

**BOARD OF WATER AND SOIL RESOURCES
BWSR CONFERENCE ROOM – 2ND FLOOR
520 LAFAYETTE RD N
SAINT PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 26, 2018**

BOARD MEMBERS PRESENT:

Jack Ditmore, Nathan Redalen, Duane Willenbring, Joe Collins, Jeff Berg, MDA; Tom Landwehr, DNR; Joel Larson, U of M, Teresa McDill, MPCA; Chris Elvrum, MDH

BOARD MEMBERS PRESENT BY PHONE:

Kathryn Kelly, Steve Sunderland, Harvey Kruger, Gerald Van Amburg, Rich Sve, Neil Peterson, Patty Acomb, Tom Schulz, Paige Winebarger, Jill Crafton

BOARD MEMBERS ABSENT:

Tom Loveall

STAFF PRESENT:

John Jaschke, Hannah Pallmeyer

STAFF PRESENT BY PHONE:

Dave Weirens, Al Kean, Kevin Bigalke, Steve Christopher, Jason Weirnerman

OTHERS PRESENT:

Emily Javens, MAWD

Chair Gerald Van Amburg called the meeting to order at 9:01 AM

PLEDGE OF ALLEGIANCE

**** 18-52 ADOPTION OF AGENDA** - Moved by Kathryn Kelly, seconded by Harvey Kruger to adopt the agenda as presented. ***Motion passed on a unanimous voice vote.***

**** 18-53 MINUTES OF THE AUGUST 23, 2018 BOARD MEETING** – Moved by Paige Winebarger, seconded by Nathan Redalen, to approve the minutes of August 23, 2018, as amended with minor edits. ***Motion passed on a unanimous voice vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg reported that there will be an AAC committee meeting prior to the next board meeting.

Audit and Oversight Committee – no report was provided.

Executive Director’s Report - John Jaschke reported that Angie Becker Kudelka met with the Office of Grants Management to discuss the conflict of interest procedure for board members. This procedure, along with potential changes to the bylaws, will likely be discussed by the Administrative Advisory Committee in October. BWSR staff are compiling information for legislative initiatives, but there will be no processing of legislative initiatives until after the election.

Dispute Resolution Committee – John Jaschke reported that one WCA appeal in Beltrami County is under consideration.

Grants Program & Policy Committee - Steve Sunderland reported that the committee has not met since the last board meeting. A joint conference call meeting has been scheduled for October 8 with the Water Management and Strategic Planning committee.

RIM Reserve Committee – John Jaschke reported that the committee has not met since the last board meeting. A CREP status update will be provided to the board at or before the October board meeting. There has been favorable feedback about the adjustments that were previously approved by the board this year. The CREP signup is on a pause due to the September 30 end of the federal fiscal year. The federal farm bill expires at the end of the month, and it is unknown if Congress will be able to pass a new bill or extension by the end of the month.

Water Management & Strategic Planning Committee - Jack Ditmore reported that the committee has not met since the last board meeting. A joint conference call meeting has been scheduled for October 8 with the Grants Program & Policy committee. Jack also noted that on October 2-3 the Nobel Conference Series at Gustavus Adolphus College is focusing on living soil, bringing in experts from around the world. Jack can provide the information to staff who will distribute to the board members. Paige Winebarger plans to attend.

Wetland Conservation Committee - Tom Schulz reported that the committee has not met since the last board meeting. There is no meeting scheduled at this time.

Buffers, Soils & Drainage Committee - Kathryn Kelly reported that the committee will meet immediately following the board meeting. There may be an additional meeting of the committee before the October board meeting.

Drainage Work Group (DWG) – Al Kean reported that the DWG met on September 13 to continue to discuss the charter. The reestablishment of drainage system records will be one of the agenda items for the October DWG meeting.

COMMITTEE RECOMMENDATIONS

Central Region Committee

Benton Local Water Management Plan Extension Request – Kevin Bigalke and Jason Weirnerman presented the extension request.

On June 4, 2018, the Benton County Commissioners submitted a resolution requesting that BWSR extend the deadline of their county comprehensive water management plan from August 31, 2018 to December 31, 2018 to allow the county and conservation district to operate under a current water plan while addressing specific issues that have arisen during the plan development process. BWSR staff recommended taking no action on this request as the proposed timeline for the water plan completion would have no significant impact to the operation of the local governments or their eligibility for grants. At the August public hearing, public comment relating to the MN DNR groundwater management plan resulted in an unexpected delay in the submission of the plan to BWSR.

BWSR staff recommended the committee review the request for an extension and grant the extension to December 31, 2018 retroactive to the expiration date of August 31, 2018. The central regional committee met on September 6 to review the extension request and provided a recommendation for the full board to grant the extension of the Benton County Comprehensive Local Water Management Plan to December 31, 2018.

The board discussed the timeline for the county moving forward with the plan. Jack Ditmore expressed concerns that the extension is being pursued to allow the county to be eligible for grants.

**
18-54 Moved by Joe Collins, seconded by Duane Willenbring, to approve the Benton County Local Water Management Plan Extension request, with a minor typo correction on the board order. ***Motion passed on a roll call vote.***

<u>Name of Board member</u>	<u>Affirmative</u>	<u>Opposed</u>	<u>Absent</u>	<u>Abstain</u>
Gerald Van Amburg, Chair	X			
Patty Acomb	X			
Joe Collins	X			
Jill Crafton	X			
Jack Ditmore		X		
Chris Elvrum (MDH)	X			

Teresa McDill (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Tom Landwehr (DNR)	X			
Joel Larson	X			
Tom Loveall			X	
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)				X
Steve Sunderland	X			
Rich Sve	X			
Duane Willenbring	X			
Paige Winebarger	X			
TOTALS	17	1	1	1

Lower Minnesota River Watershed District Watershed Management Plan Update – Steve Christopher presented the plan update.

The Lower Minnesota River Watershed District (District) was originally petitioned for establishment in 1957 but was challenged and defeated in the courts. The District was later re-petitioned by the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott and was established on March 23, 1960, by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act. The District’s original charter specified that it serve as the local sponsor to the U.S. Army Corps of Engineers for assisting in the maintenance of the Minnesota River nine-foot navigation channel. The first water resources management plan for the District was prepared and adopted in 1961. The second plan was then revised in accordance with the Metropolitan Surface Water Management Act of 1982, and approved by the Board of Water and Soil Resources in September 1999. The most recent plan was approved in 2011 and amended in 2015.

The District is approximately 80 square miles in size and located in the five counties of Carver, Dakota, Hennepin, Ramsey, and Scott, which includes the bluffs on either side of the Minnesota River from Ft. Snelling at the confluence of the Minnesota and Mississippi Rivers, 32 miles upstream to the city of Carver. The land use in the watershed consists of a mix of single family residential, commercial, industrial, and agriculture. A large component in the central portion of this linear watershed is within the 100-year floodplain and the Minnesota Valley National Wildlife Refuge. Much of the MSP airport property is also located in the District. Development pressure within the watershed is projected to slightly increase in the municipalities south of the river through the life of this Plan. Water resources in the District include floodplain lakes, quarry lakes, creeks and streams including trout streams, springs, calcareous fens, and other wetlands. However, the headwaters to most of those resources originate outside of the District boundary. The following municipalities lie partially within the District: Bloomington, Burnsville, Carver, Chanhassen, Chaska, Chaska Township, Eagan, Eden Prairie, Lilydale,

Jackson Township, Louisville Township, Mendota, Mendota Heights, Savage, and Shakopee. The District is bound by four watersheds to the south: Prior Lake Spring Lake WD, Scott WMO, Black Dog WMO, and Gun Club WMO, and six watersheds to the north: Carver County WMO, Riley Purgatory Bluff Creek WD, Nine Mile Creek WD, Minnehaha Creek WD, Richfield Bloomington WMO, and Capitol Region WD.

Plan Process and Highlights:

The District initiated the planning process for the 2018-2027 Plan in January of 2017. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified and notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. The District held four workshops in early 2017 covering the areas of major revision for the new Plan. Following the workshops, District staff met with each municipality for additional specific input on the proposed standards and to identify projects that they could co-sponsor.

The Plan was submitted for formal 60-day review on July 10, 2017. The District received comments on the draft Plan and responded to Plan reviewers' comments in writing. A public hearing was held on October 25, 2017. Due to the volume and content of the comments, the District decided to delay moving forward with the 90-day draft and provide additional time to meet with stakeholders. The District held four additional stakeholders meetings jointly with member cities and concluded the public hearing on April 18, 2018. Modifications to the draft Plan were made and the final draft Plan with all required materials were submitted and officially received by the Board on July 2, 2018.

The Plan update focuses on several sections of the 2011 Plan rather than a full re-write. The sections amended are as follows:

- Section 3, Goals, Policies and Management Strategies
- Section 4, Implementation Program, which includes the District's Capital Improvement Program
- Adding a new Appendix K, LMRWD Draft Standards
- Other Sections of the plan have been revised to bring the Plan up to date

The new Draft standards is the most significant revision to the Plan specifically the Steep Slopes Standard and Water Appropriations Standard. Both of these will address the High Value Resource Areas (HRVA). The HRVA has been identified by the District as portions of land or a watershed that contribute runoff to a trout water and/or fen.

The Plan maintains the following nine goals:

1. Organizational Management – To manage the different and changing roles of the District
2. Surface Water Management – To protect, preserve, and restore surface water quality
3. Groundwater Management – To protect and promote groundwater quantity and quality
4. Unique Natural Resources Management – To protect and manage unique resources
5. Wetland Management – To protect and preserve wetlands
6. Floodplain and Flood Management - To manage floodplains and mitigate flooding
7. Erosion and Sediment Control – To manage erosion and control sediment discharge
8. Commercial and Recreational Navigation – To maintain and improve the Lower Minnesota River's navigation and recreational use
9. Public Education and Outreach - To increase public participation and awareness of the Minnesota River and its unique natural resources

Board members thanked the watershed staff for their hard work and outreach for this plan update.

**
18-55 Moved by Joe Collins, seconded by Duane Willenbring, to approve the Lower Minnesota River Watershed District Watershed Management Plan Update, with a small change to the order to indicate that Steve Christopher was not in attendance at the committee meeting. **Motion passed on a roll call vote.**

<u>Name of Board member</u>	<u>Affirmative</u>	<u>Opposed</u>	<u>Absent</u>	<u>Abstain</u>
Gerald Van Amburg, Chair	X			
Patty Acomb	X			
Joe Collins	X			
Jill Crafton	X			
Jack Ditmore	X			
Chris Elvrum (MDH)	X			
Teresa McDill (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Tom Landwehr (DNR)	X			
Joel Larson	X			
Tom Loveall			X	
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)				X
Steve Sunderland	X			
Rich Sve	X			
Duane Willenbring	X			
Paige Winebarger	X			
TOTALS	18	0	1	1

Scott Watershed Management Organization Plan Update – Steve Christopher presented the plan update.

The Scott Watershed Management Organization (SWMO) became necessary after the failure of four Joint Powers Agreement Water Management Organizations in 1996 which had originally been established under the Metropolitan Surface Water Management Act. Scott County resolved to take over water planning activities in the areas previously addressed by the Sand Creek, Shakopee Basin, Southwest Scott, Credit River, and portions of Prior Lake-Spring Lake watershed management organizations in July 2000. The second generation Plan was approved in 2009 and most recently amended in 2016.

The SWMO extends over 287 square miles of Scott County. The remaining portions of Scott County are addressed by the Lower Minnesota River Watershed District, Prior Lake-Spring Lake Watershed District, the Vermillion River Watershed Joint Powers Organization, and Black Dog WMO. There are also approximately two square miles tributary to the Cannon River in the southeast corner of the county that is subject to the Metropolitan Surface Water Management Act and is considered part of the SWMO area. Drainage of Scott County is predominantly toward the Minnesota River which forms the northern border of the county. Agricultural land use dominates the landscape; however urbanization is occurring in the northern portions of the county.

Plan Process and Highlights:

The SWMO initiated the planning process for the 2019-2026 Plan on October 14, 2016. Stakeholders were identified and notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. The SWMO used information from the preliminary input along with watershed characteristics and presented it to the Watershed Planning Commission and the Scott Soil and Water Conservation District (SWCD) Supervisors; who along with county and SWCD staff identified priorities. Simultaneously, staff worked with the Technical Advisory Committee to identify what “needs” to be done to address potential goals. Staff then completed a gaps analysis using the identified “needs” along with an assessment of the effectiveness of the current Plan. The end result was the identification of “issues” facing the SWMO. The SWMO held multiple community conversations with the public as well as provided an online survey.

The Plan focuses on priorities identified through a robust process with the SWMO Board and its partners. The priorities of the plan are: 1. The protection of Human Health and Safety particularly with respect to both groundwater protection, and exposure to toxics and bacteria in surface waters; 2. Protection and prevention are a higher priority than restoration; 3. Improving underlying factors like soil health are a priority because they ultimately affect water quality; and 4. Using available information to get started on implementation is preferred to postponing action pending additional study and planning.

The SWMO recognizes that some of these priority directions are new to the SWMO and change will not be immediate. This also does not mean that the SWMO will completely drop efforts that currently focus in other areas or pollutants. For example, the previous plan had a Sand Creek sediment reduction strategy. The SWMO intends to see this and other strategies through, but will use this Plan to begin to shift more resources to the above priorities. This plan is intended to be part of an ongoing process of water resource planning and implementation, and is to be integrated with the other planning occurring at city, county, township and state levels.

The SWMO is committed to being accountable and to learning and adapting quickly as a means of continuous improvement. To achieve this commitment, the SWMO has embraced the development of metrics for most of its programs. It has also developed several overall resource based metrics. They are called Key Program Indicators (KPIs) and are generally of two types:

1. Those that measure how much is being accomplished, and
2. Those that reflect how effectively cumulative outcomes are being achieved.

KPIs will be calculated annually. They will be used by the SWMO to learn how to improve and adapt, for annual budget decisions, as information for writing education and outreach stories, and reported in the Annual Report and Newsletter.

Scott WMO Goals

Resource Outcomes	Operational Outcomes
Goal 1: Wetland Management. To protect and enhance wetland ecosystems and ensure/encourage a measurable net gain of wetland functions and acreage	Goal 5: Collective Action. To engage the public in willing ways that inspires them to be willing partners.
Goal 2: Surface Water Quality. To protect and improve surface water quality	Goal 6: Public Investment. To optimize public expenditures and promote efficiency
Goal 3: Groundwater Management. To protect groundwater quality and supply	Goal 8: Public Drainage. To create and enable a long term vision for County Ditches
Goal 4: Flood Management. To protect human life, property, and surface water systems that could be damaged by flood events	
Goal 7: Resiliency. To build a resilient landscape	

Kevin Bigalke mentioned that the plan update is not for the usual ten years – it instead is valid through the end of 2026. This was at a request of the Scott Watershed Management Organization to align with the county comprehensive plan timeline. Board members appreciated that building a resilient landscape was included in the plan.

**
18-56 Moved by Joe Collins, seconded by Kathryn Kelly, to approve the Scott Watershed Management Organization Plan Update, with a small change to the order to indicate that Steve Christopher was not in attendance at the committee meeting. **Motion passed on a roll call vote.**

<u>Name of Board member</u>	<u>Affirmative</u>	<u>Opposed</u>	<u>Absent</u>	<u>Abstain</u>
Gerald Van Amburg, Chair	X			
Patty Acomb	X			
Joe Collins	X			
Jill Crafton	X			
Jack Ditmore	X			
Chris Elvrum (MDH)	X			
Teresa McDill (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Tom Landwehr (DNR)	X			
Joel Larson	X			
Tom Loveall			X	
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Jeff Berg (MDA)				X

Steve Sunderland	X			
Rich Sve	X			
Duane Willenbring	X			
Paige Winebarger	X			
TOTALS	18	0	1	1

Southern Region Committee

Nicollet SWCD Office Change in Location of Office Headquarters – Kevin Bigalke presented the office change agenda item.

On March 23, 2018, the Nicollet SWCD Board of Supervisors passed a resolution approving the district’s change of principal office location to 501 7th Street, Nicollet, MN from the 424 South Minnesota Avenue, St. Peter, MN location. BWSR’s Southern Regional Committee met on August 23, 2018 to review this request and voted to recommend approval of the change of principal office location to the full BWSR Board.

The board discussed why BWSR is required to approve these office location changes. John Jaschke responded that this requirement is in statute. BWSR would file this with the Secretary of State’s office, if the motion passes. There was an inquiry if FSA/NRCS staff are collocated with the SWCD, and they are not. The NRCS office in St. Peter closed and the Nicollet office is more centrally located within the county.

**
18-57 Moved by Nathan Redalen, seconded by Chris Elvrum, to approve the Nicollet SWCD Office Change in Location of Office Headquarters. ***Motion passed on a voice vote.***

<u>Name of Board member</u>	<u>Affirmative</u>	<u>Opposed</u>	<u>Absent</u>	<u>Abstain</u>
Gerald Van Amburg, Chair	X			
Patty Acomb	X			
Joe Collins	X			
Jill Crafton	X			
Jack Ditmore	X			
Chris Elvrum (MDH)	X			
Teresa McDill (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Tom Landwehr (DNR)	X			
Joel Larson	X			
Tom Loveall			X	
Neil Peterson	X			
Nathan Redalen	X			

Tom Schulz	X			
Jeff Berg (MDA)				X
Steve Sunderland	X			
Rich Sve	X			
Duane Willenbring	X			
Paige Winebarger	X			
TOTALS	18	0	1	1

AGENCY REPORTS

Minnesota Department of Agriculture – Jeff Berg reported that Deputy Commissioner Matt Wohlman took a job with Land o’Lakes. Whitney Place is now assistant commissioner, and Andrea Vaubel is the new deputy commissioner, and Craig McDonnell is the new legislative coordinator.

Minnesota Department of Health – no report was provided.

Minnesota Department of Natural Resources – Tom Landwehr reported that the DNR is analyzing groundwater near Little Rock Creek and monitoring wells to attempt to put together guidance on water use. Three groundwater management areas have been created by the DNR, and Commissioner Landwehr thinks that there will be increased attention to groundwater in MN in the future. One example of this is that the DNR has initiated environmental review in parts of the state with groundwater permit applications, and companies such as R.D. Offutt have pulled permit applications after the environmental review was ordered.

With regards to the Fargo-Moorhead diversion, the diversion authority sent an application and the DNR has a supplemental Environmental Impact Statement out for public comment. The Governor’s pheasant opener is in Luverne on October 12-13. Pheasant numbers are up this fall. On Lake Mille Lacs, there has been a slow down on the bite so the walleye quota has not been reached and the DNR is optimistic that the lake can stay open for walleye fishing this year.

University of Minnesota Extension Service – Joel Larson reminded board members about the Water Resources Conference that the University of Minnesota is organizing on October 16-17. One of the speakers at the Nobel conference mentioned previously will also be speaking at the Water Resources Conference. There will also be discussion about indigenous perspectives on water management. A wetlands section will also be presented. Joel Larson will send information about the conference to staff, who can share with the board. There is also a Climate Adaptation Conference that the University of Minnesota is organizing on November 14.

Minnesota Pollution Control Agency – Teresa McDill reported that the MPCA is working on WRAPS to ensure that the last 40 WRAPS will be done on time. There is a continuous improvement project looking at how to do the 2nd phase of WRAPS.

ADVISORY COMMENTS

Minnesota Association of Watershed Districts – Emily Javens reported that MAWD is working on their annual convention. One new thing is at the Thursday night presentation will be a “Night at the Movies”

looking at watershed district produced videos of their work. There will be a “Best Picture” award that attendees will vote on. A bylaws change was recommended to allow Water Management Organizations to vote as MAWD members.

John Jaschke mentioned that annual conferences for MAWD, AMC, and MASWCD are coming up. BWSR staff will distribute information about these conferences to board members. If board members would like to attend one of the conferences for a group they are not a member of, they can email Hannah Pallmeyer who will register board members. If board members are interested in other conferences, they can contact John Jaschke directly.

Minnesota Association of Townships – Nathan Redalen reported that former state senator David Hann is the new Executive Director of the Association. They are looking for a director of operations for their insurance arm. The Annual Conference for the Townships is scheduled for November 15-17 in Duluth.

UPCOMING MEETINGS

- Next BWSR Meeting is on October 24, in room B145 at the Freeman Building located at 625 Robert St. N, St Paul.

Moved by Kathryn Kelly, seconded by Harvey Kruger, to adjourn the meeting. The motion passed on a voice vote at 10:08am.

Respectfully submitted,



Gerald Van Amburg
Chair