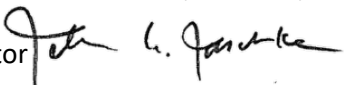




DATE: October 17, 2023

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – October 25, 2023

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 25, 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

- Board Authorization to develop a Request for Proposal (RFP) for fiscal year 2024 and 2025 Cooperative Weed Management Area (CWMA) Program** – The CWMA program started in 2009 and provides financial assistance to develop and sustain Cooperative Weed Management Areas that control emerging weed threats and manage natural areas and conservation lands through an integrated pest management and ecosystem approach. The Board has previously endorsed an inter-agency granting strategy that includes an interagency project Advisory Team to assist in the development and evaluation of this grant program. The Grants Program and Policy Committee, at their September 18 and October 16, 2023 meeting, reviewed the staff request and recommended approval to the Board. **DECISION ITEM**
- Multi-Purpose Drainage Management Grants** – The MDM Grant program has not historically been a heavily used grant program. Staff has been working with Drainage interests for more than a year soliciting feedback to assess why the program isn't getting heavy use while there seems to be obvious desire and interest from Drainage Authorities and their partners. The key feedback has been the inflexibility of the 103E directed process and challenges for drainage authorities to align their drainage proceedings with an annual funding cycle. Based on that feedback we are proposing an adjustment to the BWSR grant cycle for this program in an effort to allow more readily available funding that can better align with a more rigid 103E process. To do this will require prompt turn around by staff in making awards as well. **DECISION ITEM**
- Soil Health Program Grants** – During the recent legislative session over \$33 million was appropriated to BWSR for Soil Health related activities. BWSR has also since applied for an NRCS RCPP grant totaling \$25 million. We are currently anticipating NRCS awards announcements this winter. We are asking to allow for a competitive program to increase soil health expertise locally, which will lead to direct increase in local partnerships and landowner engagement. In addition, we plan to distribute a non-competitive Soil Health Programing Grant, which will drive locally lead implementation of soil health related activities and practice

installation. Our goal is to have both programs developed and timed as best as we can to coincide with the NRCS RCPP Awards announcement to maximize our proposed contribution with the NRCS Funding should we be awarded. Our state programing is also being designed so that it can function in the same manner with or without Federal Dollars in play providing us with greater flexibility to continue moving forward no matter the NRCS funding decisions. **DECISION ITEM**

NEW BUSINESS

1. **2024 BWSR Board Meeting Schedule** – Meeting dates are being proposed for board meetings in 2024. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2023 calendar. **DECISION 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 October 25th.

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
WEDNESDAY, OCTOBER 25, 2023**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF AUGUST 24, 2023 BOARD MEETING

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

INTRODUCTION OF NEW STAFF

- Udai Singh, Modeling and Outcomes Coordinator
- Zach Guttormson, Board Conservationist

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 – Todd Holman
- Executive Director – John Jaschke
- Audit & Oversight Committee – Joe Collins
- Dispute Resolution and Compliance Report – Travis Germundson/Rich Sve
- Grants Program & Policy Committee – Mark Zabel
- RIM Reserve Committee – Jayne Hager Dee
- Water Management & Strategic Planning Committee – Joe Collins
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – LeRoy Ose
- 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 – Glenn Skuta

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. Board Authorization to develop a Request for Proposal (RFP) for fiscal year 2024 and 2025 Cooperative Weed Management Area (CWMA) Program) – Dan Shaw – ***DECISION ITEM***
2. Multi-Purpose Drainage Management Grants – Tom Gile – ***DECISION ITEM***
3. Soil Health Program Grants – Tom Gile – ***DECISION ITEM***

NEW BUSINESS

1. 2024 Proposed BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

UPCOMING MEETINGS

- Northern Region Committee is scheduled for November 1st at 11:00 a.m. in Brainerd and by MS Teams.
- RIM Committee is scheduled for November 13th at 11:00 p.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for December 14th at 9:00 a.m. in St. Paul and by MS Teams.

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
7083 153rd STREET WEST
APPLE VALLEY, MN 55124
THURSDAY, AUGUST 24, 2023**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Mike Runk, Neil Peterson, Lori Cox, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ronald Staples, Mark Zabel, Katrina Kessler, MPCA; Joel Larson, University of Minnesota Extension; Jeff Berg, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

Rich Sve

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Annie Felix-Gerth, Tom Gile, Julie Westerlund, Craig Engwall, Travis Germundson, Justin Hanson, Ed Lenz, John Shea, James Adkinson, Marcey Westrick, Jenny Gieseke, Ryan Hughes, Dave Copeland, Jill Sackett Eberhart

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; LeAnn Buck, MASWCD; Sheila Vanney, MASWCD; Alex Trunnell, Sarah Boser, Scott Salisbury, Eric Miller

Chair Todd Holman called the meeting to order at 8:31 AM

PLEDGE OF ALLEGIANCE

**** 23-44** **ADOPTION OF AGENDA** - Moved by Eunice Biel, seconded by LeRoy Ose, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

**** 23-45** **MINUTES OF JUNE 28, 2023 BOARD MEETING** – Moved by Jill Crafton, seconded by Ted Winter, to approve the minutes of June 28, 2023, as circulated. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

CONFLICT OF INTEREST DECLARATION

Chair Holman read the statement:

“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.”

Chair Holman stated there is a sheet in the day of packet to declare a conflict. John Jaschke stated another option would be to express on your roll call vote that you have no conflict or if you do have a conflict.

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman appreciated the tour yesterday and thanked everyone for their work on it. He also thanked Board Members who have new roles in committees. Chair Holman recognized the reappointment of Kelly Kirkpatrick, Jill Crafton, and Neil Peterson and introduced new board members Mike Runk and Lori Cox. Board Members introduced themselves to the new members. Chair Holman stated he attended the EQB meeting last week where they are working on updating their Strategic Plan.

Executive Director’s Report - John Jaschke reported he appreciated all the work that went into the tour. The legislative session is still a ways away but the process is underway. They are working on policy ideas and bonding items.

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

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

File 23-6 appeal of two after the fact replacement plan decisions in Brown County. The appeal regards the denial of those decisions. A previous decision on one of those applications have been appealed, file 22-7. That appeal was remanded back to develop an adequate record and the decision made under remand is being appealed along with another application for the same impact/project.

File 23-5 is an appeal of a WCA notice of decision in Meeker County. The appeal regards the approval of a no loss determination to replace and lower existing road culvert. The petition challenges the LGUs authority to issue a decision on an individual that is not the landowner and does not have the property rights to perform the activity. The appeal was remanded back to Meeker County to develop an adequate record on the application requirements.

File 23-4 a decision was recently made to grant and hear the appeal. The LGU has since compiled the official written record and is in the process of scheduling a prehearing conference, which is tentatively set for September 20th. They'll discuss the possibility of settlement and then they'll go into a schedule for filing briefs and then a tentative date for a DRC hearing.

Travis stated if an appellant contacts board members on issues related to an appeal they should refrain from communication and direct the inquiry to Travis or the Board Attorney General's Office staff.

Travis gave a buffer and compliance update. Stated numbers have stayed relatively consistent throughout the last couple months.

Jill Crafton asked about file 23-1 if we should be encouraging a more vertical expansion of the parking lot. Travis stated its the local land use authority's role to assess those type of land use practices. John Jaschke stated there are three criteria provided in statute for an appeal request decision.

Grants Program & Policy Committee – Mark Zabel reported there are two items on the agenda for today.

RIM Reserve Committee – Jayne Hager Dee reported the committee has not met.

Water Management & Strategic Planning Committee – Joe Collins reported the committee met in July and there are two items on the agenda for today.

Wetland Conservation Committee – Jill Crafton reported the committee has not met.

Buffers, Soils & Drainage Committee – Tom Gile reported the committee had a meeting yesterday. They discussed the preparatory for future grants and the program policy item for discussion will be around multipurpose training management grants.

John Jaschke stated that the state allocated funds for soil health and water storage aren't ready to allocate to programs or projects because they're waiting for the federal response to the NRCS-RCPP applications that were submitted.

Lori Cox asked if BWSR is doing a match for federal. John Jaschke stated a match is required and that some entity be the agent to run the federal pass-through funding. Stated the applications that were submitted also require or expect a matching contribution of about half.

Drainage Work Group (DWG) – Tom Gile reported Rita Weaver is leading a technical group that is spending time looking through the background and the methodologies for assessing outlook adequacy in the drainage law. They also spent time discussing the notification requirements and 103D. Stated the legislative directive includes a consideration of the drainage registry portal concept. A report will be provided to legislature by February 1, 2024.

Lori Cox asked if the legislative directives have timelines. Tom stated the legislative directive for the outlet adequacy review and the notification requirements need to be reported to the legislature by February 1, 2024. It will include any consensus recommendations.

AGENCY REPORTS

Minnesota Department of Agriculture – Jeff Berg thanked Dakota County and partnerships for the tour yesterday. Stated they have been monitoring the drought. There are new legislative appropriations for Soil Health Equipment Grants that's open until September 15th.

Minnesota Department of Health – Steve Robertson reported he appreciated the work that went into the tour yesterday. Stated after a long pause due to COVID response activities, state work on developing a path forward for promoting safe and sustainable water reuse is resuming. Over the last year a group of high-level leaders from MPCA, DNR, Met Council, DLI (Dept. of Labor and Industry), and MDH met to design a process for prioritizing and implementing the recommendations from the first phase of water reuse. Phase One resulted in a 2018 report with eight recommendations. One recommendation was fulfilled by an MDH white paper on risk management options to protect public health in stormwater capture and reuse applications. That paper is available, along with the Phase One report, on MDH's website.

The Phase Two process to work on the remaining seven recommendations is being facilitated by a third-party contractor, Emmons and Olivier Resources, and will begin in September. The process includes a Steering Team with members from state agencies and stakeholders, a core engagement group of about 20 members, and two open meetings to solicit feedback more broadly. The core engagement group consists of representatives from local governments, designers, academia, and state agency staff. The role of this group will be to provide input and recommendations to the Steering Team on statewide guidance or policy on stormwater capture and use systems that ensure projects protect the public's health, environment, and eco-systems; balance risks and benefits; support water sustainability; are feasible; and reflect the realities of the industry. The recommendations from this process will then be submitted to the various agency Executive Offices for their review and further action. The process is expected to take about 10 months.

Lori Cox asked if the 20 stakeholders are all agency or others. Jeff Berg stated there is a range but does not know the specifics and can get back to Lori. Lori asked if this is being looked at with both a climate action framework and an equity lens. Jeff stated those two things frame much of the work they do and will be there for consideration.

Jill Crafton asked if grassroots people who already have some of these projects in place will have input. Steve stated there will be opportunity for public input.

Joe Collins stated we need to be more practical about rainwater use.

Minnesota Department of Natural Resources – Sarah Strommen reported she was preparing for the fair yesterday and invites everyone to stop by the DNR space. Stated they are also monitoring the drought. They provided notice last week in the suspensions of 23 surface water appropriation permits due to low flow conditions. They had an Enforcement Conservation Officer Academy graduation and have 16 new officers. Stated they released their state parks visitor survey.

Lori Cox noted that it's not just a surface water problem but also a groundwater problem and asked if there would be further review with the board of this nature for opportunities to talk about it.

Commissioner Strommen stated this is an issue based on increasing research that they're doing in certain parts of the state where groundwater resources are not as plentiful as the demands and will be an issue that they'll be discussing.

Minnesota Extension – Joel Larson reported he enjoyed the tour yesterday and the sites visited. They will be hiring three new Extension Educators across the state. One will focus on irrigation and water quality. The second is a position being managed through the Minnesota Climate Adaptation Partnership and will work on agricultural climate resiliency. The third is an educator who will work on soil health. The annual Water Resources Conference is October 17-18 at the St. Paul RiverCentre. The Midwest Climate Resilience Conference is October 25-27 in Duluth.

Minnesota Pollution Control Agency – Katrina Kessler reported Minnesota was offered the opportunity along with Met Council and the metro area, and with Tribes to apply for planning grants from the EPA. As the head of the climate subcabinet the MPCA applied for the grant on behalf of the state and received \$3 million. They will be applying for their portion of the implementation grants in the spring.

Stated the MPCA has a portal available until September 4th to submit ideas for potential legislative proposals. Will also be taking input for renaming the agency in the survey. Stated they have a lot going on in readying the Eco Experience at the State Fair.

Jill Crafton asked if water vapor is being considered when focusing on greenhouse gas emissions. Katrina stated agriculture evapotranspiration is a part of what they'll be looking at. Jill commented that she would like to see more done.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson thanked the agencies for the efforts tied to county government during and after the legislative session. AMC will be hosting their Fall Policy Conference that begins their process for revising their platform and setting their priorities for 2024.

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

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck reported their Board of Directors met on August 16th. They talked about the completion of WRAPS and having all the watersheds with that data and information. They also talked about leveraging federal funds. A big priority for their Association was to utilize the \$79 million dollars for Watershed Based Implementation from the Clean Water Funds.

Minnesota Association of Townships – Eunice Biel reported in August they had district meetings throughout Minnesota. They also held elections and was well attended by township officers. Eunice noted upcoming trainings for townships.

Minnesota Watersheds – Jan Voit reported they have been working on a handbook that includes policies for Watershed Districts and Watershed Management Organizations. Stated it has been added to their members part of their website and will be giving training at their annual conference in November. Stated she has been attending the Drainage Work Group meetings and appreciates working with Tom Gile. Stated their lobbyist is retiring and they are working on a succession plan. Their resolution process has begun, and their annual conference is being held in late November.

Natural Resources Conservation Service – No report provided.

Chair Holman called a recess at 10:09 a.m. and called the meeting back to order at 10:24 a.m.

COMMITTEE RECOMMENDATIONS

Southern Region Committee

Le Sueur River Comprehensive Watershed Management Plan – Ted Winter, Jill Sackett Eberhart, and Eric Miller presented Le Sueur River Comprehensive Watershed Management Plan.

The Le Sueur River Watershed encompasses a total of 1,112 square miles, or approximately 711,000 acres, in portions of Blue Earth, Faribault, Freeborn, Le Sueur, Steele, and Waseca counties. The predominant land use is agriculture at over 83% of the watershed. There are a total of 20 municipalities also found within the watershed.

The Le Sueur River Watershed One Watershed, One Plan Partnership (Partnership) was established in 2020 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Blue Earth County, Blue Earth County Soil and Water Conservation District (SWCD), Faribault County, Faribault County SWCD, Freeborn County, Freeborn County SWCD, Waseca County, and Waseca SWCD. Per the BWSR Operating Procedures, if less than 10% of the jurisdictional land area of the local government is within the watershed planning boundary, participation by that local government is optional. Le Sueur County, Le Sueur County SWCD, Steele County, and Steele County SWCD opted out of the planning process.

On May 1, 2023, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review. The Planning Partnership responded to all comments received and incorporated appropriate revisions to the final Plan. The State agencies recommended that BWSR approve the Plan as submitted.

BWSR staff completed its review and subsequently found the Plan meets the requirements of Minnesota Statutes and BWSR Policy.

On July 25, 2023, the Southern Regional Committee (Committee) met to review and discuss the Plan. The Committee's decision was to recommend approval of the Le Sueur River Watershed Comprehensive Watershed Management Plan to the full Board per the attached draft Order.

Joe Collins stated it's nice to see the plans getting more sophisticated.

Jill Crafton stated she was impressed with the questions that were asked.

Lori Cox asked how the measurable goals are set and how we are moving forward with voluntary implementation. Jill Sackett Eberhart stated they had all the tools for this watershed plan and used Hydrologic Simulation Program Fortran (HSPF) the Scenario Application Manager (SAM), Agricultural Conservation Planning Framework (ACPF), and the Prioritize, Target, and Measure Application (PTMApp) to set the measurable goals. Jill Crafton stated voluntary implementation comes down to staff needing to build a rapport and talking to landowners.

**
23-46 Moved by Ted Winter, seconded by Eunice Biel, to approve the Le Sueur River Comprehensive Watershed Management Plan. **Motion passed on a roll call vote.**

City of Beardsley Dry Lake Grant – Ed Lenz presented City of Beardsley Dry Lake Grant

In the winter of 1996-97 over 100 inches of snowfall covered the City of Beardsley and surrounding areas. Runoff during the 1997 spring melting period caused flooding in Dry Lake, located just north of town. The lake’s water surface rose 19 feet and the surface of the lake grew eleven times larger than levels recorded in the last DNR survey. The flooding of Dry Lake inundated the Beardsley wastewater treatment system, overtopped two state highways and a county road. It caused wide-spread basement flooding to those within the city limits of Beardsley. The City of Beardsley worked with the Federal Emergency Management Agency (FEMA) and the Minnesota Department of Natural Resources (MnDNR) to install 2.6 miles of 36-inch RCP outflow pipe in 1997, under emergency action. This project, known as the Beardsley-Dry Lake Diversion Project, was built to provide water quality and flood damage reduction to flooding issues related to Dry Lake. The pipe has since experienced seepage, sinking, and erosion issues resulting in sinkholes forming during the summer of 2019. Current estimates for total project cost range between \$4 Million and \$5 Million.

The City of Beardsley is eligible to receive a \$2,000,000 FY 2024 grant through Minnesota Statutes 2023 Regular Session, Chapter 72, Article 2, Section 5 from the Minnesota Board of Water and Soil Resources (BWSR). This grant can be used to pay for the removal, and replacement or repair of a portion of drain tile in the gravity pipe system designed to remove excess water from Dry Lake and prevent flooding in the City of Beardsley. The City must undertake this project in coordination with the Upper Minnesota River Watershed District. Funding for the FY 2024 City of Beardsley Dry Lake Grant is a pass-through grant that requires BWSR approval before funds can be appropriated to the City of Beardsley.

Jill Crafton asked if the funds are coming from the Clean Water Fund. John Jaschke stated they are not Clean Water Funds.

**
23-47 Moved by Ted Winter, seconded by Joe Collins, to approve the City of Beardsley Dry Lake Grant. **Motion passed on a roll call vote.**

Area II Minnesota River Basin Projects Biennial Plan & Area II Floodplain Management Grant – John Shea presented Area II Minnesota River Basin Projects Biennial Plan & Area II Floodplain Management Grant

The funding provided to the Area II Board via specific legislation is targeted at administration of this nine-county joint powers board in the amount of \$190,000 each for fiscal years 2024 and 2025. This grant requires a 25% local match.

**
23-48 Moved by Ted Winter, seconded by Joe Collins, to approve the Area II Minnesota River Basin Projects Biennial Plan & Area II Floodplain Management Grant. **Motion passed on a roll call vote.**

Area II Minnesota River Basin Projects Bonding Work Plan & Grant – John Shea presented Area II Minnesota River Basin Projects Bonding Work Plan & Grant

Legislative appropriation (Bonding) to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. A cost share rate of 75% state

funding and 25% non-state sources is required for project implementation; oversight is provided by BWSR.

**
23-49 Moved by Ted Winter, seconded by Joe Collins, to approve the Area II Minnesota River Basin Projects Bonding Work Plan & Grant. ***Motion passed on a roll call vote.***

Water Management and Strategic Planning Committee

One Watershed, One Plan Operating Procedures and Plan Content Requirements – Joe Collins and Julie Westerlund presented One Watershed, One Plan Operating Procedures and Plan Content Requirements

Revisions to the One Watershed, One Plan Operating Procedures clarify the procedures for amending comprehensive watershed management plans. Previous policy was silent on amendment procedure. Revisions to the One Watershed, One Plan – Plan Content Requirements include modifications to the list of issues that may be addressed in comprehensive watershed management plans and new language acknowledging the important connection between these plans and the Minnesota Climate Action Framework. All modifications to policies are summarized in a table at the end of each policy.

Mark Zabel wanted to clarify this would be for plans moving forward. Julie stated these policies would apply to future planning efforts and amendments to plans.

Katrina Kessler stated she appreciates the linkage to the climate action framework and the additions of other topics that may be addressed. Katrina asked if they need to consider climate resiliency. Julie stated they may assess it but don't have to.

Jill Crafton thanked the committee for their work.

**
23-50 Moved by Joe Collins, seconded by Neil Peterson, to approve the One Watershed, One Plan Operating Procedures and Plan Content Requirements. ***Motion passed on a roll call vote.***

John Jaschke reminded members on voting procedures for a conflict of interest.

Grants Program and Policy Committee

One Watershed, One Plan Planning Grants Authorization – Julie Westerlund presented One Watershed, One Plan Planning Grants Authorization

The calendar year 2023 (FY24 grants) One Watershed, One Plan Planning Grants request for proposal (RFP) period opened on March 24, 2023 and closed on June 19, 2023. BWSR received three proposals. Staff reviewed the three proposals (locations shown on attached map) against the RFP selection criteria. BWSR's Senior Management Team reviewed staff recommendations on June 12, 2023 and recommended funding all three proposals. Grants Program and Policy Committee reviewed this recommendation on July 25, 2022. A draft board order is attached.

Funds are from the 2022-2023 biennium, Laws of Minnesota, 2021, 1st Special Session, Chapter 1, Article 2, Section 6 (i) and the 2024-2025 biennium, Laws of Minnesota, 2023, Chapter 40, Article 2, Section 6 (i) for assistance, oversight, and grants to local governments to transition local water management plans to a watershed approach as well as previously returned clean water fund grants.

**
23-51 Moved by Mark Zabel, seconded by Joe Collins, to approve the One Watershed, One Plan Planning Grants Authorization. ***Motion passed on a roll call vote.***

One Watershed, One Plan Mid-Point Grants – Julie Westerlund presented One Watershed, One Plan Mid-Point Grants

The Board previously approved Mid-Point grants for assessing and amending comprehensive watershed management plans. Pilot assessments are underway and staff more plan implementation groups are approaching the point in time for doing and assessment. To accommodate varying timelines for individual groups' assessments, staff have asked, and the Grants Program and Policy Committee has recommended, that the authority to approve these grants be delegated to the executive director.

**
23-52 Moved by Ted Winter, seconded by Eunice Biel, to approve the One Watershed, One Plan Mid-Point Grants. ***Motion passed on a roll call vote.***

FY 2024 & FY 2025 Buffer Implementation Grants – Tom Gile presented FY 2024 & FY 2025 Buffer Implementation Grants

This is the annual Grant support funding for SWCD's role to provide Planning, Technical and implementation assistance to landowners under 103F.48 (Buffer Law) as well as their annual monitoring and reporting on compliance status.

**
23-53 Moved by Kelly Kirkpatrick, seconded by Jayne Hager Dee, to approve the FY 2024 & FY 2025 Buffer Implementation Grants. ***Motion passed on a roll call vote.***

Fiscal Years 2024 and 2025 Soil and Water Conservation District Grants Authorization – James Adkinson presented Fiscal Years 2024 and 2025 Soil and Water Conservation District Grants Authorization

State Statute 103C.501 "Cost-Sharing Program for Erosion Control and Water Management" has been amended as the "Conservation Contracts Program" and requires adjustments to our current Erosion Control and Water Management Policy. In addition to approving the policy, staff are also recommending the authorization of the Conservation Delivery and Conservation Contract allocations. The Grants Program and Policy Committee met on May 22 and July 24, 2023 and recommend approval to the full board.

**
23-54 Moved by Jill Crafton, seconded by Ron Staples, to approve the Fiscal Years 2024 and 2025 Soil and Water Conservation District Grants Authorization. ***Motion passed on a roll call vote.***

FY24-25 Watershed Based Implementation Funding Program – Annie Felix-Gerth presented FY24-25 Watershed Based Implementation Funding Program

BWSR staff have met over the past 6 months with an internal staff team (Clean Water Team), BWSR Senior Management Team, and BWSR Grants Program and Policy Board Committee to discuss the policy, and allocations for the Watershed-based Implementation Funding Program.

The BWSR Grants Program and Policy Committee reviewed the policy and allocation authorizations on August 14 2023 and made a recommendation to the full Board. The draft FY2024-2025 Clean Water Fund Watershed Based Implementation Funding Program policy and board order are attached based on the recommendations of the Grants Program and Policy Committee.

Jill Crafton asked about the fish description and using a different phrase than rough fish. Annie stated they have not had a discussion but will be initiating those conversations. Sarah Strommen stated the intent is clear focusing on carp. As they learn more, they'll be moving away from the term rough fish to be more of a specific fish species.

**
23-55 Moved by LeRoy Ose, seconded by Ted Winter, to approve the FY24-25 Watershed Based Implementation Funding Program. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Next BWSR Meeting is scheduled for 9:00 AM, September 27, 2023, in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 11:37 AM

Respectfully submitted,

Todd Holman

Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution/Compliance Report

Meeting Date: October 25, 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)
Rich Sve DRC Chair and Travis Germundson

Presented by: _____

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

- None General Fund Budget
- Amended Policy Requested Capital Budget
- New Policy Requested Outdoor Heritage Fund Budget
- Other: _____ 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

October 6, 2023

By: Travis Germundson

There are presently **four** appeals pending. There have been **two new** appeals 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 23-8 (9/25/23) This is an appeal of a WCA Notice of Decision in Morrison County. The appeal regards the denial of a wetland boundary/type decision associated with an old roadway. At issue, is legal access to all properties along the private roadway for the purpose of field review. No decision has been made on the appeal.

~~File 23-7 (8-23-23) This is an appeal of a WCA Restoration Order in Lyon County. The appeal regards the placement of tile lines within the lateral effect setback area of several wetlands on an adjacent Wildlife Management Area (WMA). The petition indicates that the tile has no impact on the WMA that DNR has caused erosion and to flooding downstream landowners associated with the management of the property. The appeal has been denied and the Restoration Order Affirmed.~~

File 23-6 (8-8-23) This is an appeal of two separate after-the-fact replacement plan applications in Brown County. The appeal regards the denial of those applications. A previous decision of one of the applications had been appealed (File 22-7). That appeal was remanded back to develop an adequate record and now the decision made under remand is being appealed along with another application for the same impact/project. *A decision has been made to grant and hear the appeal. The LGU is in the process of complying the official record on which the decision was based.*

File 23-5 (7-19-23) This is an appeal of a WCA notice of decision in Meeker County. The appeal regards the approval of a no-loss determination to replace and lower an existing road culvert. The petition challenges the LGU's authority to issue a decision to an individual that is not the landowner and does not have the requisite property rights to perform the activity. *The appeal was remanded back to Meeker County SWCD to develop adequate record on the application requirements.*

File 23-4 (6-16-23) This is an appeal of a WCA notice of decision involving a banking plan in Aitkin County. The appeal regards the approval of a the Mille Lacs Meadows North Wetland Bank consisting of an area of approximately 617.3 acres. The appeal contends that the site is ineligible for replacement wetland credits. *A decision has been made to grant and hear the appeal. The LGU has complied a copy of the official record on which the decision was based upon, and a pre-hearing conference has been scheduled for September 20, 2023.*

~~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. A decision was issued approving the purchasing of replacement bank credits. The required credits were not withdrawn as required. The appeal has been denied and the restoration order affirmed.~~

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 until September 30, 2023. A Certificate of Successful Restoration was issued and as a result the appeal has been 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	4
Order Modified	1	
Order Remanded	2	1
Order Place Appeal in Abeyance	5	
Negotiated Settlement		
Withdrawn/Dismissed	1	2

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 60 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are no active Corrective Action Notices (CANs) and three Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 53 of those have been resolved.

*Statewide 35 counties are fully compliant, and 51 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 323 CANs and 74 APOs actively in place. Of the actions being tracked over 2,605 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. Board Authorization to develop a Request for Proposal (RFP) for fiscal year 2024 and 2025 Cooperative Weed Management Area (CWMA) Program) – Dan Shaw – ***DECISION ITEM***
2. Multi-Purpose Drainage Management Grants – Tom Gile – ***DECISION ITEM***
3. Soil Health Program Grants – Tom Gile – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Board Authorization to develop a Request for Proposal (RFP) for fiscal year 2024 and 2025 Cooperative Weed Management Area (CWMA) Program

Meeting Date: October 25, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information Non-Public Data

Keywords for Electronic Searchability: Cooperative Weed Management Grants Invasive

Section/Region: Resource Conservation

Contact: Dan Shaw

Prepared by: Dan Shaw

Reviewed by: G-Team Committee(s) GPPC

Presented by: Dan Shaw

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

Authorize staff to develop the Request for Proposal (RFP) for fiscal year 2024 and 2025 General Fund Cooperative Weed Management Area (CWMA) Program.

LINKS TO ADDITIONAL INFORMATION

Program website: [Cooperative Weed Management Area Program | MN Board of Water, Soil Resources \(state.mn.us\)](https://www.state.mn.us/bwsr/cwma/)

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

The CWMA program started in 2009 and provides financial assistance to develop and sustain Cooperative Weed Management Areas that control emerging weed threats and manage natural areas and conservation lands through an integrated pest management and ecosystem approach. The Board has previously endorsed an inter-agency granting strategy that includes an interagency project Advisory Team to assist in the development and evaluation of this grant program. The Grants Program and Policy Committee, at their September 18 and October 16, 2023 meeting, reviewed the staff request and recommended approval to the Board.



BOARD ORDER

Fiscal Year 2024 and 2025 Cooperative Weed Management Area Program Authorization

PURPOSE

Authorize staff to develop the Request for Proposal (RFP) for fiscal year 2024 and 2025 General Fund Cooperative Weed Management Area (CWMA) Program.

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2023, Chapter 60, Article 1, Section 4c(2), appropriated fiscal year 2024 and 2025 funds for county cooperative weed management cost-share programs.
2. The CWMA program provides financial assistance to develop and sustain Cooperative Weed Management Areas that control emerging weed threats and manage natural areas and conservation lands through an integrated pest management and ecosystem approach.
3. The Board has previously endorsed an inter-agency granting strategy that includes an interagency Project Advisory Team to assist in the development and evaluation of this grant program.
4. The Grants Program and Policy Committee, at their September 18, 2023 and October 16, 2023 meeting, reviewed staff's request and recommended approval to the Board.

ORDER

The Board hereby:

1. Authorizes staff to use the criteria identified in Table 1 to develop a Request for Proposals (RFP) for the FY 2024 and 2025 CWMA Grants Program consistent with the provisions of the appropriation.

Dated at St. Paul, Minnesota, this October 25, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

 Todd Holman, Chair
 Board of Water and Soil Resources

Date: _____

Table 1: Cooperative Weed Management Area Program Ranking Criteria	
Ranking Criteria	Maximum Points
<u>Newly Establishing Organizations:</u> The funding will be used to assist the development of a newly establishing or expanding Cooperative Weed Management Area (CWMA) or Cooperative Invasive Species Management Area (CISMA).	10
<u>Anticipated Outcomes:</u> The outcomes expected upon completion of the project initiatives are identified, consistent with project goals, and it is clear how these outcomes will be obtained.	25
<u>Relationship to CWMA and Conservation Plans:</u> The proposal and species of focus are based on local collaboration and knowledge, as well as local, state, tribal or federal invasive species plans.	10
<u>Weed Prioritization:</u> Weed threats are prioritized due to the threat they pose to conservation lands and natural areas and are consistent with Minnesota's Noxious Weed Law, as well as local needs.	15
<u>Strength of Partnerships:</u> Partnerships are clearly defined, with each partner's role identified, and leading to effective management, operation, and maintenance.	15
<u>Management Approach:</u> An approach is defined to plan and manage invasive species through partner coordination and with a focus on using local ecological knowledge to restore native vegetation and/or native plant communities where practicable.	15
<u>Information Management:</u> An approach is defined for the management of information about weed locations (using <u>EDDMapS</u> or other methods) if weed mapping will be conducted, as well as documenting management approaches used.	10
Total Points Available	100

Cooperative Weed Management Area Program

Request for Proposals

October 2023

1. General Information

Cooperative Weed Management Areas are partnerships that may include federal, state and local government agencies, tribal governments, conservation organizations and individual residents that have knowledge about the management of noxious weeds or invasive plants in a defined area. The [Board of Water and Soil Resources \(BWSR\) Cooperative Weed Management Area \(CWMA\) Program](#) was developed in 2008 to promote the collaborative and efficient control of invasive species and protection of conservation lands and natural areas across geographic boundaries. \$200,000 is available for FY2024 and FY2025 (combined) for newly developing and existing CWMA's or Cooperative Invasive Species Management Area (CISMA's) partnerships in Minnesota through this Request for Proposal.

This grant program funding is made possible through an appropriation [Laws of Minnesota 2023, Chapter 60, Article 1, Section 4(c)(2)] and is focused on establishing strong and sustainable CWMA's and CISMA's across Minnesota for the collaborative and efficient control of invasive species and protection of conservation lands and natural areas.

The BWSR Grants Administration Manual is the primary framework for grantee management of BWSR grant funds.

2. Who May Apply?

Soil and Water Conservation Districts, Counties and Tribal Governments are eligible applicants. Other organizations may partner with an eligible applicant to apply for funding to help develop and run a CWMA/CISMA project.

3. How to Apply

1. Set up your eLINK user account

Proposals need to be submitted via [eLINK](#). Eligible applicants without a current eLINK user account must submit a request to establish an eLINK account no later than seven days prior to the proposal deadline. As part of the application, eLINK will require applicants to map the location of the proposed project. For account setup information details, see the “Account Setup and Contact Management Guidance” tab on the eLINK webpage. All eLINK related questions can be directed to elinksupport@state.mn.us.

2. Complete your funding request (proposal)

See the “Completing a Funding Request in eLINK” under the “eLINK Training Videos” tab on the eLINK webpage to view a 12-minute online module describing how to complete a Funding Request (or Application) within eLINK

4. Eligibility Criteria

Newly developing and existing CWMAs and CISMAs are eligible for this RFP.

- Newly developing CWMAs/CISMAs or existing CWMAs/CISMAs groups that add an additional geographic area to an existing CWMAs/CISMAs may request up to \$20,000. A group is defined as new if they are establishing a group that has not existed in the past, or they were established and have been inactive for ten or more years.
- Grant requests for existing groups will be up to \$15,000.

Proposals from applicants that were previously awarded CWMA funds will be considered during the review process for applications submitted in response to this RFP. However, applicants that have expended less than 50% of previous award(s) at the time of this application will need to demonstrate organizational capacity to finalize current projects and complete new projects concurrently.

A non-state match equal to at least 10% of the amount of CWMA funds received is required. Local share can be provided by a landowner, private organization, local or tribal government or other non-state source (including federal funds) and can be in the form of cash or in-kind services or materials contributed to the accomplishment of grant objectives.

Applicants are required to fill out a project budget summarizing proposed activities and expenditures as part of the application. **Proposals must include one image file** (.jpg, .tiff, .png) that shows the geographic area/target areas for the CWMA/CISMA as an application Image in eLINK.

5. Evaluation and Selection

- Proposals should demonstrate measurable project outputs and outcomes¹. As appropriate, outputs should include scientifically credible estimates of both short-term and long-term benefits, as well as other measures such as: acres of invasive species treated, increases in native plant diversity levels, etc.
- Proposals must have plans for maintenance and inspection monitoring for the duration of the

project’s effective life.

- Proposals should demonstrate that a sufficient partnership exists to implement and maintain the project.

Application Questions:

- Describe if the funding will be used to assist the development of a newly establishing Cooperative Weed Management Area (CWMA) or Cooperative Invasive Species Management Area (CISMA) or if the funding will be used for an existing group.
- Describe the anticipated measurable outcomes of the project including how they relate to goals and how they will be attained.
- Describe how the proposal and target species of focus are based on local collaboration and knowledge, as well as local, state, tribal or federal invasive species plans.
- List target non-native invasive species of focus and why they have been identified as priorities.
- Describe partners involved in the project and how the partnership will lead to effective management and operation including the anticipated role of each partner.
- Describe the approach to planning and managing invasive species through partner coordination and with a focus on using local ecological knowledge to restore native vegetation and/or native plant communities where practicable.
- Describe plans for the management of information about weed locations (using [EDDMapS](#) or other methods) if weed mapping will be conducted, as well as documenting management approaches used.

Table 1: Cooperative Weed Management Area Program Ranking Criteria	
Ranking Criteria	Maximum Points
<u>Newly Establishing Organizations:</u> The funding will be used to assist the development of a newly establishing or expanding Cooperative Weed Management Area (CWMA) or Cooperative Invasive Species Management Area (CISMA).	10
<u>Anticipated Outcomes:</u> The outcomes expected upon completion of the project initiatives are identified, consistent with project goals, and it is clear how these outcomes will be obtained.	25
<u>Relationship to CWMA and Conservation Plans:</u> The proposal and species of focus are based on local collaboration and knowledge, as well as local, state, tribal or federal invasive species plans.	10
<u>Weed Prioritization:</u> Weed threats are prioritized due to the threat they pose to conservation lands and natural areas and are consistent with Minnesota’s Noxious Weed Law, as well as local needs.	15
<u>Strength of Partnerships:</u> Partnerships are clearly defined, with each partner’s role identified, and leading to effective management , operation, and maintenance.	15
<u>Management Approach:</u> An approach is defined to plan and manage invasive species through partner coordination and with a focus on using local ecological knowledge to restore native vegetation and/or native plant communities where practicable.	15

Information Management: An approach is defined for the management of information about weed locations (using EDDMapS or other methods) if weed mapping will be conducted, as well as documenting management approaches used.	10
Total Points Available	100

¹ The term “outcome” means the result or effect that will occur from carrying out the environmental program or activity associated with the application. Outcomes may be environmental, behavioral, health related or programmatic in nature but must be quantitative. They may not necessarily be achievable within the grant agreement timeline.

The term “output” or “intermediate outcome” means an environmental activity, effort and/or associated work product related to an environmental goal and objective that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during the grant agreement timeline.

6. Eligible & Key Activities

Grant funding can be used for a wide variety of activities related to establishing and sustaining existing CWMA, including:

- Technical Assistance
- Conducting outreach and education
- Weed mapping
- Managing invasive species and monitoring
- Reporting invasive species locations in EDDMapS
- Equipment purchases (spray equipment, weed wrenches, tablet, etc.) must not exceed \$2,500. All equipment purchased shall be used as a shared resource for residents and remain with grantee.

Key activities of CWMA/CISMA can include:

<u>Building Strong Partnerships</u> -Public landowners, and agencies -Residents -Local units of government -Tribal Governments, Inter-tribal Consortiums -Non-governmental organizations -Universities -For-profit partners	<u>Sharing Resources between Partners</u> -Staff/labor -Equipment -Leveraged funds -Access to lands, roads, and gravel pits	<u>Effective Outreach/Communication</u> -Communication back and forth between agencies, residents, local units of government, and private organizations -Training – ID, prevention, management – also grant writing and plan writing -Technical transfer – news, tips
<u>Identifying and prioritizing emerging weed threats</u> -New and/or recently introduced species -Those changing status -High priority landscapes	<u>Facilitating management/control of priority species</u> -Promote sound weed management that promotes multiple landscape benefits (pollinators, re-establishing native vegetation) etc.	<u>Effective data management/sharing</u> -Weed mapping -Project mapping -Documenting management strategies used -Project outcomes

7. Grant Responsibilities

Grantees have the following responsibilities to ensure long-term public benefit of projects:

- **Technical Assistance Providers.** Ensure that identified technical assistance provider(s) have the appropriate technical expertise, skills, and training for their assigned role(s).
- **Contracts.** A contract is required when funds are used to provide financial assistance to install projects. Grantees have the responsibility to ensure that the installed conservation project(s) meet the requirements identified in the *Project and Practice Assurances* section of the BWSR Grants Administration Manual.
- **Standards.** Ensure the use of appropriate standards for design and installation.
- **Native Vegetation.** The planting of native vegetation following invasive species removal efforts is recommended whenever feasible for a project to provide competition for invasive species and provide other landscape benefits. If reseeding is planned after invasives removal the seed/plant source sequence in [Section 2](#) of BWSR's [Native Vegetation Establishment and Enhancement Guidelines](#) must be followed.
- **Certification.** Certify that the project was installed according to applicable plans and specifications.
- **Operation and Maintenance.** Ensure an appropriate operation and maintenance plan is developed by qualified staff that identifies necessary activities and timing. Projects are strongly encouraged to be maintained for a minimum of 3 years.
- **Periodic Project Inspection.** Conduct periodic project inspections to confirm the operation and maintenance plan is being followed and the project has not been altered or removed.

For further information on assessing technical quality assurance for state funded projects see the *Technical Quality Assurance* section of the [BWSR Grants Administration Manual](#)

Grantees are encouraged to adopt a financial assistance policy before entering any financial assistance contracts. See the [Reporting Requirements for BWSR Grants](#) sections of the [BWSR Grants Administration Manual](#)

8. Timeline

November 1, 2023	Application period begins
February 21, 2024	Application deadline at 4:30 PM
April 24, 2024	BWSR Board authorizes grant awards
May, 2024	BWSR grant agreements sent to recipients (proposed)
June 6 th , 2024	Work plan submittal deadline
June 14, 2024	Grant execution deadline
December 31, 2025	Grant expiration date

9. Project Period

The project period starts when the grant agreement is executed, meaning all required signatures (from BWSR and grant recipient) have been obtained. Work that occurs before this date is not eligible for reimbursement with grant funds or to be used as local match. All grant funded activities must be completed by the expiration date of December 31, 2025 as referenced in the grant agreement.

10. Payment Schedule

All BWSR funded projects will be required to develop a work plan, including detail of each eligible activity, a description of the anticipated activity accomplishments, and grant and match funding amounts to accomplish each of the activities before any payment will be made.

Grant payments will be made as one advance payment after the work plan approval and execution of the grant agreement, provided the grant recipient is in compliance with all BWSR website and eLINK reporting requirements for previously awarded BWSR grants.

11. Submittal

Applications must be submitted via eLINK. Eligible applicants without a current eLINK user account must submit a request to establish an eLINK account no later than 7 days prior to the application deadline. As part of the application, eLINK will require applicants to map the location of the proposed project. Applications submitted after 4:30pm on February 21, 2024 will not be scored and will be deemed ineligible for grant funding.

Successful respondents will be required to develop and submit a work plan in eLINK prior to execution of the grant agreement.

12. Grant Awards

BWSR reserves the right to partially fund any and all proposals based on the amount of funding available. Proposals that are deemed complete may be considered for future available funds.

13. Incomplete Proposals

Proposals that do not comply with all requirements, including incomplete or missing proposal components, will not be considered for funding.

14. Work Plans and Agreements

All BWSR funded projects will be required to develop a work plan, including detail of each eligible activity, a description of the anticipated activity accomplishments, and grant and match funding amounts to accomplish each of the activities.

BWSR Cooperative Weed Management Area funds will be administered via a grant agreement. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with appropriate statutes, rules

and established policies.

15. Grants and Public Information

Under Minnesota Statute 13.599, responses to a Request for Proposals are nonpublic until the application deadline is reached. At that time, the name and address of the applicant, and the amount requested becomes public.

16. Conflict of Interest

State grant policy requires that steps and procedures are in place to prevent individual and organizational conflicts of interest, both in reference to applicants and reviewers ([MINN. STAT. 16B.98](#), <https://mn.gov/admin/government/grants/policies-statutes-forms/> and [Conflict of Interest Policy for State Grant-Making, 2022](#) (Word)).

Grantees' conflicts of interest are generally considered organizational conflicts of interest. Organizational conflicts of interest occur when:

1. A grantee is unable or potentially unable to render impartial assistance or advice due to competing duties or loyalties,
2. A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties, or
3. A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

17. Grant Reporting

Requirements and procedures for grant reporting are found in the [Reporting Requirements for BWSR Grants](#) and [Closing out a BWSR Grant](#) sections of the BWSR Grants Administration Manual.

18. Questions

For more information concerning the request for proposal, contact BWSR's Cooperative Weed Management Area Program Coordinator: [Dan Shaw, dan.shaw@state.mn.us](mailto:dan.shaw@state.mn.us).

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Multi-Purpose Drainage Management Grants

Meeting Date: October 25, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Multi-Purpose Drainage Management Grants FY 2024

Section/Region: Resource Conservation Section

Contact: Tom Gile

Prepared by: Tom Gile

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Tom Gile

Time requested: 25 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

Authorization of staff to finalize and release an open solicitation for the MDM Grant program which will include a quarterly batching process (as long as funds are available). Authorization of staff to make awards and enter into agreements. Directs staff to provide regular updates.

LINKS TO ADDITIONAL INFORMATION

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

The MDM Grant program has not historically been a heavily used grant program. Staff has been working with Drainage interests for more than a year soliciting feedback to assess why the program isn't getting heavy use while there seems to be obvious desire and interest from Drainage Authorities and their partners. The key feedback has been the inflexibility of the 103E directed process and challenges for drainage authorities to align their drainage proceedings with an annual funding cycle. Based on that feedback we are proposing an adjustment to the BWSR grant cycle for this program in an effort to allow more readily available funding that can better align with a more rigid 103E process. To do this will require prompt turn around by staff in making awards as well.

DRAFT BOARD ORDER

FY24-25 Multipurpose Drainage Management Grants Program

PURPOSE

Authorize the FY24-25 Multipurpose Drainage Management (MDM) Grant Program and delegate award decision to staff.

FINDINGS OF FACT / RECITALS

1. The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation.
2. The Laws of Minnesota 2023, Regular Session, Chapter 40, Article 2, Section 6(j) appropriated Clean Water funds to the Board of Water and Soil Resources (Board) to facilitate MDM practices to reduce erosion and sedimentation, reduce peak flows and flooding, and improve water quality, while protecting drainage system efficiency and reducing drainage system maintenance for priority Chapter 103E drainage systems.
3. 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.
4. The Buffer Soils and Drainage Committee discussed the MDM Grants Program delivery methods, including scoring criteria concept on May 23, 2023 and August 22, 2023.
5. The Grants Programs and Policy Committee at their September 18 and October 16, 2023 meeting, reviewed the MDM Grants Program scoring criteria and recommended the Board approve this order.

ORDER

The Board hereby:

1. Authorizes staff to use the scoring criteria identified in Table 1 to develop and issue the FY24-25 Request for Proposal (RFP) and other program support documents for the FY24-25 Multipurpose Drainage Management Grants Program.
2. Delegates the authority to staff to approve Multipurpose Drainage Management Grant awards based on responses to the RFP and funds available.
3. Authorizes staff to enter into grant agreements for these purposes.
4. Directs staff to regularly report to the Board on the status of MDM grants awarded.

Dated at St. Paul, Minnesota, this October 25, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

Table 1. DRAFT Scoring and Eligibility Criteria

Multipurpose Drainage Management Grant Program		
Scoring and Funding Criteria	Minimum Eligibility Criteria (if any one of these criteria is not met, the application will be considered ineligible)	Maximum Points Possible
<u>Activity Eligibility</u> : The proposed grant-funded activities are eligible under this RFP.	All requested activities are eligible	Yes
<u>Project Map</u> : Map provided by the applicant clearly identifies the drainage system.	Map included that shows the drainage system where activities are proposed	10
<u>Operations and Maintenance(O&M)</u> : Applicants have identified who will be responsible for holding the easement or responsible for operations and maintenance of the proposed grant funded activities.	Landowners identified as the party responsible for O&M	10
<u>Priority System</u> : Applicants have identified the priority 103E system for the proposed activities and the rationale for its selection including the water resource of concern.	A single system is identified in a repair report or engineers preliminary survey report	20
<u>Partnering Efforts</u> : Clear description of efforts to coordinate with partnering organizations including reference to applicable agreements or resolutions supporting the proposal.	Written documentation of coordination from the respective organizations of intent to partner	10
<u>Landowner Coordination</u> : Clear description of efforts to coordinate with participating landowners.	Written documentation of coordination with participating landowners	10
<u>Water Quality Outcomes</u> : Clear demonstration of water quality outcomes proposed by the activity.	Outcomes provided	20
<u>Multipurpose Benefits</u> : Clear demonstration of the multipurpose benefits proposed by the activity.	Description of different benefits provided	20
<u>Cost Benefits</u> : If the activity is associated with a MS 103E.005 defined Drainage Project, a clear description of how the proposed activities are supplemental and not needed to ensure the Cost Benefits considerations.	The proposed activities are NOT associated with a 103E Drainage Project OR The applicant has documented that the 103E Drainage Project stands on its own merits and the proposed grant activities are supplemental.	Yes

<p><u>Outlet Adequacy:</u> If the activity is associated with a MS 103E.005 defined Drainage Project, a clear description of how the proposed activities are not needed to ensure the proposed project outlet is adequate.</p>	<p>The proposed activities are NOT associated with a 103E Drainage Project OR The applicant has documented that the 103E Drainage Project stands on its own merits and the proposed grant activities are supplemental.</p>	<p>Yes</p>
<p><u>Environmental or regulatory impacts:</u> The proposed grant funded activities are not being used to offset other environmental or regulatory impacts for this or another project.</p>	<p>Written confirmation provided by the applicant.</p>	<p>Yes</p>
	<p>TOTAL</p>	<p>100</p>

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	Soil Health Program Grants		
Meeting Date:	<u>October 25, 2023</u>		
Agenda Category:	<input checked="" 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 type="checkbox"/> Information
Keywords for Electronic Searchability:	<u>Soil Health Program Grant Staff Authorization</u>		
Section/Region:	<u>Resource Conservation Section</u>		
Contact:	<u>Tom Gile</u>		
Prepared by:	<u>Tom Gile</u>		
Reviewed by:	<u>Grants Program & Policy</u>	<u>Committee(s)</u>	
Presented by:	<u>Tom Gile</u>		
Time requested:	<u>25 minutes</u>		

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 checked="" type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Authorization of staff to finalize and release an RFP for Soil Health Staffing Grant program and a formula-based Soil Health Delivery Grant, which coincide to the extent possible with a pending NRCS RCPP Grant announcement this winter. Directs staff to provide regular updates.

LINKS TO ADDITIONAL INFORMATION

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

During the recent legislative session over \$33 million was appropriated to BWSR for Soil Health related activities. BWSR has also since applied for an NRCS RCPP grant totaling \$25 million. We are currently anticipating NRCS awards announcements this winter. We are asking to allow for a competitive program to increase soil health expertise locally, which will lead to direct increase in local partnerships and landowner engagement. In addition, we plan to distribute a non-competitive Soil Health Programing Grant, which will drive locally lead implementation of soil health related activities and practice installation. Our goal is to have both programs developed and timed as best as we can to coincide with the NRCS RCPP Awards announcement to maximize our proposed contribution with the NRCS Funding should we be awarded. Our state programing is also being designed so that it can function in the same manner with or without Federal Dollars in play providing us with greater flexibility to continue moving forward no matter the NRCS funding decisions.

DRAFT BOARD ORDER

Soil Health Practices Program: Staffing and Delivery Grants

PURPOSE

Authorizes staff to develop and issue a Request for Proposals (RFP) for a Soil Health Grant for staffing and authorizes staff to develop and distribute funding allocations for a Soil Health Staffing and Delivery Programs

FINDINGS OF FACT / RECITALS

1. The Board of Water and Soil Resources (Board) received funding and authorization for soil health grants from the following clean water and general fund appropriations:
 - A. Laws of Minnesota 2023, Regular Session, Chapter 40, Article 2, Section 6, paragraph (o): *\$6,039,000 the first year and \$6,038,000 the second year are for financial and technical assistance to enhance adoption of cover crops and other soil health practices to achieve water quality or drinking water benefits. The board may use grants to local governments and agreements with the United States Department of Agriculture, AgCentric at Minnesota State Center for Excellence, and other practitioners and partners to accomplish this work. Up to \$450,000 is for an agreement with the University of Minnesota Office for Soil Health for applied research and education on Minnesota's agroecosystems and soil health management systems; and*
 - B. Laws of Minnesota 2023, Regular Session, Chapter 60, Article 1, section 4, paragraph (k): *\$10,557,000 the first year and \$10,557,000 the second year are for soil health activities to achieve water quality, soil productivity, climate change resiliency, or carbon sequestration benefits consistent with Minnesota Statutes, section 103F.06. This is a onetime appropriation and is available until June 30, 2027. The board may use grants to local governments, including soil and water conservation districts, and agreements with the United States Department of Agriculture; the University of Minnesota, Office for Soil Health; AgCentric, Minnesota State Northern Center of Excellence; and other practitioners and partners to accomplish this work.*
2. "Soil Health" is defined in MN Statute Section 103C.101, Subd. 10a. "Soil Health" means the continued capacity of soil to function as a vital living system that sustains plants, animals, and humans. Indicators of soil health include water infiltration capacity; organic matter content; water holding capacity; biological capacity to break down plant residue and other substances and to maintain soil aggregation; nutrient sequestration and cycling capacity; carbon sequestration; and soil resistance.
3. Laws of Minnesota 2023, Chapter 60, Article 5, Section 15 establishes the Soil Health Practices Program in MN Statute Section 103F.06 to accomplish soil health activities to achieve water quality, soil productivity, climate change resiliency, or carbon sequestration benefits.
4. The Technical Training and Certification Program (TTCP) is a collaborative effort between MASWCD, MACDE, NRCS and BWSR which supports Soil and Water Conservation District (SWCD) capacity development, including provisions related to soil health.
5. The Board has authorities under Minnesota Statutes Section 103B.101 to award grants and contracts to accomplish water and related land resources management.

6. BWSR initiated the Pilot Cover Crop Program by Board Order #19-35 awarded funds to five SWCDs specifically to implement Soil Health Practices.
7. The Board is a sub-awardee of a USDA Climate Smart Commodities grant awarded to Virginia Tech (The Virginia Tech Alliance Project) in September of 2022, which will support soil health work in Minnesota and requires state-funded match.
8. On April 26, 2023, the Board adopted order #23-22 authorizing staff to implement the USDA Climate Smart Commodities Virginia Tech Alliance Project grant program.
9. On August 18, 2023, the Board of Water and Soil Resources submitted a \$25 million Regional Conservation Partnership Program (RCPP) application to the USDA - Natural Resources Conservation Service.
10. The Grants Program and Policy Committee, at their October 16, 2023 meeting, reviewed the proposed Soil Health Practices Program: Staffing and Delivery Grants process and recommended and recommended the Board approve this order.

ORDER

The Board hereby:

I. Soil Health Staffing

- A. Authorizes establishment of a Soil Health Staffing Grant Program consistent with MN Statutes Section 103F.06.
- B. Authorizes staff to use the scoring criteria identified in Table 1 to develop and issue a Request for Proposals (RFP) for the Soil Health Staffing Grant Program.
- C. Authorizes staff to assess and score the Soil Health Staffing Grants RFP responses.
- D. Authorizes staff to award Soil Health Staffing Grants consistent with the RFP responses and available funds and enter into agreements for program implementation.

II. Soil Health Delivery

- A. Authorizes the fiscal year 24-25 Soil Health Delivery Grant Program consistent with Chapter 103F.06.
- B. Authorizes staff to develop and distribute funding allocations for Soil Health Delivery Grants to support implementation activities consistent with the definition of soil health in Statute 103C.101, Subd.10a based on available funds.
- C. Authorizes staff to award Soil Health Delivery Grants and enter into agreements for program implementation.

III. Staff Direction

- A. Directs staff to regularly report to the Board on the status of Soil Health Staffing and Delivery Grants awarded.

Dated at St. Paul, Minnesota, this October 25, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Date: _____

Todd Holman, Chair
Board of Water and Soil Resources

Table 1. DRAFT Soil Health Staffing Request for Proposals – Scoring Criteria

DRAFT Soil Health Staffing Program	
Scoring Criteria	Maximum Points Possible
<u>Creating Supplemental Capacity:</u> The applicant clearly and concisely identified how the proposed staffing creates supplemental capacity to assist landowners in implementing soil health systems and to deliver soil health related programing.	30
<u>Partnerships:</u> The applicant intends to create new, or expand or enhance existing partnerships with a common vision of increasing utilization of soil health systems on production lands.	25
<u>Education and Outreach:</u> The applicant proposes specific efforts to enhance local understanding and knowledge around the soil health practices proposed. The applicant proposes specific efforts to increase direct landowner communications and engagement.	20
<u>Additional Expertise:</u> The applicant has ensured that the position will have credentialed technical expertise (e.g., Job Approval Authority, Technical Service Providers) or related experience to assist landowners in implementing soil health practices.	5
<u>Local Priority:</u> The applicant has participated or is participating in the implementation of a state approved, locally adopted plan that includes goals or actions for soil health related activities.	10
<u>Soil Health Focus:</u> The applicant has described the steps that will be taken to assure that the supplemental capacity will be used to deliver soil health related outcomes that make progress towards identified goals for soil health related activities.	10
Total Points Available	100

NEW BUSINESS

1. 2024 BWSR Board Meeting Schedule – John Jaschke – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2024 Proposed BWSR Board Meeting Schedule

Meeting Date: October 25, 2023

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Rachel Mueller

Prepared by: Rachel Mueller

Reviewed by: John Jaschke Committee(s)

Presented by: John Jaschke

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

Approve the 2024 board meeting dates.

LINKS TO ADDITIONAL INFORMATION

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

Meeting dates are being proposed for board meetings in 2024. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2023 calendar.



Board Resolution # _____

Board of Water and Soil Resources

Proposed 2024 meeting dates.

January 24

February – no meeting

March 27

April 24

May 22

June 26

July – no meeting

August 28-29 (Wed-Thurs) – Tour and meeting

September 25

October 23

November – no meeting

December 19 (third Thursday)

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____