BOARD DECISION #26-21

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

In the Matter of the review of the Watershed Management Plan for the **Vermillion River Watershed Joint Powers Organization**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

ORDER APPROVING A WATERSHED MANAGEMENT PLAN

Whereas, the Board of Commissioners of the Vermillion River Watershed Joint Powers Organization (VRWJPO) submitted a Watershed Management Plan (Plan) on February 2, 2026, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Watershed Management Organization Establishment.** The Vermillion River Watershed Joint Powers Organization was established by a Joint Powers Agreement (JPA) between Scott and Dakota Counties in 2002 following the dissolution of the previous JPA-WMO in 2000. The first-generation Watershed Management Plan was approved by the Board in 2005.

2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current VRWJPO Watershed Management Plan was approved by Board Order on May 25, 2016. Three minor amendments were completed between 2019 and 2022.

3. **Nature of the Watershed.** The VRWJPO watershed encompasses approximately 335 square miles in Dakota and Scott Counties, with the majority in central Dakota County. The watershed is bordered by the Mississippi River on the northeast, the Cannon River Watershed on the east, the North Cannon River WMO on the south, the Scott County WMO on the west, and the Black Dog, Eagan-Inver Grove, and Lower Mississippi River WMOs on the northwest and north, respectively. The Vermillion River Watershed is unique to a large metropolitan area, boasting more than 50 miles of Minnesota Department of Natural Resources (DNR)-designated trout streams. The watershed also has several urban lakes, the largest of which is Lake Marion, a 530-acre lake in the City of Lakeville, as well as backwater lakes within the Mississippi River Valley. The watershed also has many areas with significant surface-groundwater interactions, including the Hastings Drinking Water Supply Management Area (DWSMA), which covers more than one-quarter of the watershed's area. Approximately 75% of the land within the watershed is agricultural, undeveloped, or preserved. While rapid growth over the next 20 years is projected to expand urban and industrial land use to nearly 40% of the watershed area, the dominant land use is anticipated to remain agricultural in nature.

4. **Plan Development and Review.** On April 3, 2023, the VRWJPO sent notification of planning process initiation for the 2026-2035 Watershed Management Plan to the plan review agencies and other parties as required by MR 8410.0045. The notification solicited each agency's priority issues and opportunities, water

management goals, and water resource data, reports, and other relevant information. The VRWJPO hosted an initial planning meeting and open house on October 12, 2023. Staff implemented a robust public engagement plan, including meetings with townships and municipalities, surveys, virtual and in-person opportunities, pop-up events, and displays at places like libraries and parks. The VRWJPO convened a Technical Advisory Group which met several times between February 2024 and July 2025. The VRWJPO also engaged in a series of meetings with the Community Advisory Committee and the VRWJPO Board to prioritize issues identified during the public outreach phase, develop goals, and create an implementation strategy for the Plan.

The draft Plan was submitted to the Board, review agencies, and local governments for 60-day review on August 28, 2025, pursuant to Minnesota Statutes Section 103B.231 Subd. 7. The VRWJPO prepared a written response to comments, which was sent to reviewers on December 4, 2025. A public hearing on the 60-day draft plan was held on January 22, 2026; no comments were received. The final draft Plan, including revisions based on 60-day comments, was released for agency review and submitted to the Board for approval on February 2, 2026.

5. **Local Review.** The VRWJPO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statues Section 103B.231 Subd. 7. The City of Apple Valley provided clarifications to the narrative and comments regarding continued partnership opportunities for items of interest to the City. The City of Rosemount provided comments regarding localized flooding, intercommunity discharge, collaboration, financial assistance, and local planning. They also submitted a list of typos and clarifications. Dakota County Environmental Services provided comments about soil health priorities/actions, groundwater quality and quantity, the timing of the VRWJPO's Climate Resiliency Plan, and narrative clarifications. Dakota County Transportation Department affirmed Plan alignment with the County's 2040 Transportation Plan. Scott County provided comments regarding prioritization and projects that address bacteria (E. coli). Comments were also provided by the Friends of the Mississippi River, focused on the prioritization of upland habitat and soil health practices. The VRWJPO provided responses to all comments and incorporated changes as they deemed appropriate.

6. **Metropolitan Council (Council) Review.** During the 60-day review, the Council commended the VRWJPO for thoughtful overview of the watershed as well as a comprehensive list of issues, goals, and strategies. The Council offered suggestions for the narrative, including groundwater quantity and quality impacts on baseflow and ecosystem function, irrigation water use, and climate adaptation actions. The Council also requested inclusion of criteria to measure implementation success. The VRWJPO responded to all comments and made changes as they deemed appropriate. During the 90-day review, the Council stated that their comments had been addressed and found the Plan to be consistent with Council policies and the Council's *Water Policy Plan*.

7. **Department of Agriculture (MDA) Review.** The MDA did not provide formal comment during the 60-day review. During the 90-day review, they commented that the Plan recognizes the need for continued adoption of agricultural best management practices and that it references groundwater protection work in the Hastings Drinking Water Supply Management Area (DWSMA). MDA also provided several reports and references to assist the VRWJPO with Plan implementation.

8. **Department of Health (MDH) Review.** During the 60-day review, MDH commended the VRWJPO for including chlorides in groundwater and private wells. They recommended stronger references to groundwater nitrate contamination and clarity around targeting and actions the VRWJPO would take to mitigate nitrate contamination, particularly in DWSMAs and with respect to soil health activities. They suggested a subwatershed map be added to the narrative as well as ensuring that goals were measurable and tied to implementation activities. They recommended clarifications to the narrative with respect to risk management from infiltration projects, drinking water sources across the watershed, bedrock aquifers, multiple benefits of implementation activities. MDH also provided several instances where they are willing

to collaborate on projects and/or provide more information regarding resources. The VRWJPO replied to all comments and made several changes to the narrative. During the 90-day review, MDH stated that many, but not all, of their comments were addressed. In particular, the narrative still lacked clarification with respect to the definition and background on DWSMAs, potential drinking water impacts from stormwater management practices and floodplain alterations, and multiple benefits of implementation activities.

9. **Department of Natural Resources (DNR) Review.** The DNR stated that the Plan was consistent with DNR goals and policies. They also emphasized that when projects or educational opportunities allowed, the VRWJPO should consider all aspects of watershed health such as upland vegetation and habitat, in conjunction with water quality and hydrology. The VRWJPO provided a response to comments. At the 90-day review, the DNR stated that they had no additional comments.

10. **Pollution Control Agency (PCA) Review.** During the 60-day review, the PCA commended the VRWJPO for including estimated pollution reductions for work completed over the past ten years and including some numeric reductions in the measurable outcomes table. They also suggested that additional quantifiable outcomes, where feasible, would better link to the activities in the implementation table, and provided suggestions to better connect the implementation actions, measurable outcomes, and priority areas in the Plan. The VRWJPO provided a response to comments. During the 90-day review, the PCA noted that they had no additional comments.

11. **Department of Transportation (DOT) Review.** The DOT did not provide formal comment.

12. **Board Review.** During the 60-day review, Board staff provided positive feedback on the engagement and issue prioritization process, the inclusion of climate change, resiliency and chloride pollution issues, providing some quantifiable pollution reductions in the implementation section, and for creating a well-organized and well-written Plan that utilized plain language. Board staff provided comments related to measurable goals and evaluation, local plan requirements, wetland management, and floodplain management to help bring the plan into conformance with Minnesota Statutes Sections 103B.201 to 103B.251 and Minnesota Rules 8410. Suggestions were made with respect to prioritizing water resources, differentiating between prioritized objectives and "topics of importance", subwatershed and major water resource maps, and clarifying measurable outcomes in relation to implementation actions. Staff also sent unofficial typographical, grammatical, and formatting comments. The VRWJPO provided responses for all comments and BWSR staff feel that the changes made to the Plan are sufficient to meet plan content requirements.

13. **Plan Summary.** The VRWJPO has identified six priority issue categories, including water quality, stormwater management, groundwater sustainability, climate resilience, natural environments, and community relationships. Each issue category has one or two issue statements, and the Plan sets 12 measurable goals to address these areas of concern along with prioritized objectives and project types (Topics of Importance) to help reach these goals. The Plan will build on previous success through the continuation of several activities and introduction of new activities, particularly those related to climate change and resiliency.

14. **Central Region Committee Meeting.** On April 6, 2026, the Board's Central Region Committee and staff met in St. Paul and online to review and discuss the final Plan. Those in attendance from the Board's committee were Joe Collins (in person), Jill Crafton (in person), Jayne Hager Dee (in person), Mark Zabel (in person), Mike Runk (in person), Lori Cox (online), Steve Robertson (online), Grant Wilson (online) and Heather Peterson (online). Board staff in attendance were Marcey Westrick (Central Regional Manager, in person) and Anne Sawyer (Board Conservationist, in person). Others in attendance included Kelly Perrine and Travis Theil (VRWJPO staff, in-person) who provided highlights of the Plan and process. After presentation and discussion, the committee recommended approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.

2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the VRWJPO pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The VRWJPO Watershed Management Plan, attached to this Order, defines the water and water-related problems within the VRWJPO's boundaries, possible solutions thereto, and an implementation program through 2036.

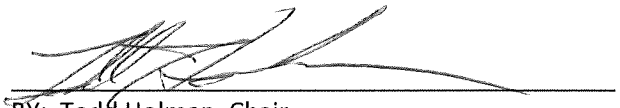
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Vermillion River Watershed Joint Powers Organization Watershed Management Plan submitted on February 2, 2026.

Dated at Saint Paul, Minnesota this 22nd day of April, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



BY: Todd Holman, Chair