




DATE: August 20, 2024

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

FROM: John Jaschke, Executive Director 

SUBJECT: August 28-29, 2024 BWSR Board Tour Details and Meeting Notice

The Board of Water and Soil Resources (BWSR) will tour St. Louis County on Wednesday, August 28, 2024. See *attached tour itinerary*. The accommodations for the Board Tour will be at the Inn on Lake Superior, 350 Canal Park Drive, Duluth, Minnesota 55802.

Sleeping rooms for board members who requested accommodations have been reserved at the Inn on Lake Superior, Duluth, on Tuesday and Wednesday evenings, August 27 and 28. Rooms have been direct billed (BWSR Board members, with the exception of agency members, do not pay for the room). Please contact Rachel Mueller if you have any questions about accommodations at Rachel.L.Mueller@state.mn.us.

Wednesday, August 28th – BWSR Board Tour

Breakfast, starting at 6:30 AM, is included for guests staying at the Inn on Lake Superior on Tuesday evening. Check in for the tour will begin at 8:30 AM at the registration table in the Northern Lights Ballroom at the Inn on Lake Superior. At 8:45 AM the tour will begin with a brief welcome and overview of the day. Parking at the Inn on Lake Superior is reserved for guests only, please use one of the parking lots available to the public.

The tour will consist of a few stops where we will be walking a short distance, wear your comfortable walking shoes, and casual attire. The tour will be held rain or shine, so please dress accordingly.

The coach bus will travel through St. Louis County, with stops at Lincoln Park and Chambers Grove Park. We will arrive in Proctor at 12:30 PM for lunch at Black Woods Event Center. The coach bus will then depart at 2:00 PM and will continue traveling through St. Louis County. The bus will stop at Chester Park and the Soil Nailing and Coastal Program on the return ride to Duluth. The coach bus will arrive back at the Inn on Lake Superior around 5:15 PM where dinner will be on your own.

Thursday, August 29th – BWSR Board Meeting

Breakfast, starting at 6:30 AM, is included for guests staying at the Inn on Lake Superior on Wednesday evening.

The Board of Water and Soil Resources (BWSR) will meet on Thursday, August 29, 2024, beginning at 9:00 a.m. The meeting will be held in the Duluth office, conference room 400-1, at 525 South Lake Avenue, #400, and by Microsoft Teams. Individuals interested in attending the meeting through Teams should do so by either 1) logging into Teams by [clicking here to join the meeting](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 575 117 842#. The following information pertains to agenda items:

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. **One Watershed, One Plan – FY25 Planning Grants** – The calendar year 2024 (FY25 grants) One Watershed, One Plan Planning Grants request for proposal (RFP) period opened on March 28, 2023 and closed on June 14, 2023. BWSR received three proposals. Staff reviewed the three proposals (locations shown on attached map) against the RFP selection criteria. BWSR’s Senior Management Team reviewed staff recommendations on July 23, 2024 and recommended funding all three proposals. Grants Program and Policy Committee reviewed this recommendation on August 19, 2024. A draft board order is attached.

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

If approved, this action will bring the final three planning areas into participation in the One Watershed, One Plan program, marking a significant milestone – full participation - in Minnesota’s transition to statewide watershed-based planning and implementation. **DECISION ITEM**

2. **Red River Basin Commission Adaptive Phosphorus Management Plan Grant** – In 2024, the Legislature appropriated funds to the Board for grants to the Red River Basin Commission (RRBC) for development of an adaptive phosphorus management plan, including administration of program. The Grants Program and Policy Committee (Committee) met August 19, 2024 and made a recommendation to the full Board. The Committee recommends approval of funding this grant to the Red River Basin Commission by the full Board. **DECISION ITEM**

Central Region Committee

1. **Chippewa River Watershed Comprehensive Watershed Management Plan** – The Chippewa River Watershed was selected by BWSR as one of the seven planning areas for the One Watershed, One Plan program in 2021. The watershed partnership Policy Committee and Technical Advisory Committee members have attended regularly scheduled meetings and submitted the Chippewa River Watershed Comprehensive Watershed Management Plan to BWSR on May 9, 2024 for review and approval. The Central Regional Committee (Committee) met on August 5, 2024 to review the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board. **DECISION ITEM**
2. **Lower Minnesota River East Comprehensive Watershed Management Plan** – The Board of Water and Soil Resources (BWSR), at their August 26, 2021 meeting, selected the Lower Minnesota River East Watershed Partnership (Partnership) for a planning grant as part of the One Watershed, One Plan Program. Their Policy, Advisory, and Steering Committees met for nearly three years to discuss priority issues, goals, and implementation actions to protect and restore natural resources in the Lower Minnesota River East Watershed. The Partnership developed the Lower Minnesota River East Comprehensive Watershed Management Plan (Plan) and submitted it to BWSR on June 24, 2024 for review and approval. The Central Region Committee met on August 5, 2024 to review the content of the Plan and recommends approval of the submitted Plan by the full Board. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-539-2587. We look forward to seeing you on August 28th and 29th.

Itinerary

Time	Location & Activity
6:30 – 8:00 am	Breakfast for guests of The Inn on Lake Superior 350 Canal Park Drive, Duluth, Minnesota 55802
8:30 am	Check-in at the registration table in the Northern Lights Ballroom 2 at The Inn on Lake Superior
8:45 am	Welcome & Introductions: Ryan Hughes, BWSR; John Jaschke, BWSR; and Roger Reinert, Mayor of Duluth
9:15 am	Load bus from hotel and depart to Lincoln Park.

Time	Tour Location & Activity	Bus 1 Host: Ryan Hughes, BWSR	Bus 2 Host: Melanie Bomier, BWSR
9:45 AM	Lincoln Park, Stormwater Retrofits and Improvements (501 N. 25th Ave. W. Duluth, MN 55806)	- Cliff Knettel, City of Duluth - R.C. Boheim, South St. Louis SWCD	
11:05 AM	Chambers Grove Park, Estuary and Stream Restoration techniques (Highway 23 & 137th Ave West, Duluth, MN)	- Matias Valero, TSA 3 - Tom Howes, Fond du Lac Band of Lake Superior Chippewa - John Lindgren, DNR	
12:30 – 2:00 PM	Lunch at Black Woods Event Center, South St. Louis SWCD Projects (195 Highway 2, Proctor, MN 55810)	- R.C. Boheim, South St. Louis SWCD	
2:30 PM	Chester Park, Stream Restoration Dam Removal Project (132 Chester Pkwy, Duluth, MN 55805)	- Tim Beaster, South St. Louis SWCD	
3:45 PM	Soil Nailing and Coastal Program Overview (Safe Harbor 9640 Congdon Blvd, Duluth, MN 55805)	- R.C. Boheim, South St. Louis SWCD - Amber Westerbur, DNR Coastal Program	
5:15 PM	Return to The Inn on Lake Superior		

**BOARD OF WATER AND SOIL RESOURCES
525 SOUTH LAKE AVENUE, #400-1
DULUTH, MN 55802
THURSDAY, AUGUST 29, 2024**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JUNE 26, 2024 BOARD MEETING

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

INTRODUCTION OF NEW STAFF

- Becca Reiss, Grants Compliance Specialist

CONFLICT OF INTEREST DECLARATION

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

REPORTS

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

AGENCY REPORTS

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

ADVISORY COMMENTS

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

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. One Watershed, One Plan – FY25 Planning Grants – Julie Westerlund – ***DECISION ITEM***
2. Red River Basin Commission Adaptive Phosphorus Management Plan Grant – Henry Van Offelen – ***DECISION ITEM***

Central Region Committee

1. Chippewa River Comprehensive Watershed Management Plan – Justin Hanson – ***DECISION ITEM***
2. Lower Minnesota River East Comprehensive Watershed Management Plan – Anne Sawyer – ***DECISION ITEM***

UPCOMING MEETINGS

- Northern Region Committee is scheduled for September 4th at 10:30 a.m. in Detroit Lakes and by MS Teams.
- Grants Program and Policy Committee is scheduled for September 16th at 8:30 a.m. location TBD and by MS Teams.
- BWSR Board meeting is scheduled for September 25th at 9:00 a.m. in St. Paul and by MS Teams.

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, JUNE 26, 2024**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Kelly Kirkpatrick, Rich Sve

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Julie Westerlund, Marcey Westrick, Laura Godfrey, Melanie Bomier, David Plagge, Annie Felix-Gerth, Les Lemm, Lewis Brockette, Ryan Hughes, Melissa King, Craig Engwall, Dave Weirens, Luke Olson, Lucy Dahl, Barb Peichel

OTHERS PRESENT:

LeAnn Buck, MASWCD; Paul Swanson, Pine SWCD; Jamie Beyer, Sarah Boser, Graham Berg-Moberg, Amos Briggs, Ray Bohn

Chair Todd Holman called the meeting to order at 9:01 AM

PLEDGE OF ALLEGIANCE

**** 24-31 ADOPTION OF AGENDA** - Moved by Joe Collins, seconded by Ron Staples, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

**** 24-32 MINUTES OF MAY 22, 2024 BOARD MEETING** – Moved by Joe Collins, seconded by Ted Winter, to approve the minutes of May 22, 2024, as circulated. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Marcey Westrick introduced Laura Godfrey, Grants Compliance Specialist; Ryan Hughes introduced Melanie Bomier, Board Conservationist; and Lucy Dahl introduced David Plagge, Easement Acquisition Specialist.

CONFLICT OF INTEREST DECLARATION

Chair Holman read the statement:

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

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman reported the committee has not met. Stated he has empathy statewide for the flooding that is taking place.

Executive Director’s Report - John Jaschke reported there is a statute that was passed 10-12 years ago, Chapter 12A and an Executive Order established in 2019 that guide state agency disaster response and recovery. There is a fund account managed by DPS-HSEM for disaster recovery that can be tapped without having to have a special legislative session. Stated the legislative session ended last month and they are sharing information with others on the changes that occurred. The Local Water Roundtable group will be meeting on July 10th.

John reviewed the day of packet that included the Snapshots, an Org Chart, and an Expense Report. John stated we have not heard anything on board appointments.

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

Dispute Resolution and Compliance Report – Travis Germundson reported there are presently three appeals pending. There has been one new appeal since last report.

File 24-3 This is an appeal of a WCA notice of decision in Crow Wing County. The appeal regards the denial of an after-the-fact forestry exemption application for wetland impacts identified in a Restoration

Order that was appealed (Appeal File 23-9). The appeal contends that the alterations are necessary for sustainable timber management. No decision has been made on the appeal.

File 23-15 a settlement agreement has been signed by all parties resolving the controversy to the easement conditions along several properties. It's associated with a proposed township cartway. As a result, the appeal has been remanded back to the LGU to conduct an on-site assessment of the entire project area and issue a new decision on the wetland boundary and type application.

Grants Program & Policy Committee – Mark Zabel reported they have two decision items on the agenda for today.

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

Water Management & Strategic Planning Committee – Joe Collins reported they met June 17th on an informational update on the Nonpoint Priority Funding Plan that will be presented today.

Wetland Conservation Committee – Jill Crafton reported they met on June 4th and discussed rulemaking.

Buffers, Soils & Drainage Committee – LeRoy Ose reported the committee has not met.

Drainage Work Group (DWG) – Tom Gile reported they met in June and prioritized topics to have conversations on in the upcoming year. Next meeting is scheduled for July 11th in St. Cloud.

AGENCY REPORTS

Minnesota Department of Agriculture – Jeff Berg reported Commissioner Petersen was with the Governor and Senator Klobuchar in central Minnesota and viewed the flooding. Stated they will be opening the Continuous Living Cover Marketing Grants. The Soil Health Equipment Grants will also open soon. Flooding resources are available on their website.

Minnesota Department of Health – Steve Robertson reported high water across the state has had little impact to the public water system infrastructure. Flooding resources are available on their website.

Minnesota Department of Natural Resources – Sarah Strommen reported they are seeing widespread impacts from flooding to public lands, facilities, and infrastructure.

Joe Collins asked if this is something they'll have to budget in over the next several years. Sarah stated public infrastructure is eligible for FEMA reimbursement and they could also be eligible for some funds from the State Disaster account.

John Jaschke stated the State or others may have reasons to find some resources to supplement the FEMA funding to upgrade damaged infrastructure.

Minnesota Extension – Joel Larson reported they are posting information on their website on how to respond to flooding. Their annual Field School for Ag Professionals is on July 30th and 31st. They will also be having their year-long Cover Crop Academy. Registration will open soon for their annual Water Resources Conference October 16th and 17th.

Minnesota Pollution Control Agency – Melissa Lewis reported due to the flooding they are working on overflowing manure storage facilities. Reported the NPDES and SDS permit is on public comment

through August 9th. Wastewater staff are looking for overflow of wastewater treatment areas. Solid waste staff are preparing for disposal of debris from flooding. The Climate Resiliency Grant Program recently had a grant open where they funded a total of 25 projects for just over \$1.6 million.

Jill Crafton asked about the Minnesota River PFAS and if testing is being impacted by the flooding. Melissa stated with the high levels right now they won't be able to get samples.

ADVISORY COMMENTS

Association of Minnesota Counties – John Jaschke reported from an email note from Brian Martinson. Stated Brian was glad to see the BWSR Board is moving forward with a request for comments on the Wetland Conservation Act Rulemaking and that AMC is interested in getting a greater understanding of the recent statute changes.

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

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

Minnesota Association of Townships – Eunice Biel reported many townships have been grappling with flooding in the rural roads and fields. There has also been infrastructure damage with bridges and roads washed out. Eunice stated news and training is available online. District meetings have been scheduled throughout the state in August.

Minnesota Watersheds – No report provided.

Natural Resources Conservation Service – No report provided.

Chair Holman called a recess at 10:01 a.m. and called the meeting back to order at 10:08 a.m.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

FY 2025 CWF Competitive Grant Program and RFP Criteria – Annie Felix-Gerth presented FY 2025 CWF Competitive Grant Program and RFP Criteria.

There will no longer be any policy for this program. All program requirements are contained in the RFP. The FY25 Program includes funding for Accelerated implementation grants. The board order authorizes the fiscal year 2025 Clean Water Fund Competitive Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed these recommendations on May 23, 2024 and recommends the attached order to the board.

Lori Cox asked about the heading Projects and Practices Ranking Criteria, under the Measurable Outcomes and Project Impact points allocation as to whether it was a requirement for clean water fund projects. Annie stated it is part of the statute and it's a chance for them to layout their plan in more detail. John Jaschke stated it's a quantifiable aspect and that's why a scoring component is tied to it.

Steve Robertson asked about accelerated implementation grant opportunities. Annie stated if interested in doing projects that will help develop a project or expand a project, develop outreach, etc. those types of things would be applicable for that type of work.

Jill Crafton asked about a chart that showed ranking, amount, and entity. John Jaschke stated that list will be provided down the road. Chair Holman offered an example of a past project funded via this program that led to large and long-term results in Central/North-Central Minnesota.

**
24-33 Moved by Ted Winter, seconded by LeRoy Ose, to approve the FY 2025 CWF Competitive Grant Program and RFP Criteria. ***Motion passed on a roll call vote.***

Grant Monitoring and Financial Reconciliation Policy – Marcey Westrick presented Grant Monitoring and Financial Reconciliation Policy.

BWSR has a fiduciary responsibility to ensure public funds are used for their program intent and legislative purpose. Minnesota Statutes §16B.97 provides that the Commissioner of Administration shall create general grants management policies and procedures that are applicable to all executive agencies. This includes policies on Pre-Award Risk Assessment for Potential Grantees (08-06), Grant Payments (08-08) and Grant Monitoring (08-10) developed by the Office of Grants Management.

The Board currently has a Grants Monitoring and Financial Reconciliation Policy which documents the Board’s compliance with these Office of Grants Management policies. The Grants Monitoring and Financial Reconciliation Policy has been found to be unnecessary as the Board utilizes internal procedures developed and implemented by staff to document how the requirements of the Office of Grants Management policies are being met. Staff are therefore recommending that the policy be rescinded and will discuss with the committee.

**
24-34 Moved by Ted Winter, seconded by Mike Runk, to approve the Grant Monitoring and Financial Reconciliation Policy. ***Motion passed on a roll call vote.***

Wetland Conservation Committee

Wetland Conservation Act Rulemaking – Request for Comments – Les Lemm and Lewis Brockett presented Wetland Conservation Act Rulemaking – Request for Comments.

The process to amend the Wetland Conservation Act (WCA) rule was initiated with two requests for comments published in the State Register, the most recent of which closed on March 19, 2022. The publications also defined the scope of the current rulemaking. However, multiple amendments to WCA statutes occurred during the 2024 legislative session. These amendments represent a substantial increase in rulemaking scope, such that conducting another public comment period is desirable and appropriate. The Board’s Wetland Conservation Committee met on June 4, 2024 and are recommending approval to expand the scope of the current WCA rulemaking to address the 2024 statutory amendments and to initiate a new public comment period via publication of a notice in the State Register.

**
24-35 Moved by Jayne Hager Dee, seconded by Ron Staples, to approve the Wetland Conservation Act Rulemaking – Request for Comments. ***Motion passed on a roll call vote.***

Northern Region Committee

Kettle River & Upper St. Croix Watershed Comprehensive Watershed Management Plan – Ryan Hughes, Melanie Bomier, and Paul Swanson presented Kettle River & Upper St. Croix Watershed Comprehensive Watershed Management Plan.

The Kettle River & Upper St. Croix Watershed planning area was approved for a One Watershed, One Plan planning grant at the regularly scheduled meeting of the BWSR on August 26, 2021. The planning partners established a Memorandum of Agreement (MOA) for the purposes of writing a Comprehensive Watershed Management Plan. The organizations signing the MOA included Carlton County, Carlton Soil and Water Conservation District (SWCD), Kanabec SWCD, Pine County and Pine SWCD. Aitkin County, Aitkin SWCD and Kanabec County did not sign the Planning MOA due to the small area of their jurisdiction within the planning area.

The Partnership held a 60-day plan review process that ended on January 16, 2024, and held the required public hearing on February 20, 2024, and February 26, 2024. The final draft of the Plan, a record of the public hearing, and copies of all written comments and responses were submitted to the state review agencies on April 26, 2024. The Partnership has addressed and documented agency and public comments received throughout the Plan review process.

On June 5, 2024, the Northern Regional Committee met to review and discuss the Plan. 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.

Jill Crafton stated she appreciated the attention put on the karst.

Joe Collins liked how they had meetings with experts specifically for land uses.

Ted Winter asked what the population is. Melanie stated its rural, not a very big population.

Lori Cox asked if there was other discussion with Tribal Leaders. Melanie stated they incorporated their concerns.

Mark Zabel asked how much of the watershed is in Wisconsin. Paul Swanson stated the majority of the watershed is in Wisconsin.

**
24-36 Moved by LeRoy Ose, seconded by Jill Crafton, to approve the Kettle River & Upper St. Croix Watershed Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Water Management and Strategic Planning Committee

Nonpoint Priority Funding Plan Update – Julie Westerlund and Annie Felix-Gerth presented Nonpoint Priority Funding Plan Update.

The original Nonpoint Priority Funding Plan (NPPF) was written in 2014 and updated in 2016 and 2018 as required by statute. A change to statute in 2019 allows BWSR to establish alternative content and timelines for updating the NPPF. In 2021, BWSR established a framework for updating the NPPF; and in 2023, the Board directed staff to revise the NPPF and to provide an update to the Board in June 2024. Staff have been working with an interagency team and are making good progress on the NPPF revision. Staff presented an update on the revision status and a proposed timeline for completion. A draft will be made available for comments from partners prior to completion of the final document and approval by the Board. Their goal is to bring the final revision of the plan back to the board this fall or by the end of the year.

Jill Crafton asked for a link to the website with the draft plan. Julie stated she will get it sent out.

Joe Collins thanked Julie for her work.

Lori Cox asked if this was linked with partners implementing the Nutrient Management Strategy. Julie stated it's a subset of the activities that would be working towards the goals of the Nutrient Management Strategy.

Audit and Oversight Committee

Draft Agency Tribal Consultation Policy– Melissa King presented Draft Agency Tribal Consultation Policy.

The state and Tribal Governments share geography, history, people, natural resources, and have shared priorities for the protection of waters. State actions and policies have impacts on Tribal Governments, their citizens, and Indigenous peoples living across the state – and we significantly benefit from working together when possible.

In 2021 a new state law was enacted that codified government-to-government relations with Tribal Governments (Minn. Stat. §10.65). This law affirmed the unique and legal relationship between the State of Minnesota and Tribal Governments and ensures that this relationship is founded on understanding and respect for sovereignty, which also includes meaningful and timely consultation. The role of State agencies, including the Board of Water and Soil Resources (BWSR), in the continuous improvement of Tribal-State relations is described in this law.

BWSR must develop and implement a Tribal Consultation Policy to comply with Minn. Stat. §10.65 and to guide the agency's work to maintain a respectful and collaborative relationship between BWSR and each Tribal Government. The policy guides the protocols by which BWSR will communicate, cooperate, and consult with Tribal Governments on matters that may impact their interests to ensure that a Tribal Government has been provided the opportunity to be meaningfully engaged and contribute continuous input prior to BWSR decisions on the matter under consideration.

The policy must be developed in coordination with representative of each Tribal Government, must be submitted to the Governor and Lieutenant Governor, and must be updated no less once every two years, or as often as required to facilitate timely and meaningful consultation.

The draft BWSR Tribal Consultation Policy was reviewed by BWSR's Senior Management and Executive staff teams; and was distributed to the Governor's office and state agency Tribal Liaisons (including the departments of natural resources, agriculture, and health) for preliminary review. BWSR's Tribal Liaison will be working with representatives for each Tribal Government to solicit and incorporate any input on the draft policy. The final BWSR Tribal Consultation Policy will be shared with the BWSR Board.

Ted Winter asked if they'll have a different plan for each Tribal Nation. Melissa stated they will be under the same general guidance policy.

Todd Holman asked if Melissa is the sole representative to communicate and build relationships or if there are other staff involved. Melissa stated agency Tribal Liaisons are the main contact with Tribal Governments. John Jaschke also has a role as the Executive Director. Stated it's a small group while they're trying to build relationships.

Jill Crafton asked if this is a first step to start establishing relationships. Melissa stated it will help to build a framework.

Ted Winter asked if the Board would get a yearly update. Melissa stated they will have regular updates but would come to the Board sooner if needed for decision making. John Jaschke stated if it comes back to a decision, it would be presented to the board as part of the decision-making background.

Ted Winter asked about upcoming Tribal State Relations Training. Melissa stated trainings are being held monthly and dates have been shared through Rachel.

Mark Zabel asked if there is a significant difference in training presentations based on location. Melissa stated there is general history of base content covered at each training. The questions and panel makeup are unique to each location.

UPCOMING MEETINGS

- Grants Program and Policy Committee Meeting, July 15 in St. Paul and by MS Teams.
- BWSR Board Tour and Meeting, August 28-29, 2024

Chair Holman adjourned the meeting at 11:17 AM.

Respectfully submitted,

Todd Holman
Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution/Compliance Report

Meeting Date: August 29, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

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

Section/Region: Central

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)
Rich Sve DRC Chair and Travis Germundson

Presented by: Germundson

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

None

LINKS TO ADDITIONAL INFORMATION

See attached report.

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

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

Dispute Resolution and Compliance Report

August 12, 2024

By: Travis Germundson

There have been **two** new appeals filed since last report and those are the only appeals currently pending.

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

File 24-5 (7-22-24) This is an appeal of a WCA Restoration Order for property located in Otter Tail County. The appeal regards the placement of fill material in multiple wetlands on agricultural land. The petition claims that the impacts are exempt based on a Certified Wetland Determination by the Natural Resources Conservation Service. No decision has been made on the appeal.

File 24-4 (7-15-24) This is an appeal of a WCA Restoration Order for property located in Aitkin County. The appeal regards the placement of fill material in a wetland adjacent to a public water (Nord Lake). The petition claims that permission was obtained from the LGU to perform the work in that area. No decision has been made on the appeal.

~~File 24-3 (5-30-24) This is an appeal of a WCA notice of decision in Crow Wing County. The appeal regards the denial of an after-the-fact forestry exemption application for wetland impacts identified in a Restoration Order that was previously appealed (Appeal File 23-9). The appeal contends that the wetland impacts are necessary for sustainable timber management. The appeal was denied.~~

~~File 23-15 (12-18-23) This is an appeal of a WCA notice of decision in Morrison County. The appeal regards a decision made under remand (Appeal file 23-8) of a wetland boundary/type. The initial decision was remanded back to the local unit of government to develop an adequate record and now that new decision is being appealed. The appeal was placed in abeyance and the decision stayed to allow for the submittal of additional documentation on the easement area. A lawsuit was filed in district court to determine the terms and conditions of the easement. A settlement agreement has been signed by all parties resolving the controversy to the easement conditions along several properties associated with a proposed township cartway. As a result, the appeal has been remanded back to the LGU to conduct an on-site assessment of the entire project area and to issue a new decision on the wetland boundary/type application. The LGU issued a decision on August 9, 2024 approving the Wetland Boundary and Type application finalizing the appeal before BWSR.~~

~~File 23-9 (10/23/23) This is an appeal of a WCA Restoration Order for property located in Crow Wing and Aitkin County. The appeal regards the placement of fill material for multiple wetland crossings including a portion of an airstrip. The appeal was placed in abeyance and the Restoration Order stayed for the submittal of after the fact exemption application. The county issued a decision on May 1, 2024 denying the forestry exemption application based on TEP findings. The appeal was denied, and the Restoration Order affirmed.~~

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2023	Total for Calendar Year 2024
Order in favor of appellant		
Order not in favor of appellant	9	3
Order Modified	1	
Order Remanded	2	
Order Place Appeal in Abeyance	1	
Negotiated Settlement	1	
Withdrawn/Dismissed	3	

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 64 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are five active Corrective Action Notices (CANs) and one Administrative Penalty Order (APO) issued by BWSR that is still active. Of the actions being tracked over 55 of those have been resolved.

Statewide 38 counties are fully compliant, and 49 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 380 CANs and 63 APOs actively in place. Of the actions being tracked over 2,791 of those have been resolved.

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

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. One Watershed, One Plan – FY25 Planning Grants – Julie Westerlund – ***DECISION ITEM***
2. Red River Basin Commission Adaptive Phosphorus Management Plan Grant – Henry Van Offelen – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: One Watershed, One Plan – FY25 Planning Grants

Meeting Date: August 29, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: One Watershed, One Plan, 1W1P, Planning Grants

Section/Region: Land and Water

Contact: Julie Westerlund

Prepared by: Julie Westerlund

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Julie Westerlund

Time requested: 10 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approve planning grants for Big Fork River, Little Fork River, and Mississippi River Sartell watershed planning boundaries; Authorize staff to approve work plans and enter into grant agreements with these watershed areas for development of comprehensive watershed management plans; Approve the allocation of grants funds for the three watershed areas not to exceed \$850,000 in total.

LINKS TO ADDITIONAL INFORMATION

Draft Board Order and Map attached.

One Watershed, One Plan – Planning Grants Policy <https://bwsr.state.mn.us/sites/default/files/2022-12/1W1P%20Planning%20Grant%20Policy%202.0.pdf>

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

The calendar year 2024 (FY25 grants) One Watershed, One Plan Planning Grants request for proposal (RFP) period opened on March 28, 2023 and closed on June 14, 2023. BWSR received three proposals. Staff reviewed the three proposals (locations shown on attached map) against the RFP selection criteria. BWSR’s Senior Management Team

reviewed staff recommendations on July 23, 2024 and recommended funding all three proposals. Grants Program and Policy Committee reviewed this recommendation on August 19, 2024. A draft board order is attached.

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

If approved, this action will bring the final three planning areas into participation in the One Watershed, One Plan program, marking a significant milestone – full participation - in Minnesota’s transition to statewide watershed-based planning and implementation.

DRAFT BOARD ORDER**One Watershed, One Plan FY25 Planning Grants****PURPOSE**

Authorize the fiscal year 2025 One Watershed, One Plan Planning Grants.

RECITALS /FINDINGS OF FACT

1. The Laws of Minnesota, 2021, 1st Special Session, Chapter 1, Article 2, Section 6 (i) and the Laws of Minnesota, 2023, Chapter 40, Article 2, Section 6 (i) appropriated funds for assistance, oversight, and grants to local governments to transition local water management plans to a watershed approach as provided for in Minnesota Statutes, chapters 103B, 103C, 103D and 114D.
2. The Board has authority under Minnesota Statutes §103B.101 and §103B.3369 to make grants to cities, townships, counties, soil and water conservation districts or authorities with jurisdiction in water and related land resources management when a proposed project, practice or activity implements a county water plan, watershed management plan, or county groundwater plan.
3. The Comprehensive Watershed Management Planning Program authority, also known as One Watershed, One Plan, is established in Minnesota Statutes §103B.801.
4. The Board on June 22, 2016 adopted a One Watershed, One Plan Transition Plan (Board Resolution #16-53) for development, approval, adoption, and coordination of plans consistent with Minnesota Statutes §103A.212.
5. The Board on March 27, 2024 authorized staff to distribute and promote a request for proposals (RFP) for planning grants for the One Watershed, One Plan Program and a formal request for proposal was noticed on March 28, 2024 with a submittal deadline of June 14, 2024.
6. The BWSR Senior Management Team met on July 23, 2024 and reviewed the applications with consideration of staff, consistency with the Transition Plan, and the selection criteria within the RFP and recommended providing planning grant funds to the following three watershed planning boundaries: Big Fork River, Little Fork River, and Mississippi River Sartell.
7. The Grants Program and Policy Committee met on August 19, 2024 and reviewed the Senior Management Team's recommendations for One Watershed, One Plan Planning Grants and recommended board approval of planning grants for the Big Fork River, Little Fork River, and Mississippi River Sartell watershed planning boundaries.

ORDER

The Board hereby:

- A. Approves and authorizes three One Watershed, One Plan Planning Grants: Big Fork River, Little Fork River, and Mississippi River Sartell watershed planning boundaries.
- B. Authorizes staff to approve work plans and enter into grant agreements with these watershed areas for development of One Watershed, One Plans.
- C. Approves the allocation of grants funds for the three watershed areas not to exceed \$850,000 in total.

Dated in Duluth, Minnesota, this August 29th, 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

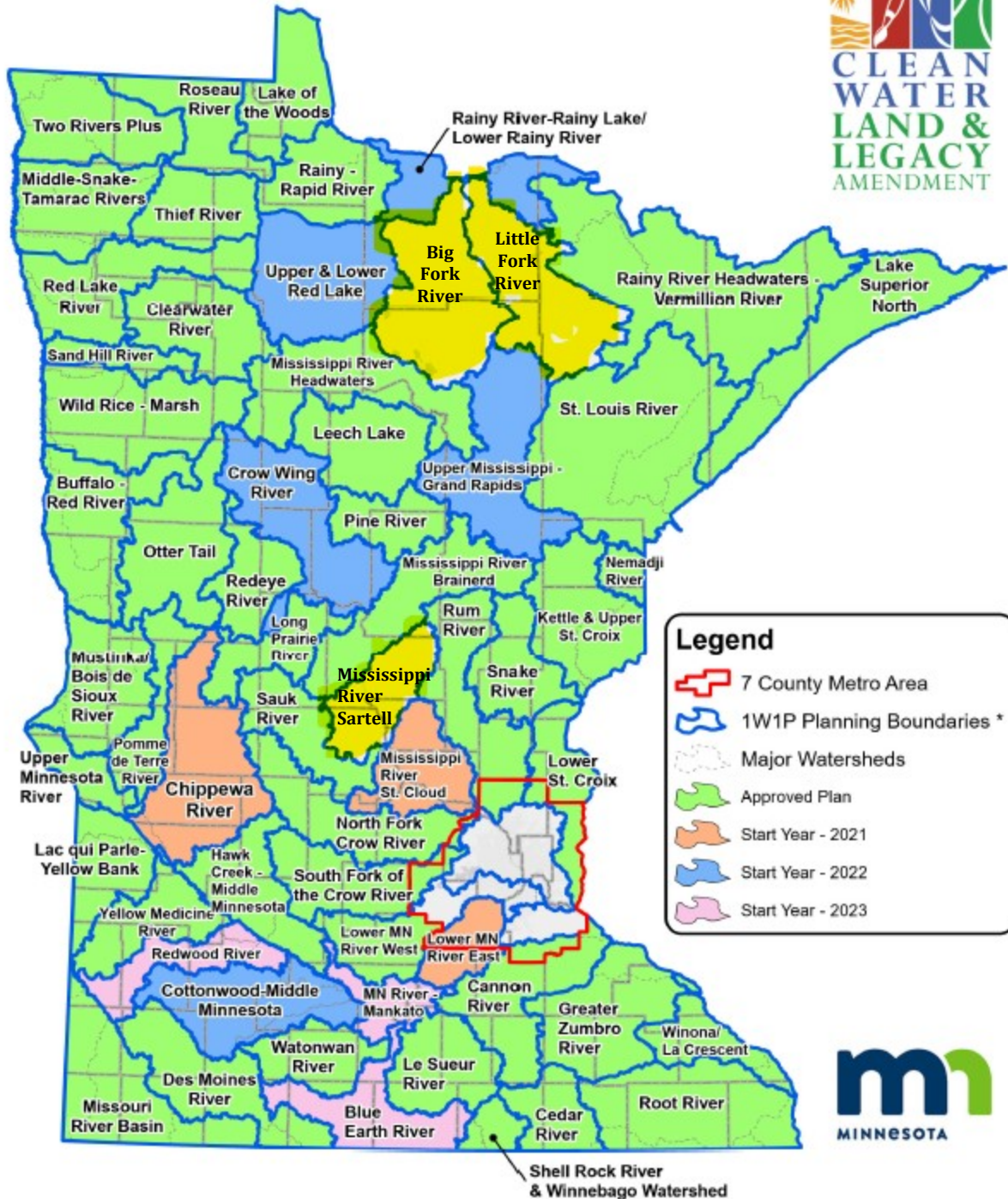
Date: _____

One Watershed, One Plan

Participating Watersheds



**CLEAN
WATER
LAND &
LEGACY
AMENDMENT**



Legend

- 7 County Metro Area
- 1W1P Planning Boundaries *
- Major Watersheds
- Approved Plan
- Start Year - 2021
- Start Year - 2022
- Start Year - 2023



*Not legal boundaries; intended for planning purposes through One Watershed, One Plan only.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Red River Basin Commission Adaptive Phosphorus Management Plan Grant

Meeting Date: August 29, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information Non-Public Data

Keywords for Electronic Searchability: Red River Basin Commission Grant

Section/Region: Northern

Contact: Henry Van Offelen, Ryan Hughes

Prepared by: Henry Van Offelen

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Henry Van Offelen

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approved board order

LINKS TO ADDITIONAL INFORMATION

<https://www.redriverbasincommission.org/>

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

Legislative appropriation directly to Red River Basin Commission to develop an adaptive phosphorus management plan for the Red River Basin. Reviewed and approved at the Grants Program and Policy Committee.

DRAFT BOARD ORDER**Adaptive Phosphorus Management Grant - Red River Basin Commission****PURPOSE**

Provide legislatively appropriated general funds to the Red River Basin Commission to complete an adaptive phosphorus management plan for the Red River Basin.

RECITALS /FINDINGS OF FACT

1. The Laws of Minnesota 2024, Regular Session, Chapter 116, Article 1, Section 4, Subd. 3. appropriated \$300,000 for a grant to the Red River Basin Commission to facilitate development of a feasibility assessment of adaptive phosphorus management for the Red River of the North.
 - a. The assessment: (1) must address applicable water-quality targets for phosphorus loading; (2) must include an allocation of phosphorus between point and nonpoint sources; (3) must identify cost-effective nutrient reduction implementation strategies; and (4) may include other state water-quality goals and objectives.
 - b. The commission must submit their final assessment to the chairs and ranking minority members of legislative committees with jurisdiction over agriculture and environment policy and finance by June 30, 2026.
2. The Grants Program and Policy Committee reviewed the order at the August 19, 2024 meeting and recommended approval to the full board.

ORDER

The Board hereby:

- A. Approves the allocation of \$300,000 to complete this project and submit required reports to the legislature by June 30, 2026.
- B. Authorizes staff to enter into a grant agreement with the Red River Basin Commission in the amount of \$285,000 for this purpose.

Dated at Duluth, Minnesota, this August 29, 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. Chippewa River Comprehensive Watershed Management Plan – Justin Hanson – ***DECISION ITEM***
2. Lower Minnesota River East Comprehensive Watershed Management Plan – Anne Sawyer – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Chippewa River Comprehensive Watershed Management Plan

Meeting Date: August 29, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Chippewa River One Watershed, One Plan

Section/Region: Central Region

Contact: Marcey Westrick

Prepared by: Jason Weinerman

Reviewed by: Central Regional Committee Committee(s)

Presented by: Justin Hanson

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Chippewa River Comprehensive Watershed Management Plan as recommended by the Central Regional Committee.

LINKS TO ADDITIONAL INFORMATION

Plan is on the Chippewa River Watershed Association website:
 • Plan Weblink: <https://chippewariverwatershed.org/plans/comprehensive-watershed-management-plan/>

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

Chippewa River Comprehensive Watershed Management Plan (Plan) – On January 19, 2022, the Chippewa River Watershed Partnership received an approved grant agreement from the Board of Water and Soil Resources (BWSR) to develop a Comprehensive Watershed Management Plan under the One Watershed, One Plan Program. The Partnership established a Joint Powers Entity in July 2021, for the purposes of watershed planning and implementation. The Partnership has followed One Watershed, One Plan Operating Procedures; and the Policy Committee and Advisory Committee members have attended regularly scheduled meetings

and kept open communication throughout Plan development. The Partnership submitted the draft Chippewa River Comprehensive Watershed Management Plan (Plan) to BWSR on December 26, 2023, for 60-day comment period. A public hearing was held April 9, 2024, and the Policy Committee submitted the Plan for approval May 9, 2024. The Central Regional Committee (Committee) met on August 5, 2024, to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

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 Chippewa River Watershed, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas, the Policy Committee of the Chippewa River Watershed Partnership submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on May 9, 2024 pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Decision #18-14, 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 July of 2020 through adoption of a Joint Powers Agreement establishing a joint powers entity for the purpose of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Chippewa County, Chippewa Soil and Water Conservation District (SWCD), Douglas County, Douglas SWCD, Grant County, Grant SWCD, Kandiyohi County, Kandiyohi SWCD, Otter Tail County, Otter Tail SWCD, Pope County, Pope SWCD, Stevens County, Stevens SWCD, Swift County, and Swift 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, on March 28, 2018 Board Decision #18-14 adopted Version 2.0 of the One Watershed, One Plan Operating Procedures and on August 29, 2019 Board Decision 19-41 Plan Content Requirements policies version 2.1.
3. **Nature of the Watershed.** The Chippewa Watershed planning area lies in west central Minnesota, encompassing portions of Chippewa, Douglas, Grant, Kandiyohi, Otter Tail, Pope, Stevens, and Swift counties. The northern branch of the Chippewa River starts in Otter Tail County and flows south, draining an area of 2,140 square miles. The northern part of the watershed lies within the North

Central Hardwood Forest ecoregion, which is characterized by rolling hills and many lakes. As the river flows south, the landscape transitions to the Northern Glaciated Plains eco-region and the West Corn Belt Plains ecoregion where the land becomes substantially flatter and crop-based agriculture becomes the dominant land use. The river outlets into the Minnesota River at Monticello. There is a small portion of the watershed that lies outside of the ecological watershed boundary, lying adjacent to the Minnesota River and is typical of the landscape in this region.

4. **Plan Development.** The Plan was developed as a single, concise, coordinated approach to watershed management. 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, recreational uses, and drinking water sources in the watershed.
5. **Plan Review.** On May 9, 2024, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board Decision #18-14. State agency representatives attended and provided input at advisory committee meetings throughout the development of the Plan. The following state review comments were received during the 90-day comment period.
 - A. Minnesota Department of Agriculture: The MDA has received the final draft plan, reviewed the responses to comments, and does not have any further comments or suggestions. MDA recommends approval of the Chippewa River Comprehensive Watershed Management Plan.
 - B. Minnesota Department of Health: The Minnesota Department of Health has received the final draft plan to review and does not have any further comments or suggestions. MDH recommends approval of the Chippewa River Comprehensive Watershed Management Plan.
 - C. Minnesota Department of Natural Resources: The DNR has received the final Chippewa River Comprehensive Watershed Management Plan and reviewed responses to comments submitted under the 60-day review of the draft plan. The DNR is satisfied with the responses to issues raised during our review, has no additional comments, and recommends that BWSR approve the plan. Thank you for the opportunity to participate in this process. We look forward to working with watershed partners to help implement the plan. The DNR leads will continue to be the Area Hydrologists in the watershed.
 - D. Minnesota Pollution Control Agency: The Minnesota Pollution Control Agency (MPCA) commends the members of the partnership that undertook this significant planning effort and participated in the development of the Chippewa River Comprehensive Watershed Management Plan (CWMP). The actions implemented under this CWMP will result in significant water quality improvements throughout the Chippewa River Watershed. The MPCA reviewed the response to comments submitted during the 60-day review of the Chippewa River CWMP. Overall, the comments were sufficiently addressed and the priorities, goals, and actions in the Chippewa River CWMP are well developed. The MPCA appreciates the opportunity to participate and provide input throughout your CWMP development process. Overall, it is very well written, concise, and thorough. We have no comments as part of the official 30-day Review and Comment period and recommend it for approval. Again, thank you for the opportunity to review and comment on the draft CWMP. If we may be of further assistance, please contact Paul Wymar at 507-476-4282 at the MPCA's Marshall Regional Office.
 - E. Minnesota Environmental Quality Board did not provide comment.

- F. Minnesota Board of Water and Soil Resources: BWSR finds that the partnership has adequately addressed our comments provided during the 60-day review. During our final review, we find that the plan meets all items found within the One Watershed, One Plan Content Requirements (version 2.1). Therefore, we recommend approval of the plan as submitted.
6. **Plan Summary and Highlights.** The highlights of the plan include:
- The policy and advisory committees received extensive input during the early stages of the planning process including state agency priority concern letters, a public kick-off meeting attended by 90 citizens, and reports ranging from county water plans to Watershed Restoration and Protection Strategy documents that identified the conditions and trends within the watershed and local citizen interests and needs.
 - The advisory committee identified 17 original resource concerns, which were narrowed down to fourteen high and medium priority issue statements grouped into seven resource categories. There were also three issues that were identified as low priority, which would not be a focus for immediate implementation. The partnership identified 30 lakes (out of 93 total) as a priority for restoration, protection, or enhancement.
 - There are six geographic management areas within the watershed and each management area was assessed for how it could best be managed to achieve the objectives for each resource concern. Within each management area, there are targeted and prioritized areas for implementation as well a unique implementation schedule that identifies the activity, the location, the time for implementation, and the estimated cost for implementing the activities.
 - Separate targeted implementation tables were created for each planning zone that include structural and management practices. Watershed-wide implementation tables were created for capital improvements; education and outreach; data collection, monitoring and analysis; and regulation and enforcement.
 - For the ten-year duration of the plan, the estimated total cost is \$19,790,000 with an estimated \$14,500,000 going towards on-the ground implementation. Costs that are more than current expenditures will be derived through state and federal grant opportunities and the potential implementation of a collaborative capital improvement project process.
7. **Planning Boundary Adjustment.** The Board adopted the One Watershed, One Plan Suggested Boundary Map on April 23, 2014. The map established suggested planning boundaries for plans developed through the One Watershed, One Plan program. The Partnership requested a boundary adjustment to portions of Chippewa watershed and Upper Minnesota River Watershed, which includes the planning boundary #20 (Chippewa Watershed) and planning boundary #16 (part of the Lac qui Parle – Yellow Bank Watershed District) as indicated on the Board adopted Suggested Boundary Map. The Partnership provided documentation for local concurrence, rationale, and justification of the adjusted boundary. The adjusted boundary was approved by Board staff per the One Watershed, One Plan Operating Procedures. The adjusted boundary is included as part of the board packet.
8. **Central Regional Committee.** On August 5, 2024, the Central Regional Committee met to review and discuss the Plan. Those in attendance were Joe Collins, Mark Zabel, Mike Runk, Steve Robertson, Grant Wilson, Joel Larson, Jill Crafton, and Lori Cox. The representatives from the Partnership were Ron Staples, Sarah Boser, Holly Kovarik and Margaret Johnson. BWSR staff in attendance were Anne Sawyer, Barb Peichel, Jason Weirnerman, and Justin Hanson. 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 August 29, 2034.

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 Sauk River Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Decision #18-14.
3. The Chippewa River Watershed Plan attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board Decision #18-14.
5. The attached plan when adopted through local resolution by the members of the Partnership will serve as a replacement for the comprehensive plan and local water management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D, but only to the geographic area of the Plan.

ORDER

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Chippewa River Watershed, dated April 2024.

Dated at Duluth, Minnesota, this twenty-ninth of August, 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

The Plan actions generally focus on implementation of best management practices in agricultural and urban areas to address priority issues, development of studies and data collection to better target implementation actions, policy improvements where feasible and timely, and active public outreach and engagement by local partners. The total 10-year estimated cost of Plan implementation is \$17,389,400, of which 81% is budgeted for implementing practices on the ground. Data, studies, and monitoring is anticipated to utilize 11%, and outreach and technical assistance will utilize another 5%. The remaining funds will be spent on activities related to policy and regulation as well as Plan administration.

The Partnership held a 60-day review process that ended on March 22nd, 2024, and held a public hearing on May 30, 2024, in New Prague – a central location within the watershed. The final draft of the updated Plan, all written public comments and responses, and public hearing comments and responses were submitted on June 24, 2024, to the state review agencies, the Metropolitan Council, and the BWSR Board for the final 90-day review and approval of the Plan. The Partnership has incorporated the majority of agency and public comments received throughout the Plan review process.

On August 5, the Central Region Committee met to review and discuss the Plan. The committee's decision was to recommend approval of the Lower Minnesota River East Comprehensive Watershed Management Plan as submitted to the full Board per the attached draft Order.

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 Lower Minnesota River East Watershed, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas, the Lower Minnesota River East Partnership submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on June 24, 2024 pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #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

- Partnership Establishment.** The Lower Minnesota River East Partnership (Partnership) was established through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The members of the Partnership include Le Sueur County, Le Sueur Soil and Water Conservation District (SWCD), Rice County, Rice SWCD, Scott County, Scott Watershed Management Organization (WMO), Scott SWCD and the Lower Minnesota River Watershed District.
- 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 Chapters 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 the One Watershed, One Plan (1W1P) program. Board Decision #21-08 adopted the One Watershed, One Plan Program's *Operating Procedures (Version 2.1)* and Board Decision #19-41 adopted the One Watershed, One Plan Program's *Plan Content Requirements (Version 2.1)* policies.
- Nature of the Watershed.** The Lower Minnesota River East watershed covers 634 square miles (405,789 acres), spanning three counties and one tribal nation (Shakopee Mdewakanton Sioux Community). Most of the middle and upper watershed is dominated by agricultural land use (65% by area), while the lower portion of the watershed (Scott County) transitions from agricultural to suburban and urban land use types (13% by area). The watershed has 117 lakes and 870 stream miles, with 70 of those miles being Minnesota River reaches. Within the watershed, there are ample recreational opportunities and valuable habitat for species ranging from wild rice to endangered mussels.

4. **Plan Development.** The Plan was developed as a single, concise, and coordinated approach to watershed management. The Plan consolidates policies, programs, and implementation strategies from existing data, studies and plans, and incorporates input from multiple planning partners and public input to provide a single plan for management of the watershed. The Plan focuses on prioritized, targeted, and measurable implementation actions to protect and restore the water quality of lakes and streams, address groundwater quality and knowledge gaps, restore and preserve habitat and natural resources, and tackles surface water hydrology issues in the watershed.

5. **Plan Review.** On June 24, 2024, the Board received the Plan, a record of the public hearing, and copies of all written comments and responses for final State review pursuant to Board Resolution #21-08. During the development of the Plan, State agency representatives attended and provided input at advisory committee meetings. The following review agency comments were received during the comment period.
 - A. Minnesota Department of Agriculture (MDA): “Thank you for the opportunity to review this plan. Any concerns we have had with the plan have been addressed throughout the advisory committee process. The MDA has no further comments at this time and will support approval.”
 - B. Minnesota Department of Health (MDH): “MDH has reviewed the responses to the 60-day review comments, as well as the relevant changes made to the Plan. Overall, MDH is satisfied with these responses and changes to the Plan. However, there are a few instances where the changes indicated in a response were applied incorrectly, resulting in some minor inaccuracies in the final Plan.
 - MDH provided a comment during the 60-day review on the data source for Figure 1.18 and complementary text on page 50 of the Plan. The initial response to this comment included an updated narrative that was inaccurate. MDH followed up with a corrected narrative and this narrative is what is included in the final response to the 60-day comment. This corrected narrative was added into the Plan; however, it was inserted without removing the inaccurate narrative. Therefore, the inaccurate statements remain, and the paragraph is now confusing and redundant. The last three sentences under “County Geologic Atlases” should be deleted to relieve these issues and to align the Plan updates with the final response to the 60-day comment.
 - As discussed with the Plan authors based upon informal comments from the Minnesota Board of Water and Soil Resources (BWSR), there are 10 municipal water systems in the Planning Area. The responses to BWSR’s informal comment and to MDH’s follow-up stated that this change would be made, but the Plan still states that there are 11 on page 153 of the final Plan. It appears that instead of making this correction, the number of municipal separate storm sewer systems (MS4s) (two sections above the wellhead protection on the same page) was changed instead, from 12 to 10. The MS4s listed add up to 12. This should be changed back to 12 and the number of municipal water systems changed to 10.

MDH will recommend the Plan for approval, but it is recommended to correct the above inaccuracies in future updates to the Plan.

MDH would also like to reiterate from our 60-day comment letter our commendation of the Partnership for including groundwater and drinking water as priorities in the Plan. Additionally, the Partnership continued to be open to incorporating MDH’s ideas and suggestions into the Plan and were understanding of our staffing change during the planning process.

MDH has appreciated being a part of the technical advisory committee and would like to continue to assist and collaborate with the Partnership in this capacity moving forward into implementation.

Thank you for the opportunity to continue to provide input in this process.”

- C. Minnesota Department of Natural Resources (DNR): “The Minnesota DNR has received the final Draft Lower Minnesota River East Comprehensive Watershed Management Plan. During the 60-day review process the DNR provided comments, and the resulting changes and responses have been reviewed. The DNR is satisfied with the detailed responses and updates to the plan and have no additional comments and recommends that BWSR approve the plan. We look forward to working with watershed partners to help implement the plan. Thank you for the opportunity to participate in this process.”
- D. Minnesota Pollution Control Agency (MPCA): “The Minnesota Pollution Control Agency (MPCA) appreciates the opportunity to participate and provide input throughout the Lower Minnesota River East Watershed One Watershed, One Plan (Plan) development process. Overall, the Plan is very well written, concise, and thorough. We have no comments as part of the official 90-day Review and Comment Period and recommend it for approval.”
- E. Minnesota Environmental Quality Board (EQB): Policy requires that EQB be notified of the final draft document. EQB confirmed receipt of the Plan and did not provide comments on the 90-day final draft Plan.
- F. Metropolitan Council: “Thank you for coordinating a well written plan and doing a comprehensive job on addressing all comments. The Met Council has no additional comments on the 90-day draft of the Lower MN River East Comprehensive Watershed Management Plan. I look forward to working with you more during the implementation of this plan.”
- G. Minnesota Board of Water and Soil Resources (BWSR): The entire report is very well-organized, easy to understand and is visually appealing with informative graphics. BWSR appreciates that the Plan includes goals and strategies that address altered hydrology and storage, erosion, groundwater, and riparian restoration. We commend the Partnership for developing versatile outreach and education strategies to address soil health practice adoption, chloride reduction, and groundwater education. They also were inclusive of the Shakopee Mdewakanton Sioux Community during the planning process. All the 60-day comments provided by BWSR have been answered or addressed and we have no additional formal comments. BWSR staff involved in the development and review of this plan include Melissa King (former Board Conservationist), Anne Sawyer (Board Conservationist) and Barb Peichel (Clean Water Specialist).
6. **Plan Summary and Highlights.** The highlights of the Plan include:
- The Partnership has prioritized surface water quality to address issues of excess sediment, nutrients, and other pollutants that degrade lakes and streams. A major pollutant in the Minnesota River and its tributaries is sediment, largely from near-channel sources, such as gully, ravine, and bluff erosion. Cropland erosion is the second-largest source of sediment in the watershed. The Plan’s implementation strategy includes a variety of options to address erosion while also providing maximum flexibility for rural and urban landowners to adopt voluntary conservation practices.
 - Similarly, addressing altered hydrology is a primary goal for the Partnership. Artificial drainage has created an agriculturally rich landscape, but the combination of wetland loss, agricultural drainage, and increased precipitation over the past several decades has led to increased flows on the Minnesota River and its tributaries. The Partnership’s storage goal will help address altered

hydrology by reducing annual surface runoff through implementation of storage projects in priority subwatersheds.

- Groundwater is the primary source of drinking water in the watershed. Most of the aquifers within the watershed are considered to have “medium” vulnerability to contamination based on geology and soil type, but much of the area adjacent to the Minnesota River is highly vulnerable to contamination. The Partnership prioritized protection of groundwater resources through targeted activities that reduce contamination from nitrates, chlorides, and other pollutants, utilizing farm and urban best management practices.
- The Partnership also recognized that groundwater resources, particularly in Le Sueur County, are not well understood, so they have prioritized completion of the County Geologic Atlas in Le Sueur County. Further, they are developing an outreach and education campaign to engage with residents across the watershed regarding groundwater contamination and management of natural (e.g. arsenic) and human-caused (e.g. nitrates) contaminants.
- The Policy and Steering Committees sought community engagement during the early stages of the planning process, including a public kick-off meeting and a virtual open house. They also reached out to the Shakopee Mdewakanton Sioux Community, neighboring watershed entities, and municipalities during the formation of the plan. The information gathered was used to identify and prioritize issues. The Advisory Committee further refined implementation actions by utilizing subcommittees of local experts on topics including groundwater, stormwater, shoreland, and outreach/education.
- The Partnership refined the priority issues based on input from the public and topic meetings, existing plans and studies, comment letters from state agencies, and input from local government staff. The six issue statements address surface water hydrology; surface water quantity; groundwater quality; groundwater knowledge, data, and understanding; habitat and natural resources restoration; and habitat and natural resources protection and preservation.
- Within those six issue categories, the partners developed 14 measurable goals for the watershed. These goals include reducing sediment loading to streams by 1,886 tons/year, reducing phosphorus loading to impaired priority lakes by 87 pounds/year and maintaining phosphorus levels in unimpaired priority lakes, developing and implementing chloride reduction and groundwater management outreach campaigns, reducing annual surface runoff by 0.09 inches across the watershed through water storage projects, repairing/replacing 10 septic systems and sealing 40 unused or abandoned wells, increasing perennial cover by 300 acres in riparian areas, and increasing permanently protected land in conservation easements by 800 acres, among other goals.
- The Plan goals were estimated using models (primarily HSPF and HSPF-SAM) and then further refined based on local staff professional judgement for realistic, yet optimistic, expectations for what could be accomplished over 10 years.

7. **Boundary Adjustment.** The Board maintains a suggested boundary map for the One Watershed, One Plan program. The Lower Minnesota River East (planning area 56) Partnership proposed a boundary adjustment to reduce the watershed area as multiple optional participants in Hennepin, Carver, and Dakota County decided not to participate due to local capacity issues and existing watershed planning efforts. In addition, this smaller boundary allows the current partners to better target the types and locations of the Plan’s implementation activities. The Partnership provided documentation of local concurrence, rationale, and justification for 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 0.1 on page 13 of the Plan.

8. **Central Regional Committee.** On August 5, 2024, the Central Regional Committee met to review and discuss the Plan. Those in attendance were Joe Collins, Mark Zabel, Mike Runk, Steve Robertson, Grant Wilson, Joel Larson, Jill Crafton, and Lori Cox. The representatives from the Partnership were Holly Bushman, Mike Schultz, Troy Kuphal, and Doug Schoenecker. BWSR staff in attendance were Anne Sawyer, Barb Peichel, Jason Weirnerman, and Justin Hanson. 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 August 29, 2034.

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 Lower Minnesota River East Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
3. The Lower Minnesota River East Comprehensive Watershed Management Plan attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
5. The attached Plan when adopted through local resolution by the members of the Partnership will replace the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapters 103B, 103C, or 103D, but only to the geographic area of the Plan.
6. With exception to #5 above, the attached Plan, when adopted through local resolution by the members of the Partnership within the Metropolitan area as defined in Minnesota Statutes Section 103B.205, Subd. 8 or a Metropolitan county as defined in Minnesota Statutes 473.121 Subd. 4 is not required to, but may, serve as a substitute in whole or part for the comprehensive plan, local water management plan, watershed management plan, or county groundwater plan developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D for 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 Lower Minnesota River East Watershed, submitted June 24, 2024.

Dated at Duluth, Minnesota, this twenty-ninth day of August 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources