

Memorandum

To: Lower Minnesota River West – Comprehensive Watershed Management Partnership Policy Committee
From: Greg Williams, PE, Barr Engineering Co. and Jack Bushman, Sibley County Soil and Water Conservation District
Subject: Draft responses to comments received on the LMRW Plan during the formal 60-day review process
Date: October 6, 2022
Project: 23721014-REV-301

The Lower Minnesota River West (LMRW) Comprehensive Watershed Management Partnership (Partnership) is in the process of developing a Comprehensive Watershed Management Plan (Plan) via the One Watershed, One Plan (1W1P) framework. At their June 9, 2022 meeting, the LMRW Policy Committee authorized the release of the draft Plan for formal 60-day review consistent with One Watershed, One Plan (1W1P) operating procedures. The formal review period ran from July 29, 2022 through September 28, 2022. During the formal review period, the following organizations provided written comments:

- High Island Creek Watershed District (HICWD)
- Minnesota Board of Water and Soil Resources (BWSR)
- Minnesota Department of Natural Resources (MDNR)
- Minnesota Department of Health (MDH)
- Minnesota Pollution Control Agency (MPCA)

The comments are included in the attached table are organized by entity. Complete comment letters are included as an attachment to this memorandum.

Responses to Comments

Consistent with the 1W1P Operating Procedures, the Partnership must prepare and distribute responses to comments received during the review period to BWSR and all organizations providing comment. Members of the Steering Team met on October 4, 2022 to review comments and reach consensus on draft responses. The draft responses to each comment are included in the attached table. In most cases, but not all, the response includes proposed edits to the Plan document. The Steering Team seeks Policy Committee review, discussion, and approval of the draft response to comments prior to distribution.

Public Hearing

The Policy Committee must host a public hearing on the draft Plan at least 14 days after the close of the

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comment period and at least 10 days after distributing the response to comments. We recommend that the Policy Committee hold the public hearing as part of its regularly scheduled meeting on November 3, 2022 (this assumes the Policy Committee can reach consensus on the draft response to comments at its October 14, 2022 meeting).

Final (90-day) Plan Review, Approval, and Adoption

Following the distribution of the response to comments and public hearing, local lead staff will revise the draft Plan under the direction of the Policy Committee and consistent with the response to comments and any input received at the public hearing. Local lead staff will submit the Plan to BWSR for 90-day review by the end of 2022 (consistent with the schedule requested by BWSR staff). Within the 90-day review period, local lead staff and/or Barr Engineering Co. (Barr) staff will present on the draft Plan to the BWSR southern regional committee. The southern regional committee will make a recommendation to the BWSR Board regarding draft Plan approval (anticipated in March 2023). After the BWSR Board has approved the draft Plan, each Partner will seek adoption of the Plan by their respective boards.

Requested Policy Committee Action:

1. Review the formal comments and draft responses in the attached table.
2. Discuss, revise, and approve, as applicable, the draft responses to comments at the October 14, 2022 Policy Committee meeting
3. Authorize local lead staff to distribute the response to comments and schedule a public hearing concurrent with the November 3, 2022 Policy Committee meeting

Table 1. Summary of Formal Comments on the LMRW draft Comprehensive Watershed Management Plan and Proposed Responses

Number	Entity	Comment (note: some comments have been summarized for space; complete comment letters are attached)	Response to Comment	Edit Planned?
1	HICWD	<p>The Policy and Purpose of the Draft 1W1P Should Recognize the Importance and Necessity of Agricultural Drainage</p> <p>As noted in the Draft 1W1P, the Lower Minnesota River West watershed planning area covers nearly 500,000 acres (778 square miles) in Sibley, Nicollet, Renville, and McLeod Counties. (See Draft 1W1P, at ES-1–ES-2.) This area is “primarily agricultural” with over 85% of the land area used for crop farming or hay and pasture land. (See Draft 1W1P, at Table ES-1.) The agricultural industry plays an incredibly important role in Minnesota generally and in the planning area in particular...<i>[comment letter includes agricultural revenue data]</i>. Almost none of this <i>[benefit]</i> could be possible without the substantial benefits provided by agricultural drainage...</p> <p>High Island believes the 1W1P should include a separate issue statement addressing the benefits of agricultural drainage and the importance of properly managing agricultural drainage for the benefit of all stakeholders within the planning area. While the Draft 1W1P does criticize agricultural drainage throughout, it does not simultaneously recognize that the continued maintenance and improvement of drainage systems within the planning area is imperative and necessary for the long-term health and success of the area.</p>	<p>The Partners recognize that agricultural production is the primary industry within the planning area and is an essential and critical component of the local economy. Text within the Plan introduction (Section 1) will be revised to clearly communicate this and note that development of the landscape for this purpose (including drainage) has contributed to economic success.</p> <p>While recognizing that agricultural drainage has led to increases in economic prosperity, scientific analysis of the planning area (e.g., MPCA's WRAPS and stressor identifications studies) indicate that altered hydrology is simultaneously a significant contributor to issues related to degraded water quality, increased erosion and sedimentation, and ecological concerns. The issue prioritization process detailed in Section 2.1 also identified altered hydrology and drainage as a high priority issue. The issues statements are intended to briefly describe the most pressing problems in the watershed. These statements are not intended to weigh the benefits and impacts of particular human activities, be it agricultural drainage, urban development, transportation improvements, or any other specific activity.</p> <p>The narrative text in Section 2.2.3 will be revised to note that "by restoring hydrologic function and keeping precipitation and runoff on the landscape-retaining runoff, the Partnership can minimize negative local and downstream impacts while maintaining beneficial land use."</p> <p>In addition, the altered hydrology and drainage section of the implementation schedule will be revised to include: "Inventory and asses drainage systems within the watershed for multipurpose drainage management (MDM) opportunities."</p>	Yes
2	HICWD	<p>The Draft 1W1P should be revised as appropriate to address the sometimes-competing nature of multiple goals within the Draft 1W1P, especially when it comes to artificial drainage. There are numerous statements throughout the Draft 1W1P that negatively characterize all drainage. It has been common lately for water plans to be used by regulating agencies and environmental groups as a means to interfere in or oppose drainage proceedings, by selectively picking phrases from these plans that would seem counter to the proposed project. Phrases like, “Drainage increases runoff volume” or “tiling increases runoff and negatively impacts water quality, flood risk, and ecology” paint with a broad and inaccurate brush. Often, the sentence can be more accurately phrased simply by adding the word “can”...as in “tiling can increase runoff.” Given the importance and benefits of drainage, the Draft 1W1P should not universally paint drainage as a harm to be eliminated. <i>[Specific examples cited in following HICWD comments.]</i></p>	<p>The Partners acknowledge the concerns of the High Island Creek Watershed District and note that not all drainage improvements and hydrologic modifications result in negative environmental impacts. Cumulatively and on a watershed scale, however, altered drainage has resulted in negative impacts as identified in the MPCA's WRAPS. The text of the Plan will be revised in some cases to avoid the negative portrayal of all drainage improvements, but the Partners also do not wish to characterize the issues as rare.</p> <p>The Partners also point out that this Plan is intended to provide voluntary opportunities for projects, including projects that may simultaneously improve drainage and achieve water quality, volume, and ecological benefits. This Plan does not carry regulatory authority or create new regulatory roles. The Plan does not prohibit activities, but encourages voluntary action. The authorities of the Partners are not changed by the Plan.</p>	See below

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Number	Entity	Comment (note: some comments have been summarized for space; complete comment letters are attached)	Response to Comment	Edit Planned?
3	HICWD	Page 2-12: Issue Statement: Changes to natural hydrologic systems, tiling of fields, and loss of flood storage can increase runoff and negatively impact water quality, flood risk, and ecology.	The issues statement is written to state that, in total, changes to natural systems, tiling, and loss of storage increase runoff and carry negative environmental consequences. The Partners acknowledge this is not the case universally. However, including "can" within the issue statement may imply that this issue is not widespread.	No
4	HICWD	Page 2-12: Conversely, by restoring hydrologic function and keeping precipitation and runoff on the landscape increasing storage , the Partnership can minimize negative local and downstream impacts.	The narrative text in Section 2.2.3 will be revised to note that "by restoring hydrologic function and keeping precipitation and runoff on the landscape retaining runoff , the Partnership can minimize negative local and downstream impacts while maintaining beneficial land use. "	Yes
5	HICWD	Page 2-12: Section 2.2.3 should note the effects of urban runoff and impacts of transportation infrastructure on hydrology.	The Partners recognize that these are also sources of altered hydrology. The text in Section 2.2.3 will be revised to note this.	Yes
6	HICWD	Table 3-2 (PDF Page 64): Limit the Mitigate adverse impacts of resulting from some drainage alterations through promotion of drainage water management practice by landowners via education, outreach, and cost-share.	The text will be revised as: " Limit the Mitigate adverse impacts of resulting from drainage alterations through promotion of drainage water management practice by landowners via education, outreach, and cost-share."	Yes
7	HICWD	Table 3-2 (PDF Page 64): Limit the adverse impacts of drainage alterations Restore hydrology through the promotion of multipurpose drainage management projects and implementation of at least 10 multipurpose drainage projects over 10 years	The text will be revised as: " Limit the adverse Mitigate the impacts of drainage alterations through the promotion of multipurpose drainage management projects and implementation of at least 10 multipurpose drainage projects over 10 years."	Yes
8	HICWD	Page 5-11: As part of their respective roles in overseeing the public drainage system, each drainage authority will seek to identify opportunities for hydrologic restoration in association with ensure that proposed modifications and improvements to public drainage systems are consistent with the goals of this Plan, including increased watershed storage.	The text will be revised as: "As part of their respective roles in overseeing the public drainage system, each drainage authority will seek to identify opportunities for hydrologic restoration and ensure that promote modifications and improvements to public drainage systems are consistent with the goals of this Plan, including opportunities for increased watershed storage."	Yes
9	HICWD	The Draft 1W1P notes that water storage is an important goal, and High Island shares a desire to increase water storage within the watershed. Adding storage is often an important tool to offset some potential effects of improving agricultural drainage in other areas, can provide important water quality benefits, and can provide habitat for wildlife. However, the workplan suggested in the Draft 1W1P lists only \$100,000 to "implement waters storage projects." However, this amount is severely deficient to complete any water storage area of any meaning. A single water storage project could cost between \$250,000 and \$1,000,000. The amount allocated for water storage should likely exceed \$1-2 million.	The Partners recognize the importance of increasing storage and restoring natural hydrology. This is represented in the Plan's implementation schedule (Table 5-4). Projects to increase headwater storage are included within the implementation schedule as item FLD-1. The associated costs/budget for these items are included with item SWQ-1 because most of these projects are anticipated to be multi-benefit projects that include both water quality and volume benefits. The costs/budget for that item is \$4,800,000. The implementation schedule also include \$2,500,000 for projects to mitigate hydrologic impacts of tile systems.	No

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Number	Entity	Comment (note: some comments have been summarized for space; complete comment letters are attached)	Response to Comment	Edit Planned?
10	HICWD	Further, water storage should be noted as something that could be implemented by all of the counties acting as drainage authorities. Often adding storage features to drainage improvement projects is an important way to offset potential effects of increased drainage. Thus, water storage projects could be implemented by any of the counties when acting as drainage authorities.	<p>The text in Section 5.2.1.9, as revised, acknowledges the role of drainage authorities in pursuing watershed storage:</p> <p>"As part of their respective roles in overseeing the public drainage system, each drainage authority will seek to identify opportunities for hydrologic restoration and ensure that promote modifications and improvements to public drainage systems are consistent with the goals of this Plan, including opportunities for increased watershed storage."</p> <p>The altered hydrology and drainage section of the implementation schedule will be revised to include: "Inventory and asses drainage systems within the watershed for multipurpose drainage management (MDM) opportunities."</p>	Yes
11	HICWD	Water storage projects can be included within other policy goal areas beyond erosion and sediment control. Water storage can serve to address many of the goal areas including degraded surface water quality, altered hydrology, excessive flooding, and threats to fish, wildlife, and habitat.	Increased watershed storage is identified as a goal within the issue areas of excessive erosion and sedimentation, excessive runoff and flooding, and altered hydrology and drainage. The implementation schedule also identifies benefits across multiple issues areas for each activity.	No
12	HICWD	The Draft 1W1P makes several references "outlet BMPs at tile systems" as a means of addressing altered hydrology. This is not the best way to approach the problem. Drain tile outlets are very often not the best place to attempt to restore hydrology. Often, the best storage locations or other BMP solutions are either well upstream or well downstream from the outlet. Making the solution this narrow is problematic. We recommend that both in the goals table and the implementation plan, that "outlet BMPs" be removed and replaced with "storage solutions and other hydrology restoration BMPs"	<p>The activity will be revised to state:</p> <p>"Support (through cost-share) the implementation of tile outlet system BMPs to mitigate hydrologic impacts of upstream tile systems."</p> <p>The implementation schedule is intended to allow funding for a wide range of potential projects addressing priority issues. This may include upstream and downstream BMPs, as well as tile outlet BMPs. The text of the implementation activity will be revised to allow broad application.</p>	Yes
13	HICWD	Table 5-4 of the Draft 1W1P lists a "Lead LGU" for each of the various implementation items. While we think having a "Lead" entity for each of these is important, there are some circumstances where High Island may wish to pursue one or more of the various implementation items over the course of the plan and may rely on the plan as a basis to move forward under Minn. Stat. § 103D.605 subd. 1, which allows a watershed district to complete projects identified in a watershed management plan. The Draft 1W1P should be revised to clarify that any of the implementation items may be pursued separately by an LGU and potentially be entitled to receive grant funding, even if that entity is not listed as the Lead LGU.	The narrative text introducing the implementation schedule will be revised to note that implementation activities may be pursued by any and all of the Partners. Lead LGUs are identified in Table 5-4 to better define roles and responsibilities, but are not intended to be prohibitive.	Yes
14	BWSR	Implementation Item ID's and Goad ID's use the same labels to organize the tables, which leads to significant confusion. We recommend modifying the labels in one of the tables in order to avoid this confusion.	The goals will be sequentially numbered to avoid confusion with items from the implementation schedule.	Yes

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15	BWSR	Capital Improvement Program (CIP)- Because a Watershed District is part of this planning initiative, a CIP is required to be included. A CIP is an itemized program for at least a five-year prospective period. A CIP sets forth the schedule, timing, and details of specific contemplated capital improvements by year. CIPs also describe estimated costs, the need for each improvement, financial sources, and the financial effect that the improvements will have on the local government unit or watershed management organization. While there is a Capital Improvement Program Section in the plan, it doesn't provide a list of projects. As the plan states that High Island Creek WD intends for this plan to serve as their watershed plan, any CIPs planned by the WD must be included in the plan.	During Plan development, the Steering Team sought input on potential CIP projects from each of the Partners. None of the Partners identified specific project opportunities for inclusion in this Plan. Local lead staff will follow-up with the High Island Creek Watershed District regarding inclusion of HICWD CIP projects within this Plan. The HICWD may need to include CIP items within this Plan in order for this Plan to serve as the watershed district plan. If the HICWD does not have a developed CIP to include in this Plan, the Partners may adopt the Plan without CIP items and consider incorporating future HICWD CIP projects through a Plan amendment. Lead staff will coordinate with BWSR to clarify this process.	Yes
16	BWSR	Permanent Protection- There should be a section that describe opportunities for permanent land protection necessary to meet the resource needs and achieve the goals for the watershed.	Implementation actions AHD-7, AHD-8, and AHD-9 include Partner actions aimed to increase enrollment of lands in conservation programs, including permanent protections such as CREP, RIM, and WRP. A subsection will be added to the narrative of Section 5 noting that these efforts will be led by Partners within their jurisdictions (leveraging cooperative planning) through their existing service models.	Yes
17	BWSR	Many of the measurable goals don't provide metrics which will make them difficult to measure. The implementation actions to achieve these goals is also vague. A significant number of the measurable goals contain the phrase "Up to" a given number. This "Up to" language leads to ambiguous goals which does not meet plan content requirements. For example, in Table 3-3 for Degraded Surface Water Quality, Bevens/Silver Creeks, the 10 year goal states "up to 110 lbs/year, 47 lbs/year in Bevens Creek and 33 lbs/ year in Silver Creek". This is essentially stating the 10 year goal is 0 lbs/year but you might get up to 110 lbs/year. If the intent is to have a goal of 110 lbs/year then remove the "up to" phrasing from the plan. This issue is a common issue throughout the measurable goals and must be corrected to meet plan content requirements. It is highly advisable to work with the steering team membership to ensure that these goals are reasonable to achieve during the life of the 10-year plan.	The Partners will revise the goals such that they no longer include the "up to" language. The estimated pollutant reductions included as "up to" values in the 60-day draft will be retained. These values are based on an estimated number of projects implemented, an estimated treated drainage area per project, and an estimated pollutant reduction percentage based on the HSPF-SAM tool documentation. These goals may not be attainable if the Partners fail to implement the anticipated number of projects, treat the expected drainage area, or achieve lesser pollutant removals. These goals will provide measurable values against which the Partners may assess progress. Goals related to the preservation of wetlands and natural vegetative cover will also be revised to include existing acreage for reference, to the extent possible (in response to specific comments provided during informal Plan review).	Yes
18	BWSR	Operation and Maintenance-It is required to have a section that includes a description of who is responsible for inspection, operation and maintenance of capital projects, stormwater infrastructure, public works, facilities, and natural and artificial watercourses. Specify any new programs or reoperation visions to existing programs needed to accomplish the goals or that may benefit from watershed-wide collaboration.	The implementation narrative (Section 5) will be revised to include a section clarifying operations and maintenance roles. It is the intent of the Partners that public projects implemented by Partner entities will be inspected and maintained by the Partner in whose jurisdiction the project is located. Cost-share projects on private lands will be the responsibility of the landowner or other responsible party identified in an approved O&M plan that meets the requirements of the BWSR Grant Administration Manual (GAM), as revised.	Yes

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19	MDNR	Consider revising the timeline of the AHD goals, or include a separate implementation action, to ensure that coordination occurs prior to project development and that early coordination includes DNR and other conservation agencies, whose staff can help identify alternative practices and mitigation strategies to minimize impacts and improve watershed health.	The Partners recognize the role of the MDNR and other partners in identifying practices to achieve Plan goals in the context of drainage improvements. The text of applicable implementation items will be revised to note "coordination with state agencies early in the process, when applicable."	Yes
20	MDNR	Consider adding an action item under implementation item AHD-6 to also review the watershed plan with drainage authorities and reinforce its relation to drainage projects. This might also be an opportunity to assess whether drainage systems are in high-priority areas suitable for watershed plan implementation projects, per implementation item AHD-3.	The text of implementation activity AHD-6 will be revised to include reference to review of this Plan. MDNR will be added as a partner.	Yes
21	MDNR	Historically, most drainage projects in the area, including public drainage system improvements, have not met the goals of this plan. While DNR is hopeful the watershed plan will influence future drainage projects, the options considered in the plan for offsetting tile drainage impacts may not be enough to produce measurable results. Consider seeking more robust and more specific commitments from the drainage authorities under measurable goals AHD-4 and AHD-5 to develop future projects with numeric goals, reduced project-design drainage coefficients, and water storage alternatives. For example, DNR recommends new drainage projects result in no net increase in total discharge and peak stage or, better still, reduce discharge contributions to the receiving waterbody. This could be accomplished by implementing the alternatives suggested in AHD-1 through AHD-8, either directly as part of the drainage project or through watershed plan BMP implementation.	The Partners recognize that this comment is in conflict with the comments from High Island Creek Watershed District. This Plan and the associated implementation schedule focus on providing opportunities for landowners to implement projects with environmental benefits. The Plan does not include the authority to require drainage authorities to establish numeric goals. The Partners seek to achieve Plan goals through voluntary implementation.	No, see above responses to HICWD comments
22	MDH	Section 2.1.1 Requests for Input and Initial Data Aggregation (page 2-2): Consider adding the Lower Minnesota River West Groundwater Restoration and Protection Strategies (GRAPS) Report (MDH, 2021) in list of available documents.	The GRAPS will be added to the list of references.	Yes
23	MDH	Section 5.1.3 Education and Public Involvement (page 5-6): Consider adding well testing and sealing to list of outreach event examples.	Well testing and sealing will be added to the list of possible outreach events.	Yes
24	MDH	Section 5-Targeted Implementation Program, Table 5 -4: Please add MDH and Cities as supporting entities for action GWS-1.	MDH and cities will be added as supporting entities for this implementation activity.	Yes
25	MDH	MDH recommends adding a watershed wide implementation action for drinking water conservation such as "Provide education on water conservation practices that can be adopted in people's homes and businesses."	The Partners will include "at home water conservation" as an educational topic to be included within existing education implementation activities.	Yes
26	MPCA	The planning effort was responsive to the MPCA's priorities, concerns, and comments throughout the effort. The Steering Committee has already incorporated many of MPCA's comments and revisions as part of the Plan. The MPCA is appreciative that the Watershed Approach documents (Monitoring and Assessment, Stressor Identification, Total Maximum Daily Loads and Watershed Restoration and Protection Strategy) were utilized in this process.	Thank you for providing additional detail and context regarding the watershed assessment documents during the planning process	No

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27	MPCA	The MPCA appreciates that public participation and outreach are incorporated into the Plan. The MPCA suggests that tasks focusing on education and outreach be targeted to respective priority areas to coincide with reaching priority goals. Targeted work by the local government units (LGUs) on previous grants and projects resulted in increased program participation in priority areas. The MPCA also encourages local partners to continue discussions with landowners to gain insight into obstacles in addressing water quality issues.	The Partners will focus education and outreach efforts in targeted watersheds as part of Plan implementation, where appropriate.	No
28	MPCA	The mainstem Minnesota River flowing through the Lower Minnesota Watershed HUC-8 represents contributions from all the HUC-8 watersheds upstream of the Lower Minnesota River Watershed West planning area. As such, the MPCA recommends that the Lower Minnesota River West work group communicates activities and collaborates with upstream and downstream watershed organizations where appropriate. This collaboration could be beneficial in helping to restore the mainstem Minnesota River and spark innovation in project ideas and cost-share.	The Partners will communicate with watershed organizations in adjacent planning areas during implementation, as appropriate.	No
29	MPCA	The MPCA supports the Plan’s emphasis on working to correct water quality impairments and protect high quality water resources. Further understanding of these conditions will be forthcoming as the MPCA and its partners complete a second round of monitoring and assessment, stressor identification, and WRAPS report updates. The planning for these updates will start in 2023.	The Partners look forward to coordinating with the MPCA in planning future watershed monitoring activities.	No

HIGH ISLAND CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

September 27, 2022

VIA EMAIL ONLY

(Jack.Bushman@sibleyswcd.org)

Sibley County Soil & Water Conservation District
112 5th Street, Box 161
Gaylord, MN 55334

Re: High Island Creek Watershed District Comments on Draft Lower Minnesota River West
Comprehensive Plan Watershed Management Plan

Dear Mr. Bushman:

The High Island Creek Watershed District Board of Managers (“High Island”) submits these written comments for consideration in finalizing the Draft Lower Minnesota River West Comprehensive Plan Watershed Management Plan (the “Draft 1W1P”). High Island values being a member of the planning committee for the Draft 1W1P and believes a new watershed management plan for the area will be beneficial for stakeholders, the environment, and the economy. High Island offers these comments to clarify and improve the Draft 1W1P going forward.

High Island is a watershed district organized under Minn. Stat. Ch. 103D and manages the watershed of High Island Creek in Renville, Sibley, and McLeod Counties, which makes up a substantial portion of the planning area covered by the Draft 1W1P. The purpose of High Island is to “conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health and welfare *and* the provident use of the natural resources.” Minn. Stat. § 103D.201 subd. 1 (emphasis added). This includes, among other things, providing and conserving water for agricultural uses and repairing, improving, and managing drainage systems within the watershed district. Minn. Stat. § 103D.201 subd. 2. To that end, High Island is charged with managing many public drainage systems within its boundaries. Minn. Stat. § 103D.625.

As set forth below, there are areas of the Draft 1W1P that could be revised, clarified, and improved, particularly as the Draft 1W1P intersects with agricultural practices in the area. We hope that you consider and incorporate the comments below in a final plan.

Mr. Jack Bushman
September 27, 2022

I. The Policy and Purpose of the Draft 1W1P Should Recognize the Importance and Necessity of Agricultural Drainage

As noted in the Draft 1W1P, the Lower Minnesota River West watershed planning area covers nearly 500,000 acres (778 square miles) in Sibley, Nicollet, Renville, and McLeod Counties. (See Draft 1W1P, at ES-1–ES-2.) This area is “primarily agricultural” with over 85% of the land area used for crop farming or hay and pasture land. (See Draft 1W1P, at Table ES-1.)

The agricultural industry plays an incredibly important role in Minnesota generally and in the planning area in particular. For example, in 2020, agriculture and related industries were estimated to contribute \$37.1 billion in total value added to the state economy. (See 2020 Economic Contribution Study of Minnesota Agriculture and Forestry, at 1; *available at* <http://www.decision-innovation.com/webres/File/2020%20Economic%20Contribution%20Study%20of%20Minnesota%20Agriculture%20and%20Forestry.pdf>.) Crop production alone contribute \$8.7 billion to the state economy. (*Id.*) In Sibley and Renville counties, over 77 percent of all economic output comes from agriculture and related industries. (*Id.* at 19.) This contributes greatly to tax revenues in the state. Total state and local taxes generated through agricultural related industries for the affected counties are: \$24.2 million in Nicollet County; \$104.7 million in Sibley County, \$77.8 million in McLeod County, and \$38.5 million in Renville County.

Almost none of this could be possible without the substantial benefits provided by agricultural drainage. There are large networks of publicly maintained drainage systems throughout the planning area. These public systems provide outlets for networks of private drain tile and ditches throughout the region as well. The University of Minnesota recognizes the valuable benefits of agricultural drainage including: ensuring timely planting and other field processes, minimizing soil compaction, minimizing water stress on crops, higher yields, less variability, and improving the opportunity to employ some conservation practices. (Impact of Agricultural Drainage in Minnesota, <https://extension.umn.edu/agricultural-drainage/impact-agricultural-drainage-minnesota>, University of Minnesota Extension.) In addition, tile drainage can have the added benefit of increasing infiltration and thus a reduction in peak flows compared to surface drainage. (*Id.*)

With that in mind, High Island believes the 1W1P should include a separate issue statement addressing the benefits of agricultural drainage and the importance of properly managing agricultural drainage for the benefit of all stakeholders within the planning area. While the Draft 1W1P does criticize agricultural drainage throughout, it does not simultaneously recognize that the continued maintenance and improvement of drainage systems within the planning area is imperative and necessary for the long-term health and success of the area. Just as watersheds located in tourist-heavy areas must appropriately manage their water resources to allow tourism

Mr. Jack Bushman
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activities like fishing and watersports even with potential negative impacts, this planning area must manage its water resources to allow and promote agriculture which is the backbone of the entire economy in the area.

Further, the Draft 1W1P should be revised as appropriate to address the sometimes-competing nature of multiple goals within the Draft 1W1P, especially when it comes to artificial drainage. There are numerous statements throughout the Draft 1W1P that negatively characterize all drainage. It has been common lately for water plans to be used by regulating agencies and environmental groups as a means to interfere in or oppose drainage proceedings, by selectively picking phrases from these plans that would seem counter to the proposed project. Phrases like, “Drainage increases runoff volume” or “tiling increases runoff and negatively impacts water quality, flood risk, and ecology” paint with a broad and inaccurate brush. Often, the sentence can be more accurately phrased simply by adding the word “can”...as in “tiling can increase runoff.” Given the importance and benefits of drainage, the Draft 1W1P should not universally paint drainage as a harm to be eliminated.

While the 1W1P should be reviewed as a whole to address these concerns, we note the following statements that ought to be revised:

- 1) Page 2-12: Issue Statement: Changes to natural hydrologic systems, tiling of fields, and loss of flood storage can increase runoff and negatively impact water quality, flood risk, and ecology.
- 2) Page 2-12: Conversely, by restoring hydrologic function and ~~keeping precipitation and runoff on the landscape-increasing storage~~, the Partnership can minimize negative local and downstream impacts.
- 3) Page 2-12: Section 2.2.3 should note the effects of urban runoff and impacts of transportation infrastructure on hydrology.
- 4) Table 3-2 (PDF Page 64): ~~Limit the~~ Mitigate adverse impacts ~~of resulting from some drainage alterations~~ through promotion of drainage water management practice by landowners via education, outreach, and cost-share.
- 5) Table 3-2 (PDF Page 64): ~~Limit the adverse impacts of drainage alterations~~ Restore hydrology through the promotion of multipurpose drainage management projects and implementation of at least 10 multipurpose drainage projects over 10 years
- 6) Page 5-11: As part of their respective roles in overseeing the public drainage system, each drainage authority will seek to identify opportunities for hydrologic restoration in association with ~~ensure that~~ proposed modifications and improvements to public drainage systems ~~are~~-consistent with the goals of this Plan, including increased watershed storage.

II. Adequate Funding for Storage

Mr. Jack Bushman
September 27, 2022

The Draft 1W1P notes that water storage is an important goal, and High Island shares a desire to increase water storage within the watershed. Adding storage is often an important tool to offset some potential effects of improving agricultural drainage in other areas, can provide important water quality benefits, and can provide habitat for wildlife. However, the workplan suggested in the Draft 1W1P lists only \$100,000 to “implement water storage projects.” However, this amount is severely deficient to complete any water storage area of any meaning. A single water storage project could cost between \$250,000 and \$1,000,000. The amount allocated for water storage should likely exceed \$1-2 million.

Further, water storage should be noted as something that could be implemented by all of the counties acting as drainage authorities. Often adding storage features to drainage improvement projects is an important way to offset potential effects of increased drainage. Thus, water storage projects could be implemented by any of the counties when acting as drainage authorities.

Water storage projects can be included within other policy goal areas beyond erosion and sediment control. Water storage can serve to address many of the goal areas including degraded surface water quality, altered hydrology, excessive flooding, and threats to fish, wildlife, and habitat.

III. Remove Limiting Reference to Outlet BMPs.

The Draft 1W1P makes several references “outlet BMPs at tile systems” as a means of addressing altered hydrology. This is not the best way to approach the problem. Drain tile outlets are very often not the best place to attempt to restore hydrology. Often, the best storage locations or other BMP solutions are either well upstream or well downstream from the outlet. Making the solution this narrow is problematic. We recommend that both in the goals table and the implementation plan, that “outlet BMPs” be removed and replaced with “storage solutions and other hydrology restoration BMPs”

IV. Clarification of Lead LGUs

Table 5-4 of the Draft 1W1P lists a “Lead LGU” for each of the various implementation items. While we think having a “Lead” entity for each of these is important, there are some circumstances where High Island may wish to pursue one or more of the various implementation items over the course of the plan and may rely on the plan as a basis to move forward under Minn. Stat. § 103D.605 subd. 1, which allows a watershed district to complete projects identified in a watershed management plan. The Draft 1W1P should be revised to clarify that any of the implementation items may be pursued separately by an LGU and potentially be entitled to receive grant funding, even if that entity is not listed as the Lead LGU.

Mr. Jack Bushman
September 27, 2022

V. Conclusion

High Island values the opportunity to provide input both through the inclusion on the committee and through these written comments. We encourage the committee to consider and incorporate these comments in revising the Draft 1W1P. Please let us know if you have any questions, which you may direct through our attorney, Dean Zimmerli at 507-354-3111 or dzimmerli@gislason.com.

Sincerely,

/s/ Kevin Miller

Kevin Miller
President of High Island Creek Board of Managers

September 28, 2022

Jack Bushman
Sibley County Soil & Water Conservation District
112 5th Street, Box 161
Gaylord, MN 55334

RE: Lower Minnesota River West Comprehensive Watershed Management Plan: 60-day Comments

Dear Lower Minnesota River-West Comprehensive Watershed Planning Work Group:

BWSR staff have completed the 60-day review of the Lower Minnesota River-West Comprehensive Watershed Management Plan (Plan) draft, created through the One Watershed, One Plan program. This review and comment is based upon the submittal received via US Mail titled Lower Minnesota River West Comprehensive Watershed Management Plan 2023-2032.

We would like to thank the Planning Partnership for their participation in the One Watershed, One Plan planning initiative and willingness to participate in a multi-jurisdictional comprehensive planning exercise. The Planning Partnership should be commended for an inclusive planning process and coordination during this time of unprecedented upheaval. BWSR has the following comments upon review of the submitted draft Plan.

General comments

1. Implementation Item ID's and Goad ID's use the same labels to organize the tables, which leads to significant confusion. We recommend modifying the labels in one of the tables in order to avoid this confusion.

Plan Contact Requirements

Most of the plan content requirements are met, however there a few requirements that are not met. Specifically:

1. **Capital Improvement Program (CIP)**- Because a Watershed District is part of this planning initiative, a CIP is required to be included. A CIP is an itemized program for at least a five-year prospective period. A CIP sets forth the schedule, timing, and details of specific contemplated capital improvements by year. CIPs also describe estimated costs, the need for each improvement, financial sources, and the financial effect that the improvements will have on the local government unit or watershed management organization. While there is a Capital Improvement Program Section in the plan, it doesn't provide a list of projects. As the plan states that High Island Creek WD intends for this plan to serve as their watershed plan, any CIPs planned by the WD must be included in the plan.

2. **Permanent Protection-** There should be a section that describe opportunities for permanent land protection necessary to meet the resource needs and achieve the goals for the watershed.
3. **Measurable Goals-** Many of the measurable goals don't provide metrics which will make them difficult to measure. The implementation actions to achieve these goals is also vague. A significant number of the measurable goals contain the phrase "Up to" a given number. This "Up to" language leads to ambiguous goals which does not meet plan content requirements. For example, in Table 3-3 for Degraded Surface Water Quality, Bevens/Silver Creeks, the 10 year goal states "up to 110 lbs/year, 47 lbs/year in Bevens Creek and 33 lbs/ year in Silver Creek". This is essentially stating the 10 year goal is 0 lbs/year but you might get up to 110 lbs/year. If the intent is to have a goal of 110 lbs/year then remove the "up to" phrasing from the plan. This issue is a common issue throughout the measurable goals and must be corrected to meet plan content requirements. It is highly advisable to work with the steering team membership to ensure that these goals are reasonable to achieve during the life of the 10-year plan.
4. **Operation and Maintenance-**It is required to have a section that includes a description of who is responsible for inspection, operation and maintenance of capital projects, stormwater infrastructure, public works, facilities, and natural and artificial watercourses. Specify any new programs or reoperation visions to existing programs needed to accomplish the goals or that may benefit from watershed-wide collaboration.

-

We recommend that these plan content requirements be developed in consultation with the steering team and BWSR staff to ensure plan content requirements are met before conducting a public hearing and subsequent submission to the BWSR.

We would like to recognize the difficult work that the Planning Partnership has done throughout this planning process and thoughtfulness of its members for open conversation. We look forward to continuing to work with you through the rest of the plan development process and into future implementation. If you have any questions, please feel free to contact me at 507-766-9819, Jeremy.Maul@state.mn.us

Sincerely,

Jeremy Maul
Board Conservationist

Shaina Keseley

Shaina Keseley
Clean Water Specialist

Cc: Margaret Wagner, MDA (via email)
Jeff Berg, MDA (via email)
Barbara Weisman, DNR (via email)
Tim Gieseke, DNR (via email)
Garry Bennett, DNR (via email)
Carrie Raber, MDH (via email)
Amanda Strommer, MDH (via email)
Bryan Spindler, MPCA (via email)
Jeff.Risberg, MPCA (via email)
Ed Lenz, BWSR (via email)

Equal Opportunity Employer



South Region Headquarters
21371 State Highway 15
New Ulm, MN 56073

September 20, 2022

Jack Bushman
Sibley County Soil & Water Conservation District
112 5th Street, Box 161
Gaylord, MN 55334

Dear Mr. Bushman:

RE: Draft Lower Minnesota River West Comprehensive Watershed Management Plan

Thank you for the opportunity to review the draft Comprehensive Watershed Management Plan for the Lower Minnesota River West, received July 27, 2022. A well-thought-out plan builds a strong foundation for programs, projects and partnerships to address the most immediate water resource needs, and increase the effectiveness of the 1W1P Partnership's efforts in the face of new and evolving challenges.

The plan requires a high level of coordination between local governments and supporting state and federal agencies to be successful. An adequately coordinated plan and strategy promotes collaboration and generates better outcomes. Therefore, please continue to include the Department of Natural Resources (DNR) in early project coordination efforts.

Most of the DNR's priority concerns were addressed in the draft plan; however, we offer comments for your consideration (attached) about the nature of public drainage projects in relation to the goals of the watershed plan.

DNR is committed to providing the necessary information and resources to address and improve the high-priority issues described in the plan. We support implementing this plan and look forward to collaborating with you in the future. If you have any questions about these comments, please contact Area Hydrologist Garry Bennett at garry.bennett@state.mn.us or (320) 753-0344.

Best regards,

A handwritten signature in blue ink, appearing to read 'S. Roemhildt'.

Scott W. Roemhildt
DNR South Region Director

Enclosure: Attachment

cc: Korey Woodley, DNR R4 Regional Manager
Garry Bennett, DNR Area Hydrologist
Barbara Weisman, DNR Clean Water Coordinator
Jeremy Maul, BWSR Board Conservationist
Bryan Spindler, MPCA Project Manager
Margaret Wagner, MDA Unit Supervisor

Addressing drainage and hydrologic conditions:

In the September 1st, 2020, priority concerns letter, DNR commented that the watershed plan must influence public and private drainage. We noted that the cumulative effect of increased drainage is straining public infrastructure, contributing to stream channel erosion, and increasing the risk of flooding for homes and farmland.

Per statute requirements, the DNR is responsible for reviewing and commenting on drainage improvement projects' adherence to MN Statutes, including 103E.015, which involves environmental considerations and identifying alternative measures in locally adopted water management plans. It states, "This investigation shall include early coordination with applicable soil and water conservation district [SWCD] and county and watershed district water planning authorities about potential external sources of funding and technical assistance for these purposes and alternative measures. The drainage authority may request additional information about potential funding or technical assistance for these purposes and alternative measures from the executive director of the Board of Water and Soil Resources [BWSR]".

The DNR recognizes the importance of early coordination with the drainage authorities, drainage engineers and local conservation agencies. DNR also understands the complexity of achieving adequate drainage and mitigating the negative environmental consequences of increased drainage system capacity.

As a participant on BWSR's Drainage Work Group and their Drainage Management Team, the DNR is aware of and support those groups in their efforts to define an early coordination process and make it more consistent across counties. The DNR wants to take this opportunity to inform Sibley SWCD that identifying ways to develop and implement early coordination processes is aligned with current objectives.

Recent efforts by BWSR's Drainage Work Group and their Drainage Management Team is emphasizing early coordination. DNR supports this approach and welcomes earlier involvement with all interested stakeholders so a broader spectrum of alternative measures can be considered to better contribute to the goals of the 1W1P.

The plan addresses drainage and altered hydrology in several ways as listed below. The DNR offers additions or improvements in the following list.

Ways in which the draft plan addresses these concerns:

- The plan identifies the prevalence of agricultural drain tile systems throughout the planning area as a factor in widespread hydrologic alteration, which contributes to excessive near-channel and in-channel erosion, resulting in degraded surface water quality.
- As a goal, the plan seeks to minimize negative local and downstream impacts by restoring hydrologic function and keeping precipitation and runoff on the landscape.
- The 1W1P Partnership includes all drainage authorities except Renville County, and the plan states that, as part of their roles in overseeing the public drainage system, each drainage authority will seek to ensure that proposed modifications and improvements to public drainage systems are consistent with plan goals, including increased water storage.
- The plan states that projects affecting drainage systems can be implemented in ways that reduce or mitigate flooding and benefit landscape resilience and wildlife ecology. To that end, the Altered Hydrology and Drainage (AHD) measurable goals in Table 3-2 (AHD-4 and AHD-5) and the implementation schedule in Table 5-4 (AHD-6) say that Partners intend to have annual meetings with the drainage authorities to coordinate activities.
- The plan considers options to offset the impact of tiled drainage but also recognizes that the amount of drain tile within the planning area is likely to increase.

Suggested plan additions or improvements to Table 3-2, Measurable Goals and Table 5-4, Implementation Schedule:

- Consider revising the timeline of the AHD goals, or include a separate implementation action, to ensure that coordination occurs prior to project development and that early coordination includes DNR and other conservation agencies, whose staff can help identify alternative practices and mitigation strategies to minimize impacts and improve watershed health.
- Consider adding an action item under implementation item AHD-6 to also review the watershed plan with drainage authorities and reinforce its relation to drainage projects. This might also be an opportunity to assess whether drainage systems are in high-priority areas suitable for watershed plan implementation projects, per implementation item AHD-3.
- Historically, most drainage projects in the area, including public drainage system improvements, have not met the goals of this plan. While DNR is hopeful the watershed plan will influence future drainage projects, the options considered in the plan for offsetting tile drainage impacts may not be enough to produce measurable results. Consider seeking more robust and more specific commitments from the drainage authorities under measurable goals AHD-4 and AHD-5 to develop future projects with numeric goals, reduced project-design drainage coefficients, and water storage alternatives. For example, DNR recommends new drainage projects result in no net increase in total discharge and peak stage or, better still, reduce discharge contributions to the receiving waterbody. This could be accomplished by implementing the alternatives suggested in AHD-1 through AHD-8, either directly as part of the drainage project or through watershed plan BMP implementation.

As the watershed plan moves into the implementation stage, we urge the 1W1P Partnership to explore other tangible ways to connect the plan to drainage improvement projects. DNR is committed to working within the framework of the watershed plan to help identify alternative measures and mitigation strategies to develop drainage projects that also restore hydrologic function.



Protecting, Maintaining and Improving the Health of All Minnesotans

September 19, 2022

Jack Bushman
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Jeremy Maul
BWSR Board Conservationist
Civic Center Plaza, Suite 300
Mankato, MN 56001
Jeremy.Maul@state.mn.us

Dear Mr. Bushman and Mr. Maul,

Subject: Minnesota Department of Health Comments for the Lower Minnesota River West Watershed One Watershed One Plan - 60 Day Public Plan Review

The Minnesota Department of Health (MDH) Source Water Protection Unit appreciates the opportunity to review the draft Lower Minnesota River West Watershed One Watershed One Plan (1W1P). MDH commends the plan partners for including drinking water as a priority concern. Thank you for allowing MDH the opportunity to be part of the technical advisory committee and for incorporating our ideas and suggestions into the draft plan.

MDH comments to the draft plan include:

- *Section 2.1.1 Requests for Input and Initial Data Aggregation* (page 2-2): Consider adding the Lower Minnesota River West Groundwater Restoration and Protection Strategies (GRAPS) Report (MDH, 2021) in list of available documents.
- *Section 5.1.3 Education and Public Involvement* (page 5-6): Consider adding well testing and sealing to list of outreach event examples.
- *Section 5-Targeted Implementation Program, Table 5 -4*: Please add MDH and Cities as supporting entities for action GWS-1.
- MDH recommends adding a watershed wide implementation action for drinking water conservation such as "Provide education on water conservation practices that can be adopted in people's homes and businesses."

We commend the planning team for their work in developing the plan. If you have any questions please contact me (507) 476-4241 or via email at amanda.strommer@state.mn.us.

Sincerely,

A handwritten signature in cursive script that reads 'Amanda Strommer'.

Amanda Strommer, Principal Planner
Source Water Protection Unit, Minnesota Department of Health
1400 E. Lyon Street, Marshall, MN 56258

An equal opportunity employer.

CC via email: Mark Wettlaufer, Planning Supervisor, MDH Source Water Protection Unit
Carrie Raber, MDH Source Water Protection Unit
Shaina Keseley, BWSR Clean Water Specialist
Garry Bennett, DNR
Bryan Spindler, MPCA
Margaret Wagner, MDA
Jeff Berg, MDA

August 29, 2022

Joel Wurscher
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Jack Bushman
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RE: Lower Minnesota River West Comprehensive Watershed Management Plan - 60-day Review

Dear Joel and Jack:

The Minnesota Pollution Control Agency (MPCA) has reviewed the draft Lower Minnesota River West One Watershed, One Plan (Plan) dated July 2022, and we are providing the following comments as part of the official 60-Day review and comment period.

The MPCA appreciates the opportunity to provide input throughout the Plan development process. The MPCA offers the following comments as part of the official 60-day Review and Comment Period.

1. The planning effort was responsive to the MPCA's priorities, concerns, and comments throughout the effort. The Steering Committee has already incorporated many of MPCA's comments and revisions as part of the Plan. The MPCA is appreciative that the Watershed Approach documents (Monitoring and Assessment, Stressor Identification, Total Maximum Daily Loads [TMDLs] and Watershed Restoration and Protection Strategy [WRAPS]) were utilized in this process.
2. The MPCA appreciates that public participation and outreach are incorporated into the Plan. The MPCA suggests that tasks focusing on education and outreach be targeted to respective priority areas to coincide with reaching priority goals. Targeted work by the local government units (LGUs) on previous grants and projects resulted in increased program participation in priority areas. The MPCA also encourages local partners to continue discussions with landowners to gain insight into obstacles in addressing water quality issues.
3. The mainstem Minnesota River flowing through the Lower Minnesota Watershed HUC-8 represents contributions from all the HUC-8 watersheds upstream of the Lower Minnesota River Watershed West planning area. As such, the MPCA recommends that the Lower Minnesota River West work group communicates activities and collaborates with upstream and downstream watershed organizations where appropriate. This collaboration could be beneficial in helping to restore the mainstem Minnesota River and spark innovation in project ideas and cost-share.

Joel Wurscher
Jack Bushman
Page 2
August 29, 2022

4. The MPCA supports the Plan's emphasis on working to correct water quality impairments and protect high quality water resources. Further understanding of these conditions will be forthcoming as the MPCA and its partners complete a second round of monitoring and assessment, stressor identification, and WRAPS report updates. The planning for these updates will start in 2023.

Again, thank you for the opportunity to review and comment on the Plan. If we may be of further assistance, please communicate with our lead contact Bryan Spindler at 507-344-5267, at the MPCA's Mankato office.

Sincerely,

Bryan Spindler

This document has been electronically signed.

Bryan Spindler
Environmental Specialist
Watershed Division

BS:jdf