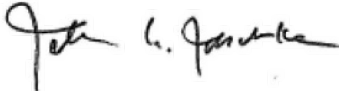




DATE: January 16, 2024

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – January 24, 2024

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 24, 2024, beginning at 9:00 a.m. The meeting will be held in the lower-level Board Room, at 520 Lafayette Road North, St. Paul and by Microsoft Teams. Individuals interested in attending the meeting through Teams should do so by either 1) logging into Teams by [clicking here to join the meeting](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 575 117 842#.

The following information pertains to agenda items:

NEW BUSINESS

- Olmsted County Groundwater Protection and Soil Health Initiative** – The Olmsted Soil and Water Conservation District and the Olmsted County Board of Commissioners, in partnership with local landowners and farmers, are leading innovative solutions to groundwater protection in Olmsted County. Using federal funds from the American Rescue Plan Act, the new Groundwater Protection and Soil Health Program promotes soil health management practices to help reduce nitrogen input on agricultural land and prevent groundwater contamination. The program started with a cover crop cost-share pilot in 2022. It expanded in 2023 to include small grain and alternative crops, haying, and grazing opportunities. So far, 82 producers are participating and adopting more soil health practices across the landscape, and almost 7,000 acres are enrolled in a component of the program. **INFORMATION ITEM**
- Vice Chair Election** – According to bylaws, the Vice Chair will be elected to a two-year term by the members of the Board. Nominations will be made at the meeting. After the vote to close nominations if there is more than one nomination voting ballots will be mailed to board members along with a prepaid envelope to return their ballot by March 1, 2024. The Vice Chair will be announced by the March board meeting if a ballot is required. **DECISION ITEM**

COMMITTEE RECOMMENDATIONS

Northern Region Committee

- Bois de Sioux Watershed District and Upper Minnesota River Watershed District Boundary Change Petition** – BWSR received a petition from the Bois de Sioux Watershed District (BdSWD) and Upper Minnesota River Watershed District (UMRWD) to change their shared boundaries. The proposed boundary change will achieve a more accurate alignment between the hydrologic and legal boundaries of the BdSWD and the UMRWD. The Northern Regional Committee recommended approval by the full BWSR Board. **DECISION ITEM**
- Sand Hill River Comprehensive Watershed Management Plan** – The Sand Hill River watershed was selected by BWSR as one of the planning areas for the One Watershed, One Plan program in 2022. The watershed partnership Policy Committee and Advisory Committee members have attended regularly scheduled meetings and submitted the Sand Hill River Comprehensive Watershed Management Plan to BWSR for

review and approval. The Northern Regional Committee met on January 3, 2024 to review the content of the Plan, State agency comments on the Plan, and to make a recommendation. The Committee recommends approval of the Plan as submitted by the full Board. **DECISION ITEM**

Buffers, Soils and Drainage Committee

1. **Drainage Work Group Legislative Report** – During the 2023 legislative session the following language was enacted (Laws 2023, Chapter 60, Article 5, section 21):

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

- *the definition and application of outlet adequacy as provided in Minnesota Statutes, section 103E.261; and*
- *public notice requirements for proposed public drainage activities, including a drainage registry portal.*

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

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

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

This report addresses each of the specific directives identified above and also addresses the DWG consideration of the sunset language in 103E.729 relating to the sediment and runoff control option for assessing repair costs.

It is important to note that there is not a consensus recommendation for legislative action on 103E related policy at this time for outlet adequacy or public notice requirements including for the drainage registry. There is broad unanimity among the DWG membership that those tasks have the potential to include additional burdens in the administration of 103E and more time is needed to effectively bring forward any detailed policy recommendations.

Audit and Oversight Committee

1. **2023 Performance Review and Assistance Program Legislative Report** – This agenda request item is an annual request for the BWSR January meeting to approve and adopt the required PRAP report to be disseminated to the legislature during the current session. Minnesota statute 103B.102, Subdivision 3 describes BWSR's responsibility to provide this activity summary each year. BWSR staff have prepared the report, presented it to the BWSR Audit and Oversight committee and are now presenting it to the board for their consideration. **DECISION ITEM**

Grants Program and Policy Committee

1. **FY 24 Updated Documents - Water Quality and Storage Grant Program** – The Water Quality and Storage Pilot Program provided grants (approx. \$2M) to our local partners in FY22-23. The program received a \$17M appropriation for FY24-25. Based on experience with the pilot program and feedback from our partners during outreach meetings, changes have been proposed by BWSR staff for the FY24 program. The more significant changes include: reducing match to 10% to be consistent with our other programs, allowing projects associated with 103E Improvements, and providing funding for modeling and conceptual design.

These changes were incorporated into the FY 24 Policy and the FY 24 RFP document. The scoring criteria has had minor revisions for the final design and construction funds and new scoring criteria has been developed for the modeling and conceptual design funds.

BWSR staff proposes that a total of \$3M be available for the FY24 application period, with up to \$500,000 available for modeling and conceptual design work. BWSR staff would like to further propose that this grant program be open for applications twice a year so that grant recipients of the modeling and conceptual design funds will more quickly be able to access final design and construction funds.

BWSR staff are asking to issue the RFP and score and rank responses. Projects proposed for funding will be brought to the board for approval at the May 2024 meeting. ***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 January 24th.

2023 Performance Review and Assistance Grant Program Summary

In 2023, there were five PRAP Assistance Grants approved. The following is a summary of each project.

Fillmore SWCD - \$4,900

Activities Funded

- Grant was used to develop tiered job descriptions and updated pay-scale, an employee evaluation system, and determine staff position on new pay-scale.

Technical Service Area 7 - \$20,000

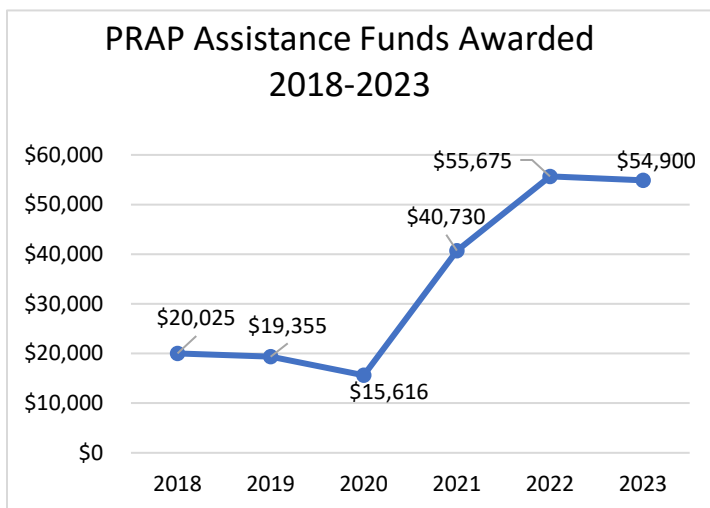
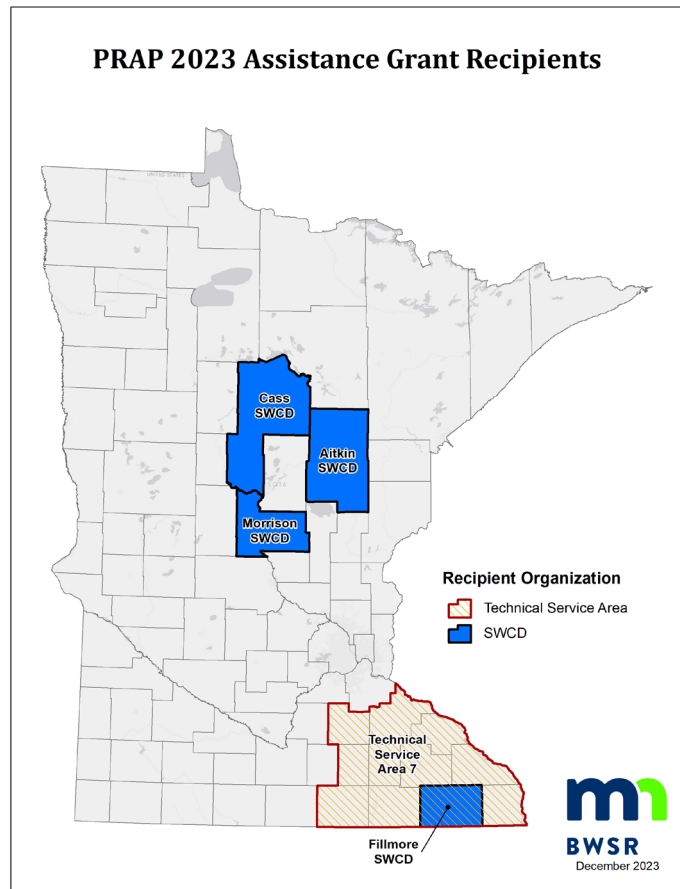
Activities Funded

- Grant was used to complete a workload analysis, develop staffing scenarios based on current and future workloads, and assess organizational options for TSA.

Cass SWCD - \$10,000

Activities Funded

- Grant will fund the development of a strategic plan for organizational growth and development with a focus on organizational identify, long-term vision, and 3, 5, and 10-year goals.



Aitkin SWCD - \$10,000

Activities Funded

- Grant will fund the development of a strategic plan with a focus on goal setting, visioning, review of existing programs and funding, forecast additional new funding, review future staff roles, and update job descriptions.

Morrison SWCD - \$10,000

Activities Funded

- Grant will fund will be used to conduct a workload and technical assessment to help the board and staff understand it's staffing needs as they relate to current and future workloads.

Don Bajumpaa
PRAP Coordinator
218-850-7335
don.bajumpaa@state.mn.us

The Performance Review and Assistance Program was created through M.S 103B.102 to monitor and assess the performance of local water management entities. BWSR uses the program to provide assistance grants to LGUs that desire to make improvements, including improving efficiency and effectiveness in delivering and executing planned organizational goals and objectives.

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

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF DECEMBER 14, 2023 BOARD MEETING

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

INTRODUCTION OF NEW STAFF

- Amie Wunderlich, Chief Financial Officer
- Wendy Murphy, Senior Financial Analyst
- Jennifer Hahn, Federal Conservation Programs Coordinator
- Luke Olson, Board Conservationist

CONFLICT OF INTEREST DECLARATION

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

REPORTS

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

AGENCY REPORTS

- Minnesota Department of Agriculture – 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

NEW BUSINESS

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

COMMITTEE RECOMMENDATIONS

Northern Region Committee

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

Buffers, Soils, and Drainage Committee

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

Audit and Oversight Committee

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

Grants Program and Policy Committee

1. FY 24 Updated Documents - Water Quality and Storage Grant Program – Rita Weaver – **DECISION ITEM**

UPCOMING MEETINGS

- BWSR Board meeting is scheduled for March 27th 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
THURSDAY, DECEMBER 14, 2023**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Mike Runk, Neil Peterson, Rich Sve, Lori Cox, Ted Winter, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ron Staples, Mark Zabel, Katrina Kessler, MPCA; Peder Kjeseth, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

Joel Larson, University of Minnesota Extension, LeRoy Ose

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson; Lucy Dahl, Eric Forward, Jen Swartz, Sharon Doucette, Kristina Geiger, Kevin Roth, Sara Reagan, Jenny Gieseke, Don Bajumpaa, Dave Weirens, Jennifer Hahn; Annie Felix-Gerth, Julie Westerlund, Ryan Hughes, Darren Mayers, Karli Swenson, Bill Penning, John Voz, Marcey Westrick, Dusty VanThuyne, Udai Singh

OTHERS PRESENT:

Jeff Berg, MDA; Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; Mike Schultz, MACD, LeAnn Buck, MASWCD; Troy Daniell, NRCS; Steve Barrows, Crow Wing County; Jamie Beyer, BdSWCD; Terry Jeffery, Jesse Martus

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

PLEDGE OF ALLEGIANCE

23-62 **ADOPTION OF AGENDA** - Moved by Rich Sve, seconded by Joe Collins, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

23-63 **MINUTES OF OCTOBER 25, 2023 BOARD MEETING** – Moved by Kurt Beckstrom, seconded by Jayne Hager Dee, to approve the minutes of October 25, 2023, 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

Lucy Dahl introduced two new Easement Acquisition Specialists Eric Forward and Jen Swartz. Sharon Doucette introduced Kristina Geiger, Program Analyst; Sumbal Rana, Assistant Program Analyst; Kevin Roth, Easement Programs Coordinator; and Sara Reagan, Easement Programs Coordinator. Jenny Gieseke introduced Don Bajumpaa, PRAP Coordinator.

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 Rich Sve was recognized for the Minnesota Counties President’s award. Dakota SWCD was awarded the 2023 Outstanding Conservation Award where Jayne Hager Dee is a member of.

Lori Cox thanked agencies that participated in panels at conferences, appreciated the time they put into it.

Executive Director’s Report - John Jaschke reported the Minnesota Association of Soil and Water Conservation District (MASWCD) held their conference this week and the Minnesota Watersheds organization held their conference the week before in Alexandria. Stated Jan Voit couldn’t be here today and passed along her thanks to all the participants for their assistance in making their annual conference a success. Stated the Association of Minnesota Counties (AMC) also held their annual conference. AMC and BWSR presented a Conservation Award to Pennington County.

BWSR presented Employee of the Year Awards to Michael Hayman, Program Manager at Minnehaha Creek Watershed District and Skip Langer, Manager at Olmsted SWCD.

John stated they have started preparing legislative proposals. Reminder from Jenny Gieseke we are getting closer to the end of our Strategic Plan input process, survey was sent out to solicit feedback.

John reviewed the Day of Packet that included an update to the LGRWR plan, Campaign Finance Discloser letter, Org chart, and the Conflict of Interest form. Noted there are no Snapshot articles included for December.

Audit and Oversight Committee – Joe Collins reported they will be meeting in January.

Dispute Resolution and Compliance Report – Rich Sve reported they have not met. Travis Germundson reported there are presently eight appeals pending. There have been five new appeals filed since the last board meeting. No decisions have been made. Travis provided a Buffer Compliance Status Update.

Lori Cox asked about the numbers being different than what was in the packet. Travis stated the numbers have recently updated.

Grants Program & Policy Committee – Mark Zabel reported there is one item on the agenda for approval today.

RIM Reserve Committee – Jayne Hager Dee reported they met November 13th and have items on the agenda for today.

Water Management & Strategic Planning Committee – Joe Collins reported they met in November and will have an item on the agenda today.

Wetland Conservation Committee – Jill Crafton reported they met and are focusing on tracking more high-quality wetlands.

Buffers, Soils & Drainage Committee – Dave Weirens reported Tom Gile is working on scheduling a meeting in January.

Drainage Work Group (DWG) – Neil Peterson and Tom Gile reported the full DWG met on November 16th. The group discussed multiple concepts for the Broader 103E notification conversations, which have taken place through the year to that point. The general direction is for Tom to develop a concept which better defines 103E notice terms via 103E definitions and then develop a section of 103E on notification process. That framework may eventually lead to discussions of adapting the various parts of 103E, which call for notice to be more uniform in their design.

This process is separate but related to the “Registry concepts” and discussion. A subcommittee of the DWG has been established consisting of 7 members, which will further go into the ideas and concepts around additional notification procedures in 103E including a drainage registry portal concept.

The First Draft of the Outlet Adequacy Subcommittee report was provided to the DWG and Rita Weaver walked the group through the contents of the report. The report has been finalized by the committee and was provided prior to the December Drainage Work Group meeting.

Two additional meetings were set to focus on specific aspects of the DWG Outlet Adequacy Subcommittee report during November and early December. These meetings may not include full DWG participation but those with interest and availability on specific topics were welcome to attend. Dates are also held for two more such focused meetings if needed.

The DWG members also briefly spoke on the Runoff and Sediment Delivery Option for repair costs, which currently exists in 103E but is set to sunset in July of 2024. The DWG is considering extending the sunset date for an additional 5 years.

The DWG is meeting today December 14th at 11:00 a.m. and will be discussing these topics and the intention is to provide some direction for the Legislative Report, which is due to chairs and ranking members of the House of Representative, Senate committees and divisions with jurisdiction over environment and natural resources by February 1, 2024. A report is expected to be considered by the BWSR Board at the meeting in January to meet this legislatively directed responsibility.

AGENCY REPORTS

Minnesota Department of Agriculture – Peder Kjeseth reported they are close to announcing recipients of their first round of Soil Health Financial Assistant Grants. Stated they will continue to work with partners and the Department of Health regarding nitrates in southeastern Minnesota.

Lori Cox stated she heard the University of Minnesota applied and asked if the Soil Health Grants are for individuals and not institutions. Peder stated they are more individual; they received a lot of requests and might have one or two interesting applications.

Minnesota Department of Health – Steve Robertson reported they responded to the EPA letter on nitrates in southeastern Minnesota. Stated they will continue their pilot grant program for private well protection that allows local entities to address well testing and mitigation needs of private well owners.

Minnesota Department of Natural Resources – Sarah Strommen reported they had the largest single capture of invasive carp. Stated they are paying close attention to the unusual warm dry weather and the lack of snow from a fire danger consideration.

Minnesota Extension – No report was provided.

Minnesota Pollution Control Agency – Katrina Kessler reported that they have been in close contact with other agencies regarding nitrate in the groundwater in southeastern Minnesota and are committed to accelerating the efforts. Stated she attended a Nutrient Hypoxia Task Force meeting with 11 other states that contribute to the Gulf of Mexico. Stated they released the draft 2024 Impaired Waters List and it's on public notice through April.

Ted Winter asked how many counties are involved in southeastern Minnesota. Commissioner Kessler reported there are eight counties.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported they held their annual conference last week. They've been coordinating and hosting several meetings of the Local Government Water Roundtable with partners from Watersheds and Soil and Water Conservation Districts. A lot of the discussion has been focused on the Clean Water Fund.

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

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck thanked everyone for their participation at their annual conference.

Board Members thanked LeAnn for her work and everything that went into the conference.

Minnesota Association of Townships – Eunice Biel reported they hosted their annual conference last weekend in St. Cloud.

Minnesota Watersheds – No report was provided. John Jaschke stated they also held their annual conference.

Natural Resources Conservation Service – John Jaschke stated Troy Daniell wanted to pass on that what Minnesota does is possible because of the strong local conservation network. Stated he is interested in helping respond to the nitrates issue in southeastern Minnesota.

Jill Crafton stated Tom Gile did a good job at the Conservation Drainage Session.

Steve Robertson stated NRCS will receive funding over the next several years for conservation programs and its good to hear of their commitment to help coordinate and participate.

Chair Holman called a recess at 10:29 a.m. and called the meeting back to order at 10:39 a.m.

Ron Staples left the meeting at 10:35 a.m.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

CWF FY 24 competitive grant application recommendations – Annie Felix-Gerth presented CWF FY 24 competitive grant application recommendations.

On June 29, 2023 the Board adopted Board Order #23-40, which authorized staff to conduct a request for proposals from eligible local governments for Clean Water Fund projects in the following program categories: Projects and Practices, & Drinking Water. Applications for the FY2024 Clean Water Fund Competitive Grants were accepted from June 29 through August 24, 2023. Local governments submitted 64 applications requesting \$23,516,843.50 in Clean Water Funds. BWSR staff conducted multiple processes to review and score applications and involved staff from other agencies to develop the proposed recommendations for grant awards per the attached spreadsheets. On November 20, the Grants Program and Policy Committee made a recommendation to the full Board. A draft order is attached based on that recommendation of the Grants Program and Policy Committee.

Lori Cox asked if there were distinct projects in the allocation tables between projects and practices and drinking water or if there are some working in concert with each other. Annie stated there is some intermingling.

In the Drinking Water Allocation Table with language that says up to 20%, Lori asked if these were the only ones that came in and if they were all selected. Annie stated there were more funds available than what was applied for in this sub-category. Stated there may have been one that was ineligible, but the others were all recommended for funding.

Jill Crafton noted you can see the point value in the table.

John Jaschke stated a reminder that while voting to note if there is a conflict or not.

**
23-64

Moved by Kurt Beckstrom, seconded by Ted Winter, to approve the CWF FY 24 competitive grant application recommendations. ***Motion passed on a roll call vote.***

Water Management and Strategic Planning Committee

Nonpoint Priority Funding Plan Revision – Julie Westerlund presented Nonpoint Priority Funding Plan Revision

BWSR adopted the first version of the Nonpoint Priority Funding Plan (NPPF) in 2014. Subsequent updates did not change the fundamental elements – which laid out a vision for the transformation to watershed-based planning and funding. That vision has largely been realized over the past decade. Legislation in 2019 allowed BWSR to establish alternative timelines or content for the NPPF in consideration of the watershed transition (locally driven and state supported planning and non-competitive funding for plan implementation) and connections to the Clean Water Council’s strategic plan. This order incorporates elements of a previous board order (21-60), allowing for additional time to complete the NPPF revision.

Neil Peterson left the meeting at 10:55 a.m.

Ted Winter asked when the Water Council’s Strategic Plan will be complete. Julie stated they are aiming for February.

Lori Cox asked what the hold back is for having a timeline and a cutoff. Julie stated they would like to allow more time to engage with agency partners and they may need more time to be able to participate. John stated this plan applies to agencies and how the State utilizes funds, so they want to make sure they have a chance to participate.

Joe Collins stated the committee is asking for a status report at the June meeting.

Mark Zabel stated he would like it to be more specific and directly accountable in the next version.

Jill Crafton stated she appreciated the comments.

**
23-65

Moved by Joe Collins, seconded by Mike Runk, to approve the Nonpoint Priority Funding Plan Revision. ***Motion passed on a roll call vote.***

Northern Region Committee

Mississippi River – Brainerd Comprehensive Watershed Management Plan – Ryan Hughes and Steve Barrows presented Mississippi River – Brainerd Comprehensive Watershed Management Plan.

The Mississippi River – Brainerd Watershed (MRBW) is in central Minnesota and spans 1,687 square miles which contains 2,100 miles of river and over 300 lakes. This watershed is rich with natural resources from the Mississippi River and the land cover transitions from forests to agriculture over four counties: Aitkin, Crow Wing, Morrison, and Todd. The planning group received a grant through the One Watershed, One Plan program in 2021 to begin the process of developing a comprehensive watershed management plan. On September 29, 2023, BWSR received the final Plan, a recording of the required public hearing, and copies of all written comments pertaining to the Plan for final State review. The planning partnership has responded to all comments received during the 60-day review period and incorporated appropriate revisions to the final Plan.

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

On November 1, 2023, the Northern Regional Committee met to review and discuss the Plan. The Committee's decision was to recommend approval of the Mississippi River - Brainerd Watershed Comprehensive Watershed Management Plan as submitted to the full Board per the attached draft Order.

Joe Collins and Katrina Kessler stated they thought this was a good plan.

Lori Cox noted on page six in the Executive Summary, the Ag Land Management Process Production states of implementing 7,130 acres of agricultural best management practices (BMP) and asked if that is a percentage or what the total is in the area. Bethany Chaplin stated they looked at acres of agricultural land that they could work on to put BMP's and made a 10-year goal out of those total acres.

John Jaschke thanked Steve Barrows for his work.

**
23-66 Moved by Kurt Beckstrom, seconded by Rich Sve, to approve the Mississippi River – Brainerd Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Wetland Conservation Committee

Local Government Roads Wetland Replacement Program Easement Acquisition Payment Rate – Les Lemm and Dennis Rodacker presented Local Government Roads Wetland Replacement Program Easement Acquisition Payment Rate.

The Board adopted the “Wetland Credit Acquisition Plan - Local Government Roads Wetland Replacement Program” (Plan) on March 27, 2019, through Board Order 19-18 as an overall framework for acquiring wetland credits as funds are appropriated for the Local Government Roads Wetland Replacement Program (LGRWRP). Due to recent increases in farmland values, the long-term risks and responsibilities associated with wetland bank sites, and the existence of other more financially attractive alternatives, it has become increasingly challenging to attract and retain quality wetland restoration projects sufficient to meet BWSR's statutory obligation to provide wetland replacement credits for qualifying local government road projects. The 2019 plan sets the easement sign-up payment rate at 125% of the Reinvest in Minnesota (RIM) program per-acre payment rate. Staff are proposing to increase the program's easement payment rate to 150% of the RIM per-acre payment rates to remain competitive in attracting high quality wetland restoration projects.

Joe Collins asked when looking for land in the metro area if they've gone to the Port Authority in St. Paul or larger companies that control a lot of land to look for potential wetland sites. Les stated they do look within the metro area. Dennis stated they have not contacted the Port Authority but do post it. Stated it's a good suggestion.

Steve Robertson asked if the idea behind the change to the multi-year is to broaden the appeal program to allow the recipients to spread the tax consequences over multiple years. Dennis acknowledged that is a consideration.

Lori Cox stated a gap occurs between what is in statute for one area to say they must fulfill this but they're hoping for the voluntary of it being fulfilled. Stated it's a difficult position for them to be in.

Mark Zabel stated this is very encouraging.

**
23-67 Moved by Ted Winter, seconded by Jill Crafton, to approve the Local Government Roads Wetland Replacement Program Easement Acquisition Payment Rate. ***Motion passed on a roll call vote.***

RIM Reserve Committee

Reinvest in Minnesota (RIM) Easement Enhancement Program – Sharon Doucette presented Reinvest in Minnesota (RIM) Easement Enhancement Program

ML 2023 Chapter 60, Article 1, Section 4(o) designated “\$2,000,000 the first year and \$2,000,000 the second year to enhance existing easements established under Minnesota Statutes, sections 103F.501 to 103F.531. Enhancements are for the purposes of climate resiliency, adaptation, and carbon sequestration and include but are not limited to increasing biodiversity and mitigating the effects of rainfall and runoff events.” This program will inspect and prioritize vegetative and structural enhancements on existing easements to improve easement lands resiliency, provide for added carbon sequestration, increase biodiversity for current and future climates as well as assist in mitigating larger rainfall events. Structural project examples include, but are not limited to, modifying outlet structures or increasing the footprint of existing wetland restorations to increase capacity. Vegetative work examples include, but are not limited to, pollinator planting and enhanced biodiversity of existing vegetation on site.

Ted Winter asked if this was for existing RIM projects already happening. Sharon stated they will be for existing projects.

Chair Holman asked if this cost is covered by the existing RIM support dollar or if there is additional funding that covers the technical assistance work. Sharon stated engineering staff have reached out to districts and if they are interested in participating and assisting on the technical assistance side for the construction projects, they would find a way to fund them through normal work order process under their joint power’s agreement. If they step in to help the landowner with vegetation, they’ll also work out something similar.

Jill Crafton asked if there are metrics they are looking to measure in ecological enhancement. Sharon stated engineering have some things they are able to measure by improvements to the outlet structures and how they can enhance the wetland restorations. They haven’t had conversation about what their metrics are and how sites will be selected on the vegetation side.

**
23-68 Moved by Jayne Hager Dee, seconded by Joe Collins, to approve the Reinvest in Minnesota (RIM) Easement Enhancement Program. ***Motion passed on a roll call vote.***

Kelly Kirkpatrick left the meeting at 12:13 p.m.

RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-01-17-01 – Karli Swenson presented RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-01-17-01.

The MN Department of Transportation is undertaking the reconstruction of a segment of State Highway 93 from the intersection of US Highway 169 to the City of Henderson. This reconstruction will include a significant grade raise of the roadway to mitigate the reoccurring road closures due to flooding of the Minnesota and Rush Rivers along this corridor. With the roadway being raised, additional right of way is

needed to maintain standard slopes and ditches for the safety of the traveling public. MnDOT is requesting the release of 0.98 acres from RIM easement 72-01-17-01 (known as MnDOT Parcel 40) to accommodate for the new right-of-way.

The supporting map shows the existing RIM easement and the area proposed for release.

BWSR's Easement Alteration Policy for public benefitted projects allows for release of land from the easement if the public entity compensates BWSR for the released acres at two times the current RIM payment rate, plus reimbursement of state funds paid for conservation practices, and a \$500 administrative fee. MnDOT has agreed to compensate BWSR according to the following calculations:

(2x current CREP cropland rate for Henderson Township) = \$10602.05/acre x 2 = \$21,204.1/acre

\$21,204.1 x 0.98 acres to be released= \$20,780.02

\$20,780.02 x 20.05% (BWSR portion of CREP payment) = \$4,166.39

Cost for conservation practice payments paid by state on release area: \$62.06/acre (BWSR portion) for direct seeding of hardwoods x 0.98 acres = \$60.62

Application fee for easement alteration request = \$500

Total cost due to BWSR for Easement Alteration: \$4,727.01

This easement, having been funded through the Outdoor Heritage Fund, requires approval by the Lessard-Sams Outdoor Heritage Council prior to this release. The easement alteration request was presented to the Council at their November 16, 2023 meeting. OHF dollars originally spent to acquire these acres will be returned to the fund, with the additional dollars (less the \$500 processing fee) to be used towards future RIM wetland easement acquisition.

Recommendation

Easement staff recommends approval of the easement alteration request, to amend easement 72-01-17-01 to release 0.98 acres, as proposed, to accommodate improvements to State Highway 93 for the benefit and safety of the public.

**
23-69 Moved by Ted Winter, seconded by Mark Zabel, to approve the RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-01-17-01. ***Motion passed on a roll call vote.***

RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-04-93-01 – Karlie Swenson presented RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-04-93-01.

The MN Department of Transportation is undertaking the reconstruction of a segment of State Highway 93 from the intersection of US Highway 169 to the City of Henderson. This reconstruction will include a significant grade raise of the roadway to mitigate the reoccurring road closures due to flooding of the Minnesota and Rush Rivers along this corridor. With the roadway being raised, additional right of way is needed to maintain standard slopes and ditches for the safety of the traveling public. MnDOT is requesting the release of 0.4 acres from RIM easement 72-04-93-01 (known as MnDOT Parcel 32) to accommodate for the new right-of-way.

The supporting map shows the existing RIM easement and the area proposed for release.

BWSR's Easement Alteration Policy for public benefitted projects allows for release of land from the easement if the public entity compensates BWSR for the released acres at two times the current RIM payment rate, plus re-imburement of state funds paid for conservation practices, and a \$500 administrative fee. MnDOT has agreed to compensate BWSR according to the following calculations:

Current RIM payment rate for Henderson Township: \$8218.64/acre

2x current rim rate = 16,437.28 x 0.4 acres = \$6574.91 for release per BWSR Policy

Application fee per BWSR policy = \$500

No State funds were spent on conservation practices on this parcel.

Total cost for Easement Alteration request of easement 72-04-93-01 = \$7074.91

Recommendation

Easement staff and the RIM Reserve Committee recommend approval of the easement alteration request, to amend easement 72-04-93-01 to release 0.4 acres, as proposed, to accommodate improvements to State Highway 93 for the benefit and safety of the public.

**
23-70 Moved by Rich Sve, seconded by Mark Zabel, to approve the RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-04-93-01. ***Motion passed on a roll call vote.***

Reinvest in Minnesota (RIM) Reserve Critical Shorelands Program – Bill Penning presented Reinvest in Minnesota (RIM) Reserve Critical Shorelands Program.

ML 2023 Chapter 40, Article 2, Section 6(k) designated funds “to purchase permanent conservation easements to protect lands adjacent to public waters with good water quality but that are threatened with degradation.” This project will utilize RIM easements to protect priority parcels in the Rum, Crow Wing, Pine and Mississippi River (Brainerd) Watersheds, important and threatened tributaries to the Mississippi River and the source water for numerous Twin City and rural communities while providing numerous other benefits. Initial funding for the program was approved by the Board in 2015 (Pine River), 2017 (Crow Wing River), 2019 and 2021 (Rum River). With the exception of 2021, those funds have been allocated and there is a waiting list of landowners who are interested in getting into the program. This resolution adds the Mississippi River (Brainerd) watershed, makes funds available to all 4 watersheds, authorizes staff to reallocate 2021 funds to ensure they get used before they expire, and to utilize new and existing funds to continue to implement this program.

**
23-71 Moved by Jayne Hager Dee, seconded by Joe Collins, to approve the Reinvest in Minnesota (RIM) Reserve Critical Shorelands Program. ***Motion passed on a roll call vote.***

Reinvest in Minnesota Reserve – Working Lands Program – Bill Penning presented Reinvest in Minnesota Reserve – Working Lands Program.

Minnesota Laws of 2019, Chapter 2, Article 1, Section 4(d) allowed for up to \$1,000,000 to be used to acquire working lands easements. These initial funds were used to establish a RIM Working Lands Pilot Program. With these funds, staff, working with partners, developed eligibility requirements, process, procedures, payment rates and cost share rates and began taking applications for the program. Recently, Minnesota Laws of 2023, Ch. 40, Art. 1, Sec. 2, subd. 2(e) appropriated an additional \$2,709,000 to the program which is now ready to move from a pilot to a fully operational program.

This resolution authorizes expenditure of the new funds and implements the program into the future using the process developed during the pilot phase.

Mark Zabel asked if its specific to grazing lands why are we calling it working lands instead of grazing lands. Bill stated at some point they could look at renaming it, the name was used when they were first developing it.

Ted Winter asked if people who enroll in the program will be able to continue grazing like they've done in the past. Bill stated they can continue grazing.

Katrina Kessler asked if there were compliance checks to make sure that they're following their grazing plan. Bill stated the districts do checks and are hoping for help from NRCS staff who have frequent interactions with the landowners and are involved in this program.

Kurt Beckstrom stated he thinks this is a good program.

Jayne asked if we could partner with the Cattleman's Association to promote it. Bill stated some of the districts have already been going to local Cattlemen's Associations.

**
23-72 Moved by Kurt Beckstrom, seconded by Ted Winter, to approve the Reinvest in Minnesota Reserve – Working Lands Program. ***Motion passed on a roll call vote.***

Peder Kjeseth left the meeting at 12:35 p.m.

Reinvest in Minnesota (RIM) Reforestation Program – Bill Penning presented Reinvest in Minnesota (RIM) Reforestation Program.

ML 2022 Chapter 94, Section 2, Subd. 8(j) as amended in ML 2023 Chapter 60, Article 2, Section 14 designated "\$3,318,000. . . to the Board of Water and Soil Resources, in cooperation with soil and water conservation districts, the Mille Lacs Band of Ojibwe, and the Department of Natural Resources, to accelerate tree planting on privately owned, protected lands for water-quality protection and carbon sequestration." The ENRTF project will significantly expand the capacity of tree planting for private landowners in three priority watersheds – the Rum, Long Prairie and Redeye. These three watersheds are in the transitional zone of the state, where the most significant losses of historic forestland cover have occurred. The project budget includes approximately \$1.4M for easement acquisition via RIM in addition to grant funds to SWCDs. The grant funds were previously approved by the board via Board Order 22-42. The program will utilize the ENRTF funds and future funds from the same or other funding sources to accelerate reforestation efforts in Minnesota.

Ted Winter asked what area this is going to be in. Bill stated it will be in the Rum, Long Prairie, and Redeye.

Sarah Strommen noted she appreciated the enhanced collaboration on forest management and tree planting on private and public lands.

Lori Cox thanked them for their work.

**
23-73 Moved by Jayne Hager Dee, seconded by Joe Collins, to approve the Reinvest in Minnesota (RIM) Reforestation Program. ***Motion passed on a roll call vote.***

Reinvest in Minnesota (RIM) Buffalo-Red River Watershed District (BRRWD) Stream Restoration Program – John Voz presented Reinvest in Minnesota (RIM) Buffalo-Red River Watershed District (BRRWD) Stream Restoration Program.

ML 2023, Ch. 40, Art. 1, Sec. 2, subd. 5(d) designated funds to “acquire permanent conservation easements and restore and enhance aquatic and upland habitat associated with the Red River and Buffalo River watersheds”. BWSR and BRRWD are partners on the program. BRRWD, with BWSR’s assistance, will work to secure easements on several straightened stream reaches within BRRWD for restoration as well as restoration of the adjoining riparian habitat corridors.

This resolution authorizes expenditures of the new funds as well as future funds for the same purpose and implements the program using the process developed with BRRWD.

**
23-74 Moved by Rich Sve, seconded by Kurt Beckstrom, to approve the Reinvest in Minnesota (RIM) Buffalo-Red River Watershed District (BRRWD) Stream Restoration Program. ***Motion passed on a roll call vote.***

Reinvest in Minnesota (RIM) Reserve Grasslands Program – John Voz presented Reinvest in Minnesota (RIM) Reserve Grasslands Program.

ML 2019, 1st Sp. Session, Ch. 2, Art. 1, Sec. 2, subd. 2(g), ML 2020, Ch. 104, Art. 1, Sec. 2, subd. 2(g), ML 2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 2(k), ML 2022, Ch. 77, Art. 1, Sec. 2, subd. 2(b) and ML 2023, Ch. 40, Art. 1, Sec. 2, subd. 2(c) all designated funds to “acquire permanent conservation easements and to restore and enhance grassland habitat.” Staff began implementing the RIM Grasslands program in late 2019/early 2020 acting under Resolution 13-108, Reinvest in Minnesota (RIM) Reserve – Grasslands for the Future Pilot Project. After recent review of the previous resolution, it became clear to staff that the current Grasslands program is operating significantly differently than the program in 2013 and a new resolution was warranted for the current version of the Grasslands Program.

This resolution authorizes expenditures of the new funds, previous funds and future funds for the same purpose and implements the program using the process developed with input from local staff.

Ted asked how many acres are protected in the program. John stated we have about 43 easements throughout the state and are generally at least 25 acres or larger.

Mark Zabel asked if there are endangered species that are protected under regulatory basis by the Endangered Species Act are they then ineligible for RIM. Sharon stated it doesn’t make them ineligible for RIM.

Jayne Hager Dee asked if there is a part of the state that has more of these than others. Sharon stated the priority area is the Minnesota Prairie Plan, which is western to southwestern Minnesota. John stated there are 11 core areas throughout the state.

**
23-75 Moved by Ted Winter, seconded by Lori Cox, to approve the Reinvest in Minnesota (RIM) Reserve Grasslands Program. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Northern Region Committee is scheduled for January 3rd time and location TBD and by MS Teams.
- Southern Region Committee is scheduled for January 5th at 10:00 a.m. in New Ulm and by MS Teams.
- BWSR Board meeting is scheduled for January 24th at 9:00 a.m. in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 12:50 PM

Respectfully submitted,

Todd Holman
Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution/Compliance Report

Meeting Date: January 24, 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: _____

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

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

January 8, 2024

By: Travis Germundson

There are presently **five** appeals pending. There has been **one** new appeal filed since last report.

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

File 23-15 (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. No decision has been made on the appeal.

File 23-14 (12-12-23) This is an appeal of a WCA Restoration Order for property located in Pope County. The appeal regards the alleged wetland impacts associated with the placement agricultural drain tile. *No decision has been made on the appeal.*

~~File 23-13 (12-5-23) This is an appeal of a WCA notice of decision for an exemption in Pine County. The appeal regards the denial of an exemption application for placement of elevated structures in wetland. The appeal was denied.~~

~~File 23-12 (12-1-23) This is an appeal of a WCA notice of decision regarding a replacement in Kittson County. The appeal regards the denial of a replacement plan application for 148.5 acres of wetland impact associated with a water retention project. The appeal was withdrawn, and case dismissed. .~~

~~File 23-11 (11/16/23) This is an appeal of a WCA notice of decision regarding a no-loss in McLeod County. The appeal regards the denial of a no-loss application. At issue are claims that a portion of the wetland area is incidental. The appeal was denied.~~

~~File 23-10 (10/24/23) This is an appeal of a WCA Restoration Order for a property in Aitkin County. The appeal regards the placement of fill material in excess of what was previously approved by the LGU under two separate replacement plans. The appeal was denied in part and the Restoration Order modified to allow the purchase of wetland credits.~~

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 has been placed in abeyance and the Restoration Order stayed for the submittal of after-the-fact exemption request.*

File 23-6 (8-8-23) This is an appeal of two separate after-the-fact replacement plan applications in Brown County. The appeal regards the denial of those applications. A previous decision of one of the applications had been appealed (File 22-7). That appeal was remanded back to develop an adequate record and now the decision made under remand is being appealed along with another application for the same impact/project. *A decision was made to grant and hear the appeal. The LGU has complied the official record on which the decision was based. The initial date for the prehearing conference was cancelled to pursue settlement. BWSR has since been notified there is no longer mutual agreement in delaying the Board's administrative proceedings and the prehearing conference has been rescheduled.*

File 23-4 (6-16-23) This is an appeal of a WCA notice of decision involving a banking plan in Aitkin County. The appeal regards the approval of a the Mille Lacs Meadows North Wetland Bank consisting of an area of approximately 617.3 acres. The appeal contends that the site is ineligible for replacement wetland credits. *A decision has been made to grant and hear the appeal. The LGU has complied a copy of the official record. A DRC hearing date of March 7, 2024 has been scheduled.*

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2022	Total for Calendar Year 2023
Order in favor of appellant		
Order not in favor of appellant	3	6
Order Modified	1	1
Order Remanded	2	2
Order Place Appeal in Abeyance	5	
Negotiated Settlement		
Withdrawn/Dismissed	1	3

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 60 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are no active Corrective Action Notices (CANs) and three Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 57 of those have been resolved.

Statewide 35 counties are fully compliant, and 51 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 274 CANs and 56 APOs actively in place. Of the actions being tracked over 2,735 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

New Business

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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Olmsted County Groundwater Protection and Soil Health Initiative

Meeting Date: January 24, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: OSWCD, Olmsted County, soil health, groundwater protection

Section/Region: _____

Contact: Skip Langer

Prepared by: John Jaschke

Reviewed by: John Jaschke Committee(s)

Presented by: Skip Langer/Olmsted SWCD Staff

Time requested: 30 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

LINKS TO ADDITIONAL INFORMATION

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

The Olmsted Soil and Water Conservation District and the Olmsted County Board of Commissioners, in partnership with local landowners and farmers, are leading innovative solutions to groundwater protection in Olmsted County. Using federal funds from the American Rescue Plan Act, the new Groundwater Protection and Soil Health Program promotes soil health management practices to help reduce nitrogen input on agricultural land and prevent groundwater contamination. The program started with a cover crop cost-share pilot in 2022. It expanded in 2023 to include small grain and alternative crops, haying, and grazing opportunities. So far, 82 producers are participating and adopting more soil health practices across the landscape, and almost 7,000 acres are enrolled in a component of the program.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Vice Chair Nomination

Meeting Date: January 24, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: _____

Contact: Rachel Mueller

Prepared by: Rachel Mueller

Reviewed by: John Jaschke Committee(s)

Presented by: John Jaschke

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Nominate Vice Chair for the Board of Water and Soil Resources.

LINKS TO ADDITIONAL INFORMATION

Board of Water and Soil Resources Bylaws
https://bwsr.state.mn.us/sites/default/files/2018-12/BWSR%20Board%20bylaws%20accessible_0.pdf

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

According to bylaws, the Vice Chair will be elected to a two-year term by the members of the Board. Nominations will be made at the meeting. After the vote to close nominations if there is more than one nomination voting ballots will be mailed to board members along with a prepaid envelope to return their ballot by March 1, 2024. The Vice Chair will be announced by the March board meeting if a ballot is required.

COMMITTEE RECOMMENDATIONS

Northern Region Committee

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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Boundary Change for the Bois de Sioux Watershed District and Upper Minnesota River Watershed District

Meeting Date: January 24, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information Non-Public Data

Keywords for Electronic Searchability: Boundary petition, watershed district, BdSWD, UMRWD, Bois de Sioux, Upper Minnesota River

Section/Region: Regional Operations/Northern Region

Contact: Melissa King, Ryan Hughes

Prepared by: Melissa King

Reviewed by: Northern Regional Committee(s)

Presented by: Ron Staples, Ryan Hughes and Pete Waller

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

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

LINKS TO ADDITIONAL INFORMATION

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

The Bois de Sioux Watershed District (BdSWD) and the Upper Minnesota River Watershed District (UMRWD) submitted a joint petition for boundary change which was received by the Board on July 31, 2023. The petition was submitted pursuant to Minn. Stat. § 103D.251. Board staff reviewed the petition for conformance with state law and rule and determined the petition is valid. The proposed boundary change would correct the watershed assessment designation of three parcels along the common boundaries of the watershed districts and would result in the transfer of 120 acres of land (in Traverse County) from the UMRWD to the BdSWD. The boundary petition and maps illustrating the proposed boundary changes are attached.

Statute allows the Board to make a decision on the petition at a future meeting without holding a hearing, after proper notice and if no written request for hearing is submitted to the Board within 30 days from the last publication of the notice. The legal notice of filing was published in three newspapers in October 2023:

- the Ortonville Independent on October 3, 2023 and October 10, 2023;
- the Traverse County Gazette News on October 4, 2023 and October 11, 2023; and
- the Northern Star on October 5, 2023 and October 12, 2023.

The Board has the statutory authority to change the boundary of a watershed district. The petition is not controversial. No written requests for public hearing, nor any questions or comments have been received. The Northern Region Committee met on January 3, 2024 to discuss the petition. After discussion, the Committee voted to recommend to the full Board that the boundary change be approved as proposed in the petition per the attached Board Order.



BOARD ORDER

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

PURPOSE

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

RECITALS /FINDINGS OF FACT

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

ORDER

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

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____



January 24, 2024

Board of Managers
Bois de Sioux Watershed District
704 Hwy 75 South
Wheaton, MN 56296

Board of Managers
Upper Minnesota River Watershed District
211 2nd Street SE
Ortonville, MN 56278

Dear Boards of Managers:

The Minnesota Board of Water and Soil Resources (Board) is pleased to inform you that the petition to change the boundaries of the Bois de Sioux Watershed District (BdSWD) and the Upper Minnesota River Watershed District (UMRWD), to correct the assessment designation of three parcels along the common boundaries of the watershed district, was approved by the Board at the regular Board meeting held January 24, 2024. This boundary change will advance the purpose of M.S. 103D and is for the public welfare and public interest.

The enclosed Board Order documents the Board's decision. Please note the boundary change is effective the day the certified Board Order is filed with the Secretary of State. Please contact Board Conservationist Pete Waller at 218-770-3802 or pete.waller@state.mn.us, with any questions regarding this matter.

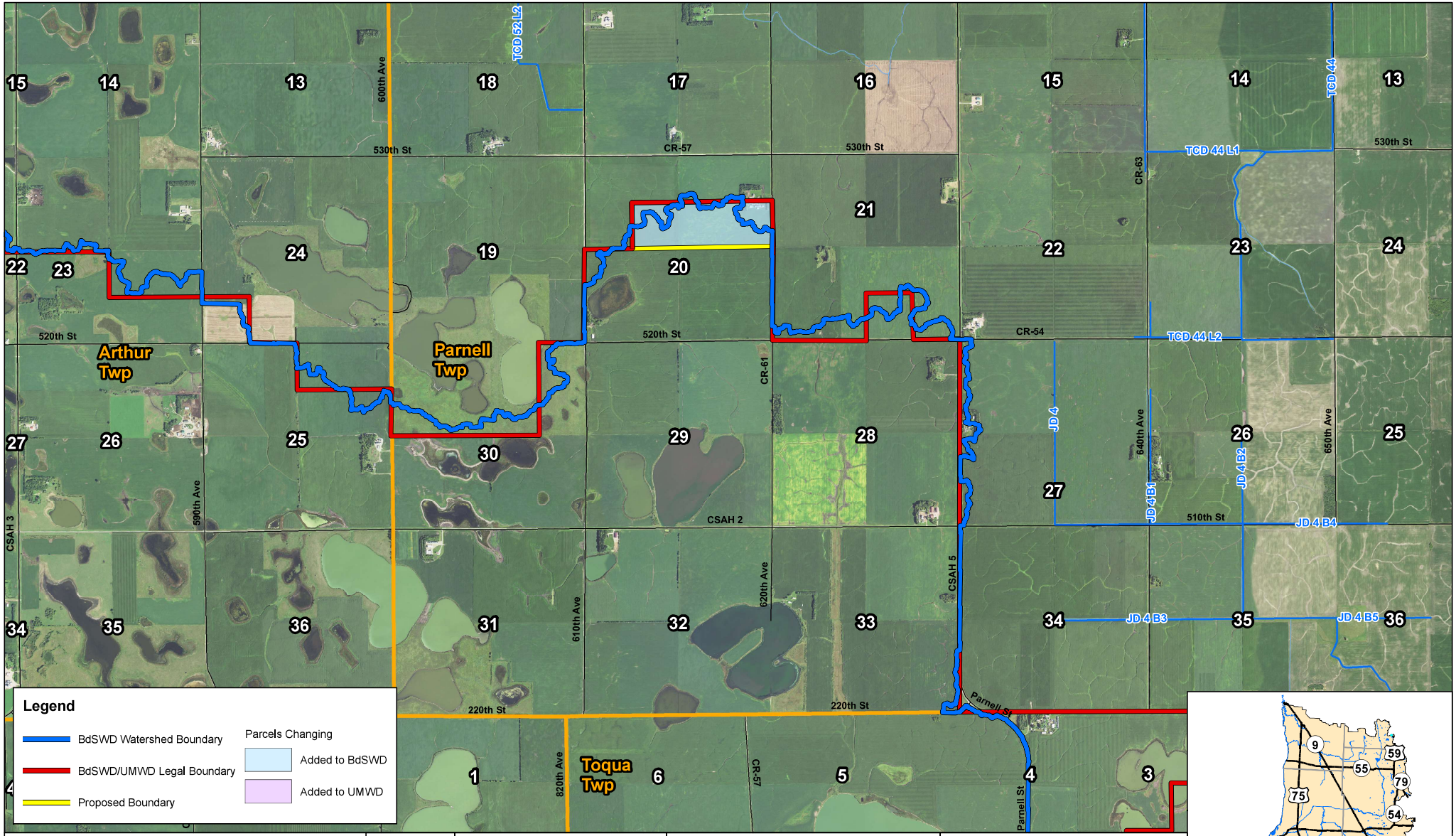
Sincerely,

Todd Holman, Chair
Minnesota Board of Water and Soil Resources

Enclosed: Board Order

CC: Jamie Beyer, BdSWD Administrator (via email)
Amber Doschadis, UMRWD Administrator (via email)
Pete Waller, BWSR (via email)
Ryan Hughes, BWSR (via email)
Melissa King, BWSR (via email)

Equal Opportunity Employer

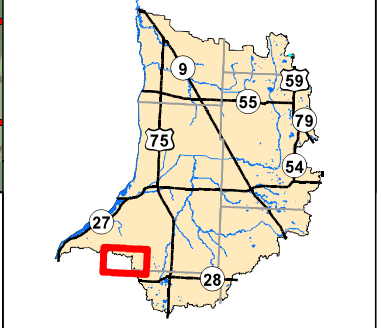
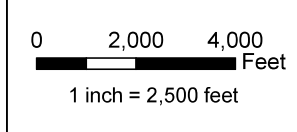
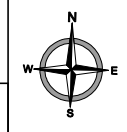


Legend

	BdSWD Watershed Boundary		Parcels Changing
	BdSWD/UMWD Legal Boundary		Added to BdSWD
	Proposed Boundary		Added to UMWD

**Preliminary Boundary Change
Southern Boundary
Bois de Sioux Watershed District, MN**

Created By: NHT Date Created: 04/17/19 Date Saved: 11/29/18 Date Plotted: 09/28/17 Date Exported: 09/28/23
 Plotted By: jmesquid Parcel Date: XXXX/14 Aerial Image: 2017 SIDs Elevation Data: IMJ Licor
 Horizontal Datum: NAD 1983 UTM Zone 14N Vertical Datum: NAVD83
 T:\Projects\1910019139\19139-06 - Boundary Change\South\Boundary\19139_BdSWD_South_Boundary_NHT.mxd



SECTION 20 – PARNELL TOWNSHIP, TRAVERSE COUNTY, MINNESOTA



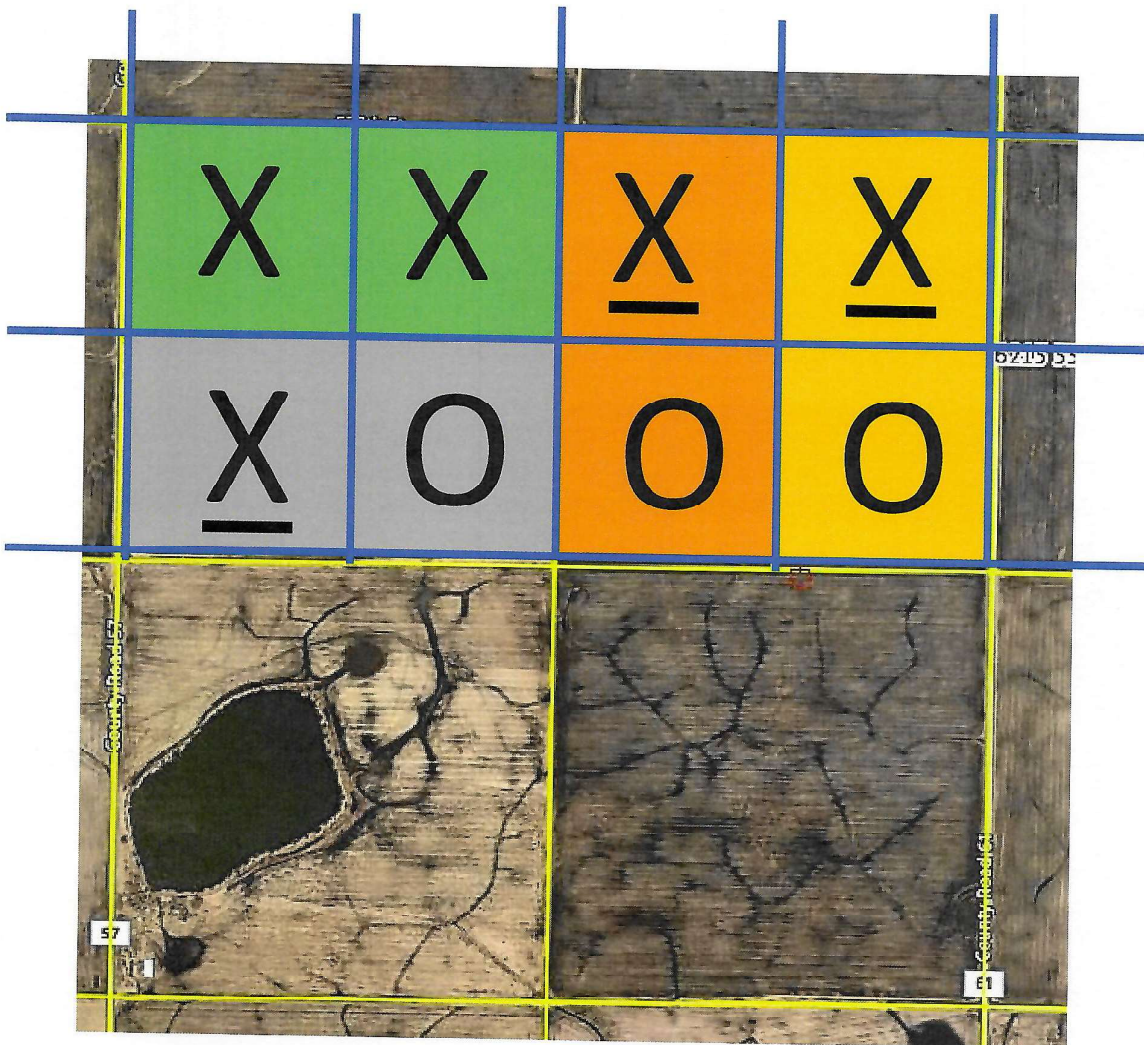
LEGEND

RED = CURRENTLY INCLUDED IN THE BOIS DE SIOUX WATERSHED DISTRICT

YELLOW = 2023 REQUEST TO BE ADDED NOW WITH THIS AMENDMENT:

**SE1/4 of the NE1/4 of Section 20, Parnell Township, Traverse County
SW1/4 of the NE1/4 of Section 20, Parnell Township, Traverse County
SE1/4 of the NW1/4 of Section 20, Parnell Township, Traverse County**

SECTION 20 – PARNELL TOWNSHIP, TRAVERSE COUNTY, MINNESOTA



LEGEND

X = HISTORICALLY INCLUDED IN THE BOIS DE SIOUX WATERSHED DISTRICT

X = ADDED DURING 2020 – 2021 BOUNDARY REVISION FORMAL PROCEEDINGS

O = CURRENT 2023 REQUEST TO BE ADDED NOW WITH THIS AMENDMENT:

- SE1/4 of the NE1/4 of Section 20, Parnell Township, Traverse County
- SW1/4 of the NE1/4 of Section 20, Parnell Township, Traverse County
- SE1/4 of the NW1/4 of Section 20, Parnell Township, Traverse County

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Sand Hill River Comprehensive Watershed Management Plan

Meeting Date: January 24, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Sand Hill River Watershed Comprehensive Watershed Management Plan

Section/Region: Regional Operations/Northern Region

Contact: Ryan Hughes

Prepared by: Brett Arne

Reviewed by: Northern Regional Committee(s)

Presented by: LeRoy Ose/Brett Arne/Ryan Hughes

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information



Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the Sand Hill River Comprehensive Watershed Management Plan as recommended by the Northern Regional Committee.

LINKS TO ADDITIONAL INFORMATION

-  [SandHill1W1P_Final.pdf](#)
-  [SandHill1W1P_Appendices.pdf](#)

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

The Sand Hill River Comprehensive Watershed Management Plan (Plan) planning area is in Northwest Minnesota encompassing portions of Norman, Mahnomen, and Polk counties and shares its boundary with the Sand Hill River Watershed District.

On November 29, 2023, BWSR received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review. The planning partnership has responded to all comments received during the 60-day review period and incorporated appropriate revisions to the final Plan.

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

On January 3, 2024, the Northern Regional Committee met to review and discuss the Plan. The Committee's decision was to recommend approval of the Sand Hill River 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 Sand Hill 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 Sand Hill River Watershed Partnership submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on November 29, 2023 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

1. **Partnership Establishment.** The Sand Hill River Watershed Partnership (Partnership) was established in February 2022, through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Norman County Soil and Water Conservation District (SWCD), Mahnomen SWCD, East Polk SWCD, West Polk SWCD, as well as Norman County, Mahnomen County, Polk County, and the Sand Hill River Watershed District.
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 the One Watershed, One Plan (1W1P) program and Board Decision #21-08 adopted the One Watershed, One Plan Operating Procedures Version 2.1 and Board Decision #19-41 adopting the One Watershed, One Plan Content Requirements Version 2.1 policies.
3. **Nature of the Watershed.** The Sand Hill River Watershed is a fairly small watershed that encompasses 570 square miles (364,800 acres) of land within the Red River Basin spanning a narrow landscape from a small lakes region in the east to the central beach ridges, and eventually flows into the flat Lake Agassiz basin to the west before joining the Red River of the North. Major towns in the watershed include Fosston, Winger, Fertile, Beltrami, Nielsville, and Climax.

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 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 November 29, 2023, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review 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 state review comments were received during the comment period.
 - A. Minnesota Department of Health (MDH): MDH staff thanked the partnership for including MDH priorities and inputs in the plan and looks forward to their continued partnership through final approval and implementation. MDH recommends approval of the plan.
 - B. Minnesota Department of Natural Resources (DNR): DNR staff thanked the partnership for offering DNR the opportunity to participate in the plan process. DNR has no additional comments to provide. DNR recommends approval of the plan.
 - C. Minnesota Pollution Control Agency (MPCA): MPCA staff noted that they appreciated the opportunity to participate and provide input and that the plan is well done and thorough. MPCA also noted that the planning partners worked well together and all partner input was properly and professionally considered and addressed. MPCA recommends approval of the plan.
 - D. Minnesota Environmental Quality Board (EQB): EQB did not provide comments for the final review but noted that the plan was received.
 - E. Minnesota Department of Agriculture (MDA): MDA did not have additional comments nor concerns with the plan and recommended approval.
 - F. Minnesota Board of Water and Soil Resources regional staff: BWSR staff provided comments throughout the planning process and had no suggested or required changes to the Plan submitted for the final review. We commend the partners for their trust level and commitment to the resources of the Plan area. BWSR staff recommend approval of the Plan and look forward to working with the Partnership during implementation.

6. **Plan Summary and Highlights.** The highlights of the Plan include:
 - A thorough narrative description of the land and water resource features that shape the planning area and inform the broad priorities within the plan.
 - A collection of 13 priority issues split between two distinct levels as selected by the group to focus efforts and define measurable goals.
 - The plan includes focused priorities for four (4) planning regions to ensure issue prioritization is specific to the needs of each geographical area.
 - Each planning region has unique short and long-term goals and implementation schedules.

- The Prioritize, Target, and Measure Application (PTMApp) was used to identify, prioritize, and target possible locations of upland structural projects and field management conservation practices in each specific planning region in the plan utilizing direct local input.
 - This plan contained resource protection priorities utilizing a ranked quality index.
 - A thorough discussion of capital improvement projects within the watershed including seven projects identified for implementation.
 - A thorough discussion of regulatory and enforcement measures to meet the needs of county and watershed district obligations including shoreland management, public drainage, buffers, and land use planning to name a few.
7. **Northern Regional Committee.** On January 3, 2024, the Northern Regional Committee met to review and discuss the Plan. Those in attendance from the Board’s Committee were Committee Chair Rich Sve, Jeff Berg, Kurt Beckstrom, Theresa Ebbenga, Theresa Haugen, Todd Holman, LeRoy Ose, Neil Peterson, and Ron Staples. Board staff in attendance were Brett Arne, Henry Van Offelen, and Ryan Hughes. The representatives from the Partnership were Nicole Bernd, West Polk SWCD; Rachel Klein, East Polk SWCD; Lori Thronson, Norman SWCD; Aaron Neubert, Mahnomen SWCD; and Joan Lee, Polk County;. Nicole Bernd presented the Plan on behalf of the partnership. 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 24, 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 Sand Hill River Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
3. The Sand Hill River Watershed 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 serve as a substitute 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.

ORDER

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Sand Hill River Watershed, submitted November 29, 2023.

Dated at St. Paul, Minnesota, this twenty-fourth day of January 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Todd Holman, Chair



January 24, 2024

Sand Hill River Watershed Policy Committee
c/o Nicole Bernd, West Polk SWCD
528 Strander Ave
Crookston, MN 56716

RE: Approval of the Sand Hill River Comprehensive Watershed Management Plan

Dear Sand Hill River Watershed Policy Committee:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you the Sand Hill River Comprehensive Watershed Management Plan (Plan) was approved at its regular meeting held on January 24, 2024. Attached is the signed Board Order that documents approval of the Plan and indicates the Plan meets all relevant requirements of law, rule, and policy.

This Plan is effective for a ten-year period until January 24, 2034. Please be advised, the partners must adopt and begin implementing the plan within 120 days of the date of the Order in accordance with Minnesota Statutes §103B.101, Subd. 14 and 103B.801, and the One Watershed, One Plan Operating Procedures.

The members of the partnership and participants in the plan development process are to be commended for writing a plan that clearly presents water management goals, actions, and priorities of the partnership, and for participating in the One Watershed, One Plan program. The BWSR looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Board Conservationist Brett Arne of our staff at 218-850-0934 or brett.arne@state.mn.us for further assistance in this matter.

Sincerely,

Todd Holman, Chair
Minnesota Board of Water and Soil Resources

Enclosure: BWSR Board Order

CC: Listed on next page.

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Sand Hill River Watershed One Watershed, One Plan



Acknowledgements

Project Partners



Steering Committee

- April Swenby, Sand Hill River Watershed District
- Jacob Snyder, Polk County
- Nicole Bernd, West Polk SWCD
- Rachel Klein, East Polk SWCD
- Aaron Neubert, Mahnommen SWCD
- Lori Thronson, Norman SWCD
- Brett Arne, Board of Water and Soil Resources
- Henry Van Offelen, Board of Water and Soil Resources
- Moriya Rufer, Houston Engineering

Prepared by

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 7550 Meridian Circle North, Suite 120
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Funded by





Acknowledgements

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Craig Engelstad, Sand Hill River Watershed District (*alternate*)
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Kory Sonstelie, East Polk SWCD (*alternate*)
Chris Cournia, West Polk SWCD
Christian Pester, West Polk SWCD (*alternate*)
David Geray, Mahnomen County
Scott McCollum, Mahnomen County (*alternate*)
Pete Revier, Mahnomen SWCD
Victor Eiyneck, Mahnomen SWCD (*alternate*)
Marvin Gunderson, Norman County
Erik Rockstad, Norman SWCD
Kelly Skaurud, Norman SWCD (*alternate*)

Advisory Committee

Aaron Habermehl, West Polk SWCD
Morgan Torkelson, West Polk SWCD
Garry Johanson, Norman County
Gregg Knutsen, United States Fish & Wildlife Service
Zach Anderson, Natural Resource Conservation Service
Glen Kajewski, Minnesota Agriculture Water Quality Certification Program
Dan Disrud, Minnesota Department of Health
Jason Vinje, Minnesota Department of Natural Resources
Stephanie Klamm, Minnesota Department of Natural Resources
Scott Schroeder, Minnesota Pollution Control Agency
Rich Sanders, Polk County Highway Engineer
Rachel Miller, Minnesota Department of Transportation
Zach Herrmann, Sand Hill River Watershed District Engineer (Houston Engineering)

Plan Acronyms

1W1P	One Watershed, One Plan
ACEP	Agricultural Conservation Easement Program
AIS	Aquatic Invasive Species
AMC	Association of Minnesota Counties
BMP	Best Management Practice
BWSR	Board of Water and Soil Resources
CEC	Contaminant of Emerging Concern
CIP	Capital Improvement Project
CIG	Conservation Innovation Grant
CMP	Chloride Management Plan
CREP	Conservation Reserve Enhancement Program
CRP	Conservation Reserve Program
CSG	Cooperative Stream Gaging
CSP	Conservation Stewardship Program
CWMP	Comprehensive Watershed Management Plan
DNR	Minnesota Department of Natural Resources
DO	Dissolved Oxygen
DWSMA	Drinking Water Supply Management Area
DWSRF	Drinking Water State Revolving Fund
EQIP	Environmental Quality Incentive Program
FDRWG	Flood Damage Reduction Work Group
FMA	Flood Mitigation Assistance
FWP	Farmable Wetlands Program
GAM	Grants Administration Manual
GRP	Grasslands Reserve Program
GRTT	Glacial Ridge Local Technical Team
HMGP	Hazard Mitigation Grant Program
IWI	International Water Institute
LGU	Local Government Unit
LTFS	Long-Term Flow Reduction Strategy
MASWCD	Minnesota Association of SWCDs
MNW	Minnesota Watersheds
MIDS	Minimum Impact Design Standards
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MOA	Memorandum of Agreement
MPCA	Minnesota Pollution Control Agency
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRGB	Natural Resources Block Grant
NWS	National Weather Service



PCWP	Polk County Water Plan
PDM	Pre-Disaster Mitigation
PFA	Perfluoroalkyl Substances
PFC	Perfluorochemicals
PFOS	Perfluorooctane Sulfonic Acid
PHIP	Pheasant Habitat Improvement Program
PTMApp	Prioritize, Target, and Measure Application
RIM	Reinvest in Minnesota
RRBC	Red River Basin Commission
RRRA	Red River Retention Authority
RRVCSA	Red River Valley Conservation Service Area
RRWMB	Red River Watershed Management Board
SDS	State Disposal System
SFIA	Sustainable Forest Incentive Act
SHR1W1P	Sand Hill River One Watershed, One Plan
SHRW	Sand Hill River Watershed
SHRWD	Sand Hill River Watershed District
SID	Stressor Identification Report
SRF	State Revolving Fund
SSTS	Subsurface Sewage Treatment System
SWAG	Surface Water Assessment Grants
SWCD	Soil and Water Conservation District
SWPP	Source Water Protection Program
TMDL	Total Maximum Daily Load
USACE	US Army Corps of Engineers
USFWS	US Fish and Wildlife Service
USGS	US Geological Survey
WBIF	Watershed-based Implementation Funding
WCA	Wetland Conservation Act
WMA	Wildlife Management Area
WMAR	Watershed Monitoring and Assessment Report
WMD	Water Management District
WPLMN	Watershed Pollutant Load Monitoring Network
WRAPS	Watershed Restoration and Protection Strategy
WRWD	Wild Rice Watershed District
WRP	Wetland Reserve Program



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Section 1

Executive Summary

Section 1. Executive Summary

Introduction

The Sand Hill River Watershed (SHRW) covers 570 square miles (364,800 acres) around the Sand Hill River in Northwestern Minnesota, which starts east of the Lake Agassiz beach ridges and flows west through the ridges into the flat Lake Agassiz basin, eventually joining the Red River of the North. The watershed is heavily used for agriculture and produces mainly soybeans and corn. Lakes east of the beach ridges provide recreational opportunities for residents.

This Comprehensive Watershed Management Plan, referred to hereafter as the Sand Hill River Watershed One Watershed One Plan (SHR1W1P), has been developed based on the Board of Soil and Water Resources (BWSR) One Watershed, One Plan Program (1W1P). State legislation §103B.101 and §103B.801 created the 1W1P framework through which watershed planning is encouraged to occur along watershed boundaries, bringing together local partners within the watershed to create one, comprehensive plan.

Local partners in planning include the Sand Hill River Watershed District (SHRWD), East and West Polk Soil and Water Conservation Districts (SWCDs), Polk County, Mahnomen SWCD, Mahnomen County, Norman SWCD, and Norman County. The SHR1W1P, which contains prioritized watershed issues, measurable 10-year goals, and a detailed implementation plan was developed over a year and a half by the committees listed below.

- Steering Committee: local government staff, BWSR, and consultant
- Advisory Committee: state agencies, federal agencies, and other local stakeholders
- Policy Committee: board members from member counties, SWCDs, and SHRWD

The committees composed the following vision statement to guide plan development:



Planning Regions

The watershed was divided into four planning regions to better target implementation actions to specific regions (Figure 1.1). The Sand Hill River begins in the Headwaters region, which includes part of the White Earth Reservation. The Lakes region has many lakes, which provide recreational opportunities to local and regional residents. The Sand Hill River moving through the Beach Ridge region becomes highly channelized, and it passes through Beltrami and Climax in the Valley region before meeting the Red River of the North.

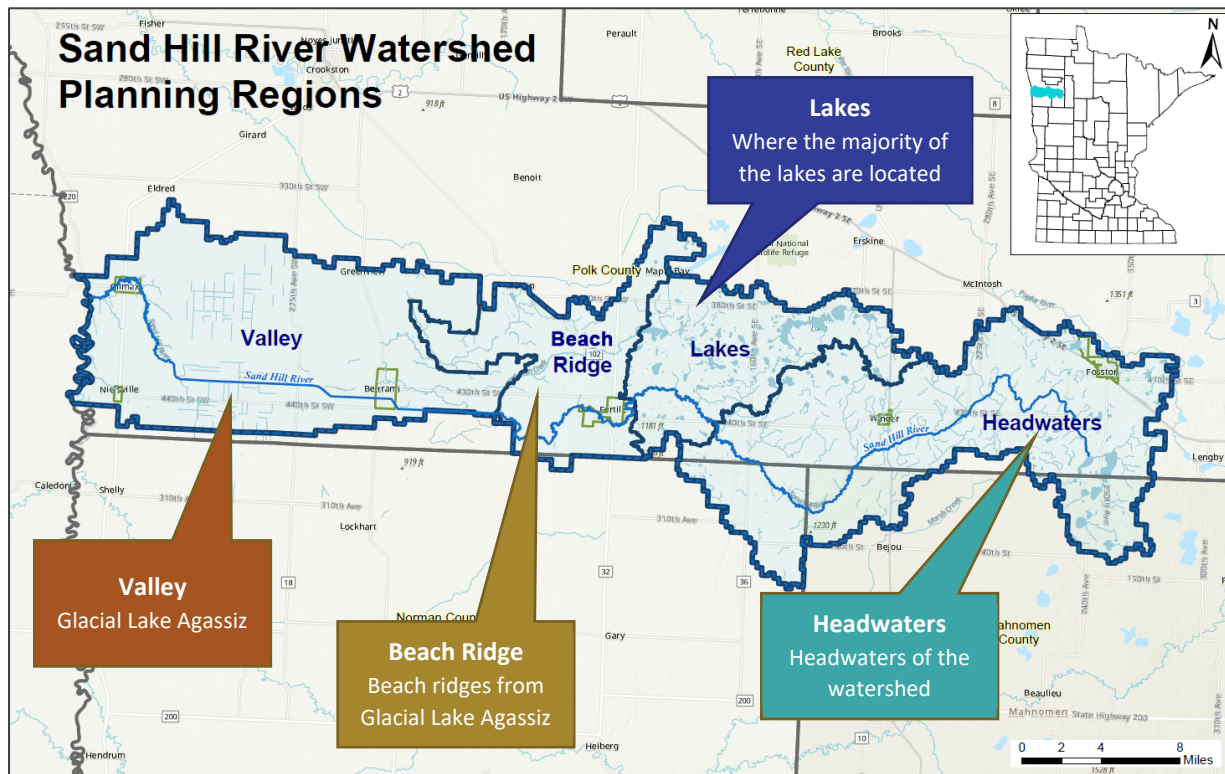


Figure 1.1. Planning Regions in the SHRW.

Priority Issues

All watershed issues facing the SHRW were compiled, then prioritized to narrow down the total number of issues this plan will address. Each issue was prioritized by planning region for targeted implementation. Goals in Section 4 were developed to address all high priority issues.

Public Meeting

The 1W1P process involves considering public opinion on what watershed issues are most urgent for residents. Public kick-off meetings were held in Climax, Fertile, and Fosston in 2022 to introduce residents to the watershed plan and receive feedback from locals on their perception of issues. Forty-five people completed a public survey (results in Appendix B). The top issues named by the public were soil erosion, flooding, habitat quality, and drainage. Each of these issues are included in the final list of watershed issues (Table 1.1).






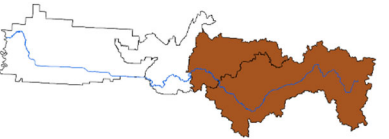

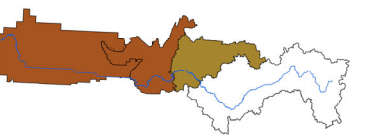



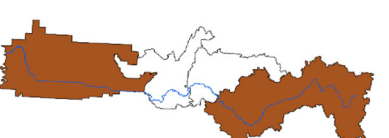


Issues













The 13 issues in Table 1.1 include an issue statement, the resource category affected, and a geographic prioritization. Funding and staff resources are finite, so issues have to be targeted to most effectively address them. High priority issues and planning regions will be the focus of implementation efforts during the 10-year plan. Medium priority issues will be addressed as time and funding allow, and the remaining issues and areas will be addressed as opportunities arise.

Planning Region Prioritization Key:

High Priority:  Medium Priority:  As Opportunities Arise: 

Table 1.1. Issues table.

Resource Category	Issue statement	Planning Region Prioritization
 Runoff & Flooding	Flooding and associated damages have economic, environmental, social, and health and safety implications.	
 Water Quality	Overland sediment loading from wind and water erosion of cropland and upland impacts water quality.	
 Water Quality	Bacteria (<i>E. coli</i>) loading impacts aquatic recreation and human health.	
 Water Quality	Unstable stream channels increase sediment loading and reduce habitat quality.	
 Runoff & Flooding	Altered hydrology causes variability of flows affecting timing, water quantity, water quality, aquatic habitat, and erosion.	
 Drainage System Management	Drainage system bank instability affects agricultural productivity and increases erosion and sedimentation.	
 Drainage System Management	Maintenance of adequate drainage of lands impacts crop productivity.	

Resource Category	Issue statement	Planning Region Prioritization
 Quality & Quantity	Groundwater quality and sustainability needs protection.	
 Water Quality	Nutrient loading contributes to elevated concentrations in lakes and streams, causing eutrophication.	
 Soil Health	Decreased soil health can impact agricultural productivity and water holding capacity.	
 Aquatic Habitat	Stream habitat quality is impacted by loss of riparian and in-stream habitat, inadequate buffer areas, and barriers to fish migration.	
 Wetlands & Terrestrial Habitat	Loss of upland and wetland habitat impacts species richness and diversity, water storage, and water quality.	
 Aquatic Habitat	Aquatic Invasive species (AIS) threaten ecosystems, water quality, and recreation.	

Measurable Goals

Measurable goals are a key component to quantifying plan progress and demonstrating change in a resource condition. Section 4 includes a description of the ten goals, each of which contains the following:

- Issue background
- Issue(s) addressed
- Geographic prioritization
- Short-term goal, goal metric, and data source
- Desired future condition
- Secondary benefits of making progress towards goal
- Potential actions to make progress towards goal
- Where on the landscape actions will be prioritized

Goals are summarized in the graphics on the following pages.

Reduce Overland Sediment

Short term goal: 5% reduction in each Planning Region.

Secondary benefits:

- ✓ Reduced nutrient loading
- ✓ Improved soil health
- ✓ Improved stream habitat

Increase Water Storage

Short term goal: 3,040 acre-feet of storage.

Secondary benefits:

- ✓ Decreased flooding
- ✓ Decreased streambank erosion
- ✓ Decreased sediment loading
- ✓ Decreased nutrient loading
- ✓ Improved stream habitat

Reduce Bacteria

Short term goal: 1 project to reduce bacteria per year (i.e., Subsurface Sewage Treatment System [SSTS] replacements, grazing management, manure management plans)

Secondary benefits:

- ✓ SSTS compliance
- ✓ Feedlot compliance
- ✓ Improved water quality

Stabilize Streams

Short term goal: Stabilize, enhance, or protect 1.5 miles of stream.

Secondary benefits:

- ✓ Reduced sediment
- ✓ Reduced phosphorus
- ✓ Improved aquatic habitat
- ✓ Improved riparian habitat

Stabilize Drainage Systems

Short term goal: stabilize or enhance 5 miles of drainage systems.

Secondary benefits:

- ✓ Reduced nutrient loading
- ✓ Reduced sediment loading
- ✓ Improved stream habitat

Protect Drinking Water

Short term goal: Seal 10 unused wells per year

Secondary benefits:

- ✓ Improved public health for communities and private residences

Reduce Nutrients

Lakes short term goal: 5% reduction in priority lakes.

Streams short term goal: % phosphorus reduction from the scenario determined for the sediment goals.

Secondary benefits:

- ✓ Improved aquatic habitat
- ✓ Improved aquatic recreation

Flood Damage Reduction

Short term goal: Community flood protection (levees, floodwalls) and farmstead ring dikes built to the 100-year flood plain.

Secondary benefits:

- ✓ Reduced sediment & nutrients
- ✓ Reduced streambank erosion
- ✓ Improved climate resiliency

Improve Soil Health

Short term goal: 5,000 acres of cropland treated with soil health practices.

Secondary benefits:

- ✓ Improved agricultural productivity
- ✓ Reduced nutrient loading
- ✓ Improved aquatic habitat
- ✓ Increased water storage
- ✓ Reduced overland sediment loss

Improve Habitat

Short term goal: Protect and/or restore 148 acres of wetland in Prairie Core Areas of the Minnesota Prairie Plan.

Secondary benefits:

- ✓ Added water storage
- ✓ Improved soil health
- ✓ Flood protection/reduced overland flow

Plan Implementation

A variety of actions including structural agricultural best management practices (BMPs), conservation practices, education and outreach actions, and capital improvement projects (CIP) will take place in the watershed over the course of the 10-year plan. Implementation actions are clearly laid out in tables in Section 5, which includes an action description, program, 10-year outcome, progress towards goal, goals addressed through action, local government unit (LGU) responsible, timeline, and estimated cost.

Examples of actions that will occur in the watershed include:

- Structural agricultural practices (grade stabilizations, grassed waterways, sediment basins, etc.)
- Non-structural agricultural practices (conservation tillage, cover/perennial crops, etc.)
- Bacteria management projects
- Lake enhancement projects
- Land retirement programs
- Ditch/stream stabilization projects
- Seal unused wells
- Well testing and soil health workshops

See Section 5 for the full implementation schedules.

Implementation will depend on landowner participation and cost share incentives will be provided. Implementation actions will occur through one of five programs, Projects and Practices, Capital Improvement Projects, Education and Outreach, Data Collection, Monitoring and Analysis, and Regulation and Enforcement. (Figure 1.2). Further detail on each of these programs is described in Section 7.



Figure 1.2. Implementation programs in the SHRW.

Additional funding will be needed to implement this plan. Funding Level 1 is the current, or baseline funding available in the watershed. Funding Level 2, the level at which this plan will operate, includes Watershed-Based Implementation Funding (WBIF) for SHR1W1P implementation, estimated to be \$700,000 every biennium. WBIF will be allocated from BWSR upon approval of the SHR1W1P. The total cost of implementation is estimated to be \$19,500,000 over the 10 years for plan partners, and \$22,000,000 in other partner projects.

Table 1.2. Implementation Funding.

Funding Level	Description	Estimated Annual Average	Estimated Plan Total (10 years)
1	Baseline Funding for Current Programs	\$1,600,000	\$16,000,000
2	Baseline + WBIF	\$1,950,000	\$19,500,000
3	Partner/Other Funding, including Natural Resources Conservation Service (NRCS), US Fish and Wildlife Service (USFWS), Conservation Reserve Program (CRP), Lessard-Sams, Minnesota Pollution Control Agency (MPCA), Minnesota Department of Natural Resources (DNR), and the Red River Watershed Management Board (RRWMB).	~\$2,000,000	~\$22,000,000

The watershed partners have a good track record of accomplishing projects to improve water quality and protect habitat. With the Level 2 funding they will be able to accomplish a lot more. Overall plan benefits and real-world equivalents are illustrated in Figure 1.3.

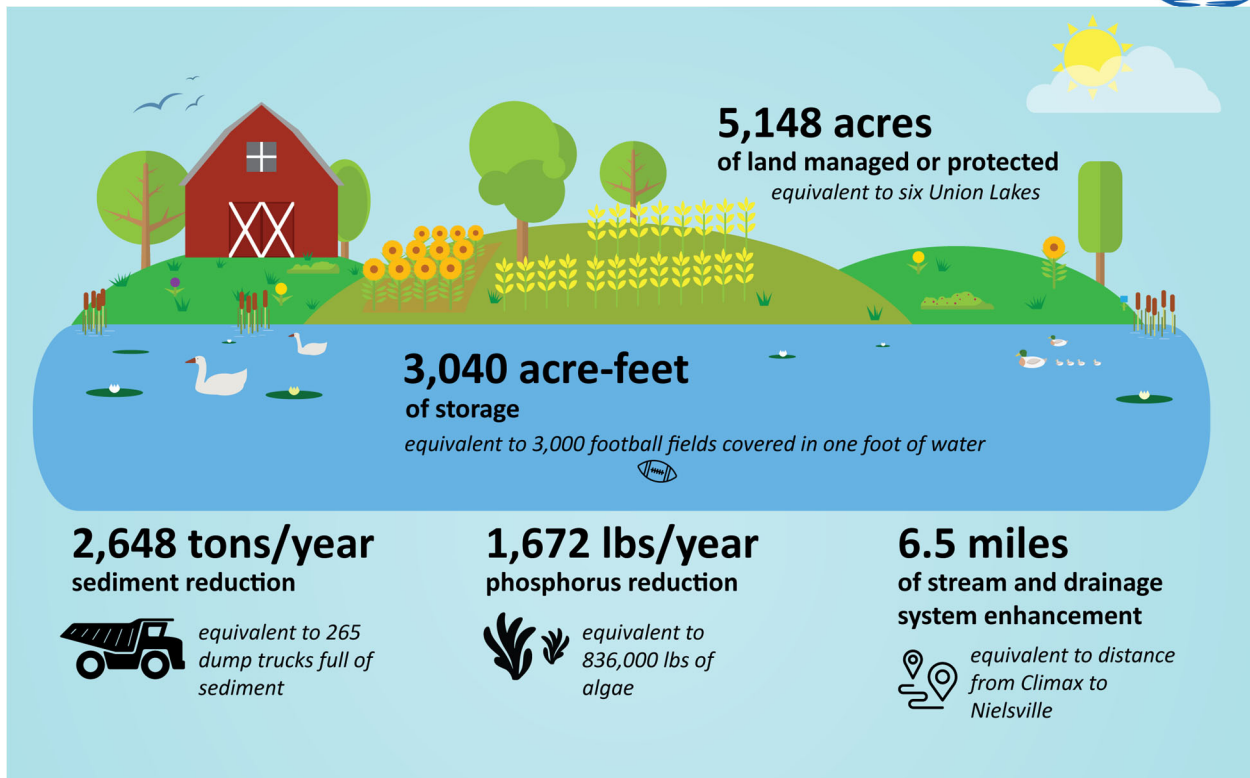


Figure 1.3. Overall plan benefits.

Planning partners (Figure 1.4) will work together to implement the actions described in Section 5 to make progress towards plan goals and improve the watershed’s resources. Implementation will require increased staffing, coordination, and funding. The Implementation Team will collaborate to implement actions and improve the condition of the SHRW.

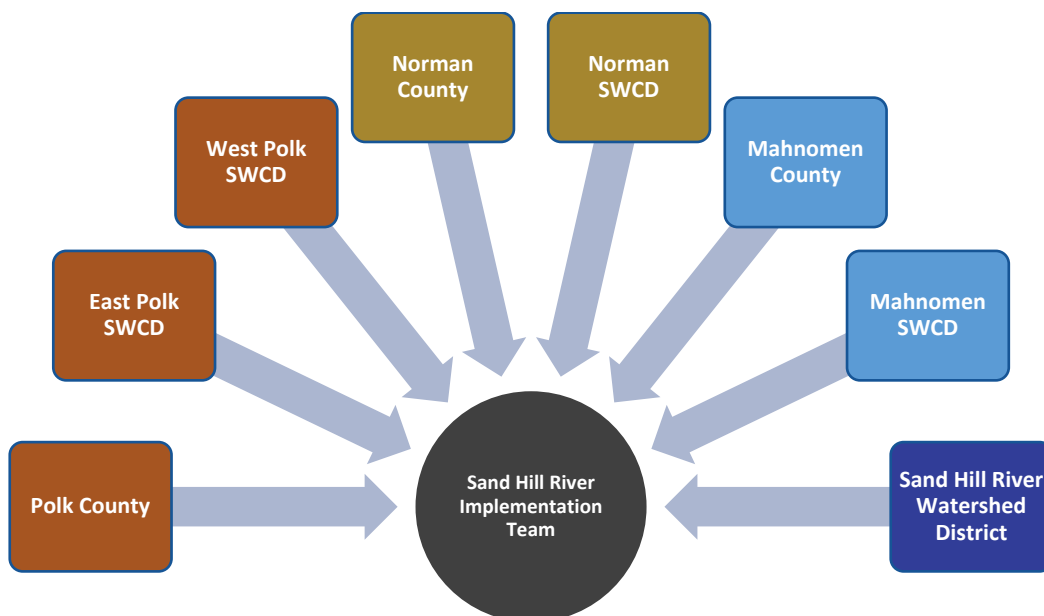


Figure 1.4. Implementation partners in the SHRW.

COMMITTEE RECOMMENDATIONS

Buffers, Soils, and Drainage Committee

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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Drainage Work Group Legislative Report

Meeting Date: January 24, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Drainage Work Group Legislative Report

Section/Region: Resource Conservation Section

Contact: Tom Gile

Prepared by: Tom Gile

Reviewed by: Buffers Soils and Drainage Committee(s)

Presented by: Tom Gile

Time requested: 30 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approve DWG legislative Report for transmission to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over environment and natural resources by February 1, 2024.

LINKS TO ADDITIONAL INFORMATION

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

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

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

- *the definition and application of outlet adequacy as provided in Minnesota Statutes, section 103E.261; and*
- *public notice requirements for proposed public drainage activities, including a drainage registry portal.*

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

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

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

This report addresses each of the specific directives identified above and also addresses the DWG consideration of the sunset language in 103E.729 relating to the sediment and runoff control option for assessing repair costs.

It is important to note that there is not a consensus recommendation for legislative action on 103E related policy at this time for outlet adequacy or public notice requirements including for the drainage registry. There is broad unanimity among the DWG membership that those tasks have the potential to include additional burdens in the administration of 103E and more time is needed to effectively bring forward any detailed policy recommendations.

COMMITTEE RECOMMENDATIONS

Audit and Oversight Committee

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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2023 Performance Review and Assistance Program Legislative Report

Meeting Date: January 24, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information Non-Public Data

Keywords for Electronic Searchability: PRAP, Legislative Report, Audit and Oversight, 2023 PRAP, Audit

Section/Region: Organizational Effectiveness

Contact: Jenny Gieseke

Prepared by: Don Bajumpaa

Reviewed by: Audit and Oversight Committee Committee(s)

Presented by: Don Bajumpaa

Time requested: 15 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 type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approval

LINKS TO ADDITIONAL INFORMATION

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

BWSR is required to provide a report annually to the legislature on Performance Review and Assistance Program activities as prescribed by Minnesota Statutes Chapter 103B.102, Subdivision 3, effective February 1, 2008. BWSR staff have prepared a report that describes the program activities for 2023, including summaries of the activities of BWSRs local government partners, and goals and objectives for future PRAP activities. The report was presented to and has a recommendation from the BWSR Audit and Oversight Committee for BWSR Board approval.



BOARD ORDER

Performance Review and Assistance Program 2023 Report to the Minnesota Legislature

PURPOSE

Adopt 2023 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 2023 PRAP Report to the Minnesota Legislature contains the summaries of the local water management entity performance reviews conducted by BWSR staff in 2023 and a summary of findings describing the performance of local water management entities regarding compliance with plan status and basic reporting requirements.
5. The 2023 PRAP Report to the Minnesota Legislature was reviewed by the Board's Audit and Oversight committee on January 22, 2024 and was recommended for Board adoption by the committee.

ORDER

The Board hereby:

Adopts the 2023 Performance Review and Assistance Program Report and directs staff to submit 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 24, 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. FY 24 Updated Documents - Water Quality and Storage Grant Program – Rita Weaver – ***DECISION ITEM***

BWSR staff proposes that a total of \$3M be available for the FY24 application period, with up to \$500,000 available for modeling and conceptual design work. BWSR staff would like to further propose that this grant program be open for applications twice a year so that grant recipients of the modeling and conceptual design funds will more quickly be able to access final design and construction funds.

BWSR staff are asking to issue the RFP and score and rank responses. Projects proposed for funding will be brought to the board for approval at the May 2024 meeting.

BOARD ORDER**Fiscal Year 2024 Water Quality and Storage Grant Program****PURPOSE**

Authorize a fiscal year 2024 Water Quality and Storage Grant Program and adopt the updated Water Quality and Storage Grant Program Policy.

RECITALS /FINDINGS OF FACT

1. Laws of Minnesota 2023, Chapter 60, Article 1, Sec. 4(p), appropriated \$17 million in Fiscal Year 2024 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. Experience with the FY22-23 Pilot Program and using feedback from partners, BWSR staff have made recommendations for revisions to the program to move the program past its pilot phase.
4. The program policy, request for proposals, and frequently asked questions documents have been updated for the fiscal year 2024 Water Quality and Storage Grant Program application period.
5. The Grants Program and Policy Committee, at their January 10, 2024 meeting, reviewed the proposed Water Quality and Storage Grant Program Policy and associated documents and recommended approval to the Board.

ORDER

The Board hereby:

1. Adopts the attached FY24 *Water Quality and Storage Program Policy*.
2. Authorizes staff to issue the FY24 Request for Proposal, in the amount of \$3 Million, and score and rank the responses for future consideration by the board.

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

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

Water Quality and Storage Program Policy

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

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

Policy Statement

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

Reason for the policy

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

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

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

Applicant Eligibility

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

Match Requirements

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

Eligible Activities for Final Design and Construction Grants

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

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

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

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

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

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

Ineligible Expenses for Final Design and Construction Grants

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

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

Eligible Activities for Modeling and Conceptual Design Grants

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

Eligible activities include outreach, modeling, grant management, and administration. Technical and engineering assistance necessary for conceptual design of these practices is essential and may be included in the project cost. Overhead costs, such as model software fees, are not included and cannot be used as match.

Ineligible Activities for Modeling and Conceptual Design Grants

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

Technical Quality Assurance

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

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

Grant Work Plan and Reporting Requirements

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

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

BWSR Grant Administration Requirements

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

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

History

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

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

Final Design and Construction Grants

Funding Priorities and Ranking

Priority for funding will be given to projects that meet the following criteria (in order of priority):

1. Project is located in the Minnesota River basin or the Lower Mississippi River basin in Minnesota (as required by Mn Statute 103F.05 Subd.2 (b)).
2. The applicant shows they are taking a comprehensive approach to flow reduction in the watershed, by implementing soil health or other conservation practices.
3. Practices that show higher levels of flood protection, improvement of water quality, etc.
4. Practices that demonstrate reduction in flood potential, improvement of water quality, AND mitigation for climate change.
5. Evidence of project installment readiness, which may include local letters of intent from government partners, evidence of support from willing landowners, and permitting agencies have been consulted regarding project permitability.

Water Quality and Storage Grant Program – Final Design and Construction Grants	
Scoring Criteria	Maximum Points Possible
<u>Activity Eligibility</u> : The proposed grant-funded activities are eligible under this RFP.	YES
1. <u>Project Description</u> : Applicant has clearly described the area of interest and the flooding concerns, water quality issues, or climate change vulnerabilities at this site. Additional points will be awarded if more than one issue is addressed with this project and if the applicant can describe how the issue has changed over time (i.e. increase in water quality concerns) OR how the issue varies under different flood events (i.e. 10-year vs. 50-year).	20
2. <u>Priority Location</u> : Projects located in the priority areas of the Minnesota River Basin and the Lower Mississippi River Basin in Minnesota (as stated in MN Statute 103F.05 Subd. 2 (b)) will be awarded the maximum points in this category. Projects outside of this priority area will receive zero points in this category.	10

<p>3. <u>Prioritization</u>: The project or practice type (i.e. storage) is referenced within a watershed management plan locally adopted and approved by the state or tribal government (include plan title, section and page number). Applicant describes how a comprehensive approach is being taken to water management and the placement of the practice will support that management.</p> <p>Applicant includes other measures or actions are being taken in the watershed to reduce peak flooding or improve water quality, such as soil health practices or other structural practices and a variety of funding sources is being used to implement these practices.</p> <p>Include any consideration given to how the proposed project may change the timing of peak runoff from the area of interest and if that will positively or negatively impact areas downstream.</p>	20
<p>4. <u>Measurable Outcomes</u>: Applicant provides calculated results for peak flow reduction, water quality improvements, or measurable climate impact improvements and the methodology used for these calculations. Applicant must provide the total storage volume provided by the projects and/or practices.</p> <p>Applicant should consider the following questions when deciding what outcomes to report: What is the reduction in peak flow during different storm events? What is the estimated annual reduction in pollutant(s) being delivered to the water resource(s) of concern by this project? If there have been specific pollutant reduction goals set for the pollutant(s) and resource(s) of concern, please indicate the goals and the process used to set them.</p>	20
<p>5. <u>Project Readiness</u>: Describe steps and actions have been taken to ensure that project implementation can begin soon after grant award, such as partner coordination, preliminary identification of potential conservation practice/activity locations, coordination with landowners, and preliminary discussions with permitting authorities, including the DNR Area Hydrologist.</p>	20
<p>6. <u>Cost Effectiveness</u>: The application identifies a cost-effective solution to address the issue at the area of concern. The cost per acre-foot of storage is reasonable and the cost for the resulting flow reduction is reasonable.</p>	10
Total Points Available	100

Modeling and Conceptual Design Grants

Funding Priorities and Ranking

Priority for funding will be given to projects that meet the following criteria (in order of priority):

1. Project is located in the Minnesota River basin or the Lower Mississippi River basin in Minnesota (as required by Mn Statute 103F.05 Subd.2 (b)).
2. Modeling efforts that will evaluate reduction in flood potential, improvement of water quality, AND mitigation for climate change.
3. Evidence of project installment readiness, which may include local letters of intent from government partners, evidence of support from willing landowners, and permitting agencies have been consulted regarding project permitability.

Water Quality and Storage Grant Program – Modeling and Conceptual Design Grants	
Scoring Criteria	Maximum Points Possible
<u>Activity Eligibility:</u> The proposed grant-funded activities are eligible under this RFP.	YES
<p>1. <u>Project Description:</u> Applicant has clearly described the area of interest and the flooding concerns, water quality issues, or climate change vulnerabilities at this site. Applicant has provided a watershed extent that will be modeled and the modeling software and methodology that will be used for this effort.</p> <p>Additional points will be awarded if more than one issue will be considered with the modeling effort and how the issue(s) change during different flood events (i.e. 10-year vs. 50-year).</p>	20
<p>2. <u>Priority Location:</u> Projects located in the priority areas of the Minnesota River Basin and the Lower Mississippi River Basin in Minnesota (as stated in MN Statute 103F.05 Subd. 2 (b)) will be awarded the maximum points in this category. Projects outside of this priority area will receive zero points in this category.</p>	10
<p>3. <u>Prioritization:</u> The area to be modeled is referenced within a watershed management plan locally adopted and approved by the state or tribal government (include plan title, section and page number). Applicant describes how a comprehensive approach is being taken by the LGUs and other practices that are being installed to support the plan's efforts.</p>	5

<p>4. <u>Measurable Outcomes:</u> Applicant has explained the intended deliverables of this project. Examples of this include: which storm events will be modeled, how results will be quantified upon completion of the modeling, and/or how sites will be selected for conceptual and final design. Applicant has shown that this project will result in a feasibility study that can be used for a final design and construction application.</p>	25
<p>5. <u>Project Readiness:</u> Applicant has described steps and actions taken to ensure that this effort will move into a final design and construction phase, such as partner coordination, coordination with landowners, and preliminary discussions with permitting authorities, including the DNR Area Hydrologist. Discuss if an alternative path(s) forward will be pursued for this area if this grant is not received.</p>	30
<p>6. <u>Cost Effectiveness:</u> The application identifies a cost-effective solution to evaluate the issue at the area of concern. Include a consideration of other modeling efforts of this system and why this additional effort is needed.</p>	10
Total Points Available	100