

# Notice of availability and request for comments on draft Marsh River Watershed Watershed Restoration and Protection Strategies (WRAPS) Report and Total Maximum Daily Load (TMDL) Report

## General information

**Public comment period begins:** April 12, 2021

**Public comment period ends:** 4:30 p.m. on May 12, 2021

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The draft reports for the Marsh River Watershed are available for review on the Minnesota Pollution Control Agency (MPCA) draft/public noticed TMDL and WRAPS webpage at <https://www.pca.state.mn.us/water/total-maximum-daily-load-tmdl-projects>. Following the comment period, the MPCA will revise the reports and submit the final TMDL to the U.S. Environmental Protection Agency (EPA) for approval. Comments, petitions, and other requests must be received at the MPCA in writing on or before the public comment period end date and time identified above.

**Watershed:** 09020107 Marsh River Watershed

## Description of the Marsh River Watershed

Required by the federal Clean Water Act, a TMDL is a scientific study, conducted on waters assessed to be impaired, that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. The TMDL study is a process that identifies all the sources of the pollutant causing an impairment and quantifies necessary reductions among the sources.

The WRAPS report is required by the state Clean Water Legacy Act and uses TMDL and other information to develop strategies for addressing point and nonpoint pollution sources. The objective of the WRAPS process is to develop strategies to restore impaired waters in the Marsh River Watershed that have high levels of bacteria and sediment, low levels of dissolved oxygen, and stressors that cause poor fish and aquatic insect communities. The stressors that negatively impact some fish and aquatic insect communities are barriers to fish passage, altered stream flows, lack of physical habitat, high suspended sediment, and low dissolved oxygen. Some recommended restoration strategies include: re-meandering channelized stream reaches; creating water impoundments, which can reduce flooding, support stream flow, and improve water quality; stabilizing highly erodible banks; restoring wetlands; and, adding buffers and cover crops/perennial vegetation. The WRAPS report also provides strategies designed to protect the unimpaired waters from degradation; a protection strategy is to aim for no net increase in pollutants when undeveloped land is converted to developed land. This report is a collaborative effort between the MPCA, other state agencies, local government partners, and other stakeholders. Local government partners include those whose administrative boundaries overlap partially or completely with the area of the watershed (Norman, Clay, and East Polk Soil and Water Conservation Districts and the Wild Rice Watershed District).

Since most of the land cover in the watershed is agricultural row crop production, extensive alterations such as stream channelization and ditching have been made to promote water drainage. Stream habitat, water quality, and fish and aquatic insect communities have all been negatively impacted. Widespread changes in land use practices will need to occur to bring about significant improvement. Increased public understanding and interest in these conditions will be needed, since the vast majority of land in the watershed is privately owned and improvements will require a change in agricultural practices that are largely voluntary.

## Procedure for public participation

As stated in Minn. R. chs. 7000 and 7001, there are three formal procedures for public participation in the MPCA's consideration of this matter. Interested persons may:

- (1) Submit written comments on the draft reports.
- (2) Petition the MPCA to hold a public informational meeting.
- (3) Petition the MPCA to hold a contested case hearing.

## Submitting written comments

To submit comments or petitions to the MPCA through the mail or email must state:

- (1) Your interest in the draft TMDL or WRAPS reports.
- (2) The action you wish the MPCA to take, including specific references to the section of the draft report(s) you believe should be changed. It is important to clearly specify which of the two reports the comments pertain to since the reports will proceed along separate tracks for final approval.
- (3) The reason(s) supporting your position, stated with sufficient specificity as to allow the MPCA to investigate the merits of the position.

## Public informational meeting

A public informational meeting is an informal meeting during which interested persons can ask questions concerning the proposed project. The MPCA staff will be present to provide information. If an interested person would like the MPCA to hold a public informational meeting, the person should include all information identified above and in addition include a statement of the reasons the person desires the MPCA to hold a public informational meeting and the issues that the person would like the agency to address at the public informational meeting.

## Contested case hearing

A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. As described in Minn. R. 7000.1800, persons who submit petitions for a contested case hearing must also state the issues they propose to address in a contested case hearing, the specific relief requested or resolution of the matter, and the reasons (which may be in the form of proposed findings) supporting an MPCA decision to hold a contested case hearing. Failure to comply with these rules exactly may result in a denial of the request. To the extent known, the petitioner may also submit a list of prospective witnesses to be called at a hearing, a proposed list of publications, references, or studies to be introduced at a hearing and the approximate time required for the petitioner to present the matter at a hearing. The decision whether to hold a contested case hearing will be made under Minn. R. 7000.1900.