

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, JANUARY 25, 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; Marcelle Lewandowski, University of Minnesota Extension; Thom Petersen, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

Carly Johnson

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Jenny Gieseke, Jenny Mocol-Johnson, Rita Weaver, Marcey Westrick, Darren Mayers, Steve Christopher, Ryan Hughes, Pete Waller, Craig Engwall, Melissa King, Suzanne Rhees; Sharon Doucette, Annie Felix-Gerth, Julie Westerlund

OTHERS PRESENT:

Brian Martinson, AMC; LeAnn Buck, MASWCD; Troy Daniell, NRCS, Deanna Pomije, Kanabec SWCD; Jannina Aristy, Toby Spanier, Joe Barten, Sarah Boser, Kim Johnson, Zach Van Orsdel

Chair Gerald VanAmburg called the meeting to order at 9:02 AM

PLEDGE OF ALLEGIANCE

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23-01 **ADOPTION OF AGENDA** - Moved by Mark Zabel, seconded by Ron Staples, to adopt the agenda as presented. *Motion passed on a roll call vote.*

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23-02 **MINUTES OF DECEMBER 15, 2022 BOARD MEETING** – Moved by Kurt Beckstrom, seconded by LeRoy Ose, to approve the minutes of December 15, 2022, as circulated. *Motion passed on a roll call vote.*

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

CONFLICT OF INTEREST DECLARATION

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg reported there was an EQB meeting last week. There was a presentation on the overview of the EQB budget and work plan. There was a presentation on the overview of the budget request for a Minnesota-based emissions assessment tool and guidance to support the implementation of the environmental assessment worksheet process. There was also a process update on the continuous improvement effort they are instituting.

Stated the Administrative Advisory Committee met yesterday morning on the DEI Plan and it's on the agenda for today.

Executive Director's Report - John Jaschke reported the Governor's recommendations are out and will hear more news on bonding along with several bills being heard for consideration. Stated Pheasant Fest is coming up in a couple weeks in Minneapolis.

John reviewed the Day of Packet that included the MN Campaign Finance Board Letter, Snapshot articles, Governor's Budget Recommendations for BWSR, and a Federal IRA Conservation draft document.

Joe Collins asked if the state match is through a separate bonding bill or in the programs mentioned. John stated it could be both.

Jill Crafton stated the working lands is an important part of the Climate Action Plan and asked if capacity dollars have gone out to SWCDs. John stated the Governor has a general fund recommendation on it but doesn't know exactly what the number is yet.

Audit and Oversight Committee – Joe Collins reported they met on January 12th to discuss the PRAP that's on the agenda for today.

Dispute Resolution and Compliance Report – Rich Sve reported they have not met. Travis Germundson reported there are presently seven appeals pending and received two new appeals since the last report. Appeals 22-9 and 22-8 involve an appeal of a restoration order associated with the same landowner and parcel in Otter Tail County. Both involved the placement of fill and request that the appeals be placed in abeyance. Currently no decisions have been made on those appeals.

Actions were taken in the last month on file 22-7 and 22-6. File 22-7, the appeal has been remanded back to the Brown County to develop an adequate record that considers the written technical evaluation panel report and to make a new decision on the application. File 22-6, the appeal has been placed in abeyance and the Restoration Order stayed for the submittal of a complete application to the local unit of government.

Travis gave a Buffer Compliance Status Update. Stated no notable changes have occurred over the past month. Stated over 750 parcels statewide have been brought into compliance over the past year.

Grants Program & Policy Committee – Jill Crafton reported they had good discussion and items will be on the agenda today.

RIM Reserve Committee – Jayne Hager Dee reported they met last week and will be bringing action items to the March meeting.

Water Management & Strategic Planning Committee – Joe Collins reported a committee meeting is being scheduled for February.

Wetland Conservation Committee – Jill Crafton reported the committee has not met.

Buffers, Soils & Drainage Committee – Mark Zabel reported the committee met last night. Does not have any decision items on the agenda for today. Discussed buffer compliance and stated in the past five years they've reached almost full compliance. There was an overview of the Soil Loss Program. They talked about changes in the Multi-Purpose Drainage Program with the potential of additional funding going into the program. They talked about the drainage work group deliberations, two things they focused on were the outlet adequacy discussion and the drainage registry portal.

Drainage Work Group (DWG) – Neil Peterson and Tom Gile reported the workgroup met in January and had a productive conversation on the drainage registry portal concept. Will be having another meeting in February to continue making progress. Stated they spent a fair amount of time talking about outlet adequacy at their meeting. Stated there is a lot of overlap between the concepts of outlet adequacy and the drainage law.

Joe Collins stated in the PRAP report there has been a couple of agency recommendations of the counties for modernization of records. Joe asked how well it's going and if there is anything they can do to help that process. Tom stated there was a LCCMR funded grant program for drainage record modernization that has since closed. Stated there has been a handful of drainage authorities that have inquired if funding was still available. Stated it would be worth talking about to see if they can pursue other dollars to continue that with the recent interest.

Neil agreed there is a need to get funding for modernization.

Jill Crafton stated some of the downstream impacts seemed subjective and asked if there was any discussion on it. Tom stated it is one of the central components of the outlet adequacy discussions. Neil stated there are a lot of good technical people involved and they'll come to something that will be workable.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported the budget was released yesterday. Stated the pilot Soil Equipment Grants opened last week. They have an Ag BMP loan program that has a

large backlog. Stated they have language for a Climate Coordinator position for the agency and that they currently don't have a set person that works on climate issues. They worked with Farmers Union and Farmers Legal Action Group to develop a guide on carbon markets for farmers, available online.

Neil Peterson thanked Commissioner Petersen for his work and for reaching out to them, they are interested in carbon sequestration.

Minnesota Department of Health – Steve Robertson reported they are looking to make rule changes to make better use of the infrastructure investment JOBS Act Funding. They are looking to make some statutory changes that will optimize their ability to make better use of funding that will be available for drinking waters. Stated they will be requesting some appropriations in the Clean Water Fund.

Steve stated they are nearing completion of the PFAS monitoring sampling efforts and hope to be done this quarter. Results are being posted to the dashboard on the MDH website.

Jill Crafton stated the comments for the One Watershed One Plan looks like the Department of Health has been actively working with groups and asked if it's going to help with what their reporting on. Steve stated they have been trying to improve ways they engage with the One Watershed One Plan process and hopefully they'll see good results down the road.

Commissioner Kessler stated they will need more resources for the PFAS that's being reported.

Joe Collins asked if there's a filter for PFAS. Katrina stated they are forever chemicals and are hard to get rid of, working on an evaluation of treatment.

Minnesota Department of Natural Resources – No report was provided.

Jill Crafton stated Minnehaha Creek Watershed District was recognized as a Watershed District of the Year in the PRAP report. Stated they've done some really good work.

Commissioner Strommen had to step away for a while but relayed to John Jaschke that there is a Re-Leaf program in the budget for re-forestation. They also received funding to reestablish capacity at the State Nursery to grow seedlings. Stated additional budget information can be found on the DNR website.

Minnesota Extension – Marcelle Lewandowski reported there is an Irrigation Extension position in the hiring process. Stated the Minnesota Office for Soil Health along with the Board of Water and Soil Resources have been working for almost a year on the development of the State Soil Health Action Plan. They are working on the first interim report and will have a final report in December.

Ted Winter asked what the plan will mean to the public is after the action framework is finalized. Marcelle stated it will be a task for next year and that their immediate audiences are the Clean Water Council and the Board of Water and Soil Resources.

Minnesota Pollution Control Agency – Katrina Kessler reported they are excited about the opportunities presented in the Governor's budget. It includes more than \$700 million to help implement the Climate Action Framework and drive forward climate mitigation and resilience work across the state. It will also include an expansion of the Green Step Cities Program, money for PFAS treatment and grants, and money to refine the way of calculating and communicating greenhouse gas emissions. Commissioner Kessler stated the number one source of Minnesota's emissions is transportation. The number two

source is now the agriculture and forestry sector with the generation sector moving down to number three.

Jill Crafton stated Bloomington is a Green Step City and have recently acquired a no till seed drill for restoration programs in their natural resource areas. Thanked Commissioner Kessler for the support of the Green Step cities program.

Commissioner Kessler stated the third annual Ag Urban Partnership Forum is taking place in person on March 1st.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported on the Governor’s budget and stated their priority funding is for solid waste. They’re also working to increase state resources for Natural Resources Block Grants and County Feed Lot Officers. They are looking for support of County Ag Inspectors, funding for the Local Road Wetland Replacement Program, and continuing work on the 404 Assumption.

Stated DWG has had good conversations over last year and hope others feel they have been productive. AMC has their legislative conference February 22nd and 23rd. Members from around the state are coming to St. Paul with representatives from agencies being invited to speak. There will also be an opportunity for members to meet with their legislatures.

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 they are having Township Tuesday conference calls on the first and third Tuesday of the month at 10:00 a.m. Township Day at the Capitol is February 1st and 4th in St. Paul where all township officials are invited to join. Township elections are in March, there will be supervisor and treasure positions open for most townships. There will be a spring short course training across the state, location and dates are available on their website. Scholarship applications are being offered for 2023 to 11th graders. Minnesota DNR Parks and Trails Grant Program applications for 2023 are now available.

Minnesota Association of Watershed Districts – No report provided.

Chair Van Amburg stated February 15th and 16th they are having a legislative day.

John Jaschke stated they are changing their name from Minnesota Association of Watershed Districts to Minnesota Watersheds.

Natural Resources Conservation Service – Troy Daniell reported they will be receiving additional IRA funds in the next couple years in addition to the existing appropriation levels under the existing farm bill. Stated in addition to the increase in RCPP funds, it will also include Ag Land Easements.

Stated there is currently a notice of funding out for tribes to assist with food sovereignty issues and concerns they have addressing natural resource concerns.

Stated there was a release on [Grants.gov](https://www.grants.gov) for general entities that included several elements. One is grazing to help provide infrastructure for temporary or targeted grazing for CRP, WRP type landscapes or other easements. It also included seedlings, an element for water management, “field to plate” to assist with sustainable food systems, and there is an Ag retailer to conservation part.

Kelly Kirkpatrick thanked STC Daniell for his work.

Todd Holman stated STC Daniell hosted a recent State Technical Advisory Committee in Saint Cloud where it was a great coming together of networking with the opportunity to hear and learn from programs.

Chair Van Amburg stated the Red River Watershed Management Board and Flood Damage Reduction Work Group joint conference is being held on February 22nd and 23rd in Moorhead at the Marriott.

Chair Van Amburg called a recess at 10:50 a.m. and called the meeting back to order at 11:05 a.m.

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

BWSR Diversity, Equity and Inclusion Plan – Jenny Gieseke, Jannina Aristy, and Toby Spanier presented BWSR Diversity, Equity and Inclusion Plan.

BWSR is committed to diversity, equity and inclusion (DEI) and is working internally to improve DEI policies and practices across the organization. To effectively infuse DEI values and practices into our work, ongoing efforts must be intentional and strategic. The BWSR DEI Plan identifies five strategic priority areas for BWSR to focus over the next three years. The associated Learning and Development Framework outlines the learning approaches required to build capacity to execute BWSR’s DEI strategy and plan. S&E Consultants facilitated discussions and obtained feedback from BWSR staff, the Administrative Advisory Committee, and BWSR’s partners in developing the plan. The Administrative Advisory Committee has recommended approval of the DEI Plan.

Kelly Kirkpatrick asked if this plan addresses tokenism. Jannina stated the plan does address it.

Joe Collins stated this plan is a way to serve all of Minnesota.

Jayne Hager Dee stated this is a chance to influence traditional audiences to help them be more aware.

Sarah Strommen stated she thinks this is a great plan and noted not to conflate the relationship with indigenous communities and native cultures with the government-to-government relationships that state agencies have with tribes.

Rich Sve noted a correction in the Board Resolution to remove “further” from the last statement.

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23-03 Moved by Mark Zabel, seconded by Kelly Kirkpatrick, to approve the BWSR Diversity, Equity and Inclusion Plan. ***Motion passed on a roll call vote.***

Audit and Oversight Committee

2022 Performance Review and Assistance Program Legislative Report – Jenny Gieseke and Jenny Mocol-Johnson presented the 2022 Performance Review and Assistance Program Legislative Report.

BWSR is required to provide a report annually to the legislature on Performance Review and Assistance Program activities as prescribed by Minnesota Statutes Chapter 103B.102, Subdivision 3, effective February 1, 2008. BWSR staff have prepared a report that describes the program activities for 2022, including summaries of the activities of BWSRs local government partners, and goals and objectives for future PRAP activities. The report was presented to and has recommendation from the BWSR Audit and Oversight Committee for BWSR Board approval.

Rich Sve noted a typo in the Board Order which was corrected.

Rich Sve left the meeting at 12:13 p.m.

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23-04 Moved by Joe Collins, seconded by Kelly Kirkpatrick, to approve the 2022 Performance Review and Assistance Program Legislative Report. ***Motion passed on a roll call vote.***

Grants Program and Policy Committee

FY23 Water Quality and Storage Pilot Grant Program – Rita Weaver presented FY23 Water Quality and Storage Pilot Grant Program.

In 2021 the MN Legislature passed a law requiring BWSR to develop a Water Quality and Storage Program. In FY22 BWSR released the RFP, received and reviewed the grant applications, scored the applications and entered into three grant agreements with local partners. Upon completion of the first year of the pilot program, staff would like to see minor changes to the Water Quality and Storage Pilot Grant program scoring and process. The more significant changes include review of the selected applicants by the board and modification to the scoring criteria to formalize how projects in or out of the priority areas will rank. The FY program policy and RFP have been reviewed by the SMT and will be presented to the GP&P committee on January 23, 2023.

Ron Staples asked if legislature approves the funding will the amount of money go to \$27 million. John Jaschke stated its going to be \$17 million and would take the pilot label off it. Ron stated he would like 103E to be included. Rita stated projects that are associated with 103E are not eligible for funding right now due to a disagreement of how those projects might be connected.

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23-05 Moved by Ted Winter, seconded by Joe Collins, to approve the FY23 Water Quality and Storage Pilot Grant Program. ***Motion passed on a roll call vote.***

Amendment to Board Order #22-55: Clean Water Fund Competitive Grants – Marcey Westrick presented Amendment to Board Order #22-55: Clean Water Fund Competitive Grants.

Applications C23-1872 and C23-9488 referenced a plan amendment to a comprehensive watershed management plan that was anticipated to be approved prior to the BWSR Board award of the FY23 CWF Competitive grants. During the process of approving the amendment, an administrative error was discovered, and the plan amendment could not be approved as planned at no fault of the local governments seeking the amendment. The requested extension will allow for the plan amendment to go through an amendment process that can be approved.

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23-06 Moved by Neil Peterson, seconded by Joe Collins, to approve the Amendment to Board Order #22-55: Clean Water Fund Competitive Grants. ***Motion passed on a roll call vote.***

Central Region Committee

Snake River Comprehensive Watershed Management Plan – Darren Mayers presented Snake River Comprehensive Watershed Management Plan

The Snake River Watershed is located in east-central Minnesota within the St. Croix River Basin. The watershed has over 87 lakes and 128 streams. The Snake River meanders over 100 miles from its headwaters in southeast Aitkin County through Kanabec County and east through Pine County to its confluence with the St. Croix River.

The Plan actions generally focus on development of studies and data collection to better target implementation actions, on-the-ground implementation of agricultural, forestry, and urban BMPs to address the priority issues, policy improvements where feasible and timely, and active public outreach and engagement by local partners.

The total 10-year estimated cost of Plan implementation is \$19,794,500 of which 51% will be used to improve and protect lakes, streams, and rivers, 17% will focus on groundwater issues, 11% on land use and cover activities with the remaining used for the other priority issue areas.

The Partnership held a 60-day review process that ended on September 5, 2022 and held two public hearings on September 20, 2022 in different watershed locations. The final draft of the Plan, all written public comments and responses, and public hearing comments and responses were submitted on November 30, 2022 to the state review agencies and BWSR for the final 90-day review and approval of the Plan. The Partnership has incorporated the majority of agency and public comments received throughout the Plan review process.

On January 5, 2023, the Central Region Committee met to review and discuss the Plan. The committee's decision was to recommend approval of the Snake River Comprehensive Watershed Management Plan as submitted to the full board per the attached draft Order.

Kurt Beckstrom stated he is very proud of staff in the district and those who worked on it.

Jill Crafton noted they included to manage water resources and related ecosystems to sustain their long-term health and integrity and thought that was excellent.

Joe Collins stated their cost sharing incentives really made sense in the plan and noted they want to promote native resilient trees in their forests.

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23-07 Moved by Joe Collins, seconded by Jill Crafton, to approve the Snake River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

John Jaschke suggested the New Business agenda item on the Historical Context on Tribes be moved to a future meeting to allow for more time. Board members agreed to have it presented at another time.

Lower Mississippi River Watershed Management Organization Watershed Management Plan – Steve Christopher presented Lower Mississippi River Watershed Management Organization Watershed Management Plan.

Background:

The Lower Mississippi River Watershed Management Organization (LMRWMO) was established in 1985. The vision of the LMRWMO is to manage water resources and related ecosystems to sustain their long-

term health and integrity through member city collaboration and partnerships with other with other water management organizations with member city citizen support and participation. The current plan was approved by the Board in September 2011.

The LMRWMO is located in the southeast part of the Twin Cities Metropolitan Area, in northern Dakota County and southern Ramsey County. It encompasses approximately 58 square miles, abutting the south and west sides of the Mississippi River from the confluence of the Mississippi and the Minnesota Rivers to Rosemount. Adjoining watershed management entities include the Lower Minnesota River Watershed District, the Eagan-Inver Grove Heights WMO, and the Vermillion River Watershed Joint Powers Organization. The LMRWMO is composed of seven cities wholly or partially within the boundary including Inver Grove Heights, Lilydale, Mendota, Mendota Heights, St. Paul, South St. Paul, Sunfish Lake, and West St. Paul.

Plan Process and Highlights:

The LMRWMO initiated the process on updating its Watershed Management Plan (Plan) in mid-2020 soliciting input from its stakeholders, conducting a survey, convening a Technical Advisory Committee, as well as holding a virtual public kickoff meeting. The LMRWMO Board held a workshop to discuss the input submitted and develop a list of priorities and goals for their next ten years of implementation.

Through the process identified above, the LMRWMO identified the following as their highest priority issues:

- Water quality
 - o Stormwater runoff management
 - o In-lake and in-stream water quality
 - o Impaired waters
 - o Chloride management
 - o Mississippi River Outfalls and bluff erosion
- Education and engagement
- Partner collaboration
 - o Grant and cost-share projects
 - o Regulatory framework

The LMRWMO developed three levels for its priority waterbodies with the Mississippi River, Interstate Valley Creek, Ivy Falls Creek, Kaposia Creek, Thompson Lake, Rogers Lake, and Seidls Lake designated within the highest level.

The LMRWMO's implementation will focus on non-degradation goals for priority waterbody water quality and the draft Plan has an increased focus on streams through studies and restoration activities. The LMRWMO will continue its strong education and outreach program which includes workshops for project design of small-scale stormwater best management practices. Overall, this Plan continues to position the LMRWMO well to continue its implementation benefitting the most important surface waters within the watershed through its staff and partners.

Jayne Hager Dee stated she will be abstaining since she is a member of Dakota County SWCD Board. Stated they've done a nice job with this plan.

** Moved by Joe Collins, seconded by Jill Crafton, to approve the Lower Mississippi River Watershed Management Organization Watershed Management Plan. ***Motion passed on a roll call vote.***

23-08

Northern Region Committee

Otter Tail River Comprehensive Watershed Management Plan – Kurt Beckstrom and Pete Waller presented Otter Tail River Comprehensive Watershed Management Plan.

The Otter Tail River Comprehensive Watershed Management Plan (Plan) planning area is in Northwest Minnesota. The Plan was developed as part of the One Watershed, One Plan program by Cormorant Lakes Watershed District, Pelican River Watershed District, Becker Soil and Water Conservation District (SWCD), East Otter Tail SWCD West Otter Tail SWCD, Becker County, and Otter Tail County. On December 15, 2022, BWSR received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review. The planning partnership has responded to all comments received during the 60-day review period and incorporated appropriate revisions to the final Plan.

BWSR staff completed its review and subsequently found the Plan meets the requirements of Minnesota Statutes and BWSR Policy.

On January 4, 2023, the Northern Regional Committee met to review and discuss the Plan. The Committee's decision was to recommend approval of the Otter Tail River Watershed Comprehensive Watershed Management Plan as submitted to the full Board per the attached draft Order.

Jayne Hager Dee stated she was impressed with the response to the survey and people that attended the outreach meetings. Jayne asked how they engage with people who have vacation homes and if there are any tensions with year-round residents and the part timers. Pete stated there were tensions and they will continue with education and communication.

Joe Collins stated the plan did a good job of showing delegation duties.

Jill Crafton thanked them for their work.

Chair Van Amburg noted they recognized the importance of climate change as addressed directly in the plan.

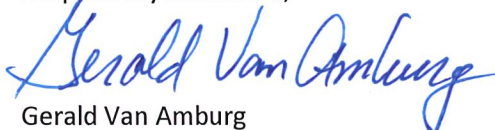
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23-09 Moved by Kurt Beckstrom, seconded by Mark Zabel, to approve the Otter Tail River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Southern Region Committee is scheduled for 10:00 a.m., February 23, 2023, location TBD.
- BWSR meeting is scheduled for 9:00 a.m., March 22, 2023, in St. Paul and by MS Teams.

Chair VanAmburg adjourned the meeting at 12:54 PM

Respectfully submitted,



Gerald Van Amburg
Chair