

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, OCTOBER 25, 2023**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Mike Runk, Neil Peterson, Rich Sve, Lori Cox, Ted Winter, LeRoy Ose, Eunice Biel, Todd Holman, Ron Staples, Mark Zabel, Glenn Skuta, MPCA; Joel Larson, University of Minnesota Extension; Thom Petersen, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

Kelly Kirkpatrick

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Tom Gile, Ryan Hughes, Ed Lenz, Dave Weirens

OTHERS PRESENT:

LeAnn Buck, MASWCD; Sheila Vanney, MASWCD; Jan Voit, Minnesota Watersheds; Amanda Bilek, Jamie Beyer, Sarah Boser

Chair Todd Holman called the meeting to order at 9:01 AM

PLEDGE OF ALLEGIANCE

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23-56 **ADOPTION OF AGENDA** - Moved by Rich Sve, seconded by Mark Zabel, to adopt the agenda as presented. *Motion passed on a roll call vote.*

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23-57 **MINUTES OF AUGUST 24, 2023 BOARD MEETING** – Moved by Jayne Hager Dee, seconded by Joe Collins, to approve the minutes of August 24, 2023, 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

Chair Holman read the statement:

“A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by members or staff before any vote.”

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman reported he attended the EQB meeting last week where MPCA gave an update on Minnesota’s Climate Action Framework and Interagency Climate Work. Stated Lance Chisholm, Morrison Soil and Water Conservation District RIM Easement Technician is being recognized by his colleagues at BWSR Academy as an outstanding employee of the year. Stated the Mississippi Headwaters Board has their biennial conference on Friday.

Executive Director’s Report - John Jaschke reported BWSR Academy is currently taking place with training opportunities, more information is available on our website. Budget processes are underway for bonding submittals and will be presented to the Governor’s office and MMB on Friday. John stated he attended the Minnesota Water Resources Conference was last week and it was a great learning opportunity. Stated they may have an opportunity for some very limited supplemental budget proposals, the Governor’s Office will give direction in the upcoming months. Stated there are a number of climate endeavors underway including work towards federal funding pursuits. Stated MFU Ag Land Action information is listed on Farmers Union website here <https://mfu.org/mfu-foundation-com-climate-working-lands/>. EPA Climate Pollution Reduction Plan/Grants information is located here <https://www.pca.state.mn.us/business-with-us/climate-pollution-reduction-grants>.

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 three new appeals filed since last report.

File 23-9 is an appeal of a WCA restoration order for property located in Crow Wing and Aikin County. The appeal regards the placement of fill material for multiple wetland crossings and an air strip. No decision has been made on the appeal.

File 23-8 is an appeal of a WCA Notice of Decision in Morrison County. The appeal regards the denial of a wetland boundary/type decision associated with an old roadway. At issue, is legal access to all properties along the private roadway for the purpose of field review. The appeal has been remanded back to Morrison SWCD to address the record as far as application requirements.

File 23-7 is an appeal of a WCA Restoration Order in Lyon County. The appeal regards the placement of tile lines within the lateral effect setback area of several wetlands on an adjacent Wildlife Management Area (WMA). The appeal has been denied and the Restoration Order Affirmed.

There are two other appeals that will be moving towards a DRC hearing. File 23-4 the DRC will be having a hearing March 7, 2024. File 23-6 is an appeal of an after-the-fact replacement plan applications in Brown County. It's currently in the process of scheduling a prehearing conference.

Travis provided a Buffer Compliance Status Update. Stated their tracking tool BuffCAT will be updated in December. It's a tool used primarily by SWCD's to track compliance.

Sarah Strommen stated she received questions about the status of buffer compliance and asked if there was a place she could direct them. Travis stated there is a progress map on our website that is updated yearly.

Grants Program & Policy Committee – Mark Zabel reported there are three items on the agenda for today. Stated the Buffers Soil and Drainage Committee was invited to attend their committee meeting.

RIM Reserve Committee – Jayne Hager Dee reported the committee has not met. Meeting is scheduled for November 13th.

Water Management & Strategic Planning Committee – Joe Collins reported the committee has not met and are expecting one or two meetings to be scheduled before our next board meeting.

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

Buffers, Soils & Drainage Committee – LeRoy Ose reported the committee has not met.

Drainage Work Group (DWG) – Neil Peterson and Tom Gile reported they met in September and October primarily on the status of outlet adequacy and notice requirements.

Jill Crafton stated she attended the Water Resources Conference and was impressed with Rita Weaver's drainage presentation and thought it was a good discussion.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported it was good to see the rain. Stated the harvest has been going well. There has been a large outbreak of high pathogenic avian influenza in the last two weeks. They are working on getting their Soil Health Equipment Grants out, stated there was a lot of interest. They will be holding their Organic Conference the first part of January. Stated they have been working with hemp for about eight years in the state and next year they're likely to have their first big processors.

Minnesota Department of Health – Steve Robertson reported he appreciated the value from the Water Resources Conference last week. Stated there were multiple session on groundwater and drinking water.

Steve stated the Water Reuse group has been established and will give Rachel Mueller the of list of stakeholders to distribute. They will be meeting for the first time tomorrow and will be facilitated by a consultant.

Minnesota Department of Natural Resources – Sarah Strommen reported the public comment period is open for the Wildlife Management Area master plan for Lac qui Parle. There is also an online open house this evening and a questionnaire online. Commissioner Strommen shared ongoing work around their stream restoration efforts that include both channel restoration and dam removals. Stated their Get Out MORE webpage went live yesterday. They recently released the midpoint review of their sustainable timber harvest piece of the forest management strategic direction, the report is available on their website. Celebrated the Governor’s Pheasant Hunting opener in Owatonna a couple weeks ago. Deer Hunting opener is next week in Lanesboro at Eagle Bluff Learning Center.

Jayne Hager Dee noted that the fishing, pheasant, and deer openers took place in Southern Minnesota.

Glenn Skuta heard pheasant populations are increasing and was wondering if buffer laws have had an impact on pheasant populations. Sarah stated that populations are up over the 10-year average and weather and habitat can impact populations.

Lori Cox asked if there is information about chronic wasting disease available. Commissioner Strommen stated they have created opportunities on opening weekend to test for chronic wasting disease. There is also information on their website.

Neil Peterson stated they are a doing bridge replacement and adjacent is a DNR boat landing, wanted to get in touch with someone to update that area as they complete the bridge replacement. Commissioner Strommen stated she would get him that information.

Jill Crafton asked how long the Lac qui Parle comment period is. Sarah stated its open until November 8th and there will be additional opportunities for comment.

LeRoy Ose stated deer hunting is encouraged close to the cities. Also stated grasses are a great for nesting birds.

Minnesota Extension – Joel Larson reported they had their Water Resources Conference last week. Stated the Midwest Climate Resilience Conference is this week. Stated they will be rolling out a visualization and mapping analysis tool using the long-term climate projections. Joel will share a link to the website to preview it. The Annual Soil Management Summit is December 7th through 8th at the Arrowwood Resort in Alexandria.

John stated there were two awards presented at the MN Water Resources Conference. Mark Doneux, the Administrator of Capitol Region Water District received the Dave Ford Award. Madeline Nightblade, a recent graduate received the Deborah Swackhamer Early Career Award. Joel stated John Lieber, a professor at the University and Madeline both received a Lifetime Achievement Award.

Jill Crafton said the conference was great. Jill asked if they’re looking at older metrics when looking at precipitation. Joel stated his understanding is that the projections are intended to incorporate recent past, but primarily future expectations.

Lori Cox asked if Joel could give a range on what the recent past period is for modeling. Joel stated he could follow-up with Lori.

Minnesota Pollution Control Agency – Glenn Skuta reported he attended the Upper Mississippi River Basin Association meeting. Two priorities they talked about were monitoring of the rivers and the focus on nutrient reduction. The Association produced a How Clean is the River Report earlier this year. Stated they finalized a Five State Monitoring Plan.

ADVISORY COMMENTS

Association of Minnesota Counties – No report was provided.

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

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck stated the Soil Health Program Grants that we'll be speaking on later in the meeting is a huge opportunity to address an important resource concern. Stated their annual meeting is December 11th through 13th in Bloomington.

Neil Peterson thanked LeAnn and her organization for the work they do.

Minnesota Association of Townships – Eunice Biel reported their annual conference is December 7th through 9th in St Cloud. Stated the 2023 Fall Legislative and Research meeting was held virtually on October 4th. Township Day at the Capitol will be on April 8 and 9, 2024. The 2023 Active Transportation and Safe Routes to School Infrastructure solicitations are now open. The draft 2024 Clean Water Revolving Fund intended for use plans and Drinking Water Revolving Fund intended use plans are out for public comment until November 13th. Stated there are Minnesota Local Road Improvement Program trainings online.

Minnesota Watersheds – Jan Voit reported she attended the Metro Watersheds meeting last week. Met with Justin Hanson and toured the Mississippi WMO office with Kevin Reich and learned about projects they're doing. Stated they are talking about doing training for boards specifically and will work on it in the coming year. Their annual conference is November 28th through December 1st at Arrowwood in Alexandria. Stated they are continuing to work on their lobbyist succession plan.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 10:32 a.m. and called the meeting back to order at 10:46 a.m.

John Jaschke reviewed the Snapshots articles that were included in the Day of Packet.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

Board Authorization to develop a Request for Proposal (RFP) for fiscal year 2024 and 2025 Cooperative Weed Management Area (CWMA) Program – Dan Shaw presented the Board Authorization to develop an RFP for fiscal year 2024 and 2025 CWMA Program

The CWMA program started in 2009 and provides financial assistance to develop and sustain Cooperative Weed Management Areas that control emerging weed threats and manage natural areas and conservation lands through an integrated pest management and ecosystem approach. The Board has previously endorsed an inter-agency granting strategy that includes an interagency project Advisory Team to assist in the development and evaluation of this grant program. The Grants Program and Policy Committee, at their September 18 and October 16, 2023 meeting, reviewed the staff request and recommended approval to the Board.

Lori Cox asked what kind of verbiage is used and what the anticipated outcomes are. Dan stated there are a wide range of activities and the outcomes vary quite a bit. Lori asked what the success rate is. Dan stated he feels like the accomplishment rate is high.

Mark Zabel stated there seems to be differences between the regional map and the state map and asked if Dan could address it. Dan stated Clay County was the first one in the state, so it shows up on the regional map. Stated they haven't funded it through their program so that's why it doesn't show up on their map. Also stated the regional map hasn't been updated recently.

Jill Crafton stated this program is important.

Glenn Skuta asked if buckthorn, which is an invasive species but not a weed was part of this. Dan stated this program is mainly focused on terrestrial invasive plants.

John Jaschke stated members can complete the conflict-of-interest form or note while voting if there is a conflict on this and other items to follow.

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23-58 Moved by Jill Crafton, seconded by Kurt Beckstrom, to approve the Board Authorization to develop a Request for Proposal (RFP) for fiscal year 2024 and 2025 Cooperative Weed Management Area (CWMA Program). *Motion passed on a roll call vote.*

Multi-Purpose Drainage Management Grants – Tom Gile presented Multi-Purpose Drainage Management Grants

The MDM Grant program has not historically been a heavily used grant program. Staff has been working with Drainage interests for more than a year soliciting feedback to assess why the program isn't getting heavy use while there seems to be obvious desire and interest from Drainage Authorities and their partners. The key feedback has been the inflexibility of the 103E directed process and challenges for drainage authorities to align their drainage proceedings with an annual funding cycle. Based on that feedback we are proposing an adjustment to the BWSR grant cycle for this program in an effort to allow more readily available funding that can better align with a more rigid 103E process. To do this will require prompt turn around by staff in making awards as well.

Jayne Hager Dee asked for clarification on who the applicants would be. Tom stated they could be Counties, Watershed Districts, Watershed Management Organizations, Soil and Water Conservation Districts, Local Government Joint Power Boards, or Drainage Authorities. Jayne asked if the funding is first come first serve. Tom stated there would be a ranking process.

Lori Cox asked if there is an amount they are looking at for the 24 grants. Tom is estimating between \$900,000 and \$950,000 will be available for the first fiscal year. There will be additional funding in that amount also available the second fiscal year of the biennial. Lori asked if he could give examples of what a multi-purpose benefit might be from an applicant. Tom described an example.

Jill Crafton stated she thinks this is great and gives a lot more flexibility.

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23-59 Moved by Jill Crafton, seconded by Mike Runk, to approve the Multi-Purpose Drainage Management Grants. *Motion passed on a roll call vote.*

Soil Health Program Grants – Tom Gile presented Soil Health Program Grants

During the recent legislative session over \$33 million was appropriated to BWSR for Soil Health related activities. BWSR has also since applied for an NRCS RCPP grant totaling \$25 million. We are currently anticipating NRCS awards announcements this winter. We are asking to allow for a competitive program to increase soil health expertise locally, which will lead to direct increase in local partnerships and landowner engagement. In addition, we plan to distribute a non-competitive Soil Health Programing Grant, which will drive locally lead implementation of soil health related activities and practice installation. Our goal is to have both programs developed and timed as best as we can to coincide with the NRCS RCPP Awards announcement to maximize our proposed contribution with the NRCS Funding should we be awarded. Our state programing is also being designed so that it can function in the same manner with or without Federal Dollars in play providing us with greater flexibility to continue moving forward no matter the NRCS funding decisions.

Lori Cox asked since it's from both budgets is there a proportion from one and the other. Tom stated there is not a specific percentage at this time. John Jaschke stated until we hear back on our proposal it's hard to get specific but will bring that information back to the board once we have updates to report.

Jill Crafton asked if Jennifer Hahn's work will be touched here. John Jaschke stated Jennifer is already involved.

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23-60 Moved by LeRoy Ose, seconded by Joe Collins, to approve the Soil Health Program Grants. ***Motion passed on a roll call vote.***

NEW BUSINESS

2024 Proposed BWSR Board Meeting Schedule – John Jaschke presented 2024 Proposed BWSR Board Meeting Schedule

Meeting dates are being proposed for board meetings in 2024. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2023 calendar.

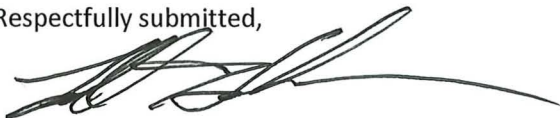
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23-61 Moved by Rich Sve, seconded by Joe Collins, to approve the 2024 Proposed BWSR Board Meeting Schedule. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Northern Region Committing is scheduled for November 1st at 11:00 a.m. in Brainerd and by MS Teams.
- Goals and Strategies Session is scheduled for November 6th at 9:00 a.m. at the Eagan Community Center.
- RIM Committee is scheduled for November 13th at 11:00 p.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for December 14th at 9:00 a.m. in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 11:37 AM.

Respectfully submitted,



Todd Holman
Chair