

**BOARD OF WATER AND SOIL RESOURCES
525 SOUTH LAKE AVENUE
CONFERENCE ROOM 400-1
DULUTH, MN 55802
THURSDAY, AUGUST 29, 2024**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Mike Runk, Neil Peterson, Rich Sve, Lori Cox, Ted Winter, LeRoy Ose, Eunice Biel, Todd Holman, Ron Staples, Mark Zabel, Dana Vanderbosch, MPCA; Joel Larson, University of Minnesota Extension; Jeff Berg, MDA; Tom Hogan, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

Kelly Kirkpatrick

STAFF PRESENT:

John Jaschke, Rachel Mueller, Travis Germundson, Julie Westerlund, Becca Reiss, Ryan Hughes, Andrea Fish, Luke Olson, Craig Engwall, John Shea, Henry Van Offelen, Barb Peichel, Marcey Westrick

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; Mike Schultz, MACDE; LeAnn Buck, MASWCD; Holly Bushman, Le Sueur County

Chair Todd Holman called the meeting to order at 9:12 AM

PLEDGE OF ALLEGIANCE

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24-37 **ADOPTION OF AGENDA** - Moved by Joe Collins, seconded by Jill Crafton, to adopt the agenda as presented. *Motion passed on a roll call vote.*

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24-38 **MINUTES OF JUNE 26, 2024 BOARD MEETING** – Moved by Eunice Biel, seconded by Ron Staples, to approve the minutes of June 26, 2024, as circulated. *Motion passed on a roll call vote.*

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Ryan Hughes introduced Becca Reiss, Grants Compliance Specialist.

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 attend the EQB meeting. Thanked those that worked on the BWSR Board Tour.

Executive Director’s Report - John Jaschke reported he appreciated the tour and how teamwork is apparent on all aspects of the projects. John reviewed the Snapshots included in the Day of Packet. Stated they are exploring an extension of the Conservation Reserve Enhance Program (CREP) agreement. Minnesota is hosting the National Association of State Conservation Agencies in Duluth where they will showcase some of the work being done in Minnesota. They’ve started the budget process for the upcoming biennium and will have recommendations for the Governor’s office this fall. The Outdoor Heritage Council met this week to hear proposals.

Joe Collins asked if there is a public comment period for Clean Water Funds. John stated the Clean Water Council meetings are public and posted on their website.

John stated members should receive a Campaign Finance Disclosure Notice that will need to be completed.

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 have been three new appeals filed since last report and two appeals are currently pending.

File 24-6 is an appeal of a Wetland Conservation Act (WCA) notice of decision in Aikin County. The appeal regards the denial of an after the fact agricultural activities exemption. The petition claims that the activities/impacts are following a federal approval exemption and NRCS' conservation plan approved for the property. No decision has been made on the appeal.

File 24-4 is an appeal of a WCA Restoration Order for a property in Aitkin County. The appeal has been denied and the restoration order affirmed.

Travis stated the buffer compliance numbers remain consistent with a slight increase in compliance.

Grants Program & Policy Committee – Mark Zabel reported the committee met and recommend two items that are on the agenda today. Stated they heard information items as well as grant program updates at the meeting.

RIM Reserve – Jayne Hager Dee Reported the committee has not met.

Water Management & Strategic Planning Committee – Joe Collins reported they met on August 5th and will have two items on the agenda today.

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

Buffers, Soils & Drainage Committee – LeRoy Ose reported they met August 6th for an informational meeting. Will be meeting again in October.

Drainage Work Group (DWG) – Neil Peterson reported the DWG has been meeting and he was unable to attend the last meeting. Ron Staples reported they met last month in St. Cloud and discussed using website notifications and had a discussion on adequate outlet.

AGENCY REPORTS

Minnesota Department of Agriculture – Jeff Berg thanked staff that helped plan the tour. Soil Health Equipment grants are open and will close tomorrow. Stated they were able to put in Ag weather stations from Clean Water Funding.

Minnesota Department of Health – Tom Hogan reported their Contaminates of Emerging Concern Program will have its annual meeting on September 18th virtually. They are continuing to work on their Minnesota Drinking Water Action Plan, it will be out for public comment soon.

In southeast Minnesota they are continuing to offer free well testing for private well households for the top five contaminants. They are continuing to work with local partners and will be building a dashboard to show their progress.

Rich Sve asked if there is a kit for well testing available at the local health department or with the State. Tom stated it could be either.

Lori Cox asked when people get a high pollutant test what do you tell them for a solution or about the future. Tom stated the Dept. of Ag received funding through the Legislative session last year to provide reverse osmosis systems and are working with them to help stand that effort up. Along with the Dept. of Ag and the Pollution Control Agency (PCA) they are setting up workgroups to mitigate the nitrate issues in the SE region. They had their first meeting composed of a diverse local group and discussed how to

address nitrates in groundwater. Jeff stated they also have their Nitrogen Fertilizer Management Plan and Groundwater Protection Rule that they'll continue to work on.

Minnesota Department of Natural Resources – Sarah Strommen reported they will be announcing the completion of their first public water access modernization project. Sarah stated they are still working to finalize the process on the Public Water Inventory update. There will be an opportunity to review and make public comments.

Joe Collins stated when looking at criteria, some public waters may be added and asked if that would imply that some may be removed too. Sarah stated that there could be waters coming off and waters coming on depending on what gaps they find between the current public water inventory and what the statute says should be included as a public water.

Minnesota Extension – Joel Larson thanks those for organizing the tour. Joel reported registration is open for the Minnesota Water Resources Conference will be taking place October 15 and 16 in St. Paul. The Minnesota Climate Adaptation Partnerships has been rolling out MN Climate and it's now available on the University of Minnesota's website. They will also have a series of Climate Adaptation Specialist Trainings. Joel stated they will be hiring three new extension educator positions.

Mark Zabel asked about the Climate Adaptation GIS application and if it included changes to zones, hydrology, and basic information. Joel stated it creates inputs that can be used for projects.

Minnesota Pollution Control Agency – Dana Vanderbosch provided an update on the nitrates in southeast Minnesota. Their two general feedlot permits are currently on public comment until September 3rd. They will be reviewing the feedlot rules and will consider if any changes are needed. Stated they received funding to install a nitrate sensor network in the watersheds that have the highest nitrate loading.

Lori Cox asked if the nitrate sensors would be in water bodies or outside. Dana stated they are river and stream sensors. Lori asked if there is a budget set aside and asked what the source of revenue to pay for those are. Dana stated it's given to MPCA through the Clean Water Fund.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported their members have been involved in different works groups and collaborations with partners to implement things that were passed in the last year and to prepare for the year ahead. They have been communicating with the Clean Water Council as they prepare to set their budget. They have been participating in the Drainage Work Group meetings. The AMC Fall Policy Conference is September 11 -13. They will be looking at next steps for policy development.

Minnesota Association of Conservation District Employees – Mike Schultz reported their annual meeting will be held the second evening during the BWSR academy. Nominations are being accepted for the Extraordinary Contribution Award. They held admin. training this summer with about 55 members participating. They also held manager meetings earlier this year.

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck introduced Jake Janski. Jake stated he is a SWCD Supervisor on the Mille Lacs SWCD and is Director for Northeast Area 3. He is

chairman of the Rum River Watershed Partnership and works as an Ecologist at Minnesota Native Landscapes.

LeAnn stated their Board will be going to South Central Minnesota to look at small scale water storage initiatives. Stated the National Association of the Great Lakes Commission proposed a project where they're inviting all the State Associations for a Social Science Study. Annual convention is December 2-4, 2024.

Neil Peterson thanked Soil and Water Districts for their work.

Jayne Hager Dee stated she appreciates their board will be viewing fields and communities that were hit hard with flooding.

Minnesota Association of Townships – Eunice Biel thanked everyone for planning the tour. In August district meetings were held throughout the State. They are preparing for their Legislative and Research fall meeting and their Annual Convention in December. Township Tuesday conference calls are being held on the 1st and 3rd Tuesdays of each month at 10:00 a.m. There will be an upcoming webinar on solar for public buildings on September 5th.

Minnesota Watersheds – Jan Voit reported she appreciated going on the tour and seeing the work that has been done. They have been working on their legislative platform and priorities with committees and will bring changes to their annual conference. They will have a committee work on the Drainage Chapter 103E notice requirements. Their Events and Education Committee will help plan their annual conference. Stated they will update their Strategic Plan and bringing it to their annual conference. Stated she has been doing meet and greets with Watershed Districts and Watershed Organizations with Justin Hanson and appreciates his partnership. They are working with Julie Westerlund on regional training for their members and not just for Watershed Districts. Their annual conference will be taking place at Grandview Lodge in Nisswa December 4-6, 2024.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 10:50 a.m. and called the meeting back to order at 11:03 a.m.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

One Watershed, One Plan – FY25 Planning Grants – Julie Westerlund presented One Watershed, One Plan – FY25 Planning Grants. The calendar year 2024 (FY25 grants) One Watershed, One Plan Planning Grants request for proposal (RFP) period opened on March 28, 2023 and closed on June 14, 2023. BWSR received three proposals. Staff reviewed the three proposals (locations shown on attached map) against the RFP selection criteria. BWSR's Senior Management Team reviewed staff recommendations on July 23, 2024 and recommended funding all three proposals. Grants Program and Policy Committee reviewed this recommendation on August 19, 2024. A draft board order is attached.

Funds are from the 2022-2023 biennium, Laws of Minnesota, 2021, 1st Special Session, Chapter 1, Article 2, Section 6 (i) and the 2024-2025 biennium, Laws of Minnesota, 2023, Chapter 40, Article 2, Section 6 (i) for assistance, oversight, and grants to local governments to transition local water management plans to a watershed approach as well as previously returned clean water fund grants.

If approved, this action will bring the final three planning areas into participation in the One Watershed, One Plan program, marking a significant milestone – full participation - in Minnesota’s transition to statewide watershed-based planning and implementation.

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24-39

Moved by Jill Crafton, seconded by Rich Sve, to approve the One Watershed, One Plan – FY25 Planning Grants. *Motion passed on a roll call vote.*

Red River Basin Commission Adaptive Phosphorus Management Plan Grant – Henry Van Offelen presented Red River Basin Commission Adaptive Phosphorus Management Plan Grant.

Legislative appropriation directly to Red River Basin Commission to develop an adaptive phosphorus management plan for the Red River Basin. Reviewed and approved at the Grants Program and Policy Committee.

Lori Cox asked if the applicable water quality targets for phosphorus loading was local or within the region. Henry stated there have been 10 local well water treatment plants that have received permits contingent with the allowances for this water quality trading pilot. Lori asked if there is a document that talks about this water quality phosphorus trading. Henry stated there are a couple previous models related to PCA permits for water quality trading but no specific document. John stated this money is being used to potentially develop a water quality trading mechanism. Mark Zabel stated the Blue Lake Plant is a potential similar model. Henry stated it will create the framework to figure out how water quality trading relates to PCA permits.

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24-40

Moved by LeRoy Ose, seconded by Ron Staples, to approve the Red River Basin Commission Adaptive Phosphorus Management Plan Grant. *Motion passed on a roll call vote.*

Central Region Committee

Chippewa River Comprehensive Watershed Management Plan – Julie Westerlund presented Chippewa River Comprehensive Watershed Management Plan

Chippewa River Comprehensive Watershed Management Plan (Plan) – On January 19, 2022, the Chippewa River Watershed Partnership received an approved grant agreement from the Board of Water and Soil Resources (BWSR) to develop a Comprehensive Watershed Management Plan under the One Watershed, One Plan Program. The Partnership established a Joint Powers Entity in July 2021, for the purposes of watershed planning and implementation. The Partnership has followed One Watershed, One Plan Operating Procedures; and the Policy Committee and Advisory Committee members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the draft Chippewa River Comprehensive Watershed Management Plan (Plan) to BWSR on December 26, 2023, for 60-day comment period. A public hearing was held April 9, 2024, and the Policy Committee submitted the Plan for approval May 9, 2024. The Central Regional Committee (Committee) met on August 5, 2024, to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Joe Collins stated he liked how they looked at voluntary local implementation with the highest load reduction of sediment or particles going into the water bodies. Lori Cox stated plans are good but when speaking of voluntary there are no guarantees. Joe stated it can be a financial risk. Rich Sve stated sometimes all it takes is one person to try and it proves itself to get others to follow.

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24-41

Moved by Ron Staples, seconded by Joe Collins, to approve the Chippewa River Comprehensive Watershed Management Plan. *Motion passed on a roll call vote.*

Lower Minnesota River East Comprehensive Watershed Management Plan – Julie Westerlund presented Lower Minnesota River East Comprehensive Watershed Management Plan.

The Lower Minnesota River East watershed covers 634 square miles (405,789 acres), spanning most of Scott County in the southern Twin Cities Metropolitan area, the northern half of Le Sueur County, northwestern portion of Rice County, and one tribal nation (Shakopee Mdewakanton Sioux Community). Most of the middle and upper watershed is dominated by agricultural land use (65% by area), while the lower portion of the watershed transitions from agricultural to suburban and urban land use types (13% by area). The watershed has 117 lakes and 870 stream miles, including 70 stream miles of the Minnesota River, which runs along the northern and western boundaries of the watershed.

The Plan actions generally focus on implementation of best management practices in agricultural and urban areas to address priority issues, development of studies and data collection to better target implementation actions, policy improvements where feasible and timely, and active public outreach and engagement by local partners. The total 10-year estimated cost of Plan implementation is \$17,389,400, of which 81% is budgeted for implementing practices on the ground. Data, studies, and monitoring is anticipated to utilize 11%, and outreach and technical assistance will utilize another 5%. The remaining funds will be spent on activities related to policy and regulation as well as Plan administration.

The Partnership held a 60-day review process that ended on March 22nd, 2024, and held a public hearing on May 30, 2024, in New Prague – a central location within the watershed. The final draft of the updated Plan, all written public comments and responses, and public hearing comments and responses were submitted on June 24, 2024, to the state review agencies, the Metropolitan Council, and the BWSR Board for the final 90-day review and approval of the Plan. The Partnership has incorporated the majority of agency and public comments received throughout the Plan review process.

On August 5, the Central Region Committee met to review and discuss the Plan. The committee's decision was to recommend approval of the Lower Minnesota River East Comprehensive Watershed Management Plan as submitted to the full Board per the attached draft Order.

Ted Winter asked if the red line on the map represents the metropolitan area. Julie stated the red line does denote the metropolitan area. Ted asked if the metropolitan area has more than one plan to comply with. Julie stated they only need to comply with one plan, the metropolitan plan. They are participating in this One Water One Plan effort on a voluntary basis so they can have the opportunity to talk with their upstream neighbors and identify issues coming into their metro area from upstream.

Joe Collins stated the difference between this plan the previous one is the stream banks. Joe noted that this is one of the first plans that he's read that mentioned ditches.

Chair Holman thanked those that worked on these plans.

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24-42

Moved by Joe Collins, seconded by Jill Crafton, to approve the Lower Minnesota River East Comprehensive Watershed Management Plan. *Motion passed on a roll call vote.*

Chair Holman noted the upcoming dates.

The Sentential Landscape Team will be updating their Strategic Plan. BWSR is a member and will be meeting September 11th with others to review and approve the updated plan.

BWSR staff will be going to the Land Trust Alliance Rally September 27th in Rhode Island. They will present on the Camp Ripley Sentential Landscape partnership and the work that BWSR and local SWCDs have done that execute implementation of RIM.

Chair Holman announced that he has resigned from his position with the Nature Conservancy to take a National Sentinel Landscape position.

UPCOMING MEETINGS

- Northern Region Committee is scheduled for September 4th at 10:30 a.m. in Detroit Lakes and by MS Teams.
- Grants Program and Policy Committee is scheduled for September 16th at 8:30 a.m. location TBD and by MS Teams.
- BWSR Board meeting is scheduled for September 25th at 9:00 a.m. in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 11:58 a.m.

Respectfully submitted,



Rich Sve
Vice Chair