

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
LOWER LEVEL BOARD ROOM  
ST. PAUL, MN 55155  
WEDNESDAY, MARCH 24, 2021**

**BOARD MEMBERS PRESENT:**

Joe Collins, Jill Crafton, Andrea Date, Jayne Hager Dee, Kathryn Kelly, Neil Peterson, Nathan Redalen, Tom Schulz, Rich Sve, Gerald Van Amburg, Ted Winter, Katrina Kessler, MPCA; Joel Larson, University of Minnesota Extension; Whitney Place, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

**BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

John Jaschke, Angie Becker Kudelka, Rachel Mueller, Kevin Bigalke, Tom Gile, Travis Germundson, Dave Weirens, Marcey Westrick, Rita Weaver, Patrick Schulz, Ryan Hughes, Suzanne Rhees, Melissa King, Amanda Deans, Steve Christopher, Julie Westerlund

**OTHERS PRESENT:**

Jeff Berg, MDA; Brian Martinson, AMC; Emily Javens, MAWD; Linda Vavra, Rebecca Carlson, Kristine Jenson, Karl-Christian Johannessen, Dale Homuth

Chair Gerald VanAmburg called the meeting to order at 9:02 AM

**PLEDGE OF ALLEGIANCE**

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21-06 **ADOPTION OF AGENDA** - Moved by Neil Peterson, seconded by Jill Crafton, 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			
Steve Robertson (MDH)	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Sarah Strommen (DNR)	X			
Joel Larson	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Whitney Place (MDA)				X
Rich Sve	X			
Ted Winter	X			
Gerald Van Amburg, Chair	X			
<b>TOTALS</b>	15			1

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21-07 **MINUTES OF JANUARY 27, 2021 BOARD MEETING** – Moved by Nathan Redalen, seconded by Kathryn Kelly, to approve the minutes of January 27, 2021, as circulated. *Motion passed on a voice vote.*

**Roll Call Vote: Approval of the Minutes of January 27, 2021 Board Meeting**

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Steven Robertson (MDH)	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Sarah Strommen (DNR)	X			
Joel Larson	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			

Whitney Place (MDA)				X
Rich Sve	X			
Ted Winter				X
Gerald Van Amburg, Chair	X			
<b>TOTALS</b>	14			2

### **PUBLIC ACCESS FORUM**

No members of the public provided comments to the board.

### **INTRODUCTION OF NEW STAFF**

- Marcey Westrick, Central Region Manager – Kevin Bigalke introduced Marcey.
- Amanda Deans, Regional Training Engineer – Rita Weaver introduced Amanda
- Pat Schultz, Regional Training Engineer – Rita Weaver introduced Pat

### **REPORTS**

**Chair & Administrative Advisory Committee** – Chair Gerald Van Amburg reported the committee has not met.

The performance review for BWSR Executive Director has been completed. Chair Van Amburg and Vice Chair Schulz met with Executive Director Jaschke and discussed the report.

Chair Van Amburg thanked BWSR staff Dan Steward and Tabor Hoek for their service over the years and congratulated them on their retirements.

At the February 17 Environmental Quality Board, they were given the opportunity to hear from the author Jill Harrison on her book titled From the Inside Out: The Fight for Environmental Justice within Government Agencies. At the March 17 meeting they held an Environmental Review Climate Change Listening Session. There was also an overview given by staff on the Draft Recommendations for Integrating Climate Change Information into the Environmental Review Process. This spring EQB will be piloting a virtual community climate change conversation. They will meet with communities to get diverse perspectives on how climate change is affecting communities.

Theresa Haugen will be the new MCPA representative for the Northern Region Committee.

Tom Schulz asked if the email announcing the retirements of Tabor Hoek and Dan Steward be sent to board members. John Jaschke stated Rachel Mueller will forward the email.

**Audit and Oversight Committee** – Joe Collins reported the committee has not met.

**Executive Director’s Report** - John Jaschke reviewed the day-of packet that included supplemental documents, Snapshots, org chart, phone list, and an expense form.

Legislative session is halfway through and the Senate and House are putting together their budget proposals this week. In the Governor’s supplemental budget there was an additional recommendation for bonding funds for CREP. It also included a recommendation for SWCD capacity funding and giving SWCD levy authority. The Governor’s recommendations also included expending the unallocated amount of the Clean Water Fund.

Will have virtual listening sessions with local government partners in the upcoming months.

Tabor Hoek and Dan Steward have retired and will forward the email that was sent. Will be pursuing a hiring exemption for their positions. Received permission to hire two Easement Processors and will also be hiring replacements for a Fiscal Analyst and Contract Specialist position. Managing a few staff in a work-out-of-class status due to the hiring freeze.

Appreciated the effort put in by Board Members and Senior Managers for the Executive Director's Performance Review.

**Dispute Resolution and Compliance Report** – Travis Germundson reported there are presently four appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There have been no new appeals filed with the board. Since the last board meeting three of the appeals have been decided upon, two have been denied and one was resolved through an approval of an after the fact exemption determination.

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance on 93 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are two Corrective Action Notices (CANs) and 25 Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked 65 of those have been resolved.

Statewide 28 counties are fully compliant, and 50 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 945 CANs and 67 APOs actively in place. Of the actions being tracked over 1,404 of those have been resolved. 173 parcels have been resolved since the last board meeting.

Tom Schulz asked what the color gray represents in the Statewide Buffer Enforcement Map for four of the counties. Travis stated the counties in the gray areas have not received a notification of non-compliance from the SWCD to move forward with enforcement.

**Grants Program & Policy Committee** – Tom Schulz reported the committee met on March 9 and discussed two items that will be brought before the board later in the agenda.

**RIM Reserve Committee** – Jayne Hager Dee reported the committee has not met.

**Water Management & Strategic Planning Committee** – Andrea Date reported the committee met on March 9 discussed changes to the 1W1P Operating Procedures that will be discussed later in the agenda.

**Wetland Conservation Committee** – Jill Crafton reported the committee has not met.

**Buffers, Soils & Drainage Committee** - Kathryn Kelly reported the committee has not met.

**Drainage Work Group (DWG)** – Neil Peterson and Tom Gile reported the committee has not met. There are a couple bills that have been introduced that have drainage policy related impact that they are monitoring.

## **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Whitney Place reported they are making progress with the vaccination roll out in getting food processor workers vaccinated.

A lot of different carbon markets are coming online for farmers to join. They are partnering with Ecosystem Services Market Consortium (ESMC) on a pilot project in Stearns County.

Minnesota Ag Water Quality Certification Program certified their 1,000th farm.

The ground water protection rule effort is starting to ramp up again. Will be setting up local advisory teams in townships where work on water quality is needed.

**Minnesota Department of Health** – Steve Robertson reported COVID is still affecting the Department of Health with staff being reassigned.

Trying to initiate a grant program to help develop local capacity for groundwater activities. Offering grants to accelerate implementation of groundwater projects across the state. More information can be found on the MDH website.

The Contaminants of Emerging Concern nominations are open and due on April 9<sup>th</sup>. Information is available on the MDH website.

**Minnesota Department of Natural Resources** – Sarah Strommen reported they are working with the Legislature on their budget proposal.

The Minnesota Outdoor Recreation Task Force has their final meeting today to finalize recommendations on how to strengthen and enhance Minnesota's outdoor recreation opportunity.

DNR normally has a deer open house, instead they will be opening phone lines on March 31 from 12:00 p.m. to 8:00 p.m. for wildlife managers to connect with people.

Mille Lacs Lake management plan is on public review and a virtual town hall meeting was held on March 23.

Will be getting public input on potential changes on waterfowl regulations. Will include virtual opportunities to engage in.

**Minnesota Extension** – Joel Larson reported the University is also involved in the legislative session.

In their climate work there are a couple initiatives related to downscaled climate data.

The Gathering Partners Conference is being held virtually May 13-15 for anyone who is interested in natural resources around the state.

New online course developed in partnership with state agencies. Groundwater and groundwater management for local government and natural resources managers.

**Minnesota Pollution Control Agency** – No report was provided.

## **ADVISORY COMMENTS**

**Association of Minnesota Counties** – Brian Martinson reported it has been a challenging year working in legislative activities.

AMC has been watching or has been involved in some conservation related issues. The Minnesota PFAS blueprint was released earlier this year. AMC supports extension language for 404 assumption work that was delayed due to COVID. They want to see it continued and a report put together for next year. AMC has been working with DNR on ordinary high water level determinations. Would like to see a process to petition the Commissioner to review determinations. They are supporting DNR proposals around water transfers. AMC is collaborating with partners looking at water storage proposals. There was a proposal brought forward regarding a new fee on deed and mortgage transactions as a way to fund SWCDs.

**Minnesota Association of Conservation District Employees** – No report was provided. Executive Director Jaschke stated Nicole Bernd is the new president of the association.

**Minnesota Association of Soil & Water Conservation Districts** – No report was provided.

**Minnesota Association of Townships** – Nathan Redalen introduced Karl-Christian Johannessen, Attorney at Minnesota Association of Townships.

**Minnesota Association of Watershed Districts** –Emily Javens stated during previous board meetings we heard from local governments about their story after completing a comprehensive watershed management plan and asked if we could continue hearing from them.

Emily requested that the associations be included to provide some feedback in the future when reviewing the effectiveness of BWSR. Hearing some frustrations and have three listening sessions scheduled next week with BWSR. Emily stated they are putting together online training about watershed districts.

Van Amburg stated there have been some discussions with Watershed Districts, the Executive Director is aware and will meet to discuss.

Neil Peterson and Rich Sve provided some Greater MN County perspectives on state agency operations.

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

Chair Van Amburg recessed the meeting at 10:40 a.m. and called the meeting back to order at 10:51 a.m.

## **COMMITTEE RECOMMENDATIONS**

### **Water Management and Strategic Planning Committee**

**Update to One Watershed, One Plan Operating Procedures** – Julie Westerlund presented Update to One Watershed, One Plan Operating Procedures

The proposed updates to the One Watershed, One Plan Operating Procedures focus on involvement of Minnesota Tribal Nations in One Watershed, One Plan. Previous versions of the policy were silent about tribes as formal participants in planning efforts; the updated version clarifies that tribal involvement is encouraged but optional (tribes must be invited to participate and can decide whether to participate

and terms of participation). The update also makes some minor edits to be more inclusive of tribal governments and to clarify the intent of policy elements.

Sarah Strommen suggested the following tribal language updates in the operating procedures:

- On Page 6 the policy requires outreach to tribes “with reserved lands” within the planning boundaries. Planning boundaries may also include ceded territory where tribes have reserved rights.
- Consider involvement of tribal organizations like 1854 Treaty Authority and Great Lakes Indian Fish and Wildlife Commission.
- On page 9 tribal governments are listed as stakeholders. In fact, they are sovereign governments and do not view themselves as stakeholders. Suggested splitting this section into Government Entities (tribal, local, etc.) and Stakeholders.

Board members thanked Commissioner Strommen for her suggestions and discussed other proposed changes related to city involvement in 1W1P. Via multiple members suggestions, it was asked that staff assess and put together a draft of the proposed city inclusion language if needed at an upcoming meeting noting that it would not affect the RFP. Item will go back to the Committee if there are any changes to be considered it will be brought back to the board if needed at a later date.

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21-08 Moved by Nathan Redalen, seconded by Joe Collins, to approve the Update to One Watershed, One Plan Operating Procedures including the tribal involvement changes as noted by staff, based on the suggestions from DNR, and a definition for ‘reserved rights’. **Motion passed on a voice vote.**

**Roll Call Vote: Update to One Watershed, One Plan Operating Procedures**

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date				X
Jayne Hager Dee	X			
Steve Robertson (MDH)	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Sarah Strommen (DNR)	X			
Joel Larson	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Whitney Place (MDA)	X			
Rich Sve	X			
Ted Winter	X			
Gerald Van Amburg, Chair	X			
<b>TOTALS</b>	15			1

**Grants Program and Policy Committee**

**2021 Request for Proposals for One Watershed, One Plan Planning Grants** – Julie Westerlund presented 2021 Request for Proposals for One Watershed, One Plan Planning Grants

The purpose of this agenda item is for the Board to approve the 2021 Request for Proposals for One Watershed, One Plan Planning Grants. This is the fifth year BWSR is offering planning grants. The RFP has evolved over time to encourage more discussion among prospective planning groups during proposal development and to refine BWSR selection criteria.

Tom Schulz noted the draft board order shows the year 2020 and should be updated to 2021.

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21-09 Moved by Tom Schulz, seconded by Ted Winter, to approve the 2021 Request for Proposals for One Watershed, One Plan Planning Grants. **Motion passed on a voice vote.**

**Roll Call Vote: 2021 Request for Proposals for One Watershed, One Plan Planning Grants**

Name of Board member	Affirmative	Opposed	Abstained	Absent
Joe Collins	X			
Jill Crafton	X			
Andrea Date				X
Jayne Hager Dee				X
Steve Robertson (MDH)	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Sarah Strommen (DNR)	X			
Joel Larson	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Whitney Place (MDA)	X			
Rich Sve	X			
Ted Winter	X			
Gerald Van Amburg, Chair	X			
<b>TOTALS</b>	14			2

**Reallocation of Previous Years’ Clean Water Funds** – Marcey Westrick presented Reallocation of Previous Years’ Clean Water Funds.

The purpose of this agenda item is for the Board to approve the reallocation of returned grants funds and Clean Water Funds that were carried forward from previous years. The Board Order will authorize the use of carry forward and returned Clean Water Funds for current or future Clean Water fund programs for purposes consistent with the statutory appropriation conditions.

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21-10 Moved by Jill Crafton, seconded by Nathan Redalen, to approve the Reallocation of Previous Years’ Clean Water Funds. **Motion passed on a voice vote.**

**Roll Call Vote: Reallocation of Previous Years’ Clean Water Funds**



<b>Name of Board member</b>	<b>Affirmative</b>	<b>Opposed</b>	<b>Abstained</b>	<b>Absent</b>
Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Steve Robertson (MDH)	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly				X
Sarah Strommen (DNR)	X			
Joel Larson	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Whitney Place (MDA)	X			
Rich Sve	X			
Ted Winter	X			
Gerald Van Amburg, Chair	X			
<b>TOTALS</b>	15			1

**Central Region Committee**

**Clearwater River Watershed District Watershed Management Plan** – Steve Christopher, BWSR, and Rebecca Carlson, CRWD, presented Clearwater River Watershed District Watershed Management Plan.

*Background:*

The Clearwater River Watershed District (CRWD) was established on April 9, 1975 by Order of the Minnesota Water Resources Board. The 158.8 square mile watershed district fully encompasses the drainage area of the Clearwater River as it begins southwest of Watkins, Minnesota and extends to its discharge point of the Mississippi River at the City of Clearwater. The CRWD includes parts of Meeker, Stearns and Wright Counties and encompasses the Clearwater Chain of Lakes. The upper portions of the watershed are dominated by agricultural land use while the lower portions trend toward suburban developments. The mission of the District is to promote, preserve and protect water resources within the boundaries of the District in order to maintain property values and quality of life. The current Plan was approved by the Board in June 2011.

*Plan Process and Highlights:*

The Plan was developed in collaboration with the District’s partners and stakeholders to ensure that the District continues to focus on the highest priorities. The process that the CRWD used included three key elements: Science, Stakeholder Input and Board Direction. The Plan carries forward many of the issues and goals included in the District’s current Watershed Management Plan.

The Plan identifies six priority issues and includes specific strategies to address them.

**Priority Issue 1: Threatened and Impaired Surface Water Quality and Natural Resources**

- Our long history of studies, data collection, projects and programs have historically focused on achieving nutrient load reduction to recreational lakes, reducing in stream and upland erosion, and rough fish management. As science and our understanding of the issues and their drivers evolve, our planning and implementation expands and evolves.

Priority Issue 2: Climate Change

- Projects and programs to achieve District goals are designed based on an understanding of the drivers of both healthy ecosystems and impairments to those ecosystems. As precipitation and temperature change, design standards and best practices will also change. While new stressors may emerge, new opportunities are also possible.

Priority Issue 3: Localized Flooding and Navigation Obstructions

- Localized flooding that threatens property is sometimes an issue in the District. The District has addressed this in partnership with area residents and in collaboration with DNR and other regulatory stakeholders. The District operates and maintains two lake outlets which were petitioned by residents for flood control. Localized flooding in urban or rural areas can also present issues. Several District lakes also have large bogs which sometimes break lose and can impair navigation and cause flooding.

Priority Issue 4: Aquatic Invasive and Nuisance Species Management

- Aquatic invasive and nuisance species management continues to be an issue of primary concern for residents and stakeholders in the District. In 1993 the District initiated its first AIS management program to manage and treat Eurasian Water Milfoil in Clearwater Lake. As the needs and science around AIS and nuisance species management continue to evolve, the District has shifted from species specific projects to more general AIS and nuisance species projects. Several of the original petitioned AIS species specific projects have been changed to more general plans for AIS and nuisance species early detection, mapping, and management plans.

Priority Issue 5: Sustainable Administration and Funding

- Financing for sustainable operation, administration, and maintenance of District Core Functions, and capital projects and programs is critical to achieving District goals and performing core functions.

Priority Issue 6: Operation and Maintenance

- The District has constructed many capital projects. Operation and maintenance are both priority issues and a core function for the District. The age of projects, shifting climate, and emerging issues necessitate ongoing evaluation of operation and maintenance for all District projects. Legacy projects, new projects, and the four community wastewater systems the District is tasked with operating and maintaining all require funding, experienced contractors, and staff.

The Plan also includes a one-page summary for implementation of each of its five 12-digit HUCs that includes a prioritized list of resources, impairments, proposed projects, and a schedule. A substantial amount of success of the Clearwater River Watershed District’s implementation should be credited to their commitment to their landowners and partnerships.

Tom Schulz congratulated the Watershed District plan they prepared. Wanted to note in the Executive Summary in the second paragraph it states the district was the first founded with a mission to protect and improve water quality. Tom stated he believes that there was a Watershed District formed in Crow Wing, since discontinued, which was created earlier for water quality purposes.

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21-11 Moved by Joe Collins, seconded by Jill Crafton, to approve the Clearwater River Watershed District Watershed Management Plan. **Motion passed on a voice vote.**

**Roll Call Vote: Clearwater River Watershed District Watershed Management Plan**

Name of Board member	Affirmative	Opposed	Abstained	Absent
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Joe Collins	X			
Jill Crafton	X			
Andrea Date	X			
Jayne Hager Dee	X			
Steven Robertson (MDH)	X			
Katrina Kessler (MPCA)	X			
Kathryn Kelly	X			
Sarah Strommen (DNR)	X			
Joel Larson	X			
Neil Peterson	X			
Nathan Redalen	X			
Tom Schulz	X			
Whitney Place (MDA)				X
Rich Sve	X			
Ted Winter	X			
Gerald Van Amburg, Chair	X			
<b>TOTALS</b>	<b>15</b>			<b>1</b>

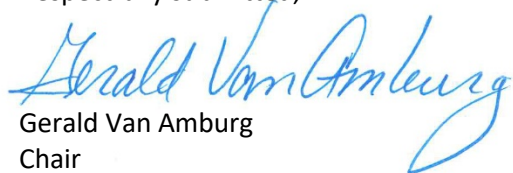
**UPCOMING MEETINGS**

- Next BWSR Meeting is scheduled for 9:00 AM, April 28, 2021 in St. Paul and by WebEx.

Executive Director Jaschke stated early planning for the BWSR Board Tour in August has begun.

Chair VanAmburg adjourned the meeting at 12:19 PM

Respectfully submitted,



Gerald Van Amburg  
Chair