

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, MARCH 22, 2023**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Neil Peterson, Rich Sve, Gerald Van Amburg, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ronald Staples, Mark Zabel, Katrina Kessler, MPCA; Thom Petersen, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

John Bilotta, University of Minnesota Extension; Carly Johnson

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Julie Westerlund, Doug Goodrich, Jason Beckler, Jeremy Maul, Ed Lenz, Adam Beilke, Lucy Dahl, Jeremy Olson; Lisa Sweep, Brad Leibfried, Alan Ritchie, Ann Sawyer, Craig Engwall, Dave Weirens, Shaina Keseley, Ryan Hughes, Melissa King, Erin Loeffler

OTHERS PRESENT:

Jeff Berg, MDA; Brian Martinson, AMC; Jan Voit, MAWD; Nicole Bernd, MACD, LeAnn Buck, MASWCD; Troy Daniell, NRCS; Amanda Gentry, Ashley Brenke, Dave Craigmile, Jack Bushman, Keith Mykleseth, Langer Skip, Melanie Bomier, Mitch Enderson, Quintin Peterson, R.C. Boheim, Sarah Soderholm, Tom Apple, Trudy Hastad, Daniel Wermager, Kerry Netzke, Blake Honetschlager

Chair Gerald VanAmburg called the meeting to order at 9:03 AM

PLEDGE OF ALLEGIANCE

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23-10 **ADOPTION OF AGENDA** - Moved by LeRoy Ose, seconded by Ted Winter, to adopt the agenda as presented. *Motion passed on a roll call vote.*

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23-11 **MINUTES OF JANUARY 25, 2023 BOARD MEETING** – Moved by Jayne Hager Dee, seconded by Todd Holman, to approve the minutes of January 25, 2023, as circulated. *Motion passed on a roll call vote.*

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Jeremy Olson introduced Renee Sutton, Contracts Accountant and Lisa Sweep, Accounting Technician. Lucy Dahl introduced Brad Leibfried, Easement Acquisition Specialist and Alan Ritchie, Easement Acquisition Specialist.

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg reported the EQB met March 15, 2023. Catherine Neuschler has been appointed as the new EQB Executive Director. A process update from consultants regarding the Environmental Review Program was given at the meeting.

Chair Van Amburg announced his term serving on the board is ending soon and thanked BWSR staff and board members for their work.

John Jaschke thanked Chair Van Amburg for his many years serving as a member and chair of the board.

Executive Director's Report - John Jaschke reported the legislative session is underway and moving at a rapid pace. There have been several policy bills introduced, they've had hearings on legacy bills and budget bills. All bills will be heard by the April 4th deadline.

Stated they're working with federal agencies to bring in federal dollars from the Inflation Reduction Act. They're also working on moving climate smart pieces along via the USDA Secretary of Ag. Stated Justin Hanson and Tom Gile are in Washington DC working on the Federal Farm Bill with others at a national gathering of conservation districts.

John provided an update on the Strategic Plan update process, the last update took place in 2017. They have contracted a consultant (Anne Carroll) who will be the project lead. A Process Steering Team is being created to guide the overall process and Joe Collins will represent the Board. If there are any questions or comments you can contact Joe Collins or Jenny Gieseke.

John reviewed the Day of Packet that included the Drainage Work Group Report, summary material on the 1W1P Program, an updated board order for Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan, and Snapshots articles. Noted an electronic version of the expense form is located on the BWSR website.

Chair Van Amburg reminded board members to complete the Executive Director evaluation by Monday.

Audit and Oversight Committee – Joe Collins reported the committee has not met.

Dispute Resolution and Compliance Report – Travis Germundson reported there are presently nine appeals pending. There have been two new appeals filed since the last report.

File 23-2 is an appeal of a Buffer Administrative Penalty Order in Pope County. The APO regards the placement of a 50' buffer or implementation of an approved alternative practice. The petition claims that public watercourse was improperly classified. No decision has been made on the appeal.

File 23-1 is an appeal of a WCA Restoration Order in Olmsted County. The appeal regards the impact of approximately 6,000 sq. ft. of wetland associated with a parking lot expansion project. No decision has been made on the appeal.

Travis gave a Buffer Compliance Status update. Stated 76 parcels have been resolved since the last report.

Travis thanked Chair Van Amburg for his service.

Grants Program & Policy Committee – Todd Holman reported there is an action item on the agenda for today. Stated the committee has been working on watershed-based implementation fund formula considerations by adding in groundwater. The next scheduled meeting is March 27th and will have a joint session with the Water Management Strategic Planning Committee.

RIM Reserve Committee – Jayne Hager Dee reported they are meeting April 14, 2023 and will be bringing items to the April Board meeting.

Stated they have been working on new RIM rates and that have been presented to the districts.

Water Management & Strategic Planning Committee – Joe Collins reported they met in February and had an informational meeting where they discussed procedures to amend the 1W1P. Also had a discussion on how climate change can be considered in the 1W1Ps. Stated they are having a joint meeting on Monday with the Grants Program and Policy Committee.

Wetland Conservation Committee – Jill Crafton reported they have not met.

Buffers, Soils & Drainage Committee – Mark Zabel reported they are tentatively planning a meeting in April, no date has been set.

Drainage Work Group (DWG) – Neil Peterson reported the committee met. Stated the drainage registry portal is with the legislature now, it does not have DWG consensus. Ag Groups and County Associations are opposed to this. It was laid over in the House omnibus bill for consideration.

Commissioner Staples stated one of the topics was that DNR is going to bring back early notification in their legislation. People on the committee thought the portal should wait until this is done as it might take care of the issue.

John Jaschke stated there was a hearing in the House on the registry portal bill with several testifiers including AMC and Minnesota Watersheds.

Commissioner Strommen stated their early coordination proposal came forward. Will help with communication and build relationships. Stated they are not pursuing any legislation at this time.

Ted Winter asked what the portal is. Commissioner Staples stated the portal keeps track of and would provide public notice of drainage projects. John Jaschke stated they are still working on the details.

Jill Crafton stated the Watershed Districts associated with drainage authorities are not resistant to putting out a good process, they would like it done well, and would like everyone to get a voice at the table.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported they have two different programs that are newer, the Soil Health Equipment Grant and Developing Markets for Continuous Living Cover Crops.

Jill Crafton asked if crimpers were equipment that was asked for in the Soil Health Equipment Grant. Commissioner Petersen stated they received requests for crimpers.

Ted Winter asked if there is a cap on the amount of money they can receive. Commissioner Peterson stated there is a cap.

Minnesota Department of Health – Steve Robertson reported the EPA has issued its draft national drinking standards for PFAS and new proposed MCLs. They also proposed a hazard index approach for another four PFAS compounds. There will be a review and comment period over the next several months.

Activity going on at legislature, they are hoping for bonding funding to support infrastructure work to help get lead service lines replaced.

Steve stated they have funding through the Groundwater Restoration and Protection Strategies Program for Accelerated Implementation Grants. They are designed for SWCDs, Watershed Districts, and other local partners to build capacity relative to groundwater. Grants are open until April 7th.

On April 27th the Minnesota Ground Water Association is convening their spring conference with a subject of Public Water Systems and will include a virtual tour of public water systems.

Jill Crafton stated she participated in an EPA webinar about PFAS and testing what's showing up in the food system. They tested and scored things throughout the world coming to grocery stores including the Great Lakes that had a higher score. Jill asked if they are working with other states within the Great Lake Basin to come up with something more uniform or asked if it's more of a state-by-state approach. Steve stated EPA has the authority of drinking water standards and Minnesota is developing additional health base guidance to supplement that work. Commissioner Kessler stated works needs to be done at a local, state, and national level. Joe Collins asked if the government is doing anything to prohibit the PFAS from being made. Commissioner Kessler stated bills are being discussed.

Minnesota Department of Natural Resources – Sarah Strommen reported they are working on legislative items. They have a budget package in front of the legislature and are hopeful their conservation network and outdoor recreation network is ready to serve Minnesotan's. Stated they are watching for spring flooding. Stated with climate change she signed an extreme weather extension for timber permits and noted it's the third time in three years she's needed to sign one.

Minnesota Extension – No report was provided.

Minnesota Pollution Control Agency – Katrina Kessler reported there is a PFAS press conference at the capitol tomorrow with Dept. of Health. Celebrated Ag Day with Commissioner Petersen and Commissioner Strommen.

Stated MPCA in partnership with Commerce released a summary accounting of greenhouse gas emissions from Minnesota. Transportation remains the number one source of emissions but have seen decreases, land use is the second largest source of emissions, and energy generation is the third.

Jayne Hager Dee asked what the attendance was like at the Ag-Urban Partnership Forum that took place March 1st. Commissioner Kessler stated they had a smaller turn out due to the weather, about 100 people attended. Stated they had good discussions and will be sharing their learnings. Jill Crafton asked if any information from the meeting could be shared. Commissioner Kessler stated she will follow-up with information.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported AMC hosted its legislative conference virtually due to the weather. Stated they are giving attention to several issues at Legislature, particularly the budget. Thanked administration for putting together good budget recommendations. Stated they had some requests that weren't part of the agency initiatives for County Ag inspectors in the work they do in the Noxious Weed Program along with additional money for the County SCORE Grants.

Brian stated a consensus was not reached on the Drainage Registry Portal and plan to begin on early coordination this summer.

Minnesota Association of Conservation District Employees – No report was provided.

Minnesota Association of Soil & Water Conservation Districts – No report was provided.

Minnesota Association of Townships – Eunice Biel reported Township Day was March 14th where they also held their township officer elections. Spring training courses will be offered to township officers. Stated they will be putting out bids for materials to repair roads.

Minnesota Watersheds – Jan Voit reported on February 14th they met with John Jaschke, and Justin Hanson discussing issues from the past and appreciated the time they had together. Also stated when the Board considers programs and policies those will be routed through Jan before the board acts so input can be given from their administrators and provide it to the Board. Stated she has been meeting monthly with Justin Hanson and that has been great.

They held their legislative event on February 15th and thanked John Jaschke, Justin Hanson, and Tom Gile for providing updates to their members. Their new name Minnesota Watersheds was officially adopted on February 15th at their special meeting of their membership. They launched their new website on February 17th.

Jan has been working with their lobbyist Ray Bohn, AMC, and with the Red River Watershed Management Board to inform their members about the Drainage Registry Portal.

Jan appreciated the opportunity to provide input for the upcoming BWSR Academy. They are working on updating their handbook to not just include Watershed Districts but also to Watershed Management Organizations and appreciates BWSR staff who've helped.

Working on their Summer Tour which will be June 20-22nd in Albert Lea. The hosts will be Shell Rock River Watershed District and Cedar River and Turtle Creek Watershed Districts.

Natural Resources Conservation Service – No report was provided.

Chair Van Amburg called a recessed at 10:35 a.m. and called the meeting back to order at 10:50 a.m.

OLD BUSINESS

Historical Context: Tribes – Melissa King and Craig Engwall presented Historical Context: Tribes

As part of continuous learning, a summary was shared of historical events that have shaped and impacted Tribal Nations in Minnesota. Also, an overview of agency responsibilities under Minn. Stat. §10.65 Government-to-Government Relationship with Tribal Governments was provided.

Joe Collins asked Melissa as a Tribal Nation Member, what she thinks good conservation practices are that need to be supported by the State. Melissa stated the needs and priorities vary across the bands.

Chair Van Amburg asked if this material is going to be available to read. Melissa said they are looking to have some candid conversations and could look at making it available.

Mark Zabel asked if any of the tribal governments have chosen to regulate Wetland Conservation Act (WCA) through their process. John Jaschke stated that the statute does not address tribal governance. Stated they can accept Sec. 401 authority under the Federal Clean Water Act that is exercised jointly with MPCA.

Jill Crafton asked if they'll have access to Melissa and Craig's contact information. They are listed in the staff directory and will have their contact information sent out.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

2023 Request for Proposals for One Watershed, One Plan Planning Grants – Julie Westerlund 2023 Request for Proposals for One Watershed, One Plan Planning Grants.

This is the seventh year BWSR is offering planning grants. The RFP has evolved over time to encourage more discussion among prospective planning groups during proposal development and to refine BWSR selection criteria. Relative to the 2022 RFP, only the dates changed for the 2023 RFP. This grant program operates under the policy updated by the by the Board in December 2022.

Ted Winter asked how many plans are left. Julie stated there are 60 total boundaries and 54 are in process or approved with six boundaries remaining.

Julie Westerlund thanked Chair Van Amburg for his work.

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23-12

Moved by Ted Winter, seconded by Joe Collins, to approve the 2023 Request for Proposals for One Watershed, One Plan Planning Grants. ***Motion passed on a roll call vote.***

Northern Region Committee

St. Louis River Comprehensive Watershed Management Plan – Rich Sve presented St. Louis River Comprehensive Watershed Management Plan.

The St. Louis River watershed was selected by BWSR as one of the planning areas for the One Watershed, One Plan program in 2020. The watershed partnership Policy Committee and Advisory Committee members have attended regularly scheduled meetings and submitted the St. Louis River Watershed Comprehensive Watershed Management Plan to BWSR on January 12, 2023, for review and approval. The Northern Regional Committee met on March 1, 2023, to review the content of the Plan, State agency comments on the Plan, and to make a recommendation. The Committee recommends approval of the submitted Plan by the full Board.

Joe Collins commented this plan had a unique way of including climate change to uncover potential overlooked opportunities.

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23-13 Moved by Rich Sve, seconded by Neil Peterson, to approve the St. Louis River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Southern Region Committee

Des Moines River Watershed Comprehensive Watershed Management Plan – Ted Winter and Doug Goodrich presented Des Moines River Watershed Comprehensive Watershed Management Plan.

The Des Moines River Watershed was selected by BWSR as one of the seven planning areas for the One Watershed, One Plan program in 2020. The watershed partnership Policy Committee, Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and submitted the Des Moines River Watershed Comprehensive Watershed Management Plan to BWSR on January 6, 2023 for review and approval. The Southern Regional Committee (Committee) met on March 13, 2023 to review the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Jayne Hager Dee asked if they had any interface with the State of Iowa. Doug stated there is an ongoing relationship with Iowa.

Commissioner Petersen left the meeting at 11:52 a.m.

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23-14 Moved by Neil Peterson, seconded by Mark Zabel, to approve the Des Moines River Watershed Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan – Ted Winter and Jason Beckler presented Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan.

Lac qui Parle – Yellow Bank watershed was selected by BWSR for the One Watershed, One Plan program in 2021. The watershed partnership Policy Committee, Advisory Committee, and Steering Team members have attended regularly scheduled meetings and submitted the Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan to BWSR on January 6, 2023, for review and approval. The Southern Regional Committee met on March 13, 2023, to review the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval of the submitted Plan by the full Board.

John Jaschke confirmed with Jason the order is approving both the plan and making the boundary adjustment.

Jill Crafton asked if there will be a database for information to be pulled into or how it will work with the Department of Ag helping the monitoring of groundwater. Jason stated he is not sure how the Department of Ag is storing that information. Stated they keep records and are going to try and retrofit some of this tracking into what they're doing now. Jason stated they'll adapt and build upon anything if they need to. Jill stated she thought this plan was good and brings in more accountability.

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23-15 Moved by Rich Sve, seconded by LeRoy Ose, to approve the Lac qui Parle – Yellow Bank Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Lower Minnesota River West Comprehensive Watershed Management Plan – Ted Winter, Jeremy Maul, and Ed Lenz presented Lower Minnesota River West Comprehensive Watershed Management Plan.

The Lower Minnesota River West was selected by BWSR for a One Watershed, One Plan Planning Grant in August of 2019. The Partnership established a Memorandum of Agreement in the spring of 2020 for the purposes of watershed planning. Planning was initiated on June 6, 2020 via notification to designated Plan review authorities. The Partnership has followed One Watershed, One Plan Operating Procedures and the Policy Committee, Technical Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the Lower Minnesota River West Comprehensive Watershed Management Plan (Plan) to BWSR on December 28, 2022 for review and approval. The Southern Regional Committee (Committee) met on March 13, 2023 to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Mark Zabel commented the cut out of area for Bevens Creek which flows into Carver County would be a fringe area to the Seven-County Metropolitan Area where they do surface water management planning under a different part of the statute and that Greater Minnesota is under 1W1P.

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23-16 Moved by Mark Zabel, seconded by Jayne Hager Dee, to approve the Lower Minnesota River West Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Mississippi River – Winona/La Crescent Comprehensive Watershed Management Plan – Ted Winter and Adam Beilke presented Mississippi River – Winona/La Crescent Comprehensive Watershed Management Plan.

The WinLaC Partnership was selected by BWSR for a One Watershed One Plan (1W1P) Planning Grant in August of 2020. The Partnership established a Memorandum of Agreement on February 17, 2021 for the purposes of watershed planning. Planning was initiated on March 9, 2021 via notification to designated plan review authorities. The Partnership has followed 1W1P Operating Procedures and the Policy Committee, Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the WinLaC Plan to BWSR on March 3, 2023 for review and approval. The Southern Regional Committee (Committee) met on March 13, 2023 to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Jayne Hager Dee noted the city of Winona participated.

Joe Collins stated as he reads plans, he recognizes the value of cold water for trout and making those changes affects the temperatures of the waters in the streams.

John Jaschke stated there is a proposal at legislature for the response process for fish kills with MPCA, DNR, Department of Ag, and MDH in some instances also involved.

Mark Zabel asked if the plan does any actions addressing low flow critical period. Adam stated during the 60-day comment period they received responses from the DNR and MPCA regarding the issue. An action item was added to meet yearly with stakeholders, agencies, and local staff to discuss fish incidents and what can be done to help prevent those and providing more tools.

Ted Winter stated we're going to start seeing winter fish kill.

Commissioner Strommen stated the different root causes of winter kill and fish kill.

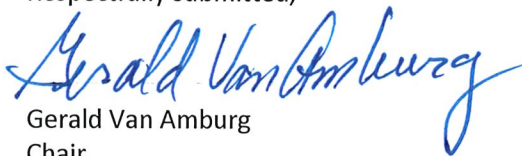
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23-17 Moved by Ted Winter, seconded by Todd Holman, to approve the Mississippi River – Winona/La Crescent Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Water Management and Strategic Planning Committee is scheduled for 8:30 a.m. March 27, 2023, in St. Paul and MS Teams.
- Joint Grants Program and Policy Committee and Water Management and Strategic Planning Committee is scheduled for 9:00 a.m. March 27, 2023, in St. Paul and MS Teams.
- Grants Program and Policy Committee is scheduled for 10:15 a.m. March 27, 2023, in St. Paul and by MS Teams.
- Central Region Committee is scheduled for 2:30 p.m. on April 6, 2023, in St. Paul and by MS Teams.
- RIM Committee is scheduled for 10:00 a.m. April 14, 2023, in St. Paul and by MS Teams.
- BWSR meeting is scheduled for 9:00 a.m., April 26, 2023, in St. Paul and by MS Teams.

Chair VanAmburg adjourned the meeting at 12:27 PM

Respectfully submitted,


Gerald Van Amburg
Chair