

Board Resolution # 24- 51

**Faribault Easement Alteration Requests – RIM Easements 22-49-01-01, 22-18-01-01, and 22-59-01-01**

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**WHEREAS**, the Board of Water and Soil Resources (BWSR) acquired 3 Perpetual RIM Easements, #22-49-01-01, 22-18-01-01, and 22-59-01-01 on a total of 56.4 acres in Faribault County in 2001; and

**WHEREAS**, the current landowners, the Betty Clark Trust and the Virginia Johnson Living Trust, and the Faribault SWCD have submitted an easement alteration proposal to release a total of 12.5 acres from the above easements and are proposing to replace with 18.8 acres of cropland added to the easements; and

**WHEREAS**, the purpose of this request is to allow for a full wetland restoration of a 23-acre basin located partially within each landowners' property which was not fully restored after acquisition due to funding and land constraints; and

**WHEREAS**, Faribault County has identified this wetland restoration as a priority and part of a larger effort to increase critical water storage to reduce runoff and sedimentation to the Blue Earth River; and

**WHEREAS**, full hydrologic restoration of the wetland basin and enhancement of the upland buffer will require acquisition of additional lands adjacent to the existing RIM easements; and

**WHEREAS**, MN Statute 103F.535 states that the Board may alter a conservation easement if the board determines that the public interests and general welfare are better served by the alteration; and

**WHEREAS**, the State's natural resource interest, the public interest and general welfare would benefit by the easement alteration by providing critical flood storage, decreasing runoff and sediment to the Blue Earth River, reducing phosphorous and nitrogen loads, and enhancing wildlife habitat through wetland and upland buffer restoration on the RIM easement; and

**WHEREAS**, the landowners are proposing a 1.5:1 replacement ratio, which would add 1.5 acres of existing cropland to the easement around the wetland basin, for each 1 acre released; and

**WHEREAS**, BWSR's Easement Alteration Policy states that a 2:1 cropland replacement for private landowner alteration requests is preferred but allows for a modified replacement ratio in cases where the conservation benefit of the replacement area significantly outweigh that of the released acres; and

**WHEREAS**, it is the opinion of the DNR Area Wildlife Supervisor and the Faribault SWCD, who have each submitted letters of support, and BWSR staff, that the conservation benefits of the wetland restoration would significantly outweigh those of the release area; and

**WHEREAS**, Faribault SWCD was awarded a Water Quality and Storage Grant by BWSR in 2024 to assist with the larger Blue Earth River water storage initiative, which includes this wetland restoration; and

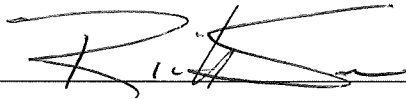
**WHEREAS**, BWSR Staff and the RIM Reserve Committee are recommending approval of this easement alteration request.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Minnesota Board of Water and Soil Resources (BWSR) approves the easement alteration request to release 8 acres from RIM Easement #22-49-01-01 and replace by adding 12 acres of cropland to the same easement on land owned by the Betty Clark Trust; and to release 4.5 acres from RIM easement #22-59-01-01 and replace by adding 6.8 acres of cropland to Easement #22-18-01-01 on the land owned by the Virginia Johnson Living Trust, to facilitate the full wetland restoration and upland buffer enhancement.

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

Dated at Saint Paul, Minnesota this 23rd day of October, 2024

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Rich Sve, Vice Chair  
Board of Water and Soil Resources

Date: 10/23/24

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

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In the Matter of the review of the Watershed Management Plan for the **Coon Creek Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

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**ORDER  
APPROVING  
A WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Coon Creek Watershed District (District) submitted a Watershed Management Plan (Plan) on August 13, 2024, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, 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. **Watershed District Establishment.** In 1959, the Coon Creek Watershed District was formed for the maintenance and repair of the public drainage system. The mission of the District is to manage surface and groundwater systems and contributing land to provide for and balance the competing uses of development, drainage, flood prevention, and the protection and restoration of water quality and habitat for the benefit of our communities now and in the future.
2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current District watershed management plan was approved by Board Order on August 29, 2013. An extension to the plan through August 29, 2024, was approved by Board Order.
3. **Nature of the Watershed.** The District covers approximately 107 square miles in central Anoka County, in the Twin Cities Metropolitan Area. The District overlaps in part or whole with the cities of Andover, Blaine, Columbus, Coon Rapids, Fridley, Ham Lake, and Spring Lake Park. The CCWD is bound by the Mississippi River and the Lower Rum River WMO to the west, the Upper Rum River WMO and Sunrise River WMO to the north, and the Rice Creek Watershed District to the south and east. Among the District's water resources are 10 natural or human-created lakes, over 180 miles of open channel, and over 15,000 acres of wetlands.
4. **Plan Development and Review.** On May 3, 2022, the District sent notification of initiation of the planning process for the 2024-2033 Watershed Management Plan (Plan) to the plan review agencies and other parties as required by MR 8410, and solicited each agency's priority issues, summaries of relevant water management goals, and water resource information. Initial meetings were held with the Citizen Advisory Committee on June 8, 2022, and the Technical Advisory Committee on June 9, 2022, and a public input survey was conducted. An initial planning meeting was hosted by the Board of Managers on January 23, 2023.

The draft Plan was submitted to the Board, other state agencies, and local governments for the formal 60-day review on December 21, 2023, pursuant to Minnesota Statutes Section 103B.231 Subd. 7. The District prepared a

written response to the 60-day comments, sent their responses to reviewers on July 9, 2024, and then held a public hearing on July 29, 2024. The District made revisions to the Plan to address the comments received and then the District Board of Managers approved the final draft Plan for final review by State Review Agencies and BWSR approval and submitted it to the Board on August 13, 2024. On September 20, 2024, the District notified reviewers of a typo they identified in their capital improvement plan table (table 2.14) and sent a corrected table. Comments received during the 90-day review period indicated that most reviewers did not have additional comments, however the Minnesota Department of Health recommended that additional comments be addressed. No comments were received related to the typo in table 2.14.

5. **Local Review.** The District distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231 Subd. 7. Local written comments and edits were received from Anoka Conservation District, the City of Coon Rapids, and the City of Ham Lake. Two comments were also submitted from District staff. The District responded in writing to all comments.
6. **Metropolitan Council (Council) Review.** During the 60-day review, the Council commended the District for developing a watershed management plan that includes an inventory of its land and water resources, prioritization of issues, and associated goals, and strategies to address its most important resources through a scientific approach, and applauded the District's ambitious phosphorus reduction goals consistent with the Environmental Protection Agency's deadline of 2045 for Total Maximum Daily Load Achievement. The Council identified elements of the Plan Amendments Section that were not consistent with Minnesota Rule 8410.0140. The Council stated that the Plan could be strengthened by increasing the use of plain language, and text that would allow an audience to understand the content the first time they read or heard it. The Council advised that the District should establish its expected spending levels for the Opportunistic Projects line item. The Council suggested that the high level of detail provided in the Expenditure tables related to materials/equipment could be combined. The Council also noted missing photos or images, inconsistencies in punctuation and formatting, and suggested ensuring the plan is Americans with Disabilities Act (ADA) compliant. The council thanked the District for hosting a Plan overview session with partner organizations. During the 90-day review, the Council stated they felt that their concerns had been adequately addressed and did not have any additional comments.
7. **Department of Agriculture (MDA) Review.** During the 60-day review MDA indicated that since agricultural activities are limited in the Plan, they did not have comments. During the 90-day review, they did not provide additional comments.
8. **Department of Health (MDH) Review.** During the 60-day review, MDH noted appreciation for the District's inclusion of groundwater in the plan, particularly the consideration of groundwater when discussing surface water quality and commended the District for including drinking water as part of the Plan with references to both groundwater and surface water sources. MDH requested clarification on how actions in the plan will be carried out, and clarity on the implementation actions, goals, and priorities. MDH suggested improving the readability of the plan by using plain language, avoiding repeated content, being concise, and doing a review of grammar, spelling, and spelling consistency. MDH requested clarification on various groundwater terms used within the plan, that information be verified with the Anoka County Geologic Atlas or other widely used references and that sources be cited where applicable. MDH suggested adding language related to land management in the context of protecting water quality consistent with the definition of land management in other areas of the plan. During the 90-day review, MDH noted that many of their comments had been addressed, but not all. MDH summarized the comments they felt were still not addressed and recommended that the District address them at the earliest opportunity. They included: issues with readability of the Plan including lack of plain language and source citations; discrepancies between the written response to comments provided to MDH, and what was updated within the plan text; and statements that appeared to differ from established sources such as the Anoka County Geologic Atlas.
9. **Department of Natural Resources (DNR) Review.** During the 60-day review, the DNR expressed appreciation that: the resource areas discussed in the Plan presented stakeholder perspectives including those brought forward by the DNR in their initial priorities letter; the water quantity resource section noted partnership between the District and DNR to update hydrologic and hydraulic modeling; the wetland resource section identified threatened,

endangered, and rare species as an additional area of partnership; and that the District held a summary briefing meeting for agency reviewers. The DNR recommended that the District consider strengthening the Plan by increasing use of plain language, and requested that the District revise their groundwater policy statement to properly reflect the agency roles and overall disposition of discussions. Last, the DNR welcomed early coordination opportunities for new existing and new studies or projects, and to participate in updates to the subwatershed plans. During the 90-day review, DNR indicated that they felt the revised draft Plan satisfactorily addressed their comments and that they did not have further comments.

10. **Pollution Control Agency (PCA) Review.** During the 60-day review, the PCA noted items that would help the readability of the document including: use of concise language, and reduction of jargon and repetitive themes; updating images and graphics for resolution, duplication reduction, and references; and updating information and citations. The PCA also suggested other additions including: the discussion of yearly precipitation trends; conveying priority waters more clearly; providing additional information on chlorides and emerging contaminants; and adding a discussion of environmental justice and climate change. The PCA noted support of District efforts to incentivize reducing runoff volume beyond the 1.1 inch standard. During the 90-day review, the PCA noted that they had no additional comments, though they did recommend updating data related to the finalized impaired waters list at a later date.
11. **Department of Transportation (DOT) Review.** The DOT did not provide formal comment.
12. **Board Review.** During the 60-day review, Board staff thanked the District for hosting a draft plan overview session for agency reviewers; noted appreciation of the inclusion of issues, goals, and actions related to chloride pollution; and noted that the planned subwatershed assessments would be a helpful tool in keeping the plan up-to-date and competitive for various grant funds. Board staff suggested developing a short Plan summary to help communicate the Plan to various watershed district audiences. Staff made various editorial comments related to formatting, map and figure resolution, plain language, and conciseness. Additionally, several comments were made to help bring the plan into conformance with Minnesota Statutes Sections 103B.201 to 103B.251 and Minnesota Rules 8410. The Plan was revised as necessary to provide required Plan content.
13. **Plan Summary.** The District has identified groundwater and surface water interactions, and water quality impairments as its two highest priority issues, and the Plan sets watershed-wide and resource-specific goals to address these issues. The three watershed-wide goals are to: foster a watershed with moderate geomorphic, hydrologic, and biotic integrity relative to its natural potential condition; improve the stability of the drainage network in the watershed; and foster a watershed that exhibits physical, chemical, and biological conditions that suggest that soil, riparian, and aquatic systems, while still at risk, exhibit signs of being marginally recovered or in supporting beneficial uses. The five resource-specific goals are:
  - **Groundwater:** To cooperatively manage surficial groundwater underlying the Coon Creek Watershed and promote long-term maintenance or restoration of groundwater-dependent ecosystems.
  - **Public Drainage:** To provide sustainable drainage in a fiscally responsible manner for administration, protection, utilization, and enjoyment of the waters and related resources of the watershed consistent with the Comprehensive Watershed Management Plan.
  - **Water Quality:** To protect and improve the physical, chemical, and biological quality of the water resource consistent with State and Federal water quality standards.
  - **Water Quantity:** To restore and preserve desirable watershed conditions that will prevent or minimize flooding and minimum flows.
  - **Wetlands:** To pursue the no net loss of the quantity, quality, and biological integrity of the District wetlands.

**Central Region Committee Meeting.** On October 7, 2024, the Board's Central Region Committee and staff met in St. Paul and online to review and discuss the final Plan. Those in attendance from the Board's committee were Joe Collins (in-person), Jill Crafton (in-person), Jayne Hager Dee (in-person), Joel Larson (online), Heather Johnson (in-person), Grant Wilson (online), Mark Zabel (online), Steve Robertson (in-person), Mike Runk (in-person), Lori Cox (online). Board staff in attendance were Marcey Westrick (Central Regional Manager, in-person), Michelle Jordan (Board Conservationist, in-person). Others in attendance included Tim Kelly (CCWD District Administrator, in-person), Eric Bye (CCWD Planning Coordinator, in-person), Jessica Lindemyer (CCWD Engagement Coordinator, in-person), Jon Janke (CCWD Director of Operations, online), Erin Margl (CCWD Watershed Development Coordinator, online), and CCWD (not specified, online). BWSR staff discussed the recommendation of the plan contingent on the implementation table being updated to reflect the corrections submitted by CCWD on September 20, 2024 prior to local adoption and distribution. CCWD Planning Coordinator Eric Bye and Administrator Tim Kelly provided highlights of the Plan and process and responded to comments. After presentation and discussion, the committee recommended approval of the Plan to the full Board.

### CONCLUSIONS

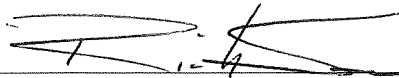
1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Coon Creek Watershed District (CCWD) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The CCWD Watershed Management Plan, attached to this Order, defines the water and water-related problems within the District's boundaries, possible solutions thereto, and an implementation program through 2033.
4. The CCWD Watershed Management Plan will be effective October 23, 2024 through October 23, 2034.
5. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

### ORDER

The Board hereby approves the attached Coon Creek Watershed District Watershed Management Plan submitted on August 13, 2024, with the updated capital improvement program table (Table 2.14) submitted on September 20, 2024.

Dated at Saint Paul, Minnesota this 23<sup>rd</sup> day of October 2024.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Rich Sve, Vice Chair  
Board of Water and Soil Resources

Date: 10/23/24

Board Resolution # 24-53

**Board of Water and Soil Resources**

*Proposed 2025 meeting dates.*

January 22

February – no meeting

March 26

April 23

May 28

June 25

July – no meeting


August 27-28 (Wed-Thurs) – Tour and meeting

September 24

October 22

November – no meeting

December 18 (third Thursday)



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Rich Sve, Vice Chair  
Board of Water and Soil Resources

Date: 10/23/24