

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 BWSR Area 53 CWMP, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

**ORDER APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas, the Policy Committee of the BWSR Area 53 CWMP (Partnership) submitted the Hawk Creek – Middle Minnesota Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on November 11, 2021 pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #16-17, 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 2019 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Renville County, Renville Soil and Water Conservation District (SWCD), Kandiyohi County, Kandiyohi SWCD, Chippewa County, and Chippewa 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 Resolution #16-17 adopted the One Watershed, One Plan Operating Procedures and Plan Content Requirements policies.
3. **Nature of the Watershed.** The planning area encompasses five counties (Chippewa, Kandiyohi, Nicollet, Renville, and Sibley) and is nearly 1,262 square miles. There are three distinct zones in this watershed differentiated by their geographic and ecological characteristics. These zones include the “Lakes Zone,” the “Agricultural Zone,” and the “Minnesota River Zone.” The Lakes Zone of the Hawk Creek-Middle Minnesota planning area is in the northernmost region of the watershed in Kandiyohi County and the predominant land uses in this zone include lakes and wetlands, grasslands and hay, agriculture, and developed land. The Agricultural Zone is the largest zone in the Hawk Creek-Middle Minnesota planning area, encompassing portions of all five counties and the majority of the farmed acres in the watershed. The Minnesota River Zone is composed of the land draining directly to the Minnesota River. This zone is distinguished by the Minnesota River, the large bluffs, and bedrock outcroppings of gneisses and diorites.

4. **Plan Development.** The partnership initiated Plan development on May 17, 2019 by notifying designated Plan review authorities (State agencies, counties, cities, SWCDs, watershed districts, etc.) and other watershed stakeholders of their intent to plan. The notification included an invitation to submit priority issues and plan expectations by July 16, 2019. Five letters were received. Additional public input and prioritization of issues was collected at two public kickoff meetings held on September 5 and 6, 2019. A Technical Advisory Committee (TAC) was established by the partnership to assist in identifying the priority areas and priority issues and development of measurable goals for each. Measurable goals were based on the Yellow Medicine-Hawk Creek and Minnesota River-Mankato Watershed Restoration and Protection Strategies (WRAPS) reports, the Hawk Creek-Middle Minnesota Groundwater Restoration and Protection Strategies (GRAPS) report, Total Maximum Daily Loads (TMDLs), local water plans, other studies and reports, and local expertise. Rational for goals was provided in part by results from modeling through the Hydrological Simulation Program-FORTRAN (HSPF)-Scenario Application Manager (SAM) which was completed for five priority areas. The reduction estimates from the priority subwatersheds along with the measurable goals established for each subwatershed provide an estimated pace of progress that can be expected through the ten-year planning period. Additionally, implementation projects, programs, and strategies were detailed to identify where funds will be utilized to accomplish the measurable goals within the targeted implementation schedule.

5. **Plan Review.** On November 11, 2021, 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 #16-17. 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: No comments received.
 - B. Minnesota Department of Health (MDH): MDH does not have any additional comments or concerns and recommends approval of the Hawk Creek – Middle Minnesota CWMP.
 - C. Minnesota Department of Natural Resources: No comments received.
 - D. Minnesota Pollution Control Agency (MPCA): Overall, the MPCA is satisfied with the Plan. The Steering Committee was receptive to incorporating much of the MPCA’s earlier comments and revisions and the MPCA recommends approval of the Plan, with one potential edit.

In Table 4-2, please double check phosphorus load goals for Willmar Lake as they appear to be the same as the existing loads even though the total phosphorus concentrations levels changed.

Moving forward, the MPCA encourages the Hawk Creek-Middle Minnesota River planning team and its partners to continue to adapt and improve the Plan. Prior to the final approval of the Plan or in subsequent updates, the MPCA would encourage the following comments to be addressed:

1. Reference and utilize the Watershed Restoration and Protection Strategy (WRAPS) reports that were developed by the Local Partners from both the Hawk Creek and Middle Minnesota River groups, specifically the public participation activities identified by the Local Work Groups that build off the hard work and efforts the local government units (LGUs) have already implemented.
2. In the Implementation Table(s), MPCA suggests moving state and federal agencies to the supporting column. As cited in the Board of Water and Board of Water and Soil Resources (BWSR’s) One Watershed, One Plan (1W1P) Guidebook, State and Federal agencies will have a supporting role, and the LGUs will serve as the Lead.

3. Consider budgeting more funds for the monitoring work that was identified in the Plan. Establishing and maintaining monitoring sites (especially flow sites) is costly and the \$5,000 per station over the 10-year life of the plan seems inadequate.

E. Minnesota Board of Water and Soil Resources (BWSR) regional staff: BWSR does not have any additional comments or concerns and recommends approval of the Hawk Creek – Middle Minnesota CWMP.

F. Local Review: No local comments were received.

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

- Executive Summary – provides a high-level overview of the watershed and planning partners, a summary of the issue identification and prioritization process, a description of the processes used to develop the measurable goals and target projects and practices, an overview of the targeted implementation schedule programs and actions and the estimated funding needed, and the anticipated roles and responsibilities of partnership members in the implementation process.
- Section 1 – Contains a high-level discussion of the purpose and scope of the Plan and the 1W1P Program as a whole. Includes geographic information of the extend of the planning area for each planning partnership and their level of involvement in the Plan development. It also contains information on the various committees established to develop the Plan and a list of all formal meetings held during Plan development.
- Section 2 – Serves as the Land and Water Resources Narrative to give a summary of watershed characteristics and issues. Information was included on geology, precipitation, surface water, groundwater, stormwater, drainage, recreation, habitat, land use, and socioeconomics. Broke the Plan area into three zones - the Lakes Zone, the Agricultural Zone, and the Minnesota River Zone - and discussed the geography and hydrology for each.
- Section 3 – Identification and Prioritization of Issues and Resources describes the information and process used to develop watershed resources and issues. Particularly important resources included the WRAPS, GRAPS, TMDLs, existing water plans, other management plans, studies and reports, and local expertise. Public input was utilized via invitation to comment, and two public kickoff meetings. Five priority areas were established (Upper Hawk Creek, Chetomba Creek, Beaver Creek, Fort Ridgely Creek, and Swan Lake, which is located in Sibley County) and a Tiered Priority ranking of issues was established based on the concerns in the five priority areas.
- Section 4 – Establishment of Measurable Goals explains how both ten-year and long-term goals were developed for each of the priority issues. BATHTUB (Version 6.1) was used to establish goals for lakes in the lake region of the priority areas. HSPF modeling was used to estimate pollutant reduction values and project costs. This was done primarily through WRAPS data, TMDL data, GRAPS data, HSPF-SAM results, Policy Committee input, and local expertise provided by Planning Work Group members.
- Section 5 – Targeted Implementation Program describes the combination of projects, studies, programs, and practices intended to achieve the measurable goals. The implementation schedule is organized by priority areas/issues. The implementation schedule has a total estimated cost of approximately \$53,604,000 with a local contribution of \$14,264,096.
- Section 6 – Discussion of existing implementation programs, including Incentive Programs, Regulation and Enforcement Programs, Capital Improvement Projects, Public Participation and Engagement Programs, Operation and Maintenance Programs, and Data Collection and Monitoring.
- Section 7 – This section also provides some details on how the Partnership will administer and coordinate the implementation of the Plan, including a process for amending the plan. The Partnership is in the process of establishing a Joint Powers Entity to work under a Joint Powers Agreement for Plan implementation.

7. **Southern Regional Committee.** On December 20, 2021, the Southern Regional Committee met to review and discuss the Plan. Those in attendance from the Board's Committee were Ted Winter, Jeffrey Berg, Eunice Biel, Kathryn Kelly, Kelly Kirkpatrick, Steve Robertson, and Scott Roemhildt. Board staff in attendance were Southern Regional Manager Ed Lenz, Board Conservationist Jeremy Maul, and Clean Water Specialist Mark Hiles. The representatives from the Partnership were Zach Bothun, Eric VanDyken, JoAnne Blomme, and Holly Hatelwick. 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.
8. This Plan will be in effect for a ten-year period until January 26, 2032.

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 BWSR Area 53 CWMP pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
3. The Hawk Creek – Middle Minnesota CWMP 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 #16-17.
5. The attached plan when adopted through local resolution by the members of the Partnership will serve as a replacement for the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D, but only to the geographic area of the Plan and consistent with the One Watershed, One Plan Suggested Boundary Map.

ORDER

The Board hereby approves the attached Hawk Creek – Middle Minnesota Comprehensive Watershed Management Plan of the BWSR Area 53 CWMP, dated January 26, 2022.

Dated at St Paul, Minnesota, this 26 of January 2022.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


BY: Gerald Van Amburg, Chair



BOARD ORDER

FY2022-2023 Red River Basin Commission Grant

PURPOSE

Provide fiscal year 2022 and 2023 legislatively allocated general funds to the Red River Basin Commission.

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 for water quality and floodplain management, including administration of programs.
2. The proposed allocations in this order were developed consistent with this appropriation.
3. The Board Northern Regional Committee reviewed the order between December 28, 2021 and January 5, 2022 and recommended approval at their January 5, 2022 meeting.
4. The Board Executive Director has authority to approve the proposed allocations in this order.

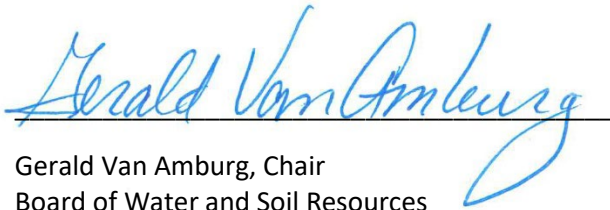
ORDER

The Board hereby:

1. Approves the allocation of \$100,000 for fiscal year 2022 and \$100,000 for fiscal year 2023 to the Red River Basin Commission for water quality and floodplain management, including administration of programs.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources



BOARD ORDER

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

PURPOSE

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

RECITALS /FINDINGS OF FACT

1. The Bois de Sioux Watershed District (BdSWD) and the Upper Minnesota River Watershed District (UMRWD) filed a joint petition (Petition) for a boundary change with the Board of Water and Soil Resources (Board) on August 11, 2021.
2. The Petition proposes to change the common boundaries of the BdSWD and the UMRWD. The proposed boundary change will result in the transfer approximately 200 acres from the BdSWD to the UMRWD and the transfer of approximately 4,575 acres from UMRWD to BdSWD.
3. The Petition is valid in accordance with Minn. Stat. §§ 103D.251.
4. A Legal notice of hearing on the Petition, pursuant to Minn. Stat. §§ 103D.251, was published in the Wheaton Gazette on November 3, 2021 and November 10, 2021, the Ortonville Independent on November 2, 2021 and November 9, 2021, the Northern Star on November 4, 2021 and November 11, 2021, and the Sisseton Courier on November 2, 2021 and November 9, 2021. Further, a copy of the notice of filing was mailed to several addressees, including the affected counties and watershed districts.
5. A public hearing was held November 22, 2021 at 2:00 PM in the Graceville Community Center at 415 Studdart Ave, Graceville, MN. The hearing proceedings were recorded. The hearing was presided over by the Northern Region Committee (Committee) including Todd Holman, Rich Sve, Neil Peterson, Ron Staples, Gerald Van Amburg, LeRoy Ose, and Theresa Haugen. After all people present at the public hearing were given opportunity to speak and enter exhibits, the hearing record was left open for two weeks until 4:30 PM on December 6, 2021 for receipt of written comments. Exhibits a through f below were entered into the record at the hearing. Zero (0) people provided or submitted oral or written comments at the hearing or while the record remained open for two weeks after the hearing. The following list of exhibits comprises the hearing record:
 - a. Email containing resolutions for a boundary change from the BdSWD and the UMRWD, dated August 11, 2021.
 - b. Email containing the joint petition for a boundary change, dated August 27, 2021.
 - c. Board of Water and Soil Resources' Order for public hearing to be held on the boundary change petition for the BdSWD and the UMRWD, dated November 1, 2021.

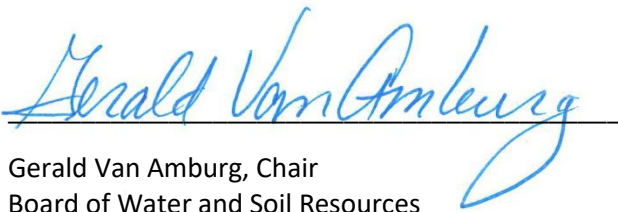
- d. Memorandum dated November 1, 2021 from Annie Felix-Gerth, Board of Water and Soil Resources to several addressees providing notice of the public hearing including legal notice, and list of addresses.
 - e. Email dated August 20, 2021 from Ryan Hughes, Board of Water and Soil Resources, to the Board of Water and Soil Resources' Northern Region Committee on the petition, hearing date, location and supporting documentation.
 - f. Email dated November 17, 2021 from Ryan Hughes, Board of Water and Soil Resources, to the Board of Water and Soil Resources Northern Region Committee containing the hearing Order, hearing notice memorandum, and the submitted petition.
 - g. Affidavit of publication for Ortonville Independent dated December 13, 2021.
 - h. Affidavit of publication for Northern Star dated December 13, 2021.
 - i. Affidavit of publication for Sisseton Courier dated December 9, 2021.
 - j. Affidavit of publication for Wheaton Gazette dated November 11, 2021.
6. Board staff assisted the watershed districts and their legal counsel through the Petition process providing guidance, comments, and recommendations. All relevant, substantive, and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a boundary change. The requested boundary change is consistent with the purpose and the requirements of Minn. Stat. §§ 103D.251. The boundary change, as proposed in the Petition, would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. The boundaries of the BdSWD and the UMRWD as proposed in the Petition are more accurately based on the hydrology of the subject area than the present boundaries. The proposed boundary change should be approved per the Petition. Therefore, staff recommends approval of the boundary change as petitioned.
7. On January 5, 2022, Committee members were provided an update on the hearing record and consulted on the Petition. Members of the Committee that participated in the discussion included Committee Chair Rich Sve, Todd Holman, Neil Peterson, Ron Staples, Gerald Van Amburg, LeRoy Ose, Theresa Haugen, Theresa Ebbenga and Jeff Berg. Following review of the hearing record, and discussion of the draft Order, the Committee recommended approval of the Petition.

ORDER

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

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: January 26, 2022



BOARD ORDER

Fiscal Year 2022 Water Quality and Storage Pilot Grant Program Policy

PURPOSE

Authorize a fiscal year 2022 Water Quality and Storage Pilot Grant Program and adopt fiscal year 2022 Water Quality and Storage Pilot Grant Program Policy.

RECITALS /FINDINGS OF FACT

1. Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 1, Sec. 4(l), appropriated \$1 million in Fiscal Year 2022 to a water quality and storage program.
2. Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 2, Sec. 80 provides the statutory authority for the Water Quality and Storage Program (Minn. Stat. 103F.05), and includes the purposes of the Program that are “to control water volume and rates to protect infrastructure, improve water quality and related public benefits, and mitigate climate change impacts”, identifies eligible practices, and establishes that the priority areas for the program are the Minnesota River basin and the lower Mississippi River basin.
3. In November 2021, staff completed an outreach program to receive input from environmental groups, agricultural groups, SWCD staff, watershed district staff, the Drainage Work Group, other state agency staff, and landowners on the development of the program. Outreach activities included:
 - A. virtual meetings;
 - B. an online survey; and
 - C. in-person meetings.
4. Following completion of the activities outlined in item 3, staff reviewed the feedback received and developed program details.
5. The program policy, request for proposals and frequently asked questions documents were created to provide expectations for application to the fiscal year 2022 Water Quality and Storage Pilot Grant Program and subsequent activities conducted with these funds.
6. The Grants Program and Policy Committee, at their January 10, 2022 Meeting, reviewed the proposed Water Quality and Storage Pilot Grant Program Policy and associated documents and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts the attached *Water Quality and Storage Pilot Program Policy*.
2. Authorizes staff to issue the Request for Proposals, score and rank the responses, and enter into grant agreements consistent with the RFP criteria in an amount up to \$1,000,000.
3. Direct staff to provide a pilot program update prior to the FY23 continuation.

Dated at St. Paul, Minnesota, January 26, 2022.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: January 26, 2022



BOARD ORDER

Performance Review and Assistance Program 2021 Report to the Minnesota Legislature

PURPOSE

Adopt 2021 PRAP Legislative Report

FINDINGS OF FACT / RECITALS

1. The 2007 Legislature directed the Board of Water and Soil Resources (Board) to develop and implement an ongoing program to evaluate and report on the performance of each local water management entity.
2. In 2007 the Board developed a set of guiding principles and directed staff to implement a program for reviewing performance, offering assistance, and reporting results, now called the Performance Review and Assistance Program (PRAP), in consultation with stakeholders and consistent with the guiding principles as published on the BWSR website.
3. According to Minnesota Statutes Chapter 103B.102, Subdivision 3, beginning February 1, 2008, and annually thereafter, the Board shall provide a report of local water management entity performance to the chairs of the House and Senate committees having jurisdiction over environment and natural resources policy.
4. The 2021 PRAP Report to the Minnesota Legislature contains the summaries of the 16 local water management entity performance reviews conducted by BWSR staff in 2021 and a summary of findings describing the performance of local water management entities regarding compliance with plan status and basic reporting requirements.
5. The 2021 PRAP Report to the Minnesota Legislature was reviewed by the Board's Audit and Oversight committee on January 20, 2022 and was recommended for Board adoption by the committee.

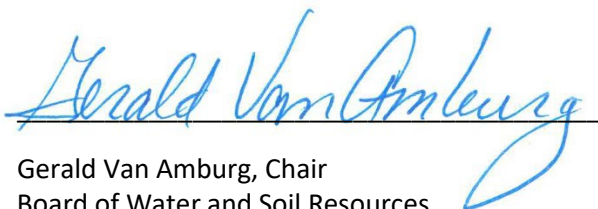
ORDER

The Board hereby:

Adopts the 2021 Performance Review and Assistance Program Report and directs staff to submit the to the Minnesota Legislature and publish it on the Board's website, with allowance for any minor editing modifications necessary for finalization.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES


Gerald Van Amburg, Chair
Board of Water and Soil Resources

Date: January 26, 2022