

## **Board of Water and Soil Resources (BWSR) Board Meeting**

March 22, 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 January 25 BWSR Board (Board) meeting were approved. No one was present to address the Board in the Public Access Forum. New staff were introduced. 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 March meeting of the Environmental Quality Board. He also reported that this was his last meeting as chair. He expressed thanks for the staff, Executive Director, and Board. He appreciates the work done by the agency and what has been accomplished for conservation. It is a great agency.

#### ***Executive Director***

Executive Director Jaschke thanked Chair Van Amburg for his service to BWSR. He gave an update on the legislative session., working with NRCS on ways to bring federal dollars to Minnesota, and the Strategic Plan. Joe Collins will serve on this committee. There will be opportunities for internal and external input. He also explained the day-of packet.

#### ***Audit & Oversight Committee***

Vice Chair Collins reported that the committee has not met.

#### ***Dispute Resolution and Compliance Report***

Travis Germundson reported that there are nine appeals pending, with two filed since the last report.

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 96 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are seven active Corrective Action Notices (CANs) and three 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 452 CANs and 80 APOs actively in place. Of the actions being tracked over 2,423 of those have been resolved.

#### ***Grants Program and Policy Committee***

Todd Holman explained that in addition to One Watershed, One Plan (1W1P) action later in the meeting, the committee has been working on some watershed-based implementation funding formula changes for groundwater. To date, the outcome of the discussion has been a split vote. They will meet jointly with the Water Management and Strategic Planning Committee on March 27 to discuss this issue. They hope to bring back a recommendation to the Board in April.

Jill Crafton stated that the 1W1Ps are more than success stories and bringing parties together. BWSR has built something that has good standards and accountability. She has seen the board conservationists be great mentors and facilitators. 1W1P is inclusive and accountable process for taxpayers. She thanked BWSR staff and the Executive Director for their work.

#### ***Reinvest In Minnesota (RIM) Reserve Committee***

Jayne Hager Dee reported the committee will be meeting on April 14. The committee has been working diligently on new RIM rates, including a process to make updates to rates more systematic. They will be bringing several items to the Board at the April meeting.

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

Vice Chair Collins reported the committee met in February to discuss procedures to amend 1W1P and whether climate change should be required in 1W1P. They will have joint meeting with the Grants Program and Policy Committee on March 27.

***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.

***Drainage Work Group (DWG)***

Neil Peterson reported that the DWG met in February. There is a handout in the day-of packet about the DWG. The drainage registry portal doesn't have DWG consensus. The bill had a hearing in the House and was laid over for possible inclusion in an omnibus bill. There is concern that the Department of Natural Resources (DNR) will bring back early coordination in their legislation. It is the Association of Minnesota Counties (AMC's) opinion that the portal should wait until the early coordination discussion.

John Jaschke stated that there was a hearing in the House on the bill. There were several testifiers for AMC, Minnesota Watersheds, and the bill advocates. All of them said that the bill is not a recommendation of the DWG. BWSR will be working to follow the DWG process. Details and how the DWG process works matters. Outlet adequacy is the driver for all of this and there isn't a clear determination for what that means.

Sarah Strommen explained why the early coordination proposal came forth. Where relationships exist between drainage stakeholders and the DNR, it works well. In other areas, it doesn't work. When there are issues with DNR, it creates friction and delays. We need to determine what is the mechanism to bring people together early and how do we get it working in the places that it's not, how do we build relationships where it's not working smoothly. Too many drainage projects are ending up in the courts, which is to no one's benefit. The DNR is fully committed to the conversation with drainage stakeholders. The DNR is not seeking legislation this session. They don't have a proposal for next session. It is important that we are all coming to the table to resolve this. We need to get the right people in the room and listen and collectively resolve differences. The DNR is committed to that process. She reiterated that they are not pursuing legislation.

A question was asked about how the portal fits into the early coordination discussion. Originally the language included both repairs and improvement projects. The repairs have been taken out of the language. It now states that Within 10 days after the drainage authority appoints an engineer, BWSR will post information in the portal. Anyone can click on that and know of any drainage project in the state. It would be a one-stop shop for public notice and allow people to comment.

John Jaschke explained that there is a difference in how drainage authorities provide notice for county, Judicial, and watershed district drainage systems. The goal is to reach consensus on public notice. The portal hasn't been built. There isn't any information about what details would be required. More time is needed to figure this out.

Neil Petersen stated that if this bill doesn't pass, it will be a long summer of DWG. In his part of the country, they have good working relationships. That's where the pushback came from in the northwest.

Jill Crafton stated that watershed districts want to know what is wrong with the current notification process. If there is something wrong, they need to know how to fix it. There is not resistance to notice. Watershed Districts want to be assured that it is done well. The DWG needs input from drainage authorities to make it the best it can be.

## **AGENCY REPORTS**

### ***Minnesota Department of Agriculture (MDA)***

Thom Petersen gave an update on the MDA soil health equipment grant and the grant for developing markets for continuous living cover crops.

### ***Minnesota Department of Health (MDH)***

Steve Robertson reported on the comment period for drinking water standards for PFAs. MDH is completing their assessment on the proposed standards. They are hoping there will be bonding funds for infrastructure work on lead service lines. The round for accelerated implementation grants to build groundwater capacity is open until April 7. There is a Minnesota Groundwater meeting on public water systems on April 27. Discussion was held on the need for a comprehensive approach to PFAs.

### ***DNR***

Sarah Strommen gave an update on the legislative session and their budget and policy package, watching for spring flooding, an extreme weather declaration, and management challenges because of climate change.

### ***Minnesota Extension***

No update was given.

### ***Minnesota Pollution Control Agency (MPCA)***

Katrina Kessler said that there will be a PFAS press conference on March 23, she celebrated Ag Day in partnership with MDA on March 21, she developed an opinion editorial with MDA for *Ag Week* to raise up practices that farmers are doing to help with soil health and water quality, the biennial report on greenhouse gas emissions, and a report for TV and TNC about what is already being done on the agricultural landscape. She also gave an update on the Ag Urban Partnership Forum.

## **ADVISORY COMMENTS**

### ***Association of Minnesota Counties (AMC)***

Brian Martinson gave an update on the AMC Legislative Conference, that AMC is following the state budget process, and the drainage registry information portal.

### ***Minnesota Association of Conservation District Employees***

No report was given.

### ***Minnesota Association of Soil and Water Conservation Districts (MASWCD)***

No report was given.

### ***Minnesota Association of Townships (MAT)***

Eunice Biel reported on audit meetings, elections of township officers, annual township meetings and setting levies, receiving road reports. Township spring short courses are underway. Townships will advertise for bids for rock in April.

### ***Minnesota Watersheds***

I provided an update on the February 14 BWSR/Minnesota Association of Watershed Administrators/Minnesota Watersheds Leadership meeting, monthly meetings with Justin Hanson, our Legislative Event, our new name and new website, the drainage registry portal, input on BWSR Academy, and the Summer Tour.

### ***Natural Resources Conservation Service (NRCS)***

No report was given.

[A fifteen-minute break was taken.]

## **OLD BUSINESS**

### Historical Context: Tribes

Melissa King and Craig Engwall as part of continuous learning, presented a summary was shared of historical events that have shaped and impacted Tribal Nations in Minnesota. Also, an overview of agency responsibilities under Minn. Stat. §10.65 Government-to-Government Relationship with Tribal Governments was provided.

## **COMMITTEE RECOMMENDATIONS**

### ***Grants Program and Policy Committee***

#### 2023 Request for Proposals (RFP) for 1W1P Planning Grants

Julie Westerlund, BWSR explained that the purpose of this agenda item is for the Board to approve the 2023 RFP for 1W1P Planning Grants. This is the seventh 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. Relative to the 2022 RFP, only the dates changed for the 2023 RFP. This grant program operates under the policy updated by the by the Board in December 2022. The RFP for 1W1P Planning Grants was unanimously approved.

### ***Northern Region Committee***

#### St. Louis River Comprehensive Watershed Management Plan (CWMP)

Rich Sve gave an update on the St. Louis River CWMP. This is the first time a tribal government has agreed to participate in planning. On January 12, 2023, BWSR received the St. Louis River CWMP, 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 and provided a recommendation of approval to the Northern Region Committee. On March 1, 2023, the Northern Regional Committee met to review and discuss the Plan. The Committee's decision was to recommend approval of the St. Louis River CWMP, as submitted, to the full Board per the draft Order. The St. Louis River CWMP was unanimously approved.

### ***Southern Region Committee***

#### Des Moines River Watershed CWMP

Doug Goodrich and Ted Winter explained the Des Moines River CWMP. The planning area includes all waters of the state that are tributaries to the Greater Des Moines River Basin and include the Upper West Des Moines River and Upper East Des Moines River major watersheds in Minnesota. The Des Moines River Watershed CWMP was the resultant plan associated with the "2020" round of 1W1P planning grant applicants. On June 24, 2020, the Des Moines River Watershed Partnership was formed under a memorandum of agreement involving thirteen LGUs (the Counties of Cottonwood, Jackson, Martin, Murray, Nobles, and Lyon by and through their respective County Board of Commissioners; the Cottonwood, Jackson, Martin, Murray, Nobles, and Lyon Soil and Water Conservation Districts (SWCD), by and through their respective Soil and Water Conservation District Board of Supervisors; and the Heron Lake Watershed District, by and through its Board of Managers) to collectively develop and adopt, as local government units, a coordinated watershed management plan for implementation of actions to address priority resource concerns in the Des Moines River planning area. On January 9, 2023, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review pursuant to Board #18-14. The Planning Partnership has responded to all comments received and incorporated appropriate revisions to the final Plan. The State agencies recommended that BWSR approve the Plan as submitted. BWSR staff completed its review and subsequently found the Plan meets the requirements of Minnesota Statutes and BWSR Policy. On March 13, 2023, the Southern Regional Committee met to review and discuss the Plan. The Committee's decision was to recommend approval of the Des Moines River Watershed CWMP to the full Board per the draft Order. The Des Moines River Watershed CWMP was unanimously approved.

### Lac qui Parle – Yellow Bank CWMP

Jason Beckler explained the Lac qui Parle – Yellow Bank (LqP-YB) CWMP. On March 31, 2021 the LqP -YB Partnership received an approved grant agreement from the BWSR to develop a CWMP under the 1W1P Program. The Partnership established a Memorandum of Agreement on January 26, 2021, for the purposes of watershed planning. The Partnership has followed 1W1P Operating Procedures; and the Policy Committee, Advisory Committee, and Steering Team members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the draft LqP-YB CWMP to BWSR on September 22, 2022, for 60-day comment period. A public hearing was held December 15, 2022, and the Policy Committee submitted the Plan for approval January 6, 2023. The Southern Regional Committee met on March 13, 2023, to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommended approval by the full Board. The LqP-YB CWMP was unanimously approved.

### Lower Minnesota River West CWMP

Jeremy Maul explained the Lower Minnesota River West CWMP. The Lower Minnesota River West was selected by BWSR for a 1W1P Planning Grant in August of 2019. The Partnership established a Memorandum of Agreement in the spring of 2020 for the purposes of watershed planning. Planning was initiated on June 6, 2020 via notification to designated Plan review authorities. The Partnership has followed 1W1P Operating Procedures and the Policy Committee, Technical Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the Lower Minnesota River West CWMP to BWSR on December 28, 2022 for review and approval. The Southern Regional Committee met on March 13, 2023 to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommended approval by the full Board. The Lower Minnesota River West CWMP was unanimously approved.

### Mississippi River – Winona/La Crescent CWMP

Adam Beilke explained the Mississippi River – Winona/La Crescent (WinLaC) CWMP. The WinLaC Partnership was selected by BWSR for a 1W1P Planning Grant in August of 2020. The Partnership established a Memorandum of Agreement on February 17, 2021 for the purposes of watershed planning. Planning was initiated on March 9, 2021 via notification to designated plan review authorities. The Partnership has followed 1W1P Operating Procedures and the Policy Committee, Advisory Committee, and Planning Work Group members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the WinLaC Plan to BWSR on March 3, 2023 for review and approval. The Southern Regional Committee met on March 13, 2023 to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommended approval by the full Board. The WinLaC CWMP was unanimously approved.

### **UPCOMING MEETINGS**

- **Water Management and Strategic Plan Committee:** March 27, 2023 at 8:30 a.m., St. Paul and virtually
- **Joint Grants Program and Policy Committee and Water Management and Strategic Planning Committee:** March 27, 2023 at 9:00 a.m., St. Paul and virtually
- **Grants Program and Policy Committee:** March 27, 2023 at 10:15 a.m., St. Paul and virtually
- **RIM Committee:** April 14, 2023 at 10:00 a.m., St. Paul and virtually
- **BWSR Board:** April 26, 2023 at 9:00 a.m., St. Paul and virtually

The meeting adjourned at 12:27 p.m.

Notes submitted by Jan Voit