

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

---

In the Matter of the review of the Comprehensive Watershed Management Plan for the Bois de Sioux – Mustinka Watershed, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

---

**ORDER  
APPROVING  
COMPREHENSIVE  
WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Policy Committee of the Bois de Sioux – Mustinka (BdS-M) Watershed submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on December 4, 2020, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #16-17, and;

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

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

**FINDINGS OF FACT**

- Partnership Establishment.** The BdS-M Watershed Partnership (Partnership) was established in February of 2018, through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Big Stone County, Grant County, Otter Tail County, Stevens County, Traverse County, Wilkin County, Big Stone Soil and Water Conservation District, Grant Soil and Water Conservation District, West Otter Tail Soil and Water Conservation District, Stevens Soil and Water Conservation District, Traverse Soil and Water Conservation District, Wilkin Soil and Water Conservation District and Bois de Sioux Watershed District (BDSWD).
- 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, on March 23, 2016, Board Resolution #16-17 adopted Version 1.0 of the One Watershed, One Plan Operating Procedures and Plan Content Requirements policies.
- Nature of the Watershed.** Two major watersheds are within this planning area in west-central Minnesota: the Bois de Sioux River and the Mustinka River, jointly cover approximately 1,413 square miles. The area is the southernmost portion of the Red River Basin within Minnesota. The Mustinka River flows into Lake Traverse and the Bois de Sioux River flows out of Lake Traverse. Lake Traverse and the Bois de Sioux River are on Minnesota’s western border. The area has generally flat topography,

soils with limited drainage qualities and is very predominately cultivated, approximately 90%, primary crops are corn, soybeans and sugar beets. Currently there are over 580 miles of legal ditches, managed by multiple authorities, and field scale drainage is common to facilitate cropping. Streams in the flat plain of former Glacial Lake Agassiz produce brief periods of high runoff and long periods with little or no flow in the streams. Streams in the upper morainal areas have more attenuated flows as a result of additional landscape water storage in the form of existing lakes wetlands and other impoundments that retain and slowly release water. The planning area extends over portions of Big Stone, Grant, Otter Tail, Stevens, Traverse and Wilkin counties and coincides with the jurisdictional boundary of the Bois de Sioux Watershed District. Municipalities within the area include Breckenridge, Campbell, Donnelly, Doran, Dumont, Elbow Lake, Graceville, Herman, Johnson, Nashua, Norcross, Tintah, Wendell and Wheaton. Excessive turbidity, elevated phosphorus concentration, periods of low dissolved oxygen, and highly variable flow regimes within streams and ditches are common issues for waterbodies.

4. **Plan Development.** Five Planning Regions were delineated primarily using hydraulic boundaries and topography. The Bois de Sioux River Watershed has the Rabbit River and Lake Traverse & Bois de Sioux River Planning Regions. The Mustinka River Watershed has the three remaining planning regions, Upper Mustinka River, Lower Mustinka & Twelvemile Creek and Fivemile & Twelvemile Creek Headwaters. 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 reduce flood damage risks, protect and restore water quality, natural habitat, and drinking water in the watershed.
5. **Plan Review.** On December 5, 2020, the Board received the Plan, a recording of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board Resolution #16-17. 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 Agriculture (MDA): MDA appreciated the opportunity to work on the development of this Plan. MDA offered no further comments or suggestions to the Plan. MDA recommends approval of the Plan.
  - B. Minnesota Department of Health (MDH): MDH appreciated the opportunity to work on the development of this Plan. MDH offered no further comments or suggestions to the Plan. MDH recommends approval of the Plan.
  - C. Minnesota Department of Natural Resources (DNR): DNR appreciates the opportunity to be involved when developing the Plan and note that protecting waters from non-point pollution and increasing perennial cover will go a long way toward maintaining good water quality. DNR looks forward to supporting implementation efforts moving forward. DNR recommends approval of the Plan.
  - D. Minnesota Pollution Control Agency (MPCA): MPCA appreciated the opportunity to participate and provide input throughout the Plan development process. MPCA stated the Plan is well written, concise and thorough. MPCA has no further comments and recommends approval of the Plan.
  - E. Minnesota Environmental Quality Board (EQB): EQB did not reply to requests for confirmation of receipt and did not provide comments for the final review.

- F. Minnesota Board of Water and Soil Resources regional staff: BWSR staff provided comments throughout the planning process and had suggestions during the review periods which staff are satisfied how they were addressed in the Plan submitted for approval. We commend the partners for working together developing this Plan and their 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.

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

- The Plan completely encompasses two major watersheds which are the Bois de Sioux River and Mustinka River.
  - The Plan development process generated sixteen resource issues impacting the watershed using a combination of existing reports, data, the December 1998 Red River Flood Damage Reduction Agreement, and stakeholder input, which are Protection and Improvement of Agricultural Land Productivity and Soil Health, Loss and Degradation of Upland Habitat, Loss and Degradation of Wetland Habitat; Altered Hydrologic Conditions, Flood Damage to Communities and Public Infrastructure, Flood Damage to Homesteads and Private Infrastructure Surrounding Farmland, Drain System Instability, Out-of-Date Benefits Determination, Drainage System, Inadequacy, Nutrient Loading to Surface Waters, Unstable River and Stream Channels, Noncompliant Subsurface Sewage Treatment Systems, Need for Improved Wastewater Treatment Facilities, Bacteria Loading to Surface Waters, Lack of Municipal Stormwater Management, and Groundwater Quality Protection.
  - The sixteen issues were prioritized within five distinct planning regions which are; Lake Traverse and Bois de Sioux River and Rabbit River within the Bois de Sioux Watershed; and Upper Mustinka River, Lower Mustinka and Twelvemile Creek and Fivemile and Twelvemile Creek Headwaters with the Mustinka River Watershed.
  - Twelve measurable goals address the priority issues, by planning region with specific resources that are prioritized for the goal.
  - The implementation plan includes the scheduled completion of future capital improvement projects by the BDSWD.
  - The Plan clearly shows how additional funding, Tier 2 within the Plan, is budgeted.
  - The Plan clearly states its amendment process will mirror the process of 103D.251, which leads to the Board holding a hearing.
6. **Northern Regional Committee.** On January 6, 2021, the Northern Regional Committee met to review and discuss the Plan. Those in attendance from the Board's Committee were Chair Rich Sve, Gerald Van Amburg, Tom Schulz, Neil Peterson, Theresa Ebbenga and Jeff Berg. Board staff in attendance were Northern Region Manager Ryan Hughes, Board Conservationist Pete Waller and Clean Water Specialist Henry Van Offelen. The representatives from the Partnership were Linda Vavra, Bois de Sioux Watershed District (BDSWD) Manager; Jamie Beyer, BDSWD; Greg Fynboh, Stevens SWCD Supervisor; Craig Lingen, Wilkin SWCD; Ben Underhill, West Otter Tail SWCD; Sara Gronfeld, Traverse SWCD; Lynn Siegel, Traverse County; Brad Mergens, West Otter Tail SWCD; Jared House, Grant SWCD; Rachel Ohm, Houston Engineering, Inc. Members of the partnership presented the Plan to the Committee. 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.
7. This Plan will be in effect for a ten-year period until January 27, 2031.

## 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 Bois de Sioux - Mustinka Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
3. The Bois de Sioux - Mustinka Watershed Comprehensive Watershed Management Plan attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board Resolution #16-17.
5. The attached Plan when adopted through local resolution by the members of the Partnership will serve as a substitute for the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D.

## ORDER

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Bois de Sioux - Mustinka Watershed, submitted December 4, 2020.

Dated at St. Paul, Minnesota, this twenty-seventh of January 2021.

## MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Gerald Van Amburg, Chair

Board Resolution # 21-04

**Working Lands RIM Easement Pilot Program**

---

**WHEREAS**, the Minnesota State Legislature has appropriated Reinvest in Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) to acquire and restore permanent RIM conservation easements under Minnesota Statutes, Section 103F.515 to 103F.531; and,

**WHEREAS**, Laws of Minnesota 2019, Chapter 2, Article 1, Section 4(a) appropriated \$10,000,000 to BWSR to “acquire conservation easements from landowners to preserve, restore, create, and enhance wetlands and associated uplands of prairie and grasslands, and restore and enhance rivers and streams, riparian lands, and associated uplands of prairie and grasslands in order to protect soil and water quality, support fish and wildlife habitat, reduce flood damage, and provide other public benefits;” and,

**WHEREAS**, Laws of Minnesota 2019, Chapter 2, Article 1, Section 4(d) allowed for up to \$1,000,000 of the funding to be used to acquire working lands easements; and,

**WHEREAS**, local landowners and SWCD staff within the Pine, Crow Wing and Redeye River watersheds have requested a RIM program that would preserve haying and grazing lands; and,

**WHEREAS**, BWSR worked with SWCD staff and The Nature Conservancy to develop a pilot program for working lands; and,

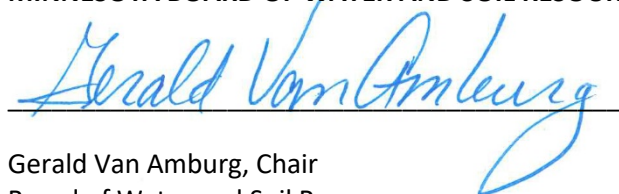
**WHEREAS**, the RIM Reserve Committee discussed the program on December 16, 2020 and Committee members were in support of the program without a formal recommendation.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources authorizes:

1. Utilization of appropriated funds to implement the Working Lands RIM Easement Pilot Program.
2. Implementation and refinement of program guidelines and outreach efforts focused on priority parcels within the pilot watersheds with program partners.
3. Utilization of a RIM easement payment rate method similar to the method established for federal ACUB easements.
4. Staff to conduct landowner sign-ups and select applications with partners using available funding for the pilot program.

Dated at Saint Paul, Minnesota this 27th day of January 2021.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

  
Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Date: January 27, 2021



## BOARD ORDER

### Performance Review and Assistance Program 2020 Report to the Minnesota Legislature

#### PURPOSE

#### Adopt 2020 PRAP Legislative Report

#### FINDINGS OF FACT / RECITALS

1. The 2007 Legislature directed the Board of Water and Soil Resources (Board) to develop and implement a program to evaluate and report on the performance of each local water management entity.
2. In 2007 the Board developed a set of guiding principles and directed staff to implement a program for reviewing performance, offering assistance, and reporting results, now called the Performance Review and Assistance Program (PRAP), in consultation with stakeholders and consistent with the guiding principles.
3. According to Minnesota Statutes Chapter 103B.102, Subdivision 3, beginning February 1, 2008, and annually thereafter, the Board shall provide a report of local water management entity performance to the chairs of the House and Senate committees having jurisdiction over environment and natural resources policy.
4. The annual PRAP Report to the Minnesota Legislature contains the summaries of the 17 local water management entity performance reviews conducted by BWSR staff in 2020 and a summary of findings describing the performance of 238 local water management entities regarding compliance with plan revision and basic reporting requirements.
5. The 2020 PRAP Report to the Minnesota Legislature was reviewed by the Board's Audit and Oversight committee on January 25, 2021, was revised based on committee comments, and was recommended for Board adoption by the committee.

#### ORDER

The Board hereby:

Adopts the 2020 Performance Review and Assistance Program Report and directs staff to submit the to the Minnesota Legislature and put it on the Board's website, with allowance for any minor editing modifications necessary for finalization.

Dated at St. Paul, Minnesota, this January 27, 2021.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

  
Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Date: January 27, 2021