

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
CONFERENCE ROOM 100
ST. PAUL, MN 55155
WEDNESDAY, JUNE 23, 2021**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Andrea Date, Jayne Hager Dee, Kathryn Kelly, Neil Peterson, Tom Schulz, Rich Sve, Gerald Van Amburg, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Katrina Kessler, MPCA; Joel Larson, University of Minnesota Extension; Thom Peterson, MDA; Steve Robertson, MDH; Jason Garms, DNR

BOARD MEMBERS ABSENT:

STAFF PRESENT:

John Jaschke, Angie Becker Kudelka, Rachel Mueller, Kevin Bigalke, Tom Gile, Travis Germundson, Matt Fischer, Julie Westerlund, Shaina Keseley, Annie Felix-Gerth, Teresa Pickar, John Voz, Dave Weirens, Cecelia Rost, David Copeland, Suzanne Rhees, Ed Lenz, Mark Hiles

OTHERS PRESENT:

Emily Javens, MAWD; Jamie Osowski, Stephanie Hatzenbihler, Jeremy Benson, Paul Gardner, Jamie Beyer

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

PLEDGE OF ALLEGIANCE

21-12 **ADOPTION OF AGENDA** - Moved by Rich Sve, seconded by Neil Peterson, to adopt the agenda as presented. ***Motion passed on a voice vote.***

21-13 **MINUTES OF MARCH 24, 2021 BOARD MEETING** – Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the minutes of March 24, 2021, as circulated. ***Motion passed on a voice vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

WELCOME/INTRODUCTION OF NEW BOARD MEMBERS

Chair Van Amburg welcomed new board members Eunice Biel, Township representative from Harmony, LeRoy Ose, Watershed District representative from Thief River, and Kelly Kirkpatrick Non-Metro City representative from Rochester.

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 Van Amburg reported at the April 21 EQB meeting they received the 2020 Quadrennial Energy Report that tells where Minnesota energy comes from and where its used. EQB also received a report from the Pollinator Protection Team. The team is currently reviewing public responses from a questionnaire on the 2020 Pollinator Report and will be putting together a report. EQB also received the 2020 Environmental Review Performance Report. The May 19 EQB meeting was held jointly with the Climate Change Subcabinet with a group of Emerging Environmental Leaders. Heard from a panel of young adults on how their lives are affected by climate change and their perspective on Minnesota changing climate.

Audit and Oversight Committee – Joe Collins reported they met on June 9 to discuss BWSR’s Annual Self-Assessment of Internal Controls. Internal controls are required by the State and the Committee recommended the Chair sign and submit the internal control document.

Executive Director’s Report – Angie Becker Kudelka reported the legislative session ended in mid-May without an agreement on the two year budget. State of Minnesota needs to pass a budget by June 30 or we’ll go into shutdown. The Environment bill passed off the senate floor and is now going to the house floor. The Legacy bill has passed and is on its way to the Governor for signature.

This year’s board tour will be in Mower and Freeborn county. The tour will be August 25 followed by the Board meeting on August 26.

Angie reviewed the day of packet that included Snapshots, an org chart, phone list, and an expense form.

Dispute Resolution and Compliance Report – Travis Germundson reported there are currently three appeals pending. All the appeals involve the Wetland Conservation Act (WCA).

File 20-10 will be restoring the site this fall with the recommendation of DNR. File 19-7 and 18-3 involved the same individual and same alterations and impacts to wetlands. They have reached an informal agreement to move this through a formal settlement agreement.

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 93 parcels from the 12 counties BWSR is responsible for enforcement. 26 Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 66 of those have been resolved.

Statewide 30 counties are fully compliant, and 51 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 962 CANs and 91 APOs actively in place. Of the actions being tracked over 1,563 of those have been resolved.

Travis reviewed the Statewide Buffer Enforcement and Buffer Compliance All Watercourses maps.

Kelly Kirkpatrick asked where to find the data to change the city wetland policy. Travis stated cities and counties have not adopted their own wetland conservation plan, rule, or ordinance. They rely on statute and rule provisions under the Wetland Conservation Act. Travis stated they could arrange a time to talk further on the details.

Grants Program & Policy Committee – Tom Schulz reported they met on May 24 for a discussion on several items. Met June 15 and have four items on the agenda today. Still waiting for Governor's signature on the budget so will be passing provisional items today.

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

Water Management & Strategic Planning Committee – Andrea Date reported the committee has not met but will be having a joint meeting with the Grants Program and Policy Committee on June 30.

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. Next meeting is scheduled July 8 and anticipate talking about a couple different drainage bills that were introduced during the previous legislative session and to prioritize the work effort for the coming year.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported their bill is on the way to the Governor and includes an increase for the Ag BMP loan program. Stated they are concerned about drought and are watching the Drought Monitor and the impacts it's having on our lands. Dept of Ag will start holding a stakeholder meeting on Friday to gather input. Hosting pollinator event tomorrow with Lieutenant Governor, Angie Becker Kudelka, and the Soil and Water Districts to highlight Ag and private landowners' contributions to pollinators.

Chair Van Amburg asked if Market Bucks passed. Commissioner Petersen stated the Market Bucks program is an add on to Snap Dollars at the farmers market and didn't pass in Ag bill but will be in the State Government bill.

Minnesota Department of Health – Steve Robertson reported they are involved in shut down planning in conjunction with ongoing pandemic responses. July 8 is the Health Risk Limits Prioritization meetings. The Environmental Surveillance and Assessment Unit is receiving stakeholder feedback around the nominations of various chemicals for the health based guidance development.

Phase 1 sampling of the PFAS monitoring work and public water systems statewide has started and is starting to see results. Results will be posted when available.

Ground Water Restoration and Protection Strategies awarded six grants to local governmental units to help advance groundwater protection.

Minnesota Department of Natural Resources – Jason Garms reported Commissioner Strommen is at the House and Environmental Committee. The DNR is continuing to prepare for a shutdown.

Minnesota Extension – Joel Larson reported half the state is in moderate drought conditions. Joel stated they will be continuing their monthly webinar in conjunction with Minnesota Climate Adaptation Partnership. July 20 there is a webinar in partnership with Twin Port Climate Conversations Group out of Duluth and Superior on what their local climate efforts have entailed.

Minnesota Pollution Control Agency – Katrina Kessler reported they are also preparing for a shutdown. Senate passed the Environmental and Natural Resource bill. House has passed the bill out of Ways and Means and is expecting the floor vote on Friday. There is new funding for the General, Environmental, and Remediation fund. Optimistic they will receive some funding for PFAS. LCCMR dollars that have been stalled are looking to get moving and they are excited about a \$1.4M biosolids study.

Jill Crafton stated she spoke with someone working with wastewater treatment solids being put on land, within three months all the pathogens were killed. Jill asked if they will be looking at samples in those? Katrina stated the biosolids study funded by LCCMR will be looking at actual fields where wastewater treatment solids are applied and looking at the soil metrics as well as any groundwater and crops. They will be looking at the presence of PFAS and the uptake of PFAS.

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 – No report was provided.

Minnesota Association of Townships – Eunice Biel reported there was a resolutions meeting in Austin about townships vs wild parsnip. Stated people don't like to spray the ditches but if you wait for the restriction to mowing the ditch is gone, the parsnip have already gone to seed. They are urging different organizations to come up with a better plan that would fit most of Minnesota. Stated there was also a resolution passed in Area 1 about climate change and working together with landowners to come up with solutions.

Minnesota Association of Watershed Districts – Emily Javens reported she has seen some positive steps with BWSR and the Watershed Districts. Grants committee meets next week and has a listening session added.

Emily stated the metro administrators put together a view of what their position is on the Metro Watershed Based Implementation Funding Policy that's being discussed. Took what would be the components of a grant program and submitted it to BWSR.

Natural Resources Conservation Service – No report was provided.

Gerald Van Amburg recessed the meeting at 10:27 a.m.. and called the meeting back to order at 10:38 a.m.

COMMITTEE RECOMMENDATIONS

Northern Region Committee

Two Rivers Plus Comprehensive Watershed Management Plan – Neil Peterson presented Two Rivers Plus Comprehensive Watershed Management Plan.

The Two Rivers Plus Comprehensive Watershed Management Plan (Plan) planning area is in the extreme northwest corner of Minnesota, encompassing portions of Roseau, Kittson, and Marshall counties, and the Two Rivers and Joe River watershed districts. The Plan was developed as part of the One Watershed, One Plan program. Jeremy Benson (Kittson SWCD), Dan Money (Two Rivers WD), Janine Lovold (Roseau SWCD), and Lane Nordin (Kittson County) are the local lead staff responsible for development of the Plan.

On May 14, 2021, BWSR received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review. The planning partnership has responded to all comments received during the 60-day review period and incorporated appropriate revisions to the final Plan.

BWSR staff completed its review and subsequently found the Plan meets the requirements of Minnesota Statutes and BWSR Policy.

The Two Rivers Plus planning area was approved for a One Watershed, One Plan planning grant in August of 2018 and established a Memorandum of Agreement between the planning partners for the purposes of writing a Comprehensive Watershed Management Plan in June of 2018. The Partners include Kittson County, Kittson SWCD, Roseau County, Roseau SWCD, and Two Rivers Watershed District.

The planning effort began with kickoff meetings on July 17 & 18, 2019. A first draft of the plan was submitted for 60-day review to stakeholders on February 12, 2021.

Highlights of the Plan are included in the draft Order for Board consideration.

On May 14, 2021 the Board received the Plan, a record of the public hearing, and copies of all written comments from the 60-day review period. During final state agency review, DNR and MDH replied that they had no additional comments and supported approval of the plan. MPCA provided comments that they appreciated the changes that were made to the plan based on recommendations they provided

during the 60-day review and they supported approval of the plan. MDA and EQB confirmed receipt of the plan but did not provide comments.

At the Northern Regional Committee on June 2, 2021 the Two Rivers Plus Planning Group presented a final plan that addressed all comments from stakeholders and the state review agencies. Board staff recommended Plan approval to the Committee. After discussion, the Committee's decision was to recommend approval of the Plan to the full Board.

If approved by the Board, this plan will be in effect for a ten-year period until June 23, 2031.

Rich Sve stated since the Northern Region Committee met on June 2 to discuss and provide a recommendation to the full Board on the Two Rivers Plus Comprehensive Watershed Management Plan, there have been updates provided to us from the planning partnership.

On June 4 the Two Rivers Watershed District informed the planning partnership they are withdrawing from the partnership.

On June 17 the Two Rivers Plus Policy Committee met and discussed the withdrawal of the Two Rivers Watershed District from the partnership. The Policy Committee assessed the situation and concluded they can implement the submitted plan and intend to enter into an implementation agreement between with the remaining participants to begin implementation activities.

As indicated in the Board Order the Plan submitted by the Two Rivers Plus Partnership and reviewed by BWSR and state review agencies:

- Satisfies all requirements of law.
- The BWSR Board has proper jurisdiction in the matter of approving the Plan.
- The Plan is in conformance with the requirements of MN Statutes and Board Policy.
- BWSR staff and State review agencies recommended approval of the Plan.
- After approval of the Plan by BWSR it can voluntarily be adopted by the members of the partnership and serve as their comprehensive plan.

Please note eligibility for the Watershed-based Implementation Funding, the non-competitive funds distributed to partnerships implementing Comprehensive Watershed Management Plans developed through the One Watershed, One Plan Program, requires local adoption of a Comprehensive Watershed Management Plan, which is a voluntary local decision. The Two Rivers Plus planning area was eligible to receive approximately \$1 million for implementation for the FY20-21 biennium.

Ryan Hughes, BWSR Northern Region Manager, Matt Fischer, BWSR Board Conservationist, and Jeremy Benson, Kittson SWCD Technician and lead staff coordinating the development of the Two Rivers Plus Plan are in attendance to answer any questions.

Joe Collins asked what is the impact of the work to be done by Two Rivers in their own plan? What work would or would not be done that would relate to the Two Rivers and the 1W1P, is that work going to be done? Previously Two Rivers agreed they would participate in the method with the 1W1P, which would mean that they would not be doing their 10 year plan. Would they now have to do their 10 year plan?

Ryan Hughes stated the plan is set to expire December 2022. If they do not adopt this comprehensive watershed plan they would need to do an update to their watershed district plan to have current plan and be eligible for BWSR funds. This plan satisfies all state requirements and BWSR policy.

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21-14 Moved by Neil Peterson, seconded by Jill Crafton, to approve the Two Rivers Plus Comprehensive Watershed Management Plan. ***Motion passed on a voice vote.***

Grants Program and Policy Committee

FY 2022 Clean Water Fund Competitive Grant Policy and the FY2022 Clean Water Fund Competitive Grants Program authorization – Shaina Keseley presented FY 2022 Clean Water Fund Competitive Grant Policy and the FY2022 Clean Water Fund Competitive Grants Program authorization

The Clean Water Fund Competitive Grant Policy is reviewed and approved annually. For FY2022, the policy will apply to Projects and Practices and Multi-purpose Drainage Management funding.

The changes in this policy from the previous year include:

- Modification of eligible applicants to clarify municipalities that have adopted a comprehensive watershed management plan developed under the 1W1P program are eligible
- Clarification on project support
- Change to clarify maximum cost for feedlot roof structures and relocations
- Addition made to ineligible activities (out-letting land locked basins; development & delivery of education/curriculum that does not lead to implementation of WQ practices; activities required under the Groundwater Protection Rule)
- Adding clause related to failure to maintain practices

In addition to approving the policy, the board order also authorizes the fiscal year 2022 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 15, 2021 and recommends the attached policy and order to the board.

Jill Crafton stated she would like to have the statement “a public conservation program” removed from the policy.

Kathryn Kelly suggested adding a statement at the end clarifying what it can and cannot be used for.

Joe Collins suggested adding a statement in the Ineligible Activities section.

Andrea Date stated she needs to leave the meeting but would be fine with striking the statement or any of the other modifications.

Kevin Bigalke stated we could strike the phrase or add the rule within the Ineligible Actives for clarity.

Shaina stated there are small editorial updates that will be made.

Tom Schulz agreed with adding a statement to the Ineligible Activities list and to number it as 4.1 and eliminate the statement “a public conservation program” on the first page.

Angie Becker Kudelka clarified that we will be removing the statement “a public conservation program” and adding a reference to the WCA rule and WCA activities that are ineligible to the Ineligible Activities list in the policy.

Shaina asked if the addition to the Ineligible Activities list could be numbered further down the list with the other rules listed. Board Members agreed that was fine.

Jill Crafton has concerns under Local Governmental Unit Eligibility Criteria section in the policy. Is there something in the process to guarantee their water plan has been approved?

Shaina stated they confirm the plans are adopted and approved.

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21-15 Moved by Tom Schulz, seconded by Jill Crafton, to approve the amended FY 2022 Clean Water Fund Competitive Grant Policy. **Motion passed on a voice vote.**

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21-16 Moved by Neil Peterson, seconded by Kathryn Kelly, to approve the FY2022 Clean Water Fund Competitive Grants Program authorization. **Motion passed on a voice vote.**

Fiscal Year 2022 and 2023 Natural Resources Block Grants Authorization– Kevin Bigalke and Marcey Westrick presented Fiscal Year 2022 and 2023 Natural Resources Block Grants Authorization

The purpose of this agenda item is to allocate Natural Resources Block Grants. The recommended grants are consistent with the previous year. The Grants Program & Policy Committee (GP&P) reviewed the recommendations at their June 15 meeting and recommended approval of the order to the board.

Jill Crafton asked about Hennepin and Ramsey county not having a ground water plan and not qualifying, shoreland shows \$0. Kevin stated the counties have to agree to implement the shoreland rules and ordinances. They don't do this so they don't receive funds.

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21-17 Moved by Tom Schulz, seconded by Jill Crafton, to approve the Fiscal Year 2022 and 2023 Natural Resources Block Grants Authorization. **Motion passed on a voice vote.**

Fiscal Year 2022 and 2023 Soil and Water Conservation District Grants Authorization – Kevin Bigalke and Marcey Westrick presented Fiscal Year 2022 and 2023 Soil and Water Conservation District Grants Authorization

The purpose of this agenda item is to allocate FY 2022 and 2023 SWCD Programs and Operations Grants. The recommended grants are consistent with the previous year. The Grants Program & Policy Committee reviewed the recommendations at their June 15, 2021 meeting and recommended approval of the order to the board.

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21-18 Moved by Jill Crafton, seconded by Tom Schulz, to approve the Fiscal Year 2022 and 2023 Soil and Water Conservation District Grants Authorization. **Motion passed on a voice vote.**

Fiscal Year 2022 and 2023 Technical Service Area Grants Authorization – Kevin Bigalke and Marcey Westrick presented Fiscal Year 2022 and 2023 Technical Service Area Grants Authorization

The purpose of this agenda item is to allocate Technical Service Area (TSA) Grants. The recommended grants are consistent with 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 15, 2021 meeting and recommended approval of the order to the board.

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21-19 Moved by Jayne Hager Dee, seconded by Kathryn Kelly, to approve the Fiscal Year 2022 and 2023 Technical Service Area Grants Authorization. ***Motion passed on a voice vote.***

Chair Van Amburg thanked Tom Schulz for serving two terms on the board and for being the vice chair.

Tom Schulz stated he served as SWCD supervisor for more than four decades and has enjoyed spending his terms on the BWSR Board. Stated he also served on a predecessor's board in the 1970s. He remembered when the first Board Conservationist was hired and a state cost share program was funded. He is an advocate for preservation vs restoration and maintains that trees and forests have a multitude of benefits for the environment. He thanked current and former board staff and board members.

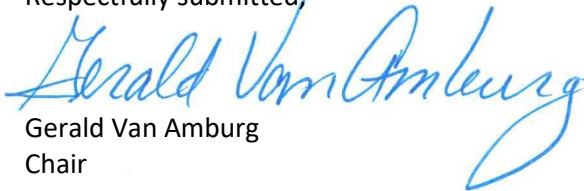
Board members thanked Tom Schulz for his service on the Board.

UPCOMING MEETINGS

- BWSR Board Tour and Meeting, August 25-26, 2021

Chair VanAmburg adjourned the meeting at 11:56 AM.

Respectfully submitted,


Gerald Van Amburg
Chair