

Board of Water and Soil Resources (BWSR) Board Meeting

April 27, 2022

Gerald Van Amburg called the meeting to order at 9:02 a.m. The Pledge of Allegiance was recited. The agenda was adopted. The minutes of the March 23, 2022 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. **Actions of particular interest to watershed organizations are highlighted in gray.**

REPORTS

Chair & Administrative Advisory Committee

Chair Van Amburg stated that Rich Sve and LeRoy Ose were reappointed to the BWSR Board. Kurt Beckstrom, the new Soil and Water Conservation District (SWCD) representative, introduced himself.

Executive Director

Executive Director Jaschke reported on the day-of packet. The updated committee roster will be distributed. He gave an update on the legislative session. A survey regarding in-person meetings was distributed to the Board. They will be using a hybrid approach beginning in May. This will be done for both BWSR Board and committee meetings.

The annual BWSR Board tour will be held in East Grand Forks in the Red River Valley. This will be done in partnership with Red River Valley entities, Minnesota Association of Watershed Districts (MAWD), and the SWCD employees association. More details will be sent when they are available.

Several new staff have started or will soon begin their roles at BWSR. The human resources director will start in the next few weeks. Until then, Department of Natural Resources (DNR) services will be used. Justin Hanson is the new Assistant Director for Regional Operations. He begins May 9. The position announcement for the Assistant Director for Strategy and Operations has been posted.

Work continues on a telework policy. There are many details to consider in order to make sure state assets are well cared for and provide a good work/life balance for employees.

Work also continues on Diversity, Equity, and Inclusion. The next step is external meetings with local units of government and non-governmental units that BWSR works with on a regular basis.

Audit & Oversight Committee

Vice Chair Collins reported that the committee has not met. No meetings are scheduled.

Dispute Resolution and Compliance Report

Rich Sve reported that the committee has not met. Travis Germundson explained the appeals that are pending. No new appeals have been filed. Chris Evans has been hired as the new BWSR staff attorney. He will provide assistance with the Wetland Conservation Act and buffer programs.

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 93 parcels from the 12 counties BWSR is responsible for enforcement. Currently there are no active Corrective Action Notices (CANs) and 6 Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 86 of those have been resolved. Statewide 31 counties are fully compliant, and 53 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 609 CANs and 52 APOs actively in place. Of the actions being tracked over 2,201 of those have been resolved.

Two BWSR staff that served as buffer specialists have moved to other positions within the agency. BWSR is looking to replace the Microsoft Access database with one that is compatible with the MNIT system. They are hoping to have the agreement in place by May 1, with a functioning database by the end of the year.

Grants Program and Policy Committee

Todd Holman said the committee met on March 28 and April 11. The actions on the agenda are the results of those meetings. The committee is using their meetings for an ongoing opportunity to look at the watershed-based implementation funding formula. Each meeting new pieces of information are brought in an effort to understand the current formula and determine if changes should be made. They are also looking at adding a groundwater component that can be consistently applied throughout the state. They would like to have this process completed before the next appropriation is available. They will need to provide an opportunity for others to weigh in on the process. The next meeting is May 23.

Reinvest In Minnesota (RIM) Reserve Committee

Jayne Hager Dee reported that the committee did not meet.

Water Management and Strategic Planning Committee

Vice Chair Collins reported that the committee has not met. No meeting is scheduled.

Wetland Conservation Committee

Jill Crafton informed the Board that the committee met on April 21. The resulting presentations will be addressed later in the meeting.

Buffers, Soils, and Drainage Committee

Mark Zabel stated that the committee has not met. No meeting is scheduled.

Drainage Work Group (DWG)

Neil Peterson reported that the DWG does not meet when the legislature is in session. Tom Gile gave an overview of the drainage registry portal legislation. He has provided information regarding the bill to the DWG and solicited feedback. To date, he has received over 30 comments. Those comments are being compiled and the information will be shared with the DWG. They will meet in June or July depending on the end of the legislative session. There is concern that this legislation was not vetted through the DWG before it went to the legislature. It was noted that the DWG did not recommend this bill. While the legislature is not required to bring proposed legislation to the DWG, that has happened in the past which provided an opportunity to improve policies. The bill has been included in the House omnibus bill. There is no companion legislation in the Senate.

AGENCY REPORTS

Minnesota Department of Agriculture (MDA)

Jeff Berg stated that the House agriculture omnibus bill passed off the House floor on April 25. It has not passed in the Senate. It will go to conference committee to work out differences.

Avian influenza is still a concern. There are 60 sites with confirmed cases ranging from seven birds to flocks of 240,000, as well as cases in the wildlife population. MDA guidance is to stay off farms with birds. Biosecurity is very important. The influenza will likely continue during waterfowl migration.

He provided an update on the Minnesota Ag Water Quality Certification Program, three-year study, and an article in the *StarTribune*. Here is the noted article: <https://www.startribune.com/minnesota-falling-short-on-new-national-30-land-and-water-conservation-goal/600167573/>

Minnesota Department of Health

Steve Robertson informed the Board of the intent to update the wildlife protection rule. The rule revision process has begun. Stakeholder engagement sessions began on April 26. Much has changed since the rule was promulgated in 1997. The process will take several years to complete. Periodic updates will be provided.

DNR

Sarah Strommen said that the DNR continues to follow the drought relief bill that has passed Senate and House. It is in conference committee in standalone bill. The legislators will be working to reconcile the

differences between the bills. She remains hopeful that they will not have to choose between farmers and foresters. Both are important resources and sectors of the Minnesota economy. The House omnibus bill for Environment and Natural Resources will be on the House floor on April 28. This bill will also go to conference committee to work out differences.

In the midst of talking about drought relief bill, residents are dealing with flooding in the northwest. Statewide damage assessment is underway. Flood levels are dropping, though in some areas the levels are still cresting. The governor has called out the national guard to assist.

The DNR is gathering information about the future of funding conservation and outdoor recreation work. Recommendations for next steps will be available later this year. Preliminary findings indicate that funding for the environment and natural resources is not enough. There are concerns about the legislators not following the intent of voters in regard to constitutionally-dedicated funds. Funding for the environment is less than three percent of the state budget. There are concerns about the equity of license and park permit fee structures.

The walleye opener is May 15. It is expected that half a million Minnesotans will participate.

Discussion was held regarding the idea of setting aside 30% of the earth's area for conservation, biological diversity, and climate change. It was noted that Minnesota needs more conservation area. The DNR is not certain that 30x30 is the right framework for Minnesota. Our state has a long history of private and public land conservation. A lot of planning has been done to form the basis for conservation efforts. Minnesota is a leader for collaboration and comprehensive work. It is disappointing that our legislature doesn't take a more active role in what we are faced with and what we have to do.

Minnesota Extension

Joel Larson said at the last meeting he reported that they were hiring a new extension educator to work on climate resilience. That position is funded in partnership with Minnesota Corn Growers and the State of Minnesota. They have secured funding for a second education educator to work on climate resilience in forestry, with a preservation component. He is hoping that both positions will be filled within the next couple of months.

Minnesota Pollution Control Agency (MPCA)

Glenn Skuta spoke about staffing issues and hiring. He also said that MPCA provides administrative support to the CWC. They had their first in-person meeting on April 25. They will be moving forward with a hybrid meeting format. They are also working with staff returning to the office and remote work environments.

ADVISORY COMMENTS

Association of Minnesota Counties (AMC)

Brian Martinson said that AMC has been focused on legislative work. They have significant concerns about the drainage registry information portal. They have shared their perspective with BWSR and legislators. They support 404 assumption and local road wetland replacement funding. They are concerned that the House Legacy funding bill includes spending from the Clean Water Fund (CWF) with no review or recommendation from the CWC. They support funding for septic system grants coming through MPCA, rather than through BWSR and will advocate for that.

Minnesota Association of Conservation District Employees

No report was given.

MASWCD

LeAnn Buck welcomed Kurt Beckstrom. She is appreciative of the leadership that SWCD representatives bring to the BWSR Board. MASWCD's number one priority has been the SWCD aid package. They are seeking capacity funding through the general fund. This bill is included in the House, but not the Senate. They are

continuing discussions with legislators. She believes that funding for SWCDs is a shared state and local responsibility. SWCDs work within a unique state and federal partnership to implement the Conservation Reserve Enhancement Program. They work to advocate for conservation organizations and technical resource professionals at a national level. They work within the One Watershed, One Plan (1W1P) framework from planning to implementation. Without SWCDs, she believes these plans would be at a standstill. She appreciates the working relationship SWCDs have with AMC, Minnesota Association of Townships (MAT), BWSR, MPCA, and MAWD.

MAT

Eunice Biel gave an update on state and federal funding including American Rescue Plan Act funds and reporting deadlines. MAT will be holding short courses in-person in May.

MAWD

MAWD Executive Director Javens thanked the BWSR employees that provided focused training and orientation for new managers. The training was well-received by members. She is aware that they will be providing a third session later in May. She has had some great conversations with Executive Director Jaschke regarding partnering efforts. Having BWSR as a resource as MAWD works on updating the strategic plan will be appreciated. She was appreciative of Tom Gile's efforts on the drainage registry portal as well as that of AMC. She is excited that BWSR has an on-staff attorney who will likely be able to assist MAWD by reviewing the draft Watershed Handbook. She was happy to hear that LeRoy Ose was reappointed and that Kurt Beckstrom is a board member. She and Beckstrom have known each other for years and have both served as the MN representative to the National Association of Conservation Districts Board of Directors.

The watershed district levy bill is stuck in conference committee. It didn't make it into omnibus bills. While it is not looking as promising as it did earlier, work will continue to get that legislation passed.

Natural Resources Conservation Service (NRCS)

Troy Daniell thanked BWSR for the Snapshots stories. Producers, legislators, and private citizens see these success stories. Selling conservation comes down to a landowner making a personal decision – quite often made based on positive information from neighbors who have successfully implemented a project. NRCS field staff are in the process of writing new contracts for three programs: Environmental Quality Incentives Program (EQIP), Conservation Reserve Program (CRP), and Regional Conservation Partnership Program (RCCP). They have request for proposals for projects related to grazing, soil health, drainage water management, and connect food from the eater to the farmer. There is also a request for proposal (RFP) to assist with exploring market-based solutions and public and private sector partnerships for Climate Smart Ag. Proposals will be ranked and awarded in the near future.

Over the last year, NRCS has hired 42 entry level positions. They are working this week on approximately 20 more, with about a dozen remaining. The new hires are not just soil conservationists, technicians, and engineers, they are also foresters, urban foresters, agronomists, and grazing specialists. For every 10 people hired, they lose three.

Funding decisions outside USDA are being made to match funds with state agencies to help with increasing the number of local processors, in an attempt to release dependency from the large groups that control the meat system. He has had conversations with MDA about ways to collaborate to connect and support the promotional side of sustainable food systems

[short break taken]

COMMITTEE RECOMMENDATIONS

Southern Region Committee

Shell Rock River and Winnebago River Comprehensive Watershed Management Plan (Plan)

Ted Winter reported that the Southern Region Committee received a presentation on the plan and recommends approval. Dave Copeland explained that the Shell Rock River and Winnebago River Watershed Partnership (Partnership) was selected by BWSR for a 1W1P 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 1W1P 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 and Winnebago River 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 Region 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 Shell Rock River and Winnebago River Plan was unanimously approved.

Grants Program and Policy Committee

Approval of Habitat Enhancement Landscape Pilot (HELP) Grants

Dan Shaw explained that the HELP program is funded through the Environment and Natural Resources Trust Fund 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. The HELP grant awards were unanimously approved.

HABITAT ENHANCEMENT LANDSCAPE PILOT FUNDING RECOMMENDATION	
Grantee	Funding Amount
Aitkin Soil and Water Conservation District	\$20,000
Anoka Conservation District	\$40,000
Beltrami Soil and Water Conservation District	\$30,760
Crow Wing Soil and Water Conservation District	\$40,000
Martin Soil and Water Conservation District	\$30,000
Middle-Snake-Tamarac Rivers Watershed District	\$40,000
Ramsey-Washington Metro Watershed District	\$40,000
Root River Soil and Water Conservation District	\$40,000
Sherburne Soil and Water Conservation District	\$40,000
Stearns Soil and Water Conservation District	\$40,000
Washington Conservation District	\$40,000
Total	\$400,760

Cooperative Weed Management Area (CWMA) Grants

Dan Shaw requested approval for the CWMA grants. He explained that CWMAs 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 CWMA Program Request for Proposal for a total of \$200,000 to eligible SWCDs for newly developing and existing CWMAs/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. The CWMA grants were unanimously approved.

FY2022 & FY2023 Cooperative Weed Management Area Program Funding Recommendation	
Soil and Water Conservation District	Recommended Award
Becker Soil and Water Conservation District	\$15,000
Washington Conservation District	\$15,000
Anoka Conservation District	\$15,000
Brown Soil and Water Conservation District	\$20,000
Stearns Soil and Water Conservation District	\$15,000
Winona Soil and Water Conservation District	\$15,000
Carlton Soil and Water Conservation District	\$15,000
Goodhue Soil and Water Conservation District	\$20,000
Ramsey County Soil and Water Conservation District	\$15,000
Red Lake Soil and Water Conservation District	\$15,000
Wright Soil and Water Conservation District	\$15,000
Koochiching Soil and Water Conservation District	\$15,000
Pennington Soil and Water Conservation District	\$10,000
Total	\$200,000

Approval of Fiscal Year 2023 CWF SWCD Local Capacity Grants

Marcey Westrick explained that in the 2021 Legislative Session, the legislature continued support for SWCDs through the CWF at \$12M each year of the biennium. Per the appropriation language, each SWCD shall receive an increase in its base funding from \$100,000 to \$107,500 per year. Money remaining after the base increase is available for grants to SWCDs as determined by the board based on county allocations to SWCDs 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. The 2023 CWF SWCD Local Capacity Grants were approved.

Approval of Fiscal Year 2022-2023 Lower Minnesota River Watershed District (LMRWD) Dredge Management Grants

Marcey Westrick explained that in the 2021 Legislative Session, the legislature appropriated funding in the amount of \$240,000 each fiscal year to the LMRWD 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. The FY22-23 LMRWD Dredge Management Grants were unanimously approved.

Wetland Conservation Committee

Minnesota Wetland Professional Certification Program (MWPCP) Plan Revision

Les Lemm gave an overview of the certification program. Ken Powell gave a PowerPoint presentation that explained that the 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, it is easier to 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 classes 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 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 continuing education credits could be obtained through online courses/training. This would align well with the two-day in-person regional training classes that are offered 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. The Minnesota Wetland Professional Certification Program Plan Revision was approved as amended to include the phrase “regulatory training has been added”.

UPCOMING MEETINGS

- **Central Region Committee:** May 5
- **Grants Program and Policy Committee:** May 23
- **BWSR Board:** May 25

The meeting adjourned at 12:12 p.m.

Summary submitted by Jan Voit