

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 26, 2012**

BOARD MEMBERS PRESENT:

Greg Buzicky, MDA; Joe Collins, Jack Ditmore, Quentin Fairbanks, Sandy Hooker, Tom Landwehr, DNR; Paul Langseth, Tom Loveall, Keith Mykleseth, Brian Napstad, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Doug Wetzstein, MPCA

BOARD MEMBERS ABSENT:

Bob Burandt
Chris Elvrum, MDH
Christy Jo Fogarty
Todd Foster
John Meyer

STAFF PRESENT:

Mary Jo Anderson, Angie Becker-Kudelka, Tim Dykstal, Travis Germundson, Tim Gillette, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Jen Maleitzke, Dennis Rodacker, Dave Weirens

OTHERS PRESENT:

Keith Hanson, Clean Water Council

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

PLEDGE OF ALLEGIANCE

**** 12-77 ADOPT AGENDA** – Moved by Quentin Fairbanks, seconded by Paul Langseth, to adopt the agenda as presented. Motion passed on a voice vote.

**** 12-78 MINUTES OF AUGUST 23, 2012 BOARD MEETING** – Moved by Keith Mykleseth, seconded by Gerald Van Amburg, to approve the minutes of August 23, 2012 as circulated. Motion passed on a voice vote.

INTRODUCTION OF NEW BWSR STAFF

- Tim Gillette, Conservation Drainage Engineer
- Dennis Rodacker, Senior Wetland Specialist

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting last week; discussion included the controversial topic of mining frac sands in southeast Minnesota. The industry perspective in support of mining frac sands was presented. EQB has provided an opportunity for all sides to present information as the assessment and evaluation continues.

Chair Napstad reported that the Governor's Executive Order directed EQB to host an Environmental Congress that will be held in February 2013; with citizen forums to be held statewide in November and December. State leaders will be engaging with Minnesotans about the present and future of our state's environmental and economic health, key points to review include the permitting process and efficiencies. Chair Napstad encouraged board members to attend. The EQB is scheduled to review improvements to environmental governance and coordination, with adoption of an environment and energy report card in November.

Chair Napstad reported that the Wetland Committee will be working on the Governor's Executive Order on wetlands.

Chair Napstad attended the Red River Watershed Management Board (RRWMB) meeting and tour last week in Thief River Falls; he expects further conservation and flood control efforts via the multi-agency mitigation agreement.

Administrative Advisory Committee (AAC) – Brian Napstad reported that the AAC did not meet this morning.

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Executive Director's Report – John Jaschke reported that Kevin Lines announced his retirement this week. A recognition and celebration for Kevin will be held on October 4. BWSR will recruit to fill his position.

John reported that 11 candidates interviewed for the assistant director position, follow-up interviews are in progress.

John acknowledged the new BWSR banner in the shared Board room. John reviewed information in Board Members' packets.

12-79 Tom Landwehr reported that he had the pleasure of working with Kevin Lines at DNR and at BWSR. He would like BWSR to recognize the success of the RIM program under Kevin's leadership. Moved by Tom Landwehr, seconded by Sandy Hooker, to establish a resolution to be presented to Kevin Lines recognizing him for tremendous accomplishments and achievements in conservation. Motion passed on a voice vote. Tom Landwehr will work with staff to develop a resolution to be presented to Kevin.

Steve Sunderlund stated there's interest in a meeting to be held in southwestern Minnesota on the WCA Executive Order. He stated that meetings are being held in other parts of the state but not in the southwest.

Chair Napstad thanked Steve Sunderlund, Jack Ditmore, Keith Mykleseth, and Gerald Van Amburg for their interest to serve on the new BWSR Audit Committee.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are currently 11 appeals pending; he provided a brief status report on the appeals. Travis reported that he is developing a training session for the DRC to be held in the near future.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee will meet today immediately following adjournment of the Board meeting. Stakeholder sector outreach meetings are being conducted statewide. Joe Collins asked about public comment if persons are unable to attend the statewide meetings; Gerald stated that written comments could be submitted.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program and Policy Committee will meet on November 28, 2012.

Public Relations, Outreach & Strategic Planning Committee (PROSPC) – Keith Mykleseth reported that the PROSPC will meet on October 23, 2012.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on September 20, 2012; he presented information discussed at their meeting. The next Drainage Work Group meeting is October 11, 2012. Discussion followed.

COMMITTEE MEETINGS

Metro Water Planning Committee

Brown’s Creek Watershed District Amendment to Watershed Management Plan – Melissa Lewis reported that the Brown’s Creek Watershed District was established from the Brown’s Creek Joint Powers Agreement Watershed Management Organization in October 1997. The entire watershed is approximately 29.4 square miles and contains portions of the cities of Grant, Hugo, Lake Elmo, Oak Park Heights, and Stillwater and the Towns of May and Stillwater. The Amendment incorporates specific capital improvements, best management practices, and management actions identified in lake management plans and Total Maximum Daily Load Implementation Plans completed since the current Plan was approved. The Metro Water Planning Committee met on September 5, 2012. After review of the information, the Committee unanimously voted to recommend approval of the Amendment. Moved by Keith Mykleseth, seconded by Joe Collins, to approve the Brown’s Creek Watershed District Amendment to the Watershed Management Plan. Motion passed on a voice vote.

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12-80

Black Dog Watershed Management Organization Revised Watershed Management Plan – Melissa Lewis reported that the Black Dog Watershed Management Organization (WMO) was established in 1985 through a joint powers agreement. The WMO encompasses approximately 26 square miles in northwestern Dakota County, covering parts of the cities of Apple Valley, Burnsville, Eagan, and Lakeville. The Plan sets the vision and guidelines for managing surface waters within the boundaries, provides data and other background information, outlines the applicable regulations, assesses watershed-wide and resource-specific issues, sets goals and policies for the WMO and its members, and lists implementation tasks to achieve the goals. The Metro Water Planning Committee reviewed the information on September 5, 2012, and unanimously voted to recommend approval of the revised watershed management plan. Moved by Faye Sleeper, seconded by Joe Collins, to approve the Black Dog Watershed Management Organization Revised Watershed Management Plan. Motion passed on a voice vote.

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12-81

Chair Napstad suggested conducting a refresher session on water plans in the metro area and greater Minnesota at an upcoming Board meeting.

Northern Water Planning Committee

Cook County Priority Concerns Scoping Document – Quentin Fairbanks reported that the Cook County Board of Commissioners adopted a resolution March 22, 2011 to

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revise and update their current comprehensive local water management plan. The County distributed their Priority Concerns Scoping Document to the required state agencies for review July 20, 2012. Comments were received from the Environmental Quality Board, Department of Health, Department of Agriculture, Department of Natural Resources and Pollution Control Agency. Agency comments will be incorporated into the final plan, as recommended by the Board Conservationist. The Northern Water Planning Committee met on September 12, 2012, reviewed the Cook County Priority Concerns Scoping Document and unanimously recommends approval. Moved by Quentin Fairbank, seconded by Tom Loveall, to approve the Cook County Priority Concerns Scoping Document. Discussion followed. Motion passed on a voice vote.

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12-82

Mille Lacs County Five Year Plan Amendment – Gerald Van Amburg reported that on August 24, 2007, the Board of Water and Soil Resources approved Mille Lacs County's Comprehensive Local Water Management Plan for a ten year period from 2006-2016 with a required amendment by 2011. On May 3, 2011, the County passed a resolution to begin the amendment process. The amended plan was submitted to the Board Conservationist on August 6, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment, suggested that Mille Lacs County add an implementation schedule dealing with invasive species in the Plan, and recommends approval of the update through December 2016. Moved by Gerald Van Amburg, seconded by Quentin Fairbanks, to approve the Mille Lacs County five year Plan amendment. Keith Mykleseth reported that Molly McGregor quickly added the inclusion of the aquatic invasive species concerns to the Plan. Discussion followed. Joe Collins asked how we handle the costs involved and expense components for the Plan. Motion passed on a voice vote.

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12-83

Jack Ditmore asked what BWSR does when the plan expires. John Jaschke explained that the plan is not required to update at five years; however, statute requires an update at ten years or the plan expires. Jack also asked where can he see the plan before the Board meetings. John explained that the plan is available on the County website or BWSR staff can provide a copy of the plan. Joe Collins requested that the web-link to the plan be made available to board members. Steve Sunderland asked about Robert Hoefert listed as an SWCD supervisor and county commissioner in the Mille Lacs County Plan– a conflict of interest or an error.

Sherburne County Five Year Plan Amendment – Keith Mykleseth reported that on August 24, 2007, the Board of Water and Soil Resources approved Sherburne County's Comprehensive Local Water Management Plan for a ten year period from 2007-2017 with a required amendment by 2012. On February 6, 2012, the County passed a resolution to begin the amendment process. The amended plan was submitted to the

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Board Conservationist on July 31, 2012. The Northern Water Planning Committee met on September 12, 2012, reviewed the plan amendment and recommends approval of the update through December 2016. Moved by Keith Mykleseth, seconded by Quentin Fairbanks, to approve the Sherburne County five year Plan amendment as recommended. Jack Ditmore asked if agency comments are addressed. John stated that comments are addressed unless noted. Chair Napstad stated that the board conservationist memo to the regional water planning committees vary from the northern and southern region. Chair Napstad suggested that a format/outline be used by board conservationists for consistency. Motion passed on a voice vote.

Chair Napstad called for a break in the meeting at 10:43 a.m. The meeting reconvened at 10:55 a.m.

Red River Basin Watershed District Plan Expiration Date Extension – Gene Tiedemann reported that the reason for extending the expiration date of these plans is to synchronize the Watershed District water management plan update schedule and process with the MPCA’s water quality monitoring and assessment schedule for Minnesota’s 81 major watersheds. Moved by Gene Tiedemann, seconded by Keith Mykleseth, to approve the extension dates for the purpose of effectively synchronizing county comprehensive water management planning efforts; the BWSR will allow counties in the Red River Basin to petition BWSR to extend county local water management plan expiration dates to enable more effective coordination with partner watershed districts. Discussion followed.

John stated that the synchronized dates are important as the resolution is tied to a BWSR policy related to the LGU eligibility to apply for BWSR grants. BWSR Clean Water Fund policy states that eligible applicants include local governments or joint powers boards working under a current state approved and locally adopted local water management plan or SWCD comprehensive plan. The resolution would provide a more flexible approach to synchronizing county local water management planning with watershed district planning schedule.

Chair Napstad stated the importance of the synchronized dates; MPCA to recognize the effort needed to stay on schedule. Doug Wetzstein stated that MPCA is on board with this and is working on efficiencies. Keith Mykleseth and Gerald Van Amburg commented that MPCA does have good committed staff working on the plans. John thanked all the partners involved for efforts to get this done. Motion passed on a voice vote.

Wilkin County CLWM Five-Year Update Extension – Keith Mykleseth reported that Wilkin County requested an extension to the required five-year update of the implementation section of the Wilkin County Local Water Plan to December 31, 2014.

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The extra time will enable the Wilkin County Local Water Plan and Buffalo Red River Watershed District Plan update to happen simultaneously. The Northern Water Planning Committee reviewed the request and recommend approval of the extension. Moved by Keith Mykleseth, seconded by Paul Langseth, to approve the Wilkin County five year extension until December 31, 2014. Motion passed on a voice vote.

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12-86

NEW BUSINESS

Clean Water Council (CWC) Budget Development Process – Keith Hanson, CWC Chairman, distributed the CWC FY14-15 Funding Priorities and provided background information. Keith explained that in November 2008, Minnesotans passed the Clean Water, Land and Legacy Amendment to the Minnesota Constitution to: protect drinking water sources; to protect, enhance, and restore wetlands, prairies, forests, and fish, game, and wildlife habitat; to preserve arts and cultural heritage; to support parks and trails; and to protect, enhance, and restore lakes, rivers, streams, and groundwater. Thirty-three percent of the sales tax revenue from the Legacy amendment is dedicated for the Clean Water Fund, and may only be spent to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater from degradation. At least five percent of the Clean Water Fund must be spent to protect drinking water sources. 2011 Special Session law requires the Clean Water Council recommend to the governor and legislature the manner in which money from the Clean Water Fund monies be appropriated.

Keith briefly commented on the Budget Outcomes Committee (BOC) proposed appropriation recommendations to BWSR. It was noted that funding guidance from Minnesota Statute 114D is nearly the same as the Minnesota Constitution language.

Keith Mykleseth strongly advocated the River Watch Program. Gerald Van Amburg stated that the educational aspect of the River Watch Program is for our youth and important. Gerald Van Amburg thanked Keith Hanson and the CWC for what they do. Keith stated that the CWC is looking to improve where the funding is appropriated; he looks to BWSR for their support. Chair Napstad thanked Keith for his presentation.

Grants Monitoring Report – Tim Dykstal reported that on June 22, 2011, BWSR adopted the Grants Monitoring, Reconciliation and Verification Policy, which provided that BWSR staff will annually monitor all grants; competitive conservation program grants will be paid in three scheduled payments; and financial verification of grant reconciliations will be performed on ten percent of all BWSR grants annually. The Grants Monitoring Report was tabled at the June 27, 2012 Board Meeting and requested to be on the agenda today. Tim reviewed the Conservation Program and Operations Grant Monitoring; Project Grants Payments Schedule; and Grant Verifications. Tim explained the next steps will be to continue to improve its grants

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monitoring efforts in the coming year; and the report will come before the newly established BWSR Audit Committee. Keith Mykleseth commended staff on their adaptation of what needs to be done and how effectively they do it. Greg Buzicky asked Tim about tracking his time for grants monitoring. John Jaschke explained the proportional and efficiency approach, to oversee grants; it's a balance between compliance and cooperation. Chair Napstad thanked Tim for his thorough report.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Greg Buzicky reported that the next meeting of the Minnesota Ag Water Quality Certification Program (MAWQCP) is October 29; the Advisory Committee will meet on November 13-14. Chair Napstad thanked Greg for attending the meeting today on behalf of Matt Wohlman.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr attended the Red River Watershed Management Board meeting and tour last week in the Red River Valley. He stated that there are good outcomes from that meeting, and the importance of attaining more multi-benefit projects in the northwest. He is calling on DNR staff to actively support and use public funding to get projects implemented for natural resource enhancements.

Tom reported on an article in the *StarTribune* on September 23, 2012, regarding the loss of grasslands, native prairies and CRP – this is significant as it effects water quality, and wildlife depends upon grasslands. Agencies and other organizations are recognizing the effects; and are exploring new ideas such as a grazing incentive to keep grass on the landscape as an agricultural base. The Minnesota Prairie Plan outlines how to target protection and restoration in future years. Tom stated that BWSR has a big role in grassland restoration with the RIM Program, the need is there for BWSR's continued and expanded involvement.

Minnesota Extension Service (MES) – Faye Sleeper reported that the Water Resources Center is hosting a seminar by Otto Doering, "Looking Back to the Coming Farm Bill: The More Things Change the More They Stay the Same!" on October 4, at the University of Minnesota. Faye reported that the Annual Water Resources Conference will be held October 16-17, at St. Paul River Center. Faye encouraged board members attendance. If interested, information is available on the website: <http://wrc.umn.edu/news/index.htm>

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein reported that the Clean Water Act marks its 40th anniversary on October 18. Doug reported that MPCA Commissioner Stine will meet with Wisconsin officials on September 28 in the middle of the St. Croix River; an event to recognize the multi-state effort.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT directors and staff will be meeting with school districts and cities to discuss issues of common interest to provide a united front before the legislature. Sandy reported that the MAT Annual Conference will be held November 15-17, at the River's Edge Conference Center in St. Cloud; board members were invited to attend. Sandy stated that she appreciated the great Board tour on August 22 in Lincoln and Lyon Counties.

UPCOMING MEETINGS

- BWSR Board Meeting – October 24, 2012
- Wetland Committee: immediately following September 26th Board Meeting
- PROSP Committee: Oct. 23
- 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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12-87 Moved by Sandy Hooker, seconded by Paul Langseth, to adjourn the meeting at 12:15 p.m.
Motion passed on voice vote.

Respectfully submitted,



Brian Napstad
Chair