

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

September 28, 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 August 25, 2022 BWSR Board (Board) meeting were approved. No one was present to address the Board in the Public Access Forum. New staff were introduced.

### **REPORTS**

#### ***Chair & Administrative Advisory Committee***

Chair Van Amburg reported on the last Environmental Quality Board meeting.

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

Executive Director Jaschke gave an overview of the information in the “day-of” packet. There are many fall meetings upcoming in November. He reported on upcoming meetings, the Outdoor Heritage Council (OHC) tour, soil and water conservation districts (SWCD) county-based tours, governor’s policy and budget process, and the Clean Water Council preliminary recommendations. The OHC is currently making decisions about the proposals submitted earlier this year.

#### ***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 they held their first meeting in six years. Travis Germundson stated that there are presently five appeals pending. All the appeals involve the Wetland Conservation Act (WCA). There has been one new appeal filed since last report. 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 three Administrative Penalty Orders (APOs) issued by BWSR that are still active. Of the actions being tracked over 90 of those have been resolved. Statewide 32 counties are fully compliant, and 52 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 529 CANs and 52 APOs actively in place. Of the actions being tracked over 2,327 of those have been resolved.

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

Todd Holman explained the agenda change. The committee was supportive of the *Clean Water Legacy Partners Grant: Policy and Request for Proposals Ranking Criteria*. Because this was a new program, it drew a lot of discussion by the committee members. This will be brought to the Board in October.

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

Jayne Hager Dee reported that the committee did not meet. No meetings are scheduled.

#### ***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 has not met. No meetings are scheduled.

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

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

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

Tom Gile reported that the DWG met on September 8. He gave an overview of the proposal by Ted Suss regarding the drainage registry. There is willingness to discuss the repair aspect of this proposal. Discussion was held regarding what documentation is appropriate to help support and demonstrate that a drainage

project is checking the boxes for environmental and hydrologic considerations. The membership and decision-making process were reviewed. Discussion was held regarding outlet adequacy.

#### **AGENCY REPORTS**

##### ***Minnesota Department of Agriculture (MDA)***

Peder Kjeseth described a new Soil Health Pilot Grant program that provides financial assistance for equipment. They hope to have the program running by the end of February. Discussion was held regarding the federal EQIP program's relationship to this pilot program.

##### ***Minnesota Department of Health (MDH)***

Mark Wettlaufer did not have a report.

##### ***Minnesota Department of Natural Resources (MDNR)***

Sarah Strommen reported that this is a busy time of the year for meetings, hunting, and fishing. They are working diligently on legislative proposals for policy and budget. Operational costs are increasing at a large rate. They have developed an action plan that addresses optimizing current funding needs, use and application of fees, increasing opportunities for direct support, and stable and secure base operational funding. They are looking forward to discussions with the DWG about early coordination and the drainage registry. They will continue to look at the Climate Action Framework. An update on chronic wasting disease was given.

##### ***Minnesota Extension***

John Bilotta introduced himself. He highlighted sessions that will be held during the Minnesota Resources Conference on October 18 and 19. All of extension will be gathering in Duluth next week for their annual conference. Septic training is in full swing. They are hiring two staff to help with septic training.

##### ***Minnesota Pollution Control Agency (MPCA)***

Katrina Kessler spoke about the Climate Action Framework. It was released on September 16 after 18 months of concerted work. The document can be found [here](#).

#### **ADVISORY COMMENTS**

##### ***Association of Minnesota Counties (AMC)***

Brian Martinson stated that they held their fall policy conference a few weeks ago in preparation for the 2023 legislative session. Priorities were identified for the upcoming year that will go to the membership and AMC board. The environment committee identified three priorities: solid waste reduction funding, concerns about potential impacts of legislation proposed that could delay maintenance and system repairs, and public waters inventory related to process for PWI and reliability for regulated parties and regulators. Other topics included bonding dollars for transportation-related programs, 404 assumption, support of increased CWF attention for WBIF, increases for natural resources block grants, strategies on the use of state and local funds for AIS, conservation easements on tax forfeited properties, and native rough fish regulation.

##### ***Minnesota Association of Conservation District Employees***

No report was given.

##### ***Minnesota Association of Soil and Water Conservation Districts (MASWCD)***

No report was given.

##### ***Minnesota Association of Townships (MAT)***

Eunice Biel said that in August MAT held district meetings throughout the state. They will be hosting MAT University and an annual conference. Township Tuesday conference calls will be held for all township officers. Training for gravel road maintenance and design will be implemented. New climate grants are available through MPCA. There are matching funds available for design and construction of ring dikes in Red River Basin.

**Minnesota Association of Watershed Districts (MAWD)**

I provided an update on communication (leadership updates, website redesign, and monthly newsletters), committee meetings (Events, Legislative, Strategic Plan, Resolutions, and Finance), and Events (Red River Partners Summer Tour and the upcoming Annual Conference).

**Natural Resources Conservation Service (NRCS)**

No report was given.

[A five-minute break was taken.]

**COMMITTEE RECOMMENDATIONS**

**Dispute Resolution Committee**

WCA Appeal File 21-1 of a Notice of Decision for a No-Loss -Kittson County

Travis Germundson provided an overview of the events that have transpired to date. The appeal was brought before BWSR on August 16, 2021, from Steve Anderson with Anderson Law Group PLLC on behalf of Glenn Brazier to appeal a WCA Notice of Decision involving property located in Kittson County. The Dispute Resolution Committee heard oral arguments from the parties to the appeal on August 31, 2022. After review of the record, written briefs, and oral arguments, unanimously voted to recommend that the appeal be denied and the LGU decision affirmed. A second motion was made on the request for additional evidence to be included in the record. That motion carried to accept the additional information as part of the record with the caveat that it’s not relative to the decision.

The Board approved an order that affirms the Kittson County SWCD’s July 14, 2021 decision denying an application for non-loss filed by Glenn Brazier (appellant) on behalf of Wagon Wheel Ridge. The Order also included a provision to accept additional evidence into the record provided by the appellant in an addendum submitted on February 23, 2022.

**Grants Program and Policy Committee**

Environment and Natural Resources Trust Fund (ENRTF) Watershed and Forest Restoration: What a Match! Project Partner Grants and Agreements

Lindberg Ekola and Ryan Hughes BWSR applied for and received \$3,318,000 in funding from the Environmental Natural Resources Trust Fund (ENRTF) to accelerate tree planting on privately owned lands for water-quality protection and carbon sequestration. This project will be completed in partnership with soil and water conservation districts, the Mille Lacs Band of Ojibwe, and the Department of Natural Resources. The program was approved.

**NEW BUSINESS**

2023 BWSR Board Meeting Schedule

John Jaschke presented proposed meeting dates for 2023 board meetings. He explained the plan for the upcoming October virtual meeting. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2022 calendar. January 25, February – no meeting, March 22, April 26, May 24, June 28, July – no meeting, August 23-24 (Wed-Thurs) – Tour and meeting, September 27, October 25, November – no meeting, and December 14 (second Thursday). The 2023 meeting schedule was approved.

BWSR Climate Change Trends and Action Plan

Suzanne Rhees gave a presentation about the *BWSR Climate Change Trends and Action Plan*. The first version of this plan was published in 2013 and updated in 2016 and 2019. This 2022 report summarizes the climate-related benefits of BWSR programs, both for mitigation and adaptation to climate change trends, and estimates the greenhouse gas emission reduction benefits of conservation practices that BWSR programs support (grant, cost-share, and easement programs).

#### **UPCOMING MEETINGS**

- **Northern Region Committee:** October 5 at 1:00 a.m., Detroit Lakes
- **Central Region Committee:** October 6 at 2:00 p.m., St. Paul and by Microsoft Teams
- **Grants Program and Policy Committee:** October 24 at 8:30 a.m., St. Paul and by Microsoft Teams
- **BWSR Board:** October 26 at 11:00 a.m., by Microsoft Teams

The meeting adjourned at 12:32 p.m.

Notes submitted by Jan Voit