

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, APRIL 27, 2022**

BOARD MEMBERS PRESENT:

Joe Collins, Jill Crafton, Jayne Hager Dee, Kurt Beckstrom, Neil Peterson, Rich Sve, Gerald Van Amburg, Ted Winter, LeRoy Ose, Kelly Kirkpatrick, Eunice Biel, Todd Holman, Ronald Staples, Mark Zabel, Glenn Skuta, MPCA; Joel Larson, University of Minnesota Extension; Jeff Berg, MDA; Steve Robertson, MDH; Sarah Strommen, DNR

BOARD MEMBERS ABSENT:

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Ryan Hughes, Les Lemm, Ed Lenz, Suzanne Rhees, Marcey Westrick, David Copeland, Dan Shaw, Dave Weirens, Ken Powell, Mike Nelson, David Demmer

OTHERS PRESENT:

Brian Martinson, AMC; Emily Javens, MAWD; LeAnn Buck, MASWCD; Troy Daniell, NRCS; Brenda Lageson, Andy Henschel, Courtney Phillips, Christopher Lowe, Jan Voit, Jamie Beyer

Chair Gerald VanAmburg called the meeting to order at 9:02 AM

PLEDGE OF ALLEGIANCE

**
22-17 ADOPTION OF AGENDA - Moved by Ted Winter, seconded by Eunice Biel, to adopt the agenda as amended. *Motion passed on a roll call vote.*

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22-18 MINUTES OF MARCH 23, 2022 BOARD MEETING
The March 23, 2022, board meeting minutes were approved as amended by a voice vote.

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Tom Gile introduced Paul Erdmann, Ecological Science Conservationist; Marcey Westrick introduced Darren Mayers, Board Conservationist; and Dennis Rodacker introduced Solimar Garcia Barger, Wetland Mitigation Program Assistant.

CONFLICT OF INTEREST DECLARATION

Chair Van Amburg 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. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by staff before any vote."

REPORTS

Chair & Administrative Advisory Committee – Chair Gerald Van Amburg introduced new SWCD Board Member Kurt Beckstrom. Stated two other board members were reappointed, Rich Sve and LeRoy Ose. There is one appointment (metro area City) that remains to be filled.

Executive Director's Report - John Jaschke reported an updated Committee Roster was sent out. He reviewed the Day of Packet that included the Minnesota Wetland Professional Certification Program Plan Revision that will be discussed later in the agenda and the Snapshot articles. Stated the legislative process is underway and have until May 23 when the session ends. John thanked board members who responded to the future meetings survey. Stated we will go to in-person meetings starting in May with an alternative virtual option if needed through WebEx. Committee meetings will have the same options.

This year's Board Tour is in conjunction with the August meeting and will be in the East Grand Forks area going to various locations in the Red River Valley area. It will be a joint tour with the Red River Water Management Board, Minnesota Association of Watershed Districts, the Red River Basin Commission and the Northwest Soil and Water Conservation Districts.

New staff coming onboard continues. Mike Nelson is our new legislative coordinator and will be introduced at a future meeting. Interviews for the HR Director position were completed and expect to have someone onboard soon. Assistant Director for Regional Operations Justin Hanson will start in May

and Melissa King is our new Water Program Coordinator. A position has been posted for the Assistant Director of the Strategy and Operations Division. Stated the agency is also working on a telework policy.

Jill Crafton asked what the implications for being in person are for committee meetings. John stated meetings will be based on the committee chair in consultation with lead staff on what is preferred and what the agenda is.

Chair Van Amburg asked if there is anything new on the DEI Report. John stated Jenny Gieseke is leading and will be organizing an external session with a consultant to interview BWSR's outside partners.

Audit and Oversight Committee – Joe Collins reported they have not met.

Dispute Resolution and Compliance Report – Rich Sve reported they have not met. Travis Germundson reported there are presently seven appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There have been no new appeals filed since the last Board Meeting.

File-22-2 (2-16-22) The appeal was placed in abeyance and the Restoration Order stayed for submittal of additional documentation in support of the appeal and for Kanabec County to make a final decision on the after-the-fact exemption applications that are associated with the project.

File 22-1(1-7-2022) Hearing to occur sometime in August in St. Paul. Recommendation proposed to be submitted to the BWSR Board.

Travis stated BWSR has been appointed new board attorney Chris Evens. The Buffer program has two buffer specialist to be filled. Stated staff have been working with MN.IT to replace an internal Microsoft Access database to ensure future functionality. Will have vendor in place soon and have a functional database by the end of the year.

Jill Crafton asked if they'd be able to get a presentation down the road on the functionality. Travis stated they could give an overview of the enhancements and the functionality of it in the future.

Glenn Skuta asked if the 93 parcels listed in the Buffer Compliance Section are a cumulative total since the inception of the buffer law. Travis stated they are a rolling total.

Grants Program & Policy Committee – Todd Holman reported they met on March 28 and April 11 with action items on the agenda for today. Next meeting is May 23rd.

RIM Reserve Committee – Jayne Hager Dee reported they have not met.

Water Management & Strategic Planning Committee – Joe Collins reported they have not met.

Wetland Conservation Committee – Jill Crafton reported they met on April 21 with an item on the agenda today.

Buffers, Soils & Drainage Committee – Mark Zabel reported they have not met.

Drainage Work Group (DWG) – Neil Peterson stated they have not met. Tom Gile reported there was a drainage bill introduced this session in the House. It has been laid over and included in the proposed House omnibus bill. It establishes a drainage registry portal for drainage procedures and non-petitioned repairs. Improvements and new drainage systems would be required to be noticed in the portal. The

portal would be established and maintained by BWSR. Tom stated this is not from a Drainage Work Group (DWG) recommendation. The DWG will be meeting in June or July dependent on legislative work.

Joe Collins asked if this bill has passed or where it's at. Tom stated it was passed out of a House Committee and is in a House bill but not the Senate at this time. Joe asked if they recognize there has been a lot of comments about this bill in terms of not being vetted by different organizations. Tom stated there were people from the Drainage Work Group that commented and reached out to their state elected officials. Ron Staples stated they also sent letters.

AGENCY REPORTS

Minnesota Department of Agriculture – Jeff Berg reported the agriculture bill passed off the House floor but not in the Senate yet. Stated there are 60 sites with confirmed cases of Avian Influenza. The Minnesota Agricultural Water Quality Certification program has over 1,200 producers and is approaching 850,000 acres.

Minnesota Department of Health – Steve Robertson reported they will be notifying their intent to update the Wetland Protection Rule through the State Register.

Minnesota Department of Natural Resources – Sarah Strommen reported they are following the drought relief bill that passed the Senate and the House. It's a standalone bill that provides drought relief to farmers in the Senate bill and drought relief to farmers and forest landowners for loss of trees in the House. Stated they are looking to reconcile those. The House bill for Environmental and Natural Resources has passed off the Senate floor and will be at the House tomorrow.

Sarah stated the Governor has called on the National Guard to assist with flooding. Stated they are thinking of the future of funding conservation and outdoor recreation work. They are on schedule to have some recommendations later this year. The walleye opener is May 15th and they are expecting half million Minnesotans to participate.

Chair Van Amburg stated he read an article about setting aside 30% of the earth's area for conservation, biological diversity, and climate change. Chair Van Amburg asked if they were having any discussions in their department about this. Sarah stated she read the article and noted there were interviews by conservationists and the common sense was they aren't sure the 30x30 is the right framework for Minnesota. Stated that we have a lot of action plans and it's the framework Minnesotans built. Jill Crafton thanked Gerry for raising this issue.

Minnesota Extension – Joel Larson reported they are hiring an extension educator to work on climate resilience primarily in agriculture and other rural communities. The position is funded in partnership with the Minnesota Corn Growers. In the last month they were able to secure a second extension educator position to work on climate resiliency in forest communities. Hoping to have both onboard within the next couple of months.

Minnesota Pollution Control Agency – Glenn Skuta reported Wayne Cords the South Watershed Section Manager has taken an internal promotion to the Assistant Director of Operations Division and stated his vacancy will be filled. Glenn stated the Clean Water Council had their first in-person meeting this week and will hold meetings in a hybrid format. One of the subcommittees will continue meeting virtual and the other subcommittee will be a hybrid meeting. Starting this week MPCA staff will start coming back into the office.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported they are focused on legislative work. Stated AMC has concerns with the drainage registry information portal proposal. The funding necessary for 404 Assumption is included in the Senate. Stated they support the effort in the Environment and Natural Resources bill. AMC continues to advocate for local road wetland replacement funding. They are seeking \$20 million in a combination of cash and bonding, stated this mirrors the request from the governor. They are also seeking ongoing base funding for this program of approximately \$6 million annually to BWSR to operate the program. Brian stated there are a couple newer issues, the House has advanced a Legacy Funding bill. This year they included spending from the Clean Water Fund. Brian stated the Clean Water Council has not met and reviewed any of the projects or made recommendations so AMC has some concerns about the process. Stated there is an Environment Natural Resources Trust Fund (LCCMR bill) moving forward that has many good provisions. Brian noted in the Senate version there is money for septic system grants directed towards BWSR with the same control or restriction language on use that were in last year's budget bill.

Minnesota Association of Conservation District Employees – No report was provided.

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck stated it's an honor to have Kurt Beckstrom along with Jayne Hager Dee and Mark Zabel on the board. LeAnn stated one of their priorities this legislative session is the SWCD Aid Package that the association is seeking capacity funding so as not to be reliant on the Clean Water Fund. LeAnn thanked Brian Martinson and Matt Hilgart with AMC, the Commissioner's on the board, and other agencies for their ongoing support of their SWCD districts. LeAnn stated they are working to secure the last \$9 million for the Conservation Reserve Enhancement Program.

Thanked Sarah and her DNR staff for meeting with them on private lands stewardship and forest management. Thanked Joel and stated the Minnesota Office of Soil Health staff did a wonderful job of putting together the soil health event.

Stated the association has been diligent with their advocacy at a national level and have conducted meetings talking about appropriations for our USDA partners in the Natural Resource Conservation Service. LeAnn thanked Eunice Biel for being a strong advocate in helping to leverage federal funds for climate and USDA major initiatives.

LeAnn stated One Watershed One Plan is going from planning to implementation.

Neil Peterson stated the SWCDs do great work. They are currently working on their third One Watershed One Plan and without the SWCD staff a lot of these plans would be at a standstill and thanked them for their contributions.

Minnesota Association of Townships – Eunice Biel thanked LeAnn for her support. Stated Minnesota Association of Townships will be having a town law review and a legal short course in May that is being held in person. Will also have videos on ARPA funds and how to report expenditures.

Eunice gave a legislative update and stated there is an update on the legislation annexation policy in SF 1927. Stated there is an increase in ongoing township road funding by \$20 million in Transportation.

Minnesota Association of Watershed Districts – Emily Javens thanked BWSR staff Pete Waller, Brett Arne, Matt Fischer, and Henry Van Offelen for providing training to new managers. It was well received by members and they will be providing another training later in May.

Emily stated they've had conversations with Executive Director Jaschke on future partnering and are undergoing a strategic plan update. Thanked Tom Gile for his work with the drainage registry portal and AMC for writing a joint letter with MAWD. Glad to hear LeRoy was reappointed to the board and is looking forward to Kurt Beckstrom being on the board. Stated the watershed district levy bill is still in committee.

Natural Resources Conservation Service – Troy Daniell thanked BWSR for their partnership and in writing Snapshots and success stories. Hope they can continue this collaboration and storytelling.

Stated they are writing contracts for EQIP, CSP, and various RCPP projects. Looking forward to getting out in the field with the nice weather. Troy stated they had a couple RFPs this year. They will fund one tribal related RFP with White Earth Nation to help with food sovereignty and conservation. They will be ranking and awarding other grants to partners in the near future.

Stated their budget received their final allocation and they will continue with an aggressive hiring schedule. Troy stated the infrastructure funding that came out last year had a piece for watershed operations that can help with initial planning and implementation. Stated he will keep making contacts with people and hope some proposals will come forward this summer.

Chair Van Amburg recessed the meeting at 10:57 a.m. and called the meeting back to order at 11:05 a.m.

COMMITTEE RECOMMENDATIONS

Southern Region Committee

Shell Rock River & Winnebago River Comprehensive Watershed Management Plan – Ted Winter and David Copeland presented Shell Rock River & Winnebago River Comprehensive Watershed Management Plan.

Shell Rock River & Winnebago River Comprehensive Watershed Management Plan (Plan) – The Shell Rock River & Winnebago River Watershed Partnership (Partnership) was selected by BWSR for a One Watershed, One Plan Planning Grant in August of 2018. The Partnership established a Memorandum of Agreement on July 5, 2018, for the purposes of watershed planning. Planning was initiated on April 23, 2019, via notification to designated Plan review authorities. The Partnership has followed One Watershed, One Plan Operating Procedures; and the Policy Committee, Technical Advisory Group, and Steering Team members have attended regularly scheduled meetings and kept open communication throughout Plan development. The Partnership submitted the draft Shell Rock River & Winnebago River Comprehensive Watershed Management Plan (Plan) to BWSR on November 1, 2021, for 60-day comment period. A public hearing was held January 20, 2022, and the Policy Committee submitted the Plan for approval February 17, 2022. The Southern Regional Committee (Committee) met on March 30, 2022, to review the planning process, the content of the Plan, State agency comments on the Plan, and to make a recommendation for approval. The Committee recommends approval by the full Board.

Jill Crafton stated she was impressed with the detail and thanked them for their work.

Joe Collins stated he was impressed with learning how soil cover crops can be used for water storage.

Mark Zabel asked if there was a local adoption following board approval. Dave stated they have 120 days to adopt the plan and the 10 year clock starts from the date of the BWSR Board approval.

Glenn Skuta noted the anticipated funding expected slightly exceeds the amount of funding needed for the plan. Dave stated that goes to the success that Shell Rock River Watershed District had in securing funding from other sources, including Lessard-Sams Funds.

Kelly Kirkpatrick stated she is excited about this program.

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22-19 Moved by Kelly Kirkpatrick, seconded by Jill Crafton, to approve the Shell Rock River & Winnebago River Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Grants Program and Policy Committee

Approval of Habitat Enhancement Landscape Pilot Grants – Dan Shaw presented Approval of Habitat Enhancement Landscape Pilot Grants.

The Habitat Enhancement Landscape Pilot (HELP) program is funded through the Environment and Natural Resources Trust Fund (ENRTF) and is focused on restoring and enhancing diverse native habitat on conservation lands and natural areas strategically located across Minnesota in efforts to address declining pollinators and other beneficial insects. On December 16, 2021, through Board Order #21-56, the Board authorized staff to complete and open the Habitat Enhancement Landscape Pilot RFP for a total of \$ 674,500. The application period was open until February 23, 2022. 11 applications requesting \$400,760 were received. The grants were reviewed by an interagency review team on March 24, 2022 to finalize grant ranking. The Grants Program and Policy Committee, at their March 28, 2022 meeting, reviewed the proposed grant awards and recommended approval to the Board.

Steve Robertson asked what the aggregate acreage was covered by the 11 applications being considered for today. Dan stated the projects range in size significantly. Some are a couple hundred acres that are easements or CRP land. Some are much smaller projects that are more focused on really high diversity locations, some are part of nature centers or arboretums.

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22-20 Moved by Rich Sve, seconded by Jill Crafton, to approve the Habitat Enhancement Landscape Pilot Grants. ***Motion passed on a roll call vote.***

Cooperative Weed Management Area Grants – Dan Shaw presented Cooperative Weed Management Area Grants.

Cooperative Weed Management Areas (CWMA) are partnerships of federal, state and local government agencies along with tribes, individual landowners and various other interested groups that manage noxious weeds or invasive plants in a defined area. On December 16, 2021, through Board Order #21-57, the Board authorized staff to complete and open the Cooperative Weed Management Area Program Request for Proposal for a total of \$200,000 to eligible Soil and Water Conservation District's for newly developing and existing CWMA/CISMA partnerships in Minnesota.

The application period was open from January 3, 2022 to February 23, 2022. 21 applications requesting \$335,000 were received and applications were ranked by the CWMA Interagency Advisory Team. 13 applications are recommended to the Board for funding.

Gerry asked how many were new. Dan stated Brown SWCD, Goodhue SWCD, and Pennington SWCD are new.

**
22-21 Moved by Jayne Hager Dee, seconded by Neil Peterson, to approve the Cooperative Weed Management Area Grants. ***Motion passed on a roll call vote.***

Approval of Fiscal Year 2023 Clean Water Fund SWCD Local Capacity Grants – Marcey Westrick presented Approval of Fiscal Year 2023 Clean Water Fund SWCD Local Capacity Grants.

In the 2021 Legislative Session, the legislature continued support for SWCDs through the Clean Water Fund at \$12M each year of the biennium. Per the appropriation language, each soil and water conservation district shall receive an increase in its base funding of \$100,000 per year. Money remaining after the base increase is available for grants to soil and water conservation districts as determined by the board based on county allocations to soil and water conservation districts and the amount of private land and public waters. The Grants Program and Policy Committee, at their April 11, 2022 meeting, reviewed the proposed grant allocations and recommended approval to the Board.

Ron Staples asked if each additional SWCD is getting a base amount of \$100,000 per year. Marcey stated that it's an increase based on the original appropriation, that each would receive \$100,000 and an additional base amount plus a portion based on the county contribution and a water and land portion.

**
22-22 Moved by Joe Collins, seconded by Jill Crafton, for Approval of Fiscal Year 2023 Clean Water Fund SWCD Local Capacity Grants. ***Motion passed on a roll call vote.***

Approval of Fiscal Year 2022-2023 Lower Minnesota River Watershed District Dredge Management Grants – Marcey Westrick presented Approval of Fiscal Year 2022-2023 Lower Minnesota River Watershed District Dredge Management Grants.

In the 2021 Legislative Session, the legislature appropriated funding in the amount of \$240,000 each fiscal year to the Lower Minnesota River Watershed District for the cost of operating and maintaining sites for dredge spoil to sustain the state, national, and international commercial and recreational navigation on the lower Minnesota River. The Grants Program and Policy Committee, at their April 11, 2022 meeting, reviewed the proposed grant allocations and recommended approval to the Board.

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22-23 Moved by Jill Crafton, seconded by Joe Collins, to approve the Fiscal Year 2022-2023 Lower Minnesota River Watershed District Dredge Management Grants. ***Motion passed on a roll call vote.***

Wetland Conservation Committee

Minnesota Wetland Professional Certification Program Plan Revision – Les Lemm and Ken Powell presented Minnesota Wetland Professional Certification Program Plan Revision.

The Minnesota Wetlands Professionals Certification Program (MWPCP) plan was approved by the Board during the program transition from the University of Minnesota to BWSR in 2019. The program plan states the following for the continuing education requirements of certified individuals: "No more than four of the 18 required credit hours in a three-year period can be obtained from online training/events where the participant does not attend in person." This limit of four online training hours was based in part on the difficulty of tracking and documenting participation in online classes. Since the time of plan approval we can now effectively track and document participation in online classes. Secondly, the COVID-related pandemic has resulted in a major shift to online training formats such that they are

readily available and more effective than in the past. Therefore, Wetland Section staff recommends increasing the amount of online training that certified individuals can count towards the continuing education requirement from four credit hours to six. This modest adjustment would result in certified individuals only needing to attend two days of in-person classes (average of six credit hours per day for typical classes) every three years. The remainder of their continuing education credits could be obtained through online courses/training. This would align well with our two-day in-person regional training classes that we offer annually. In addition to the above-described change, specific details on the transition of the program from the University, including specific staffing estimates, have been deleted as they are outdated and no longer relevant.

Jill Crafton would like to see regulation training added in the board order, item number 4.

Number 4 will be updated to read "Since 2020 regulatory training has been added and online training has expanded and become more effective for the continue education of program participants."

Joel Larson thanked staff for their work and thinks this has been a fantastic transition.

Van Amburg wanted to thank BWSR staff for creating a great program.

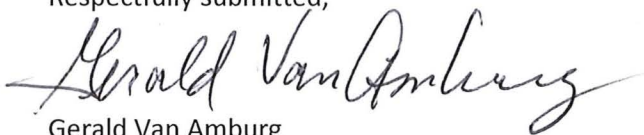
**
22-24 Moved by Jill Crafton, seconded by Kelly Kirkpatrick, to approve the Minnesota Wetland Professional Certification Program Plan Revision. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Central Region Committee meeting is scheduled for Thursday, May 5, 2022, at 3:00 p.m. in the Lower Level West Conference Room at 520 Lafayette Road North, St. Paul and by Microsoft Teams.
- Grants Program and Policy Committee meeting is scheduled for Monday, May 23, 2022, at 9:00 a.m. in the Lower Level West Conference Room at 520 Lafayette Road North, St. Paul and by Microsoft Teams.
- BWSR Board meeting is scheduled for Wednesday, May 25, 2022, at 9:00 a.m. in the Lower Level Conference Rooms at 520 Lafayette Road North, St. Paul and by WebEx.

Chair VanAmburg adjourned the meeting at 12:13 PM

Respectfully submitted,



Gerald Van Amburg
Chair