

**BOARD OF WATER AND SOIL RESOURCES
520 LAYFAYETTE ROAD NOTH
ST. PAUL, MN 55155
WEDNESDAY, JUNE 26, 2019**

BOARD MEMBERS PRESENT:

Gerald Van Amburg, Jill Crafton, Jack Ditmore, Chris Elvrum, MDH, Kathryn Kelly, Steve Colvin, DNR; Tom Loveall, Nathan Redalen, Tom Schulz, Thom Petersen, MDA; Steve Sunderland, Harvey Kruger, Paige Winebarger, Joel Larson, University of Minnesota Extension; Rich Sve, Katrina Kessler, MPCA

BOARD MEMBERS ABSENT:

Neil Peterson, Joe Collins, Duane Willenbring

STAFF PRESENT:

John Jaschke, Angie Becker Kudelka, Kari Keating, Travis Germundson, Tom Gile, Annie Felix-Gerth, Melissa Lewis, Rachel Mueller

OTHERS PRESENT:

Brian Martinson, Association of Minnesota Counties (AMC)
Chessa Frahm, Minnesota Association of Conservation District Employees (MACDE)
Paul Gardner, Clean Water Council
Jeff Berg, Minnesota Department of Agriculture

Chair Van Amburg called the meeting to order at 9:00 AM

PLEDGE OF ALLEGIANCE

**** 19-24** **ADOPTION OF AGENDA** - Moved by Nathan Redalen, seconded by Rich Sve, to adopt the agenda with an Introduction of New Staff added. ***Motion passed on a voice vote.***

**** 19-25** **MINUTES OF May 22, 2019 BOARD MEETING** – Moved by Rich Sve, seconded by Jill Crafton, to approve the minutes of May 22, 2019, with the addition of Katrina Kessler’s name in attendance. ***Motion passed on a voice vote.***

PUBLIC ACCESS FORUM

There were no comments.

CONFLICT OF INTEREST DECLARATION

Chair Van Amburg 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.”

INTRODUCTION OF NEW STAFF

Rachel Mueller, Executive Support, was introduced by John Jaschke. Chair Van Amburg and the board welcomed Rachel to BWSR!

REPORTS

Chair & Administrative Advisory Committee – Chair Van Amburg reported that the committee met before the board meeting. They discussed the overdue board appointments that affect several board members. If those appointments are not made before June 30th, those affected board members will need to sit out until things are decided. The committee discussed BWSR’s current job openings as well as looking ahead at potentially changing the June/July board schedule. With the legislative session running long, the time available for staff to prepare for the June meeting is tight. A suggestion to skip the June meeting and have a July meeting was discussed.

He reported that he has attended a couple of EQB meetings since March and they talked about the history of the EQB. The problem of using an Environmental Assessment Worksheet (EAW), to show the steps that they will take to avoid environmental harm instead of an Environmental Impact Statement (EIS) was discussed. They also met in June and discussed draft project charter for the 2020 Water Plan. There will be an interagency team created to take on this project. Request for a generic EIS nitrate contamination of ground water was not funded by the legislature.

Audit and Oversight Committee – Chair Van Amburg reported that they have not met.

Executive Director’s Report - John Jaschke reported that the new fiscal year is coming up and with that he asked that the board members be sure to submit business expenses with that in mind. BWSR held

meetings around the state with county planning and zoning staff and one item discussed was the removal of the match requirement for the NRBG. He reported that SWCDs are having their area meetings and he was able to talk to some of the staff about their work. The MAWD summer tour is this week in the Moorhead area. John walked the board through the items in the folder.

Dispute Resolution Committee – Travis Germundson reported that there are currently two appeals pending. A new one has come in since the last board meeting. The new appeal regards the alleged filling and draining of over 11 acres of wetland in Hennepin County. Applications for exemption and no-loss determinations were submitted to the LGU concurrently with the appeal. The appeal has been placed in abeyance and the restoration stayed for the LGU to make a final decision on the applications.

Grants Program & Policy Committee - Steve Sunderland reported that the committee met June 5th and June 25th. Discussed items are coming up in the agenda. He mentioned that the Biennial Budget Request process has come to an end. June 25th's meeting was a joint meeting with the Water Management & Strategic Planning Committee to discuss watershed based funding. In late July or early August there will be another joint meeting for more discussion.

RIM Reserve Committee – Tom Loveall reported that they did not meet.

Water Management & Strategic Planning Committee - Jack Ditmore reported that he was not able to attend the joint meeting with the Grants Program and Policy Committee. Paige Winebarger reported that it is necessary to have an additional joint meeting. The staff have been working hard to come up with an interim and final products to present to the board at a later meeting.

Wetland Conservation Committee - Tom Schulz reported that the committee has not met since the previous board meeting and will probably not meet until fall.

Buffers, Soils & Drainage Committee - Kathryn Kelly reported that the committee has not met since the previous board meeting.

Drainage Work Group (DWG) – Tom Loveall reported that the committee has not met since the previous board meeting. Tom Gile has been working on a priority list and surveying committee members to get a feel for the topics the DWG should be working on.

AGENCY REPORTS

Minnesota Department of Agriculture – Commissioner Petersen reported the Nitrogen Rule was just published in the State Register. The Department of Ag worked hard on their outreach, especially to agriculture groups to explain how it will work going forward. He mentioned some concerns as well as opportunities to work with the other agencies and address the number of prevented plant acres across the state this year. Cover crops are needed this year and farmers are calling about availability.

Minnesota Department of Health – Chris Elvrud does not have anything to report.

Minnesota Department of Natural Resources – Steve Colvin reported that there has been a court of appeals decision since the last meeting. The DNR has three high profile positions available.

Minnesota Extension Service – Joel Larson reported that they had a good conversation with partner agencies about the Nutrient Reduction Strategy and how effective that it has been over the last 5 years.

An update is expected this fall. He also reported that the University has met with BWSR Technical Trainers to see how they can help with BWSRs training needs and possibly fill some gaps.

Minnesota Pollution Control Agency – Katrina Kessler reported that they have been working with staff to review and provide comments on several One Watershed One Plans. There were some common themes in their comments regarding maximizing the data from TMDLs and Watershed Restoration and Protection Strategies. MPCA had staff at the capital yesterday presenting to LCCMR about their project to analyze the extent of applying biosolids on the landscape.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported on this year’s legislative session. Assumption of 404 permitting and the withdrawal of match for the NRBG were two items AMC supported. They have been working with Tom Gile and the Drainage Work Group to provide training for drainage authorities. He acknowledge the effort that the Land Water Roundtable committees have done for Watershed Based Funding.

Minnesota Association of Conservation District Employees – Chessa Frahm reported that MACDE has sponsored some recent trainings. NASCA will be sending out priorities that were set at their annual meeting. MACDE will be hosting an all employees meeting in August.

Minnesota Association of Townships – Nathan Redalen reported that they just finished up on their statewide training for township officers. Their annual conference is in November.

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

Grant Noncompliance Policy Approval – Melissa Lewis explained that the purpose of this agenda item is to accept the revisions and approve the Board’s Grant Noncompliance Policy. The revisions to the policy correct an error, modifies language for appeal of a penalty, reformats the policy, and provides clarity on noncompliance procedure. The action requested will also authorize correcting the error in grant program policies. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommend approval of the order to the board.

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19-26 Moved by Steve Sunderland, seconded by Kathryn Kelly, to approve the Revised Grant Noncompliance Policy as presented. ***Motion passed on a voice vote.***

Erosion Control and Water Management Program Policy Approval (State Cost Share) – Melissa Lewis presented the policy revisions. The purpose is to accept the revisions and approve the Erosion Control and Water Management Program Policy to add language about pre-construction cover as an eligible activity. The Grants Program & Policy Committee reviewed the recommendation at their June 5, 2019 meeting and recommended approval of the order to the board.

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19-27 Moved by Rich Sve, seconded by Jill Crafton, to approve the Erosion Control and Water Management Program Policy as presented. ***Motion passed on a voice vote.***

FY 2020 and 2021 Soil and Water Conservation District Grants Authorization – Melissa Lewis presented the Soil and Water Conservation District Grants Authorization. This item is to allocate FY2020 and 2021 Conservation Delivery and State Cost Share funds. The recommended grants are consistent with the

previous year. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommend approval of the order to the board.

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19-28 Moved by Tom Schulz, seconded by Harvey Kruger, to approve the FY2020-2021 Soil and Water Conservation District Grants as presented. ***Motion passed on a voice vote.***

FY 2020-2021 Technical Service Area Grants Authorization – Melissa Lewis presented the Technical Service Area Grants Authorization. This item is to allocate FY2020-2021 Technical Service Area grants with a slight modification from the previous year, to provide consistent allocations to each TSA except for the equipment funds which are rotated on an established schedule. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommend approval of the order to the board.

A suggestion was made to provide a history of the rotating equipment funding.

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19-29 Moved by Steve Sunderland, seconded by Jill Crafton, to approve the FY2020-2021 Technical Service Area Grants as presented. ***Motion passed on a voice vote.***

FY 2020 SWCD Watershed Conservation Planner Grant Amendment Authorization – - Melissa Lewis presented the SWCD Watershed Conservation Planner Grant Amendment Authorization. The Grants Program and Policy Committee, at their June 5, 2019 Meeting, recommended remaining FY14-15 and FY16- 17 Accelerated Implementation Grant funds be designated for the SWCD Watershed Conservation Planner Initiative (WCPI). This board order would authorize the allocation of these remaining unobligated funds to use toward the \$1.5 M required BWSR match to the NRCS contribution agreement #68-6322-17-006 already committed to in October 2017 by board order #17-87. This current board order also authorizes staff to enter into grant agreement amendments with the WCPI Host SWCDs for the purpose of completing the goals and milestones of accelerating conservation planning assistance to increase landowner readiness to implement conservation practices in targeted areas of the seven priority watersheds.

A question was raised as to why there are no dollar amounts attached to the order. John Jaschke explained that returned funds balance changes. A request was made to have a report on the program for outcomes and the funding.

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19-30 Moved by Paige Winebarger, seconded by Jill Crafton, to approve the FY2020 SWCD Watershed Conservation Planner Grant Amendment Authorization as presented. ***Motion passed on a voice vote.***

FY 2020-2021 Natural Resources Block Grant Authorization – Melissa Lewis presented the Natural Resources Block Grant Authorization. The NRBG is a composite of grants to counties to implement programs designed to protect and improve water resources. These programs are: Comprehensive Local Water Management (LWM, \$1.139M annually), the Wetland Conservation Act (WCA, \$1.906M annually), the DNR Shoreland Management (Shoreland, \$0.398M annually), and the MPCA/BWSR Subsurface Sewage Treatment Systems (final amount to be determined by MPCA). A change to the order eliminates the match required. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommend approval of the order to the board.

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19-31 Moved by Steve Sunderland, seconded by Jill Crafton, to approve the FY2020-2021 Natural Resources Block Grant Authorization as presented. ***Motion passed on a voice vote.***

FY 2020 Clean Water Fund Policy and Competitive Grants Program Authorization – Melissa Lewis and Marcey Westrick presented the Clean Water Fund Policy, which is reviewed and approved annually. For FY2020, the policy will apply to Projects and Practices and Multi-purpose Drainage Management funding. New this year is a Drinking Water sub-grant program under Projects and Practices.

The Changes in this policy from the previous year include:

- 3.10a-Add minimal requirements for in-lake/in-channel feasibility studies
- 4.3, 4.8-New ineligible activities that needed to be specifically included in the policy
- 7-To be consistent with other grant policies, a paragraph regarding approval of expenditure of funds was added

In addition to approving the policy, the board order also authorizes the fiscal year 2020 Clean Water Fund Competitive Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommend approval of the order to the board.

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19-32 Moved by Steve Sunderland, seconded by Kathryn Kelly, to approve the FY2020 Clean Water Fund Policy and Competitive Grant Program Authorization as presented. ***Motion passed on a voice vote.***

FY 2020 Buffer Implementation Program Grants – Melissa Lewis and Tom Gile presented the grants program. The recommended allocations are consistent with the previous year. The recommendation for FY21 is to continue the same allocation, plus distribute any returned funds from previous fiscal years based on demonstrated need. The Grants Program & Policy Committee reviewed the recommendations at their June 25, 2019 meeting and recommend approval of the order to the board.

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19-33 Moved by Jill Crafton, seconded by Chris Elvrum, to approve the FY2020 Buffer Implementation Program Grants as presented. ***Motion passed on a voice vote.***

Wellhead Protection Partner Grants (Pilot) – Melissa Lewis and Sharon Doucette presented the grants program. Minnesota Session Laws 2015 and 2017 provided Clean Water funds for permanent conservation easements on wellhead protection areas or for grants to local units of government for fee title acquisition to permanently protect groundwater supply sources on wellhead protection areas or for otherwise assuring long-term protection of groundwater supply sources. Priority must be placed on land that is located where the vulnerability of the drinking water supply is designated as high or very high, where drinking water protection plans have identified specific activities that will achieve long-term protection, and on lands with expiring Conservation Reserve Program contracts.

The Wellhead Protection Partner Grants (Pilot) policy establishes Wellhead Protection Partner Grants for fee title acquisition or other long-term protection mechanisms within a wellhead protection area that meets the priority criteria by a local partner. Both the RIM Reserve Committee and the Grants Program and Policy Committee have reviewed the policy. The Grants Program & Policy Committee reviewed the recommendations at their June 5, 2019 meeting and recommend approval of the order to the board.

A questioned was raised about the 10% match requirement. It was explained that staff settled on this due to the availability of funds at the local level.

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19-34 Moved by Kathryn Kelly, seconded by Tom Schulz, to approve the Wellhead Protection Partner Grants (Pilot) as presented. ***Motion passed on a voice vote.***

FY 2020 Pilot Cover Crop Program – Melissa Lewis and Tom Gile presented the grants program. The purpose of this agenda item is to authorize staff to assess and develop a pilot program of up to \$1M for cover crops and related tillage practices to provide opportunity to increase establishment of cover crops in areas on the landscape where there will be water quality benefits to surface and groundwater. The Grants Program & Policy Committee reviewed the recommendation at their June 25 2019 meeting and provided a recommendation to the board.

A question was raised as to whether there is any particular targeted areas. Melissa Lewis explained that they would be developing the program. The timeline is such that it needs to be potentially ready within a month to implement this year or match with potential federal funds. If that is not possible, they would work to have it ready for next year. Question was asked as to why this program was not included in the competitive grant process. John Jaschke explained that this is a pilot program proposal and would have a separate process to get it started. Paige Winebarger questioned how the board could be assured of transparent program outcomes and suggested a follow-up report as soon as practical. Rich Sve mentioned the importance of transparency.

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19-35 Moved by Tom Loveall, seconded by Paige Winebarger to approve the FY2020 Pilot Cover Crop Program as presented. ***Motion passed on a voice vote.***

Administrative Advisory Committee

Okabena-Ocheda Watershed District Boundary Change – Annie Felix-Gerth explained that the purpose of the boundary change between the Okabena-Ocheda Watershed District and the Kanaranzi-Little Rock Watershed District is to achieve more accurate alignment between the hydrologic and legal boundaries of the two districts.

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19-36 Moved by Tom Loveall, seconded by Steve Sunderland, to approve the Okabena-Ocheda Watershed District Boundary Change. ***Motion passed on a voice vote.***

Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing Order – Annie Felix-Gerth presented that on March 26, 2019, BWSR received a petition from BCWD to amend their watershed district watershed management plan in order to establish a water management district for the Glencoe Central-East Stormwater Basic Water Management Project, pursuant to MINN. STAT. 103D.411 and 103D.729. The proposed amendment is to establish water management district for the Glencoe Central-East Stormwater Basic Water Management Project, which will allow BCWD to create a funding mechanism to implement a comprehensive stormwater management project for the City of Glencoe.

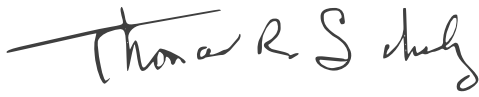
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19-37 Moved by Rich Sve, seconded by Kathryn Kelly, to approve the Buffalo Creek Watershed District Watershed Management Plan Amendment Hearing Order. ***Motion passed on a voice vote.***

UPCOMING MEETINGS

- Next BWSR Meeting and Tour is scheduled for August 28-29, 2019.

Chair Van Amburg adjourned the meeting at 12:31 PM

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas R. Schulz". The signature is written in a cursive style with a long horizontal line extending from the start of the word "Thomas".

Thomas Schulz
Acting Chair