

**BOARD OF WATER AND SOIL RESOURCES
MNDOT TRAINING FACILITY – ROOM 1
1900 COUNTY ROAD I
SHOREVIEW, MN 55126
WEDNESDAY, JANUARY 23, 2019**

BOARD MEMBERS PRESENT:

Jill Crafton, Jack Ditmore, Kathryn Kelly, Sarah Strommen, DNR; Tom Loveall, Nathan Redalen, Tom Schulz, Susan Stokes, MDA; Steve Sunderland, Gerald Van Amburg, Joe Collins, Harvey Kruger, Paige Winebarger, Joel Larson, University of Minnesota Extension; Duane Willenbring, Rich Sve, Chris Elvrum, MDH;

BOARD MEMBERS ABSENT:

Neil Peterson, Shannon Lotthammer, PCA;

STAFF PRESENT:

John Jaschke, Hannah Pallmeyer, Al Kean, Angie Becker Kudelka, Jamie Gudknecht, Tom Gile, Sharon Doucette, Tim Fredbo, Dale Krystosek, Kevin Bigalke, Dave Weirens, Melissa Lewis, Ryan Hughes

OTHERS PRESENT:

Steve Woods, Freshwater Society

Jeff Berg, MDA

Tom Landwehr

Emily Javens, Minnesota Association of Watershed Districts (MAWD)

Brian Martinson, Southern Minnesota Beet Sugar Cooperative

Chair Gerald Van Amburg called the meeting to order at 9:08 AM

PLEDGE OF ALLEGIANCE

**** 19-01** **ADOPTION OF AGENDA** - Moved by Rich Sve, seconded by Duane Willenbring, to adopt the agenda, with an amendment to indicate that Rich Sve would be presenting the Red Lake River Comprehensive Watershed Management Plan Amendment agenda item instead of Neil Peterson, who was unable to attend today's meeting. ***Motion passed on a voice vote.***

**** 19-02** **MINUTES OF DECEMBER 19, 2018 BOARD MEETING** – Moved by Nathan Redalen, seconded by Kathryn Kelly, to approve the minutes of December 19, 2018 meeting, with amendments from Jill Crafton. ***Motion passed on a voice vote.***

PUBLIC ACCESS FORUM

Tom Landwehr expressed how important the BWSR Board's mission is because of its work on private lands. Tom thanked the BWSR board and staff for their hard work. John Jaschke mentioned that as DNR Commissioner, Tom Landwehr attended almost every meeting, and local officials really appreciated his attendance and willingness to engage with them on many topics. Chair Gerald Van Amburg thanked Tom Landwehr for his participation on the board.

INTRODUCTION OF NEW BOARD MEMBER AND NEW BWSR STAFF

Chair Gerald Van Amburg welcomed Sarah Strommen, the new DNR Commissioner. Commissioner Strommen worked as an Assistant Commissioner for the past four years for DNR. Prior to working at DNR, Commissioner Strommen worked at BWSR and is looking forward to being a board member. Commissioner Strommen hopes to attend BWSR board meetings on a regular basis. Commissioner Strommen is also a former mayor of Ramsey.

Chair Gerald Van Amburg welcomed the following new staff to BWSR:

- Jamie Gudknecht, Human Resources Director
- Tom Gile, Resource Conservation Section Manager
- Sharon Doucette, Conservation Easement Section Manager

CONFLICT OF INTEREST DECLARATION

Chair Van Amburg 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 staff before any vote."

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg discussed an article that was distributed from the *Frontiers in Ecology and the Environment* that describes how the world can be structured to feed 9.7 billion people while maintaining natural areas.

Audit and Oversight Committee – Chair Gerald Van Amburg reported that the committee met on January 22. The committee discussed the 2018 PRAP legislative report that was prepared by staff for transmittal to the legislature. This will be discussed later in the agenda.

Executive Director's Report - John Jaschke reported that the Red River Basin Commission held their conference in Grand Forks last week. He attended and presented at the meeting, as did Chair Van Amburg. John mentioned that the legislature has convened and that many bills are being introduced. Staff will keep the board updated as things progress if there are meaningful updates. For buffers, there is 99% compliance for public waters and 84% for public ditches. This fall was difficult to get buffers put in, so hopefully that number will increase in the spring and summer. CREP is on an unplanned hiatus due to the federal government shutdown. FSA is almost completely shut down. NRCS is still operating for the time being, but they are not responsible for the CRP part of the CREP program. The MN Office of Soil Health is now up and running with the start of Dr. Anna Cates' employment. The 10 year anniversary of the Legacy Amendment is this year. There is an event on February 6th to celebrate. The 404 Assumption process is ongoing and conversations continue with the PCA, DNR, and Army Corps of Engineers. BWSR staff are currently renovating the website to modernize it and make it more accessible and organized.

John Jaschke reviewed the packet with the board. He talked about new staff and the new Resource Conservation section. He also reviewed some correspondence regarding One Watershed, One Plan and the February Snapshots.

Gerald Van Amburg reported that John Jaschke gave a report about the status of the buffer program to the Red River Basin Commission annual conference.

Dispute Resolution Committee – John Jaschke provided an update to the board. There is presently one appeal pending in Hennepin County. There have been no new appeals filed since the last Board Meeting.

Grants Program & Policy Committee - Steve Sunderland reported that the committee did not meet since the last Board meeting.

RIM Reserve Committee – Tom Loveall reported that the committee met on December 19. There is one decision item on the agenda today.

Water Management & Strategic Planning Committee - Jack Ditmore reported that the committee did not meet since the last board meeting. The committee will likely meet in mid- to late- spring.

Wetland Conservation Committee - Tom Schulz reported that the committee did not meet since the last board meeting. The committee will likely meet in late February or early March.

Buffers, Soils & Drainage Committee - Kathryn Kelly reported that the committee met on January 15 to discuss buffer implementation grants. Amendments to tracking procedure were discussed. Updates were given regarding compliance levels. The committee will likely meet in early spring.

Drainage Work Group (DWG) - Tom Loveall reported that the DWG met on January 10. The DWG finalized the drainage system repair cost apportionment option (which has large consensus with one person not in agreement) and the drainage system acquisition and compensation of buffer strips (which has large consensus with one person not in agreement). The DWG recommendations report was discussed and can be used to talk to legislators. The DWG updated the prioritized discussion and

information topics list. Tom Gile was introduced as the new DWG coordinator. The next DWG meeting is scheduled for June 13.

Al Kean discussed the consensus process that has been evolving at the DWG and how that impacts the DWG Recommendations Report. He also discussed the legislative process for the recommendations and staffing of the DWG. Al appreciated that Tom Loveall attends the DWG as a representative of the BWSR board.

COMMITTEE RECOMMENDATIONS

Northern Region Committee

Red Lake River Comprehensive Watershed Management Plan Amendment – Rich Sve presented the plan amendment. The Red Lake River Comprehensive Watershed Management Plan (Plan) Amendment was submitted for final state agency review on December 20, 2018. The partnership held a 60-day review process that ended on November 30, 2018, and a public hearing on December 19, 2018, in Thief River Falls, MN.

The current Plan was approved on April 26, 2017, and expires on April 26, 2027. The reason for amending the Plan is the establishment of Water Management Districts (MS 103D.729) for the Red Lake Watershed District's (RLWD) Thief River Falls Westside Flood Damage Reduction and Black River Impoundment Projects. Water Management Districts provide an equitable mechanism for funding targeted and specific watershed district projects by developing a fee and funding structure on the basis of benefiter contribution as it relates to a particular pollution characteristic or to a particular water resource issue. A watershed district may establish a Water Management District only by amendment to its plan, or in this case the Red Lake River Comprehensive Watershed Management Plan, which is substituting for the RLWD's Watershed Management Plan.

On January 2, 2019, the Northern Regional Committee met with representatives from the partnership and BWSR staff to review and discuss the Amendment. The Committee's decision was to recommend approval of the Red Lake River Comprehensive Watershed Management Plan Amendment to the full Board per the attached draft Order.

The board discussed if any comments were received in opposition to the plan amendment. Ryan Hughes responded that there were no comments received in opposition. To add a Watershed Management District, it would either need to be in an amendment or in the original plan. The amendment specifies what projects the RLWD proposes to fund with a Watershed Management District and the amendment process incorporated a public hearing. The board discussed if the number of benefitted landowners is known at this time, and it is not.

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19-03 Moved by Rich Sve, seconded by Tom Schulz, to approve the Red Lake River Comprehensive Watershed Management Plan Amendment. ***Motion passed on a voice vote.***

Red River Basin Commission Grant – Tom Schulz presented the grant. The legislatively-directed funding provided to the Red River Basin Commission (RRBC) is to support ongoing work related to their Natural Resources Framework Plan and Long Term Flood Solutions Plan. For Fiscal Year 2019 this amount is \$100,000. The RRBC has secured the required match from Manitoba and North Dakota and will help further the work that they do in outreach and education for projects and issues related to water quality and floodplain management. The RRBC has secured the required matching funds from the State of North Dakota and Province of Manitoba.

The Northern Region committee met on January 2, 2019, and the Executive Director of the Red River Basin Commission, Ted Preister, attended that committee meeting. The committee discussed the work plan and budget. The grant would fund 39% of their expenditures. Henry Van Offelen, BWSR Clean Water Specialist for the Red River Basin, recommended approval of the grant to the committee, and the committee recommended approval to the board.

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19-04 Moved by Tom Schulz, seconded by Jill Crafton, to approve the Red River Basin Commission Grant. **Motion passed on a voice vote.**

RIM Reserve Committee

Blue Earth CSAH 1 RIM Easement Alteration (07-12-99-01) – Tim Fredbo presented the alteration request. The Blue Earth County Highway Department has purchased additional right-of-way land for the required reconstruction of County State Aid Highway (CSAH) 1 that contains approximately 2.6 acres of an adjacent 24.7 acre MN River CREP easement that was recorded on February 7, 2001. This project is being undertaken to make this road safer and more stable. It will be upgraded to meet current MNDOT State Aid Design Standards to help reduce higher than average crash numbers along this stretch of road.

BWSR’s policy for easement alterations on public road projects necessitates payback for released acres at twice the current easement payment rate, plus any cost-share payments and a \$500 administrative fee. The easement payment rates for South Bend Township in place back in June of 2018 were \$6,966 per acre for cropland, and \$4,644 per acre for non-cropland. 2 times these rates are \$13,932 for cropland and \$9,288 for non-crop. There are 1.6 acres of cropland and 1.0 acre of non-crop being released from this easement. There were no conservation cost-share payments on these acres when originally placed into CREP.

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|---|---------------|
| 1.6 acres cropland for release X \$13,932 = | \$22,291.20 |
| 1.0 acres non-crop for release X \$ 9,288 = | \$ 9,288 |
| Administrative fee = | <u>\$ 500</u> |
| PAYMENT REQUIRED = | \$32,079.20 |

BWSR has received full payment from Blue Earth County for this release and a copy of the check is included in the associated supporting documents.

Staff recommended approval to formally amend easement 07-12-99-01 to remove 2.6 acres. The RIM Reserve Committee of the BWSR recommended approval to the full board of this request at their December 19, 2018 meeting.

Tom Loveall spoke in favor of the easement amendment due to the public safety aspect. Tom Schulz appreciated that there was the option for preliminary approval by staff. The board discussed how decisions on easement alterations are made. The board discussed how payment is used by BWSR.

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19-05 Moved by Kathryn Kelly, seconded by Joe Collins, to approve the Blue Earth CSAH 1 RIM Easement Alteration (07-12-99-01) Request. **Motion passed on a voice vote.**

Buffers, Soils, and Drainage Committee

John Jaschke announced that Kathryn Kelly identified a perceived conflict for the FY2019 Buffer Implementation Grants agenda item and will not participate in this agenda item.

FY 2019 Buffer Implementation Grants – Dave Weirens and Tom Gile presented the FY19 Buffer Implementation Grants. SWCDs across the state have a wide ranging workload remaining to provide cost share, and administrative and technical assistance to landowners working to comply with the Buffer Law. The remaining funding to support Buffer Law implementation exists in three different funding sources and consolidation of those sources to the Buffer Implementation fund will provide for the most efficient distribution. Funding is being distributed to SWCDs base on anticipated remaining workload to implement the buffer law. This was assessed using compliance information and USDA planted acres. This funding is in addition to the existing FY 18 &19 Buffer implementation grants. Future Buffer implementation grants would be determined upon approval of the FY 20 & 21 budget.

The method of determining how the funds would be distributed was discussed by the board. BWSR staff looked at counties to see how many remaining parcels in each county still need buffers installed. Numerous SWCDs have approached BWSR to see if funds were available for assistance with buffer implementation but BWSR staff have not reached out to every district on the allocation list. The board discussed if this would be a one-time or an ongoing allocation. At this time, it is being considered a one-time allocation.

The board order is worded so that if some SWCDs do not want to receive funds that they are allocated, BWSR could allocate to other SWCDs who are not currently on the allocation table. An amendment was proposed to the board order to clarify this and to add a cap of \$10,000 per SWCD if remaining funds are available. The board also discussed the funds that would be shifted under the board order. The board also discussed the role that BWSR staff play in determining need in the districts. The board discussed fund availability and how a grant agreement may be set up with the timelines in the board order and in appropriation rider language. Local government staff have undertaken the role of helping landowners into compliance, and these funds would help to support this effort.

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19-06 Moved by Steve Sunderland, seconded by Tom Loveall, to approve the presented the FY19 Buffer Implementation Grants, with an amended board order. ***Motion passed on a voice vote.***

Chair Gerald Van Amburg recessed the board meeting at 11:14am. He called the meeting back to order at 11:27am.

Audit and Oversight Committee

2018 Performance Review and Assistance Program (PRAP) report – Dale Krystosek presented the report. BWSR staff have prepared the 2018 Performance Review and Assistance Program (PRAP) Legislative Report which presents a summary of PRAP reviews and activities conducted in 2018. The report also contains a list of planned program objectives including three new items for 2019; Review and update Performance Standards Checklists for counties, soil and water conservation districts, watershed districts and watershed management organizations; Evaluate implementation progress for Level III reviews conducted in 2017 and 2018, and Develop performance standards that focus on reporting of resource outcomes for assessment of implementation of One Watershed One Plans.

Gerald Van Amburg mentioned that the Audit and Oversight committee met yesterday and discussed how to communicate to citizens about the outcomes that local water management plans are achieving.

Jack Ditmore mentioned that there is a need to demonstrate what is being achieved. The PRAP report may not be the appropriate place to do that. The board determined that there could be a board discussion at a later date about achievements and outcomes. There is a team in the Clean Water Council working on goals and objectives. Perhaps the Clean Water Council could present on this at a future board meeting. The board discussed how knowing outcomes and achievements could help determine prioritization of project funding. The board also talked about this importance of partnerships and buy-in.

The board discussed what the process is for having the party being evaluated participate in the PRAP evaluation. There are feedback mechanisms from people who work with the party being evaluated.

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19-07 Moved by Paige Winebarger, seconded by Jill Crafton, to approve the report, with an amendment to the report regarding resource outcomes, and submit it to the legislature. ***Motion passed on a voice vote.***

NEW BUSINESS

Putting Minnesota on a Clean Water Trajectory: Freshwater Society Report – Steve Woods, Executive Director of the Freshwater Society (FS), presented the report. Former PCA Commissioner Corrigan called 16 groups together 14 years ago to talk about clean water issues, impaired waters, and regulation, which was the genesis of an initial report. FS recently put out a survey to 19 various groups to see what they thought progress was being made on. A lot of people responded that they weren't sure if progress was being made. 27 out of 31 of the recommendations from the first report have been implemented. The system now is better than the previous system because of the recommendations. FS wanted to update the vision and incorporate ideas from state agencies. MAWD, MASWCD, AMC, Farm Bureau, Farmers Union, Chamber of Commerce, Clean Water Council, and various environmental groups participated in the updated report process. One of the things that needs to happen is better communication about goals and achievements. The legislative process, and how the Clean Water Council and the agencies interact with the legislature, was also discussed. Once the Governor's recommendations on Clean Water Fund come out, FS wants to reconvene the group of 19 organizations to look at the recommendations and see how they are similar or different to the Clean Water Council recommendations.

Chris Elvrum left the meeting at 12:22pm.

Susan Stokes announced that the Clean Water Council hired Paul Gardner as a high-level staff person to help communicate with decision-makers about their legislative recommendations. The board discussed the role of drainage in the report. Steve Woods invited board members to a celebration of the 10 year anniversary of the Legacy Amendment on February 6th.

Susan Stokes left the meeting at 12:27pm.

COMMITTEE RECOMMENDATIONS

Central Region Committee

Swift County Comprehensive Local Water Management Plan Amendment – Kevin Bigalke presented the plan amendment. The current Swift County Local Comprehensive Water Management Plan is in effect from December 2013 to December 2023, with the requirement for an amendment in 2018. Swift County submitted the plan amendment for review on October 26, 2018. The state review agencies that provided comments recommended approval of the plan as submitted. The Central Region Committee

met on January 10, 2019 and provided a recommendation to the full Board for approval of the Swift County Comprehensive Local Water Management Plan amendment as submitted.

The board appreciated the emphasis on outcomes in the plan.

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19-08 Moved by Joe Collins, seconded by Paige Winebarger, to approve the Swift County Comprehensive Local Water Management Plan Amendment, with amendments to the board order. ***Motion passed on a voice vote.***

Rice Creek Watershed District Boundary Change – Kevin Bigalke presented the boundary change petition. The Rice Creek Watershed District has petitioned the BWSR for an order approving an adjustment of the common jurisdictional boundary between the Rice Creek Watershed District and the Brown’s Creek Watershed District, pursuant to Minnesota Statute 103B.215. The boundary change petition was legal notice in local newspapers for two consecutive week. The proposed boundary change was reviewed by the Central Region Committee on Thursday, January 10, 2019. The Central Region Committee recommended approval to the full BWSR Board contingent on there being no requests for a public hearing. There were not requests for a public hearing received during the 20 day comment period following the December 27, 2018 legal notice posting.

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19-09 Moved by Joe Collins, seconded by Jack Ditmore, to approve Rice Creek Watershed District Boundary Change. ***Motion passed on a voice vote.***

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Jeff Berg reported that the Department of Agriculture has a new commissioner, Thom Petersen. He previously worked for the Minnesota Farmers Union. The other assistant/deputy commissioners remain the same.

Minnesota Department of Health – No report was provided.

Minnesota Department of Natural Resources – Commissioner Sarah Strommen reported that there are two vacancies in the commissioner’s office: deputy commissioner and assistant commissioner. Barb Naramore will be the new deputy commissioner. The federal shutdown is causing challenges for the walk-in access program, and there is a funding gap for this program with the new farm bill being passed late. John Jaschke mentioned that Commissioner Strommen and he attended the Pheasants Forever meeting last weekend in Alexandria. The board discussed the numbers on special hunts in southeastern Minnesota and the rate of CWD in the deer population. Additional hunts are planned in the Winona area in late January/early February. Chair Van Amburg mentioned the Fargo-Moorhead diversion plan and permits.

University of Minnesota Extension – Joel Larson reported that Dr. Anna Cates is now full-time with the Office of Soil Health. He thanked the board for the financial support for the position. There are two upcoming events: a nitrogen management practices conference on February 5th in Mankato and a nutrient management conference on February 19 in St. Cloud. Additional information can be found online.

Minnesota Pollution Control Agency – No report was provided.

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 – no report was provided.

Minnesota Association of Townships – no report was provided.

Minnesota Association of Watershed Districts – Emily Javens reported that MAWD decided to add Water Management Organizations (WMOs) to MAWD. There are three new members to MAWD as a result of that change. MAWD legislative days are February 20-21.

UPCOMING MEETINGS

- Next BWSR Meeting is scheduled for Wednesday, March 27 at 9:00AM, location TBD.

Chair Van Amburg adjourned the meeting at 12:47 PM.

Respectfully submitted,



Gerald Van Amburg, Chair