

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, SEPTEMBER 28, 2022**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Carly Johnson, Neil Peterson, Rich Sve, Gerald Van Amburg, Ted Winter, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ronald Staples, Mark Zabel, Katrina Kessler, MPCA; Peder Kjeseth, MDA; Mark Wettlaufer, MDH; Sarah Strommen, DNR; John Bilotta, University of Minnesota Extension

BOARD MEMBERS ABSENT: LeRoy Ose

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, John Voz, Annie Felix-Gerth, Jed Chesnut, Jenny Gieseke, Dave Copeland, Ashley Rezachek, Rita Weaver, Les Lemm, Lindberg Ekola, Suzanne Rhees, Dan Shaw, Dave Weirens, Ryan Hughes, Justin Hanson, Marcey Westrick

OTHERS PRESENT:

Jeff Berg, MDA; Brian Martinson, AMC; Jan Voit, MAWD; Oliver Larson, Attorney General; Jamie Beyer, Paul Gardner, Ryan Malterud, Alex Trunnell, Lucas Sjostrom

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

PLEDGE OF ALLEGIANCE

22-39 **ADOPTION OF AGENDA** - Moved by Kurt Beckstrom, seconded by Ted Winter, to adopt the agenda as amended. ***Motion passed on a roll call vote.***

22-40 **MINUTES OF AUGUST 25, 2022 BOARD MEETING** – Moved by Jayne Hager Dee, seconded by Kelly Kirkpatrick, to approve the minutes of August 25, 2022, as amended. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No Members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Les Lemm introduced Jed Chestnut, Wetland Specialist. Lucy Dahl introduced Brittany Polzin, Easement Acquisition Specialist Sr. Jenny Gieseke introduced Ashley Rezachek, Communication Specialist.

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 he attend the EQB meeting on September 21 where the agenda had several updates related to Minnesota’s Climate Action Framework and the Implementation to the 2020 State Water Plan. Suzanne Rhees from BWSR explained the goals and priorities of the Water Quality and Storage Pilot Grant Program, and how it is integral to the 2020 Water Plan. Paul Gardner, Administrator of the Clean Water Council, provided an update on the Clean Water Fund. Chair Van Amburg stated in 2023 it’s the 50th Anniversary of the Minnesota Environmental Policy Act (MEPA).

Executive Director’s Report - John Jaschke reviewed the Day of Packet that included updated documents prepared for the board, an updated organizational chart, and Snapshots.

John stated there have been Fall meetings that will continue into November. Stated there has also been some tours.

Stated they are working on the Governors budget proposals, and policy items. The Clean Water Council has met and has published their preliminary recommendations. The Outdoor Heritage Council is holding hearings right now on their annual proposals. LCCMR is also working on their recommendations.

Rich Sve asked when the Outdoor Heritage Council meetings are. John stated dates are available on their website.

Audit and Oversight Committee – Joe Collins reported they have not met.

Dispute Resolution and Compliance Report – Travis Germundson reported there are presently five appeals pending. There has been one new appeal filed since last report. Stated it involves a property in Isanti County and that the appeal has been dismissed. The appeal period for the restoration order was part of this dispute and has expired. There was no evidence of a new restoration order or Local Unit of Government decision having been issued.

File 21-4 (10-26-2021) This is an appeal of a WCA restoration order in Morrison County. Staff have been working with the individual on a restoration plan for over a year and it has now been completed.

File 21-1 (8-16-2021) This is an appeal of a WCA Notice of Decision involving a no-loss_determination in Kittson County. The appeal was before the Dispute Resolution Committee at the end of August and the Committee's recommendation will be presented to the board later in the agenda.

Grants Program & Policy Committee – Todd Holman reported they discussed the Clean Water Legacy Partnership Program at their committee meeting and had a good discussion. They will be bringing this item to the to the next board meeting.

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

Water Management & Strategic Planning Committee – Joe Collins reported the committee has not met.

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

Buffers, Soils & Drainage Committee – Mark Zabel reported the committee has not met.

Drainage Work Group (DWG) – Neil Peterson and Tom Gile reported they met on September 8th. They reviewed components of the Drainage Registry bill that was introduced last session. Stated they had conversations around what documentation is appropriate to support and demonstrate that a drainage project is completing everything needed for environmental considerations. Stated they briefly discussed the history and background of the Drainage Work Group Membership and decision-making structure.

AGENCY REPORTS

Minnesota Department of Agriculture – Peder Kjeseth reported last session Legislature approved \$500,000 for a new grants program called Soil Health Financial Assistance Pilot Program. It will be housed in their Certification Program and they hope to have it up and running by February 2023.

Minnesota Department of Health – No report was provided.

Minnesota Department of Natural Resources – Sarah Strommen reported the Governor was in Moorhead last Friday where he proclaimed Hunting and Fishing Day in Minnesota.

Stated they are working on putting together legislative proposals aimed at policy initiatives and budget. They are also looking forward to a conversation with the Drainage Work Group about the drainage registry and early drainage coordination. They are going to continue looking at proposals related to Climate Action Framework. Stated they are going to explore the use and application of their fees. They are also going to look at ways to increase opportunities for direct support.

Joe Collins commented that the bonding bill didn't pass last year, which would have been more money to Minnesota.

Jill Crafton asked if there are ways to partner in the forestry restoration program. Commissioner Strommen stated there's a lot of conversation and partnerships they could have but need to make sure they get the funding to implement it.

Mark Zabel asked if there have been any communications to remove deer from around feeding stations. Commissioner Strommen stated they are doing a lot in preparation for the upcoming season to talk about expanded feeding bands and attractants during the hunting season, along with requirements and opportunities for voluntary testing.

Mark Zabel asked if fees are allocated to the specific program. Commissioner Strommen stated those fees must go towards those programs.

Board Members discussed matching funds.

Neil Peterson left the meeting at 10:33 a.m.

Minnesota Extension – John Bilotta stated he is the Senior Research and Extension Coordinator at the Water Resources Center and is stepping in as the Minnesota Extension Representative. Stated two of their largest Extension events are coming up. Next week there will be an internal event where all of Extension will gather in Duluth. October 18-19 is the Water Resources Conference. Stated they are hiring two new staff to help with Septic Training for Professionals. John stated Marcel Lewandowski, the lead in the Soil Health Program will sit in on Board meetings when he is not available.

Minnesota Pollution Control Agency – Katrina Kessler reported the Climate Action Framework was released on September 16 after 18 months of work and is a big milestone for the State.

Jill Crafton asked where the emphasis is in the water storage area. John Jaschke stated there are local watershed plans with those details.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported AMC Fall Policy Conference was held to prepare for the 2023 Legislative Session. Stated among the five Policy Committees, 19 priorities were identified for the upcoming year and will go to the Membership and the AMC Board for consideration in developing AMC's overall 2023 priorities. The Environment Committee identified three priorities to forward to the Membership and Board. Brian stated there is an item from the Transportation Policy Committee to receive bonding dollars for transportation related programs that includes the Local Road Wetland Replacement Program. Stated there is a continued interest in 404 Assumption. There is also interest in discussing and taking a further look at increases for the Natural Resources Block Grants. Planning and Zoning Administrators are interested in working with the State and other interested stakeholders on how state and local funds are used. Brian stated County Commissioners will continue to be interested in allowing for the establishment of conservation easements including wetland banks, carbon credits, and ecosystem services on certain tax forfeited properties. They will be holding district meetings over a three-week period in October and final decisions will be made at their annual meeting in December.

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 district meetings were held in August throughout the state. In October and November, the Minnesota Association of Townships will be on the road with local trainings. The annual meeting is in October being held in St. Cloud. Township Tuesday conference calls are on the first and third Tuesday of the month. In 2023 they will have a Day at the Capital, short courses, District Lobby Days, a town law review, more training, and an annual conference.

Minnesota Association of Watershed Districts – Jan Voit reported they have been working to provide better communication. Leadership updates were sent to members and state agencies in late August. They will be redesigning their website over the next few months and newsletters will be widely distributed and posted on their website. The Events Committee met in September to review abstracts for their annual conference. They are planning preconference workshops for drainage and for training watershed managers that will be held in conjunction with the annual conference. Their Legislative Committee is meeting to develop a preliminary legislative platform. Resolutions Committee will be meeting on October 11. Stated they have been working on putting together a preliminary budget for Fiscal Year 23. Stated the Red River Partner’s tour was a great success, and the planning team was great to work with. Their Annual conference is being held in person December 1-3 at Arrowwood Conference Center in Alexandria.

Natural Resources Conservation Service – No report provided.

Chair Van Amburg recessed the meeting at 11:06 a.m. and called the meeting back to order at 11:15 a.m.

COMMITTEE RECOMMENDATIONS

Dispute Resolution Committee

WCA Appeal File 21-1 of a Notice of Decision for a No-Loss -Kittson County – Rich Sve, Oliver Larson, and Travis Germundson presented WCA Appeal File 21-1 of a Notice of Decision for a No-Loss -Kittson County.

The appeal was brought before BWSR on August 16, 2021, from Steve Anderson with Anderson Law Group PLLC on behalf of Glenn Brazier to appeal a WCA Notice of Decision involving property located in Kittson County. A WCA Restoration Order was issued previously for the property that identified three areas of impact to wetland associated with the excavation of a ditch, construction of a road, and placement of other fill material for amusement rides. The October 15, 2019 Restoration Order was not appealed. The application for a no-loss and notice of decision is only associated with the activity/impact of excavation of material in a wetland. It does not address the other impacts identified in the Restoration Order. Impacts associated with the project also occurred on an adjacent Public Water Wetland that will need to be addressed separately through the Department of Natural Resources.

The Dispute Resolution Committee heard oral arguments from the parties to the appeal on August 31, 2022. After review of the record, written briefs, and oral arguments, unanimously voted to recommend that the appeal be denied and the LGU decision affirmed. A second motion was made on the request for additional evidence to be included in the record. That motion carried to accept the additional information as part of the record with the caveat that it’s not relative to the decision.

Rich Sve thanked everyone for their work. Travis Germundson and Chair Van Amburg also thanked those for their work on this process.

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22-41 Moved by Rich Sve, seconded by Joe Collins to approve the WCA Appeal File 21-1 of a Notice of Decision for a No-Loss -Kittson County. ***Motion passed on a roll call vote.***

Grants Program and Policy Committee

Environment and Natural Resources Trust Fund (ENRTF) Watershed and Forest Restoration: What a Match! Project Partner Grants and Agreements – Lindberg Ekola and Ryan Hughes presented Environment and Natural Resources Trust Fund (ENRTF) Watershed and Forest Restoration: What a Match! Project Partner Grants and Agreements.

BWSR applied for and received \$3,318,000 in funding from the Environmental Natural Resources Trust Fund (ENRTF) to accelerate tree planting on privately owned lands for water-quality protection and carbon sequestration. This project will be completed in partnership with soil and water conservation districts, the Mille Lacs Band of Ojibwe, and the Department of Natural Resources.

Chair Van Amburg asked about the species composition they talk about. Lindberg stated they are promoting a diverse set of tree species appropriate to the landscape in which they're being planted. A part of how they develop the landscape stewardship plans that provide vegetation guidance comes from the Minnesota Forest Resource Council Landscape Plans.

Mark Zabel stated there was conversation within the Committee on the choice of species that would be appropriate for climate adaptation.

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22-42 Jaschke noted that no members had a conflict of interest noted on the forms submitted, virtual participants will note any conflict orally. Moved by Mark Zabel, seconded by Todd Holman, to approve the Environment and Natural Resources Trust Fund (ENRTF) Watershed and Forest Restoration: What a Match! Project Partner Grants and Agreements. ***Motion passed on a roll call vote.***

NEW BUSINESS

2023 Proposed BWSR Board Meeting Schedule – John Jaschke presented 2023 Proposed BWSR Board Meeting Schedule.

Meeting dates are being proposed for board meetings in 2023. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2022 calendar.

John proposed to hold our next board meeting in October virtually and to be shortened due to BWSR Academy taking place at the same time. The meeting would be from 11:00 a.m. to 1:00 p.m. with only Committee items being presented.

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22-43 Moved by Jayne Hager Dee, seconded by Joe Collins, to approve the 2023 Proposed BWSR Board Meeting Schedule. ***Motion passed on a roll call vote.***

BWSR Climate Change Trends and Action Plan – Suzanne Rhees and Dan Shaw presented BWSR Climate Change Trends and Action Plan.

The first version of this plan was published in 2013 and updated in 2016 and 2019. This 2022 report summarizes the climate-related benefits of BWSR programs, both for mitigation and adaptation to climate change trends, and estimates the greenhouse gas emission reduction benefits of conservation practices that BWSR programs support (grant, cost-share and easement programs).

Joe Collins stated they use modeling based on ATLAS 14 and asked if that is predictive enough. Suzanne stated they have been starting to get funds lined up to update ATLAS 14 which is out of date. Her understanding is that it is not sufficiently predictive but to look for it in the future. Commissioner Kessler stated the bipartisan infrastructure law comes with money that will be used to update ATLAS 14.

Ted Winter asked what ATLAS 14 is. John Jaschke stated it's a federal sanctioned technical document that predicts how much run off to expect in various landscapes across the country and predicts the frequency of those expected rainfall and run off events.

Jill Crafton asked when we're trying to reduce greenhouse gasses, are we talking about carbon and why aren't we measuring soil organic matter or something else. Suzanne stated organic carbon is one indicator of how much carbon is being stored in the soil. It doesn't directly translate to greenhouse gas reduction. Suzanne stated she will share a link for a report from the Environmental Defense Fund, State of Science: Cropland Soil Carbon Sequestration.

UPCOMING MEETINGS

- Northern Region Committee meeting is scheduled for 10:00 AM on October 5, 2022 in Detroit Lakes.
- Central Region Committee meeting is scheduled for 2:00 PM on October 6, 2022 in St. Paul and through Microsoft Teams.
- Grants Program and Policy Committee meeting is scheduled for 8:30 AM on October 24, 2022 in St. Paul and through Microsoft Teams.
- Next BWSR meeting is tentatively scheduled for 11:00 AM, October 26, 2022 through Microsoft Teams.

Chair VanAmburg adjourned the meeting at 12:32 PM

Respectfully submitted,


Gerald Van Amburg
Chair