




DATE: September 17, 2024

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – September 25, 2024

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 25, 2024, beginning at 9:00 a.m. The meeting will be held in the lower-level Board Room, at 520 Lafayette Road North, St. Paul and by Microsoft Teams. Individuals interested in attending the meeting through Teams should do so by either 1) logging into Teams by [clicking here to join the meeting](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 575 117 842#. The following information pertains to agenda items:

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. **Clean Water Legacy Partners Program FY24-25 program authorization** – BWSR staff have prepared the ranking criteria and board order for the FY24-25 Clean Water Legacy Partners Program. Staff is asking the board for approval of the RFP ranking criteria and the items in the board order.

DECISION ITEM

2. **FY25 Lake Superior Basin Implementation Grants** – The Board was appropriated \$1,000,000 in supplemental CWF for SWCDs and other partners in the Lake Superior Basin to leverage Great Lakes Restoration Initiative or other federal Great Lakes funding that implement prioritized activities in the Basin. Input was solicited from the five SWCDs along with partner organizations in the development of this program, consistent with the recommendations provided by the Clean Water Council. The Grants Program and Policy Committee met on September 16, 2024, and recommends the attached order to the Board. ***DECISION ITEM***

Northern Region Committee

1. **Bois de Sioux Watershed District Boundary Enlargement Petition** – Bois de Sioux Watershed District submitted a boundary enlargement petition that encompasses approximately 80 acres in Stevens County. The Petition is a joint petition with Stevens County. The Northern Regional Committee met on September 4, 2024, to review the Petition, public notice input, and to make a recommendation. The Committee recommends approval of the submitted Petition by the full Board. ***DECISION ITEM***

2. **Boundary Change for the Sand Hill River Watershed District and Red Lake Watershed District** – A joint petition for a boundary change, dated December 11, 2023, from the Sand Hill River Watershed District and the Red Lake Watershed District, was received by the Board for the transfer of approximately 72.075 acres from Sand Hill River Watershed District to the Red Lake Watershed District. The Northern Regional Committee met on September 4, 2024, to review the Petition, public notice comments, and to make a recommendation. The Committee recommends approval of the boundary change consistent with the submitted Petition by the full Board. ***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 September 25th.

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
WEDNESDAY, SEPTEMBER 25, 2024**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF AUGUST 29, 2024 BOARD MEETING

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

INTRODUCTION OF NEW STAFF

- Tyler Knutson, Regional Training Conservationist
- Denise Lauerman, Office and Administrative Specialist
- Shane Bugeja, Board Conservationist
- Gabrielle Holman, Grants Compliance 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 – Todd Holman
- Executive Director – John Jaschke
- Audit & Oversight Committee – Joe Collins
- Dispute Resolution and Compliance Report – Travis Germundson/Rich Sve
- Grants Program & Policy Committee – Mark Zabel
- RIM Reserve Committee – Jayne Hager Dee
- Water Management & Strategic Planning Committee – Joe Collins
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – LeRoy Ose
- Drainage Work Group – Neil Peterson/Tom Gile

AGENCY REPORTS

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

ADVISORY COMMENTS

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

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. Clean Water Legacy Partners Program FY24-25 program authorization – Annie Felix-Gerth – ***DECISION ITEM***
2. FY25 Lake Superior Basin Implementation Grants – Ryan Hughes – ***DECISION ITEM***

Northern Region Committee

1. Bois de Sioux Watershed District Boundary Enlargement Petition – Ryan Hughes – ***DECISION ITEM***
2. Sand Hill River Watershed District and Red Lake Watershed District Boundary Change Petition – Ryan Hughes – ***DECISION ITEM***

UPCOMING MEETINGS

- Grants Program and Policy Committee is scheduled for October 21st at 8:30 a.m. location TBD and by MS Teams.
- BWSR Board meeting is scheduled for October 23rd at 9:00 a.m. in St. Paul and by MS Teams.

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
525 SOUTH LAKE AVENUE
CONFERENCE ROOM 400-1
DULUTH, MN 55802
THURSDAY, AUGUST 29, 2024**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Mike Runk, Neil Peterson, Rich Sve, Lori Cox, Ted Winter, LeRoy Ose, Eunice Biel, Todd Holman, Ron Staples, Mark Zabel, Dana Vanderbosch, MPCA; Joel Larson, University of Minnesota Extension; Jeff Berg, MDA; Tom Hogan, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

Kelly Kirkpatrick

STAFF PRESENT:

John Jaschke, Rachel Mueller, Travis Germundson, Julie Westerlund, Becca Reiss, Ryan Hughes, Andrea Fish, Luke Olson, Craig Engwall, John Shea, Henry Van Offelen, Barb Peichel, Marcey Westrick

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; Mike Schultz, MACDE; LeAnn Buck, MASWCD; Holly Bushman, Le Sueur County

Chair Todd Holman called the meeting to order at 9:12 AM

PLEDGE OF ALLEGIANCE

24-37 **ADOPTION OF AGENDA** - Moved by Joe Collins, seconded by Jill Crafton, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

24-38 **MINUTES OF JUNE 26, 2024 BOARD MEETING** – Moved by Eunice Biel, seconded by Ron Staples, to approve the minutes of June 26, 2024, as circulated. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Ryan Hughes introduced Becca Reiss, Grants Compliance Specialist.

CONFLICT OF INTEREST DECLARATION

Chair Holman read the statement:

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

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman reported he attend the EQB meeting. Thanked those that worked on the BWSR Board Tour.

Executive Director’s Report - John Jaschke reported he appreciated the tour and how teamwork is apparent on all aspects of the projects. John reviewed the Snapshots included in the Day of Packet. Stated they are exploring an extension of the Conservation Reserve Enhance Program (CREP) agreement. Minnesota is hosting the National Association of State Conservation Agencies in Duluth where they will showcase some of the work being done in Minnesota. They’ve started the budget process for the upcoming biennium and will have recommendations for the Governor’s office this fall. The Outdoor Heritage Council met this week to hear proposals.

Joe Collins asked if there is a public comment period for Clean Water Funds. John stated the Clean Water Council meetings are public and posted on their website.

John stated members should receive a Campaign Finance Disclosure Notice that will need to be completed.

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 have been three new appeals filed since last report and two appeals are currently pending.

File 24-6 is an appeal of a Wetland Conservation Act (WCA) notice of decision in Aikin County. The appeal regards the denial of an after the fact agricultural activities exemption. The petition claims that the activities/impacts are following a federal approval exemption and NRCS' conservation plan approved for the property. No decision has been made on the appeal.

File 24-4 is an appeal of a WCA Restoration Order for a property in Aitkin County. The appeal has been denied and the restoration order affirmed.

Travis stated the buffer compliance numbers remain consistent with a slight increase in compliance.

Grants Program & Policy Committee – Mark Zabel reported the committee met and recommend two items that are on the agenda today. Stated they heard information items as well as grant program updates at the meeting.

RIM Reserve – Jayne Hager Dee Reported the committee has not met.

Water Management & Strategic Planning Committee – Joe Collins reported they met on August 5th and will have two items on the agenda today.

Wetland Conservation Committee – Jill Crafton reported the committee has not met.

Buffers, Soils & Drainage Committee – LeRoy Ose reported they met August 6th for an informational meeting. Will be meeting again in October.

Drainage Work Group (DWG) – Neil Peterson reported the DWG has been meeting and he was unable to attend the last meeting. Ron Staples reported they met last month in St. Cloud and discussed using website notifications and had a discussion on adequate outlet.

AGENCY REPORTS

Minnesota Department of Agriculture – Jeff Berg thanked staff that helped plan the tour. Soil Health Equipment grants are open and will close tomorrow. Stated they were able to put in Ag weather stations from Clean Water Funding.

Minnesota Department of Health – Tom Hogan reported their Contaminates of Emerging Concern Program will have its annual meeting on September 18th virtually. They are continuing to work on their Minnesota Drinking Water Action Plan, it will be out for public comment soon.

In southeast Minnesota they are continuing to offer free well testing for private well households for the top five contaminants. They are continuing to work with local partners and will be building a dashboard to show their progress.

Rich Sve asked if there is a kit for well testing available at the local health department or with the State. Tom stated it could be either.

Lori Cox asked when people get a high pollutant test what do you tell them for a solution or about the future. Tom stated the Dept. of Ag received funding through the Legislative session last year to provide reverse osmosis systems and are working with them to help stand that effort up. Along with the Dept. of Ag and the Pollution Control Agency (PCA) they are setting up workgroups to mitigate the nitrate issues in the SE region. They had their first meeting composed of a diverse local group and discussed how to

address nitrates in groundwater. Jeff stated they also have their Nitrogen Fertilizer Management Plan and Groundwater Protection Rule that that they'll continue to work on.

Minnesota Department of Natural Resources – Sarah Strommen reported they will be announcing the completion of their first public water access modernization project. Sarah stated they are still working to finalize the process on the Public Water Inventory update. There will be an opportunity to review and make public comments.

Joe Collins stated when looking at criteria, some public waters may be added and asked if that would imply that some may be removed too. Sarah stated that there could be waters coming off and waters coming on depending on what gaps they find between the current public water inventory and what the statute says should be included as a public water.

Minnesota Extension – Joel Larson thanks those for organizing the tour. Joel reported registration is open for the Minnesota Water Resources Conference will be taking place October 15 and 16 in St. Paul. The Minnesota Climate Adaptation Partnerships has been rolling out MN Climate and it's now available on the University of Minnesota's website. They will also have a series of Climate Adaptation Specialist Trainings. Joel stated they will be hiring three new extension educator positions.

Mark Zabel asked about the Climate Adaptation GIS application and if it included changes to zones, hydrology, and basic information. Joel stated it creates inputs that can be used for projects.

Minnesota Pollution Control Agency – Dana Vanderbosch provided an update on the nitrates in southeast Minnesota. Their two general feedlot permits are currently on public comment until September 3rd. They will be reviewing the feedlot rules and will consider if any changes are needed. Stated they received funding to install a nitrate sensor network in the watersheds that have the highest nitrate loading.

Lori Cox asked if the nitrate sensors would be in water bodies or outside. Dana stated they are river and stream sensors. Lori asked if there is a budget set aside and asked what the source of revenue to pay for those are. Dana stated it's given to MPCA through the Clean Water Fund.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported their members have been involved in different works groups and collaborations with partners to implement things that were passed in the last year and to prepare for the year ahead. They have been communicating with the Clean Water Council as they prepare to set their budget. They have been participating in the Drainage Work Group meetings. The AMC Fall Policy Conference is September 11 -13. They will be looking at next steps for policy development.

Minnesota Association of Conservation District Employees – Mike Schultz reported their annual meeting will be held the second evening during the BWSR academy. Nominations are being accepted for the Extraordinary Contribution Award. They held admin. training this summer with about 55 members participating. They also held manager meetings earlier this year.

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck introduced Jake Janski. Jake stated he is a SWCD Supervisor on the Mille Lacs SWCD and is Director for Northeast Area 3. He is

chairman of the Rum River Watershed Partnership and works as an Ecologist at Minnesota Native Landscapes.

LeAnn stated their Board will be going to South Central Minnesota to look at small scale water storage initiatives. Stated the National Association of the Great Lakes Commission proposed a project where they're inviting all the State Associations for a Social Science Study. Annual convention is December 2-4, 2024.

Neil Peterson thanked Soil and Water Districts for their work.

Jayne Hager Dee stated she appreciates their board will be viewing fields and communities that were hit hard with flooding.

Minnesota Association of Townships – Eunice Biel thanked everyone for planning the tour. In August district meetings were held throughout the State. They are preparing for their Legislative and Research fall meeting and their Annual Convention in December. Township Tuesday conference calls are being held on the 1st and 3rd Tuesdays of each month at 10:00 a.m. There will be an upcoming webinar on solar for public buildings on September 5th.

Minnesota Watersheds – Jan Voit reported she appreciated going on the tour and seeing the work that has been done. They have been working on their legislative platform and priorities with committees and will bring changes to their annual conference. They will have a committee work on the Drainage Chapter 103E notice requirements. Their Events and Education Committee will help plan their annual conference. Stated they will update their Strategic Plan and bringing it to their annual conference. Stated she has been doing meet and greets with Watershed Districts and Watershed Organizations with Justin Hanson and appreciates his partnership. They are working with Julie Westerlund on regional training for their members and not just for Watershed Districts. Their annual conference will be taking place at Grandview Lodge in Nisswa December 4-6, 2024.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 10:50 a.m. and called the meeting back to order at 11:03 a.m.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

One Watershed, One Plan – FY25 Planning Grants – Julie Westerlund presented One Watershed, One Plan – FY25 Planning Grants. The calendar year 2024 (FY25 grants) One Watershed, One Plan Planning Grants request for proposal (RFP) period opened on March 28, 2023 and closed on June 14, 2023. BWSR received three proposals. Staff reviewed the three proposals (locations shown on attached map) against the RFP selection criteria. BWSR's Senior Management Team reviewed staff recommendations on July 23, 2024 and recommended funding all three proposals. Grants Program and Policy Committee reviewed this recommendation on August 19, 2024. A draft board order is attached.

Funds are from the 2022-2023 biennium, Laws of Minnesota, 2021, 1st Special Session, Chapter 1, Article 2, Section 6 (i) and the 2024-2025 biennium, Laws of Minnesota, 2023, Chapter 40, Article 2, Section 6 (i) for assistance, oversight, and grants to local governments to transition local water management plans to a watershed approach as well as previously returned clean water fund grants.

If approved, this action will bring the final three planning areas into participation in the One Watershed, One Plan program, marking a significant milestone – full participation - in Minnesota’s transition to statewide watershed-based planning and implementation.

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24-39 Moved by Jill Crafton, seconded by Rich Sve, to approve the One Watershed, One Plan – FY25 Planning Grants. ***Motion passed on a roll call vote.***

Red River Basin Commission Adaptive Phosphorus Management Plan Grant – Henry Van Offelen presented Red River Basin Commission Adaptive Phosphorus Management Plan Grant.

Legislative appropriation directly to Red River Basin Commission to develop an adaptive phosphorus management plan for the Red River Basin. Reviewed and approved at the Grants Program and Policy Committee.

Lori Cox asked if the applicable water quality targets for phosphorus loading was local or within the region. Henry stated there have been 10 local well water treatment plants that have received permits contingent with the allowances for this water quality trading pilot. Lori asked if there is a document that talks about this water quality phosphorus trading. Henry stated there are a couple previous models related to PCA permits for water quality trading but no specific document. John stated this money is being used to potentially develop a water quality trading mechanism. Mark Zabel stated the Blue Lake Plant is a potential similar model. Henry stated it will create the framework to figure out how water quality trading relates to PCA permits.

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24-40 Moved by LeRoy Ose, seconded by Ron Staples, to approve the Red River Basin Commission Adaptive Phosphorus Management Plan Grant. ***Motion passed on a roll call vote.***

Central Region Committee

Chippewa River Comprehensive Watershed Management Plan – Julie Westerlund presented Chippewa River Comprehensive Watershed Management Plan

Chippewa River Comprehensive Watershed Management Plan (Plan) – On January 19, 2022, the Chippewa River Watershed Partnership received an approved grant agreement from the Board of Water and Soil Resources (BWSR) to develop a Comprehensive Watershed Management Plan under the One Watershed, One Plan Program. The Partnership established a Joint Powers Entity in July 2021, for the purposes of watershed planning and implementation. The Partnership has followed One Watershed, One Plan Operating Procedures; and the Policy Committee and Advisory Committee members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the draft Chippewa River Comprehensive Watershed Management Plan (Plan) to BWSR on December 26, 2023, for 60-day comment period. A public hearing was held April 9, 2024, and the Policy Committee submitted the Plan for approval May 9, 2024. The Central Regional Committee (Committee) met on August 5, 2024, to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Joe Collins stated he liked how they looked at voluntary local implementation with the highest load reduction of sediment or particles going into the water bodies. Lori Cox stated plans are good but when speaking of voluntary there are no guarantees. Joe stated it can be a financial risk. Rich Sve stated sometimes all it takes is one person to try and it proves itself to get others to follow.

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24-41

Moved by Ron Staples, seconded by Joe Collins, to approve the Chippewa River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Lower Minnesota River East Comprehensive Watershed Management Plan – Julie Westerlund presented Lower Minnesota River East Comprehensive Watershed Management Plan.

The Lower Minnesota River East watershed covers 634 square miles (405,789 acres), spanning most of Scott County in the southern Twin Cities Metropolitan area, the northern half of Le Sueur County, northwestern portion of Rice County, and one tribal nation (Shakopee Mdewakanton Sioux Community). Most of the middle and upper watershed is dominated by agricultural land use (65% by area), while the lower portion of the watershed transitions from agricultural to suburban and urban land use types (13% by area). The watershed has 117 lakes and 870 stream miles, including 70 stream miles of the Minnesota River, which runs along the northern and western boundaries of the watershed.

The Plan actions generally focus on implementation of best management practices in agricultural and urban areas to address priority issues, development of studies and data collection to better target implementation actions, policy improvements where feasible and timely, and active public outreach and engagement by local partners. The total 10-year estimated cost of Plan implementation is \$17,389,400, of which 81% is budgeted for implementing practices on the ground. Data, studies, and monitoring is anticipated to utilize 11%, and outreach and technical assistance will utilize another 5%. The remaining funds will be spent on activities related to policy and regulation as well as Plan administration.

The Partnership held a 60-day review process that ended on March 22nd, 2024, and held a public hearing on May 30, 2024, in New Prague – a central location within the watershed. The final draft of the updated Plan, all written public comments and responses, and public hearing comments and responses were submitted on June 24, 2024, to the state review agencies, the Metropolitan Council, and the BWSR Board for the final 90-day review and approval of the Plan. The Partnership has incorporated the majority of agency and public comments received throughout the Plan review process.

On August 5, the Central Region Committee met to review and discuss the Plan. The committee's decision was to recommend approval of the Lower Minnesota River East Comprehensive Watershed Management Plan as submitted to the full Board per the attached draft Order.

Ted Winter asked if the red line on the map represents the metropolitan area. Julie stated the red line does denote the metropolitan area. Ted asked if the metropolitan area has more than one plan to comply with. Julie stated they only need to comply with one plan, the metropolitan plan. They are participating in this One Water One Plan effort on a voluntary basis so they can have the opportunity to talk with their upstream neighbors and identify issues coming into their metro area from upstream.

Joe Collins stated the difference between this plan the previous one is the stream banks. Joe noted that this is one of the first plans that he's read that mentioned ditches.

Chair Holman thanked those that worked on these plans.

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24-42

Moved by Joe Collins, seconded by Jill Crafton, to approve the Lower Minnesota River East Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Chair Holman noted the upcoming dates.

The Sentential Landscape Team will be updating their Strategic Plan. BWSR is a member and will be meeting September 11th with others to review and approve the updated plan.

BWSR staff will be going to the Land Trust Alliance Rally September 27th in Rhode Island. They will present on the Camp Ripley Sentential Landscape partnership and the work that BWSR and local SWCDs have done that execute implementation of RIM.

Chair Holman announced that he has resigned from his position with the Nature Conservancy to take a National Sentinel Landscape position.

UPCOMING MEETINGS

- Northern Region Committee is scheduled for September 4th at 10:30 a.m. in Detroit Lakes and by MS Teams.
- Grants Program and Policy Committee is scheduled for September 16th at 8:30 a.m. location TBD and by MS Teams.
- BWSR Board meeting is scheduled for September 25th at 9:00 a.m. in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 11:58 a.m.

Respectfully submitted,

Todd Holman
Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution/Compliance Report

Meeting Date: September 25, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Wetland Conservation Act Appeals/Buffer Compliance

Section/Region: Central

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)
Rich Sve DRC Chair and Travis Germundson

Presented by: Germundson

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

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

September 10, 2024

By: Travis Germundson

There have been **no** new appeals filed since the last report and there are currently **two** appeals pending.

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

~~Appeals that have been decided since last report to the Board.~~

File 24-6 (8-28-24) This is an appeal of a WCA notice of decision in Aikin County. The appeal regards the denial of an after-the-fact agricultural activities' exemption. The petition claims that the activities/impacts follow the federal approval's exemption and NRCS' Conservation Farm Plan approved for the property. No decision has been made on the appeal.

File 24-5 (7-22-24) This is an appeal of a WCA Restoration Order for property located in Otter Tail County. The appeal regards the placement of fill material in multiple wetlands on agricultural land. The petition claims that the impacts are exempt based on a Certified Wetland Determination by the Natural Resources Conservation Service. No decision has been made on the appeal.

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2023	Total for Calendar Year 2024
Order in favor of appellant		
Order not in favor of appellant	9	4
Order Modified	1	
Order Remanded	2	
Order Place Appeal in Abeyance	1	
Negotiated Settlement	1	
Withdrawn/Dismissed	3	

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 64 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are five active Corrective Action Notices (CANs) and one Administrative Penalty Order (APO) issued by BWSR that is still active. Of the actions being tracked over 55 of those have been resolved.

Statewide 37 counties are fully compliant, and 50 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 387 CANs and 62 APOs actively in place. Of the actions being tracked over 2,792 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 status of compliance numbers.*

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. Clean Water Legacy Partners Program FY24-25 program authorization – Annie Felix-Gerth – ***DECISION ITEM***
2. FY25 Lake Superior Basin Implementation Grants – Ryan Hughes – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Clean Water Legacy Partners Program FY24-25 Program Authorization

Meeting Date: September 25, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Clean water, legacy, partners, RFP

Section/Region: Regional Operations, Central Region

Contact: Annie Felix-Gerth

Prepared by: Annie Felix-Gerth

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Annie Felix-Gerth

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of FY24-25 Clean Water Legacy Partners Program, including RFP ranking criteria and board order.

LINKS TO ADDITIONAL INFORMATION

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

This will be the second biennium for Clean Water Legacy Partners Program. In FY22-23, the program was initiated as a pilot and tribal governments and non-governmental organizations were eligible to apply. In FY24-25, BWSR also received supplemental funding for the program, which included a special designation for \$500,000 for grants to watershed districts to do green infrastructure projects. Ranking criteria have been developed by staff and recommended by the Grants Program and Policy Committee.

BOARD ORDER

Fiscal Year 2024-2025 Clean Water Legacy Partners Grant Program

PURPOSE

Authorize Fiscal Year (FY) 24-25 Clean Water Legacy Partners Grants Program and adopt FY 24-25 request for proposals ranking criteria.

FINDINGS OF FACT / RECITALS

- A. Laws of Minnesota 2023, Chapter 40, Article 2, Section 6 (m) "\$500,000 the first year and \$500,000 the second year are for developing and implementing a water legacy grant program to expand partnerships for clean water"; and
- B. Laws of Minnesota 2024, Chapter 2, Article 106, Section 6 (c) "\$2,000,000 the second year is for developing and implementing a water legacy grant program to expand partnerships for clean water. Of this amount, \$500,000 is for grants to watershed districts to reduce the costs to landowners for green infrastructure projects, including rain gardens, permeable pavement, rainwater harvesting and reuse, and other clean water practices."
- C. The request for proposal criteria (RFP) are needed to provide expectations for applicants and subsequent implementation activities conducted with these funds.
- D. The Grants Program and Policy Committee, at their August 19th and September 16th, 2024 meetings, reviewed the proposed RFP criteria, and recommended approval to the Board.

ORDER

The Board hereby:

- 1. Authorizes the FY 24-25 Clean Water Legacy Partners Grants Program attached ranking criteria to be included in the RFP.
- 2. Authorizes staff to finalize and issue an initial RFP and issue a subsequent RFP as needed.
- 3. Authorizes staff to score and rank the responses to the RFP, complete pre-award risk assessments, and award the Clean Water Legacy Partners Grants.
- 4. Authorizes staff to approve work plans and enter into grant agreements for these funds consistent with the appropriations and the RFP.

Dated at St. Paul, Minnesota, this September 25, 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

Clean Water Legacy Partners Grant Ranking Criteria	Maximum Points Possible
Abstract: A brief description of anticipated achievements and outcomes as well as the project area.	5
Water Resource(s) Identified: Lake, stream/river, or groundwater resource is described, and reasons are given for why the resource(s) were chosen.	10
Water Resource Outcome(s) and Longevity: Activities will protect or restore an identified water resource or support future protection or restoration efforts. Activities identified in a natural resource and/or watershed plan are preferred. Activities should provide long-term benefits to the water resource.	30
Readiness and Partnerships: The proposal has a set of specific activities that can be implemented soon after grant award. Proposed activities being part of a larger effort or partnership working toward clean water, or attempting to build a new partnership, are preferred.	20
Public Benefit: Proposed activities will benefit the public from a local, regional and/or state perspective. Diversity, equity, and inclusion is also incorporated.	20
Applicants' Demonstrated Performance: Applicant's history with receiving external funding sources and successfully completing planned activities.	15
Total Points Available	100

Green Infrastructure Grant Ranking Criteria	Maximum Points Possible
Project Abstract: The project abstract succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results, including the type and quantity of projects and/or practices.	5
Prioritization: Relationship to Plan: The proposal is based on priority protection or restoration actions listed in or derived from the current state approved and locally adopted plan for the project area (see plans listed in 'Applicant Eligibility' of this RFP) and is linked to statewide Clean Water Fund priorities and public benefits.	20
Project Impact: The proposal has a quantifiable reduction in pollution for restoration projects or measurable outputs for protection projects and directly addresses the water quality concern identified in the application	15
Equity: The proposal will benefit people of low income and reduce costs to landowners.	30
High Pollution: The proposal will address issues in a high pollution area.	30
Total Points Available	100

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: FY25 Lake Superior Basin Implementation Grants

Meeting Date: September 25, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Grants, Lake Superior Basin, GLRI, LAMP

Section/Region: Land and Water, Central Region

Contact: Adam Beilke, Ryan Hughes

Prepared by: Adam Beilke

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Ryan Hughes

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 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 checked="" type="checkbox"/> Clean Water Fund Budget |

ACTION REQUESTED

Approve board order to allocate funding for the Lake Superior Basin Implementation Grants.

LINKS TO ADDITIONAL INFORMATION

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

The Board was appropriated \$1,000,000 in supplemental CWF for SWCDs and other partners in the Lake Superior Basin to leverage Great Lakes Restoration Initiative or other federal Great Lakes funding that implement prioritized activities in the Basin. Input was solicited from the five SWCDs along with partner organizations in the development of this program, consistent with the recommendations provided by the Clean Water Council. The Grants Program and Policy Committee met on September 16, 2024, and recommends the attached order to the Board.

BOARD ORDER

Fiscal Year 2025 Lake Superior Basin Implementation Grants Authorization

PURPOSE

Provide Fiscal Year 2025 Lake Superior Basin Implementation Grants to five Soil and Water Conservation Districts (SWCDs) in the Lake Superior Basin.

FINDINGS OF FACT / RECITALS

1. The Laws of Minnesota 2024, Regular Session, Chapter 106, Article 2, Section 6 (d) appropriated fiscal year (FY) 2025 funding to provide support to SWCDs and other local governments and partner organizations in the Lake Superior Basin to leverage Great Lakes Restoration Initiative or other federal Great Lakes funding to implement prioritized activities.
2. The Board has authorities under Minnesota Statutes 103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
3. The proposed allocations and program requirements in this order were developed consistent with this appropriation and the FY24-25 Supplemental Clean Water Fund recommendations from the Clean Water Council and were reviewed with staff from the five SWCDs along with partner organizations.
4. The Grants Program and Policy Committee, at their August 19 and September 16, 2024 meetings, reviewed the proposed allocations and program requirements and recommended approval to the Board.

ORDER

The Board hereby:

1. Approves the FY25 Lake Superior Basin Implementation Grant program requirements. (*Attachment A*)
2. Approves the proposed allocation of Lake Superior Basin Implementation Grants to five SWCDs in the amounts listed in the attached table. (*Attachment B*)
3. Authorizes staff to enter into grant agreements for this purpose.

Dated at St. Paul, Minnesota, September 25, 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

Attached:

Attachment A - FY2025 Lake Superior Basin Implementation Grant Program Requirements
Attachment B - FY2025 Lake Superior Basin Implementation Grant Allocation Table

Attachment A: FY2025 Lake Superior Basin Implementation Grant Program Requirements

Grant Work Plan

A work plan shall be developed in eLINK and must be approved before execution of the grant agreement. The work plan shall reflect each eligible activity that will be implemented, a description of the anticipated activity outcomes or accomplishments, and grant funding amounts to accomplish each of the activities.

Eligible Activities

Funding may be used to build the capacity of the grantee to leverage Great Lakes Restoration Initiative or other federal Great Lakes funding that implement prioritized activities. Eligible activities must be identified in the work plan and may include:

- Financial assistance for projects;
- Technical assistance;
- Project support;
- Supplies or equipment acquisition; and
- Grant management and reporting.

Ineligible Activities

- Activities that are not consistent with the purposes of Minnesota Constitution, article XI, section 15 to "...protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation..."; and
- Water quality monitoring such as, but not limited to, routine, baseline, diagnostic, or effectiveness monitoring.

Financial Assistance

Financial assistance may be provided based on a percentage of installation cost, flat-rate, or incentive payments. Grantee will follow the requirements found within the Fiscal Year 2025 [Grants Administration Manual](#) Chapter: Implementing Contracts with Land Occupiers.

Project and Practice Assurances

A contract is required when funds are used to provide financial assistance to install projects. Grantee will follow requirements found within the Fiscal Year 2025 [Grants Administration Manual](#) Chapter: Project and Practice Assurances.

Technical Quality Assurance

Grantee has the responsibility to ensure long-term public benefit of projects and will follow requirements found within the following Fiscal Year 2025 [Grants Administration Manual](#) Chapters: Technical Quality Assurance; Operation, Maintenance, and Inspection of Practices; and Vegetation Requirements for BWSR Funded Projects.

GAM Requirements

For questions regarding Grants Administration Manual requirements, grantees should consult their assigned Board Conservationist.

Attachment B: FY2025 Lake Superior Basin Implementation Grant Allocation Table

Organization	FY 2025 Grant Amount
Carlton SWCD	\$190,000
Cook SWCD	\$190,000
Lake SWCD	\$190,000
North St. Louis SWCD	\$190,000
South St. Louis SWCD	\$190,000
Total	\$950,000

COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. Bois de Sioux Watershed District Boundary Enlargement Petition – Ryan Hughes – ***DECISION ITEM***
2. Sand Hill River Watershed District and Red Lake Watershed District Boundary Change Petition – Ryan Hughes – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Bois de Sioux Watershed District Boundary Enlargement Petition

Meeting Date: September 25, 2024

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information Non-Public Data

Keywords for Electronic Searchability: Bois de Sioux Watershed District, Boundary, Enlargement, Petition

Section/Region: Regional Operations/Northern

Contact: Ryan Hughes

Prepared by: Ryan Hughes

Reviewed by: Northern Regional Committee(s)

Presented by: 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 Bois de Sioux Watershed District Boundary Enlargement Petition

LINKS TO ADDITIONAL INFORMATION

[Meeting Documents \(bdswd.com\)](http://bdswd.com)

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

Bois de Sioux Watershed District submitted a boundary enlargement petition jointly with Stevens County that encompasses approximately 80 acres of land in Stevens County. This boundary enlargement will more accurately align the legal and hydrological boundaries to correctly permit landowner projects that may affect neighboring properties.

On September 4, 2024, the Northern Regional Committee met to review and discuss the Petition. Board regional staff provided its recommendation of approval to the Committee. After discussion, the Committee’s decision was to present a recommendation of approval of the Petition to the full Board.



BOARD ORDER

Boundary Enlargement for the Bois de Sioux Watershed District

PURPOSE

Approve a boundary enlargement for the Bois de Sioux Watershed District

RECITALS /FINDINGS OF FACT

1. A joint petition (Petition) for boundary enlargement, dated February 6, 2024, from the Bois de Sioux Watershed District (BdSWD) and Stevens County (County), was received by the Board of Water and Soil Resources on February 12, 2024.
2. The boundary change requested by the affected landowner and described in the Petition would result in adding approximately 80 acres to the BdSWD.
3. The Board has reviewed the Petition for conformance with state law and rule and has determined that the Petition is valid in accordance with Minn. Stat. § 103D.261.
4. Legal notice of filing on the Petition, pursuant to Minn. Stat. § 103D.261, was published in the Stevens County Times on June 4, 2024 and June 11, 2024; the Traverse County Gazette News on June 5, 2024 and June 12, 2024; and the Chokio Review on June 6, 2024 and June 13, 2024. Further, a copy of the notice of filing was sent to each affected city, county, and watershed district.
5. The legal notice of filing required within 30 days of the last date of publication of the notice, that at least one written request for hearing be received by the Board before a hearing will be held. The Board did not receive any written requests for a hearing therefore no hearing was held. The Board did not receive any comments on the Petition.
6. The Board assisted the BdSWD through the boundary enlargement petition process, providing guidance, comments, and recommendations. All relevant, substantive, and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a watershed district boundary enlargement. The requested boundary enlargement is consistent with the purpose and the requirements of Minn. Stat. § 103D.261. The boundary enlargement, as proposed in the petition, would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. The boundary of the BdSWD as proposed in the Petition is more accurately based on the hydrology of the subject area than the present boundary. The proposed boundary enlargement should be approved per the petition. Therefore, Board staff recommends approval of the boundary enlargement as petitioned.
7. On September 4, 2024, the Board's Northern Region Committee and staff met in Detroit Lakes to review and discuss the Petition. Members of the Committee that participated in the discussion included Committee Chair Rich Sve, Jeff Berg, Theresa Ebbenga, Chad Anderson, Todd Holman, LeRoy Ose, Neil Peterson, and Ron Staples. Board staff in attendance were Northern Region Manager Ryan Hughes. Board staff recommended approval of the boundary change. After discussion, the Northern Region Committee voted to recommend approval of the Petition.

ORDER

The Board hereby orders that the boundary of the Bois de Sioux Watershed District be enlarged per the Petition as depicted on the maps, attached to this Order.

Dated at St. Paul, Minnesota, this September 25, 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

September 25, 2024

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

Dear Boards of Managers:

The Minnesota Board of Water and Soil Resources (Board) is pleased to inform you that the boundary enlargement petition for the Bois de Sioux Watershed District (BdSWD) to add approximately 80 acres of land in Stevens County, Minnesota to achieve a more accurate alignment between the hydrological and legal boundaries of the BdSWD and allow for the watershed district to correctly permit landowner projects that may affect neighboring properties, was approved by the Board at the regular Board meeting held September 25, 2024. This boundary change will advance the purpose of M.S. 103D and is for the public welfare and public interest.

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

Sincerely,

Todd Holman, Chair
Minnesota Board of Water and Soil Resources

Enclosed: Board Order

CC: Jamie Beyer, BdSWD Administrator (via email)
Rebecca Young, Stevens County Administrator (via email)
Pete Waller, BWSR (via email)
Ryan Hughes, BWSR (via email)

Equal Opportunity Employer

**NOTICE OF FILING
BOUNDARY ENLARGEMENT OF THE
BOIS DE SIOUX WATERSHED DISTRICT**

In the matter of the petition for the boundary enlargement of the Bois de Sioux Watershed District (BdSWD), pursuant to Minn. Stat. §103D.261.

Whereas, the subject petition and complete supporting documentation were received on February 12, 2024, and served on the Board of Water and Soil Resources (Board) pursuant to Minn. Stat. §103D.261. The Board has reviewed the petition for conformance with state law and rule and determined that the petition is valid.

Now therefore, the Board hereby issues the following:

NOTICE IS HEREBY GIVEN that the Board invites written comments on the petition for a boundary enlargement. All comments received will be considered before a decision is made to change the boundary. Any person who objects to the petition may submit a written request for hearing to the Board. If no written requests for a hearing are submitted within 30 days of the last publication of this notice of filing, the Board will consider all of the comments and information received pertaining to the petition and make a decision on the boundary enlargement without conducting a public hearing.

Please submit any written comments or a written request for a hearing on or before July 21, 2024 to:

**Minnesota Board of Water and Soil Resources
ATTN: BWSR Northern Region Manager
525 Lake Avenue South, Suite 400
Duluth, Minnesota 55802**

The proposed boundary enlargement encompasses approximately 80 acres of land in Stevens County, Minnesota to achieve a more accurate alignment between the hydrological and legal boundaries of the BdSWD and allow for the watershed district to correctly permit landowner projects that may affect neighboring properties. The petition is a joint petition of the BdSWD and Stevens County.

A copy of the petition is available for review at www.bdswd.com. Inquiries regarding the petition may be directed to:

- Jamie Beyer, BdSWD Administrator at 320.563.4185 or bdswd@runestone.net

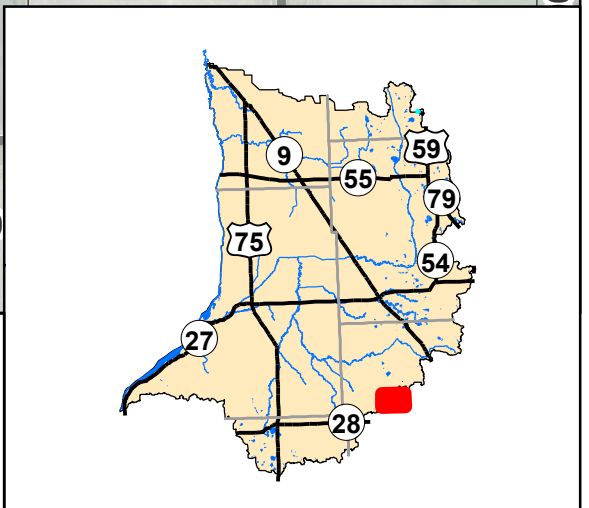
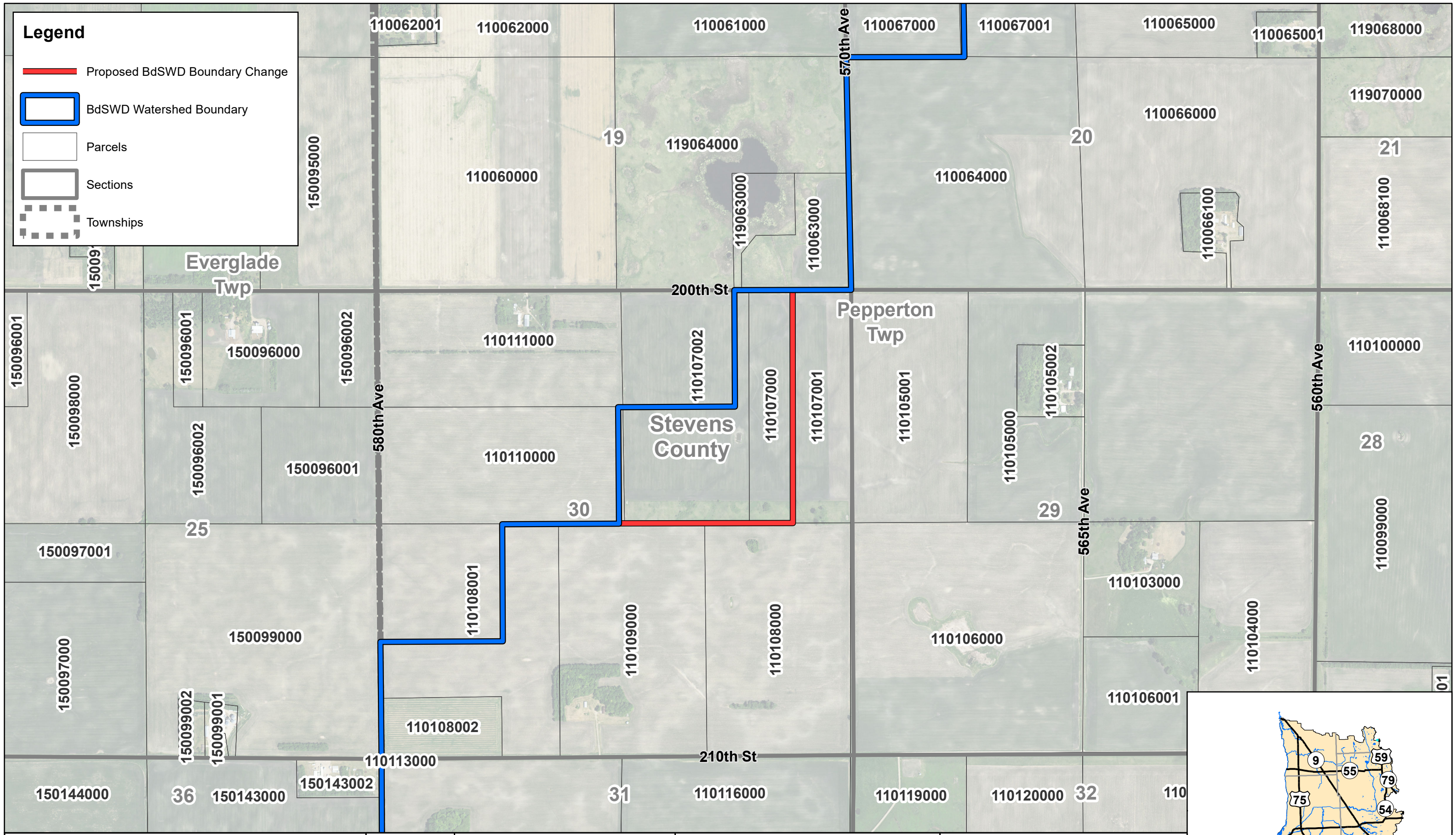
For further information regarding this notice, contact Ryan Hughes, Northern Region Manager, Board of Water & Soil Resources, at 218.770.9687 or ryan.hughes@state.mn.us.

Dated in Duluth, Minnesota this 24th day of May, 2024.

/s/ Ryan Hughes
Northern Region Manager

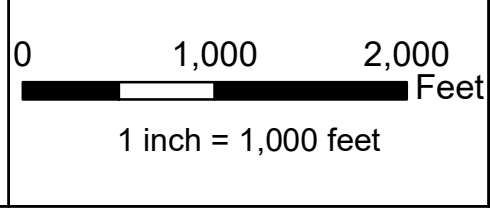
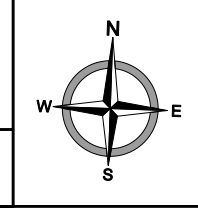
Legend

- Proposed BdSWD Boundary Change
- BdSWD Watershed Boundary
- Parcels
- Sections
- Townships



**Proposed District Boundary Update
Bois de Sioux Watershed District, MN**

Created By: TJS Date Created: 10/31/22 Date Saved: 07/26/23 Date Plotted: 09/29/17 Date Exported: 07/26/23
 Plotted By: Tanner.Schmidt Parcel Date: N/A Aerial Image: See Source Elevation Data: IW/Lidar
 Horizontal Datum: NAD 1983 UTM Zone 14N Vertical Datum: NAVD1988
 T:\Projects\18100\18139\18139-905 - Boundary Change\StevensCo_110107002\BoundaryProcessing.mxd



BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	Sand Hill River Watershed District and Red Lake Watershed District Boundary Change Petition
Meeting Date:	<u>September 25, 2024</u>
Agenda Category:	<input checked="" type="checkbox"/> Committee Recommendation <input type="checkbox"/> New Business <input type="checkbox"/> Old Business
Item Type:	<input checked="" type="checkbox"/> Decision <input type="checkbox"/> Discussion <input type="checkbox"/> Information <input type="checkbox"/> Non-Public Data
Keywords for Electronic Searchability:	<u>Sand Hill River Watershed District, Red Lake Watershed District, Boundary Change Petition</u>
Section/Region:	<u>Regional Operations/Northern</u>
Contact:	<u>Ryan Hughes</u>
Prepared by:	<u>Ryan Hughes</u>
Reviewed by:	<u>Northern Regional</u> Committee(s)
Presented by:	<u>Ryan Hughes</u>
Time requested:	<u>5 minutes</u>

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 boundary change petition for the Sand Hill River Watershed District and Red Lake Watershed District

LINKS TO ADDITIONAL INFORMATION

[Petition for Boundary Change.pdf \(sandhillwatershed.org\)](https://sandhillwatershed.org/Petition%20for%20Boundary%20Change.pdf)

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

BWSR received a joint petition, dated December 11, 2023, for a boundary change transferring approximately 72.075 acres from Sand Hill River Watershed District to the Red Lake Watershed District. BWSR provided legal notice of the petition, pursuant to M.S. 103D.251. No comments or written requests were received therefore no public hearing was held on the petition.

On September 4, 2024, the Northern Regional Committee met to review and discuss the Petition. Board regional staff provided its recommendation of approval to the Committee. After discussion, the Committee’s decision was to present a recommendation of approval of the Petition to the full Board.

BOARD ORDER

Boundary Change for the Sand Hill River Watershed District and Red Lake Watershed District

PURPOSE

Approve a boundary change between the Sand Hill River Watershed District and the Red Lake Watershed District.

RECITALS /FINDINGS OF FACT

1. A joint petition (Petition) for boundary change, dated December 11, 2023, from the Sand Hill River Watershed District (SHRWD) and the Red Lake Watershed District (RLWD), was received by the Board for the transfer of approximately 72.075 acres from SHRWD to RLWD.
2. The Board has reviewed the Petition for conformance with state law and rule and has determined that the Petition is valid in accordance with Minn. Stat. § 103D.251.
3. Legal notice of filing on the Petition, pursuant to Minn. Stat. § 103D.251, was published in the Fertile Journal on July 2, 2024 and July 9, 2024; and the Crookston Times on July 5, 2024 and July 12, 2024. Further, a copy of the notice of filing was sent to each affected city, county, and watershed district.
4. The legal notice of filing required within 30 days of the last date of publication of the notice, that at least one written request for hearing be received by the Board before a hearing will be held. The Board did not receive any written requests for a hearing therefore no hearing was held. The Board did not receive any comments on the Petition.
5. The Board assisted SHRWD and RLWD through the boundary change petition process, providing guidance, comments, and recommendations. All relevant, substantive, and procedural requirements of law and rule have been fulfilled. The Board has proper jurisdiction in the matter of approving a watershed district boundary change. The requested boundary change is consistent with the purpose and the requirements of Minn. Stat. § 103D.251. The boundary change, as proposed in the petition, would be for the public welfare and public interest and would advance the purpose of Minnesota Statutes Chapter 103D. The boundaries of the SHRWD and the RLWD as proposed in the Petition are more accurately based on the hydrology of the subject area than the present boundaries. The proposed boundary change should be approved per the petition. Therefore, Board staff recommends approval of the boundary change as petitioned.
6. On September 4, 2024, the Board's Northern Region Committee and staff met in Detroit Lakes to review and discuss the Petition. Members of the Committee that participated in the discussion included Committee Chair Rich Sve, Jeff Berg, Theresa Ebbenga, Chad Anderson, Todd Holman, LeRoy Ose, Neil Peterson, and Ron Staples. Board staff in attendance were Ryan Hughes, Northern Region Manager, and Brett Arne, Board Conservationist. Board staff recommended approval of the boundary change. After discussion, the Northern Region Committee voted to recommend approval of the Petition.

ORDER

The Board hereby orders that the boundaries of the Sand Hill River Watershed District and the Red Lake Watershed District are changed per the Petition as depicted on the maps, attached to this Order.

Dated at St. Paul, Minnesota, this September 25, 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

September 25, 2024

Board of Managers
Sand Hill River Watershed District
219 North Mill Street
Fertile, MN 56540

Board of Managers
Red Lake Watershed District
1000 Pennington Avenue South
Thief River Falls, MN 56701

Dear Boards of Managers,

The Minnesota Board of Water and Soil Resources (Board) is pleased to inform you that the petition to change the boundaries of the Sand Hill River Watershed District (SHRWD) and the Red Lake Watershed District (RLWD), resulting in approximately 72.075 acres of land within the jurisdiction of SHRWD being transferred to RLWD, was approved by the Board at the regular Board meeting held September 25, 2024. This boundary change will advance the purpose of M.S. 103D and is for the public welfare and public interest.

The enclosed Board Order documents the Board's decision. Please note the boundary change is effective the day the certified Board Order is filed with the Secretary of State. Please contact Board Conservationist Brett Arne, brett.arne@state.mn.us, with any questions regarding this matter.

Sincerely,

Todd Holman, Chair
Minnesota Board of Water and Soil Resources

Enclosed: Board Order

CC: Tammy Audette, RLWD Administrator (via email)
April Swenby, SHRWD Administrator (via email)
Chuck Whiting, Polk County Administrator (via email)
Brett Arne, BWSR (via email)
Ryan Hughes, BWSR (via email)

Equal Opportunity Employer

**NOTICE OF FILING
BOUNDARY CHANGE BETWEEN THE
RED LAKE WATERSHED DISTRICT & THE SAND HILL RIVER WATERSHED DISTRICT**

In the matter of the petition for the boundary change between the Red Lake Watershed District (RLWD) & the Sand Hill River Watershed District (SHRWD), pursuant to Minn. Stat. §103D.251.

Whereas, the subject petition and complete supporting documentation were received on April 3, 2024, and served on the Board of Water and Soil Resources (Board) pursuant to Minn. Stat. §103D.251. The Board has reviewed the petition for conformance with state law and rule and determined that the petition is valid.

Now therefore, the Board hereby issues the following:

NOTICE IS HEREBY GIVEN that the Board invites written comments on the petition for a boundary change. All comments received will be considered before a decision is made to change the boundary. Any person who objects to the petition may submit a written request for hearing to the Board. If no written requests for a hearing are submitted within 30 days of the last publication of this notice of filing, the Board will consider all of the comments and information received pertaining to the petition and make a decision on the boundary change without conducting a public hearing.

Please submit any written comments or a written request for a hearing on or before August 20, 2024 to:

**Minnesota Board of Water and Soil Resources
ATTN: Northern Region Manager
525 Lake Avenue South, Suite 400
Duluth, Minnesota 55802**

The proposed boundary changes lay in Sections 21, 22, 26, and 27 of Onstad Township (T148N, R45W), Polk County, MN resulting in approximately 72.075 acres of land within the jurisdiction of SHRWD being transferred to RLWD. The proposed boundary change will achieve a more accurate alignment between the hydrologic and legal boundaries of the RLWD and SHRWD.

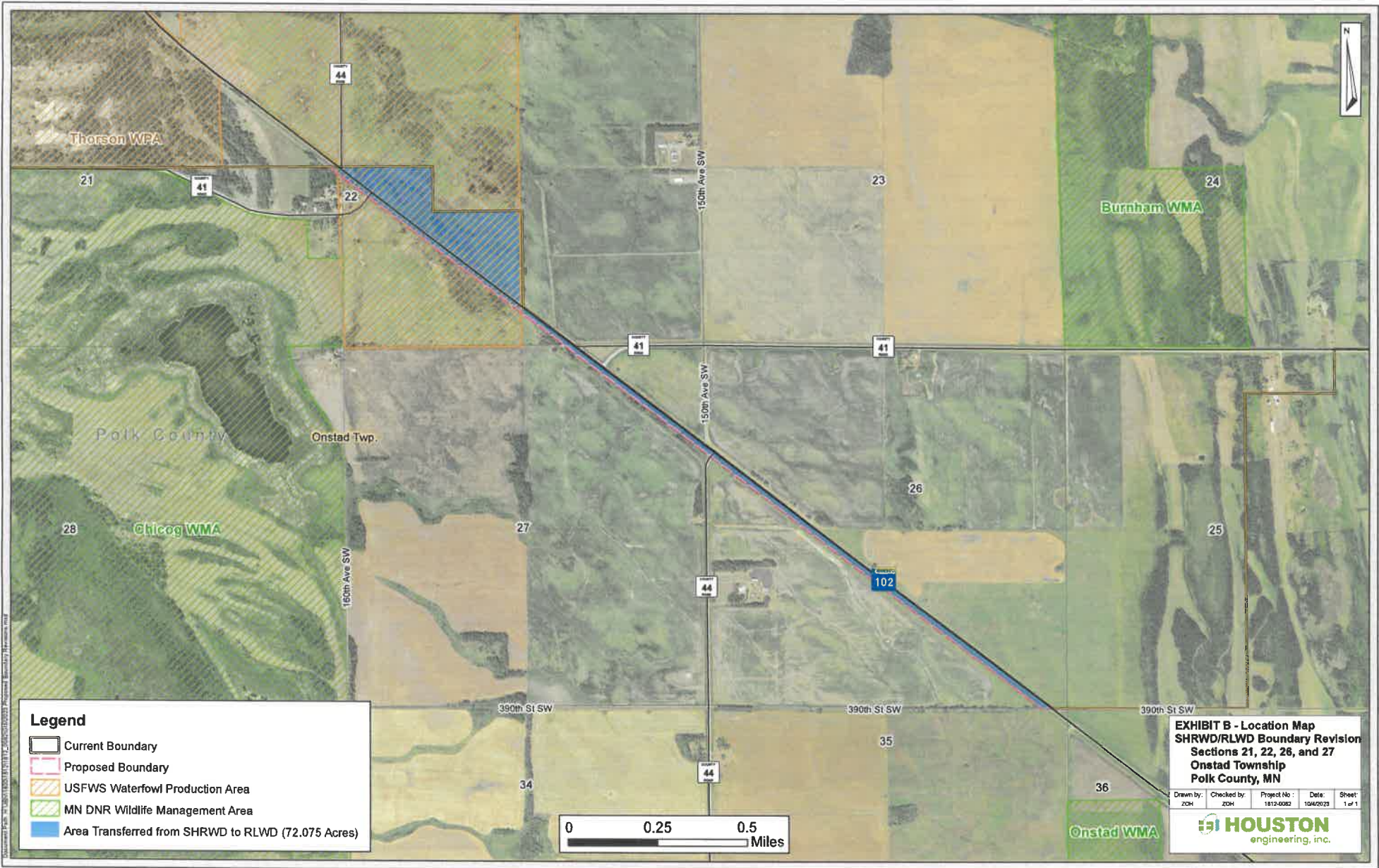
A copy of the petition is available for review at www.redlakewatershed.org and <http://www.sandhillwatershed.org/>. Inquiries regarding the petition may be directed to:

- Tammy Audette, RLWD Administrator at 218.681.5800 or tammy.audette@redlakewatershed.org
- April Swenby, SHRWD Administrator at 218.945.3204 or april.swenby@sandhillwatershed.org

For further information regarding this notice, contact Ryan Hughes, Northern Region Manager, Board of Water & Soil Resources, at 218.770.9687 or ryan.hughes@state.mn.us.

Dated in St. Paul, Minnesota this 14th day of June, 2024.

/s/ Ryan Hughes
Northern Region Manager



Legend

- Current Boundary
- Proposed Boundary
- USFWS Waterfowl Production Area
- MN DNR Wildlife Management Area
- Area Transferred from SHRWD to RLWD (72.075 Acres)

EXHIBIT B - Location Map
SHRWD/RLWD Boundary Revision
Sections 21, 22, 26, and 27
Onstad Township
Polk County, MN

Drawn by: ZOH	Checked by: ZOH	Project No : 1812-0052	Date: 10/4/2023	Sheet: 1 of 1
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Document Path: \\UNIVERSITY\GIS\1812\0052\Project\Boundary\Map\Map.mxd

EXHIBIT A

Tabular Summary of Lands Transferred from Sand Hill River Watershed District (SHRWD) to Red Lake Watershed District (RLWD)

Township	Range	Township Name	Section No.	QQ Section	Tax Name	Acres Transferred from SHRWD to RLWD
T148N	R45W	Onstad	22	NE of SW	Fish & Wildlife Service	18.615
T148N	R45W	Onstad	22	NW of SW	Fish & Wildlife Service	13.661
T148N	R45W	Onstad	22	SE of SW	Fish & Wildlife Service	6.422
T148N	R45W	Onstad	21	NE of SE	MN Department of Transportation	0.098
T148N	R45W	Onstad	22	NE of SW	MN Department of Transportation	1.279
T148N	R45W	Onstad	22	NW of SW	MN Department of Transportation	4.340
T148N	R45W	Onstad	22	SE of SW	MN Department of Transportation	3.170
T148N	R45W	Onstad	22	SW of SE	MN Department of Transportation	1.023
T148N	R45W	Onstad	26	NE of SW	MN Department of Transportation	1.472
T148N	R45W	Onstad	26	NW of SE	MN Department of Transportation	0.868
T148N	R45W	Onstad	26	SE of NW	MN Department of Transportation	0.297
T148N	R45W	Onstad	26	SE of SE	MN Department of Transportation	1.440
T148N	R45W	Onstad	26	SW of NW	MN Department of Transportation	1.865
T148N	R45W	Onstad	26	SW of SE	MN Department of Transportation	0.920
T148N	R45W	Onstad	27	NE of NE	MN Department of Transportation	1.511
T148N	R45W	Onstad	27	NW of NE	MN Department of Transportation	0.832
T148N	R45W	Onstad	27	SE of NE	MN Department of Transportation	0.310
T148N	R45W	Onstad	21	NE of SE	Polk County Administrator	0.218
T148N	R45W	Onstad	22	NE of SW	Polk County Administrator	0.371
T148N	R45W	Onstad	22	NW of SW	Polk County Administrator	1.826
T148N	R45W	Onstad	22	SE of SW	Polk County Administrator	1.334
T148N	R45W	Onstad	22	SW of SE	Polk County Administrator	0.726
T148N	R45W	Onstad	26	NE of SW	Polk County Administrator	1.588
T148N	R45W	Onstad	26	NW of SE	Polk County Administrator	0.805
T148N	R45W	Onstad	26	SE of NW	Polk County Administrator	0.176
T148N	R45W	Onstad	26	SE of SE	Polk County Administrator	1.446
T148N	R45W	Onstad	26	SW of NW	Polk County Administrator	1.740
T148N	R45W	Onstad	26	SW of SE	Polk County Administrator	1.040
T148N	R45W	Onstad	27	NE of NE	Polk County Administrator	1.397
T148N	R45W	Onstad	27	NW of NE	Polk County Administrator	0.889
T148N	R45W	Onstad	27	SE of NE	Polk County Administrator	0.396

Total Acres

72.075