



LOWER MINNESOTA RIVER WATERSHED DISTRICT

October 2023 Administrator report

From: Linda Loomis, Administrator

To: LMRWD Board of Managers

In addition to items on the meeting agenda, the following District projects and issues were addressed during the month:

Other Work

Lower Minnesota River East One Watershed One Plan

The September Policy Committee meeting was held on September 21, 2023. The discussion was about the structure of the Joint Powers Organization and how it would operate to implement the Plan. The minutes from the September Policy Committee meeting are attached.

The next meeting of the Policy Committee is scheduled for October 19, 2023. The meeting is scheduled to be hybrid. The in-person meeting will be held at the Le Sueur County SWCD office in LeCenter. The Policy Committee will continue to develop the structure of the Joint Powers Organization and implementation of the Plan.

The September Advisory Committee (AC) meeting was held at 10:00am on September 20, 2023. The first draft of the full plan was distributed after the AC meeting. The process for reviewing the plan was discussed. Comments are due November 10th and there will not be an Advisory Committee meeting in November. If anyone is interested in reviewing the plan contact the Administrator.

The Steering Committee (SC) meeting met on September 20, 2023. Minutes from the September SC are attached. A virtual Steering Committee meeting is scheduled for 1:30 pm on October 18, 2023.

Project website: [website](#).

2024/2025 Watershed Based Implementation Funding

BWSR plans to hold a webinar to discuss the convene process and who will be responsible for managing the convene process.

As reported last month, the LMRWD Watershed Planning Area has been allocated \$217,485 and the Lower MN River East will receive \$538,396 in 2024. The LMRWD Watershed Planning Area corresponds to the boundaries of the LMRWD.

Metro Watersheds

On October 17, 2023, I attended the Metro Watersheds meeting. A presentation was made by Jen Kostrzewski, Met Council, regarding its 2050 Water Plan. Agency updates were provided by BWSR, MPCA, MDH, Met Council, and the MN Stormwater Research Council. The Research Council is conducting a Capital Campaign and also for research projects.

Ike's Creek

On September 26th, Vicki Sherry, USFWS, Bloomington city staff, and I met with managers of the two hotels and Whirly Ball met on site to walk the creek and shared the potential harm to the Creek posed by winter maintenance practices at these properties. All the managers appreciated the value of the Creek (one is a trout angler). Property managers were informed that training is available for them and those that actually provide winter maintenance activities. Different options were discussed for managing snow on the properties.

On October 5, 2023, USFWS held an initial meeting on site with Inter-Fluve, the contractor chosen to develop a restoration and stabilization plan for Ike's Creek.

Request from the City of Lakeville

Dakota County recently developed a groundwater plan for the County. The City of Lakeville has taken steps to develop a water conservation program and asked the LMRWD to partner on the project. I am finding out more about the project and what they mean by partnering with them.

Peterson Wetland Bank update

Cultural resources have been found in an area where a shallow swale was proposed to be constructed. The resources are possibly eligible for listing on the National Register of Historic Places. The resources Plans have been revised so that the area where artifacts were found will be avoided. The swale was planned to provide a hydrologic connection between restored wetland on either side of a high area.

The City was asked to notify all members of the Technical Evaluation Panel (TEP). This is a project that the LMRWD issued a permit for, and it was reported at the Board meeting that the LMRWD requested evaluation of the impacts to the 100-year floodplain without the swale and provide documentation that there continues to be a no-rise in the 100-year floodplain elevation. BWSR did not have any issue but made some suggestions. The cities of Chanhassen and Shakopee, Hennepin County and the USACE had no issue with the removal of the swale. No comments have been received from Carver or Scott County. Eden Prairie is the WCA authority for this project.

MPCA – Lower Minnesota River Watershed Assessment

MPCA has invited partners to attend the first virtual meeting in which they will present the watershed monitoring process and first round findings, TMDLs and WRAPS process, what's new in this next watershed assessment, and what's coming up next. The meeting has been scheduled for 9:00 am, Tuesday, October 31, 2023.

Information for the previous round of assessments can be found by visiting the MPCA website using this link: [Lower Minnesota River Watershed](#). The last assessment was completed in 2015.

Watershed Plan Projects

MAC Boundary Adjustment: This item was planned to be on the October 18, 2023, agenda, however a new project proposed by MAC identified a new area that will drain to the LMRWD and should be included as part of the boundary adjustment. The plan is to bring this item before the Board at the November meeting. The petition has been prepared and a resolution has been drafted. Information has been sent to MAC and Minnehaha Creek Watershed District for concurrence.

West Chaska Creek Re-meander: No new information to report since the update.

Project website: <https://storymaps.arcgis.com/stories/1695a2cf90b44ddba730aad399196405>

Seminary Fen Ravine Restoration Area C2: No new information to report since last update. Here is a link to the [feasibility report](#) Area C-2.

Spring Creek: An update on this project is in the October meeting materials.

Gully Inventory and Assessment: There is no new information to report on this project since the last update.

Minnesota River Study Area #3: An update on this project is in the October meeting materials.

Minnesota River Floodplain Modeling: There is no new information to report since the last update.

Vernon Avenue Dredge Material Management: An update for this project is in the October meeting materials.

Upcoming meetings/events

Managers are invited to attend any of these meetings. Most are free of charge and if not the LMRWD will reimburse registration fees. Please contact LMRWD administrator if you have any questions.

- [MN Water Resource Conference](#) – October 17 & 18, St. Paul Rivercentre
- Metro Watersheds – Tuesday, October 17, 2023, 7:00 pm, Capital Region Watershed District office, 595 Aldine Street, St. Paul – in-person only
- Lower MN River East 1W1P Advisory Committee meeting, Wednesday, October 18, 2023, 10:00 am to 1:00pm – [virtual](#)
- Lower MN River East 1W1P Steering Committee meeting – Wednesday, October 18, 2023, 1:30 pm to 3:30pm – [virtual](#)
- UMWA (Upper Mississippi Waterway Association) Annual meeting – October 19, 2023, 5:30 pm, Lilydale Pool & Yacht Club – in-person only
- Lower MN River East 1W1P Policy Committee meeting – October 19, 2023, 3:00pm to 5:00 pm, hybrid on at 181 W Minnesota Street, Le Center, MN or virtual (MS Teams) or [virtual](#)
- [BWSR Academy](#) – October 24-26, Cragun’s Conference Center, Brainerd
- LMRWD Citizen Advisory Committee meeting – Tuesday, November 7, 2023, 4:30pm Tour of Black Dog Electric Generation Plant
- [MN Watershed Annual Conference and Tradeshow](#) – November 28 – December 1, 2023, Arrowwood Conference Center – Alexandria
- River Resource Forum – December 5-6, MN Valley National Wildlife Refuge Visitor Center, Bloomington, MN
- Metro Watersheds – Tuesday, January 16, 2024, via Zoom

Lower Minnesota River East 1W1P

Policy Committee Meeting Minutes

Date & Time: 3:00-5:00pm, Thursday, September 21, 2023

Location:

Le Sueur County Soil and Water Conservation District Office
181 W Minnesota Street, Le Center, MN 56057

And

Virtual – Microsoft Teams

Attendees: Holly Bushman (Le Sueur County); Mike Schultz (Le Sueur SWCD); Greg Entinger (Le Sueur SWCD); Roger Bongers (Rice SWCD); Laura Amundson (LMRWD); Danny O'Keefe (Le Sueur County) (chair); Meghan Darley (Scott SWCD); Jeff Docken (Rice County); Doug Schoenecker (Scott SWCD), Linda Loomis (Lower MN River Watershed District); Steve Pahs (Rice SWCD); John King (Le Sueur County) (alternate); Bailey Griffin (ISG)

I. Welcome & Review Agenda - Policy Committee Chair

Chair O'Keefe called the meeting to order at 3:03 pm. Holly gave an introduction on the agenda and what will be covered in today's meeting.

II. Review and Approval of Agenda

There were no additions or amendments to the agenda.

Motioned by Schoenecker; Seconded by Entinger to approve the agenda.

The Motion carried unanimously for the agenda to be approved as presented.

III. Review and Approval of August 17th Meeting Minutes

Motioned by Entinger; Seconded by Bongers to approve the August 17th meeting minutes.

The Motion carried unanimously for the approval of the August 17th meeting minutes.

III. Implementation Table (Informational Item)

Bailey Griffin from ISG attended the meeting today to present to the Policy Committee a draft of the implementation table that covered best management practices.

First, Bailey provided a broad overview of the format of the implementation table and how it was developed. She mentioned that most of the information within the table is required such as the actual implementation activity, measurable goals, responsible party(s) for implementation,

timeline, and costs. Additionally, Bailey had brought up that as an AC and SC we prioritized which activities we would like to start with first. This will assist with work planning when the partnership starts implementing projects and practices after the plan is approved.

Before going over the implementation table, Bailey provided a friendly reminder about the different priority issues, priority areas, and measurable goals.

Today the partnership was just reviewing the implementation table that covered best management practices (ex: Ag BMPs, Urban BMPs, soil health, streambank stabilization, stream restorations, septic upgrades, well sealings, etc.) Bailey mentioned that we updated the implementation table measurable goals to reflect the withdrawal of the Scott County and WMO. Furthermore, Bailey demonstrated that the implementation table that is located within the plan itself is a more simplified version to keep it easier for tracking and reporting purposes. However, the SC and PC have an additional table that splits the BMPs into different HUC 12 watersheds to hold the LGUs accountable for number of BMPs and load reductions for each activity. This more detailed table will be in the appendices.

Lastly, Bailey went over the total costs to implement the comprehensive watershed management plan. In total to implement all the activities within the plan, it will cost roughly \$21 million dollars for the 10-year time frame. The current baseline funding of existing dollars we currently have through local, state, and federal funding, this total to around \$10.8 million dollars. The partnership needs about 50% more funds to implement all the activities listed within the plan. The baseline funding does not include watershed district/management organization funding, potential other grants that may come about, and additional nonprofit dollars.

There was some concern from the policy committee that there is a large deficit in funding to implement all the activities. Mike mentioned that we have seen this in other watersheds, and it takes time to build up these programs. Steven added most of these projects and practices are voluntary based and we need buy in from different landowners. Bailey also wanted to comment that none of the baseline funding includes landowner match which will undoubtedly be apart of the some of the costs for these activities.

Greg asked if the costs for easements and the measurable goals, for habitat priority issues, were reasonable? Mike mentioned that comparable to the costs of farmland and noncropland per acre, it seemed on par. The measurable goals for habitat were reflected as a 5 percent of the total acres that could be put into easements. We wanted to make sure we were putting in easement acres adjacent to existing land that is in protection.

Holly mentioned the next steps were to review the implementation table that includes data, studies, monitoring, policy, and regulation activities.

Laura mentioned that she was wondering out activities were meeting priority issues. She had seen this included within the table and thought that was great. Additionally, did not have any other concerns since we will have another section of the plan presented at the next meeting which will address other priority issues that may not have been addressed with the BMP section of the implementation table.

IV. Organizational Arrangement (Informational & Decision item)

Holly updated the Joint Powers Agreement based off comments that were made at the last meeting. Most of the revisions were minor, but still needed some discussion. The first decision for the PC to make was about the acronym that we want to use for the partnership.

After some discussion, the PC talked about using LoMRE. Motioned by Schoenecker; Seconded by Bongers to approve the partnership acronym to LoMRE.

The next suggested revision was the board term and vacancy. Holly asked what was the preference for a board term? The PC thought 2 years was appropriate.

There are numerous paragraphs within the JPA that reference a supermajority. Holly mentioned the percent for a supermajority will vary depending on the amount of partners that signed into the agreement. 5 members a supermajority is 60%, 6 members a supermajority is 66%, and 8 members a supermajority is 75%. Depending on members that want to participate in the JPA will determine the supermajority percentage.

The last item of the JPA that was discussed was dues. There are a million different ways to set up the dues. Holly recommended keeping the dues a flat fee, so it makes it easier for setting budgets. The PC thought making the dues payable by January 31st was reasonable. After some discussion, the PC thought the tiered approach based of percent of land within the watershed planning boundary was best. There will be 2 tiers to the watershed. Any partner that has 8% or more of their land within the watershed is in tier 1 and the total dues are not to exceed \$4,000. Any partner that has less than 8% of their land within the watershed is in tier 2 and the total dues are not to exceed \$2,000.

V. Reviewing Plan Content: Plan Administration & Coordination, Decision Making & Staffing and Organizational Structures or Formal Agreement Sections

Holly provided a handout to the PC on decision items that needed to be made for ISG to finish writing different sections of the plan. Holly mentioned the SC discussed these items yesterday and have recommendations to the policy committee. The first item is about Staffing and the different roles that need/could be filled. At minimum, the day to day, fiscal, and legal roles need

to be filled. Staff discussed they would have the capacity to fill the minimum roles of day to day and fiscal. It is preferred by the partnership that legal council be contracted out and the amount of time needed for legal services is minimal. There are additional roles that could be filled and have been utilized in other partnerships such as: project tracking/reporting role, education and outreach, and agronomist. Holly showed the PC a few different options on how the budget would work out if we added or did not add certain roles. There were some conversations about existing capacity and ability to take on more roles. Some partners can do some, and others are willing to share services, but can't necessarily take on additional new roles.

Building off sharing services, the partnership discussed sharing expertise, JAA, equipment, programs (smart salting, education and outreach, soil health field days) to help implement activities within the plan. We have a history of partnering in past efforts and would like to continue to do so while also strengthening our partnering efforts.

Another item that needed discussion was committees. The PC will become a JPB and the JPB will have final approvals of a workplan, budget, plan amendments, etc. Essentially, the JPB makes the final decisions for implementation efforts and directs staff. The JPB will meet at least twice a year, but likely will need to meet quarterly. Additionally, staff recommended having the existing SC as the "implementation" committee that helps move efforts along. The SC will continue to meet monthly. Lastly, the Technical Advisory Committee will assist with developing a draft work plan and providing expertise and opportunities to partner with different implementation activities. This committee will likely only meet 1-2 times per year.

Another time that was up for discussion was the decision-making ability. The steering committee wanted to know what the preference was for making decisions on project approvals and what are statutory requirements. The PC discussed that if that reviewing every project is not necessary but would like updates on projects that were approved by staff and the local level. The PC mentioned setting a dollar threshold of \$100,000 that requires board approval.

The last item that needed discussion was about Capital Improvement Projects. Existing CIPs are required to be mentioned, but the partnership needs to decide if they want their own program. The SC recommended keeping this door open, but mentioned these need to involve numerous partners, high costs, and large project (wetlands, storage, ravines, and streams) to qualify to be a CIP. The PC concurred with this.

VI. Planning Effort Timeline & Policy Committee Meeting Schedule (Informational Item)

Holly provided a handout of the plan timeline. The second part of the implementation table will be provided to the PC in October. Staff will ask for a 60-day review in January. The PC will see a

draft plan in October. ISG will start giving us sections of the plan to review. In November ISG will have a revised plan, so there will likely be no PC meeting. The official 60-day review will begin in January. Holly's goal is to have a draft JPA ready for attorney in December to give them a few months to review. Changes will be made and updated to the JPA based off comments from the attorneys. We just want to make sure the JPA is ready by the time the plan is ready.

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VIII. Updates & Next Steps

Updates & Next Steps

- Next Steering Team Meeting: **Wednesday, October 18th 1:30pm-3:00pm**
- Next Policy Committee Meeting: **Thursday, October 19th 3:00pm-5:00pm**
- Advisory Committee Meeting: **Wednesday, October 18th 10:00am-1:00pm**

IX. Meeting Adjourn

Motioned by Entinger, Seconded by Bongers at 5:00 pm

The Motion carried unanimously for the approval to adjourn at 5:00pm.

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Lower Minnesota River East One Watershed One Plan

Steering Committee Meeting Minutes

September 20, 2023

Attendees at meeting: Holly Bushman (Le Sueur County), Mike Schultz (Le Sueur SWCD), Meghan Darley (Scott SWCD), Troy Kuphal (Scott SWCD), Brad Behrens (Rice County), Steve Pahs (Rice SWCD), Linda Loomis (Lower Minnesota River WD), Barb Piechel (BWSR), and Anne Sawyer (BWSR)

Welcome & Review Agenda

- The Lower Minnesota River East Meeting was held on Wednesday, September 20th, 2023. The meeting was held virtually. The goals of the meeting were to discuss any unfinished items from the Advisory Committee meeting, continue discussions with plan chapter content requirements and provide some kind of narrative for ISG, and lastly discuss the policy committee agenda.

Advisory Committee Meeting Recap and Discussion

- There were a few items and comments that were mentioned at the Advisory Committee that needed some further discussion amongst the Steering Committee.
- The first item was discussing the TP load output that was developed for Cody, Lemay, and Phelps lakes.
 - Compared to all of the other lakes this was the biggest reduction listed at 323lbs/year.
 - While these lakes are impaired and need a high TP load reduction, there was some uncertain amongst the Steering Committee that this goal could be achieved on an annual basis.
 - Steve mentioned he was unsure how to address this?
 - There was some discussions about determining load reductions and number of acres from existing soil health practices and determining feasibility on a lakeshed scale.
 - If the expectation was that the TP load reduction was just from soil health practices, it is unlikely this number would not be achieved. If additional practices can help achieve the TP load reduction, there may be more wiggle room for a higher goal.
 - Steve mentioned he would look at current soil health practice numbers and come up with a comprised TP load reduction he thinks would be achievable.

- The next item that the Steering Committee discussed was formatting and content concern BWSR staff had with the plan.
 - Anne mentioned that the labels utilized within the timeframe columns were dollar signs; however, not every number listed under these columns were dollars.
 - Make sure what ever labels are utilized are consistent. Strategy listed and measurable outputs should have the same label.
 - Measurable outputs
 - For Ag and Urban BMPs, we may want to use pollution reductions instead of number of BMPs. Would provide more flexibility. Otherwise we would be held accountable for the number of practices installed and that could change.
 - Putting the number of practices/acres or pollutant reduction loads would provide us the most flexibility from a reporting standpoint.
 - For the BMPs, the Steering Committee was unclear if the cumulative outputs were actually accounted for or if it was more on an annual basis. Might be easier to just put cumulative outputs in the measurable outcome.
 - Listing priorities of activities (low-high threshold)
 - Have this included in the appendix to reduce clutter within table and allow more flexibility.

Continue with Developing Funding/Budget and Implementation Table of One Watershed One Plan

- The steering committee went through the implementation table and addressed any comments that were brought up at the AC or any new comments that had come about.
 - The comments from the AC were more about monitoring and data collection. At this point, the SC mostly would like to continue with existing efforts and account for any large-scale efforts (WRAPS, GRAPS) as a narrative within the plan.
 - Additionally, there was interest in adding some kind of gauge to monitoring flows and potentially chemistry data along the Minnesota River adjacent to Le Sueur County. Currently there is no flow or chemistry data being collected on the Minnesota River in between Jordan and Mankato.
 - The major comment from the Steering Committee was adding some kind of education and outreach campaign activity.
 - This needs to be added in order to have funding to implement education and outreach activities.

- This specific implementation activity is kept broad to provide more flexibility and we can be more detailed in some type of additional plan/policy.
 - Lastly, add municipalities as supporting roles in the applicable implementation activities.
- Additional comments about the plan developed by the Steering Committee includes:
 - Ask ISG if there will be one large implementation table or multiple implementation tables.
 - Format the plan in a way that reduces the amount of flipping through pages when trying to reference the table and priority areas.
 - See if ISG is using the excel tables that were developed to describe plan implementation programs, regulation, and enforcement for the partners.
 - See if it is possible to develop some kind of document that references the goals, maps, and tables in an effective manner.
- Finish Discussion of Decision Making and Staffing, Organizational Structures Formal Agreements, and Collaboration with other Units of government Sections of Plan
 - ISG had brought up a few questions to Holly that needed to be answered in order to finish these chapters.
 - Again, the information in these chapters can be amended, but needs content to include right now.
 - Likely will change as we have more discussions between now and the final draft.
 - There was a further items to discuss handout provide to the Steering Committee to assist with guidance on some items that need to be decided on. These decisions then would be recommended to the policy committee tomorrow to make a decision.
 - The first item up for discussion was filling roles for implementation efforts.
 - This included Day to Day, Fiscal, Legal, Education & Outreach, Project Tracking & Management, and Agronomist.
 - The steering committee decided to start small with roles and build up as needed. Staff need time to get use to the flow of things as well as see what needs are out there.
 - Another role that may be of interest to the partnership is someone who can work with monitoring/modeling, and assessments.
 - Another discussion items was about Committees.

- The Steering Committee was good with having the Advisory Committee stay as is and meet a few times a year. This committee would provide technical expertise for implementation and activities and provide opportunities to partnership for funding and implementing projects.
- Our Steering Committee would remain as is and meet frequently. This committee would keep the partnership continuing to operate and get projects and practices installed on the landscape.
- The next discussion item was Shared Services.
 - The Steering Committee was open to sharing services such as education and outreach programs (soil health field days, smart salting), technical expertise, RIM easements, equipment, and so forth.
- The next discussion item was about Capital Improvement Projects. We are required to reference and CIP programs, but Holly wanted to know if there was interest in with the partnership in having our own CIP program.
 - The steering committee was open to this and mentioned that only certain projects would qualify such as stream restorations/stabilization projects, ravine stabilization, and storage projects (MDM, wetland restorations).
- The next item for discussion was setting dollar thresholds for project approvals.
 - There was some good discussion amongst partners on what threshold should be set and if one is needed? Can local staff and boards have the authority to approve all projects or does there still need to be some type of checks and balances?
 - The steering committee would still like some threshold set for staff approval versus Joint Powers Board approval.
 - Locally it will be up to each local board whether they need additional approvals beyond staff approval for projects under a certain dollar threshold.
 - Make sure this language is all clear in either the JPA or bylaws.

- The last item for discussion was about dues. Holly first started out with dues are based on percentage of land and had multiple tiers.
 - There was some discussion about what the dues could be used for as well.
 - Holly said we can dive into the dues discussion more tomorrow at the PC meeting, but wanted to have some kind of initial conversation. The steering committee would like to see more options about the dues.

Assessment, Evaluation, and Reporting, and Plan Amendments Sections

- Holly mentioned the next round of chapters that will need context for the plan. She mentioned for assessment and evaluation of efforts we talked about having some kind of more detailed table that shows milestones of dollar amounts, bmps installed, and load reductions. This detailed table will be included in the appendix. ISG has already developed this and it should be easy to include.
- BWSR has updated their Operating Procedures for Amending plans.
 - Anne and Barb suggested to get started to use that language.
- General language that will be included within the plan will discuss annual reporting and a 5 year amendment mark.
- Holly asked how else do we want to keep ourselves on track for assessment, evaluation and reporting? Are there certain criteria we want to set for amendments?
 - The steering committee was going to start thinking about these items and would make more decisions about these chapters at the next SC meeting.

Discussion Policy Committee Meeting

- All the decisions to make that were discussed at this meeting will be brought up tomorrow at the PC meeting.
- Holly mentioned she revised the JPA and the major amendments that are needed are the name for the entity, how can hold easements for property, and dues.
 - Would like to have a final JPA ready sometime in early 2024 so it is ready to go before the plan is approved.
- Holly mentioned she will keep the Lower MN River WD in the JPA, but will remove Scott County/WMO based off of conversations with staff members.

Updates & Next Steps

- The next steering committee meeting will be held on **Wednesday, October 18th** from **1:30pm-3:00pm**.

- The next policy committee meeting will be held **Thursday, October 19th** from **3:00pm-5:00pm**.
- Next Advisory Committee Meeting will be held **Wednesday, October 18th** **10:00am-1:00pm**.

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