

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
ST. PAUL, MINNESOTA 55155
WEDNESDAY, SEPTEMBER 25, 2013**

BOARD MEMBERS PRESENT:

Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Christy Jo Fogarty, Sandy Hooker, Paul Langseth, Tom Landwehr, DNR; Tom Loveall, Brian Napstad, Judy Ohly, Tom Schulz, Steve Sunderland, Gene Tiedemann, Gerald VanAmburg, Doug Wetzstein, MPCA; Matt Wohlman, MDA

BOARD MEMBERS ABSENT:

Faye Sleeper, MES

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Don Buckhout, Matt Fischer, Travis Germundson, Tim Gillette, John Jaschke, Al Kean, Tim Koehler, Jen Maleitzke, Bill Penning, Mary Peterson, Ron Shelito, Dan Steward, Sarah Strommen

OTHERS PRESENT:

Dave Wall, MPCA
Jill Crafton, RPBCWD
Glenn Schafer, FSA

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

PLEDGE OF ALLEGIANCE

13-70 **ADOPTION OF AGENDA** – Moved by Paul Langseth, seconded by Sandy Hooker, to adopt the amended agenda as presented. ***Motion passed on a voice vote.***

13-71 **MINUTES OF AUGUST 29, 2013 BOARD MEETING** – Moved by Judy Ohly, seconded by Christy Jo Fogarty, to approve the minutes of August 29, 2013, as circulated. ***Motion passed on a voice vote.***

CONFLICT OF INTEREST DECLARATION

Chair Napstad explained that the conflict of interest declaration process is being used today on the Area II Minnesota River basins Projects Inc., FY 2014 & 2015 Biennial Work Plan and Grant. The Conflict of Interest Declaration forms need to be submitted.

REPORTS

Chair's Report – Brian Napstad reported that he attended the EQB meeting on September 18, 2013; discussion included the ongoing silica sand issue, and a brief discussion on the Governor's Institute on Community Design (GICD). Chair Napstad reported that Will Seuffert was recently hired as executive director of EQB; Will was formerly staff of Governor Dayton. Bob Patton has been working in a temporary assignment as acting executive director of EQB. Chair Napstad reported that he attended the AMC policy committee meetings in Alexandria on September 6. Doug Thomas attended to present the One Watershed One Plan (1W1P).

Administrative Advisory Committee (AAC) - Brian Napstad reported that the AAC met this morning, recommendations are on the agenda later today. The updated executive director's position description was discussed. New responsibilities and activities have been added to John Jaschke's position, the uniqueness of the position was noted, and the importance of 'Freedom to Act' on behalf of the full BWSR Board. Chair Napstad reported that the AAC approved the updated position description.

Executive Director's Report – John Jaschke reported that the executive director's position description is a public document, if board members would like a copy, contact Mary Jo Anderson. John reported that Sarah Strommen attended the Lessard Sams Outdoor Heritage Council (LSOHC) and LCCMR hearings; Sarah will distribute the summary of BWSR proposals to board members. John attended the House Legacy Committee tour in northeastern Minnesota, and also the Vermillion River tour in the southern metro area. John reported that BWSR, DNR, and PCA are working on the Clean Water Roadmap, and discussing the Clean Water Fund elements related to the fifth anniversary of the constitutional amendment, the effort will present the accomplishments, goals, and look to the future.

John reported that Doug Thomas and Don Buckhout continue to meet with the LGU Roundtable discussing 1W1P and preparing recommendations. John reported that the legislative initiatives process has started. John reviewed information in board members packets.

INTRODUCTION OF NEW BWSR EMPLOYEE – Ron Shelito introduced Matt Fischer, Board Conservationist in Bemidji; Matt started August 28. Matt was the District Manager at the Pope SWCD before coming to BWSR. Tom Schulz wished Matt well in his new position as Board Conservationist. Chair Napstad welcomed Matt to BWSR.

Dispute Resolution Committee (DRC) – Travis Germundson reported that there are presently 15 appeals pending; he provided a status report. Travis reported that a training workshop will be held for the DRC today immediately following adjournment of the Board meeting. The workshop will provide information on the Board and committee's roles in the dispute resolution process; all board members are welcome to attend.

Public Relations, Oversight & Strategic Planning (PROSP) Committee – Jack Ditmore reported that the PROSP Committee met last night; the Committee's recommendation is on the agenda later today. The Committee discussed the 1W1P initiative; the development of the guiding principles will continue and are currently planned to come before the Board for endorsement in December. The PROSP Committee will meet on October 22, 5:30-7:30 PM.

RIM Reserve Management Planning Committee – Gene Tiedemann reported that RIM Reserve Management Planning Committee met yesterday, recommendations are on the agenda later today.

Drainage Work Group (DWG) – Tom Loveall reported that the Drainage Work Group met on September 12; discussion included: nitrogen in Minnesota surface waters study; status of DWG subgroup for drainage system assessments to road authorities; and continued discussion about Section 103E.015 considerations before drainage work is done. The next meeting of the Drainage Work Group is October 10.

COMMITTEE RECOMMENDATIONS

Administrative Advisory Committee

Addition of "Saturated Buffer" to the list of eligible practices for the Targeted Drainage Water Management Grant Program – Tim Gillette reported that the FY2013 Targeted Drainage Water Management Grant Program implements a Clean Water Fund appropriation by the 2012 Legislature to improve water quality of agricultural runoff, particularly from tile drainage. The appropriation language specified coordination with the USDA-NRCS for conservation practice standards. The grant program and allocations were approved by the BWSR Board in June 2012, including a list of eligible practices. At that time, Conservation Practice 739 – Vegetated Subsurface Drain Outlet (aka "Saturated Buffer") was not yet available. The interim conservation practice standard CP-739 was issued by NRCS in August 2012 as an effective drainage water management practice.

Tim reported that the Administrative Advisory Committee met this morning and recommends approval of the addition to the list of eligible practices for the Targeted Drainage Water Management Grant Program. Moved by Gerald VanAmburg, seconded by Sandy Hooker, that the Board hereby resolves that: 1) The Vegetated Subsurface Drain Outlet (CP-739) conservation practice be added to the eligible practices under the BWSR Targeted Drainage Water Management Grants; and 2) The Executive Director is given authority to adjust the list of eligible conservation practices for the BWSR Targeted Drainage Water Management Grants in coordination with applicable NRCS conservation practice

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13-72

standards and report any such changes to the Board at its next meeting following such an adjustment.
Motion passed on a voice vote.

Order a Public Hearing for the Petition for Redistribution of Managers of the Middle-Snake-Tamarac Rivers Watershed District (MSTRWD) – Travis Germundson reported that Board

authorization is needed to schedule and hold a public hearing regarding the petition to redistribute the managers of the Middle-Snake-Tamarac Rivers Watershed District. Travis reported that the Administrative Advisory Committee met this morning and recommends approval of the public hearing for redistribution of manager positions for the MSTRWD. Moved by Jack Ditmore, seconded by Sandy Hooker, to correct typos in the Order, and hereby orders a public hearing be held on the redistribution of manager positions for the Middle-Snake-Tamarac Rivers Watershed District presided over by the Northern Water Planning Committee at a date and location to be determined by the Executive Director.

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13-73

Motion passed on a voice vote.

CONFLICT OF INTEREST DECLARATION

Chair Napstad read the statement:

“A conflict of interest whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business.”

Chair Napstad stated that board members have submitted their completed Conflict of Interest Declaration forms. The Conflict of Interest Declaration documents will be filed for the grant decision item. All board members are eligible to vote.

Southern Region Committee

Area II Minnesota River Basins Projects Inc. FY2014 & FY2015 Biennial Work Plan & Grant – Paul Langseth reported that BWSR oversees the administrative funding related to the efforts of the Area II Minnesota River Basins Project Inc. (Area II). The 2013 Minnesota Legislature appropriated administrative funding for Area II Minnesota River Basins Project Inc., resulting in a fiscal year 2014 grant of \$120,000. The Southern Region Committee met on September 5, 2013 to review the Area II Work Plan and recommends approval of the plan and execution of the FY 2014 grant. Moved by Paul Langseth, seconded by Steve Sunderland, to approve the Area II FY2014 and 2015 Biennial Work Plan and FY2014 grant of \$120,000. **Motion passed on a voice vote.**

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13-74

Brown County Local Water Management Plan Amendment – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the Brown County Plan Amendment, and recommended conditional approval of the Brown County 2013 - 2018 Local Water Management Plan Amendment based on the Brown County Board holding a public hearing and submitting the hearing documents to BWSR prior to September 25, 2013. The Board received record of the public hearing and copies of all hearing documents on September 23, 2013. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the 2013 amendment of the Brown County Local Water Management Plan for August 2013 – August 2018. Gerald VanAmburg stated that climate change, high precipitation, and drainage needs to be considered in water plans in the future, and LGUs need to be educated. Discussion followed. **Motion passed on a voice vote.**

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13-75

Nicollet County Local Water Management Five-Year Plan Amendment – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the recommendation of the state review agencies regarding final approval of the Nicollet County Local Water Management Plan 2013 Amendment, and recommends approval. Moved by Paul Langseth, seconded by Joe Collins, to approve the 2013 amendment of the Nicollet County Local Water Management Plan for August 2013 – August 2018. **Motion passed on a voice vote.**

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13-76

Upper Minnesota River Watershed District (UMRWD) Watershed Management Plan – Paul Langseth reported that on March 20, 2013, the Board of Managers of the Upper Minnesota River Watershed District filed a proposed Revised Watershed Management Plan with the Board of Water and Soil Resources. The Southern Region Committee met on September 5, 2013, reviewed the revised Plan and recommends approval. Moved Paul Langseth, seconded by Steve Sunderland, to approve the revised Watershed Management Plan for the Upper Minnesota River Watershed District. **Motion passed on a voice vote.**

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13-77

Sibley County Local Water Management Plan Update – Paul Langseth reported that the Southern Region Committee met on September 5, 2013, reviewed the Sibley County Local Water Management Plan Update, and recommended approval with the requirement that text is added to the Plan Update explaining why some farmers are returning to moldboard plowing in a corn-on-corn rotation. The required update of the Implementation Section was received by BWSR on September 16, 2013. Moved by Paul Langseth, seconded by Sandy Hooker, to approve the update of the Sibley County Local Water Management Plan 2013-2023. **Motion passed on a voice vote.**

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13-78

Public Relations, Oversight, and Strategic Planning Committee

Reauthorization of the PRAP Assistance Grants – Don Buckhout reported that action by the Board is needed to reauthorize the grant program and the delegation of authority to the executive director for the current 2014-15 biennium. The Board made the original authorization and delegation in March 2012, for the 2012-13 biennium. The Public Relations, Oversight and Strategic Planning Committee met last night and recommend approval of the reauthorization of PRAP assistance grants to LGUs for FY14-15. A revised resolution was distributed. Moved by Jack Ditmore, seconded by Matt Wohlman, that the BWSR Board authorizes the Executive Director to expend up to \$10,000 per grant or contract for specialized assistance to local government water management entities to address operational or service delivery needs identified through a PRAP assessment during the 2014-2015 biennium, and the BWSR Board requires that all such funds awarded be cost shared by the grantee at a percentage dependent on the size of the grant and determined by the Executive Director, and that the aggregate amount of expenditures for the PRAP program and awards are consistent with any appropriation conditions set by the legislature. **Motion passed on a voice vote.**

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13-79

Chair Napstad called for a break in the meeting at 10:36 a.m. The meeting reconvened at 10:55 a.m.

RIM Reserve Management Planning Committee

Disaster Recovery Assistance Program (DRAP) and Reinvest In Minnesota (RIM) Reserve Emergency Haying and Grazing – Bill Penning stated that Board approval is needed to amend the DRAP Policy that was just approved at the August Board Meeting. Due to recent appropriation changes and concerns about emergency haying and grazing it is being proposed to disallow this option with stand-alone

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RIM easements. Bill reported that the RIM Reserve Management Planning Committee met last night and recommends approval of the amended DRAP Policy 17.2 Stand Alone RIM Reserve Easements for lands with RIM easements only, emergency haying or livestock grazing is not allowed. Moved by Gene Tiedemann, seconded by Chris Elvrum, to approve the revised DRAP Policy as presented. **Motion passed on a voice vote.**

ACUB Easement Modification – Bill Penning explained that in 2004, the National Guard Bureau and the State of Minnesota, through BWSR, entered into a cooperative agreement to implement an Army Compatible Use Buffer (ACUB) Program for Camp Ripley. The Program was designed to minimize intensive residential and commercial development within a three-mile radius around Camp Ripley by purchasing the development rights through permanent conservation easements. Since 2004, BWSR has acquired 88 conservation easements through the ACUB Program with a federal investment of \$15,795,000 and a state investment of \$2,248,000 through the Outdoor Heritage Fund, as recommended by the Lessard Sams Outdoor Heritage Council. Bill provided background information, presented a proposed solution, and reported that the RIM Reserve Management Planning Committee met last night and unanimously recommend approval of the proposal, to address a mutual mistake in the easement documents and incorporate the modified language into all new ACUB easements going forward.

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13-81

Moved by Gene Tiedemann, seconded by Tom Schulz, to approve the ACUB easement modification, authorizing staff to: 1) Work with the National Guard Bureau, Morrison SWCD, the Minnesota Attorney General's Office, and other affected parties to develop new language that is consistent with achieving the intent and purpose of the ACUB program and the conservation purpose of the easement by limiting development and preserving open space within the Camp Ripley buffer area but not strictly prohibiting subdivision. 2) Modify all existing ACUB easements to reflect the change. 3) Incorporate modified language into all new ACUB easements. Discussion followed. **Motion passed on a voice vote.**

NEW BUSINESS

2013 Grants Monitoring Report – Tim Dykstal reported that on June 22, 2011, the Board adopted the Grant Monitoring, Reconciliation and Verification Policy, which calls for an annual report to be delivered to the Board on grants monitoring. Tim presented data on the formal monitoring of the 2012 grant activity before the old e-LINK shutdown, on March 14, 2013; data on the grant verification visits and looking ahead to the next steps with BWSR expectations in grants monitoring, reconciliation, and verification. Discussion followed. Chair Napstad thanked Tim for his report.

Nitrogen in Minnesota's Surface Waters - Dave Wall, MPCA Hydrologist, reported that in June 2013, the MPCA conducted a study of nitrogen in surface waters to better understand the nitrogen conditions in Minnesota's surface waters, along with the sources, pathways, trends and potential ways to reduce nitrogen in waters. The study was a collaborative effort led by Minnesota Pollution Control Agency, with assistance from the University of Minnesota and the U.S. Geological Survey. The report team used more than 50,000 water samples collected at 700 stream sites and used 35 years of monitoring data and findings from 300 published studies. Dave stated that MPCA will be presenting this information to the Legislature on October 7. Al Kean reported that he attended the Hypoxia Task Force meeting in Minneapolis yesterday and John Jaschke stated that Rebecca Flood offered to provide an update in the future. Chair Napstad thanked Dave for his presentation.

AGENCY REPORTS

Minnesota Department of Health – Chris Elvrum reported that the application period is open through September 30, 2103 for source water protection competitive grants. The source water protection transient grant application period will be open next month for statewide sources.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that due to the drought, there has been an increase in water permits issued; the Legislature has given DNR authority for groundwater usage. Tom stated that there will be intense media surrounding the five-year anniversary of the legacy amendment. DNR and BWSR need to announce the many accomplishments of the legacy funding, letting the general public know of all the achievements.

Minnesota Pollution Control Agency (MPCA) – Doug Wetzstein reported that the draft Minnesota Nutrient Reduction Strategy is available for public review and comment from October 7 – December 18, 2013; the document is located on MPCA’s website. Doug stated that this is his last BWSR meeting serving as MPCA’s alternate board member. Doug has been promoted to assistant director of the Industrial Division and Municipal Division. Chair Napstad thanked Doug for his participation at board meetings.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that the Minnesota Association of Township district meetings were held statewide from August 12 – September 4. Sandy reported that MAT’s Annual Conference will be held November 21-23 at Jackpot Junction in Morton.

USDA Farm Service Agency – Glenn Schafer reported that Deb Crusoe was recently hired as the FSA Executive Director. Glenn stated that FSA appreciates BWSR’s partnership.

UPCOMING MEETINGS

- DRC Workshop, today - immediately following adjournment
- PROSP Committee Meeting, October 22, 5:30 – 7:30 PM
- Next BWSR Board Meeting, October 23, 2013

** Moved by Christy Jo Fogarty, seconded by Jack Ditmore, to adjourn the meeting at 12:35 p.m.

13-82 **Motion passed on a voice vote.**

Respectfully submitted,



Brian Napstad
Chair