



LOWER MINNESOTA RIVER WATERSHED DISTRICT

December 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

Statement of Interest requirements

The Minnesota Campaign Finance Board has asked that public officials be reminded that they are required to review, update and certify statements of economic interest. This applies even to officials that are no longer public officials. Please review the attached notice dated December 8, 2023.

Lower Minnesota River East One Watershed One Plan

This item is on the December 20, 2023, agenda. This will be a standing item on the agenda from this report on, as it may require Board action.

Project website: [website](#).

US Army Corps of Engineers (USACE) River Resource Forum (RRF) #127

On December 5th & 6th, the 127th River Resource Forum was held at US Fish & Wildlife Headquarters in Bloomington. The Beneficial Use Work Group continues to look at using dredge material to replenish beaches in Lake Michigan and other areas. There are numerous studies going on by the USACE and others, such as the National Park Services to look at habitat along the river. Both are looking at floodplain forest restoration projects. The National Park Service is studying the impact of beavers on the floodplain forest. Beavers have been attacking larger trees, girdling them, and causing significant tree loss. They are considering programs to manage beavers. There are some major projects planned as part of the Upper Mississippi River Restoration project, funding the planned projects was discussed.

Lastly, the amount of material dredged continues to increase. Dredging in 2023 was hampered by high water early in the season and then lower water most of the season after that. A chart is attached that shows the increasing amount of material dredged. The chart shows an increase in the average amount of material dredged for the last 20 years as compared to the 35-year average. You will see a significant increase in the average amount of material dredged.

Mississippi River Upper St. Anthony Falls, Lower St. Anthony Falls and Lock & Dam #1 Disposition Study

A presentation was made at the River Resource Forum regarding the disposition studies of the above referenced facilities by the USACE. The LMRWD previously commented on plans to remove the lock & dams. The LMRWD requested more information about the impact of sediment accumulation at the mouth of the Minnesota River. The USACE has prepared an Environmental

Assessment Worksheet for issuing an outgrant involving property at the Upper St. Anthony Lock & Dam in Minneapolis more information on the disposition can be found using this link: [Upper St. Anthony property](#).

The USACE has completed an Environmental Assessment Worksheet and released it to the public for comment. Comments on the EAW are due December 29, 2023. Public Notice can be found using this [link](#).

Invasive Carp in the news

December 1, 2023, the DNR announced the largest single capture of invasive carp in Minnesota. More invasive carp were captured a few days after the initial capture, bringing the total capture to over 400 individual fish. More information about the capture can be found using this link - [Largest single capture in Minnesota/Wisconsin waters](#).

Invasive carp species are a concern for the Minnesota River. There are no dams or other barriers to fish movement on the Minnesota River between Lock & Dam #2 in Hasting/Prescott and Granite Falls, MN. This represents one of the longest reaches of river in Minnesota, over 250 miles, without impediments to restrict fish movement.

The DNR expects to have an update to its MN Invasive Carp Action Plan completed by the end of 2023. More information about invasive carp in Minnesota can be found on the [MN DNR website](#).

Invasive Carp Community Action meetings

Friends of the Mississippi River plans to hold public meetings to engage people in efforts to protect rivers, lakes, and streams from invasive carp. Meetings are scheduled from 5:00 pm to 7:00 pm January 24, 2024, in Redwing; January 30, 2024, in St. Paul (the St. Paul meeting will be live streamed); and February 1, 2024, in Winona. Meetings are free and open to the public; however, registration is requested. You can learn more about the meetings using this [link](#).

US Army Corps of Engineers Continental Grain Marsh

Rock was moved to the LMRWD dredge site to complete the repair of the breach of the natural levee between the MN River and the Continental Grain Marsh. One of the purposes for the repair was to ensure the integrity of the investment made by the Bass Ponds water level management project completed in 2021. The rock has been removed from the Vernon Avenue Dredge Placement Site and the repair of the breach is complete.

While working on the repair additional areas were observed that need attention. Some of the areas where damage was observed appear to have been damaged by beaver activity. The USACE was not sure when the additional repairs will be addressed.

MN Watersheds – MN Association of Watershed Administrators

On Tuesday, November 28, 2023, I attended the quarterly meeting of the Minnesota Association of Watershed Administrators held concurrently with the MN Watershed's Annual Tradeshow and Conference. One interesting item was that on the proposed resolutions was a proposal that MN Watersheds would push to form watershed management organizations in areas of the State that do not currently have WMOs. This was a proposal that the LMRWD pushed several years ago and was not adopted by the membership. The LMRWD must just have been ahead of its time.

Rya Bohn, longtime lobbyist for the MWAD/MN Watersheds will retire at the end of 2024. MN Watersheds has retained the services of Lockridge, Grindal Nauen, P.L.L.P. (Amos Briggs and Jasmine Epps Flowers) as lobbyists for the organization. Mr. Bohn will work in concert with the new firm in the 2024 legislative session.

MN Watersheds shared its proposed legislative platform, which was added to the December LMRWD agenda. There are items on the MN Watershed Platform that the LMRWD would not be in favor of, but there is a lot there to support. Updates were provided on drainage regulation activities and the impact of the State Plumbing Code on stormwater management systems. The dilemma with the State Plumbing Code is that the State Plumbing Board has determined that according to the plumbing code, stormwater systems cannot have water stored in the piping systems. This interpretation is contrary to MPCA policies.

Summer Tour hosts were solicited and updates to MN Statutes 103D were provided (attached).

State agency representatives were present to give updates. The MnDNR said they are working to improve stream connectivity and reforestation. They are also developing a native prairie banking system. Work on early coordination on drainage improvements projects continues including changes to statutes which would limit activities where there is "known ecological harm".

The MPCA noted that they have added 100 new positions to the agency and have 170 vacancies. They are continuing to work on PFAS.

BWSR noted that the State of Minnesota was called out by the EPA. Specifically, the EPA has directed state officials to address nitrate contamination in drinking water in the southeast region of the State. The letter from the EPA can be accessed using this [link](#).

Scott County Association for Leadership and Efficiency (SCALE)

On Wednesday, November 29, 2023, I attended a meeting of the SCALE Water Committee. The goal of this meeting was to take issues that were identified at the last meeting of the committee and determine if the organizations represented could work collectively on the issues to improve efficiency.

Education for elected officials was discussed. This was an area that all agreed could be accomplished collectively. Data sharing was one area that everyone agreed would be beneficial. Scott County will check to see how this might be accomplished. Agricultural drain tile regulation was also discussed, but it was decided that this topic would be difficult to address by just one county.

Another area that might be able to address was expanding and supporting Farmer Led Councils. Now that areas have been identified that might benefit from collective work, the Committee will develop strategies to accomplish the work.

MPCA – Lower Minnesota River Watershed Assessment

This item is a discussion item on the December 20, 2023, Board meeting agenda. A recording of the October 31st meeting is available on You Tube and can be accessed using the following link; <https://www.youtube.com/watch?v=6SVGKnKRhJw>

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: The LMRWD received a letter of concurrence from the MAC and is waiting to receive a Resolution from Minnehaha Creek Watershed District.

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: This item was addressed at the Municipal Coordination meeting that the LMRWD had with the City. Here is a link to the [feasibility report](#) Area C-2.

Spring Creek:

Gully Inventory and Assessment: The high priority gullies and ravines was shared with the cities at the municipal coordination meetings that were recently held. Updates will be in the report to the Board at the December 20, 2023, meeting. Cities with high priority gullies were asked to consider partnering with the LMRWD to stabilize the areas.

Minnesota River Study Area #3: An update on this project is in the December 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 November 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.

- Lower MN River East 1W1P Advisory Committee meeting – Wednesday, December 20, 2023, 10:00 am to 12:00 noon, [virtual only](#)
- Lower MN River East 1W1P Steering Committee meeting – Wednesday, December 20, 2023, 1:30 pm to 3:30 pm – [virtual only](#)
- UMWA (Upper Mississippi Waterway Association) monthly meeting – Thursday, December 21, 2023, 11:30 pm, Lilydale Pool & Yacht Club
- Lower MN River East 1W1P Policy Committee – Thursday, December 21, 2023, 3:00pm to 5:00pm, hybrid, in-person at LeSueur County SWCD offices, 181 W Minnesota Street, Le Center, MN, or [virtual \(MSTeams\)](#)
- LMRWD Citizen Advisory Committee meeting – Tuesday, January 2, 2023, 4:30pm, virtual
- Southwest Metro Water Supply Planning; Workshop 2 – Thursday, January 11, 2-24, 1:00 pm to 4:00 pm, McColl Pond Environmental Learning Center – in-person only
- Metro Watersheds – Tuesday, January 16, 2024, via Zoom
- Lower Minnesota River Watershed Assessment – Wednesday, January 31, 2024, 2:00 to 4:00, [virtual \(MS Teams\)](#)
- [County Drainage Conference](#) – February 7 & 8, Arrowwood Resort, Alexandria, MN



MINNESOTA

CAMPAIGN FINANCE BOARD

December 8, 2023

Linda Loomis, Administrator
Lower Minnesota River WD
112 E 5th St, Ste 102
Chaska, MN 55318

From: Campaign Finance and Public Disclosure Board

Subject: Statement of interest requirements for your agency's public officials

You are receiving this notice because you are the contact person for an agency that has members or employees who are public officials. All public officials who served in 2023 must review, update, and certify their statement of economic interest in January 2024. The Board is asking for your help in reminding the public officials in your agency of the annual requirement. In doing so, please keep these things in mind:

- A public official who served in 2023 must review and certify the statement **even if they left the public official position during 2023, or if nothing on it has changed.** Please be sure that the public officials who left your agency during the year are aware of the filing requirement.
- The annual certification must be filed **after January 1, 2024, but no later than January 29, 2024.** A public official who does not file a certification by the deadline will be subject to the imposition of late filing fees and a potential civil penalty.
- The Board will send letters directly to all public officials in late December notifying them of the filing requirement, and giving them the information necessary to file online. Paper copies of the statement may be printed from the Board's website by any official unable to file online.
- Officials who left your agency may have listed the agency address as their mailing address. Please either forward our letters to them or provide their current mailing address to the Board.
- **Changes have been made to the reporting requirements. Please see the enclosed memorandum for more details.**

If you are not sure who in your agency is considered a public official, you can view the list of the public officials in your agency by entering your agency's name into the search box at <https://cfb.mn.gov/reports-and-data/officials-financial-disclosure/agency/>.

If you need to correct any inaccuracies on the list for your agency, or if you have questions about the reporting requirements in general, please contact Greta Johnson at greta.johnson@state.mn.us or 651-539-1183.

Thank you in advance for your assistance.



MINNESOTA CAMPAIGN FINANCE BOARD

Date: December 7, 2023

To: Soil and Water Conservation Districts, Watershed Districts, and Watershed Management Organizations

From: Erika Ross, Programs Administrator

Telephone: 651-539-1187

Re: Changes to the Economic Interest Statement disclosure requirements

Effective January 1, 2024, the disclosure requirements for statements of economic interest filed by public officials, and local officials in a metropolitan governmental unit, will change to include the following:

1. The disclosure of associated businesses from which the official's spouse received more than \$250 in compensation in any month during the reporting period.
2. The disclosure of real property in Minnesota held individually or jointly by the official's spouse at any time during the reporting period.
3. The disclosure of any contract, professional license, or lease issued to the official or their spouse, or to a business in which the official, or their spouse, has at least 25% ownership interest by the government agency on which the official serves.

The associated businesses, property holdings, and disclosure of contracts and licenses held by the spouse are not reported separately from the interests of the public official, or identified as being held by the spouse instead of the public official.

Effective January 1, 2024, members of a Soil and Water Conservation District, Watershed District, or Watershed Management Organization, will no longer be required to disclose the following on their statements of economic interest:

1. The business or professional activity category of each business from which the official received more than \$250 in any month during the reporting period, if the official has an ownership interest of 25% or more in the business.
2. The business or professional activity category of each business which the official received compensation of more than \$2,500 in the past 12 months as an independent contractor.
3. Honoraria worth more than \$250 received during the reporting period.
4. Businesses whose securities are valued at more than \$10,000 that the official held individually or jointly at any time during the reporting period.

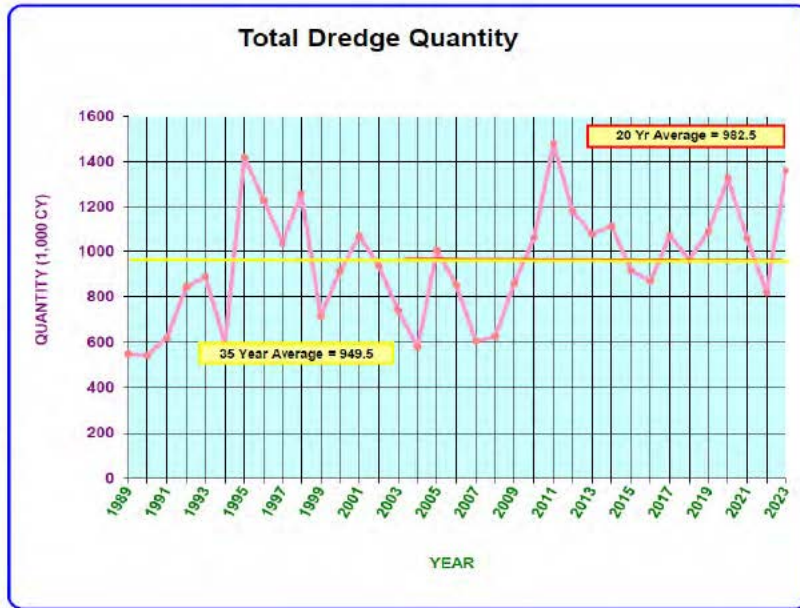


TOTAL DREDGE QUANTITY



| YEAR | QUANTITY (1,000 CY) |
|------|---------------------|
| 1989 | 548.6 |
| 1990 | 542.0 |
| 1991 | 618.1 |
| 1992 | 841.5 |
| 1993 | 889.0 |
| 1994 | 593.2 |
| 1995 | 1,417.4 |
| 1996 | 1,230.0 |
| 1997 | 1,033.9 |
| 1998 | 1,258.8 |
| 1999 | 715.3 |
| 2000 | 911.9 |
| 2001 | 1,066.5 |
| 2002 | 936.3 |
| 2003 | 740.2 |
| 2004 | 577.0 |
| 2005 | 1,003.2 |
| 2006 | 851.1 |
| 2007 | 604.1 |
| 2008 | 625.7 |
| 2009 | 860.9 |
| 2010 | 1,058.8 |
| 2011 | 1,479.0 |
| 2012 | 1,182.1 |
| 2013 | 1,075.2 |
| 2014 | 1,112.3 |
| 2015 | 915.5 |
| 2016 | 867.8 |
| 2017 | 1,068.1 |
| 2018 | 982.2 |
| 2019 | 1,087.7 |
| 2020 | 1,328.2 |
| 2021 | 1,055.2 |
| 2022 | 818.1 |
| 2023 | 1,360.0 |

Average 949.5
20 yr Avg 982.5



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MEMORANDUM

TO: Jan Voit, Administrator, Minnesota Watersheds
Rob Sip, Executive Director, Red River Watershed Management Board

FROM: Louis Smith
Chuck Holtman

DATE: November 20, 2023

RE: Housekeeping Amendments to Watershed Law, Chapter 103D

Introduction

The 1955 Watershed Law (currently Minnesota Statutes chapter 103D) gave Minnesota a unique approach to managing water resources through a special purpose unit of government created voluntarily within a hydrologic boundary. While there have been occasional amendments, overall, the Watershed Law remains largely unchanged. Watershed districts play a growing role in designing and implementation Clean Water and flood mitigation projects, often in collaboration with other partners to achieve multiple goals through the One Watershed One Plan process. The 103D planning statutes need clarification to affirm the role of watershed districts' plans in this integrated. Modernizing "housekeeping" revisions to the statute will provide more procedural clarity as communities prepare local infrastructure for climate resiliency through integrated planning and will address several longstanding ambiguities or anomalies.

At your direction, we have worked with watershed administrators to identify and prioritize changes to Chapter 103D which are noncontroversial yet important. This memorandum provides a summary of those proposed changes to simplify and streamline project procedures and clarify several issues concerning watershed governance.

Project Initiation and Procedure

The current statute provides a confusing variety of processes to initiate watershed district projects (projects initiated by managers, basic water management projects and government aid projects, or projects initiated by petition). The proposed housekeeping revisions would simplify these statutes to provide that all watershed district projects must be authorized by the district's plan and may be initiated either by petition or by the board of managers. Further, regardless of how a project may be initiated, all of the statutorily authorized funding mechanisms would be available to the board of managers for any given project, regardless of how the project is initiated.

The following table summarizes proposed amendments to achieve these changes for project initiation and procedure:

| # | Project Initiation & Procedure Amendments | STATUTE |
|----|--|----------|
| 1 | Repeal Project Initiated by Managers | 103D.601 |
| 2 | Repeal Project Constructed with Government Aid Or as Part of Plan | 103D.605 |
| 3 | Repeal Construction by Government Agencies | 103D.611 |
| 4 | Amend to create single project initiation statute | 103D.701 |
| 5 | Adjust title and provide for petition to request sources of funding other than assessments | 103D.705 |
| 6 | Create new statute for projects initiated by managers | 103D.707 |
| 7 | Amend to provide for engineers report for all projects | 103D.11 |
| 8 | Amend to clarify appraisers for assessment projects | 103D.715 |
| 9 | Repeal reference to 103E.311 et seq for array of water course and flood control projects | 103D.725 |
| 10 | Insert cross reference to section 444.075 for water management district charges collection | 103D.729 |

Watershed Governance

The housekeeping revisions also address the following issues in watershed governance and administration:

Establishment of a watershed district

- Notify adjacent watershed districts and SWCDs of establishment hearing;
- Clarify manager distribution among counties;
- Extend time for new watershed district to convene first meeting;

Redistributing, increasing number of managers

- Notify managers and SWCDs of hearing to increase managers;
- Clarify district petition to increase managers must be by resolution;
- Add filing requirements for BWSR order to increase managers;
- Allow BWSR to stipulate new manager terms; clarify that county appoints new managers;
- Allow BWSR to re-stagger terms when redistributing managers among counties;

Boundary changes:

- Require petitioners for watershed district boundary changes to reside in the area affected by the change;
- Provide for notice to managers of boundary change hearing;
- Require orders for boundary changes to be filed with the state and county auditors;
- Allow managers to petition for boundary change to increase or decrease watershed district;

Watershed Plan

- Clarify watershed district role in distribution of plan;

- Clarify timing of BWSR comment process for plan, plan revisions;

Termination of a watershed district:

- Notify watershed board of managers when a petition to terminate the watershed district has been filed;
- Clarify that watershed managers must be notified of a hearing to terminate the watershed district;
- Allow a termination hearing to be held outside of the watershed district boundaries if there is no suitable location within the watershed district;

Miscellaneous

- Define “principal place of business”;
- Delete requirement for a seal;
- Specify that annual audit must be filed with BWSR and state auditor;
- Clarify watershed district may require “financial assurance” for permit in form other than bond;
- Clarify that the appointing county board of commissioners may remove a watershed district manager for cause.

The following table summarizes draft amendments to Chapter 103D to address these issues in watershed governance and administration:

| Governance & Administration Amendments | STATUTE |
|--|----------------------|
| Require petitioners to reside in area affected by change | 103D.251, Subd. 5(a) |
| Notify managers of boundary change hearing | 103D.251, Subd. 6 |
| Notify managers of hearing to narrow boundary | 103D.255, Subd. 1(3) |
| Allow managers to petition to narrow boundary; * adjust standard for number of resident petitioners | 103D.255, Subd. 1(b) |
| Require order to narrow boundary be filed with state, county auditors | 103D.255, Subd. 2(d) |
| Allow managers to petition to enlarge district; adjust standard for number of resident petitioners | 103D.261, Subd. 1(a) |
| Notify managers of hearing to enlarge boundary | 103D.261, Subd. 1(d) |
| Require order to enlarge boundary be filed with state, county auditors | 103D.261, Subd. 2(a) |
| Notify managers that termination petition has been filed | 103D.271, Subd. 7 |
| Allow termination hearing outside of district if no suitable location within | 103D.271, Subd. 7 |
| Notify managers of termination hearing | 103D.271, Subd. 8(b) |
| Allow BWSR to re-stagger manager terms | 103D.301, Subd. 3 |
| Clarify that board petition to increase managers must be by resolution | 103D.305, Subd 2 |

| | |
|---|--------------------|
| Add filing requirements for BWSR order to increase managers; allow BWSR to stipulate new manager terms; clarify that county appoints new managers | 103D.305, Subd. 5 |
| Appointing county may remove manager for cause | 103D.311 |
| Delete requirement for seal | 103D.315, Subd. 4 |
| Extend time for new WD to hold first meeting and clarify location | 103D.315, Subd. 9 |
| Define "principal place of business" | 103D.321 |
| Clarify that RRWMB loan does not count toward loan limit | 103D.335, Subd. 17 |
| Clarify that WD may require "financial assurance" for permit in form other than bond | 103D.345, Subd. 4 |
| Specify that annual audity must be filed with BWSR and auditor | 103D.355, Subd. 1 |
| Clarify WD duty to distribute plan | 103D.401, Subd. 5 |
| Clarify timing of BWSR comment process for plan revisions | 103D.405, Subd. 2 |

We would be pleased to provide any further information you may require.