

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
ST. PAUL, MN 55155  
WEDNESDAY, JANUARY 24, 2024**

**AGENDA**

**9:00 AM CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF DECEMBER 14, 2023 BOARD MEETING**

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

**INTRODUCTION OF NEW STAFF**

- Amie Wunderlich, Chief Financial Officer
- Wendy Murphy, Senior Financial Analyst
- Jennifer Hahn, Federal Conservation Programs Coordinator
- Luke Olson, 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 – Peder Kjeseth/Jeff Berg
- Minnesota Department of Health – Steve Robertson
- Minnesota Department of Natural Resources – Katie Smith
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Katrina Kessler/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. FY 24 Water Quality and Storage Grant Program – Rita Weaver – ***DECISION ITEM***

## **NEW BUSINESS**

1. Olmsted County Groundwater Protection and Soil Health Initiative – Skip Langer and Angela White – ***INFORMATION ITEM***
2. Vice Chair Election – John Jaschke – ***DECISION ITEM***

## **COMMITTEE RECOMMENDATIONS cont.**

### ***Northern Region Committee***

1. Boundary Change for the Bois de Sioux Watershed District and Upper Minnesota River Watershed District – Ron Staples, Ryan Hughes, and Pete Waller – ***DECISION ITEM***
2. Sand Hill River Comprehensive Watershed Management Plan – LeRoy Ose, Brett Arne, and Ryan Hughes – ***DECISION ITEM***

### ***Buffers, Soils, and Drainage Committee***

1. Drainage Legislative Report – Tom Gile – ***DECISION ITEM***

### ***Audit and Oversight Committee***

1. 2023 Performance Review and Assistance Program Legislative Report – Don Bajumpaa – ***DECISION ITEM***

## **UPCOMING MEETINGS**

- RIM Committee is scheduled for February 23<sup>rd</sup> at 9:00 in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for March 27<sup>th</sup> at 9:00 a.m. in St. Paul and by MS Teams.

## **ADJOURN**

# Water Quality and Storage Program Policy

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

**Version:** 2.0  
**Effective Date:** 01/24/24  
**Approval:** Board Order #

## Policy Statement

The Water Quality and Storage Program was established to provide financial assistance to local units of government and tribal governments to control water volume and rates to protect infrastructure, improve water quality and related public benefits, and mitigate climate change impacts. This program is authorized by Minnesota Statute 103F.05.

## Reason for the policy

The purpose of this policy is to provide clear expectations for the implementation of grants delivered through this program. More specific requirements or criteria may apply when specified by statute, rule, funding sources, or appropriation language.

Grantees are responsible for the administration and decisions concerning the use of these funds in accordance with applicable Minnesota Statutes, state agency policies, and other applicable laws. BWSR will use grant agreements as contracts for assurance of deliverables and compliance with applicable laws and program policies.

**The BWSR Grants Administration Manual provides the primary framework for management of these funds.**

## Applicant Eligibility

Eligible applicants include municipalities, towns, counties, soil and water conservation districts, watershed districts, or organizations formed for the joint exercise of powers, as defined under section 103B.305, subdivision 5, and includes tribal governments. LGU applicants must operate under a State approved and locally adopted local water management plan, comprehensive watershed management plan, watershed district plan, or soil and water conservation district (SWCD) comprehensive plan.

## Match Requirements

A minimum 10% match is required from non-state funds. The anticipated source(s) for the match shall be identified in the grant proposal. Activities listed as ineligible (see below) may not be counted towards match. Match can be provided by a landowner, land occupier (as defined in MN Statute 103C.101), local government or other non-State source and can be in the form of cash or the cash value of services or materials contributed to the accomplishment of grant objectives.

## Eligible Activities for Final Design and Construction Grants

Eligible activities must result in a reduction to peak flow rates and/or volumes to demonstrate a decrease in downstream flooding, improvement of water quality or related public benefits, or to mitigate climate change impacts. Grants may include any number of practices, but the practices cumulatively must reduce the peak runoff flow and/or volume at an area of interest (to be determined by the applicant). The area of interest must be identified at the time of application and an explanation provided of the flooding, water quality, or climate vulnerabilities at that location. Pre-project and post-project runoff hydrographs must be provided to quantify the reduction in peak flow rate and/or volume.

Examples of eligible practices include, but are not limited to:

- Ponds without permanent pools (Dry detention ponds)
- Ponds with permanent pools (Wet detention ponds)
- Water and Sediment Control Basins (WASCOBs )
- Wetland Construction or Restorations
- Improvements or retrofits of existing storage areas to increase storage capacity or retention time

Project lifespan must be at least 25-years and the applicant must develop an Operation and Maintenance plan that includes an inspection schedule, expectations for routine maintenance, and a financing system to ensure the design function of the project(s).

Eligible activities also include construction costs, project development, administration and coordination. Technical and engineering assistance necessary for design of these practices is essential and may be included in the project cost.

Payments for land protection including easement payment (temporary, perpetual, or flowage), pre-title acquisition payments, property acquisition costs, survey, title, and recording fees are eligible expenses under this grant. If any of the previous items are included in the application, the method to establish payment rates must be approved by the Board of Water and Soil Resources (BWSR) prior to approval of the workplan.

## Ineligible Expenses for Final Design and Construction Grants

- Activities that do not demonstrate a reduction in the hydrograph peak or volume at an area of interest.



- Activities that are multi-phase, multi-year storage systems (i.e. – the project must not rely on components that will be constructed at a later time in order to get the reduction in peak flow rates and/or volumes)
- Maintenance or repair of existing structures/storage projects.
- Activities that would negatively affect drinking water.
- Infrastructure installation and upgrades that would be required to meet Municipal Separate Storm Sewer System (MS4) General Permit Requirements for development or redevelopment.

### **Eligible Activities for Modeling and Conceptual Design Grants**

Eligible activities include the modeling of a stream or drainage system and conceptual design of the subsequently selected projects or practices within the modeled watershed. The intent of the proposed sites must be to reduce flooding, improve water quality, or mitigate climate change impacts and they must decrease the peak flow rate of the runoff hydrograph at an area of interest. The area of interest must be identified at the time of application and an explanation provided of the flooding, water quality, or climate vulnerabilities at that location.

Eligible activities include outreach, modeling, grant management, and administration. Technical and engineering assistance necessary for conceptual design of these practices is essential and may be included in the project cost.

### **Ineligible Activities for Modeling and Conceptual Design Grants**

- Modeling of one individual storage practice .
- Model development of a MS Chapter 103E public drainage system that consists of an Improvement. This modeling must be completed before the work plan is approved so that the grant funds will only be used to model the addition of storage on the system.
- Costs such as modeling software fees or development of new modeling software.

### **Technical Quality Assurance**

Grantees must identify the technical assistance provider(s) for the practice or project and their credentials for providing this assistance. The technical assistance provider(s) must have appropriate credentials for practice investigation, design, and construction. Credentials can include conservation partnership Job Approval Authority (JAA), also known as technical approval authority; applicable professional licensure; reputable vendor with applicable expertise and liability coverage; or other applicable credentials, training, and/or experience.

BWSR reserves the right to review the qualifications of all persons providing technical assistance and review the technical project design if a recognized standard is not available. See also the Technical Quality Assurances section of the Grants Administration Manual.

## Grant Work Plan and Reporting Requirements

To ensure the success of the program, development of grant work plans, regular reporting of expenditures, and technical assistance and accomplishments are required.

- a. **Grant Execution.** Grant agreement must be executed before work can begin on this grant and all work must occur within the grant period.
- b. **Grant Work Plan.** Work plans shall be developed in eLINK and must be approved before work can begin on this grant. Work plans shall reflect each eligible activity, a description of the anticipated activity accomplishments, and grant and match funding amounts to accomplish each of the activities.
- c. **Grant Reporting.** Descriptions of actual results and financial expenditures for each work plan activity must be reported in eLINK by February 1 of each year.
- d. **Grant Closeout.** Within thirty (30) calendar days of the expiration of each grant agreement or expenditure of all grant funds, whichever occurs first, grantees are required to provide a summary of all work plan accomplishments with grant funding in eLINK.

## BWSR Grant Administration Requirements

BWSR staff is authorized to review grant applicant's financial records to establish capacity to successfully manage state grant funds, develop grant agreements, including requirements and processes for work plans, project outcomes reporting, closeouts, and fiscal reconciliations. All grantees must follow the grant agreement and other applicable sections of the Grants Administration Manual.

In the event there is a violation of the terms of the grant agreement, BWSR will enforce the grant agreement and evaluate appropriate actions, up to and including repayment of grant funds at a rate up to 100% of the grant agreement.

## History

Version	Description	Date
1.0	Water Quality and Storage Program Policy - new	1/26/22
1.1	Revised to remove the requirement of reduction of peak flow or volume at the HUC12 scale.	1/25/23

Version	Description	Date
2.0	Moved program out of the pilot phase. Added the modeling and conceptual design grant option and updated to current eligible and ineligible activities. Change match requirement.	TBD



## Vice Chair Election

Please write the name of the BWSR Board member you are voting for to be the Vice Chair. The term of the vice chair is until January 2026.

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## BOARD ORDER

### Boundary change for the Bois de Sioux Watershed District and Upper Minnesota River Watershed District

#### PURPOSE

Approve a boundary change between the Bois de Sioux Watershed District and the Upper Minnesota River Watershed District.

#### RECITALS /FINDINGS OF FACT

1. A joint petition (Petition) for boundary change, dated June 23, 2023, from the Bois de Sioux Watershed District (BdSWD) and the Upper Minnesota River Watershed District (UMRWD), was received by the Board of Water and Soil Resources on July 31, 2023.
2. The boundary change described in the Petition would correct the watershed assessment designation of three parcels along the common boundaries of the watershed districts. The proposed change would result in the transfer of zero acres from BdSWD to UMRWD and transfer approximately 120 acres from UMRWD to BdSWD.
3. The Board has reviewed the Petition for conformance with state law and rule and has determined that the Petition is valid in accordance with Minn. Stat. § 103D.251.
4. Legal notice of filing on the Petition, pursuant to Minn. Stat. § 103D.251, was published in the Ortonville Independent on October 3, 2023 and October 10, 2023; the Traverse County Gazette News on October 4, 2023 and October 11, 2023; and the Northern Star on October 5, 2023 and October 12, 2023. Further, a copy of the notice of filing was sent to each affected city, county, and watershed district.
5. The legal notice of filing required within 30 days of the last date of publication of the notice, that at least one written request for hearing be received by the Board before a hearing will be held. The Board did not receive any written requests for a hearing therefore no hearing was held. The Board did not receive any comments on the Petition.
6. The Board assisted BdSWD and UMRWD through the boundary change petition process, providing guidance, comments, and recommendations. All relevant, substantive, and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a watershed district boundary change. The requested boundary change is consistent with the purpose and the requirements of Minn. Stat. § 103D.251. The boundary change, as proposed in the petition, would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. The boundaries of the BdSWD and the UMRWD as proposed in the Petition are more accurately based on the hydrology of the subject area than the present boundaries. The proposed boundary change should be approved per the petition. Therefore, Board staff recommends approval of the boundary change as petitioned.
7. On January 3, 2024, the Board's Northern Region Committee and staff met in Detroit Lakes to review and discuss the Petition. Members of the Committee that participated in the discussion included Committee Chair Rich Sve, Jeff Berg, Kurt Beckstrom, Theresa Ebbenga, Theresa Haugen, Todd Holman, LeRoy Ose, Neil Peterson, and Ron Staples. Board staff in attendance were Northern Region Manager Ryan Hughes. Board staff recommended approval of the boundary change. After discussion, the Northern Region Committee voted to recommend approval of the Petition.

**ORDER**

The Board hereby orders that the boundaries of the Bois de Sioux Watershed District and the Upper Minnesota River Watershed District are changed per the Petition as depicted on the maps, attached to this Order.

Dated at St. Paul, Minnesota, this January 24, 2024.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_  
Todd Holman, Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_



## BOARD ORDER

### Report to Legislature and Drainage Work Group (DWG) Policy Recommendation on Sunset Extension of Minnesota Statutes §103E.729

#### PURPOSE

- A. Authorize a report to the legislature on Drainage Work Group (DWG) deliberations related to a 2023 statutory requirement; and,
- B. Authorize BWSR Staff to work with DWG participants and the legislature to pursue a policy recommendation for a sunset date extension for §103E.729.

#### FINDINGS OF FACT / RECITALS

1. The Board has various authorities under Minnesota Statutes §103B.101, that include working with drainage stakeholders to foster mutual understanding and provide recommendations for drainage system management and related water management, including recommendations for updating the drainage law in Minnesota Statutes Chapter 103E and other related provisions, as prescribed in Minnesota Statutes §103B.101, subd. 13.
2. The board has and continues to convene an informal working group and work teams to develop information, education, and recommendations for these purposes known as the “Drainage Work Group” (DWG).
3. Laws of Minnesota 2023, chapter 60, article 1, section 4 (d) charged the Board of Water and Soil Resources and the DWG established under Minnesota Statutes, §103B.101, subd. 13, to evaluate and develop recommendations on the following subjects:
  - (1) the definition and application of outlet adequacy as provided in Minnesota Statutes §103E.261; and
  - (2) public notice requirements for proposed public drainage activities, including a drainage registry portal.and required the Board to submit a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources by February 1, 2024.
4. The DWG has and continues to utilize a DWG Process Summary (as adopted by the DWG on 10/11/2018) as a framework for developing and providing recommendations to the legislature on proposed amendments to Minnesota Statutes §103E.
5. Current Minnesota Statutes §103E.729 includes a sunset provision causing its expiration in 2024.
6. At its December 14, 2023, meeting the DWG agreed to recommend a 5-year extension of the Minnesota Statutes §103E.729 sunset provision.
7. The DWG and designated subcommittees met approximately eighteen times from to February 2023 to January 2024 to evaluate and develop recommendations on the definition and application of outlet adequacy as provided in Minnesota Statutes §103E.261, and on the public notice requirements for proposed public drainage activities, including a drainage registry portal.

8. The attached report was developed in coordination with the DWG including opportunities for feedback on two previous drafts from the participating members of the DWG.
9. The attached report, prepared by agency staff, represents the deliberations of the DWG on the above referenced topics.
10. The attached report does not represent consensus of the participating DWG members.
11. The Buffers Soils and Drainage Committee at their January 22, 2024, meeting reviewed the DWG recommendations and the attached report and recommended the Board approve this order.

**ORDER**

The Board hereby:

- A. Accepts the attached legislatively directed agency report on Drainage Work Group deliberations and authorizes it to be prepared in final form and transmitted to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources by February 1, 2024; and,
- B. Authorizes staff to work with DWG participants and the legislature to seek a 5-year extension to the §103E.729 sunset provision.

Dated at St. Paul, Minnesota, this January 24, 2024.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_

Todd Holman, Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_



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# Report to the Minnesota Legislature

Minnesota Public Drainage; Outlet Adequacy and Public Notice  
January 24, 2024

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DRAFT

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This report has been prepared for the Minnesota State Legislature by the Minnesota Board of Water and Soil Resources (BWSR) in pursuant to Minnesota Statutes, section 103B.101, subdivision 13 and Minnesota Laws 2023, Chapter 60, Article 1, section 4, paragraph (d).

Prepared by: Tom Gile, BWSR Resource Conservation Section Manager, tom.gile@state.mn.us.

The estimated cost of preparing this report (as required by Minn. Stat. 3.197) is:

Total staff time: 202 hours

Production/duplication: N/A

Total: \$46,266

BWSR is reducing printing and mailing costs by distributing reports and information to wider audiences in digital, online formats. This report can be made available in alternative formats upon request.

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DRAFT

## Introduction and Overview

During the 2023 legislative session the following language was enacted (Laws 2023, Chapter 60, Article 5, section 21):

*(a) The Board of Water and Soil Resources [BWSR] and the Drainage Work Group [DWG] established under Minnesota Statutes, section 103B.101, subdivision 13, must evaluate and develop recommendations on the following subjects:*

*(1) the definition and application of outlet adequacy as provided in Minnesota Statutes, section 103E.261; and*

*(2) public notice requirements for proposed public drainage activities, including a drainage registry portal.*

*(b) The Board must submit the report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources by February 1, 2024.*

The DWG was also directed to complete another task as provided in Laws of Minnesota Chapter 60, Article 1, section 4, paragraph (d):

*The Drainage Work Group must review a drainage authority's power under Minnesota Statutes, Chapter 103E, to consider the abandonment or dismantling of drainage systems; to re-meander, restore, or reconstruct a natural waterway that has been modified by drainage; or to deconstruct dikes, dams, or other water-control structures.*

This report addresses each of the directives identified above and also presents the DWG recommendation for the sunset language in Section 103E.729.

There are no consensus recommendations at this time with respect to “outlet adequacy” or “public notice requirements for proposed public drainage activities”. There is reasonable agreement that more time would be needed to effectively bring forward potential policy recommendations on these two topics.

Other tasks completed by the DWG during the past season include:

- 1) The DWG initiated efforts to assess Drainage Authority Powers during the past year which was legislatively directed and which does not require a legislative report.
- 2) While not a required part of this report, the DWG is supporting a recommendation to extend the sunset provision of 103E.729 for an additional five years via legislative action during the 2024 Legislative Session.

## Definition and Application of Outlet Adequacy

Drainage law specifies in Section 103E.261, subd. 4, that in order to authorize a new public drainage system or an improvement to an existing one, the drainage authority must determine that the “outlet” into which the system discharges will be “adequate.” Neither of these terms is explicitly defined, leading to uncertainty and disagreement as to both the scope of what is to be assessed and what is sufficient to show “adequacy”.

Short of providing more clarity in the statute, a common understanding among those involved in proposing or reviewing potential projects of both scope and assessment could improve the administration of drainage projects.

The DWG began discussions related to the use of “outlet adequacy” in October 2022.

The DWG agreed to convene a technical subcommittee to assess outlet adequacy which would examine the topic in more detail and provide preliminary assessment for the full DWG to consider. This report was intended to be a starting point for what would likely be an iterative process covering several detailed topic areas that fall under the concept and framework of “outlet adequacy”.

The technical subcommittee consisted of 16 individuals selected by state agencies, drainage authorities, watershed districts, agricultural organizations, and environmental groups. This subcommittee was charged to look at terms and methods used to evaluate outlets for drainage projects and if appropriate provide options and recommendations to make the evaluation of an outlet a more repeatable and defensible process. The efforts of the technical subcommittee should be commended as an important first step in the assessment of and future discussions on outlet adequacy by the DWG. Those efforts culminated in a technical report that was delivered to the DWG.

While a deadline for the technical subcommittee’s discussion in 2023 was not originally envisioned, the Technical Subcommittee Report was provided to the DWG on December 12, 2023, for their review and consideration. Areas of technical agreement and disagreement are presented in that report, with the intent that all topics may be discussed further by the full DWG and may require further assessment.

As of the writing of this legislative report, the DWG discussed the following items from the Technical Subcommittee Report: hydrograph duration, model calibration, approaches to modeling private drain tile, and if/how to model future conditions.

These items had consensus on the general scope and importance to a preliminary engineer’s report and the considerations of outlet adequacy. Members of the DWG generally agree that further development of consensus language addressing these topics should be completed by the DWG for inclusion in the Minnesota Public Drainage Manual. While there is consensus on these items, not all participating members of the DWG have indicated they are willing to move forward in considering application of those changes until they feel there is sufficient agreement on the larger assessment of outlet adequacy.

Items that did not have consensus at the subcommittee level included: how to consider water quality outside of channel scour, requirements if the existing outlet is unstable, and how the project may affect downstream conditions at times other than peak flow from the storm event.

The DWG did not have time to discuss these items prior to the preparation of this report, but they are planning to discuss each outstanding item and determine a path forward for each. This plan may include deciding the topic and adding recommendations to the Multi-Purpose Drainage Management, convening another subcommittee to discuss the topic further, or working through policy changes to address the item. At this time, the DWG does not have specific policy recommendations; however, there was strong support expressed at its last meeting for continued dialoged by the DWG to continue this work.

The efforts put into the Technical Subcommittee report and importance of the outlet adequacy assessment for drainage projects lead many members to support further work by the DWG to clarify and advance the overall understanding of the definition and application of outlet adequacy as provided in Minnesota Statutes, section 103E.261.

# Public Notice Requirements for 103E Activities

The legislative directive has been separated into two parts for the purposes of DWG deliberations and this report.

- 1) **Clarifying and Aligning Notice Requirements**
- 2) **Broader Notice**

## Clarifying and Aligning Notice Requirements

The DWG spent time at each meeting from June through December 2023 reviewing forms of notice and their application in 103E. That assessment identified 37 different sections of Chapter 103E that specify some form of public notice for a matter before the drainage authority. The type of notice, timing of notice, and who receives notice is specific in each of these 37 sections of statute.

As the statute has been amended over time, these sections read differently and, in some places, are ambiguous in describing the form of notice, the timing of notice, and who is to receive notice.

With a number of different activities requiring notice of a hearing and variation in timing and methods, it can be challenging to communicate and implement notice in a predictable manner. This is important from the perspective of informing the public and providing due process.

Variation and inconsistency in timing and methods also increases potential for administrative error which could imperil both the proposed project and due process. Administration of the drainage code would benefit by standardizing and bringing clarity to these many disparate notice provisions.

The DWG assessed each of the 37 sections that specify notice and sought to assess the forms and extent of notice that are warranted given the impact of the associated drainage activity on the physical system and its taxation/assessment consequences. This effort was valuable for the members to better understand the scope of drainage authority actions that currently require some form of notification.

Attorneys working with the DWG stakeholders also reviewed constitutional due process requirements so that modernization revisions of chapter 103E proposed by the DWG pass legal/constitutional muster for any future recommendations.

The DWG's work on this topic started with identifying specific areas to be evaluated:

- Establishing a more adaptable and uniform set of definitions for notice.
- Establishing a more uniform timing and method for giving notice.
- Incorporating these definitions and this consistent timing framework into the 37 sections of statute that currently call for notice.

Based on the above areas of evaluation, the DWG identified the following for future work to establish consensus on these items:

- DWG will consider an overarching notice framework to streamline timing and methods of notice.
- The DWG will consider application of the public notice framework to chapter 103E.
- The DWG will bring any consensus recommendations proposing modification of 103E to the legislature.

## Broader Notice.

Notice requirements for proceedings under the drainage law focus on landowners who pay for and benefit from drainage systems and to public agencies tasked with overseeing drainage activity that may have an impact on the state's natural resources. There is interest in improving options for notice of drainage projects to the general public that allows interested parties opportunity to engage in the process.

During the 2022 legislative session, a bill was introduced to establish a "Drainage Registry Portal". The language requested a searchable electronic database of all documents initiating proceedings and non-petitioned repairs under Minnesota Statutes, Chapter 103E. This bill was introduced without consideration by the DWG. The bill was not adopted by the legislature.

After the legislative session, this subject was on each DWG meeting agenda in June 2022 through February 2023. The DWG discussed many options including statutory notice requirements, reports to state agencies, repairs, early coordination, drainage authority websites, email notification through drainage authority websites, and email notification through a state agency process. Revisions were discussed on the language introduced in the prior legislative session as well; however, DWG consensus was not achieved.

A revised bill was introduced during the 2023 legislative session but was not adopted.

Instead, the legislature directed the DWG to consider public notice requirements for proposed public drainage activities, including a drainage registry portal.

When it became apparent the scope of the notice assessment was quite expansive, the Drainage Work Group formed a subcommittee to discuss public notice requirements for proposed public drainage activities as well as the drainage registry portal concept of early public notice. The subcommittee included representatives from Association of Minnesota Counties (AMC), Minnesota Watersheds (MW), Minnesota Center for Environmental Advocacy (MCEA), Friends of the Minnesota River Valley, the Minnesota Corn Growers Association, and the Minnesota Department of Natural Resources (DNR).

The subcommittee was tasked to respond to the legislative mandate to "to evaluate and develop recommendations on public notice including a drainage registry portal". That subcommittee met in November and December 2023.

As a set of recommendations was being developed, several members of the committee ceased participation in the subcommittee meetings and the committee discontinued meeting at that time. Therefore, the subcommittee concluded deliberations without bringing forward a set of recommendations. The DWG did not have an opportunity to consider further options given no specific recommendations from the subcommittee and the deadline associated with the legislative report.

Specific areas of evaluation on this topic included: modification of public notice to include web-based or electronic notice or to create a centralized database; timing of broadened notice, duration of notice (i.e., whether specific notice duration provide greater opportunity for comment and feedback); and information that should be made available via notice.

The DWG also has and may continue considering ways to advance web-based or electronic notice but did not fully vet ideas before finalizing this report.





# 2023 Performance Review and Assistance Program

Report to the Minnesota Legislature

January 24, 2024

**Minnesota Board of Water and Soil Resources**

520 Lafayette Road North

St. Paul, MN 55155

651-296-3767

[www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)

## 2023 PRAP Legislative Report

This report has been prepared for the Minnesota State Legislature by the Minnesota Board of Water and Soil Resources (BWSR) in partial fulfillment of Minnesota Statutes Chapter 103B.102, subdivision 3.

Prepared by Don Bajumpaa, PRAP Coordinator ([don.bajumpaa@state.mn.us](mailto:don.bajumpaa@state.mn.us))

The estimated cost of preparing this report (as required by Minn. Stat. 3.197) was:

Total staff time: \$3,500

Production/duplication: \$300

Total: \$3,800

BWSR is reducing printing and mailing costs by using the Internet to distribute reports and information to wider audiences. This report is available at [PRAP Legislative Reports | MN Board of Water, Soil Resources \(state.mn.us\)](#) and available in alternative formats upon request.

## MINNESOTA BOARD OF WATER AND SOIL RESOURCES Performance Review and Assistance Program (PRAP)

### Executive Summary

Since 2008, BWSR's Performance Review and Assistance Program has assessed the performance of the local units of government constituting Minnesota's local delivery system for conservation of water and related land resources. These local units of government include 88 soil and water conservation districts (SWCDs), 87 counties, 45 watershed districts (WDs) and 18 watershed management organizations (WMOs). The program goal is to assist these local government partners to be the best they can be in their management of Minnesota's land and water resources.

#### **PRAP focuses on three aspects of Local Governmental Unit (LGU) performance:**

- 1) Plan Implementation—how well an LGU's accomplishments meet planned objectives.
- 2) Compliance with performance standards—meeting administrative mandates and following best practices.
- 3) Collaboration and communication—the quality of partner and stakeholder relationships.

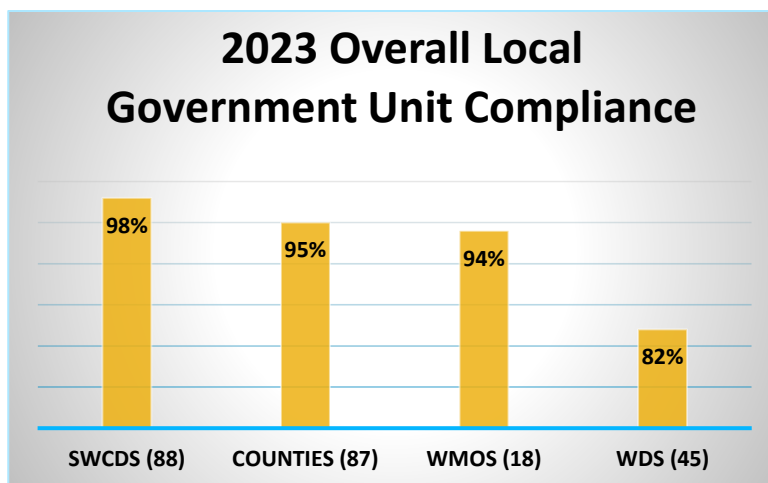
BWSR's PRAP uses four levels of review to assess performance ranging from statewide oversight in the statewide summary, to a focus on individual LGU performance in the Organizational Assessment, review of comprehensive watershed management plan progress in the Watershed-based Assessment, and Special Assessment for organizations needing additional assistance.

#### **2023 Program Summary**

- Hired and trained a new PRAP Coordinator
- Tracked 238 LGU's performance via Statewide Summary.
- Continued efforts to improve Statewide Summary performance review reporting of all LGUs through LGU cooperation and persistent follow-up by BWSR staff and increase compliance with SWCD audit requirements.
- Completed two Watershed-based Performance Reviews, with 17 LGU partners.
- Evaluated PRAP Program and developed changes to process materials based on findings.
- Emphasized the importance of measuring outcomes in PRAP Reviews, ways of demonstrating resource outcomes resulting from plan implementation, and set specific expectations for reporting resource outcomes to LGUs.
- Surveyed LGUs from 2020 Organizational Assessment PRAP review to track LGU implementation of PRAP recommendations.
- Monitored and review compliance with Action Items identified during Organizational Assessment review to measure progress toward the goal of 100% compliance within 18 months for required Action Items.
- Continued to promote PRAP Assistance Grant to enhance LGU organizational effectiveness.
- Updated Watershed-based PRAP Performance Standards checklist, guidance document and Survey questions for pilot Watershed-based PRAP process.
- Provided PRAP Assistance Grants for 5 local government units.
- Continued review of Wetland Conservation Act program implementation as part of Organizational Assessments to measure local government unit compliance.

## 2023 Results of Annual Tracking of 238 LGUs' Plans and Reports (PRAP Annual Statewide Summary)

In 2023, overall compliance with LGU plan revision and reporting requirements was 94%. All drainage buffer reports were submitted on time. The SWCD annual audit submittals greatly increased from the previous year. This was a new requirement for SWCDs in 2020. Staff efforts will continue in 2024 to identify issues with the audit submittals and improve overall LGU compliance. In 2023, reminders were sent out to improve compliance.



- **Long-range Plan Status:** the number of overdue plans is 1 in 2023 (*decreased from 4 in 2022*).
  - Counties: No water plans are overdue.
  - Soil and Water Conservation Districts: No plans are overdue.
  - Watershed Districts: One watershed management plan is overdue (Two Rivers WD).
  - Watershed Management Organizations: No watershed management plans are overdue.
- **LGUs in Full Compliance with Level I Performance Standards: 94%.**
  - Soil & Water Conservation Districts: 98% compliance (86/88).
  - County Water Management: 95% compliance (83/87).
  - Watershed Districts: 82% compliance (37/45).
  - Watershed Management Organizations: 94% compliance (17/18).

### Selected PRAP Program Objectives for 2024

- Track 238 LGUs' performance via Statewide Summary.
- Continue efforts to improve Statewide Summary performance review reporting of all LGUs through LGU cooperation and persistent follow-up by BWSR staff and increase compliance with SWCD audit requirements.
- Complete up to 18 performance reviews.
- Evaluate PRAP Program and make changes to processes and materials based on findings.
- Emphasize the importance of measuring outcomes in PRAP Reviews, ways of demonstrating resource outcomes resulting from plan implementation, and set specific expectations for reporting resource outcomes by LGUs.
- Survey LGUs from 2021 Organizational Assessment PRAP reviews to track LGU implementation of PRAP recommendations.
- Continue monitoring and reviewing compliance with Action Items identified during an Organizational Assessment review to measure progress toward the goal of 100% compliance within 18 months for required Action Items.
- Continue the promotion and use of PRAP Assistance Grants to enhance LGU organizational effectiveness.

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# What is the Performance Review & Assistance Program?

## Supporting Local Delivery of Conservation Services

PRAP is primarily a performance assessment activity conducted by the Minnesota Board of Water and Soil Resources (BWSR). The subjects of the assessments are the local governmental units (LGUs) that deliver BWSR's water and land conservation programs, and the process is designed to evaluate how well LGUs are implementing their long-range plans. The LGUs reviewed include soil and water conservation districts (SWCDs), watershed districts (WDs), watershed management organizations (WMOs), and the water management function of counties—a total of 238 distinct organizations. PRAP, authorized in 2007 (see Appendix A), is coordinated by one BWSR staff member, with assistance from BWSR's Board Conservationists and regional managers, who routinely work with these LGUs.

## Guiding Principles

PRAP is based on and uses the following principles adopted by the BWSR Board.

- Pre-emptive
- Systematic
- Constructive
- Includes consequences
- Provides recognition for high performance
- Transparent
- Retains local ownership and autonomy
- Maintains proportionate expectations
- Preserves the state/local partnership
- Results in effective on-the-ground conservation

The principles set parameters for the program's purpose of helping LGUs to be the best they can be in their operational effectiveness. Of note is the principle of proportionate expectations. This means that LGUs are rated on the accomplishment of their own plan's objectives. Moreover, BWSR rates operational performance using both basic and high-performance standards specific to each type of LGU. (For more detail see <https://bwsr.state.mn.us/prap>)

## Current Multi-level Structure

PRAP has three operational components:

- performance review
- assistance
- reporting

The **performance review** structure for 2023 includes an Annual Statewide Summary and three types of assessment.

**Statewide Summary** review is an annual tabulation of required plans and reports for all 238 LGUs. The Statewide Summary review is conducted entirely by BWSR staff and does not require additional input from LGUs.

**Organizational Assessment** is a routine, interactive review intended to cover all LGUs at least once every 10 years. An Organizational Assessment evaluates progress on plan implementation, operational effectiveness, and partner relationships. This review includes assessing compliance with Level II performance standards. No organizational assessments were completed in 2023.

Organizations were assessed through the Watershed-based Assessment process.

**Watershed-based Assessment** is a routine review conducted with partnerships of local governments working together to implement comprehensive watershed management plans (CWMPs) developed through the One Watershed, One Plan Program. This review occurs at roughly the five-year plan adoption point, evaluates progress on plan implementation and analyzes partners working relationships. Two watershed-based assessments were completed in 2023 and involved a total of 17 LGUs.

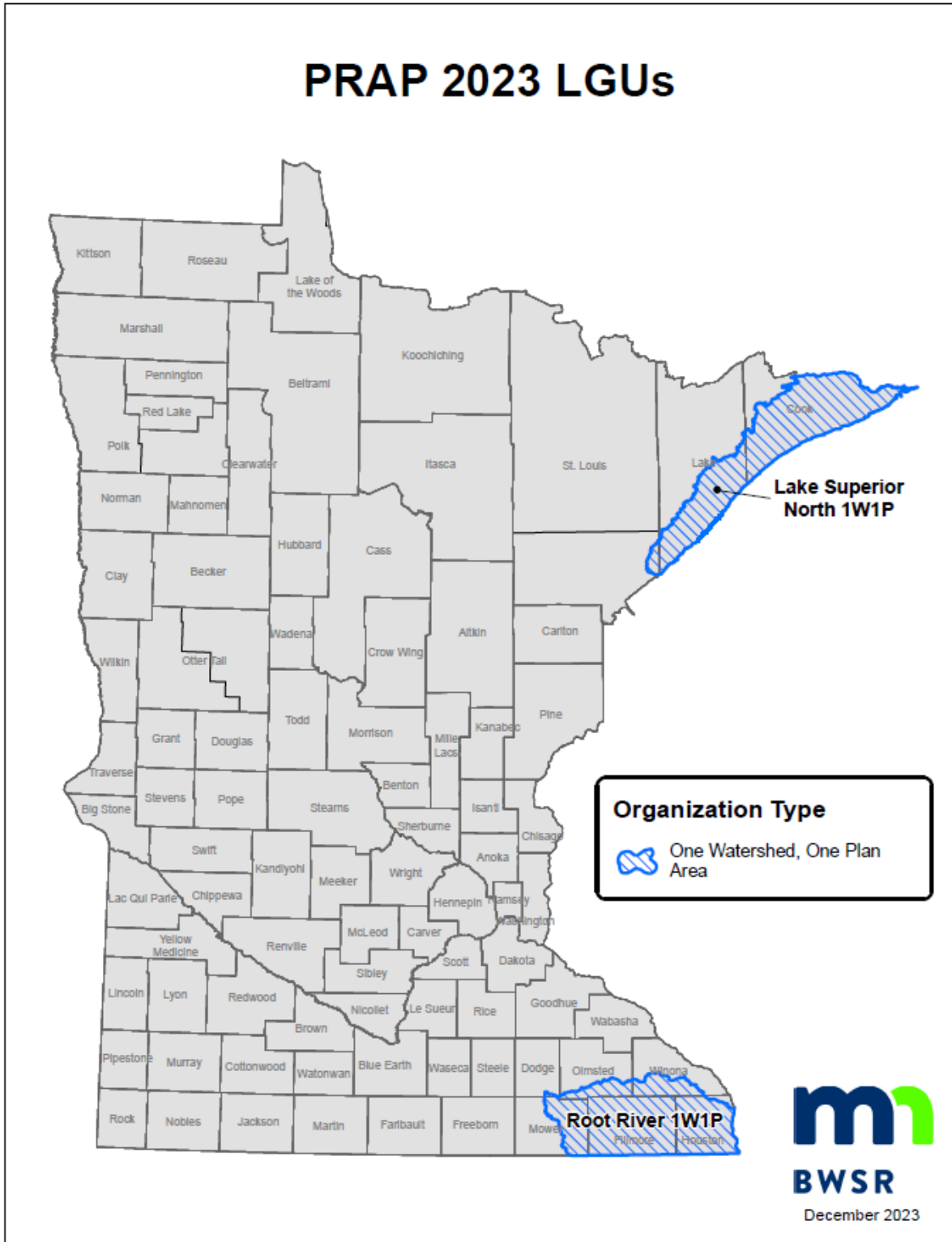
**Special Assessment** is an in-depth assessment of an LGU faced with performance challenges. A Special Assessment is initiated by BWSR or the LGU and usually involves targeted assistance to address specific performance needs. BWSR regularly monitors all LGUs for challenges that would necessitate a Special Assessment. No Special Assessments were completed in 2023.

**Assistance** (pages 11-12). In 2012, BWSR began awarding PRAP assistance grants to assist LGUs in obtaining practical and financial assistance for organizational improvements or to address performance issues. The grants are typically used for consultant services for activities identified by the LGU or recommended by BWSR in a performance review. In 2023 BWSR awarded five PRAP assistance grants to LGUs.

**Reporting** (pages 13-14) makes information about LGU performance accessible to the LGUs' stakeholders and constituents. Reporting methods specific to PRAP include links to performance review summaries and this annual report to the Legislature, which can be accessed via the PRAP page on BWSR's website <https://bwsr.state.mn.us/prap-legislative-reports>. In addition, the PRAP Coordinator presents results from Organizational Assessment performance reviews to LGU boards at the completion of the review, and to additional boards/committees upon request.

### **Accountability: From Measuring Effort to Tracking Results**

The administration of government programs necessitates a high degree of accountability. PRAP was developed, in part, to deliver on that demand by providing systematic local government performance review and then reporting results. In 2017, BWSR added review of local government units' implementation of the Wetland Conservation Act program.





# Report on PRAP Performance

## BWSR’s Accountability

BWSR continues to hold itself accountable for the objectives of the PRAP program. In consideration of that commitment, this section lists 2023 program activities with the corresponding objectives from the 2022 PRAP legislative report.

### PERFORMANCE REVIEW OBJECTIVES

What We Proposed	What We Did
Track 238 LGUs’ performance via Statewide Summary	All LGUs were tracked for basic plan and reporting compliance. Overall, Level I performance in 2023 was 94% compliance, the same as 2022. Overdue long-range water management plans totaled 1 in 2023.
Continue efforts to improve Statewide Summary performance review reporting of all LGUs through cooperation and persistent follow up by BWSR staff.	WD compliance dropped to 82% in 2023 as compared to 84% in 2022. In 2023, 94% of Watershed Management Organizations met reporting or auditing requirements, as compared to 100% in 2022.
Evaluate PRAP Program and make changes to processes and materials based on findings.	Worked with Management Analysis and Development division to conduct an evaluation of the PRAP program to identify areas for improvement and efficiencies.
Complete 4 Watershed-based Assessments with partnerships of local governments working together to implement comprehensive watershed management plans (CWMPs) developed through the One Watershed, One Plan Program	Completed two Watershed-based Assessments in the Lake Superior North and Root River Watersheds. The decreased number of assessments completed in 2023 is due to an intentional reduction to complete the PRAP program evaluation, and due to turnover in the PRAP coordinator position.
Complete up to 2 Special Assessments, if needed, in 2023.	Discussed need for Special Assessment with BWSR Regional Managers and Organizational Effectiveness Manager and concluded that no Special Assessments were needed in 2023.
Survey LGUs from 2020 Organizational Assessment PRAP reviews to track LGU implementation of PRAP recommendations.	In 2020, 17 LGUs were reviewed. Of the 17, three LGUs received a total of four action items, each of which was implemented within 18 months.
Continue monitoring and reviewing compliance with Action Items identified during an Organizational Assessment review. This will allow us to determine if we are meeting the goal of 100% compliance within 18 months established for required Action Items.	All Action Items identified during the 2023 Watershed-based Assessments were assigned an 18-month timeline for completion.

<p>Continue evaluating and updating protocol for PRAP Statewide Summary and Organizational Assessment reviews for performance-based funding for implementation of watershed based One Watershed-One Plans.</p>	<p>PRAP Coordinator utilized PRAP Assessment material in the Pilot Watershed-based PRAP for the Yellow Medicine Watershed Partnership. The Watershed-based PRAP Assessment includes one part devoted to Watershed Based Implementation Funding/assessment and is completed with assistance from the Board Conservationist.</p>
<p>Work with BWSR Water Planning Team to develop protocol for tracking, assessment, evaluation and reporting for One Watershed, One Plans.</p>	<p>Maintained membership on Water Planning Team. This effort will continue as the Team evaluates protocol on an ongoing basis.</p>

**ASSISTANCE OBJECTIVES**

<p><b>What We Proposed</b></p>	<p><b>What We Did</b></p>
<p>Continue the promotion and use of PRAP Assistance Grants to enhance LGU organizational effectiveness.</p>	<p>The PRAP assistance grant program was updated in 2021 to acknowledge the need for partnerships, newly formed or existing to access adequate assistance funding for their development. Beginning in 2021 partnerships are eligible for up to \$20,000 in assistance funds, while individual LGUs remain eligible for up to \$10,000. LGUs funded in 2023 include Fillmore SWCD (review and update job descriptions and pay scale), Technical Service Area 7 (strategic workload analysis and staffing needs), Aitkin SWCD (strategic planning and staffing plan), Cass SWCD (strategic planning and staffing needs), and Morrison SWCD (strategic planning and staffing. Total grant funds awarded in 2023 is \$54,900.</p>

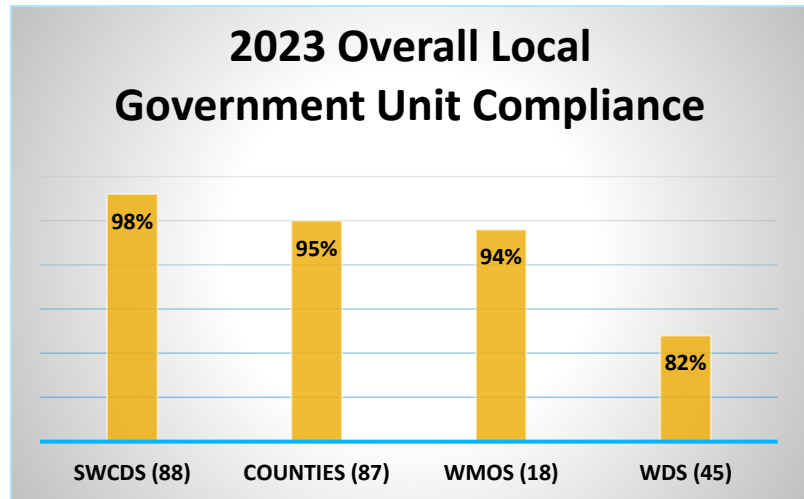
**REPORTING OBJECTIVES**

<p><b>What We Proposed</b></p>	<p><b>What We Did</b></p>
<p>Provide leadership in communicating the importance of measuring outcomes in Watershed-based Assessments and Organizational Assessment performance reviews, ways of demonstrating resource outcomes resulting from plan implementation, and set specific expectations for reporting resource outcomes by LGUs.</p>	<p>In 2023, two Watershed-based Assessments were completed with watershed partners in the Lake Superior North and Root River watersheds. These Watershed-based Assessments measured the watershed partners progress towards their plan goals and whether assurance measures for Watershed-based Implementation funding are being met. Monitoring plan progress and compliance with assurance measures will continue to be a requirement of the comprehensive watershed management plans developed via the One Watershed One Plan program.</p>

## 2023 LGU Performance Review Results

### Statewide Summary Results

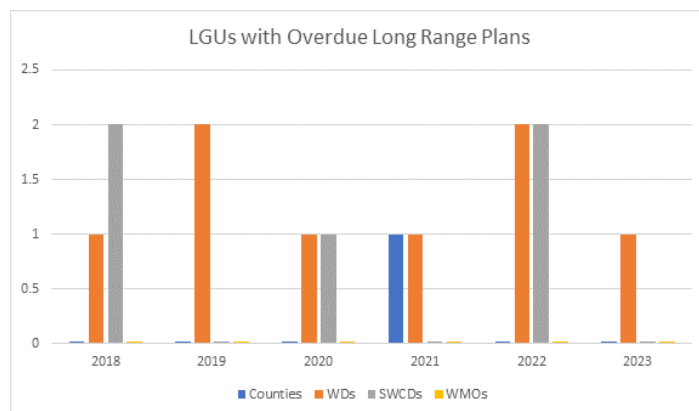
The Annual Statewide Summary monitors and tabulates all 238 LGUs’ long-range plan updates and their annual reporting of activities, ditch buffer reports, grants, and finances. BWSR tracks these performance measures each year to provide oversight of legal and policy mandates, but also to screen LGUs for indications of potential problems. Chronic lateness in financial or grant reporting, for example, may be a symptom of operational issues that require BWSR assistance.



Overall, LGU compliance with Level I standards increased to 94% in 2023. BWSR began tightening Level I compliance tracking in 2013, and compliance percentages have remained high from 2018-2023, as seen above.

### Long-range plans

BWSR’s legislative mandate for PRAP includes a specific emphasis on evaluating progress in LGU plan implementation. Therefore, helping LGUs keep their plans current is basic to that review. The Annual Statewide Summary tracks whether LGUs are meeting their plan revision due dates. For this review, LGUs that have been granted an extension for their plan revision are not considered to have an overdue plan.



Many Local Water Management plans were operating under extensions granted by the BWSR as LGUs continue transitioning to development of One Watershed One Plans. The number of overdue in 2023 has decreased from 2022. Just one Watershed District water management plan is overdue at the end of 2023. No county local water plan and watershed management organization plans have expired as of December 31, 2023. Local government units without an approved water management plan are not eligible for Clean Water grant funds awarded by BWSR.

Appendix D (page 21) lists the LGUs whose plans are overdue for a plan revision.

### **Annual activity and grant report**

LGU annual reports are an important means of providing citizens and BWSR with information about LGU activities and grants expenditures. The Annual Statewide Summary review tracks both missing and late reports.

In 2023, there was complete on-time submittal of drainage system buffer strip reports by both County and WD drainage authorities. Of the 96 LGUs that must submit annual buffer reports, 100% met the February 1, 2023, deadline, maintaining the 100% reporting compliance achieved from 2015 through 2022. This continued compliance is attributed to persistent efforts by BWSR staff to contact LGUs with missing reports before the due date.

SWCDs and counties maintained a high level of compliance for on-time submittal of grant status reports via BWSR's on-line eLINK system. In 2023, 99% of LGUs met the reporting deadline compared with 99% in 2022, 99% in 2021, 98% in 2020, 98% in 2019, and 97% in 2018.

Watershed district compliance with the annual activity report requirement dropped slightly in 2022 with 84% compliance, this compared to 89% in 2022, 91% in 2021, 89% in 2020, and 87% in 2019. Continued improvement in reporting will continue to be an objective of BWSR staff in 2023, with a goal of reaching 100% compliance.

Appendix E (page 22) contains more details about reporting.

### **Annual financial reports and audits**

Starting in 2020, all SWCDs were required to prepare annual audits of their financial record and submit audited financial statements to BWSR. A reminder was sent out to SWCDs regarding the due date for audit report submissions to BWSR.

Watershed Districts and WMOs are also required to prepare annual audits. In 2023 82% of WDs met the audit performance standard, compared to 89% in 2022. In 2023, 94% of WMOs met this standard, as compared to 100% in 2022. See Appendix F (page 23) for financial report and audit details.

BWSR does not track county audits because counties are accountable to the Office of the State Auditor.

### **Performance Review Results**

There have been significant changes in the way that Minnesota approaches water management since PRAP started in 2008. In particular, the transition to watershed-based management plans have changed the way water planning is occurring at a local level. In 2023, BWSR determined that an evaluation of the PRAP program was needed to review the effectiveness of the program and to identify any areas for improvement or efficiencies.

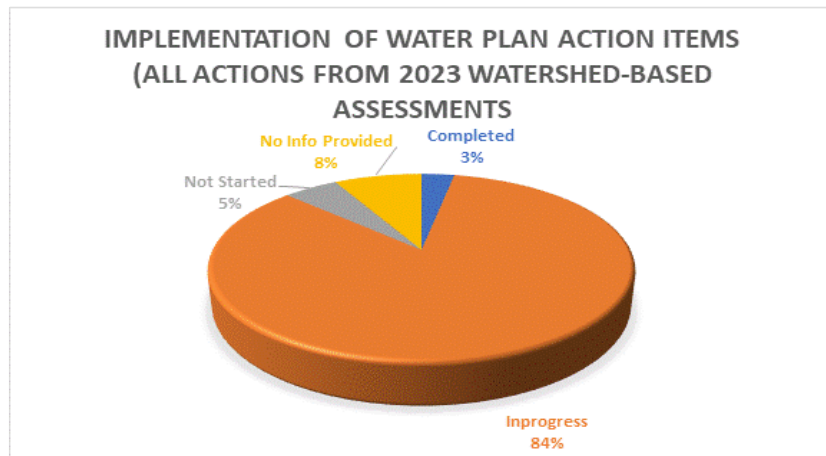
The program evaluation occurred between January and June of 2023. This work, in conjunction with a vacancy in the PRAP coordinator position and necessary onboarding and training for a new coordinator resulted in just two of the four watershed-based reviews scheduled for 2023 being completed.

In 2023, BWSR conducted Watershed-based PRAP Assessments for two Comprehensive Watershed Based Management Plans: **Lake Superior North and Root River Watersheds.**

Appendix G (pages 24-38) contains summaries of the 2023 performance review reports. Full reports are available from BWSR by request.

### Implementation of Water Plan Action Items

Two Watershed-based Assessments were completed in 2023 to review progress made towards their One Watershed, One Plans (Lake Superior North and Root River Watersheds). Those plans identified a combined 257 action items. Of those action items, 215 had at least some progress made, with 8 actions being completed, and 13 action items that were not started or dropped. Eighty-four percent of the total actions were implemented to some extent (either completed or ongoing).



### Common Recommendations in 2023

While none of the findings or conclusions from these reviews apply to all LGUs, there were general observations and commonly used recommendations to improve LGU performance worth noting.

- 1. Increase engagement with Advisory Committee (including stakeholders).** Working to improve engagement of Advisory Committee members is extremely important. Individuals from Advisory Committees have a unique skillset and are great resources. Additional steps to engage Advisory Committee members should be built into a Partnership's annual plan of work, activities, and process.
- 2. Evaluate Establishing Adjustable Cost-Share Rates based on Priority Levels/Locations.** Evaluating projects based on highest priority areas, reviewing adjustable rates based on location, and considering cost effectiveness are very important considerations when ranking projects. There are many examples throughout the state of ranking forms and spreadsheets.
- 3. Tailor Educational Messaging to Reach Goals.** Tailoring educational messaging and resources is an important aspect of reaching specific watershed and sub-watershed goals. Narrowing and focusing messaging is necessary to reach the intended audiences. Partnerships should determine what skillsets are needed to meet plan goals, and evaluate which skillsets are currently provided by partnership staff. If the existing partners do not have the time or available resources, consider options for shared services, or outside contracting.
- 4. Annually Conduct Work Planning Exercise.** The PRAP Assessment is intended to assist local governments in determining progress towards plan goals and activities. It is important to continually reevaluate activities throughout the life of the plan to determine whether the activity is still relevant or whether modifications are needed.
- 5. Improve Plan Progress Tracking and Consider Articulating Goals in Concrete/Measurable Fashion in Future Plan Amendments.** Tracking plan progress is an important component of evaluating partnership success. Partnerships should continue to work to improve tracking, communication/coordination, and articulate success. For future plan amendments, existing goals should be modified using concrete, measurable language when possible.

### Action Items

During Performance Review Assessments, an LGU’s compliance with performance standards is reviewed. Action items are based on the LGU’s lack of compliance with BWSR’s basic practice performance standards. LGU’s are given an Action Item in the PRAP Report to address lack of compliance with one or more basic standards.

All Action Items identified during the 2023 PRAP Assessment reviews will be verified within 18 months to ensure completion. A PRAP follow-up survey demonstrated that all four of the action items assigned for 2020 LGUs were implemented within 18 months.

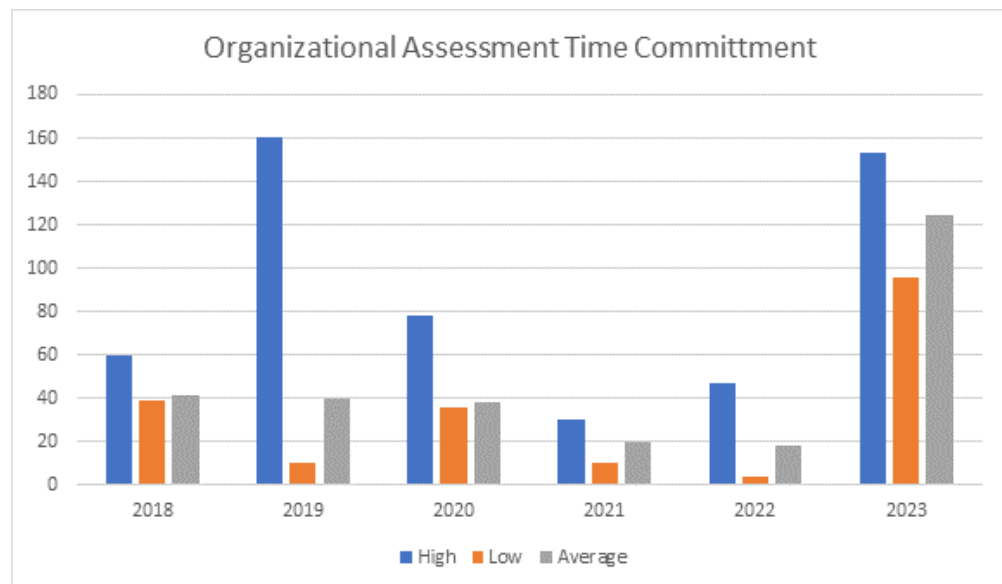
### Special Assessment Results

No Special Assessment reviews were completed in 2023 as there was no expressed desire by BCs or regional supervisors to conduct this level of review on any LGUs.

### Performance Review Time

BWSR tracks the time spent by LGUs in a performance review as a substitute for accounting their financial costs. Factors affecting an LGU’s time include the number of action items in their long-range plan, the number of staff who help with data collection, and the ready availability of performance data.

In 2023, LGU staff spent an average of about 125 hours on their Watershed-based Assessment, higher than the previous year’s Watershed-based assessment (Yellow Medicine). The amount of LGU staff time to conduct the Watershed-based Assessment is trending higher than an Organizational



Assessment because it includes time from several LGUs as compared to a single LGU. Not including overall performance review administration and process development, BWSR staff spent an average of 90 hours for each Watershed-based Assessment. This is consistent with the amount of time spent (90 hours) on the Yellow Medicine Watershed-based Assessment in 2022 and slightly higher than the time spent on Organizational Assessments (65 hours) in 2022.

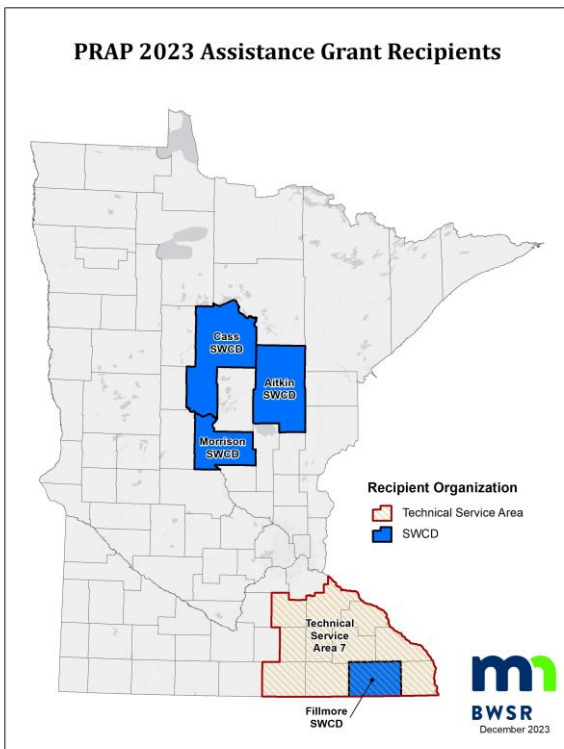
BWSR seeks to maintain a balance between getting good information and minimizing the LGU time required to provide it. Our goal is to gather as much pertinent information as needed to assess the performance of the LGU and offer realistic and useful recommendations for improving performance.



## Assistance Services to Local Governments

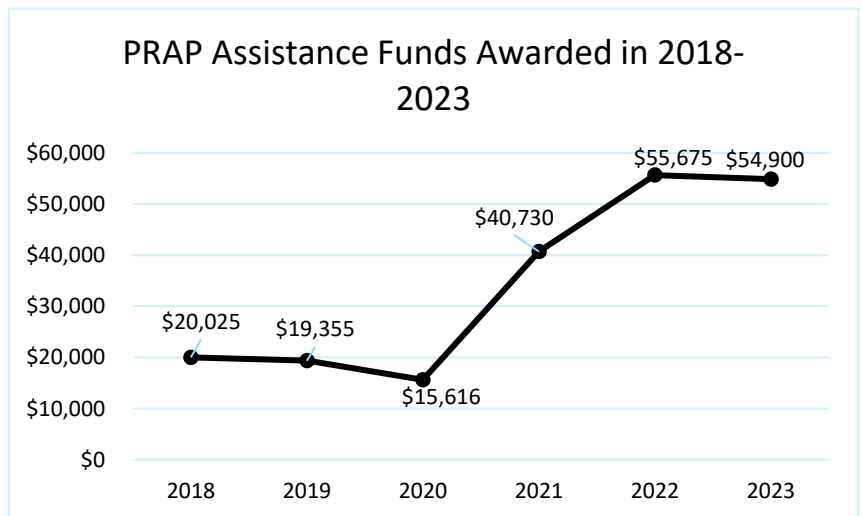
### PRAP Assistance Program

In 2012, BWSR developed the PRAP Assistance program to provide financial assistance to LGUs for improving operating performance and executing planned goals and objectives. Since the program started, more than \$290,000 has been awarded to LGUs around Minnesota. Priority is given to applicants submitting projects related to eligible PRAP Organizational Assessment or Special Assessment recommendations, but other organizations are also eligible. The grants are made on a cost-share, reimbursement basis with a cap of \$10,000 per single LGU or \$20,000 for partnerships applying as a group. The application process requires basic information about the need, the proposed use of funds, a timeline, and the source of match dollars. BWSR staff assess the LGU need as part of the application review process, and grants are awarded on a first-come, first-serve basis if funds are available.



In 2015, the BWSR Board delegated authority to the Executive Director to award grants or contracts for the purpose of assisting LGUs in making organizational improvements (see resolution in Appendix B). The Executive Director regularly informs Board members of assistance grant status.

In calendar year 2023, PRAP Assistance Grants were provided for Fillmore SWCD, Technical Service Area 7, Cass SWCD, Aitkin SWCD and Morrison SWCD. Board Conservationists were encouraged to work with LGUs who could benefit from PRAP Assistance grants. LGUs undergoing an Organizational Assessment were also notified of PRAP assistance funding when recommendations were made for activities that would be eligible for PRAP funds.



The awarded funds will be used for the development of operating policies, organizational assessments, strategic planning, and goal setting.

The application information for PRAP assistance grants can be found in Appendix C (pg. 19-20).

Potential applicants can find information on the BWSR website <http://www.bwsr.state.mn.us/PRAP/index.html>.

# Reporting

## Purpose of Reporting

BWSR reports on LGU performance to:

- meet the legislative mandate (M.S. 103B.102) to provide the public with information about the performance of their local water management entities, and
- provide information that will encourage LGUs to learn from one another about methods and programs that produce the most effective results.

## Report Types

PRAP either relies on or generates different types of reports to achieve the purposes listed above.

### LGU-Generated

These include information posted on the LGU websites and the required or voluntary reports submitted to BWSR, other units of government, and the public about fiscal status, plans, programs, and activities. These all serve as a means of communicating what each LGU is achieving and allow stakeholders to make their own evaluations of LGU performance. PRAP tracks submittal of required, self-generated LGU reports in the Statewide Summary review process.

### BWSR Website

The BWSR website contains a webpage devoted to PRAP information. The site provides background information on the program including:

- Guiding principles for the program
  - a description of the three types of assessments (Organization, Watershed-Based and Special Assessment)
  - Application information for PRAP grants
  - Background on the PRAP Legislative Report
  - Description of the Annual Statewide Summary
- For more information see: <https://bwsr.state.mn.us/prap>

The BWSR website also includes regularly updated maps of long-range plan status by LGU type. Visitors to the PRAP webpage can find general program information, tables of current performance standards by LGU type, summaries of Organizational Assessment performance review reports, and copies of annual legislative reports.

### Performance Review Reports

BWSR prepares a report containing findings, conclusions, and recommendations for each LGU subject of an Organizational Assessment performance review. The LGU lead staff and board, or water plan task force members receive a draft of the report to which they are invited to submit comments. BWSR then sends a final report to the LGU. A one-page summary from each review is included in the annual legislative report (see Appendices G and H).

### Annual Legislative Report

As required by statute (M.S. 103B.102, Subd. 3), BWSR prepares an annual report for the legislature containing the results of the previous year's program activities and a general assessment of the performance of the LGUs providing land and water conservation services and programs. These reports are reviewed and approved by the BWSR board and then sent to the chairpersons of the senate and house environmental policy committees, to statewide LGU associations and to the office of the legislative auditor.



**Recognition for Exemplary Performance**

The PRAP Guiding Principles include a provision for recognizing exemplary LGU performance. Each year this legislative report highlights those LGUs that are recognized by their peers or other organizations for their contribution to Minnesota’s resource management and protection, as well as service to their local clientele. (See Appendix I, page 43).

For those LGUs that undergo an Organizational or Watershed-based Assessment, their report lists “commendations” for compliance with each high-performance standard, demonstrating practices over and above basic requirements. The Root River Partnership and the Lake Superior North Watershed Partnership received the following commendations in 2023:

- Involving the policy committee or board in project funding discussions and decision making.
- Shared service opportunities leveraged between partners.
- Updating and reviewing committee membership lists regularly.
- Training efforts are made to policy committee on watershed related topics.
- Coordinating with County Board, SWCD Board, WD Board, Township officials.
- Cooperative projects/tasks with neighboring organizations, such as counties, SWCDs, WDs, tribal governments, and Non-Governmental Organizations.

## Program Conclusions and Future Direction

### Conclusions from 2023 Reviews

**All Action Items identified during 2023 Watershed-based Assessment PRAP were assigned an 18-month timeline for completion.** In 2023, BWSR completed follow up of all Organizational Assessment (previously Level II review) PRAPs for the year 2020.

**Action Items from previous Organizational Assessment PRAP are being implemented.**

In 2020, three organizations received a total of four action items, each of which were implemented within 18 months.

- **Common recommendations for watershed partners in 2023 was to Annually Conduct a Work Planning Exercise, Improve Plan Progress Tracking, and Consider Articulating Goals in a Concrete/Measurable Fashion in Future Plan Amendments.** These recommendations will help watershed partnerships recognize the successes they've achieved, determine progress they've made towards plan goals and activities, and help them to determine which planned activities are still relevant.

**Reminders and incentives contribute significantly to on-time reporting by LGUs.** Overall LGU reporting performance and non-expired plans improved in 2023. Buffer strip reporting was maintained at full LGU compliance after reaching 100% compliance in 2015 through 2023 which can be attributed to close attention from BWSR staff. Overall compliance also improved to 94% in 2023, compared to 92% in 2022.

### PRAP Program Evaluation

In January 2023, the Minnesota Board of Water and Soil Resources (BWSR) contracted with Management Analysis and Development (MAD) to evaluate the core components of the Performance Review and Assistance Program (PRAP) and make recommendations for internal process improvements. Information for the evaluation was gathered through a series of interviews with BWSR staff, and with LGU partner staff that had been part of the PRAP review within the last 2 years, document review and process mapping.

Feedback about the program was generally positive, and it appears that BWSR and LGU partners find value in the reviews. The report also provided recommendations on how to improve the program moving forward. In 2024 BWSR will prioritize the recommendations and begin to integrate changes into the program implementation.

## **PRAP Program Objectives for 2024**

- Track 238 LGUs' performance via Statewide Summary (previously identified as Level I).
- Continue efforts to improve Statewide Summary performance review reporting of all LGUs through LGU cooperation and persistent follow-up by BWSR staff and increase compliance with SWCD audit requirements.
- Complete up to 18 Performance Reviews.
- Use recommendations from the 2023 PRAP program evaluation to make changes to the program and associated processes.
- Emphasize the importance of measuring outcomes in PRAP Reviews, ways of demonstrating resource outcomes resulting from plan implementation, and set specific expectations for reporting resource outcomes by LGUs.
- Survey LGUs from 2021 Organizational Assessment PRAP reviews to track LGU implementation of PRAP recommendations.
- Continue monitoring and reviewing compliance with Action Items identified during an Organizational Assessment review to measure progress toward the goal of 100% compliance within 18 months for required Action Items.
- Continue the promotion and use of PRAP Assistance Grants to enhance LGU organizational effectiveness.

# Appendix A

## PRAP Authorizing Legislation

### 103B.102, Minnesota Statutes 2013

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#### **103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.**

##### **Subd. 1. Findings; improving accountability and oversight.**

The legislature finds that a process is needed to monitor the performance and activities of local water management entities. The process should be preemptive so that problems can be identified early and systematically. Underperforming entities should be provided assistance and direction for improving performance in a reasonable time frame.

##### **Subd. 2. Definitions.**

For the purposes of this section, "local water management entities" means watershed districts, soil and water conservation districts, metropolitan water management organizations, and counties operating separately or jointly in their role as local water management authorities under chapter 103B, 103C, 103D, or 103G and chapter 114D.

##### **Subd. 3. Evaluation and report.**

The Board of Water and Soil Resources shall evaluate performance, financial, and activity information for each local water management entity. The board shall evaluate the entities' progress in accomplishing their adopted plans on a regular basis as determined by the board based on budget and operations of the local water management entity, but not less than once every ten years. The board shall maintain a summary of local water management entity performance on the board's Web site. Beginning February 1, 2008, and annually thereafter, the board shall provide an analysis of local water management entity performance to the chairs of the house of representatives and senate committees having jurisdiction over environment and natural resources policy.

##### **Subd. 4. Corrective actions.**

(a) In addition to other authorities, the Board of Water and Soil Resources may, based on its evaluation in subdivision 3, reduce, withhold, or redirect grants and other funding if the local water management entity has not corrected deficiencies as prescribed in a notice from the board within one year from the date of the notice.

(b) The board may defer a decision on a termination petition filed under section [103B.221](#), [103C.225](#), or [103D.271](#) for up to one year to conduct or update the evaluation under subdivision 3 or to communicate the results of the evaluation to petitioners or to local and state government agencies.

##### **History:**

*[2007 c 57 art 1 s 104](#); [2013 c 143 art 4 s 1](#)*

# Appendix B

## Board Authorization of Delegation for PRAP Assistance Grants



BOARD DECISION # 21-22

### BOARD ORDER

#### Performance Review and Assistance Program (PRAP) Assistance Service Grants

##### PURPOSE

Authorize PRAP Assistance services and delegate approval of payment to the Executive Director.

##### FINDINGS OF FACT / RECITALS

1. The Board of Water and Soil Resources (Board) regularly monitors and evaluates the performance and activities of local water management entities and provides assistance in improving performance under the authorities and requirements of Minnesota Statutes §103B.102.
2. In December 2018, the Board through Resolution #18-71 "approved the allocation of designated or available funds to eligible local water management entities and reconfirmed the delegation of authority to the Executive Director to approve individual PRAP Assistance grants up to \$10,000 requires that program awards are reported to the Board at least once per year."
3. The Board continues to receive requests for PRAP assistance services to address operational or service delivery needs identified through a PRAP assessment or specialized assistance request noting an increase in requests from multiple entities or partnerships.
4. 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.
5. The Grants Program and Policy Committee, at their August 11, 2021 meeting, reviewed this request and recommended the Board approve this order.

##### ORDER

The Board hereby:

1. Approves the allocation of designated or available funds, consistent with the appropriation of the designated or available funds, to eligible local government water management entities for fulfilling the provisions of Minnesota Statutes §103B.102.
2. Confirms the delegation of authority to the Executive Director to approve PRAP Assistance grants or contracts up to \$10,000 per contract for single entity requests and \$20,000 for projects that involve multiple entities or partnerships and requires that program awards are reported to the Board at least once per year.
3. Establishes that all PRAP Assistance awards be cost shared by the grantee at a percentage determined by the Executive Director.
4. Authorizes staff to enter into grant agreements or contracts for these purposes.
5. Establishes that this order replaces previous Board resolution #18-71.

Dated at Austin, Minnesota, this August 26, 2021.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

  
 Gerald Van Amburg, Chair  
 Board of Water and Soil Resources

Date: August 26, 2021

## Appendix C

### PRAP Assistance Grant Application Information

The PRAP Assistance program provides financial assistance to LGUs to improve operating performance and execution of planned goals and objectives. Funding priority is given to activities recommended as part of an Organizational Assessment, Watershed-based Assessment or Special Assessment.

**Examples of eligible activities:** facilitation, mediation or consulting services related to organizational improvement such as reorganizations/mergers, strategic planning, organizational development, assessments for shared services, benchmarking, non-routine audits, and staff and board capacity assessments.

**Activities that are not eligible for grant funds, or to be used as LGU match:** Technology upgrades (computer equipment, software, smartphones, etc.), infrastructure improvements (vehicles, office remodel, furniture), staff performance incentives (bonuses, rewards program), basic staff training (BWSR Academy fees and expenses; Wetland Delineator Certification, subjects offered at BWSR Academy, training for promotion, basic computer training), water planning, conservation practices design or installation, publication or publicity materials, food & refreshments, (other than costs associated with meetings and conferences where the primary purpose is an approved, eligible grant activity) lodging, staff salaries, and regular board member per diems.

**Note:** Board member per diems and associated expenses outside of regular meetings, and associated with an approved, eligible activity are eligible for grant funds or can be used as match.

**Grant Limit:** \$10,000 for individual LGUs, \$20,000 for LGU partnerships. In most cases a 50 percent cash match will be required.

**Who May Apply:** County water management/environmental services; SWCDs; watershed districts; watershed management organizations. In some cases, LGU joint powers associations or boards, or other types of LGU water management partnerships will be eligible for grants. Priority is given to applicants submitting projects related to eligible Organizational Assessment, Watershed-based Assessment, or Special Assessment recommendations.

**Terms:** BWSR pays its share of the LGU's eligible expenditures as reimbursement for expenses incurred by the LGU after the execution date of the grant agreement. Reporting and reimbursement requirements are also described in the agreement. Grant agreements are processed through BWSR's eLINK system.

**How to Apply:** Submit an email request to the PRAP Coordinator with the following information:

- 1) Description, purpose, and scope of work for the proposed activity (If the activity or services will be contracted, do you have a contracting procedure in by-laws or operating guidelines?)
- 2) Expected products or deliverables.
- 3) Desired outcome or result

- 4) Does this activity address any recommendations associated with a recent Level II, III or IV PRAP Assessment? If so, describe how.
- 5) How has your Board indicated support for this project? How will they be kept involved?
- 6) Duration of activity: proposed start and end dates
- 7) Itemized Project Budget including
  - a. Amount of request
  - b. Source of funds to be used for match (cannot be state money nor in-kind)
  - c. Total project budget
- 8) Have you submitted other funding requests for this activity? If yes, to whom and when?
- 9) Provide name and contact information for the person who will be managing the grant agreement and providing evidence of expenditures for reimbursement.

## Appendix D

### Annual Statewide Summary: 2022 LGU Long-Range Plan Status as of December 31, 2022

#### **Soil and Water Conservation Districts**

(Districts have a choice of option A or B)

**A. Current Resolution Adopting County Local Water Management Plan**

All resolutions are current.

**B. Current District Comprehensive Plan**

All comprehensive plans are current

#### **Counties**

**Local Water Management Plan Revision Overdue: Plan Revision in Progress**

- All plans are current

#### **Watershed Districts**

**10-Year Watershed Management Plan Revision Overdue: Plan Revision in Progress**

- Two Rivers Watershed District is overdue (will have an approved Comprehensive Watershed Management Plan prior to the end of 2024).

#### **Watershed Management Organizations**

- All plans are current



## Appendix E

### Annual Statewide Summary: Status of Annual Reports for 2021 as of December 31, 2022

#### **Soil and Water Conservation Districts**

##### **eLINK Status Reports of Grant Expenditures**

###### **Late Reports:**

- Nicollet SWCD

#### **Counties**

##### **Drainage Authority Buffer Strip Reports**

All reports submitted on time.

##### **eLINK Status Reports of Grant Expenditures**

###### **Late Reports:**

- Lake County
- Olmsted County
- Pine County
- Steel County

#### **Watershed Districts**

##### **Drainage Authority Buffer Strip Reports**

All reports submitted on time.

##### **Annual Activity Reports Not Submitted (or submitted late):**

- Joe River WD
- Wild Rice WD

#### **Metro Joint Powers Watershed Management Organizations**

##### **Annual Activity Reports not submitted (or submitted late):**

All reports submitted on time.

## Appendix F

### Annual Statewide Summary: Status of Financial Reports and Audits for 2022 as of December 31, 2023

#### Soil and Water Conservation Districts

##### Annual Audits

##### Annual Audits Not Submitted (or submitted late)

- Hubbard
- West Polk \*

#### Watershed Districts

##### Annual Audits Not Completed (or submitted late):

- Coon Creek \*
- Heron Lake
- Joe River
- Lower Minnesota River \*\*
- North Fork Crow River \*\*
- Middle Snake Tamarac Rivers
- Sauk River \*\*
- Yellow Medicine \*

#### Metro Joint Powers Watershed Management Organizations

##### Annual Audits Not Submitted (or submitted late):

- Lower Mississippi River \*

\* Submitted late

\*\* dropped by auditor, complete in 2024

## Appendix G

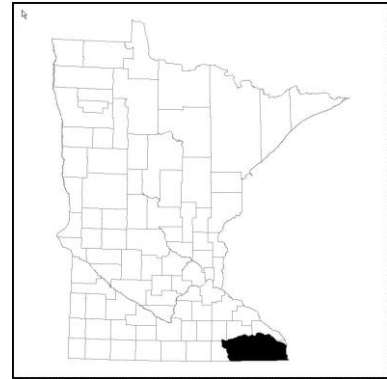
### Watershed-based Assessment Performance Review Final Report Summaries

#### Root River Partnership (Watershed-based PRAP)

##### Key Findings and Conclusions

The Root River Partnership is commended for their work in implementing activities identified within their Comprehensive Watershed Plan. In general, Advisory Committee members feel the partnership is doing an effective job in implementing projects on the ground to meet plan priorities.

Increasing communication with both the Policy and Advisory Committees will help improve conservation delivery in the watershed. Additionally, considerations should be made in developing a formal project ranking process that includes evaluating cost effectiveness and tiers/adjusts rates based on priority levels. This will help focus and emphasize implementation on the desired locations. Focused implementation can also be increased through targeted marketing campaigns. 33.3% of Plan Work Group members stated that the partnership *rarely* or *sometimes* provided direct outreach to specific landowners.



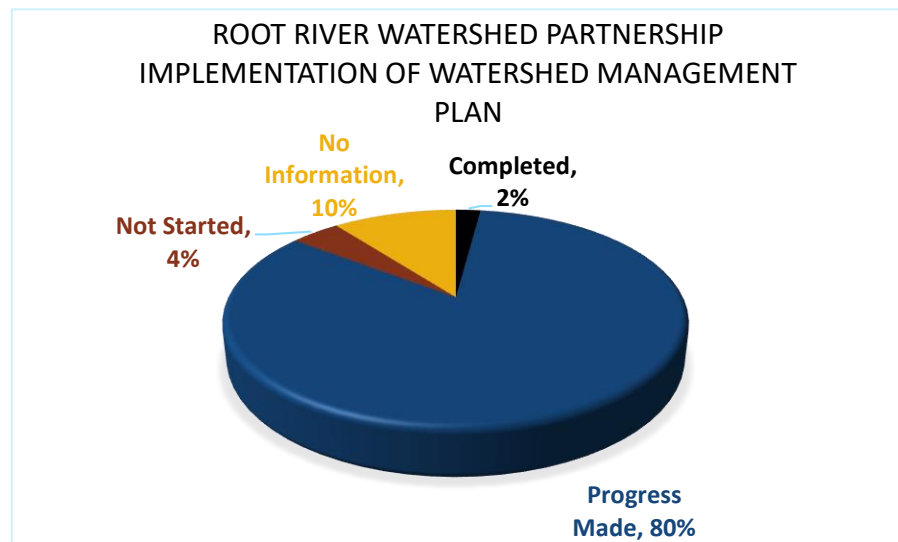
The Partnership is commended for meeting 16 of 22 applicable best standards/practices, including reviewing the committee membership and updating annually, having current operational guidelines for fiscal procedures, and updating agency partners on accomplishments regularly.

The Partnership is also commended for meeting 8 of 11 high performance standards, a testament to the efforts made by the Root River Partnership.

##### Resource Outcomes:

The Root River One Watershed, One Plan contains 210 action items. Of those, 176 activities identified as in progress/on-going, 9 were identified as not started, 4 were identified as completed, and the remaining 21 had no information provided to make a determination.

The Root River Partnership is commended for making progress on over 80% of the action items/activities identified within the implementation section of the plan.



##### Summary of Partnership Recommendations

Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the Partnership. BWSR relies heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure recommendations provided are relevant, timely, and helpful for the partnership to implement and improve their operations. The full text of the recommendations can be found in the conclusions section.

- **Recommendation 1: Improve Plan Progress Tracking**
- **Recommendation 2: Increase Communication Between Staff and Policy Committee Members**
- **Recommendation 3: Public Education with Watershed Focus**
- **Recommendation 4: Increase Engagement with Advisory Committee (including stakeholders)**
- **Recommendation 5: Develop Formal Process to Rank Projects**
- **Recommendation 6: Annually Conduct Work Planning Exercise**

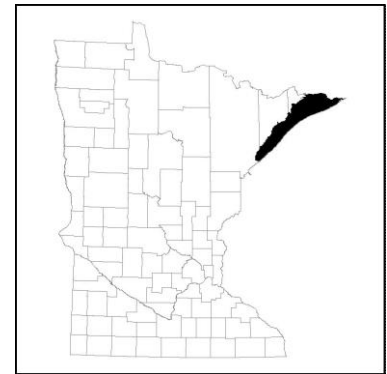
### Lake Superior North Watershed Partnership (Watershed-based PRAP)

#### Key Findings and Conclusions

The Lake Superior North Partnership is commended for their work in implementing activities identified within their Comprehensive Watershed Management Plan. In general, Advisory Committee members feel additional communication and consultation would be beneficial. Partners believe they could provide expertise on various items, but the partnership rarely asked for outside assistance.

Developing strong working relationships/communicating with partners will help the partnership weather any challenges, and further assist in addressing water management issues and improving conservation delivery in the watershed.

Reviewing cost share criteria to ensure priority locations are focused upon, tailoring messages and marketing directly to landowners to meet goals, and annually conducting work planning would benefit the partnership.



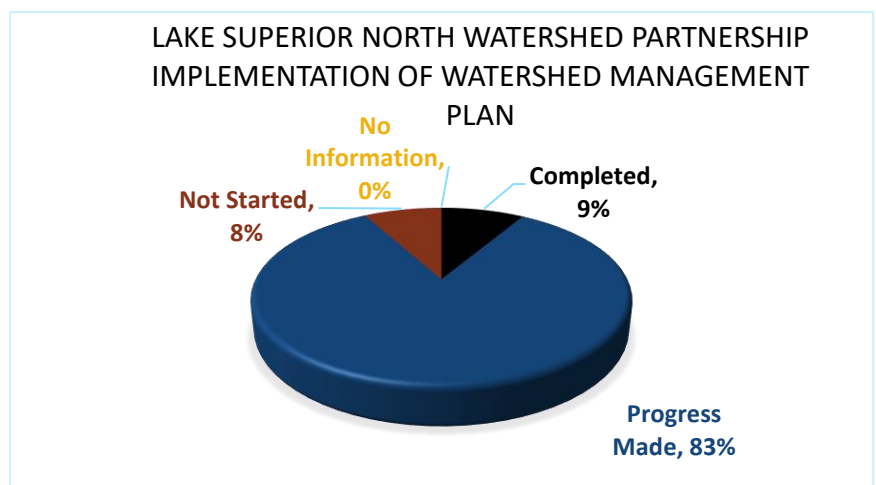
The Partnership is commended for meeting 17 of 22 applicable best standards/practices, including having current operational guidelines for fiscal procedures, reviewing the committee membership, and updating annually, and updating agency partners on accomplishments regularly.

The Partnership is also commended for meeting 11 of 11 high performance standards, a notably high amount, and testament to the efforts made by the Lake Superior North Partnership.

#### Resource Outcomes:

The Lake Superior North One Watershed, One Plan contains a total of 47 action items. Of those, 39 activities were identified as in progress/on-going, 4 were identified as not started, 4 were identified as completed.

The Lake Superior North Partnership is commended for making progress on over 90% of the action items/activities identified within the implementation section of the plan.



## **Summary of Recommendations**

Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the Partnership. We rely heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure we provide recommendations that are relevant, timely, and helpful for the partnership to implement and improve their operations. The full text of the recommendations can be found in the conclusions section.

- **Recommendation 1: Increase Engagement with Advisory Committee (including stakeholders)**
- **Recommendation 2: Evaluate Establishing Adjustable Cost-Share Rates based on Priority Levels/Locations**
- **Recommendation 3: Tailor Messaging to Reach Goals**
- **Recommendation 4: Annually Conduct Work Planning Exercise**
- **Recommendation 5: Improve Plan Progress Tracking and Consider Articulating Goals in Concrete/Measurable Fashion in Future Plan Amendments**

# Appendix H

## Performance Standards Checklists used in Organizational Assessments

Organizational Assessment- PRAP

Performance Standards

2022

### COUNTY LOCAL WATER MANAGEMENT PERFORMANCE STANDARDS

LGU Name:

Performance Area	Performance Standard		Level of Review		Rating	
					Yes, No, or Value	
		(see instructions for explanation of standards)			YES	NO
<b>Administration</b>	■	eLINK Grant Report(s): submitted on time	I			
	■	County has resolution assuming WCA responsibilities and delegation resolutions (if needed).	II			
	■	County has knowledgeable and trained staff to manage WCA program or secured a qualified delegate.	II			
	■	WCA Annual Reporting requirements met (if WCA LGU)	II			
	■	Drainage authority buffer strip report submitted on time	I			
	★	Public drainage records: meet modernization guidelines	II			
<b>Planning</b>	■	Local water mgmt. plan: current	I			
	★	Metro counties: groundwater plan up-to-date	I			
	★	Prioritized, Targeted & Measurable criteria are used for Goals, Objectives and Actions in local water management plan	II			
	★	Water quality trend data used for short- and long-range plan priorities	II			
<b>Execution</b>	■	WCA decisions and determinations are made in conformance with WCA requirements.	II			
	■	WCA TEP reviews and recommendations are appropriately coordinated.	II			
	★	Certified wetland delineator on staff or retainer	II			
	★	WCA Communication and Coordination	II			
	★	Water quality data collected to track outcomes for each priority concern	II			
	★	Water quality trends tracked for priority water bodies and/or groundwater	II			
<b>Communication &amp; Coordination</b>	■	BWSR grant report(s) posted on county website	I			
	★	Communication piece sent within last 12 months: indicate target audience below	II			
	Communication Target Audience:					
	★	Obtain stakeholder input: within last 12 months	II			
	★	Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done <i>(in addition to 1W1P)</i>	II			
	★	Annual report to water plan advisory committee on plan progress	II			
	★	Track progress for I & E objectives in Plan	II			
	★	Coordination with state watershed-based initiatives	II			
	★	County local water plan on county website	II			
	★	Water management ordinances on county website	II			

**SOIL AND WATER CONSERVATION DISTRICT PERFORMANCE STANDARDS**

LGU Name:

Performance Area	Performance Standard	Level of Review	Rating		
			Yes, No, or Value		
	<ul style="list-style-type: none"> <li>■ Basic Practice or Statutory requirement</li> <li>★ High Performance standard (See instructions for explanation of standards)</li> </ul>	I Annual Compliance II BWSR Staff Review & Assessment (1/10 yrs.)	YES	NO	
Administration	■ Financial statement: annual, on-time and complete	I			
	■ Financial audit: completed as required by statute (see guidance) or as per BWSR correspondence	I			
	■ eLINK Grant Report(s) submitted on-time	I			
	■ Data practices policy: exists and reviewed/updated within last 5 years	II			
	■ Personnel policy: exists and reviewed/updated within last 5 years	II			
	■ Technical professional appointed and serving on WCA TEP	II			
	■ SWCD has an adopting resolution assuming WCA responsibilities and appropriate decision delegation resolutions as warranted (if WCA LGU)	II			
	■ SWCD has knowledgeable and trained staff to manage WCA program (if WCA LGU)	II			
	■ WCA Annual Reporting requirements met (if WCA LGU)	II			
	★ Job approval authorities: reviewed and reported annually	II			
	★ Operational guidelines and policies exist and are current	II			
	★ Board training: orientation and continuing education plan and record for each board member	II			
	★ Staff training: orientation and cont. ed. plan/record for each staff	II			
Planning	■ Comprehensive Plan: updated within 5 years or current resolution adopting unexpired county Local Water Management Plan (LWMP)	I			
	★ Prioritized, Targeted and Measurable criteria used for Goals and Objectives in the LWMP as appropriate	II			
	★ Annual Plan of Work: based on comp plan, strategic plan priorities	II			
	★ SWCD is currently actively involved in at least one 1W1P	II			
	★ SWCD has received a competitive CWF grant in past 2 years	II			
	★ Strategic Plan or Self-Assessment completed within last 5 years	II			
Execution	■ Are state grant funds spent in high priority problem areas	II			
	■ Total expenditures per year (over past 10 years)	II	see below		
	■ Months of operating funds in reserve	II			
	■ Replacement and restoration orders are prepared in conformance with WCA rules and requirements	II			
	■ WCA TEP member knowledgeable/trained in WCA technical aspects	II			
	■ WCA TEP member contributes to reviews, findings & recommendations	II			
	■ WCA decisions and determinations are made in conformance with all WCA requirements (if LGU)	II			
	■ WCA TEP reviews/recommendations appropriately coordinated (if LGU)	II			
	★ Certified wetland delineator: on staff or retainer	II			
	★ Effective WCA Coordination and Communication with other agencies and the public	II			
★ Water quality data collected to track outcomes for each pr. concern	II				
★ Water quality trends tracked for priority water bodies	II				
Communication & Coordination	■ Website contains all required content elements	I			
	★ Website contains additional content beyond minimum required	II			
	★ Coordination with state watershed-based initiatives	II			
	★ Communication piece sent within last 12 months, indicate target	II			
	<b>Communication Target Audience</b>				
	★ Outcome trends monitored and reported for key resources	II			
	★ Track progress on Information and Education objectives in Plan	II			
	★ Obtain stakeholder input: within last 12 months	II			
	★ Annual report communicates progress on water plan goals	II			
	★ Partnerships: cooperative projects/tasks with neighboring districts, counties, watershed districts, NGOs, or private businesses	II			
★ Coordination with County Board by supervisors or staff	II				
Year					
Expenditure					



**METRO WATERSHED DISTRICT and WMO PERFORMANCE STANDARDS**

LGU Name: \_\_\_\_\_

Performance Area	Performance Standard	Level of Review	Rating	
			YES	NO
Administration	★ High Performance standard	I Annual Compliance	Yes, No, or Value	
	■ Basic practice or statutory requirement (see instructions for explanation of standards)	II BWSR Staff Review & Assessment (1/10 yrs.)		
	■ Activity report: annual, on-time	I		
	■ Financial report & audit completed on time	I		
	■ Drainage authority buffer strip report submitted on time	I		
	■ eLINK Grant Report(s): submitted on time	I		
	■ Rules: date of last revision or review – Please enter month/year (i.e., 01/20)	II		
	■ Personnel policy: exists and reviewed/updated within last 5 years	II		
	■ Data practices policy: exists and reviewed/updated within last 5 years	II		
	■ Manager appointments: current and reported	II		
	■ Consultant RFP: within 2 yrs. for professional services	II		
	■ WD/WMO has resolution assuming WCA responsibilities and appropriate delegation resolutions as warranted (N/A if not LGU)	II		
	■ WD/WMO has knowledgeable & trained staff that manages WCA program or has secured qualified delegate. (N/A if not LGU)	II		
	★ Administrator on staff	II		
	★ Board training: orientation and continuing education plan, record for each board member	II		
★ Staff training: orientation and continuing education plan and record for each staff	II			
★ Operational guidelines for fiscal procedures and conflicts of interest exist and current	II			
★ Public drainage records: meet modernization guidelines	II			
Planning	■ Watershed management plan: up-to-date	I		
	■ City/twp. local water plans not yet approved	II		
	■ Capital Improvement Program: reviewed every 2 years	II		
	★ Strategic plan or self-assessment completed in last 5 years	II		
	★ Strategic plan identifies short-term priorities	II		
Execution	■ Engineer Reports: submitted for DNR & BWSR review	II		
	■ WCA decisions and determinations are made in conformance with all WCA requirements. (if delegated WCA LGU)	II		
	■ WCA TEP reviews & recommendations appropriately coordinated. (if delegated WCA LGU)	II		
	★ Certified wetland delineator on staff or retainer	II		
	■ Total expenditures per year (past 10 yrs.)	II	see below	
	★ Water quality trends tracked for key water bodies	II		
	★ Watershed hydrologic trends monitored / reported	II		
Communication & Coordination	■ Website: contains information as required by MR 8410.0150 Subpart 3a, i.e. as board meeting, contact information, water plan, etc.	II		
	■ Functioning advisory committee(s): recommendations on projects, reports, 2-way communication with Board	II		
	■ Communication piece: sent within last 12 months	II		
	<b>Communication Target Audience:</b>			
	★ Track progress for Information and Education objectives in Plan	II		
	★ Coordination with County Board, SWCD Board, City/Township officials	II		
	★ Partnerships: cooperative projects/tasks with neighboring organizations, such as counties, SWCDs, WDs, tribal governments, Non-Government Organizations	II		
Year				
Expenditures				





**Watershed-Based Performance Standards**

Watershed Partnership Name: \_\_\_\_\_

Performance Area	Performance Standard	Level of Review	Rating		
			Yes, No, Unsure or N/A		
			YES	NO	Unsure or N/A
	<ul style="list-style-type: none"> <li>★ High Performance standard</li> <li>■ Best Standard/practice</li> <li>● Basic Requirement</li> </ul>	<ul style="list-style-type: none"> <li>I Annual Compliance</li> <li>II BWSR Staff Review &amp; Assessment</li> </ul>			
General Administration	■ Financial Reports provided to Elected Official Committee/Board on an annual basis.	II			
	● eLINK Grant Report(s): submitted on time (annual or biannual if funds exceed \$500,000)	I			
	● Conflict of Interest Policy exists and is reviewed/signed by the JPE or fiscal agent	I			
	● Annual financial audits are completed on time (if applicable)	I			
	■ Develop and implement an annual work plan (outside of WBIF grant)	II			
	■ Individual partner governing boards/councils are updated on annual proposed workplan activities	II			
	● Assurance measures completed for WBIF	I			
	■ Obtain stakeholder input within the last year	II			
	● Coordinator or lead staff person identified for the partnership	I			
	■ Operational guidelines for fiscal procedures exist and are current	II			
	■ Partnership annually evaluates progress towards water quality goals identified in the CWMP	II			
	★ Shared services opportunities are leveraged between partners	II			
	■ Financial tracking system outside of eLINK used at minimum annually by the watershed partnership	II			
■ Project accomplishments tracking system outside of eLINK used annually by the watershed partnership	II				
Elected Official Committee/Board	■ Elected Official Committee/Board updated at least annually on accomplishments and progress towards plan goals	II			
	★ Training: efforts are made to inform on watershed related topics	II			
	■ Training: basic orientation is provided to new members and new member representatives	II			
	● Each participating member has adopted the comprehensive watershed management plan	I			
	■ All participating partners are implementing the comprehensive watershed management plan	II			
	■ Reviewed governing documents (bylaws, formal agreements) within the last 5 years (if applicable)	II			
	★ As defined by the implementation agreement, the policy committee or board is involved in project funding discussions or decision making	II			
	★ Staff has open (2-way) communication with members	II			
	■ Committee membership reviewed/updated annually	II			
	★ Self-assessment completed in last 5 years or more if identified in your CWMP	II			
★ Short-term and long-term plan priorities evaluated on an annual basis	II				
Staff, Agency, Other Advisors	● Staff and Agency partners participate in plan updates/revisions/amendments	I			
	■ As described in the CWMP, are data collection/monitoring activities being used to evaluate progress	II			
	■ As noted in the CWMP, are watershed water quality/hydrologic trends monitored/reported	II			
	■ Members meet at least once annually	II			
	★ Committee membership list reviewed/updated regularly	II			
	■ Agency members provide updates on accomplishments regularly	II			

Staff Committee	★	Water quality trends tracked for priority water bodies	II				
	★	Members meet at least three times a year and reviews plan goals and actions	II				
	■	Members participate in annual work planning related to their CWMP	II				
	●	Members completed the five-year evaluation as defined within their CWMP	I				
	■	Members each provide the partnership coordinator their individual accomplishments for annual reporting	II				
Communication & Coordination	■	Partnership Website(s): Specific to comprehensive planning effort/plan is maintained & accomplishments are regularly updated.	II				
	●	Partnership Website(s): Contains accomplishments, progress towards plan goal, board meeting, contact information, etc.	I				
	■	Communication piece: sent within last 12 months (newsletter, press release, newspaper, social media) that highlight work and program opportunities	II				
	■	Public education materials contain a watershed focus	II				
	Communication Target Audience:						
	★	Coordination with County Board, SWCD Board, WD/WMO Board, City/Township officials	II				
	★	Partnerships: cooperative projects/tasks with neighboring organizations, such as municipalities, counties, SWCDs, WDs/WMOs, tribal governments, non-government organizations	II				

# Appendix I

## 2023 Local Government Performance Awards and Recognition\*

(Awarding agency listed in parentheses.)

### **Outstanding Soil and Water Conservation District (SWCD) Employee**

(Board of Water and Soil Resources)

**Skip Langer, District Manager Olmsted Soil and Water Conservation District**

### **Soil and Water Conservation District of the Year**

(Minnesota Association of Soil and Water Conservation Districts)

**Dakota Soil and Water Conservation District**

### **Outstanding Administrator of the Year**

(Minnesota Association of Watershed District Administrators)

**Matt Moore, South Washington Watershed District**

### **Outstanding Watershed District Employee**

(Board of Water and Soil Resources)

**Michael Hayman, Minnehaha Creek Watershed District**

### **Program of the Year Award**

(Minnesota Association of Watershed Districts)

**Bois de Sioux Watershed District, Multipurpose Drainage Management Program**

### **WD Project of the Year**

(Minnesota Association of Watershed Districts)

**South Washington Watershed District, Trout Brook Stream Restoration**

### **County Conservation Awards**

(Association of Minnesota Counties and Board of Water and Soil Resources)

**Pennington County, Pennington County Ditch 96**

# Strategic Planning Timeline

April-May  
2023



## Performance Assessment

Assessed performance against the current strategic plan; shared results

May-August  
2023



## Engagement Round 1

Gathered input from over 200 staff, Board members and key partners through online and in-person engagement sessions and a survey. Feedback analyzed for use in planning workshops

October  
2023



## Mission/Vision workshop

BWSR Board members, Exe Team, SMT and the strategic planning work group met to draft new vision and mission statements for the agency.

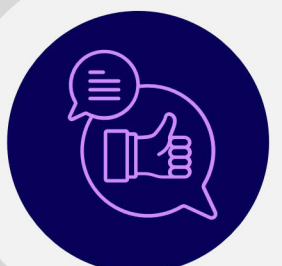
November  
2023



## Goals and Strategies Workshop

BWSR Board members, Exe Team, SMT and the strategic planning work group met to draft goals and strategies for the new strategic plan

December  
2023



## Engagement Round 2

Board members, staff and partners were asked to provide feedback on draft mission, vision, goals and strategies via survey. Over 100 people responded to the survey.

Jan-March  
2024



## Finalize/Approve Draft Plan

The Exe Team and the Strategic Planning work group used feedback from Round 2 to make final adjustments to the draft. SMT and the WMSP will review final version in January. Board approval likely in March.

April-June  
2024

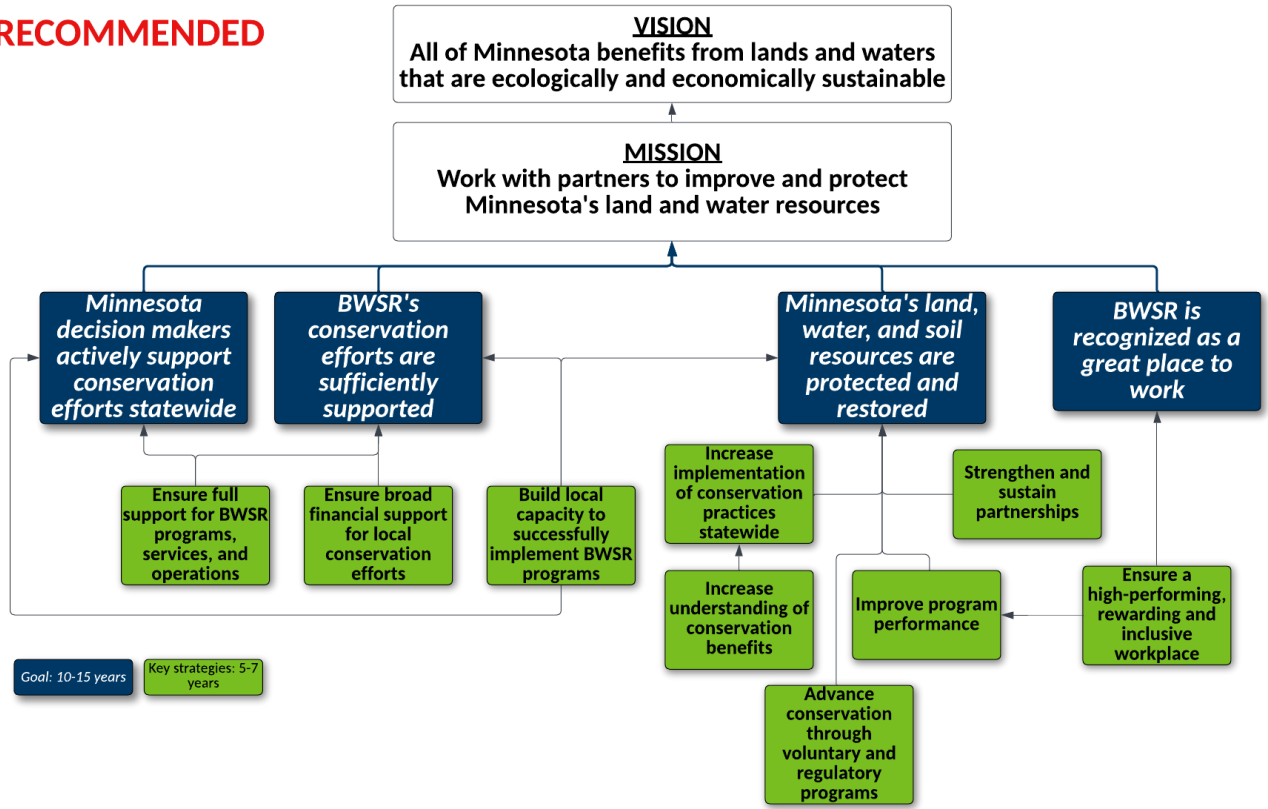


## Development of Actions and Metrics

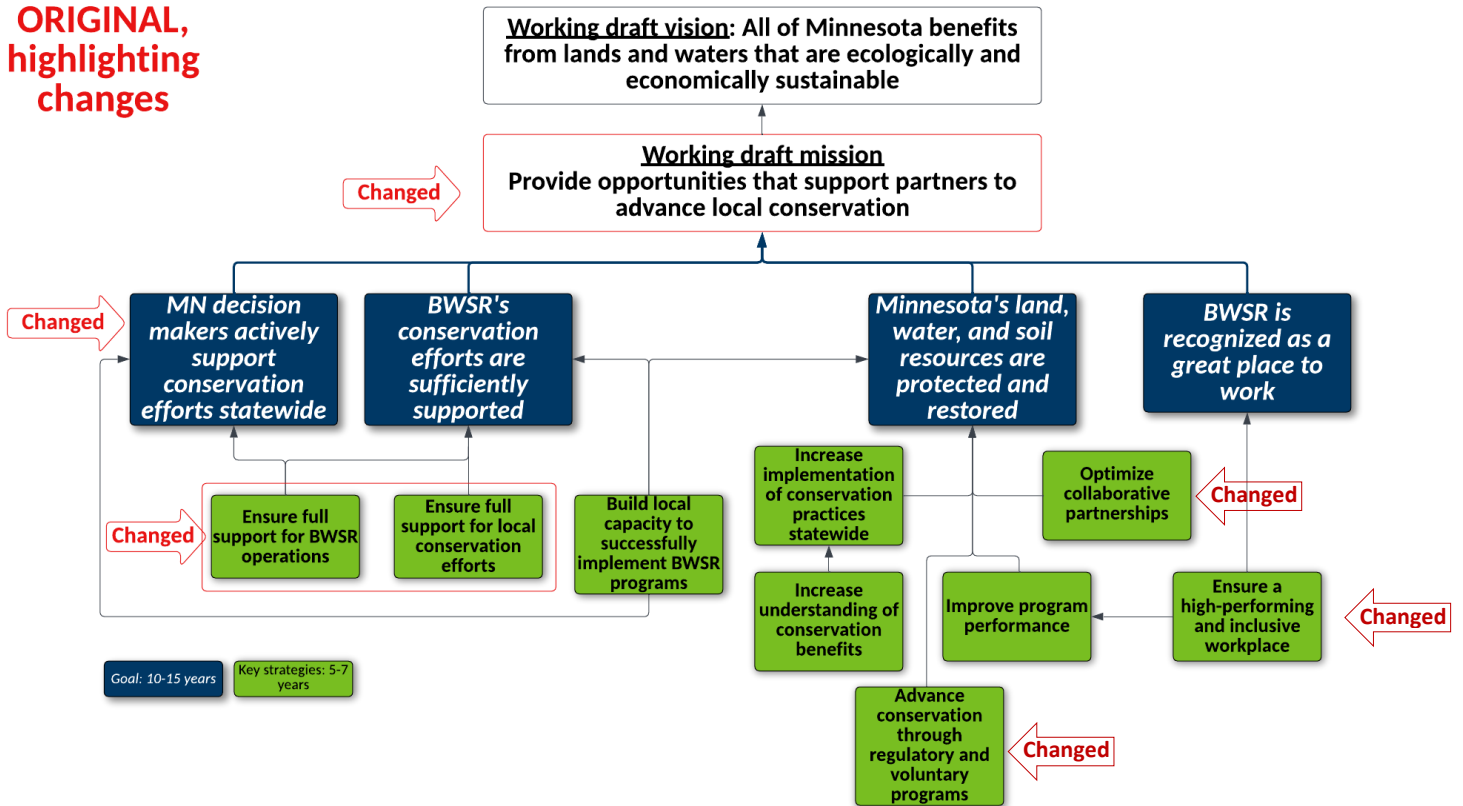
Upon approval of the plan, the Strategic Planning Work Group will begin drafting specific actions and evaluation metrics for the goals and strategies in the plan.



**RECOMMENDED**



**ORIGINAL, highlighting changes**



**Next steps:** Following board approval of a final vision, mission, and *working set* of long-term goals and mid-term strategies, the consulting team will support staff to begin implementation. BWSR lead staff will determine the details of that implementation support.

Examples of potential next steps/implementation support are listed below.

- Action planning, work planning: Further detail and prioritization of action steps to advance the adopted key strategies and goals; align workplans
- Performance indicators, measures: Develop key performance indicators and measures for the action steps
- Organizational structure and relationships: Assess alignment with strategic direction, explore options, prepare recommendations
- Logic modeling: Develop logic models to deepen understanding causal connections and the focus on outcomes, explore options, examine intersectionality, and similar
- Implementation: Refine/develop processes and procedures for ongoing data gathering, monitoring, evaluation and reporting



## Re: Waters of the United States (WOTUS) Rule Changes and Impacts to Minnesota – Preliminary Assessment

**Date:** 01/22/2024

**To:** Commissioner Katrina Kessler, Commissioner Sarah Strommen, Executive Director John Jaschke

**From:** Interagency Team Staff: Melissa Kuskie (DNR), Anna Hotz (MPCA), Lewis Brockett (BWSR), Les Lemm (BWSR), Ken Powell (BWSR), Tim Smith (BWSR), David Weirens (BWSR)

An interagency staff team convened in October 2023 to discuss the status of Waters of the United States (WOTUS), after the U.S. Environmental Protection Agency (EPA) issued a rule to ensure that the definition of WOTUS for purposes of the U.S. Clean Water Act conforms to the U.S. Supreme Court Decision (*Sackett vs. Environmental Protection Agency*) that was issued on May 25, 2023.

The purpose of this ad-hoc team was to assess the impacts of this change to Minnesota's waters and wetlands and to develop related information and policy options for consideration by agency leadership. This assessment should be considered preliminary, as the EPA and U.S. Army Corps of Engineers have not yet provided detailed rule implementation guidance.

The revised rule implementing *Sackett* is expected to significantly reduce federal jurisdiction when a wetland does not have a continuous surface connection (e.g., seasonal potholes, floodplains, wet meadows, forested peatlands, etc.) and where a water would have previously been within federal jurisdiction according to the "significant nexus," standard (this standard was eliminated in recent rulemaking.)

While considerable uncertainty remains, BWSR, MPCA, and DNR believe:

- The procedures for identifying wetlands remain applicable; though determining whether delineated wetlands are under the jurisdiction of the U.S. Clean Water Act (CWA) is subject to further analysis under the new WOTUS definition
- The *Sackett* decision focused on the geographic scope of what are WOTUS and did not address the types of regulated activities under the CWA
- *Sackett* did not change state and tribes' authority to be more environmentally protective than the federal program

The issue of what waters are considered WOTUS has been a frequent subject of litigation and policy changes by the federal government. We recognize the State of Minnesota has strong and independent protections built on state law; however, we also recognize there are some aspects of our state programs that are either tied to or reliant on federal jurisdiction. Therefore, the changes to federal jurisdiction resulting from the *Sackett* decision mean we may also want to consider potential adjustments to state law.



Policy options the team is prepared to address include:

1. Do nothing, understanding some reduction of protected wetlands.
2. Fill regulatory gaps for newly unregulated waters, which would require coverage under state law.
3. Evaluate and propose other changes to regulatory standards to improve levels of protection under state law and address changes to federal authority that have occurred over time.

A preliminary assessment is available to inform the Governor's Office and Cabinet, legislators, Minnesota Tribal Governments, and other interested groups on this important issue.

# Preliminary Assessment: Waters of the United States (WOTUS) Rule Changes and Impacts to Minnesota

Date: 01/22/2024

The May 25, 2023, U.S. Supreme Court decision, *Sackett v. Environmental Protection Agency* (“*Sackett*”) and the associated conforming rule “Revised Definition of Waters of the United States [WOTUS]” effective September 8, 2023, produced a level of confidence regarding the definition of WOTUS. The definition had previously been subject to competing court interpretations and changing regulatory approaches under multiple presidential administrations. The *Sackett* decision and conforming WOTUS rule resulted in changes to the definition of WOTUS (and therefore, to the waters regulated by the Clean Water Act, or CWA, in the U.S.), reducing the geographic scope of CWA-regulated waters.

Some states, including Minnesota, have been working to assess impacts to the regulation and protection of waters resulting from this revised WOTUS definition, largely to determine which waters may have lost regulatory protections. This effort is somewhat complicated by the still-limited guidance provided by the U.S. Environmental Protection Agency (EPA) regarding implementation of the conforming rule. While the regulatory changes are straightforward, the on-the-ground assessment of whether a wetland has a “continuous surface connection” to a “relatively permanent” tributary, for example, requires case-specific decision-making.

This paper discusses wetlands and water regulatory jurisdictional issues as they relate to the state of Minnesota authorities as a result of *Sackett* and the conforming WOTUS rule. It will also provide high-level policy options for consideration. At this time, this assessment has not evaluated any impact or consideration relating to tribal or other authorities. Staff from the Minnesota Board of Water and Soil Resources (BWSR), the Department of Natural Resources (DNR) and the Minnesota Pollution Control Agency (MPCA) contributed to the preparation of this paper.

## State of Minnesota Water Regulatory Programs

Minnesota has strong protections for its state waters through three key statutory/regulatory programs. Minnesota statute establishes the following authorities to regulate activities affecting waters:

- Public Waters Work Permit Program (PWPP) (Minn. Stat. §103A.201) – regulates alterations to the course, current, or cross section of public waters and public waters wetlands; administered by the DNR. The definition of public waters and public water wetlands includes open (deeper) water wetland types (types 3, 4, and 5) that are 10 acres or more in size in unincorporated areas or 2.5 acres or more in size in incorporated areas, and watercourses that have a drainage area of greater than 2 square miles.
- Water quality standards (WQS) (Minn. Stat. §115.03) – regulates point source and non-point source discharges and physical alterations of waters of the state. Generally applied through other regulatory programs, such as National Pollutant Discharge Elimination System (NPDES)

permits or CWA Section 401 Water Quality Certifications (401 Certification). Administered by the MPCA. Waters of the state are defined in M.S. § 103G.005 as, “surface or underground waters, except surface waters that are not confined but are spread and diffused over the land. Waters of the state includes boundary and inland waters.” For this analysis, we will focus on the 401 Certification program, which regulates all water quality impacts to waters of the state if a federal permit/authorization is required (typically a CWA Section 404 permit – this federal permit is needed for impacts to WOTUS).

- [Wetland Conservation Act \(WCA\)](#) (see - [WCA Statute Compilation | MN Board of Water, Soil Resources \(state.mn.us\)](#)) – regulates draining, filling, and in some cases excavation in all wetlands exclusive of public waters wetlands; administered by local governments with oversight from the BWSR (for activities requiring a permit to mine pursuant to Minn. Stat. §91.481, the DNR administers WCA). Jurisdiction is defined by application of standards contained in the “United States Army Corps of Engineers (Corps) Wetland Delineation Manual” (January 1987).

## Clean Water Act, Section 404/401 Jurisdiction

### 2008 WOTUS Guidance (Pre-Sackett)

The determination of jurisdiction under the CWA prior to the May 25, 2023, *Sackett* Supreme Court decision was the result of a prior Supreme Court decision, *Rapanos v. United States* (February 21, 2006), and post-*Rapanos* rulemaking and agency guidance. This decision resulted in two standards for identifying waters: the “relatively permanent” standard, and the “significant nexus” standard. Both standards were implemented as tests via EPA/Corps guidance in 2008. The former standard holds that WOTUS includes “relatively permanent, standing or continuously flowing bodies of water,” and wetlands that have a “continuous surface connection” to such waters. The “significant nexus” standard clarifies if certain waterbodies, such as tributaries and wetlands, are subject to the CWA based on their connection to and effect on larger downstream waters that Congress sought to protect. A “significant nexus” exists if the waterbody (alone or in combination with other similarly situated waters) significantly affects the chemical, physical, or biological integrity of downstream traditional navigable waters, the territorial seas, or interstate waters.

Since the *Rapanos* decision, each succeeding presidential administration has attempted to provide regulatory clarity by either expanding or narrowing the scope of WOTUS. These efforts have always brought legal challenges that have impeded making progress on clarifying WOTUS. The *Sackett* decision and associated rule amendment are the latest such effort to address this issue.

### WOTUS rule changes - September 8, 2023

Though the May 25, 2023, U.S. Supreme Court ruling in *Sackett v. Environmental Protection Agency* did not directly apply to the EPA and Corps 2023 WOTUS rule, it did make clear “that certain aspects of the 2023 rule are invalid.” To comply with this decision, the EPA and Corps issued a final rule on September 8, 2023, that revised the definition of WOTUS to include the changes outlined below. It should be noted that the final rule is an amendment to the WOTUS rule issued in January 2023. The revised final rule:

- i. Removes the “significant nexus” test as a basis for finding that tributaries, wetlands, or other waters are WOTUS.
- ii. Revises the adjacency test for when a wetland is adjacent to a WOTUS (and therefore jurisdictional as WOTUS), by requiring presence of a “continuous surface connection.”

- iii. Clarifies that interstate wetlands do not fall within the interstate category of WOTUS (wetlands are no longer jurisdictional based on their interstate nature/location and must instead meet the adjacency test in paragraph ii to be considered jurisdictional).
- iv. Clarifies the types of features that can be considered under the “additional waters” category.
- v. Does not change the regulations that apply to WOTUS.

## Effects of the WOTUS Changes in Minnesota

The revised rule implementing *Sackett* is expected to significantly reduce federal jurisdiction when a wetland does not have a continuous surface connection (e.g., seasonal potholes, floodplains, wet meadows, forested peatlands, etc.) and where a water would have previously been jurisdictional under the eliminated “significant nexus” standard. While the Court held that the continuous surface connection must be such that the wetland is “indistinguishable” from the WOTUS to which it is adjacent, it is unclear as to how the federal agencies will interpret and apply this holding.

While considerable uncertainty remains, BWSR, MPCA, and DNR believe:

- The procedures for identifying wetlands using the Corps 1987 Wetland Delineation Manual remain applicable; determining whether delineated wetlands are CWA-jurisdictional is subject to further analysis under the new WOTUS definition.
- The *Sackett* decision focused on the geographic scope of what are WOTUS and did not address the types of regulated activities under the CWA.
- *Sackett* did not change state and tribes’ authority to be more environmentally protective than the federal program.

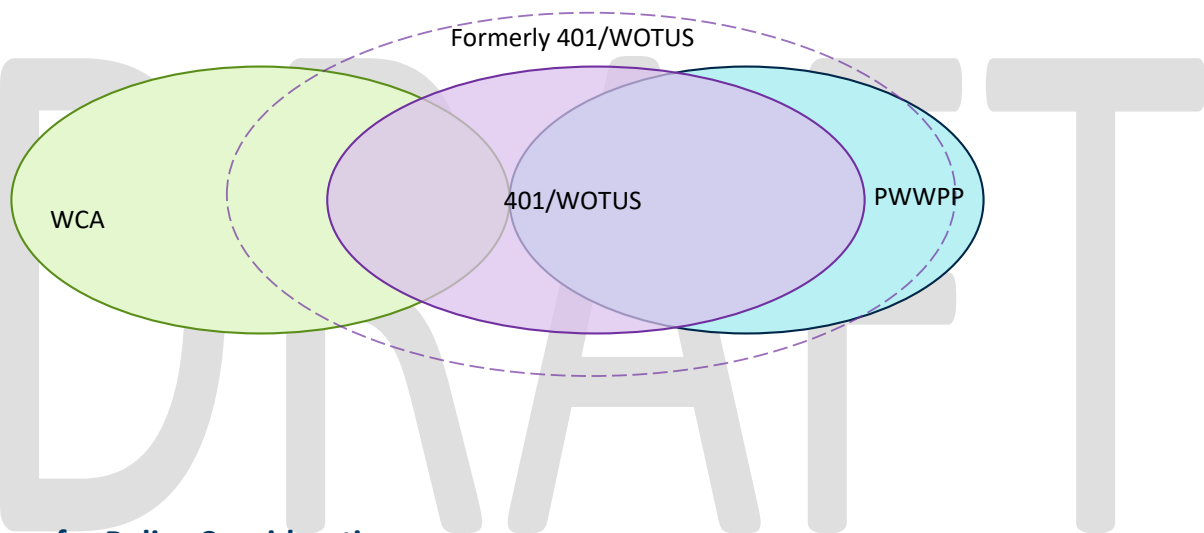
## Current regulatory “gaps”

Finalization of the latest WOTUS rule has resulted in a renewed interest in assessing the status of Minnesota’s water regulatory programs to determine whether the changing WOTUS definition has altered the protections afforded to waters in Minnesota. The most common regulatory “gap” to consider is whether any waters are newly unregulated in Minnesota (i.e., waters that are not regulated by the state that were previously federally regulated and now no longer meet the definition of WOTUS). However, there are three key regulatory gaps to consider (including newly unregulated waters):

1. Newly unregulated waters (no longer WOTUS) and not PWWPP or WCA. Previous work undertaken by the agencies at the direction of the legislature to assess the possibility of Minnesota assuming the CWA Section 404 program identified the types of waters that state programs did not cover that Section 404 permits did cover at the time. Some of these waters may no longer be WOTUS and are therefore newly unregulated. These waters include:
  - Headwaters streams: streams/reaches (generally in headwaters of a watershed) with a drainage area less than two square miles (i.e., are not defined as public waters);
  - Areas of water basins where the water depth exceeds the criteria (8.2 feet) used to identify wetlands and that are not public waters - approximately 89,000 basins ([Wetlands Regulatory MN Assumable Waters Analysis 5-3-18](#))
2. Waters that remain covered by PWWPP or WCA that have lost 401 Certification review for state WQS (no longer WOTUS). This could include:
  - Wetlands no longer considered adjacent to other WOTUS (e.g., those separated by a river berm)

- Wetlands and streams that were previously jurisdictional under the recently eliminated significant nexus standard.
3. Waters that remain covered by PWWPP or WCA that have never been subject to 401 Certification review. This “gap” has always existed and is not the result of WOTUS definition changes. This could include:
- Small, isolated wetlands, or waters that may yet be considered WOTUS but whose impacts are not regulated by a federal permit program (e.g., draining or inundation of a wetland or public water).

Figure 1. Conceptual representation of jurisdictional overlap



### Issues for Policy Consideration

A key consideration for discussion is how the scope of water protection in Minnesota has changed because of the new WOTUS rule and what Minnesota policymakers may wish to do to expand state protections to offset the reduced federal jurisdiction. As noted previously, the *Sackett* decision did not affect regulated activities; however, if programmatic changes or legislation are being considered to address the scope of state regulatory jurisdiction, it may be appropriate to also discuss regulatory standards under state law. Each agency will use their discretion to evaluate the program under their purview for potential recommendations that would further the protection of Minnesota’s water resources. Policy options would include the following:

1. Do nothing. WCA and PWWPP would continue to address wetlands and public waters in Minnesota under the current statutory/regulatory frameworks. The 401 certification program would continue to be required for federally authorized projects impacting WOTUS. In Figure 1 above, this action maintains the regulatory coverage of the shaded ovals.
2. Filling the first regulatory gap (newly unregulated waters) would require coverage under WCA or PWWPP of the waters previously identified for Section 404 assumption efforts. Some of these waters may yet remain WOTUS, but identifying which would be a case-by-case exercise (possibly involving legal challenges). Given the difficulty in identifying specific newly-unregulated waters,

filling this gap could generally be accomplished by extending WCA or PWWPP coverage to the types of waters identified in the CWA Section 404 Prior Jurisdictional Analysis on page 3. In Figure 1 above, this action would fill the areas within the dashed circle that are currently outside WCA and PWWPP jurisdiction.

3. Filling the second and third regulatory gaps (waters that are state regulated but do not have water quality standards review) would necessitate statutory and regulatory change to require state WQS review of all WCA and PWWPP authorizations. The MPCA's 401 Certification program could transition to a state WQS program, operating under a similar mechanism, with a greater emphasis on state interagency coordination. In Figure 1 above, this action would, if combined with policy option 1, ensure that all areas (within the dashed line, and within the WCA and PWWPP ovals) receive a state WQS review.
4. A related policy option is to evaluate and propose any necessary changes to regulatory standards for WCA or PWWPP. This option would, on its own, likely not fill the regulatory gaps identified above (though could address some elements of them) but would help to ensure improved levels of protection under existing state law and address changes to federal authority that have occurred over time. As an example, the regulatory standards evaluated under this option could include certain WCA exemptions.

Note: It may be necessary to conduct further analysis to identify workload impacts associated with potential policy changes.

#### **Additional information:**

For additional information, please contact:

- Minnesota Board of Water and Soil Resources  
Les Lemm, Wetland Section Manager, [les.lemm@state.mn.us](mailto:les.lemm@state.mn.us), 651-296-6057
- Minnesota Department of Natural Resources  
Melissa Kuskie, Ecological & Water Resources Division Deputy Director,  
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- Minnesota Pollution Control Agency  
Anna Hotz, Environmental & Business Assistance Section Manager, [anna.hotz@state.mn.us](mailto:anna.hotz@state.mn.us),  
651-757-2488



NEWS LOCAL

# Olmsted County's \$5 million investment in soil health paying off

Program sees increased participation of farmers agreeing to use sustainable methods to protect farmland and groundwater.



Martin Larsen, front center, demonstrates a soil health test during the Land Stewardship Project's cover crops and no-till field tour Tuesday, July 11, 2017, on his field near Byron. Post Bulletin file photo



By **Randy Petersen**

January 16, 2024 at 10:06 PM

Comments

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News reporting

ROCHESTER — A \$5 million Olmsted County soil health program continues to gain ground.

“We’re a year in, and it was an exciting year,” Olmsted County Soil and Water Conservation District Soil Conservation Manager Skip

Langer told county commissioners on Tuesday, Jan. 16.

The program fully launched last year, (<https://www.postbulletin.com/news/olmsted-county-swcd-unveils-3-million-groundwater-protection-and-soil-health-initiative>) following a 2022 pilot. Using reserves made possible through the American Rescue Plan Act, it incentivizes Olmsted County producers to introduce or integrate more conservation practices into their operations.

It started with a \$3 million reserve that commissioners later increased to \$5 million.

By promoting the use of cover crops, small grains and alternative plantings, along with grazing lands, Langer said the program seeks to reduce soil damage caused by some conventional farming methods.

As soil quality is protected through the adoption of sustainable practices, so is groundwater, since nitrate leaching and soil erosion is reduced.

Martin Larsen, an Olmsted SWCD technician, said the program has resulted in keeping an estimated 310,000 pounds of nitrogen from leaking into local groundwater. He said it compares to 13 semi-trailers of fertilizer kept out of the watershed.

The results are getting the attention of more farmers. Where 52 participated in the 2022 pilot program, 112 have already applied to participate this year. It's up from 87 participants last year.

Larsen said 32 of the new applicants have never worked with the Soil and Water Conservation District staff to address soil health in the past.

As a farmer himself, he said he knows the growing interest is important in making a longterm difference.



“There’s a lot of belief in what we are doing as farmers, and those who are engaged are very engaged,” Larsen said.

As a result, he said Olmsted County farmers transitioned nearly 14,000 acres into more sustainable practices last year, while only 6,500 were actually enrolled in the cost-share program.

County commissioner Michelle Rossman, whose husband participated in the program last year and plans to in 2024, agreed the continuing conversations in the ag community are important, especially as success is seen in improving the farmland and protecting water resources.

“There is absolutely no doubt that this program will continue to be a model that others are going to learn from, and it’s going to be key as we move into discussions of water quality in southeast Minnesota and what agriculture can continue to do to have an impact,” she said.

Langer and Larsen said the attention is going beyond the region. The program has been presented to lawmakers at the state and federal levels, and some of the related language has already made it into state programs.

“We really hope some of this will make its way into the (federal) farm program, as well,” Larsen said.

Commissioner Mark Thein, who helped push for the program, said getting support on state and federal levels will be key to longterm efforts.

“I hope others continue to look at it and emulate it, and somehow we can come up with funding to continue to do it, whether it’s federal or state funding or we have to look at ourselves,” Thein said. “We don’t want to end it.”

Langer said the program cost approximately \$500,000 last year and is expected to cost approximately \$1 million this year, which

puts it on the anticipated track.

“I think when we first thought of this, it was about a \$1 million a year program,” he said.

While program enrollment is currently closed for a period of maintenance, Langer said it's still being promoted and could see increased participation that will shorten its lifespan on \$5 million that was initially committed.

With that in mind, the district is already looking at options for future funding.

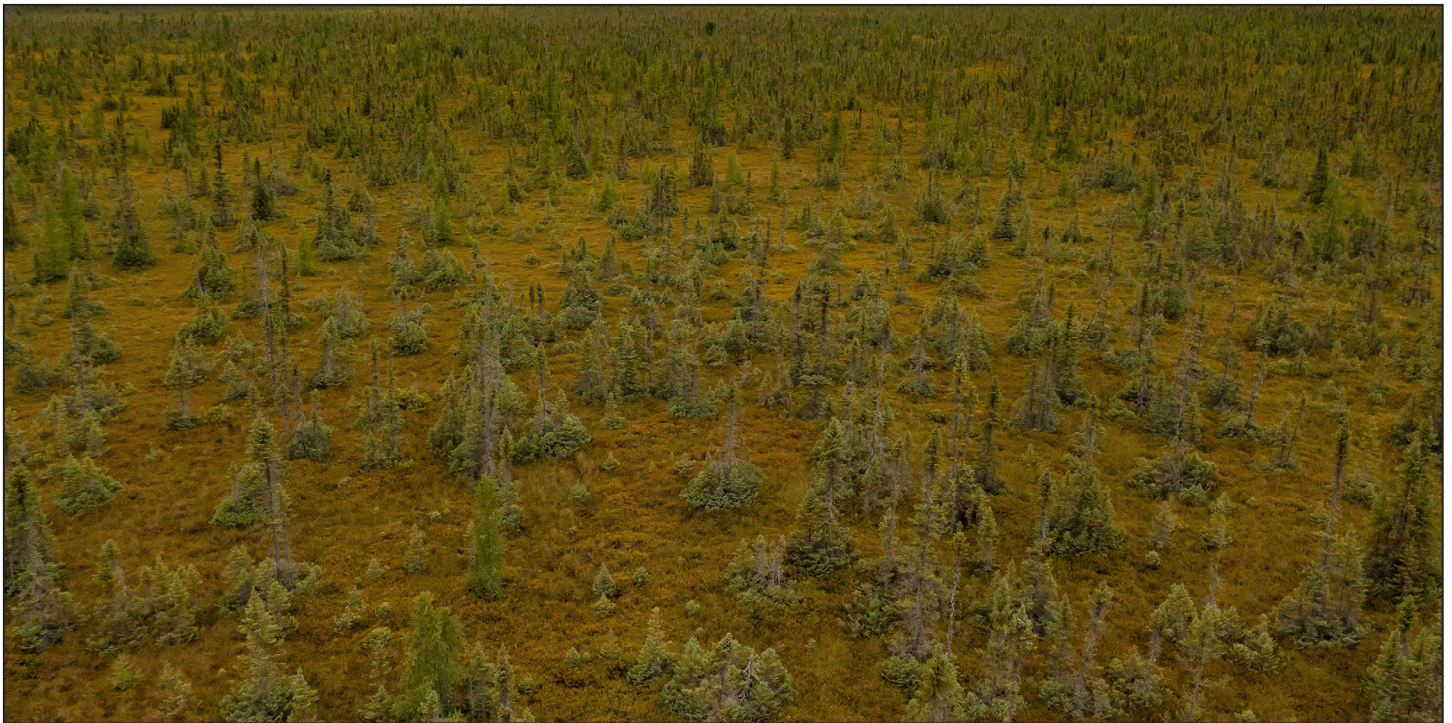
“I think we've got some time here, but I think it's important that while we have some local funds we try to find some others that we can match with local,” he said.



By **Randy Petersen**(<https://www.postbulletin.com/randy-petersen>)

Randy Petersen joined the Post Bulletin in 2014 and became the local government reporter in 2017. An Elkton native, he's worked for a variety of Midwest papers as reporter, photographer and editor since graduating from Winona State University in 1996. Readers can reach Randy at 507-285-7709 or

# Peatlands restoration potential sparks research, conservation



**WEB PAGE:**  
Details, including links to the Potentially Restorable Peatlands Mapping Tool, the Minnesota Climate Action Framework and BWSR staff contacts, are on [BWSR's Peatlands web page](#).

**M**innesota's peatlands, often overlooked in the past, are now gaining attention for their biodiversity and for their potential to help mitigate the effects of climate change.

The Minnesota Board of Water and Soil Resources (BWSR) is developing a Reinvest in Minnesota (RIM) easement option focused on peatlands. BWSR staff and partners recently developed a mapping tool to help identify potentially restorable peatlands.

The state is home to nearly 7 million acres of peatlands — the largest peatlands acreage of any state in the continental U.S. and second only to Alaska. A peatland is a type of wetland where high water tables saturate plant material, so that layers of decomposed vegetation build up over time, forming peat or muck soils, known as histosols. These saturated soils create anaerobic



conditions that trap most greenhouse gases, except for some methane emissions.

*The 24,000-acre Sax-Zim Bog southeast of Hibbing was protected and restored as part of the Lake Superior Wetland Bank. Peatlands (bogs and fens) hold some of Minnesota's largest carbon reserves, but emit large quantities of carbon when ditched and drained. Protecting existing peatlands and other wetlands, and restoring drained, farmed or pastured peatlands and wetlands will increase carbon storage. Photo Credits: Derek Montgomery for The Nature Conservancy*



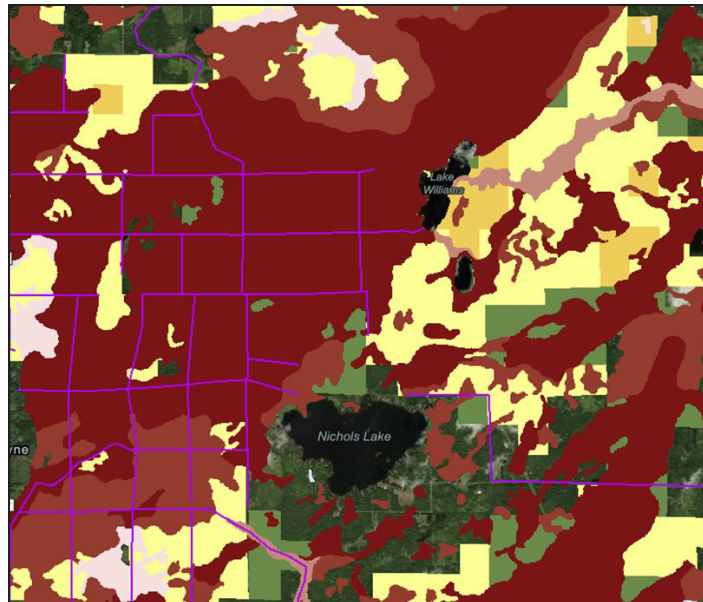
While peatlands occupy only about 3% of the Earth's land area, they store up to 30% of its terrestrial soil carbon — as much as is stored in forests worldwide. But when peatlands are drained or farmed, they release this carbon to the atmosphere as carbon dioxide, along with nitrous oxide and methane, “flipping” from carbon sinks to carbon sources. Drained peatlands can also release methyl mercury to downstream water bodies, where it can accumulate in fish tissues.

According to a recent analysis by [The Nature Conservancy](#) (TNC), about one-sixth of Minnesota's peatlands have been fully or partially drained, including approximately 478,000 acres currently used as cropland or pasture.

Minnesota's peatlands are usually classified as bogs, fed mainly by rainfall, with acidic water and sparse vegetation; or as fens, a rare wetland type fed by flowing groundwater. However, peatlands differ in their nature and extent across Minnesota.

The large peatlands that span the Continental Divide and form the headwaters of the Mississippi and Great Lakes watersheds are among the most valuable in North America, both as carbon sinks and as unique wetland habitats. They hold and filter water, reducing downstream flooding and contributing to clean water in wild rice lakes.

Native vegetation is dominated by sphagnum mosses and sedges, although some peatlands contain stands of black ash, black spruce, tamarack and other lowland conifers. Many large bogs are home



**Top:** The mapping tool produced a depiction of drainage ditches, histosols (reddish brown) and a patchwork of public and private land in the Meadowlands area south of the Lake Superior Wetland Bank. **Left:** The tool shows RIM wetland easements, outlined in red, and other histosols on cropland in Steele County. **Map Credits:** BWSR

to unique carnivorous plants such as sundews and pitcher plants. Birders are drawn from around the world to the Sax-Zim Bog Important Bird Area southeast of Hibbing, an internationally renowned winter habitat for Arctic and boreal bird species.

Smaller drained and farmed peatlands in southern and western Minnesota are less widely recognized, but are surprisingly extensive in areas such as the Anoka Sand Plain, where peat and muck soils often form shallow basins within a sandy substrate. These lands have been extensively farmed for sod and vegetable production, and further drained for urban

development. However, many small wetlands have also been restored and protected for water storage and water quality. Wet meadows are dominated by a combination of grasses, sedges and forbs.

Many peatlands have been restored through BWSR's RIM Wetlands Easement program and as part of wetland mitigation banks.

The Sax-Zim Bog, for example, was protected and restored as part of the Lake Superior Wetland Bank, one of Minnesota's largest banks at 24,000 acres. Approximately one-fifth of BWSR's existing RIM easements include restored wetlands with areas of peat or muck soils. Among

wetland banking easements, 45% include histosols, covering over half of those easements' total acreage.

## Mapping tool

BWSR and Minnesota IT Services (MNIT) staff worked closely with researchers from TNC and the U.S. Forest Service to develop and refine the [Potentially Restorable Peatlands](#) mapping tool. The tool provides a view of multiple layers, including the percentages of histosols in soils, agricultural land uses, identified wetlands, public ownership and tribal landholdings.

It is intended for use by field staff and local partners as a first step in identifying partially drained, cropped or pastured peatlands with potential for restoration. As with any wetland restoration, more detailed surveys of site conditions, including hydrology, vegetation and land ownership would follow.

Throughout northern Minnesota, gridded or angular lines depict the drainage ditches, many dating from the early 20<sup>th</sup> century, built to “drain the swamps” for agricultural use. Many of those farming efforts failed, and hundreds of miles of ditches were abandoned but remain in place, causing subsidence and drying out of vegetation and soil within 150 meters (about 500 feet) on either side of the ditches.

## Many partners

Both peatlands research and conservation efforts are accelerating. Minnesota's [Climate Action Framework](#) recognizes the importance of protecting and restoring this resource as a key



Mosses and plants, including an orchid, center, grow in and near the Sax-Zim Bog near Hibbing. Photo Credits: Kristen Blann, The Nature Conservancy

strategy for reducing greenhouse gas emissions.

The 2023 Legislature also recognized the importance of the peatlands resource, appropriating up to \$9 million to acquire conservation easements and restore and enhance peatlands and adjacent lands “for the purposes of climate resiliency, adaptation, carbon sequestration, and related benefits.” In response, BWSR is developing a RIM easement option focused on peatlands, as a subprogram under the broader [RIM Wetlands Easement program](#). BWSR and partner agencies are exploring opportunities for additional federal funds to restore both publicly and privately owned peatlands.

Since 2021, TNC has been conducting research to assess the benefits of peatlands restoration for climate change mitigation

## Partners’ Related Work

A few more examples of partner activities include:

**The Minnesota Department of Natural Resources** received legislative funding to protect and restore carbon storage in state-administered peatlands, including school trust lands, and to complete a peatland restoration project on DNR lands.

**The MPCA Watershed Division** is currently sampling water flow and water chemistry in three legacy-ditched peatlands in the Mississippi River-Grand Rapids and the St. Louis River watersheds, looking at total phosphorus, dissolved organic carbon (to understand carbon loss) and dissolved oxygen.

**The U.S. Forest Service** is working to map peatlands nationwide and is looking at the implications of restoration on greenhouse gas fluxes and mercury, including the role of cleaner emissions in decreasing mercury transport from peatland watersheds even as the climate warms.

and to identify sites with the best restoration potential. TNC and other partners hosted a Peatlands Science Summit in March 2023, and have established several working groups to share information

about policy development, restoration methods, data and greenhouse gas emissions. TNC’s spatial analysis work will be incorporated into the Minnesota Pollution Control Agency’s (MPCA) greenhouse gas inventory and other



climate mitigation efforts.

With a 2023 Minnesota Environment & Natural Resources Trust Fund (ENRTF) grant, University of Minnesota and TNC researchers will measure carbon dioxide, methane fluxes and energy exchange with the atmosphere at two sets of disturbed (ditched), natural (undisturbed) and restored (rewetted) peatland sites in the Sax-Zim bog area and nearby properties, part of the Lake Superior Wetland Bank.

The team will use state-of-the-art equipment to measure gas flux. BWSR is a partner in this effort, which will produce valuable guidance on peatland restoration methods.



# Maple Grove's popular Fish Lake poised to drop 'impaired' status



Project partners included Three Rivers Park District, the city of Maple Grove, the Fish Lake Area Residents Association, the Elm Creek WMC and BWSR.

**M**APLE GROVE — Fish Lake, a 232-acre lake bordered by a regional park with a swimming beach and public water access, achieved the phosphorus reductions necessary to be considered for delisting in 2017, after the first dose of a two-part alum treatment.

Alum treatments are applied in two half-doses to avoid a significant drop in pH, which could harm fish and invertebrates. Half-dose treatments also improve the efficiency of alum to bind to the phosphorus, locking it up within the upper layer of sediment.

A \$200,000 Clean Water Fund grant the Minnesota Board of Water and Soil Resources (BWSR) awarded to the Elm Creek Watershed Management Commission (WMC) in 2017 supported the \$375,470 project.

“It’s really nice to be able to

recommend to people, ‘Hey, go to Fish Lake and check it out and go paddleboarding and take advantage of the great water quality and the fish community that it has to offer,” said Brian Vlach, senior water resources manager at Three Rivers Park District.

The Elm Creek WMC contracts with Three Rivers Park District to monitor water quality in Fish Lake. Three Rivers Park District owns Fish Lake Regional Park, which offers a swimming beach on the south shore, fishing piers, and a public boat access popular among anglers and water-skiers.

The lake was listed as impaired for aquatic recreation in 2008.

In the past, severe algae blooms emerged during the summer.

Fish Lake Area Residents Association (FLARA) President Dave Spatafore

*Fish Lake is among the water bodies slated to be removed from the state’s impaired waters list in 2024 as a result of water-quality improvements supported by Clean Water Funds from BWSR. Delisting becomes official when approved by the Environmental Protection Agency.*

**Photo Credit:** Dave Spatafore, FLARA





Fish Lake is 62 feet deep at its deepest point, with an average depth of 20.5 feet. It attracts anglers, boaters, water-skiers, paddlers and swimmers. Water-quality improvements here affect connected waters including Rice Lake and Elm Creek downstream. **Photo Credit:** Joe Ruegsegger

lives on Fish Lake, where he enjoys swimming, fishing, water sports, ice fishing and ice skating. He recalled times where it was impossible to see his feet while wading because of the algae blooms.

Phosphorus is the primary nutrient causing the algae growth that turns lakes green.

Because the watershed is small — 1,611 acres — and fully developed, Vlach said there wasn't room to install projects or management practices such as ponds or rain gardens that would significantly reduce phosphorus-loading. Any such projects large enough to significantly improve water quality would not be cost-effective. Additionally, soils within the watershed aren't conducive to most infiltration practices.

The WMO and park district's total maximum daily load study determined 70% of the total phosphorus came from within the lake.

"It was really close to meeting

standards but it wasn't quite there," Vlach said.

Phosphorus levels were averaging about 45 parts per billion (ppb). The state water-quality standard is 40 ppb.

"The alum treatment was instrumental in getting the lake delisted," Vlach said.

Matching funds came from the project partners: Three Rivers Park District, the Elm Creek WMC, the city of Maple Grove, FLARA and Hennepin County (which provided an [Opportunity Grant](#)).

"Those dollars we got from BWSR were instrumental," Vlach said. "Without that money, it would've been difficult to do a project of this size."

Removal from the impaired waters list requires meeting the standard for phosphorus levels, and either Secchi disk readings, which measure clarity, or Chlorophyll-a levels.

Fish Lake has met state water-quality standards for

phosphorus levels since the first alum treatment in September 2017. The second half-dose of the two-part treatment finished in August 2019. Post-treatment phosphorus concentrations averaged less than 30 ppb, occasionally reaching 20 ppb.

Fish Lake has met the Secchi depth standard of 1.4 meters since 2017. In 2022, water clarity averaged just over 3 meters.

The lake has met the Chlorophyll-a standard since 2020. Chlorophyll-a is a measure of how much algae is growing in a water body. Algae blooms can degrade overall water clarity; the goal is to meet the Chlorophyll-a standard long-term.

"It's something that we're extremely proud of. Trying to get these lakes off the impaired waters list takes years to do and a lot of partnerships," Vlach said.

As Maple Grove's water resources engineer, Derek Asche is responsible for

surface water management in the city. Through the city's Lake Quality Commission, he works on water-quality improvement projects with lake associations and watersheds, including the FLARA and the Elm Creek WMC.

"It's a validation of a long history of work and effort that's gone into improving surface water and lake quality in the city of Maple Grove," Asche said, noting partners' involvement. "Ever since the Clean Water Land and Legacy Amendment and the funding that's come from BWSR, we've really been able to take some of the biggest steps forward. ... A lot of the work doesn't come cheaply but can be very effective, like an alum treatment."

The city's Clean Water Fund grant match came from its stormwater utility fund. Asche said the grant funding made it possible to reach Fish Lake's water-quality improvement goals — goals also shared by FLARA and the WMC.



A Clean Water Fund grant from BWSR supported a two-dose alum treatment for Fish Lake, applied in September 2017 and August 2019. Some of the city of Maple Grove's previous water-quality improvement work within the lakeshed aligned with street reconstruction, when hydrodynamic separators were installed to remove sediment and pollutants. The city also provides extra street sweeping on roads within the lakeshed that would otherwise drain untreated to Fish Lake, and it partners with FLARA for more street sweeping around Fish Lake. **Photo Credit:** Three Rivers Park District

"As a lake association, we've had water quality as our top goal for lake improvements ever since I can remember," Spatafore said. He became a lakeshore resident 13 years ago and has served as president of the 100-household FLARA for about seven years. "More specifically, getting our lake removed from the impaired waters list has been a goal for many years."

The Elm Creek WMC recognized partners' work leading to the proposed delisting.

"Anytime something like that happens, it's great news. It's a sign that all the behind-the-scenes work does pay off in a measurable way," said Joe Trainor, the Elm Creek WMC commissioner representing Maple Grove.

Trainor noted that water-quality improvements benefit connected waters, too. Fish Lake drains to Rice Lake via culverts under Weaver Lake Road. Water from Rice Lake flows to Elm Creek.

"This is a great example of collaboration between all the different entities that were involved," Trainor said. "We

**“ Once you get a lake off the impaired waters list, your work isn't necessarily done. You still need to try and manage for changes in the aquatic ecosystem that would be more desirable from a recreational standpoint, such as fish community and plant management. ”**

— Brian Vlach, senior water resources manager  
Three Rivers Park District

wouldn't have been able to make as much progress without the involvement of Three Rivers and all the technical guidance."

Three Rivers staff continue to monitor water-quality changes throughout the summer, calculate averages and compare to the state standard. Staff are also monitoring aquatic vegetation. Since phosphorus levels decreased, water clarity has increased, allowing more light to penetrate the water column. That, in turn, encourages plant growth.

Vlach said the park district is monitoring how improved growing conditions will affect Eurasian water milfoil and curly-leaf pondweed, two aquatic invasive species

present in Fish Lake. Eurasian water milfoil is nearing a level that might require management.

"What you really want to manage for is a diverse native plant community," Vlach said.

"If we're able to improve the native plant community on this lake, that will benefit the macroinvertebrates, which is very beneficial for the fish to eat. Also, it will improve fish habitat if we can have a more diverse native plant community," Vlach said.

The Minnesota Department of Natural Resources notes Fish Lake is known for bluegills, largemouth bass and Northern Pike.

Three Rivers will also monitor how zebra mussels affect the

lake. The invasive aquatic species was confirmed in fall 2022.

"Once you get a lake off the impaired waters list, your work isn't necessarily done. You still need to try and manage for changes in the aquatic ecosystem that would be more desirable from a recreational standpoint, such as fish community and plant management," he said.

Spatafore said the successful alum treatment triggered additional water-quality improvement efforts such as promoting best management practices to reduce runoff, increasing street sweeping, and keeping storm drains clear.

"Even though a lot was achieved with that alum treatment to address the internal loading, we're still trying to make further improvements to water quality so we don't take any steps backward and keep taking steps forward," Spatafore said. "I would say we now have a greater motivation than ever to stay in pursuit of improved water quality."



# Water storage among benefits of Murray SWCD wetland restoration



Clean Water Fund and Outdoor Heritage Fund dollars support BWSR's RIM Wetlands Easement program.

It took 15 years, six conservation easements and four Murray County landowners, but the resulting project restored nearly 160 acres of wetlands within about 210 acres of perpetual easements, providing improved water quality, increased water storage and enhanced wildlife habitat.

The \$141,890 project successfully restored two depressional wetlands — one of them 132 acres, the second measuring 27 acres.

When John Stenke and his sister Elizabeth Nelson enrolled 111 acres in the Minnesota Board of Water and Soil Resources' (BWSR) Conservation Reserve Enhancement Program (CREP II) in 2007, their goal was to restore two large depressional wetlands on their family farm and neighboring properties. Stenke had farmed the land for many years but crops frequently flooded in the former wetland areas.

Murray Soil & Water Conservation District (SWCD) staff approached the neighbor who owned part of the drained wetlands. The neighbor declined to participate in the project, and the planned wetland restorations were not completed. After the neighboring land sold in 2015, Murray SWCD staff worked with the new landowner to enroll approximately 20 acres into the new Reinvest in Minnesota (RIM) Wetlands Easement program. At that time, Stenke and Nelson enrolled another 44 acres. Other neighbors enrolled 35 more acres on adjoining property.

With the additional easements and the permanent protection of the roughly 210 acres, it became possible to restore the two large former wetlands in their entirety.

"It was a long process that paid off in the end," said Craig Christensen,

*Two wetlands totaling nearly 160 acres were restored in Murray County to provide additional water storage, improve water quality and enhance wildlife habitat. The larger 132-acre wetland can be seen in the foreground of this November aerial photo; the smaller 27-acre wetland is visible in the background on the left. Photo Credit: Murray SWCD*



Murray SWCD program manager.

The wetlands had been drained by miles of private and public drainage tile. Because the wetlands within the project area were at the upstream end of the Murray County Ditch 30 (CD 30) drainage system, it was possible to abandon part of the drainage system and restore the wetlands.

Christensen said the project has yielded multiple benefits.

“The primary benefit of wetland restorations is to provide water storage benefits. When engineers design wetland restorations, they allow for necessary detention storage and associated fluctuations of water levels or ‘bounce’ that results from storm event runoff and spring snowmelt, all of which helps take pressure off of downstream drainage systems and rivers,” Christensen said. “The benefits to wildlife are secondary, but for a project like this, significant with respect to waterfowl nesting habitat and food for migrating birds. The upland habitat part of these conservation easements provides nesting cover for upland birds, songbirds, deer and other mammals. The uplands also offer pollinators habitat and safe zones from insecticides used in farming.”

The Murray SWCD staff collaborated with BWSR engineering staff to survey and design the project. Before construction started, landowners successfully petitioned

## “ Taking that tile off the drainage system takes the maintenance burden off of the drainage authority. ”

— Jim Luniewski, BWSR senior engineering technician



*An inlet structure feeds water to a structure containing an internal weir that helps control water levels in the larger of the two restored wetlands. The water control structure connects to County Drainage Ditch 30.*

**Photo Credit:** BWSR



*Rock riprap was installed along a township road abutting the restoration site to protect against rodent and wave damage. A stretch of the road was raised and resurfaced during construction. The road's side slopes were flattened to reduce erosion.* **Photo Credit:** BWSR

the Murray County Board of Commissioners, which serves as the drainage authority for CD 30, to abandon 6,700 feet of public drainage tile that would no longer be needed

once the project lands were taken out of crop production.

Construction was completed in two phases, beginning in December

2018 and finishing in January 2020. It included disabling all subsurface tile within both wetlands and installing two outlet structures to manage and control water levels in each wetland. The structure on the larger, downstream wetland outlets directly into CD 30.

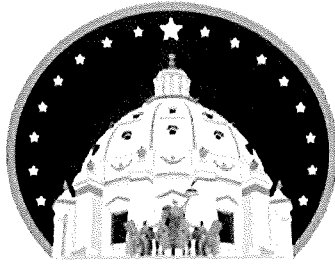
Work also involved constructing about 10 tile outlets to provide continued, unimpeded drainage from adjoining properties at higher elevations, allowing those waters to enter and be filtered by the wetlands.

“Taking that tile off the drainage system takes the maintenance burden off of the drainage authority,” said Jim Luniewski, BWSR senior engineering technician. “All those landowners were given outlets into the basins.”

Construction also included working with the township road authority to protect a township road bordering one of the wetlands. That work involved raising and resurfacing a segment of the road, flattening the side slopes, and installing rock riprap to protect against rodent and wave damage.

In the years since construction wrapped up, Christensen said that Stenke has reported an increase in wildlife at the site.

“John Stenke is an avid wildlife enthusiast and hunter, and he really enjoys seeing all the ducks and geese on his wetland,” Christensen said.



# MINNESOTA

## CAMPAIGN FINANCE BOARD

December 29, 2023

John Jaschke  
1710 Bayard Ave  
St Paul, MN, 55116

**From:** Campaign Finance and Public Disclosure Board

**Subject:** Annual certification of statement of economic interest

**Agency:** Water and Soil Resources, Board of

You are receiving this notice because Campaign Finance and Public Disclosure Board records indicate that you served as a public official in Minnesota during all or part of 2023. If you held public official positions with multiple agencies, only one of those agencies is listed above.

All public officials must review their statement of economic interest annually, make updates necessary to reflect changes during the past calendar year, and then recertify the statement.

- **You must file between January 1, 2024, and January 29, 2024.** Your filing must cover all time served as a public official during 2023.
- You must file even if nothing has changed since your last filing.
- You must file if you served at any time in 2023 even if you don't hold the position now.
- **Failure to certify the statement by the January 29, 2024, deadline may result in a late fee and civil penalty.**

You may complete your filing online by going to the Board's website at [cfb.mn.gov](http://cfb.mn.gov) and clicking "File an economic interest statement online." This link is under Trending Topics.

Our records indicate that you've already created an account on our website using the email address [john.jaschke@state.mn.us](mailto:john.jaschke@state.mn.us) and the username below:

**Username:** jjjaschke

The back of this letter has instructions for accessing the filing system, resetting your password if necessary, and using the online reporting system. Go to [cfb.mn.gov/reports/#!/public\\_officials\\_disclosures/](http://cfb.mn.gov/reports/#!/public_officials_disclosures/) to find links to a short video tutorial about completing your statement of economic interest and the Public Officials Handbook.

If you are unable to report electronically or have questions about reporting, please contact Erika Ross at 651-539-1187 or [erika.t.ross@state.mn.us](mailto:erika.t.ross@state.mn.us).

**Please note: The online filing system will not be available until January 1, 2024**

**How do I access the online filing system?**

Go to the Campaign Finance Board website at [cfb.mn.gov](http://cfb.mn.gov) . Click on "File an economic interest statement online," which is under Trending Topics on the right. Enter your username, which is listed on the first page of this letter, and your password, which you created when setting up your account. After you've logged in, click the "Report online" button next to your name to open your statement.

**How do I reset my password?**

If you can't remember your password, you can reset it by entering your username in the username field and clicking the "I forgot my password" button. A link will be sent to the email address printed on the first page of this letter. Following the link will allow you to change your password.

**How do I keep a copy of the statement for my records?**

After you complete and submit the statement, you can print a copy from the submission screen.

**How do I get help?**

If you need assistance with resetting your password or using the online reporting system, please contact Erika Ross at [erika.t.ross@state.mn.us](mailto:erika.t.ross@state.mn.us) or 651-539-1187.

**Can I file the statement over the phone?**

No. While on the phone, Board staff can walk you through filing the statement online, but you cannot file the statement using only the phone.

**Can I file on paper?**

If you are unable to file online, you can file using a paper statement. The paper statement is available on the Board's website at [cfb.mn.gov](http://cfb.mn.gov) under Trending Topics.

**Can I see what I filed last year?**

The information from your last filing is automatically filled in for you if you file online. You also can see some of your information by going to the Board's website at [cfb.mn.gov/reports-and-data/officials-financial-disclosure/official/](http://cfb.mn.gov/reports-and-data/officials-financial-disclosure/official/) and searching for your name.

**I left that public official position several months ago. Why do I still have to do this?**

Like taxes, statements of economic interest look at the past. All time served in a public official position needs to be covered by a statement, so you need to file a final statement to cover the time up to the day you left your position.

**Nothing has changed since the last time I filed this. Do I still have to do it?**

Yes, even if nothing has changed, you're required by statute to review your last filing and confirm that nothing has changed. Sometimes filing requirements change, meaning that even if nothing has changed for you, you still may need to edit the statement.



# MINNESOTA

## CAMPAIGN FINANCE BOARD

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**Date:** December 29, 2023

**To:** Agency and subagency contacts

**From:** Erika Ross, Programs Administrator

**Telephone:** 651-539-1187

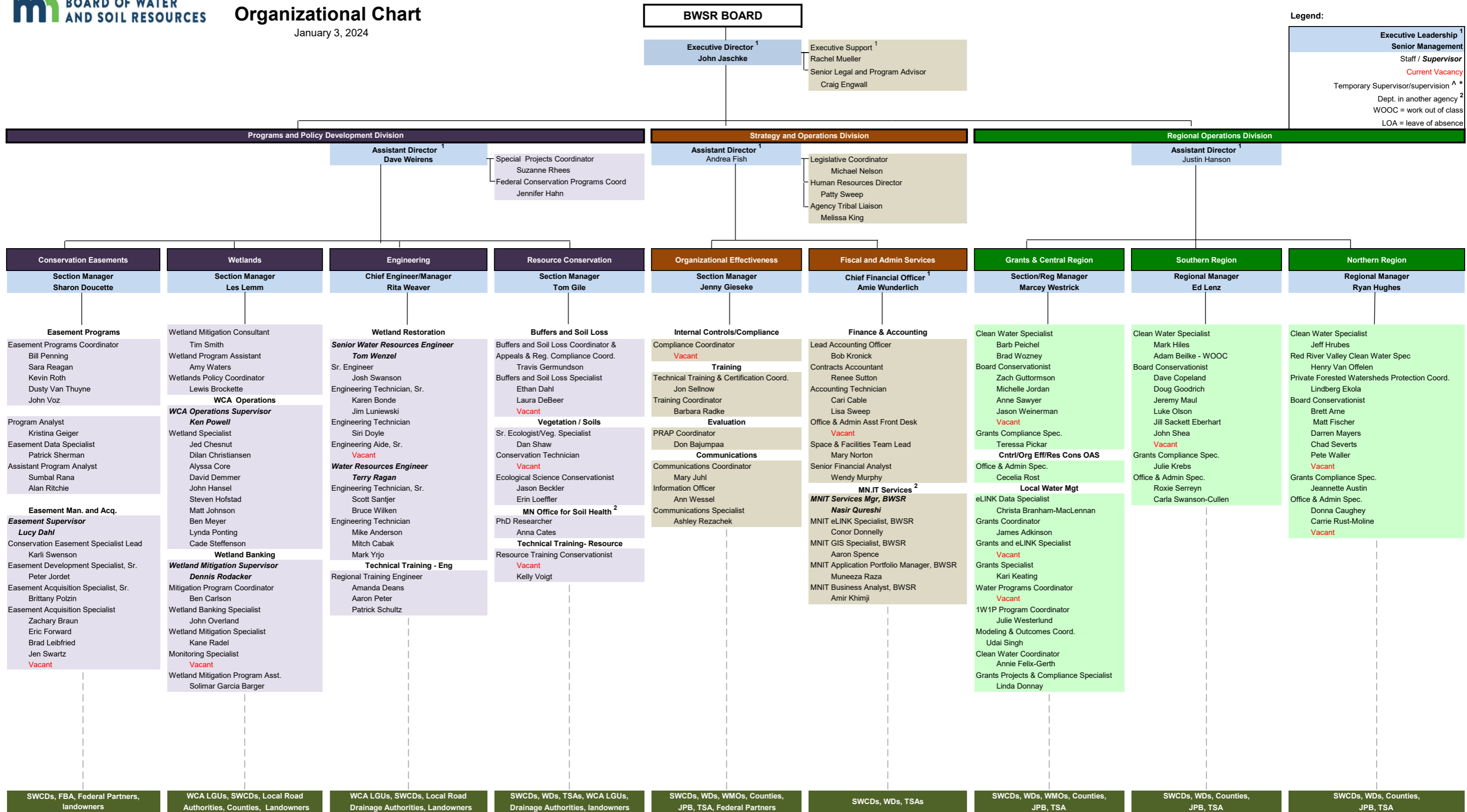
**Re:** Changes to the Economic Interest Statement disclosure requirements

Effective January 1, 2024, the disclosure requirements for statements of economic interest filed by public officials, and local officials in a metropolitan governmental unit, will change to include the following:

1. The disclosure of associated businesses from which the official's spouse received more than \$250 in compensation in any month during the reporting period.
2. The disclosure of lobbyists, lobbyist principals, or "interested persons" as defined, for whom the public or local official provides services as an independent contractor or consultant and received more than \$250 in compensation for those services in any month during the reporting period.
3. The disclosure of the principal business or professional activity category of each business from which the official's spouse received more than \$250 in any month during the reporting period as an employee, if the official or their spouse has an ownership interest of 25% or more in the business.
4. The disclosure of the principal business or professional activity category from which the official's spouse received compensation of more than \$2,500 in the past 12 months as an independent contractor.
5. The disclosure of businesses whose securities are valued at more than \$10,000 that the official's spouse individually or jointly held at any time during the reporting period.
6. The disclosure of real property in Minnesota held individually or jointly by the official's spouse at any time during the reporting period.
7. The disclosure of any contract, professional license, or lease issued to the official or their spouse, or to a business in which the official, or their spouse, has at least 25% ownership interest by the government agency on which the official serves.
8. The disclosure of honoraria worth more than \$250 received during the reporting period, including the source's name and address.

The financial interests of the spouse are not reported separately from the interests of the public official, or identified as being held by the spouse instead of the public official.

**Executive Leadership**<sup>1</sup>  
**Senior Management**  
 Staff / **Supervisor**  
 Current Vacancy  
 Temporary Supervisor/supervision <sup>^</sup> \*  
 Dept. in another agency <sup>2</sup>  
 WOOC = work out of class  
 LOA = leave of absence





<input type="checkbox"/> IN-STATE	<input type="checkbox"/> SHORT TERM ADVANCE	SEMA4 EMPLOYEE EXPENSE REPORT	<input type="checkbox"/> Check if advance was issued for these expenses
<input type="checkbox"/> OUT-OF-STATE	<input type="checkbox"/> RECURRING ADVANCE		<input type="checkbox"/> FINAL EXPENSE(S) FOR THIS TRIP?

Employee Name	Home Address (Include City and State)	Permanent Work Station (Include City and State)	Agency	1-Way Commute Miles	Job Title
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Employee ID	Rcd #	Trip Start Date	Trip End Date	Reason for Travel/Advance (30 Char. Max) [example: XYZ Conference, Dallas, TX]				Barg. Unit	Expense Group ID (Agency Use)
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Chart String(s)	A	Accounting Date	Fund	Fin DeptID	AppropID	SW Cost	Sub Acct	Agncy Cost 1	Agncy Cost 2	PC BU	Project	Activity	Srce Type	Category	Sub-Cat	Distrib %
		B														

A. Description: \_\_\_\_\_ B. Description: \_\_\_\_\_

Date	Daily Description	Itinerary		Trip Miles	Total Trip & Local Miles	Mileage Rate	Meals ✓			Total Meals (overnight stay)	Total Meals (no overnight stay) taxable	Lodging	Personal Telephone	Parking	Total
		Time	Location				B	L	D						
			Depart				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Arrive				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Depart				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Arrive				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Depart				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Arrive				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Depart				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Arrive				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Depart				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Arrive				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Depart				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Arrive				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Depart				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
			Arrive				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						0.00
				VEHICLE CONTROL #		Total Miles 0	Figure mileage reimbursement below			Total MWI/MWO 0.00	Total MEI/MEO 0.00	Total LG/LGO 0.00	Total PHI/PHO 0.00	Total PKI/PKO 0.00	Subtotal (A) 0.00

MILEAGE REIMBURSEMENT CALCULATION	OTHER EXPENSES – See reverse for list of Earn Codes.
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Enter the rates, miles, and total amounts for the mileage listed above. Get the IRS rate from your agency business expense contact.	Rate	Total Miles	Total Mileage Amt.	Date	Earn Code	Comments	Total
1. Enter rate, miles, and amount being claimed at <b>equal to the IRS rate.</b>			0.00				
2. Enter rate, miles, and amount being claimed at <b>less than the IRS rate.</b>			0.00				
3. Enter rate, miles, and amount being claimed at <b>greater than the IRS rate.</b>			0.00				
4. Add the total mileage amounts from lines 1 through 3.			0.00				
5. Enter IRS mileage rate in place at the time of travel.							
6. Subtract line 5 from line 3.	0.000						
7. Enter total miles from line 3.		0				Subtotal Other Expenses: (B)	0.00
8. Multiply line 6 by line 7. This is <b>taxable</b> mileage.			0.00 <small>(Copy to Box C)</small>			Total taxable mileage greater than IRS rate to be reimbursed: (C)	0.00 <small>MIT or MOT</small>
9. Subtract line 8 from line 4. If line 8 is zero, enter mileage amount from line 4. This is <b>non-taxable</b> mileage.			0.00 <small>(Copy to Box D)</small>			Total nontaxable mileage less than or equal to IRS rate to be reimbursed: (D)	0.00 <small>MLI or MLO</small>
<b>Grand Total (A + B + C + D)</b>							0.00

If using private vehicle for out-of-state travel: What is the lowest airfare to the destination? \_\_\_\_\_ Total Expenses for this trip must not exceed this amount.

I declare, under penalty of perjury, that this claim is just, correct and that no part of it has been paid or reimbursed by the state of Minnesota or by another party except with respect to any advance amount paid for this trip. I AUTHORIZE PAYROLL DEDUCTION OF ANY SUCH ADVANCE. I have not accepted personal travel benefits.

Employee Signature _____	Date _____	Work Phone: _____	Amount of Advance to be returned by the employee by deduction from paycheck: 0.00
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Approved: Based on knowledge of necessity for travel and expense and on compliance with all provisions of applicable travel regulations. \_\_\_\_\_ Appointing Authority Designee (Needed for Recurring Advance and Special Expenses)

Supervisor Signature _____	Date _____	Work Phone: _____	Signature _____ Date _____
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## EMPLOYEE EXPENSE REPORT (Instructions)

**DO NOT PAY RELOCATION EXPENSES ON THIS FORM.**

See form FI-00568 Relocation Expense Report. Relocation expenses must be sent to Minnesota Management & Budget, Statewide Payroll Services, for payment.

**USE OF FORM:** Use the form for the following purposes:

1. To reimburse employees for authorized travel expenses.
2. To request and pay all travel advances.
3. To request reimbursement for small cash purchases paid for by employees.

**COMPLETION OF THE FORM: Employee:** Complete, in ink, all parts of this form. If claiming reimbursement, enter actual amounts you paid, not to exceed the limits set in your bargaining agreement or compensation plan. If you do not know these limits, contact your agency's business expense contact. Employees must submit an expense report within 60 days of incurring any expense(s) or the reimbursement comes taxable.

All of the data you provide on this form is public information, except for your home address. You are not legally required to provide your home address, but the state of Minnesota cannot process certain mileage payments without it.

**Supervisor:** Approve the correctness and necessity of this request in compliance with existing bargaining agreements or compensation plans and all other applicable rules and policies. Forward to the agency business expense contact person, who will then process the payments. Note: The expense report form must include original signatures.

**Final Expense For This Trip?:** Check this box if there will be no further expenses submitted for this trip. By doing this, any outstanding advance balance associated with this trip will be deducted from the next paycheck that is issued.

**1-Way Commute Miles:** Enter the number of miles from your home to your permanent workstation.

**Expense Group ID:** Entered by accounting or payroll office at the time of entering expenses. The Expense Group ID is a unique number that is system-assigned. It will be used to reference any advance payment or expense reimbursement associated with this trip.

**Earn Code:** Select an Earn Code from the list that describes the expenses for which you are requesting reimbursement. Be sure to select the code that correctly reflects whether the trip is in state or out-of-state. **Note:** Some expense reimbursements may be taxable.

**Travel Advances, Short-Term and Recurring:** An employee can only have one outstanding advance at a time. An advance must be settled before another advance can be issued.

**Travel Advance Settlement:** When the total expenses submitted are less than the advance amount or if the trip is cancelled, the employee will owe money to the state. Except for rare situations, personal checks will not be accepted for settlement of advances; a deduction will be taken from the employee's paycheck.

**FMS ChartStrings:** Funding source(s) for advance or expense(s)

**Mileage:** Use the **Mileage Reimbursement Calculation** table to figure your mileage reimbursement. Mileage may be authorized for reimbursement to the employee at one of three rates (referred to as the equal to, less than, or greater than rate). The rates are specified in the applicable bargaining agreement/compensation plan. Note: If the mileage rate you are using is above the IRS rate at the time of travel (this is not common), part of the mileage reimbursement will be taxed.

**Vehicle Control #:** If your agency assigns vehicle control numbers follow your agency's internal policy and procedure. Contact your agency's business expense contact for more information on the vehicle control number procedure.

**Personal Travel Benefits:** State employees and other officials cannot accept personal benefits resulting from travel on state business as their own. These benefits include frequent flyer miles/points and other benefits (i.e. discounts issued by lodging facilities.) Employees must certify that they have not accepted personal travel benefits when they apply for travel reimbursement.

**Receipts:** Attach itemized receipts for all expenses except meals, taxi services, baggage handling, and parking meters, to this reimbursement claim. The Agency Designee may, at its option, require attachment of meal receipts as well. Credit card receipts, bank drafts, or cancelled checks are not allowable receipts.

**Copies and Distribution:** Submit the original document for payment and retain a copy for your employee records.

Description	Earn Code		Description	Earn Code	
	In State	Out of State		In State	Out of State
Advance	ADI	ADO	Membership	MEM	
Airfare	ARI	ARO	Mileage > IRS Rate	MIT*	MOT*
Baggage Handling	BGI	BGO	Mileage < or = IRS Rate	MLI	MLO
Car Rental	CRI	CRO	Network Services	NWK	
Clothing Allowance	CLA		Other Expenses	OEI	OEO
Clothing-Non Contract	CLN		Parking	PKI	PKO
Communications - Other	COM		Photocopies	CPI	CPO
Conference/Registration Fee	CFI	CFO	Postal, Mail & Shipping Svcs.(outbound)	PMS	
Department Head Expense	DHE		Storage of State Property	STO	
Fax	FXI	FXO	Supplies/Materials/Parts	SMP	
Freight & Delivery (inbound)	FDS		Telephone, Business Use	BPI	BPO
Hosting	HST		Telephone, Personal Use	PHI	PHO
Laundry	LDI	LDO	Training/Tuition Fee	TRG	
Lodging	LGI	LGO	Taxi/Airport Shuttle	TXI	TXO
Meals With Lodging	MWI	MWO	Vest Reimbursement	VST	
Meals Without Lodging	MEI*	MEO*	Note: * = taxable, taxed at supplemental rates		