

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 28, 2015**

BOARD MEMBERS PRESENT:

Joe Collins, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Sandy Hooker, Kathryn Kelly, Tom Landwehr, DNR; Tom Loveall, Terry McDill, MPCA; Brian Napstad, Neil Peterson, Tom Schulz, Faye Sleeper, MES; Steve Sunderland, Gene Tiedemann, Gerald Van Amburg

BOARD MEMBERS ABSENT:

Jill Crafton
Matt Wohlman, MDA

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Don Buckhout, Grant Bullemer, Steve Christopher, Travis Germundson, Jim Haertel, John Jaschke, Al Kean, Melissa Lewis, Sarah Strommen, Doug Thomas, Dave Weirens, Marcey Westrick

OTHERS PRESENT:

Jason Garms, DNR
Ray Bohn, MAWD

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

PLEDGE OF ALLEGIANCE

****** **ADOPTION OF AGENDA** – Moved by Tom Schulz, seconded by Neil Peterson, to adopt the agenda as presented. *Motion passed on a voice vote.*
15-01

****** **MINUTES OF DECEMBER 17, 2014 BOARD MEETING** – Jack Ditmore stated that a correction is needed on his Water Management & Strategic Planning Committee report. The second sentence should read, “The Committee received a status report of four pilot programs, significant progress is being made; three have finished their grant work plans and an MOA among planning partners and a fourth expects to complete these steps by the end of the year. Moved by Jack Ditmore, seconded by Tom Loveall, to approve the minutes of December 17, 2014 corrected. *Motion passed on a voice vote.*
15-02

CONFLICT OF INTEREST DISCLOSURE

Chair Napstad explained that the conflict of interest disclosure process is being used today on agenda item FY2015 Clean Water Fund Competitive Grants 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 the EQB meeting for January was cancelled. Chair Napstad attended the Northern Region Committee meeting, the Audit & Oversight Committee meeting, and the Grants Program & Policy Committee meeting. Chair Napstad commended BWSR staff for their work on facilitating meetings regarding the proposed WCA changes. Wetland issues are being addressed by a long-term wetlands working group; stakeholders include industry, environmental interests, the Nature Conservancy, AMC, DNR, and watershed districts working on legislative language.

Audit & Oversight Committee – Chair Napstad reported that the Audit & Oversight Committee’s recommendation of the 2015 PRAP Report to the Legislature is on the agenda later today. The Committee reviewed the Senior Management Team’s (SMT) recommendation of risk assessment, fund accountability and integrity, staff capacity and succession planning.

Administrative Advisory Committee (AAC) – Chair Napstad reported that the Administrative Advisory Committee met this morning. Discussion included staffing status, legislative process: policy and budget; and committee issues. John Jaschke will organize an informational presentation on buffers at an upcoming Board meeting. Chair Napstad reported that Sarah Strommen, a valuable employee is leaving BWSR to become a DNR Assistant Commissioner soon; the agency wishes Sarah the best.

INTRODUCTION OF NEW EMPLOYEE – John Jaschke introduced Grant Bullemer, Easement Development Specialist in the St. Paul office. Chair Napstad welcomed Grant to BWSR.

Executive Director’s Report – John Jaschke recognized Sarah Strommen for her exceptional work at BWSR, she will be greatly missed, he wished Sarah the best in her new position at DNR. Sarah expressed her appreciation for working at BWSR for two years, and looks forward to her new endeavor at DNR.

John provided a staffing update. Melissa Lewis has agreed to a five-month temporary reassignment as legislative coordinator in Sarah’s absence. John thanked Melissa for her efforts. John reported on staff retirements: Ron Shelito, Keith Grow, Chris Hughes, and Dave Sill. John reported that grants specialist

Gwen Steel is leaving to move to Colorado. Don Buckhout will transition away from PRAP to serve as the lead planner with the 1W1P North Fork Crow Watershed effort and some of the northeast metro groundwater pilot project work. BWSR is in the process of succession planning and filling vacant positions.

John reviewed information in board members' packets, and briefly commented on the Governor's budget recommendation which includes a 1.8% inflationary increase.

DNR Commissioner Tom Landwehr introduced Jason Garms, DNR ag program liaison. Chair Napstad welcomed Jason.

Dispute Resolution Committee – Travis Germundson reported that there are presently 13 appeals pending. File #14-10 appeal in Stearns County, withdrawn by petitioner; File #14-05 appeal in Kandiyohi County, settlement agreement reached; and File #14-01 appeal of a replacement plan decision in Stearns County has reached a tentative settlement agreement. Chair Napstad thanked Travis for his report.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met on January 20; the Committee recommendations are on the agenda later today.

Water Management & Strategic Planning Committee – Jack Ditmore reported that the Water Management & Strategic Planning Committee did not meet this month. Jack reported the March 24, 2015 Committee meeting has been cancelled due to the 1W1P transition, this will allow staff additional time to develop strategies for the Committee to consider; and provide an opportunity to incorporate legislative action into the strategies.

Drainage Work Group (DWG) – Tom Loveall provided a brief report of the Drainage Work Group meeting on January 8, 2015. Al Kean provided a summary of the DWG's discussion topics. The full Drainage Work Group does not plan to meet during the 2015 legislative session, but subgroups will plan to meet. Chair Napstad thanked Tom and Al for their report.

COMMITTEE RECOMMENDATIONS

Metro Region Committee

Pioneer-Sarah Creek Watershed Management Commission Comprehensive Watershed Management Plan

– Steve Christopher reported that the Pioneer-Sarah Creek Watershed Management Commission was created in 1978 and is located along the western edge of Hennepin County. The Plan Revision is the Third Generation Watershed Management Plan for the organization. The plan focuses on education, monitoring and partnerships for successful implementation of projects. The Metro Region Committee met on January 12, 2015 to discuss the plan and recommends approval of the Water Management Plan dated December 2014 as the Watershed Management Plan for the Pioneer-Sarah Creek Watershed Management Commission, valid through December 31, 2020. Joe Collins commended Steve on the great work he provided on this Plan. Jack Ditmore asked for clarification of the Order, #14 Findings of Fact. Steve provided clarification and proposed #14 to include: "The Committee asked the question to the Commission's representatives whether a six year approval or a ten year approval with a mandatory amendment at five years would be preferable. The Commission representatives responded that the six year approval would assist with implementation of the Plan on the part of the cities." Moved by Joe Collins, seconded by Jack Ditmore, to accept the amendment to the Order, Findings of Fact #14 includes the clarification presented; and to approve the Pioneer-Sarah Creek Watershed Management Commission Comprehensive Watershed Management Plan. Discussion followed. ***Motion passed on a voice vote.***

**
15-03

North Region Committee

Douglas County Comprehensive Local Water Plan Amendment Extension Request – Gerald Van Amburg reported that Douglas County requested an extension to the Comprehensive Local Water Management Plan five-year amendment requirement until January 31, 2017. This extension will provide the opportunity for Douglas County to participate in, and effectively utilize the information obtained from MPCA’s Watershed Restoration and Protection Strategy (WRAPS) process, and utilize the Lake Protection Analysis information Douglas Soil and Water Conservation District is currently developing. The North Region Committee met January 14, 2015 to review the extension request and recommends approval of the extension. Moved by Gerald Van Amburg, seconded Tom Schulz, to approve the extension to the five-year amendment requirement for the Douglas County Comprehensive Local Water Management Plan until January 31, 2017. **Motion passed on a voice vote.**

**
15-04

Grant County Comprehensive Local Water Management Plan Extension Request – Gerald Van Amburg reported that Grant County requested an extension to the Comprehensive Local Water Management Plan update requirement until December 31, 2017, for the purposes of participating in and effectively utilizing the information from the MPCA’s Watershed Restoration and Protection Strategy (WRAPS) process. This will allow Grant County to better address the water quality impairments and the potential for water planning at a watershed scale. The North Region Committee met January 14, 2015 to review the extension request and recommends approval of the two-year extension. Moved by Gerald Van Amburg, seconded by Kathryn Kelly, to approve the extension to the ten-year update requirement for the Grant County Comprehensive Local Water Management Plan until December 31, 2017. Discussion followed. **Motion passed on a voice vote.**

**
15-05

Stevens County Comprehensive Local Water Management Plan Extension Request – Gerald Van Amburg reported that Stevens County requested an extension, until June 30, 2017, to the Comprehensive Local Water Management Plan update requirement for the purposes of participating in and effectively utilizing the information from the MPCA’s Watershed Restoration and Protection Strategy (WRAPS) process. The North Region Committee met January 14, 2015 to review the extension request and recommends approval of the two year extension. Moved by Gerald Van Amburg, seconded by Neil Peterson, to approve the extension to the ten-year update requirement for the Stevens County Comprehensive Local Water Management Plan until June 30, 2017. **Motion passed on a voice vote.** John reported that they are the first county to implement buffers.

**
15-06

Clay County Comprehensive Local Water Management Plan Extension Request – Gerald Van Amburg reported that Clay County requested an extension to their current Comprehensive Local Water Management Plan for one year to December 31, 2016. The current plan is due for a full ten-year update. The chief purpose of Clay County’s request is to utilize developing data and information from WRAPS, and to synchronize with other local planning efforts to compose a more scientifically reinforced water management plan. The North Region Committee met January 14, 2015 to review the extension request and recommends approval of the one year extension. Moved by Gerald Van Amburg, seconded by Doug Erickson, to approve the extension of the Clay County Comprehensive Local Water Management Plan to December 31, 2016. **Motion passed on a voice vote.**

**
15-07

Pelican River Watershed District (PRWD) Revised Watershed Management Plan Extension Request – Gerald Van Amburg reported that the Pelican River Watershed District requested an extension to their current Revised Watershed Management Plan to December 31, 2016. The current plan will expire on February 24, 2015. The chief purpose of PRWD’s request is to synchronize with Becker County planning efforts, and incorporate new data due to completion of a TMDL study and completion of a Soil Erosion and Drainage Law Compliance grant which are pivotal to new decisions that will be made in the revision of Pelican River’s Watershed Management Plan. The North Region Committee met January 14, 2015 to review the extension request and recommends approval . Moved by Gerald Van Amburg, seconded by

**

15-08 Neil Peterson, to approve the extension of the Pelican River Watershed District Watershed Management Plan until December 31, 2016. **Motion passed on a voice vote.**

Lake County Comprehensive Local Water Management Plan Extension – Tom Schulz reported that Lake County submitted a cover letter and County Resolution to BWSR on October 1, 2014. The North Region Committee met January 14, 2015 to discuss the documents received and approved an extension to the Lake County Comprehensive Local Water Management Plan. Based on the participation of Lake County in the Lake Superior North One Watershed, One Plan pilot project and the scheduled completion dates of Watershed Restoration and Protection Strategies in Lake County between 2016 and 2019, the Committee recommends approval of the three-year extension. Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the Lake County Comprehensive Local Water Management Plan to January 1, 2019. Discussion followed regarding the flexibility needed to accommodate the 1W1P schedule. **Motion passed on a voice vote.**

Carlton County Comprehensive Local Water Management Plan 5-year Amendment – Tom Schulz noted a correction needed on page two, #6. of the Order, an unexplained “**Error! Reference source not found**” message appeared, it was removed. Chair Napstad has a corrected copy of the Order. Tom reported that Carlton County adopted a Resolution on May 13, 2014, to complete the required five-year Comprehensive Local Water Management Plan (CLWMP) Amendment. A properly noticed public hearing on the CLWMP amendment was held August 12, 2014. The North Region Committee met January 14, 2015, to discuss the Carlton County CLWMP amendment and the comments received on the amendment as part of the public hearing notice. Based on the comments received and the County’s response to the comments received, the North Region Committee recommends approval of the required five-year amendment. Moved by Tom Schulz, seconded by Joe Collins, to approve the five-year amendment of the Carlton County Comprehensive Local Water Management Plan; the Plan remains in effect until March 24, 2020. **Motion passed on a voice vote.**

Chair Napstad called for a break in the meeting at 10:37 AM. The meeting reconvened 10:55 AM.

Audit & Oversight Committee

2015 PRAP Report to the Legislature – Don Buckhout reported that the annual PRAP Report to the Legislature is required by statute as a summary of local government performance in water management. This is the 8th such report. Each year at the January meeting the Board is given the opportunity to approve this report before it is sent to the legislature by the February 1 deadline. This year the Audit and Oversight Committee has primary responsibility for the report; the Committee met on January 21, 2015, to review the report and recommends approval. Don presented a summary of the report. Moved by Kathryn Kelly, seconded by Steve Sunderland, to approve the 2015 PRAP Report for transmittal to the Legislature and publication on the Board’s website, with allowance for any minor editing modifications necessary for publication. Discussion followed. **Motion passed on a voice vote.** John thanked Don for his great efforts on the PRAP, his work is so appreciated! Chair Napstad echoed those thoughts and wished Don the best in his new endeavor.

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; except Joe Collins has declared an actual conflict of interest – as a board member of the Capital Region Watershed District.

COMMITTEE RECOMMENDATIONS

Grants Program & Policy Committee

FY2015 Clean Water Fund Competitive Grants – Marcey Westrick reported that the Grants Program and Policy Committee met on January 20, to review the FY2015 Clean Water Funds applications submitted in

the following category: Projects and Practices, Accelerated Implementation, Community Partners and Soil Erosion Drainage Law Compliance. Marcey distributed maps showing the recommended funding in each category and presented the recommendations as approved by the Grants Program and Policy Committee.

** Moved by Sandy Hooker, seconded by Faye Sleeper, that the Board approves the recommendations as presented:

1) Approves the recommended funding allocations to implement the FY 2015 CWF Competitive Grant Program as presented and the scoring results for the following programs and amounts shown below:

Grant Program Allocated Funds

A. Clean Water Assistance Grants	\$9,250,000
B. Accelerated Implementation Grants	\$2,922,994
C. Community Partners Conservation Program Grants	\$1,359,425
D. Soil Erosion and Drainage Law Compliance	\$ 610,476

2) Authorizes staff to: A. approve project work plans; B. enter into grant agreements consistent with this resolution and Legislative appropriations; C. Shift funds as follows: Up to \$180,549 of Accelerated Implementation Grant funds to the Chisago Chain of Lakes Targeted Watershed Demonstration Project; and D. assign funds noted in (1) that may become available, to unfunded project and practices applications, in rank order, if funded projects are withdrawn, do not receive work plan approval by March 20, 2015 unless extended for cause, or are modified to reduce the state funding needed to accomplish the project.

15-12 Joe Collins abstained from the vote. ***Motion passed on a voice vote.***

FY2015 Clean Water Fund Soil Erosion and Drainage Law Compliance Second Round Buffer Initiative – Marcey Westrick reported that a second round of Soil Erosion and Drainage Law Compliance Grants is proposed to have a solicitation period from February 2 to April 3, 2015. Marcey presented background information and reported that staff proposed three options; with the staff recommendation of Option #2: Public Waters Inventory, including Chapter 103E drainage ditches that are Public Waters + inventory and prioritize opportunities for side inlet controls, wetland restoration or other drainage storage and treatment system. Applicant must propose, or have already completed/are in the process of completing, a plan to determine conservation plan or buffer strip compliance and develop enforcement plan(s). In addition, LGUs may also apply for opportunities to inventory and prioritize other drainage treatment options (currently this was activities 5 and 6 under the Soil Erosion and Drainage Law Compliance FY 2015 RFP). The Grants Program and Policy Committee approved the staff recommendation of Option #2 for Board approval. Discussion followed regarding clarification.

** Moved by Steve Sunderland, seconded by Joe Collins, that the Board approves Option #2 and authorizes staff to finalize, distribute and promote a Request For Interest (RFI) for the Soil Erosion and Drainage Law Compliance Buffer Initiative consistent with the provisions of appropriations enacted in 2013, Minn.

15-13 Stat. 103B.3369 and this Board resolution. ***Motion passed on a voice vote.***

AGENCY REPORTS

Minnesota Department of Health (MDH) – Chris Elvrum reported that MDH released the CWF report.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that Governor Dayton attended the DNR Roundtable and announced a new approach to buffer laws. A technical work group consisting of BWSR, DNR, MDA, and PCA are meeting to develop a buffers plan for the Governor's approval; creating a simple, phase-in approach, looking at tax implications and exemptions, intending to get feedback from partner interests. Tom stated that this internal process is the starting point to establish language to be introduced as a legislative bill.

Tom provided an update on the Fargo Moorhead Diversion and stated the funding challenges with this federal project. DNR is providing an environmental impact statement to be done by mid-summer.

Minnesota Extension Service (MES) – Faye Sleeper briefly commented on the 2015 Aquatic Invaders Summit held January 20-21, in St. Cloud with MAWD. Contact Faye for more information on AIS. Faye announced that Robert Venette is the new director of the Minnesota Invasive Terrestrial Plants & Pests Center.

Minnesota Pollution Control Agency (MPCA) – Terry McDill reported that MPCA CWF partnership grants (\$1.7M appropriation) are open until March 6, 2015; the language focuses on protection.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker reported that she attended the MASWCD annual meeting in December and was pleasantly surprised to learn that the Outstanding Conservationists Award recipients were township officers. John Jaschke recognized Neil Peterson as the AMC Outstanding Farmer of the Year. It was noted that Gene Tiedemann and Steve Sunderland had also been award recipients of the Farmer of the Year.

Minnesota Association of Watershed Districts (MAWD) – Ray Bohn reported that MAWD's annual meeting in December had good attendance. Ray invited board members to attend MAWD's legislative reception on March 11; and the legislative breakfast on March 12 at the Embassy Suites, in St. Paul. The MAWD Summer tour will be held in Duluth, June 24-25. Ray appreciates working closely with BWSR staff during the legislative session. MAWD will support the buffer issues. Ray thanked the Drainage Work Group for their efforts. MAWD will begin meeting with drainage authorities on transfer issues. Ray thanked Don Buckhout for all his great work on PRAP; extremely helpful. Thanks to Board members for all their efforts. Kathryn Kelly reported that she attended the AIS session in St. Cloud, she appreciated the good conference.

UPCOMING MEETINGS

- Southern Region Committee Meeting today (immediately following Board Meeting)
- No February Board Meeting; the next BWSR Board Meeting is March 25, 2015, in St. Paul

Chair Napstad adjourned the meeting at 12:35 PM.

Respectfully submitted,



Brian Napstad
Chair