



Legislative Water Commission

Barb Huberty, Director

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February 18, 2016
Room 5 State Office Building
Meeting Minutes

Members Present

Rep Paul Torkelson
Rep David Bly
Rep Matt Dean
Rep Peter Fischer
Rep Rod Hamilton
Rep Clark Johnson
Sen Bev Scalze
Sen Gary Dahms
Sen Carrie Ruud
Sen Matt Schmit
Sen Charles Wiger

Members Excused

Sen Roger Chamberlain

Senator Bev Scalze called the meeting to order at 1:05 pm on Thursday, February 18, 2016 in Room 5 of the State Office Building. A quorum was present. Rep Peter Fischer moved approval of the minutes for the December 4, 2015 meeting and Sen Dahms seconded the motion. THE MOTION PREVAILED.

1. Director Huberty gave an overview of the meeting packet contents, an update on the Governor's Water Summit, an overview of the upcoming March 22nd meeting (to be held from 5-7 pm in Rm 5 of the State Office Building), and identified August 11, 16 & 17 as possible dates for the 2016 field tour.
2. Doug Thomas, Assistant Director of the Board of Water and Soil Resources (BWSR) made a presentation explaining the "One Watershed, One Plan" (1W1P) program transition. In response to questions, he clarified that any of the pilot areas that have cropping areas will be affected by the buffer law. He explained that the transition plan will be adopted in June and a Request for Interest will be distributed at that time. The 6-7 watersheds selected by the BWSR Board each year to undertake the 1W1P process will be those that have completed Watershed Restoration and Protection Strategies, demonstrate readiness, and show geographic distribution. Awards will be made by mid-summer and the process will be completed annually until all the plans are in place. Mr Thomas expects the plans to be developed in a manner that provides flexibility to address changes in land use and climate. He clarified that selection of a Plan Administrator is part of this process and that a formal agreement is developed to assign roles for implementation; joint grant applications will be needed for implementation funding.

3. Dave Leuthe, Department of Natural Resources (DNR), made a presentation explaining the development of the buffer protection maps. In response to questions, he explained that the public water inventory portion is nearly ready for review by local units of government and that they are in the process of receiving information on the locations of public drainage ditches. As soon as a County's data is ready, DNR will post them on the map viewer for review. Since the ditch information is based on tax records, he is not expecting discrepancies that need resolution by ag producers. If the locations of rivers and their buffers change as a result of flood events, it will be up to landowners and their local SWCD staff to resolve the need for lost buffers. Some confusion exists between the original bill that intended to only include buffers on water courses vs the final law that used the term public waters, which includes basins and some wetlands in addition to water courses. Rep Torkelson indicated that a bill will be introduced next session to clarify the intent of the law. Mr Leuthe clarified that ditches are defined by MN Stat 103E, but that some altered water courses are also classified as public waters with shoreland requirements; typically they are on the main stems of rivers and they will need 50' buffers, as opposed to 103E ditches in headwaters areas that will need 16.5' buffers. It is understood that this is a complicated issue because of the interconnection between public waters and ditches, but it is important to know what is regulated and what isn't; the ultimate goal is cleaner water.
4. Dave Weirens, BWSR, gave a presentation explaining how BWSR intends to implement the buffer law. He introduced Tom Giles, a current BWSR employee who has taken on the role of buffer program coordinator. Mr Weirens explained that BWSR has been working with local SWCDs to gather their input and advice on implementation. In response to questions, Mr Weirens indicated that BWSR and DNR are working closely together to develop a process for obtaining edits on the map from local staff. If local citizens have questions about the map or the program, their first stop should be their local SWCD. There are a suite of options for best management practices to choose if landowners want to use an alternative practice in lieu of a buffer, wherever a buffer is not the best choice. There has been some concern that BWSR's efforts have bordered on rulemaking, but BWSR indicated they are only using existing Board authority to develop policies. Developing a reasonable implementation approach that respects landowner interests is how to provide assurance and build trust. BWSR will be meeting with counties, watershed districts and SWCDs to develop an enforcement process that is consistent, even in counties that have not adopted Shoreland rules. Concern was expressed about the pressure created by the variability in local capacity across the state and the short timelines, to which BWSR indicated they feel all the timelines are achievable.
5. Doug Thomas, BWSR, made a presentation to explain the Prioritize, Target & Measure App that has been developed by the International Water Institute, along with the development of an enhancement supported by the Soybean Growers Association (SGA) that will enable assessment of buffer alternatives. Mark Deutchman, from Houston Engineering who developed the App, was also present to answer questions. In response to questions, Mr Thomas explained that the SGA enhancement is new, but it is being tested in Mower County at this time. PTMApp has been used to support grant applications for the Pope County SWCD and Sauk River Watershed District (WD) and it has been used by 3 of the 1W1P pilot areas. Several SWCDs and WDs with geographic information system staff have been able to utilize PTMApp on their own, but others have needed state help because they lack the technology, expertise or funding. Mr Deutchman explained that the soil loss model incorporated into the App was the NRCS RUSLE model, which overestimates soil loss in some areas, but is a valid approach for finding the right practices for the right place. Mr Thomas said this tool can be used to uniformly identify pollutant reduction results, but it can improve through calibration using local monitoring data. The BMP suitability segment has been "ground truthed"

There being no other business, the meeting adjourned at 2:55 pm.