

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, APRIL 23, 2025**

BOARD MEMBERS PRESENT:

Eunice Biel, Jayne Hager Dee, Jill Crafton, Joe Collins, LeRoy Ose, Lori Cox, Mark Zabel, Mike Runk, Rich Sve, Ron Staples, Ted Winter, Todd Holman, Tom Schulz, Jason Garms, DNR; Joel Larson, University of Minnesota Extension; Katrina Kessler, MPCA; Steve Robertson, MDH; Thom Petersen, MDA

BOARD MEMBERS ABSENT:

Neil Peterson

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Sara Reagan, Sharon Doucette, Kristina Geiger, Julie Westerlund, Jenny Gieseke, Ara Gallo, Adam Beilke, Dusty Van Thuyne, Denise Lauerman, John Shea, David Weirens, Craig Engwall, Marcey Westrick, Suzanne Rhees

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; LeAnn Buck, MASWCD; Tannie Eshenaur, MDH; Frieda vonQualen, MDH

Chair Todd Holman called the meeting to order at 9:01 AM

PLEDGE OF ALLEGIANCE

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25-19 **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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25-20 **MINUTES OF MARCH 26, 2025 BOARD MEETING** – Moved by LeRoy Ose, seconded by Mike Runk, to approve the minutes of March 26, 2025, as amended. *Motion passed on a roll call vote.*

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

Jill Crafton recognized the passing of conservationist Jeff Broberg.

INTRODUCTION OF NEW STAFF

Adam Bielke introduced Ara Gallo, NGO/Tribal Grants Specialist.

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman reported the input survey results from Executive Director John Jaschke’s annual review is included in the day of packet. He will be attending the Tribal-State Relations Training in May at Black Bear Casino in Carlton.

Executive Director’s Report - John Jaschke reported a paper copy of his annual performance review will be sent to Board Members that are not in-person via U.S. Postal Service. Reviewed the day of packet that included Snapshot articles. Provided a legislative update. Agencies are working on a plan to return to the office per a Governor/MMB directive. Stated an Alliance project was approved with Climate-Smart dollars but still on a pause. Met with Red Lake Nation for a consultation in coordination with MMB and Met Council. Stated the Wetland Committee will be reviewing a draft of the Wetland Conservation Act Rule before it comes to the board for a briefing.

Joe Collins asked if the programs at a federal level will continue with less staff and money or will certain programs go away. John didn’t have an answer, stated there is still a lot of uncertainty.

Commissioner Petersen stated its good to see at least one Climate-Smart project move forward.

Mark Zabel stated USDA staff reductions for NRCS and FSA will have an impact. Commissioner Peterson stated it’s a concern that’s been overlooked.

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 has been one new appeal submitted since the last report and there are currently three appeals pending.

There is an appeal of a WCA notice of decision for a property in St. Louis County. The appeal regards the denial of a wetland replacement plan application for the placement of fill for shoreline access. The initial staff decision was affirmed through the local appeal proceedings by the St. Louis County Board of Adjustment and now that decision is being appealed. No decision has been made on that appeal.

Travis provided a Buffer Compliance Status update.

Grants Program & Policy Committee – Mark Zabel reported they have not met. They will be meeting in May.

RIM Reserve Committee – Jayne Hager Dee reported they have two items on the agenda for today and are expecting future items.

Water Management & Strategic Planning Committee – Joe Collins reported they met April 7th and have an item on the agenda for today.

Wetland Conservation Committee – Jill Crafton reported they will be meeting on April 28th.

Buffers, Soils & Drainage Committee – LeRoy Ose reported they have not met.

Drainage Work Group (DWG) – John Jaschke reported the committee has not met.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported they are working on federal items and working on getting through the legislative session.

Minnesota Department of Health – Steve Robertson reported there are uncertainties about activities at the federal level. About 1,300 test kits have been distributed for private well testing with a return rate of 30-40%. May 4-10 is the National Drinking Water Week. The formal release of the Drinking Water Action Plan will be on May 6th at the Shoreview Water Treatment Plant.

Mark Zabel asked if the nitrate testing was targeted to southeast Minnesota. Steve stated for right now it is.

Lori Cox asked if Department of Ag or any other agencies would be taking part in the Drinking Water Week. Commissioner Petersen stated they usually take part and collaborate on activities.

Minnesota Department of Natural Resources – Jason Garms reported they are in a good place at the legislature. There is some uncertainty at the federal level. Saturday is Free Park Day; anyone can enter a state park and the fee is waived. Fishing licenses are waved the weekend of May 10th for Mother's Day.

Todd Holman asked if the federal funding for wildlife management is at risk of being tampered with. Jason stated it is likely not at risk.

Joe Collins asked if federal funding is available for forest firefighters. Jason believes the funding was worked out.

Mike Runk thanked the DNR for their work on the new access to the St. Croix River.

Minnesota Extension – Joel Larson reported the University is keeping an eye on federal conservation and policies around Indirect Cost Recovery. The Minnesota Climate Adaption group is hosting an annual Adaptation Awards Ceremony on May 8th at the Bell Museum. More information is available online.

Minnesota Pollution Control Agency – Katrina Kessler reported yesterday was Earth Day and she attended an event announcing a new research effort to use winter camelina for sustainable aviation fuel

at the University of Minnesota St. Paul campus. MPCA will fund a \$75,000 grant for the university's Forever Green Initiative to study the winter crop. Stated they are fairly certain they'll be able to keep the \$200 million from federal EPA sources for the Climate Pollution Reduction Grant. Katrina provided a legislative update.

Jill Crafton asked if the testing for PFAS is still available. Commissioner Kessler stated they are moving through phase one. They don't know what's going to happen at the Federal level, they are focusing on working with the state legislatures and those who are interested in having more of this work occur.

Jill Crafton asked about using renewable energy for mining. Commissioner Kessler stated there is a proposal for Mesabi Metallics and they are working with DNR and others on it.

Ted Winter asked how much the grant was for Forever Green and how it's going to be distributed. Commissioner Kessler stated they are looking to get one million acres, and the study is around \$300,000. They will put the RFP out soon and hope to have the study done within a year.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported they are focused on legislative actions and impacts from the budget bills.

Minnesota Association of Conservation District Employees – No report was provided.

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck thanked Brian Martinson, AMC for his work. LeAnn reported they had a retreat and field exercises in Le Sueur County looking at the water storage. A legislative update was given. They are continuing to work with the Clean Water Council and the Local Water Round Table on the trajectory for the Clean Water Funds. Traveled to Washington DC where they met with Congressional Members.

Minnesota Association of Townships – Eunice Biel reported they are following two bills. The first one is to exempt Minnesota Townships from the state's paid sick and safe time program. The second bill that they're supporting is the state's town bridge account, which provides vital funding assistance to townships for bridge replacement and repair.

Minnesota Watersheds – Jan Voit reported at their board meeting next week they will be talking about changes to their procedure manual based on the new process adopted from their legislative resolutions and platform. Stated the DNR is working on guidance documents regarding permitting. Summer tour is going to be in Roseau on June 24th and 25th.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 10:23 a.m. and called the meeting back to order at 10:36 a.m.

COMMITTEE RECOMMENDATIONS

RIM Reserve Committee

RIM Drinking Water Program – Sara Reagan and Sharon Doucette presented RIM Drinking Water Program.

The RIM Wellhead Program has historically received minimal interest among landowners in Wellhead Protection Areas. Recent changes in RIM Statute and appropriation language allow for increased flexibility within the program that were not previously available. Staff have also completed research and outreach to determine appropriate rates in these specific and unique areas.

BWSR has also been operating a Pilot Wellhead Partners Protection Grant Program since 2019. Staff are requesting the Board to make this a permanent and integrated part of the RIM Drinking Water Program and authorize staff to implement.

Updates are needed for both the RIM Wellhead easement program and the Wellhead Protection Partners Grant Program. The updates are designed to increase landowner participation, allow adequate compensation, recognize the public health benefit of protecting the land that most directly contributes surface water to the drinking water source and provide financial assistance to LGUs for fee title acquisition of these vulnerable drinking water areas. The program is being renamed RIM Drinking Water Program to emphasize the resource protected and purpose of the program.

Mark Zabel asked that the Executive Director report when a RIM easement or a fee title has occurred and the amount. John stated it can be reported out and staff will work on a process to regularly report to the Board.

Jill Crafton asked when talking about the sensitivity areas, if geology is factored in. Sharon stated it must be in a designated area by the Department of Health, it must be vulnerable or highly vulnerable and it's specific for public water suppliers. Steve Robertson stated other considerations go into the size, shape, and orientation of those areas and include local geologic archaeological features, not just proximity.

Lori Cox stated she associated RIM with permanent and asked if this is limited water use. Sharon stated the RIM statute has the flexibility to have a less than permanent option. The state statutory minimum is 25 years. This program has a need to increase its flexibility to get these areas under protection for a minimum of 25 years. John Jaschke stated details about the payment rates of temporary versus permanent allowable practices or uses of the land are unique to this drinking water program.

Lori Cox asked about accountability. Sharon stated there is program guidance and details not reflected in the board order. They have been working with the Department of Health and Department of Ag to come up with specific guidelines for development of what is going to be their conservation plan.

Ted Winter asked if this also affects rural water. Sharon stated it does.

LeRoy Ose asked what they are recommending instead of corn and soybeans. Sara Reagan stated instead of the traditional corn, soybean annual rotation, perennial cropping systems will be allowed with specifics within it.

Mark Zable asked if the annual crop would be low nitrogen. Sara stated that no nitrogen is allowed on that annual crop except in one specific ammoniated phosphorus that has a nitrate limitation association with it.

Lori Cox asked if this is something we'd be checking to make sure it's being followed. Sara stated their crops will be planned out ahead of time in their plan. Any changes would have to be approved by the local SWCD and then by BWSR. Sharon stated SWCDs and partner agencies have volunteered to help with inspections specific to these sites where there's increased flexibility.

LeRoy asked if organic fertilizer would be allowable. Sara stated if it meets the nitrogen limitation that would be allowed.

Jill Crafton asked about the use of drones for inspections. Sharon stated for easements like would likely require some onsite aspects.

Jason Garms asked if the public benefits from public dollar matches. Sharon stated they do.

Todd Holman stated relationships are built with SWCDs to help ensure compliance with easement provisions.

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25-21 Moved by Jayne Hager Dee, seconded by Joe Collins, to approve the RIM Drinking Water Program.
Motion passed on a roll call vote.

Reinvest in Minnesota (RIM) Easement Payment Rates – Sharon Doucette and Kristina Geiger presented Reinvest in Minnesota (RIM) Easement Payment Rates.

The Easements Section seeks to simplify available programs, distribute opportunities, maintain competitive payments in changing market conditions, incentivize enrollment of priority land, and provide important public benefits. Consolidating the authority for staff to set RIM conservation easement payment rates will promote clarity and efficiency and further the goals of the Program. This Order would authorize BWSR staff, with Executive Director approval, to establish market-based RIM easement payment rates that consider the unique aspects of individual RIM programs by using data from the MN Dept. of Revenue, local assessors, and other property valuation sources. Easement payment rates are also required to be reviewed, updated, and published regularly.

Lori Cox asked if there would be any overlay in the specific area that's being looked at, using MPCA data to talk about impairments in the area. John Jaschke stated it's a precursor to get to that point and is not part of the rate structure. Lori asked how we come up with the rates and what kind of considerations are there. John stated these rates are essentially a mass appraisal using data from the Department of Revenue with just the property being considered for the easement enrollment. Sharon stated the property in question is evaluated as part of the scoring, rating, and whether it makes a good easement property.

Rich Sve stated he likes the direction this goes, coming off assessed values on the property. In the order it states to review, update and publish easement payment rates on a regularly schedule and asked what a regular schedule is as assessed property rates go up annually. Sharon stated they are relying on annual data and tax information generated at the county level and passed to the Department of Revenue. By stating regular they generally mean annual. Didn't use the word annual as at times they need to react faster with changing market conditions.

Ted Winter asked if a report would come to the committee with the reasoning of rates. Sharon stated the plan is for an annual memo that can be shared for awareness and understanding on any significant changes being made in the payment rates.

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25-22 Moved by Rich Sve, seconded by Ted Winter, to approve the Reinvest in Minnesota (RIM) Easement Payment Rates. ***Motion passed on a roll call vote.***

Water Management & Strategic Planning Committee

2025 Nonpoint Priority Funding Plan Approval – Julie Westerlund presented 2025 Nonpoint Priority Funding Plan.

BWSR adopted the original Nonpoint Priority Funding Plan (NPFP) in 2014 and subsequent updates in 2016 and 2018 as required by Minn. Stat. §114D.50. A 2019 statute revision allowed BWSR to develop alternative content and timelines for the NPFP. Board actions in 2020, 2021, and 2023 directed staff to establish a framework for revising the NPFP and to proceed with the revision. In 2024, staff drafted the 2025 NPFP with input from an interagency team and invited public comment on the draft. The 2025 NPFP incorporates changes since the original plan was written in 2014, including significant progress local watershed plan development and implementation.

Jill Crafton feels that we could be doing more.

Mark Zabel stated it's a continuous improvement process and an adaptive management approach.

Lori Cox asked what the outcomes of this will be. John Jaschke stated these versions are put in place to substitute for things that were not in place when the original legislation passed in 2014. Lori asked what MDAs role is. John stated they support the watershed approach along with others on the list. They have their own individual programs both regulatory and voluntary, along with other agencies.

Katrina stated its helpful to have a plan that we're all working from.

Thom Petersen stated there are positive things we are learning.

Steve Robertson stated focusing on outcomes is worthwhile.

Joe Collins stated its to build and support local capacity.

25-23 Moved by Joe Collins, seconded by Thom Petersen, to approve the 2025 Nonpoint Priority Funding Plan.
Motion passed on a roll call vote.

Update on BWSR's Strategic Plan was moved to the May board meeting.

Mark Zabel left the meeting at 12:00 p.m.

NEW BUSINESS

Minnesota Drinking Water Action Plan – Tannie Eshenaur and Frieda vonQualen from MN Dept. of Health presented the Minnesota Drinking Water Action Plan.

The Minnesota Drinking Water Action Plan (the Plan) is a 10-year action plan to ensure that everyone, everywhere in Minnesota has equitable access to safe and sufficient drinking water.

The Plan outlines goals, strategies, actions, and key measures to address drinking water issues that affect all Minnesotans. The Plan also contains summaries of key policies, opportunities, challenges, and threats that shape our drinking water systems in Minnesota.

Lori Cox asked if a copy of the presentation could be shared. Rachel Mueller will send a copy of the presentation to board members.

Joe Collins asked about the citizens that don't trust water and if that was statewide or a certain section of the state. Tannie stated it was a small subset of people.

Jill Crafton stated 75% is coming from groundwater and if the water cycle's not in place, we're not recharging our groundwater. John Jaschke stated outreach and informing people helps.

Katrina Kessler stated she was trouble by the 42% of wells showing lead and asked if people are being made aware. Tannie stated they will get their results. They will need to add in more lead outreach for private well owners. The results are from 523 people in those eight counties in southeast Minnesota who are part of the EPA response to nitrate contamination in those drinking water aquifers.

Joel Larson stated the outreach and engagement was a good thing this group did to be proactive.

Ted Winter asked what's next. Tannie stated the Clean Water Council as part of their strategic plan has asked MDH to have a 10-year plan to offer free well testing for every private well owner in the state. Part of their policy recommendation is that there be some kind of income-based funding for mitigation. They also have some ideas from grants about how they can build a systematic approach to protecting people who rely on private wells. Right now, they rely on Clean Water Fund appropriation.

Lori Cox questioned what MDA is doing when talking about sustainable funding and who's promoting what.

Commissioner Petersen stated they have been focusing on well drillers and getting their thoughts. They have an AgBMP loan program that includes well replacement where the counties decide what's the best use of it.

UPCOMING MEETINGS

- Wetland Committee is scheduled for April 28, 2025 at 9:30 a.m. in St. Paul and by MS Teams.
- Grants Program and Policy Committee is scheduled for May 19, 2025 at 9:00 a.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for May 28, 2025 at 9:00 a.m. in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 12:40 PM.

Respectfully submitted,



Todd Holman
Chair