

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, SEPTEMBER 24, 2014**

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Christy Jo Fogarty

**STAFF PRESENT:**

Mary Jo Anderson, Angie Becker Kudelka, Travis Germundson, Tabor Hoek, John Jaschke, Al Kean, Tim Koehler, Mary Peterson, Heather Staff, Sarah Strommen, Doug Thomas, Dave Weirens

**OTHERS PRESENT:**

Sheila Vanney, MASWCD  
Wanda Garry, USDA FSA

**CALL MEETING TO ORDER** – Chair Napstad called the meeting to order at 9:03 a.m.

## **PLEDGE OF ALLEGIANCE**

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14-59 **ADOPTION OF AGENDA** – Moved by Sandy Hooker, seconded by Jill Crafton, to adopt the agenda as presented. ***Motion passed on a voice vote.***

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14-60 **MINUTES OF AUGUST 28, 2014 BOARD MEETING** – Rob Sip stated that the minutes incorrectly state he attended the EQB tour. Rob attended the Clean Water Council summer tour/meeting in Moorhead. Moved by Kathryn Kelly, seconded by Tom Schulz to approve the minutes of August 28, 2014 as corrected. ***Motion passed on a voice vote.***

**INTRODUCTION OF NEW EMPLOYEE** – Al Kean introduced Heather Staff, Office & Administrative Specialist, located in St. Paul. Chair Napstad welcomed Heather to BWSR.

## **REPORTS**

**Chair's Report** – Brian Napstad reported that he attended the AMC annual fall legislative session in Alexandria on September 3-4. AMC's Environment & Natural Resources Policy Committee proposed legislation to improve public value of wetland restoration. Chair Napstad reported that Dave Weirens and Les Lemm will attend the WCA stakeholders meeting in Cloquet on September 25. AMC addressed BWSR's One Watershed, One Plan.

Chair Napstad attended the EQB meeting. The Minnesota Emerald Ash Borer Plan was presented to EQB. Discussions included the invasive species emerald ash borer, the challenge for the State to execute the plan, the concern for transporting wood, and the loss of ash trees. Chair Napstad stated that EQB received an update of the silica sand efforts.

**Administrative Advisory Committee (AAC)** – Chair Napstad reported that the AAC met this morning. Discussion included the FY2016-17 biennial budget process; SWCD supervisor election district change process, a resolution will come before the Board in October; and BWSR Committee issues and status.

Chair Napstad apologized for not attending the Northern Region Committee meeting on September 10, as he had a County budget hearing that same date.

**Audit and Oversight Committee** – Chair Napstad reported that the Audit and Oversight Committee has not met; possibly meet the evening before the October Board meeting.

**Executive Director's Report** – John Jaschke reviewed information in board members' packets. John provided a summary of the discussions he had with SWCD staff leadership this summer; highlighting key ideas and items for attention and action.

John reported that BWSR is a partner to the Minnesota Agricultural Water Quality Certification Pilot Program (MAWQCP) led by MDA, includes program design, oversight, implementation grants to local SWCDs, and legal recognition of MAWQCP certified agricultural operations. The National Demonstration Project proposal to the Regional Conservation Partnership Program (RCPP) receives funding from the Clean Water Fund. John stated that NRCS supports the partnership; this will be forwarded to Washington. There are three other RCPP proposals that also involve BWSR and other Minnesota agencies (Red River, Upper Mississippi, Working Grasslands).

John distributed a copy of the Clean Water Council's (CWC) final policy recommendations on Riparian Buffers and Water Retention, Storage, and Infiltration. The CWC recommends riparian buffers be funded for both local implementation and enforcement. The CWC recommends the State require all major watersheds outside the seven-county metro area to develop local comprehensive watershed management plans.

John reported that the BWSR senior management team (SMT) met on September 17-18 in Preston for a two-day retreat and southeast field tour.

Discussion followed on John's meetings with SWCDs. Rebecca Flood stated that SWCD concerns need to be addressed; how do we implement the transformation via a watershed approach of delivery of conservation on the ground. John stated that 1W1P will have the level of specificity to annually plan and organize the predictability of work and funding.

**Dispute Resolution Committee** – Travis Germundson reported that 14 appeals are pending; one new appeal received regarding a restoration order in St. Louis County. Travis provided an update on File #14-1, an appeal of a replacement plan decision in Stearns County; a verbal settlement agreement has been reached. Travis gave a brief update on File #09-10 in Aitkin County; approved with conditions, process pending. Travis reported that the Department of Administration will present a workshop at the October Board meeting regarding open meeting law compliance, a refresher to focus on board committee structure. Chair Napstad thanked Travis for his report.

**RIM Reserve & Soil Conservation Committee** – Gene Tiedemann reported that the RIM Reserve & Soil Conservation Committee met on September 16; two items are 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 Water Management & Strategic Planning Committee will meet on December 16 at 5:30 PM.

**Drainage Work Group (DWG)** – Tom Loveall reported that the Drainage Work Group met on September 11, 2014; he provided a summary of discussion topics. Al Kean reported that BWSR has contracted with Houston Engineering, Inc. and Rinke-Noonan to work on updating the Minnesota Public Drainage Manual (MPDM). Al reported that the MPDM project will include a stakeholder advisory committee and chapter subcommittees; the DWG is soliciting interest to serve on the committees. Al provided a link to the Red River Basin Technical and Scientific Advisory Committee Briefing Paper #3 Water Management Options for Surface Drainage. <http://www.rrbdin.org/archives/4039>. The next Drainage Work Group meeting is October 9.

## **COMMITTEE RECOMMENDATIONS**

### ***Metro Region Committee***

**Proposed Rule Amendment for Metropolitan Area Local Water Management** – Doug Thomas provided background information on Minnesota Rules, Chapter 8410, govern local water management in the Twin Cities Metropolitan area. The existing rules were adopted by the Board on May 27, 1992. A Rule Advisory Committee was utilized in developing the proposed rule amendment. The rule amendment moves to a result-focused and performance-based watershed management plan. Electronic communication and the use of the Internet would be utilized. The draft rule amendment was available when the Request for Comments was noticed. Extensive stakeholder involvement in the development of the rule amendment resulted in few comments being received in response to the Request for Comments. The Metro Region Committee met on August 26, 2014 to review the draft rule amendment, the Statement of Need and Reasonableness, a Resolution and the BWSR staff recommendation. The Metro Region Committee voted

unanimously to recommend approval of the Resolution authorizing the Executive Director to proceed with the Dual Notice of Intent to Adopt Rules and to proceed with the Order to Adopt Rules if there are no modifications to the draft rule amendment other than modifications approved by the Board.

\*\* Moved by Joe Collins, seconded by Jack Ditmore, to approve the resolution as presented.

14-61 **Motion passed on a voice vote.**

#### **Northern Region Committee**

**Northern Red River Basin Local Water Management Plan Synchronization** – Tom Schulz made note of the change in date on page one of the Resolution; the date regarding Resolution #12-85 should be September 26, 2012; not 2014. Doug Thomas reported that in the interest of synchronizing water management efforts in the Northern Red River Basin, Marshall County has requested a two-year extension to their Local Water Management Plan (LWP) until December 31, 2017; Pennington County has requested a waiver to the 5-year update requirement for their LWP; Red Lake County has requested a waiver to the 5-year update requirement for their LWP; Roseau County has requested a waiver to the 5-year update requirement for their LWP; and Kittson County has requested an extension for the requirement to complete the 5-year update until December 31, 2017. These requests would enable the counties to synchronize their schedules with the WRAPS and other local government partners as they transition into One Watershed One Plan. These requests are supported by BWSR Resolution #12-85 and the BWSR Local Water Plan Extensions

\*\* Policy. Moved by Tom Schulz, seconded by Gene Tiedemann, to approve the Northern Red River Basin Local Water Management Plan Synchronization. Jack Ditmore appreciated the helpful information presented and explanation of the complex issues. **Motion passed on a voice vote.**

14-62

**Otter Tail County Water Plan Amendment** – Tom Schulz reported that Otter Tail County has completed the five-year amendment for the Local Water Management Plan. It was submitted for state agency review and will be effective until August 31, 2019. The Northern Region Committee met on September 10 and unanimously recommends approval of the five-year plan amendment. Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the Otter Tail County Water Management Plan for August 31, 2014 – August 31, 2019. Otter Tail County will be required to provide a complete update of its Water Management Plan prior to August 31, 2019. **Motion passed on a voice vote.**

\*\* 14-63

**Becker County Local Water Management Plan Extension Request** – Gerald Van Amburg reported that Becker County requests an extension to their current Local Water Plan for two years until December 31, 2016. The current plan is due for a full ten-year update. The purpose of Becker County's request is staff turnover in the water plan position, as well as retirements of other staff in the SWCD. This extension will allow new staff to become more familiar with local resource issues as well as utilize developing data and information from WRAPs among other sources to compose a better plan. The Northern Region Committee unanimously recommends approval of the extension. Moved by Gerald Van Amburg, seconded by Neil Peterson, to approve the two-year extension of the Becker County Local Water Management Plan until December 31, 2016. Jack Ditmore stated that the extension process will be addressed at the upcoming Water Management & Strategic Planning Committee meeting; criteria added to include case-by-case extensions as we move forward. Rebecca Flood asked if staff retiring in 2013 have been replaced. Gerald stated that Peter Mead, water planner, has been hired at the Becker County SWCD. Gerald is confident the work will get done. **Motion passed on a voice vote.**

\*\* 14-64

**Beltrami County Comprehensive Local Water Management Plan Extension** – Neil Peterson reported that Beltrami County has a Comprehensive Local Water Management Plan that was set to expire May 28, 2013. On May 22, 2013, BWSR approved a request for a two-year extension of the Plan for Beltrami County. On September 2, 2014, the Board received a request for an additional extension from Beltrami County to synchronize the development of the Plan with other planning and assessment efforts that include the

Mississippi River (Headwaters) WRAPS process. On September 10, 2014, the Northern Region Committee met to discuss the extension request and recommends approval. The State's expectations for the extension request must be sent to Beltrami County. Moved by Neil Peterson, seconded by Tom Schulz, to approve the extension of the Beltrami County Comprehensive Local Water Plan until May 28, 2017. Discussion followed. **Motion passed on a voice vote.**

Chair Napstad apologized for not attending the Northern Region Committee meeting on September 10; as he had a County budget hearing that date.

Chair Napstad called for a break at 10:45 a.m. The meeting reconvened at 10:58 AM.

#### ***RIM Reserve & Soil Conservation Committee***

**Transitioning the RIM-WRP to the RIM Wetlands Program** – Tim Koehler reported that the RIM Reserve & Soil Conservation Committee met on September 16 to review the need and process to transition the RIM-WRP Partnership Program to the RIM Wetlands Program. The RIM-WRP Partnership has been very successful, enrolling over 35,000 acres since 2008. Changes to the Federal Farm Bill along with current RIM appropriations necessitates the need to formalize the RIM Wetlands Program which includes RIM-WRP as well as stand-alone RIM as components. The RIM Reserve & Soil Conservation Committee recommends approval of the resolution. Don Baloun, NRCS State Conservationist, sent a letter to John Jaschke regarding the RIM-WRP Partnership and changes enacted in the 2014 Farm Bill that affect the direction of the future.

Moved by Gene Tiedemann, seconded by Doug Erickson, to approve the resolution authorizing staff to:

1. Utilize appropriated RIM funds to continue to implement RIM Wetlands efforts; and
2. Target expiring CRP contracts with critical wetland restoration practices for enrollment into the RIM-Wetlands Program; and
3. Develop the RIM-Wetlands Program eligibility and sign-up procedures; and
4. Conduct landowner sign-ups and select applications for funding using funding appropriated for the RIM Wetlands Program.

**Motion passed on a voice vote.**

**2014 Conservation Reserve Enhancement Program** – Tabor Hoek introduced Wanda Garry, Conservation Reserve Program (CRP) Coordinator at USDA Farm Services Agency (FSA). Tabor reported that the RIM Reserve & Soil Conservation Committee met on September 16 to review the proposed 2014 Conservation Reserve Enhancement Program (CREP) and unanimously recommends approval. State agencies, USDA Farm Services Agency and a number of partners support the formation of a CREP in Minnesota targeted at achieving long-term restoration and protection goals of Minnesota's watersheds and natural habitat areas.

Wanda provided an explanation of the CRP; the purpose of CREP; funding under the CREP proposal; and the deadline which includes a national supplemental Environmental Impact Statement (EIS) on the Minnesota proposal; the processing could take up to seven months. Tabor explained that the CREP initiative for 100,000 acres is estimated to require approximately \$750M over the next five years. A combination of USDA CRP payments and incentives will be necessary to achieve a potential 80:20 federal to state maximum match. John Jaschke reported that he and Sarah Strommen met with FSA leadership last week to discuss the preliminary proposal, and have previously submitted a letter of intent to Washington FSA. Tom Landwehr commended staff for their efforts on this proposal; the emphasis on prioritization, setting goals, targeting the goals; agencies are working together on these issues. Tom stated that CREP, as well as all BWSR programs, is the remedy for conservation issues statewide; and it's important to recognize that role.

Tabor presented the resolution to formalize next steps. Moved by Gene Tiedemann, seconded by Steve Sunderland, to authorize staff to:

1. Pursue a CREP proposal with local, state, federal and private sector partners.

2. Identify how RIM and CRP through a CREP can best work together to achieve long-term restoration and protection of Minnesota's watersheds and natural habitat areas.

Tom Schulz stated that he approves the resolution, but is disappointed that the sensitive groundwater areas that are farmed in Hubbard County are not included. Tabor stated that RIM wellhead protection funding is available; changes can happen as discussions continue. Discussion followed. Rebecca Flood supports the proposal but noted that reasonable expectations for 100,000 acres of conservation in an approximately 20M acre area must be considered. Rob Sip stated that MDA supports the resolution, he asked about criteria. Tabor explained the CRP contract followed by RIM easement management requirements with allowable uses to be determined. **Motion passed on a voice vote.** Chair Napstad thanked Tabor and Wanda for their presentation and look forward to working with FSA.

### **Water Planning & Strategic Planning Committee**

**One Watershed, One Plan Implementation** – Jack Ditmore reported that on June 24, 2014 the Committee reviewed and provided comment on the One Watershed One Plan - Plan Content Requirements for Pilot Watersheds document. The Committee recognized the need for additional feedback from the Local Government Water Roundtable; however, due to scheduling conflicts, the Roundtable was unable to meet until September 17, 2014. The Water Management and Strategic Planning Committee agreed to one final review of the document on September 23, 2014. Jack presented the Committee changes that include the editorial changes and weather/climate impacts.

Doug Thomas presented the ten-year plan; the operation procedures provide *how*, the plan content requires *what*. The Committee recommends approval of the One Watershed, One Plan – Plan Content Requirements for Pilot Watersheds, dated September 23, 2014. Tom Landwehr asked why statewide priorities are not addressed first. Doug stated the focus is the implementation of local plans, it is important that they are not perceived as written for the state but rather written for locals going through the process and implementing at the local level. Tom Landwehr stated that issues facing the state should identify the contribution at the local level to address the statewide significance. Doug stated that it's a point well taken. Joe Collins supports the document, it's complex but self-explanatory. Rob Sip stated that this document is well written. Moved by Jack Ditmore, seconded by Rebecca Flood, to adopt the One Watershed, One Plan – Plan Content Requirements for Pilot Watersheds. **Motion passed on a voice vote.** Jack Ditmore thanked Melissa Lewis, Doug Thomas, and committee members for their time and efforts on this. Chair Napstad thanked Jack for chairing the Committee and providing leadership.

### **NEW BUSINESS**

**Clean Water Roadmap** – Sarah Strommen reported that the Clean Water Roadmap's purpose is to articulate the long-term outcomes, expectations of progress, and measures of success toward our shared vision of clean, sustainably managed water resources in Minnesota. Clean Water Council members and other key stakeholders had the opportunity to provide meaningful feedback and input throughout the Roadmap development process. Environmental Initiative's facilitation work with the state agencies was completed in May 2014. Discussion followed. Sarah reported that the final Clean Water Roadmap is now on the BWSR and MPCA websites. Jack Ditmore stated that the priority goals set forth meet the local water planning requirements. Tom Landwehr appreciated the staff work on the Roadmap. He stated the importance of showing what can get done and the outcomes; in five-years \$500 million to collectively assess and clean Minnesota's water. Rebecca Flood stated that statewide funding of \$2.5 billion over 25 years; expectations are important. Chris Elvrum commented on the challenges statewide and the changes in landscape over the years. John stated the value of community awareness is not to be underestimated. Chair Napstad thanked Sarah for her presentation.

## AGENCY REPORTS

**Minnesota Department of Agriculture (MDA)** – Rob Sip distributed the brochure “Promote Pollinators in Agricultural Landscapes” for board members’ information.

**Minnesota Department of Health (MDH)** – Chris Elvrum reported that Request for Proposals (RFP) is now open for Community Public Water Supply; RFPs will open in October for Sealing of Public Wells, both programs funded by Clean Water funds.

**Minnesota Department of Natural Resources (DNR)** – Tom Landwehr attended a meeting with MDA Commissioner Dave Frederickson and Governor Dayton in Fargo regarding a controversial proposed flood management project promoted by the Fargo-Moorhead Diversion Authority. Tom reported the Diversion Authority prematurely approved a project; Governor Dayton opposed this. DNR is preparing the Minnesota Environmental Impact Statement (EIS) due to the proposed high hazard dam on the Red River. Congress authorized the project to proceed but without an appropriation. Tom stated that North Dakota has no wetland protection or drainage guidelines.

Tom reported that DNR’s Walk-in Access (WIA) Program has 20,000 acres open for public hunting from September 1 to May 31. Tom stated that DNR is developing three pilot Groundwater Management Areas (GWMAs) located in White Bear Lake, Straight River, and Bonanza Valley. The purpose of the pilot planning projects is to learn how to effectively create and establish GWMAs in other places facing groundwater management challenges.

## ADVISORY COMMENTS

**Minnesota Association of Soil & Water Conservation Districts (MASWCD)** – Sheila Vanney reported that LeAnn Buck is attending the MASWCD Leadership Program this week in Morton, MN. MASWCD, in cooperation with the U of M Extension is conducting a leadership program for SWCD supervisors and employees to build leadership skills to do effective conservation work statewide. Sheila thanked John Jaschke for his effort in meeting with SWCD leadership staff this summer. Sheila stated that MASWCD is soliciting legislative authorization for SWCDs to generate revenue to sustain operations via proposed legislation for levy authority. Sheila stated that the MASWCD Annual Convention is December 7-9, in Bloomington. Tom Landwehr suggested the Roadmap presentation at the annual convention. Chair Napstad stated that if MASWCD receives levy authority, it should allow SWCDs to be the NRBG match. Sheila stated that flexibility is in the proposed legislation. Chair Napstad thanked Sheila for her report.

**Minnesota Association of Townships (MAT)** – Sandy Hooker invited board members to attend the MAT Annual Conference November 20-22, in Duluth.

## UPCOMING MEETINGS

- Next BWSR Board Meeting, October 22, 2014, St. Paul
- BWSR Academy, October 28-30, 2014, Breezy Point, Brainerd
- Audit & Oversight Committee will meet October 21

\*\* Moved by Tom Landwehr, seconded by Neil Peterson, to adjourn the meeting at 12:58 PM.

14-69 **Motion passed on a voice vote.**

Respectfully,



Brian Napstad  
Chair