



# Minutes

## Vermillion River Watershed Planning Commission Meeting

April 14, 2021 – 4:00 p.m.

Zoom Videoconference

### WPC Members in Attendance

Mark Henry      Chuck Clanton  
Josh Borton      Carolyn Miller  
Ken Betzold      Tony Wotzka  
Andy Riesgraf      Steve Hamrick

### Staff in Attendance

Mark Zabel, VRWJPO  
Mark Ryan, VRWJPO  
Travis Thiel, VRWJPO  
Paula Liepold, VRWJPO

### Others in Attendance

Curt Coudron, Dakota County SWCD

### 1. Call to Order

The meeting was called to order by Commissioner Henry at 4:00 p.m. Member Kotz was absent.

### 2. Roll Call

### 3. Audience Comments on Items Not on the Agenda

None

### 4. Approval of Agenda

Chair Henry asked for any changes to the agenda. Upon hearing none, Chair Henry called for a motion to approve the agenda as provided in the packet.

*Motion by Commissioner Clanton, second by Commissioner Betzold, to approve the agenda. The agenda was unanimously approved by an 8-0 roll call vote.*

### 5. Approval of Minutes

Chair Henry requested any additions, deletions, or edits to the minutes. Upon hearing none, Chair Henry called for a motion to approve the minutes of the March 10, 2021, meeting of the WPC.

*Motion by Commissioner Clanton, second by Commissioner Borton, to approve the minutes of the March 10, 2021, meeting, as distributed. The minutes were unanimously approved by an 8-0 roll call vote.*

### 6. Business Items

**a. Recommend Approval of Proposed Amendments to the Vermillion River Watershed Joint Powers Organization (VRWJPO) Draft Revised 2021 Budget**

Chair Henry introduced the Item. Mark Zabel described budget items that had been revised since the adoption of the final budget in December 2020. Items that changed are shown in red in the VRWJPO Draft Revised Budget. The revisions include the addition of new grant funded projects along with match allocated to those projects, shifts based on expenses from the past year, and adjustments for completed projects that were paid before the end of the previous year that had been expected to carry forward to the current year. There are only small differences in the overall budget compared to the adopted Final VRWJPO Budget, but there are significant changes that occurred in specific line items.

Commissioner Clanton asked about adjustments to staff time and how staff costs can be adjusted or cost savings due to the vacant position realized. Zabel responded by outlining how the Counties provide staff support to the VRWJPO as required in the empowering Joint Powers Agreement. Staff are County employees who do work for the VRWJPO. There is a small number of staff who are assigned to the VRWJPO as their primary duty. Other County staff can also be accessed for work for the VRWJPO upon request; examples would be for GIS work, surveying, or the like. Staff assigned to the VRWJPO as their primary duty also have a portion of their work that is done for other units or departments within the County. Work hours completed on work for the VRWJPO are accounted within time reporting systems of the County and the VRWJPO is billed for actual time worked. Therefore, amounts in the VRWJPO Budget that include staff costs are set according to expected staff costs to be billed by the Counties and are not necessarily based on the number of staff specifically assigned to the VRWJPO or their pay rates. However, it is accurate to say that most staff costs are related to the activities of the primary staff assigned to the VRWJPO.

*Motion by Commissioner Borton, second by Commissioner Clanton, recommending approval of the amendment to bring the budgeted total expenses in 2021 to \$2,297,510 and total revenue to \$2,497,900 with a cash reserve of \$200,390 was unanimously approved by an 8-0 roll call vote.*

**b. Pathways to Projects in the Vermillion River Watershed**

Chair Henry introduced the item. Mark Ryan commented that this presentation is being provided following a request at last month's Watershed Planning Commission meeting for more information about how projects are identified and developed for consideration and funding by the VRWJPO. The presentation is meant to be a primer for new Commissioners and a refresher for others. The first consideration is based on the Vermillion River Watershed Management Plan which is developed and approved to cover a ten-year period. Goals, objectives, and actions listed in the Plan direct the implementation of the activities; assessments, feasibility studies, and ultimately the projects that are pursued by the VRWJPO. This also includes inquiries and "projects of opportunity" that are suggested through partners, agencies, groups, or individuals. The Implementation Section of the Vermillion River Watershed Management Plan includes tables that are specific to potential implementation activities of the Plan. The way this is broken out in the plan is by subwatershed and each subwatershed has identified types of potential projects and budgeted expected costs for those potential projects. Ideally these tables would have all planned projects listed with their associated costs, however, we are unable, at least for this planning cycle, to project all planned and potential projects that might be implemented to appropriately address known or emerging needs in a given subwatershed. Mark Ryan gave examples from the Plan Implementation Section for South Creek.

Mark Ryan then brought in an example of a watershed report resulting from monitoring, evaluation, and planning done in collaboration with the Minnesota Pollution Control Agency called the Watershed Restoration and Protection Strategies (WRAPS). This was a watershed-wide analysis of the status of the quality of water bodies within the watershed as compared to standards. The analysis leads to a determination of whether a water body is meeting standards set for its use classification. If a water body is not meeting standards it is considered impaired and would be eligible for restoration. Waterbodies that are meeting standards but may be at risk to become impaired would be prioritized for protection. Mark Ryan then showed examples from the WRAPS tables for Alimagnet Lake. Mark stepped through the process used to implement projects that were constructed within the subwatershed using the WRAPS. The WRAPS identified using a subwatershed analysis to identify Best Management Practices appropriate to address the impairment. A subwatershed analysis was completed that identified several potential projects implementing BMPs within the subwatershed. Staff analyzed the potential for projects which included feasibility work in some cases. Mark included examples of completed projects and a project that was rejected due to discovery of conditions that made it infeasible. Mark commented that ideally working from plan to assessment to design would be the process used to identify and prioritize all projects, but that is not the reality of how all projects are developed.

Mark Ryan then mentioned geomorphic assessments that the VRWJPO uses to identify potential issues associated with streams. Geomorphic assessments are specific to the in-stream or near stream environment where issues associated with water quality, bank stability, fish passage, habitat conditions, etc., are evaluated for the potential need for projects correcting or improving conditions. These assessments are generally limited to a defined reach or area of stream.

Mark Ryan showed a graphic that depicted the process used that proceeds from the plan through assessment to feasibility and design. Mark then identified that we also have potential project suggestions that come in from partners that intersect at any of the points shown on the graphic. Mark Ryan then described the VRWJPO Cost-Share Policy and how that applies to potential projects in terms of funding that may be provided to implement a project directly through the VRWJPO (projects not associated with a grant).

Mark Ryan then showed an example of the recent Middle Creek Stream Stabilization Project to outline the process used in addressing this “project of opportunity”. This type of project was reviewed by staff to match it with the Vermillion River Watershed Management Plan and subsequent plans like the WRAPS to ensure that it meets with the Goals and Objectives of the watershed, and identify if it fits the project criteria in the respective subwatershed implementation section. If a project does not fit the criteria in the subwatershed implementation section, a plan amendment can be used to add a project to the implementation section. Mark Ryan mentioned the plan amendment process as was recently used to include a project that was not previously identified in any other planning or assessment process. The project proposed from the Scott SWCD to address a constructed outlet on a wetland that is an imminent threat for failure and in need of reconstruction. The Bemis Wetland Project was added to the Vermillion River Watershed Plan Implementation Section to both include it formally into the plan document and to make it eligible for grant funding.

Mark Ryan also covered how the project development process may consider other factors like maintenance and the potential for partner contributions that are in-kind and not a direct cash contribution. Mark Ryan ended his presentation by discussing the potential for long term planning for capital improvement and forming a formal long-term CIP Plan, such as a five-year CIP. There may be

limitations to this as it is not directly comparable to something like a transportation planning CIP where highway right-of-way is established, but it is a goal for the VRWJPO. We would also target to maintain a reserve of cost-share for potential projects that may arise each year.

Commissioner Miller asked if each subwatershed has identified problems and goals for addressing the problems. Mark Ryan commented that the VRWJPO has been doing, and continues to do, subwatershed assessments to identify problem areas and projects and practices that can be applied to address them. Commissioner Miller followed up by asking where the long-term picture for the subwatersheds existed and how projects brought into the process by partners can be coordinated to address needs? In other words, is the VRWJPO only reactive or also proactive in identifying projects. Mark Ryan indicated that the subwatershed implementation tables identify what the VRWJPO hopes to accomplish within the subwatershed as a big picture vision. Travis Thiel commented to the budget amounts shown in the subwatershed implementation tables; the tables show the estimate of the total that would be required to address all needs, but then also include scenarios for what might be allocated through VRWJPO funding with grant support, or VRWJPO funding alone. Mark Zabel added that there are currently two subwatershed assessments scheduled for this coming year: one being done through the Scott SWCD in the headwaters area of the watershed and one being done through the Dakota County SWCD in the South Branch subwatershed. Subwatershed assessments and geomorphic assessments are repeated as needed over time to determine if conditions have changed and new needs have developed.

Commissioner Henry noted that Todd Matzke, Dakota County SWCD, is currently working on the subwatershed assessment for the South Branch subwatershed. Commissioner Clanton asked how staff determine when a feasibility study is necessary or appropriate as it seems that the dollars for feasibility work could be used for project costs. Mark Ryan indicated that needs are determined largely based on the level of assessment completed, but that project complexities come up where feasibility work is necessary and may include hiring an outside consultant. Mark Ryan commented that it is rare when there is no feasibility work required, although there are times when some amount of feasibility work is completed as part of the assessment. Travis Thiel added that feasibility work is often necessary to ensure that site conditions and setting characteristics are known for proper design. There is some relation to risk exposure of investment and overall scope of a project and that spending some amount on feasibility before spending on a large construction project helps lower that risk. Curt Coudron added that the project scale is important for SWCD projects as many projects fit with a standard practice and would therefore need less feasibility work or none. Commissioner Clanton then asked about maintenance of projects and what incentives or regulatory requirements are being applied to ensure proper maintenance. Travis Thiel indicated that the VRWJPO has begun to allocate some budget toward project maintenance that allows the VRWJPO to offer some support to project partners in implementing maintenance where needed.

### **c. Recommend Authorization to Submit 2020 VRWJPO Annual Activity Report and Financial Statement to the Board of Water and Soil Resources**

Chair Henry introduced the item. Mark Zabel noted that each year the VRWJPO is required to provide a report to the Minnesota Board of Water and Soil Resources (BWSR) within 120 days from the end of the year that describes the activity of the organization for the previous year as well as financial standing. Staff are asking for a recommendation for authorization to submit the report presented in the packet; it is due by April 30. The report is identified as draft; commissioners were asked to provide comments immediately as this will be on the agenda for the Vermillion River Watershed Joint Powers Board on April 22 for final review and authorization to submit to BWSR.

Commissioner Miller asked about monitoring information and where someone might go to find actual monitoring results. Zabel explained that both Dakota County and Scott SWCDs do the actual sample collection and perform the monitoring functions for the VRWJPO. Lindsey Albright of the Dakota SWCD writes an annual monitoring report. The annual monitoring report, when completed, is made available on the VRWJPO website. The data for each monitoring site is available to the public using the interactive map on the VRWJPO website. If someone clicks onto the icon on the map for a monitoring site it will open a “bubble” with links, one to a site with flow data from the MnDNR and the other with water quality data from the MPCA. All information from our monitoring data is available to the public.

*Motion by Commissioner Miller, second by Commissioner Wotzka, recommending the VRWJPB authorize staff to submit the 2020 Annual Activity Report and Financial Statement to the BWSR on or before April 30, 2021 was unanimously approved by an 8-0 roll call vote.*

## **7. Updates**

### **a. Chairperson’s Report**

Chair Henry asked about applications of biosolids from the Empire Treatment Plant and if there are concerns about the amount of nitrates that might be in the application. Mark Zabel commented that applications of biosolids from wastewater treatment came up in the recent Township Officer’s meeting as a concern, but not in terms of nitrate. When biosolids are land applied, they are being applied as a fertilizer and should be tested for the fertilizer value, including nitrogen, and credit should be taken for that fertilizer value. The concerns brought up at the Township Officer’s meeting were related to other pollutants, particularly the PFOA and PFOS chemicals that have been found in biosolids. Dakota County is looking into this issue and is sampling wells near the biosolid application sites. Chair Henry commented that the Metropolitan Council tries to be responsible in their regulation of these applications and tests the materials for certain chemicals and would expect that includes nitrogen. Questions about this have come up at Castle Rock Township. Travis Thiel added there is a two pronged approach that is required to properly address this: one is knowing what is in the material as far as nitrogen and the other is knowing what is in the soil and the needs of the crop. Ken Betzold volunteered that the amount distributed in the application is limited by the amount of nitrogen in the material.

Chair Henry commented that there will be a working field day April 17 at the Fairgrounds Easement as part of the grant funded effort for restoration.

### **b. Staff Updates**

Travis Thiel reported Commissioner Slavik’s recommendation to address obstructions in the Vermillion River from Highway 52 to Hastings to make it more useable for recreation and his request for staff to look into this possibility. Staff have completed a desktop review to get an idea of the potential scope looking at stream obstructions in that area.

Mark Ryan reported that the Dakota SWCD is working on the subwatershed assessment for the South Branch subwatershed, as had been discussed earlier in the meeting. Mark Ryan also mentioned that the assessment and feasibility for the ravines west of Ravenna Trail recently began with the selection of a

consultant. The funding for this is provided through Dakota County Environmental Resources Department although VRWJPO staff are assisting with in-kind staff support.

Paula Liepold mentioned planning for the Children's Water Festival which will be held virtually again this year in September. Paula also reported that the Wetland Health Evaluation Program for Dakota County is going well with new recruitment of volunteers and the development of a new video to help with recruitment which has been posted to the County's YouTube channel. Chair Henry and Paula also touched briefly on preparation for the Dakota County Fair.

Mark Zabel reported that he and Chuck Clanton participated in a Board of Water and Soil Resources training on citizen advisory committees as presenters on March 30. Zabel's presentation was focused on the nuts and bolts of the operation and function of the WPC as the VRWJPO's citizen advisory committee including membership, meeting schedule, bylaws, etc. Commissioner Clanton provided perspective from a member of the Commission and shared information about some of the critical issues that the VRWJPO has to deal with and the role of members of the WPC in communicating with the community.

Zabel also reported that Commissioner Clanton serves as a member of the Minnesota Department of Agriculture's Local Advisory Team (LAT) focused on responding to high nitrate levels in the groundwater of the Hastings Drinking Water Supply Management Area (DWSMA). The LAT is developing a list of Draft Best Management Practices (BMPs) to be promoted within the DWSMA after adoption by the Minnesota Commissioner of Agriculture and Commissioner Clanton provided VRWJPO staff with an opportunity to review and comment on the Draft BMPs. As a result of the comments provided, MDA staff requested a direct conversation with VRWJPO staff and Commissioner Clanton to discuss the comments. A meeting was held virtually on Tuesday April 6<sup>th</sup> to have the conversation. Some of the things that we had commented to are related to the timeliness of response. We are thirty years past the passage of the Minnesota Groundwater Protection Act into law and the first Hastings Area Nitrate Study (HANS) was undertaken by Dakota County at about that same time. The charge provided in Minnesota Statutes through the Groundwater Protection Act has not changed and the statute identifies the development, promotion, and assessment of BMPs for both rate of adoption and effectiveness. Essentially, we are behind in addressing these issues. There was a lot more in that conversation about the specifics involved here. The MDA is taking some action. MDA is putting in 27 monitoring wells within the Hastings DWSMA to look at the near surface transfer of nitrate to groundwater. The wells will intersect the water table at the edge of fields (placed in public right-of-way) and sampled three times a year. The MDA is also planning to do some work around the adoption of BMPs. The list of BMPs produced through the LAT and adopted by MDA is what will be conveyed to farmers in the area to be adopted into their operations to address the issue. Part of the problem that we expressed in comments is that we are currently told that most farmers are already applying nitrogen BMPs in their operations. The process identified by MDA will push assessment of the rate of adoption three years out after their official MDA adoption as the MDA does not plan to assess adoption of BMPs until then. Commissioner Clanton commented that he agreed that the MDA should do the assessment now to establish a baseline for the current adoption of BMPs. We need to establish whether farmers are really using the BMPs or if the BMPs are not working and we need to do something different. We could do that now as opposed to waiting three years. Commissioner Clanton also commented that MDA only has direct control over synthetic or commercial fertilizer and do not address other sources of nutrients like manure, biosolids, etc. We should be coordinating agencies and others to address all sources of nutrients, including nitrogen, effectively. Putting together the overall picture and addressing everything involved in the issue.

Chair Henry commented that he is not opposed to the application of biosolids, as such, but that it be done responsibly, considering issues such as the nitrogen management issue in these sensitive areas. He has been supportive of the use of biosolids as a nutrient source for crops as the alternative is to send it to landfill.

**8. Adjourn**

*Motion by Commissioner Borton, second by Commissioner Betzold, to adjourn the meeting at 5:31 p.m. The motion passed on an 8-0 roll-call vote.*