



BOARD ORDER

Fiscal Year 2024 Clean Water Fund Competitive Grant Program Awards

PURPOSE

Authorize the Fiscal Year 2024 Clean Water Fund Competitive Grant Program Awards.

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2023 (fiscal year 2024), Chapter 40, Article 2, Section 6 (b) appropriated \$8,500,000 for the fiscal year 2024 Clean Water Fund Projects and Practices Competitive Grants Program with up to 20 percent available for land-treatment projects and practices that benefit drinking water.
2. The Laws of Minnesota 2019 First Special Session (fiscal year 2020), Chapter 2, Article 2, Section 7 (c) \$4,000,000 the first year and \$4,000,000 the second year are for accelerated implementation, local resource protection, enhancement grants, statewide analytical targeting tools that fill an identified gap, program enhancements for technical assistance, citizen and community outreach, compliance, and training and certification (Fiscal Year 2020). Approximately \$2,069,612 of this appropriation remains uncommitted.
 - a. Section 6 (p) allows the board to shift grant, cost-share, or easement funds for high-priority needs identified in local water management plans.
3. On June 28, 2023, the Board authorized staff to distribute and promote a request for proposals (RFP) for Clean Water Fund Competitive Grants (Board order #23-40).
4. The request for proposals for a total of \$8,700,000 was noticed on June 29, 2023 with a submittal deadline of August 24, 2023.
5. Applications were scored and ranked by the interagency committees on October 18, 2023.
6. On November 14, 2023, BWSR's senior management team reviewed staff's recommendation for allocations and shifting uncommitted funds (approximately \$2,069,612) from the fiscal year 2020 accelerated implementation to the fiscal year 2024 Clean Water Fund Projects and Practices Competitive Grant Program and recommended approval to the Grants Program and Policy Committee.
7. The Grants Program and Policy Committee, at their November 20, 2023 meeting, reviewed the proposed shift and allocations and recommended approval to the Board.

ORDER

The Board hereby:

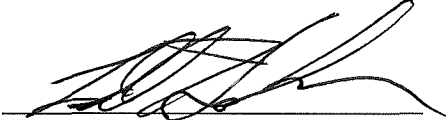
- a) Authorizes staff to shift the remaining balance (approximately \$2,069,612) from the fiscal year 2020 accelerated implementation to the fiscal year 2024 Clean Water Fund Projects and Practices Competitive Grant Program (#2 above).
- b) Approves the allocation of funds to each applicant in the amounts listed in the attached allocation tables.
- c) Authorizes staff to approve work plans and enter into grant agreements for these funds consistent with the appropriations and the RFP.
- d) Authorizes staff to fully or partially fund additional applications in rank order, and may separately or in combination: i. reallocate funds returned from previous years' Clean Water Fund Competitive grant programs, ii. reallocate funds that become available if funded projects are withdrawn or do not receive

work plan approval by March 20, 2024 unless extended for cause, or iii. reallocate funds that are modified due to a reduction in the state funding needed to accomplish the project.

- e) Establishes that the grants awarded pursuant to this order will conform to FY 2024 Clean Water Fund Competitive Grant Policy.

Dated at St. Paul, Minnesota, this December 14, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Date: 12/14/2023

Todd Holman, Chair
Board of Water and Soil Resources

Attachments:

- FY2024 Clean Water Fund Projects and Practices Allocation Table
- FY2024 Clean Water Fund Projects and Practices Drinking Water Subprogram Allocation Table
- Maps of recommended award locations (for informational use only)

FY2024 Clean Water Fund Projects and Practices Allocation Table

| # | Grant ID | Title of Proposal | Grantee | Total (\$) |
|----|----------|---|--------------------------------|--------------|
| 1 | C24-0014 | Centerville Lake Internal Phosphorus Load Reduction Project | Rice Creek WD | \$ 954,500 |
| 2 | C24-0034 | Woodland Ave/ Hartley Park Green Infrastructure benefitting Tischer Creek | St. Louis County | \$ 500,000 |
| 3 | C24-0027 | Sunrise Chain of Lakes Shoreland Stabilization – Phase 2 | Anoka CD | \$ 107,000 |
| 4 | C24-0045 | Interstate Valley Creek Streambank Stabilization and Stormwater BMP Project | Dakota SWCD | \$ 585,000 |
| 5 | C24-0065 | Mustinka River Rehabilitation - Phase 2b | Bois de Sioux WD | \$ 1,000,000 |
| 6 | C24-0010 | FY24 CWF Alimagnet Lake Alum Treatment Project | Vermillion River Watershed JPO | \$ 287,000 |
| 7 | C24-0053 | South Branch Buffalo River Watershed Restoration – Phase 2 | Buffalo-Red River WD | \$ 450,000 |
| 8 | C24-0020 | Lower Coon Creek Corridor Restoration | Coon Creek WD | \$ 445,000 |
| 9 | C24-0003 | 2024 Lower Clearwater Planning Region Water Quality Improvement Projects | Red Lake SWCD | \$ 270,810 |
| 10 | C24-0081 | Big Carnelian Lake Stormwater Quality Improvements Phase II | Carnelian-Marine-St. Croix WD | \$ 216,000 |
| 11 | C24-0002 | July Avenue Feedlot | Comfort Lake-Forest Lake WD | \$ 90,000 |
| 12 | C24-0018 | 2023 Lower Otter Tail River Gully Stabilization Project | Wilkin SWCD | \$ 195,000 |
| 13 | C24-0075 | South Oak Pond Water Quality Improvement Project | St Louis Park, City of | \$ 350,000 |
| 14 | C24-0047 | Seminary Fen Ravine C-2 Restoration | Chaska, City of | \$ 615,000 |
| 15 | C24-0058 | Lower Otter Tail River Restoration – Head-Cut Stabilization | Buffalo-Red River WD | \$ 400,000 |
| 16 | C24-0067 | Whetstone River Restoration | Upper Minnesota River WD | \$ 600,000 |
| 17 | C24-0030 | Lake Lizzie Phosphorous & Sediment Reduction Project | Otter Tail, West SWCD | \$ 124,000 |
| 18 | C24-0064 | 2024 GCW TMDL Implementation | Chisago SWCD | \$ 250,000 |
| 19 | C24-0078 | Valley Creek Mainstem Restoration Project | Valley Branch WD | \$ 462,000 |

| | | | | |
|----|----------|--|------------------------|---------------------|
| 20 | C24-0033 | City of Baudette Stormwater BMPs | Lake of the Woods SWCD | \$ 150,000 |
| 21 | C24-0061 | Goose Lake Water Quality Improvement Project | Valley Branch WD | \$ 150,000 |
| 22 | C24-0046 | Water Storage and Water Quality for CD 59 and Beaver Creek | Renville SWCD | \$ 773,133 |
| 23 | C24-0060 | FY24 CWF Keller Lake Targeted Stormwater Treatment Project | Apple Valley, City of | \$ 313,169 |
| | | | Total | \$ 9,287,612 |

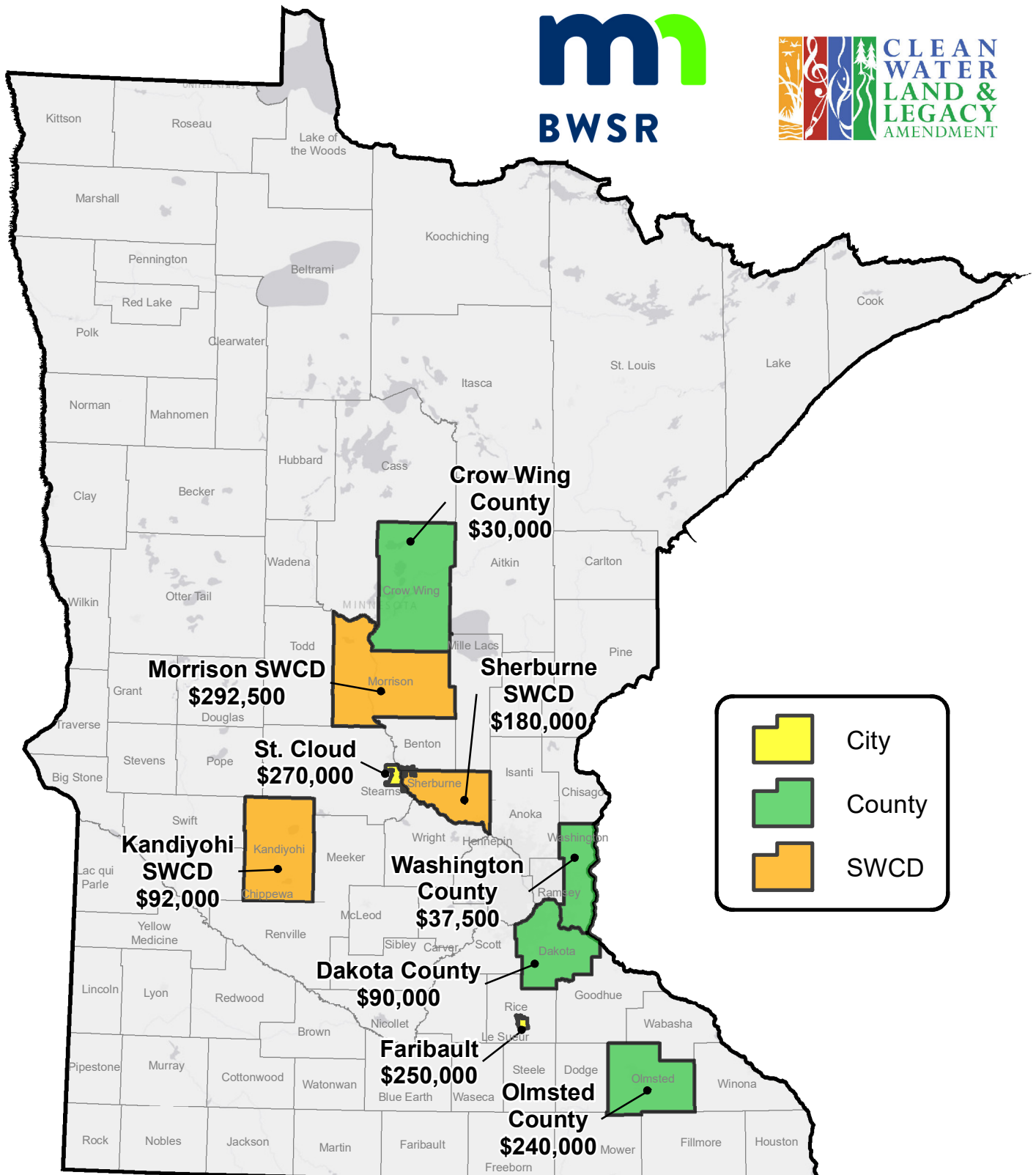
FY2024 Clean Water Fund Project and Practices Drinking Water Subprogram Allocation Table

| # | Grant ID | Title of Proposal | Grantee | Total (\$) |
|----------|-----------------|--|--------------------|---------------------|
| 1 | C24-0043 | Street Sweeping St. Cloud for Clean Drinking Water | St. Cloud, City of | \$ 270,000 |
| 2 | C24-0069 | FY 2023 CWF Projects & Practices Drinking Water Quality Application | Faribault, City of | \$ 250,000 |
| 3 | C24-0011 | 2024 Dakota County Well Seal Program | Dakota County | \$ 90,000 |
| 4 | C24-0035 | Oronoco Private Well Sealing Round 2 | Olmsted County | \$ 240,000 |
| 5 | C24-0077 | Vulnerable Non-Community Public Water Supply Protection In Mississippi Outwash Plains Using Cover Crops Phase 2 | Morrison SWCD | \$ 292,500 |
| 6 | C24-0063 | Nitrate and Water Use Reduction in Targeted Sherburne County DWSMAs and Townships | Sherburne SWCD | \$ 180,000 |
| 7 | C24-0006 | Well Sealing | Washington County | \$ 37,500 |
| 8 | C24-0059 | Crow Wing County Well Sealing and Groundwater Protection | Crow Wing County | \$ 30,000 |
| 9 | C24-0019 | Kandiyohi Groundwater and Drinking Water Resource Protection through Education and Well Sealing in High Priority Areas | Kandiyohi SWCD | \$ 92,000 |
| | | | TOTAL | \$ 1,482,000 |

FY 2024 Clean Water Fund

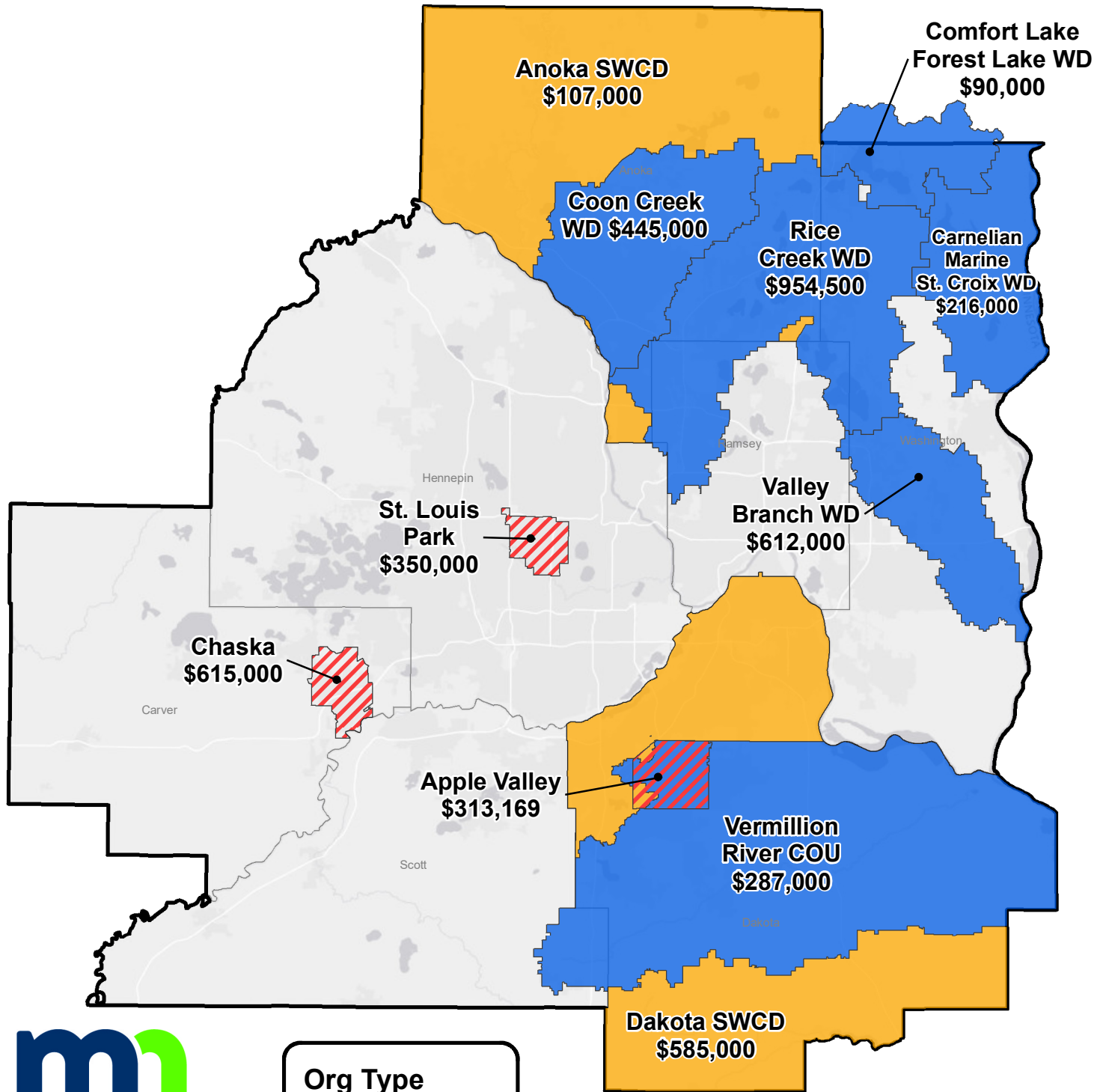
Projects and Practices - Drinking Water

Total Recommended Funding: \$1,482,000



FY 2024 Clean Water Fund




Projects and Practices Recommended Funding
Total Outstate Recommended Funding: \$4,712,943
Total Metro Recommended Funding: \$4,574,669



BWSR

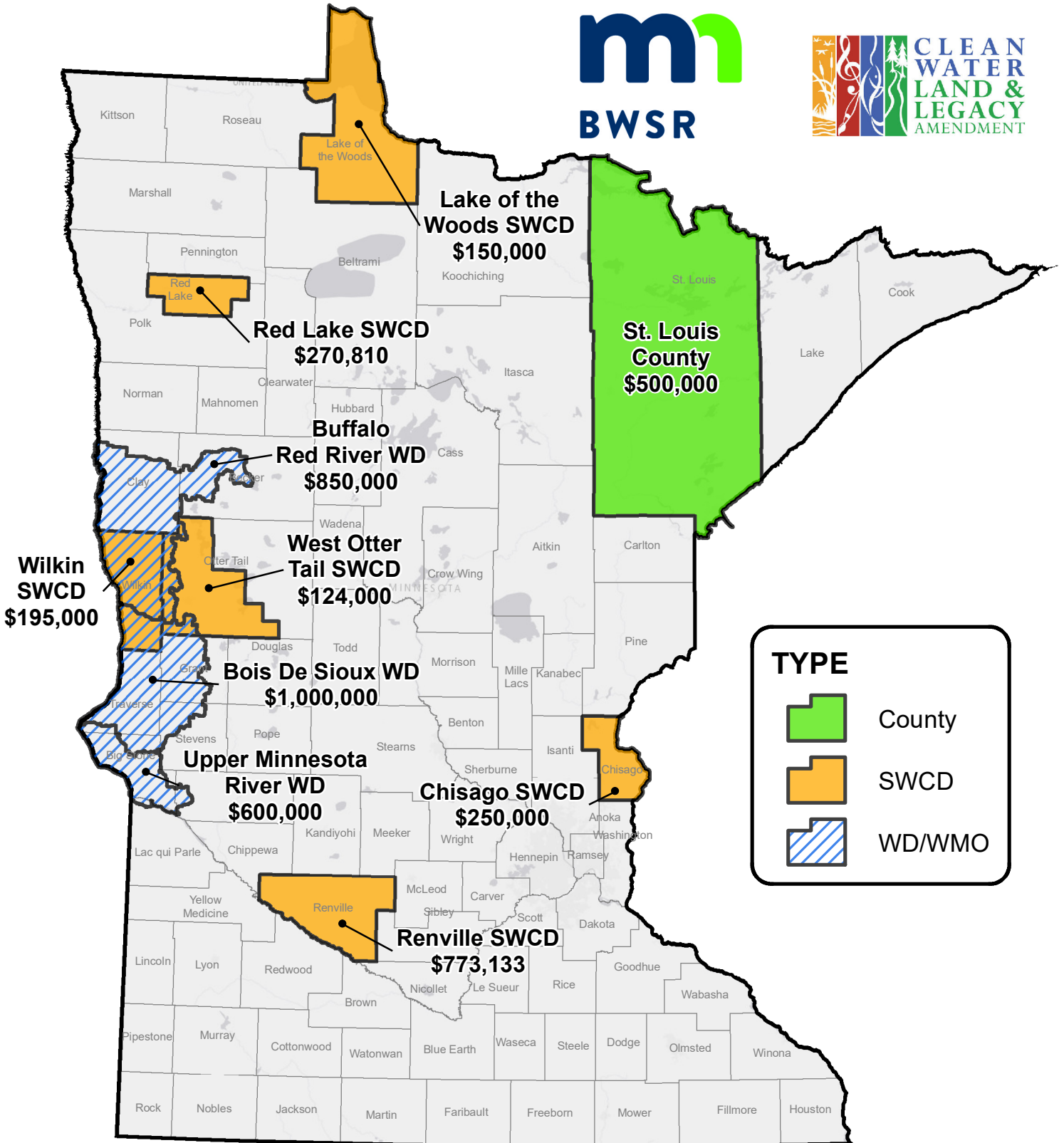


Org Type

-  City
-  SWCD
-  WD/WMO

FY 2024 Clean Water Fund

Projects and Practices Recommended Funding
Total Outstate Recommended Funding: \$4,712,943
Total Metro Recommended Funding: \$4,574,669



TYPE

- County
- SWCD
- WD/WMO



BOARD ORDER

Revision of the Nonpoint Priority Funding Plan (NPPF)

PURPOSE

Rescinds portions of Board Order 21-60 and directs staff to revise the Nonpoint Priority Funding Plan (NPPF).

RECITALS /FINDINGS OF FACT

- A. In 2013, the Clean Water Accountability Act was passed in the Minnesota Legislature and resulted in the addition of the nonpoint priority funding plan as defined in Minnesota Statute §114D.50 Subd. 3a.
- B. Minnesota Statute 114D.50 Subd 3a states that *"Beginning July 1, 2014, and every other year thereafter, the Board of Water and Soil Resources (BWSR) shall prepare and post on its website a priority funding plan to prioritize potential nonpoint restoration and protection actions based on available WRAPs, TMDLs, and local water plans. The plan must take into account the following factors: water quality outcomes, cost-effectiveness, landowner financial need, and leverage of nonstate funding sources. The plan shall include an estimated range of costs for the prioritized actions."*
- C. Minnesota Statute 114D.20 states, *"...state agencies allocating money from the clean water fund for nonpoint restoration and protection strategies shall target the money according to the priorities identified in the nonpoint priority funding plan."* (Laws of Minnesota 2013, Chapter 137, Article 2, Section 14)
- D. The Board adopted the NPPF in 2014, which consisted of the items in the attached summary plus supporting context. The summary items have remained consistent through all versions of the NPPF, which was last updated in 2018.
- E. For the 2014, 2016, and 2018 NPPF reports, BWSR relied on the Biennial Budget Request (BBR) submitted by local governments to estimate costs for needed statewide nonpoint implementation work.
- F. In 2019, the Minnesota Legislature passed a package of statutory policy changes in Minnesota Statutes Chapters 103B and 114D. These changes took effect on August 1, 2019 and are referred to as *"coordinated watershed management."*
- G. Included in these changes was the addition of Minnesota Statute 114D.47 Nonpoint Funding Alternative. This new language states, *"Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources may, by board order, establish alternative timelines or content for the priority funding plan for nonpoint sources under section 114D.50, subdivision 3a, and may use information from comprehensive watershed management plans or comprehensive local water management plans to estimate or summarize costs."*
- H. The Board passed Board Order 20-27 in June 2020, which extended the date for revising the NPPF to December 31, 2021 and authorized staff to develop a framework to evaluate the need to establish alternative content.

- I. As authorized, staff developed a framework consisting of a) the “coordinated watershed management” approach and other changes to MN Statutes Chapters 103B and 114D, b) linking to local comprehensive watershed management plans via the One Watershed, One Plan program which are locally driven and state supported, c) the ongoing transition from the traditional Clean Water Fund competitive grants to noncompetitive watershed-based implementation funding approach, and d) the connection to the Clean Water Council’s 2020 Strategic Plan.
- J. In December 2021, the Board approved Board Order 21-60, authorizing staff to “revise the NPFP with alternative content based on the framework” set forth in paragraph I.
- K. The Water Management and Strategic Planning Committee met on November 13, 2023 and directed staff to revise the NPFP with a status report to the Board by the June 2024 BWSR board meeting.

ORDER

The Board hereby:

- 1. Rescinds item #2 and #3 of Board Order 21-60
- 2. Direct staff to revise the NPFP consistent with Minnesota Statutes 114D.47

Dated at St. Paul, Minnesota, this December 14, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 12/14/2023

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

In the Matter of the review of the Comprehensive Watershed Management Plan for the Mississippi River-Brainerd Watershed, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801.

**ORDER
APPROVING
COMPREHENSIVE
WATERSHED
MANAGEMENT PLAN**

Whereas the Policy Committee of the Mississippi River-Brainerd Watershed Partnership submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on October 24, 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 Mississippi River-Brainerd Watershed Partnership was established on March 2, 2022, through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Aitkin County, Aitkin Soil and Water Conservation District (SWCD), Crow Wing County, Crow Wing SWCD, Morrison County, Morrison SWCD, Todd County, and the Todd 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 adopting the One Watershed, One Plan Content Requirements Version 2.1 policies.
3. **Nature of the Watershed.** The Mississippi River – Brainerd Watershed (MRBW) is in central Minnesota and spans 1,687 square miles which contains 2,100 miles of river and over 300 lakes. This watershed is rich with natural resources from the Mississippi River, its many lakes, and northern forests. From north to south, the watershed land cover transitions from forests to agriculture. The watershed extends over four counties: Aitkin, Crow Wing, Morrison, and Todd. Major towns include Aitkin, Crosby, Brainerd, Baxter, and Little Falls, along with many other smaller communities such as Deerwood and Randall. Historically the Mille Lacs Band of Ojibwe established themselves in north and central Minnesota, including the MRBW. Between 1837 and 1867 a series of treaties were signed by Ojibwe bands in Minnesota ceding vast tribal territories to the United States, but reserved the right to hunt, fish, and gather on the ceded lands.
4. **Plan Development.** The Plan was developed as a single, concise, coordinated approach to watershed management. The Plan consolidates policies, programs, and implementation strategies from existing data, studies, and plans, and incorporates input from multiple planning partners and stakeholders 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 protect and enhance forest cover, focus lakes and streams and groundwater; implement agricultural Best Management Practices; Protect or manage high vulnerable Drinking Water Supply Management Areas; reduce phosphorus loading in nearshore focus and watershed focus lakes; Develop a comprehensive Stormwater information data set for cities that have drainage to a priority lake or stream; enhance shoreline or stream banks around focus lake and streams; and build resiliency by adding water storage thru cover crops and stormwater management.

5. **Plan Review.** On October 24, 2023, the Board received the Plan, a record of the public hearing, and copies of all written comments and responses 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. The following state review comments were received during the comment period.
 - A. Minnesota Department of Agriculture (MDA): Minnesota MDA confirmed receipt of the final Plan but due to staff limitations did not participate in the plan development process nor have they reviewed the final Plan so they have no comments.
 - B. Minnesota Department of Health (MDH): The plan is written in a manner that incorporates MDH's priority concerns pertaining to groundwater and drinking water sufficiently, while reflecting the priorities of residents of the watershed and the capacities of the local entities that will implement the plan. MDH confirmed receipt of the final Plan and recommended approval of the Plan.
 - C. Minnesota Department of Natural Resources (DNR): The Minnesota DNR has received the final revised Mississippi-Brainerd Comprehensive Watershed Management Plan and reviewed responses to comments submitted under the 60-day review of the draft Plan. The DNR is satisfied with the responses to issues raised during our review, has no additional comments, and recommends that BWSR approve the final Plan.
 - D. Minnesota Pollution Control Agency (MPCA): All the MPCA comments during the planning process have been incorporated. Information from the MPCA's water quality database and reports have been utilized in the Plan development and the priorities outlined during the scoping letter have been included in the draft Plan. As a result, the MPCA does have any additional comments and has no concerns with approving the final Plan.
 - E. Minnesota Environmental Quality Board (EQB): Policy requires that EQB be notified of the final draft document. EQB confirmed receipt of the final Plan and did not provide comments.
 - F. Board of Water and Soil Resources Regional Staff: BWSR received the final Plan and commends the Mississippi River-Brainerd Watershed Policy Committee on a well written and concise comprehensive watershed management plan.
6. **Plan Summary and Highlights.** The highlights of the Plan include:
 - The Policy and Advisory Committees sought extensive community engagement during the early stages of the planning process including public input from two public kick-off meetings, three topic group meeting (agriculture, forestry and lakes) and two community engagement meetings. The comments were used during plan development to inform issues, goals and actions and provided an opportunity for public input on the implementation actions.
 - The Advisory Committee identified 19 original resource concerns, which were narrowed down to seven with the direction of the Policy Committee including:
 1. Surface Water Quality
 2. Land Cover and Use
 3. Surface Water Quantity
 4. Drinking Water and Groundwater

5. Erosion, Soil Health and Soil Loss
6. Habitat
7. Extreme Weather

- The Partnership developed a framework for each priority issue that includes a resource description, the issue statement, a desired future condition, measurable goals, priority areas, and actions to address the goal.
- For ease of future action of issues, separate targeted implementation tables and maps were created for each priority issue. The tables detail a unique action ID number, the specific priority area for the action, the measurable outcome, who will lead and support the action, timing and estimated costs.

7. **Northern Regional Committee.** On November 1, 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, Neil Peterson, Todd Holman, LeRoy Ose, Kurt Beckstrom, Theresa Ebbenga, Jeff Berg, Teresa Haugen, and Ron Staples. Board staff in attendance were Northern Regional Manager Ryan Hughes, Board Conservationist Darren Mayers, and Clean Water Specialist Jeff Hrubes. The representatives from the Partnership were Bethany Chaplin and Melissa Barrick from Crow Wing 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.
8. This Plan will be in effect for a ten-year period until December 14, 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 Mississippi River-Brainerd Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Decision #21-08.
3. The Mississippi River-Brainerd Comprehensive Watershed Management Plan attached to this Order states priority water and natural resource issues within the planning area 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 Decision #21-08.
5. The attached plan when adopted through local resolution by the members of the Partnership will serve as a replacement for the comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D, but only to the geographic area of the Plan.

ORDER

The Board hereby approves the attached Comprehensive Watershed Management Plan of the Mississippi River-Brainerd Watershed Partnership, submitted October 24, 2023

Dated in Saint Paul, Minnesota, this fourteenth of December 2023

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Todd Holman, Chair



BOARD ORDER

Amending the Wetland Credit Acquisition Plan Local Government Roads Wetland Replacement Program

PURPOSE

To amend the plan for the acquisition of wetland credits for the Local Government Roads Wetland Placement Program.

FINDINGS OF FACT / RECITALS

1. BWSR is directed pursuant to Minn. Stat. 103G.222, Subd. 1(m) (referred to as the Local Government Road Wetland Replacement Program) to provide wetland replacement for certain local government road projects.
2. BWSR operates the Local Government Road Wetland Replacement Program (LGRWRP) to also satisfy the compensatory mitigation requirements of Section 404 of the U.S. Clean Water Act administered by the U.S. Army Corps of Engineers.
3. State Bonding and General Funds have been appropriated to the Board periodically since program inception in 1996 to support this statutory responsibility.
4. The Board adopted the “Wetland Credit Acquisition Plan - Local Government Roads Wetland Replacement Program” (Plan) on March 27, 2019, through Board Order 19-18 as an overall framework for acquiring wetland credits as funds are appropriated for the program.
5. This Plan outlines four credit acquisition methods: Easement Sign-up, Contract for Credit, Partnership Project, and Bank Credit Purchase; and sets the Easement Sign-up payment rate at 125% of the Reinvest in Minnesota (RIM) program per-acre payment rate.
6. Due to recent increases in farmland values, the long-term risks and responsibilities associated with wetland bank sites, and the existence of other more financially attractive programs, it has become increasingly challenging to attract and retain quality wetland restoration projects sufficient to meet BWSR’s statutory obligation to local governments.
7. The revised Plan increases the payment for Easement Sign-Up Projects to 150% of the RIM per-acre payment rates.
8. The Wetlands Conservation Committee reviewed the proposed amendments to the Plan on December 7, 2023 and recommends approval of the amended Plan.

ORDER

The Board hereby adopts the amendment to the LGRWRP Wetland Acquisition Plan that increases the payment rate for Easement Sign-up Projects to 150% of RIM.

Dated at St. Paul, Minnesota, this December 14, 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: December 14, 2023

Attachment:

1. Wetland Credit Acquisition Plan - Local Government Roads Wetland Replacement Program

Wetland Credit Acquisition Plan

Local Government Roads Wetland Replacement Program

December 14, 2023

I. Background

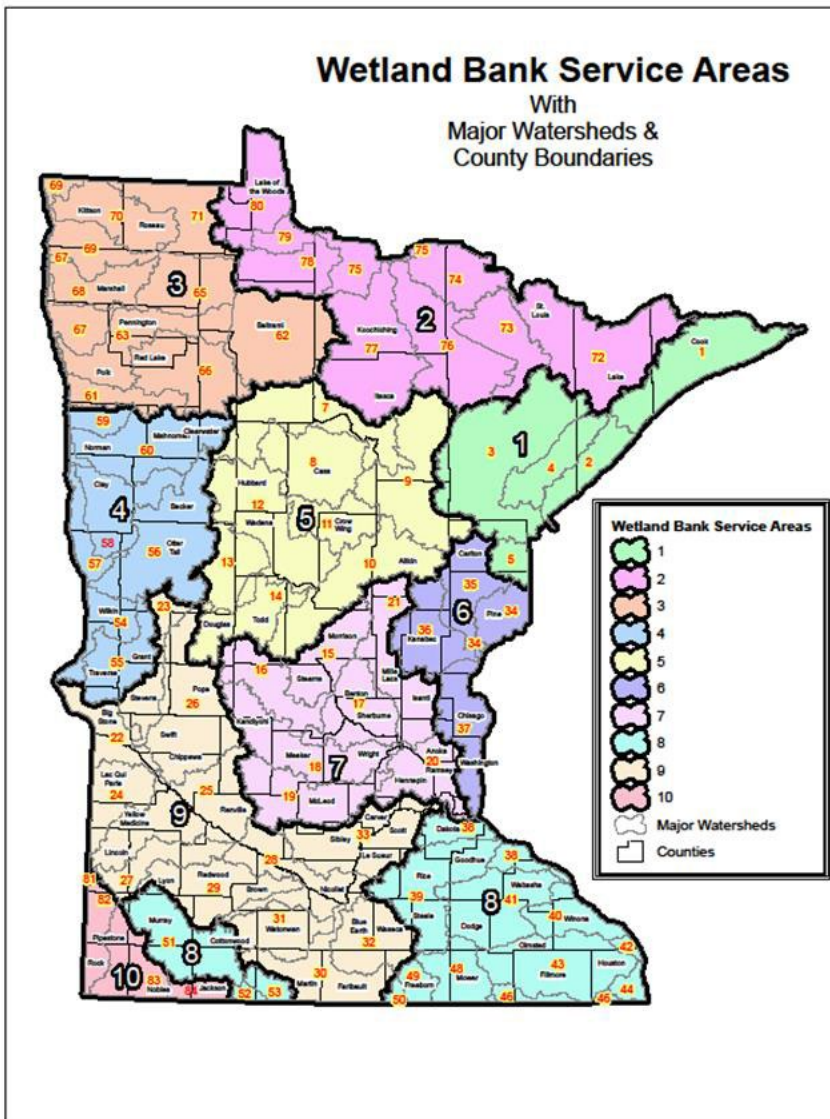
The Minnesota Board of Water and Soil Resources (BWSR) has been charged by the legislature to generate wetland replacement credits for use by local public transportation authorities to satisfy wetland replacement requirements of the Wetland Conservation Act (WCA) and Section 404 of the Federal Clean Water Act. The Local Government Roads Wetland Replacement Program (LGRWRP) provides wetland credits for local public transportation authorities that follow specified notification procedures and have qualifying projects according to criteria established in Minnesota Statutes § 103G.222, Subd. 1(m) and Minnesota Rules Chapter 8420.0544.

To fund the program, the state has typically provided BWSR with periodic bonding appropriations to acquire the necessary property rights, restore wetlands, and generate wetland replacement credits. These wetland restorations are primarily conducted on private lands with cooperating landowners. All such wetland restorations and associated credits are processed and entered into the State wetland banking system as “road replacement banks,” and are required to be protected by a permanent wetland conservation easement specific to wetland banks.

The state has also provided BWSR with general fund appropriations that, in addition to conducting wetland restoration projects as described above, can be used to purchase wetland bank credits from existing wetland bank account holders. These general fund appropriations typically have fewer restrictions than bonding appropriations, which allow for greater flexibility in funding LGRWRP credit generation activities. The ability to purchase wetland bank credits with these funds allows BWSR to address LGRWRP credit deficiencies immediately in areas where the private market can sustain it, rather than the several years it can take for the release of credits associated with BWSR-initiated wetland restoration projects.

Finally, it is common for the Department of Transportation (MnDOT) to collaborate with BWSR on wetland restoration projects that generate credits to be used by both the LGRWRP and MnDOT, and/or to provide funding to BWSR for the purchase of existing wetland bank credits on behalf of MnDOT. Addressing MnDOT’s credit needs in coordination with the LGRWRP creates efficiencies for MnDOT and is beneficial to both agencies. Therefore, any funds provided by MnDOT for wetland credit generating activities will be combined with LGRWRP funds whenever possible and used to generate or obtain wetland credits consistent with this Plan. In the event that LGRWRP funds are not available, BWSR will pursue credit generating activities consistent with this Plan and in accordance with the interagency agreement between BWSR and MnDOT in effect at the time the funds are provided.

Given the uncertainty and variability of wetland replacement needs associated with qualifying transportation projects, BWSR strives to keep an adequate supply of wetland credits in each bank service area (see map below). Having readily available wetland credits in all bank service areas allows public road projects to move forward on schedule and avoids credit penalties (and increased costs to the State) that apply when replacement occurs in a different bank service area than the wetland impact.



II. Credit Acquisition Methods

There are four primary methods that BWSR can use to acquire replacement wetland credits for the LGRWRP, each of which can play an important role depending on program needs and circumstances. They are described below, including some of the relevant advantages and drawbacks of each.

- 1) Easement Sign-up. This method involves the purchase of a perpetual conservation easement from a landowner that allows BWSR staff to design and implement a wetland restoration project. BWSR

typically contracts with the local Soil and Water Conservation District (SWCD) to assist, and contractors are hired by the landowner, BWSR, or the SWCD to implement the BWSR-developed plan. Contractor payments from the landowner are reimbursed by BWSR. The landowner is compensated for the easement, based on 150% of the Reinvest In Minnesota (RIM) per-acre payment rates in place at the time the contract is signed with the landowner. Compensation for the easement can be made in a single payment or multi-year payments. In some areas of the state, this method tends to be the most efficient means (in terms of cost per credit) of producing wetland credits and BWSR has been very successful using it. However, this method involves a significant BWSR staff commitment and may not be an attractive option in areas of the state where RIM rates are relatively low or for landowners wishing to seek greater compensation for the value of the wetland credits generated on their land.

- 2) Contract for Credit. This method involves issuing a request for proposal (RFP) for landowners, and/or other entities in partnership with landowners, to submit proposed wetland restoration projects that would establish credits for use in the LGRWRP. The proposals include a cost per credit that the landowner would sell deposited credits and the associated conservation easement to BWSR. This method requires BWSR to enter into a contract with the landowner to purchase wetland credits at a specified price once they are generated by the landowner through project implementation. This method often results in a higher cost per credit compared to the easement sign-up method. However, it requires significantly less BWSR staff time and could potentially attract landowners willing to front the cost of project implementation in exchange for the higher payment for wetland credits (as compared to the lower payment for wetland easement acres alone). BWSR's experience with this option is that the design and agency review process prior to construction typically takes longer than with BWSR-managed projects, which adds considerable uncertainty to the schedule for obtaining credits for the LGRWRP. In addition, there can be greater risk that projects do not get completed at all due to failure on the part of the landowner to follow through on the agreement. If that occurs, BWSR is left to reallocate funds to other projects resulting in delays, or lose the funding altogether. To help alleviate these risks, staff may target or incentivize projects that have an approved bank plan, or are otherwise already engaged in the review process, but have not yet completed the easement acquisition process.

- 3) Partnership Project. Under this method, BWSR will collaborate with a local government, state agency, landowner, or other entity to apportion the responsibilities for project development and agree on the distribution of the resulting credits and associated payment rates. In effect, this method is a hybrid of methods 1 and 2 above. These partnership projects take advantage of the capabilities and technical resources of each partner where there is a need for wetland credits. These projects maximize economies of scale for wetland bank projects by facilitating the pursuit of larger projects, while BWSR's funds can be used to pursue an increased number of projects statewide because the partnerships reduce the state's total investment in each project. These partnership projects are also a particularly attractive option for landowners in non-agricultural areas of the state where RIM payment rates are low, and for landowners interested in the private banking market, as the ability to retain some of the resulting credits can provide an additional incentive. However, partnership projects can be complicated with respect to dividing the responsibilities and financial commitments to the project, and there may be federal constraints that can restrict the use of partnership projects in certain situations. Another partnership option consists of partnering with a conservation project, where credits are generated for the LGRWRP in a proportion commensurate with the program's overall financial contributions to the project.

- 4) Bank Credit Purchase. This method involves issuing an RFP for wetland bank account holders to submit proposals for the sale of banking credits to BWSR at a specified price. Such credit purchases are typically only pursued when necessary to address immediate credit shortages that cannot be addressed through the completion of wetland restoration projects due to the longer timeframes to generate credits that are associated with those projects. Since the purchase of credits does not involve the acquisition of property rights (the conservation easement has already been recorded), bonding appropriations generally cannot be used to fund this method.

III. Appropriation Conditions

Each funding appropriation will typically carry with it legislative directives and conditions that apply to its use. In addition, state law and policy can also contain additional requirements or limitations on use that can vary by funding source. For example, bonding appropriations can only be spent on projects that include the acquisition of property rights, must be spent in accordance with a spend plan approved by Minnesota Management and Budget, and carry limitations on the funding of staffing activities, overhead, equipment, and supplies.

BWSR staff will strictly abide by all conditions associated with each specific appropriation used to acquire replacement wetland credits for the LGRWRP. Future and past funding sources will be combined on credit acquisition activities where appropriation conditions allow and when it is beneficial for program implementation.

IV. Wetland Restoration Project Identification and Selection Process

This part applies to the implementation of wetland restoration and protection projects to generate credits for use by the LGRWRP, as described in paragraphs 1 through 3 of the Credit Acquisition Methods section. Projects will be solicited through an easement sign-up, RFP, similar public announcement, and/or through direct contact with local governments and landowners. The process to identify and evaluate potential projects is described in the following paragraphs.

A. Project Targeting

Projects will be solicited on a BSA basis. BSAs will be selected based on the projected credit needs of each, the availability and needs of the In-Lieu Fee wetland replacement program, and the amount of available funding. Projected credit needs will be estimated based on the current credit balance, expected deposits, and average annual demand over a three to ten year period. If sufficient projects are not obtained in selected BSAs, or if credit needs change as a result of the actual outcomes of other credit acquisition activities, other BSAs may be targeted based on credit need priority.

B. Determining Credit Acquisition Method

BWSR staff will generally prioritize the use of the Easement Sign-up and Partnership Project options for generating wetland credits for the LGRWRP. These methods provide greater certainty with respect to the project schedule because they utilize in-house agency expertise to design the project and obtain the required agency approvals. A predictable schedule is critical for BWSR to provide credits for local road projects in a timely manner. The Contract for Credit method will primarily be used when an adequate supply of credits cannot be acquired using other methods, or when BWSR's staffing capacity to implement other methods has been exceeded. The project solicitation notification will identify which method(s) will be available for each selected BSA.

C. Project Solicitation and Identification

Prior to soliciting projects, BWSR staff will prepare program and application information, instructions, and forms that will be posted on the BWSR website. Local governments, and other potentially interested entities as appropriate, will be informed of the posted materials and the project solicitation process. SWCDs will be encouraged to provide information and assistance to interested landowners. SWCDs working with landowners on projects selected by BWSR will have the opportunity to receive payment for services they provide for project development and implementation. Payment rates to SWCDs for services associated with selected projects will vary based on project size and the scope of services provided. The process for project solicitation will vary somewhat based on the credit acquisition method used:

- Easement Sign-up. Project solicitation under the Easement sign-up method will consist of a landowner sign-up of potential wetland banking sites. This sign-up will be facilitated through BWSR's local government partners, specifically SWCDs, counties, and non-profit conservation organizations involved in wetland conservation projects. SWCDs will utilize their local knowledge and expertise to help identify potential wetland banking projects and willing landowner participants. Landowners may seek assistance from SWCDs to gather site information and help complete application materials. The easement sign-up period will typically be open for a minimum of 30 days and may be left open continuously, with projects reviewed, ranked, and chosen as funding becomes available.
- Contract for Credit. Project solicitation under the Contract for Credit method will consist of an RFP for wetland restoration projects that will establish credits for the LGRWRP, including a proposed schedule, estimated number of credits, and per-credit price. The contract for a credit project solicitation period will typically be open for a minimum of 30 days, and generally not in excess of 6 months. Staff may issue a new RFP, or extend an open RFP, when additional funding becomes available or when sufficient responses have not been received. Staff may also consider targeting projects that are currently in the bank review process to reduce the time for obtaining credits.
- Partnership Project. Project solicitation for the Partnership Project method will be integrated with the Easement Sign-up and Contract for Credit project solicitation processes. Partnerships may be proposed by the landowner at the time their proposal is submitted, and/or negotiated during the review process based on the specific conditions of the site and the needs of the parties. Payment options may range from payment for the easement plus the value of the additional responsibilities of the landowner, to a per-credit price that takes into consideration the value of services provided by BWSR.

D. Project Review Criteria

To be eligible for consideration, all project applications must meet Minnesota Wetland Conservation Act replacement and construction standards. Applications will be reviewed using the following criteria:

1. Geographic Location. BWSR will give priority to projects located in BSAs with highest credit need as dictated by credit balances or fulfilling requirements imposed through operation of the in-lieu fee program.
2. Credit yield. Priority will generally be given to projects with higher credit yield due to efficiencies of scale. Higher credit yield can be associated with the size of the site, the action eligible for credit, or both.

3. Credit cost. Priority will generally be given to projects with lower per-credit costs. For the Easement Sign-up method, the cost of credits will be based on the estimated cost of the conservation easement, project design and management, and construction/monitoring relative to anticipated number of credits. For the Contract for Credit method, the cost of credits will be determined by the landowner per-credit payment rate plus any BWSR staffing and administrative costs relating to the project. For the Partnership Project method, the cost of credits will be determined by the sum of payments to the landowner plus any BWSR staffing and project implementation costs relating to the project.
4. Technical feasibility. Staff will assess the actions required to restore wetland hydrology and vegetation, the level of complexity of the project, and the reliability of proposed measures. Projects must be technically feasible to be considered for funding.
5. Functional benefit for the watershed. Projects that directly address watershed stressors or impairments, and/or the value of the restored functions and services to the watershed are higher relative to other proposals from the same BSA, will be given priority. For BSAs with high priority areas identified in Compensation Planning Frameworks (CPFs) or other BWSR recognized watershed based mitigation plans, projects will further be prioritized consistent with these documents.
6. Rare or difficult to replace wetland functions or characteristics. Extra consideration will be given for projects that would restore wetlands that are particularly rare or rarely restored.
7. Qualifications of the project sponsor. Staff may consider the qualifications of the project sponsor and the sponsor's agents, contractors, and consultants to fulfill all project-related responsibilities in a high quality and timely manner. In determining the qualifications of the project sponsor, staff may consider past experience with that sponsor.

E. Project Selection Process

The review process will be managed by the BWSR Wetland Mitigation Supervisor or their designee. In addition to Wetlands Section staff, BWSR engineering and technical staff will participate in the review of project applications as appropriate. Input will also be sought from staff of BWSR's resource partners at the Department of Natural Resources, Minnesota Pollution Control Agency, U.S. Environmental Protection Agency, and U.S. Army Corps of Engineers.

In general, the project review criteria will be qualitatively evaluated and placed into broad categories (high, medium, and low) based on the experience and knowledge of staff. An exact quantitative determination of review criteria is not possible or desirable when estimating proposed conditions. Final project selection will weigh the rankings for each of the review criteria and then consider those in terms of the geographic location priority list. For applications of the same credit acquisition method with similar rankings, efforts will be made to distribute selected projects evenly amongst priority areas.

Based on the results of the review, a list of recommended projects and alternates will be compiled by the Wetland Mitigation Supervisor, approved by the Wetlands Section Manager, and presented to the Executive Director or their designee for final approval. Individual projects identified through a continuous sign-up or through direct coordination with local governments will follow this same approval process.

V. Bank Credit Purchase Process

This part applies to the purchase of wetland bank credits using general fund appropriations or other funding sources that allow for such purchases without the associated acquisition of property rights, as described in paragraph 4 of the Credit Acquisition Methods section above.

This method will typically only be used to address areas with low or zero credit balances. However, this method could be more widely used depending on the amount of funding available, the supply of non-LGRWRP bank credits in a given BSA, and the cost of credits. These credit purchases will be completed using a competitive request for proposal process and in compliance with all applicable state contracting provisions. In purchasing credits under this method, BWSR staff will abide by the following principles:

1. BSAs will be prioritized based on current credit balances and projected balances over the following three years. BSAs with a greater immediate need for credits will receive a higher priority.
2. BWSR will not purchase credits from BSAs that do not currently have, or are not projected to have, an adequate supply of credits to support the private market. Staff will base this determination on the availability of deposited credits, expectations for additional credit deposits from in-process wetland bank projects, and typical private credit needs for that particular BSA. The RFP will identify the BSAs for which credit purchases are being considered.
3. In prioritizing BSAs and individual credit purchases, BWSR staff can consider the prices and availability of credits in other BSAs using a watershed approach.
4. Staff may place higher priority on credits that best meet or address state or federal regulatory requirements, such as those that are associated with a certain wetland type or that are located in a priority area. Such priorities will be identified in the RFP.
5. Assuming selection criteria are met equally, and when compared to other prices in the same BSA, credits with a lower price will be chosen for purchase over those with a higher price.
6. Staff will not accept any credit purchase proposal that includes a credit price that is, in the opinion of staff, unreasonably high based on other known credit sales, the availability of other credit options for that BSA, and the cost of BWSR to produce the credits through other methods.

VI. Applicability

This plan applies to all credit acquisition activities of the LGRWRP. These activities must also comply with the requirements of the Minnesota In-Lieu Fee Program for any credits being developed to repay advanced credits under that program. In addition, this Plan becomes effective upon Board approval and remains in effect until revised, superseded, or rescinded. Revisions and updates to this plan will be proposed as necessary for clarity and completeness, or to address new circumstances or requirements. BWSR staff will update the Board's Wetland Conservation Committee typically annually on the status of the LGRWRP and associated credit acquisition activities.

Board Resolution # 23-68

Reinvest in Minnesota (RIM) Easement Enhancement Program

WHEREAS, the Minnesota State Legislature has appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) from the General Fund to enhance existing RIM conservation easements under Minnesota Statutes, Section 103F.515 to 103F.531; and

WHEREAS, ML 2023 Chapter 60, Article 1, Section 4(o) designated funds “to enhance existing easements. . . Enhancements are for the purposes of climate resiliency, adaptation, and carbon sequestration and include but are not limited to increasing biodiversity and mitigating the effects of rainfall and runoff events.”; and,

WHEREAS, future similar funds appropriated by the Minnesota State Legislature must be used consistent with the appropriation language to enhance existing Reinvest in Minnesota (RIM) conservation easements under the RIM Easement Enhancement Program; and,

WHEREAS, BWSR staff recognize the need to inspect and prioritize vegetative and structural enhancements on existing easements to improve easement lands resiliency, provide for added carbon sequestration, increase biodiversity for current and future climates as well as assist in mitigating larger rainfall events; and

WHEREAS, the Board of Water and Soil Resources RIM Reserve Committee met on November 13, 2023, and unanimously recommends the following provisions.

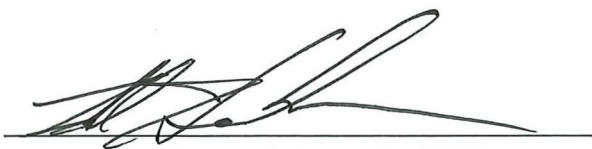
NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize existing and future appropriated funds of similar purpose to implement the RIM Easement Enhancement Program.
2. Work with partners to develop program guidelines and outreach efforts.
3. Select and fund projects using available funding for the RIM Easement Enhancement Program.
4. Enter into agreements with local partners and other qualified entities as necessary to implement the purposes of this program.

BE IT FURTHER RESOLVED THAT, this resolution will remain in effect, as funding is available, until material changes in the program warrant an amendment.

Dated at Saint Paul, Minnesota this 14th day of December 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 12/14/2023

Board Resolution # 23-69

RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-01-17-01

WHEREAS, BWSR acquired a 42.18-acre CREP Floodplain Easement adjacent to State Highway 93 in Henderson Township in Sibley County on 7/31/2018; and

WHEREAS, the Minnesota Department of Transportation (MnDOT) will be undertaking reconstruction of a 3.6-mile segment of State Highway 93, raising the roadway 8 feet to mitigate for flooding impacts and prevent future road closures; and

WHEREAS, MnDOT is acquiring land from the current landowners for additional right-of-way needed to maintain standard slopes and ditches for the safety of the traveling public; and

WHEREAS, MnDOT is requesting the release of 0.98 acres from RIM Easement #72-01-17-01 to accommodate the additional road right-of-way; and

WHEREAS, MN Rule 8400.3610 states that the Board may alter or release an easement if the State Board determines that the public interest and general welfare are better served by the alteration; and

WHEREAS, the BWSR Easement Alteration Policy for public benefitted projects allows for the release of easement lands if the public entity compensates BWSR at 2x the current RIM payment rate per acre released and any state funds spent on restoration practices on the area; and

WHEREAS, MnDOT has agreed to pay BWSR the amount of \$4727.01, in accordance with the policy, for the release of the 0.98 acres, which includes the \$500 application fee for the Board to consider the alteration; and

WHEREAS, the Lessard-Sams Outdoor Heritage Council approved this release at their November 16, 2023 council meeting, as required for easements funded with Outdoor Heritage Fund (OHF) dollars; and

WHEREAS, BWSR will return the amount of OHF funds originally spent on easement acquisition and restoration of the release area to the fund; and

WHEREAS, BWSR will utilize the remaining compensation received for this release, less the \$500 processing fee, for future acquisition of RIM wetland easements; and

WHEREAS, the RIM Reserve Committee voted in favor of the proposal at their meeting held November 13, 2023 and is recommending approval to the board.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources (BWSR) approves the alteration of RIM Easement #72-01-17-01, as proposed, releasing 0.98 acres for State Highway 93 right-of-way purposes; and authorizes staff to work with Sibley SWCD staff to officially amend the necessary RIM easement documents.

Dated at Saint Paul, Minnesota this 14th day of December 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 12/14/2023

Board Resolution # 23-70

RIM Easement Alteration Request for MnDOT Highway 93 Improvements – Easement #72-04-93-01

WHEREAS, BWSR acquired a 4.8-acre RIM Marginal Lands easement adjacent to State Highway 93 in Henderson Township in Sibley County on December 29, 1993; and

WHEREAS, the Minnesota Department of Transportation (MnDOT) will be undertaking reconstruction of a 3.6-mile segment of State Highway 93, raising the roadway 8 feet to mitigate for flooding impacts and prevent future road closures; and

WHEREAS, MnDOT is acquiring land from the current landowners for additional right-of-way needed to maintain standard slopes and ditches for the safety of the traveling public; and

WHEREAS, MnDOT is requesting the release of 0.4 acres from RIM Easement #72-04-93-01 to accommodate the additional road right-of-way; and

WHEREAS, MN Rule 8400.3610 states that the Board may alter or release an easement if the State Board determines that the public interest and general welfare are better served by the alteration; and

WHEREAS, the BWSR Easement Alteration Policy for public benefitted projects allows for the release of easement lands if the public entity compensates BWSR at 2x the current RIM payment rate per acre released and any state funds spent on restoration practices on the area; and

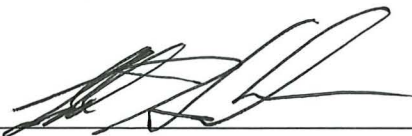
WHEREAS, MnDOT has agreed to pay BWSR the amount of \$7074.91, in accordance with the policy, for the release of the 0.4 acres, which includes the \$500 application fee for the Board to consider the alteration; and

WHEREAS, the RIM Reserve Committee voted in favor of the proposal at their meeting held November 13, 2023 and is recommending approval to the board.

NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources (BWSR) approves the alteration of RIM Easement #72-04-93-01, as proposed, releasing 0.4 acres for State Highway 93 right-of-way purposes; and authorizes staff to work with Sibley SWCD staff to officially amend the necessary RIM easement documents.

Dated at Saint Paul, Minnesota this 14th day of December 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

12/14/2023

Board Resolution # 23-71

Reinvest in Minnesota (RIM) Reserve Critical Shorelands Program

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

WHEREAS, ML 2023 Chapter 40, Article 2, Section 6(k) designated funds “to purchase permanent conservation easements to protect lands adjacent to public waters that have good water quality but that are threatened with degradation”; and,

WHEREAS, future similar funds appropriated by the Minnesota State Legislature must be used consistent with the appropriation language to acquire and restore Reinvest in Minnesota (RIM) conservation easements under the RIM Critical Shorelines Program; and,

WHEREAS, BWSR staff, working with local partners, identified the Pine, Crow Wing, Rum and Mississippi (Brainerd) River Watersheds as important contributors of clean source water to downstream communities; and

WHEREAS, this resolution is supplemental to previously approved BWSR Board resolutions; and

WHEREAS, the Board, by separate resolution, has established the process for determining RIM easement “Standard Easement Payment Rates: Northern Forests Region”; and

WHEREAS, the RIM Reserve Conservation Easement Program is administered by BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs) under Joint Powers Agreements; and

WHEREAS, Board Resolution 21-43 designated funds to the Rum River; and

WHEREAS, local staffing shortages have made timely expenditure of those funds difficult; and

WHEREAS, the Board of Water and Soil Resources RIM Reserve Committee met on November 13, 2023, and unanimously recommends the following provisions.

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


1. Utilize existing and future appropriated funds of similar purpose, including available funds under resolution 21-43, to implement the RIM Critical Shorelands Program.
2. Work with partners to develop program guidelines and outreach efforts.
3. Utilize RIM easement payment rates as established for “Standard Easement Payment Rates: Northern Forests Region”.
4. Conduct landowner sign-ups and select applications using available funding for the RIM Critical Shorelands program.

5. Reimburse SWCDs for their services using the most current service rates as established.
6. Reallocate older Rum River funds to other watersheds as appropriate.

BE IT FURTHER RESOLVED THAT, this resolution will remain in effect, as funding is available, until material changes in the program warrant an amendment.

Dated at Saint Paul, Minnesota this 14th day of December 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 12/14/2023

Board Resolution # 23-72

Reinvest in Minnesota (RIM) Reserve Working Lands Program

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

WHEREAS, ML 2023, Ch. 40, Art. 1, Sec. 2, subd. 2(e) designated funds “to acquire permanent conservation easements that allow long-term grazing while also protecting wildlife habitat and water quality under Minnesota Statutes, sections 103F.501 to 103F.531”; and,

WHEREAS, the Minnesota State Legislature has previously appropriated Reinvest In Minnesota (RIM) Reserve funds to the Board of Water and Soil Resources (BWSR) from the Capital Investment Fund; and

WHEREAS, future similar funds appropriated by the Minnesota State Legislature must be used consistent with the appropriation language to acquire and restore Reinvest in Minnesota (RIM) conservation easements under the RIM Working Lands Program; and,

WHEREAS, BWSR staff, working with local partners, developed a Working Lands Pilot Program; and

WHEREAS, the Working Lands Pilot Program is now ready to become fully operational; and

WHEREAS, this resolution is supplemental to previously approved BWSR Board resolutions; and

WHEREAS, the Board, by separate resolution, previously authorized staff to develop a RIM easement payment rate method similar to the method established for federal ACUB easements; and

WHEREAS, the Working Lands Pilot Program determined a payment rate of 50% of the most recent assessed market value of the land as determined by the county assessor of the county where the land is located; and

WHEREAS, the RIM Reserve Conservation Easement Program is administered by BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs) under Joint Powers Agreements; and

WHEREAS, the Board of Water and Soil Resources RIM Reserve Committee met on November 13, 2023, and unanimously recommends the following provisions.

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

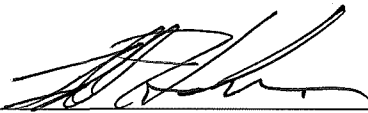
1. Utilize existing and future appropriated funds of similar purpose to implement the RIM Working Lands Program.
2. Work with partners to develop program guidelines and outreach efforts.
3. Utilize RIM easement payment rates of 50% of the most recent assessed market value of the land as determined by the county assessor of the county where the land is located.

4. Conduct landowner sign-ups and select applications using available funding for the RIM Working Lands Program.
5. Reimburse SWCDs for their services using the most current service rates as established.

BE IT FURTHER RESOLVED THAT, this resolution will remain in effect, as funding is available, until material changes in the program warrant an amendment.

Dated at Saint Paul, Minnesota this 14th day of December 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 12/14/2023

Board Resolution # 23-73

Reinvest in Minnesota (RIM) Reserve Reforestation Program

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

WHEREAS, ML 2022 Chapter 94, Section 2, Subd. 8(j) as amended in ML 2023 Chapter 60, Article 2, Section 14, designated funds “to the Board of Water and Soil Resources, in cooperation with soil and water conservation districts, the Mille Lacs Band of Ojibwe, and the Department of Natural Resources, to acquire interests in land and to accelerate tree planting on protected lands for water-quality protection and carbon sequestration” and,

WHEREAS, future similar funds appropriated by the Minnesota State Legislature must be used consistent with the appropriation language to acquire and restore Reinvest in Minnesota (RIM) conservation easements under the RIM Reforestation Program; and,

WHEREAS, BWSR staff, working with local, state and federal partners, have identified the need to significantly expand the capacity of tree planting for private landowners in priority watersheds.

WHEREAS, the Board, by separate resolution, has established the process for determining RIM “Standard Easement Payment Rates: Northern Forests Region”; and

WHEREAS, the RIM Reserve Conservation Easement Program is administered by BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs) under Joint Powers Agreements; and

WHEREAS, the Board of Water and Soil Resources RIM Reserve Committee met on November 13, 2023, and unanimously recommends the following provisions.

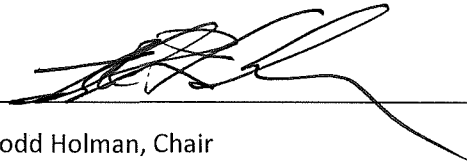
NOW, THEREFORE, BE IT RESOLVED THAT, the Minnesota Board of Water and Soil Resources authorizes staff to:

1. Utilize existing and future appropriated funds of similar purpose to implement the RIM Reforestation Program.
2. Work with partners to develop program guidelines and outreach efforts.
3. Utilize RIM easement payment rates as established for “Standard Easement Payment Rates: Northern Forests Region”.
4. Conduct landowner sign-ups and select applications using available funding for the RIM Reforestation Program.
5. Reimburse SWCDs for their services using the most current service rates as established.

BE IT FURTHER RESOLVED THAT, this resolution will remain in effect, as funding is available, until material changes in the program warrant an amendment.

Dated at Saint Paul, Minnesota this 14th day of December 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 12/14/2023

Board Resolution # 23-74

**Reinvest in Minnesota (RIM) Buffalo-Red River Watershed District (BRRWD)
Stream Restoration Program**

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

WHEREAS, ML 2023, Ch. 40, Art. 1, Sec. 2, subd. 5(d) designated funds “acquire permanent conservation easements and restore and enhance aquatic and upland habitat associated with the Red River and Buffalo River watersheds.”; and,

WHEREAS, future similar funds appropriated by the Minnesota State Legislature must be used consistent with the appropriation language to acquire and restore Reinvest in Minnesota (RIM) conservation easements under the RIM BRRWD Stream Habitat Program; and,

WHEREAS, BWSR staff, working with local partners, have identified several straightened stream reaches in BRRWD for restoration as well as restoration of the adjoining riparian habitat corridors; and

WHEREAS, BWSR has a history of working with BRRWD on stream restorations; and

WHEREAS, the Board, by separate resolution, has established the process for determining RIM easement payment rates; and

WHEREAS, the lands protected in easement under this program are similar in use and will be valued using the same methods as other RIM programs; and

WHEREAS, the Board of Water and Soil Resources RIM Reserve Committee met on November 13, 2023, and unanimously recommends the following provisions.

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

1. Utilize existing and future appropriated funds of similar purpose to implement the RIM BRRWD Stream Restoration Program.
2. Work with partners to develop program guidelines and outreach efforts.
3. Utilize RIM easement payment rates as established.
4. Conduct landowner sign-ups and select applications using available funding for the RIM BRRWD Stream Habitat Program.
5. Reimburse LGUs for their services using the most current service rates as established.

BE IT FURTHER RESOLVED THAT, this resolution will remain in effect, as funding is available, until material changes in the program warrant an amendment.

Dated at Saint Paul, Minnesota this 14th day of December 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

A handwritten signature in black ink, appearing to read 'Todd Holman', is written over a horizontal line.

Todd Holman, Chair
Board of Water and Soil Resources

Date: 12/14/2023

Board Resolution # 23-75

Reinvest in Minnesota (RIM) Reserve Grasslands Program

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

WHEREAS, ML 2019, 1st Sp. Session, Ch. 2, Art. 1, Sec. 2, subd. 2(g), ML 2020, Ch. 104, Art. 1, Sec. 2, subd. 2(g), ML 2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 2(k), ML 2022, Ch. 77, Art. 1, Sec. 2, subd. 2(b) and ML 2023, Ch. 40, Art. 1, Sec. 2, subd. 2(c) all designated funds to “acquire permanent conservation easements and to restore and enhance grassland habitat”; and,

WHEREAS, future similar funds appropriated by the Minnesota State Legislature must be used consistent with the appropriation language to acquire and restore Reinvest in Minnesota (RIM) conservation easements under the RIM Grasslands Program; and,

WHEREAS, BWSR has identified the need to address the potential loss of grassland habitats from conversion to cropland and accelerate grassland protection efforts not covered by other programs. RIM Grasslands focuses on easement acquisition and restoration on non-crop moderate to high quality grasslands and remnant prairies and their associated buffers that can be improved through habitat management; and

WHEREAS, this resolution is intended to replace previously approved BWSR Board resolution 13-108 RIM Reserve – Grasslands for the Future Pilot Project; and

WHEREAS, the Board, by separate resolution, has established the process for determining RIM “Standard Easement Payment Rates”; and

WHEREAS, the RIM Reserve Conservation Easement Program is administered by BWSR in cooperation with local Soil and Water Conservation Districts (SWCDs) under Joint Powers Agreements; and

WHEREAS, the Board of Water and Soil Resources RIM Reserve Committee met on November 13, 2023, and unanimously recommends the following provisions.

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

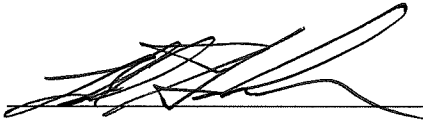
1. Utilize existing and future appropriated funds of similar purpose to implement the RIM Grasslands Program.
2. Work with partners on program guidelines and outreach efforts.
3. Utilize RIM easement payment rates as established for “Standard Easement Payment Rates”.
4. Conduct landowner sign-ups and select applications using available funding for the RIM Grasslands Program.
5. Reimburse SWCDs for their services using the most current service rates as established.

BE IT FURTHER RESOLVED THAT, Board Resolution 13-108 is replaced with this resolution.

BE IT FURTHER RESOLVED THAT, this resolution will remain in effect, as funding is available, until material changes in the program warrant an amendment.

Dated at Saint Paul, Minnesota this 14th day of December 2023.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 12/14/2023