

Board of Water and Soil Resources (BWSR) Board Meeting

January 24, 2024

The meeting opened at 9:02 a.m. The Pledge of Allegiance was recited. The agenda was adopted. The minutes of the December 12 BWSR Board (Board) meeting were approved. No one was present to address the Board in the Public Access Forum. New staff were introduced. The Conflict of Interest declaration was read into the record. **Items of note to members are highlighted in gray.**

REPORTS

Chair & Administrative Advisory Committee

Todd Holman gave an update on committee meetings, the EQB Strategic Plan development process, and the Long Prairie River 1W1P.

Executive Director

Executive Director Jaschke reported on information flow from staff to committees. Staff are making a commitment to get information to members four days in advance. Information is sent via US Mail and electronically, unless there are extenuating circumstances as occurred in the development of the BWSR report to the legislature. He presented information on preparation for the legislative session and the governor's budget recommendations. He also provided an overview of the Day-of Packet.

Audit & Oversight Committee

Joe Collins reported that the committee met in January and there is an action item on the agenda.

Dispute Resolution and Compliance Report

Chair Rich Sve said that the committee has not met. Travis Germundson reported that there are four appeals pending, with one new appeal since the December meeting.

Grants Program and Policy Committee

Mark Zabel reported that the committee met in January and has an action item on the agenda.

Reinvest In Minnesota (RIM) Reserve Committee

Jayne Hager Dee reported that the committee has not met. They are planning a committee meeting in February.

Water Management and Strategic Planning Committee

Joe Collins said that the committee has been working on updating the Strategic Plan. There will be one more 30-day review period on the mission and vision statement, as well as roles and duties of BWSR. The committee will meet in March. The plan comes to the Board at their March meeting.

Wetland Conservation Committee

Jill Crafton informed the Board that the committee has not met. John Jaschke reported that the inner agency group looking at the impact of the Supreme Court case has finished a report that will be posted.

Buffers, Soils, and Drainage Committee

LeRoy Ose stated that the committee met on January 22 and has recommended approval of the report for the legislature.

Drainage Work Group (DWG)

Neil Peterson reported that the report to the legislature will be on the agenda later in the meeting. Tom Gile gave a brief update on the January meeting. No meetings of the DWG are scheduled until the conclusion of the legislative session.

AGENCY REPORTS

The Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Natural Resources, Minnesota Extension, and Minnesota Pollution Control Agency each gave update on agency activities.

ADVISORY COMMENTS

Advisory reports were given by the Association of Minnesota Counties, Minnesota Association of Soil and Water Conservation Districts, Minnesota Association of Townships, and Minnesota Watersheds (preparation for the legislative session, lobbyist succession plan, working with BWSR staff regarding 103D housekeeping, the DWG, and recommending approval of BWSR's report to the legislature on Outlet Adequacy and Public Notice).

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

FY24 Water Quality and Storage Grant Program

Rita Weaver explained the changes that are recommended to the Water Quality and Storage Grant Program: the program is out of the pilot phase, the modeling and conceptual design grant option was added, eligible activities were updated to include 103E improvement projects, ineligible activities were updated, and the match requirement was reduced. The Board order was unanimously approved.

NEW BUSINESS

Olmsted County Groundwater Protection and Soil Health Initiative

Skip Langer and Angela White gave a PowerPoint presentation regarding the Olmsted County Groundwater Protection and Soil Health Initiative.

Vice Chair Election

John Jaschke explained the election process. Joe Collins nominated Rich Sve. There were no other nominations. Rich Sve was elected as Vice Chair.

COMMITTEE RECOMMENDATIONS CONTINUED

Northern Region Committee

Boundary Change for the Bois de Sioux Watershed District (BdSWD) and Upper Minnesota River Watershed District (UMRWD)

Ron Staples and Ryan Hughes explained the proposed boundary change request between the BdSWD and the UMRWD. The BdSWD and the UMRWD submitted a joint petition for boundary change which was received by the Board on July 31, 2023. The petition was submitted pursuant to Minn. Stat. § 103D.251. Board staff reviewed the petition for conformance with state law and rule and determined the petition was valid. The proposed boundary change would correct the watershed assessment designation of three parcels along the common boundaries of the watershed districts and would result in the transfer of 120 acres of land (in Traverse County) from the UMRWD to the BdSWD.

The Board has the statutory authority to change the boundary of a watershed district. The petition is not controversial. No written requests for public hearing, nor any questions or comments have been received. The Northern Region Committee met on January 3, 2024 to discuss the petition. After discussion, the Committee voted to recommend to the full Board that the boundary change be approved as proposed in the petition per the Board order. The Board order was approved.

Sandhill River Comprehensive Watershed Management Plan (CWMP)

LeRoy Ose and Ryan Hughes explained that the Sand Hill River CWMP planning area is in Northwest Minnesota encompassing portions of Norman, Mahnomen, and Polk counties and shares its boundary with the Sand Hill River Watershed District. On November 29, 2023, BWSR received the CWMP, a record of the public hearing, and copies of all written comments pertaining to the CWMP for final State review. The

planning partnership has responded to all comments received during the 60-day review period and incorporated appropriate revisions to the final CWMP.

BWSR staff completed its review and subsequently found the CWMP meets the requirements of Minnesota Statutes and BWSR Policy. On January 3, 2024, the Northern Regional Committee met to review and discuss the Plan. The Committee's decision was to recommend approval of the Sand Hill River CWMP as submitted to the full Board per the Board order. The Board order were approved.

Buffers, Soils, and Drainage Committee

Drainage Legislative Report

Tom Gile gave an overview of the DWG. The DWG works on a consensus-based process. The DWG meets generally from May or June through January. A lot of time, passion, and interest have been put into the DWG this year.

The report was developed as the result of a legislative mandate from the 2023 legislative session. The technical subcommittee began its deliberations of outlet adequacy before the legislative mandate. The report from the technical subcommittee was submitted to the DWG on December 12, 2023. Given the timeframe allotted by the legislature, the DWG did not have time to thoroughly review and discuss the report. There is interest and desire to continue working on this topic at the DWG.

The DWG discussed an overarching framework for notice requirements. Attorneys working with DWG stakeholders have reviewed the proposed modernization framework to ensure that it meets due process requirements. The DWG has identified topics for future consideration regarding notice requirements.

Broader notice and the drainage registry portal were the more contentious components that have been discussed by the DWG. At this point there are no recommendations, but those that walked away from the subcommittee meetings have indicated a willingness to re-engage in discussions.

The report is the culmination of over 20 meetings with stakeholders investing over 1,000 hours (which does not reflect prep time) at DWG and subcommittee meetings. At every meeting there were 15-25 in-person attendees, with up to 30 online.

Neil Peterson stated that Tom did an excellent job managing this group. Perhaps there could have been more information in the report. For the most part, it hits the nail on the head for what happened. One thing that will come from our organizations is a message to our legislators that work is progressing, we need more time, and there will be results. The Board should approve the report.

Katie Smith recognized that extensive work and discussions went into the report. The report seems to be missing a path forward regarding the next steps and timelines. It is important to indicate how the DWG plans to work through these issues and make progress.

Lori Cox stated that Tom is in an unenviable position and that she appreciated his work. She asked if consensus was a requirement, to which Tom responded no. Consensus is a goal of the group, but it doesn't mean requirement.

Mark Zabel highlighted that without a definition for outlet adequacy, it will remain a controversial element of any project. A definition for outlet adequacy may be the most important work the DWG can complete.

Jill Crafton said that she echoes what Neil said. She has been attending the DWG meetings. It takes time, sometimes more than a year or two years, to reach consensus. We need to be patient.

Ted Winter asked why, in the directive from legislature, was the DWG given just one year? Is there some reason for that? The conversation on the registry portal was introduced in the House Environment Committee last year, with no companion bill in the Senate. The portal legislation did not have a

recommendation from the DWG. This directive came out of conference committee. John Jaschke stated that the legislators wanted something before their terms ran out.

Tom explained that in the Board order there were two separate components. One is the legislative report. The other is extending the sunset date for RDSO.

The Board order was adopted. Lori Cox abstained from voting. Katie Smith voted no on behalf of DNR.

Audit and Oversight Committee

2023 Performance Review and Assistance Program Legislative Report

Don Bajumpaa explained that BWSR is required to provide a report annually to the legislature on Performance Review and Assistance Program activities as prescribed by Minnesota Statutes Chapter 103B.102, Subdivision 3, effective February 1, 2008. BWSR staff have prepared a report that describes the program activities for 2023, including summaries of the activities of BWSRs local government partners, and goals and objectives for future PRAP activities. The report approved.

UPCOMING MEETINGS

- February 23: RIM Committee at 9:00 a.m. in St. Paul and virtual
- March 27: BWSR Board at 9:00 a.m.

Notes submitted by Jan Voit