

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
LOWER-LEVEL BOARD ROOM  
ST. PAUL, MN 55155  
WEDNESDAY, MAY 24, 2023**

**BOARD MEMBERS PRESENT:**

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Rich Sve, Gerald Van Amburg, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ronald Staples, Mark Zabel, Katrina Kessler, MPCA; Jeff Berg, MDA; Steve Robertson, MDH; Katie Smith, DNR

**BOARD MEMBERS ABSENT:**

Joel Larson, University of Minnesota Extension; Neil Peterson, Carly Johnson

**STAFF PRESENT:**

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Henry Van Offelen, Chad Severts, Andrea Fish, Craig Engwall, Marcey Westrick

**OTHERS PRESENT:**

Jeff Berg, MDA; Mike Schultz, MACD; LeAnn Buck, MASWCD; Troy Daniell, NRCS; Mike Hirst, Keith Mykleseth, Jamie Beyer

**Chair Gerald VanAmburg called the meeting to order at 9:00 AM**

**PLEDGE OF ALLEGIANCE**

Jill Crafton requested to add the Rock County Soil and Water Conservation District Tracking Tool Grant item back on the agenda for discussion. John Jaschke suggested discussion take place during the Committee update.

**\*\* 23-30 ADOPTION OF AGENDA** - Moved by Kurt Beckstrom, seconded by Joe Collins, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

**\*\* 23-31 MINUTES OF APRIL 26, 2023 BOARD MEETING** – Moved by Joe Collins, seconded by Kurt Beckstrom, to approve the minutes of April 26, 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**

Tom Gile introduced Laura DeBeer, Southern Region Buffer and Soil Loss Specialist and Ethan Dahl, Northern Region Buffer and Soil Loss Specialist

**ADMINISTRATIVE ITEM**

Andrea Fish, Assistant Director for Strategy and Operations and Mike Nelson, Legislative Coordinator provided a 2023 Legislative Summary Overview.

Jill Crafton asked if the Tribal Liaison position will be working with the DNR Tribal Liaison. John Jaschke stated each agency has a Tribal Liaison and that they work together with MIAC and others. Jill stated she is appreciative of what came out of the Tax Committee with the increasing capacity funding for outstate watershed districts. Jill asked if the bonding money would help wetland replacement and if we could get some feedback on how the money is spent. John stated the new funding items will be brought to the respective committees and then to the board.

Kelly Kirkpatrick asked if they could speak more on the Climate Habitat Friendly Utilities Initiative. Andrea Fish stated the goal is for solar arrays and utility corridors to provide pollinator habitat through a grant and technical assistance process. John Jaschke stated a presentation can be provided to the board when more details are ready. Jill Crafton stated it would be nice to hear from Xcel Energy on what they're doing.

Chair Van Amburg noted it was decided that the Environment and Natural Resources Trust Fund will be brought to a ballot vote for renewal next year.

John stated that the Governor is signing several bills today at an event on the Capitol steps.

**REPORTS**

**Chair & Administrative Advisory Committee** – Chair Gerald Van Amburg reported EQB met last Wednesday. Stated the board received an update on the role of EQB in permitting genetically engineered organisms. The board heard an update from staff and consultants on the continuous improvement efforts for the Environmental Review Program. Stated the Administrative Advisory Committee met on May 15<sup>th</sup> to update the Per Diem Policy and the Bylaws on the agenda today.

**Executive Director's Report** - John Jaschke reported the process for the Strategic Plan input is underway; members will be contacted to schedule a meeting. Stated Patty Sweep HR Director has been delegated authorities by MMB.

John reviewed the Day of Packet that included Snap Shots, the Per Diem Policy and Bylaws with track changes versions.

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

**Dispute Resolution and Compliance Report** – Rich Sve reported the committee has not met. Travis Germundson reported there are presently four appeals pending. There have been no new appeals filed since last report. Travis noted that two of the previous decisions on restoration orders involving a landowner in Ottertail County has recently been appealed to the Court of Appeals under Statute 14.63. That involves the denial of their applications that were submitted to the LGUs. The appeals were placed in abeyance for the LGUs to decide on a no loss and exemption application. Those applications were denied by the LGU and notice was sent out electronically. Those two restoration orders were denied by BWSR since no additional information was submitted. There was no appeal of the LGUs decisions. The grounds for the petition for appeal is that BWSR improperly denied the petitioners appeals because the LGUs decisions were not properly noticed. Stated it will take about 8 months until a decision has been made.

Travis gave a Buffer Compliance Status Update.

**Grants Program & Policy Committee** – Todd Holman reported the committee met and the Rock County Soil and Water Conservation District Tracking Tool Grant item was tabled. Committee had questions and thought it warranted more discussion.

Jill Crafton stated it would be nice if someone from Rock County would have been there to speak on the importance of it and would have liked to have been in the conversations earlier.

Kelly Kirkpatrick asked why the item was tabled instead of moved to a certain date so they could get the components pulled together. Todd Holman stated the next meeting is scheduled for June 26<sup>th</sup> where the item will be brought back.

LeRoy Ose stated he didn't see a reason to table it.

Mark Zabel stated they wanted to have it be more specific that this was a developing model and a one-time funded project that others could incorporate and develop for their own use.

**RIM Reserve Committee** – Jayne Hager Dee reported the committee has not met.

**Water Management & Strategic Planning Committee** – Joe Collins reported the committee has not met.

**Wetland Conservation Committee** – Jill Crafton reported the committee has not met. At the last workshop it was stated there was going to be opportunities for input on what's being developed with Wetland Conservation Act (WCA) Rules. Jill would like to see more outreach be done.

**Buffers, Soils & Drainage Committee** – Mark Zabel reported the committee met on May 3<sup>rd</sup> in St. Cloud. There was a discussion around Multipurpose Drainage Management in particular its delivery to entities

that would use those funds and implement programs. They also talked about the relationship between the Buffer Soils and Drainage Committee and the Drainage Work Group and how they communicate and interact with the Drainage Authorities.

Tom Gile stated they brought the Multipurpose Drainage Management program to the committee to start conversations early.

**Drainage Work Group (DWG)** – Tom Gile reported the work group has not met and is planning to meet in June. The drainage registry portal that was proposed in the legislative session was not passed. The Legislature gave the work group a directive to work on notice requirements including the concepts of the drainage registry portal and to continue conversations on outlet adequacy.

#### **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Jeff Berg reported Commissioner Petersen is at the Governor’s bill signing. Stated they received \$7 million in funding for Forever Green, \$5 million in funding for soil health equipment, and \$9 million in funding for BMP loans. Through the CWF they received \$3 million to put towards Ag weather stations. They also received \$7 million for the Minnesota Ag Water Quality Certification Program. They will have funding for a new Climate Coordinator position.

**Minnesota Department of Health** – Steve Robertson reported the Legacy bill was signed with support for several key health department initiatives related to water. There will be support for private well testing. They received support to establish a beach monitoring portal to see if the places to go swimming are safe. Received a safe drinking water plan that is broad enough to encompass both public water systems and private well owners and users. Stated there is an increase in support for the Contaminants of Emerging Concern Program. There is support for lead service line work that includes a state match for federal dollars. Stated they have been interested in trying to advance solar installations and drinking water supply management areas.

Jill Crafton asked if there will be money to look at septic systems that are leaking or contaminating creeks etc. Steve stated there would have to be a concern with the drinking water. John Jaschke stated the Nutrient Reduction Strategy with the MPCA is being updated and is a statewide plan that has a potential cross connection.

Kelly Kirkpatrick stated she thinks the drinking water piece is key and there is much more we can do.

**Minnesota Department of Natural Resources** – Katie Smith reported significant investments in their water resource work. Received one-time general fund dollars as well as some increased permit fees in the areas of public water works with increased surcharges on water usage fees for water appropriation work. Stated they will be adding a Drainage Coordinator position to better assist with early coordination work. They will receive a portion of the increased water recreation fees that will be utilized for their water programs. They received \$10 million toward DNR managed lands to improve outdoor recreation and fish and wildlife habitat. They received \$1.7 million for invasive carp prevention and management. Stated DNR was given new enforcement authority.

Jill Crafton stated she would like to continue to have conversations with DNR on the Navigation and Ecosystem Sustainability Plan (NESP).

Steve Robertson asked with the additional enforcement authority they were given, if it’s for violations on the appropriations front alone or if its broader. Katie stated it is broader.

**Minnesota Extension** – No report was provided.

**Minnesota Pollution Control Agency** – Katrina Kessler reported she was at the Governor’s bill signing this morning. Pleased with the outcome of the Environment Natural Resource Climate bills. Stated there is \$100 million in climate resiliency grants coming to the agency. A ban on PFAS was passed. Stated they can now integrate environmental justice into the programs of the agency.

#### **ADVISORY COMMENTS**

**Association of Minnesota Counties** – No report provided.

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

**Minnesota Association of Soil & Water Conservation Districts** – LeAnn Buck reported SWCD Aid was achieved at Legislature. Stated that it’s not new money but new general fund revenue. \$79 million for watershed-based implementation funding was included in the CWF appropriations. Stated their Board of Directors supports the tracking tool. They are also supportive of the SWCD Erosion Control and Water Quality Program statutory changes. LeAnn stated they will continue looking at how to leverage federal dollars.

**Minnesota Association of Townships** – Eunice Biel reported the Township Tuesday call is on the first and third Tuesday of the month. There was a webinar May 22<sup>nd</sup> on USDOT grants. Minnesota Association of Township Town Law Review will be held June 14<sup>th</sup>. June 1<sup>st</sup> is the scholarship application deadline from Minnesota Association of Townships. Eunice shared Township 101 information.

**Minnesota Watersheds** – Jan Voit was unable to attend the meeting today. John stated their Summer Tour is in June and if any board members would like to attend to let Rachel know and she’ll work on registration.

**Natural Resources Conservation Service** – John Jaschke stated he met with LeAnn Buck and Troy Daniell where they spent time discussing the pathways available with the Inflation Reduction Act funding. Stated it was announced that the RCPP Regional Conservation Partnership Program application period started and is the first since the Federal Inflation Reduction Act was passed.

Chair Van Amburg called a recess at 10:55 a.m. and called the meeting back to order at 11:06 a.m.

#### **COMMITTEE RECOMMENDATIONS**

##### **Northern Region Committee**

**Rainy-Rapid Comprehensive Watershed Management Plan** – LeRoy Ose and Chad Severts presented Rainy-Rapid Comprehensive Watershed Management Plan.

The Rainy-Rapid Watershed Planning Partnership was approved for a One Watershed, One Plan planning grant in August of 2021 and established a Memorandum of Agreement between the planning partners for the purposes of writing a Comprehensive Watershed Management Plan in September of 2021. The partners include Lake of the Woods County and the Lake of the Woods Soil and Water Conservation District (SWCD).

The partnership held a 60-day review process that ended on March 24, 2023, and the required public hearing on April 11, 2023. The final draft of the updated Plan, a record of the public hearing, and copies

of all written comments were submitted to the state review agencies on April 18, 2023. The partnership has incorporated all of the agency and public comments received throughout the Plan development process. Final state review agency comments were submitted by May 2, 2023, and all agencies that submitted comments recommended approval.

The Northern Regional Committee met on May 3, 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.

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23-32 Moved by LeRoy Ose, seconded by Jill Crafton, to approve the Rainy-Rapid Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

**Red River Basin Commission Supplemental Grant Funding** – Henry Van Offelen presented Red River Basin Commission Supplemental Grant Funding.

In 2021 the Legislature appropriated funds to the Board for grants to the Red River Basin Commission (RRBC) for water quality and floodplain management, including administration of programs. The RRBC has secured additional annual funding from the Province of Manitoba in an amount of \$50,000/year to address inflation. The RRBC has submitted a request to BWSR for supplemental funding to match the funding received from the Province of Manitoba.

The Northern Regional Committee (Committee) met May 3, 2023, to review and discuss the RRBC supplemental funding request and to make a recommendation of the Order authorizing supplemental grant funding to the Red River Basin Commission. The Committee recommends approval of the Order providing supplemental grant funding to the Red River Basin Commission by the full Board.

Jill Crafton stated the work in the Red River basin has been successful and recommends we pass this.

Chair Van Amburg stated they did a great job of education and bringing entities together.

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23-33 Moved by Rich Sve, seconded by Kurt Beckstrom, to approve the Red River Basin Commission Supplemental Grant Funding. ***Motion passed on a roll call vote.***

Commissioner Kessler joined the meeting at 11:25 a.m.

**Administrative Advisory Committee**

**Board Per Diem Policy Update** – John Jaschke presented Board Per Diem Policy Update.

The current per diem policy was implemented in October 2018. A few changes to the policy have been proposed to ensure judicious use of state resources and provide clarity to board members about when claiming per diems.

Mark Zabel asked when this would go into effect. John stated it would take effect July 1, 2023.

Rich Sve asked if there were any changes to meal reimbursements. John stated reimbursement is driven by bargaining unit agreements and will be updated periodically in a separate process.

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23-34 Moved by Rich Sve, seconded by Ted Winter, to approve the Board Per Diem Policy Update. ***Motion passed on a roll call vote.***

**Bylaws Update** – John Jaschke presented the Bylaws Update.

Proposed bylaws updates were reviewed by the Administrative Advisory committee on May 15, 2023.

Board members reviewed and discussed proposed changes.

Updates will be made and brought back to the June meeting.

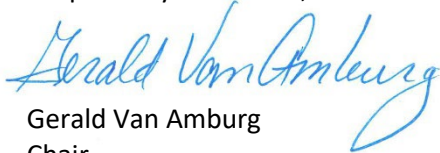
Moved by Kelly Kirkpatrick, seconded by LeRoy Ose, to approve and adopt articles 1, 2, 3 of the bylaws and to bring back Article 4 for approval and adoption at the next meeting. ***Motion failed on a roll call vote.***

#### **UPCOMING MEETINGS**

- Central Region Committee meeting is scheduled for 2:30 PM, June 1, 2023 in St. Paul and by MS Teams.
- Next BWSR Meeting is scheduled for 9:00 AM, June 28, 2023 in St. Paul and by MS Teams.

Chair VanAmburg adjourned the meeting at 12:29 PM

Respectfully submitted,

  
Gerald Van Amburg  
Chair