRWMO. A summary of these issues is below, with details on this process presented later in this plan.

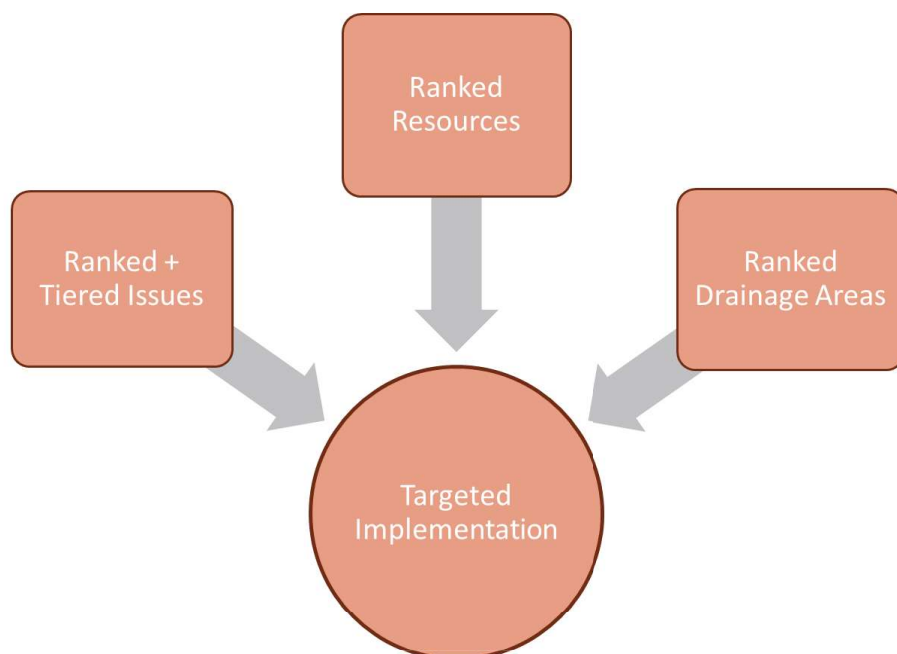


Figure 1-2: Targeting Process



Tier 1

Surface Water

Issues related to water quality and quantity for surface water resources and implementing Best Management Practices (BMPs) that improve priority surface water resources.

Groundwater

Issues related to quality and quantity for groundwater and implementing BMPs in targeted areas that protect vulnerable resources.

Policy and Regulation

Issues related to policy and decision makers and improving consistency of regulation and communication between WMO members and the public.

Outreach and Education

Issues related to informing the public on how their actions impact natural resources, financial opportunities to adopt conservation practices, and participation opportunities.

Tier 2

Habitat

Issues include native species habitat quantity, quality, and connectivity for both terrestrial and aquatic habitats.

Data and Studies

Issues related to knowledge, or lack thereof, of local resources, along with what steps can be taken to protect and restore them.

Emerging Issues

Issues that may change how resources are managed in the future and include issues such as chloride pollution and climate change.



Plan Development Process

This 4th Generation Watershed Management Plan was developed by I&S Group Inc (ISG), who assisted the NCRWMO with coordinating the planning effort, preparing meetings, and drafting plan content. Partners of the NCRWMO participated in the planning process and are acknowledged at the beginning of this plan.

To initiate the planning process, a 60-day comment period was provided to allow state and local agencies to provide recommendations and concerns for the NCRWMO to keep in mind throughout the planning process. These comments were incorporated into the plan document as appropriate based on conversations with the Technical Committee, the NCRWMO Board, and NCRWMO staff.

The Technical Committee (TC), which consisted of representatives from local, regional, and state agencies, provided detailed feedback and input throughout the planning process to guide plan content development. This committee met monthly throughout the process and meetings were facilitated by ISG and the NCRWMO staff.

The Advisory Committee (AC) consisted of interested community members along with several representatives from various conservation. The AC was convened at key points throughout the planning process to provide feedback and high-level oversight of plan content as it was developed.

The NCRWMO Board was also involved in the planning process, providing review and approval of plan content at key points throughout the planning process.

The planning process took place from July 2021 through October 2022. As required per Minnesota Statute 8410, a 60-day comment period was held from November 17th 2022 to January 16th, 2023, followed by a public hearing held February 1st, 2023, prior to submitting the plan to BWSR for final review and approval. After the plan was approved by the BWSR Board, it was officially adopted by the NCRWMO Board.



Figure 1-3: Virtual Open House





Implementation

To achieve the goals identified in this plan (Table 1-1), the NCRWMO will continue to leverage its relationship with partnering agencies, highlighted by Dakota County SWCD, in both funding and technical support. The implementation actions are presented in Section 5.0 of this plan and focus on agricultural BMPs to improve water quality, protect groundwater resources, recommending policy improvements for WMO partners, and a tailored outreach and education plan. Additionally, the WMO will advocate for the implementation of this plan and promote opportunities for member communities and other partners to participate in implementation activities.





Table 1-1: Measurable Goals by Priority Issue

<h2 style="text-align: center;">Tier One</h2>	Surface Water	<ul style="list-style-type: none"> Establish 5,000 acres of cover crops Increase wetland area within WMO by 60 acres Establish 10 nutrient management plans Reduce runoff of sediment by 7,300 tons/yr, total phosphorus (TP) by 500 lbs/yr, and total nitrogen (TN) by 8,500 lbs/yr. These reductions will achieve progress towards meeting the reduction goals identified in the Cannon River WRAPS (12% reduction in TP loads and 20% reduction in TN loads by 2025 and 45% reduction in TN loads overall). Continue current Dakota County jurisdiction over county ditches in the watershed
	Groundwater	<ul style="list-style-type: none"> Establish 5,000 acres of cover crops Establish 2,000 acres utilizing Irrigation Water Management Enroll 2,000 into Conservation Crop Rotation Establish 1,000 acres of Perennial Crops
	Policy and Regulation	<ul style="list-style-type: none"> Complete gaps analysis of ordinances and establish three model ordinances, then encourage all member LGU's to implement consistent ordinances. Coordinate 2 meetings per year for partner entities to discuss enforcement of existing ordinances and improve coordination efforts between entities. Meetings should address any hurdles identified with coordination and enforcement of ordinances.
	Outreach and Education	<ul style="list-style-type: none"> Track effort and location of actions for surface water and groundwater outreach and education at least once every other year. Develop three new surveys that will be sent to landowners following key project milestones (post outreach, post project, and during project lifespan). At least twice in the life of the plan evaluate survey results, record findings, and update approach if needed.
<h2 style="text-align: center;">Tier Two</h2>	Habitat	<ul style="list-style-type: none"> Develop one adaptive lake management plan for Chub Lake
	Data and Studies	<ul style="list-style-type: none"> Complete one comprehensive gaps analysis. Revisit gaps analysis 5 years into planning period to assess what data/studies require updating
	Emerging Issues	<ul style="list-style-type: none"> Biannually, incorporate at least one piece of information into O&E.



COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. Roseau River Comprehensive Watershed Management Plan – LeRoy Ose, Matt Fischer, and Ryan Hughes – ***DECISION ITEM***

The Northern Regional Committee met on April 5, 2023, to review the content of the Plan, State agency comments on the Plan, and to make a recommendation. The Committee recommends approval of the submitted Plan by the full Board.

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

In the Matter of the review of the Comprehensive Watershed Management Plan for the Roseau River Watershed, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas, the Policy Committee of the Roseau River Watershed submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on March 20, 2023, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Decision #21-08, and;

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

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

FINDINGS OF FACT

- A. **Partnership Establishment.** The Partnership was established in May of 2021 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Roseau County, Roseau Soil and Water Conservation District (SWCD), and Roseau River Watershed District.
- B. **Authority to Plan.** Minnesota Statutes, Sections 103B.101, Subdivision 14 allows the Board to adopt resolutions, policies or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan. Minnesota Statutes, Sections 103B.801 established the Comprehensive Watershed Management Planning Program; also known as One Watershed, One Plan. And, Board Decision #21-08 adopted the One Watershed, One Plan Operating Procedures Version 2.1 and Board Decision #19-41 adopted the One Watershed, One Plan Plan Content Requirements Version 2.1 policies.
- C. **Nature of the Watershed.** The Roseau River Watershed is a flat, diverse landscape of peatlands, wetlands, forests, croplands, pasturelands, beach ridges, and watercourses. The watershed planning area includes the United States portion of the Roseau River Basin in the northwestern corner of Minnesota covering 671,000 acres within sections of Beltrami, Kittson, Lake of the Woods, Marshall, and Roseau Counties.
- D. **Plan Development.** The Plan was developed as a single, concise, and coordinated approach to watershed management for the purpose of guiding watershed managers as they work with landowners and communities to protect and restore the watershed's resources. The Plan consolidates policies, programs, and implementation strategies from existing data, studies, and plans, and incorporates input from multiple planning partners to provide a single plan for management of the watershed. The Plan focuses on prioritized, targeted, and measurable implementation efforts and lays out specific actions to manage water quantity, protect and restore water quality, natural habitat, and drinking water sources in the watershed.

E. **Plan Review.** On March 10, 2023, the Board received a draft Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board Decision #21-08. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. On March 20, 2023, the Board received the final draft Plan that included minor revisions to the Landfill language in Section 3 of the Plan based on communication between the Partnership and the Minnesota Pollution Control Agency during the final review. The following state review comments were received during the comment period.

1. Minnesota Department of Agriculture (MDA): MDA did not provide any comments.
2. Minnesota Department of Health (MDH): MDH confirmed receipt of the Plan and commented that previously submitted comments appear to be carefully considered, tracked and used for draft plan modification. MDH further commented that the Plan appears to be aligned with statute and rule requirements and recommended approval of the Plan.
3. Minnesota Department of Natural Resources (DNR): DNR confirmed receipt of the Plan. DNR is satisfied with the responses to issues raised during the 60-day review, had no additional comments, and recommended approval of the Plan.
4. Minnesota Pollution Control Agency (MPCA): MPCA confirmed receipt of the Plan. MPCA appreciated the opportunity to provide input throughout the Plan development process, is satisfied with how the Plan addressed the comment they submitted in their 60-day review letter. The MPCA letter requested that the Landfill language in Section 3 of the Plan be revised as agreed upon at the March 20, 2023, meeting between representatives of the Partnership, MPCA, and BWSR. These revisions are included in the Plan received on March 20, 2023, reviewed by the Northern Regional Committee on April 5, 2023, and provided to the full BWSR Board for consideration.
5. Minnesota Environmental Quality Board (EQB): EQB did not provide any comments.
6. Minnesota Board of Water and Soil Resources Regional Staff: All comments submitted throughout the planning process were adequately addressed in the final Plan and BWSR staff recommended approval of the Plan.

F. **Plan Summary and Highlights.** The highlights of the plan include:

- The Plan identifies six different planning regions which are based around a primary river or stream and similar land use. The six planning regions are Big Swamp, Lake Bottom, Stafford, Hay Creek/Norland, South Branch, and North Branch.
- The Plan development process generated 18 issues, organized under four resource categories, using existing plans, studies, and stakeholder input. Each issue was assigned as one of three priority levels within each planning region. Nine issues were identified as Priority A for having a “high” priority ranking in at least one planning region and will be the focus of initial implementation efforts. Seven issues were identified as Priority B for having only “medium” priority or “as opportunities arise” rankings and will be addressed during the Plan, likely with additional funding and/or with partners. The remaining two issues were identified as “As Opportunities Arise” and are not a priority for Plan partners but could be addressed in the future.
- The Plan details ten measurable goals that collectively address the 16 Priority A and B issues. Each measurable goal has a short-term and long-term goal. Short-term goals are intended to identify the progress that will be made during the 10-year lifespan of the Plan and long-term goals are a desired future condition. The Plan identifies primary issues that will be addressed with each goal as well as secondary issues that will benefit from the goal with the intent to highlight multiple benefits that can be achieved through making progress towards each measurable goal.
- Separate targeted implementation tables were created for each planning region that include actions within the Projects and Practices and Capital Improvement Projects implementation programs.

Watershed-wide implementation tables were created for actions within the Regulation and Enforcement, Education and Outreach, and Data Collection, Monitoring, and Analysis implementation programs.

- The Plan leverages PTMAApp to target the most effective conservation practices to the most effective places. PTMAApp provides information about where new conservation practices are feasible, how much implementation will cost, what the estimated water quality benefit is, and how much progress implementation of that action can make toward goals.
- The Plan recognizes three funding levels for implementation. Level 1 Current Funding, Level 2 Current Funding + WBIF and 319, and Level 3 Partner and Other Funding. Actions pursued under Funding Level 2 are the focus of the Plan and have an estimated annual cost of \$1.2 million.

G. **Planning Boundary Adjustment.** The Board adopted the One Watershed, One Plan Suggested Boundary Map on April 23, 2014. The map established suggested planning boundaries for plans developed through the One Watershed, One Plan program. The suggested boundary for the Roseau River watershed was adjusted along the eastern boundary through the approval of the Lake of the Woods Comprehensive Watershed Management Plan on September 25, 2019. The Partnership requested a minor boundary adjustment to use the Roseau River Watershed District boundary as the planning boundary between all neighboring planning areas except for the Thief River watershed to the south. The boundary between the Roseau River and Thief River watersheds will remain the HUC8 boundary. The Partnership provided documentation for local concurrence, rationale, and justification of the adjusted boundary. The adjusted boundary was approved by Board staff per the One Watershed, One Plan Operating Procedures. The adjusted boundary is included as Figure 1.1 on page 2 in the Plan.

H. **Northern Regional Committee.** On April 5, 2023, the Northern Regional Committee met to review and discuss the Plan. Those in attendance from the Board's Committee were Committee Chair Rich Sve, Neil Peterson, Ron Staples, Gerald Van Amburg, Todd Holman, LeRoy Ose, Kurt Beckstrom, Jeff Berg, Nathan Kestner, and Theresa Haugen. Board staff in attendance for the agenda item were Northern Regional Manager Ryan Hughes and Clean Water Specialist Henry Van Offelen. The representatives from the Partnership were Tracy Halstensgard, Roseau River Watershed District; Janine Lovold, Roseau SWCD; and Laverne Voll, Roseau River Watershed District. Board regional staff provided its recommendation of Plan approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Plan to the full Board.

I. This Plan will be in effect for a ten-year period until April 26, 2033.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Comprehensive Watershed Management Plan for the Roseau River Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
3. The Roseau River Watershed Plan attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
5. The attached Plan, when adopted through local resolution by the members of the Partnership, will serve as a replacement for the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D, but only to the geographic area of the Plan and consistent with the One Watershed, One Plan Suggested Boundary Map.

ORDER

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Roseau River Watershed, dated 2023-2033.

Dated at St. Paul, Minnesota, this twenty-sixth of April, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Gerald Van Amburg, Chair

April 26, 2023

Roseau River Watershed Planning Partnership
c/o Tracy Halstensgard, Roseau River Watershed District Administrator
714 6th St. SW
Roseau, MN 56751

RE: Approval of the Roseau River Comprehensive Watershed Management Plan

Dear Roseau River Watershed Planning Partnership:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you the Roseau River Comprehensive Watershed Management Plan (Plan) was approved at its regular meeting held on April 26, 2023. Attached is the signed Board Order that documents approval of the Plan and indicates the Plan meets all relevant requirements of law, rule, and policy.

This Plan is effective for a ten-year period until April 26, 2033. Please be advised, the partners must adopt and begin implementing the plan within 120 days of the date of the Order in accordance with Minnesota Statutes §103B.101, Subd. 14, and the One Watershed, One Plan Operating Procedures. Per the One Watershed, One Plan Operating Procedures please provide a copy of resolutions to adopt the Plan to your Board Conservationist to be eligible for grants.

The members of the partnership and participants in the plan development process are to be commended for writing a plan that clearly presents water management goals, actions, and priorities of the Partnership, and for participating in the One Watershed, One Plan program. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Board Conservationist Matt Fischer of our staff at 218-766-6496 or matt.fischer@state.mn.us for further assistance in this matter.

Sincerely,

Gerald Van Amburg, Chair
Minnesota Board of Water and Soil Resources

Enclosure: BWSR Board Order

CC: Listed on next page.

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Roseau River

Comprehensive Watershed Management Plan





Acknowledgements

Project Partners

Roseau River Watershed District (RRWD)
Roseau County Soil and Water Conservation District (SWCD)
Roseau County



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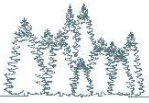
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Funding provided from the Clean Water Fund as part of the Clean Water, Land, and Legacy Amendment.





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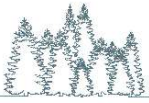
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Plan Acronyms

1W1P	One Watershed, One Plan
BMP	Best Management Practice
BWSR	Board of Water and Soil Resources
CEC	Contaminant of Emerging Concern
CIP	Capital Improvement Project
CRP	Conservation Reserve Program
CWMP	Comprehensive Watershed Management Plan
DNR	Minnesota Department of Natural Resources
DWSMA	Drinking Water Supply Management Area
EQIP	Environmental Quality Incentive Program
FDRWG	Flood Damage Reduction Work Group
LGU	Local Government Unit
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MOA	Memorandum of Agreement
MPCA	Minnesota Pollution Control Agency
NRCS	Natural Resources Conservation Service
PTMApp	Prioritize, Target, and Measure Application
RIM	Reinvest in Minnesota
RRBC	Red River Basin Commission
RRRA	Red River Retention Authority
RRVCSA	Red River Valley Conservation Service Area
RRW	Roseau River Watershed
RRWD	Roseau River Watershed District
RRWMB	Red River Watershed Management Board
SNA	Scientific and Natural Area
SSTS	Subsurface Sewage Treatment System
SWCD	Soil and Water Conservation District
TMDL	Total Maximum Daily Load
WBIF	Watershed-based Implementation Funding
WCA	Wetland Conservation Act
WMA	Wildlife Management Area
WMD	Water Management District
WPLMN	Watershed Pollutant Load Monitoring Network
WRAPS	Watershed Restoration and Protection Strategy





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Section 1. Executive Summary



Section 1. Executive Summary

Introduction

The Roseau River Watershed (RRW) is a flat, diverse landscape that contains wetlands, forest, cropland, and pastures. The watershed planning area includes the United States (US) portion of the Roseau River Basin in the Northwestern corner of Minnesota (Figure 1.1). The Roseau River Comprehensive Watershed Management Plan (RRCWMP) was developed in 2022 through the Board of Water and Soil Resources (BWSR) One Watershed One Plan (1W1P) program, Minnesota Statutes §103B.801. The purpose of the 1W1P is to guide local watershed managers within the hydrological boundaries of the watershed to partner in developing a 10-year watershed management plan. This plan introduces the history and background information of the watershed, prioritizes issues, and sets goals and actions to address issues.

Watershed Vision

A vision statement is an inspirational statement of an idealistic emotional future of a company, group, or place. Participants of the planning committees developed the vision statement below to guide the future of the watershed.

From the transition of peatlands to prairie and USA to Canada, Roseau Watershed Partners will continue working together on multi-benefit projects to improve water quality and quantity, agricultural productivity, habitat, biological communities, and recreational opportunity to support a thriving northern community.



Sprague Creek Scientific and Natural Area. Credit: RRWD.

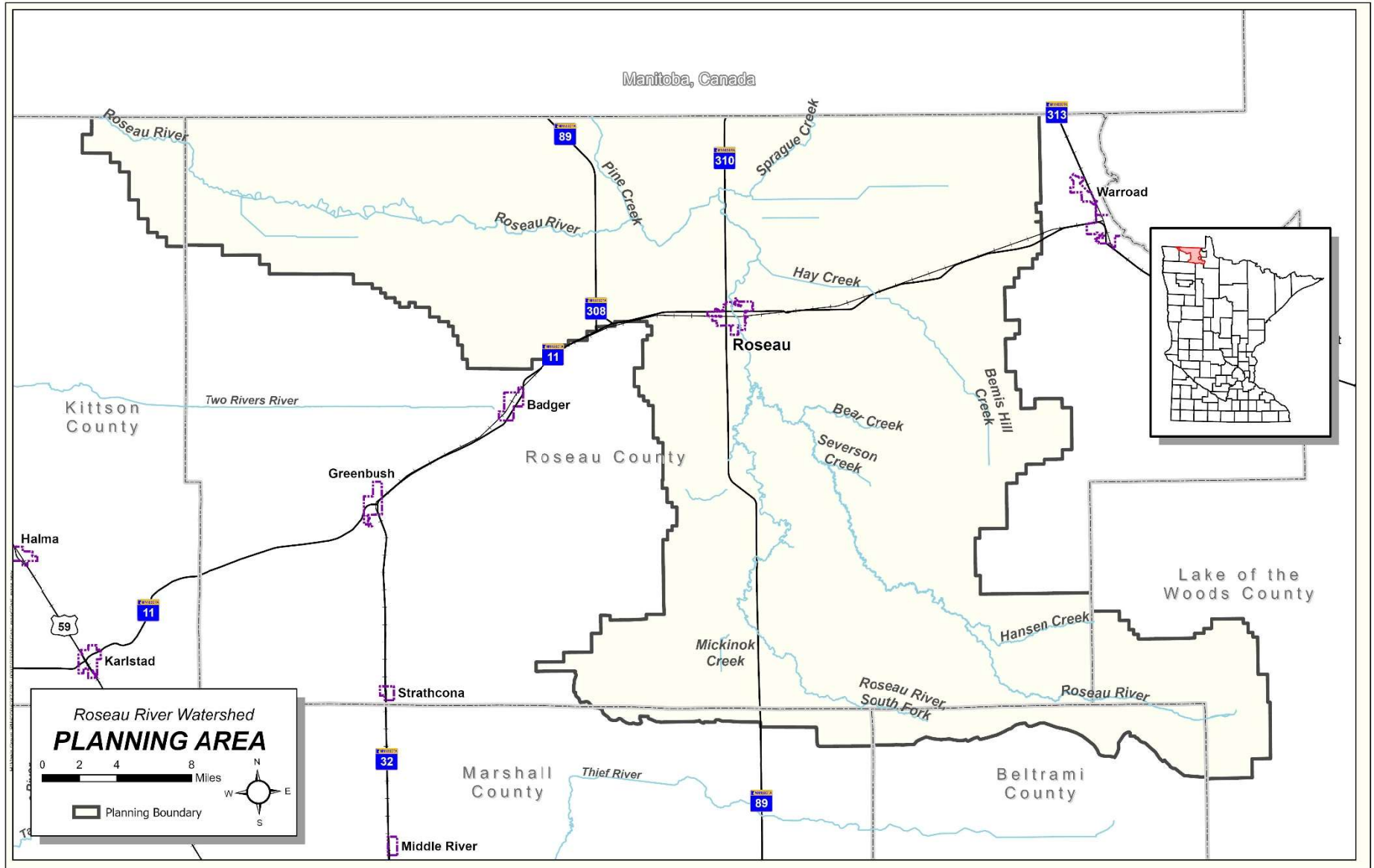


Figure 1.1. RRW planning area boundary.



Watershed Area

The RRW covers 671,000 acres within sections of Beltrami, Kittson, Lake of the Woods, Marshall, and Roseau Counties. Local jurisdictions within the watershed include:

- Roseau River Watershed District (RRWD),
- Roseau County and Soil and Water Conservation District (SWCD),
- Kittson County and SWCD,
- Lake of Woods County and SWCD,
- Beltrami County and SWCD,
- Marshall County and SWCD,
- Red Lake Nation,
- the city of Roseau, and
- 24 organized Township Boards (20 in Roseau County, three in Marshall County, and one in Kittson County).

Planning Regions

Given the finite staff and funding resources available over the next ten years to make progress on implementing actions in this plan, geographic prioritization helps to determine where to focus efforts. The watershed was divided into six planning regions that are based around a primary river or stream and similar land use (Figure 1.2).

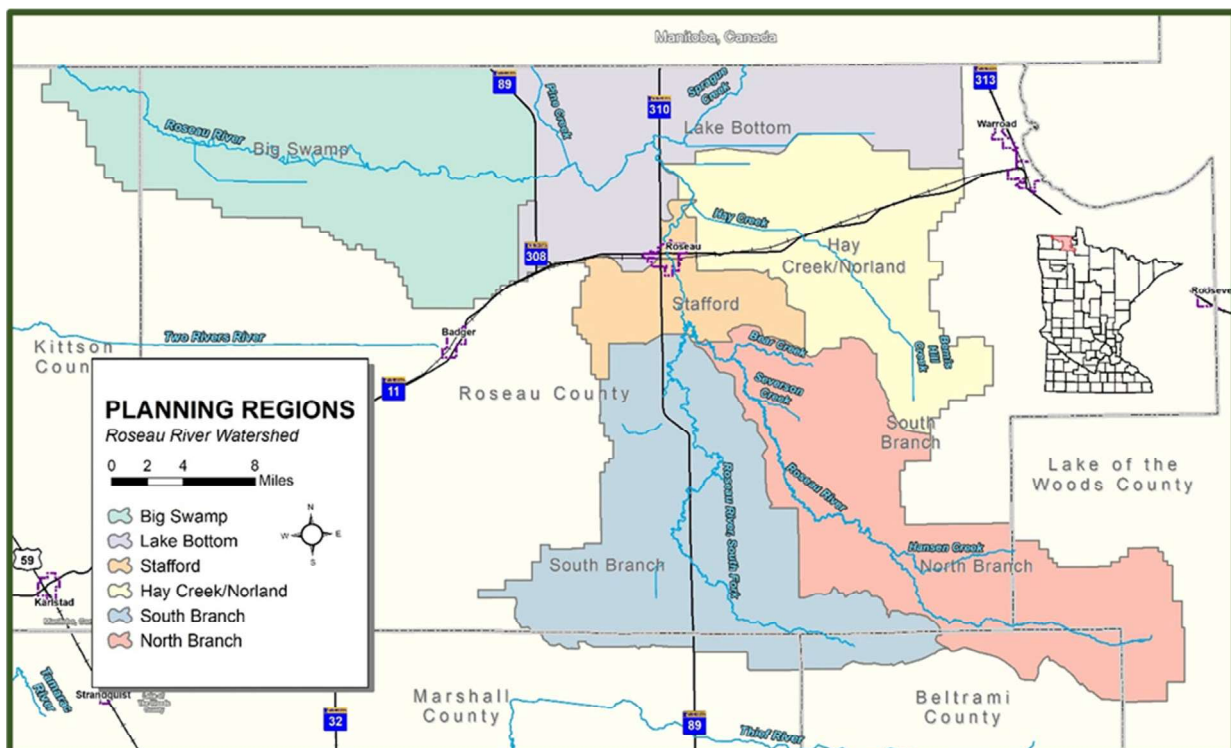


Figure 1.2. Planning Regions in the RRW.



Purposes, Roles, and Responsibilities




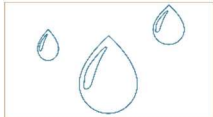
The 1W1P program was developed by BWSR with the intention of managing Minnesota’s water along watershed boundaries rather than jurisdictional ones. The RRCWMP began with a memorandum of agreement (MOA) for planning between Roseau County, Roseau SWCD, and RRWD. The other local governments in the plan area declined to participate in the MOA due to the small portion of their jurisdictions in the plan area.

Three committees are involved in the 1W1P process: the Policy, Steering, and Advisory Committees. The Policy Committee is the decision-making body and is comprised of a Roseau County Commissioner, a Roseau SWCD Supervisor, and a RRWD Manager. The Steering Committee, which guided content development in the plan, is made up of staff from Roseau SWCD, RRWD, as well as a BWSR Board Conservationist and Clean Water Specialist". The Advisory Committee consists of state and federal agency representatives and other local stakeholders.

Priority Issues

Issues affecting natural resources in the watershed were developed and prioritized from existing watershed reports, public input, and committee feedback. Goals and actions that make up the rest of this plan are developed from priority issues. The final list of issues has nine “priority A” issues, eight “priority B” issues, and two “as opportunities arise” issues. Each issue was placed into a resource category for organization: surface water, agricultural productivity, natural resources, and groundwater (Table 1.1). Issues tables for priority A and B issues are included on the following pages. Each table lists the resource category and concern along with a description. Issues were further prioritized by planning region, so an issue can be a high priority in a targeted area and low priority in another. This effectively targets funding and actions where they are most needed.


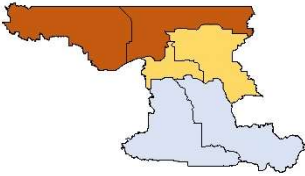

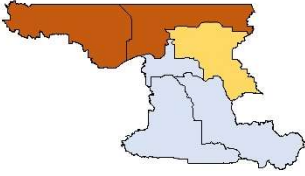

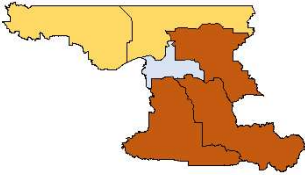

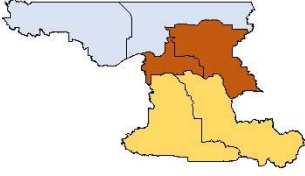
Table 1.1. Resource Categories in the RRW.

Resource Categories			
			
Surface Water	Agricultural Productivity	Natural Resources	Ground-water


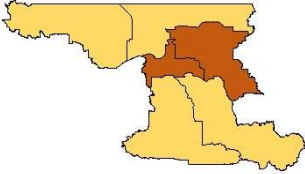

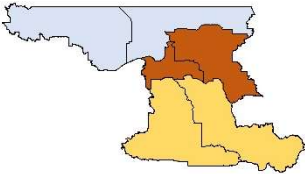

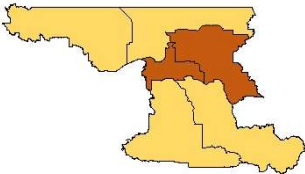

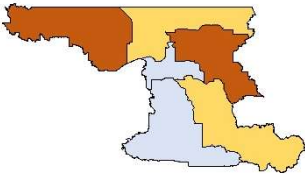

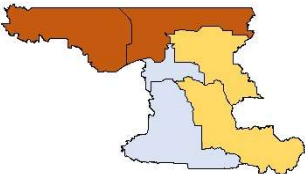


Priority A Issues

Planning Region Prioritization Key: ● = high priority ● = medium priority ○ = as opportunities arise

Resource Category	Resource Concern	Issue	Planning Region Prioritization	Description
	Surface Water Quantity	Flooding		Flooding is a common issue in the watershed that can be improved by increasing storage capacity, constructing flood control measures such as levees, clearing excess debris, expanding floodplain connectivity, and replacing undersized culverts.
	Drainage System Management	Inadequate drainage		Inadequate drainage is a concern in some areas of the watershed as well as the removal of woody debris and replacement of undersized culverts which contribute to flooding.
	Drainage System Management	Drainage system instability		Some drainage systems in the watershed are unstable due to channelization, which can cause incision and streambank failure leading to sedimentation and other water quality and habitat issues. Maintenance and restoration can mediate these problems.
	Soil Health	Declining health and productivity of soils		Topsoil and soil organic matter loss has a major impact on soil health and productivity. Practices such as reduced or no-till and cover cropping can help to retain soil on the land and build soil organic matter.


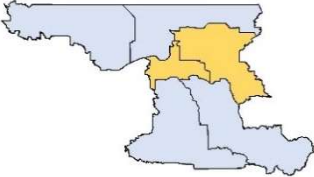

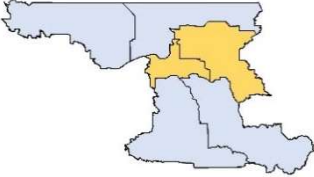

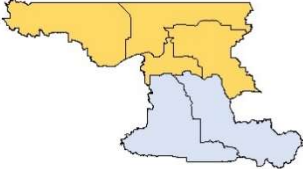


Resource Category	Resource Concern	Issue	Planning Region Prioritization	Description
	Surface Water Quantity	Altered hydrology		Altered hydrology occurs when water storage on the landscape is reduced due to land use changes and water is moved across the landscape more quickly leading to both flashiness and low base flows.
	Surface Water Quality	Sediment loading (wind and water erosion)		Sediment from overland sources often ends up in streams and ditches. The RRW has a turbidity/TSS impairment in Hay Creek, which can impact aquatic habitat, recreational opportunities, and agricultural productivity.
	Surface Water Quality	Stream instability and bank erosion		Stream instability and in-channel and bank erosion can occur from upstream erosion, channelization, flashiness or increased runoff, and poor riparian buffers. The issue contributes sediment to waterways and decreases the quality of aquatic habitat.
	Aquatic Habitat	Insufficient instream habitat		Instream habitat can be affected by channelization, sedimentation from erosion, barriers to fish passage, land use changes, low base flow, flashiness, etc. The removal of woody debris also impacts flow regimes and fish and wildlife habitat and life stages.
	Wetlands	Degradation of wetlands/peatlands		Wetlands in the region have been drained for agriculture, resulting in flashiness and flooding due to a loss of storage and decreased habitat. Invasive species such as cattails overtake existing wetlands and peatlands, further reducing habitat quality.


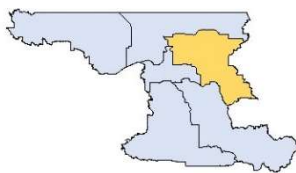

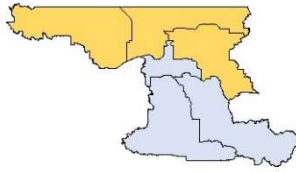

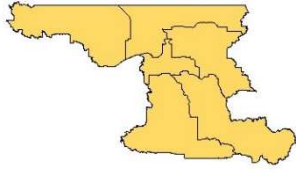

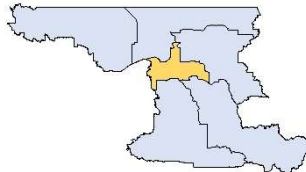


Priority B Issues

Planning Region Prioritization Key:  = medium priority  = as opportunities arise

Resource Category	Resource Concern	Issue	Planning Region Prioritization	Description
	Groundwater Quality	Contamination of public and private water supplies		Potential contaminants include but are not limited to arsenic, bacteria in the form of <i>Escherichia coli</i> (<i>E. coli</i>), and nitrate. Sources include failing septic systems, abandoned wells, and land use practices.
	Groundwater Quantity	Changes in groundwater quantity		Concerns include the need for irrigation, gravel pit mining, and drought as a potential emerging concern. The surface-groundwater connection is a concern, with low base flows resulting from inadequate recharge impacting aquatic habitat.
	Surface Water Quality	Excess nutrients		Nitrogen and phosphorus are essential nutrients for plant growth but when there is an excess in the water, they can cause harmful algae blooms and other water quality and habitat issues. These nutrients are the result of plants breaking down during decomposition, fertilizer application on agricultural land, feedlots, and sewage systems.



Resource Category	Resource Concern	Issue	Planning Region Prioritization	Description
	Surface Water Quality	Excess bacteria		Bacteria in the water can come from animal or human waste, specifically from leaking septic systems, wastewater treatment facilities (WWTF), feedlots, and livestock close to streams, making waters unsafe to swim in and drink from.
	Terrestrial Habitat	Preservation of unique natural resources		Unique natural resources in the watershed include calcareous fens, trout in cold-water streams, Roseau Lake, and endangered species and habitats. These features are contained within the DNR Natural Heritage Information System (NHIS) database and are identified by local sources.
	Terrestrial Habitat	Loss or degradation of perennial cover and wildlife habitat		Perennial cover refers to areas that are maintained year-round without interference, such as native prairie and forest, which can provide important pollinator and wildlife habitat, filter contaminants, slow flood waters, and provide water storage benefits.
	Surface Water Quality	Untreated stormwater runoff (urban)		Stormwater runoff becomes a problem due to land use changes. As vegetation is removed and impervious surface increases, water during storm events moves more quickly across the landscape, depositing contaminants such as sediment, nutrients, chloride, and bacteria in waterways, and causing local flooding.



Community Engagement

Members of the public were invited to a kickoff meeting to discuss their concerns within the watershed and provide input on top issues. Attendees' top concerns were runoff and flooding, soil health, drainage system management, and groundwater quality (Figure 1.3). These priorities were considered by the Steering and Advisory Committees, and all have been included as priority issues in the plan. A summary of public feedback can be found in Appendix A.



Figure 1.3. Issue prioritization at the public kickoff meeting.



Measurable Goals

Measurable goals were established for priority A and B issues. Measurable goals quantify the expected changes to resource conditions through implementation of the plan. Each goal has a short- (10-year) and long- (desired future condition) term goal. Short-term goals are intended to be achieved through implementation of this plan (Table 1.2). Measurable goals allow the planning partners to track progress over the 10-year timeline. Maps were developed to target plan actions in geographic locations that guide planning partners towards the focus area of the issue and goal (Section 4).

Table 1.2. Short-term goals and the issues they address.

Plan Goal	Priority A or B Issues Addressed
Stabilize five miles of drainage systems.	<ul style="list-style-type: none"> ▪ Drainage system instability ▪ Insufficient in-stream habitat ▪ Sediment loading
Ten miles of public drainage systems will be managed to provide adequate protection of agricultural lands.	<ul style="list-style-type: none"> ▪ Inadequate drainage ▪ Flooding
Increase landscape water storage by 22,950 acre-feet.	<ul style="list-style-type: none"> ▪ Flooding ▪ Altered hydrology ▪ Sediment loading
Reduce sediment loading by 10% in Hay Creek and 5% in other planning regions.	<ul style="list-style-type: none"> ▪ Sediment loading ▪ Phosphorus reduction ▪ Agricultural productivity and soil health ▪ Untreated stormwater runoff
Treat 5,000 acres with soil health practices.	<ul style="list-style-type: none"> ▪ Agricultural productivity and soil health ▪ Sediment loading
Stabilize or restore 29 miles of streams.	<ul style="list-style-type: none"> ▪ Stream instability and bank erosion ▪ Insufficient instream habitat ▪ Flooding
Seal four unused wells per year. Hold one education event per year. Have one monitoring well.	<ul style="list-style-type: none"> ▪ Contamination of public and private water supplies ▪ Changes in groundwater quantity
Phosphorus reductions from sediment goal practices.	<ul style="list-style-type: none"> ▪ Phosphorus reduction ▪ Sediment loading



Plan Goal	Priority A or B Issues Addressed
Comprehensive projects that reduce bacteria (cattle exclusion fencing, watering source, crossing path stabilization).	<ul style="list-style-type: none"> Excess bacteria Excess nutrients
No net loss of acres containing unique resources, perennial cover, or high-quality habitat. Ten forest stewardship plans.	<ul style="list-style-type: none"> Preservation of unique natural resources Loss or degradation of perennial cover and wildlife and pollinator habitat, including migratory waterfowl

Implementation

Actions in this plan will be implemented along a 10-year schedule to achieve plan goals. A targeted implementation schedule, which includes what work will be done, who will lead it, when it will occur, and how much it will cost, is included in Section 5. Actions on the landscape will depend on continuing and building on partnerships in the watershed with landowners, planning partners, state agencies, and organizations.

Actions will be implemented through programs in five categories: Projects and Practices, Capital Improvement Projects, Education and Outreach, Data Collection, Monitoring, and Analysis, and Regulation and Enforcement (Figure 1.4).

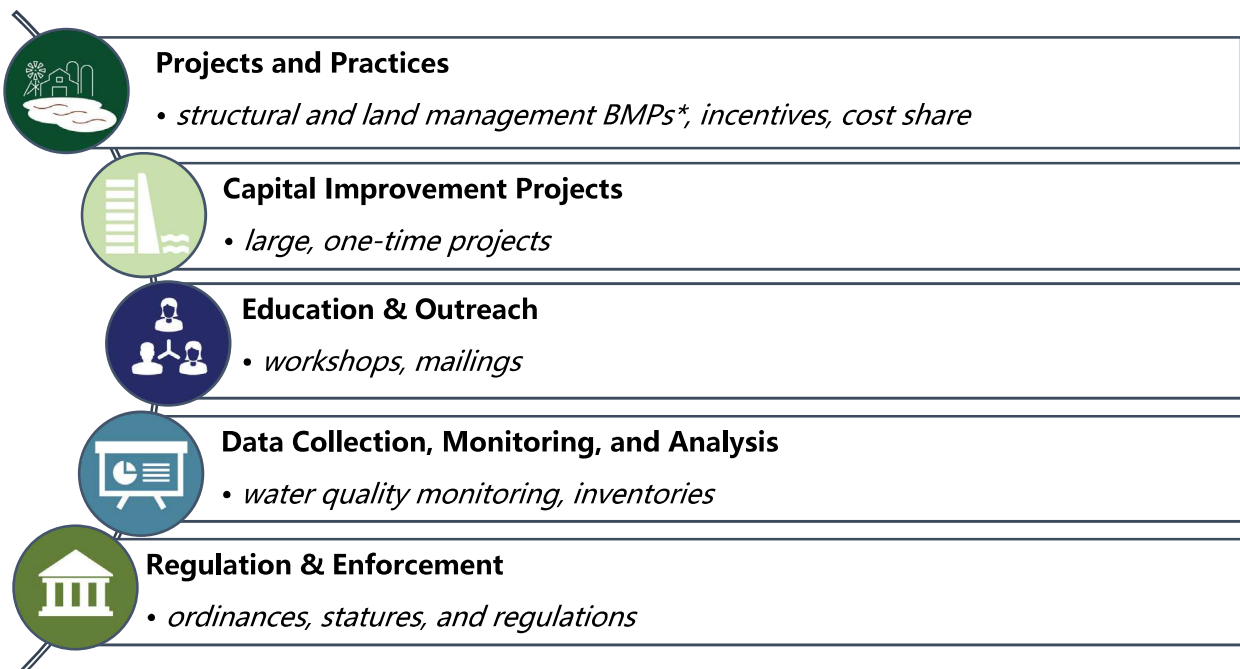


Figure 1.4. Implementation programs in the RRCWMP. *BMPs are best management practices that can reduce pollution into water bodies.



To implement the full extent of this plan, additional state and federal funding over current levels will be necessary. To frame the funding needed, three levels are described in Table 1.3. Level 1 is the current amount of baseline funding (noncompetitive) being spent on protection, enhancement, and restoration practices and programs in the watershed. Level 2 funding is Level 1 funding plus the new watershed-based funding (state funding through the Clean Water Land and Legacy Amendment) that will be available upon completion of this plan and a 319 Grant obtained by RRWD for the Hay Creek Subwatershed. Level 3 funding describes partner-sponsored projects and other funding sources that will help achieve plan goals.

Table 1.3. Funding levels in the RRCWMP.

Funding Level	Description	Estimated Annual Average	Estimated Plan Total (10 years)
1	Baseline Funding for Current Programs	\$888,000	\$8,880,000
2	Baseline + Watershed-Based Implementation Funding (WBIF) + 319 Grant	\$1,213,000	\$12,130,000
3	Partner funding (NRCS, DNR, RRWMB, Lessard-Sams, etc)	\$2,400,000	\$24,000,000

Overall Plan Benefits

The watershed partners have a good track record of accomplishing projects to improve water quality and protect habitat. With the Level 2 funding they will be able to accomplish a lot more. Overall plan benefits and real-world equivalents are illustrated in Figure 1.5.

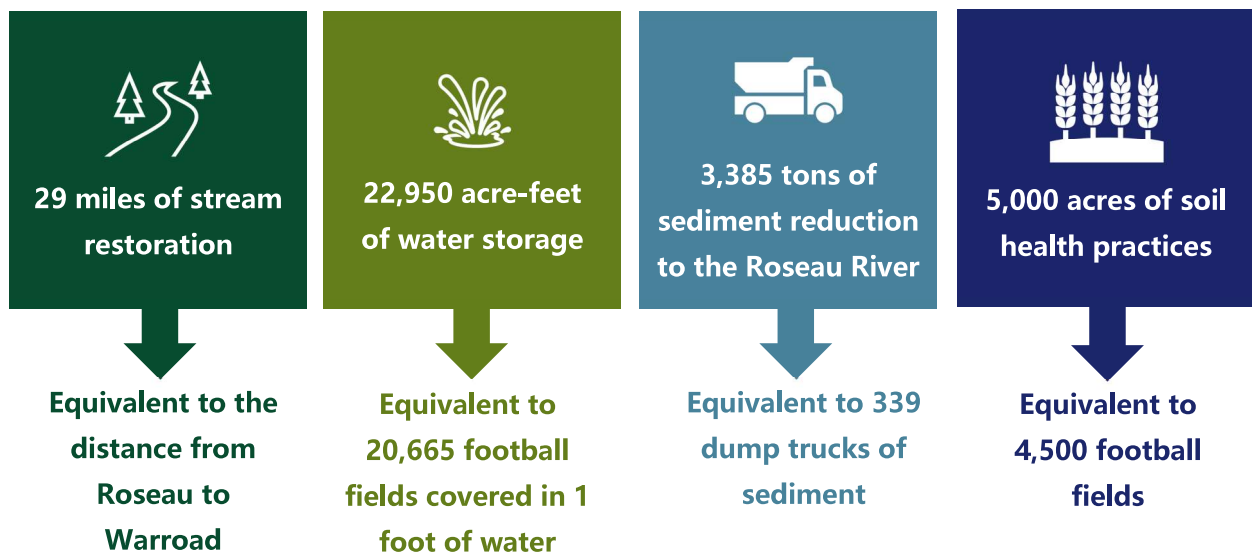


Figure 1.5. Overall plan benefits and real-world equivalents.



Plan Administration and Coordination

The RRCWMP will be implemented through a newly formed governmental unit- a Joint Powers Board between Roseau County, Roseau SWCD, and the Roseau River Watershed District (Figure 1.6).

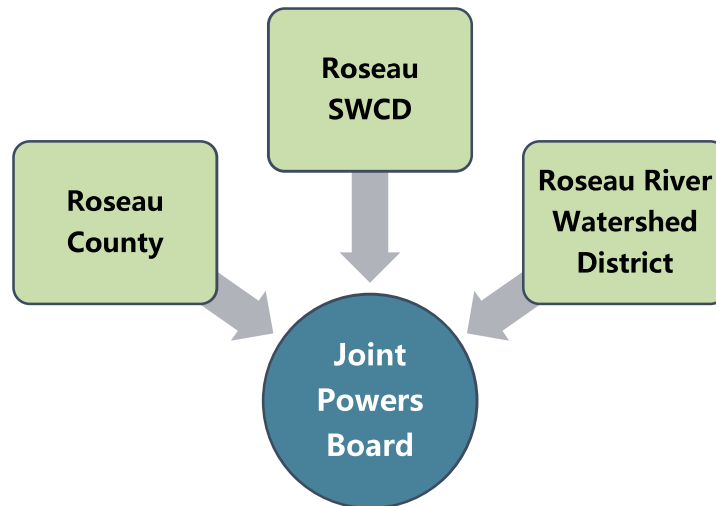


Figure 1.6. New joint powers board for implementing the RRCWMP.

Collaboration with local groups continued throughout the planning process and will be critical to the success of the plan. Local partnerships include the following:

- Red River Basin
 - Red River Basin Commission, Red River Watershed Management Board, Flood Damage Reduction Work Group, Red River Retention Authority, Red River Valley Conservation Service Area, Roseau River International Watershed, Seine Rat Roseau Watershed District (Canada)
- State/Federal Agencies
 - Board of Water and Soil Resources, Department of Natural Resources, Pollution Control Agency, Department of Health, Department of Agriculture, Department of Transportation, Natural Resource Conservation Service
- Tribal Nations
- Non-governmental organizations

NEW BUSINESS

1. Minnesota Soil Health Action Framework – Interim Update – Suzanne Rhee, Tom Gile, Marcelle Lewandowski – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	Minnesota Soil Health Action Framework – Interim Update		
Meeting Date:	<u>April 26, 2023</u>		
Agenda Category:	<input type="checkbox"/> Committee Recommendation	<input type="checkbox"/> New Business	<input type="checkbox"/> Old Business
Item Type:	<input type="checkbox"/> Decision	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Keywords for Electronic Searchability:	<u>Soil health, planning, engagement, McKnight Foundation</u>		
Section/Region:	<u>Statewide</u>		
Contact:	<u>Suzanne Rhees</u>		
Prepared by:	<u>Suzanne Rhees</u>		
Reviewed by:	<u>BSD (date TBD)</u>	<u>Committee(s)</u>	
Presented by:	<u>Rhees/Gile, A. Marcelle Lewandowski, MOSH</u>		
Time requested:	<u>20 min</u>		

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget |
| <input type="checkbox"/> New Policy Requested | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Information

LINKS TO ADDITIONAL INFORMATION

TBA – slides

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

In February 2022, BWSR received a grant from the McKnight Foundation for a two-year program to develop shared goals and strategies for increasing soil health management practices across Minnesota. BWSR has collaborated with the Minnesota Office for Soil Health (MOSH) throughout this process. Other participants include the MN Department of Agriculture, NRCS, local government associations, agricultural and environmental organizations, co-ops and agronomists, ag retailers, private sector food companies, University researchers and Extension advisors. A preliminary report has been developed but is still going through review by these stakeholders; this presentation will focus on the process to date and include some highlights from the report.