

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 25, 2012**

BOARD MEMBERS PRESENT:

Chris Elvrum, MDH; Paul Brutlag, Bob Burandt, Quentin Fairbanks, Rebecca Flood, PCA; Christy Jo Fogarty, Todd Foster, Sandy Hooker, Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Tom Landwehr, DNR; John Meyer, Louise Smallidge, Gene Tiedemann, LuAnn Tolliver, Gerald Van Amburg, Matt Wohlman, MDA

BOARD MEMBERS ABSENT:

Faye Sleeper

STAFF PRESENT:

Don Buckhout, Matt Drewitz, Travis Germundson, Jim Haertel, Jeff Hrubes, John Jaschke, Sherri Johnson, Al Kean, Kari Keating, Melissa Lewis, Kevin Lines, Dave Rickert, Ron Shelito, Kyle Skov, Dave Weirens, Marcey Westrick, Steve Woods, Brad Wozney

OTHERS PRESENT:

Suzanne Hanson, MPCA
Andy Holdsworth, DNR

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Chair Napstad called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

12-01 **ADOPTION OF AGENDA** – Moved by Quentin Fairbanks, seconded by John Meyer, to adopt the agenda as amended. Motion passed on a voice vote.

12-02 **MINUTES OF DECEMBER 14, 2011** – Moved by Louise Smallidge, seconded by LuAnn Tolliver, to approve the minutes of December 14, 2011, as circulated. Motion passed on a voice vote.

NEW BUSINESS

Ag Water Quality Certification – Matt Wohlman, MDA; and Rebecca Flood, MPCA; presented an overview of the Ag Water Quality Certification Program initiative. On January 17th, Minnesota Governor Mark Dayton, U.S. Agriculture Secretary Tom Vilsack and U.S. Environmental Protection Agency Administrator Lisa Jackson signed a memorandum of understanding (MOU) committing the state and federal government to develop a new program that will enhance Minnesota's water quality by accelerating farmers' voluntary adoption of on-farm conservation practices. The MOU is the first step toward implementation of the Minnesota Ag Water Quality Certification Program. The initiative will be designed to accelerate progress toward water quality goals while also giving Minnesota farmers greater regulatory and cost stability. A technical advisory committee will be established to develop the specifics of the program.

INTRODUCTION OF NEW BWSR STAFF

- Dave Rickert, Easement Acquisition Specialist
- Kyle Skov, Conservation Drainage Engineer

RECOGNITION OF BWSR MEMBERS

- Paul Brutlag *Term 2004 - 2011*
- Louise Smallidge *Term 2004 - 2011*
- LuAnn Tolliver *Term 2004 - 2011*

NOMINATION OF VICE-CHAIR

12-03 Brian Napstad reported that the Governor will be making appointments for new board members in the near future, and that BWSR will need to elect a vice-chair to replace outgoing vice-chair Paul Brutlag. Paul Brutlag nominated Gerald Van Amburg. Motion by Quentin Fairbanks, seconded by LuAnn Tolliver, to close nominations. Motion passed on a voice vote.

REPORTS

Chair's Report – Brian Napstad reported DNR, BWSR, and Corps staff met to pursue flexibility to maximize wetland mitigations in the State of Minnesota. This project doesn't have a name yet, but the group is being gathered together to develop the

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program. Chair Napstad also reported on the EQB's efforts to begin the assessments that are prompted by the recent Governor's Executive Order.

Administrative Advisory Committee (AAC) – Brian Napstad reported that he will be working with the committees and appointing new members and chairs. He expects to be making appointments sometime in February based on the Governor's appointments. Chair Napstad also reported that it is time for the Executive Director's review. The evaluation form will come to board members in the mail. BWSR has been invited to the southwest of Minnesota for this year's Board tour. The tour will be held the 4th Wednesday and Thursday of August.

Executive Director's Report – John Jaschke reported on the status of the legislative process including bonding, reform initiatives and the likely path for the Local Water Roundtable bill (HF1596).

Dispute Resolution Committee – Travis Germundson reported that there are 15 pending appeals and only one new appeal since the last board meeting.

Wetlands Committee – LuAnn Tolliver reported that the committee has not met in the last month with a possible April meeting. She thanked board and staff for their help with the wetland committee.

Grants Program & Policy Committee – Louise Smallidge reported that the committee has not met in the last month. The committee will be meeting immediately following the board meeting.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the committee met yesterday and looked at PRAP and the strategic plan. The resolution has had some small adjustments.

RIM Reserve Management Planning Committee – Paul Brutlag reported that the committee met and there will be a RIM/WRP item coming up later in the meeting.

Drainage Work Group – Tom Loveall and Al Kean reported that the group met on January 9, 2012.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Pioneer-Sarah Creek WMO Plan Amendment – Brad Wozney reported that an Amendment to the Pioneer-Sarah Creek WMO Watershed Management Plan was filed with the Board on November 28, 2011. The draft Order contains a summary of the changes and the reviewing agencies' comments. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water

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12-04 Planning Committee recommends approval of the Plan Amendment. Motion by Bob Burandt, seconded by Sandy Hooker, to approve the Plan Amendment as presented. Motion passed on a voice vote.

Rice Creek Watershed District Watershed Plan Amendment – Melissa Lewis reported on an amendment to the Rice Creek Watershed District (District), located in the northeast portion of the Metropolitan Area, was established in 1972 by the Minnesota Water Resources Board. The District Board consists of two representatives each from Anoka and Ramsey counties and one representative from Washington County. The mission of the District is to prevent flooding and enhance water quality in harmony with development for the common good. The Plan Amendment establishes watershed management districts for drainage systems ACD 10-22-32, ACD 31/46, and ACD 53-62. These water management districts provide the framework for an equitable method to generate revenues for funding a portion of the repair projects from the properties benefiting from or contributing to the need for repair projects. The Metro

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12-05 Water Planning Committee recommends approval of the plan amendment. Motion by Bob Burandt, seconded by Louise Smallidge, to approve the Rice Creek Watershed District Plan amendment. Motion passed on a voice vote.

Northern Water Planning Committee

- Benton County Five Year Plan Update** – Keith Mykleseth reported that on August 28th, 2008, the Board of Water and Soil Resources approved Benton County's Comprehensive Local Water Management Plan for a ten year period from 2008-2018 with a required amendment by August 2013. On April 15th, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted to the Brainerd field office on October 27th, 2011. The Northern Water Planning Committee met on January 19th to review the plan amendment and recommends approval on the update through July 31st, 2018. Motion by Keith Mykleseth, seconded by Paul Brutlag, to approve the Benton
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12-06 County five year plan amendment. Motion passed on a voice vote.

- Hubbard County Water Management Plan Extension** – Paul Brutlag reported that Hubbard County submitted a resolution requesting a two year extension of their county water plan on October 13, 2011. The Hubbard County Local Water Management Plan would expire on January 24, 2012. The Northern Water Planning Committee met on January 19th to review the Hubbard County extension request and recommends
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12-07 approval of the plan extension. Motion by Paul Brutlag, seconded by Sandy Hooker, to approve the Hubbard County Water Management Plan two year extension. Motion passed on a voice vote.

City of Sauk Rapids Comprehensive Wetland Protection and Management Plan – Paul Brutlag reported that on July 27, 2009, the Sauk Rapids City Council moved to develop a Comprehensive Wetland Protection and Management Plan (CWPMP). The draft CWPMP was submitted to the BWSR, other state agencies and local governmental units on March 10, 2011. The agency comments were addressed in

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writing on July 1, 2011. A public hearing was held on July 11, 2011. On October 6, 2011, a final draft plan, ordinance and all required documentation was submitted to the Board. On November 23, 2011, an extension was granted until February 29, 2012, to accommodate the Army Corps of Engineers public notification process. Based on the comments received, several changes were made to the plan and ordinance by the City of Sauk Rapids. On January 19, 2012, The Board's Northern Water Planning Committee met with City representatives and BWSR staff, and recommends approval of the ten year Comprehensive Wetland Protection and Management Plan. Motion by Paul Brutlag, seconded by Quentin Fairbanks, to approve the City of Sauk Rapids Comprehensive Wetland Protection and Management Plan. Motion passed on a voice vote.

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12-08

Sand Hill River Watershed District Water Management Plan – Keith Mykleseth reported that the Sand Hill River Watershed District is seeking approval of the District's revised Water Management Plan. The Plan identifies quantifiable desired future conditions related to flood damage reduction and natural resource enhancement for the four planning region of the District, establishes these planning regions as Water Management Districts, and identifies by planning region the actions needed to accomplish the District's goals. The Plan meets the requirements of 103D.405, follows the guidelines provided by the Board of Water and Soil Resources, and upholds the intent of the "Red River Basin Flood Damage Reduction Work Group Agreement of December 9, 1998". Motion by Keith Mykleseth, seconded by Gerald Van Amburg, to adopt the Northern Water Planning Committee recommendation to approve the Sand Hill River Watershed District revised Water Management Plan. Motion passed on a voice vote.

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12-09

Marshall County Amendment of Local Water Management Plan – Keith Mykleseth reported that by Board Order, the Board of Water and Soil Resources (Board) approved the Marshall County Comprehensive Local Water Management Plan (Plan) on December 20, 2006. This plan covers the ten-year period of 2007-2015 and contained a 2007-2011 five-year implementation section. The Board Order stipulated that the County was required to revise/update the implementation section for the period 2012-2015. Following the guidelines established by the Board, Marshall County has completed the local water management plan amendment process and submitted their 2012 Amendment, which is for a four-year period of 2012-2015. The Board's Northern Water Planning Committee (Committee) met on January 19, 2012 to review the Marshall County Plan 2012 Amendment and recommends approval. Motion by Keith Mykleseth, seconded by Paul Brutlag, to adopt the Northern Water Planning Committee recommendation to approve the Marshall County amendment of the Local Water Management Plan. Motion passed on a voice vote.

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12-10

Red Lake Watershed District Territory Withdrawal – Gene Tiedemann reported that Beltrami County has submitted a petition "Withdrawal of Certain Territories within The Red Lake Watershed District" which petitions the withdrawal of approximately 2,200

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acres in Beltrami and Itasca counties from the Red Lake Watershed District. Reasoning is that this territory actually drains into the Mississippi River Basin not the Red River of the North via the Red Lake River of the North which is in the jurisdictional boundary of the Red Lake Watershed District. Motion by Gene Tiedemann, seconded by Quentin Fairbanks, to approve the Northern Water Planning Committee recommendation of the withdrawal of territory from the Red Lake Watershed District. Motion passed on a voice vote.

Cormorant Lakes Watershed District (District) Watershed Management Plan – Quentin Fairbanks reported that the Cormorant Lakes Watershed District was established on August 22, 1966 by the Water Resources Board. The last plan was adopted in 1999 and this is a required ten year revision of the plan. The mission of the CLWD is to protect and enhance the quality of waters within its jurisdiction; to ensure that appropriate decisions are made concerning the management of streams, wetlands, lakes, groundwater, and related land resources which impact these waters; and to accomplish the purposes for which a watershed district is established. The Plan identifies eight major goals that relate to: Maintain or Improve Surface Water Quality, Groundwater Resources, Erosion and Sedimentation, Prevention and Management of Aquatic Invasive Species, Damage from High Water, Maintain Channels and Water Flow, Habitat Improvement and Education. Motion by Quentin Fairbanks, seconded by Louise Smallidge, to adopt the Northern Water Planning Committee recommendation to approve the Cormorant Lakes Watershed District Watershed Management Plan revision. Motion passed on a voice vote.

Buffalo Red River Watershed District Enlargement and Increase in Number of District Managers Order for Hearing – Gene Tiedemann reported that on January 4, 2012, BWSR received a joint petition from the Buffalo Red River Watershed District (BRRWD), Otter Tail County and Wilkin County to enlarge the Buffalo Red River Watershed District and increase the number of watershed district managers by two. This is the same area Wilkin County petitioned to establish the Upper Red Lower Otter Tail Watershed District. At the September 7, 2011 establishment hearing Otter Tail County suggested enlarging the BRRWD as an alternative to establishing a new watershed district. Wilkin County agreed to have their establishment petition held in abeyance to allow time for Wilkin and Otter Tail Counties and the BRRWD to further explore Otter Tail County's suggestion. Motion by Keith Mykleseth, seconded by Gene Tiedemann, to proceed with a hearing for the enlargement and increased number of district managers for the Buffalo Red River Watershed District. Motion passed on a voice vote.

Public Relations, Outreach & Strategic Planning (PROSP) Committee
2012 PRAP Report to the Legislature – Keith Mykleseth and Don Buckhout reported that the annual PRAP Report to the Legislature is required by statute as a summary of local government performance in water management. The report is prepared to monitor the local delivery system. Each year at the January meeting the Board is given the

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12-14 ** opportunity to approve this report before it is sent to the legislature by the February 1 deadline. This year the PROSP Committee has primary responsibility for the report and met on the evening before the board meeting to act on a recommendation to the full board regarding this report and resolution. Per the Committee's request a new summary was provided. Motion by LuAnn Tolliver, seconded by Sandy Hooker, to approve the PROSP Committee recommendation of the 2012 PRAP Report to the Legislature. Motion passed on a voice vote.

12-15 ** **BWSR 2012 Strategic Plan Recommendation** – Keith Mykleseth and Don Buckhout reported that the Public Relations, Outreach and Strategic Planning Committee of the Board has been working on updating the BWSR 2007 Strategic Plan for two years. This 2012 Update of the Plan is the culmination of that work. Preliminary steps to this Board action have been the identification of additional strategies for inclusion in the plan, revision of the plan's executive summary and the review of that document by other state agencies and key stakeholder groups, and review by the board of a status report of accomplishments for each of the strategies in the 2007 Plan. Motion by Keith Mykleseth, seconded by Louise Smallidge, to approved the PROSP Committee recommendation of the BWSR 2012 Strategic Plan update. Motion passed on a voice vote.

RIM Reserve Management Planning Committee

12-16 ** **RIM-WRP Partnership: Bond Fund Allocations** – Kevin Lines reported that the RIM Reserve Management Planning Committee met on January 13, 2012, to review and recommend bond fund allocations to implement the RIM-WRP Partnership in Minnesota. Motion by Paul Brutlag, seconded by Tom Landwehr, to approve the RIM Reserve Management Planning Committee recommendation of the remaining 2011 bond fund allocations. Motion passed on a voice vote.

NEW BUSINESS

Clean Water Funds (CWF) Measures - Marcey Westrick, BWSR; Suzanne Hanson, MPCA; and Andy Holdsworth, DNR; presented on the effectiveness of Clean Water Funds. Minnesotans want to know if our water is getting cleaner and how Clean Water Funds are being spent. These questions and many others are being addressed by a multi-agency team whose goal is to develop a clean water tracking framework that will help clarify the connections between funds invested, actions taken, and clean water outcomes achieved. The heart of the Framework is a suite of 36 quantifiable performance measures that tell a cohesive, meaningful story about Minnesota's water bodies, watershed and groundwater health and the actions of agencies and partners working to restore and protect Minnesota's waters. This presentation described the Framework and the related "Clean Water Performance Report," to be released in February 2012.

Evaluation of Water Related Programs – John Linc Stine, MPCA, presentation was postponed until the March board meeting.

AGENCY REPORTS

Minnesota Department of Agriculture – Rob Sip reported that the 6th annual nutrition and management conference is coming up.

Minnesota Department of Health – Chris Elvrum had no items to report. Chris has been named the MDH representative to the BWSR Board by Commissioner Ehlinger.

Minnesota Department of Natural Resources – Chair Napstad reported that the gray wolf will be coming off of the endangered species list on Friday. Information should be on the DNR website.

ADVISORY COMMENTS

Minnesota Association of Townships – Sandy Hooker gave a short status report on township legislative items.

UPCOMING MEETINGS – Chair Napstad stated that the next BWSR Board Meeting is March 28, 2012.

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12-17 Moved by LuAnn Tolliver, seconded by Paul Brutlag and Louise Smallidge, to adjourn the meeting at 12:31 pm. Motion passed on a voice vote.

Respectfully submitted,



Brian Napstad
Chair