

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
LOWER LEVEL BOARD ROOM  
ST. PAUL, MN 55155  
WEDNESDAY, DECEMBER 18, 2019**

**BOARD MEMBERS PRESENT:**

Jill Crafton, Jack Ditmore, Rich Sve, Tom Loveall, Nathan Redalen, Tom Schulz, Steve Sunderland, Gerald Van Amburg, Joe Collins, Harvey Kruger, Paige Winebarger, Joel Larson, University of Minnesota Extension; Chris Elvrum, MDH; Neil Peterson, Katrina Kessler, MPCA, Andrea Date, Todd Holman, Steve Colvin, DNR

**BOARD MEMBERS ABSENT:**

Kathryn Kelly

**STAFF PRESENT:**

John Jaschke, Angie Becker Kudelka, Rachel Mueller, Kevin Bigalke, Tom Gile, Travis Germundson, Annie Felix-Gerth, David Copeland, Steve Christopher

**OTHERS PRESENT:**

Jeff Berg, MDA  
Miranda Nichols, MPCA  
Adam King, Dodge SWCD  
LeAnn Buck, MASWCD  
Emily Javens, MAWD  
Brian Martinson, AMC

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

#### PLEDGE OF ALLEGIANCE

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19-66 **ADOPTION OF AGENDA** - Moved by Joe Collins, seconded by Todd Holman, to adopt the agenda as presented. *Motion passed on a voice vote.*

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19-67 **MINUTES OF October 23, 2019 BOARD MEETING** – Moved by Joe Collins, seconded by Neil Peterson, to approve the minutes of October 23, 2019, as circulated. *Motion passed on a voice vote.*

#### PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

#### INTRODUCTION OF NEW STAFF

- Lewis Brockette, Wetlands Policy Coordinator
- Jon Sellnow, Technical Training and Certification Coordinator
- Christine Pham, Financial Analyst

Chair Van Amburg and the board welcomed the new staff to BWSR!

#### REPORTS

**Chair & Administrative Advisory Committee** – Chair Gerald Van Amburg reported the committee met this morning. Received an update on the Cover Crops demonstration program. Received a staffing update, there are some vacancies that will be filled. Received a Legislative update that there are two main bonding items for this year: 1) funding for wetlands roads replacement program and 2) final installment for the CREP Program.

Attended EQB meeting on November 20<sup>th</sup> where a report was approved to slow the spread of Emerald Ash Borer. EQB also approved the 2019 State Agency Pollinator Report, this is the third pollinator report and now includes a score card.

Chair Van Amburg also attend the Minnesota Environmental Congress held at Minnesota State University Mankato. Opportunity for board members and participants to interact with each other and the public to discuss climate change impacts to Minnesotans and what citizens think should be done in order to build a healthy future. Governor Walz spoke on the importance of Minnesota’s role in mitigating and adapting to climate change.

Attended MAWD conference and will let Emily Javens tell more about it in her report.

**Audit and Oversight Committee** – Chair Gerald Van Amburg reported that the committee has not met. John Jaschke stated they will be meeting in January, the Performance Review and Assistance Program Report for the legislature will be ready for committee consideration and then the Board’s consideration/approval, date not yet set for committee meeting.

**Executive Director’s Report** - John Jaschke reported that the Cover Crop Demonstration program received 18 proposals requesting \$3.8 million, only able to fund 5 of the 18. A staffing update was provided. John also spoke of the conferences that he attended, Rich Sve is new president of Association of Minnesota Counties. John also stated it’s a bonding year and that the Governor has not yet released

his proposals on policy, budget, or bonding. The Lawns to Legumes program is going through the RFP process. Lawns to Legumes was also mentioned in Oprah Magazine as one of the 20 best things in 2019.

John reviewed documents in the folder, the Minnesota Campaign Finance Board letter, an updated BWSR staff listing, updated organizational chart, and updated documents prepared for the board. There are no Snapshot articles for this month.

**Dispute Resolution and Compliance Report** – Travis Germundson reported that there are six appeals pending. There have been three new appeals filed since the last Board Meeting.

Appeal of a WCA exemption decision in Kandiyohi County. The appeal regards a denial of an exemption determination for agriculture activities. No decision has been made on the appeal.

Appeal of a WCA restoration order in Pine County. The appeal regards the placement of fill within a shore impact zone of Passenger Lake a DNR Public Water. Applications for exemption and no-loss determinations were submitted to the LGU concurrently with the appeal. No decision has been made on the appeal.

Appeal of a WCA restoration order in Mille Lacs County. The appeal regards the placement of fill in a wetland along a purported township road within the shoreland overlay district of the North Fork Bradbury Brook a DNR Public Water. No decision has been made on the appeal.

Buffer Compliance Status. BWSR has received Notifications of Noncompliance (NONs) on 46 parcels from the 12 counties BWSR is responsible for enforcement. Our staff continue to actively reach out to landowners to resolve any noncompliance on a voluntary basis prior to initiating enforcement action through the issuance of a Correction Action Notices (CANs). So far 25 CANs have been issued by BWSR.

Disclaimer: These numbers are generated on a monthly basis from BWSR's Access database. The information is obtained through notifications from LGUs on actions taken to bring about compliance and may not reflect the current status of compliance numbers.

**Grants Program & Policy Committee** - Steve Sunderland reported that there is nothing to report. The Committee will be meeting immediately follow boarding meeting today.

**RIM Reserve Committee** – Tom Loveall reported that the committee has not met but will be meeting tomorrow with a conference call option. Decision point is a RIM contract alteration that the City of Luverne is looking for related to a wastewater treatment plant.

John Jaschke added that the USDA opened up the CRP program again for sign up. Will potentially open up CREP applications soon.

**Water Management & Strategic Planning Committee** - Jack Ditmore reported they met November 22<sup>nd</sup> and there are two items on the agenda for action today. Meeting in January to review progress on Strategic Plan refresh. Will possibly meet Tuesday before next board meeting.

**Wetland Conservation Committee** - Tom Schulz reported that the committee has not met.



**Buffers, Soils & Drainage Committee** – Tom Gile reported they met October 29<sup>th</sup> and had a light agenda. Some discussion around the soil loss law giving direction to staff working with Ag groups. Looked at buffer compliance and enforcement numbers. Talked about the procedures that have been adopted by the board to help implement the buffer law and provide direction to local governments staff.

**Drainage Work Group (DWG)** - Tom Loveall and Tom Gile reported that the Drainage Work Group met via Skype call on November 14<sup>th</sup> and in person on December 12<sup>th</sup>.

At the November meeting MPCA staff gave a presentation on the following related to impaired public ditches: 1) Existing rules, in particular as they relate to aquatic life protections in Minnesota waters (specifically ditches); 2) The use review process, assessment process, and the implementation of water quality management efforts (e.g., permits, WRAPS, etc.); 3) TALU – specifically as it relates to the assessment of ditches; 4) Impacts of water quality standards on drainage system administration and management.

At the December 12<sup>th</sup> meeting DWG membership were provided an overview of a “Drainage for Decision Makers,” which is a distillation of Minnesota Drainage Law to the essential process pieces and considerations for Drainage Authority Decision makers. Additionally, DWG members in attendance discussed issues and priorities for 2020 DWG meetings. The purpose was to refine potential topics so staff and DWG members are able to spend time going into the 2020 gathering background and preparing information for DWG consideration and discussion.

#### **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Jeff Berg reported Minnesota Ag Water Quality Certification Program is at around 560,000 acres enrolled with over 520 producers. At the MASWCD conference Commissioner Peterson announced endorsements to those programs. There are three endorsements for soil health, wildlife, and pest management. Working with certified farmers evaluating these three things with agency partners like DNR, Pheasants Forever, and others. If certified farmers are doing extra, they can get these endorsements, new to the program.

Jill stated she heard at the SWCD conference that farmers would like to see an extension longer than three years for Cover Crops and asked if there are programs to try to extend that? Jeff stated it’s something this board through the pilot program is trying to address and other may be programs too.

**Minnesota Department of Health** – No report was provided.

**Minnesota Department of Natural Resources** – Steve Colvin reported the Department is working on a refresh on their conservation agenda, which is their strategic plan. Also reported that a news release just went out, DNR received data submittal on Twin Metals Minnesota project proposal that will formally begin the environmental review process.

Joe Collins wanted to commend Commissioner Strommen on stopping water from being exported out of the state.

**Minnesota Extension** – Joel Larson reported the Conservation Tillage conference was held yesterday and today in St. Cloud.

Climate adaptation conference will be held at the St. Paul campus on January 22<sup>nd</sup> which is also the date of our board meeting next month. Beth Givens, Executive Director from the American Society of Adaptation Professionals will be giving a talking about the collaborative work they have been supporting over the last couple years.

Two new positions are open, one is with urban stormwater management and the other will focus on watersheds and lakes health.

**Minnesota Pollution Control Agency** – Katrina Kessler reported that at the end of November the MPCA along with the Department of Ag, Minnesota State Mankato, and the city of Mankato hosted a stakeholder discussion on Ag Urban Partnerships related to water quality in the Minnesota River.

Katrina Kessler, MPCA Commissioner Bishop, and DNR Commissioner Strommen have been in consultation with tribes related to wild rice management and wild rice health in advance of the legislative session.

A lot of activity related to climate at PCA. One of the proposals put forward for the bonding money in 2020 is a new pilot program to provide grants to communities looking at climate resilience, particularly aimed at stormwater and drainage in an urban setting.

Working with Ag feedlot producers to comply with a recent court decision that directs the agency to do green house gas emission evaluations as part of feedlot environmental review.

#### **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 thanked those that played a role in their annual meeting. The annual meeting summarized trends, conversations, and policy discussions. The big picture for them is ecosystem services, soil health, and water storage.

**Minnesota Association of Townships** – Nathan Redalen thanked Dave Weirens for doing a roundtable at the conference, received very high evaluations. Kathryn Kelly and Commissioner Strommen also attended, next year will be in St. Cloud.

**Minnesota Association of Watershed Districts** –Emily Javens reported they are in transition between the annual convention and setting the legislative agenda. Thanked Annie Felix-Gerth for her work at the pre-conference workshop and stated how much people enjoyed it.

**Natural Resources Conservation Service** – No report was provided.

Gerald Van Amburg recessed the meeting at 9:52 a.m. and called the meeting back to order at 10:05 a.m.

Paige Winebarger stated the topic of ecosystem services has been coming up in multiple conversations in recent months and supports that it's an important topic. It would be helpful to understand at a state



agency level on whose doing what to value ecosystem services. John Jaschke stated staff would scope the task and see what they come up with and determine how it should be brought to the board.

**COMMITTEE RECOMMENDATIONS**

**Water Management and Strategic Planning Committee**

**Delegation of Routine Administrative Water Management Decisions Policy** – Annie Felix-Gerth presented Delegation of Routine Administrative Water Management Decisions Policy. This new proposed policy allows specific administrative decisions regarding watershed districts, water management organizations, and SWCDs to be delegated to the Executive Director, an action requested by the Board’s Administrative Advisory Committee. The proposed policy is limited to noncontroversial boundary changes of watershed districts, ordering hearings for specific watershed district items (not the decisions on these items, just the ordering of the hearing), and changing names and locations of Soil and Water Conservation Districts. The draft policy and procedure provided were developed by the Board’s Internal Water Planning Team and recommended to the Committee by the Senior Management Team.

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19-68 Moved by Jack Ditmore, seconded by Paige Winebarger, to approve the Delegation of Routine Administrative Water Management Decisions Policy. ***Motion passed on a voice vote.***

**Local Water Plan Extension and Amendment Policy Revision**– Annie Felix-Gerth presented Local Water Plan Extension and Amendment Policy Revision. The proposed amended policy provides a streamlined option to batch multiple water plan extensions together into the existing Local Water Plan Extension and Amendment Policy. The draft policy and procedure provided were developed by the Board’s Internal Water Planning Team and recommended to the Committee by the Senior Management Team.

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19-69 Moved by Jack Ditmore, seconded by Joe Collins, to approve the Revised Local Water Plan Extension and Amendment Policy. ***Motion passed on a voice vote.***

**Central Region Committee**

Carver County Watershed Management Organization Comprehensive Watershed Management Plan – Steve Christopher presented Carver County Watershed Management Organization Comprehensive Watershed Management (CCWMO) Plan. The CCWMO was established in 1996 and covers approximately 320 square miles on the southwestern edge of the Twin Cities Metropolitan Area. The watershed covers most of Carver County with six major sub watersheds within the CCWMO. This plan focuses on six major priorities ranging from water quality and quantity to awareness & behavior.

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19-70 Moved by Joe Collins, seconded by Jill Crafton, to approve the Carver County Watershed Management Organization Comprehensive Watershed Management Plan. ***Motion passed on a voice vote.***

**Southern Region Committee**

**Cedar-Wapsipinicon Comprehensive Watershed Management Plan** – David Copeland presented Cedar-Wapsipinicon Comprehensive Watershed Management Plan. The Cedar-Wapsipinicon River Watershed was selected by BWSR as one of the seven planning areas for the One Watershed, One Plan program in 2016. The watershed partnership Policy Committee, Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and submitted the Cedar-Wapsipinicon River

Watershed Comprehensive Watershed Management Plan to BWSR on September 30, 2019 for review and approval. The Southern Regional Committee (Committee) met on November 13, 2019 to review 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.

John Jaschke thanked Adam King, Dave Copeland and their partners for all their work.

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19-71 Moved by Nathan Redalen, seconded by Harvey Kruger, to approve the Cedar-Wapsipinicon Comprehensive Watershed Management Plan. ***Motion passed on a voice vote.***

#### **NEW BUSINESS**

**2020 BWSR Board Meeting Schedule** – John Jaschke presented the 2020 BWSR Board Meeting Schedule. Meeting dates are being proposed for board meetings in 2020. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2019 calendar.

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19-72 Moved by Joe Collins, seconded by Tom Loveall, to approve the 2020 BWSR Board Meeting Schedule. ***Motion passed on a voice vote.***

**Minnesota Pollution Control Agency Impaired Waters List** – Katrina Kessler and Miranda Nichols presented the MPCA Impaired Waters list.

Minnesota's impaired waters list is updated every two years and was updated last month. The MPCA added 581 new water bodies with 728 new impairments to the list. The list totals 5,774 impairments in 3,416 different bodies of water. MPCA gave an overview of the 2020 Impaired Waters List.

Chris Elvrum asked for clarification on how they portray the percentage of waterbodies they've assessed. Miranda stated it depends on how you count it, streams vs. lakes etc. Chris asked if their next round of monitoring will look at new bodies of water or ones they've already assessed? Miranda stated it will mostly be locations that have already been established.

Tom Loveall asked if algae blooms are part of the impairment process. Miranda stated it is part of the process when relevant.

Jill asked if they have PFOS standards? Katrina stated they do.

**UPCOMING MEETINGS**

- Next BWSR Meeting is scheduled for 9:00 AM, January 22, 2020 in St. Paul.

Chair VanAmburg adjourned the meeting at 11:06 AM.

Respectfully submitted,



Gerald Van Amburg  
Chair