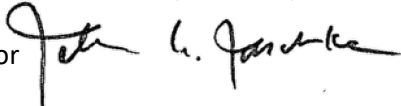




DATE: April 16, 2024

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – April 24, 2024

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, April 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:

## COMMITTEE RECOMMENDATIONS

### *Dispute Resolution Committee*

1. **WCA Appeal (File 23-4) of a Wetland Bank Plan Decision Aitkin County** – The appeal was brought before BWSR on June 16, 2023 by Bryan Huntington with Larkin Hoffman on behalf of Eric Trelstad (member of the public) to appeal a WCA Notice of Decision involving property located in Aitkin County. The May 22, 2023 decision by Aitkin County determined that the site is eligible for banking and approved a wetland bank plan for Ecosystem Investment Partners (landowner) based on Technical Evaluation Panel (TEP) findings and recommendations. The wetland bank plan is referred to as the North Mille Lacs Meadows Wetland Mitigation Bank and incorporates approximately 622 acres of land that is projected to result in 433.45 credits. The county relied in part on a 2015 Plan (agreement) regarding best management practices for previous ditch maintenance activities that occurred on site. The county determined the site to be compliant with WCA and therefore eligible for wetland banking pursuant to Minn. Rules 8420.0526. Credits will be generated by restoring hydrology and native vegetation through an alternative method guidance (hydrologic restoration on cultivated fields (CFC)). The appellant claims that unauthorized drainage took place after the enactment of the WCA making the site not eligible for banking credits. The appellant maintains that the 2015 plan is not a decision and that the county's reliance on it is improper. The appeal requests that additional evidence be included into the record and that BWSR reverse the county's decision.

The Dispute Resolution Committee heard oral arguments from the parties to the appeal on March 7, 2024 during a public hearing. After review of the record, written briefs, and oral arguments, unanimously voted to recommend that the Aitkin County's decision be affirmed (denying the appeal) and declined the appellant's request to supplement the record with additional evidence. Determining that Aitkin County's existing record contains substantial evidence to support the decision and those additional documents were not material enough to be omitted into the record.

Additional details and basis for the recommendation is included in the Order/ Memorandum. To be provided prior to the Board Meeting. **DECISION ITEM**

### ***Grants Program and Policy Committee***

1. **Cooperative Weed Management Area Grants** – Cooperative Weed Management Areas (CWMAs) are partnerships of federal, state and local government agencies, tribal governments and a wide range of other partners that manage noxious weeds or invasive plants across geographic areas. The FY 2024-25 CWMA Program has a total of \$200,000 to distribute to eligible applicants including SWCDs, Counties and Tribal Governments for newly developing and existing CWMAs/CISMAs in Minnesota. There were 17 applications for the FY 2024-25 CWMA grant applications requesting a total of \$255,000. The CWMA Interagency Advisory Team met on March 12th 2024 to rank grants and made the decision to award 13 applications. The Grants Program and Policy Committee, at their April 15, 2024 meeting, reviewed the proposed grant awards and recommended approval to the Board. ***DECISION ITEM***
2. **Habitat-Friendly Utilities Program** – The Minnesota Board of Water and Soil Resources has had a Habitat Friendly Solar program since 2016 and was appropriated funding in 2023 to expand the effort to include conservation efforts on additional types of utilities in partnership with utility companies and the larger conservation community. The purpose of the program is to provide financial and technical assistance to promote the successful establishment of native vegetation as part of utility projects, including solar and wind projects, pipelines, and electrical transmission corridors, and requires that the Board establish criteria for grants or payments, and allows the Board to collaborate with and enter into agreements with Federal, State, and local agencies; Tribal Nations; utility companies; nonprofit organizations; and contractors to implement and promote the program. This Board Order directs and authorizes staff to develop program criteria, issue solicitations for participation in the program, approve awards, and enter into agreements with program partners. ***DECISION ITEM***
3. **FY25 Conservation Reserve Program State Incentives Grant Program** – The BWSR FY25 Conservation Reserve Program State Incentive Grant Program provides eligible Comprehensive Watershed Management Plan partnerships authorized under Minnesota statute §103B.801 with funds to incentive landowner enrollment and re-enrollment into the federal Continuous Conservation Reserve Program (CCRP) for the installation or preservation of CCRP practices that improve or protect surface water or groundwater pollution, drinking water, soil health, pollinator and wildlife habitat, and other conservation enhancements. The Grants Program and Policy Committee (GPPC) was briefed on the program at the January 10, 2024, and February 28, 2024 meetings. The GPPC recommended approval of the Board Order and Watershed Allocation List to the full board at their April 15, 2024 meeting. ***DECISION ITEM***

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

1. **Rainy Headwaters-Vermilion Watershed Comprehensive Watershed Management Plan** – The Rainy Headwaters-Vermilion Watershed was selected by BWSR for a One Watershed, One Plan program planning grant in August of 2021. The watershed partnership submitted the Rainy Headwaters-Vermilion Comprehensive Watershed Management Plan to BWSR on February 5, 2024, for review and approval. The Northern Regional Committee met on April 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 submitted Plan by the full Board. ***DECISION ITEM***

### ***RIM Reserve Committee***

1. **Easement Alteration Request - RIM Easement #46-17-99-01** – BWSR acquired RIM easement #46-17-99-01 in Martin County on March 26, 2001. The original easement is a 27-acre CREP easement, consisting of a 9-acre wetland restoration and 18 acres of upland seeded to a native grass and forb mix with some pre-existing trees and shrubs. The original easement grantors, Lawrence and Diane Sukalski, are still the current owners of the parcel. The 15-year CRP contract has since expired.

The landowner is requesting to release 1.75 acres of upland from the existing easement, for the purposes of constructing a machine shed and additional grain storage adjacent to the landowner's current bin site. The area proposed for release is currently prone to disturbance, as it is located between existing buildings that are part of the current farming operation, making the area ideal for traversing between sites and storing equipment. The landowner has stated there is no alternative site to construct the additional storage without creating erosion concerns. Release of this area would straighten the northern boundary of the easement, which is presently irregularly shaped, resulting in a more manageable easement boundary.

The landowner has offered to add 3.5 acres of additional cropland to the RIM easement, which would fulfill the required 2:1 replacement ratio of the Easement Alteration Policy. The replacement area is immediately adjacent to the existing easement boundary, resulting in more contiguous upland habitat, an enlarged wetland buffer, and would remove the 3.5 acres from row crop production. The replacement acres meet RIM crop history requirements, having been historically planted to corn, and will be seeded to a native prairie mix at the landowner's expense.

Both the Martin County SWCD Board and the MN DNR Area Wildlife Supervisor have submitted letters in support of this easement alteration request. The landowner has submitted the \$500 application fee for staff and board to consider the request.

MN Rule 8400.3610 says the Board may alter an existing conservation easement if the public interest and general welfare are better served by the alteration. As proposed, this request would provide clear benefits to the State by further enhancing the habitat and water quality functions of the RIM easement and result in a net gain of restored and permanently protected land.

#### *Recommendation*

Easement staff and the RIM Reserve Committee recommend approval of this easement alteration request and to amend RIM easement #46-17-99-01 as proposed. **DECISION ITEM**

2. **Easement Alteration Request – RIM Easement #67-01-07-04** – BWSR acquired a perpetual RIM Conservation easement #67-01-07-04 in Clinton Township, Rock County on April 24, 2007. The original easement is a 103.7-acre sensitive groundwater protection easement that has been seeded to native grasses.

In 2012, the original easement grantors sold 2.87 acres of the easement lands to Rock County for the purpose of installing drinking water wells. Though the wells themselves have minimal impact on the RIM easement, the County requires permanent, gravel access roads for year-round access and maintenance to the wells. Due to the permanent impact of the access roads, that land use is not compatible with the terms and conditions of the RIM easement as permanent vegetative cover cannot be maintained. Thus, BWSR easement staff have determined an easement alteration is warranted in this case.

MN Rule 8400.3610 states that the board may alter a conservation easement if the board determines the public interest and general welfare are better served by the alteration. The newly installed wells provide vital, clean and safe drinking water to citizens of Rock County.

Though this request does not meet all conditions of the current easement alteration policy which states that entities must pay 2x the current RIM rate, easement staff and the RIM Reserve Committee are in favor of the request as the activity of well installation aligns with the overall purpose of this easement which is wellhead and drinking water protection. This request does follow the MN Rule that governs the internal policy.

Rule 8400.3610 states that the board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. Because this RIM easement was acquired for the specific purpose of wellhead protection, and because the land was acquired and the wells installed over

10 years ago, the BWSR Easement Section Manager and RIM Reserve Committee have considered a special provision to allow Rock County Rural Water to compensate BWSR at 1x the 2023 RIM rate for Clinton Township for release of these acres. This will ensure at least equal resource value in accordance with the above rule. (The amount the State originally paid to acquire an easement on these 2.87 acres was \$3371).

*Calculations for Release*

2023 RIM Rate for Clinton Township = \$11,991.43/acre  
2.87 acres released x \$11,991.43 = \$ 34,415.40

Rock County Rural Water has agreed to pay the amount of \$34,415.40 upon approval of the easement alteration request and has submitted the \$500 processing fee for BWSR staff and the board to consider the request.

*Recommendation*

Easement staff and the RIM Reserve Committee recommend approval of the easement alteration request to release 2.87 acres from RIM Easement #67-01-07-04 as proposed, upon receipt of the agreed-upon compensation from Rock County. **DECISION ITEM**

**NEW BUSINESS**

1. **Soil Health Action Framework** – In 2022, BWSR received a grant from the McKnight Foundation to develop a “coordinated approach to climate change mitigation and landscape resiliency, by collaboratively identifying goals, strategies, and actions related to soil management.” BWSR worked with the MN Office for Soil Health to convene an advisory committee representing a mix of practitioners in agriculture and conservation, and public and private sectors. During five meetings over 13 months, the group discussed goals, strategies, and potential actions for advancing soil health. The group was not asked to reach consensus or commit to actions, but to represent the diversity of voices in soil health work in Minnesota. The resulting Soil Health Action Framework was released in January, 2024, and is intended to serve as a framework of priority issues and potential strategies that individual interest groups can use to create their action plans. **INFORMATION 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 April 24th.

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

**PRELIMINARY AGENDA**

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

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF MARCH 27, 2024 BOARD MEETING**

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

**INTRODUCTION OF NEW STAFF**

- Chad Hildebrand, Buffer Specialist
- Jared House, Soils Programming Coordinator

**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 – Jason Garms
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Katrina Kessler

## **ADVISORY COMMENTS**

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

## **COMMITTEE RECOMMENDATIONS**

### ***Dispute Resolution Committee***

1. WCA Appeal (File 23-4) of a Wetland Bank Plan Decision Aitkin County – Rich Sve, Oliver Larson, and Travis Germundson – ***DECISION ITEM***

### ***Grants Program and Policy Committee***

1. Cooperative Weed Management Area Grants – Dan Shaw – ***DECISION ITEM***
2. Habitat-Friendly Utilities Program – Dan Shaw – ***DECISION ITEM***
3. FY25 Conservation Reserve Program State Incentives Grant Program – Jason Beckler – ***DECISION ITEM***

### ***Northern Regional Committee***

1. Rainy Headwaters-Vermilion Watershed Comprehensive Watershed Management Plan – Rich Sve, Ryan Hughes, and Chad Severts – ***DECISION ITEM***

### ***RIM Reserve Committee***

1. Easement Alteration Request - RIM Easement #46-17-99-01 – Karli Swenson – ***DECISION ITEM***
2. Easement Alteration Request – RIM Easement #67-01-07-04 – Karli Swenson – ***DECISION ITEM***

## **NEW BUSINESS**

1. Soil Health Action Framework – Tom Gile, Suzanne Rhees, and Marcelle Lewandowski – ***INFORMATION ITEM***

## **UPCOMING MEETINGS**

- Wetland Conservation Committee is scheduled for April 29<sup>th</sup> at 9:30 a.m. by MS Teams.
- Grants Program and Policy Committee is scheduled for May 13<sup>th</sup> at 8:30 a.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for May 22<sup>nd</sup> at 9:00 a.m. in St. Paul and by MS Teams.

## **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
LOWER-LEVEL BOARD ROOM  
ST. PAUL, MN 55155  
WEDNESDAY, MARCH 27, 2024**

**BOARD MEMBERS PRESENT:**

Joe Collins, Jill Crafton, Kurt Beckstrom, Mike Runk, Neil Peterson, Rich Sve, Ted Winter, LeRoy Ose, Eunice Biel, Ron Staples, Mark Zabel, Joel Larson, University of Minnesota Extension; Thom Petersen, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

**BOARD MEMBERS ABSENT:**

Jayne Hager Dee, Todd Holman, Lori Cox, Kelly Kirkpatrick, Katrina Kessler, MPCA

**STAFF PRESENT:**

John Jaschke, Rachel Mueller, Travis Germundson, Craig Engwall, Sara Reagan, Luke Olson, Doug Goodrich, Henry Van Offelen, Udai Singh, Annie Felix-Gerth, Justin Hanson, Ed Lenz, Brett Arne, Ryan Hughes, John Shea

**OTHERS PRESENT:**

Jeff Berg, MDA; Jan Voit, Minnesota Watersheds; LeAnn Buck, MASWCD; Sheila Vanney, MASWCD; Jason Garms, DNR; Amber Doschadis, Alex Trunnell

Vice-Chair Rich Sve called the meeting to order at 9:01 AM

#### PLEDGE OF ALLEGIANCE

\*\*  
24-09 **ADOPTION OF AGENDA** - Moved by Joe Collins, seconded by Jill Crafton, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

\*\*  
24-10 **MINUTES OF JANUARY 24, 2024 BOARD MEETING** – Moved by Joe Collins, seconded by Mike Runk, to approve the minutes of January 24, 2024, as circulated. ***Motion passed on a roll call vote.***

#### PUBLIC ACCESS FORUM

#### INTRODUCTION OF NEW EMPLOYEES

Marcey Westrick introduced Jen Dullum, Board Conservationist.

#### CONFLICT OF INTEREST DECLARATION

##### Vice Chair Sve 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** – No report was provided.

**Executive Director’s Report** - John Jaschke reported they received a letter to share with Board Members that has a possible connection to a local government lawsuit so will not be sharing at this time. John stated they are about halfway through the legislative session. Stated the Strategic Plan is on the agenda for today.

John reviewed the Day of Packet that included Snapshot articles, an organizational chart, and a One Watershed, One Plan Program memo.

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

**Dispute Resolution and Compliance Report** – Rich Sve reported they met, and a report will be provided next month. Travis Germundson reported there are presently five appeals pending. There have been two new appeals filed since last report.

File 24-2 is an appeal of a WCA Notice of Decision for a property located in Meeker County. The appeal regards the denial of an after-the-fact no-loss application associated with proposed changes to an existing drain tile system. No decision has been made on the appeal.

File 24-1 is an appeal of a WCA Restoration Order for a property located in Wright County. The appeal regards the placement of fill in a wetland for the creation of a road and earthen embankment. The appeal claims that wetland is incidental. The appeal has been denied and the restoration order affirmed.



File 23-15 (12-18-23) This is an appeal of a WCA notice of decision in Morrison County. There is currently a lawsuit filed in their District Court, awaiting the outcome of court decision.

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 time period has been extended to May 3<sup>rd</sup> for the county to make a final decision on the exemption application.

File 23-4 (6-16-23) This is an appeal of a WCA notice of decision involving a banking plan in Aitkin County. Hearing was held March 7<sup>th</sup> and a recommendation will be presented to the board at a future meeting.

**Grants Program & Policy Committee** – Mark Zabel reported they have been meeting monthly and have items on the agenda for today. Mark stated if approved the grant funding for the One Watershed One Plan planning process will grant funding to the last three watersheds to commence the planning process.

Commissioner Thom Petersen joined the meeting at 9:24 a.m.

**RIM Reserve Committee** – John Jaschke reported they had an informational meeting in February. Discussed the plan for peatland restoration funding connected with the existing RIM Wetlands program.

**Water Management & Strategic Planning Committee** – Joe Collins reported the committee met March 21<sup>st</sup> and have an item on the agenda today.

**Wetland Conservation Committee** – Jill Crafton reported they have not met.

**Buffers, Soils & Drainage Committee** – LeRoy Ose reported they have not met and are tentatively planning to meet in April.

**Drainage Work Group (DWG)** – Neil Peterson reported they have not met.

#### **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Thom Petersen reported they are working through items at the legislature. They are working on the EPA petition in southeast Minnesota with the Pollution Control Agency and the Department of Health. Stated the avian influenza jumped to goats and into the cattle population.

**Minnesota Department of Health** – Steve Robertson reported they are working to implement a workplan in response to the EPA petition that was filed for southeast Minnesota with the Department of Ag and Pollution Control Agency. A legislative update was given. Steve stated EPA and the National Security Council are collaborating to increase cybersecurity defenses at a variety of different utilities nationwide. Stated the Department of Earth and Environmental Sciences at the University are going to be hosting the National Darcey Lecture Series.

**Minnesota Department of Natural Resources** – Sarah Strommen reported on March 15<sup>th</sup> they transferred land that was within the boundaries of Upper Sioux Agency State Park to the Upper Sioux Community. Stated they announced the suite of public water access sites across Minnesota that will receive investments. The DNR in partnership with US Fish and Wildlife Service and Corps of Engineers presented a proposal at the request of the Lessard Sams Heritage Council for a carp deterrent at Lock and Dam 5. The Council recommended funding.

Ted Winter asked about the updated work at the hatcheries. Commissioner Strommen stated they are going to modernize the Waterville Hatchery and the Crystal Springs Hatchery. There will be an open house at the Waterville Hatchery in April.

**Minnesota Extension** – Joel Larson reported they have been talking with the Department of Health about ideas for developing an educational program for private well owners and water professionals who work in some aspect of groundwater. Minnesota Climate Adaptation partnership is hosting a listening session with agricultural groups in Saint Cloud on April 2<sup>nd</sup> to talk about climate opportunities and challenges. Stated a Minnesota Soil Health Action Framework was developed between Minnesota Office for Soil Health and BWSR, it was funded by the McKnight Foundation. Stated the Minnesota Office for Soil Health is holding its biannual stakeholder forum tomorrow.

**Minnesota Pollution Control Agency** – No report was provided.

John Jaschke stated the 2024 MASWCD Leadership cohort is taking place today. Jerry Kern, Supervisor for the Wadena County SWCD stated this is the 14<sup>th</sup> year of leadership training with 22 attendees today. LeAnn Buck stated they work with partnerships in developing the curriculum for the training.

Mark Zabel stated he and Kurt Beckstrom were a part of the 2007 cohort for this leadership group. Thanked LeAnn and those that are participating and stepping forward into this program.

Ted Winter asked if cohorts are both elected and employees. LeAnn stated they are both.

Rich Sve stated these leadership programs are important.

#### **ADVISORY COMMENTS**

**Association of Minnesota Counties** – No report was provided.

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

**Minnesota Association of Soil & Water Conservation Districts** – LeAnn Buck reported they attended the Legislative Day at the Capitol. National Association had a fly-in to Washington DC where they met with Congressional Members.

Jill Crafton asked about the Virginia Tech Alliance and if a lot of farmers have signed up. LeAnn stated they are still in the early stages and will be kicking it off this summer.

Ted Winter asked if they have the name of the SWCDs that are part of the Virginia Tech Alliance. LeAnn stated she doesn't have the names right now but stated they are scattered around the state.

**Minnesota Association of Townships** – Eunice Biel reported March 12<sup>th</sup> they had township elections. Short courses for Spring 2024 were scheduled March 18<sup>th</sup> thru April 5<sup>th</sup> for the Township officers. Stated they voted on proposed bylaw changes at the spring short courses.

**Minnesota Watersheds** – Jan Voit thanked John Jaschke, Mike Nelson, and BWSR staff that have been working with them on the modernization of the watershed law. Language is now included in both the House and Senate Omnibus Policy bills. Had their legislative briefing reception and Day at the Capitol on March 6<sup>th</sup> and 7<sup>th</sup>. Summer tour will be held June 25<sup>th</sup> and 26<sup>th</sup> hosted by Capitol Region and Ramsey Washington Metro Watershed District. Board made decision to move their annual conference from Arrowwood to the Grandview Lodge in Nisswa December 4<sup>th</sup> through 6<sup>th</sup>.

**Natural Resources Conservation Service** – No report was provided.

Vice Chair Sve called a recess at 10:06 a.m. and called the meeting back to order at 10:14 a.m.

#### **COMMITTEE RECOMMENDATIONS**

##### **Grants Program and Policy Committee**

**Habitat Enhancement Landscape Program (HELP)** – Dan Shaw presented Habitat Enhancement Landscape Program (HELP)

The BWSR Habitat Enhancement Landscape Program (HELP) is made possible through an appropriation from general funds (Laws of Minnesota 2023, Chapter 60, Article 1, Section 4 paragraph (J)). HELP is a continuation of a Pilot that started in 2021 with funding from the Legislative-Citizen Commission on Minnesota Resources' Environment and Natural Resources Trust Fund. Updates from the Pilot Program include the expansion of eligible applicants, increases to eligible funding request levels, and increases in eligible project sizes. Staff have completed an internal program development and review process with BWSR Teams including the Conservation Contracts Team, Grants Team, and Senior Management Team. The Grants Program and Policy Committee was briefed on the program on January 10, 2024 and recommended approval of the RFP criteria to the full board at their February 28, 2024 meeting.

Jill Crafton asked if maps are available of the threatened areas. Dan Stated they have one priority area map that they've been using but will be coming up with a new one for a living landscapes initiative. They are hoping that local groups can add on as they are working.

Ted asked if there is a limit on the application for the grant. Dan stated the minimum application is \$50,000 with a cap of \$500,000. Ted asked if this is a one-time money. John Jaschke stated it is one time.

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24-11 Moved by Jill Crafton, seconded by Ted Winter, to approve the Habitat Enhancement Landscape Program (HELP). ***Motion passed on a roll call vote.***

**Pollinator Pathways Request for Proposal** – Erin Loeffler and Dan Shaw presented Pollinator Pathways Request for Proposal

The Lawns to Legumes Program started in 2019 and is comprised of three components; Individual Support Grants (\$400 grants and coaching) administered through the Blue Thumb Partnership, a competitive RFP grant program (Pollinator Pathways) to support community based residential projects (formerly known as the Lawns to Legumes Demonstration Neighborhoods), and a public education and outreach campaign. The Lawns to Legumes Demonstration Neighborhood grants were funded through the Environment and Natural Resources Trust Fund and were successful in achieving LCCMR outcome after 2 funding cycles and is now funded through the general fund. With the change in appropriation comes a greater opportunity to work more broadly with diverse communities to increase biodiversity and build pollinator habitat throughout the state. Therefore, the Demonstration Neighborhood grant program is being rebranded to Pollinator Pathways. Additional changes will include broadening the eligibility criteria and activities, opening the program to public and non-profit prekindergarten through grad 3 schools as eligible applicants, removal of a funding cap, and decreasing the required match to 10%.

LeRoy Ose asked where the pathways are. Erin stated this grant will give the grantees an opportunity to tell them where they're connecting their pathways.

Mark Zabel asked if there is some risk assessment associated with identifying these pathways. Dan Shaw stated it's something they are thinking about and are working with advisors.

Jill Crafton asked if there was going to be an educational component. Erin stated education is a component.

Ted Winter stated the Iowa Department of Transportation plants pollinator habitat along their highways. Dan Shaw stated MNDOT has funding for habitat efforts along roadways.

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24-12 Moved by Mike Runk, seconded by Jill Crafton, to approve the Pollinator Pathways Request for Proposal. ***Motion passed on a roll call vote.***

**One Watershed, One Plan Planning Grants – Request For Proposals** – Julie Westerlund presented One Watershed, One Plan Planning Grants – Request For Proposals

The purpose of this agenda item is for the Board to approve the 2024 Request for Proposals for One Watershed, One Plan Planning Grants. This is the ninth year BWSR is offering planning grants. Relative to the 2023 RPF, there were a few minor wording changes plus language indicating that BWSR anticipates this will be the last time 1W1P Planning Grants will be offered. This grant program operates under the policy updated by the by the Board in December 2022 (attached).

Ted Winter asked what the allocation was in the last implementation funding. Julie stated the legislature appropriated \$79 million for the current biennium.

Joe Collins stated the progress chart is impressive.

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24-13 Moved by LeRoy Ose, seconded by Joe , to approve the One Watershed, One Plan Planning Grants – Request For Proposals. ***Motion passed on a roll call vote.***

**Red River Basin Commission FY24/25 Grant Approval** – Henry Van Offelen presented Red River Basin Commission FY24/25 Grant Approval

In 2023 the Legislature appropriated funds to the Board for grants to the Red River Basin Commission (RRBC) for waters quality and floodplain management, including administration of programs. The RRBC has submitted an updated report of 2023 activities related to their Natural Resources Framework plan and has developed a work plan and budget for 2024 and 2025. The RRBC has secured the required matching funds from the State of North Dakota and Province of Manitoba. BWSR staff have reviewed these materials and found that they are consistent with previous materials submitted to secure these funds.

The Northern Regional Committee (Committee) met January 3, 2024, to review and discuss the RRBC 2023 Annual Report, the RRBC 2024/25 Workplan, the current status of the RRBC, and recommended review by the Grants Program and Policy Committee. The Grants Program and Policy Committee met January 10, 2024, reviewed the Board Order, and authorized the FY2024/225 grant to the Red River Basin Commission to the full Board. The Committee recommends approval by the full Board.

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24-14 Moved by Neil Peterson, seconded by Jill Crafton, to approve the Red River Basin Commission FY24/25 Grant Approval. ***Motion passed on a roll call vote.***

**Water Management and Strategic Planning Committee**

**BWSR Strategic Plan** – Jenny Gieseke presented BWSR Strategic Plan

Over the past year, BWSR's has been working to update the Agency's Strategic Plan using an inclusive, participatory planning process involving BWSR staff and board members along with key external stakeholders around the state. The updated plan includes a revised mission, a newly developed vision, as well as key long-term goals and strategies to focus on over the next 10-15 years. Staff, board members and key external partners provided input and feedback to the plan through in-person and virtual meetings and surveys. The Water Management and Strategic Planning Committee has recommended adoption of the updated Strategic Plan.

Joe Collins thanked Jenny for her work. Stated he would like to have extra time for the public to make comments. Ted Winter asked for an example of what they would need a 30-day review for. Joe stated he would like to see a 30-day review period being assigned to committees to work through policy issues. John Jaschke stated this topic will be going to the Administrative Advisory Committee in April. Board Members discussed extra time for comment periods.

\*\*  
24-15 Moved by Joe Collins, seconded by Mike Runk, to approve the BWSR Strategic Plan. ***Motion passed on a roll call vote.***

**Southern Region Committee**

**Upper Minnesota River Comprehensive Watershed Management Plan** – Ted Winter and Doug Goodrich presented Upper Minnesota River Comprehensive Watershed Management Plan

Upper Minnesota River Comprehensive Watershed Management Plan (Plan) – On January 28, 2022 the Upper Minnesota River planning partnership received an approved grant agreement from the Board of Water and Soil Resources (BWSR) to develop a Comprehensive Watershed Management Plan under the One Watershed, One Plan Program. The Partnership established a Memorandum of Agreement on May 11, 2021, for the purposes of watershed planning. The Partnership has followed One Watershed, One Plan Operating Procedures; and the Policy Committee, Advisory Committee, and Steering Team members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the draft Upper Minnesota River Comprehensive Watershed Management Plan (Plan) to BWSR on July 21, 2023, for 60-day comment period. A public hearing was held October 31, 2023, and the Policy Committee submitted the Plan for approval December 11, 2023. The Southern Regional Committee (Committee) met on February 27, 2024, to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Joe Collins stated this was a well written plan.

\*\*  
24-16 Moved by Ted Winter, seconded by Joe Collins, to approve the Upper Minnesota River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

**South Fork Crow River Comprehensive Watershed Management Plan** – Ted Winter and Jeremy Maul presented South Fork Crow River Comprehensive Watershed Management Plan

South Fork River Comprehensive Watershed Management Plan (Plan) – On February 23, 2022 the South Fork Crow River planning partnership received an approved grant agreement from the Board of Water and Soil Resources (BWSR) to develop a Comprehensive Watershed Management Plan under the One Watershed, One Plan Program. The Partnership established a Memorandum of Agreement on July 21, 2021, for the purposes of watershed planning. The Partnership has followed One Watershed, One Plan

Operating Procedures; and the Policy Committee, Advisory Committee, and Steering Team members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the draft South Fork Crow River Comprehensive Watershed Management Plan (Plan) to BWSR on August 14, 2023, for 60-day comment period. A public hearing was held November 27, 2023, and the Policy Committee submitted the Plan for approval January 11, 2024. The Southern Regional Committee (Committee) met on February 27, 2024, to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Eunice Biel left the meeting at 11:30 a.m.

Mark Zabel stated this plan is unique compared to other plans in that the drainage issue is identified. It's a driver within this watershed because of the type of landscape setting.

Jill Crafton asked about cooperating conservation projects in the drainage management category and if people are open to it. Jeremy stated its going to be something they'll have to work on.

Rich Sve asked about the small piece outside of the watershed and what was so unique about it that it made sense to pull it into this plan. Jeremy stated it was a small area and it made sense to pull it in.

\*\*  
24-17 Moved by Ted Winter, seconded by Joe Collins, to approve the South Fork Crow River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

#### **UPCOMING MEETINGS**

- Northern Region Committee is scheduled for April 3<sup>rd</sup> at 10:00 a.m. in Duluth and by MS Teams.
- RIM Committee is scheduled for April 10<sup>th</sup> at 10:30 a.m. in St. Paul and by MS Teams.
- Grants Program and Policy Committee is scheduled for April 15<sup>th</sup> at 8:30 a.m. in St. Paul and by MS Teams.
- Administrative Advisory Committee is scheduled for April 24<sup>th</sup> at 8:00 a.m. in St. Paul.
- BWSR Board meeting is scheduled for April 24<sup>th</sup> at 9:00 a.m. in St. Paul and by MS Teams.

Vice Chair Sve adjourned the meeting at 11:45 PM.

Respectfully submitted,

Rich Sve  
Vice Chair

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution/Compliance Report

---

**Meeting Date:** April 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

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**Section/Region:** Central

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson

**Reviewed by:** \_\_\_\_\_ Committee(s)  
Rich Sve, DRC Chair and

**Presented by:** Travis Germundson

**Time requested:** 5 minutes

**Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**     Resolution     Order     Map     Other Supporting Information

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

None

**LINKS TO ADDITIONAL INFORMATION**

See attached report.

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

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

# Dispute Resolution and Compliance Report

April 9, 2024

By: Travis Germundson

There are presently **three** appeals pending. There have been **no** new appeals 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 24-2 (3/6/24) This is an appeal of a WCA Notice of Decision for a property located in Meeker County. The appeal regards the denial of an after the fact no loss application associated with proposed changes to an existing drain tile system. The appeal has been denied.~~

File 23-15 (12-18-23) This is an appeal of a WCA notice of decision in Morrison County. The appeal regards a decision made under remand (Appeal file 23-8) of a wetland boundary/type. The initial decision was remanded back to the local unit of government to develop an adequate record and now that new decision is being appealed. *The appeal was placed in abeyance and the decision stayed to allow time for the submittal of additional documentation on legal access of the easement area. A lawsuit has been filed in district court to determine the terms and conditions of the easement.*

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 application. The time period on the stay has been extended until May 3<sup>rd</sup> for the county to make a final decision on the exemption application.*

~~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. The appeal has been withdrawn and the case dismissed as result of a settlement agreement.~~

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 was made to grant and hear the appeal. A DRC hearing occurred on March 7, 2024 and a recommendation will be presented to the Board at the April 24<sup>th</sup>, Board meeting.

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2023	Total for Calendar Year 2024
Order in favor of appellant		2
Order not in favor of appellant	7	
Order Modified	1	
Order Remanded	2	
Order Place Appeal in Abeyance	1	
Negotiated Settlement	1	
Withdrawn/Dismissed	3	



Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 45 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are no active Corrective Action Notices (CANs) and one Administrative Penalty Order (APO) issued by BWSR that is still active. Of the actions being tracked over 39 of those have been resolved.

Statewide 39 counties are fully compliant, and 48 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 264 CANs and 65 APOs actively in place. Of the actions being tracked over 2,775 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

### *Dispute Resolution Committee*

1. WCA Appeal (File 23-4) of a Wetland Bank Plan Decision Aitkin County – Rich Sve, Oliver Larson, Travis Germundson – **DECISION ITEM**

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** WCA Appeal (File 23-4) of a Wetland Bank Plan Decision Aitkin County

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**Meeting Date:** April 24, 2024

**Agenda Category:**     Committee Recommendation     New Business     Old Business

**Item Type:**             Decision                                     Discussion             Information

**Keywords for Electronic Searchability:** WCA Appeal File 23-4 Aitkin County Board Order

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**Section/Region:** Resource Conservation Section/Central

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson/Oliver Larson

**Reviewed by:** Dispute Resolution Committee    Committee(s)  
Rich Sve, DRC Chair/Oliver Larson,  
Attorney General’s Office/Travis  
Germundson, BWSR Staff

**Presented by:** Germundson, BWSR Staff

**Time requested:** 15-20 minutes

**Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**     Resolution     Order     Map     Other Supporting Information

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

Approval of Order that affirms Aitkin County’s May 22, 2023 Wetland Conservation Act (WCA) Notice of Decision approving an application for a wetland bank plan. The Order also includes a provision that denies the appellant’s request to supplement Aitkin County’s record with additional evidence.

**LINKS TO ADDITIONAL INFORMATION**

Aitkin County record of documents

[Aitkin County - Appeal of Mitigation Plan \(1070-1045 MBJ\) - Dropbox](#)

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

The appeal was brought before BWSR on June 16, 2023 by Bryan Huntington with Larkin Hoffman on behalf of Eric Trelstad (member of the public) to appeal a WCA Notice of Decision involving property located in Aitkin County. The May 22, 2023 decision by Aitkin County determined that the site is eligible for banking and approved a

wetland bank plan for Ecosystem Investment Partners (landowner) based on Technical Evaluation Panel (TEP) findings and recommendations. The wetland bank plan is referred to as the North Mille Lacs Meadows Wetland Mitigation Bank and incorporates approximately 622 acres of land that is projected to result in 433.45 credits. The county relied in part on a 2015 Plan (agreement) regarding best management practices for previous ditch maintenance activities that occurred on site. The county determined the site to be compliant with WCA and therefore eligible for wetland banking pursuant to Minn. Rules 8420.0526. Credits will be generated by restoring hydrology and native vegetation through an alternative method guidance (hydrologic restoration on cultivated fields (CFC)). The appellant claims that unauthorized drainage took place after the enactment of the WCA making the site not eligible for banking credits. The appellant maintains that the 2015 plan is not a decision and that the county's reliance on it is improper. The appeal requests that additional evidence be included into the record and that BWSR reverse the county's decision.

The Dispute Resolution Committee heard oral arguments from the parties to the appeal on March 7, 2024 during a public hearing. After review of the record, written briefs, and oral arguments, unanimously voted to recommend that the Aitkin County's decision be affirmed (denying the appeal) and declined the appellant's request to supplement the record with additional evidence. Determining that Aitkin County's existing record contains substantial evidence to support the decision and those additional documents were not material enough to be omitted into the record.

Additional details and basis for the recommendation is included in the Order/ Memorandum. To be provided prior to the Board Meeting.

**COMMITTEE RECOMMENDATIONS**

***Grants Program and Policy Committee***

1. Cooperative Weed Management Area Grants – Dan Shaw – ***DECISION ITEM***
2. Habitat-Friendly Utilities Program – Dan Shaw – ***DECISION ITEM***
3. FY25 Conservation Reserve Program State Incentives Grant Program – Jason Beckler – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Cooperative Weed Management Area Grants

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**Meeting Date:** April 24, 2024

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Weed, Management, Invasive Species

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**Section/Region:** Statewide

**Contact:** Dan Shaw

**Prepared by:** Dan Shaw

**Reviewed by:** Grants Program and Policy    Committee(s)

**Presented by:** Dan Shaw

**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 checked="" 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: ENRTF             | <input type="checkbox"/> Clean Water Fund Budget        |

**ACTION REQUESTED**

Recommend approval of the CWMA Grants and authorize staff to enter into grant agreements.

**LINKS TO ADDITIONAL INFORMATION**

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

Cooperative Weed Management Areas (CWMAs) are partnerships of federal, state and local government agencies, tribal governments and a wide range of other partners that manage noxious weeds or invasive plants across geographic areas. The FY 2024-25 CWMA Program has a total of \$200,000 to distribute to eligible applicants including SWCDs, Counties and Tribal Governments for newly developing and existing CWMAs/CISMAs in Minnesota. There were 17 applications for the FY 2024-25 CWMA grant applications requesting a total of \$255,000. The CWMA Interagency Advisory Team met on March 12<sup>th</sup> 2024 to rank grants and made the decision to award 13 applications. The Grants Program and Policy Committee, at their April 15, 2024 meeting, reviewed the proposed grant awards and recommended approval to the Board.

**BOARD ORDER**

**Fiscal Year 2024 and 2025 Cooperative Weed Management Area Grant Awards**

**PURPOSE**

Authorize the grant awards for fiscal year 2024 and 2025 General Fund Cooperative Weed Management Area (CWMA) grants.

**FINDINGS OF FACT / RECITALS**

- A. The Laws of Minnesota 2023, Chapter 60, Article 1, Section 4c(2), appropriated fiscal year 2024 and 2025 funds for county cooperative weed management cost-share programs; \$100,000 each year for fiscal year 2024 and 2025.
- B. The CWMA program provides financial assistance to SWCDs, Counties, and tribal governments to develop and sustain Cooperative Weed Management Areas that control emerging weed threats and manage natural areas and conservation lands through an integrated pest management and ecosystem approach.
- C. On October 25<sup>th</sup> 2023, by Board Order #23-58, the Board authorized a CWMA Grant Program for FY2024 and FY2025 to provide funds to existing, and newly establishing CWMA's through a competitive process.
- D. A Request for Proposals was available to applicants from November 1, 2023 through February 21, 2024.
- E. The inter-agency CWMA Advisory Team reviewed and ranked the applications on March 12th, 2024 and recommended that 13 of 17 applications be funded.
- F. The Grants Program and Policy Committee, at their April 15, 2024 meeting, reviewed the proposed grant awards and recommended approval to the Board.

**ORDER**

The Board hereby:

- 1. Approves the recommended allocation of funds as listed in the FY2024 & FY2025 Cooperative Weed Management Area Program Funding Recommendations. (*Attachment A*)
- 2. Authorizes staff to enter into individual grant agreements.
- 3. Authorizes staff to fund additional applications or provide added funding for this purpose if funds become available.
- 4. Establishes that the grants awarded pursuant to this order will conform to the BWSR Conservation Contracts Policy except for the eligibility criteria.

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

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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

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

<b><i>FY2024 &amp; FY2025 Cooperative Weed Management Area Program Funding Recommendations</i></b>	
<b>Organization</b>	<b>Request</b>
North St. Louis Soil and Water Conservation District	20,000
Washington Conservation District	15,000
Anoka Conservation District	15,000
Lake Soil and Water Conservation District	15,000
Stearns Soil and Water Conservation District	15,000
Winona Soil and Water Conservation District	15,000
Wright Soil and Water Conservation District	15,000
Chisago Soil and Water Conservation District	15,000
Koochiching Soil and Water Conservation District	15,000
Becker Soil and Water Conservation District	15,000
Scott Soil and Water Conservation District	15,000
Ramsey County Soil and Water Conservation	15,000
Red Lake Soil and Water Conservation District	15,000
<b>Total</b>	<b>\$200,000</b>



## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Habitat-Friendly Utilities Program

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**Meeting Date:** April 24, 2024

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Habitat, Solar, Utility, Biodiversity

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**Section/Region:** Statewide

**Contact:** Dan Shaw

**Prepared by:** Dan Shaw

**Reviewed by:** Grants Program and Policy    Committee(s)

**Presented by:** Dan Shaw

**Time requested:** 20 minutes

**Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**     Resolution     Order     Map     Other Supporting Information

**Fiscal/Policy Impact**

- |   |   |
|---|---|
| <input type="checkbox"/> None                     | <input checked="" 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: ENRTF             | <input type="checkbox"/> Clean Water Fund Budget        |

**ACTION REQUESTED**

This Board Order directs and authorizes staff to develop program criteria, issue solicitations for participation in the program, approve awards, and enter into agreements with program partners.

**LINKS TO ADDITIONAL INFORMATION**

The Habitat Friendly Utilities website is under development. A website exists for the Habitat Friendly Solar Program, which will be a sub program under Habitat Friendly Utilities: [Minnesota Habitat Friendly Solar Program | MN Board of Water, Soil Resources \(state.mn.us\)](https://www.mn.gov/Minnesota-Habitat-Friendly-Solar-Program)

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

The Minnesota Board of Water and Soil Resources has had a Habitat Friendly Solar program since 2016 and was appropriated funding in 2023 to expand the effort to include conservation efforts on additional types of utilities in partnership with utility companies and the larger conservation community. The purpose of the program is to provide financial and technical assistance to promote the successful establishment of native vegetation as part of utility projects, including solar and wind projects, pipelines, and electrical transmission corridors, and requires that the Board establish criteria for grants or payments, and allows the Board to collaborate with and enter into

agreements with Federal, State, and local agencies; Tribal Nations; utility companies; nonprofit organizations; and contractors to implement and promote the program. This Board Order directs and authorizes staff to develop program criteria, issue solicitations for participation in the program, approve awards, and enter into agreements with program partners.

## BOARD ORDER

### Fiscal Year 2024 and 2025 Habitat-Friendly Utilities Program

#### PURPOSE

Authorize the Fiscal Year 2024 and 2025 Habitat-Friendly Utilities Program and delegate funding mechanisms to staff.

#### FINDINGS OF FACT / RECITALS

- A. The Laws of Minnesota 2023, Chapter 60, Article 1, Section 4, paragraph (v) appropriated \$500,000 in Fiscal Year 2024 and \$500,000 in Fiscal Year 2025 to the Board for the Habitat-Friendly Utility Program.
- B. The Laws of Minnesota 2023, Chapter 60, Article 5, Section 7 provides the statutory authority for the Habitat-Friendly Utility Program (Minn. Stat. 103B.105), includes the purpose of the program to “provide financial and technical assistance to promote the successful establishment of native vegetation as part of utility projects, including solar and wind projects, pipelines, and electrical transmission corridors”, and requires that the Board establish criteria for grants or payments, and allows the Board to collaborate with and enter into agreements with “Federal, State, and local agencies; Tribal Nations; utility companies; nonprofit organizations; and contractors to implement and promote the program”.
- C. The Board has authorities under Minnesota Statutes §103B.101 to award grants and contracts to accomplish water and related land resources management.
- D. The Grants Program and Policy Committee, at their April 15, 2024 meeting, reviewed the proposed Habitat Enhancement Landscape Program criteria and recommended approval to the Board.

#### ORDER

The Board hereby directs and authorizes staff to:

1. Develop program criteria that increases collaboration with partners, protects habitat and water resources, provides landscape integrity and resilience, and ensures long-term program success.
2. Enter into agreements to implement the Habitat-Friendly Utility Program as allowed in statute 103B.105
3. Issue solicitations for participation in the Habitat-Friendly Utility Program.
4. Approve Habitat-Friendly Utility Program awards based on responses to solicitations and available funds.
5. Enter into agreements to implement the program as provided for in Minn. Stat. 103B.105 and other related statutory provisions.
6. Regularly report to the Board on the status of Habitat-Friendly Utility Program awards.

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

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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

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

DRAFT

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** FY25 Conservation Reserve Program State Incentives Grant Program

**Meeting Date:** April 24, 2024

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Habitat, Conservation Reserve Program, Wildlife, Pollinators, Water

**Section/Region:** Resource Conservation Section

**Contact:** Jason Beckler

**Prepared by:** Jason Beckler

**Reviewed by:** Grants Program and Policy    Committee(s)

**Presented by:** Jason Beckler

**Time requested:** 5 minutes

**Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**     Resolution     Order     Map     Other Supporting Information

**Fiscal/Policy Impact**

- |   |   |
|---|---|
| <input type="checkbox"/> None                     | <input checked="" 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 checked="" type="checkbox"/> Other:        | <input type="checkbox"/> Clean Water Fund Budget        |
| <u>New Program Authorization</u>                  |   |

**ACTION REQUESTED**

Approve the Board Order which authorizes the FY25 Conservation Reserve Program State Incentives Grant Program and authorizes staff to enter into agreements with eligible Comprehensive Watershed Management Plan partnerships.

**LINKS TO ADDITIONAL INFORMATION**

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

The BWSR FY25 Conservation Reserve Program State Incentives Grant Program is made possible through an appropriation from general funds (Laws of Minnesota 2023, Chapter 60, Article 1, Section 4 paragraph (s)). The FY25 Conservation Reserve Program State Incentives Grant Program is a continuation of a Pilot that started in 2023 with funding from the Legislative-Citizen Commission on Minnesota Resources’ Environment and Natural Resources Trust Fund. Updates from the Pilot Program include the expansion of eligible Comprehensive Watershed Management Plan partnerships and increases to eligible watershed allocations. Staff have completed an internal program development and review process with BWSR Teams including the Conservation Contracts Team, Grants Team, and Senior Management Team. The Grants Program and Policy Committee (GPPC) was briefed on the program at the January 10, 2024, and February 28, 2024 meetings. The GPPC recommended approval of the Board Order and Watershed Allocation List to the full board at their April 15, 2024 meeting.

Additional details and basis for the recommendation is included in the Order and attachments. To be provided prior to the Board Meeting.



## COMMITTEE RECOMMENDATIONS

### *Northern Regional Committee*

1. Rainy Headwaters-Vermilion Watershed Comprehensive Watershed Management Plan – Rich Sve, Ryan Hughes, and Chad Severts – **DECISION ITEM**

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Rainy Headwaters-Vermillion Watershed Comprehensive Watershed Management Plan

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**Meeting Date:** April 24, 2024

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information     Non-Public Data

**Keywords for Electronic Searchability:** Rainy Headwaters-Vermillion Comprehensive Watershed Management Plan

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**Section/Region:** Regional Operations/Northern

**Contact:** Ryan Hughes

**Prepared by:** Ryan Hughes

**Reviewed by:** Northern Regional Committee(s)

**Presented by:** Rich Sve, Ryan Hughes, Chad Severts

**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**

Approval of the Rainy Headwaters-Vermillion Watershed Comprehensive Watershed Management Plan

**LINKS TO ADDITIONAL INFORMATION**

[Rainy HW-VR 1W1P | North St. Louis Soil and Water Conservation District \(nslswcd.org\)](http://www.nslswcd.org)

[www.nslswcd.org/rrhwvr/](http://www.nslswcd.org/rrhwvr/)

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

The Rainy Headwaters-Vermillion Watershed planning area was approved for a One Watershed, One Plan planning grant at the regularly scheduled meeting of the BWSR on August 26, 2021. The planning partners established a Memorandum of Agreement (MOA) for the purposes of writing a Comprehensive Watershed Management Plan. The organizations signing the MOA included Cook County, Cook Soil and Water Conservation District (SWCD), Lake County, Lake SWCD, St. Louis County, and North St. Louis SWCD. Koochiching County and SWCD did not sign the Planning MOA due to the small area of their jurisdiction within the planning area.



The partnership held a 60-day plan review process that ended on January 6, 2024, and held the required public hearing on January 26, 2024. The final draft of the Plan, a record of the public hearing, and copies of all written comments were submitted to the state review agencies on February 5, 2024. The partnership has addressed and documented agency and public comments received throughout the Plan review process.

On April 3, 2024, the Northern Regional Committee met to review and discuss the Plan. Board regional staff provided its recommendation of Plan approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Plan to the full Board.

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

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

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**ORDER  
APPROVING  
COMPREHENSIVE  
WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Policy Committee of the Rainy Headwaters-Vermilion Watershed submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on February 5, 2024, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #21-08, and;

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

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

**FINDINGS OF FACT**

- Partnership Establishment.** The Rainy Headwaters-Vermilion Watershed Partnership (Partnership) was established through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Cook County, Cook Soil and Water Conservation District (SWCD), Lake County, Lake SWCD, St. Louis County, and North St. Louis SWCD.
- 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 adopted the One Watershed, One Plan Plan Content Requirements Version 2.1 policies.
- Nature of the Watershed.** The Rainy Headwaters-Vermilion Watershed is renowned for its abundant clear waters and glacially scoured lakes surrounded by boreal forest and dark night skies. The watershed is full of wilderness; the Boundary Waters Canoe Area Wilderness (BWCAW) is the largest federal wilderness area east of the Mississippi River; it is flanked by Voyageurs National Park (VNP) to the west and Quetico Provincial Park to the north on the Canadian side. The planning area totals 3,989 square miles (10,331 sq km) and covers four counties. There are 1,691 lakes including 103 lakes over 500 acres.

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 February 5, 2024, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board 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 addressing MDH's comments and noted that the plan was well written and thoughtful. MDH recommends approval of the plan.
  - B. Minnesota Department of Natural Resources (DNR): DNR staff is satisfied with the responses to issues raised during the 60-day review of the draft plan. 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 written, concise, and thorough. MPCA recommends approval of the plan.
  - D. Minnesota Environmental Quality Board (EQB): EQB acknowledged receipt of the plan.
  - E. Minnesota Department of Agriculture (MDA): MDA did not provide comments for the final plan.
  - 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:
  - Approximately 72% of the land is publicly owned, with federal (54%), private (27%) and state (18%) being the largest landholders.
  - The Planning area includes both the Rainy River Headwaters and Vermilion River major watersheds (HUC-8 scale). Both watersheds flow west towards Lake of the Woods.
  - It is within the larger 1854 Ceded Territory, and the Bois Forte Reservation is within the watershed, on the shore of Lake Vermilion.
  - High quality resource protection was an issue addressed in this plan, with thorough measurable goals established using a RAQ (Riparian, Adjacency, Quality) index identifying high scores for the most valued protection areas.
  - A Landscape Stewardship Plan was developed to complement the watershed plan and provided information on forest resources and their relationship to priority water resources.
  - Thirteen priority issues were selected for the Plan from existing documents, studies, data sets, public input, local knowledge as well as comment letters from state agencies, lake associations, and other local interest groups.

- The planning partners set 8 goals during the planning process from the priority issues. Each goal has short-term and long-term measurables and identifies priority areas. The targeted implementation for this plan will be focused on private land, particularly adjacent to priority streams and lakes. These waterbodies were selected due to their location, developmental pressure, or nutrient loads.
  - Specific “lenses” such as Climate Change and Resilience, Cultural Resources, Equity, Inclusion and Diversity, and Social Capacity were used to uncover potential overlooked opportunities throughout the plan area rather than being identified as a specific issue.
7. **Planning Boundary Adjustment.** The Board maintains a suggested planning boundary map for the One Watershed, One Plan program. The Rainy Headwaters-Vermilion Watershed partnership proposed a boundary adjustment in the application for funding. The Partnerships provided documentation for local concurrence, rationale, and justification of the adjusted boundary. The adjusted boundary was approved by Board staff per the One Watershed, One Plan Operating Procedures. The adjusted boundary is included as Figure 1.1 on page 2 in the Plan.
  8. **Northern Regional Committee.** On April 3, 2024, the Northern Regional Committee met to review and discuss the Plan. Those in attendance were Committee Chair Rich Sve, LeRoy Ose, Todd Holman, Theresa Ebbenga, Jeff Berg, Neil Peterson and Ron Staples. BWSR staff in attendance were Ryan Hughes, Northern Region Manager; Chad Severts, Board Conservationist; Melanie Bomier, Board Conservationist; Jeff Hrubes, Clean Water Specialist; and Carrie Moline-Rust, Office & Administrative Specialist. The representatives from the Partnership were Becca Reiss, North St. Louis SWCD; Illena Hansel, Cook SWCD; Tara Solem, Lake SWCD; Ade Tse, St. Louis County; Anita Provinzio, North St. Louis SWCD; Ann Sullivan, Cook County; Beth Hippert, Lake SWCD; Chuck Bainter, North St. Louis SWCD; Joe Baltich, Lake County; Phil Norvitch, North St. Louis SWCD; Hilary Freeman, Cook SWCD; Moriya Rufer, Houston Engineering; and Aaron Frankle, Houston Engineering. Becca Reiss, Illena Hansel, and Tara Solem 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.
  9. This Plan will be in effect for a ten-year period until April 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 Rainy Headwaters-Vermilion Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
3. The Rainy Headwaters-Vermilion 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 One Watershed, One Plan Suggested Boundary Map is adjusted to reflect the boundary identified in the Plan.

6. The attached Plan when adopted through local resolution by the members of the Partnership will replace 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 Rainy Headwaters-Vermilion Watershed, submitted February 5, 2024.

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

### **MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

---

BY: Todd Holman, Chair

April 24, 2024

Rainy Headwaters-Vermilion Watershed Policy Committee  
c/o Becca Reiss, North St. Louis SWCD  
505 3<sup>rd</sup> Street North, Ste A  
Virginia, MN 55792

**RE: Approval of the Rainy Headwaters-Vermilion Watershed Comprehensive Watershed Management Plan**

Dear Rainy Headwaters-Vermilion Watershed Policy Committee:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you the Rainy Headwater-Vermilion Watershed Comprehensive Watershed Management Plan (Plan) was approved at its regular meeting held on April 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 April 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 Melanie Bomier of our staff at 651-249-7519 or [melanie.bomier@state.mn.us](mailto:melanie.bomier@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.

<b>Bemidji</b> 403 Fourth Street NW Suite 200 Bemidji, MN 56601 (218) 755-2600	<b>Brainerd</b> 1601 Minnesota Drive Brainerd, MN 56401 (218) 203-4470	<b>Detroit Lakes</b> 26624 N. Tower Road Detroit Lakes, MN 56501 (218) 846-8400	<b>Duluth</b> 394 S. Lake Avenue Suite 403 Duluth, MN 55802 (218) 723-4752	<b>Mankato</b> 11 Civic Center Plaza Suite 300 Mankato, MN 56001 (507) 344-2826	<b>Marshall</b> 1400 East Lyon Street Marshall, MN 56258 (507) 537-6060	<b>Rochester</b> 3555 9 <sup>th</sup> Street NW Suite 350 Rochester, MN 55901 (507) 206-2889	<b>St Cloud</b> 110 Second St. South Suite 307 Waite Park, MN 56387
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*Equal Opportunity Employer*



# One Watershed, One Plan





## Acknowledgments



## Project Partners



## Steering Committee

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Anita Provinzino, North St. Louis SWCD  
Becca Reiss, North St. Louis SWCD  
Ilena Hansel, Cook SWCD  
Kari Hedin, Lake County SWCD  
Moriya Rufer, Houston Engineering Inc.  
Phil Norvitch, North St. Louis SWCD  
Tara Solem, Lake County SWCD

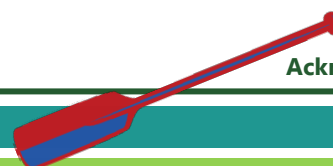
## Prepared By

Moriya Rufer and Aaron Frankl  
Houston Engineering  
7550 Meridian Circle North, Suite 120  
Maple Grove, MN 55369

## Funded By



*We would like to thank the Bois Forte Band of Chippewa for the tour of the Bois Forte Heritage Center and Cultural Museum in March of 2023.*



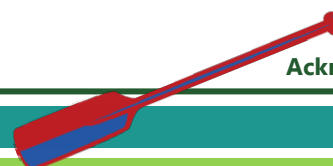


## Technical Advisory Committee

Ada Tse, St. Louis County Planning  
Amy Mustonen, MPCA  
Beth Kleinke, NRCS  
Chad Severts, BWSR  
Chris Holm, Bois Forte Band of Chippewa  
Chris Parthun, MDH  
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Ryan Logan, St. Louis County Planning  
Ryan Maki, Voyageurs National Park  
Tara Solem, Lake County SWCD  
Tyler Kaspar, 1854 Treaty Authority

## Policy Committee

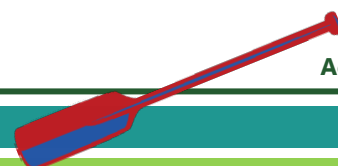
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Beth Hippert, Lake County SWCD  
Chuck Bainter, North St. Louis SWCD  
Paul McDonald, St. Louis County  
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Stanley Tull, Cook County SWCD



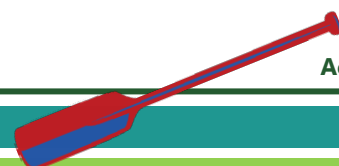


## Acronyms

1W1P	One Watershed, One Plan
AC	Advisory Committee
AIS	Aquatic Invasive Species
ATV	All-Terrain Vehicle
BANCS	Bank Assessment of Nonpoint Source Consequences of Sediment
BMP	Best Management Practice
BWCAW	Boundary Waters Canoe Area Wilderness
BWSR	Board of Water and Soil Resources
CPF	Compensation Planning Framework
CRP	Conservation Reserve Program
CSP	Conservation Stewardship Program
CWMP	Comprehensive Watershed Management Plan
DNR	Minnesota Department of Natural Resources
DO	Dissolved Oxygen
DWSMA	Drinking Water Supply Management Area
EAB	Emerald Ash Borer
EPA	Environmental Protection Act
EQIP	Environmental Quality Incentives Program
FSA	Farm Service Agency
HEI	Houston Engineering, Inc.
HSPF	Hydrologic Simulation Program – Fortran
HUC	Hydrologic Unit Code
IBA	Important Bird Area
LCCMR	Legislative-Citizen Commission on Minnesota Resources
LGU	Local Government Unit
LSOHC	Lessard-Sams Outdoor Heritage Council
LSP	Landscape Stewardship Plan
MDA	Minnesota Department of Agriculture
MDH	Minnesota Department of Health
MIDS	Minimal Impact Design Standards
MnDOT	Minnesota Department of Transportation
MOA	Memorandum of Agreement
MPCA	Minnesota Pollution Control Agency
MRWA	Minnesota Rural Water Association
NFWF	National Fish and Wildlife Foundation
NLCD	National Land Cover Dataset
NRCS	Natural Resources Conservation Service
PC	Policy Committee
PCB	Polychlorinated Biphenyls
PFAS	Per- and polyfluorinated substances
PFC	Perfluorochemicals



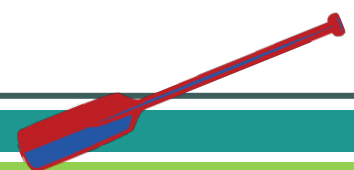
RAQ	Risk Adjacency Quality
RCP	Regional Conservation Partnership Program
RH-V	Rainy Headwater - Vermilion Watershed
RH-V CWMP	Rainy Headwater - Vermilion Watershed Comprehensive Watershed Management Plan
RIM	Reinvest in Minnesota (Easement Program)
SAM	Scenario Application Manager
SFIA	Sustainable Forest Incentive Act
SSTS	Subsurface Sewage Treatment Systems
SWCD	Soil and Water Conservation District
TMDL	Total Maximum Daily Load
TNC	The Nature Conservancy
TSS	Total Suspended Solids
U of MN	University of Minnesota
USDA	United States Department of Agriculture
USACE	US Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VNP	Voyageurs National Park
WBIF	Watershed-Based Implementation Funding
WCA	Wetland Conservation Act
WHAF	Watershed Health Assessment Framework
WMA	Wildlife Management Areas
WPLMN	Watershed Pollutant Load Monitoring Network
WRAPS	Watershed Restoration and Protection Strategy

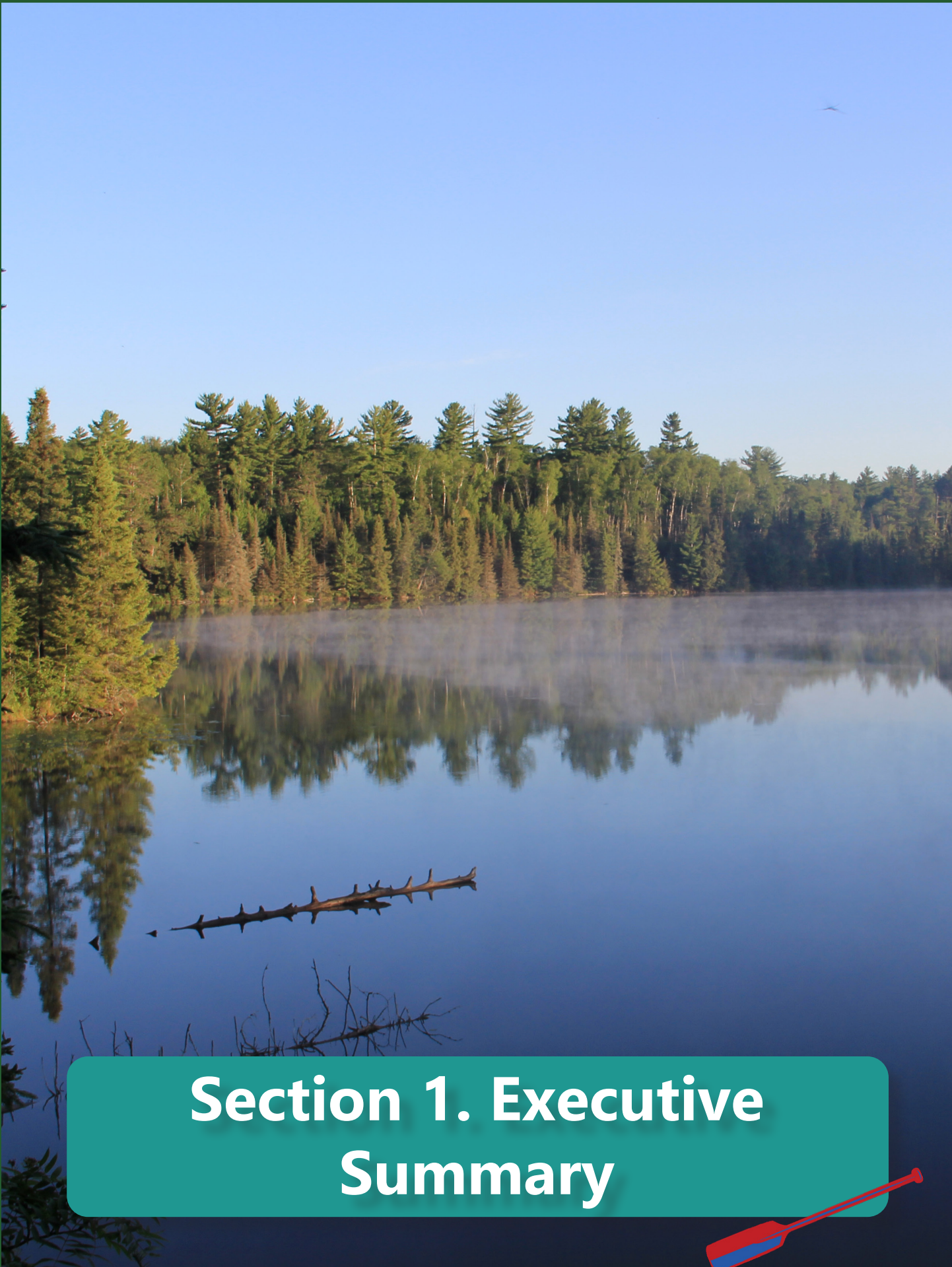




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# Section 1. Executive Summary





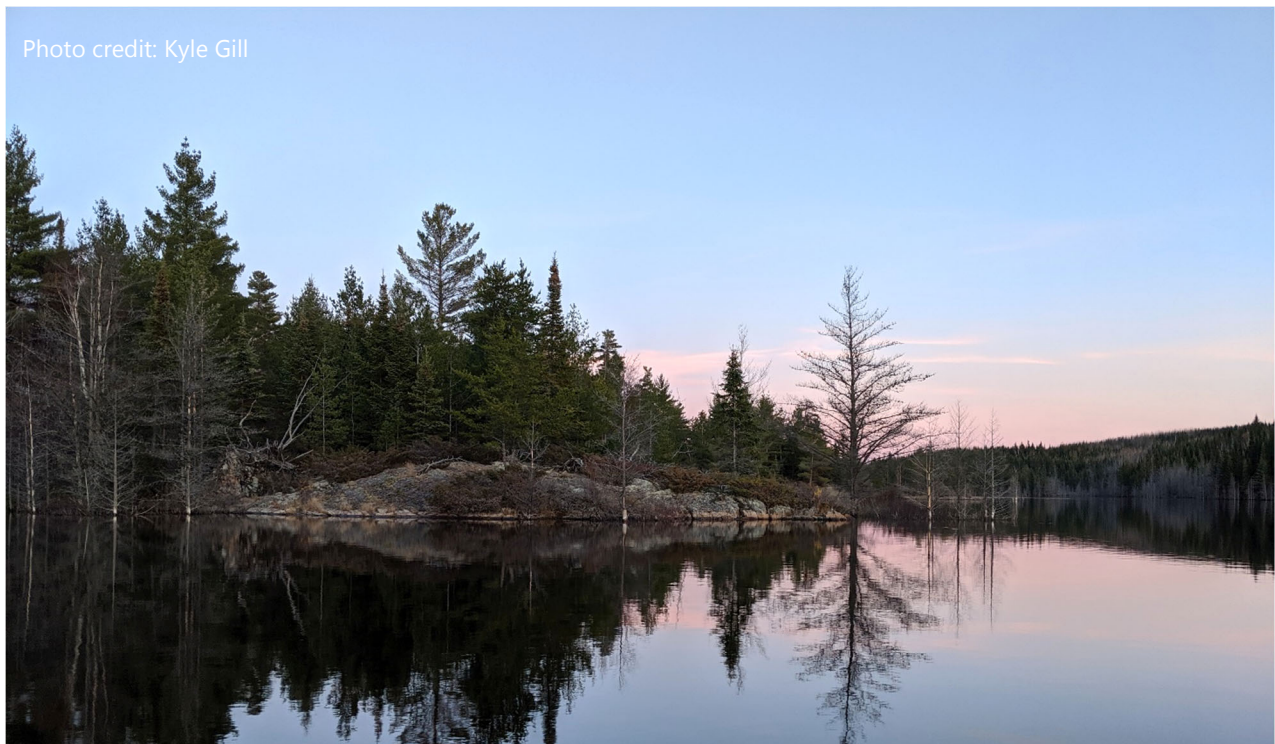
# Section 1.

## Executive Summary

The northern Minnesota region that contains the Rainy Headwaters – Vermilion Watershed (RH-V) has a special place in the hearts of Minnesotans and others. The Boundary Waters Canoe Area Wilderness, Superior National Forest, Voyageurs National Park, and Bois Forte Band of Ojibwe are all part of this pristine and beautiful area. The history and unique qualities are summarized in the watershed vision statement below.

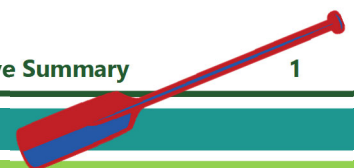
The Rainy Headwaters – Vermilion Comprehensive Watershed Management Plan (RH-V CWMP) was developed between 2022-2023 through the Minnesota Board of Water and Soil Resources (BWSR) MN Statutes §103B.801, the One Watershed, One Plan (1W1P) program. This plan was developed to provide a single set of goals for the RH-V. The following plan sections describe the process by which the planning partners determined priority issues and resources within the watershed, developed measurable goals to improve or protect those resources, and compiled implementation actions to meet those goals over the 10-year implementation period.

Photo credit: Kyle Gill



### WATERSHED VISION STATEMENT

*From the Voyageurs Highway to Highway 1, the Rainy Headwaters-Vermilion Watershed is the international intersection of pristine water, rich species diversity, awe inspiring wilderness, and a deep-rooted culture. We work to sustain these features cherished by all peoples.*



The RH-V is comprised of two watersheds (Figure 1.1): the Vermilion River Watershed and the Rainy River - Headwaters Watershed. Both watersheds drain into the Rainy River, flowing west towards Lake of the Woods. Watersheds are grouped by size or Hydrologic Unit Codes (HUC) and this plan addressed the HUC 8 watersheds of the Vermilion River (09030002) and the Rainy River – Headwaters (09030001).

The RH-V is 3,989 square miles (10,331 square km) and includes 1,691 lakes. Of these, 103 lakes are

over 500 acres in area. The watershed has over 6,500 miles (10,460 km) of streams. A large majority of the land in the watershed is public land, with only 26.5% being held privately. The federal government is the largest landowner in the RH-V, approximating 54.4% of the watershed.

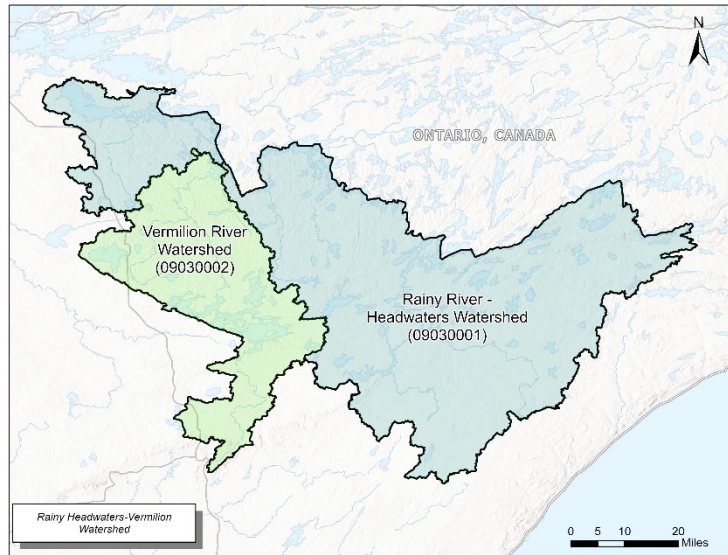


Figure 1.1. HUC 8 boundaries of the RH-V Watershed.

## Roles and Responsibilities

The RH-V CWMP planning effort began with a Memorandum of Agreement (MOA) between Cook County, Cook Soil and Water Conservation District (SWCD), Lake County, Lake SWCD, St. Louis County, and North St. Louis SWCD. A representative from each governmental unit was appointed by each county and SWCD board to serve on the Policy Committee, which is the decision-making body for this plan (Figure 1.2).

The plan content was shaped by the Advisory Committee (AC), which consisted of the counties and SWCDs in the watershed, State Agencies, Federal Agencies, the 1854 Treaty Authority, and other local stakeholders. The Bois Forte Band of Chippewa were invited to participate and hosted one of the AC meetings.

The Steering Committee guided the planning process, produced the plan content, and developed the details for implementation options and best management practices. The



Figure 1.2. Committees involved in the RH-V CWMP.



Steering Committee is the core group responsible for tracking, administrating, and implementing the plan.

## Priority Resources

Through the planning process, the planning partners prioritized areas and developed resource categories to target implementation within the planning area. Resource categories were developed to group natural resources concerns and conservation topics while listing potential actions under each (Figure 1.3).



Figure 1.3 Resource categories developed for the RH-V CWMP.

To further the prioritization process, priority lakes and streams were identified within the watershed. Due to the large number of lakes and streams in the watershed, it was essential to identify locations to prioritize conservation resources. Identifying these lakes and streams early in the planning process would best allow for the planning committee to set measurable goals and implementation actions to meet these goals.

Lakes and streams were prioritized using a variety of sources:

- Public input at public kick-off meetings and an online survey
- Issues identified in existing documents, studies, and data sets (e.g. Watershed Restoration and Protection Strategies (WRAPS) reports)
- Planning committees and their professional expertise

Lakes and streams were assigned to one of four categories or management strategies, based on data and their needs: Vigilance, Protect, Enhance, and Restore (Table 1.1). These are commonly used management strategies in watersheds in Northern Minnesota where most of the subwatersheds have a high percentage of protected lands.

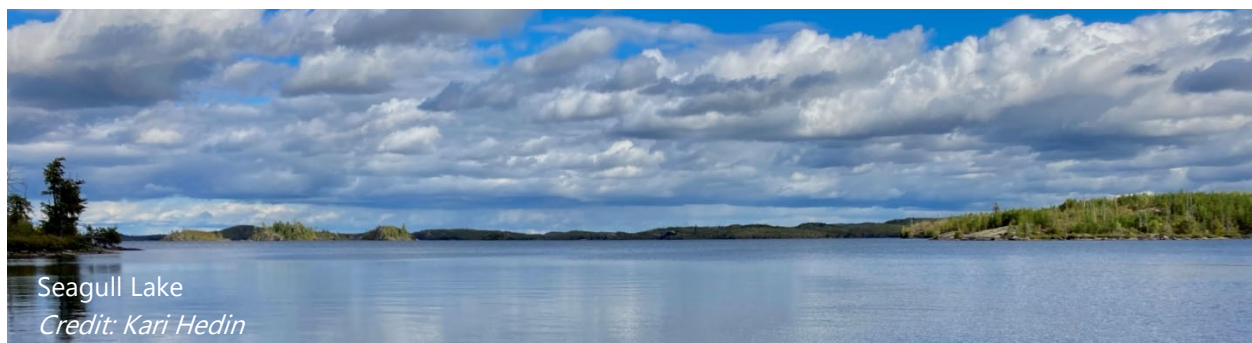


Table 1.1 Management strategies for resource prioritization.

Management Strategy	Definition
<b>Restore</b>	These resources are impaired (nutrients, <i>E. coli</i> , or total suspended solids (TSS)/Turbidity). These streams and lakes require restoration.
<b>Enhance</b>	These resources are at risk, but not impaired. Criteria include degrading water clarity, percentage of lands vulnerable to future land use change, minor watershed protection (<75%), and nearly impaired. Water bodies with <75% permanent protection have been shown to be more vulnerable to water quality degradation. Enhancement projects, nutrient reduction, and land protection are necessary for this category.
<b>Protect</b>	These resources are in good condition. They may have some developmental pressure or risk of land use change impacts. Water bodies have >75% minor watershed permanent protection (public waters, public land, wetlands, conservation easements, Sustainable Forest Incentive Act (SFIA)).
<b>Vigilance</b>	These resources are in excellent condition and have permanent protections in place to maintain their condition. Future risks are low, but maintaining land protection and continued monitoring is important.

A series of criteria were then used to divide the lakes and streams in the RH-V into these management strategies. Those criteria are shown in Table 1.2.

Table 1.2 Criteria for management strategies and the identified lakes and streams in those strategies.

Management Strategy	Lake Criteria	Lakes Identified	Stream Criteria	Streams Identified
<b>Restore</b>	Impaired for nutrients	1	Impaired for <i>E. coli</i> and/or TSS/Turbidity	2
<b>Enhance</b>	Declining water quality trend, <75% protected watershed, and/or nearly impaired	8	Vulnerable, <75% protected watershed, and/or nearly impaired	6
<b>Protect</b>	Stable or improving trend and >75% protected	18	>75% protected, exceptional use standard, cold water habitat	10
<b>Vigilance</b>	All lakes in his planning area not in the categories above.		All streams in his planning area not in the categories above.	

Maps of priority lakes and streams can be found in Figure 1.4 and Figure 1.5. Lists of priority lakes and streams and those highlighted in Figure 1.4 and Figure 1.5 can be found in Section 4.



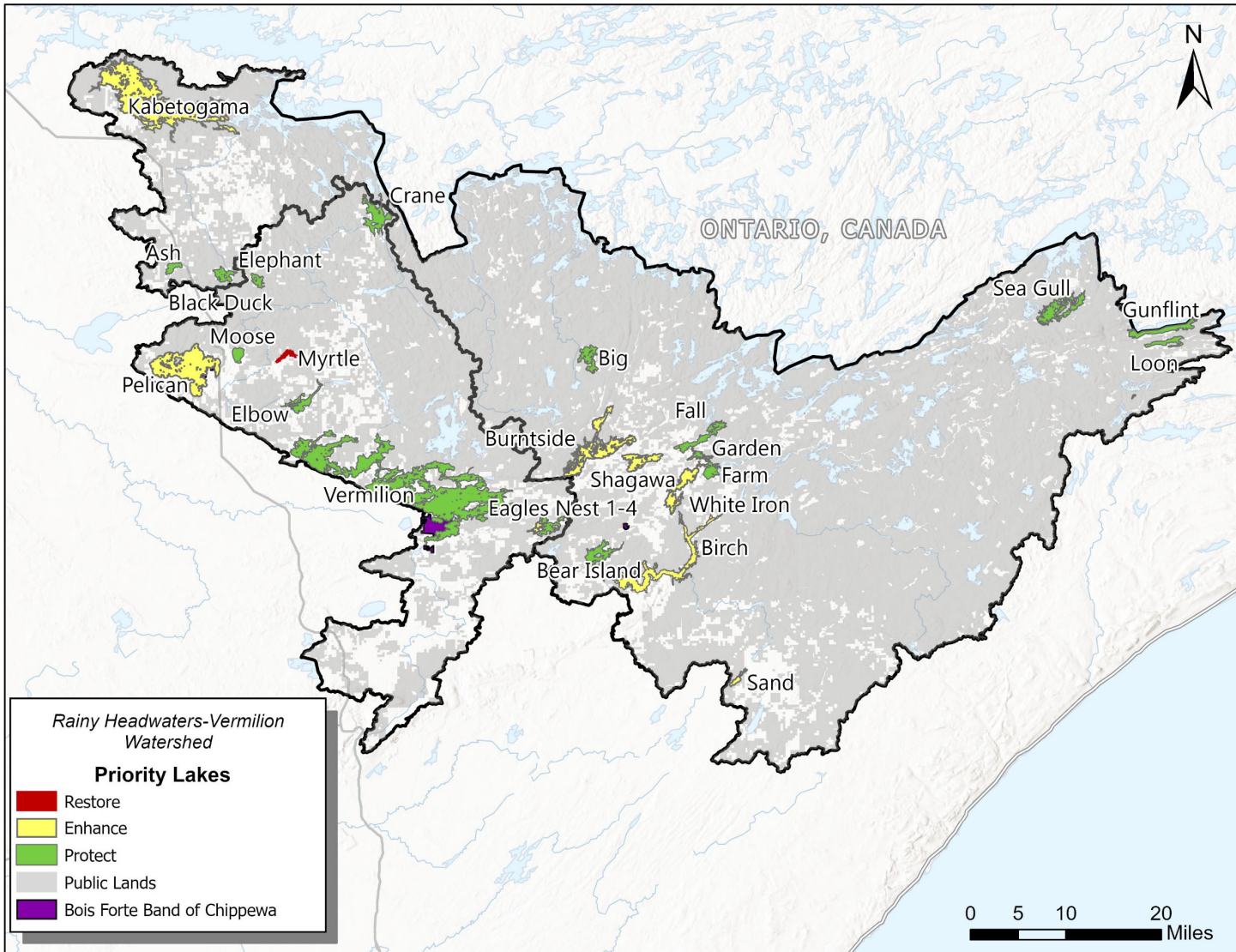


Figure 1.4. Priority lakes by management strategy.

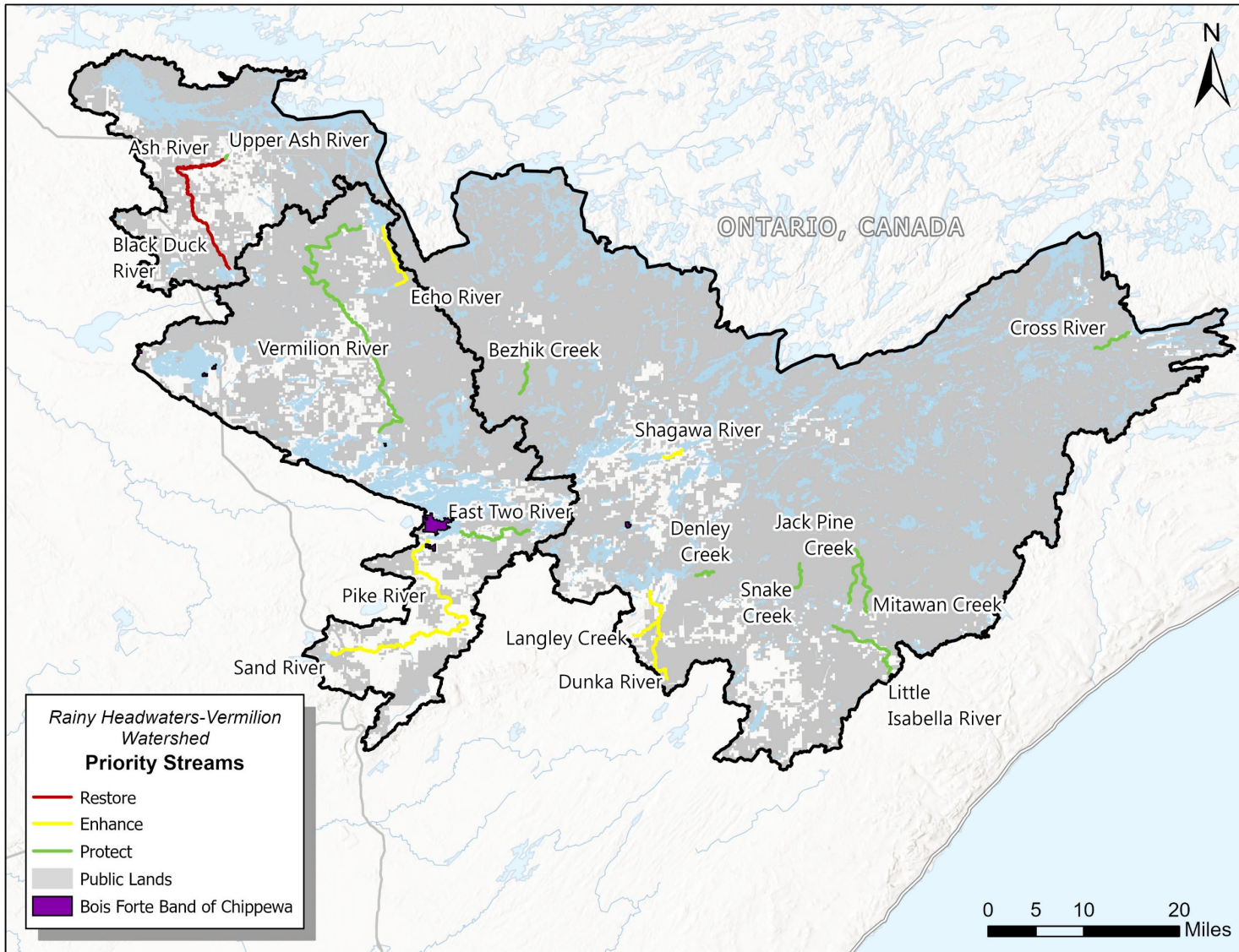
























Figure 1.5 Priority streams by management strategy.

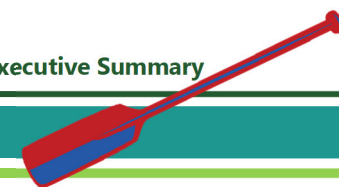
## Priority Issues

In tandem with priority lakes and streams, priority issues were identified. An initial comprehensive list of issues that impact land and water resources in the watershed were identified from existing documents, studies, data sets, public input, local knowledge, as well as comment letters from state agencies, lake associations, and other local interest groups. This comprehensive set of priority issues was then prioritized to the most pressing issues in the watershed through committee discussions and public input. A full list of the priority issues identified can be found in Table 1.3. The table includes the impacted resource categories and an issue statement (Figure 1.3).

Table 1.3 Issue statements and resource categories impacted by those issues.

Impacted Resource Category	Issue Statement
 <p>Lakes   Streams   Groundwater</p>	<p><b>Pollutants</b> have the potential to impact water quality, aquatic recreation, aquatic consumption, and aquatic life.</p>
 <p>Lakes</p>	<p><b>Shoreline erosion</b> caused by increased development and the removal of natural buffers impacts habitat and water quality.</p>
 <p>Lakes   Streams   Groundwater</p>	<p><b>Individual waste treatment systems</b> that are failing contribute pollutants to groundwater and surface water.</p>
 <p>Lakes   Streams   Groundwater</p>	<p><b>Stormwater runoff</b> increases peak flows and contributes pollutants to stream, lakes, and groundwater.</p>
 <p>Lakes   Streams   Groundwater   Farms   Forest   Wetlands</p>	<p><b>Land use change</b> from development, resource extraction, and outdoor recreational use can impact water quality and habitat.</p>
 <p>Forest</p>	<p><b>Forest management</b> is needed to improve forest health and resiliency, as well as protect against terrestrial invasive species.</p>



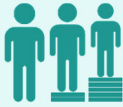

Impacted Resource Category	Issue Statement
 Streams	<p><b>Connectivity barriers</b> impact biological communities and stream geomorphology.</p>
  Lakes Streams	<p><b>Wild Rice</b> requires mitigation from development, climatic changes, contaminants, and invasive species.</p>
 Groundwater	<p><b>Groundwater quality and sustainability</b> need protection.</p>
   Lakes Streams Wetlands	<p><b>Aquatic invasive species</b> impact recreational activities and may result in reduced biodiversity in lakes and streams.</p>
   Lakes Streams Wetlands	<p><b>Altered hydrology</b> including channelized streams and ditch systems, increase erosion and flow, with the potential to impair water bodies.</p>
     Lakes Streams Wetlands Forests Groundwater	<p><b>Sufficient protection</b> is needed for outstanding resources and sensitive species to maintain water and habitat quality.</p>
 Streams	<p><b>Eroding streambanks</b> contribute to turbidity impairments and reduced habitat quality.</p>



## Issue Lenses

During the planning process, issue lenses based on scientific and cultural knowledge in the watershed were developed (Table 1.4). These lenses were directly applied to help prioritize issues, develop goals, and create implementation actions. Using these lenses will allow for stronger plan implementation over the 10-year plan period.

Table 1.4 Issue lenses used throughout the RH-V CWMP.

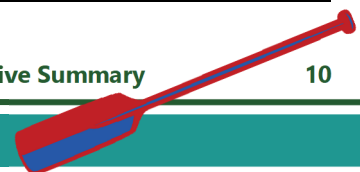
Issue Lens	Description
 <p><b>Climate Variability and Resilience</b></p>	Climate change impacts every aspect of watershed management. Variability in the coming decades is likely to affect plan implementation. Because of this, creating goals and actions require extra attention to both mitigate the impacts of variability and build resilience in the watershed.
 <p><b>Cultural Resources</b></p>	The RH-V is a unique watershed with diverse species, citizens, and waterbodies. Considering the cultural resources in the RH-V is essential to creating and implementing a successful plan. During the planning process, projects that protect or restore cultural resources may receive priority.
 <p><b>Equity, Inclusion, and Diversity</b></p>	Everyone in the RH-V is impacted by water quality and environmental concerns. Efforts in this planning process were completed using the lens of equity to focus efforts in disadvantaged communities. This also includes facilitating involvement with all groups and considering all voices in the planning and implementation process.
 <p><b>Social Capacity</b></p>	The RH-V has a unique and diverse group of citizens living with the watershed. Completing the goals laid out in this plan will be dependent on the capacity of individuals, landowners, businesses, and other organizations within the watershed to facilitate and participate in projects and actions that protect the environment and water quality.

## Measurable Goals

Measurable goals are one of the most important steps in the planning process. The goals build upon the previous sections' work of identifying priority issues, lakes, and streams. Goals set quantitative, measurable progress that directly address the priority issues of the plan. A summary of the plan goals can be found in Table 1.5 Short-term goals are for the 10-year plan implementation period. Long-term goals are the desired future condition of the watershed. Priority areas are the focus areas for implementation actions.

Table 1.5 Plan goals.

<b>GOAL: LAKE &amp; LAKESHORE MANAGEMENT</b>		
<b>Short-term:</b> 2 miles of lakeshore restored to natural vegetation	<b>Long-term:</b> halt the long-term trends of natural shoreline loss	<b>Priority areas:</b> priority lakes
<b>GOAL: RIPARIAN ENHANCEMENT</b>		
<b>Short-term:</b> enhance 1 mile of riparian land; implement 100 acres of agricultural Best Management Practices (BMPs)	<b>Long-term:</b> meet the total maximum daily load (TMDL) goals in the Blackduck and Ash Rivers	<b>Priority areas:</b> Blackduck and Ash Rivers, priority streams
<b>GOAL: LAND PROTECTION</b>		
<b>Short-term:</b> protect 1,570 acres in the watershed (10% of Land Stewardship Plan (LSP) goal)	<b>Long-term:</b> meet the LSP goal of 15,706 acres	<b>Priority areas:</b> areas with high and medium Riparian, Adjacency, and Quality scores identified in the LSP
<b>GOAL: FOREST HEALTH</b>		
<b>Short-term:</b> manage 4,200 acres of private forested land (5% of LSP goal)	<b>Long-term:</b> meet the LSP goal of 83,777 managed acres	<b>Priority areas:</b> priority areas identified by LSP
<b>GOAL: CONNECTIVITY ENHANCEMENT</b>		
<b>Short-term:</b> 10 connectivity barriers removed	<b>Long-term:</b> replace all priority barriers and inventory all connectivity barriers	<b>Priority areas:</b> priority culverts identified by the Minnesota Department of Natural Resources (DNR); Ash and Blackduck Rivers
<b>GOAL: DRINKING WATER PROTECTION</b>		
<b>Short-term:</b> seal 50 unused wells; replace 50 noncompliant septic systems	<b>Long-term:</b> replace all failing septic systems and seal unused wells; create private wellhead protection programs	<b>Priority areas:</b> Drinking water supply management areas (DWSMAs); surface water drinking lakes
<b>GOAL: STORMWATER MANAGEMENT</b>		
<b>Short-term:</b> 4 stormwater plans and 4 stormwater projects	<b>Long-term:</b> implement stormwater projects in each city	<b>Priority areas:</b> Each city and large developed areas; golf courses, resorts, intensely developed areas
<b>GOAL: WATER RETENTION</b>		
<b>Short term:</b> 0% change in current watershed discharge and build resiliency	<b>Long term:</b> No net loss of water storage	<b>Priority areas:</b> priority areas identified in WRAPS development and runoff scenarios





## Implementation

Funding levels for the RH-V CWMP are shown in Table 1.6. There are three funding levels, all of which contribute to plan implementation:

- **Base:** Current baseline funding. This is funding that the local government units (LGUs) currently receive through state and county allocations and competitive grant applications and spend on conservation implementation in the RH-V.
- **WBIF:** Watershed Based Implementation Funding (WBIF). WBIF is noncompetitive funding available to the partnership after the plan is adopted. It comes from the Minnesota Clean Water Land and Legacy Amendment.
- **Other:** Other funding. This is funding from partners and other funding programs such as Lessard Sams Outdoor Heritage Fund, 319 Funds, and additional federal funds.

Table 1.6 Funding levels for the RH-V CWMP.

Funding Level	Description	Estimated 10-Year Total
<b>Base</b>	<b>Current Baseline Funding</b>	<b>\$5,780,000</b>
<b>WBIF</b>	<b>Watershed Based Implementation Funding</b>	<b>\$5,255,600</b>
<b>Other</b>	<b>Other Funding (i.e. Lessard Sams, DNR, 319 Funds, USFS)</b>	<b>\$11,414,500</b>

In addition, there are defined implementation programs to help guide 10-year implementation period. These programs help sort implementation actions into different programs. Implementation requires balance between planned landscape management (“Manage It”), constructed environmental enhancements (“Fix It”), protected lands maintenance (“Keep It”), and Data Collect and Outreach (“Know It”) (Figure 1.6).

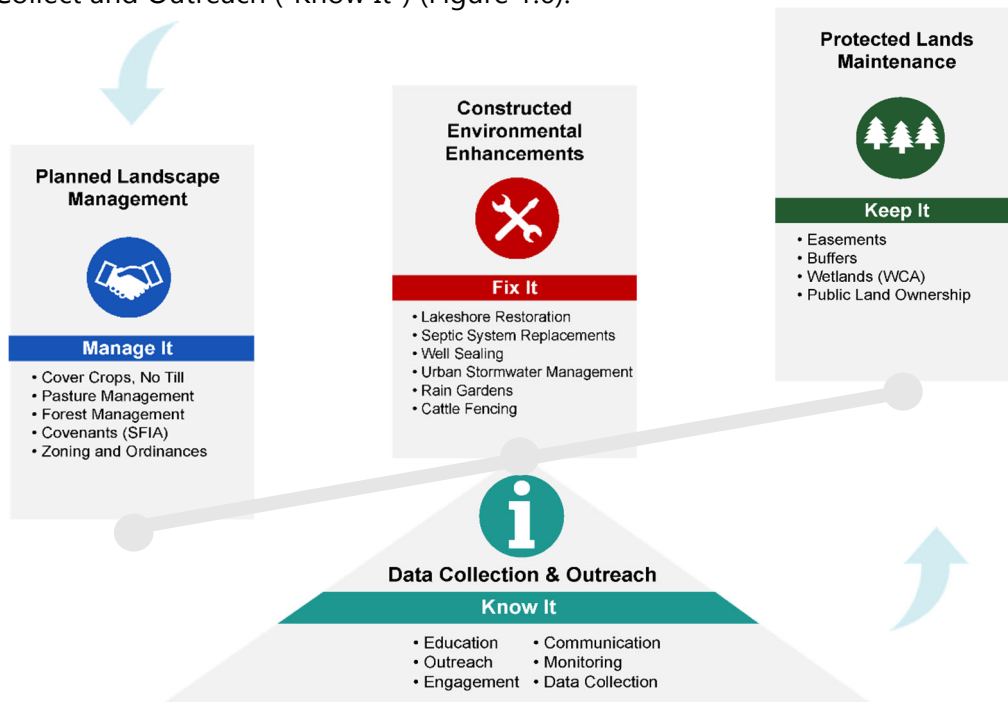


Figure 1.6. Implementation Programs in the RH-V CWMP.

The Rainy Headwaters-Vermilion Partnership is a collaboration of LGUs in St. Louis, Lake, and Cook Counties (Figure 1.7). These entities previously entered into a Memorandum of Agreement (MOA) for planning the 1W1P to form a Policy Committee for RH-V (Appendix F). The LGUs in the MOA include St. Louis County and North St. Louis Soil and Water Conservation District (SWCD), Lake County and SWCD, and Cook County and SWCD. Other local collaborators outside of the formal agreement include Koochiching County and SWCD, as well as the Bois Forte Band of Chippewa (Figure 1.7).

The entities will enter into a new memorandum of agreement to implement the plan. The Policy Committee is advisory to the individual county and SWCD boards under the umbrella of the MOA.

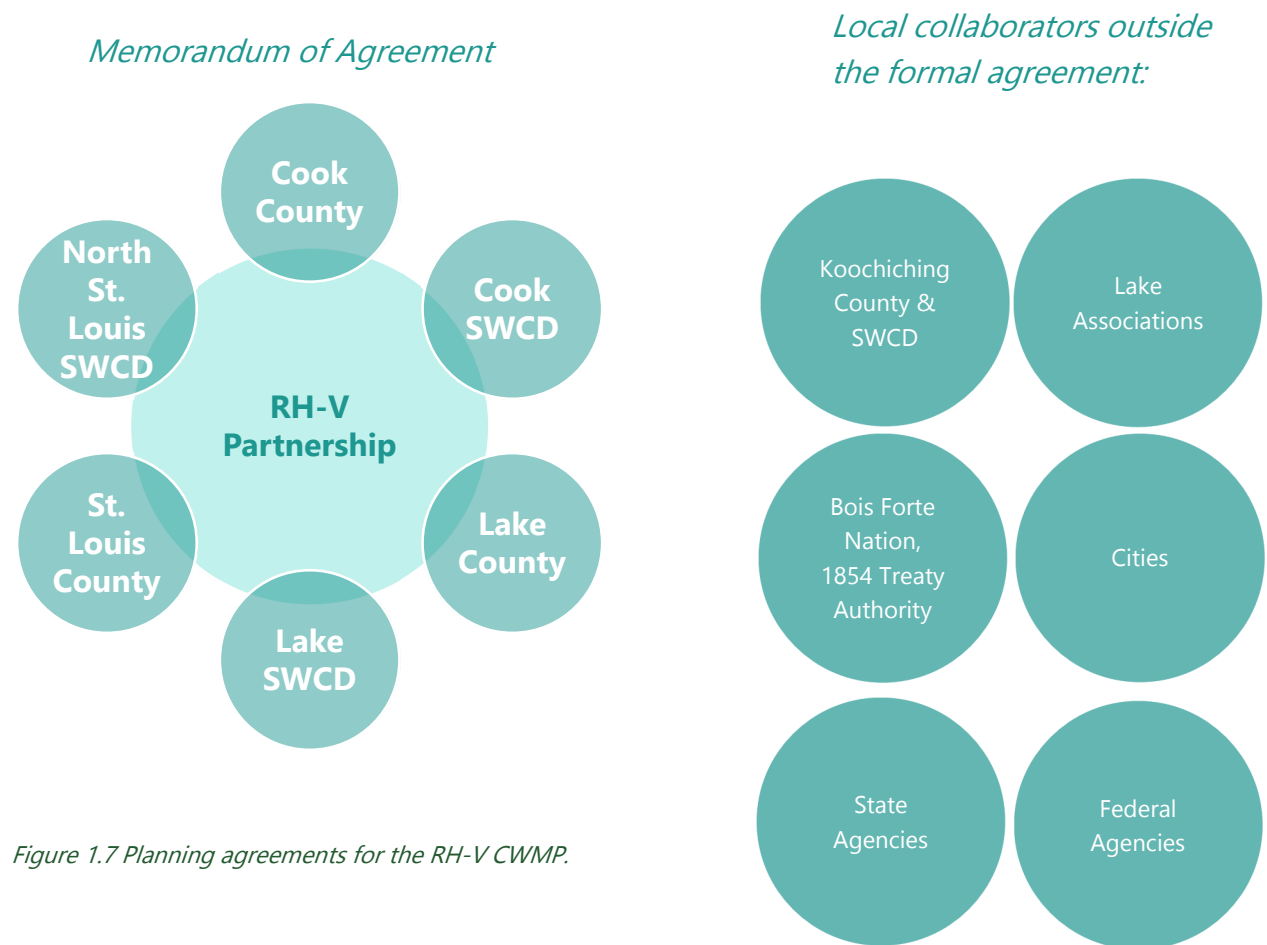


Figure 1.7 Planning agreements for the RH-V CWMP.

## **COMMITTEE RECOMMENDATIONS**

### ***RIM Reserve Committee***

1. Easement Alteration Request - RIM Easement #46-17-99-01 – Karli Swenson – ***DECISION ITEM***
2. Easement Alteration Request – RIM Easement #67-01-07-04 – Karli Swenson – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Easement Alteration Request - RIM Easement #46-17-99-01

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**Meeting Date:** April 24, 2024

**Agenda Category:**     Committee Recommendation     New Business     Old Business

**Item Type:**             Decision                                     Discussion             Information

**Section/Region:**        Easements Section

**Contact:**                Sharon Doucette, Section Manager

Karli Swenson

**Prepared by:**            Conservation Easement Specialist

**Reviewed by:**            RIM Reserve                                Committee(s)

**Presented by:**           Karli Swenson

**Time requested:**        15 minutes

**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**

Board approval to amend RIM easement #46-17-99-01 in Martin County, in accordance with MN Rule 8400.3610 and BWSR’s Easement Alteration Policy. This is a private landowner request to release 1.75 acres from the existing easement and add 3.5 acres of additional crop land to the easement in return. This request would fulfill the required acre replacement ratio of 2:1 and meets all other conditions of the Easement Alteration Policy.

**LINKS TO ADDITIONAL INFORMATION**

Easement Alteration Policy <https://bwsr.state.mn.us/easement-alteration-policy>

Attachments:

1. Easement Alteration Map
2. Letter of support from Martin SWCD Board
3. Letter of support from DNR Area Wildlife Supervisor
4. Landowner Letter

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

BWSR acquired RIM easement #46-17-99-01 in Martin County on March 26, 2001. The original easement is a 27-acre CREP easement, consisting of a 9-acre wetland restoration and 18 acres of upland seeded to a native grass and forb mix with some pre-existing trees and shrubs. The original easement grantors, Lawrence and Diane Sukalski, are still the current owners of the parcel. The 15-year CRP contract has since expired.

The landowner is requesting to release 1.75 acres of upland from the existing easement, for the purposes of constructing a machine shed and additional grain storage adjacent to the landowner's current bin site. The area proposed for release is currently prone to disturbance, as it is located between existing buildings that are part of the current farming operation, making the area ideal for traversing between sites and storing equipment. The landowner has stated there is no alternative site to construct the additional storage without creating erosion concerns. Release of this area would straighten the northern boundary of the easement, which is presently irregularly shaped, resulting in a more manageable easement boundary.

The landowner has offered to add 3.5 acres of additional cropland to the RIM easement, which would fulfill the required 2:1 replacement ratio of the Easement Alteration Policy. The replacement area is immediately adjacent to the existing easement boundary, resulting in more contiguous upland habitat, an enlarged wetland buffer, and would remove the 3.5 acres from row crop production. The replacement acres meet RIM crop history requirements, having been historically planted to corn, and will be seeded to a native prairie mix at the landowner's expense.

Both the Martin County SWCD Board and the MN DNR Area Wildlife Supervisor have submitted letters in support of this easement alteration request. The landowner has submitted the \$500 application fee for staff and board to consider the request.

MN Rule 8400.3610 says the Board may alter an existing conservation easement if the public interest and general welfare are better served by the alteration. As proposed, this request would provide clear benefits to the State by further enhancing the habitat and water quality functions of the RIM easement and result in a net gain of restored and permanently protected land.

*Recommendation*

Easement staff and the RIM Reserve Committee recommend approval of this easement alteration request and to amend RIM easement #46-17-99-01 as proposed.

Board Resolution # 24- \_\_\_\_\_

**Easement Alteration Request - RIM Easement #46-17-99-01**

---

**WHEREAS**, the Board of Water and Soil Resources (BWSR) acquired Perpetual RIM Easement #46-17-99-01 on 27 acres in Martin County on March 26, 2001; and

**WHEREAS**, the current landowners, Lawrence and Diane Sukalski, also being the original easement grantors, have submitted an easement alteration request to release 1.75 acres from the current easement for the purposes of constructing a machine shed and additional grain storage adjacent to an existing bin site; and

**WHEREAS**, the 1.75 acres proposed for release are located between existing building sites and are prone to disturbance due to their location among the grain operation; and

**WHEREAS**, the landowner is unable to identify an alternative location to build the increased storage without causing erosion concerns; and

**WHEREAS**, the landowners are proposing to add an additional 3.5 acres of adjacent crop land to the easement in return for the acres released; and

**WHEREAS**, the easement alteration would result in a more manageable, and less irregularly shaped easement boundary; and

**WHEREAS**, the 3.5 acres of cropland to be added to the easement will be seeded to a native prairie seed mix at the landowner's expense; and

**WHEREAS**, the proposal meets the required 2:1 replacement ratio according to BWSR's Easement Alteration Policy; and

**WHEREAS**, MN Rule 8400.3610 states that the board may alter a conservation easement if the board determines that the public interest and general welfare are better served by the alteration; and

**WHEREAS**, the State's natural resource interest would be benefitted by the easement alteration by increasing and enhancing wildlife habitat and the wetland buffer area, and would result in a net gain of restored and permanently protected acres; and

**WHEREAS**, the Martin County SWCD Board and DNR Area Wildlife Supervisor have submitted letters in support of the easement alteration, and the request meets all other conditions of the Easement Alteration Policy; and

**WHEREAS**, the Martin County SWCD will post the revised easement boundary upon recording of the easement amendment; and

**WHEREAS**, the RIM Reserve Committee voted to recommend approval of this easement alteration at their April 10, 2024 meeting.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources (BWSR) approves the alteration of RIM Easement #46-17-99-01, as proposed, releasing 1.75 acres of upland and replacing it with 3.5 acres of adjacent crop land and authorizes staff to work with Martin SWCD to officially amend the necessary RIM easement documents; and

**BE IT FURTHER RESOLVED THAT**, the landowner shall be responsible for removing or correcting any objectionable title defects, liens, or encumbrances, as specified by BWSR, prior to amending this easement; and shall pay any necessary title insurance, recording fees and restoration costs, if any, within the replacement area.

Dated at Saint Paul, Minnesota this 24<sup>th</sup> Day of April, 2024

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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




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

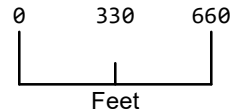
# Easement Alteration Request

RIM Easement #46-17-99-01

Sections: 30, 34 , T. 101 N., R. 30 W., Martin County



-  Easement Boundary
-  Replacement Area (3.5 Acres)
-  Release Area (1.75 Acres)



Dated:  
Apr 03 2024

Prepared by:  
Board of Water and Soil Resources





MARTIN  
SOIL and WATER CONSERVATION DISTRICT

3/13/2024

Minnesota Board of Water & Soil Resources  
520 Lafayette Road North  
Saint Paul, MN 55155

RIM Committee,

The Martin Soil & Water Conservation District Board recommends the approval of the alteration of RIM Easement 46-17-99-01 as proposed by the private landowner and shown on the accompanying map. The landowner has proposed to remove 1.75 acres from the current RIM easement and will be replacing with 3.5 acres of cropland located directly adjacent to the existing easement boundary. This boundary creates a square block shape as opposed to the current irregular shape.

The replacement acreages meet the BWSR alteration policy of 2:1 replacement (1.75 acres removed, 3.5 acres cropland added). The added acres will be seeded using the 643 Tallgrass Prairie standard.

It is the opinion of the Martin Soil & Water Conservation District Board that this easement alteration will increase the protected acres on this parcel and create a more favorable boundary for the wetland restoration and adjacent uplands.

---

Tyler Ask, Martin SWCD Board Chair

Windom Area Wildlife  
175 County Road 26  
Windom, MN 56101

February 1, 2024

Martin Soil & Water Conservation District  
923 North State Street, Suite 110  
Fairmont, MN 56031

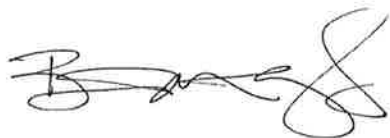
Martin SWCD Board of Supervisors,

Jesse Walters, SWCD Outreach Coordinator, contacted me regarding an alteration to a Reinvest in Minnesota Easement (RIM) in Silver Lake Township, Section 35. The easement number is 41-17-99-01 and it is owned by Lawrence Sukalski.

As proposed, exchanging 1.75 acres near the building site for 3.5 acres to the north and east would be a positive for resident wildlife. The exchange acres will provide far less disturbance for wildlife. A diverse mix of native grasses and forbs will provide better habitat and should be planted on the new acres.

I support this exchange/alteration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Nyborg". The signature is fluid and cursive, with a large loop at the end.

Brian Nyborg  
Area Wildlife Supervisor

## **Conservation Easement Alteration request**

Lawrence and Diane Sukalski <sukalld@hotmail.com>

Mon 1/29/2024 9:44 AM

To: Lawrence and Diane Sukalski <sukalld@hotmail.com>

**Hello Martin Soil and Water Board,**

**In January I talked to the Minnesota Board of Soil and Water and learned of the process of how to ask for a alteration request.**

**The Family Farm would like to build a machine shed-grain storage next to our bin site. We have no other place to build this structure near the bins and grain dryer that are located near the CREP. If we tried to build it West of the bins or Quonset building it would make a very large erosion problem. The land that we would trade is close to the water on the CREP and would help the waterfowl with nesting and the baby birds would be close to the water.**

**My request is to trade some CREP land next to our bin site for land on the North and East sides of a wetland which both are connected to the 26.5 acre RIM we own located in Sections 34 and 35 of Silver lake Township, Martin County. I have included maps and a copy of the MN Rule 8400.3610**

**If you have any questions or concerns please contact me. My cell 507-236-4880, my email**

**Sukalld@hotmail.com or my address**

**2290 20Th Street, Fairmont, Mn 56031**

**Thank you for your time and thoughts.**

**Lawrence & Diane Sukalski**

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Easement Alteration Request – RIM Easement #67-01-07-04

**Meeting Date:** April 24, 2024

**Agenda Category:**  Committee Recommendation     New Business     Old Business

**Item Type:**  Decision     Discussion     Information

**Section/Region:** Conservation Easement Section

**Contact:** Sharon Doucette, Section Manager  
Karli Swenson, Conservation Easement Specialist

**Prepared by:** \_\_\_\_\_

**Reviewed by:** RIM Reserve \_\_\_\_\_ Committee(s)

**Presented by:** Karli Swenson

**Time requested:** 15 minutes

**Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**     Resolution     Order     Map     Other Supporting Information

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

Board approval to alter RIM easement #67-01-07-04 in Clinton Township, Rock County, in accordance with MN Rule 8400.3610. This request is to release 2.87 acres of land from the RIM easement, which was purchased by Rock County Rural Water for public drinking water well installation and maintenance purposes. Rock County Rural Water will compensate BWSR for the acres released.

**LINKS TO ADDITIONAL INFORMATION**

<https://www.revisor.mn.gov/rules/8400.3610/>

**Attachments:**

1. Easement Alteration proposal map
2. Easement Alteration Request Letter from Rock County Rural Water
3. Letter of support from Rock SWCD Board

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

BWSR acquired a perpetual RIM Conservation easement #67-01-07-04 in Clinton Township, Rock County on April 24, 2007. The original easement is a 103.7-acre sensitive groundwater protection easement that has been seeded to native grasses.

In 2012, the original easement grantors sold 2.87 acres of the easement lands to Rock County for the purpose of installing drinking water wells. Though the wells themselves have minimal impact on the RIM easement, the County requires permanent, gravel access roads for year-round access and maintenance to the wells. Due to the permanent impact of the access roads, that land use is not compatible with the terms and conditions of the RIM easement as permanent vegetative cover cannot be maintained. Thus, BWSR easement staff have determined an easement alteration is warranted in this case.

MN Rule 8400.3610 states that the board may alter a conservation easement if the board determines the public interest and general welfare are better served by the alteration. The newly installed wells provide vital, clean and safe drinking water to citizens of Rock County.

Though this request does not meet all conditions of the current easement alteration policy which states that entities must pay 2x the current RIM rate, easement staff and the RIM Reserve Committee are in favor of the request as the activity of well installation aligns with the overall purpose of this easement which is wellhead and drinking water protection. This request does follow the MN Rule that governs the internal policy.

Rule 8400.3610 states that the board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. Because this RIM easement was acquired for the specific purpose of wellhead protection, and because the land was acquired and the wells installed over 10 years ago, the BWSR Easement Section Manager and RIM Reserve Committee have considered a special provision to allow Rock County Rural Water to compensate BWSR at 1x the 2023 RIM rate for Clinton Township for release of these acres. This will ensure at least equal resource value in accordance with the above rule. (The amount the State originally paid to acquire an easement on these 2.87 acres was \$3371).

*Calculations for Release*

2023 RIM Rate for Clinton Township = \$11,991.43/acre

2.87 acres released x \$11,991.43 = **\$ 34,415.40**

Rock County Rural Water has agreed to pay the amount of \$34,415.40 upon approval of the easement alteration request and has submitted the \$500 processing fee for BWSR staff and the board to consider the request.

*Recommendation*

Easement staff and the RIM Reserve Committee recommend approval of the easement alteration request to release 2.87 acres from RIM Easement #67-01-07-04 as proposed, upon receipt of the agreed-upon compensation from Rock County.

Board Resolution # 24- \_\_\_\_\_

**Rock County Easement Alteration Request – RIM Easement #67-01-07-04**

**WHEREAS**, BWSR acquired a perpetual 103.7-acre sensitive groundwater protection easement in Clinton Township, Rock County on April 24, 2007, being RIM easement #67-01-07-04; and

**WHEREAS**, Rock County Rural Water purchased 2.87 acres of the easement lands in 2012 for the purpose of drinking water well installation and maintenance; and

**WHEREAS**, permanent gravel access roads are necessary for year-round access and maintenance of the wells, which conflicts with permanent vegetative cover required under the RIM easement; and

**WHEREAS**, Rock County Rural Water is requesting the release of 2.87 acres from the RIM easement; and

**WHEREAS** MN Rule 8400.3610 states that the board may alter or release an easement only if the state board determines that the public interests and general welfare are better served by the alteration; and

**WHEREAS** the public interest and general welfare will be better served as the wells will provide vital clean drinking water to the citizens of Rock County; and

**WHEREAS** MN Rule 8400.3610 states that BWSR reserves the right to require special provisions to ensure at least equal resource value as a result of the alteration; and

**WHEREAS** Rock Rural Water has agreed to compensate BWSR \$34,415.40 for the release, which is an amount equal to what BWSR would pay to acquire these acres using the 2023 RIM payment rates; and

**WHEREAS**, the RIM Reserve Committee voted to recommend approval of this easement alteration at their April 10, 2024 meeting.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources (BWSR) approves the alteration of RIM Easement #67-01-07-04, as proposed, to release 2.87 acres for public drinking water well and maintenance purposes; and authorizes staff to work with Rock SWCD to officially amend the necessary RIM easement documents upon receipt of the agreed upon payment.

Dated at Saint Paul, Minnesota this 24<sup>th</sup> day of April, 2024

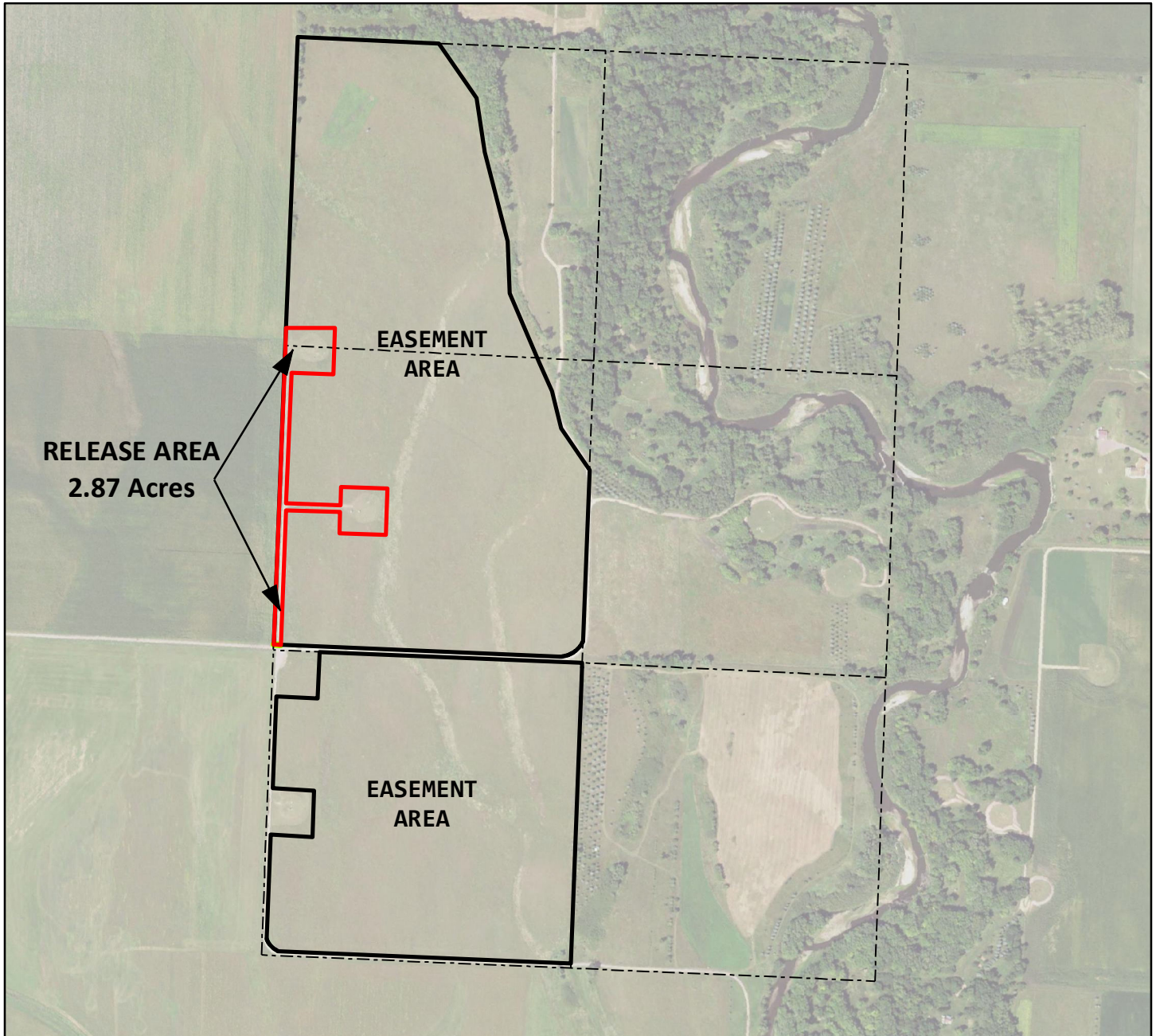
MINNESOTA BOARD OF WATER AND SOIL RESOURCES

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

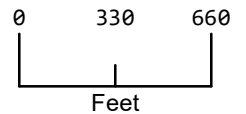
Date: \_\_\_\_\_

RIM Easement #67-01-07-04

Section: 12 , T. 101 N., R. 45 W., Rock County

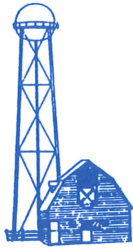


- Area to be Released (2.87 Acres)
- Easement Boundary



Dated:  
Apr 02 2024

Prepared by:  
Board of Water and Soil Resources



## ROCK COUNTY RURAL WATER

541 150th Ave.

LUVERNE, MN 56156-9563

PHONE 507-283-8886

FAX 507-283-8309

Rock Soil and Water Conservation District

311 West Gabrielson Road

Luverne, MN 56156

RE: Easement Alteration Request

Rock SWCD Board,

This letter is regard to the alteration and partial release of 2.87 acres from RIM easement 67-01-07-04 with the State of Minnesota by and through the Board of Water and Soil Resources.

The requested alteration area encompasses two vital drinking water supply wells and would allow the Rock County Rural Water System to operate these wells for continued delivery of clean, safe drinking water to the roughly 815 Rock County Rural Water connections throughout Rock County. The alteration and partial release of this easement would not negatively affect the water quality of these wells and would retain the protection provided by the perineal grass around the wells to allow continued quality water distribution to the citizens of Rock County.

Thank you for your consideration in this matter.

Ryan Holtz

A handwritten signature in black ink, appearing to read "Ryan Holtz", written in a cursive style.

Rock County Rural Water manager





## Rock County Land Management Office

311 West Gabrielson Road Suite 4 Luverne, MN 56156

Phone: 507-283-8862

[www.rockswcd.org](http://www.rockswcd.org)

January 18, 2024

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

To whom it may concern,

This letter is to inform the Board of Water and Soil Resources that the Rock Soil and Water Conservation District board has acted in favor of the alteration and partial release of 2.87 acres. The 2.87 acres are within conservation easement numbered 67-01-07-04 now owned by the County of Rock.

On January 18, 2024 at the regularly scheduled board meeting the Rock Soil and Water Conservation District, action was taken to unanimously approve the proposed alteration and partial release of easement number 67-01-07-04 proposed by Rock County Rural Water.

Sincerely,

A handwritten signature in blue ink that reads "Roger Hill".

Rock SWCD  
Board Chair

## **NEW BUSINESS**

1. Soil Health Action Framework– Tom Gile, Suzanne Rhees, and Marcelle Lewandoski – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Soil Health Action Framework

**Meeting Date:** April 24, 2024

**Agenda Category:**     Committee Recommendation     New Business     Old Business

**Item Type:**                 Decision                                 Discussion                 Information

**Keywords for Electronic Searchability:** Soil health, recommendations, public / private sectors

**Section/Region:** statewide

**Contact:** Suzanne Rhees

**Prepared by:** Suzanne Rhees

**Reviewed by:** n/a                                Committee(s)

**Presented by:** Tom Gile, Suzanne Rhees, Marcelle Lewandowski

**Time requested:** 20 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**

<https://mosh.umn.edu/state-soil-health-action-framework>

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

In 2022, BWSR received a grant from the McKnight Foundation to develop a “coordinated approach to climate change mitigation and landscape resiliency, by collaboratively identifying goals, strategies, and actions related to soil management.” BWSR worked with the MN Office for Soil Health to convene an advisory committee representing a mix of practitioners in agriculture and conservation, and public and private sectors. During five meetings over 13 months, the group discussed goals, strategies, and potential actions for advancing soil health. The group was not asked to reach consensus or commit to actions, but to represent the diversity of voices in soil health work in Minnesota. The resulting [Soil Health Action Framework](#) was released in January, 2024, and is intended to serve as a framework of priority issues and potential strategies that individual interest groups can use to create their action plans.

