

Board of Water and Soil Resources (BWSR) Board Meeting

June 22, 2022

Gerald Van Amburg called the meeting to order at 9:01 a.m. The Pledge of Allegiance was recited. The agenda was adopted. The minutes of the May 25, 2022 BWSR Board (Board) meeting were approved. No one was present to address the Board in the Public Access Forum. New staff were introduced. Actions of particular interest to watershed organizations are highlighted in gray.

REPORTS

Chair & Administrative Advisory Committee

Chair Van Amburg had no report.

Executive Director

Executive Director Jaschke reported that the Director of the Environmental Quality Board is moving to a new job in the Minnesota Department of Administration. There are several meetings and tours happening. MASWCD is holding a tour. They are going through the resolutions process. The Minnesota River Congress had a meeting in Mankato last week. Rita Weaver gave a presentation on the water storage program at that event. A few pollinator events are happening. Last year there was a drought, and the legislature appropriated relief funding. In northern Minnesota, major flooding is happening. In the Rainy River basin, it is the highest ever recorded. BWSR staff are working to do an inventory of the damages. The state must make a preliminary assessment to consider a disaster declaration through FEMA. There is no legislative news. The chances of a special session have diminished. No bonding bill was passed. Federal funds could be lost without the ability to match. He summarized stories that will be featured in BWSR Snapshots.

Discussion was held regarding the Diversity, Equity, and Inclusion (DEI) report. There is another stage to go before it is complete. Jenny Gieseke is the lead staff. He will ask her for an update. It would be helpful to know how this connects with other state agencies. In the Clean Water Fund (CWF) process, DEI is being integrated. Capitol Region Watershed District (CRWD) has their own DEI initiative. Contracts and vendors should be considered in the DEI report review process.

Audit & Oversight Committee

Vice Chair Collins reported that the committee has not met. No meetings are scheduled.

Dispute Resolution and Compliance Report

Rich Sve said that the committee has not met. They have a meeting scheduled for August 31. On July 18, a workshop will be held to review the roles, responsibilities, and purpose for the August meeting.

Presently, there are eight appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There have been two new appeals filed since the last Board Meeting.

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONS) on 93 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are no active Corrective Action Notices (CANs) and 6 Administrative Penalty Orders (APOs) [this will be changing to 3] issued by BWSR that are still active. Of the actions being tracked over 86 of those have been resolved. Statewide 31 counties are fully compliant, and 53 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 603 CANs and 66 APOs actively in place. Of the actions being tracked over 2,221 of those have been resolved.

Grants Program and Policy Committee

Todd Holman said the committee has not met. Their recommendation from the last committee meeting is before the Board. The next meeting is scheduled for July 25.

Reinvest In Minnesota (RIM) Reserve Committee

Jayne Hager Dee reported that the committee did not meet.

Water Management and Strategic Planning Committee

Vice Chair Collins reported that the committee has not met. No meeting is scheduled.

Wetland Conservation Committee

Jill Crafton informed the Board that the committee has not met.

Buffers, Soils, and Drainage Committee

Mark Zabel stated that the committee has not met. No meeting is scheduled.

Drainage Work Group (DWG)

Tom Gile reported that the DWG met on June 16. Preliminary ranking of topics to consider was done. There was also discussion about the outlet adequacy definition and the drainage registry bill.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA)

Thom Peterson talked about the drought package. There is \$8.1M available. The application period opened on June 21. There were 144 applications submitted that day. The application period is open until July 6. It is important to provide funding for cow/calf operators to keep cover on the ground. They are working on the Request for Proposals (RFP) for the soil health pilot program. There is \$500,000 available for that program. MDA was awarded a \$100,000 grant from the McKnight Foundation for climate smart practices. Planting of corn and soybeans is reported at 98% complete.

Minnesota Department of Health (MDH)

Steve Robertson informed the Board that MDH has created a [PFAS dashboard](#). The status of statewide testing, progress for individual systems, and how the results pertain to health-based guidance can be found on the dashboard. He gave a brief report on the lack of legislative outcomes.

Minnesota Department of Natural Resources (MDNR)

Jess Richards gave an update on the Minnesota River Congress. He is looking forward to working together on water storage projects. The DNR held their first in-person roundtable meeting on June 9. The format was more interactive.

The DNR developed new strategic priorities two years ago. DEI is one of them. It is not just about diversifying our workforce, it is also about our role in outdoor recreation and making sure there aren't barriers to participation in Minnesota's great outdoors. They have a person in charge of DEI for the agency. DEI is being imbedded in all their work and in the hiring process. Hunting and fishing books are being translated into three languages in addition to English.

Minnesota Extension

Joel Larson gave an update on the North Central Region Water Network (NCRWN). It is a 12-state organization, primarily with state extension services, focusing on water issues. He reported that the [Climate Intersections Conference](#) will be held July 12-14 in Duluth. He encouraged attending. The keynote speaker is Kyle Whyte, University of Michigan.

On August 9 and 10, a field school for soil health educators will be held. This event is for anyone who provides education, events, or activities related to soil health. It will be held at the Southern Research and Outreach Center on August 9 and 10 in Waseca. Information will be posted on the NCRWN website.

Minnesota Pollution Control Agency (MPCA)

Melissa Lewis spoke about equity for contracting. MPCA has a list of vendors that meet DEI elements and choosing from the vendor list streamlines the process in the agency for recruitment and hiring. MPCA has

implemented the IDEA program. All staff are required to have four credits of interactive training through this program each year. They are working to incorporate DEI into all aspects of the agency.

ADVISORY COMMENTS

Association of Minnesota Counties (AMC)

Brian Martinson asked that the members who represent local organizations contact Clean Water Council (CWC) members and express your interest in how CWFs should be utilized.

Minnesota Association of Conservation District Employees

No report was given.

Minnesota Association of Soil and Water Conservation Districts (MASWCD)

No report was given.

MAT

Eunice Biel said that in the 1st district townships held a primary election on May 24. There will be a special election on August 9 for a congressional seat and primary elections will be held. Township officials are in the process of finding election judges and getting the necessary training. They will have a second round of training for ARCA reporting requirements at the end of June. Training modules are being developed.

Minnesota Association of Watershed Districts (MAWD)

MAWD Executive Director Javens reported that she is giving a presentation at the Stormwater Conference next week in partnership with Mark Doneux, CRWD; Paul Gardner, CWC; and Andy Erickson, University of Minnesota. The title of the presentation is “Minnesota Nice!” The presentation will cover how we govern and operate for clean water. It is great to be able to present our story on a nationwide scale.

She highlighted the evaluation summary of One Watershed, One Plan (1W1P). For the most part the recommendations are in line and resonate with members. It is important to make the 1W1P process simpler and more streamlined. There is always a tough balance between paperwork and doing the project. BWSR is responsible for accountability. She encouraged using the report as an opportunity to brainstorm about how to streamline and get to more projects implemented for clean water.

She looks forward to seeing the Board in August at the Summer Tour.

Natural Resources Conservation Service (NRCS)

No report was given.

[A five-minute break was taken.]

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

FY2023 CWF Competitive Grants Policy and RFP Criteria

Annie Felix-Gerth explained that the CWF Competitive Grant Policy is reviewed and approved annually. For FY2023, the policy will apply to Projects and Practices, Projects and Practices Drinking Water, Multi-purpose Drainage Management, and Soil Health funding. She explained the proposed policy changes and the Board order. The committee recommended approval to the Board.

Discussion was held regarding ecological practice standards, engineering and ecological practices identified in the NRCS Field Office Technical Guide and the Minnesota Stormwater Manual, project support, and soil health ranking criteria. The FY2023 CWF Competitive Grants Policy and RFP Criteria were approved unanimously.

NEW BUSINESS

1W1P Program Evaluation Report

Julie Westerlund provided an introduction. Lizzie McNamara, Management Analysis and Development (MAD) gave an overview of the 1W1P process and the evaluation questions that were asked. The goal was to determine if 1W1P was achieving the Local Government Water Roundtable's (LGWRT) vision. The project began in the summer of 2021. Focus groups, surveys, and interviews were conducted. MAD completed a final report in May 2022. The report will be distributed for comment later today. There was a 39% response rate to the survey. There was at least one response from every watershed.

Findings

Although there was variability in evaluation participants' perspectives depending on which watershed effort(s) they participated in, MAD found that participants generally:

- Have positive perceptions of the 1W1P program.
- Feel the program is achieving the LGWRT's vision.
- Appreciate and agree that watershed-level planning is the right thing to do and find value in their plans, despite challenges and the time-consuming planning process.
- Were driven to participate by the availability of planning grant funding and non-competitive implementation funding.
- Feel like the right stakeholders were present for planning efforts, but that plans would benefit from more public participation and involvement of parties beyond local government.
- Have been able to maintain local control over their plans.
- Gained value from building or strengthening relationships and having to prioritize across political boundaries and individual interests.
- Feel their plans are driving the actions of their organizations.
- Found BWSR staff support to be helpful and a key resource in their planning efforts, and mostly relied on BWSR staff, despite access to helpful guidance and planning resources provided by BWSR.
- Found support from other state agencies to be at least somewhat coordinated and useful, but opinions differed depending on the state agency in question.

When MAD asked how the 1W1P program can be improved, participants generally want:

- Increased BWSR staff capacity.
- Increased consistency and clarity in the guidance from BWSR across staff and written resources.
- Increased alignment of support from other state agencies.
- To see more examples and hear about best practices from other watersheds.
- Help making the significant shift from planning to implementation.
- Additional or improved guidance, guidelines, and expectations.
- A reduction in the complexity and burden of the planning process.
- More funding for implementation and flexibility with implementation funding.
- Clear guidelines and expectations for the plan evaluation process and continued BWSR support with plan assessments and evaluation, including staff support and funding.

Recommendations

Based on the most common themes from the evaluation findings, MAD offers the following recommendations for ways that BWSR could make the 1W1P program even more effective.

- Build capacity of BWSR staff: BWSR staff are an essential support for local planning partners. Their capacity and impact could be increased by hiring more staff, increasing consistency across staff and resources, and providing additional professional development.
- Help decrease the burden on planning partners: Participants find the planning process valuable, but said it takes significant time and effort. The planning process could be easier and simpler by providing more support and encouragement for pre-planning preparation; offering a menu of best practices

based on existing plans; ensuring planning partners and consultants understand what is necessary and how to simplify plans; and helping reconcile the comprehensiveness of plans with the need to prioritize.

- Support successful plan maintenance: Participants want to know ahead of time what the guidance and expectations will be for assessing and evaluating approved plans. They would also benefit from support and resources to address capacity issues when it comes to these processes.

MAD also offers additional considerations that would address less-common themes, which are also more likely to be beyond the scope of the 1W1P program. The additional considerations are related to:

- Helping manage expectations when it comes to anticipating positive improvements in water quality.
- Further aligning support from state agency staff.
- Helping planning partnership select and manage consultants.
- Encouraging more public engagement and diverse representation.
- Supporting the transition from planning to implementation.
- Increasing funding and offering additional funding flexibility.

Next steps will be for BWSR staff to act on the report's recommendations with BWSR's Water Management and Strategic Planning Committee over the summer of 2022. The report was presented to the LGWRT last week.

Discussion

- The full report will be sent to the Board and posted on the website. There is a lot of good content in the Executive Summary. The recognition for the work of BWSR staff and the need for more input are important. There is a lot of reliance on the Board Conservationists, so helping with their workload is necessary.
- The folks that work for BWSR and people involved in 1W1P are strong technically. This was a social exercise, not just technical. We need to look at those results. Staff need the people skills, outreach skills, and softer social stuff to make a difference. Staff learns people skills by doing.
- This is a starting point. There are a lot of things we can do. Implementation is tricky. The community must be engaged. Rather than just hiring staff, prioritizing was encouraged. It was also suggested to bring in watershed districts (WDs) who have 50 years of implementing plans. Use their knowledge for lessons learned, what worked or didn't, and what happens when landowners aren't cooperative. There is a wealth of knowledge that could be gained without spending money to hire more people.
- There were no surprises in the report. Along the way, BWSR has done a good job of keeping tabs on the way the program is going. Where do we go from here? What does our transition look like from here forward? What do we do at the five-year mark for projects that are in the implementation phase?
- Who is the LGWRT? John Jaschke gave a brief overview of the process involved in developing the LGWRT which consists of the Association of Minnesota Counties, MAWD, and MASWCD.
- The report highlights budgetary issues. At the CRWD, we can't rely on CWFs. We have to plan for reserve funds through our tax levy. BWSR funding comes from the legislature. BWSR can't do an extra project by increasing our tax levy. Is it even possible to increase BWSR staff? Or will we have to have funding reallocated through the legislatures? How do we adapt to the restriction of funding at BWSR or on the local level as more plans are approved and the need for implementation money increases?
- The drinking water program recently went through an evaluation process. Just as in that report, the MAD report says that constituents appreciate when state agencies are clear and articulate. There is often a divergence of state and local priorities which causes tension. It will be interesting to see how BWSR works through that issue.

Update on the FY22 Water Quality and Storage Pilot Grant Program

Rita Weaver gave a presentation entitled “Water Quality and Storage Pilot Grant Program Update”. The first part of the presentation explained water storage projects, the runoff hydrograph, how storage effects hydrographs, how hydrographs change, and other factors in picking a project: permitting, public acceptance, landowner acceptance, site restrictions, and funding. She referenced a new interagency paper – [Water Storage: A Planning and Decision Framework](#). If the Board is not aware of this paper, a presentation should be given.

The second part of the presentation addressed the new Water Quality and Storage Pilot Grant Program. She gave an overview of questions that are considering when developing funding programs, MN 103F.05, Subd. 2 requirements, program details, funding priorities and ranking. Seven applications were submitted requesting \$3.8M in funds. Three projects were awarded funding for FY22: Lake Washington Patterson Watershed (\$408,187 with a match of \$102,047); Custer 7 & Sodus 32 Storage Projects (\$340,940 with a match of \$85,235); and Custer 10 Floodwater Retention (\$94,723 with a match \$23,860). She gave an overview of two projects that scored lower in the ranking process and two that were ineligible.

She presented the following suggested modifications to the RFP for FY 23:

- Clarification on the need for a hydrograph at the HUC12 outlet
- Elaborate on how we want the bigger picture described
- Very formal scoring for projects in the priority area vs projects outside the priority area
- Clarification or more restrictions on MS4 areas

The grant awards do not require Board approval. This presentation was to let the Board know the plans for this year and for moving forward.

Discussion

- What is the timeframe for the grant? The initial grant is for three years, with an option to extend for two years. These three projects are almost ready to go. The results will be presented to the Board.
- The Red River basin faces the same problems on a different scale. The project team approach they have works well. A lot of people are involved in putting a project together. All the state agencies are at the table and work for landowner involvement. All are a long process. What you are doing here is good.
- This program is attempting to fill a gap for these types of projects that have not been receiving funding. One of the things that came out is to really focus on the projects in agricultural areas that are not planning on solving 100-year storms, but more frequent flood event.
- Are there watershed districts (WD) in the project focus area? I don't believe so. Area II might be the closest to a WD. There are no WDs in LeSueur or Lyon County. So, there are problems in these areas and no one to do anything about it. This program fills that gap.
- This is the same report given at the Minnesota River conference except for the funding information.
- In 1W1P where WDs don't exist, the plan should capture flooding.
- The reason for the Minnesota River being a priority for these funds was to address increased flows in areas where there is sediment load from bankfull flows and erosion. Stream remeandering and stream restoration are eligible for this funding.

UPCOMING MEETINGS

- **Grants Program and Policy Committee:** July 25 at 9:00 a.m., location TBD
- **Joint Summer Tour and BWSR Board meeting:** August 23-25, 2022

The meeting adjourned at 12:31 p.m.

Notes submitted by Jan Voit