

BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD N., LOWER LEVEL BOARD ROOM
ST. PAUL, MINNESOTA 55155
THURSDAY, OCTOBER 27, 2016

BOARD MEMBERS PRESENT:

Patty Acomb, Joe Collins, Jill Crafton, Jack Ditmore, Chris Elvrum, MDH; Doug Erickson, Tom Landwehr, DNR; Tom Loveall, Terry McDill, MPCA; Brian Napstad, Neil Peterson, Nathan Redalen, Tom Schulz, Rob Sip, MDA; Steve Sunderland, Gerald VanAmburg, Paige Winebarger

BOARD MEMBERS ABSENT:

Faye Sleeper, MES; Kathryn Kelly, Gene Tiedemann

STAFF PRESENT:

Angie Becker Kudelka, Jason Beckler, Kevin Bigalke, Steve Christopher, Dan Fabian, Elsa Flage, Travis Germundson, Doug Goodrich, Ryan Hughes, John Jaschke, Al Kean, Kari Keating, Les Lemm, Ed Lenz, Melissa Lewis, Erin Loeffler, Tara Ostendorf, Jill Sacket-Eberhart, Tim Smith, Sarma Straumanus, Doug Thomas, Dave Weirens, Julie Westerlund

OTHERS PRESENT:

Keith Carlson

Dan Schutte, Lake SWCD; Ilena Berg, Cook SWCD; and Paul Radomski, DNR

Kerry Netzke, Emily Javens, Pauline VanOverbeke, Rodney Stensrud, Gary Crowley

LeAnn Buck, MASWCD

Jack Lavold, Brian Johnson, John Loomis, and Matt Moore (SWWD)

Chris Pence and Tony Bauer (TLWD)

Barb Huberty (LWL)

Jennifer Berquam (AMC)

Chair Napstad called the meeting to order at 9:03 a.m.

PLEDGE OF ALLEGIANCE

**** 16-76 ADOPTION OF AGENDA** – Moved by Patty Acomb, seconded by Doug Erickson, to adopt the agenda as presented. *Motion passed on a voice vote.*

MINUTES OF SEPTEMBER 28, 2016 BOARD MEETING – Jill Crafton noted an error on page four, under the SWCD Technology Capacity Survey & Report Grant, second line, the word *approved* should be *approval*.

**** 16-77** Moved by Tom Landwehr, seconded by Terry McDill, to approve the minutes of September 28, 2016 as corrected. *Motion passed on a voice vote.*

INTRODUCTION OF NEW EMPLOYEES

- Tara Ostendorf, Board Conservationist, Waite Park
- Elsa Flage, Wetland Mitigation Program Assistant, St. Paul
- Tim Smith, Wetland Banking Coordinator, St. Paul
- Jill Sacket-Eberhart, Board Conservationist, New Ulm
- Doug Goodrich, Board Conservationist, Marshall
- Erin Loeffler, Board Conservationist, Duluth

REPORTS

Chair & Administrative Advisory Committee – Chair Napstad overviewed the recent EQB meeting and noted an upcoming Environmental Congress event in February 2017.

Executive Director's Report – John Jaschke reviewed the materials in the packet and noted some of the work started to be ready for 2017 Legislative session.

Dispute Resolution Committee (DRC) – Travis Germundson reported there are 15 pending appeals and 2 new appeals. He thanked the DRC for a job well done on the hearing held in September.

Wetland Conservation Committee – Gerald VanAmburg reported that the committee met with three items to discuss. Two of the items are on the board agenda. The third item is in regards to the 404 Assumption study that BWSR and the DNR are required by law to do. The study is nearly complete and the information is on BWSR's website.

Buffers, Soils & Drainage Committee – Chair Napstad reported the committee met after the last board meeting. They were able to take a look at the new BuffCAT program that will assist in reporting on buffers. The committee also discussed enforcement and compliance procedures.

Drainage Work Group – Tom Loveall/Al Kean reported on the most recent Drainage Work Group meeting. A written summary was provided to the Board members.

COMMITTEE RECOMMENDATIONS

Central Region Committee

Sherburne County Priority Concerns Scoping Document – Kevin Bigalke reported that on May 23, 2007, BWSR approved Sherburne County's Comprehensive Local Water Management Plan for a ten year period ending January 31, 2017, which was extended to February 28, 2018. On July 7, 2015, the County passed a resolution to begin the plan update process. On August 28, 2016, the Sherburne County Water Planner submitted the priority concerns scoping document to the state agencies for review. The BWSR Central Region Committee met on October 6, 2016, reviewed the Sherburne County Comprehensive Local Water

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16-78 Management Priority Concerns Scoping Document and recommend approval; finding the priority concerns identified to be appropriate and for the County to continue working on the development of the Plan. Moved by Joe Collins, seconded by Jill Crafton, to approve the Sherburne County Priority Concerns Scoping Document. **Motion passed on a voice vote.**

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16-79 **South Washington Watershed District 2016-2026 Watershed Management Plan** – Dan Fabian reported that on August 22, 2016, the South Washington Watershed District (SWWD) filed with the Board, the final draft 10-year plan amendment of its Watershed Management Plan. The SWWD is located exclusively in southern Washington County in the eastern portion of the metropolitan area encompassing portions of the Cities of Afton, Lake Elmo, Oakdale, Woodbury, Cottage Grove and Denmark Township. The area is a highly desirable place to live and the remaining rural areas continue to be quickly developing in an organized manner. The SWWD covers 110 square miles (70,000 acres) at the confluence of the Mississippi and St. Croix Rivers, includes 12 lakes, over 120 miles of piped and natural streams, and over 2,400 acres of wetlands. The Board’s Central Region Committee met on October 6, 2016, reviewed the Plan; and unanimously recommend approval of the Plan. Moved by Joe Collins, seconded by Patty Acomb, to approve the South Washington Watershed District Watershed Management Plan. **Motion passed on a voice vote.**

Northern Region Committee

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16-80 **Thirty Lakes Watershed District Termination Petition** – Ryan Hughes and Travis Germundson provided an overview. The Thirty Lakes Watershed District (TLWD) was established on May 18, 1971, by Order of the Minnesota Water Resources Board, which is now the Board of Water and Soil Resources. The TLWD was established to address lake water quality concerns, increased lakeshore development, stormwater management, septic system regulations, prevalence of swimmer’s itch and garbage in lakes. Reasons for the termination include; the original water resource management purposes of the TLWD are currently being adequately addressed by other government agencies; the residents of the district are being served well by the other government agencies and this additional level of government is duplicative; and, the TLWD has not taxed property owners since 2012 due to lack of projects and excess funds. Resolutions supporting the termination of the TLWD have been adopted by Crow Wing County, Lake Edward Township and the TLWD Board. A public hearing was held by the Northern Region Committee on August 16, 2016 and the Order was reviewed by the Committee on October 12, 2016. The Committee had a unanimous decision to recommend approval of the Order by the full Board. Moved by Tom Schulz, seconded by Neil Peterson, to approve the Thirty Lakes Watershed Order for Termination. **Motion passed on a voice vote.**

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16-81 **Wadena County Comprehensive Local Water Management Plan** – Tom Schulz reported that Wadena County has submitted their Comprehensive Local Water Management Plan for State review. The Northern Region Committee met October 12, 2016 to review the content of the plan, state agency comments to the plan and to make recommendations for approval. The Committee recommends approval by the full Board. Moved by Tom Schulz, seconded by Paige Winebarger, to approve the Wadena County Comprehensive Local Water Management Plan. **Motion passed on a voice vote.**

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** **Clay County Priority Concerns Scoping Document** – Gerald VanAmburg reported that Clay County has submitted their Priority Concerns Scoping Document (PCSD) as part of the update to their Comprehensive Local Water Management Plan. Their current plan expires December 31, 2016. Clay County presented their PCSD to the Northern Region Committee on October 12, 2016, and the Committee reviewed the document, concurred with the priority concerns selected and recommended approval of the Clay County PCSD by the full Board. Moved by Gerald VanAmburg, seconded by Tom Landwehr, to approve the Clay County Priority Concerns Scoping Document. Discussion followed.

** Moved by Jack Ditmore, seconded by Gerald VanAmburg, that the wording of the supporting letter be amended to reflect the language on climate change be added as shown in Sherburne County letter (Res

16-82 #16-79). **Motion passed on a voice vote.**

** Further moved by Tom Landwehr, seconded by Terry McDill, that the letter should also reflect that the DNR did provide comments, but that they were not submitted within the time period. **Motion passed on a voice vote.**

16-84 The original motion -- to approve the Clay County Priority Concerns Scoping Document with approved edits. **Motion passed on a voice vote.**

Norman County Priority Concerns Scoping Document – Neil Peterson reported that Norman County has submitted their Priority Concerns Scoping Document (PCSD) as part of the process to update their Comprehensive Local Water Management Plan. The current plan expires December 31, 2016. Agency comments were received as part of the PCSD process and were considered for inclusion in the comprehensive local water management plan. Norman County presented their PCSD to the Northern Region Committee and the Committee concurred with the selected priority concerns and recommended approval of the Norman County PCSD by the full BWSR Board. Moved by Neil Peterson, seconded by Paige Winebarger, to approve the Norman County Priority Concerns Scoping Document with an amended letter to reflect climate change language. **Motion passed on a voice vote.**

NEW BUSINESS

Lake Superior North Comprehensive Watershed Management Plan (One Watershed, One Plan) -

Dan Schutte, Lake SWCD; Ilena Berg, Cook SWCD; and Paul Radomski, DNR (Members of the Lake Superior North Watershed (LSNW) Advisory Committee) presented the progress of developing their comprehensive watershed management plan. In October 2014, Cook and Lake County Soil and Water Conservation Districts (SWCDs) were notified that LSNW had been selected as a pilot watershed for the One Watershed, One Plan (1W1P). Since this time, a Policy Committee comprised of elected officials and an Advisory Committee comprised of federal, state, and local agencies and groups have been meeting to develop the LSNW Comprehensive Watershed Management Plan (Plan). The Plan has been prioritized and targeted with measurable outcomes identified. To achieve this, Zonation modelling was utilized and will be discussed with the Board. There is a focus within the Plan of both protection and restoration tailored to the unique resources of the watershed. The plan is organized by prioritized resource areas and priorities for work identified within the Plan. Project leads, estimated budgets, and project partners have also been identified. After the public hearings are held for the Plan it will be submitted for review and consideration by the Board.

Yellow Medicine River One Watershed, One Plan - Kerry Netzke, Emily Javens, Pauline VanOverbeke, Rodney Stensrud, Gary Crowley (planning committee and workgroup members) - The Yellow Medicine River Watershed was selected by the Minnesota Board of Water and Soil Resources (BWSR) as one of the five pilot areas for the One Watershed, One Plan program. Beginning in September 2014, planning committee and workgroup members have attended regularly scheduled meetings and submitted the Yellow Medicine River 1W1P final draft plan to BWSR on September 19, 2016 for approval. Pending Southern Region Committee and BWSR Board approval, the Yellow Medicine River 1W1P will be approved and locally adopted in early 2017. Members of the Yellow Medicine River One Watershed, One Plan Policy and Advisory Committee presented the Yellow Medicine River One Watershed, One Plan development process, measurable goals, partnerships, and future implementation.

COMMITTEE RECOMMENDATIONS

Wetland Conservation Committee

Local Road Wetland Replacement Program: Status and Management Plan – Dave Weirens and Tim Smith reported that BWSR has been providing wetland replacement since 1996 for certain county, city and township road projects. Due to persistent underfunding of this Program, we are now faced with the prospect

of being unable to provide wetland replacement on a statewide basis as provided by statute. The Wetland Conservation Committee recommendation to adopt the Local Road Wetland Replacement Program Status and Management Plan will establish a process to manage remaining and anticipated future wetland credits the Program will realize. Moved by Jack Ditmore to change the resolution to read that the Executive Director will make decisions on BSA closure only after all credits are exhausted statewide. There was no second. Moved by Gerald VanAmburg, seconded by Steve Sunderland, to approve the Local Road Wetland Replacement Programs Status and Management Plan. **Motion passed on a voice vote.**

Wetland Mitigation Fee Policy Update – Les Lemm and Tim Smith reported the Board last took action on the wetland mitigation fee policy in January of 2013 (Board Resolution #11-98). Since that time BWSR has gained additional experience with the assessment and collection of fees for wetland mitigation and also received additional fee authority in 2015 for easement acquisition and stewardship. In 2016, staff completed an evaluation of the existing fee policy structure and completed the necessary research and analysis to develop a structure for the new fee authorities. These efforts resulted in an updated wetland mitigation fee policy. The Wetland Conservation Committee recommendation to adopt the updated wetland mitigation fee policy will implement the new fee authorities and update our existing wetland mitigation fee structure. Moved by Gerald VanAmburg, seconded by Joe Collins, to approve the Wetland Mitigation Fee Policy Update, with an edit to the final sentence of the resolution, where “transaction” should be “transactions”. **Motion passed on a voice vote.**

NEW BUSINESS

2017 Proposed BWSR Board Meeting Schedule – John Jaschke reported that the Board meets the fourth Wednesday of the month unless noted; he presented the proposed meeting dates for 2017. Moved by Joe Collins, seconded by Patty Acomb, to approve the 2017 proposed BWSR Board meeting schedule. **Motion passed on a voice vote.**

ADVISORY COMMENTS

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck applauded the milestone of the One Watershed, One Plan pilots.

Minnesota Association of Townships – Nathan Redalen reported that the Minnesota Association of Townships annual meeting will be held on November 17th and that Dave Weirens is a speaker.

UPCOMING MEETINGS

- MAWD Annual Convention, December 1-3, Arrowwood, Alexandria
- MASWCD Annual Convention, December 4-6, Double Tree Hotel, Bloomington
- AMC Annual Convention, December 5-6, Hyatt Regency, Minneapolis
- Next BWSR Meeting, Wednesday, December 14, St. Paul

Chair Napstad adjourned the meeting.

Respectfully submitted,



Brian Napstad, Chair