

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD N.  
LOWER LEVEL CONFERENCE ROOM  
ST. PAUL, MINNESOTA 55155  
WEDNESDAY, MAY 27, 2015**

**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, Steve Sunderland, Gene Tiedemann, Gerald Van Amburg, Rob Sip, MDA

**BOARD MEMBERS ABSENT:**

Faye Sleeper, MES

**STAFF PRESENT:**

Mary Jo Anderson, Angie Becker Kudelka, Steve Christopher, Bill Eisele, Travis Germundson, Jenny  
Gieseke, Jim Haertel, John Jaschke, Al Kean, Tim Koehler, Melissa Lewis, Karen Matthees, Dave Weirens

**OTHERS PRESENT:**

Peggy Knapp and Steve Woods, Freshwater Society  
Sarah Strommen and Jason Garms, DNR  
Ray Bohn, MAWD  
LeAnn Buck, MASWCD  
Dan Larson, Minnesota Rural Counties Caucus  
Duane Maatz, Sugarbeet Growers Association

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

#### **PLEDGE OF ALLEGIANCE**

**\*\*** **ADOPTION OF AGENDA** – Chair Napstad noted that #3 under New Business is an information item, not a decision item as listed. Moved by Sandy Hooker, seconded by Steve Sunderlund, to adopt the agenda as amended. ***Motion passed on a voice vote.***

**\*\*** **MINUTES OF APRIL 22, 2015 BOARD MEETING** – Moved by Tom Schulz, seconded by Tom Loveall, to approve the minutes of April 22, 2015 as circulated. ***Motion passed on a voice vote.***

Chair Napstad introduced Cathee Pullman, newly hired NRCS State Conservationist.

**INTRODUCTION OF NEW EMPLOYEES** – Angie Becker Kudelka introduced Jenny Gieseke, PRAP Coordinator. Dave Weirens introduced Karen Matthees, Grants & Reporting Specialist. Chair Napstad welcomed Jenny and Karen to BWSR.

#### **REPORTS**

**Chair's Report** – Brian Napstad reported that he attended the EQB meeting on May 20. EQB designated MPCA as the Responsible Governmental Unit (RGU) for the Owatonna Energy Station in Steele County. EQB discussed climate change impacts. The Climate Solutions and Economic Opportunity (CSEO) office presented information to EQB regarding developing a low carbon economy; zero energy utilization to battle climate change. EQB reviewed the State's Water Report update. Chair suggested the Water Report be presented to the Board in the future. Chair Napstad stated that EQB has a new webpage.

Chair Napstad reported that the Administrative Advisory Committee (AAC) met this morning; items discussed are on the agenda later today.

**Executive Director's Report** – John Jaschke reviewed information in the board members' packets. John asked board members to contact Mary Jo Anderson if they are interested in ordering business cards. John stated that the U.S. Environmental Protection Agency (EPA) is expected to announce today the Clean Water Rule to protect streams and wetlands.

John reported that the amendment to rules governing Metro Area Local Water Management are on the way to being adopted and are expected to be published in the State Register in June. The rules will take effect after they are published. John thanked Jim Haertel for his efforts on this long process. John mentioned a presentation for local governments in the metro area.

**Dispute Resolution Committee** – Travis Germundson reported that there are 11 appeals pending. File #15-4 restoration order in Polk County; petition denied, restoration affirmed. Travis reported that File #8-9 appeal in Pine County; a settlement agreement was filed. Travis acknowledged Jim Haertel's effort on this. Discussion followed.

**Grants Program & Policy Committee** – Steve Sunderland reported that the Grants Program & Policy Committee met on April 22. Committee recommendations will be presented to the Board at a later date. Steve stated that the Grants Program & Policy Committee may meet in June.

**Water Management & Strategic Planning Committee** – Jack Ditmore stated that the next meeting of the Water Management & Strategic Planning Committee is tentatively scheduled for the evening of June 23. Jack reported that an update of the One Watershed, One Plan (1W1P) pilot projects are in the board members packets for information. Melissa Lewis stated that lessons, feedback, and experience gained from all participants throughout the pilot process will be used to adjust and streamline the framework for the statewide rollout of the program. Melissa stated that consistent communication is so important. Jack stated that the leadership role of each project is important. Chair Napstad stated that selection and direction of the leader is important.

**Wetlands & Drainage Committee** – Gerald Van Amburg stated that the Wetlands & Drainage Committee will likely meet in June or July.

**Drainage Work Group** – Tom Loveall reported that the Drainage Work Group (DWG) did not meet; the next meeting is scheduled for June 11. Al Kean reported that DWG meets the second Thursday of the month; the DWG did not meet during Legislative Session, although subcommittees met.

## COMMITTEE RECOMMENDATIONS

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

**Bassett Creek Watershed Management Commission Plan Amendment** – Steve Christopher reported that the final draft Amendment to the Bassett Creek Watershed Management Commission’s Watershed Management Plan was filed with the Board on April 3, 2015. The Amendment includes the addition of a capital improvement project to provide additional treatment through an existing pond. The amendment also includes the revision of a project currently on the Capital Improvement Project list that will incorporate reuse opportunities within the City of New Hope. The Metro Region Committee met on May 12, 2015 and recommends approval of the Plan Amendment. Moved by Joe Collins, seconded by Jill Crafton, to approve the amendment dated February 2015 to the Bassett Creek Watershed Management Commission Watershed Management Plan. ***Motion passed on a voice vote.***

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15-30

### ***Northern Region Committee***

**Lake of the Woods Comprehensive Local Water Management Plan Amendment** – Neil Peterson reported that Lake of the Woods County adopted a resolution on February 11, 2014, to complete the required five-year amendment to the Lake of the Woods 2010-2020 Comprehensive Local Water Management Plan. A properly noticed public hearing for the amendment was held on December 10, 2014. Lake of the Woods County submitted the Plan amendment to the BWSR on February 6, 2014. The Northern Region Committee met April 8, 2014 to review the Plan amendment and recommends approval of the required five-year amendment of the Lake of the Woods County Comprehensive Local Water Management Plan. The Plan remains in effect until October 28, 2019. Moved by Neil Erickson, seconded by Kathryn Kelly, to approve the five-year amendment of the Lake of the Woods Local Water Management Plan. ***Motion passed on a voice vote.***

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15-31

**Pine County Comprehensive Local Water Management Plan Amendment** – Gerald Van Amburg reported that Pine County adopted a Resolution April 1, 2014, to complete the required five-year Comprehensive Local Water Management (CLWMP) Plan Amendment. A properly noticed public hearing on the amendment was held February 17, 2015. The Northern Region Committee met April 8, 2015 to discuss the Pine County CLWMP amendment and the comments received on the amendment. Based on the comments received and the County’s response to the comments received, the Northern Region Committee recommends approval of the required five-year amendment of the Pine County Comprehensive Local Water Management Plan. Moved by Gerald Van Amburg, seconded by Tom

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15-32 Schulz, to approve the amendment of the Pine County Comprehensive Local Water Management Plan 2010-2020. The Plan will be in effect until June 23, 2020. Gerald will provide MPCA comments to Jill Crafton. **Motion passed on a voice vote.**

**Todd County Priority Concerns Scoping Document** – Tom Schulz reported that Todd County submitted the Priority Concerns Scoping Document (PCSD) for state review and comment as part of updating their Comprehensive Local Water Management Plan. The Northern Region Committee met April 8, 2015, after the state agencies comment period ended; and recommends approval of the Todd County PCSD.

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15-33 The state’s expectations of the final plan must be sent to Todd County. Moved by Tom Schulz, seconded by Neil Peterson, to approve the Todd County Priority Concerns Scoping Document. **Motion passed on a voice vote.**

## **NEW BUSINESS**

**Presentation of Report, “Farm to Stream: Recommendations for Accelerating Soil and Water Stewardship”** – Peggy Knapp and Steve Woods, Freshwater Society. Peggy presented background information and stated that the Freshwater Society reviewed farmer-led initiatives and collaborated with the National Park Service and the Cannon River Watershed Partnership for three years on the Farmwise program. Results of these efforts uncovered items that both farmers and conservation groups cited as being barriers to doing more. Peggy stated that the intent of the program was to activate social capacity; the common values were economics of conservation. Steve reported that the findings and recommendations are for working with the agencies, associations, and the university. Some were related to this legislative session, some entail changes in procedures within the executive branch. Steve presented the recommendations grouped by: 1) adjust funding structures; 2) invest in local capacity; 3) invest in relationships/partnerships; and 4) invest in research. Discussion followed. Tom Loveall noted the distinction between farmers, producers, and landowners. Chair Napstad thanked Peggy and Steve for the informative presentation.

Chair Napstad called for a break in the meeting at 10:58 a.m.; the meeting reconvened at 11:12 a.m.

**Legislative Update** –Melissa Lewis, Water Plan & Policy Coordinator and temporary legislative liaison, presented an overview of legislative bills and policy initiatives.

Sarah Strommen, DNR Assistant Commissioner, presented the draft buffer initiative summary as adopted by Conference Committee on May 18, 2015. Sarah reported that both bodies of the Minnesota Legislature passed the Omnibus Agriculture, Environment, and Natural Resources Bill (HF846), that was vetoed by Governor Dayton. The buffer policy language was contained with HF846; funding for the buffer policy is contained in the Legacy Bill, which passed the House but ran out of time in the Senate. John Jaschke stated that the buffer initiative is an overlay section under 103F, and provides flexibility for a drainage authority to retroactively compensate landowners. There is no rulemaking authority in this statutory language. Discussion followed. John stated that guidance and policy will be developed as the needs arise.

Neil Peterson left the meeting at 11:22 a.m.

Dave Weirens, Assistant Director, provided an overview the Wetland Conservation Act (WCA) work; changes in wetland mitigations, targeting, priorities, and efficiencies. Dave stated that the issues were discussed with the Governor’s office prior to the legislative session; the ongoing rulemaking process is in place as we go forward. Dave reported that jointly BWSR and DNR will undertake a feasibility study of

the Clean Water Act 404 Study. Dave commented on the Legacy Clean Water Funds implementation; appropriations tied to two initiatives for SWCDs and CREP.

Melissa will provide board members with a summary of the One Watershed, One Plan initiative.

Tom Landwehr stated that Special Session decisions are made by the Governor and Legislature. Layoff notices will be sent to state employees on June 1<sup>st</sup> for the potential shutdown.

**Contingency Planning** – John Jaschke reported Governor Dayton vetoed the Omnibus Environment/Ag/Natural Resources Budget and Policy Bill (and also has vetoed the Jobs/Energy Omnibus Bill and the Education Bill). The Legacy Bill was passed by the House but not the Senate. The goal is to resolve these critical items in a Special Legislative Session which will be negotiated in the next few weeks. However, BWSR and all the other affected agencies, in coordination with Minnesota Management & Budget (MMB), must prepare for any scenario, including a partial shutdown. A partial shutdown would be limited to those agencies who do not have a budget agreement by July 1.

John reported that a contingency plan option was discussed with the Administrative Advisory Committee. BWSR will be directed by MMB; if necessary, there may be an emergency Board meeting scheduled. The Board will be notified of updates as they are available.

#### **AGENCY REPORTS**

**Minnesota Department of Agriculture (MDA)** – Rob Sip distributed the tour itinerary of the Red River Basin Commission’s drainage tour on June 14 in Moorhead; board members are invited to attend. Rob also distributed a fact sheet on ‘Reducing Ditch System Maintenance Costs in the Red River Basin of Minnesota’ for board members’ information.

**Minnesota Department of Health (MDH)** – Chris Elvrum reported that MDH’s budget bill passed; no shutdown for MDH.

**Minnesota Department of Natural Resources (DNR)** – Tom Landwehr reported that the Governor’s buffer initiative is being discussed statewide; this is the beginning of discussions also needed on groundwater issues. Tom stated that Governor Dayton announced that he will seek to establish a Water Quality Coordinator position in his office.

**Minnesota Pollution Control Agency (MPCA)** – Rebecca Flood stated that buffers is the first step not the last step to addressing agricultural water quality issues. MPCA is also engaged in the shutdown process. Rebecca stated that EPA will announce Waters of the U.S. rule language and clarifications today.

#### **ADVISORY COMMENTS**

**Minnesota Association of Soil & Water Conservation Districts (MASWCD)** – LeAnn Buck reported that MASWCD was appropriated \$11M annually for capacity from the Clean Water Fund; not the General Fund as requested. LeAnn stated that buffers is the new land use policy that accelerates local government implementation. LeAnn thanked BWSR for assistance.

**Minnesota Association of Townships (MAT)** – Sandy Hooker reported that MAT’s legislative committee meets next week.

**Minnesota Association of Watershed Districts (MAWD)** – Ray Bohn stated that his current opinion is that the buffer initiative language is poor public policy developed with little input from local government. MAWD is opposed to SWCD funding from the Clean Water Fund; it should have been from the General Fund. Ray will send a memo to board members regarding the buffer bill language; should have been in 103E not in 103F. Chair Napstad stated that BWSR understands MAWD’s frustration on how the bill language was developed, there is a process in place, we’ve worked through things in the past and we’ll work through this also. Ray stated that MAWD will be involved with the Special Session, he will be talking with legislators. Chair Napstad stated that BWSR is committed to working with MAWD.

Dan Larson, Minnesota Rural Counties Caucus (MRCC) stated that MRCC wants BWSR to know their concerns regarding the buffer initiative. Dan briefly expressed concerns regarding drainage authorities and optional buffer strips.

**UPCOMING MEETINGS**

- Next BWSR Board Meeting, June 24, 2015, St. Paul – *will be notified of potential shutdown.*

Chair Napstad adjourned the meeting at 12:42 PM.

Respectfully submitted,



Brian Napstad  
Chair