

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, SEPTEMBER 25, 2024**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Mike Runk, Neil Peterson, Rich Sve, Lori Cox, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Ron Staples, Mark Zabel, Katrina Kessler, MPCA; Jeff Berg, MDA; Steve Robertson, MDH; Jason Garms, DNR

BOARD MEMBERS ABSENT:

Todd Holman, Joel Larson, University of Minnesota Extension

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Tyler Knutson, Ed Lenz, Denise Lauerman, Shane Bugeja, Gabrielle Holman, Travis Germundson, Annie Felix-Gerth, Ryan Hughes, John Shea, Jenny Gieseke, Suzanne Rhees, Brett Arne

OTHERS PRESENT:

Terry Jeffery, Riley Purgatory Bluff Creek WD; Amanda Bilek, MN Corn Growers Association; Graham Berg-Moberg, MN Townships

Vice Chair Rich Sve called the meeting to order at 9:01 AM

PLEDGE OF ALLEGIANCE

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24-43 **ADOPTION OF AGENDA** - Moved by Mark Zabel, seconded by Joe Collins, to adopt the agenda as presented. *Motion passed on a roll call vote.*

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24-44 **MINUTES OF AUGUST 29, 2024 BOARD MEETING** – Moved by Mike Runk, seconded by Ron Staples, to approve the minutes of August 29, 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 EMPLOYEES

Tom Gile introduced Tyler Knutson, Regional Training Conservationist. Ed Lenz introduced Denise Lauerman, Office and Administrative Specialist; Shane Bugeja, Board Conservationist; and Gabrielle Holman, Grants Compliance Specialist.

CONFLICT OF INTEREST DECLARATION

Vice Chair Sve 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 – No report was provided.

Executive Director’s Report - John Jaschke reported BWSR Academy will be at the end of October. They have been meeting with Tribal Governments on various topics. Assistant Director Andrea Fish and Tribal Liaison Melissa King have been coordinating internal meetings on sites that have a tribal significance for our staff to visit.

Staff have been continuing to meet with Local Governments and are working with federal partners on securing funding through various pathways. They are also working with DNR on a forestry proposal to US Forest Service. The Wetland Conservation Act Rule will be going to the Committee in mid-October.

John reviewed the Day of Packet that included Snapshot articles.

Audit and Oversight Committee – Joe Collins reported they have not met.

Dispute Resolution and Compliance Report – Rich Sve reported they have not met. Travis Germundson reported there have been two new appeals since the last meeting and are currently the only two appeals pending.

File 24-8 is an appeal of a WCA restoration order in Beltrami County. The appeal regards placement of fuel in a wetland. No decision has been made on the appeal.

File 24-7 is an appeal of a Notice of Decision in Becker County. Its an appeal regarding denial of replacement plan application for failure to meet sequencing requirements.

Decisions have been made on the two appeals included in the board packet, File 24-6 and 24-5. The appeal of the WCA restoration order in Aiken County has been denied. The appeal of the restoration in Ottertail County, the restoration order was affirmed in part and modified in part.

Noted two board decision in the last several months were appealed to the Court of Appeals. Files 24-1 and 24-2 were both dismissed with procedural errors.

Grants Program & Policy Committee – Mark Zabel reported they have two items on the agenda today.

RIM Reserve Committee – Jayne Hager Dee reported they have not met. Will be meeting on October 14th.

Water Management & Strategic Planning Committee – Joe Collins reported they have not met.

Wetland Conservation Committee – Jill Crafton reported they are working on aligning rules and statues and will be meeting on October 10th.

Buffers, Soils & Drainage Committee – LeRoy Ose reported they have not met. They will be meeting on Tuesday in St. Cloud.

Drainage Work Group (DWG) – Neil Peterson reported they have not met but will be meeting in October. Tom Gile reported he met with a small staff group to discuss the notice of adjustments over the last year. Tom will be sending a survey to the DWG to go through a prioritization effort of the outlet adequacy topics they've discussed.

AGENCY REPORTS

Minnesota Department of Agriculture – Jeff Berg reported their Ground Water Protection Rule with nitrogen fertilizer restrictions started as of September 1st. Stated their Soil Health Equipment Grants have closed, they had over 300 applications.

Lori Cox asked who is enforcing the nitrogen rule. Jeff stated MDA is enforcing it, if someone sees something it can be reported to the Duty Officer.

Minnesota Department of Health – Steve Robertson reported the draft Drinking Water Action Plan is open for public comment until October 17th. Next week is Source Water Protection Week, activities will be posted through their social media.

Kelly Kirkpatrick asked if they have any data on wells that have been closed when cities or municipalities have discovered PFAS in wells. Steve stated its not something they track. They do know how many systems are challenged by PFAS contamination and that information is published on the PFAS dashboard. Kelly asked how the threshold for contamination is set and asked if there is any enforcement mechanism to shut down wells. Steve stated the EPA set a new maximum contaminant level that was

finalized earlier this year with a period of implementation allowed. Those levels will be used for enforcement and those systems won't be allowed to deliver water.

Jill asked if they have any specific goals for source drinking water. Steve stated they are raising awareness around the importance of source water protection activities for drinking water.

Lori Cox asked where she could find the draft. Steve stated it's on the MDH website in the Environmental Health Division area, then search Drinking Water Action Plan. Lori asked if this is just an MDH draft or if other agencies are putting it out for comment. Steve stated they have been coordinating with all the appropriate state agencies in the development of this plan.

Kelly Kirkpatrick asked if there were any requirements for cities or smaller municipalities to announce to the public if a well is shut down. Steve stated if there is a situation in which there are elevated levels the public needs to be notified.

Minnesota Department of Natural Resources – Jason Garms reported there are some upcoming webinars related to the Public Waters Inventory update. The Pheasant Plan on October 1st and Duck Plan on October 2nd, links to the webinars are on the DNR website.

Joe Collins asked if there is an appeal mechanism to take a designation off the Public Waters Inventory. Jason stated there is a process in statute to appeal decisions.

Ron Staples asked if this process is going to start in 2025. Jason stated it is expected to start then.

John Jaschke asked if there was a schedule for the geographical location on where they will start. Jason stated they have some ideas on where to start but nothing is set.

Minnesota Extension – No report was provided.

Minnesota Pollution Control Agency – Katrina Kessler reported its Climate Week and they're celebrating awareness around climate change. MPCA led an application to EPA for Climate Pollution Reduction Grants. They were funded for \$200 million for Climate Smart Food Systems and it will be split up through grants. A webinar will be held on October 10th. Stated the General Feed Lot permits were on public notice, they are now reviewing the comments received. The Legislature gave the MPCA authority in 2023 to implement new bans on PFAS. The first part of this work will take effect on January 1, 2025 with a ban of PFAS in 11 products for sale in Minnesota.

Jill Crafton stated Vessel Incidental Discharge Act (VIDA) was signed and asked if this is more protective or not. Katrina couldn't say if its more protective or not.

Kelly Kirkpatrick asked if grants will be going to urban or urban agriculture or if it's for a larger conventional index. Katrina stated there is no determining factor in where the grants will be going.

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 – Eunice Biel reported in October they will have a Minnesota Truck Weight Education Training. They will also be offering training videos for final reporting on ARPA funds that townships received. Stated they have been busy selecting Township Judges and getting them trained.

Minnesota Watersheds – No report provided.

Natural Resources Conservation Service – No report was provided.

Vice Chair Sve called a recess at 10:17 a.m. and called the meeting back to order at 10:28 a.m.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

Clean Water Legacy Partners Program FY24-25 Program Authorization – Annie Felix-Gerth presented Clean Water Legacy Partners Program FY24-25 Program Authorization.

This will be the second biennium for Clean Water Legacy Partners Program. In FY22-23, the program was initiated as a pilot and tribal governments and non-governmental organizations were eligible to apply. In FY24-25, BWSR also received supplemental funding for the program, which included a special designation for \$500,000 for grants to watershed districts to do green infrastructure projects. Ranking criteria have been developed by staff and recommended by the Grants Program and Policy Committee.

Jayne Hager Dee asked what the timeline is. Annie stated if approved they will open the grant October 7th and will close January 7th. They will then decide if they received enough requests or if they need to open it up for another RFP. John Jaschke stated they will need to do risk assessment as part of the statutory requirements.

Lori Cox stated when looking at the ranking criteria it doesn't show listing its impairment and asked if there is language in the grant submission that they're trying to mitigate or protect. Annie stated they ask them to identify where they're working, and applicants are required to submit their intent in terms of outcomes. With the Clean Water Funds, the applicants are required to submit proposed measurable outcomes.

Ted Winter asked about Non-Governmental Organizations (NGOs) and if they could provide an example of who in the past has applied and where the monies have gone. Annie stated they had a lot of NGO application and provided some examples.

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24-45 Moved by Jayne Hager Dee, seconded by Kelly Kirkpatrick, to approve the Clean Water Legacy Partners Program FY24-25 Program Authorization. ***Motion passed on a roll call vote.***

FY25 Lake Superior Basin Implementation Grants – Ryan Hughes presented FY25 Lake Superior Basin Implementation Grants.

The Board was appropriated \$1,000,000 in supplemental CWF for SWCDs and other partners in the Lake Superior Basin to leverage Great Lakes Restoration Initiative or other federal Great Lakes funding that implement prioritized activities in the Basin. Input was solicited from the five SWCDs along with partner organizations in the development of this program, consistent with the recommendations provided by

the Clean Water Council. The Grants Program and Policy Committee met on September 16, 2024, and recommends the attached order to the Board.

Mark Zabel provided some examples where these funds can be used.

Katrina Kessler stated the area of concern dollars come from the Great Lakes Restoration Initiative where Minnesota matches the dollar amount. Jill Crafton stated it would be nice to have projects presented showing measurable outcomes with other states.

Rich Sve asked if this was one time money. Ryan stated it is one time funding.

Ted Winter asked what percentage the Federal Government will match. Ryan stated it varies on the program, 20% is the typical federal required match but could also be 1:1.

John Jaschke noted to declare the conflict of interest either orally or by filling out the form for this item.

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24-46 Moved by LeRoy Ose, seconded by Jill Crafton, to approve the FY25 Lake Superior Basin Implementation Grants. *Motion passed on a roll call vote.*

Northern Region Committee

Bois de Sioux Watershed District Boundary Enlargement Petition – Ryan Hughes presented Bois de Sioux Watershed District Boundary Enlargement Petition.

Bois de Sioux Watershed District submitted a boundary enlargement petition jointly with Stevens County that encompasses approximately 80 acres of land in Stevens County. This boundary enlargement will more accurately align the legal and hydrological boundaries to correctly permit landowner projects that may affect neighboring properties.

On September 4, 2024, the Northern Regional Committee met to review and discuss the Petition. Board regional staff provided its recommendation of approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Petition to the full Board.

Jayne Hager Dee asked if this is private land. Ron Staples stated it is private land.

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24-47 Moved by Ron Staples, seconded by Neil Peterson, to approve the Bois de Sioux Watershed District Boundary Enlargement Petition. *Motion passed on a roll call vote.*

Sand Hill River Watershed District and Red Lake Watershed District Boundary Change Petition – Ryan Hughes presented Sand Hill River Watershed District and Red Lake Watershed District Boundary Change Petition.

BWSR received a joint petition, dated December 11, 2023, for a boundary change transferring approximately 72.075 acres from Sand Hill River Watershed District to the Red Lake Watershed District. BWSR provided legal notice of the petition, pursuant to M.S. 103D.251. No comments or written requests were received therefore no public hearing was held on the petition.

On September 4, 2024, the Northern Regional Committee met to review and discuss the Petition. Board regional staff provided its recommendation of approval to the Committee. After discussion, the Committee's decision was to present a recommendation of approval of the Petition to the full Board.

Mark Zabel asked if the blue area on the map is part of the waterfowl production area. Ryan stated it is.

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24-48 Moved by Mark Zabel, seconded by Ron Staples, to approve the Sand Hill River Watershed District and Red Lake Watershed District Boundary Change Petition. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Buffers Soils and Drainage Committee is scheduled for October 1st at 5:00 p.m. in St. Cloud.
- Central Region Committee is scheduled for October 7th at 2:30 p.m. in St. Paul and by MS Teams.
- Wetland Conservation Committee is scheduled for October 10th at 9:00 a.m. in St. Paul and by MS Teams.
- RIM Committee is scheduled for October 14th at 2:00 p.m. in St. Paul and by MS Teams.
- Grants Program and Policy Committee is scheduled for October 21st at 8:30 a.m. location TBD and by MS Teams.
- Next BWSR meeting is scheduled for 9:00 AM, October 23, 2024 in St. Paul and by MS Teams.

Vice Chair Sve adjourned the meeting at 11:01 AM.

Respectfully submitted,



Rich Sve
Vice Chair