

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, MAY 22, 2013**

**BOARD MEMBERS PRESENT:**

Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, UME; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Matt Wohlman, MDA

**BOARD MEMBERS ABSENT:**

Christy Jo Fogarty

**STAFF PRESENT:**

Mary Jo Anderson, Jim Haertel, John Jaschke, Tim Koehler, Bill Penning, Polly Remick, Jared Schmitz, Doug Thomas, Tom Wenzel, Brad Wozney, Elizabeth Zuehlke

**OTHERS:**

Bob Patton and Jeff Smyser, EQB  
Ray Bohn, MAWD  
Myron Taylor, NRCS

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**CALL MEETING TO ORDER** - Chair Napstad called the meeting to order at 9:02 a.m.

**PLEDGE OF ALLEGIANCE**

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13-27 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Chris Elvrum, to adopt the agenda as presented. ***Motion passed on a voice vote.***

**MINUTES OF MARCH 27, 2013 BOARD MEETING** – Jack Ditmore requested the minutes of March 27, 2013 reflect his opposition to the Big Stone County Comprehensive Local Water Management Plan Extension, Resolution #13-19; his opposition to Blue Earth County Comprehensive Local Water Management Plan Extension, Resolution #13-20; his opposition to Chippewa County Comprehensive Local Water Management Plan Extension, Resolution #13-21; his opposition to Lac qui Parle County Comprehensive Local Water Management Plan Extension, Resolution #13-22; and his opposition to Swift County Comprehensive Local Water Management Plan Extension, Resolution #13-23.

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13-28 Moved by Keith Mykleseth, seconded by Sandy Hooker, to approve the minutes of March 27, 2013 as amended. ***Motion passed on a voice vote.***

**INTRODUCTION OF NEW BWSR EMPLOYEES**

Chair Napstad welcomed new BWSR staff.

- Doug Thomas, Senior Policy & Program Advisor, was introduced by John Jaschke.
- Bill Penning, Conservation Easement Section Manager, was introduced by John Jaschke.
- Elizabeth Zuehlke, Accounting Officer, was introduced by John Jaschke.
- Jared Schmitz, Engineering Technician, was introduced by Tom Wenzel.

**REPORTS**

**Chair's Report** – Brian Napstad reported that he and Vice-Chair Gerald Van Amburg conducted the executive director's performance evaluation. Chair Napstad reported that John Jaschke requested a more advanced appraisal using a 360 review process which included evaluations by various BWSR staff, LGUs, and clientele. Chair Napstad reported that John's performance evaluation was positive, ranging from very good to outstanding. The 360 review assessment valued John's exceptional skills in leadership, and the agency is proud to have a strong leader at BWSR.

Chair Napstad reported that he attended the RIM Reserve Management Planning Committee meeting on May 21<sup>st</sup>, and was impressed with the level of thoroughness, procedures, policies, and great committee structure at BWSR. Chair Napstad reported

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that Kevin Lines attended the Committee meeting as a citizen; he's cancer free and is doing well.

Chair Napstad attended the EQB meeting. EQB has enlisted staff from the Governor's Institute on Community Design (GICD) to facilitate future meetings to develop policy as an outcome of the Minnesota Environment and Energy Report Card. Tom Landwehr stated that the GICD will meet with the EQB in June to discuss recommendations on environment, land, water, air, and energy.

Chair Napstad reported that EQB discussed the challenges faced by the U.S. Army Corps of Engineers navigating the river bend in the Hastings area due to silt and sedimentation problems. Dakota County and DNR are discussing dredge, drainage, and channelization concerns and may involve BWSR in the future regarding watershed issues.

Chair Napstad commented on the great information that GIS can provide at a local level, projects funded by BWSR through the challenge grant process. The Northern Water Planning Committee meets next month to review the Crow Wing County Water Plan.

**Administrative Advisory Committee (AAC)** – Brian Napstad reported that the AAC did not meet this month.

**Executive Director's Report** – John Jaschke reported that Governor Dayton made appointments to BWSR. Tom Loveall and Christy Jo Fogarty were reappointed to terms expiring January 2017. Two new appointments were announced, effective May 23, 2013: Tom Schulz will replace Bob Burandt, representing SWCDs; and Judy Ohly will replace John Meyer as a citizen member. John Jaschke will provide an orientation for new board members. Chair Napstad stated that he and John will review BWSR committees; he asked board members having specific interest on a committee to let him know.

Keith Mykleseth reported that he has been hired as the DNR Ecological & Water Resources Assistant Manager in Bemidji. Keith will be moving from Crookston to Bemidji and will no longer be a non-metro city representative on the BWSR Board. Keith stated that he has enjoyed serving on the Board, his last official BWSR Board meeting is June 26. John Jaschke congratulated Keith on his new position at DNR.

John reported that the One Watershed One Plan (1W1P) is being developed. A Board workshop will be held to assist in shaping the plan into the future; if board members have suggestions let him know.

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John reviewed information in board members' packets. John stated that BWSR will be sending its monthly newsletter "BWSR Snapshots" electronically to local partners publishing conservation stories from around the state. John briefly reported on the PRAP assistance grant. John stated that the newly revised 'Conflict of Interest Disclosure Form' for board members will be utilized at the June Board meeting.

**Dispute Resolution Committee** – Travis Germundson provided a brief status report on appeals. Travis stated that a training session will be held when new board member appointments are completed and committee assignments have been made.

**Wetlands Committee** – Gerald Van Amburg reported that the Wetlands Committee met last night; four issues will be brought before the Board in the future: 1) Memo of Understanding with BWSR and NRCS will come before the Board in June; 2) meetings will be held regarding wetland mitigation in northeast Minnesota, replacement credits for wetlands; 3) report on mitigation in lieu fee, and; 4) report on Executive Order 12-04 implementation work plan.

**Grants Program & Policy Committee** – Paul Langseth reported that the Grants Program & Policy Committee will meet today immediately following the Board meeting.

**Public Relations, Outreach & Strategic Planning Committee** – Keith Mykleseth reported that the Committee has not met; their next meeting will be June 23.

**RIM Reserve Management Planning Committee** – Gene Tiedemann reported that the RIM Reserve Management Planning Committee met yesterday, the Committee has a recommendation on the agenda later today.

**Drainage Work Group** – Tom Loveall reported that the Drainage Work Group met on April 5, 2013. Tom distributed a written report and provided an overview of issues discussed at the Drainage Work Group meeting. John stated that a policy presentation will be provided to board members in the near future. Discussion followed. John reported that the Drainage Work Group recommended a number of updates to the drainage law, House File 66 (HF66). The bill passed both the Senate and the House unanimously and was signed by Governor Dayton. John stated that a summary will be provided to board members; the bill summary, now law is on the BWSR website.

**COMMITTEE RECOMMENDATIONS**

***Metro Water Planning Committee***

**Mississippi WMO Plan 2013 Amendment** – Bob Burandt reported that the final draft 2013 amendment to the Mississippi WMO Watershed Management Plan was filed with the Board on March 13, 2013. The draft Order contains a summary of the changes and

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the reviewing agencies' comments. No comments were received during the public hearing. The Metro Water Planning Committee recommends approval of the Plan amendment. Moved by Faye Sleeper, seconded by Joe Collins, to approve the Mississippi WMO Watershed Management Plan. **Motion passed on a voice vote.**

**Northern Water Planning Committee**

**Beltrami County Comprehensive Local Water Plan (CLWP) Extension Request** – Gerald Van Amburg reported that Beltrami County has a Comprehensive Local Water Management Plan that will expire May 28, 2013. On March 19, 2013, the Board received a request for an extension of the Plan from Beltrami County. On March 27, 2013, the Northern Water Planning Committee met to discuss the extension request. The Committee recommends approval of the Beltrami County extension request. Moved by Gerald Van Amburg, seconded by Keith Mykleseth, to approve the Beltrami County Comprehensive Local Water Plan. **Motion passed on a voice vote, with at least one dissenting vote (Jack Ditmore).**

**Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change**

– Keith Mykleseth reported that the Lake of the Woods County SWCD approved a Nomination Districts Resolution on March 14, 2013, which proposed to change nomination districts for the Lake of the Woods County SWCD supervisor seats. The proposed Nomination Districts will align the Districts with the recently revised County Commissioner Districts. The Northern Water Planning Committee met on March 27, 2013, and unanimously recommends approval of the Lake of the Woods County SWCD Nomination Districts Resolution. Moved by Keith Mykleseth, seconded by Gerald Van Amburg to approve the Lake of the Woods County SWCD Supervisor Nomination Districts Boundary Change. **Motion passed on a voice vote.**

**Marshall County SWCD Supervisor Nomination Districts Boundary Change**

– Gene Tiedemann reported that the Marshall County SWCD approved a Nomination Districts Resolution on December 20, 2012, which proposed to change nomination districts for the Marshall County SWCD supervisor seats. The proposed Nomination Districts will provide consistent and equal distribution of township representation in the County. The Northern Water Planning Committee met on March 27, 2013, and unanimously recommends approval of the Marshall County SWCD Nomination Districts Resolution. Moved by Gene Tiedemann, seconded by Sandy Hooker, to approve the Marshall County SWCD Supervisor Nomination Districts Boundary Change. **Motion passed on a voice vote.**

**Southern Water Planning Committee**

**Kandiyohi County Local Water Management Plan Update** – Paul Langseth reported that on January 22, 2013, the Board received the Kandiyohi County Local Water

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Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of Kandiyohi County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3, which speaks to measureable goals, objectives and actions. The Plan Update was sent back to Kandiyohi County to address the concern. On May 2, 2013, the Committee met to review the revised Plan Update

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13-33 submitted by Kandiyohi County. The Committee recommends approval. Moved by Paul Langseth, seconded by Chris Elvrum, to approve the Kandiyohi County Local Water Management Plan 2013-2023. Discussion followed. ***Motion passed on a voice vote.***

**McLeod County Local Water Management Plan Update** – Paul Langseth reported that on December 28, 2012, the Board received the McLeod County Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of McLeod County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3. The Plan Update was sent back to McLeod County to address the concern. On May 2, 2013, the Committee met to review the revised Plan Update submitted by McLeod County. The Committee recommends approval. Moved

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13-34 by Paul Langseth, seconded by Steve Sunderland, to approve the McLeod County Local Water Management Plan 2013-2023. Discussion followed. ***Motion passed on a voice vote.***

**Meeker County Local Water Management Plan Update** – Paul Langseth reported that on January 7, 2013, the Board received the Meeker County Local Water Management Plan Update, a record of the public hearing, and copies of all written comments pertaining to the Plan Update for final State review. On March 7, 2013, the Southern Water Planning Committee met with representatives of Meeker County to discuss recommendations of the state review agencies regarding final approval as well as the Board's concern for the Plan Update not fully complying with language in MN Statutes 103B314. Subd. 3. The Plan Update was sent back to Meeker County to address the concern. On May 2, 2013, the Committee met to review the revised Plan Update submitted by Meeker County. The Committee recommends approval. Moved

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13-35 by Paul Langseth, seconded by Tom Loveall, to approve the Meeker County Local Water Management Plan 2013-2023. ***Motion passed on a voice vote.***

Chair Napstad called for a break in the meeting at 10:40 a.m. The meeting reconvened at 10:52 a.m.

***RIM Reserve Management Planning Committee***

**2013 RIM-WRP Partnership Rates** – Bill Penning introduced Myron Taylor, newly appointed Assistant State Conservationist for Programs at NRCS. Bill reported that the RIM Reserve Management Planning Committee (RRMPC) recommends approval to authorize the 2013 RIM-WRP Partnership easement payment rates. Board Resolution 13-25, approved March 27, 2013, directed staff to develop RIM-WRP Partnership eligibility and sign-up procedures. Myron provided an update on NRCS WRP appropriation acres, training scheduled in June; NRCS looks forward to continued partnership with BWSR. Bill reported that 2013 RIM-WRP payment rate determination is based on a 15% annual average increase for tillable land over the most recent two year period available via the MN Land Economics website. Bill stated that there are three rates: the rate date; the publication date; and the sales year date. Discussion followed.

\*\* Moved by Gene Tiedemann, seconded by Matt Wohlman, to authorize staff to:

13-36 Establish RIM-WRP Partnership payment rates that best approximate 90% of land value for permanent easements on land with cropping history and 60% of land value for permanent easements on lands without cropping history, subject to the following factors:

1. The township land values as established by the Department of Revenue and posted on the University of Minnesota land Economics website shall be used as the basis for determining the 2013 payment rates;
2. The payment rate maximum in Hennepin and Ramsey Counties will not exceed the highest average township rate from any of the other surrounding seven metro counties due to a limited number of tillable land acres, and values that are influenced by development potential;
3. The payment rate maximum for the other five Twin Cities metro counties (Anoka, Carver, Dakota, Scott and Washington) will not exceed the average Scott County rate to more accurately reflect tillable values.

***Motion passed on a voice vote.***

**NEW BUSINESS**

**Legislative Update** – John Jaschke and agency members Matt Wohlman, MDA; Tom Landwehr, DNR; Faye Sleeper, UME; Chris Elvrum, MDH; and Rebecca Flood, PCA; provided a summary of legislative decisions affecting their programs and responsibilities. Discussion followed.

**Environmental Quality Board (EQB) Frac Sand Summary and Status** – Bob Patton, EQB Executive Director, explained the roles of the EQB and the agencies involvement. Jeff Smyser, EQB staff, provided an overview of past and future actions related to frac sand mining and the Report on Silica Sand in Minnesota. Discussion followed. Chair Napstad thanked Bob and Jeff for their report.

**AGENCY REPORTS**

**University of Minnesota Extension** – Faye Sleeper reported on the University of Minnesota Extensions’ new partnership with SWCDs. Staff and supervisors are able to sign-on to webinars at over 50 locations, meeting on various topics; an effective education tool through local models and the University of Minnesota.

**ADVISORY COMMENTS**

**Minnesota Association of Townships** – Sandy Hooker reported that the 2013 Legislative Session was good to townships.

**Minnesota Association of Watershed Districts** – Ray Bohn complimented BWSR, DNR, MDA, MDH, and PCA on their effectiveness of working together during the legislative session. MAWD legislative key issues included: drainage; conservation easements; sales tax exemption for cities and counties. MAWD looks forward to working with Doug Thomas on 1W1P. MAWD is working with the Drainage Work Group. MAWD Summer tour will be held June 20-21 in New Ulm, focus on MN River Basin; Ray encouraged board member attendance.

**UPCOMING MEETINGS**

- Grants Program and Policy Committee meeting today immediately following Board meeting
- Next BWSR Board Meeting – June 26, 2013

\*\* Moved by Rebecca Flood, seconded by Sandy Hooker, to adjourn the meeting at 1:00 PM. ***Motion passed on a voice vote.***

13-37

Respectfully submitted,



Brian Napstad  
Chair