

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, OCTOBER 24, 2012**

BOARD MEMBERS PRESENT:

Bob Burandt, Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Rebecca Flood, MPCA; Christy Jo Fogarty, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Matthew Wohlman, Gerald Van Amburg

BOARD MEMBERS ABSENT:

Quentin Fairbanks
Sandy Hooker
John Meyer

STAFF PRESENT:

Mary Jo Anderson, Angie Becker-Kudelka, Don Buckhout, Travis Germundson, Tabor Hoek, John Jaschke, Al Kean, Mary Kells, Tim Koehler, Melissa Lewis, Greg Larson, Jen Maleitzke, Ron Shelito, Dave Weirens, Brad Wozney

OTHERS PRESENT:

Kevin Lines
Krista Olson, NRCS

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Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

**** 12-88 ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Matt Wohlman, to adopt the agenda as presented. Motion passed on a voice vote.

**** 12-89 MINUTES OF SEPTEMBER 26, 2012 BOARD MEETING** – Moved by Gerald Van Amburg, seconded by Joe Collins, to approve the minutes of September 26, 2012 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR STAFF

- Tim Koehler, Interim RIM Coordinator

Chair Napstad congratulated Tim on his retirement from NRCS; welcomed Tim to BWSR and looks forward to working with Tim at the state level.

RECOGNITION OF KEVIN LINES' RETIREMENT

On behalf of the BWSR, Chair Napstad acknowledged Kevin Lines' retirement on October 4. In appreciation of 37 years of outstanding service to the State of Minnesota, John Jaschke and Chair Napstad presented Kevin with a proclamation recognizing his achievements in conservation, and the 'Legacy-Minnesota' print by wildlife artist Scot Storm. Chair Napstad congratulated Kevin for successful restoration and protection of the lands in Minnesota and on his retirement and thanked him for his accomplishments.

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting last week; items discussed included the Governor's Executive Orders on environmental review, the controversial issue of mining frac sands and the Environmental Congress.

Chair Napstad reported that he has been attending statewide meetings on the Governor's Executive Order 12-04, discussing recommendations and modifications to the Wetland Conservation Act and other wetland programs.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the AAC met this morning; items discussed included the board member appointments process, committee updates, and preliminary legislative proposals for policy and budget items. Chair Napstad reported that Board member Todd Foster resigned from the Sauk River Watershed District; thus, a vacancy on the BWSR Board. John Jaschke stated that the open appointments vacancy and application process will be followed. John stated that slot on BWSR committees will remain vacant until a new appointment is made.

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Executive Director's Report – John reported that newly hired Assistant Director Sarah Strommen will be introduced at the meeting later this morning. John reviewed information in Board Members' packets. John stated that Board Members interested in attending the MAWD, MASWCD, AMC annual meetings need to submit registration information to Mary Jo Anderson by October 26.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently eight pending appeals; he provided a brief status report on the appeals. Travis stated that he is working with the Attorney General's office to conduct a workshop for the DRC regarding statutory authority, management, roles and responsibilities. The workshop is tentatively scheduled for January. Chair Napstad thanked Travis for his report.

Wetlands Committee – Gerry Van Amburg reported that Wetlands Committee and staff have been attending statewide meetings regarding the Governor's Executive Order 12-04. Gerry thanked Dave Weirens and Les Lemm for their work as they compile comments from the meetings on the spirited discussions; the comments will be put into preliminary recommendations, the recommendations do not include all of the material received. Gerry stated that the information will be on the BWSR website soon. The Wetlands Committee meets on November 28; the Committee recommendations will come before the Board at the December 12 Board meeting. Chair Napstad appreciates the e-mails board members received from Gerry encouraging attendance at the meetings.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee met last night; the recommendations are on the agenda later today. Paul stated that the Grants Program & Policy Committee is tentatively scheduled to meet on November 28.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee met last night; discussion items included minor revisions to PRAP and the 2012 Strategic Plan Report Card. Keith stated that the Public Relations, Outreach & Strategic Planning Committee is tentatively scheduled to meet in January.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee will meet in November, date to be determined.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on October 11, 2012; he presented information discussed at their meeting. Al Kean

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reported that MAWD has a drainage workshop at the start of their annual meeting on November 29. Gerry VanAmburg asked if there is a way to educate tiling applicators about conservation techniques. Al stated that BWSR and NRCS provide drainage water management using outreach opportunities through SWCDs, encouraging technical service providers (TSPs) to use more sediment control basins. Steve Sunderland stated that the SWCD and county in his area hold workshops for local contractors. Steve asked about drainage viewer qualifications. Al stated that the Minnesota Viewers Association provides training, recognizing the need to work with drainage viewers, MAWD provides thorough and consistent training. Tom stated that the lead viewer will be able to train other viewers. Al stated that the Drainage Work Group has tried to promote opportunities for training. Keith asked about groundwater recharge; Bob Burandt stated that controlled drainage would help. Matt Wohlman stated that MDA has co-sponsored statewide educational opportunities for farmers. Rebecca Flood asked about certification for viewers, clarification is needed on records authority for drainage systems. Discussion followed. Chair Napstad thanked Tom and Al for the update.

John Jaschke reported that a report is in board members' packets, providing a status update on PRAP Assistance Grants. John also reported that the BWSR Academy will be held October 29-31, near Brainerd.

COMMITTEE MEETINGS

Metro Water Planning Committee

Comfort Lake Forest Lake Watershed District Watershed Management Plan

Amendment – Melissa Lewis reported that the Comfort Lake Forest Lake Watershed District Watershed Management plan amendment incorporates by reference the final Engineer's Report for the Sunrise River Water Quality & Flowage Project, which was initiated by petition from Chisago County in 2010. By incorporating the Engineer's Report the amendment recognizes the project as a water resource-based program encompassing a slate of capital project and program activities, provides more detailed descriptions of each component including refined estimated construction costs, provides for the project to be implemented over a period of time, and commits the district to a public process prior to ordering and implementing individual project components. The Metro Water Planning Committee met on October 1, 2012, reviewed the information, and unanimously recommends approval of the Amendment. Moved by Bob Burandt, seconded by Faye Sleeper, to approve the Comfort Lake Forest Lake Watershed District Watershed Management Plan Amendment. Motion passed on a voice vote.

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12-90

Elm Creek WMO Plan Amendment – Brad Wozney reported that the final draft Amendment to the Elm Creek WMO Watershed Management Plan was filed with the Board on September 20, 2012. The amendment proposes to revise the implementation

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section by re-prioritizing programs and studies and adding capital improvement projects, and other implementation activities, in addition to extending the plan expiration to October 2014, the maximum timeframe of ten years allowed under statute. No comments were received during the public hearing that resulted in revisions to the draft Amendment. The Metro Water Planning Committee met on October 1, 2012, reviewed the information, and unanimously recommends approval of the Amendment. Moved by **
12-91 Bob Burandt, seconded by Rebecca Flood, to approve the Elm Creek WMO Plan Amendment. Motion passed on a voice vote.

Chisago County Priority Concerns Scoping Document (PCSD) – Mary Kells reported that BWSR received the Chisago County Priority Concerns Scoping Document (PCSD) on August 10, 2012. The state review agencies were notified and submitted their comments to BWSR. The BWSR Metro Water Planning Committee met on October 1, 2012, discussed the content of the PCSD, state review agency comments and recommendations for the content of the final Plan. All required components of the PCSD have been covered and the priority concerns to be addressed are deemed to be appropriate. The Committee unanimously recommends approval of the Chisago County PCSD. Moved by Bob **
12-92 Burandt, seconded by Joe Collins, to approve the Chisago County Priority Concerns Scoping Document. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:30 a.m. The meeting reconvened at 10:48 a.m.

John Jaschke introduced Sarah Strommen, newly hired assistant director. Sarah stated that she's excited to begin work at BWSR. Sarah's start date is November 19, 2012. Chair Napstad welcomed Sarah.

NEW BUSINESS

Adoption of Rule Amendments for the Erosion Control and Water Management and Reinvest in Minnesota Reserve programs (Rule Chapter 8400) – Paul Langseth reported that the Grants Program and Policy Committee met last night regarding the Erosion Control and Water Management Program and Reinvest in Minnesota Reserve Programs (Rule Chapter 8400). These rules have been under development for more than two years, and following recent discussions with soil and water conservation districts, is now ready to proceed to final adoption. Paul Langseth reported that changes were made at the Grants Program and Policy Committee meeting last evening; the changes were distributed to board members today. Paul stated that the Committee and staff have worked diligently to put this in place. Jack Ditmore had questions regarding appeal processes. Paul and Dave Weirens clarified the rulemaking and policy aspects. Jack would like the state board or executive director declaration of authority for processing the appeal to be determined in the rulemaking. John Jaschke stated that the

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procedure for delegation authority could be included in the rule as clarification.
Discussion followed.

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12-93 Moved by Keith Mykleseth, seconded by Jack Ditmore, to amend the draft document on page 14, 8400.1800 APPEALS, include 'as delegated,' -- the sentence will state, "The state board or its executive director, as delegated, shall review and grant the petition unless it is deemed without sufficient merit within 30 days of the receipt of the petition." Motion passed on a voice vote.

- Tom Landwehr questioned 8400.0300 APPROVED CONSERVATION PRACTICES, Subp.2.A. #10. Tom stated his concern for problems and possible misuse and would like to clarify #10. Discussion followed. Moved by Chris Elvrurn, seconded by
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12-94 Paul Langseth, to amend the draft document on page 6, retain #10, change the word alleviate to address. #10 would read, "alleviate address water quantity problems due to altered hydrology." Motion passed on a voice vote. Paul clarified that projects are reviewed by staff and SWCDs, some problems can be addressed with more flexibility.

- Paul reviewed the line-by-line changes on the draft document as recommended by the
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12-95 Grants Program & Policy Committee last night. Moved by Paul Langseth, seconded by Christy Jo Fogarty, to adopt the rule document as approved by the Committee, with amendments as voted on today. Tom Landwehr, as directed by statute 103C.501, asked staff and the Grants Program & Policy Committee to review #10 and follow-up on the policy and clarification. Motion passed on a voice vote.

Adoption of the Proposed Erosion Control and Water Management Program

- Policy** – Paul Langseth reported that statutory changes enacted in 2009 require the Board to adopt a policy for the Erosion Control and Water Management Program (commonly referred to as Cost-Share). The draft policy has been developed by staff concurrently with the Rule and the Grants Program & Policy Committee recommends approval. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the
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12-96 Committee's recommendation, with rule amendments, the policy becomes effective July 1, 2013. The Committee will review and address issues at their next meeting, with the possibility that policy may change before it's implemented. Paul reported that the Grants Program & Policy Committee will meet in November. Motion passed on a voice vote.

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12-97 Moved by Paul Langseth, seconded by Christy Jo Fogarty, to approve the Resolution, that BWSR hereby: (1) Adopts the Erosion Control and Water Management Program (commonly referred to as State Cost Share) and the RIM Reserve Program (Minn. Rule Chapter 8400), approves the State of Need and Reasonableness and authorizes staff to complete the processes necessary to adopt the Rule; (2) Adopts the Erosion Control

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and Water Management Policy; and (3) Provides that the amended Rule and Erosion Control and Water Management Policy become effective July 1, 2013 for grants that will be made to soil and water conservation districts in State Fiscal Year 2014. Motion passed on a voice vote.

2013 Proposed BWSR Board Meeting Schedule – John Jaschke reported that the BWSR Board meets the fourth Wednesday of the month (unless noted). John presented the 2013 proposed Board meeting dates: January 23; March 27; April 24; May 22; June 26; August 28-29 (tour and meeting); September 25; October 23; December 18. The Board does not meet in February, July, November. Moved by Keith Mykleseth, seconded by Gerald Van Amburg, to approve the 2013 Board meeting dates as presented. Motion passed on a voice vote.

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12-98

2012 Strategic Plan Report Card – Don Buckhout reported that the Public Relations, Outreach, and Strategic Planning (PROSP) Committee met last night and approved the Strategic Plan Report Card, an annual summary of accomplishments for each of the action items in the BWSR 2012 Strategic Plan Update. The final version of the Report Card was distributed to Board members. Chair Napstad thanked Don for his report.

BWSR 25th Anniversary – Jen Maleitzke acknowledged the Board of Water and Soil Resources' 25th anniversary, established in October 1987. BWSR history, milestones, accomplishments, and highlights were presented. Ron Shelito presented history of local water planning efforts over the years; Tabor Hoek presented accomplishments of the Conservation Reserve Enhance Program (CREP) and Greg Larson presented BWSR's role in the Wetland Conservation Act (WCA) during the past 25 years. Jack Ditmore stated that the Board and staff should be proud of the accomplishments over the last 25 years. Chair Napstad thanked staff for putting together the presentation.

AGENCY REPORTS

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that it's hunting season: the pheasant opener was October 13; the rifle deer hunting season opens November 3; and the first wolf hunt season opens November 3. Tom reported that DNR is working through the budget process, including a joint agency effort to hone the outcomes of the Clean Water Funding; and addressing non-point needs as a high priority.

ADVISORY COMMENTS

Natural Resource Conservation Service (NRCS) – Krista Olson, acting program manager, distributed information on NRCS programs (WRP, GRP, FRPP) and provided a brief overview.

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UPCOMING MEETINGS

- BWSR Academy, October 29-31, Brainerd
- BWSR Grants Program & Policy Committee Meeting, November 28
- BWSR Wetlands Committee Meeting, November 28
- Next BWSR Meeting, December 12
- MAWD Annual Meeting, November 29-December 1, Alexandria
- MASWCD Annual Meeting, December 2-4, Bloomington
- AMC Annual Meeting, December 3-4, St. Cloud

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12-99 Moved by Tom Landwehr, seconded by Paul Langseth, to adjourn the meeting at 1:00 p.m. Motion passed on a voice vote.

Respectfully submitted,



Brian Napstad
Chair