

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, MARCH 27, 2013**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Faye Sleeper, MES

STAFF PRESENT:

Mary Jo Anderson, Donna Caughey, Jim Haertel, John Jaschke, Al Kean, Tim Koehler, Ron Shelito, Sarah Strommen, Steve Weirens, Marcey Westrick, Steve Woods

OTHERS:

LeAnn Buck, MASWCD
Gaylen Reetz, MPCA
Doug Wetzstein, MPCA
Joel Curran, NRCS

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CALL MEETING TO ORDER - Chair Napstad called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

****** **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Sandy Hooker to adopt the agenda as presented. *Motion passed on a voice vote.*
13-10

****** **MINUTES OF JANUARY 27, 2013 BOARD MEETING** – Moved by Matt Wohlman, seconded by Jack Ditmore, to approve the minutes of January 27, 2013, as circulated. *Motion passed on a voice vote.*
13-11

REPORTS

Chair's Report – Brian Napstad reported on the Environmental Congress hosted by the Environmental Quality Board (EQB) on March 15 at the Ramada Inn in Bloomington. Chair Napstad reported that Governor Dayton welcomed nearly 400 participants with great participation from BWSR staff and board members. Featured speakers included Will Steger, Senator Amy Klobuchar, and young college students presented their perspectives on the environment. The Environmental Congress focused on Minnesota's Environment and Energy Report Card. EQB will compile and prioritize guidance topics from the Environmental Congress to assist the Governor in setting environmental goals for the State. Chair Napstad stated that this is a continued work in progress, he will keep the Board updated.

Chair Napstad reported that he attended the EQB meeting on February 21, discussion included the request for a bible camp in Itasca County. The EQB declined to re-designate the RGU and orders Itasca County complete the environmental review.

Chair Napstad reported that the EQB has a whitepaper regarding the silica sand report, more information is available on EQB's website. EQB received a request by Freeborn County in conjunction with Houston and Fillmore Counties, regarding silica sand mines, requesting re-designation of Responsible Governmental Unit (RGU) for environmental review. EQB data and information for EIS is beyond the county level, to be designated to state agency level, RGU re-designated to EQB to do EIS. Chair Napstad reported that he attended a legislative hearing on silica sand mining. Discussion followed.

Chair Napstad reported that he attended the AMC legislative conference on March 21, in St. Paul, he appreciated all those in attendance including John Jaschke and Sarah Strommen.

Chair Napstad reported that the Administrative Advisory Committee (AAC) met this morning. The AAC decided to cancel the April 24th BWSR Board meeting as agenda items will be covered at the March and May meetings.

Administrative Advisory Committee – Chair Napstad thanked board members for reviewing John's performance evaluation. In addition to board members review, a 360 evaluation process is being conducted by 45 people (staff, LGUs), soliciting feedback to supplement John's performance review. Chair Napstad expects to report on the executive director's performance review at the May Board meeting. Chair Napstad reported that the Governor's Appointments Office has not yet made new board members appointments. Chair Napstad reported that the BWSR Board tour will be in Two Harbors, August 28, hosted by Lake County.

Executive Director's Report – John Jaschke reported that the Legislature is in recess for Easter break this week, they will reconvene on April 2. John reported that MAWD held their Legislative Day at the Capitol on March 14; and MASWCD held their Legislative Day at the Capitol on February 26.

John reported that the Red River Valley anticipates flooding this spring. John reported that BWSR, DNR, and the City of Duluth held a joint news conference in Duluth on March 26 regarding BWSR's \$3.2 million flood relief grants to the City of Duluth and South St. Louis SWCD. Landowners and local communities still have great needs to fix damages caused by last year's storms. In addition to BWSR funding, DNR will award \$650,000 grant to the City of Duluth for debris and sediment removal projects in fourteen trout streams.

John distributed a summary report of the June 2012 flood recovery effort progress to date in northeast Minnesota. John stated that federal funding is needed before allocations can be made on the highest level priority projects. John stated that it's good to see conservation projects in Lake County and St. Louis County that withstood the 2012 floods.

John reviewed information in board members' packets. John provided a brief report on the only active PRAP assistance grant to Pope SWCD, for contracting services for organizational strategic planning, staff realignment, and partnerships.

Dispute Resolution Committee – John Jaschke reported that Travis Germundson is on vacation this week; John provided a brief status report on the appeals.

Wetlands Committee – Gerald Van Amburg reported that the Wetlands Committee has not met; a meeting is tentatively scheduled for April 24.

Grants Program & Policy Committee – Paul Langseth reported that the Grants Program & Policy Committee meeting is tentatively scheduled for April 24 – notice of date will be sent next week.

Public Relations, Outreach & Strategic Planning Committee – Keith Mykleseth reported that the Public Relations, Outreach & Strategic Planning Committee has a meeting tentatively scheduled for April 24; topics of discussion will be communications and outreach.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that the RIM Reserve Management Planning Committee met yesterday, the Committee has a recommendation on the agenda later today.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group has not met since December. Al Kean reported that several bills were introduced this legislative session. HF66/SF113, which carried the 2012 DWG consensus recommendations to further update Chapter 103E Drainage Law, passed the House and Senate unanimously, the bill was signed by Governor Dayton, the statute revisions become effective August 1, 2013. Al provided a brief update on HF1021, which proposes to exempt minor ditch repairs from the MN Environmental Rights Act (Chapter 116B); HF949/SF1496 which proposes to require DNR to participate in drainage projects involving Consolidated Conservation lands; and HF971/SF1244, which proposes

to appropriate \$235,000 of Clean Water Funds to BWSR to update the Minnesota Public Drainage Manual. The next meeting of the Drainage Work Group is April 5, 2013. Commissioner Tom Landwehr stated that DNR requests time to be on the DWG agenda to discuss the controversial issue of concon lands. Discussion followed. Chair Napstad thanked Al and Tom for their report.

COMMITTEE RECOMMENDATIONS

Metro Water Planning Committee

Shingle Creek & West Mississippi Watershed Management Commissions' Plan Revision -

Jim Haertel reported that this is a unique Watershed Management Plan compared to others in the metro area because two separate, politically distinct organizations share the same plan, yet have unique implementation programs tailored to each. The Shingle Creek and West Mississippi Watershed Management Organizations were formally established via joint powers agreements in 1984 under the Metropolitan Surface Water Management Act of 1982. The Watershed Management Plan final draft was filed with the Board on January 17, 2013. The attached draft Order contains a summary of the plan, planning process, and the reviewing agencies' comments. The Commissions offered stakeholders and state agencies ample opportunities to provide input via an effective Technical Advisory Committee input process, city advisory committee meetings, an online survey, and releasing an informal draft for review. Few comments were received during the formal review process and at the public hearings resulting in relatively minor changes to the Plan. The Metro Water Planning Committee met on March 7, 2013, and was presented a history of the District, the planning process, and highlights of the implementation section of the revised Plan. After review of the information, the Committee unanimously voted to recommend approval of the Plan. Moved by Bob Burandt, seconded by Sandy Hooker, to approve the Shingle Creek & West Mississippi Watershed Management Commissions' Plan Revision. *Motion passed on a voice vote.*

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13-12

Southern Water Planning Committee

Jackson County Local Water Management Plan Amendment – Paul Langseth reported that BWSR approved the Jackson County 2008 - 2018 Comprehensive Local Water Management Plan (Plan) on March 26, 2008. The Board Order required Jackson County to update the Plan's implementation section by March 26, 2013. Jackson County followed the amendment process guidelines established by the Board and submitted their 2013 - 2018 Local Water Management Plan Amendment on February 6, 2013. The Southern Water Planning Committee met on March 7, 2013 and recommends approval of the Jackson County 2013 - 2018 Local Water Management Plan Amendment. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Jackson County Local Water Management Plan Amendment. *Motion passed on a voice vote.*

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13-13

Big Stone County Priority Concerns Scoping Document – Paul Langseth reported that Big Stone County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Big Stone County on March 7, 2013, to discuss the content of the PCSD; state agency review comments on the PCSD; and recommends approval of the Big Stone County PCSD. Moved by Paul Langseth, seconded by Chris Elvrum, to approve the Big Stone County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

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Chippewa County Priority Concerns Scoping Document – Paul Langseth reported that Chippewa County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Chippewa County on March 7, 2013, and recommends approval of the Chippewa County PCSD. The state's expectations for the final plan must be sent to Chippewa County. Moved by Paul Langseth, seconded by Matt Wohlman, to approve the Chippewa County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

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13-15

Lac qui Parle County Priority Concerns Scoping Document – Paul Langseth reported that Lac qui Parle County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Lac qui Parle County on March 7, 2013, and recommends approval of the Lac qui Parle County PCSD. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Lac qui Parle County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

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13-16

Swift County Priority Concerns Scoping Document - Swift County submitted the Priority Concerns Scoping Document (PCSD) for state agency review and comment. The Southern Water Planning Committee met with Swift County on March 7, 2013 and recommends approval of the Swift County PCSD. Moved by Paul Langseth, seconded by Matt Wohlman, to approve the Swift County Priority Concerns Scoping Document. *Motion passed on a voice vote.*

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13-17

Paul Langseth reported that three county water plan extension requests were rejected by the Southern Water Planning Committee (not on the agenda today). Those extension requests were returned to the county to complete their plans. Counties are ineligible for grants if comprehensive local water plans are not approved by BWSR. It is in the best interest for counties to complete a good plan. Discussion followed. The start date of each plan will be included in future Orders.

** Moved by Paul Langseth, seconded by Bob Burandt, to approve the Comprehensive Local Water Management Plan extension requests for Big Stone County, Blue Earth County, Chippewa County, Lac qui Parle County, and Swift County; the extension requests will be approved with one resolution, Chair Napstad will sign individual Orders for each county.
** Discussion followed. Jack Ditmore made a motion to vote on each county plan individually. Paul Langseth and Bob Burandt withdrew the motion for one resolution approving the extension requests, and agreed to vote on each individual extension request. *Motion passed on a voice vote.*

13-18

Big Stone County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Big Stone County's Comprehensive Local Water Management Plan (Plan) will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Big Stone County and recommends approval of the Big Stone County Comprehensive Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Bob Burandt, to approve the Big Stone County Comprehensive Local Water Management Plan Extension Request. Jack Ditmore opposed. *Motion passed on a voice vote.*

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13-19

Blue Earth County Comprehensive Local Water Management Plan Extension Request – Paul Langseth reported that Blue Earth County's five-year Comprehensive Local Water Management Plan will expire June 30, 2013. On March 7, 2013, the Southern Water Planning Committee met and recommends approval of the Blue Earth County Comprehensive Local

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13-20 Water Management Plan Extension. Blue Earth County is working on incorporating a green print. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Blue Earth County Comprehensive Local Water Management Plan extension request. Jack Ditmore opposed. *Motion passed on a voice vote.* Joe Collins commends the county for including mining in their plan.

Chippewa County Comprehensive Local Water Management Plan Extension Request –

Paul Langseth reported that Chippewa County's Comprehensive Local Water Management Plan (Plan) will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Chippewa County and recommends approval of the Chippewa County Comprehensive Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Chippewa County Comprehensive Local Water Management Plan extension request. Discussion followed. Keith Mykleseth stated that the water plans are an evolving process statewide. Tom Loveall stated that more details on the plans leads to accountability. Jack Ditmore stated that the message is being sent to complete a plan. Jack Ditmore opposed. *Motion passed on a voice vote.*

Lac qui Parle County Comprehensive Local Water Management Plan Extension Request –

Paul Langseth reported that Lac qui Parle County's Comprehensive Local Water Management Plan will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Lac qui Parle County and recommends approval of the Lac qui Parle County Comprehensive Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Chris Elvrum, to approve Lac qui Parle County Comprehensive Local Water Plan extension request. Jack Ditmore opposed. *Motion passed on a voice vote.*

Swift County Comprehensive Local Water Management Plan Extension Request –

Paul Langseth reported that Swift County's Comprehensive Local Water Management Plan will expire May 28, 2013. On March 7, 2013, the Southern Water Planning Committee met with Swift County and recommends approval of the Swift County Comprehensive Local Water Management Plan Extension. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the Swift County Comprehensive Local Water Management Plan extension request. Jack Ditmore opposed. *Motion passed on a voice vote.*

Chair Napstad called for a break in the meeting at 11:00 a.m. The meeting reconvened at 11:13 a.m.

NEW BUSINESS

Reinvest In Minnesota (RIM) Reserve –Wetlands Reserve Program (WRP) 2013 –

Gene Tiedemann reported that the RIM Committee met yesterday, no quorum present, the Committee's consensus was to move this forward. Tim Koehler reported that the RIM-WRP Partnership has received recommendations from the Lessard Sams Outdoor Heritage Council and legislative appropriations from the Outdoor Heritage Fund in 2009, 2010, 2011 and 2012 totaling \$42.76 million to leverage federal WRP funds totaling over \$68 million. In addition, a fifth year of funding is currently being considered by the MN Legislature for \$13.39 million from the

Outdoor Heritage Fund which will leverage \$21.5 million of federal WRP funds. Tim reported that the Committee's consensus authorizes staff to:

1. Utilize existing and anticipated Outdoor Heritage Funds for the 2013 RIM-WRP Partnership; and
2. Target expiring CRP contracts with critical wetland restoration practices for enrollment in the RIM-WRP Partnership; and

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3. Work with MN NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the 2013 RIM-WRP Partnership.

Tim introduced Joel Curran, NRCS. Joel reported that \$7M is allocated to WRP; request for 8,000 acres to enroll in WRP; awaiting an answer from Washington within a month.

Tom Landwehr stated that RIM-WRP is a critical component in the Prairie Plan. Tom proposed adding new language to the resolution as follows:

#3. Prioritize projects consistent with the priorities in the MN Conservation Prairie Plan and subsequent conservation implementation guidance.

#4. Work with MN NRCS to develop RIM-WRP Partnership eligibility and sign-up procedures for the 2013 RIM-WRP Partnership.

** Moved by Tom Landwehr, seconded by Paul Langseth, to amend the resolution to include the proposed new language.

Matt Wohlman recommends scoring based on multiple benefits of prairies and wetlands. Tim Koehler explained that scoring points could also be consistent with other prairie pothole plans. Paul stated that his second to the motion would add a target to the partnership. Keith stated that it's good to work together; accountability is important. Matt stated that MDA has not signed off on the Plan, there were no agriculture stakeholders involved in the plan. Tom Landwehr stated that the key is to target outcomes consistent with WRP with a focus on specific outcomes. Gene Tiedemann suggests this going through the Committee to allow time to review. Discussion followed. Gerry Van Amburg supports the amendment as he's for more grassland preservation and restoration.

Tim Koehler stated that the Prairie Plan areas have been identified to focus on working lands, grazing, water quality, CRP, grasslands, and prairie. LeAnn Buck stated that LGUs don't know what the prairie plan details are, it would be helpful to have good conversation at the local level so they understand. Bob Burandt stated that naming the area looks like RIM is singled-out, he doesn't support the amendment, the Committee will review this. Chair Napstad clarified that the Board is voting on the amendment at this time, not the Resolution. The proposed amendment adds: **#3. Prioritize projects consistent with the priorities in the MN Conservation Prairie Plan and subsequent conservation implementation guidance; with #3 now #4.** Chair Napstad called for a roll call vote. Affirmative: Joe Collins, Jack Ditmore, Christy Jo Fogarty, Tom Landwehr, Paul Langseth, Tom Loveall, Keith Mykleseth, Gerald Van Amburg, Brian Napstad. Opposed: Bob Burandt, Chris Elvrum, Rebecca Flood, Sandy Hooker, Steve Sunderland, Gene Tiedemann, Matt Wohlman. *The amendment to the Resolution was approved.*

13-24

** Moved by Gene Tiedeman, seconded by Jack Ditmore, to approve the Resolution as amended. – authorizing staff to move forward on the voluntary sign-up application process. Tim Koehler explained that the current process is in place, using last years payment rates and scoring rates; work with landowners to explain the basics to landowners; the Committee will bring this voluntary program before the Board in May. Discussion followed. *Motion passed on a voice vote.*

13-25

Watershed Protection & Restoration Strategies –Gaylen Reetz, MPCA, presented background information on the Clean Water Act. Steve Woods explained that the Clean Water Land and Legacy Amendment funding has allowed the executive branch agencies to systematically re-think how to best produce cleaner water. Input from the Clean Water Council, listening sessions around the state,

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and inter-agency teams resulted in a system that meshes a predictable 10-year water monitoring cycle with local water planning processes. Throughout 2013, BWSR will sponsor a stakeholder process that aligns local water plan expectations with the Board's approval process. Steve stated that Doug Thomas, newly hired Policy Advisor, starts with BWSR on April 15, he will work on the "One Watershed" policy. Chair Napstad stated that this looks to be a driver for incentives. John Jaschke stated that BWSR will work with MPCA to get information out. Discussion followed. Matt Wohlman thanked Steve and Gaylen for their informative presentation, asked about parcel levels. Gaylen stated that the intent is so local resource managers can utilize this information. LeAnn Buck appreciated the presentation, need to coordinate allocation. Tom Landwehr stated this is a great piece of information, need to think about implementation, a challenge for entities, BWSR's key role is to implement soon; promote the message, need coordination of agencies to get this on the ground. Chair Napstad thanked Steve and Gaylen for the informative presentation. John acknowledged MPCA for developing a more useful, better, cheaper, and faster process.

Legislative Update – Sarah Strommen presented a brief legislative overview and update for the Board's information. Chair Napstad thanked Sarah for her update.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Matt Wohlman reported that last month MDA Commissioner Frederickson proposed the MDA Advisory Committee score pilot areas for MAWD. Matt reported that MDA hired RESPECT Consulting Company (former BWSR employee Julie Blackburn) to help develop a measurement tool for certifiable determinations.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT staff are concluding a three-week-training for nearly 7,000 township officers. MAT will be going to Washington, D.C. in April to lobby.

UPCOMING MEETINGS

- Next BWSR Board Meeting - May 22, 2013
- Grants Program & Policy Committee will meet April 24

** Moved by Keith Mykleseth, seconded by Sandy Hooker, to adjourn the meeting at 1:05 p.m.
13-26 *Motion passed on a voice vote.*

Respectfully submitted,



Brian Napstad
Chair