

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, JUNE 24, 2020**

BOARD MEMBERS PRESENT:

Jill Crafton, Jayne Hager Dee, Kathryn Kelly, Rich Sve, Sarah Strommen, DNR; Tom Loveall, Nathan Redalen, Tom Schulz, Thom Peterson, MDA; Gerald Van Amburg, Joe Collins, Harvey Kruger, Paige Winebarger, Steve Robertson, MDH; Neil Peterson, Katrina Kessler, MPCA, Andrea Date, Todd Holman

BOARD MEMBERS ABSENT:

Joel Larson, University of Minnesota Extension; Ted Winter

STAFF PRESENT:

John Jaschke, Dave Weirens, Ed Lenz, Jon Sellnow, Rachel Mueller, Kevin Bigalke, Travis Germundson, Jeff Hrubes, Jenny Gieseke, Jennifer Mocol-Johnson, Ken Powell, Les Lemm, Matt Fischer, Marcey Westrick, Ryan Hughes, Shaina Keseley, Sharon Doucette, Steve Christopher

OTHERS PRESENT:

Ashley Gallagher
Alex Trunnell
Beau Kennedy
Brian Martinson, Association of Minnesota Counties
Camilla Correll
Emmie Peters
Emily Javens, Minnesota Association of Watershed Districts
Josie Lonetti
Meghan Funke

Chair Gerald VanAmburg called the meeting to order at 9:15 AM

PLEDGE OF ALLEGIANCE

**
20-24

ADOPTION OF AGENDA - Moved by Tom Schulz, seconded by Kathryn Kelly, to adopt the agenda as presented. *Motion passed on a voice vote.*

Roll Call Vote: Adoption of the agenda

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Chris Elvrum/Steven Robertson (MDH)	X			
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)	X			
Joel Larson				X
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger	X			
Ted Winter				X
Gerald Van Amburg, Chair	X			
TOTALS	18		18	2

**
20-25

MINUTES OF MARCH 25, 2020 BOARD MEETING – Moved by Rich Sve, seconded by Jill Crafton, to approve the minutes of March 25, 2020, as amended. *Motion passed on a voice vote.*

Roll Call Vote: Minutes of March 25, 2020 Board Meeting

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee			X	
Chris Elvrum/Steven Robertson (MDH)	X			
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			

Harvey Kruger	X			
Sarah Strommen (DNR)	X			
Joel Larson				X
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger	X			
Ted Winter				X
Gerald Van Amburg, Chair	X			
TOTALS	17		1	2

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

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.”

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg reported EQB met on June 17 and reviewed the draft of the State 2020 Water Plan going over goals and strategies. Report is due to be complete this fall.

Chair Van Amburg welcomed new board members Jayne Hager Dee, SWCD member from the Central Region and Ted Winter, Citizen member from the Southern region. Chair Van Amburg also thanked Steve Sunderland and Jack Ditmore for their years of service while on the board.

Audit and Oversight Committee – Chair Gerald Van Amburg reported they met on June 4 to discuss BWSR’s Control System Assessment Tool (CESAT) and the Risk Assessment projects that are required to be submitted to MMB by July 31, 2020 as an annual certification which now requires the Board Chair to sign off that they are aware of the annual certification and the projects that BWSR is working on.

Chair Van Amburg announced Paige Winebarger will now chair the Audit and Oversight Committee and noted there has also been restructuring of other committees.

Executive Director's Report - John Jaschke gave an update of the status of COVID-19 Emergency. Staff are continuing to work from home. A few staff have been given exemptions, which has shifted from MMB to more of the agency taking control of exemptions and coming up with a Preparedness Plan.

In March a special board order giving the Executive Director emergency delegation was passed. Approval for two items were: FY 2020-2021 Red River Basin Commission Grant and the Cass Soil and Water Conservation District Supervisor Redistricting.

Executive Director Jaschke spoke with each new board member and provided an orientation session.

Earlier this year the Governor issued an Executive Order establishing a climate subcabinet. A lot of inter-agency work is going on.

Legislative session ended in May without getting everything accomplished, including failure to pass a bonding bill. Extensions to LCCMR funding projects to allow them more time to finish because of COVID were passed.

We are in a hiring freeze for all staff necessitating some adjustments to staff assignments.

Dispute Resolution and Compliance Report – Travis Germundson reported there are presently seven appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There has been two new appeal filed since the last Board Meeting (March 25, 2020).

File 20-05 (6-23-2020) This is an appeal of a WCA exemption determination in Otter County. The appeal regards the denial of the exemption request for the installation of new tile. No decision has been made on the appeal as of yet.

File 20-04 This is an appeal of a WCA restoration order in Carver County. The appeal regards the excavation and filing a wetland associated with construction of a drainage ditch. Appeal was filed after 30-day deadline to submit an appeal. Therefore, the restoration order became final and the appeal became denied and the restoration order affirmed.

Buffer Compliance Status: BWSR has received Notifications of Noncompliance (NONs) on 77 parcels from the 12 counties BWSR is responsible for enforcement. Staff continue to actively reach out to landowners to resolve any noncompliance on a voluntary basis prior initiating enforcement action through the issuance of Correction Action Notices (CANs). So far 58 CANs have been issued by BWSR and two Administrative Penalty Order (APO). Of the actions being tracked over 15 of those have been resolved.

*Statewide 22 counties are fully compliant, and 40 counties have enforcement cases in progress. Those counties have issued a total of 1,061 CANs and 10 Administrative Penalty Orders. Of the actions being tracked over 768 of those have been resolved.

Grants Program & Policy Committee – Tom Schulz reported they met June 1 via WebEx and have recommended action items that will come before the board today. Committee will be meeting again but does not have a date set.

RIM Reserve Committee – Tom Loveall reported the committee has not met.

Water Management & Strategic Planning Committee – Todd Holman reported the committee has not met.

Wetland Conservation Committee - Tom Schulz reported that the committee met on June 15 via WebEx. A committee member was not in attendance at the designated conference room so all work product was informational.

Staff reported that the Local Government Roads Replacement Program has the lowest balance of Wetland Credits since 2000. Typically, 170 credits are needed per year and at this point of the 10 BSAs 4 of them are at zero credits and an additional 2 have less than 1 credit available. Tom noted BSA 5 which covers his county has no credits and no reported new credits in the coming months. These credits are needed by local government to cover the wetland impacts of road construction. Most of these deficiencies can be traced to a lack of funding either from general or bonding funds.

Tom is handing the committee chairmanship of the committee to Jill Crafton.

The committee also reviewed progress on Federal Clean Water Act 404 Assumption. Staff are working with other agencies to get to the point of being able to submit a successful application for the assumption.

The committee also received an update on the Wetland Professional Certification Program. This program was transferred to BWSR from the University of Minnesota last August by a Board action at the August 2019 board meeting. There were 361 successful transfers into the program. Fees for training in the program will remain consistent with previous years. The in-person training to date has all been cancelled due to COVID-19 concerns. Some of the online modules have been completed and rescheduling of training still remains a possibility.

The committee reviewed WCA rule making timelines but was unable to act upon a recommendation for the resolution that will be before the board later in the meeting.

Rich Sve asked what the timeline is for completing a 404 application and submitting it? Executive Director John Jaschke stated Les Lemm could provide further information later in the meeting when he gives an update on the Wetland Conservation Act Rule.

Buffers, Soils & Drainage Committee – Kathryn Kelly welcomed new members to board and reported that the committee has not met.

Drainage Work Group (DWG) – Tom Loveall reported the committee has not met and that they have a meeting scheduled via Skype on July 9.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reminded everyone the Groundwater Protection Rule's first step goes into effect September 1.

Minnesota Ag Water Certification Program continues to grow rapidly. Added 60,000 cover crop acres to this program.

Minnesota Department of Health – Steve Robertson will be filling in for Chris Elvrum. Steve reported the agency is still involved in COVID-19 response work. Many of their staff have been reassigned into direct response roles.

Groundwater and drinking water data are available through the DNR Watershed Health Assessment Framework online tool.

Minnesota Department of Natural Resources – Sarah Strommen reported they continue their response to COVID-19. Have restarted field work activities and working on a phased reopening of state parks.

Completed EAW on Nolte family farm irrigation project in Wadena county. Determined it did not require preparation of an Environmental Impact Statement.

Neil Peterson asked when Commissioner Strommen will be traveling in his area to look at wildlife management issues and also asked how they are doing with the permits for Enbridge Line 3 replacement? Commissioner Strommen stated travel is limited depending on the circumstances and can follow-up with Neil. Line 3 does not have a specific timeline but they are continuing to work on permits.

Jill Crafton asked about the Asian Carp Action Plan being developed and if there is any information to share. Commissioner Strommen stated she could get more information to bring back to the board at a later time.

Minnesota Extension – No report provided.

Minnesota Pollution Control Agency – Katrina Kessler reported they are slowly getting back to field activities in consideration of social distancing and COVID-19. Will not be doing the biological monitoring, fish monitoring, and some of the other monitoring that makes it difficult to social distance. Inspections and other monitoring have resumed.

NPDES general permit for feedlots is a 5-year permit that went on public notice June 8 until July 23.

Working with other agencies and partners on the EQB Water Plan focused on climate. Working on draft hoping to have ready by the end of summer.

Working with others on the implementation of the Governor's climate executive order. It calls for recommendations and strategies to be considered by the climate subcabinet that the Governor appointed. Working across teams to put together recommendations for mitigation of carbon as well as strategies to promote resiliency and adaptation to climate change.

Lake Pepin TMDL came off public notice last week. Received 2 requests for contested case hearings related to stormwater requirements in the TMDL.

MPCA has several permits they need to issue in regard to Line 3. Agency made decision to grant contested case hearing to petitioners on the draft 404 water certification.

Neil Peterson stated Line 3 has been going on for 5 plus years and would like to see it move along. Appreciates the work that's been going on and would like to keep getting updates.

Neil Peterson asked Commissioner Petersen how things are going in Southern Minnesota with the hogs, turkeys, and the composting that's been going on down there. Commissioner Petersen stated its going better. Minnesota was in a tough position in April with Smith Field and JBS for being down for almost a month. Where able to put hogs back on farms and on a diet, sent hogs to other states. Tried to avoid landfill, set up 2 composting sites. Also composted a lot of turkeys and chickens. Composting site had some issues with smell but was able to rectify it quickly. Still have a backup of hogs and turkeys.

Neil Peterson thanked Commissioner Petersen for his work.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported counties are facing different levels of closure due to COVID-19. The work of counties has continued with limited interruptions. Includes being able to maintain services for land use and WCA applications. Did have some concerns and worked with BWSR during the legislative and special session regarding the chapter 15.99-60-day rule. Unable to convince the legislature to take action to allow for flexibility on rule.

AMC just completed their district meetings via WebEx. WebEx meetings worked well. AMC Executive Committee is looking at how the fall policy and district meetings will take place.

Legislative session, disappointment with what was achieved regarding environmental issues this year. LCCMR bill not approved. Concerned about the impacts to the Legacy Funding and getting work done on the ground with a reduction in sales tax collections.

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 – Nathan Redalen reported they have been having board meetings via Zoom and that has been working for them. Minnesota counties contain 1,741 townships. When there is county unity, those counties get together and this has not been happening because of COVID-19. Once a month they have a teleconference and they're a little upset the bonding bill didn't go through because 95% of roads are paid for by the residents of that township and look forward to getting some of that money. Hope something can happen with the bonding bill.

Has not heard anything for their annual conference in November. Have not had any training sessions because of Zoom.

Minnesota Association of Watershed Districts – Emily Javens reported watershed districts are continuing to work from home. Field staff are returning to the office and getting out in the field. Attended a watershed district meeting in her area where they were updating a watershed management plan and held a virtual public meeting that worked well.

Looking at education and training to see how they can improve their education program. Board meets tomorrow and will decide when it will be too late to cancel December conference. Looking at opportunities on how to share information online.

Hoping legislative bonding bill is passed. Concerned about CWF cuts to existing projects and getting projects on the ground. Upcoming biennium funds need to go to funding projects.

Natural Resources Conservation Service – No report was provided.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization – Marcey Westrick presented FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization.

The Clean Water Fund Competitive Grant Policy is reviewed and approved annually. For FY2021, the policy will apply to Projects and Practices and Multi-purpose Drainage Management funding.

The changes in this policy from the previous year include:

- Language was added under Section 3. Subsurface Sewage Treatment Systems stating that local governments should first exhaust primary source of SSTS funding from the Minnesota Pollution Control Agency
- 3.9 Incentives taken out of non-structural land management and added as separate section for clarification
- 4.14. Components of projects needed to meet the statutory requirements of 103E Drainage Law added to ineligible activities.

In addition to approving the policy, the board order also authorizes the fiscal year 2021 Clean Water Fund Competitive Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed these recommendations on June 11, 2020 and recommends the attached policy and order to the board.

Marcey noted a typo in the policy section 3.10 states incentive instead of duration.

John Jaschke gave the definition of the acronym GAM meaning Grants Administration Manual.

Tom Loveall asked for clarification on *4.14 Components of projects needed to meet the statutory requirements of 103E Drainage Law added to ineligible activities*. Would like to know where that line is? Marcey stated the intent was to have adequate outlets or cost benefit. Ensure anything done would be over and above the statutory requirements.

Kevin Bigalke explained that project aspects which are required to meet statutory requirements would not be eligible, but if above and beyond those minimum statutory requirements, then eligible.

John Jaschke stated there will be some site by site judgement. Conditions exists because the constitution requires Legacy Funds to be supplemental.

Kevin noticed typo in Findings of Fact number one references \$16,000,000 for fiscal year 2020, should be fiscal year 2021.

**
20-26 Moved by Tom Schulz, seconded by Jill Crafton, to approve the FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization. ***Motion passed on a voice vote.***

Roll Call Vote: FY 2021 Clean Water Fund Competitive Grant Policy and the FY2021 Clean Water Fund Competitive Grants Program authorization

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Chris Elvrum/Steven Robertson (MDH)	X			

Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)	X			
Joel Larson				X
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger	X			
Ted Winter				X
Gerald Van Amburg, Chair	X			
TOTALS	18			2

Nonpoint Priority Funding Plan– Marcey Westrick presented Nonpoint Priority Funding Plan

In 2013, the Clean Water Accountability Act was passed in the Minnesota Legislature. This resulted in the addition of the Nonpoint priority funding plan (NPFP) as defined in Minnesota Statute 114D.50 Subd. 3a. Beginning July 1, 2014, and every other year thereafter, the Board of Water and Soil Resources (BWSR) shall prepare and post on its website a priority funding plan to prioritize potential nonpoint restoration and protection actions based on available WRAPs, TMDLs, and local water plans. In 2019, the Minnesota Legislature passed a package of statutory policy changes in Minnesota Statutes, Chapters 103B and 114D. These changes took effect on August 1, 2019 and are referred to as “coordinated watershed management.” One change was the addition of Minnesota Statute 114D.47 Nonpoint Funding Alternative. This new language states, “ Notwithstanding section 114D.50, subdivision 3a, the Board of Water and Soil Resources may, by board order, establish alternative timelines or content for the priority funding plan for nonpoint sources under section 114D.50, subdivision 3a, and may use information from comprehensive watershed management plans or comprehensive local water management plans to estimate or summarize costs.”

The Grants Program and Policy Committee reviewed these recommendations on June 11, 2020 and recommends the attached order to the board.

Rich Sve asked if 1W1P could be used as a model in determining expenses or funding and how does that line up with areas or counties that choose not to go into the 1W1P. Does it have any effect or bearing? Marcey stated the purpose of developing or evaluating what framework is to be used would also be part of that evaluation. Rich Sve asked to clarify that it isn’t a deterrent against counties that wish not to move in that direction of 1W1P? Marcy agreed that is correct and asked if Kevin Bigalke had anything to add? Kevin Bigalke agreed that the intent of Nonpoint Priority Funding Plan is to assist in identifying the types of practices needed implemented in order to meet water quality goals and standards. The Nonpoint Priority Funding Plan provides an estimate of costs and funding levels needed to achieve that level of implementation. One approach to obtain the cost estimates could be using the implementation plan and budgets developed through 1W1P process and comprehensive local watershed management plans. The

overall framework and approach of identifying additional costs may be necessary if a county is not to participate in a 1W1P. This will be evaluated and part of the board order number two.

John Jaschke had a couple comments on the order. Things will likely follow from this, we are changing the date giving a timeline, which will be more aligned with clean water fund recommendations. The process will engage agency experts and stakeholders to figure out what makes the most sense. Will come back to the board before the new due date. The goal is to make it something that's practical and useful.

**
20-27 Moved by Harvey Kruger, seconded by Paige Winebarger, to approve the **Nonpoint Priority Funding Plan. Motion passed on a voice vote.**

Roll Call Vote: Approval of the Nonpoint Priority Funding Plan

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Chris Elvrum/Steven Robertson (MDH)	X			
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson				X
Tom Loveall	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger	X			
Ted Winter				X
Gerald Van Amburg, Chair	X			
TOTALS	17			3

Area Technical Training Teams – Training Grants– Jon Sellnow presented Area Technical Training Teams – Training Grants.

The Technical Training Grants are intended to increase the delivery of technical trainings for topics identified as local priorities by the eight Area Technical Training Teams (ATTTs). Trainings topics will be identified and prioritized based on the results from Individual Development Plans completed within the Area, and as emerging training needs throughout the year.

This grant will make \$40,000 available to coordinate and deliver technical training to address the locally identified training priorities, with a maximum grant amount of \$5,000 per ATTT. The funding for this grant will come from clean water funds and NRCS contribution agreement funds.

Applications for funding will be accepted through July 17, 2020. Submissions will be reviewed and approved as they are submitted.

Examples of eligible activities include curriculum development, classroom training delivery, facility rental, training materials, on-the-job training, and travel reimbursements for trainers. Contracting with an outside vendor to provide training is allowable.

Jill Crafton stated she did not vote for this in committee and that she opposes the use of limited Clean Water Funds for this. Asked if NRCS would be able to fund the whole cost? Jenny Gieseke stated the contribution agreements we have with NRCS for Technical Training and Certification Program is a 50-50 match. We are transitioning contribution agreements right now and training has been built into the new agreement, which will be starting in a couple weeks. Training conservation staff around the state accelerates getting projects on the ground. There is a bottle neck right now with funds available but not enough people trained to implement projects. At this time, we cannot ask NRCS to fund it themselves. It's a shared federal and state agreement. Chair VanAmburg clarified that each area is limited to \$5,000 per area team. Todd Holman stated he will oppose the motion under the same findings Jill shared.

**
20-28 Moved by Neil Peterson, seconded by Kathryn Kelly, to approve the Area Technical Training Teams – Training Grants. **Motion passed on a voice vote.**

Roll Call Vote: Approval of the Area Technical Training Teams – Training Grants

Name of Board member	Perceived conflict of interest	Affirmative	Opposed	Abstained	Absent
Joe Collins		X			
Jill Crafton			X		
Andrea Date					X
Jayne Hager Dee		X			
Chris Elvrum/Steven Robertson (MDH)		X			
Todd Holman			X		
Katrina Kessler (MPCA)		X			
Kathryn Kelly		X			
Harvey Kruger		X			
Sarah Strommen (DNR)					X
Joel Larson					X
Tom Loveall		X			
Neil Peterson		X			
Nathan Redalen		X			
Tom Schulz		X			
Thom Petersen (MDA)		X			
Rich Sve		X			
Paige Winebarger					X

Ted Winter					X
Gerald Van Amburg, Chair		X			
TOTALS		13	2		5

SWCD Annual Grant Request for State Cost-Share – Jeff Hrubes and Matt Fischer presented SWCD Annual Grant Request for State Cost-Share.

Prior to FY 2014, SWCDs completed an annual plan to request cost-share funding to satisfy M.S. 103C. In 2012, the Board authorized transition to the Biennial Budget Request (BBR) which captured statewide information and assisted BWSR with legislative appropriation requests. The BBR is scheduled to sunset on June 30, 2021. The Water Planning Team and Cost Share Work Group considered several alternatives including returning to the original annual plan, updating the annual plan requirements and, considering the advancements of 1W1P, creating a request in eLINK that requests information about the SWCD annual Cost-Share budget and planned activities. Because the eLINK process requires Board Conservationist approval, the teams rolled two current stand-alone forms into the request. SWCDs will no longer have a separate form to: 1) request greater than 20% of the Cost-Share funds be budgeted for technical and administrative costs and: 2) request use of the Cost-Share funds to install Non-structural Land Management practices.

**
20-29 Moved by Jill Crafton, seconded by Tom Schulz, to approve the Soil and Water Conservation District (SWCD) Annual Work Plan Requirements. **Motion passed on a voice vote.**

Roll Call Vote: Approval of the Soil and Water Conservation District Annual Work Plan Requirements

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Chris Elvrum/Steven Robertson (MDH)	X			
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson				X
Tom Loveall	X			
Neil Peterson				X
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger				X
Ted Winter				X
Gerald Van Amburg, Chair	X			
TOTALS	15			5

** Moved by Harvey Kruger, seconded by Jill Crafton, to approve the Erosion Control and Water Management Program Policy Update. **Motion passed on a voice vote.**

20-30

Roll Call Vote: Approval of the Erosion Control and Water Management Program and Policy Update

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Chris Elvrum/Steven Robertson (MDH)	X			
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson				X
Tom Loveall	X			
Neil Peterson				X
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger				X
Ted Winter				X
Gerald Van Amburg, Chair	X			
	X			
TOTALS	15			5

Central Region Committee

Prior Lake-Spring Lake Watershed District Watershed Management Plan – Steve Christopher presented Prior Lake-Spring Lake Watershed District Watershed Management Plan.

Background:

The Prior Lake-Spring Lake Watershed District (PLSLWD) was established on March 4, 1970 by order of the Minnesota Water Resources Board under the authority of the Minnesota Watershed Act, Minnesota Statutes Chapter 112. The order was in response to a petition filed by residents within the watershed on June 24, 1969 for the general purposes of conserving the waters and natural resources of the watershed. The first water resources management plan for the PLSLWD was prepared and adopted in 1971, shortly after the PLSLWD’s inception. The most recent watershed management plan was approved by the Board on January 27, 2010.

The PLSLWD is approximately 42 square miles in size and located in north central Scott County, within the Minnesota River basin. The lower one-half of the PLSLWD particularly around the lakes is largely developed with a predominantly residential land use. The upper one-half of the watershed is rural land use comprising small to medium farms. Development pressure and changes in land uses within the watershed will likely increase through the life of this Plan. The major water resource features of the

PLSLWD are Spring Lake, Upper Prior Lake, and Lower Prior Lake. There are a total of 12 lakes and one county ditch system in the PLSLWD. There was no outflow from the watershed until 1983. An outlet channel was constructed commencing at the southwest shore of Lower Prior Lake draining north through three lakes before outletting into the Minnesota River. The following communities lie partially or entirely within the PLSLWD: the cities of Prior Lake, Savage, and Shakopee, and Sand Creek and Spring Lake Townships. A portion of the Shakopee Mdewakanton Sioux Community Tribal Lands is also located within the PLSLWD. The PLSLWD is bound by the Lower Minnesota River Watershed District to the north, and the Scott WMO, containing the subwatersheds of Credit River, Sand Creek, and Shakopee Basin, to the east, south, and west respectively.

Plan Process and Highlights:

The PLSLWD initiated the planning process for the 2020-2029 Plan in 2018. As required by MR 8410, a specific process was followed to identify and assess priority issues. Stakeholders were identified, notices were sent to municipal, regional, and state agencies to solicit input for the upcoming Plan. From May 2018, a series of meetings were convened of the PLSLWD Board, Citizens Advisory Committee, Farmer-Led Council, Public, and Technical Advisory Committee. The PLSLWD utilized surveys, initial input and these meetings to further refine their issues, guiding principles, goals and strategies.

In the public planning process, the PLSLWD used its three priority concerns to develop three Guiding Principles with nine underlying Policies, and a total of 23 Goals. During discussions and meeting for the WRMP, three recurring priority concerns were decided upon by the PLSLWD, and four specific goals floated to the surface as having the highest degree of urgency. These goals are: 1. Meet the State water quality standards for aquatic recreation on Spring Lake. 2. Meet the State water quality standards for aquatic recreation on Upper Prior Lake. 3. Develop and implement an Aquatic Invasive Species (AIS) Response and Prevention Plan in coordination with Scott County to help prevent new AIS from entering Tier 1 lakes. 4. Achieve the first-tier priority flood reduction goal to reduce the flood level on Prior Lake for the 25-year return period.

Major actions for the Plan include:

Water quality

- In-Lake Alum Treatments
- Public Infrastructure Projects
- Wetland Restorations
- Cost-Share Projects
- Farmer-Led Council Initiatives
- Ferric Chloride Treatment System

Aquatic Invasive Species

- AIS Prevention & Management
- Carp Management
- AIS Rapid Response Plan

Reduce Flooding:

- Storage & Infiltration Projects
- Sutton Lake Outlet Structure
- Wetland Banking Program
- PLOC Management
- Upper Watershed Blueprint

PLSLWD staff have agreed to extend the programming in the Plan through June 2030 and to update the date to allow for approval through June 2030. The draft Plan is an excellent example of a resource that provides focused priorities that are measurable and clearly defines the role of the PLSLWD.

Kathryn Kelly thought it was very well laid out and excellently done. Jill Crafton agreed it was very well done.

**
20-31 Moved by Joe Collins, seconded by Kathryn Kelly, to approve the Prior Lake-Spring Lake Watershed District Watershed Management Plan. **Motion passed on a voice vote.**

Roll Call Vote: Approval of the Prior Lake-Spring Lake Watershed District Watershed Management Plan

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Chris Elvrum/Steven Robertson (MDH)	X			
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)				X
Joel Larson				X
Tom Loveall	X			
Neil Peterson				X
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger				X
Ted Winter				X
Gerald Van Amburg, Chair	X			
TOTALS	15			5

Southern Region Committee

Cannon River Comprehensive Watershed Management Plan– Jennifer Mocol-Johnson presented Cannon River Comprehensive Watershed Management Plan.

The Cannon 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 Cannon River Watershed Comprehensive Watershed Management Plan to BWSR on October 19, 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. The Committee provided a conditional approval of the plan. The conditional approval recommendation states the following:

- a. Prior to full board approval
 - i. Measurable goals of less than 5% must be further evaluated and targeted to seek a minimum of 5% improvement or be removed from plan.
 - ii. Clarification of descriptions of the science-based approach and other processes used (Where numbers for goals and costs came from, how priorities were selected and how targeting was completed).
 - iii. Visually provide reference to the priority cover crop locations (as requested by MDA)
 - iv. Identification of funding sources for implementation activities tied to additional planning and modeling processes such as lake management plans and flood evaluation studies.
- b. Watershed Based Implementation funds are to be made available following the completion of the following items and approvable by the Executive Director of the Board of Water and Soil Resources
 - i. Improved Targeting using combination of locally obtained methods combined with best scientific models such as HSPF-SAM, PTMApp, or available WRAPS related HSPF results.
 - ii. Creation of an inventory or model driven map indicating practice opportunities in targeted areas.
 - iii. Updated calculation of pollution reductions that satisfactorily indicates a pace of progress that adequately meets WRAPS reduction Goals

After the group completed the conditions, the plan was resubmitted to BWSR on May 22, 2020.

Nathan Redalen commented that this item got to be a little contentious and thought the team did very well.

Jill Crafton found parts of this plan to be problematic. People were expressing their concerns about areas but didn't seem like there was enough scientific data for their decisions. Low goals of 5% improvement, hoped it could have been higher. PCA recommends approval of plan with the understanding improvements and updates can be made moving forward.

20-32 Moved by Nathan Redalen, seconded by Harvey Kruger, to approve the Cannon River Comprehensive Watershed Management Plan. ***Motion passed on a voice vote.***

Roll Call Vote: Approval of the Cannon River Comprehensive Watershed Management Plan

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee			X	

Chris Elvrum/Steven Robertson (MDH)	X			
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)	X			
Joel Larson				X
Tom Loveall	X			
Neil Peterson				X
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger				X
Ted Winter				X
Gerald Van Amburg, Chair	X			
TOTALS	15		1	4

Wetland Conservation Committee

Wetland Conservation Act Rulemaking Notice– Less Lemm and Ken Powell presented Wetland Conservation Act Rulemaking Notice.

On October 19, 2015, BWSR published a “Request for Comments on Possible Amendment to Rules Governing Wetland Conservation, Minnesota Rules, Chapter 8420” in the State Register. These rules implement the Minnesota Wetland Conservation Act (WCA), for which BWSR has administrative responsibility. Since that time, significant progress has been made on multiple issues interconnected with this rulemaking and staff are planning to conduct further coordination with stakeholders. However, given the time that has passed, staff also believe that it is appropriate to re-initiate this rulemaking effort through Board approval of a new request for comments in the state register.

Jill Crafton commented it’s significant that they’re doing this comment period so well and inclusively for transparency this is an important issue for the people in the state.

John Jaschke noted that in the Board Order the last WHEREAS be updated to show the committee discussed the item instead of recommending since they did not have an official meeting.

Less Lemm gave a 404 Assumption project update.

**
20-33 Moved by Tom Schulz, seconded by Jill Crafton, to approve the Wetland Conservation Act Rulemaking Notice. ***Motion passed on a voice vote.***

Roll Call Vote: Approval of the Wetland Conservation Act Rulemaking Notice

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			

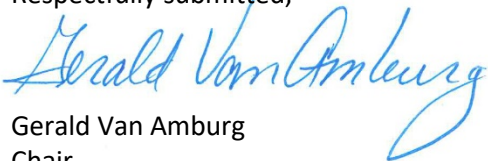
Jayne Hager Dee	X			
Chris Elvrum/Steven Robertson (MDH)	X			
Todd Holman	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Harvey Kruger	X			
Sarah Strommen (DNR)	X			
Joel Larson				X
Tom Loveall	X			
Neil Peterson				X
Nathan Redalen	X			
Tom Schulz	X			
Thom Petersen (MDA)	X			
Rich Sve	X			
Paige Winebarger				X
Ted Winter				X
Gerald Van Amburg, Chair	X			
TOTALS	16			4

UPCOMING MEETINGS

- Next BWSR Meeting is scheduled for 9:00 AM, August 26, 2020 in St. Paul and via WebEx.

Chair VanAmburg adjourned the meeting at 12:06 PM

Respectfully submitted,



Gerald Van Amburg
Chair