

Board of Water and Soil Resources (BWSR) Board Meeting

April 26, 2023

Gerald Van Amburg called the meeting to order at 9:03 a.m. The Pledge of Allegiance was recited. The agenda was adopted. The minutes of the March 22 BWSR Board (Board) meeting were approved. No one was present to address the Board in the Public Access Forum. The conflict-of-interest declaration was read. Items of note to members are highlighted in gray.

REPORTS

Chair & Administrative Advisory Committee

Chair Van Amburg reported on the Advisory Committee has not met. He noted the performance review of Executive Director Jaschke. The results of the review were extremely positive. We have a strong person in the leadership role, with massive knowledge of government and conservation. Mark Zabel was recognized as Senior Advisor of the Year.

Executive Director

Executive Director Jaschke said that the performance review will be sent to Board members. The Strategic Plan will be a priority in the next year, as well as providing Board members with more background information about budgeting and staffing. Gerry Van Amburg is willing to serve on the Board until a replacement has been made, although he has chosen not to seek reappointment. Appointments are made by the governor. The chair of the Board is appointed by the governor of the appointed members.

Executive Director Jaschke gave a legislative update. There are substantial differences between the House and Senate versions of the environment bills. The conference committee process will be different than it has been in the past. Both bodies have passed a tax bill. Bonding will be considered at the end of the legislative session. A change to the per diem rate for Board members has been proposed. It has been at \$55 since the 1980s. The Board tour will be in August in the southeast metro. He explained the day of packet.

Audit & Oversight Committee

Vice Chair Collins reported that the committee has not met.

Dispute Resolution and Compliance Report

Rich Sve said that the committee has not met. Travis Germundson reported that there are five appeals pending, with one new appeal filed since the last report.

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 103 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are seven active Corrective Action Notices (CANs) and 3 Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 93 of those have been resolved. Statewide 35 counties are fully compliant, and 48 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 438 CANs and 81 APOs actively in place. Of the actions being tracked over 2,429 of those have been resolved.

Grants Program and Policy Committee

Todd Holman explained that the committee has been discussing the formula for watershed-based implementation funding (WBIF). As of the last meeting, the committee decided not to make any changes to the WBIF formula.

Reinvest In Minnesota (RIM) Reserve Committee

Jayne Hager Dee reported that there are three decision items on the agenda.

Water Management and Strategic Planning Committee

Vice Chair Collins said that the committee met twice since the last meeting. They held an informational meeting to consider procedures to amend 1W1P. They held a joint meeting with Grants Program and Policy Committee and reviewed two comprehensive plans that are on the agenda today.

Wetland Conservation Committee

Jill Crafton informed the Board that the committee has not met. Staff has been working on new developments for the Wetland Conservation Act.

Buffers, Soils, and Drainage Committee

Mark Zabel stated that the committee has not met. They are tentatively planning an in-person meeting in St. Cloud in early May.

Drainage Work Group (DWG)

Neil Peterson reported that the DWG has not met and won't likely meet until June or July. BWSR staff are keeping an eye on the drainage registry portal, along with working on outlet adequacy. Dave Weirens reported that a subcommittee of the DWG has met twice to discuss outlet adequacy.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA)

Jeff Berg gave an update on the agriculture bill, which passed both the Senate and House. There are major differences in the bills. The bills do contain funding for Forever Green, a pollinator research account, and noxious weed grant funding.

Minnesota Department of Health (MDH)

Steve Robertson reported training opportunities through the Minnesota Groundwater Conference and the Private Well Forum. MDH received notification regarding a petition from NGOs to EPA to protect people in karst area of SE MN regions to advance private well uses in that part of the state. The petition will be sent to BWSR staff for circulation.

Department of Natural Resources (DNR)

Sarah Strommen gave an update on flooding and flood preparedness and monitoring DNR properties. There are major differences in the House and Senate environment bills. The House bill includes requested fees, the Senate does not. Without the fees, there will be a hole in the long-term funding needs. DNR fees haven't been raised since 2006 and are trending negative. She is excited about the one-time investment of funds for modernizing facilities, which should be a very noticeable investment for the public. She explained some of the fee increases. Discussion was held regarding flooding and carp control.

Minnesota Extension

Joel Larson gave an update on the ability to provide extension education for climate adaptation science. Hopeful that will move forward. Training and classes – start a new effort on introduction to AIS. The Clean Sweep Program is a partnership between MPCA and the MN Sea Grant to provide workshops to assist local municipalities in implementing and enhancing street sweeping programs.

Minnesota Pollution Control Agency (MPCA)

Glenn Skuta reported on an effort to work with producers and citizens in preventing fish kill. The WRAPS report for Redwood River Watershed was approved. The last one in the initial WRAPS round is for the Blue Earth River Watershed. It will go on public notice soon.

ADVISORY COMMENTS

Association of Minnesota Counties (AMC)

No report was given.

Minnesota Association of Conservation District Employees

No report was given.

Minnesota Association of Soil and Water Conservation Districts (MASWCD)

LeAnn Buck said that MASWCD's focus area is \$22M for capacity. The \$12M in the governor's budget is not enough. The \$22M contributes to investments in other state agency programs. Those are successful because of the investment in local funding and how state and federal funds are leveraged. WBIF is meaningful and getting projects done. Those funds provide great opportunities for working with landowners. On March 27, a joint letter from the Local Government Water Roundtable was submitted to the chair of the House Taxes Committee. The letter expressed concern about the Clean Water Council's reporting and recommendation process being changed from biennial to annual.

Minnesota Association of Townships (MAT)

Eunice Biel reported on 2023 legislative priorities.

Minnesota Watersheds

I provided an update on the watershed administrator and SWCD manager leadership workshop, Summer Tour, BWSR Academy planning session, meeting with Justin Hanson, Watershed Handbook, and the general levy bill.

Natural Resources Conservation Service (NRCS)

No report was given.

[A ten-minute break was taken.]

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

Approval of FY23 HELP Program Funding Recommendations

Dan Shaw, BWSR explained that the BWSR HELP grant program is made possible through an appropriation from the Environment and Natural Resources Trust Fund and is focused on restoring and enhancing strategically located, diverse native habitat across Minnesota on conservation lands, natural areas, and open spaces to benefit populations of pollinators and beneficial insects as well as overall plant and animal diversity. The program also provides co-benefits of carbon sequestration, soil health, water quality improvements, and increased landscape resiliency. On October 26, 2022 the board adopted Board Order #22-48 which authorized staff to conduct a request for proposal (RFP) for the FY23 HELP grants. An application period was open from November 3, 2022 to February 23, 2023. Twelve applications were received requesting a total of \$503,180. Grants were ranked by an advisory team on March 13, 2023. These results were presented to the BWSR Senior Management Team on March 14, 2023. The BWSR Grants Program and Policy Committee reviewed the recommendations on March 27, 2023 and made a recommendation to the full Board. The HELP Program funding recommendations were unanimously approved.

Clean Water Legacy Partners Pilot Grant Award Recommendations

Shaina Keseley, BWSR explained that the purpose of this agenda item is the allocation of the FY 2022/2023 Clean Water Legacy Partners Pilot Grants. On October 26, 2022, the Board adopted Board Order #22-49 which authorized staff to conduct an RFP from NGOs and tribal governments for the Clean Water Legacy Partners Pilot grant program. The RFP combined FY22/23 funds for a total of \$1M that was split into \$500,000 available for NGOs and \$500,000 for tribal governments. The RFP was open from November 17, 2022 through February 15, 2023. There were a total of 21 applications received; 18 from NGOs (totaling

\$2,766,767) and three from tribal governments (totaling \$530,000). BWSR staff, along with staff from MPCA and MDA, reviewed and scored applications to develop the list of applications recommended for funding. On March 27, the Grants Program and Policy Committee made the funding recommendation to the full Board. The Clean Water Legacy Partners Pilot Grant award recommendations were unanimously approved.

Rural Investment to Protect Our Environment (RIPE) 100 Partnership Program

Dave Weirens and Suzanne Rhees, BWSR explained that this is a request for approval for BWSR to participate in a grant under the USDA Partnerships for Climate-Smart Commodities Program along with Virginia Tech, the RIPE organization, and the States of Arkansas, North Dakota, and Virginia. The program will pay farmers and ranchers for conservation practices with payments that reflect multiple environmental benefits. A PowerPoint presentation was given. Approval for participation in the RIP 100 Partnership Program was approved.

Conservation Reserve Program (CRP) State Incentives Pilot Program

Dusty VanThuyne, BWSR explained that in 2022, the Minnesota Legislature appropriated funds to BWSR to provide onetime state incentive payments to enrollees in the federal CRP during the continuous enrollment period and to enroll land in conservation easements consistent with Minnesota Statutes, section 103F.515. BWSR staff recommended providing Conservation Reserve Program State Incentive Pilot Program grants to eligible watersheds with greater than 40% cropland that have approved and locally adopted watershed plans to provide onetime incentive payments to landowners enrolling or re-enrolling into the Continuous Conservation Reserve Program. The program policy and allocation amounts have been reviewed by Senior Management Team and Grants Program and Policy and received recommendation for Board approval. The CRP State Incentive Pilot Program was approved.

RIM Reserve Committee

RIM Riparian and Floodplain Restoration Program

Dusty VanThuyne, BWSR explained that Board Resolution # 21-45 authorized the use of ML 2021 Outdoor Heritage Fund and Clean Water Fund appropriations to secure limited duration or permanent RIM easements through the OHF Riparian Buffer Conservation Easement Program and the CWF Pilot Working Lands Floodplain Program. ML 2022, Ch. 77, Art. 1, Sec. 2, subd. 2(f) (Outdoor Heritage Fund) designated funds “to acquire permanent conservation easements and restore habitat under Minnesota Statutes, section 103F.515, to protect, restore, and enhance habitat by expanding the riparian buffer program under the clean water fund for additional wildlife benefits from buffers on private land.” This resolution authorizes staff to utilize the funds authorized under Board Resolution # 21-45, the ML 2022 Outdoor Heritage Funds, and any future funds appropriated by the Minnesota State Legislature to implement the RIM Riparian and Floodplain Restoration Program. The RIM Riparian and Floodplain Restoration Program was approved.

Easement Alteration Request for Public Road Project – RIM Easement #07-17-01-01

Karli Swenson, BWSR explained this request for Board approval to amend RIM easement #07-17-01-01 in Rapidan Township, Blue Earth County, to accommodate road reconstruction and right-of-way expansion along CSAH 16. The Blue Earth County Highway Department is requesting the release of 0.16 acres from the 5.4-acre RIM easement for right-of-way purposes. The County will pay \$2285.02 for the release of the acres as required by our Easement Alteration Policy. The alteration for RIM Easement #07-17-01-01 was approved.

Easement Alteration Request – RIM Easement #86-06-91-01

Karli Swenson, BWSR explained this request for Board approval to amend RIM easement #86-06-91-01 in Corrina Township, Wright County, in accordance with BWSR’s Easement Alteration Policy. This request would release 3.2 acres from the RIM easement to resolve an unintentional easement violation and add

11.2 acres to the easement to both compensate for the impacts of the violation and add additional wildlife habitat and natural resource value to the RIM easement. The alteration for RIM Easement #86-06-91-01 was approved.

Central Region Committee

Shingle Creek and West Mississippi Watershed Management Commissions (SCWM WMC) Watershed Management Plan (WMP)

Steve Christopher, BWSR explained Joint Powers Agreements established the SCWM WMC in 1984. Each Commission is comprised of one member appointed from each community by their respective city council. The first WMP was published in April 1990. During the development process of the second-generation Plan, both Commissions agreed upon merging the plan preparation, operating policies, and administration for efficiency purposes, but remain separate, politically distinct Watershed Management Organizations (WMO). Four out of the five member cities of the WM WMC are also members of the SC WMP. The third generation WMP was approved by the Board in March 2013. The Plan has also been amended annually to maintain a current Capital Improvement Program and to take advantage of funding through Minnesota Statute 103B.251. The SCWM WMCs are located exclusively in Hennepin County in the northwest portion of the Minneapolis – St. Paul seven county metropolitan area. They are bound by the Mississippi River to the north and east, on the southeast by the Mississippi WMO, on the south by Bassett Creek WMC, and on the west by the Elm Creek WMC. Both watersheds encompass all or part of the following ten municipalities: Brooklyn Center, Brooklyn Park, Champlin, Crystal, Maple Grove, Minneapolis, New Hope, Osseo, Plymouth, and Robbinsdale. The Shingle Creek and West Mississippi watersheds cover 44.5 square miles and 23 square miles respectively. There are sixteen lakes in the Shingle Creek watershed, and none in West Mississippi. Combined, the watersheds have approximately 20.5 miles of stream. Both watersheds are predominantly fully developed, with the remaining land being currently developed. The SCWM WMC WMP was approved.

North Cannon River WMO (NCRWMO) 4th Generation WMP

Anne Sawyer, BWSR explained the NCRWMO was established in 1983. The mission of the NCRWMO is “Managing groundwater and surface water to prevent property damage, maintain hydrologic balance, and protect water quality for the safety and enjoyment of citizens and the preservation and enhancement of wildlife habitat through collaboration among member communities.” (Adopted July 18, 2012) The current plan was approved by the Board in August 2013. The NCRWMO lies within the southern third of Dakota County, along the southernmost edge of the Twin Cities Metropolitan Area. Although Dakota County is considered a metropolitan county, the 150 square miles encompassed by the NCRWMO is rural in nature, with a population of 5,624 (2022) and agriculture as the predominant land use. The NCRWMO is bound by Rice County to the south and west, the Cannon River and Goodhue County to the south and east, and the Vermillion River Watershed Joint Powers Organization to the north. The NCRWMO as a unit of government is composed of eight townships (Castle Rock, Douglas, Eureka, Greenvale, Hampton, Randolph, Sciota, and Waterford) and three small cities (Miesville, New Trier, and Randolph). The NCRWMO WMP was approved.

Northern Region Committee

Roseau River Comprehensive WMP (CWMP)

LeRoy Ose explained the Roseau River Watershed Planning Partnership established a Memorandum of Agreement between the planning partners for the purposes of writing a CWMP in May of 2021 and was approved for a One Watershed, One Plan planning grant in August of 2021. The partners include Roseau County, Roseau Soil and Water Conservation District, and Roseau River Watershed District. The partnership held a 60-day review process that ended on February 14, 2023, and the required public hearing on March 1, 2023. The final draft of the updated Plan, a record of the public hearing, and copies of all written comments were submitted to the state review agencies on March 10, 2023. The partnership has incorporated most of the agency and public comments received throughout the Plan development process. Final state review agency comments were

submitted by March 30, 2023, and all agencies that submitted comments recommended approval. The Roseau River CWMP was approved.

NEW BUSINESS

Minnesota Soil Health Action Framework

Suzanne Rhees, BWSR and A. Marcelle Lewandowski, Minnesota Office for Soil Health (MOSH) explained that in February 2022, BWSR received a grant from the McKnight Foundation for a two-year program to develop shared goals and strategies for increasing soil health management practices across Minnesota. BWSR has collaborated with the MOSH throughout this process. Other participants include the MDA, NRCS, local government associations, agricultural and environmental organizations, co-ops and agronomists, ag retailers, private sector food companies, University researchers and extension advisors. A preliminary report has been developed but is still going through review by these stakeholders. A PowerPoint presentation was given that focused on the process to date and included some highlights from the report.

UPCOMING MEETINGS

- **Buffers, Soils, and Drainage Committee:** May 3, 2023 at 9:00 a.m., location TBD
- **Northern Region Committee:** May 3 at 1:00 p.m., Bemidji and virtually
- **BWSR Board:** May 24, 2023 at 9:00 a.m., St. Paul and virtually

The meeting adjourned at 1:08 p.m.

Notes submitted by Jan Voit