

Board Order # 25-15

Easement Alteration Request for Public Road Project – RIM Easement #05-01-20-18

WHEREAS, the Minnesota Board of Water and Soil Resources (BWSR) acquired the 17-acre RIM Easement adjacent to County State Aid Highway (CSAH) #22 and CSAH #7 in Granite Ledge Township, Benton County, on May 5, 2022; and

WHEREAS, the Benton County Highway Department will be undertaking bridge replacement, road reconstruction and right-of-way expansion along both above County State Aid Highways adjacent to the RIM easement to complete necessary safety improvements and to meet current MnDOT design standards; and

WHEREAS, both bridges have been deemed structurally deficient and their replacement is necessary to protect public safety; and

WHEREAS, additional road safety improvements will include widening of lanes and shoulders and flattening backslopes to increase clear zone widths; and

WHEREAS, the proposed safety improvements will require acquisition of an additional 27 feet of right-of-way adjacent to the RIM easement; and

WHEREAS, the County Highway Department is requesting the release of 1.1 acres from the RIM easement to accommodate the expanded road right-of-way; and

WHEREAS, MN Statute 103F.535 Subd. 5 states that the Board may alter or release an easement only if the Board determines that the public interests and general welfare are better served by the alteration; and

WHEREAS, the public interest and general welfare will be better served by replacing the structurally deficient bridges and widening lanes and shoulders to improve public safety; and

WHEREAS, the BWSR Easement Alteration Policy for public benefitted projects allows for the release of easement lands when the public entity compensates BWSR at 2x the current RIM rate per acre released; and

WHEREAS, Benton County Highway Department has agreed to pay BWSR the amount of \$3,666, in accordance with the policy, for the release of the 1.1 acres, in addition to the \$500 application fee required for the Board to consider the alteration; and

WHEREAS, the RIM Reserve Committee voted in favor of the easement alteration request at their meeting held 2/21/25 and are recommending approval to the Board;

NOW, THEREFORE, BE IT RESOLVED THAT, BWSR approves the alteration of RIM Easement #05-01-20-18, as proposed, releasing the 1.1 acres identified for public road right-of-way purposes; and authorizes staff to work with Benton SWCD staff to officially amend the necessary RIM easement documents.

Dated at Saint Paul, Minnesota this 26th day of March, 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 3/26/2025

Board Order # 25-16

Climate Pollution Reduction Grant for Peatlands Restoration

WHEREAS, the Environmental Protection Agency has awarded a Climate Pollution Reduction Grant to the Minnesota Pollution Control Agency; and

WHEREAS, \$8,000,000 of these funds are directed to the Board of Water and Soil Resources (BWSR) to restore approximately 4,000 acres of peatlands originally drained for agriculture, to transition from carbon sources to carbon sinks through collaboration across Tribal, state-administered, and private lands; and

WHEREAS, restoring the hydrology of peatlands supports their function as carbon sinks, supports culturally significant food sources including wild rice, forage plants, game animals, and fish, improves water quality and can reduce downstream flooding, and

WHEREAS, in 2023 the Minnesota State Legislature appropriated \$9,000,000 in Reinvest in Minnesota (RIM) Reserve funds to BWSR to acquire conservation easements and to restore and enhance peatlands and adjacent lands, which funds are being deployed as a subprogram of the RIM Wetlands program; and

WHEREAS, this order is supplemental to BWSR Board resolution 21-44 and will remain in effect until material changes in the program warrant an amendment; and

WHEREAS, the BWSR RIM Reserve Committee met on March 25, 2025, and unanimously recommended the following.

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

1. Utilize funds awarded under the Climate Pollution Reduction Grant.
2. Coordinate the use of State and CPRG funds.
3. Work with partners, including Soil and Water Conservation Districts (SWCDs) and Watershed Districts (WDs), to develop and implement the program.
4. Work with partners, including the DNR, non-governmental organizations, Tribal governments and private landowners to maximize opportunities to utilize CPRG and state funds for peatland restoration, through easements or other agreements with these partners to achieve program goals.



Todd Holman, Chair
Board of Water and Soil Resources

Date: 3/26/2025

Board Order # 25-17

Minnesota Conservation Reserve Enhancement Program Extension and Expansion

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

WHEREAS, ML 2023 Chapter 60, Article 1, Section 4(m) designated funds “for conservation easements and to restore and enhance grasslands and adjacent lands consistent with Minnesota Statutes, sections 103F.501 to 103F.531, for the purposes of climate resiliency, adaptation, carbon sequestration, and related benefits”; and,

WHEREAS, RIM permanently protects and restores previously drained wetland and adjacent grasslands to achieve the greatest wetland functions and values, while optimizing wildlife habitat and protecting water quality; and,

WHEREAS, RIM permanently protects and restores riparian buffers primarily to protect water quality and secondarily to provide wildlife habitat; and,

WHEREAS, RIM permanently protects and restores land within Wellhead Protection Areas (WHPA) identified by the Minnesota Department of Health and mapped as high or very high vulnerability to groundwater contamination; and,

WHEREAS, RIM permanently protects and restores grasslands and adjacent lands; and,

WHEREAS, the Conservation Reserve Enhancement Program (CREP) is a voluntary land conservation program that combines CRP and other programs to help agricultural producers protect environmentally sensitive land, decrease erosion, restore wildlife habitat, and safeguard ground and surface water; and,

WHEREAS, the Governor and the USDA Deputy Administrator for Farm Programs have signed the amended MN CREP Agreement in January of 2025 that includes up to 75,000 acres for buffer, grassland, wetland, and wellhead protection practices that will assist landowners in protecting water quality and enhancing wildlife habitat; and,

WHEREAS, MN CREP will combine CRP contracts with perpetual RIM easements; 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 Minnesota Conservation Reserve Enhancement Program; and,

WHEREAS, the Board previously approved Board Resolution 17-14 (CREP Implementation) on January 25, 2017; and,

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

WHEREAS, the Board, by separate resolution, has established the process for determining Minnesota Conservation Reserve Enhancement Program 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 March 25, 2025, 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 Minnesota Conservation Reserve Enhancement Program.
2. Work with partners to develop program guidelines and outreach efforts.
3. Utilize RIM easement payment rates as established for Minnesota Conservation Reserve Enhancement Program.
4. Conduct landowner sign-ups and select applications using available funding for the Minnesota Conservation Reserve Enhancement Program.
5. Reimburse SWCDs for their services using the most current service rates as established.

BE IT FURTHER RESOLVED THAT, that Board Resolution 17-14 is hereby rescinded and replaced with this Board Order.

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

Dated at Saint Paul, Minnesota this 26th day of March 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Date: 3/26/2025

Todd Holman, Chair
Board of Water and Soil Resources

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 Rainy River-Rainy Lake 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 Rainy River-Rainy Lake Watershed submitted a Comprehensive Watershed Management Plan (Plan) to the Minnesota Board of Water and Soil Resources (Board) on January 8, 2025, pursuant to Minnesota Statutes, Sections 103B.101, Subdivision 14 and 103B.801 and Board Resolution #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

- Partnership Establishment.** The Rainy River-Rainy Lake Watershed Partnership (Partnership) was established through adoption of a Memorandum of Agreement for the purposes of developing a Comprehensive Watershed Management Plan. The membership of the Partnership includes Koochiching County, Koochiching Soil and Water Conservation District (SWCD), City of Ranier, and City of International Falls.
- Authority to Plan.** Minnesota Statutes, Sections 103B.101, Subdivision 14 allows the Board to adopt resolutions, policies or orders that allow a comprehensive plan, local water management plan, or watershed management plan, developed or amended, approved and adopted, according to Chapter 103B, 103C, or 103D to serve as substitutes for one another or be replaced with a comprehensive watershed management plan. Minnesota Statutes, Sections 103B.801, established the Comprehensive Watershed Management Planning Program; also known as the One Watershed, One Plan (1W1P) program and Board Decision #23-50 adopted the One Watershed, One Plan program Operating Procedures Version 3.0 and Board Decision #23-50 adopted the One Watershed, One Plan program Plan Content Requirements Version 3.0 policies.
- Nature of the Watershed.** The Rainy River-Rainy Lake (RRRL) Watershed is located on Minnesota's northern border and defined largely by the Rainy River and Rainy Lake, two significant water bodies shared with Canada. The RRRL has a unique shape and has extensive wetlands/peatlands across the watershed. The RRRL contains a large portion of Minnesota's only National Park, Voyageurs National Park (VNP), which attracts visitors from across the state, country, and abroad. The RRRL contains two major watersheds, the Rainy River-Rainy Lake and Lower Rainy River. For the purposes of this RRRL Comprehensive Watershed Management Plan (CWMP) and the One Watershed, One Plan (1W1P) planning process, these two HUC-8 watersheds are joined into one watershed. The RRRL's approximately 629,000 acres are mostly within Koochiching County, with only 16% of acreage in east neighbor St. Louis County and less than 1% of acreage in western neighbor Lake of the Woods County. Current landcover in the watershed is a majority of herbaceous or woody wetlands/peatlands (70%) and is relatively evenly distributed throughout the RRRL. Forests cover approximately 15% of the watershed and are concentrated in the eastern portion of the watershed. Open water covers 8% of the land. Other small

land uses include agriculture, mining, developed, and some grasslands. Only 1.5% of land in the watershed is developed. Approximately 56% of the watershed is publicly owned by city, county, state, or federal entities. Most of the public land is state forested land, managed by the DNR. Additionally, there are approximately 45,000 acres, or 7% of the watershed, owned by the Red Lake Band of Chippewa on the western side of the RRRL.

4. **Plan Development.** The Plan was developed as a single, concise, and coordinated approach to watershed management. The Plan consolidates policies, programs, and implementation strategies from existing data, studies and plans, and incorporates input from multiple planning partners to provide a single plan for management of the watershed. The Plan focuses on prioritized, targeted, and measurable implementation efforts and lays out specific actions to manage water quantity, protect and restore water quality, natural habitat, recreational uses and drinking water sources in the watershed.
5. **Plan Review.** On January 8, 2025, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board Resolution #21-08. During the development of the Plan, State agency representatives attended and provided input at advisory committee meetings. The following state review comments were received during the comment period.
 - A. Minnesota Department of Health (MDH): MDH staff thanked the partnership for addressing MDH's comments and noted that the plan was well written and thoughtful. MDH recommends approval of the Plan.
 - B. Minnesota Department of Natural Resources (DNR): DNR staff is satisfied with the responses to issues raised during the 60-day review of the draft Plan. DNR recommends approval of the Plan.
 - C. Minnesota Pollution Control Agency (MPCA): MPCA staff noted that they appreciated the opportunity to participate and provide input and that the Plan is well written, concise, and thorough. MPCA recommends approval of the Plan.
 - D. Minnesota Environmental Quality Board (EQB): EQB acknowledged receipt of the Plan.
 - E. Minnesota Department of Agriculture (MDA): MDA did not provide comments for the final Plan.
 - F. Minnesota Board of Water and Soil Resources regional staff: BWSR staff provided comments throughout the planning process and had no suggested or required changes to the Plan submitted for the final review. We commend the partners for their trust level and commitment to the resources of the Plan area. BWSR staff recommend approval of the Plan and look forward to working with the Partnership during implementation.
6. **Plan Summary and Highlights.** The highlights of the Plan include:
 - The Policy and Advisory Committees sought community engagement during the early stages of the planning process including public input from a public kick-off meeting and four topic meetings of expert and local stakeholders on the topics of water quality, water quantity and hydrology, groundwater and drinking water, and habitat and forests. 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 10 issues covering those resource categories and created eight measurable goals. Each goal includes issues addressed, outcomes, priority map, short-term goals and a desired future condition.
 - Key short-term goals include treating 1,500 acres of cultivated land with best management practices, replacing 50 failing septic systems, implement four stormwater projects, restoring 5,280' feet of streams/ditches and shoreline, conducting a peatland restoration or water storage feasibility study, addressing two culverts to mitigate connectivity barriers, sealing 50 unused wells, and completing 40 forest management plans for private land while implementing management on 2,000 acres.

7. **Northern Regional Committee.** On March 5, 2025, the Northern Regional Committee met to review and discuss the Plan. Those in attendance were Neil Peterson, Ron Staples, Todd Holman, Tom Schulz, Jeff Berg, Ben Bergey, and Chad Anderson. BWSR staff in attendance were Ryan Hughes, Northern Region Manager; Chad Severts, Board Conservationist; Jeff Hrubes, Clean Water Specialist; and Carrie Moline-Rust, Office & Administrative Specialist. The representatives from the Partnership were Eldon Voigt, Koochiching SWCD; Pete Kalar, City of International Falls; Matt Gouin, Koochiching County; Whitney Sims, Koochiching County; Mitch Brinks, TSA 8; Rachel Olm, Houston Engineering, Inc.; and Pam Tomevi, Koochiching SWCD, presented the Plan on behalf of the partnership. 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 March 26, 2035.

CONCLUSIONS

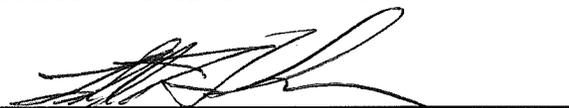
1. All relevant substantive and procedural requirements of law have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving a Comprehensive Watershed Management Plan for the Rainy River-Rainy Lake Watershed pursuant to Minnesota Statutes, Sections 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
3. The Rainy River-Rainy Lake Comprehensive Watershed Management Plan attached to this Order states water and water-related problems within the planning area; priority resource issues and possible solutions thereto; goals, objectives, and actions of the Partnership; and an implementation program.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Section 103B.101, Subd. 14 and 103B.801 and Board Resolution #21-08.
5. The attached Plan when adopted through local resolution by the members of the Partnership will replace 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 Rainy River-Rainy Lake Watershed, submitted January 8, 2025.

Dated at St. Paul, Minnesota, this twenty-sixth day of March 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Todd Holman, Chair