

**BOARD OF WATER AND SOIL RESOURCES
CAPITOL REGION WATERSHED DISTRICT
MISSISSIPPI RIVER ROOMS A & B
ST. PAUL, MINNESOTA 55104
WEDNESDAY, MARCH 27, 2019**

BOARD MEMBERS PRESENT:

Jill Crafton, Jack Ditmore, Kathryn Kelly, Sarah Strommen, DNR; Tom Loveall, Nathan Redalen, Tom Schulz, Susan Stokes, MDA; Steve Sunderland, Gerald Van Amburg, Harvey Kruger, Paige Winebarger, Joel Larson, University of Minnesota Extension; Duane Willenbring, Chris Elvrum, MDH; Neil Peterson, Glenn Skuta, MPCA

BOARD MEMBERS ABSENT:

Joe Collins, Rich Sve

STAFF PRESENT:

John Jaschke, Kari Keating, Cari Pagel, Ryan Hughes, Doug Thomas, Dave Weirens, Tim Smith, Jenny Gieseke, Melissa Wenzel, Julie Westerlund

OTHERS PRESENT:

Emily Javens, MAWD
Troy Daniell, NRCS
Brian Martinson, AMC
Eric Alms, MPCA

Chair Gerald Van Amburg called the meeting to order at 9:06 AM

PLEDGE OF ALLEGIANCE

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19-10 **ADOPTION OF AGENDA** - Moved by Tom Schulz, seconded by Jill Crafton, to adopt the agenda as presented. *Motion passed on a voice vote.*

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19-11 **MINUTES OF January 23, 2019 BOARD MEETING** – Moved by Duane Willenbring, seconded by Nathan Redalen, to approve the minutes of January 23, 2019, as circulated. *Motion passed on a voice vote.*

PUBLIC ACCESS FORUM

There were no comments.

INTRODUCTION OF NEW STAFF

Melissa Wenzel, Technical Training and Certification Program Coordinator was introduced by Jenny Gieseke. Chair Van Amburg and the board welcomed Melissa to BWSR!

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg reported that the Administrative Advisory Committee did not meet. He reported that he attended an EQB public meeting in Red Wing, where the EQB was seeking input on a GEIS for the karst (SE MN) region. There are concerns about nitrogen in groundwater due to the area’s geology. There were mixed responses on whether a GEIS should be done because of the length of time it would take to do the study. He also reported that he attended the Red River Water Management Board Conference. DNR issued a permit for diversion in the Red River Valley with a period of time that anyone can contest the permit. The Buffalo-Red River WD has contested the permit.

Chair Van Amburg discussed Executive Director John Jaschke’s performance review and asked the board to look the review over and understand that the responses were compiled in the review and reminded members that they are anonymous and confidential. He pointed out that one person used the scale backwards as noted by HR staff. Paige Winebarger questioned whether BWSR would have any input on the issue of a possible GEIS in the southeast region and could the board get an update on what the other state agencies are doing for nitrogen management.

Audit and Oversight Committee – Chair Gerald Van Amburg reported that they have not met.

Executive Director’s Report - John Jaschke recognized Doug Thomas and his upcoming retirement. He pointed out the staff changes that have happened and are happening. He walked the board through the folder contents. John talked about BWSR’s new website under construction. He also provided some legislative highlights.

Dispute Resolution Committee – John Jaschke provided an update to the board. There is currently one appeal being processed.

Grants Program & Policy Committee - Steve Sunderland reported that the committee met via phone to discuss the One Watershed One Plan RFP which will be discussed later in the meeting.

RIM Reserve Committee – Tom Loveall reported that the committee will meet immediately following the board meeting.

Water Management & Strategic Planning Committee - Jack Ditmore reported that the committee has not met.

Wetland Conservation Committee - Tom Schulz reported that the committee met on March 7th to discuss three board orders that will be discussed later in the meeting. The committee also talked about the Clean Water Act Section 404 Assumption Update. There are two bills, one in the House and one in the Senate, which would give BWSR a general fund appropriation to develop draft agreements.

The committee was also updated on the In-Lieu Fee Wetland Replacement approach, which has the potential to alleviate some of the uncertainty regarding the Local Government Roads Wetland Replacement Program. Staff has undertaken a procedure that would prioritize wetland replacement areas within each major watershed of the respective bank service area. It is believed that this procedure would be helpful in prioritizing wetland replacements in One Watershed One Plans as well and could easily be expanded to all bank service areas throughout the state.

Buffers, Soils & Drainage Committee - Kathryn Kelly reported that the committee has not met.

Drainage Work Group (DWG) - Al Kean reported that the group has not met. However, two Drainage Work Group recommendation bills have progressed in the legislature.

AGENCY REPORTS

Minnesota Department of Agriculture – Susan Stokes reported that the Department of Agriculture would be happy to come and talk to the Board about the Ground Water Protection Act rule. She reported that the department has been involved in some listening sessions around the state, and have found that trust in state agencies is a concern for farmers. She gave a status report on the Clean Water Fund bill and where it is at in the legislature.

Minnesota Department of Health – Chris Elvrum reported that there was a press release sent out dealing with the spring flooding. So far there have not been any serious issues.

Minnesota Department of Natural Resources – Sarah Strommen reported that most of the agency commissioners have been out and about around the state to talk to citizens. The governor's budget includes: General Funds for the Public Waters Program and money for chronic wasting disease. The budget also include some new fees and service charges. DNR is celebrating 10 years of the "I can..." initiative at the Capitol Rotunda.

Minnesota Extension Service – Joel Larson reported that the Water Resource Center has hired two new employees and described what they will be doing. He mentioned an April 16th event to highlight the Minnesota Office for Soil Health.

Minnesota Pollution Control Agency – Glenn Skuta reported that this year's Red River conference was the best so far. The Great Lake Aquarium has opened the "We are Water" exhibit. Katrina Kessler is taking a new position as Assistant Commissioner. MPCA is also creating a new position in the Commissioner's office to work on outreach.

ADVISORY COMMENTS

Minnesota Association of Conservation District Employees – John Jaschke reported that MACDE was not present, but that Chessa Frahm sent an email of what they have been up to since December.

Minnesota Association of Townships – Nathan Redalen reported that they have hired a staff person. Spring short courses are scheduled to inform members.

Minnesota Association of Watershed Districts – Emily Javens reported that they are busy at the Capitol following bills. MAWD's summer tour will be in Moorhead on June 26-28th.

Natural Resources Conservation Services – Report in new business.

NEW BUSINESS

Natural Resources Conservation Service (NRCS) Update and presentation of the NRCS Minnesota 2018 Annual Report

Troy Daniell, Minnesota's NRCS State Conservationist for Minnesota, provided an update from NRCS and highlighted the Minnesota 2018 Annual Report for the board. Troy joined the Minnesota office of NRCS last year.

Troy Daniell reported that he thought the Red River conference was overall positive. He reported that NRCS's number one goal is customer service. Two main reasons for his being here is delivering programs and technical services. Troy Daniell reported that there will be no loss of conservation programs in this new Farm Bill and some improvements to the Regional Conservation Partnership Program.

Chair Van Amburg recessed the meeting at 10:35am. He called the meeting back to order at 10:55am.

COMMITTEE RECOMMENDATIONS

Wetlands Committee-change to agenda

Authorizing Development of a Transition Plan for the Minnesota Wetland Delineator Certification Program (WDCP)

Since 2005, the University of Minnesota (UM) has managed the Wetland Delineator Certification Program (WDCP). Since then, more than 2,600 individuals have participated in courses related to wetland delineation and over 400 individuals have been certified. Recent discussions between BWSR staff the UM has resulted in a proposal to shift program management from the UM to BWSR. The Board's Wetland Conservation Committee has reviewed WDCP program information and recommend directing staff to work with the UM to develop a plan to transition WDCP management from the UM to BWSR for future Board consideration. Dave Weirens summarized the background information, reasons for considering change, and elements to be included in such a transition plan.

Joel Larson reported that the U of M has been working in partnership with BWSR for a while and what they have come to realize is there have been some changes over the years from where it started. Dave Weirens reported that the science and methodology of wetland delineation as well as the academic preparedness of wetland professionals has changed considerably since 2002. This has created the need

to adapt and evolve the WDCP to continue to make it relevant and useful for the implementation of WCA and other wetland regulatory programs in the state.

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19-12 Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the Development of a Transition Plan for the Minnesota Wetland Delineator Certification Program (WDCP). **Motion passed on a voice vote.**

Joel Larson left the meeting.

Northern Region Committee

Leech Lake River Watershed Comprehensive Watershed Management

The Leech Lake River Watershed Comprehensive Watershed Management Plan (Plan) area includes the Leech Lake River 8-Digit Hydrologic Unit. The planning area contains portions of Cass, Hubbard, and Beltrami counties in North Central MN. This Plan was developed as part of the One Watershed, One Plan program. Julie Kingsley (Hubbard SWCD), Kelly Condiff and John Ringle (Cass Environmental Services Department and SWCD) are the local lead staff responsible for development of the Plan.

On February 20, 2019, BWSR received the Plan, a record of the public hearings, and copies of all written comments pertaining to the Plan for final State review pursuant to Board Resolution #14-46. The Planning Partnership has responded to all comments received and incorporated appropriate revisions to the final Plan. The State agencies recommended that BWSR approve the Plan as submitted.

BWSR staff completed its review and subsequently found the Plan meets the requirements of Minnesota Statutes and BWSR Policy.

Tom Schulz stated that on March 6, 2019, the Northern Regional Committee (Committee) met to review and discuss the Plan. The Committee's decision was to recommend approval of the Leech Lake River Watershed Comprehensive Watershed Management Plan to the full Board per the attached draft Order.

Ryan Hughes brought to attention a typo in the board order, which will be corrected.

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19-13 Moved by Tom Schulz, seconded by Neil Peterson, to approve the Leech Lake River Watershed Comprehensive Watershed Management Plan. **Motion passed on a roll call vote.**

Grants Program and Policy Committee

2019 Request for Proposals for One Watershed, One Plan Planning Grants

Julie Westerlund presented the 2019 Request for Proposals for One Watershed, One Plan Planning Grants. Relative to the 2018 RFP, the timeline for responses was shortened from 12 to 10 weeks and one item was added in the proposal section (item #2 on page 3). Otherwise, the proposal elements and selection criteria remain unchanged.

Julie Westerlund reported that there will be funding recommendations, based on responses to the RFP, coming to the board in August.

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19-14 Moved by Kathryn Kelly, seconded by Jill Crafton, to approve the 2019 Request for Proposals for One Watershed, One Plan Planning Grants. **Motion passed on a voice vote.**

Central Region Committee

Kanabec County Comprehensive Local Water Management Plan Update

Doug Thomas presented the Kanabec County plan update.

The Kanabec County Local Water Management Plan was previously approved by the Board on August 23, 2007. The Kanabec County Priority Concerns Scoping Document was affirmed by the board on March 22, 2017. The County submitted the final plan to the board for review on December 12, 2018 along with all required materials. The responding state agencies indicated support for approving the plan as submitted. The Central Region Committee heard this agenda item on March 14 and recommended it for approval to the full board.

The county is actively engaged in moving into a One Watershed One Plan. Jack Ditmore brought up that at the committee level there was talk about an amendment to review after 5 years. It was not mentioned in this board order. After discussion a friendly amendment to the motion was accepted to require a five year plan update. The order was amended to add this provision prior to Chair signature.

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19-15 Moved by Paige Winebarger, seconded by Duane Willenbring, to approve the Kanabec County Comprehensive Local Water Management Plan Update. ***Motion passed on a voice vote.***

Meeker Soil and Water Conservation District Change in Location of Principal Office Headquarters

Doug Thomas presented the Meeker SWCD change in location agenda item.

On February 5, 2019, the Meeker SWCD Board of Supervisors passed a resolution approving the district's change of principal office location to 522 Johnson Drive, Litchfield, MN from 916 East St. Paul Street, Litchfield, MN. The Central Region Committee heard this agenda item on March 14 and recommended it for approval to the full board.

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19-16 Moved by Duane Willenbring, seconded by Jill Crafton, to approve the Meeker Soil and Water Conservation District Change in Location of Principal Office Headquarters. ***Motion passed on a voice vote.***

Susan Stokes, Chris Elvrum, Glenn Skuta and Sarah Strommen left the meeting.

Wetlands Committee

Wetland Mitigation Fee Policy Addendum Reduction in Credit Value for Agricultural Wetland Bank Fees Dave Weirens and Tim Smith presented the Fee Policy Addendum.

Since the updated wetland bank fee policy went into effect on June 1, 2017 BWSR Wetland Section staff have received several comments suggesting that the fees for agricultural banking accounts are disproportionately high relative to the overall transaction cost. In response, an analysis of prices was conducted for agricultural bank account and standard account credits for sales completed between 2015 through 2018. This analysis showed that agricultural credits were 54% lower in cost (value) than standard credits in BSAs that reported both agricultural and standard credit cost information. Based on this information and after further evaluation and analysis, staff recommended that the wetland credit value coefficient, a multiplier that reflects the value added to the land as a result of the wetland restoration activities, be reduced from 6.0 to 3.2 for agricultural bank accounts and that the credit value

and corresponding fees for agricultural wetland bank accounts be calculated using the revised wetland credit value coefficient. This recommendation was approved by the Wetlands Conservation Committee on March 7, 2019.

It was noted that the committee fully vetted this topic and had discussions about the background relevant to this item.

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19-17 Moved by Nathan Redalen, seconded by Tom Schulz, to approve the Wetland Mitigation Fee Policy Addendum Reduction in Credit Value for Agricultural Wetland Bank Fees. ***Motion passed on a voice vote.***

Wetland Credit Acquisition Plan – Local Government Roads Wetland Replacement Program

Tim Smith and Dave Weirens presented the Wetland Credit Acquisition Plan for the Local Government Roads Wetland Replacement Program.

BWSR regularly receives appropriations to acquire wetland credits for the Local Roads Wetland Replacement Program (LGRWRP). The receipt of these funds has always been followed by Board authorization to implement processes to develop projects and or acquire wetland credits. Staff have developed guidance that would be used for current and future appropriations to guide the acquisition of credits. This guidance will increase the efficiency and speed up the process of acquiring wetland credits for the LGRWRP. The Board's Wetlands Conservation Committee has reviewed the Wetland Credit Acquisition Plan and draft Board Order, and recommend approval by the full board.

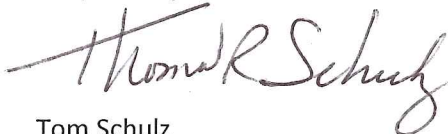
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19-18 Moved by Tom Schulz, seconded by Kathryn Kelly, to approve the Wetland Credit Acquisition Plan for the Local Government Roads Wetland Replacement Program. ***Motion passed on a voice vote.***

UPCOMING MEETINGS

- Next BWSR Meeting is scheduled for 9:00am, May 22, 2019. Location TBD.

Chair Van Amburg adjourned the meeting at 12:32 PM

Respectfully submitted,



Tom Schulz
Vice Chair

