

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N.
LOWER LEVEL CONFERENCE ROOM
ST. PAUL, MINNESOTA 55155
WEDNESDAY, JANUARY 27, 2016**

BOARD MEMBERS PRESENT:

Patty Acomb, Joe Collins, Jill Crafton, 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, Rob Sip, MDA; Faye Sleeper, MES; Steve Sunderland, Gerald Van Amburg, Paige Winebarger

BOARD MEMBERS ABSENT:

Gene Tiedemann

STAFF PRESENT:

Mary Jo Anderson, Angie Becker Kudelka, Steve Christopher, Bill Eisele, Travis Germundson, Nicole Gebheim, Jenny Gieseke, Jim Haertel, Ryan Hughes, Al Kean, John Jaschke, Dave Johnson, Melissa Lewis, Ken Powell, Dan Steward, Renee Sutton, Dave Weirens

OTHERS PRESENT:

Jason Garms, DNR
Todd Holman, The Nature Conservancy

Chair Napstad called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Chair Napstad reported one addition to the agenda, the Conflict of Interest Declaration process is being used today for the FY2014 St. Louis County Natural Resources Block Grant Amendment. Moved by Sandy Hooker, seconded by Neil Peterson, to adopt the agenda as amended.

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16-01

Motion passed on a voice vote.

MINUTES OF DECEMBER 16, 2015 BOARD MEETING – Moved by Steve Sunderland, seconded by Doug Erickson, to approve the minutes of December 16, 2015 as circulated. ***Motion passed on a voice vote.***

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16-02

INTRODUCTION OF NEW EMPLOYEES

Bill Eisele introduced Nicole Gebheim, Human Resources Officer; and Renee Sutton, Accounting Officer. Chair Napstad welcomed Nicole and Renee to BWSR.

REPORTS

Chair's Report - Brian Napstad reported that EQB met January 12, 2016 at the St. Paul Science Museum to discuss worldwide climate change. The EQB had a planning retreat in the afternoon, discussions provided direction for the executive director to move forward on activity prioritization, Environmental Congress, climate change, pollinators and issues affecting Minnesota from an interagency perspective. EQB's Interagency Climate Adaptation Team (ICAT) consisting of PCA, EQB, BWSR, Met Council, DNR met the following week to discuss pollinators, great multi-agency presentations on pollinators and climate changes. Chair Napstad suggested a presentation to BWSR on climate change in the near future.

Chair Napstad requested board members participate in John Jaschke's annual performance review. Angie Becker Kudelka will provide an anonymous confidential survey to board members. Chair Napstad and Vice-Chair Van Amburg will conduct the executive director's performance evaluation prior to the March Board meeting.

Audit & Oversight Committee – Chair Napstad reported that the Audit & Oversight Committee met this morning to review the 2015 PRAP Report; the Committee's recommendation is on the agenda later today.

Executive Director's Report – John Jaschke provided a staffing update. John briefly commented on the Climate Change Adaptation Conference on January 28, and the Governor's Water Summit on February 27. John reported that the Governor's bonding bill includes BWSR's CREP initiative; and Local Roads Wetlands Replacement Program. John stated that BWSR is developing the buffer implementation process. John reviewed information in board members' packets.

Jill Crafton asked about DNR mapping. Jason Garms, DNR, provided a brief update on the DNR mapping process, the maps will be maintained. He stated that Phase 1 is about public waters; Phase 2 is data collection of ditches; some drainage authorities have digital information, some counties have useful information on benefited areas and public ditches, LIDAR will be useful for other drainage ditch areas. Tom Landwehr explained the public ditch and benefited areas, stating the legislative interpretation of the law differs. Discussion followed. Chair Napstad thanked Jason for the update.

Dispute Resolution Committee (DRC) – Travis Germundson provided a brief overview of the appeals filed with BWSR, currently eight appeals are pending; a new appeal File 16-1, is a no-loss decision in Wright County.

Grants Program & Policy Committee – Steve Sunderland reported that the Grants Program & Policy Committee met January 26; recommendations are on the agenda later today. Steve stated that Marcey Westrick presented an overview of the Clean Water Funds process. The Committee would like to meet with the Water Management & Strategic Planning Committee in the near future. The next Grants Program & Policy Committee meeting will be April 26.

Water Management & Strategic Planning Committee – Jack Ditmore reported that the Water Management & Strategic Planning Committee met January 26; a recommendation is on the agenda later today regarding One Watershed, One Plan (1W1P). Jack provided a brief update on the 1W1P pilot program review process, will start to see results in the spring. The next Committee meeting will be in March. The Water Management & Strategic Planning Committee will be meeting with the Grants Program & Policy Committee.

Wetland Conservation Committee – Gerald Van Amburg reported that the Wetland Conservation Committee will meet today immediately following adjournment of the Board meeting.

Drainage Work Group – Tom Loveall reported that the Drainage Work Group met on January 14. Tom provided an overview of the meeting. Al Kean reported that the Drainage Work Group’s next meeting is March 3.

CONFLICT OF INTEREST DECLARATION

Chair Napstad explained that the Conflict of Interest Disclosure process is being used today for the FY2014 St. Louis County Natural Resources Block Grant Amendment.

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.”

COMMITTEE RECOMMENDATIONS

Central Region Committee

Carver County Groundwater Plan – Steve Christopher reported that the Central Region Committee met on January 7, 2016. Carver County submitted a Groundwater Plan to BWSR for review and approval. The Plan defines the County’s role in groundwater resource management for the next ten years and focuses on how to meet today’s needs as well as expected growth within the County while protecting its resources. The Central Region Committee recommends approval of the Carver County Groundwater Plan. Moved by Joe Collins, seconded by Jill Crafton, to approve the Carver County 2016 – 2025 Groundwater Plan. **Motion passed on a voice vote.**

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16-03

Riley-Purgatory-Bluff Creek Watershed District Watershed Management Plan Amendment – Steve Christopher reported that the final draft Amendment to the Riley-Purgatory-Bluff Creek Watershed District Watershed Management Plan was filed with the Board on December 4, 2015. The Amendment proposes to revise the District’s current implementation program by adding two capital improvement

16-04 ** projects. The total estimated cost of the projects is \$2,050,000 and would be funded through the District's watershed-wide levy. The Central Region Committee met on January 7, 2016 and unanimously recommends approval of the Plan Amendment. Moved by Joe Collins, seconded by Jill Crafton, to approve the amendment dated December 2015 to the Riley- Purgatory-Bluff Creek Watershed District Watershed Management Plan. **Motion passed on a voice vote.**

16-05 ** **Wright County Local Water Management Plan Extension** – Steve Christopher reported that approximately two-thirds of Wright County is located within the North Fork Crow River Watershed which is currently participating as a pilot for the One Watershed, One Plan program. Wright County and Wright SWCD have been active planning participants in the North Fork Crow River Planning Partnership group for the program since it started the planning area in early 2015. Wright County is requesting an extension for their Local Water Management Plan to allow for the County to adopt the One Watershed, One Plan locally. The Central Region Committee met January 7, 2016 to discuss the Plan and unanimously recommend approval of the extension to December 31, 2017. Moved by Joe Collins, seconded by Sandy Hooker, to approve the Wright County Local Water Management Plan extension to December 31, 2017. **Motion passed on a voice vote.**

16-06 ** **Isanti County Local Water Management Plan Extension** – Joe Collins reported that on May 24, 2006, the BWSR approved Isanti County's Comprehensive Local Water Management Plan for a ten year period until May 31, 2016. On March 18, 2015, the County passed a resolution to begin the plan update process. On September 24, 2015, the County requested an extension to allow for the inclusion of data from the Rum River WRAPS to be included in the planning process. This extension request was within the BWSR policy guidelines. The Central Region Committee met on January 7, 2016 reviewed the extension request and recommend approval of the extension to May 31, 2018. Moved by Joe Collins, seconded by Faye Sleeper, to approve the Isanti County Local Water Management Plan extension to May 31, 2018. **Motion passed on a voice vote.**

Chair Napstad called for a break in the meeting at 10:22 AM. The meeting reconvened at 10:40 AM.

Chair Napstad acknowledged Sandy Hooker's service as a BWSR board member representing townships. Chair Napstad and John Jaschke presented Sandy with a Distinguished Service Award plaque for her dedicated service to Minnesota's water and soil resources from 2009-2016. Chair Napstad thanked Sandy for her service and membership on the Board. Sandy stated that she enjoyed serving on the Board.

Northern Region Committee

16-07 ** **Bois de Sioux WD and Buffalo-Red River WD Boundary Change Petition** – Gerald Van Amburg reported that August 3, 2015, BWSR received a petition to change the boundaries of the Bois de Sioux Watershed District (BdSWD) and Buffalo-Red River Watershed District (BRRWD). The petition was filed by the two Watershed Districts and Otter Tail County. The proposed boundary change, encompassing approximately 8,433 acres of land, would achieve a more accurate alignment between the hydrologic and legal boundaries of the BdSWD and the BRRWD. The Northern Region Committee met on January 13, 2016 and unanimously recommend approval of the BdSWD and the BRRWD boundary change Petition. Moved by Gerald Van Amburg, seconded by Kathryn Kelly, to approve the order changing the boundaries of the Bois de Sioux WD and Buffalo-Red River WD per the petition and depiction on the map. **Motion passed on a voice vote.**

Wadena County Priority Concerns Scoping Document – Tom Schulz reported that the Wadena County submitted the Priority Concerns Scoping Document for state review and comment as part of updating their Comprehensive Local Water Management Plan. The Northern Region Committee met January 13, 2016, after the state agencies comment period ended. The Committee recommends approval of the Wadena County Priority Concerns Scoping Document. The State’s expectations of the final plan must be sent to Wadena County. Moved by Tom Schulz, seconded by Terry McDill, to approve Wadena County Priority Concerns Scoping Document for the Comprehensive Local Water Management Plan Update. Discussion followed. **Motion passed on a voice vote.**

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16-08

Hubbard County Comprehensive Local Water Management Plan Update – Tom Schulz reported that Hubbard County submitted their Comprehensive Local Water Management Plan Update for State review. The Northern Region Committee met January 13, 2016 to review the content of the plan, state agency comments, and recommends approval of the Hubbard County Comprehensive Local Water Management Plan Update. Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the update of the Hubbard County Comprehensive Local Water Management Plan 2016 – 2026; with Goals, Objectives, and Action Items being amended prior to January 27, 2021. **Motion passed on a voice vote.**

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16-09

Todd County Comprehensive Local Water Management Plan Update – Tom Schulz reported that Todd County submitted the revised Todd County Comprehensive Local Water Management Plan for State review and comment. The Northern Region Committee met on January 13th after the State agencies comment period ended. The Committee unanimously recommends approval of the Todd County Comprehensive Local Water Management Plan five-year update. Moved by Tom Schulz, seconded by Joe Collins, to approve the update of the Todd County Comprehensive Local Water Management Plan 2016 - 2021. Discussion followed. **Motion passed on a voice vote.**

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16-10

Audit & Oversight Committee

2015 Performance Review and Assistance Program (PRAP) Report to the Legislature – Jenny Gieseke reported that the annual PRAP Report is required by M.S. 103B.102, subd. 3. The Report presents a summary of PRAP reviews and activities conducted during 2015. The Audit & Oversight Committee met this morning to review the draft Report, and recommends approval of the 2015 PRAP Report, to be submitted to the Legislature by the February 1 deadline. Discussion followed. Moved by Kathryn Kelly, seconded by Sandy Hooker, to approve the 2015 PRAP Report to the Minnesota Legislature for transmittal to the Legislature and publication on the Board’s website, with allowance for any minor editing modifications necessary for publication. **Motion passed on a voice vote.**

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16-11

Paige Winebarger left the meeting at 11:27 AM.

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 on the grant item.

Grants Program & Policy Committee

St. Louis County FY2014 NRBG Amendment – Dave Weirens reported that a proposal to reimburse St. Louis County for a portion of its costs to approve the Lake Superior Wetland bank arose during the 2015 Legislative session. The County raised concerns regarding the scale of the project and the decision-making authority transferred from the DNR to St. Louis County; which resulted in costs to the County significantly higher than any prior wetland bank. A method to address these concerns that was initially proposed was to provide a portion of wetland bank fee revenue to the counties that host wetland

banks. These funds provide significant financial support to BWSR's wetland banking activities, any reduction would have a significant negative impact on this critical WCA program. The issues of scale and decision authority along with the restoration methods, extensive ditch abandonment and public outreach are rationale for this amendment. Dave reported that the Grants Program & Policy Committee met on January 26, 2016 to review the proposed NRBG amendment and recommends approval of the one-time reimbursement to St. Louis County for FY2014 NRBG Amendment. Moved by Joe Collins, seconded by Steve Sunderland, to authorize staff to amend the FY2014 St. Louis County NRBG to add up to \$300,000 to reimburse St. Louis County for a portion of its costs associated with oversight and approval of the Lake Superior Wetland Bank.

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16-12

Discussion followed. Tom Landwehr suggested a potential policy consideration regarding large wetland banks from private investors. Tom Loveall stated the need to address profit and expense issues. Chair Napstad suggested the BWSR wetland section consider guidance for county fee schedules. Dave stated that an alternative, accepted by the County and legislators, was to grant BWSR authority to make one-time payments for unique circumstances, such as the one presented, along with the repeal of an ongoing BWSR General Fund repayment that had been in place since 2008. Dave stated that future changes will grant BWSR authority to engage in wetland mitigation issues. **Motion passed on a voice vote.**

Water Management & Strategic Planning Committee

One Watershed, One Plan Request for Public Comment – Melissa Lewis reported that the Water Management and Strategic Planning Committee met January 26, 2016 and recommends the Board proceed with announcing public review and comment periods for the One Watershed, One Plan Operating Procedures and Plan Content documents from January 28, 2016 through March 4, 2016. The One Watershed, One Plan Transition Plan to be initiated after final review of the Plan at the March 26, 2016 Committee meeting. Moved by Jack Ditmore, seconded by Sandy Hooker, to authorize staff to initiate review periods for the purpose of seeking comment prior to formal adoption by the Board of the One Watershed, One Plan: a) Operating Procedures; b) Plan Content Requirements; and c) Transition Plan. Discussion followed. John Jaschke stated that BWSR has authority by statute with no rulemaking authority. Tom Loveall suggested clarification to the branding name, is it One Watershed, One Plan or Comprehensive Watershed Management Planning Program. Jack Ditmore stated that at this point it is One Watershed, One Plan (1W1P). **Motion passed on a voice vote.**

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16-13

NEW BUSINESS

Vice-Chair Nomination – John Jaschke reported that the BWSR Bylaws state: "The Vice-Chair shall be elected to a two-year term by the members of the Board. The Vice-Chair shall be elected by majority vote at the first regularly scheduled meeting of every EVEN calendar year." Chair Napstad stated that Gerald Van Amburg is Vice-Chair. Chair Napstad called for nominations. Moved by Tom Schulz, seconded by Joe Collins, to nominate Gerald Van Amburg. Chair Napstad made three additional calls for nominations. No additional nominations were made. Chair Napstad declared nominations closed. Gerald Van Amburg received a unanimous vote to serve as Vice-Chair. **Motion passed on a voice vote.** Gerald Van Amburg will continue to serve as Vice-Chair of BWSR.

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16-14

AGENCY REPORTS

Minnesota Department of Agriculture (MDA) – Rob Sip announced that MDA is working with the Agricultural Water Resources Center to host the Minnesota Crop Nutrient Management Conference, February 9 in Mankato. Rob reported that the Red River Basin Commission is holding a series of five

statewide meetings on the nutrient management plan. Rob distributed a flyer on the AgBMP Loan Program.

Minnesota Department of Natural Resources (DNR) – Tom Landwehr reported that the Governor’s Water Summit on February 27, in St. Paul will have approximately 1000 people in attendance. Tom reported that the Governor has directed DNR to be more diverse, and so DNR is now engaged in a pilot program working with urban youth, providing an internship program and scholarships. Tom provided a brief update on the Pheasant Plan initiated at the 2015 DNR Roundtable. The 2016 Roundtable presented a Pheasant Plan report card showing great success; accomplishments include Buffers initiative, the Walk-In Access Program; and the CREP proposal.

Minnesota Pollution Control Agency (MPCA) – Terry McDill distributed a map of the Watershed Restoration & Protection Strategies (WRAPS) completed and upcoming milestones. Terry stated that loan applications are open on an ongoing basis at 2%. John asked that a message be provided at the drainage authority level.

ADVISORY COMMENTS

Minnesota Association of Townships (MAT) – Sandy Hooker stated that MAT is preparing for the 2016 Legislative Session, and conducting statewide training sessions in the spring.

UPCOMING MEETINGS

- BWSR Board Meeting, March 23, 2016, St. Paul
- Water Management & Strategy Planning Committee Meeting, March 22, 2016

Chair Napstad adjourned the meeting at 12:24 PM.

Respectfully submitted,



Brian Napstad
Chair