

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, DECEMBER 17, 2014**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Rebecca Flood, MPCA; Christy Jo Fogarty, Sandy Hooker, Kathryn Kelly, Tom Loveall, Brian Napstad, Neil Peterson, Dave Schad, DNR; Tom Schulz, Rob Sip, MDA; Faye Sleeper, MES; Steve Sunderland, Gerald Van Amburg

BOARD MEMBERS ABSENT:

Gene Tiedemann

STAFF PRESENT:

Mary Jo Anderson, Don Buchout, Dan Fabian, Travis Germundson, John Jaschke, Al Kean, Les Lemm, Melissa Lewis, Ron Shelito, Doug Thomas, Jason Weinerman, Dave Weirens, Marcey Westrick

OTHERS PRESENT:

Craig Cox, Environmental Working Group
LeAnn Buck, MASWCD
Doug Norris, DNR
Randy Ellingboe, MDH

CALL MEETING TO ORDER – Chair Napstad called the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE

**** 14-74 ADOPTION OF AGENDA** – Moved by Rebecca Flood, seconded by Sandy Hooker, to adopt the agenda as presented. *Motion passed on a voice vote.*

**** 14-75 MINUTES OF OCTOBER 22, 2014 BOARD MEETING** – Jill Crafton stated that a correction is needed on page three, under SWCD Supervisor Districts Delegation, the word ‘expect’ should be ‘except’.
Moved by Jill Crafton, seconded by Kathryn Kelly, to approve the minutes of October 22, 2014 as corrected. *Motion passed on a voice vote.*

CONFLICT OF INTEREST DISCLOSURE

Chair Napstad explained that the conflict of interest disclosure process is being used today on agenda item Targeted Watershed Demonstration Program Funding Recommendations. He then 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.”*

REPORTS

Chair’s Report – Brian Napstad reported that discussions continue regarding the Wetland Conservation Act (WCA) concerning mitigation and the federal authority coordination. Chair Napstad attended the EQB meeting held in November; he summarized the topics of discussion including the MN Clean Energy Profile, and the silica sand technical library.

Administrative Advisory Committee (AAC) – John Jaschke reported that the Administrative Advisory Committee did not meet this month; the AAC plans to meet in January.

Executive Director’s Report – John Jaschke reviewed information in board members’ packets. John attended the MAWD, MASWCD, and AMC conventions. John stated that BWSR issued guidance on grant match requirements, administrative costs incorporated in grant reporting which is on BWSR’s website under the grants administration manual. John reported on staff development, Bill Penning graduated from the Senior Leadership Institute and Matt Drewitz is attending an Emerging Leadership Session. John reported that the BWSR Academy held in late October was a success; over 400 attendees participated in the three-day training session.

Dispute Resolution Committee – Travis Germundson reported that there are presently 12 WCA appeals pending. Two new appeals received, a restoration order in Stearns County; and an exemption in McLeod County. Travis reported that File #14-8, an appeal in St. Louis County has been rescinded and dismissed. Chair Napstad thanked Travis for his report.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met via conference call on November 24; the Committee recommendation is on the agenda later today.

Water Management & Strategic Planning Committee – Jack Ditmore reported that the Water Management & Strategic Planning Committee met last night; the Committee recommendation is on the agenda later today. The Committee received a status report of four pilot programs, significant progress being made; three have finished their grant work plans and no MOA among planning partners and a

fourth expects to complete these steps by the end of the year. Jack reported that the Water Management & Strategic Planning Committee's next meeting is March 24, 2015.

Wetlands & Drainage Committee – Gerald Van Amburg reported that the Wetlands & Drainage Committee recommendation is on the agenda later today.

Tom Schulz arrived at the meeting at 9:35 AM.

Drainage Work Group (DWG) – Tom Loveall provided a brief report of the Drainage Work Group meeting on November 13, 2014. Al Kean provided a summary of the DWG's discussion topics. Chair Napstad thanked Tom and Al for their report.

Water Management and Strategic Planning Committee

Modification to the Local Water Plan Extensions Policy – Jack Ditmore reported that the Water Management and Strategic Planning Committee revisited the local water plan extensions policy on September 23, 2014, discussed the issues, and directed staff to modify the existing policy to broaden the applicability and expand the situations in which extensions will be supported. The Committee met on December 16, reviewed the final draft of the Local Water Plan Extension policy; and recommended approval. Moved by Jack Ditmore, seconded by Joe Collins, to adopt the Local Water Plan Extensions policy as presented. ***Motion passed on a voice vote.***

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14-76

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

Grants Program and Policy Committee

Targeted Watershed Demonstration Program Funding Recommendations – Marcey Westrick reported that the Grants Program and Policy Committee met on November 24, 2014 to review the BWSR Senior Management Team's proposed grant allocations for the Targeted Watershed Demonstration Program. The Grants Program and Policy Committee recommends: 1) Approval of the grant allocation of \$5,412,083 by fully funding Scott WMO (\$2,200,000), Nicollet SWCD (\$1,676,000) and Cook SWCD (\$829,000) and partially funding Chisago SWCD (\$707,083) according to the Targeted Watershed Demonstration Program Recommendation; and 2) Authorizes staff to evaluate the availability of funds to fully fund Chisago SWCD as part of the Clean Water Competitive Grants Allocation. Discussion followed. Moved by Sandy Hooker, seconded by Steve Sunderlund, to approve the Targeted Watershed Demonstration Program funding recommendation as presented. ***Motion passed on a voice vote.***

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14-77

Chair Napstad called for a break in the meeting at 10:09 AM. The meeting reconvened at 10:24 AM.

Wetland and Drainage Committee

Wetland Conservation Act Federal Approvals Exemption – Les Lemm reported that the Wetland Conservation Act has included a Federal Approvals Exemption since enactment. The purpose of this Exemption is to reduce duplicative state-federal regulation of projects impacting wetlands. This Exemption has never been implemented, until now. Les presented the resolution. Jill Crafton stated that she opposes the resolution due to uncertainty about federal decision-making criteria and processes.

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Moved by Gerald Van Amburg, seconded by Christy Jo Fogarty, to approve the Federal Approvals Exemption for Linear Utilities/Pipelines as provided under Minn. Rule 8420.0420, subp. 4; as recommended by the Wetlands and Drainage Committee. This approval only becomes effective following the execution of a memorandum of understanding between the Board of Water and Soil

Resources, Department of Natural Resources, and U.S. Army Corps of Engineers, St. Paul District that specifies notification and comment procedures between the U.S. Army Corps of Engineers, St. Paul District and the Department of Natural Resources. Staff are authorized to complete procedures for adopting and implementing this Exemption as approved, which includes providing notice to local units of government and publishing in the State Register. An approving agency may withdraw their approval of this Exemption at any time. A disapproval will take effect 30-days after the withdrawal of the Exemption is published in the State Register. The Board will coordinate a review of the performance of the Exemption with the approving agencies and whether any changes are desired or needed within 3-years of it becoming effective.

Les stated that assurances are in place as noted in the resolution and in the letters from the MPCA, DNR, and MDA. Gerald Van Amburg stated that the resolution removes the redundancy and the protection is still there. Discussion followed. Rebecca Flood stated that MPCA is in support of this resolution which provides efficiency in permitting while protecting waters. Dave Schad stated that DNR is in support of the resolution; he clarified that calcareous fens are not included in this. Rob Sip stated that MDA is in support of this resolution. ***Motion passed on a voice vote.***

14-78

NEW BUSINESS

Durable & Targeted Ideas for Conservation Challenges in the Agricultural Regions of the Midwest and Minnesota - Craig Cox, Senior Vice President, Environmental Working Group (EWG) presented "Farming and a Healthy Environment: Personal Reflections on Policy to Finally Get Us There". Craig stressed the need for the same basic standard of care and the right local organization and criteria to make this happen. Discussion followed. Chair Napstad thanked Craig for his informative presentation.

Chair Napstad reported that Christy Jo Fogarty did not seek reelection after 12 years of city council membership; this is her last meeting serving as a BWSR voting member. Christy Jo will be recognized for her service at a future Board meeting.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip announced the Nutrient Management Conference on February 9, 2015 in Mankato. Rob invited the Board to attend the Joint Annual Conference of the Red River Watershed Management Board and the Red River Basin Flood Damage Reduction Work Group on March 25-26 in Moorhead.

Minnesota Department of Natural Resources (DNR) – Dave Schad reported that Jason Garms has been hired to fill a new position at DNR, Ag Liaison; intended to focus on agricultural issues to better engage agencies. Dave reported on the Pheasant Summit held December 13 in Marshall; Governor Dayton convened the successful, well attended event, to educate and gather ideas from participants to identify high priority actions. DNR will establish a steering committee with BWSR and MDA, to guide and develop an action plan to enforce existing laws relating to buffers and easements; and to provide an increased level of support for wildlife management area acquisition. The action plan from Pheasant Summit will be announced at the DNR Roundtable on January 16, 2015.

Minnesota Extension Service (MES) – Faye Sleeper reported that the new director for MES will be named in January; Faye will continue to be Extension representative on the Board.

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts (MASWCD) – LeAnn Buck thanked Board members for attending the MASWCD annual convention December 7-9.

Minnesota Association of Townships (MAT) – Sandy Hooker reported that MAT looks forward to the upcoming legislative session.

UPCOMING MEETINGS

- Next BWSR Board Meeting, January 28, 2015, St. Paul
- Metro Region Committee Meeting, January 12
- Northern Region Committee Meeting, January 14 in Bemidji
- Audit and Oversight Committee Meeting, January 21
- Southern Region Committee Meeting, January 28 (immediately following adjournment of BWSR Board Meeting)

** Moved by Doug Erickson, seconded by Christy Jo Fogarty; to adjourn the meeting at noon. **Motion**
14-79 **passed on a voice vote.**

Respectfully submitted,



Brian Napstad
Chair