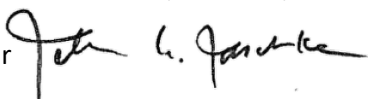


DATE: May 16, 2023

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – May 24, 2023

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 24, 2023, 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: 293 933 020#. The following information pertains to agenda items:

## COMMITTEE RECOMMENDATIONS

### *Northern Region Committee*

1. **Rainy-Rapid Comprehensive Watershed Management Plan** – The Rainy-Rapid watershed was selected by BWSR for a One Watershed, One Plan program planning grant in August of 2021. The watershed partnership attended regularly scheduled meetings and submitted the Rainy-Rapid Comprehensive Watershed Management Plan to BWSR for review and approval. The Northern Regional Committee met on May 3, 2023, to review the content of the Plan, State agency comments on the Plan, and to make a recommendation. The Committee recommended approval of the Plan by the full Board. **DECISION ITEM**
2. **Red River Basin Commission Supplemental Grant Funding** – The Red River Basin Commission (RRBC) receives directly appropriated funds through BWSR for program operations and has secured additional annual funding from the Province of Manitoba in an amount of \$50,000/year to address inflation. The RRBC has submitted a request to BWSR for supplemental funding to match the funding received from the Province of Manitoba. The Northern Regional Committee (Committee) met May 3, 2023, to review and discuss the supplemental funding request from the RRBC. The Committee recommends approval of the Order providing supplemental funding to the RRBC by the full Board. **DECISION ITEM**

### *Grants Program and Policy Committee*

1. **Rock County Soil and Water Conservation District Tracking Tool Grant** – Rock SWCD has been working to develop a data tracking system, for their local needs. Much of the project development and business use has already been developed through a local partnership between the two entities. This work informed other statewide partners and BWSR regarding the utility of such a product. As the workgroup assessed needs, it was apparent that Rock SWCD was meeting many of the needs that were identified by the workgroup. There is a scale of efficiency by utilizing the local work that Rock SWCD began and leveraging it to develop the statewide standards and product prototype. The partnership between Rock SWCD and contractor are uniquely positioned to meet the needs of BWSR's LGU grantees through the deliverables of this project.

Rock SWCD has been developing Watershed Based Planning for much of the geographic area around the state. They are well versed in projects that LGU partners will be using and how they will track this work.

Rock SWCD has been working with a contractor which has the technical staff to utilize a proven product and make adjustments to the program to fit the specific needs of LGU's around the state that are developing and implementing projects across the state.

Rock SWCD does not currently have a finished product. There will be value added to their local data tracking. However, they are offering to share the data they have and provide project management as a means of assisting their partners across the state. This creates a savings to the State of Minnesota and BWSR. **DECISION ITEM**

***Administrative Advisory Committee***

1. **Board Per Diem Policy Update** – The current per diem policy was implemented in October 2018. A few changes to the policy have been proposed to ensure judicious use of state resources and provide clarity to board members about when claiming per diems. **DECISION ITEM**
2. **Bylaws Update** – Proposed bylaws updates were reviewed by the Administrative Advisory committee on May 15, 2023. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-539-2587. We look forward to seeing you on May 24th.

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
ST. PAUL, MN 55155  
WEDNESDAY, MAY 24, 2023**

**PRELIMINARY AGENDA**

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

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF APRIL 26, 2023 BOARD MEETING**

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

**INTRODUCTION OF NEW STAFF**

- Laura DeBeer, Southern Region Buffer and Soil Loss Specialist
- Ethan Dahl, Northern Region Buffer and Soil Loss Specialist

**CONFLICT OF INTEREST DECLARATION**

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

**REPORTS**

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

**AGENCY REPORTS**

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

## **ADVISORY COMMENTS**

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

## **COMMITTEE RECOMMENDATIONS**

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

1. Rainy-Rapid Comprehensive Watershed Management Plan – LeRoy Ose and Ryan Hughes – ***DECISION ITEM***
2. Red River Basin Commission Supplemental Grant Funding – Ryan Hughes and Henry Van Offelen – ***DECISION ITEM***

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

1. Rock County Soil and Water Conservation District Tracking Tool Grant – Justin Hanson – ***DECISION ITEM***

### ***Administrative Advisory Committee***

1. Board Per Diem Policy Update – John Jaschke – ***DECISION ITEM***
2. Bylaws Update – John Jaschke – ***DECISION ITEM***

## **UPCOMING MEETINGS**

- Next BWSR Meeting is scheduled for 9:00 AM, June 28, 2023 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, APRIL 26, 2023**

**BOARD MEMBERS PRESENT:**

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Neil Peterson, Rich Sve, Gerald Van Amburg, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ronald Staples, Mark Zabel, Glenn Skuta, MPCA; Joel Larson, University of Minnesota Extension; Jeff Berg, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

**BOARD MEMBERS ABSENT:**

Carly Johnson

**STAFF PRESENT:**

John Jaschke, Rachel Mueller, Travis Germundson, Matt Fischer, Suzanne Rhees, Dave Weirens, Annie Felix-Gerth, Karli Swenson, Dusty VanThuyne, Dan Shaw, Steve Christopher, Shaina Keseley, Anne Sawyer, Ryan Hughes

**OTHERS PRESENT:**

Jan Voit, MAWD; LeAnn Buck, MASWCD; Amanda Bilek, Janine Lovold, Keith Mykleseth, Ann Marcelle Lewandowski, Brad Jordahl Redlin, Anna Cates

**Chair Gerald VanAmburg called the meeting to order at 9:01 AM**

**PLEDGE OF ALLEGIANCE**

**\*\***  
**23-18** **ADOPTION OF AGENDA** - Moved by Rich Sve, seconded by Ted Winter, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

Jill Crafton noted a couple of corrections in the minutes.

**\*\***  
**23-19** **MINUTES OF MARCH 22, 2023 BOARD MEETING** – Moved by Neil Peterson, seconded by Jill Crafton, to approve the minutes of March 22, 2023, as amended. ***Motion passed on a roll call vote.***

**PUBLIC ACCESS FORUM**

No members of the public provided comments to the board.

**CONFLICT OF INTEREST DECLARATION**

**Chair Van Amburg read the statement:**

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

**REPORTS**

**Chair & Administrative Advisory Committee** – Chair Gerald Van Amburg reported the committee has not met. Noted the performance review of the Executive Director John Jaschke was carried out and a report is included in the day of packet.

Jayne Hager Dee congratulated John Jaschke.

Chair Van Amburg stated Mark Zabel was recognized as Minnesota Association of Soil & Water Conservation District’s Supervisor of Year.

John stated those who are not in-person at the meeting today will receive a paper copy of the Executive Director Performance Review Report in the mail.

Ted Winter asked during their conversations of John’s performance review if there was anything they thought needs to be a priority of John or for the organization. John stated they are working on updating the Strategic Plan. They will present a BWSR Board authorities/responsibilities overview to board members once new members have been appointed.

**Executive Director’s Report** - John Jaschke thanked Chair Van Amburg for his membership on the board and presented him with a recognition gift. Stated the legislative is moving along. The bill to increase the per diem rate is likely to pass. This year’s Board Tour will be taking place in Dakota County.

John reviewed the Day of Packet that included Snapshots and the Executive Director’s Performance Review Report.

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

**Dispute Resolution and Compliance Report** – Rich Sve reported the committee has not met. Travis Germundson reported there are presently four appeals pending. There has been one new appeal filed since the last report.

File 23-3 is an appeal of a WCA notice of decision involving a replacement plan in Lake of the Woods County. The appeal regards the denial of an after-the-fact replacement plan for wetland impacts associated with the placement of a concrete driveway and boat ramp area. A previous decision by staff was upheld under appeal by the County Board of Commissioners and now that decision is being appealed. The appeal has been denied.

Travis gave a buffer compliance status update. Stated there were no significant changes since the last report. There have been six to seven new cases that have been resolved across the state. A new database for tracking and reporting compliance will help keep track of numbers consistently on a month-to-month basis.

Travis thanked Chair VanAmburg for his work.

**Grants Program & Policy Committee** – Todd Holman reported they have decision items on the agenda for today. They have been looking at the Watershed Based Implementation Funding (WBIF) formula and decided not to recommend changes at this time.

Todd Holman thanked Chair VanAmburg for his service.

**RIM Reserve Committee** – Jayne Hager Dee reported they have three decision items on the agenda for today.

**Water Management & Strategic Planning Committee** – Joe Collins reported they met in March and had an informational meeting on procedures to amend the comprehensive plan to One Watershed One Plan that's in process. They also met in March and had a joint meeting with the Grants Program and Policy Committee. In April they reviewed two comprehensive plans that are on the agenda today.

**Wetland Conservation Committee** – Jill Crafton reported the committee has not met. Stated staff have been working on the Wetland Conservation Act Rule and expect to hear from them on how that's been coming along.

**Buffers, Soils & Drainage Committee** – Mark Zabel reported the committee has not met. Planning for an in-person meeting in Saint Cloud on May 3rd.

**Drainage Work Group (DWG)** – Neil Peterson reported they have not met. Dave Weirens reported there is a subgroup that has been meeting on outlet adequacy.

## **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Jeff Berg reported the Ag bill has passed both Senate and House. At legislature for funding is Forever Green, Soil Health Equipment Grants, Continuous Living Cover Grants, a Pollinator Research Account, and Noxious Weed Grants to local communities. Stated most of the western half of Minnesota is still abnormally dry.

**Minnesota Department of Health** – Steve Robertson reported legislature continues to move along. The Minnesota Groundwater Association is having its spring conference tomorrow with the topic of *A Drinking Water Journey: an exploration of unique public water supplies across Minnesota*. On May 8<sup>th</sup> there is a forum for private well owners with the topic of *Working Together to Overcome Barriers*.

Stated a petition from some of the local NGOs to the EPA to invoke the emergency powers of the Safe Drinking Water Act. It's to protect citizens of the karst region from imminent and substantial endangerment to public health caused by nitrate contamination of underground sources of drinking water.

John Jaschke asked if there was a specific geography of the petition. Steve stated it was the karst area of southeastern Minnesota. There is a map shown in the petition that will be sent to Rachel Mueller to share.

Jill Crafton asked if a database was started to collect well samples for nitrate. Steve stated there is some talk at the legislature and hopefully the Clean Water Fund appropriations continue but there is nothing in place yet.

**Minnesota Department of Natural Resources** – Sarah Strommen reported they are working with partners in the state on flood preparedness. Stated at legislature the major difference between the House and the Senate bill is that the House includes the user fee and regulatory fee increases they requested while the Senate does not include them.

Ted Winter asked what the fee increase amount is. Sarah stated for water fees it depends on the size of your boat. For fishing licenses, the amount would go up \$5 a year for residents.

Chair Van Amburg asked how flooding affects carp control. Sarah stated there are various kinds of barriers and once there's high water, they are less effective. It's something they continue to work on and has been a subject of legislative discussion. They will continue to receive funding to continue design of the acoustic and bubble barriers and will have a public conversation about solutions to controlling carp.

Jill Crafton stated she listened to a recent NESS meeting about the ecosystem. They focus some of their work on fish passages to create ecosystem improvements. Jill asked if Minnesota was involved and if there was an update that could be given. Sarah stated Minnesota is involved but doesn't have that information and will connect Jill with Vanessa Perry, DNR Mississippi River Coordinator.

**Minnesota Extension** – Joel Larson thanked John Bilotta and Marcelle Lewandowski for filling in during his absence.

During the legislative session they are following funding for a cadre of climate extension professionals who will build up their ability to provide extension education and expertise on climate adaptation across a range of sectors.

Stated they are offering various trainings and classes. One program that they help run in coordination with several other groups is to provide an introduction to science identification and surveillance. It then creates a group of citizen scientists who can help them with new work on aquatic invasive species.



A new program that they partnered with MPCA and Minnesota Sea Grant on was to develop the Clean Sweep Program. It assists municipalities and local communities in implementing street sweeping to help achieve some of their clean water goals.

Stated the Minnesota Soil Action Framework later in the agenda and will be interesting.

Joe Collins asked how they will announce the street sweeping workshops. Joel stated he can get more information on that.

**Minnesota Pollution Control Agency** – Glenn Skuta reported Commissioner Kessler is in Chicago at the Great Lakes Restoration Initiative meeting. Next week a preventing fish kill public education and communication campaign is going to launch.

Stated the 79th of 80 WRAPS reports for MN watersheds was approved last week. The last initial WRAPS review will go on notice May 8<sup>th</sup>. They will meet their statutory deadline to have WRAPS for all 80 watersheds completed by June 30th.

#### **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 are requesting \$22 million per year from legislature and the Governor's budget is at \$12 million per year. They are paying close attention to Inflation Reduction Act and the Farm Bill. They are looking at modernizing the SWCD Erosion Control and Water Management Program (SWCD Cost Share Program). There has been discussion to a change of allocating the Clean Water Funds to one year and stated they are in opposition to it. LeAnn stated their Board of Directors is looking at identifying tracking tools to be able to communicate with partners.

Ted Winter asked where the House and Senate is at on their funding. LeAnn stated the House is at \$22 million for the next two years and then drops to \$14 million and the Senate is at \$12.7 million.

Mark Zabel stated the District Capacity Funding is to help provide district capacity for operational type costs rather than project costs.

Kurt Beckstrom stated increasing capacity is important and won't be easy.

**Minnesota Association of Townships** – Eunice Biel reported they completed their ARPA Project and Expenditure Report for 2023. Eunice reviewed their legislative priorities.

**Minnesota Watersheds** – Jan Voit reported she has been invited to participate in planning a leadership event for Watershed Administrators and SWCD Managers. Summer Tour registration went live last week. Stated she participated in BWSR Academy planning session and continues to meet with Justin Hanson. They are working on updating their handbook and will be submitting to Craig Engwall with BWSR for his review. April 13th general levy bill was heard in the Senate Tax Committee and was included in Senate Omnibus Bill.

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

Chair Van Amburg called a recess at 10:38 a.m. and called the meeting back to order at 10:45 a.m.

#### **COMMITTEE RECOMMENDATIONS**

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

**Approval of FY23 HELP Program Funding Recommendations** – Dan Shaw presented FY23 HELP Program Funding Recommendations.

The BWSR HELP grant program is made possible through an appropriation from the Environment and Natural Resources Trust Fund (ENRTF) and is focused on restoring and enhancing strategically located, diverse native habitat across Minnesota on conservation lands, natural areas, and open spaces to benefit populations of pollinators and beneficial insects as well as overall plant and animal diversity. The program also provides co-benefits of carbon sequestration, soil health, water quality improvements, and increased landscape resiliency. On October 26, 2022 the board adopted Board Order #22-48 which authorized staff to conduct a request for proposal (RFP) for the FY23 HELP grants. An application period was open from November 3, 2022 to February 23, 2023. Twelve (12) applications were received requesting a total of \$503,180. Grants were ranked by an advisory team on March 13, 2023. These results were presented to the BWSR Senior Management team on March 14, 2023. The BWSR Grants Program and Policy Committee reviewed the recommendations on March 27, 2023 and made a recommendation to the full Board. The funding recommendations included in the board order are the result of that meeting.

Chair Van Amburg asked what the acreage is for each awardee. Dan stated most of the awardees have multiple projects and the size varies.

Ted Winter asked if some of this money was already delegated and if this is what's left over from the first initial round of applications. Dan stated we had 11 projects that have been funded and these are the ones that are using up the rest of the funding.

Sarah Strommen stated there is a more demand than we have funds available.

Jill Crafton stated it's good to hear parks and cities are included.

Moved by Kurt Beckstrom, seconded by Ted Winter, to approve the Approval of FY23 HELP Program Funding Recommendations. ***Motion passed on a roll call vote.***

**Clean Water Legacy Partners Pilot Grant Award Recommendations** – Shaina Keseley presented Clean Water Legacy Partners Pilot Grant Award Recommendations

The purpose of this agenda item is the allocation of the FY 2022/2023 Clean Water Legacy Partners Pilot Grants. On October 26, 2022, the Board adopted Board Order #22-49 which authorized staff to conduct a request for proposal (RFP) from NGOs and tribal governments for the Clean Water Legacy Partners Pilot grant program. The RFP combined FY22/23 funds for a total of \$1M that was split into \$500,000 available for NGOs and \$500,000 for tribal governments. The RFP was open from November 17, 2022 through February 15, 2023. There were a total of 22 applications received; 19 from NGOs (totaling \$2,766,767) and three from tribal governments (totaling \$530,000). BWSR staff, along with staff from MPCA and MDA, reviewed and scored applications to develop the list of applications recommended for funding. On March 27th, the Grants Program and Policy Committee made the funding recommendation

to the full Board. A draft Order is attached based on that recommendation of the Grants Program and Policy Committee.

Jayne Hager Dee asked if organizations will be held to the same standards as Watershed Districts and SWCD when they receive grants. Shaina stated they will.

John Jaschke stated the Governor's and Clean Water Council's recommendations include the renewal of this initial pilot. John also stated that the grant process will be adjusted and the grant agreement that is used with the Tribal Governments will be custom designed for them.

Chair VanAmburg asked about the Spark-Y Youth Action Labs and if there was anything they could share about it. Stated they are working with a local artist and youth to design stormwater related projects.

Glenn Skuta asked if the funding will be the same if renewed. Shaina stated the funding will be the same for the next biennium.

Ted Winter asked where the Spark-Y Youth projects will be. Shaina stated they will be in the Metro Area.

\*\*

23-21

Moved by Joe Collins, seconded by Jayne Hager Dee, to approve the Clean Water Legacy Partners Pilot Grant Award Recommendations. ***Motion passed on a roll call vote.***

**Board Order Authorizing the Rural Investment to Protect Our Environment (RIPE) 100 Partnership Program** – Dave Weirens and Suzanne Rhees presented Board Order Authorizing the RIPE 100 Partnership Program.

BWSR will be participating in a grant under the USDA Partnerships for Climate-Smart Commodities Program along with Virginia Tech, the RIPE organization, and the States of Arkansas, North Dakota, and Virginia. The program will pay farmers and ranchers for conservation practices with payments that reflect multiple environmental benefits. The Board Order and slides provided additional details about the program.

Rich Sve stated he would like to see as many dollars go to the ground versus administrative costs.

Jill Crafton asked if the power point could be shared. Suzanne will send a PDF to Rachel to share.

Jayne Hager Dee asked with the size of the turkey and pork industry in the state and the amount of manure they produce why isn't the cattle organization participating. Suzanne stated this came to them about a year ago and was told who the participants were and didn't have an opportunity to recruit other participants. LeAnn Buck stated there's some connections at a national level. Eunice Biel stated they spoke to other groups, and they support it but aren't ready to jump in.

Mark Zabel asked how this intersects with existing programs. Suzanne stated if you want to be eligible, you'd need to withdraw from other programs and that you can't double dip. Mark stated that we continue to pay for practices and are not transitioning to pay for performance. John Jaschke stated individual districts that are involved have discretion as to how they aim for places that will provide the most public benefit.

Todd Holman left the meeting at 11:31 a.m.

Ted Winter stated we need to attract new people to use these kinds of practices on their land.

Kurt Beckstrom stated he would like them to consider some of the good things that have been done over several years and not only the new practices.

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23-22 Moved by Rich Sve, seconded by Ron Staples, to approve the Board Order Authorizing the Rural Investment to Protect Our Environment (RIPE) 100 Partnership Program. ***Motion passed on a roll call vote.***

**Conservation Reserve Program State Incentives Pilot Program** – Dusty Van Thuyne presented Conservation Reserve Program State Incentives Pilot Program.

In 2022, the MN Legislature appropriated funds to BWSR to provide onetime state incentive payments to enrollees in the federal Conservation Reserve Program (CRP) during the continuous enrollment period and to enroll land in conservation easements consistent with Minnesota Statutes, section 103F.515.

BWSR staff recommended providing Conservation Reserve Program State Incentive Pilot Program grants to eligible watersheds with greater than 40% cropland that have approved and locally adopted watershed plans to provide onetime incentive payments to landowners enrolling or re-enrolling into the Continuous Conservation Reserve Program.

The program policy and allocation amounts have been reviewed by Senior Management Team and Grants Program and Policy and received recommendation for Board approval.

\*\*  
23-23 Moved by Neil Peterson, seconded by Kurt Beckstrom, to approve the Conservation Reserve Program State Incentives Pilot Program. ***Motion passed on a roll call vote.***

**RIM Reserve Committee**

**RIM Riparian and Floodplain Restoration Program** – Dusty Van Thuyne presented RIM Riparian and Floodplain Restoration Program.

Board Resolution # 21-45 authorized the use of ML 2021 Outdoor Heritage Fund and Clean Water Fund appropriations to secure limited duration or permanent RIM easements through the OHF Riparian Buffer Conservation Easement Program and the CWF Pilot Working Lands Floodplain Program. ML 2022, Ch. 77, Art. 1, Sec. 2, subd. 2(f) (Outdoor Heritage Fund) designated funds “to acquire permanent conservation easements and restore habitat under Minnesota Statutes, section 103F.515, to protect, restore, and enhance habitat by expanding the riparian buffer program under the clean water fund for additional wildlife benefits from buffers on private land.”

This resolution authorizes staff to utilize the funds authorized under Board Resolution # 21-45, the ML 2022 Outdoor Heritage Funds, and any future funds appropriated by the Minnesota State Legislature to implement the RIM Riparian and Floodplain Restoration Program.

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23-24 Moved by Rich Sve, seconded by Ted Winter, to approve the RIM Riparian and Floodplain Restoration Program. ***Motion passed on a roll call vote.***

**Easement Alteration Request for Public Road Project – RIM Easement #07-17-01-01** – Karli Swenson presented Easement Alteration Request for Public Road Project – RIM Easement #07-17-01-01.

The Blue Earth County Highway Department is undertaking the reconstruction of a segment of County State Aid Highway (CSAH) 16 that they have deemed “significantly deteriorated”. The aim of the project is to correct deficiencies and address safety and maintenance concerns. The project will address poor site distances, steep vertical curves, and narrow road shoulders. Road safety improvements will include widening of lanes and shoulders and flattening backslopes, designed to meet MNDOT standards. The project will require acquisition of additional right-of-way lands adjacent to the highway. The County Highway Department is requesting the release of 0.16 acres from the RIM easement to accommodate the expanded road right-of-way. The supporting map shows the existing RIM easement and the area proposed for release.

BWSR’s Easement Alteration Policy for public benefitted projects allows for release of land from the easement if the public entity compensates BWSR for the released acres at two times the current RIM payment rate, plus re-imburement of state funds paid for conservation practices, and a \$500 administrative fee. Blue Earth County has already submitted the \$500 application fee and has agreed to pay BWSR the additional amount calculated below for the release:

RIM Rate for Rapidan Township = \$7040.70/acre  
2x the RIM rate = 7040.70 x 2 = \$14,081.40/acre  
0.16 acres released x 14,081.40 = \$2253.02  
State funds paid for restoration of native grasses and forbs = \$200/acre x 0.16 acres = \$32.00  
Total to release the proposed 0.16 acres = 2253.02 + 32.00 = \$2285.02

The Blue Earth County highway department has met all requirements of BWSR’s Easement Alteration Policy for public benefitted projects. The Blue Earth SWCD Board has also voted in favor of the easement alteration request (meeting minutes attached).

#### Recommendation

Easement staff recommends approval to formally amend easement 07-17-01-01 to release 0.16 acres, as proposed. The RIM Reserve Committee voted in favor of this request at their April 14, 2023 meeting.

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23-25

Moved by Ted Winter, seconded by Ron Staples, to approve the Easement Alteration Request for Public Road Project – RIM Easement #07-17-01-01. **Motion passed on a roll call vote.**

**Easement Alteration Request - RIM Easement #86-06-91-01** – Karli Swenson presented Easement Alteration Request - RIM Easement #86-06-91-01.

BWSR acquired the 30.3-acre RIM Reserve Easement, in Corinna Township, Wright County on November 9, 1993. The current landowners, Eric and Michelle Chlan, purchased the property in September 2012.

In 2021, Wright SWCD reported after a routine RIM Site Inspection that a house had been built within the easement area, and that grazing was also occurring within the RIM easement. When notified of the violation, the landowners stated that they were unaware that there was a perpetual RIM Easement in place at the time they purchased the property, or when they applied for (and were granted) the building permit to build their home. They also stated that before they purchased the land, they were told by the township planning and zoning department that there was a “building entitlement” on the land. Approximately 4.5 acres of the parcel were excluded from the original RIM easement, but unfortunately that is not where the landowners ultimately built their home. The landowners had also worked with NRCS to develop and implement a rotational grazing plan that was in place at the time of the 2021 RIM

site inspection. Upon learning of the violation, the landowners subsequently ceased the grazing operation and removed all animals from the RIM easement area.

Due to the circumstances surrounding the easement violation, and as an alternative to pursuing an official enforcement action, BWSR staff suggested that the landowner could potentially resolve the violation by submitting an easement alteration proposal that would offer sufficient replacement lands to compensate for the impacts of the easement violation, and also satisfy the requirements of BWSR's board approved Easement Alteration Policy.

Mr. and Mrs. Chlan submitted an initial easement alteration proposal in November of 2022 which was ultimately rejected by the RIM Reserve Committee as it did not meet the minimum replacement ratios required under agency policy. Through further discussion with Mr. Chlan and Wright SWCD, the current proposal was agreed upon and staff feel the proposal is sufficient to move forward with a recommendation for approval.

The current proposal is to release 3.2 acres from the RIM Easement, containing the landowner's house, driveway, and yard. The landowner has offered to add 11.2 acres to the RIM easement in return. The replacement lands consist of the remaining 4.5 acres within the same parcel (3.2 acres of which have crop history) and an additional 6.7 acres on an adjacent parcel, consisting of existing woodland and wetlands. The total of these acres satisfies the required replacement ratios for cropland and non-cropland according to the policy. (Wetland acres were not counted toward the replacement ratio but will still be added to the easement.)

The replacement lands not only compensate for the 3.2 acres impacted by the easement violation but will add sufficient natural resource value to the easement by expanding permanently protected buffer areas around the existing wetlands and protecting wildlife habitat corridors between the RIM easement and adjacent protected lands. The net gain in perpetual easement acres would be 8 acres in addition to the direct replacement of the impacted acres and would result in added natural resource benefits to the state in alignment with the goals of the RIM program.

The Wright SWCD Board and DNR Area Wildlife Manager have each submitted letters in support of the current proposal. The landowners have also submitted the required \$500 application fee for BWSR to consider the proposal.

#### Recommendation

Staff recommend approval of this request. The request meets all conditions of BWSR's Easement Alteration Policy, would compensate for the loss due to the unintentional easement violation, and would further protect additional land with added benefits to the RIM Program.

Jayne Hager Dee thanked Karli for her work.

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23-26 Moved by Jayne Hager Dee, seconded by Kurt Beckstrom, to approve the Easement Alteration Request - RIM Easement #86-06-91-01. ***Motion passed on a roll call vote.***

#### **Central Region Committee**

**Shingle Creek and West Mississippi Watershed Management Commissions Watershed Management Plan**— Steve Christopher presented Shingle Creek and West Mississippi Watershed Management Commissions Watershed Management Plan.

#### Background:

Joint Powers Agreements established the Shingle Creek and the West Mississippi Watershed Management Commissions (SCWM WMC) in 1984. Each Commission is comprised of one member appointed from each community by their respective city council. The first Watershed Management Plan was published in April 1990. During the development process of the second-generation Plan, both Commissions agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but remain separate, politically distinct Watershed Management Organizations. Four out of the five member cities of the West Mississippi Watershed Management Commission are also members of the Shingle Creek Watershed Management Commission. The third-generation watershed management plan was approved by the Board in March 2013. The Plan has also been amended annually to maintain a current Capital Improvement Program and to take advantage of funding through Minnesota Statute 103B.251.

The Shingle Creek and the West Mississippi Watershed Management Commissions are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi Watershed Management Organization, on the south by Bassett Creek Watershed Management Commission, and on the west by the Elm Creek Watershed Management Commission. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are sixteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined, the watersheds have approximately 20.5 miles of stream. Both watersheds are predominantly fully developed, with the remaining land being currently developed.

#### Plan Process and Highlights:

The SCWM WMC initiated the process on updating its Watershed Management Plan (Plan) in mid-late 2021 soliciting input from its stakeholders, convening its Technical Advisory Committee, as well as holding a joint workshop with the Bassett Creek Watershed Management Commission focusing on environmental justice, diversity, equity, and inclusion.

Through the process identified above, the SCWM WMC identified the following as their highest priority issues:

- Achieve lake and stream goals
- Stimulate implementation
- Engage and educate
- Develop climate resiliency and sustainability

The four overarching goals for the Plan are as follows:

1. Protect, maintain, and improve the water quality and ecological integrity of the water and natural resources within the watersheds and the downstream receiving waters.
2. Reduce stormwater runoff rates and volumes to limit flood risk, protect conveyance systems, protect surficial groundwater, and reduce or mitigate impacts that have already occurred.
3. Educate and engage all stakeholders in the watersheds on surface water issues and opportunities.
4. Anticipate and proactively work to withstand adverse impacts from changing environmental and climate conditions



Both the Shingle Creek and West Mississippi Watershed Management Commissions commitment to addressing the needs identified in the Total Maximum Daily Load studies is exemplary. They have effectively utilized both competitive and non-competitive grants as well as local (Hennepin County, City, Watershed Cost-Share) funds to accomplish these successes.

\*\*  
23-27 Moved by Joe Collins, seconded by Jill Crafton, to approve the Shingle Creek and West Mississippi Watershed Management Commissions Watershed Management Plan. ***Motion passed on a roll call vote.***

**North Cannon River Watershed Management Organization 4th Generation Watershed Management Plan** – Anne Sawyer presented North Cannon River Watershed Management Organization 4th Generation Watershed Management Plan.

Background:

The NCRWMO was established in 1983. The mission of the NCRWMO is “Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities.” (Adopted July 18, 2012) The current plan was approved by the Board in August 2013.

The NCRWMO lies within the southern third of Dakota County, along the southernmost edge of the Twin Cities Metropolitan Area. Although Dakota County is considered a metropolitan county, the 150 square miles encompassed by the NCRWMO is rural in nature, with a population of 5,624 (2022) and agriculture as the predominant land use. The NCRWMO is bound by Rice County to the south and west, the Cannon River and Goodhue County to the south and east, and the Vermillion River Watershed Joint Powers Organization to the north. The NCRWMO as a unit of government is composed of eight townships (Castle Rock, Douglas, Eureka, Greenvale, Hampton, Randolph, Sciota, and Waterford) and three small cities (Miesville, New Trier and Randolph).

Plan Process and Highlights:

The NCRWMO initiated the process of updating its Watershed Management Plan (Plan) in mid-2021, soliciting input from stakeholders, convening an Advisory Committee and a Technical Committee, and hosting both virtual and in-person events in the fall of 2021 to gather public input. The NCRWMO developed priorities and goals for the next ten years of implementation based on existing plans, studies, monitoring data, and public/committee input, which were then validated and approved by the NCRWMO Board in 2022.

Through the process identified above, the NCRWMO identified the following as their highest priority issues:

- Tier 1
  - Surface water quality and quantity in priority water bodies
  - Groundwater quality and quantity in vulnerable aquifers
  - Supporting local governments with policy and regulations through partnerships
  - Outreach and education across all communities in the watershed
- Tier 2
  - Habitat protection and restoration for high-quality natural areas
  - Data and studies to support targeted implementation
  - Providing education and support for local partners regarding emerging issues



The NCRWMO developed a list of priority water resources based on opportunities for measurable improvements in land protection, erosion mitigation, and water quality. Those subwatersheds with greater potential for implementation activities and improvements are ranked higher than those where measurable outcomes will be harder to obtain. Priority water resources, ranked from highest to lowest, are Chub Creek, Chub Lake, Mud Creek, Pine Creek, Trout Brook, and Lake Byllesby.

The NCRWMO's implementation will focus on building relationships with local landowners to improve soil health and will continue to rely on valuable partnerships and collaboration with local governments, including Dakota Soil and Water Conservation District and Dakota County, for many implementation activities. The NCRWMO will continue its strong education and outreach program, making targeted efforts to gather feedback from participants to foster program improvement. Overall, this Plan will position the NCRWMO to prioritize and target implementation activities that benefit the most important water resources within the watershed.

Ted Winter asked why this was named the 4th Generation Watershed Management Plan. Anne stated this is their fourth generation of the plan and that plans are updated every ten years.

Mark Zabel stated this is one of the plans from the Seven County Metro where Watershed Management was mandated in 1982. It's different from 1W1P in Greater Minnesota, which is a voluntary program.

John stated its also different from Watershed District statues that have a different prescription for a watershed plan.

Joe Collins welcomed Anne to Central Region area. Stated he liked how the plan stated it was an adaptive management plan recognizing that things change and evolve. Joe also noted at the end of the plan there is a cost assumption chart and thought it was a good reference.

Sarah Strommen stated their letter and comment from DNR area hydrologist noted and appreciated the commitment of this plan to floodplain management control of aquatic invasive species, as well as protection and restoration of natural areas, native communities, water quality, and groundwater sustainability.

\*\*  
23-28 Moved by Joe Collins, seconded by Rich Sve, to approve the North Cannon River Watershed Management Organization 4th Generation Watershed Management Plan. ***Motion passed on a roll call vote.***

### **Northern Region Committee**

**Roseau River Comprehensive Watershed Management Plan** – LeRoy Ose, Matt Fischer, and Ryan Hughes presented Roseau River Comprehensive Watershed Management Plan.

The Roseau River Watershed Planning Partnership established a Memorandum of Agreement between the planning partners for the purposes of writing a Comprehensive Watershed Management Plan in May of 2021 and was approved for a One Watershed, One Plan planning grant in August of 2021. The partners include Roseau County, Roseau Soil and Water Conservation District (SWCD), and Roseau River Watershed District.

The partnership held a 60-day review process that ended on February 14, 2023, and the required public hearing on March 1, 2023. The final draft of the updated Plan, a record of the public hearing, and copies of all written comments were submitted to the state review agencies on March 10, 2023. The

partnership has incorporated most of the agency and public comments received throughout the Plan development process. Final state review agency comments were submitted by March 30, 2023, and all agencies that submitted comments recommended approval.

The Northern Regional Committee met on April 5, 2023, 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.

Kurt Beckstrom stated he appreciates the outreach.

Sarah Strommen noted that Theresa Ebbenga their Regional Director in the Northwest has been positive and enthusiastic about how the comprehensive watershed planning process has gone.

\*\*  
23-29 Moved by LeRoy Ose, seconded by Neil Peterson, to approve the Roseau River Comprehensive Watershed Management Plan. **Motion passed on a roll call vote.**

*Kelly Kirkpatrick left the meeting at 12:31 p.m.*

#### **NEW BUSINESS**

**Minnesota Soil Health Action Framework – Interim Update**– Suzanne Rhees, Tome Gile and Marcelle Lewandowski presented Minnesota Soil Health Action Framework – Interim Update.

In February 2022, BWSR received a grant from the McKnight Foundation for a two-year program to develop shared goals and strategies for increasing soil health management practices across Minnesota. BWSR has collaborated with the Minnesota Office for Soil Health (MOSH) throughout this process. Other participants include the MN Department of Agriculture, NRCS, local government associations, agricultural and environmental organizations, co-ops and agronomists, ag retailers, private sector food companies, University researchers and Extension advisors. A preliminary report has been developed but is still going through review by these stakeholders; this presentation will focus on the process to date and include some highlights from the report.

Joel Larson thanked them for their work. Stated he is looking forward to seeing what the process can do for bringing partners together and then the outcomes and reporting.

Chari Van Amburg asked if there was any discussion on specific crops that contribute to the problems we have as far as quality, biodiversity, greenhouse gas, etc. and of economics and politics that influence our cropping systems. Suzanne stated the Forever Green Crops has potential and are getting increasingly funded and the markets and supply chains are developing. Chair Van Amburg stated they need to be given a chance and recognized. Jeff Berg stated the Forever Green is part of the MDA portfolio. Kurt Beckstrom stated people will grow what makes money.

Glenn Skuta stated there was a good session on soil health and cover crops at the Red River Watershed Management Board and Flood Damage Reduction joint conference that was given by Anna Cates.

#### **UPCOMING MEETINGS**

- Buffers, Soils, and Drainage Committee is scheduled for 9:00 a.m., May 3, 2023, location TBD.

- Northern Region Committee is scheduled for 1:00 p.m., May 3, 2023, in Bemidji and by MS Teams.
- BWSR meeting is scheduled for 9:00 a.m., May 24, 2023, in St. Paul and by MS Teams.

Chair VanAmburg adjourned the meeting at 1:08 PM

Respectfully submitted,

Gerald Van Amburg  
Chair

## BOARD MEETING AGENDA ITEM

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

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**Meeting Date:** May 24, 2023

**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)

**Presented by:** Rich Sve DRC Chair/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

May 9, 2023

By: Travis Germundson

There are presently **four** 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 23-1 (2-27-23) This is an appeal of a WCA Restoration Order in Olmsted County. The appeal regards the impact of approximately 6,000 sq. ft. of wetland associated with a parking lot expansion project. *The appeal has been placed in abeyance and the Restoration Order stayed until the LGU makes a final decision on an after-the-fact replacement plan application.*

File 22-7 (12-6-2022) This is an appeal of a WCA notice of decision involving a replacement plan in Brown County. The appeal regards the approval of an after-the-fact replacement plan for wetland impacts associated with a road and turnaround areas located in a campground facility. *The appeal has been remanded back to the Brown County to develop an adequate record that considers the written Technical Evaluation Panel Report. The 60-day deadline for remand proceedings has been extended.*

File 22-6 (11-16-2022) This is an appeal of a WCA Restoration Order in Wright County. The appeal regards the alleged drainage impacts to wetlands associated with the installation of new drain tile. The petition request that that the appeal be placed in abeyance to allow further investigation and submittal of an after-the-fact application. *The appeal has been placed in abeyance and the Restoration Order stayed for the submittal of a complete application. The time period to submit a complete application has been extended.*

File 21-8 (12-17-21) This is an appeal of a WCA Restoration Order in Rock County. The appeal regards the alleged placement of tile lines through wetlands and DNR Public Waters. The petition request that the appeal be placed in abeyance for the submittal of an after-the-fact wetland application. *The appeal was placed in abeyance and the Restoration Order stayed for further investigation and submittal of an after-the-fact wetland application. An after-the-fact application for a no-loss was approved, which allows for the installation of non-perforated tile. The restoration/placement of this tile has yet to occur do to DNR Public Waters permitting/approval. The time period on the stay of the Restoration Order has been extended.*

Summary Table for Appeals

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

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 103 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are seven active Corrective Action Notices (CANs) and 3 Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 93 of those have been resolved.

\*Statewide 35 counties are fully compliant, and 51 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 437 CANs and 80 APOs actively in place. Of the actions being tracked over 2,440 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**

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

1. Rainy-Rapid Comprehensive Watershed Management Plan – LeRoy Ose and Ryan Hughes –  
***DECISION ITEM***
2. Red River Basin Commission Supplemental Grant Funding – Ryan Hughes and Henry Van Offelen  
– ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Rainy-Rapid Comprehensive Watershed Management Plan

---

**Meeting Date:** May 24, 2023

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

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

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

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

**Contact:** Chad Severts

**Prepared by:** Chad Severts

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

**Presented by:** LeRoy Ose/Ryan Hughes

**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-Rapid Comprehensive Watershed Management Plan

**LINKS TO ADDITIONAL INFORMATION**

<https://lakeofthewoodsswcd.org/rainy-rapid-watershed/>

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

The Rainy-Rapid Watershed Planning Partnership was approved for a One Watershed, One Plan planning grant in August of 2021 and established a Memorandum of Agreement between the planning partners for the purposes of writing a Comprehensive Watershed Management Plan in September of 2021. The partners include Lake of the Woods County and the Lake of the Woods Soil and Water Conservation District (SWCD).

The partnership held a 60-day review process that ended on March 24, 2023, and the required public hearing on April 11, 2023. The final draft of the updated Plan, a record of the public hearing, and copies of all written comments were submitted to the state review agencies on April 18, 2023. The partnership has incorporated all of



the agency and public comments received throughout the Plan development process. Final state review agency comments were submitted by May 2, 2023, and all agencies that submitted comments recommended approval.

The Northern Regional Committee met on May 3, 2023, 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.

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-Rapid 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-Rapid Watershed submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on April 18, 2023, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Decision #21-08, and;

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

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

**FINDINGS OF FACT**

1. **Partnership Establishment.** The Partnership was established in September of 2021 through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Lake of the Woods County and Lake of the Woods Soil and Water Conservation District (SWCD).
2. **Authority to Plan.** Minnesota Statutes, Sections 103B.101, Subdivision 14 allows the Board to adopt resolutions, policies or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan. Minnesota Statutes, Sections 103B.801 established the Comprehensive Watershed Management Planning Program; also known as One Watershed, One Plan and Board 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.
3. **Nature of the Watershed.** Located in northern Minnesota, two major watersheds comprise the Rainy-Rapid Watershed (R-RW): the Rapid River, and the western lobe of the Lower Rainy River. The R-RW drains 1,251 square miles, and includes parts of Lake of the Woods, Koochiching, and Beltrami Counties. The Rainy-Rapid Watershed is a flat, diverse landscape of peatlands, wetlands, forests, croplands, pasturelands, beach ridges, and watercourses.

4. **Plan Development.** The Plan was developed as a single, concise, and coordinated approach to watershed management for the purpose of guiding watershed managers as they work with landowners and communities to protect and restore the watershed's resources. 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, and drinking water sources in the watershed.
5. **Plan Review.** On April 18, 2023, the Board received a draft Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board Decision #21-08. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. State agency representatives attended and provided input at advisory committee meetings during development of the Plan. The following state review comments were received during the comment period.
  - A. Minnesota Department of Agriculture (MDA): As required by program policy, the Plan was submitted to MDA.
  - B. Minnesota Department of Health (MDH): Confirmed receipt of the plan and recommended approval.
  - C. Minnesota Department of Natural Resources (DNR): Confirmed receipt of the plan and recommended approval.
  - D. Minnesota Pollution Control Agency (MPCA): Confirmed receipt of the plan and recommended approval.
  - E. Minnesota Environmental Quality Board (EQB): As required by program policy, the Plan was submitted to EQB.
  - F. Minnesota Board of Water and Soil Resources Regional Staff: All comments submitted throughout the planning process were adequately addressed in the final Plan and BWSR staff recommended approval of the Plan.
6. **Plan Summary and Highlights.** The highlights of the plan include:
  - The Plan development process generated six issues, organized under four resource categories, using existing plans, studies, and stakeholder input. The subject issue themes are Altered Hydrology; Sediment; Protect Groundwater from Contaminants; Protect Surface Water from Contaminants; Protection, Management, and Improvement of Aquatic and Riparian Habitat; and Terrestrial Land Management.
  - The Plan details five measurable goals. Each measurable goal has a short-term and long-term goal. Short-term goals are intended to identify the progress that will be made during the 10-year lifespan of the Plan and long-term goals are a desired future condition. Targeting maps are included for each measurable goal.
  - The goals of this Plan have multiple benefits and are interrelated. Work in the upstream peatlands, agricultural lands, and City of Baudette contribute to better water quality and habitat for important fisheries, such as Lake Sturgeon and Walleye in the Rainy River and Lake of the Woods. In addition, management of forests and public lands enhances wildlife and bird habitat, landscape resilience, and carbon storage.

- Priority sub-watersheds for hydrologic restoration were determined using the HSPF SAM model to determine which sub-watersheds contribute the most flow to the Rapid River outlet. This modeling scenario identified the sub-watersheds with the best hydrologic benefits from potential project implementation.
  - The Plan recognizes three funding levels for implementation. Level 1, Current Funding; Level 2, Current Funding + WBIF; and Level 3, Other Funding. Actions pursued under Funding Level 2 are the focus of the Plan and have an estimated annual cost of \$415,000.
7. **Planning Boundary Adjustment.** The Board maintains a suggested planning boundary map for the One Watershed, One Plan program. The Rainy-Rapid 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 May 3, 2023, the Northern Regional Committee met to review and discuss the Plan. Those in attendance from the Board's Committee were Committee Chair Rich Sve, Ron Staples, Gerald Van Amburg, Todd Holman, LeRoy Ose, Kurt Beckstrom, Jeff Berg, Theresa Ebbenga, and Theresa Haugen. Board staff in attendance for the agenda item were Northern Regional Manager Ryan Hughes, Board Conservationist Chad Severts, and Clean Water Specialist Jeff Hrubes. The representatives from the Partnership were Mike Hirst from the Lake of the Woods SWCD; Josh Stromlund, Lake of the Woods County; and John Sonstegard, Lake of the Wood SWCD. 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 May 24, 2033.

## 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-Rapid Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
3. The Rainy-Rapid Watershed Plan attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board 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 serve as a replacement for the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D, but only to the geographic area of the Plan and consistent with the One Watershed, One Plan Suggested Boundary Map.

**ORDER**

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Rainy-Rapid Watershed, as submitted April 18, 2023.

Dated at St. Paul, Minnesota, this twenty-fourth of May, 2023.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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BY: Gerald Van Amburg, Chair



May 24, 2023

Rainy-Rapid Watershed Planning Partnership  
c/o Mike Hirst, Lake of the Woods SWCD  
P.O. Box 217  
Baudette, MN 56623

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

Dear Rainy-Rapid Watershed Planning Partnership:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you the Rainy-Rapid Comprehensive Watershed Management Plan (Plan) was approved at its regular meeting held on May 24, 2023. 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 May 24, 2033. 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 the One Watershed, One Plan Operating Procedures. Per the One Watershed, One Plan Operating Procedures please provide a copy of resolutions to adopt the Plan to your Board Conservationist to be eligible for grants.

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 Chad Severts of our staff at 218-770-9620 or [chad.severts@state.mn.us](mailto:chad.severts@state.mn.us) for further assistance in this matter.

Sincerely,

Gerald Van Amburg, Chair  
Minnesota Board of Water and Soil Resources

Enclosure: BWSR Board Order

CC: Listed on next page.

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

Central Office / Metro Office 520 Lafayette Road North Saint Paul, MN 55155 Phone: (651) 296-3767 Fax: (651) 297-5615

[www.bwsr.state.mn.us](http://www.bwsr.state.mn.us) TTY: (800) 627-3529 An equal opportunity employer

CC: Josh Stromland, Lake of the Woods County (via email)  
Margaret Wagner, MDA (via email)  
Carrie Raber, MDH (via email)  
Chris Parthun, MDH (via email)  
Brent Mason, DNR (via email)  
Nathan Kestner, DNR (via email)  
Barbara Weisman, DNR (via email)  
Mike Kennedy, MPCA (via email)  
Jeff Risberg, MPCA (via email)  
Catherine Neushler, EQB (via email)  
Ryan Hughes, BWSR (via email)  
Chad Severts, BWSR (via email)  
Julie Westerlund, BWSR (via email)  
Rachel Mueller, BWSR (file copy)

*Equal Opportunity Employer*





**RAINY-RAPID  
WATERSHED**



# Comprehensive Watershed Management Plan







## ACKNOWLEDGEMENTS

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### Project Partners

Lake of the Woods County  
Lake of the Woods SWCD



### Steering Committee

Josh Stromlund, Lake of the Woods County  
Mike Hirst, Lake of the Woods SWCD  
Corryn Trask, Lake of the Woods SWCD  
Chad Severts, Board of Water and Soil Resources  
Jeff Hrubes, Board of Water and Soil Resources  
Moriya Rufer, Houston Engineering

### Contributors

Jody Horntvedt, *Facilitator*, University of Minnesota Extension  
Mitch Brinks, *Mapping and Data Analysis*, Technical Service Area 8

### Prepared by

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

### Funded by



*Funding provided from the Clean Water Fund as part of the Clean Water, Land, and Legacy Amendment.*



## Policy Committee

Monica Dohmen, Lake of the Woods SWCD  
John Sonstegard, Lake of the Woods SWCD  
Ed Arneson, Lake of the Woods County  
Cody Hasbargen, Lake of the Woods County

## Advisory Committee

Mike Hirst, Lake of the Woods SWCD  
Coryn Trask, Lake of the Woods SWCD  
Josh Stromlund, Lake of the Woods County  
Anthony Pirkl, Lake of the Woods County Engineer  
Chad Severts, Board of Water and Soil Resources  
Jeff Hrubes, Board of Water and Soil Resources  
Mike Kennedy, Minnesota Pollution Control Agency  
Brent Mason, Minnesota Department of Natural Resources  
Chris Parthun, Minnesota Department of Health  
Margaret Wagner, Minnesota Department of Agriculture  
Jody Peek, Natural Resource Conservation Service

## Subject Matter Experts

Mike Ring, City of Baudette  
Pam Tomevi, Koochiching SWCD  
Matt Gouin, Koochiching County  
Zach Gutknecht, Beltrami County  
Brent Rud, Beltrami County  
Kayla Bowe, Red Lake Department of Natural Resources  
Rachel Miller, Minnesota Department of Transportation  
Phil Talmage, Minnesota Department of Natural Resources (Fisheries)  
Matt Skoog, Minnesota Department of Natural Resources (Fisheries)  
Scott Laudenslager, Minnesota Department of Natural Resources (Wildlife)  
Charlie Tucker, Minnesota Department of Natural Resources (Red Lake SNA)  
David Dragon, Minnesota Department of Natural Resources (Forestry)  
Glen Kajewski, Minnesota Department of Agriculture  
Michael Steinhauer, Natural Resource Conservation Service  
Will Lee, Natural Resource Conservation Service





## WATERSHED VISION

---

### WHO WE ARE

*We are an international watershed, sharing a border with Canada.*

*We support a world class fishery in the Rainy River and downstream Lake of the Woods.*

*We treasure vast peatlands that host an array of flora and fauna.*

*Past scars from ditching and pollution are showing signs of healing through lake sturgeon and Rainy River water quality recovery.*

### OUR VISION

*We envision a watershed where past scars have healed; where protection of peatlands, forests, and streams are balanced with sustainably managed agricultural land, timber, fisheries, economy and tourism, providing opportunities for all.*





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# Section 1. Executive Summary







# SECTION 1. EXECUTIVE SUMMARY

## Introduction

In 2021-2022, the Rainy-Rapid Watershed (R-RW) planning partners developed the Rainy-Rapid Comprehensive Watershed Management Plan (R-RCWMP) through the One Watershed One Plan (1W1P) program administered by the Board of Water and Soil Resources (BWSR), Minnesota Statutes §103B.801. The purpose of the plan is to guide the watershed managers (local counties and soil and water conservation districts) as they work to manage the watershed's resources for the enjoyment of future generations and for maintaining a healthy local economy.

The R-RW, located along Minnesota's border with Canada, is a unique and wild area with vast peatlands and a patchwork of forests and agricultural lands. With almost no water quality impairments and 81% public land ownership, the R-RCWMP focuses on **nondegredation**.

## Plan Area

The R-RW is towards the end of the Rainy River Basin, which encompasses a total area of 27,114 square miles, 41% of which are in the United States and 59% are in Canada.

There are two major watersheds that comprise the R-RCWMP planning area in Minnesota: the Rapid River (HUC 9030007), and the western lobe of the Lower Rainy River (HUC 9030008) (Figure 1.1). The Lower Rainy River is a flow-through watershed of the Rainy River, and the Rapid River is a tributary watershed that flows into the Rainy River just east of Baudette at Clementson Rapids. The R-RW drains west into Lake of the Woods.

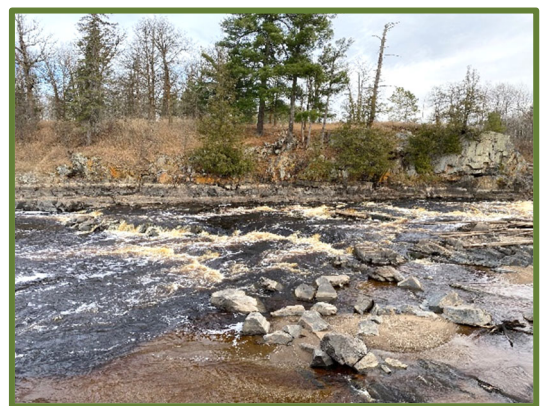
The planning area spans three counties, Lake of the Woods (65% of plan area), Koochiching (18%), and Beltrami (18%), and the Red Lake Nation (7%). The only town is Baudette, with a population of 991.

## nondegredation

non.deg.ra.da.tion

*noun*

1. Prevention of a significant change that lowers the condition of high-quality land and waters.



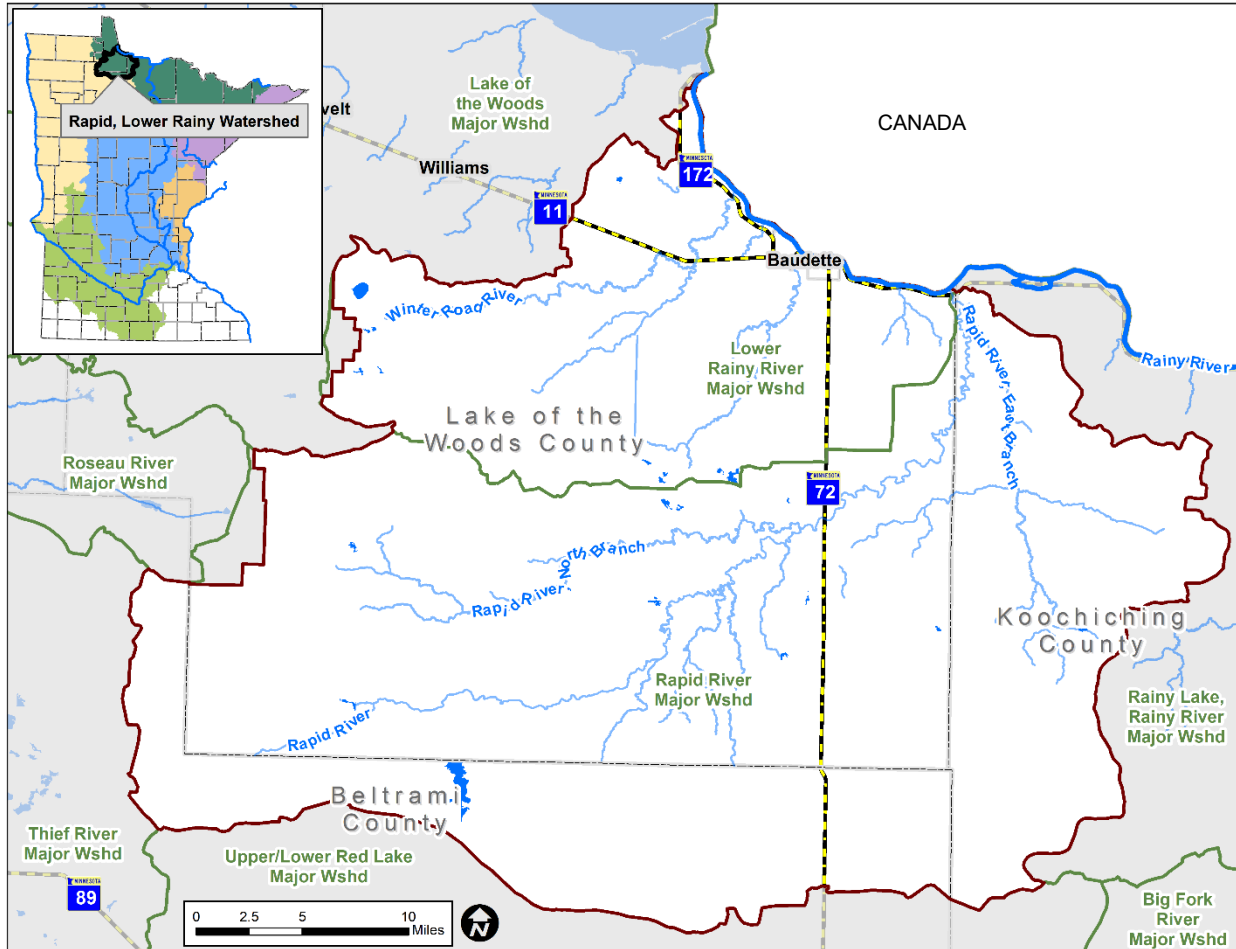


Figure 1.1. R-RW Planning Area.

## Roles and Responsibilities

The R-RCWMP was developed under a Memorandum of Agreement (MOA) between Lake of the Woods County and Lake of the Woods Soil and Water Conservation District (SWCD). Koochiching and Beltrami counties and SWCDs declined to participate because the majority of their land in this watershed is state-owned (<10% private land). The Red Lake Nation declined to participate as well.

The 1W1P process uses existing authorities, therefore two representatives from the Lake of the Woods County Board and two representatives from the Lake of the Woods SWCD Board were appointed by their respective boards to serve on the Policy Committee, the decision-making body for this plan. Lake of the Woods SWCD was the fiscal agent and plan coordinator for this project.

The plan content was developed by the Advisory Committee, which consisted of the staff from the MOA governmental units, Koochiching County, Red Lake Nation, state agencies, City of Baudette, and the Natural Resource Conservation Service (NRCS). The Steering Committee,

made up of staff from the MOA governmental units, BWSR, and consultants guided the planning process and timeline and produced the final plan.

## Public Participation

Public input was gathered to support developing the priorities determined in this plan. At the start of the planning effort in spring of 2022, an online survey was distributed, and a public open house event was held in Baudette. The online survey received 53 responses; the full report can be found in Appendix B.

The survey responses show that the public values the unique and high-quality natural resources in the watershed (Figure 1.2).

### What is the largest potential opportunity that could be fixed in your area?

1. Development pressure on rivers
2. Habitat quality for fish and wildlife
3. Unstable and degraded drainage ditches
4. Protection of unique and high-quality resources (peatlands, sturgeon, wild rice)

Figure 1.2. Responses to a public survey question in the R-RW.

## Plan Process

The R-RCWMP was developed by the planning committees throughout 2022. In the spring, subject meetings were held with the Advisory Committee and Subject Matter experts to develop the issues and brainstorm actions to address the issues. The four subjects were: 1) water quality, 2) water quantity, 3) groundwater, 4) habitat and forestry.

In the summer, the Steering Committee developed measurable goals based on the issues. In the fall, the Advisory Committee reviewed and further developed the goals and actions of the plan (Figure 1.3). The Policy Committee approved the plan content along each step.

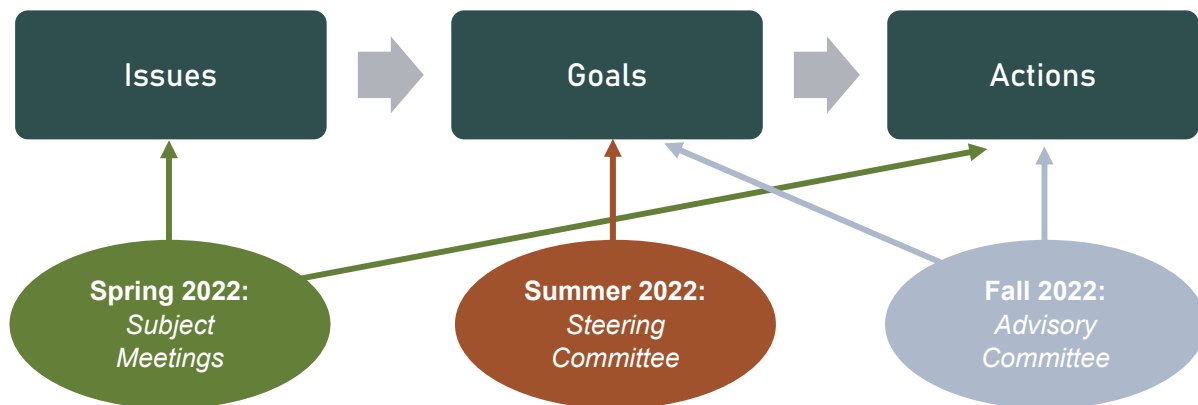








Figure 1.3. Plan development process.



## Priority Issues

Using input from the public and existing plans and studies in the watershed, the Advisory Committee and Subject Matter Experts developed issue statements at a series of subject-based meetings in spring of 2022. After the subject meetings were complete, the Steering Committee met to evaluate all the issues that were developed at the subject meetings. Some issues were combined for clarity and simplicity. The revised issues were then reviewed by the Policy Committee and approved. The finalized issues are presented in Table 1.1 and are detailed in Section 3 of this plan.

Table 1.1. Priority issues in the R-RW.

Subject	Issue Theme	Description
 Water Quantity	Altered Hydrology	Historical ditching and stream straightening altered the natural flow of surface water and groundwater, increasing flashiness and erosion, and degrading habitat.
 Water Quality	Sediment	Streambank and ditch erosion increases sediment loading and reduces water and habitat quality.
 Groundwater	Protect Groundwater from Contaminants	Groundwater needs protection.
 Water Quality	Protect Surface Water from Contaminants	Nutrient, bacteria, and chloride runoff has the potential to decrease water quality and impact aquatic recreation and aquatic life.
 Habitat & Forestry	Protection, management, and improvement of aquatic and riparian habitat	Fish and wildlife habitat needs sufficient protection and connectivity maintained in order for species to thrive and water quality to be maintained.
 Habitat & Forestry	Terrestrial Land Management	Targeted land and forest management is needed to improve forest health and habitat and provide resilience to invasive species and climate variability.

## Measurable Goals

In the summer of 2022, Measurable Goals were developed by the Steering Committee to address the priority issues. The five goals are summarized below and are detailed in Section 4 of this plan.

### Restore Hydrology

*Explore ways to reduce peak flows and restore hydrologic function of peatlands.*

Measures	Issues addressed	Example actions
No net increase in water discharge while building resiliency into projects	Altered Hydrology, Sediment, Protect Surface Water from Contaminants	Feasibility studies for ditch plug/restoration, wetland restoration, floodplain restoration

### Protect Groundwater & Drinking Water from Contaminants

*Seal unused wells and implement groundwater protection at landfills.*

Measures	Issues addressed	Example actions
Five groundwater BMPs per year	Protect Groundwater from Contaminants	Seal unused wells, BMPs at closed landfills

### Protect Surface Water from Contaminants

*Protect water bodies from contaminants such as nutrients, chloride, and bacteria.*

Measures	Issues addressed	Example actions
No net increase in pounds of phosphorus (progress towards Lake of the Woods phosphorus TMDL)	Protect Surface Water from Contaminants, Sediment	Agricultural BMPs, septic system improvements, street sweeping, stormwater management

### Protect, Manage, and Improve Habitat

*Maintain and increase habitat protection and increase forest management to improve forest health and provide resilience to invasive species and climate variability.*

Measures	Issues addressed	Example actions
1,255 acres of land protection and 30 Forest Stewardship Plans	Protection, management, and improvement of aquatic and riparian habitat, Terrestrial Land Management, Protect Surface Water from Contaminants, Protect Groundwater from Contaminants, Sediment	Forest management plans, Sustainable Forest Incentive Act, conservation easements, fish passage, habitat planting, forest stand improvement, brush management

### Stabilize Streambank, Ditch & Riparian Lands

*Stabilize streambanks and ditch banks to reduce erosion. Plant vegetative buffers adjacent to stream and ditches to further protect against erosion.*

Measures	Issues addressed	Example actions
10 miles of stream/ditch stabilized or restored	Altered Hydrology, Sediment, Protect Surface Water from Contaminants	Stream and ditch stabilization, infrastructure fixes, stabilize tile outlets, shoreline restorations



The goals of this plan have multiple benefits and are interrelated. These connections are shown in Figure 1.4.

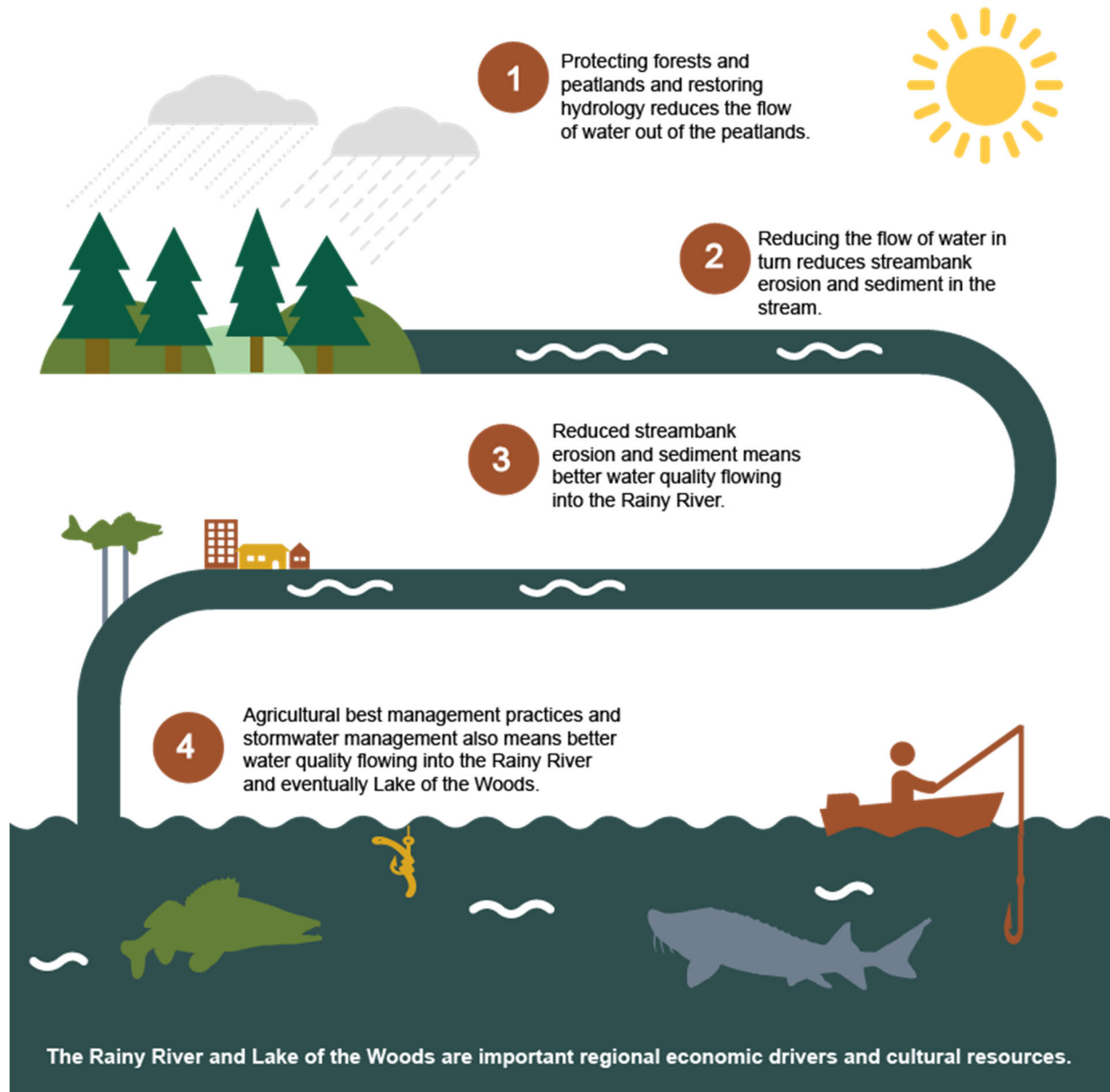


Figure 1.4. Graphic illustrating how all the plan goals are related.

## Implementation

Implementation activities and costs are presented in Section 4 of this plan. The implementation focus of the R-RCWMP is to encourage additional best management practices (BMPs) in priority areas to reach the goals. Plan practices are voluntary on private lands and will be implemented through a variety of cost-share programs, grants, and state and federal funding programs.

To implement the full extent of this plan, additional funding and capacity over current levels will be necessary. The implementation tables label actions as funding Level 2 or 3 (Table 1.2). Level 1 is the current amount of baseline funding (noncompetitive) being spent on protection, enhancement, and restoration practices and programs in the watershed. After the plan is complete, watershed partners will be eligible for Watershed-Based Implementation Funding (WBIF) administered through BWSR. This funding is noncompetitive and can be requested biennially by watershed partners to implement this plan. Level 2 includes Level 1 funding plus the WBIF and is the new operating level of the watershed after this plan is completed. Level 3 describes partner-sponsored projects or other funding sources that will help achieve plan goals.

Table 1.2. Funding levels for the R-RCWMP.

Funding Level	Description	Annual Total	10 Year Total
1	Baseline	\$260,000	\$2,600,000
2	Baseline + Watershed-Based Implementation Funding (~\$310,000/Biennium)	\$415,000	\$4,150,000
3	Other Sources (SFIA, NRCS, DNR, Lessard-Sams, etc.)	\$577,000	\$5,770,000

Existing programs will be utilized for implementing plan actions and are organized into four categories: Planned Landscape Management (“Manage It”), Protected Lands Maintenance (“Keep It”), Constructed Environmental Enhancements (“Fix It”), and Data Collection and Outreach (“Know It”) (Figure 1.5).

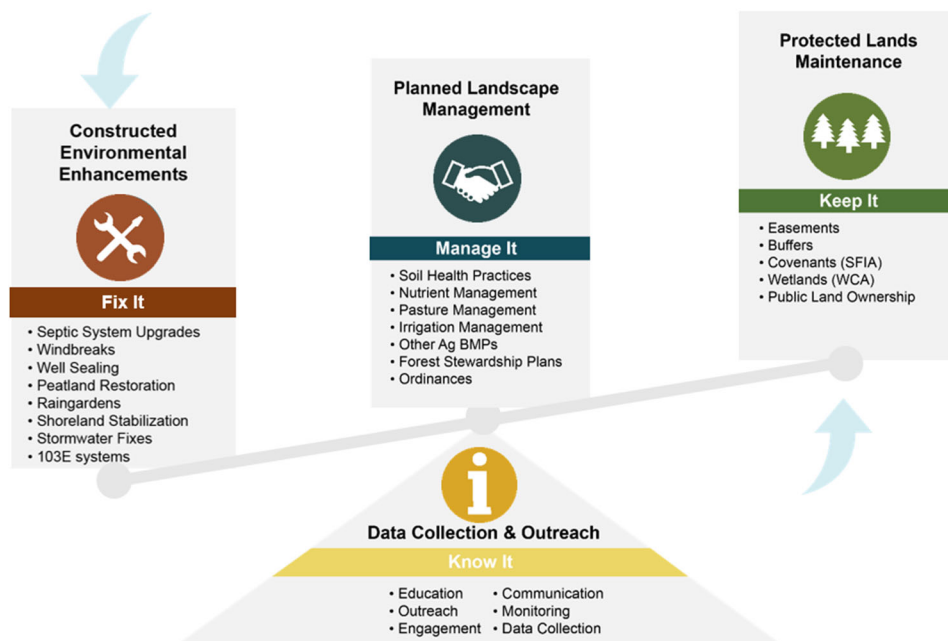


Figure 1.5. Implementation programs in the R-RW.



## Plan Administration and Coordination

The Rainy-Rapid Partnership is a collaboration of LOW County and LOW SWCD. These entities previously entered into a Memorandum of Agreement (MOA) for planning the One Watershed, One Plan to form a Policy Committee for R-RW (Appendix E). The entities will enter into a new memorandum of agreement for purposes of implementing this plan (Figure 1.6). Koochiching and Beltrami counties and SWCDs declined to participate because the majority of their land in this watershed is state-owned. The same committees that were established for planning will also continue throughout implementation.

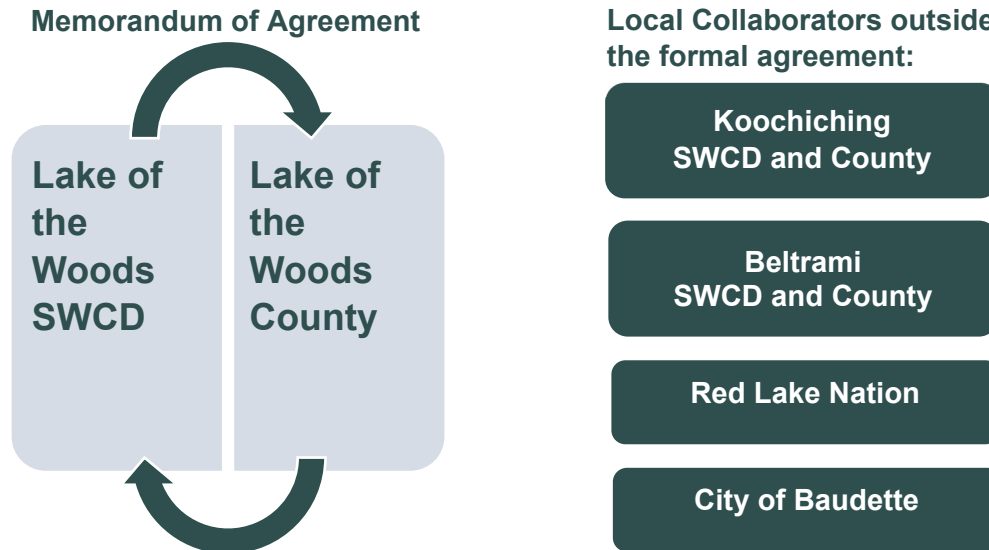


Figure 1.6. Implementation agreements and collaborators for the R-RCWMP.



## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Red River Basin Commission Supplemental Grant Funding

---

**Meeting Date:** May 24, 2023

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

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

**Keywords for Electronic Searchability:** Red River Basin Commission, Grant, Supplemental Funding

---

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

**Contact:** Ryan Hughes

**Prepared by:** Ryan Hughes

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

**Presented by:** Ryan Hughes and/or Henry Van Offelen

**Time requested:** 5 minutes

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

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

**Fiscal/Policy Impact**

- |   |   |
|---|---|
| <input 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:                   | <input type="checkbox"/> Clean Water Fund Budget        |

**ACTION REQUESTED**

Board approval of the Red River Basin Supplemental Grant Funding Order

**LINKS TO ADDITIONAL INFORMATION**

[Home | Red River Basin Comm \(redriverbasincommission.org\)](http://redriverbasincommission.org)

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

In 2021 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 secured additional annual funding from the Province of Manitoba in an amount of \$50,000/year to address inflation. The RRBC has submitted a request to BWSR for supplemental funding to match the funding received from the Province of Manitoba.

The Northern Regional Committee (Committee) met May 3, 2023, to review and discuss the RRBC supplemental funding request and to make a recommendation of the Order authorizing supplemental grant funding to the Red River Basin Commission. The Committee recommends approval of the Order providing supplemental grant funding to the Red River Basin Commission by the full Board.



## BOARD ORDER

### Red River Basin Commission – Supplemental Grant Funding

#### PURPOSE

Provide supplemental funding to the Red River Basin Commission (RRBC) to match supplemental funding provided to the RRBC from Manitoba and North Dakota for operations and program administration.

#### RECITALS /FINDINGS OF FACT

1. The Laws of Minnesota 2021, 1st Special Session, Chapter 6, Section 4(f) appropriated funds to the Board for grants to the Red River Basin Commission (RRBC) for water quality and floodplain management, including administration of programs.
2. The RRBC has requested supplemental funding from Minnesota to match Manitoba and North Dakota supplemental contributions for operational and program administration per a letter (Letter) dated April 4, 2023.
3. The Northern Regional Committee of the Board reviewed the Letter and Order and recommended approval of the Order at their May 3, 2023 meeting.
4. The Board Executive Director has authority to approve the proposed allocations in this order.

#### ORDER

The Board hereby:

1. Approves the allocation of current unallocated FY2022/2023 general funds up to \$100,000 to complement expected supplemental contributions from Manitoba and North Dakota.
2. Authorizes staff to execute new grant agreements or amend existing grant agreements and associated workplans to provide supplemental funding to match Manitoba and North Dakota supplemental contributions.

Dated at St. Paul, Minnesota, this May 24, 2023.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_  
Gerald Van Amburg, Chair  
Board of Water and Soil Resources

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



# Red River Basin Commission

Manitoba • Minnesota • North Dakota • South Dakota

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Phone 701-356-3183

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

2023- 2025

## BOARD OF DIRECTORS

### Manitoba

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Marcus Chambers  
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Brian Holmer  
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Gary Kiesow  
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LeRoy Ose  
Thom Peterson  
Ron Staples  
Sara Strommen

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### Ex Officio

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Rep. Armstrong – Terry Sando  
Rep. Fischbach  
Sen. Hoeven – Jessica Lee  
Sen. Klobuchar - Andy Martin  
Sen. Luick  
Sen. Rounds  
Sen. Smith– Carson Ouellette  
Sen. Thune – Judy Vrchota

April 4, 2023

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

Executive Director Jaschke:

I am writing to request that the Board of Water and Soil Resources assist in expanding our financial support by \$50,000 annually as we move forward.

As you know, the Red River Basin Commission has been a leader in cooperative water management efforts in the basin for more than forty years. Over that time, we have built relationships with every stakeholder we could find including landowners/producers, cities, counties, watersheds, state and federal agencies in Minnesota, North and South Dakota, and Manitoba. We continue to strive to be the voice of the river and the organization that leads in every transboundary conversation about the River.

After our last reorganization and expansion of our board of directors in 2004 the board petitioned and was granted annual base funding of \$100,000 from the three primary jurisdictions of MN, ND and Manitoba. When the process was completed in 2007 all three had agreed, with the stipulation that matching funds were required from the other jurisdictions

That funding has been renewed annually and continues to be the basis for ongoing dialog on the entire spectrum of water issues in the basin including floods, droughts, water quality and a host of other topics. This funding has allowed us the freedom to not only participate but to host many of those discussions and connect the many stakeholders when issues arise.

The end of March begins the 2023 fiscal year in Manitoba. The province awarded the commission additional \$50,000 annually to offset the impacts of more than a decade of inflation with similar stipulations that it be matched by the other primary jurisdictions.

I am currently formulating my request to the North Dakota Department of Water Resources and State Water Commission. The process in North Dakota is an administrative approval and the general water budget has sufficient surplus over the last biennium that we believe our request will be approved.

I have submitted bills to the last two sessions through a variety of sponsors in both houses and while there has been general support from both parties the challenging sessions have not finalized an approval for the increase. If I am unable to secure a matching increase, then the increased funding from Manitoba could be jeopardized.

We appreciate your consideration of this request and look forward to hearing from you. If you or your staff have any questions, please contact me at 701-356-3183

[Ted@redriverbasincommission.org](mailto:Ted@redriverbasincommission.org).

Sincerely,

Ted Preister  
Executive Director



**COMMITTEE RECOMMENDATIONS**

***Grants Program and Policy Committee***

1. Rock County Soil and Water Conservation District Tracking Tool Grant – Justin Hanson – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Rock County Soil and Water Conservation District Tracking Tool Grant

---

**Meeting Date:** May 24, 2023

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

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

**Keywords for Electronic Searchability:** Rock SWCD Tracking Tool Grant

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**Section/Region:** Regional Operations

**Contact:** Justin Hanson

**Prepared by:** Justin Hanson

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

**Presented by:** Justin Hanson

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

**ACTION REQUESTED**

Approval of Grant to Rock Soil and Water Conservation District

**LINKS TO ADDITIONAL INFORMATION**

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

Rock SWCD has been working to develop a data tracking system, for their local needs. Much of the project development and business use has already been developed through a local partnership between the two entities. This work informed other statewide partners and BWSR regarding the utility of such a product. As the workgroup assessed needs, it was apparent that Rock SWCD was meeting many of the needs that were identified by the workgroup. There is a scale of efficiency by utilizing the local work that Rock SWCD began and leveraging it to develop the statewide standards and product prototype. The partnership between Rock SWCD and contractor are uniquely positioned to meet the needs of BWSR’s LGU grantees through the deliverables of this project.

Rock SWCD has been developing Watershed Based Planning for much of the geographic area around the state. They are well versed in projects that LGU partners will be using and how they will track this work.

Rock SWCD has been working with a contractor which has the technical staff to utilize a proven product and make adjustments to the program to fit the specific needs of LGU's around the state that are developing and implementing projects across the state.

Rock SWCD does not currently have a finished product. There will be value added to their local data tracking. However, they are offering to share the data they have and provide project management as a means of assisting their partners across the state. This creates a savings to the State of Minnesota and BWSR.



## BOARD ORDER

### Rock County Soil and Water Conservation District – Watershed Project Tracking Grant

#### PURPOSE

Create effective and efficient access to a localized program tracking tool. The program tracking tool will be used to centralize data and projects related to the implementation of watershed plan activity.

#### RECITALS /FINDINGS OF FACT

1. In December 2022 the Minnesota Association of Soil and Water Conservation Districts (MASWCD) approved a Resolution stating that MASWCD “Work with Minnesota Board of Water and Soil Resources and interested SWCDs to consider and share tracking tool options for implementing Comprehensive Watershed Management Plans. The tracking tool options should be designed to track projects, pollution reductions and progress reports.”
2. In response to this resolution, BWSR staff commissioned an ad hoc work group consisting of staff from MASWCD and Minnesota Watersheds to assess tracking tool options and make recommendations to BWSR regarding consistent local needs.
3. The work group recommended that BWSR support a locally led initiative to develop and support a standardized process for recording projects and tracking activities that could be utilized across the state, regardless of the adopted tool development or subscriptions.
4. MASWCD membership has requested that BWSR assist with the development of a project tracking prototype tool that may be used by watershed partners that choose to utilize a tool that is already developed.
5. The Rock County Soil and Water Conservation District has requested funding to support development of a statewide watershed project tracking tool and standardized processes for tracking activity.
6. A grant to the Rock County SWCD would satisfy the request from the work group, while also addressing the specific project requests for developing a prototype tool. This grant would also provide financial resources for Rock SWCD to develop a standardized process for tracking projects.
7. The BWSR Executive Director has authority to approve the proposed allocations in this order.

## **ORDER**

The Board hereby:

1. Approves the allocation of currently unallocated FY2022/2023 general funds for an amount up to \$110,000 to financially support and execute the “Watershed Tracking Tool Grant” project.
2. Authorizes staff to execute new grant agreements or amend existing grant agreements and associated workplans to provide funding to execute the “Watershed Tracking Tool Grant” project.

Dated at St. Paul, Minnesota, this 24<sup>th</sup> day of May, 2023.

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

---

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

## **COMMITTEE RECOMMENDATIONS**

### ***Administrative Advisory Committee***

1. Board Per Diem Policy Update – John Jaschke – ***DECISION ITEM***
2. Bylaws Update – John Jaschke – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Board Per Diem Policy Update

---

**Meeting Date:** May 24, 2023

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

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

**Keywords for Electronic Searchability:** Per diem, policy, BWSR Board

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**Section/Region:** \_\_\_\_\_

**Contact:** Rachel Mueller

**Prepared by:** Rachel Mueller

**Reviewed by:** Administrative Advisory Committee    Committee(s)

**Presented by:** John Jaschke

**Time requested:** 10 minutes

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

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

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

Approve updated per diem policy.

**LINKS TO ADDITIONAL INFORMATION**

The draft updated per diem policy will be provided at the board meeting.

The current policy is located on the website: [Board Member Per Diem and Expenses Policy \(effective November 1, 2018\) \(state.mn.us\)](http://www.state.mn.us/boardofwater/policy/Board_Member_Per_Diem_and_Expenses_Policy_(effective_November_1,_2018).pdf)

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

The current per diem policy was implemented in October 2018. A few changes to the policy have been proposed to ensure judicious use of state resources and provide clarity to board members about when claiming per diems.

Board Resolution # 23 - \_\_\_\_\_

**UPDATED PER DIEM POLICY**

**WHEREAS**, the Board of Water and Soil Resources establishes a per diem policy for board members to ensure judicious use of state resources and provide clarity to board members about when per diems may be claimed; and

**WHEREAS**, the most recent version of the Board Per Diem Policy was implemented on October 24, 2018; and

**WHEREAS**, board members and staff have proposed updates to the per diem policy; and

**WHEREAS**, updates to the per diem policy were reviewed by the Administrative Advisory Committee on May 15, 2023 and recommended to the full board.

**NOW THEREFORE BE IT RESOLVED**, the Board hereby:

1. Rescinds the Board of Water and Soil Resources Per Diem Policy dated October 24, 2018.
2. Adopts the Updated Board of Water and Soil Resources Per Diem Policy dated May 24, 2023 and effective July 1, 2023.

\_\_\_\_\_  
Gerald Van Amburg, Chair  
Board of Water and Soil Resources

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

Attachment: Board of Water and Soil Resources Per Diem Policy.



**BOARD OF WATER AND SOIL RESOURCES (BWSR)  
BOARD MEMBER PER DIEM AND EXPENSES POLICY**

**Minn. Stat. § 103B.101, subd 2(d)  
(effective July 1, 2023)**

- A. PER DIEM: The per diem rate is set at \$125/day. Per diem is authorized for Board members for the following:
1. For regular and special Board meetings, meetings of committees to which members are assigned.
  2. For conferences and training sessions approved by the Board Chair or Executive Director.
  3. For time spent in preparation time for each Board meeting, each committee meeting, or each special meeting of the Board.
  4. Authorized for the day prior and the day after by Board members in travel status for board business when Board members travel more than 200 miles each way using vehicular transportation.
  5. Authorized for the day prior or the day after by Board members in travel status for board business when Board members travel more than 100 miles each way using vehicular transportation
  6. Full-time employees of the State or one of its political subdivisions are not eligible to receive a per diem payment per Minn. Stat. § 15.0575, subd. 3.
  7. In no instances will more than one BWSR or other state agency issued per diem payment per day be permitted under this policy.
  8. Participation via conference call, videoconference, internet technology or other similar means in regular monthly Board meetings, meetings of committees to which members are assigned, and special meetings called by the Board Chair or the Executive Director, is considered the same as participation in-person for per diem or expense purposes.

B. EXPENSES: Expenses are authorized for Board members according to the following criteria:

1. Expenses incurred by Board members for attendance at meetings and events as described in items in Part A will be reimbursed consistent with those authorized under the commissioner's plan adopted under Minn. Stat. § 43A.18, subd. 2.

Reimbursable expenses may include, but are not limited to, the following: Commercial transportation (air, taxi, rental car, etc.); Meals including tax and a reasonable gratuity; Hotel and motel accommodations; Parking fees and toll charges.

Board members who use their personal office equipment, supplies and services in part for the purpose of receiving and generating telephone, mobile communications technology, email or other electronic communications related to Board activities, are eligible for a reimbursement for such equipment, supplies and services up to an amount not to exceed \$75 per month.

2. Child care expenses incurred as a result of monthly Board meetings, special or committee meetings of the Board shall be compensated as defined in Minn. Stat. § 15.0575, subd. 3.
3. Vehicle travel will be reimbursed at the standard Federal IRS mileage rate in effect at the time of travel.
4. Board members who are employees of the State or one of its political subdivisions may receive payment for their expenses incurred in performing their board member activities unless those expenses are reimbursed by another source.
5. *Note:* The Internal Revenue Service (IRS) requires business expenses to be submitted for reimbursement within 60 days after the expense is incurred or the trip ends. If not submitted within 60 days, the reimbursement becomes taxable for federal, state, FICA and Medicare; and withholding tax must be taken.

C. MEETING COORDINATION: Committee chairs and staff shall schedule committee meetings to efficiently use board members' time and manage travel expenses.

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Gerald Van Amburg, Chair  
Minnesota Board of Water and Soil Resources

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Date

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Bylaws Update

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**Meeting Date:** May 24, 2023

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

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

**Keywords for Electronic Searchability:** Bylaws, update

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**Section/Region:** \_\_\_\_\_

**Contact:** John Jaschke

**Prepared by:** Rachel Mueller

**Reviewed by:** Administrative Advisory Committee    Committee(s)

**Presented by:** John Jaschke

**Time requested:** 10 minutes

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

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

**Fiscal/Policy Impact**

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

**ACTION REQUESTED**

Approve updates to bylaws.

**LINKS TO ADDITIONAL INFORMATION**

The current policy is located on the website: [Board of Water and Soil Resources Bylaws \(state.mn.us\)](http://state.mn.us)

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

Proposed bylaws updates were reviewed by the Administrative Advisory committee on May 15, 2023.

Board Resolution # 23 - \_\_\_\_\_

**UPDATED BOARD OF WATER AND SOIL RESOURCES BYLAWS**

**WHEREAS**, consistent with Minnesota statute section 103B.101, Subd. 8a, the Board of Water and Soil Resources establishes bylaws to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, fair and lawful manner; and

**WHEREAS**, the most recent version of the Board Bylaws is dated October 24, 2018; and

**WHEREAS**, board members and staff have proposed updates to the bylaws to ensure that the bylaws clearly state how the board operates; and

**WHEREAS**, the updated bylaws were reviewed by the Administrative Advisory Committee on May 15, 2023 and recommended to the full board.

**NOW THEREFORE BE IT RESOLVED**, the Board hereby:

1. Rescinds the Board of Water and Soil Resources Bylaws dated October 24, 2018.
2. Adopts the updated Board of Water and Soil Resources Bylaws, dated May 24, 2023.

\_\_\_\_\_

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

Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Attachment: Board of Water and Soil Resources Bylaws, dated May 24, 2023.

**BOARD OF WATER AND SOIL RESOURCES**  
**BYLAWS**  
**May 24, 2023 (effective July 1, 2023)**

**ARTICLE I. Introduction**

1. Purpose  
The Board of Water and Soil Resources (BWSR) desires to conduct its business and perform its responsibilities and duties in an orderly, efficient, transparent, fair and lawful manner. These Bylaws are established for that purpose.
2. Application of Bylaws  
Unless otherwise specifically indicated, these Bylaws shall apply to the transaction of all BWSR business and the conduct of all BWSR meetings and hearings.
3. Compliance with Applicable Law  
It is the specific intent of the BWSR to perform its responsibilities and conduct its hearings and meetings in accordance with all applicable federal law and state statutes and regulations. The provisions of all such applicable law shall have control over anything to the contrary in these Bylaws.

**ARTICLE II. Membership, Officers, Duties and Committees**

1. Membership  
The Board of Water and Soil Resources shall be composed of members appointed according to MN Statutes §103B.101.  
  
Individual members shall not act to represent the Board on any given subject unless specific Board action/position has been determined/ruled and the individual action thus represents the Board as a whole.  
  
MN Statutes §15.0575, subd. 4, provides that “[t]he chair of the board shall inform the appointing authority [i.e., the Governor] of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the chair of the board shall notify the member in writing that the member may be removed for missing the next meeting.”
2. Officers Designated  
The officers of the BWSR shall be the Chair and the Vice-Chair. The Chair is appointed by the Governor from the members of the Board. The Vice-Chair shall be elected to a two-year term by the members of the Board. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year.

The Board shall employ an Executive Director, who is a salaried officer, consistent with MN Statutes § 103B.101, subd. 4. The Executive Director is responsible for the administrative and general operations of the BWSR. All other staff shall report to the Executive Director.

3. Duties of Officers

a) Chair

The Chair shall have the following responsibilities:

- 1) Supervise the affairs of the Board and communicate such affairs to all board members.
- 2) Preside at all Board meetings.
- 3) Preside at Dispute Resolution Committee proceedings or appoint a presiding member.
- 4) May schedule special meetings.
- 5) Approves board meeting agendas.
- 6) Establishes committee structure and appoints committee members.
- 7) Serve on the Environmental Quality Board per MN Statutes Chapter 116C.

b) Vice-Chair

The Vice-Chair shall have the following responsibilities:

- 1) Perform those duties delegated by the Chair.
- 2) Act as Chair in the event of the Chair's illness, disability, absence from a meeting or not being readily able to function as Chair.

c) Executive Director

The Executive Director shall be responsible to the Board and communicate/report regularly to the Chair. The Executive Director or designee shall attend all Board meetings but shall not vote. The Executive Director shall have the following responsibilities:

- 1) To see that all resolutions, rules, regulations and orders of the Board are carried out.
- 2) To present to the Board program plans, studies and reports prepared for Board purposes and action and recommend to the Board for adoption those measures deemed necessary and prudent to carry out the programs and duties of the Board or for the efficient administration of the affairs of the Board. The Executive Director shall have the authority to execute or officially sign on behalf of the Board on all actions approved, ruled or delegated by the Board.
- 3) To communicate and interact with the Governor's office, state and federal agencies, local governments, special districts, joint powers authorities, the legislature, and to participate in relevant meetings as well as provide such meeting knowledge to the Board.
- 4) To keep the Board fully advised as to its financial condition and to prepare and submit Board budgets through the processes established by the Governor's office or Minnesota Management and Budget (MMB).

- 5) To represent and implement the Board's orders, resolutions, and policies.
- 6) To record and maintain a record and minutes of the meetings and process and maintain all information relating to Board business.
- 7) To develop the proposed agenda for Board meetings, provide for meeting notices and handle all other administrative affairs.
- 8) To sign documents as designated by the Board.
- 9) To participate in a regular Personnel Review as directed by the Chair.

4. Vacancies and absences of Officers

- a) Chair: In the absence of the Chair, the Vice-Chair shall preside.
- b) In the event of a Chair vacancy the Vice-Chair will become the acting Chair.
- c) Vice-Chair: If a vacancy occurs in the office of Vice-Chair, the regular members shall elect an acting Vice-Chair to fill the remaining term time.
- d) Chair, Vice-Chair: If at a Board meeting, neither the Chair nor Vice-Chair are present but a quorum exists, the members shall elect from within the membership an acting Chair to run the meeting.

5. Committees

- a) The Board chair may establish committees. The Board Chair shall appoint committee members and shall be an ex-officio member of all committees to which the Board Chair is not appointed.
- b) Unless otherwise prescribed by statute or rule, committees shall consist of three or more members of the Board for the purpose of gathering information, presiding over public hearings, making findings and bringing recommendations to the Board.
- c) Certain duties may be delegated to committees by a majority vote of the board members.
- d) When a member of the Dispute Resolution Committee or another committee has a conflict of interest or is otherwise unable to fully participate in consideration of a matter, the Board Chair may appoint a substitute to serve in place of that member with respect to that matter.
- e) The Board Chair shall appoint committee chairpersons.
- f) The Executive Director shall assign staff to facilitate and support the work of committees.
- g) The membership of all committees shall be posted on the BWSR website or made available in alternate formats upon request.

### ARTICLE III. Meetings and Hearings

1. Notice  
Notices of all meetings and hearings of the BWSR shall be made in a manner in accordance with MN Statutes Chapter 13D (*Open Meeting Law*).
2. Open Meetings and Records  
All meetings of the Board shall be open to the public as provided by law. The votes of the members shall be recorded by voice vote or by roll call if so called. The minutes shall be available to the public upon request made to the Executive Director. Minutes of Board meetings shall be preserved for at least ten years. Minutes of recent Board meetings shall be posted on the BWSR website once approved by the Board.
3. Closed Meetings  
The Chair may call a closed meeting or close a meeting if the closure is authorized by statute or permitted by the attorney-client privilege.  
  
In all cases where a meeting is closed, the Board shall abide by the requirements for closed meetings in Chapter 13D.
4. Hearing Records
  - a) When a public hearing on a matter has been held, whether by delegated committee that is to decide or recommend to the Board or by the Board, and the hearing record has been closed, the hearing record will not be reopened to receive additional written or oral submissions except by majority vote of the body considering the matter.
  - b) All information submitted to BWSR for hearing purposes becomes the property of the BWSR.
  - c) The BWSR shall maintain all records gathered during public hearings. The Executive Director shall not be required to maintain the records for more than three years after the close of a hearing.
5. Quorum  
A majority of the Board or the majority of the committee is a quorum.
6. Voting  
Each member shall have one (1) vote in the transaction of business of the Board. Agency members may designate an alternate to attend and vote on their behalf by notifying the Chair or Executive Director (or Committee Chair or lead staff for Committee meetings) via electronic communication prior to the meeting. In order to vote, the member or designated alternate must be in attendance for the meeting. A vote will be recorded by voice vote unless a roll call vote is requested. A roll call vote may be requested by any member and a roll call vote will be used for teleconference meetings per MN Statute Chapter 13D.



7. Meeting Arrangements  
The Board shall normally meet the fourth Wednesday of the month so designated by action of the Board no earlier than 8:00 AM until agenda business is complete. The Chair may call for recess for appropriate breaks or for purposes of furthering the agenda orders of business.

The chair of the Board shall select a meeting location that is convenient and suitable for the members, staff and general public.

A consent agenda may be developed at the discretion of the Chair. Items on a consent agenda may be removed for individual consideration upon the request of any board member and placed on a logical place on the regular agenda as determined by the chair.

8. Parliamentary Procedure  
Robert's Rules of Order, Revised, shall govern the conduct of the meeting except when state statute, policies, and these bylaws state otherwise. The Chair shall make all parliamentary rulings. The Executive Director or designee shall serve as the parliamentarian advisor to BWSR.
9. Board Meeting Agenda Development  
All matters for preliminary agenda consideration with pertinent information included shall be submitted to the Executive Director and reviewed by the Chair prior to the Board meeting. Placement of items on the proposed agenda will be at the discretion of the Chair and the Executive Director.
10. Conflicts of Interest  
Each board member is obligated to determine whether he/she has a perceived, potential, or actual conflict of interest with respect to any matter before the BWSR and to comply with all requirements of law regarding any potential conflict. Board members who disclose an actual conflict of interest will not be allowed to participate in and vote on the agenda item for which they declared an actual conflict.

#### **ARTICLE IV. Adoption and Amendments**

1. Adoption  
The effective date of bylaw changes shall be no sooner than the next regular meeting of the Board.
2. Amendments  
These Bylaws may be amended by a two-thirds vote of the board members. All proposed amendments shall be presented in writing.

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Gerald Van Amburg, Board Chair

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Date