

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

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

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas, the Policy Committee of the Rainy-Rapid Watershed submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on April 18, 2023, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Decision #21-08, and;

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

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

FINDINGS OF FACT

1. **Partnership Establishment.** The Partnership was established in September of 2021 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Lake of the Woods County and Lake of the Woods Soil and Water Conservation District (SWCD).
2. **Authority to Plan.** Minnesota Statutes, Sections 103B.101, Subdivision 14 allows the Board to adopt resolutions, policies or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan. Minnesota Statutes, Sections 103B.801 established the Comprehensive Watershed Management Planning Program; also known as One Watershed, One Plan and Board Decision #21-08 adopted the One Watershed, One Plan Operating Procedures Version 2.1 and Board Decision #19-41 adopted the One Watershed, One Plan Plan Content Requirements Version 2.1 policies.
3. **Nature of the Watershed.** Located in northern Minnesota, two major watersheds comprise the Rainy-Rapid Watershed (R-RW): the Rapid River, and the western lobe of the Lower Rainy River. The R-RW drains 1,251 square miles, and includes parts of Lake of the Woods, Koochiching, and Beltrami Counties. The Rainy-Rapid Watershed is a flat, diverse landscape of peatlands, wetlands, forests, croplands, pasturelands, beach ridges, and watercourses.

4. **Plan Development.** The Plan was developed as a single, concise, and coordinated approach to watershed management for the purpose of guiding watershed managers as they work with landowners and communities to protect and restore the watershed's resources. The Plan consolidates policies, programs, and implementation strategies from existing data, studies, and plans, and incorporates input from multiple planning partners to provide a single plan for management of the watershed. The Plan focuses on prioritized, targeted, and measurable implementation efforts and lays out specific actions to manage water quantity, protect and restore water quality, natural habitat, and drinking water sources in the watershed.
5. **Plan Review.** On April 18, 2023, the Board received a draft Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board Decision #21-08. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. The following state review comments were received during the comment period.
 - A. Minnesota Department of Agriculture (MDA): As required by program policy, the Plan was submitted to MDA.
 - B. Minnesota Department of Health (MDH): Confirmed receipt of the plan and recommended approval.
 - C. Minnesota Department of Natural Resources (DNR): Confirmed receipt of the plan and recommended approval.
 - D. Minnesota Pollution Control Agency (MPCA): Confirmed receipt of the plan and recommended approval.
 - E. Minnesota Environmental Quality Board (EQB): As required by program policy, the Plan was submitted to EQB.
 - F. Minnesota Board of Water and Soil Resources Regional Staff: All comments submitted throughout the planning process were adequately addressed in the final Plan and BWSR staff recommended approval of the Plan.
6. **Plan Summary and Highlights.** The highlights of the plan include:
 - The Plan development process generated six issues, organized under four resource categories, using existing plans, studies, and stakeholder input. The subject issue themes are Altered Hydrology; Sediment; Protect Groundwater from Contaminants; Protect Surface Water from Contaminants; Protection, Management, and Improvement of Aquatic and Riparian Habitat; and Terrestrial Land Management.
 - The Plan details five measurable goals. Each measurable goal has a short-term and long-term goal. Short-term goals are intended to identify the progress that will be made during the 10-year lifespan of the Plan and long-term goals are a desired future condition. Targeting maps are included for each measurable goal.
 - The goals of this Plan have multiple benefits and are interrelated. Work in the upstream peatlands, agricultural lands, and City of Baudette contribute to better water quality and habitat for important fisheries, such as Lake Sturgeon and Walleye in the Rainy River and Lake of the Woods. In addition, management of forests and public lands enhances wildlife and bird habitat, landscape resilience, and carbon storage.

- Priority sub-watersheds for hydrologic restoration were determined using the HSPF SAM model to determine which sub-watersheds contribute the most flow to the Rapid River outlet. This modeling scenario identified the sub-watersheds with the best hydrologic benefits from potential project implementation.
 - The Plan recognizes three funding levels for implementation. Level 1, Current Funding; Level 2, Current Funding + WBIF; and Level 3, Other Funding. Actions pursued under Funding Level 2 are the focus of the Plan and have an estimated annual cost of \$415,000.
7. **Planning Boundary Adjustment.** The Board maintains a suggested planning boundary map for the One Watershed, One Plan program. The Rainy-Rapid watershed partnership proposed a boundary adjustment in the application for funding. The Partnerships provided documentation for local concurrence, rationale, and justification of the adjusted boundary. The adjusted boundary was approved by Board staff per the One Watershed, One Plan Operating Procedures. The adjusted boundary is included as Figure 1.1 on page 2 in the Plan.
 8. **Northern Regional Committee.** On May 3, 2023, the Northern Regional Committee met to review and discuss the Plan. Those in attendance from the Board's Committee were Committee Chair Rich Sve, Ron Staples, Gerald Van Amburg, Todd Holman, LeRoy Ose, Kurt Beckstrom, Jeff Berg, Theresa Ebbenga, and Theresa Haugen. Board staff in attendance for the agenda item were Northern Regional Manager Ryan Hughes, Board Conservationist Chad Severts, and Clean Water Specialist Jeff Hrubes. The representatives from the Partnership were Mike Hirst from the Lake of the Woods SWCD; Josh Stromlund, Lake of the Woods County; and John Sonstegard, Lake of the Wood SWCD. Board regional staff provided its recommendation of Plan approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Plan to the full Board.
 9. This Plan will be in effect for a ten-year period until May 24, 2033.

CONCLUSIONS

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

ORDER

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Rainy-Rapid Watershed, as submitted April 18, 2023.

Dated at St. Paul, Minnesota, this twenty-fourth of May, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

A handwritten signature in blue ink that reads "Gerald Van Amburg". The signature is written in a cursive style and is positioned above a horizontal line.

BY: Gerald Van Amburg, Chair



BOARD ORDER

Red River Basin Commission – Supplemental Grant Funding

PURPOSE

Provide supplemental funding to the Red River Basin Commission (RRBC) to match supplemental funding provided to the RRBC from Manitoba and North Dakota for operations and program administration.

RECITALS /FINDINGS OF FACT

1. The Laws of Minnesota 2021, 1st Special Session, Chapter 6, Section 4(f) appropriated funds to the Board for grants to the Red River Basin Commission (RRBC) for water quality and floodplain management, including administration of programs.
2. The RRBC has requested supplemental funding from Minnesota to match Manitoba and North Dakota supplemental contributions for operational and program administration per a letter (Letter) dated April 4, 2023.
3. The Northern Regional Committee of the Board reviewed the Letter and Order and recommended approval of the Order at their May 3, 2023 meeting.
4. The Board Executive Director has authority to approve the proposed allocations in this order.

ORDER

The Board hereby:

1. Approves the allocation of current unallocated FY2022/2023 general funds up to \$100,000 to complement expected supplemental contributions from Manitoba and North Dakota.
2. Authorizes staff to execute new grant agreements or amend existing grant agreements and associated workplans to provide supplemental funding to match Manitoba and North Dakota supplemental contributions.

Dated at St. Paul, Minnesota, this May 24, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: 5-24-2023

Board Resolution # 23 – 34

UPDATED PER DIEM POLICY

WHEREAS, the Board of Water and Soil Resources establishes a per diem policy for board members to ensure judicious use of state resources and provide clarity to board members about when per diems may be claimed; and

WHEREAS, the most recent version of the Board Per Diem Policy was implemented on October 24, 2018; and

WHEREAS, board members and staff have proposed updates to the per diem policy; and

WHEREAS, updates to the per diem policy were reviewed by the Administrative Advisory Committee on May 15, 2023 and recommended to the full board.

NOW THEREFORE BE IT RESOLVED, the Board hereby:

1. Rescinds the Board of Water and Soil Resources Per Diem Policy dated October 24, 2018.
2. Adopts the Updated Board of Water and Soil Resources Per Diem Policy dated May 24, 2023 and effective July 1, 2023.


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: 5-24-2023

Attachment: Board of Water and Soil Resources Per Diem Policy.

**BOARD OF WATER AND SOIL RESOURCES (BWSR)
BOARD MEMBER PER DIEM AND EXPENSES POLICY
Minn. Stat. § 103B.101, subd 2(d)
(effective July 1, 2023)**

- A. PER DIEM: The per diem rate is set at \$125/day. Per diem is authorized for Board members for the following:
1. For regular and special Board meetings, meetings of committees to which members are assigned.
 2. For conferences and training sessions approved by the Board Chair or Executive Director.
 3. For time spent in preparation time for each Board meeting, each committee meeting, or each special meeting of the Board.
 4. Authorized for the day prior and the day after by Board members in travel status for board business when Board members travel more than 200 miles each way using vehicular transportation.
 5. Authorized for the day prior or the day after by Board members in travel status for board business when Board members travel more than 100 miles each way using vehicular transportation
 6. Full-time employees of the State or one of its political subdivisions are not eligible to receive a per diem payment per Minn. Stat. § 15.0575, subd. 3.
 7. In no instances will more than one BWSR or other state agency issued per diem payment per day be permitted under this policy.
 8. Participation via conference call, videoconference, internet technology or other similar means in regular monthly Board meetings, meetings of committees to which members are assigned, and special meetings called by the Board Chair or the Executive Director, is considered the same as participation in-person for per diem or expense purposes.

B. EXPENSES: Expenses are authorized for Board members according to the following criteria:

1. Expenses incurred by Board members for attendance at meetings and events as described in items in Part A will be reimbursed consistent with those authorized under the commissioner's plan adopted under Minn. Stat. § 43A.18, subd. 2.

Reimbursable expenses may include, but are not limited to, the following: Commercial transportation (air, taxi, rental car, etc.); Meals including tax and a reasonable gratuity; Hotel and motel accommodations; Parking fees and toll charges.

Board members who use their personal office equipment, supplies and services in part for the purpose of receiving and generating telephone, mobile communications technology, email or other electronic communications related to Board activities, are eligible for a reimbursement for such equipment, supplies and services up to an amount not to exceed \$75 per month.


2. Child care expenses incurred as a result of monthly Board meetings, special or committee meetings of the Board shall be compensated as defined in Minn. Stat. § 15.0575, subd. 3.
3. Vehicle travel will be reimbursed at the standard Federal IRS mileage rate in effect at the time of travel.
4. Board members who are employees of the State or one of its political subdivisions may receive payment for their expenses incurred in performing their board member activities unless those expenses are reimbursed by another source.
5. *Note:* The Internal Revenue Service (IRS) requires business expenses to be submitted for reimbursement within 60 days after the expense is incurred or the trip ends. If not submitted within 60 days, the reimbursement becomes taxable for federal, state, FICA and Medicare; and withholding tax must be taken.

C. MEETING COORDINATION: Committee chairs and staff shall schedule committee meetings to efficiently use board members' time and manage travel expenses.



Gerald Van Amburg, Chair

Minnesota Board of Water and Soil Resources



Date