

## **Board of Water and Soil Resources (BWSR) Board Meeting**

August 24, 2023

The meeting opened at 8:30 a.m. The Pledge of Allegiance was recited. The agenda was adopted. The minutes of the June 28 BWSR Board (Board) meeting were approved. No one was present to address the Board in the Public Access Forum. 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 stated that he appreciated his appointment as Board chair. He appreciated the work that went into the BWSR tour. He gave an update on the Environmental Quality Board meeting. Introductions of the Board members was done.

#### ***Executive Director***

Executive Director Jaschke reported on the BWSR tour, Gerry Van Amburg's health, the upcoming work for the legislative session, and BWSR Snapshots.

#### ***Audit & Oversight Committee***

Joe Collins reported that the committee has not met.

#### ***Dispute Resolution and Compliance Report***

Chair Rich Sve said that the committee has not met. Travis Germundson reported that there are five appeals pending, with one new appeal filed since the last report. BWSR has received Notifications of Noncompliance (NONs) on 57 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are no active Corrective Action Notices (CANs) and three Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 53 of those have been resolved. Statewide 35 counties are fully compliant, and 51 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 337 CANs and 65 APOs actively in place. Of the actions being tracked over 2,427 of those have been resolved.

#### ***Grants Program and Policy Committee***

Mark Zabel reported that the committee met and has recommended actions on the agenda.

#### ***Reinvest In Minnesota (RIM) Reserve Committee***

Jayne Hager Dee reported that the committee has not met.

#### ***Water Management and Strategic Planning Committee***

Joe Collins said that the committee met on July 26 and has recommended action on the agenda.

#### ***Wetland Conservation Committee***

Jill Crafton informed the Board that the committee has not met.

#### ***Buffers, Soils, and Drainage Committee***

Tom Gile gave an update on the committee meeting.

#### ***Drainage Work Group (DWG)***

Tom Gile gave an update on the July and August meetings.

### **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 (BWSR tour, handbook, DWG, resolutions, Legislative Platform Committee, and the annual conference).

[A ten-minute break was taken.]

## **COMMITTEE RECOMMENDATIONS**

### ***Southern Region Committee***

#### Le Sueur River Comprehensive Watershed Management Plan (CWMP)

Jill Sackett Eberhart explained that the Le Sueur River Watershed One Watershed, One Plan (1W1P) Partnership (Partnership) was established in 2020 through adoption of a Memorandum of Agreement for the purposes of developing a CWMP. The membership of the Partnership includes Blue Earth County, Blue Earth County Soil and Water Conservation District (SWCD), Faribault County, Faribault County SWCD, Freeborn County, Freeborn County SWCD, Waseca County, and Waseca SWCD. Per the BWSR Operating Procedures, if less than 10% of the jurisdictional land area of the local government is within the watershed planning boundary, participation by that local government is optional. Le Sueur County, Le Sueur County SWCD, Steele County, and Steele County SWCD opted out of the planning process. On May 1, 2023, the Board received the Plan, a record of the public hearing, and copies of all written comments pertaining to the Plan for final State review. The Partnership responded to all comments received and incorporated appropriate revisions to the final Plan. The State agencies recommended that BWSR approve the CWMP as submitted. BWSR staff completed its review and subsequently found the CWMP meets the requirements of Minnesota Statutes and BWSR Policy. On July 25, 2023, the Southern Regional Committee (Committee) met to review and discuss the CWMP. The Committee's decision was to recommend approval of the Le Sueur River Watershed CWMP to the full Board. The Le Sueur River CWMP was approved.

#### City of Beardsley Dry Lake Grant

Jason Beckler, BWSR explained that the City of Beardsley is eligible to receive a \$2,000,000 FY 2024 grant through Minnesota Statutes 2023 Regular Session, Chapter 72, Article 2, Section 5 from the Minnesota Board of Water and Soil Resources (BWSR). This grant can be used to pay for the removal, and replacement or repair, of a portion of drain tile in the gravity pipe system designed to remove excess water from Dry Lake and prevent flooding in the City of Beardsley. The city must undertake this project in coordination with the Upper Minnesota River Watershed District. Funding for the FY 2024 City of Beardsley Dry Lake Grant is a pass-through grant that requires BWSR approval before funds can be appropriated to the City of Beardsley. The City of Beardsley Dry Lake Grant was approved.

#### Area II Minnesota River Basin Projects Biennial Plan and Area II Floodplain Management Grant

John Shea, BWSR explained that the funding provided to the Area II Board via specific legislation is targeted at administration of this nine-county joint powers board in the amount of \$190,000 each for fiscal years 2024 and 2025. This grant requires a 25% local match. The Area II Biennial Plan and Floodplain Management Grant were approved.

#### Area II Minnesota River Basin Projects Bonding Work Plan and Grant

John Shea, BWSR explained that the legislative appropriation for bonding to Area II Minnesota River Basins Project Inc. to assist its nine member counties flood control projects in southwestern Minnesota. A cost share rate of 75% state funding and 25% nonstate sources is required for project implementation; oversight is provided by BWSR. The Area II bonding work plan and grant were approved.

### ***Water Management and Strategic Planning Committee***

#### 1W1P Operating Procedures and Plan Content Requirements

Julie Westerlund, BWSR explained the Revisions to the *1W1P Operating Procedures* clarify the procedures for amending CWMPs. Previous policy was silent on amendment procedure. Revisions to the *1W1P – Plan*

*Content Requirements* include modifications to the list of issues that may be addressed in comprehensive watershed management plans and new language acknowledging the important connection between these plans and the Minnesota Climate Action Framework. All modifications to policies are summarized in a table. The 1W1P Operating Procedures and Plan Content Requirements were approved.

### ***Grants Program and Policy Committee***

#### 1W1P Planning Grants Authorization

Julie Westerlund, BWSR explained that the calendar year 2023 (FY24 grants) 1W1P Planning Grants request for proposal (RFP) period opened on March 24, 2023 and closed on June 19, 2023. BWSR received three proposals. Staff reviewed the three proposals (Blue Earth River, Minnesota River Mankato, and Redwood River) against the RFP selection criteria. BWSR’s Senior Management Team reviewed staff recommendations on June 12, 2023 and recommended funding all three proposals. Grants Program and Policy Committee reviewed this recommendation on July 25, 2022. The 1W1P Planning Grants were authorized.

#### 1W1P Mid-Point Grants

Julie Westerlund, BWSR explained that the Board previously approved Mid-Point grants for assessing and amending CWMPs. Pilot assessments are underway and staff more plan implementation groups are approaching the point in time for doing and assessment. To accommodate varying timelines for individual groups’ assessments, staff have asked, and the Grants Program and Policy Committee has recommended, that the authority to approve these grants be delegated to the executive director. The 1W1P Mid-Point Grants policy was approved.

#### FY24 and 25 Buffer Implementation Grants

Tom Gile, BWSR explained that this is the annual grant support funding for SWCDs role to provide planning, technical, and implementation assistance to landowners under 103F.48 (Buffer Law) as well as their annual monitoring and reporting on compliance status. The FY24 and 25 buffer implementation grants were approved.

#### FY24 and 25 SWCD Grants Authorization

James Adkinson, BWSR explained that the State Statute 103C.501 “Cost-Sharing Program for Erosion Control and Water Management” has been amended as the “Conservation Contracts Program” and requires adjustments to our current Erosion Control and Water Management Policy. In addition to approving the policy, staff are also recommending the authorization of the Conservation Delivery and Conservation Contract allocations. The Grants Program and Policy Committee met on May 22 and July 24, 2023 and recommend approval to the full board. The FY24 and 25 SWCD grants were authorized.

#### FY24-25 Watershed Based Implementation Funding (WBIF) Program

Annie Felix-Gerth, BWSR explained that the BWSR staff have met over the past six months with an internal staff team (Clean Water Team), BWSR Senior Management Team, and BWSR Grants Program and Policy Board Committee to discuss the policy, and allocations for the WBIF Program. The BWSR Grants Program and Policy Committee reviewed the policy and allocation authorizations on August 14 2023 and made a recommendation to the full Board. The draft FY2024-2025 Clean Water Fund WBIF Program policy and board order are attached based on the recommendations of the Grants Program and Policy Committee. The WBIF policy and allocations were approved.

### **UPCOMING MEETINGS**

- **BWSR Board:** September 27 in St. Paul and by MS Teams

The meeting adjourned at 11:54 a.m.

Notes submitted by Jan Voit