

**BOARD OF WATER AND SOIL RESOURCES
AGRICULTURAL RESEARCH SERVICE LABS
803 IOWA AVENUE
MORRIS, MN 56267
THURSDAY, AUGUST 29, 2019**

BOARD MEMBERS PRESENT:

Jack Ditmore, Kathryn Kelly, Sarah Strommen, DNR; Tom Loveall, Nathan Redalen, Tom Schulz, Thom Peterson, MDA; Joe Collins, Harvey Kruger, Joel Larson, University of Minnesota Extension; Chris Elvrum, MDH; Glenn Skuta, MPCA

BOARD MEMBERS ABSENT:

Rich Sve, Paige Winebarger, Steve Sunderland

STAFF PRESENT:

John Jaschke, Angie Becker Kudelka, Rachel Mueller, Jeremy Olson, Kevin Bigalke, Tom Gile, Ryan Hughes, Pete Waller, Sara Zimmerman

OTHERS PRESENT:

Jeff Berg, LeAnn Buck, Duane Willenbring, Gerald Van Amburg, Joe Montonye, Ron Staples, Linda Vavra, Emily Javens, Keith Swanson, Allen Wold, Matt Solemsaas

Chair Gerald VanAmburg called the meeting to order at 8:30 AM

PLEDGE OF ALLEGIANCE

19-38 **ADOPTION OF AGENDA** - Moved by Kathryn Kelly, seconded by Joel Larson, to adopt the agenda as presented. ***Motion passed on a voice vote.***

19-39 **MINUTES OF JUNE 26, 2019 BOARD MEETING** – Moved by Nathan Redalen, seconded by Thom Peterson, to approve the minutes of June 26, 2019, as circulated. ***Motion passed on a voice vote.***

PUBLIC ACCESS FORUM

Joe Montonye expressed his interest in a longer term commitment financially through contracting or an agreement with producers to work toward improved soil health practices. Joe was encouraged to put his expression of interest in writing and submit to BWSR.

INTRODUCTION OF NEW STAFF

Board members welcomed new BWSR staff Sara Zimmerman, Office and Administrative Specialist.

CONFLICT OF INTEREST DECLARATION

Acting Chair Schulz 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 – John Jaschke reported he attended the EQB retreat where he met with Commissioners and other stakeholders on strategic planning and discussed what the most important things EQB time should be spent on and how to accomplish it. Report is being prepared.

Audit and Oversight Committee – John Jaschke reported the committee did not meet.

Executive Director’s Report - John Jaschke reported the Board Member appointment process is still in a holding pattern. Tom Schulz is the Acting Chair until otherwise. An update on Legislative process over the summer on LCCMR and Outdoor Heritage proposals were provided.

Tom Gile gave an informational update on the approved \$1 million cover crop RFP. Release expected in mid-September. Targeting new adopters to provide opportunities to utilize cover crops and related soil health practices. Encouraging a long term adoption, increase local knowledge and outreach efforts. Four to eight recipients with that \$1 million. The goal is executed grants in February.

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

Grants Program & Policy Committee – Tom Schulz reported for Steve Sunderland that several items from the committee will be brought forward today. The next committee meeting will be on September 17 in Waite Park.

RIM Reserve Committee – Tom Loveall reported that the committee did not meet. Next meeting is scheduled for Wednesday, September 4 at 9:00 a.m. in St. Paul conference room 100.

Water Management & Strategic Planning Committee - Jack Ditmore reported the committee met jointly with Grants Program & Policy multiple times to discuss the watershed based implementation funding program. Goal is bring recommendation to the Board for September 25 meeting.

Wetland Conservation Committee - Tom Schulz reported they met this past Tuesday to review the final approval of Minnesota Wetland Professional Certification Program being transferred from U of M to BWSR. A plan with more detail will be at the next Board meeting.

Update of 404 Assumption by states. \$200,000 provided to the Environmental Quality Board to begin to develop and assemble the material to assume 404. BWSR applied for and will be chosen to receive a \$300,000 grant from EPA. The decision to assume will be made by the state legislature and governor, with input from state agency leadership. A proposal could be considered in the 2021 or 2022 legislative sessions. These funds will be combined into a single project.

Status Update on Local Government Roads Wetland Replacement Program. The Wetland Conservation Act exempts certain local road projects from State wetland replacement requirements and BWSR is required to replace the associated wetland impacts so the local governments don't have to. BWSR has generated approximately 4,800 credits to offset 3,300 acres of wetlands impacted by local road projects since 1996. Although BWSR has had capital requests large enough to help fill the gap insufficient money has been appropriated and there is a significant time lag in getting the credits generated. Likely will be out of credits in many areas by 2021

Buffers, Soils & Drainage Committee - Kathryn Kelly reported the committee will be meeting in September for updates. The buffer implementation has been moving forward very well and will hopefully have an update for the Board in September.

Drainage Work Group (DWG) - Tom Loveall and Tom Gile reported they met in July and August. Two high priorities regarding the DNR and drainage authority. Reestablishing draining system records and DNR guidance for public water permits law and permission drainage. Had a fair amount of discussion with DNR. DNR and stakeholders group will work on charting a path forward. September meeting is cancelled, next workgroup meeting will be in October

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported he met with Department of Revenue and Director Jaschke to look at buffer taxation and how counties are assessing and guidance revenue for buffers. Continuing to meet with farmers, assessors, and counties. Water quality certification program continues to grow with a lot of farmers in the queue. Working on different amendments for certification whether its soil or wildlife, interested to meet with different companies who are interested in partnering in that program. Soil health - visited a lot of farmers more demand for different cover crops. Environmental Congress meeting on December 3 in Mankato, focuses on water and different Ag practices.

Minnesota Department of Health – Chris Elvrum reported that the grant program for Source Water Protection Grants are open September 3 through the end of the month. Source water protection plans are implementation grants for well head protection plans and some surface water intake protection plans or Noncommunity Transient Grant public water supplies that serves people for brief periods.

Minnesota Department of Natural Resources – Sarah Strommen reported their agency leadership team is at full coverage. Recently hired northwest regional director Theresa Ebbenga in Bemidji office and central regional director Grant Wilson will start in November. Sarah will be attending the State Fair for the state bee event. The DNR will also be issuing a Youth Conservation award for one youth from FFA and 4H for outstanding conservation projects.

Minnesota Extension Service – Joel Larson reported the Minnesota Water Resources Conference will be held on October 15 and 16, gave overview of conference. Announced Heidi Roop will be starting in June, she was hired for extension climatologist position that will replace Mark Seeley. Climate adaptation conference will be in January of 2020.

Minnesota Pollution Control Agency – Glenn Skuta reported they are half way through a 60 day comment period for series of reports on the MN River Basin, MN River, major tributaries, and major watersheds of the basin - have had a number of outreach events. Attended the lower MN watershed district boat tour. Lake Pepin TMDL will be going on public notice – there is an outreach event in Lake City tonight. Dana Vanderbosch is the new Municipal Division Director.

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 reflected on the tour, and the importance of SWCD capacity funding. Reported there will be a local government roundtable meeting in September. Will have a governance 101 training for building public trust.

Minnesota Association of Townships – Nathan Redalen reported annual conference in Mankato November 22 and 23. One of the issue brought up by townships is the 1W1P so will have a BWSR staff provide a general conversation about water.

Minnesota Association of Watershed Districts –Emily Javens reflected on the tour and the decisions ahead related to watershed management and implementation and increasing the pace of progress on water quality. Spoke of the Great Lakes Revival Report that includes ten stories on how restoring polluted waters leads to the rebirth of great lakes communities.

Natural Resources Conservation Services – No report was provided.

COMMITTEE RECOMMENDATIONS

Southern Region Committee

Area II Minnesota River Basin Projects Biennial Plan & Area II Floodplain Management Grant – Kathryn Kelly presented the grant.

The funding provided to the Area II Board via specific legislation is targeted at administration of this nine-county joint powers board in the amount of \$140,000 each for fiscal years 2020 and 2021. This grant requires a 25% local match.

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19-40 Moved by Kathryn Kelly, seconded by Chris Elvrum, to approve the Area II Minnesota River Basin Projects Biennial Plan & Area II Floodplain Management Grant. ***Motion passed on a voice vote.***

Grants Program and Policy Committee

One Watershed One Plan – Plan Content Requirements Amendment – Kevin Bigalke presented the Amendment to the One Watershed, One Plan - Plan Content Requirements.

In 2019, the Minnesota Legislature passed HF 1928, which included a modification to §103B.801 that adds “drinking water sources” to the requirement for plan content. Staff recommends updating the One Watershed, One Plan – Plan Content Requirements to reflect this change. The proposed update would be to add the words “drinking water sources” in the list of issues that must be addressed.

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19-41 Moved by Nathan Redalen, seconded by Chris Elvrum, to approve the One Watershed One Plan – Plan Content Requirements Amendment. ***Motion passed on a voice vote.***

One Watershed, One Plan Planning Grants – Kevin Bigalke presented One Watershed, One Plan Planning Grants.

The calendar year 2019 One Watershed, One Plan Planning Grants request for proposal (RFP) period opened on March 28, 2019 and closed on June 6, 2019. Three proposals were submitted and staff screened them against the RFP selection criteria. Staff also received feedback from the Interagency WRAPS Implementation Team and incorporated a new process step of coordination with MPCA. Senior Management Team reviewed staff recommendations on August 13, 2019, and recommended funding all three of the applications. Grants Program and Policy Committee reviewed this recommendation on August 19, 2019, and recommends the attached resolution to the board.

Funds are from the 2018-2019 biennium, Laws of Minnesota 2017, Chapter 91, Article 2, Section 7(i) for assistance, oversight, and grants to local governments to transition local water management plans to a watershed approach.

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19-42 Moved by Jack Ditmore, seconded by Glenn Skuta, to approve the One Watershed, One Plan Planning Grants. ***Motion passed on a voice vote.***

FY 2020 SWCD Local Capacity Grant Program – Kevin Bigalke presented the grant program.

This is the third biennium for the SWCD Capacity appropriation which came through the CWF once again. This biennium the legislature added additional funds and language that required the inclusion of private land and public water factors in the allocation formula. Staff worked, in consultation with other stakeholders, to develop a new formula which includes those additional metrics. There was also additional language that stipulated 1% for BWSR administration, less than allowable in previous years, therefore BWSR has to reduce administration time spent on these grants. This necessitated strengthening the connection to the CWF Statute requirements within the program policy to ensure the grantees are aware of their responsibilities. The allocation formula includes an increase level on CPI and portions based on private land and public water per appropriation language provisions.

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19-43 Moved by Joel Larson, seconded by Harvey Kruger, to approve the FY 2020 SWCD Local Capacity Grant Program. ***Motion passed on a voice vote.***

SWCD Conservation Delivery and Capacity Policy Update – Kevin Bigalke presented policy update.

Additional language added to the SWCD Conservation Delivery and Capacity Grants Policy to strengthen the connection to the Minnesota Constitution, article XI, section 15 and to Minnesota Management & Budget’s Guidance to Agencies for expenditure of Clean Water Funds.

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19-44 Moved by Kathryn Kelly, seconded by Joel Larson, to approve the SWCD Conservation Delivery and Capacity Policy Update. ***Motion passed on a voice vote.***

FY 2020 and FY 2021 Cooperative Weed Management Area Program RFP – Kevin Bigalke presented Cooperative Weed Management Area Program RFP.

Approval of the FY 2020 and FY 2021 BWSR Cooperative Weed Management Area (CWMA) Program RFP is requested. The Board was appropriated \$100,000 of cost-share grant funds in each year of the biennium for FY 2020 and FY 2021 (\$200,000 total) for “county cooperative weed management cost-share programs and to restore native plants in selected invasive species management sites.” Staff have developed a request for proposal to make these funds available to qualified cooperative weed management groups.

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19-45 Moved by Joe Collins, seconded by Kathryn Kelly, to approve the FY 2020 and FY 2021 Cooperative Weed Management Area Program RFP. ***Motion passed on a voice vote.***

Central Region Committee

Lower Minnesota River Watershed District Dredge Management Grant – Kevin Bigalke presented the grant.

The Lower Minnesota River Watershed District (LMRWD) is responsible for dredge material management within the Minnesota River to sustain a 9 foot deep navigation channel as assigned by the US Army Corps of Engineers (COE). The District was largely established to serve as the principle entity to ensure local participation to the COE.

In 2017, the LMRWD successfully lobbied the Minnesota Legislature to appropriate \$240,000 in 2017 and 2018 to carry out activities related to Minnesota River channel management. The Board of Water and Soil Resources (BWSR) is the administrative agency that the appropriated funds will be delivered through. In 2019, the Legislature once again appropriated \$240,000 for the first year and \$240,000 for the second year of the biennium to defray the annual cost of operating and maintaining sites for dredge spoil to sustain the state, national, and international commercial and recreational navigation on the lower Minnesota River.

As part of the requirements for the funds to be disbursed, the LMRWD must submit a workplan for the management. Staff is recommending approval of disbursement of the funds pending approval of the workplan.

The Central Region Committee reviewed the materials on August 8, 2019. The Committee unanimously voted to recommend to the BWSR Board approval of disbursement of the funds per the staff recommendation.

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19-46 Moved by Joe Collins, seconded by Harvey Kruger, to approve the Lower Minnesota River Watershed District Dredge Management Grant. ***Motion passed on a voice vote.***

Mille Lacs Soil and Water Conservation District Change in Location of Principal Office Headquarters – Kevin Bigalke presented the change in Location of Principal Office Headquarters.

On July 10, 2019, the Mille Lacs SWCD Board of Supervisors passed a resolution approving the district's change of principal office location to 1016 5th Street SW, Milaca, MN 56353 to 635 2nd Street SE, Milaca, MN 56353. BWSR's Central Region Committee met on August 1, 2019, to review this request and voted to recommend approval of the change of principal office location to the full BWSR Board.

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19-47 Moved by Kathryn Kelly, seconded by Joe Collins, to approve the Mille Lacs Soil and Water Conservation District Change in Location of Principal Office Headquarters. ***Motion passed on a voice vote.***

North Fork Crow River Watershed District Boundary Change and District Enlargement Petition Hearing – Kevin Bigalke presented Boundary Change and District Enlargement Petition Hearing.

The North Fork Crow River Watershed District will be filing a petition for a boundary change and a district enlargement pursuant to Minn. Stat. § 103D.251 & Minn. Stat. § 103D.261. Both a boundary change and district enlargement requires the Board of Water and Soil Resources (Board) to hold a hearing regarding the petitioned boundary change and enlargement. The Board has historically appointed and directed a Board Committee to hold the required hearing. In order to plan for the hearing and to make arrangements for the hearing, the Central Region Committee, at its August 8, 2019 meeting, made a recommendation that the Board authorize the Central Region Committee to hold the required hearing regarding the North Fork Crow River Watershed District Boundary Change and District Enlargement petition.

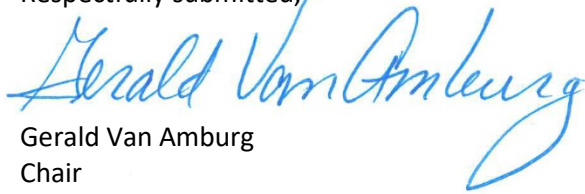
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19-48 Moved by Joe Collins, seconded by Kathryn Kelly, to approve the North Fork Crow River Watershed District Boundary Change and District Enlargement Petition Hearing. ***Motion passed on a voice vote.***

UPCOMING MEETINGS

- RIM Reserve meeting September 4th in St. Paul
- Southern Regional September 16th in Glencoe and 26th in Mankato
- Grants Committee meeting September 17 in St. Cloud
- Next BWSR meeting 9:00 AM, September 25 in St. Paul

Acting Chair Schulz adjourned the meeting at 11:05 AM

Respectfully submitted,



Gerald Van Amburg
Chair