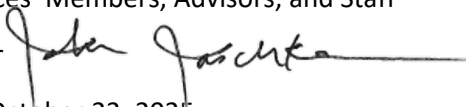


DATE: October 14, 2025

TO: Board of Water and Soil Resources' Members, Advisors, and Staff

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – October 22, 2025

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, October 22, 2025, beginning at 9:00 a.m. The meeting will be held in the Lower-Level South Conference Room, at 520 Lafayette Road North, St. Paul and by Microsoft Teams. Individuals interested in attending the meeting through Teams should do so by either 1) logging into Teams by [clicking here to join the meeting](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 494 929 717#.

The following information pertains to agenda items:

## COMMITTEE RECOMMENDATIONS

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

1. **Buffer Program Procedures Update Request for Public Comment** – The Board of Water and Soil Resources (Board) has the responsibility to oversee the provisions of Minnesota Statute 103F.48.

In 2017 via Board Resolution #17-62 BWSR adopted 9 buffer procedures.

Minnesota Statutes Section 103F.48, Subd 1(J) was revised in 2024 to expand the definition of “With Jurisdiction,” which means “a board determination that the county or watershed district has adopted and is implementing a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101. This determination is revocable by board action if the adoption and implementation of rule, ordinance, or official controls are not in compliance with the requirements of this section or board-adopted procedures.”

Staff have reviewed the existing buffer procedures to ensure they align with current Minnesota Statutes Section 103F.48 and to update as needed to ensure SWCDs, Counties, Watershed Districts and BWSR staff have sufficient clarity and direction to continue implementing and enforcing the law. The current request is to post the draft procedures to solicit input from stakeholders on the revisions. **DECISION ITEM**

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

1. **FY26 Soil Health Delivery Authorization** – This board authorization represents the continuation of the work initiated on October 25, 2023, when the Board authorized staff to develop the FY24-25 Soil Health Delivery Program. That initial program model – which delivers Soil Health funds to Soil and Water Conservation Districts across Minnesota via a formula-based, non-competitive grant structure – can be sustained through the \$3.56 million Clean Water Fund appropriation secured in the 2025 legislative session for FY2026. The intent is to maintain continuity in program delivery. **DECISION ITEM**
2. **Manure Management and Groundwater Protection Grant** – In 2024, the legislature appropriated funding to support a one-time program initiative. This was a result of elevated nitrate issues and the need for groundwater protection measures on the land. This program will provide funding to plan for and implement Manure management activities that reduce nitrates, enhance groundwater protection and reduce

greenhouse gases associated with agriculture. Priority will be given to areas with high groundwater nitrate levels or geology conducive to groundwater pollution. **DECISION ITEM**

3. **Funding Recommendations for the FY26 Water Quality and Storage Program Grants** – The purpose of this agenda item is to ask the Board to approve the FY26 Water Quality and Storage Program - Round 2 scoring and ranking criteria. The FY26 Round 2 RFP will open October 30th and close December 31st. The resolution includes approval for staff to rank and score the applications and enter into grant agreements with the selected partners. The BWSR Senior Management Team and the Grants Program and Policy Committee support this recommendation. **DECISION ITEM**

#### ***RIM Reserve Committee***

1. **Conservation Easement Alteration Policy Revision** – Recommendation for Board adoption of revised Conservation Easement Alteration Policy. The policy was last updated in 2017 and the MN Rule governing the previous policy was repealed in 2024. The revised policy removes repealed rule language and includes a number of additional changes and clarifications to streamline the process, reflect current costs, and align with easement program goals. **DECISION ITEM**

#### **NEW BUSINESS**

1. **2026 Proposed BWSR Board Meeting Schedule** – Meeting dates are being proposed for board meetings in 2026. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2025 calendar. **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-539-2587. We look forward to seeing you on October 22nd.

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
ST. PAUL, MN 55155  
WEDNESDAY, OCTOBER 22, 2025**

**PRELIMINARY AGENDA**

**9:00 AM CALL MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF SEPTEMBER 24, 2025 BOARD MEETING**

**PUBLIC ACCESS FORUM** (10-minute agenda time, two-minute limit/person)

**INTRODUCTION OF NEW STAFF**

- Tracy Ohmann, Human Resources Director

**CONFLICT OF INTEREST DECLARATION**

*A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today's business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by members or staff before any vote.*

**REPORTS**

- Acting Chair & Administrative Advisory Committee – Rich Sve
- Acting Executive Director – Dave Weirens
- Audit & Oversight Committee – Joe Collins
- Dispute Resolution and Compliance Report – Travis Germundson/Rich Sve
- Grants Program & Policy Committee – Mark Zabel
- RIM Reserve Committee – Jayne Hager Dee
- Water Management & Strategic Planning Committee – Joe Collins
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – LeRoy Ose
- Drainage Work Group – Neil Peterson/Tom Gile

**AGENCY REPORTS**

- Minnesota Department of Agriculture – Thom Petersen
- Minnesota Department of Health – Steve Robertson
- Minnesota Department of Natural Resources – Sarah Strommen
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Katrina Kessler

## **ADVISORY COMMENTS**

- Association of Minnesota Counties – Brian Martinson
- Minnesota Association of Conservation District Employees – Mike Schultz
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Eunice Biel
- Minnesota Watersheds – Jan Voit
- Natural Resources Conservation Service – Troy Daniell

## **COMMITTEE RECOMMENDATIONS**

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

1. Buffer Program Procedures Update Request for Public Comment – Travis Germundson and Tom Gile – ***DECISION ITEM***

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

1. FY26 Soil Health Delivery Authorization – Jared House and Tom Gile – ***DECISION ITEM***
2. Manure Management and Groundwater Protection Grant – Justin Hanson – ***DECISION ITEM***
3. Funding Recommendations for the FY26 Water Quality and Storage Program Grants – Rita Weaver – ***DECISION ITEM***

### ***RIM Reserve Committee***

1. Conservation Easement Alteration Policy Revision – Karli Swenson – ***DECISION ITEM***

## **NEW BUSINESS**

1. 2026 Proposed BWSR Board Meeting Schedule – Dave Weirens – ***DECISION ITEM***

## **UPCOMING MEETINGS**

- Central Region Committee is scheduled for December 8th at 2:00 p.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for December 18th at 9:00 a.m. in St. Paul and by MS Teams.

## **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
LOWER-LEVEL BOARD ROOM  
ST. PAUL, MN 55155  
WEDNESDAY, SEPTEMBER 24, 2025**

**BOARD MEMBERS PRESENT:**

Eunice Biel, Jill Crafton, Joe Collins, Kevin Wilson, LeRoy Ose, Lori Cox, Mark Zabel, Mike Runk, Ron Staples, Ted Winter, Todd Holman, Tom Schulz, Sarah Strommen, DNR; Joel Larson, University of Minnesota Extension; Katrina Kessler, MPCA; Steve Robertson, MDH; Thom Petersen, MDA

**BOARD MEMBERS ABSENT:**

Jayne Hager Dee, Rich Sve, Neil Peterson

**STAFF PRESENT:**

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Amie Wunderlich, Song Vang, Terry Ragan, Brandon Ellickson, Dave Weirens, Marcey Westrick, Karli Swenson, Ara Gallo, Peter Jordet, Shane Bugeja, Denise Lauerman, Annie Gunness, Craig Engwall, Becca Reiss, Melissa Sjolund, Solimar Garcia Barger, Lucy Dahl, Ed Lenz

**OTHERS PRESENT:**

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; Amanda Bilek, MN Corn Growers; Graham Berg-Moberg, MN Townships

**Chair Todd Holman called the meeting to order at 9:01 AM**

## **PLEDGE OF ALLEGIANCE**

**\*\***  
**25-43** **ADOPTION OF AGENDA** - Moved by Joe Collins, seconded by Tom Schulz, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

**\*\***  
**25-44** **MINUTES OF AUGUST 28, 2025 BOARD MEETING** – Moved by Ron Staples, seconded by Joe Collins, to approve the minutes of August 28, 2025, as amended. ***Motion passed on a roll call vote.***

Chair Todd Homan introduced new Board Member Kevin Wilson from the City of Cokato as the non-metropolitan elected city official.

## **PUBLIC ACCESS FORUM**

No members of the public provided comments to the board.

## **INTRODUCTION OF NEW STAFF**

Amie Wunderlich introduced Song Vang, Office and Administrative Specialist Sr. Terry Ragan introduced Brandon Ellickson, Civil Engineering Technician.

## **CONFLICT OF INTEREST DECLARATION**

**Chair Holman read the statement:**

*“A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by members or staff before any vote.”*

## **REPORTS**

**Chair & Administrative Advisory Committee** – Chair Todd Holman reported he appreciated the work that went into the annual BWSR Board Tour in August.

**Executive Director’s Report** - John Jaschke reported we are using new technology in the room. Committee rosters have been updated to include Kevin Wilson and replacements for Jeff Berg who retired from MDA. BWSR Academy will be taking place October 21st through 23rd. Attended the Climate Change Government-to-Government Tribal consultation in Mille Lacs last week. Agency leadership will also be meeting with the Fond du Lac Tribe for a consultation meeting. Will be having the Assistant Directors step in to conduct the administrative role for the Executive Director at upcoming board meetings over the next several months.

Jill Crafton stated she heard Fond du Lac was doing restoration with wetlands and there was a concern about a fence.

Lori Cox asked if it was possible to have representation from Tribes as a member to our board. John stated it would need to go through legislature to have a Tribal member added and will mention it to the Tribes when they meet for consultations.

**Audit and Oversight Committee** – Joe Collins reported they have not met and typically meet in January.

**Dispute Resolution and Compliance Report** – Travis Germundson reported the DRC will be meeting in the near future. Travis reviewed the following two appeals that were filed since the last report. They will be going to the DRC.

File 25-10 is an appeal of a WCA exemption and no-loss determination for a property located in Brown County. The appeal challenges the decision to deny the application. The appeal contests the local administrative process and the decision that the property does not qualify as agricultural land. It pertains to the same property and wetland area associated with a pending appeal of a Restoration Order (File 25-7). A decision on that appeal was made to grant an appeal and will entail going through their administrative appeal process.

File 25-9 is an appeal of a WCA no-loss decision for a property located in Morrison County. The appeal challenges the approval of a no loss decision that was made under remand (File 24-9). The petition contends that the incidental wetland determination is being applied in error. A decision was made to grant and hear the appeal.

Travis will be offering a refresher workshop and to reach out to him if interested. Todd Holman stated he would be interested in a refresher and asked if the Attorney General's Council would be joining. Travis stated that it will be staff running the workshop.

**Grants Program & Policy Committee** – Mark Zabel reported they have items on the agenda for today.

**RIM Reserve Committee** – No report was provided. John stated there is an item on the agenda for today.

**Water Management & Strategic Planning Committee** – Joe Collins reported they have not met.

**Wetland Conservation Committee** – Jill Crafton reported they have not met.

**Buffers, Soils & Drainage Committee** – LeRoy Ose reported they have not met. Will be meeting on October 10th. John Jaschke stated the Buffers program Procedures are being updated and being readied for a review and comment process.

**Drainage Work Group (DWG)** – Tom Gile reported they have not met. Will be meeting October 9th. They last met in September with a small subgroup that's been involved in some of the notification work.

Commissioner Katrina Kessler join the meeting at 9:33 a.m.

## **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Thom Petersen reported Farm Aid took place last week and had a Farm Forum where Minnesota was featured. Stated they are concerned about the fall and where crops will be going. Its Farm Safety Week. They've seen a return of high path avian influenza in the last week and are working closely with other agencies. Stated they have reworked their BWSR committee staff assignments. They are continuing to build their weather station network.

Joe Collins asked if there is way for the agriculture states with soybeans to go to congress to reenact the USAID. Commissioner Petersen thinks they will eventually get back into some kind of program like that but not currently.

Eunice Biel asked how much soybeans goes to soy diesel. Thom stated he doesn't know the exact amount but it's not enough to build more biodiesel plants in the meantime.

Lori Cox asked if there is a way to look at what kind of conservation gains farmers are accomplishing or how to track it. Commissioner Petersen stated there is no longer a USDA National Agricultural Statistics Service (NASS) presence in Minnesota, and they have been reducing their reporting. Stated they are trying to figure out what kind of role they can play in tracking programs.

Ted Winter asked if there are other countries beside China that we can sell soybeans to. Commissioner Petersen stated there are some countries we sell to, but we need to see bigger purchases.

**Minnesota Department of Health** – Steve Robertson reported next week is National Source Water Protection week. They will be introducing a new award in December for drinking water protection. Stated they are providing financial assistance grants for source water protection; information is available on their website.

**Minnesota Department of Natural Resources** – Sarah Strommen reported their fall color map is available. They released the groundwater atlas for Isanti County. They will be hiring a new Executive Assistant in their Commissioner's Office.

Joe Collins asked about having a presentation on the data centers in terms of use of water. Commissioner Strommen stated they could have staff present at a future meeting what they understand about water availability across the state and how they approach large water users.

Commissioner Kessler stated the Environmental Quality Board is leading an interagency work group on how to be ready for early coordination around data centers.

Lori Cox stated DNR did a great presentation in the northwest corner of the state where they ran out of water, and it was a drought year. Lori would also appreciate a water supply presentation coming to the board.

Jill Crafton commented she is concerned with the disruption of the water cycle.

**Minnesota Extension** – Joel Larson reported the annual Minnesota Water Resources conference is October 14th and 15th. Stated they have a new program that focuses on private wells and groundwater. The annual Soil Management Summit is being held on January 14th and 15th in Fargo, ND. They will be partnering with North Dakota State University focusing on soil health practices.

**Minnesota Pollution Control Agency** – Katrina Kessler reported she has been meeting with the German Minister of the Environment from North Rhine-Westphalia Germany as part of a reciprocal learning commitment around climate, environment, transportation and energy. The States Nutrient Reduction Strategy has been updated and was put on public notice in July. The States Climate Action Framework is being updated and will be coming out on public notice.

Ted stated the emerald ash borer is a big part of the state and asked what we're going to do with the dead trees. Commissioner Kessler stated there are a lot of people that will need to be involved and its going to take some support from funders.

Ron Staples asked if Commissioner Kessler could speak about the petition that was filed on the agriculture draining and the process. Commissioner Kessler stated the petition was to establish a water quality permit system for ag tile drainage and work is underway to assess it and thus can't speak to the details. Jill Crafton stated she was on the farm tour where the farmer has drain tile and was catching it to reuse it. Commissioner Kessler stated other producers are also doing similar things.

John Jaschke introduced Kevin Wilson to Commissioner Kessler. John Jaschke reviewed the Day of Packet that included the Snapshot articles.

### **ADVISORY COMMENTS**

**Association of Minnesota Counties** – Brian Martinson reported they recently held their AMC Policy Conference that kicks off their policies for the new year. The Environmental Natural Resources Committee identified two priorities. The first revolves around solid waste and support through new policies and funding efforts that furthers their work in waste disposal reduction through their responsibilities under the State's Solid Waste Management Act. The other priority reiterates their commitment to environmental protections related to agricultural drainage, and emphasizes the need for fundamental changes to drainage law and drainage management to be done through actions or direction of the legislature.

Ted Winter asked if they could have information on what the county drainage inspectors think needs to done. Brian stated its brainstorming ideas at this point.

Jill Crafton asked if counties are going after zero waste. Brian stated they support a zero waste effort and will be meeting in January to look at how to get a 90% reduction.

Lori Cox asked if they're thinking about cost benefit when the water moves and when it's discharged. Brian stated when talking about drainage law they're looking at their analysis of a particular project and how it costs benefits out. State statute does require the analysis of environmental impacts in determining if it's a viable project.

**Minnesota Association of Conservation District Employees** – No report was provided.

**Minnesota Association of Soil & Water Conservation Districts** – No report was provided.

**Minnesota Association of Townships** – Eunice Biel reported on September 12th they had a legislative research committee meeting in Mankato on their priorities.

**Minnesota Watersheds** – Jan Voit reported she appreciates the monthly meetings she has with Justin Hanson and that they are beneficial for both organizations. Attended the Clean Water Council Tour. They are getting ready for their annual conference at Grand View Lodge December 3rd through 5th. Stated the Multipurpose Drainage Management for Minnesota's public drainage systems are essential infrastructure for our state to protect agriculture and safeguarding our communities.

**Natural Resources Conservation Service** – No report was provided.

Chair Holman called a recess at 10:38 a.m. and called the meeting back to order at 10:48 a.m.

## **COMMITTEE RECOMMENDATIONS**

### **RIM Reserve Committee**

**Conservation Easement Alteration Policy Revision** – Karli Swenson presented the Conservation Easement Alteration Policy Revision.

The Board of Water and Soil Resources first adopted a policy related to requests to modify existing Reinvest in Minnesota (RIM) conservation easements via board resolution on April 26, 1989. A year later, Minnesota Rule 8400.3610 established new requirements for submittal and BWSR consideration of easement alteration requests. In 2006, the board adopted a new policy “Easement Alteration Requests and Board Policy” that expanded on the rule language to provide consistency in consideration of requests coming to BWSR and requiring an administrative fee be submitted with each request. This policy established the criteria for land replacement ratios for private landowner requests and monetary compensation rates for public benefit projects. The latest revision of this policy was adopted by the Board in 2017.

MN Rule 8400.3610 was repealed in 2024, making language in the easement alteration policy obsolete. In addition to the outdated policy language, easement staff identified several other revisions needed to bring the policy up to date. The conditions and requirements for board consideration of an easement alteration request have been clarified in detail and modified to preserve easement integrity and reflect program goals. The administrative fees have been increased to help cover agency costs of processing, preparing and presenting easement alteration requests as well as SWCD costs (paid by BWSR) for amending the conservation easement and updating title insurance when a full amendment is needed.

Key changes to the policy include:

- New policy statement and purpose, removes repealed rule language.
- Updated applicability section to include additional conservation easement types and clarify when an easement alteration request is needed.
- Requests will only be considered when there is “no reasonable alternative” and easement impacts have been minimized to the extent reasonable.
- Up-front administrative fee increased from \$500 to \$1000 due at time of request. This will partially cover both BWSR and SWCD staff time preparing the request for consideration.
- Added requirement for entities and landowners proposing an alteration to attend committee and board meetings, when requested, to answer any specific questions members have about the proposal.
- Reduced compensation for partial releases of easement acres for public road/infrastructure projects when proposed by a government entity (proposed at 1x the current RIM rate).
- Reduced compensation for partial releases of easement acres for installation of public wells on RIM Wellhead Protection/Drinking Water easements to the amount paid at the time of easement acquisition.
- Added an administrative fee for board-approved requests needing a full easement amendment with updated title insurance for replacement lands. This covers the cost paid by BWSR to the SWCD for their work during the easement amendment process.
- Added language regarding the need for additional approvals outside of BWSR for easements with certain funding sources. This would include Federal ACUB easements, easements funded by

LSOHC, LCCMR, and other partner programs, where BWSR approval alone is not sufficient to alter the easement.

- Removed the requirement for Board approval of partial releases for public roads/infrastructure, utilities, and other public needs projects, which will be reviewed and approved or denied by the Executive Director and can be appealed to the Board. These requests may still require outside approval, depending on easement funding source.

### *Recommendation*

The RIM Reserve Committee Recommends approval and adoption of the revised Conservation Easement Alteration Policy, rescinding the Easement Alteration Policy dated 12/20/2017, and delegation of approval authority to the Executive Director for alterations for public infrastructure, utilities, and other public needs.

Jill Crafton asked when looking at the no reasonable alternative will they be looking at the cause as well as listening to them. Karli stated that they will write a letter explaining what it is they're looking to do and part of it will include an explanation of why there is no reasonable alternative location.

Tom Schulz stated when looking at replacements on the public side it has gone down to 1:1 ratio and instead of 2:1. Tom stated he offered some suggested amendments at the committee meeting that didn't pass, and he will be voting no on this item.

Sarah Strommen asked about the government entities vs non-government entities input over concern. Stated private entities might put pressure on those government entities to assume or adopt the projects to get lower compensation rate and asked if there was any feedback from the community or government entities that might find themselves in that position. Asked if what we're talking about is our public road infrastructure projects and could we say that instead of leaving it open.

Board members discussed the language in the policy and made a motion to return it to the committee for further review.

Mark asked if the replacement considers the quality of easement as well as the area. Karli stated the ratios are determined by the land type when the land went into the easement. There is a built-in land value consideration when it comes to the ratios.

Lori Cox requested Director Jaschke attend at the RIM Committee meeting for this item.

\*\*

Moved by Joe Collins, seconded by Thom Petersen, to return the Conservation Easement Alteration Policy Revision to the RIM Committee. ***Motion passed on a roll call vote.***

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

**FY 26 & 27 Multipurpose Drainage Water Management (MDM) Grants** – Tom Gile presented the FY 26 & 27 Multipurpose Drainage Water Management (MDM) Grants.

Program Structure is the same as prior years with open RFP as long as funding is available and quarterly batching periods of applications. New funding appropriated for FY26 and 27.

Mark Zabel asked about incentivize gate management to hold back water during the dry periods of the year and release water during the wet periods. Would like it to be more of a priority to get those

systems implemented. Tom stated drainage water management in field and controlled subsurface drainage is an eligible practice under this program but isn't one that they've had a lot of applications come in for.

Lori Cox stated in Table 1, Priority Systems, where it states the proposed activities and the rationale for its selection including the water resource of concern and asked if that is the downstream water resource of concern and if we're monitoring ditches. Tom stated that we would need to defer to MPCA in terms of what is being monitored. Commissioner Kessler stated they are monitoring them. Lori asked if the water resource of concern is the receiver, discharge, or is it the ditch itself. Tom stated they are pointing to a water resource that is downstream of the receiving body from where the practices happen.

Lori Cox asked when providing an update on the awards to the board would it be before or after they are awarded. Tom stated it would be after they are awarded.

**\*\***  
**25-46** Moved by Mike Runk, seconded by Joe Collins, to approve the FY 26 & 27 Multipurpose Drainage Water Management (MDM) Grants. ***Motion passed on a roll call vote.***

Joel Larson left the meeting at 11:45 a.m.

**FY 26 Buffer Implementation Grants** – Tom Gile presented the FY 26 Buffer Implementation Grants.

Primary program structure is similar as prior years. Additional clarity on eligible activities will be provided as well as use of a RFI to ask recipients if they want the full amount of funding allocated to them.

Ted Winter asked what kind of compliance there is in buffers across the state. Tom stated we are 99% compliance statewide.

Kevin Wilson asked if the appropriation has increased or decreased over the years. Tom stated the initial appropriation was larger, but it's been a total of \$4 million for a number of years now.

**\*\***  
**25-47** Moved by Thom Petersen, seconded by Ron Staples, to approve the FY 26 Buffer Implementation Grants. ***Motion passed on a roll call vote.***

**Lower Minnesota River Management Grant** – Marcey Westrick presented the Lower Minnesota River Management Grant.

The Board was appropriated \$240,000 the first year and \$240,000 the second year for a grant to the Lower Minnesota River Watershed District to defray the annual cost to sustain the state, national, and international commercial and recreational navigation on the lower Minnesota River.

Lori Cox asked when it says it's for Minnesota River Channel Management, if it is for scooping out excess sediment. Marcey stated that is correct.

**\*\***  
**25-48** Moved by Ted Winter, seconded by Jill Crafton, to approve the Lower Minnesota River Management Grant. ***Motion passed on a roll call vote.***

**Keep it Clean Pilot Grant Program** – Ara Gallo presented the Keep it Clean Pilot Grant Program.

BWSR received a legislative appropriation of \$200,000 in one-time funding to BWSR “to implement local programs to prevent water pollution due to garbage and human waste left on the ice of state waters during winter-use activities.”

Lori Cox asked when talking about one time, if we are anticipating that this would be a recurring request of funding and do these go to local water management areas. Ara stated it is a one time appropriation but is designed with the idea that it could be scaled up to meet potential additional funding.

Commissioner Kessler stated in their conversations during Tribal consultations, this program comes up as something they appreciate and recognize.

Ted Winter asked what the DNR does to coordinate their efforts. Commissioner Strommen stated they also heavily promote the Keep it Clean as an important statewide practice as well as supporting the local grassroots efforts and are a partner in this.

\*\*

25-49

Moved by Tom Schulz, seconded by Jill Crafton, to approve the Keep it Clean Pilot Grant Program.

***Motion passed on a roll call vote.***

#### **UPCOMING MEETINGS**

- Drainage Work Group meeting is scheduled for October 9, 2025.
- Next BWSR Meeting is scheduled for 9:00 AM, October 22, 2025, in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 12:07 PM.

Respectfully submitted,

Rich Sve  
Vice Chair

**BOARD MEETING AGENDA ITEM****AGENDA ITEM TITLE:****Dispute Resolution/Compliance Report****Meeting Date:**October 22, 2025**Agenda Category:**☐ Committee Recommendation ☐ New Business ☐ Old Business**Item Type:**☐ Decision ☐ Discussion ☒ Information**Keywords for Electronic  
Searchability:**Wetland Conservation Act Appeals/Buffer Compliance**Section/Region:**Resource Conservation/Central**Contact:**Travis Germundson**Prepared by:**Travis Germundson**Reviewed by:**\_\_\_\_\_ Committee(s)**Presented by:**Rich Sve DRC Chair and Travis Germundson**Time requested:**5 minutes☐ **Audio/Visual Equipment Needed for Agenda Item Presentation****Attachments:** ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information**Fiscal/Policy Impact**

- |                                                   |                                                       |
|---------------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget      |
- 
- \_\_\_\_\_

**ACTION REQUESTED**

None

**LINKS TO ADDITIONAL INFORMATION**

See attached report.

**SUMMARY** (*Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation*)

The report provides a monthly update on the number of appeals filed with the Board of Water and Soil Resources and summary on buffer compliance/enforcement actions statewide.

## Dispute Resolution and Compliance Report

October 7, 2025

By: Travis Germundson

**One** new appeal has been filed since the previous report, bring the total number of pending appeals to **five**.

Format note: New appeals that have been filed since last report to the Board.

~~Appeals that have been decided since last report to the Board.~~

File 25-11 (September 25, 2025) This is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order regards the placement of 4,000 sq. ft. of fill in wetland adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. No decision has been made on the appeal.

File 25-10 (August 29, 2025) This is an appeal of a WCA notice of decision for a property located in Brown County. The appeal challenges the denial of an exemption and no-loss determination. The appeal contends that the local administrative process is flawed and disputes the conclusion that the property does not qualify for the agricultural activities' exemption. This appeal involves the same property and wetland area associated with a pending appeal of a Restoration Order (File 25-7). *Status:* A decision to grant and hear the appeal has been made.

File 25-9 (August 25, 2025) This is an appeal of a WCA no-loss decision for a property located in Morrison County. The appeal challenges the approval of a no loss decision that was made under remand (File 24-9) for a township cartway. The petition contends that the incidental wetland determination is being applied in error. *Status:* A decision to grant and hear the appeal has been made.

File 25-8 (July 24, 2025) This is an appeal of a WCA Restoration Order for property located in Pine County. The Restoration Order regards the placement of 62,640 sq. ft. of fill in wetland associated with a housing development. *Status: The appeal has been placed in abeyance and the Restoration Order stayed for the submittal of a complete application and decision.*

File 25-7 (June 6, 2025) This is an appeal of a WCA Restoration Order for a property located in Brown County. The Restoration Order regards the unauthorized placement of fill material in wetland associated with the expansion of a Campground/RV Park. The petition contends that the applicant still operates a farming operation that qualifies for an agricultural activities' exemption. An application for exemption, and no-loss have been submitted to the local unit of government concurrently with the appeal. *Status: Appeal is in abeyance pending LGU's decision on the exemption and no-loss application. The LGU denied the exemption and no-loss application and now that decision has been applied (File 25-10).*

Summary Table for Appeals

| Type of Decision                | Total for Calendar Year 2024 | Total for Calendar Year 2025 |
|---------------------------------|------------------------------|------------------------------|
| Order in favor of appellant     |                              | 1                            |
| Order not in favor of appellant | 5                            | 4                            |
| Order Modified                  | 2                            | 1                            |
| Order Remanded                  | 1                            |                              |
| Order Place Appeal in Abeyance  | 1                            |                              |
| Negotiated Settlement           |                              |                              |
| Withdrawn/Dismissed             |                              |                              |

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONS) on 83 parcels from the 13 counties BWSR is responsible for enforcement. Currently there are eight Corrective Action Notices (CAN), and six Administrative Penalty Orders (APO) issued by BWSR that are still active. Of the actions being tracked over 61 of those have been resolved.

Statewide 43 counties are fully compliant, and 44 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 252 NONs, 291 CANs, and 30 APOs actively in place. Of the actions being tracked over 3,110 of those have been resolved.

*\*Disclaimer: These numbers are generated monthly from BWSR's Access database. The information is obtained through notifications from LGUs on actions taken to bring about compliance and may not reflect the current status of compliance numbers.*

## COMMITTEE RECOMMENDATIONS

### *Buffers Soils and Drainage Committee*

1. Buffer Program Procedures Update Request for Public Comment – Travis Germundson and Tom Gile – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

|                                               |                                                                    |                                       |                                       |
|-----------------------------------------------|--------------------------------------------------------------------|---------------------------------------|---------------------------------------|
| <b>AGENDA ITEM TITLE:</b>                     | <b>Buffer Program Procedures Update Request for Public Comment</b> |                                       |                                       |
| <b>Meeting Date:</b>                          | <u>October 22, 2025</u>                                            |                                       |                                       |
| <b>Agenda Category:</b>                       | <input checked="" type="checkbox"/> Committee Recommendation       | <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business |
| <b>Item Type:</b>                             | <input type="checkbox"/> Decision                                  | <input type="checkbox"/> Discussion   | <input type="checkbox"/> Information  |
| <b>Keywords for Electronic Searchability:</b> | <u>Buffer Program Procedures</u>                                   |                                       |                                       |
| <b>Section/Region:</b>                        | <u>Resource Conservation</u>                                       |                                       |                                       |
| <b>Contact:</b>                               | <u>Tom Gile</u>                                                    |                                       |                                       |
| <b>Prepared by:</b>                           | <u>Tom Gile</u>                                                    |                                       |                                       |
| <b>Reviewed by:</b>                           | <u>Buffer Soils and Drainage</u>                                   | <u>Committee(s)</u>                   |                                       |
| <b>Presented by:</b>                          | <u>Travis Germundson/Tom Gile</u>                                  |                                       |                                       |
| <b>Time requested:</b>                        | <u>20 minutes</u>                                                  |                                       |                                       |

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**    ☐ Resolution    ☒ Order    ☐ Map    ☐ Other Supporting Information

### Fiscal/Policy Impact

- |                                                   |                                                       |
|---------------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget      |

### ACTION REQUESTED

Authorizes staff to publish a request for public comment on the revised draft procedures packet and structure, as attached to this resolution, in the State Register.

Directs staff to review and evaluate comments received through the public notice and to bring back any suggested revisions for Board consideration.

### LINKS TO ADDITIONAL INFORMATION

[Procedures | MN Board of Water, Soil Resources](#) (Existing BWSR adopted procedures are currently on the BWSR website here.)

### SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Board of Water and Soil Resources (Board) has the responsibility to oversee the provisions of Minnesota Statute 103F.48.

In 2017 via Board Resolution #17-62 BWSR adopted 9 buffer procedures;

Procedure 1. Buffer Compliance Determinations

Procedure 2. Buffer Law Reporting and Progress Tracking

Procedure 3. MS4 Exemption

Procedure 4. Alternative Practices Implementation

Procedure 5. Alternative Practices Approved by the Board

Procedure 6. Local Water Resources Riparian Protection (Other Watercourses)

Procedure 7. Non-Implementation

Procedure 8. Election of Jurisdiction

Procedure 9. BWSR's Review of County and Watershed District Buffer Rules, Ordinances, and Official Control.

Minnesota Statutes Section 103F.48, Subd 1(J) was revised in 2024 to expand the definition of *"With Jurisdiction,"* which means *"a board determination that the county or watershed district has adopted and is implementing a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101. This determination is revocable by board action if the adoption and implementation of rule, ordinance, or official controls are not in compliance with the requirements of this section or board-adopted procedures."*

Staff have reviewed the existing buffer procedures to ensure they align with current Minnesota Statutes Section 103F.48 and to update as needed to ensure SWCDs, Counties, Watershed Districts and BWSR staff have sufficient clarity and direction to continue implementing and enforcing the law. The current request is to post the draft procedures to solicit input from stakeholders on the revisions.

## BOARD ORDER

### Buffer Procedures - Draft Revisions Update: Authorizing Public Review and Comment

#### PURPOSE

To direct staff to solicit public comments on proposed Buffer Procedure revisions via posting in the State Register.

#### FINDINGS OF FACT / RECITALS

- A. Minnesota Statutes Section 103F.48 establishes a riparian protection and water quality practices program, commonly referred to as the Buffer Law
- B. The Board of Water and Soil Resources (Board) has the responsibility to oversee the provisions of Minnesota Statute 103F.48.
- C. Board Resolution #17-62 adopted the following buffer procedures;
  - a. Procedure 1. Buffer Compliance Determinations
  - b. Procedure 2. Buffer Law Reporting and Progress Tracking
  - c. Procedure 3. MS4 Exemption
  - d. Procedure 4. Alternative Practices Implementation
  - e. Procedure 5. Alternative Practices Approved by the Board
  - f. Procedure 6. Local Water Resources Riparian Protection (Other Watercourses)
  - g. Procedure 7. Non-Implementation
  - h. Procedure 8. Election of Jurisdiction
  - i. Procedure 9. BWSR's Review of County and Watershed District Buffer Rules, Ordinances, and Official Control.
- D. Minnesota Statutes Section 103F.48, Subd 1(J) was revised in 2024 to expand the definition of "*With Jurisdiction*," which means "*a board determination that the county or watershed district has adopted and is implementing a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101. This determination is revocable by board action if the adoption and implementation of rule, ordinance, or official controls are not in compliance with the requirements of this section or board-adopted procedures.*"
- E. Staff have reviewed the existing buffer procedures to ensure they align with current Minnesota Statutes Section 103F.48 and to update as needed to ensure SWCDs, Counties, Watershed Districts and BWSR staff have sufficient clarity and direction to continue implementing and enforcing the law.
- F. The Buffer Soils and Drainage Committee, at their October 10, 2025, meeting reviewed the draft buffer program procedures.

## ORDER

The Board hereby:

1. Authorizes staff to publish a request for public comment on the revised draft procedures packet and structure, as attached to this resolution, in the State Register.
2. Directs staff to review and evaluate comments received through the public notice and to bring back any suggested revisions for Board consideration.

## MINNESOTA BOARD OF WATER AND SOIL RESOURCES

\_\_\_\_\_  
Rich Sve, Vice Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_

Attachment: Draft Buffer Procedures Packet

## Introduction

### Purpose of Buffer Procedures

The Minnesota Board of Water and Soil Resources (BWSR) Board Adopted Buffer Procedures serve as the foundational framework for implementing the state's Buffer Law. The Buffer Law requires landowners to establish and maintain perennial vegetation buffers along public waters and drainage ditches or to implement an approved alternative practice that provides water quality protection comparable to a buffer. The purpose of the law is to establish riparian buffers and water quality practices to:

1. protect state water resources from erosion and runoff pollution
2. stabilize soils, shores, and banks
3. protect or provide riparian corridors

While the law establishes a clear statewide mandate, a consistent and uniform approach was needed to ensure effective and ongoing implementation across Minnesota's diverse landscapes and communities. To support this need, the BWSR Board adopted these Buffer Procedures to provide that critical understanding of expectations and consistency. These procedures provide a clear, standardized set of guidelines for local government units.

- **Soil and Water Conservation Districts (SWCDs)**—to use when working with landowners. By defining specific methods for measuring buffer widths, verifying compliance, and documenting alternative conservation practices, the procedures help eliminate ambiguity and provide a clear roadmap for all parties involved.
- **Counties and Watershed Districts** – for counties and watershed districts that choose to assume enforcement authority, the procedures outline provisions for determining consistent and adequate implementation of the law. This ensures uniform compliance and enforcement across jurisdictions.

The procedures are arranged as a series of chapters that are specific to various aspects of implementation and the enforcement process. It's important to note that while the procedures are organized into separate chapters, there is some overlap between them. Individual procedures may not function independently and should be understood within the broader context provided by the entire set of procedures.

**These procedures were adopted by the Board of Water and Soil Resources (BWSR) pursuant to Minnesota Statute [§103F.48](#) to determine compliance. Statutes are subject to change, and if the language of this procedure differs from statute, we defer to statutory guidance.**

## Contents

|                                                                                          |    |
|------------------------------------------------------------------------------------------|----|
| Introduction.....                                                                        | 1  |
| Purpose of Buffer Procedures.....                                                        | 1  |
| Promoting Collaboration and Conservation .....                                           | 3  |
| Procedure 1: Election of Jurisdiction .....                                              | 4  |
| Procedure to Elect Jurisdiction: .....                                                   | 4  |
| Counties.....                                                                            | 4  |
| Watershed Districts .....                                                                | 5  |
| Notification .....                                                                       | 5  |
| Change in Previous Election .....                                                        | 5  |
| Procedure 2: BWSR’s Review of Buffer Rules, Ordinances, and Official Controls.....       | 7  |
| BWSR Review.....                                                                         | 7  |
| Local Government Implementation and Enforcement Options:.....                            | 8  |
| Compliance Determinations .....                                                          | 8  |
| Enforcement and Penalty Procedures for Noncompliance .....                               | 9  |
| Procedure 3: SWCD Determination of Buffer Compliance Status .....                        | 10 |
| Procedure 4: SWCD Reporting and Compliance Monitoring .....                              | 11 |
| Procedure 5: Municipal Separate Storm Sewer System (MS4) Exemption.....                  | 12 |
| Procedure 6: SWCD Alternative Practices Assessment and Determination .....               | 13 |
| BWSR-Approved Alternative Practices for Common Landscape Settings .....                  | 14 |
| SWCD-Approved Alternative Practices Based on Local Site-Specific Landscape Conditions .. | 14 |
| Procedure 7: Other Alternative Practices Approved by the Board .....                     | 15 |
| Procedure 8: Implementation of Jurisdictional Responsibilities .....                     | 16 |
| Procedure 9: Withholding Funds for Failure to Implement.....                             | 18 |
| Responsibilities of SWCDs .....                                                          | 18 |
| Responsibilities of Local Water Management Authority.....                                | 18 |
| Procedure 10: Revoking Jurisdiction of County or Watershed District.....                 | 19 |
| Procedure 11: Local Water Resources Riparian Protection (“Other Watercourse”) .....      | 21 |

## Promoting Collaboration and Conservation

The BWSR Board Adopted Buffer Procedures serve not just as a regulatory manual but a tool for collaboration. They were designed to facilitate a partnership between state agencies, local governments, and landowners. By providing clarity and consistency, the procedures enable staff to have productive conversations with landowners and local staff, offering technical assistance and resources to help them achieve compliance and ensure timely and effective enforcement. This clear framework promotes trust and a shared sense of responsibility for protecting Minnesota's invaluable water resources. In doing so, it ensures that the benefits of the Buffer Law are realized now and maintained into the future.

## Procedure 1: Election of Jurisdiction

The water resources riparian protection requirements of the buffer law are related to the buffer provisions of the Public Drainage Law ([Minnesota Laws, Chapter 103E](#)) and state shoreland management standards. Counties and watershed districts serve as drainage authorities and counties locally administer the shoreland management program.

This procedure is used to determine which LGU has the initial authority to elect jurisdiction for public waters and public drainage ditches. Landowners, local governments, and BWSR need clear and comprehensive guidance for enforcement of the buffer law to ensure consistency in application of the law statewide, and to easily identify which LGU has enforcement authority in cases where corrective actions are needed.

When jurisdictional boundaries overlap, local governments units (LGUs) are encouraged to discuss and resolve which water bodies subject to the buffer law are being elected within each entity's boundary.

### Procedure:

To provide orderly administration of statutory responsibilities, the following provisions are required for counties and watershed districts electing jurisdiction via a resolution or other formal decision for enforcement of the buffer law.

### Counties

When a **county** elects jurisdiction, it must:

1. include all public waters within its boundary that require a minimum 50-foot average, 30-foot minimum width buffer, as identified on the Buffer Protection Map
2. include all public drainage ditches within its boundary that require a 16.5-foot width buffer, as identified on the [Buffer Protection Map](#) for which it is wholly or jointly the drainage authority<sup>1</sup>.

A county may also elect jurisdiction on all public drainage ditches identified on the Buffer Protection Map within its boundary for which it is not the drainage authority, if the watershed district acting as the drainage authority does not elect jurisdiction.

The county must provide a notice to BWSR and to all watershed districts and soil and water conservation districts within its boundary at minimum 60 days prior to the effective date of its decision to elect jurisdiction.

---

<sup>1</sup> See Minnesota statute §103F.201 to 103F.227, and Chapter 103E.

## Watershed Districts

When a **watershed district** elects jurisdiction, it must: include all public drainage ditches within its boundary that require a 16.5-foot width buffer, as identified on the [Buffer Protection Map](#), for which it is the drainage authority<sup>2</sup>.

A watershed district may elect jurisdiction on all public waters identified on the Buffer Protection Map within its boundary, if the county does not. A watershed district may also elect jurisdiction on all public drainage ditches identified on the Buffer Protection Map within its boundary for which it is not the drainage authority if the county acting as the drainage authority does not.

The watershed district must provide a notice at minimum 60 days prior to the effective date of its decision to BWSR and to all counties and soil and water conservation districts within its boundary.

## Notification

Counties and watershed districts must submit to BWSR a copy of the rule, ordinance, or official control, consistent with Board Procedure on Review of County and Watershed District Buffer Rules, Ordinance, and Official Controls; BWSR staff will make a determination of adequacy within 60 days of receipt.

## Change in Previous Election

A county or watershed district may change a previous election of jurisdiction by providing notice through a resolution or other formal decision to BWSR, all counties, all soil and water conservation districts, and all watershed districts within its boundary at least 60 days prior to the effective date of the decision.

Should a change in jurisdiction occur, the following steps are recommended to ensure a smooth transition of enforcement authority:

1. A county or watershed district that elects to discontinue jurisdiction should provide all records related to compliance and enforcement of Minnesota statute §[103F.48](#) to BWSR prior to the effective date of the change in election.
2. BWSR should provide all records related to compliance and enforcement of Minnesota Statute §[103F.48](#) to a county or watershed district that elects jurisdiction prior to the effective date of the change in election.
3. Riparian Protection Aid funds received from the Department of Revenue should be redistributed proportionally to the enforcement authorities with jurisdiction.

---

<sup>2</sup> see Chapter 103E

If a county or WD re-elects jurisdiction the board may consider past performance during its review to determine if the county or WD can again be with jurisdiction.

**Statutory References:**

- Public Drainage Law: Chapter [103E](#)
- Shoreland Management M.S. [§103F.201](#) to [103F.227](#)
- Water resource protection requirements on public waters and public drainage systems: M.S. [§103F.48](#), subd. 3, paragraph (b)
- Local implementation and assistance: M.S. [§103F.48](#), subd. 6.
- Joint exercise of powers: M.S. [§471.59](#).
- Riparian Protection Aid: M.S. [§477A.21](#)

## Procedure 2: BWSR's Review of Buffer Rules, Ordinances, and Official Controls

A county or watershed district may elect to exercise its jurisdiction to enforce the water resources riparian protection requirements. Pursuant to Minnesota Statute §103F.48, subd. 1(j) and subd. 7(c), a county or watershed district must submit their rule, ordinance, or other official control to BWSR to comply with the legislative requirements.

Providing clarity in how BWSR reviews rules, ordinances, or other official controls used to carry out the compliance provisions of the buffer law will help with statewide consistent application of the buffer law. This procedure also provides an expected timeline for the review, and what to expect if official controls are not sufficient in order to make corrections.

### Procedure:

County and watershed district buffer rules, ordinances and official controls will be reviewed by BWSR as provided below:

1. BWSR staff will review the enforcement and appeals procedures of county and watershed district rules, ordinances, or other official controls to determine if they contain adequate provisions to ensure compliance and effective enforcement of the riparian buffer law.
  - a. If the county or watershed official controls propose using administrative penalty order (APO) authority<sup>3</sup> as the enforcement mechanism, BWSR will also evaluate whether the county or watershed district APO plan is consistent with the plan adopted by BWSR.
  - b. The adequacy and/or consistency review of official controls will be completed within 60 days of receipt unless mutually extended.
  - c. BWSR will send the adequacy and/or consistency determination to the county or watershed district electronically.
2. Counties and watershed districts that elect to exercise their jurisdiction must submit the following information to BWSR at least 60 days prior to the effective date of the rule, ordinance, or other official control which includes:
  - i. The resolution or other formal decision of the county or watershed district governing body documenting adoption of the official control
  - ii. The official control adopted by the county or watershed district governing body
  - iii. A document that describes how the official control departs from the model ordinance or rule developed by BWSR (if applicable)

---

<sup>3</sup> Minnesota Statute §103B.101, subdivision 12a

Failure to provide the required information will result in a determination by BWSR that the rule, ordinance, or other official control does not contain adequate provisions to ensure compliance and effective enforcement of the law.

A county or watershed district may vary the procedures outlined in the APO Plan on the [BWSR Enforcement Page](#) pertaining to the penalty amount and interval of recurrence to the extent it is consistent with Part A of BWSR's APO Plan. The submission of an APO Plan with changes from the BWSR APO Plan should include adequate justification and be based on considerations that include the extent, gravity, and willfulness of the noncompliance.

Any change from a prior adopted official control must be submitted to BWSR at least 60 days prior to the effective date of the change.

The option of a county or watershed district to modify or delegate a previous election of jurisdiction and the adoption an official control will follow the same review as provided above.

### Local Government Implementation and Enforcement Options:

Each county and watershed district should consult with their legal counsel in preparing and adopting rules, ordinances, or other official controls for local enforcement of the water resources riparian protection requirements of Minnesota Statute [§103F.48](#).

Counties and watershed districts that decide to elect jurisdiction have several enforcement options:

- Adopt BWSR's Model County Buffer Ordinance or Rule with no or only non-substantive changes
- Adopt BWSR's Model County Buffer Ordinance or Rule with revisions that allow for local priorities that are at least as restrictive as those in M.S. §103F.48
- Incorporate the water resources riparian protection requirements of M.S. §103F.48 into an existing local ordinance, rule, or other official control
- Use the APO authority<sup>4</sup> and adopt a standalone local APO plan as an official control or with one of the above options
- Implement other options that are available to counties and watershed districts in statute

### Compliance Determinations

Local units of government are encouraged to consult with BWSR staff throughout the process to assist in the development of local enforcement provisions consistent with the water resources riparian protection requirements of Minnesota law.

---

<sup>4</sup> granted in M.S. [§103B.101, subd. 12a](#)

All decisions will be based on a standard of review that ensures equitable compliance provisions are in place. If the initial determination is that a county or watershed district lacks adequate controls to ensure compliance, BWSR staff will assist that local unit of government in addressing the necessary measures to change the initial determination and achieve compliance.

## Enforcement and Penalty Procedures for Noncompliance

BWSR has the statutory responsibility to determine whether local government units that elect jurisdiction have official controls that contain adequate provisions to ensure compliance and effective enforcement of the Riparian Protection and Water Quality Practices of Minnesota Statute.

### Statutory References:

- Definitions: M.S. [§103F.48, subd. 1](#)
- Local implementation and assistance: M.S. [§103F.48, subd. 6](#).
- Corrective Actions: M.S. [§103F.48, subd. 7](#)
- Appeals and validations and penalty orders: M.S. [§103F.48, subd. 9](#)
- Authority to issue penalty orders: M.S. [§103B.101, subd. 12a](#)
- Corrective actions: M.S. [§103B.102, subd. 4](#).

## Procedure 3: SWCD Determination of Buffer Compliance Status

Landowners of parcels adjacent to a water body identified on the Department of Natural Resources' [Buffer Protection Map](#) are required to establish and maintain a perennially-vegetated buffer or an approved alternative practice. Having a consistent framework for compliance reviews of these requirements helps landowners understand the expectations of the buffer law. It also provides a consistent framework for SWCDs, counties, watershed districts, and BWSR for determining compliance on buffer application and alternative practices.

SWCDs must provide planning and technical assistance to landowners, implementation of approved alternative practices, and tracking progress.<sup>5</sup>

A consistent process provides a framework for tracking compliance so that reporting expectations of local governments aren't arbitrary.

### Procedure:

Reviews will be done by utilizing various means, including to site visits, aerial photography, websites with imagery, drive-bys, and drones. Compliance reviews will conform with the following provisions:

1. Compliance status will be determined and tracked on a parcel-by-parcel basis as identified by a unique, locally-defined property identification number or description.
2. Each bank or edge of a water body within an individual parcel will be reviewed independently.
3. The SWCD will verify and approve alternative practices.

### Statutory References:

- Water Resource protection requirements: M.S. [§103F.48, subd. 3](#)
- Local implementation and assistance: M.S. [§103F.48, subd. 6](#)
- Withholding funding: M.S. [§103F.48, subd. 8](#)

---

<sup>5</sup> Minn. Stat. [103F.48, subd. 6](#)

## Procedure 4: SWCD Reporting and Compliance

### Monitoring

SWCDs are required to provide reporting to BWSR to ensure they are tracking progress towards compliance. Landowners also need assurance of consistent and equitable enforcement of the Buffer Law.

SWCDs need to systematically collect information regarding compliance that can be used to assure implementation and documentation for enforcement as needed. Additionally, BWSR needs a basis for withholding funds from a SWCD that fails to implement the law or board-adopted procedures.

#### Procedure:

SWCDs are required to adopt a monitoring plan and post the plan on its website. The plan must include the following minimum requirements:

- Ongoing compliance tracking of all parcels subject to the Buffer Law, at least once every three years.
- How to respond to landowner requests for validations of compliance.
- Random spot checks of parcels that will be conducted in addition to tracking all parcels.
- Guidance for responding to complaints of noncompliance in a timely fashion.

SWCDs must update progress tracking by June 1 and December 1 of all parcels that have been assessed, reviewed, or that have changed status since the prior reporting deadline in one of the following formats :

- Buffer Compliance and Tracking Tool (BuffCAT)
- GIS shapefile in a format prescribed by BWSR

#### Statutory References

- Local implementation and assistance: M.S. [§103F.48, subd. 6](#)
- Withholding funding: M.S. [§103F.48, subd. 8](#)

## Procedure 5: Municipal Separate Storm Sewer System (MS4) Exemption

National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) program municipal separate storm sewer system (MS4) permittees are not required to take any action regarding this exemption.

As it relates to the buffer law, it is important for landowners to know if the MS4 permittee has or is planning an infrastructure project with water quality protection comparable to the buffer protection for their parcel. The MS4 permittee also needs to know that they may be able to help landowners with cultivated lands achieve eligibility for an exemption from the buffer law requirements by accomplishing a project with comparable water quality protection. SWCDs need to know – for progress tracking and compliance validation – if an infrastructure project with water quality protection comparable to a buffer for a parcel is being provided by the MS4 permittee.

### Procedure:

Minnesota Statute [§103F.48, subd. 5\(4\)](#) authorizes an exemption for land regulated by a NPDES/SDS permit under Minnesota Rules, [Chapter 7090](#) and provides water resources riparian protection, in any of the following categories:

1. Municipal separate system sewer system (MS4)
2. Construction storm water (CSW)
3. Industrial storm water (ISW)

Actions that meet the “water resources riparian protection” provision include:

1. Perennially rooted vegetation as prescribed in M.S. [§103F.48, subdivision 3](#), paragraph (a)
2. Alternative riparian water quality practices as prescribed in M.S. [§103F.48, subdivision 3](#), para. (b)
3. Projects with comparable water quality protection provided by MS4-managed or -sponsored infrastructure.

NPDES/SDS Program MS4 permittees that choose to take action to support this exemption should:

1. Have implemented a MS4 permittee sponsored project that provides water quality protection comparable to a buffer for the parcel seeking the exemption
2. Provide evidence to the landowner and the respective soil and water conservation district (SWCD)

**Statutory References:**

- Exemptions: M.S. [§103F.48, subd. 5](#), sub-part (4)

## Procedure 6: SWCD Alternative Practices Assessment and Determination

SWCDs play a critical role in the implementation of Minnesota’s Buffer Law. The law directs SWCDs to:

- Assist landowners with implementation
- Determine compliance
- Notify the appropriate enforcement authority of noncompliant parcels

A landowner may meet Buffer Law requirements by adopting an alternative practice specified in the Buffer Law. SWCDs must evaluate the water quality benefits of an alternative practice(s) on a parcel-by-parcel basis and issue a determination on compliance<sup>6</sup>.

**Procedure:**

For an SWCD to determine that an alternative practice provides water quality protection comparable to a buffer, the alternative practice(s) proposed or implemented must:

- Treat all water running off a parcel which would otherwise be treated by a M.S. §103F.48 prescribed buffer prior to entering a waterbody identified on the Buffer Protection Map.
- Provide treatment or protections from erosion and runoff pollution, including suspended solids, sediment, and sediment associated constituents at least equivalent to that which the buffer would provide.
- Account for the stability of soils, shores, and banks.

SWCDs must also retain copies of these assessments. The SWCD should provide the landowner with documentation of the assessment and practice location maps for recordkeeping and implementation.

This procedure provides a consistent framework for SWCDs and landowners to determine whether alternative practices provide a “comparable water quality benefit” and to confirm whether those alternative practices meet riparian buffer standards.

---

<sup>6</sup> Minn. Stat. [§103F.48, subd. 3\(d\)](#)

## BWSR-Approved Alternative Practices for Common Landscape Settings

Documentation of alternative practices for a specific parcel shall utilize the following steps:

1. Confirm that the landscape setting and buffer requirement are consistent with a BWSR-approved Common Landscape alternative practice.
2. Include maps or diagrams showing runoff patterns and locations of the practices, confirming all water that would be treated by a buffer is addressed.
3. Evaluate soil, shoreline, and bank stability to ensure the long-term sustainability of the alternative practice.
4. Confirm that the practice(s) align with BWSR's approved conditions.

## SWCD-Approved Alternative Practices Based on Local Site-Specific Landscape Conditions

1. Confirm that practices were completed as proposed.
2. Include maps or diagrams showing how runoff is managed, confirming all water otherwise treated by a buffer is addressed.
3. Evaluate soil, shoreline, and bank stability to ensure sustainability.
4. Confirm that the practice is consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG) standards.
5. Identify the water quality assessment method used to determine water quality benefit and document results.

As part of fulfilling these statutory directives, SWCDs may, upon request by a landowner, issue a validation of compliance. The statutory responsibilities of SWCDs require them to determine whether a parcel is in compliance when requested by a landowner or as a part of tracking progress towards compliance. This validation may be issued if the buffer has been properly installed or if the SWCD determines that implemented alternative practices provide comparable water quality protections to a buffer.

### Statutory References:

- Water Resource protection requirements: M.S. [§103F.48, subd. 3](#)
- Local implementation and assistance: M.S. [§103F.48, subd. 6](#)

## Procedure 7: Other Alternative Practices Approved by the Board

To provide a consistent process for consideration of alternative water quality practices, this procedure describes how local governments, other interested parties, and BWSR consider alternative water quality practice(s) that differ from or are not found in the Natural Resources Conservation Service (NRCS) Field Office Technical Guide so they may potentially be used as an alternative to the standard vegetated buffer widths requirements.

### Procedure:

Alternative practices that are different from the prescribed standard or do not exist in the NRCS Field Office Technical Guide can be considered for use as a practice statewide as follows:

1. Via a written request to BWSR, for the purposes of evaluating:
  - a. whether the proposed practices provide comparable water quality protection
  - b. whether the proposed methods provide adequate evidence that comparable water quality protections will be achieved
2. Within 60 days of receiving a request, the BWSR Executive Director or designee must review the proposal and supporting documentation and determine whether the proposal has technical merit and may be reviewed by a technical advisory team, or whether it should be denied.
3. If it has technical merit, the Executive Director may convene a technical advisory team to review the proposal which may include staff representation from the following agencies:
  - Board of Water and Soil Resources
  - Minnesota Department of Natural Resources
  - Minnesota Pollution Control Agency
  - Minnesota Department of Health
  - Minnesota Department of Agriculture
  - University of Minnesota
  - United States Department of Agriculture – NRCS

The BWSR Executive Director may invite other experts to participate or provide input.

4. A technical advisory team shall report its determination on the proposal to the Buffers, Soils, and Drainage Committee which shall evaluate the report and make a recommendation to the BWSR Board.
5. The BWSR Board will consider the recommendation from the Buffers, Soils, and Drainage Committee and determine whether the practice(s) or method(s) will be included as a Board-approved alternative water quality practice.

### Statutory References:

- Water Resource protection requirements: M.S. [§103F.48, subd. 3](#)

## Procedure 8: Implementation of Jurisdictional Responsibilities

Minnesota Statutes, sections [103F.48](#) and [103B.101](#) set forth several requirements regarding implementation of the buffer law. Entities responsible for implementing these statutory requirements and the requirements contained within each entity's own official controls are encouraged to consult with their attorney should they have questions.

Local governments required to carry out their elected jurisdictional duties or that are considering whether to elect jurisdiction under the buffer law need to know what the expectations are for enforcing the requirements of the buffer law and board adopted procedures. To ensure that actions to bring about compliance are taken as soon as reasonably practical, and that applicable statute of limitations are not exceeded, a uniform set of timeline expectations for enforcement actions is needed to ensure compliance in a timely, predictable, and consistent manner. BWSR also needs to have a consistent basis for potential actions to withhold funding or to revoke jurisdiction.

### Procedure:

The following actions are necessary to ensure timely and consistent application of the jurisdictional enforcement responsibilities elected under Minnesota statute §103F.48, the buffer law and board adopted procedures.

1. Following receipt of a Notice of Noncompliance (NON) from a soil and water conservation district (SWCD), the county or watershed district (WD) with jurisdiction over the noncompliant site must provide the landowner with a list of corrective actions to be taken to come into compliance and a practical timeline for doing so through the issuance of a Corrective Action Notice (CAN).
  - The CAN must be issued within 45 days from receipt of the NON.
  - The CAN must mandate compliance with conditions by a specific date that must be no later than 11 months from its issuance.
  - A copy of the CAN must be sent to BWSR as required by statute.
2. If the landowner does not comply with the conditions of the CAN, the county or WD must pursue compliance through enforcement mechanisms identified in its adopted ordinance or rule.
  - Enforcement must be pursued within 30 days following the landowner's failure to meet the deadline for compliance identified in the CAN through the issuance of the elected enforcement mechanism.
  - The county or WD must copy BWSR as required by statute on the enforcement documentation used to pursue compliance.

3. If after 6 months from the date the enforcement mechanism was issued the parcel remains noncompliant, the county or WD must initiate further actions to ensure the parcel is brought into compliance under the authorities of its adopted rules, ordinances, and official controls.
  - The county or WD must notify BWSR of its intended action and associated timelines.
  - The county or WD must periodically update BWSR on process and outcome.
4. If at any time following the receipt of a NON, the county or WD, individually or in consultation with the SWCD, determines a parcel to be compliant or that no further enforcement action is needed, it must provide notification to BWSR within 30 days of that determination. Notification to BWSR must include one of the following forms of compliance documentation:
  - Validation of compliance issued by the SWCD
  - A violation conclusion form issued by the enforcement entity as provided by BWSR

**Statutory References:**

- Definitions: M.S. [§103F.48, subd. 1](#)
- Corrective Actions: M.S. [§103F.48, subd. 7](#)

## Procedure 9: Withholding Funds for Failure to Implement

Failure to implement the Buffer Law occurs when the Board of Water and Soil Resources determines that an SWCD or local water management authority has failed to implement one or more of the statutory duties listed under M.S. [§103F.48](#). BWSR needs to have a consistent basis for potential actions to withhold funding for a local government's insufficient implementation of statutory responsibilities. These statutory duties include the responsibilities outlined below.

### Procedure:

#### Responsibilities of SWCDs

1. Evaluate compliance with the Buffer Law when requested by a landowner and issue a Validation of Compliance if applicable ([subd. 3\(d\)](#)).
2. Assist landowners with implementation of the Buffer Law including planning, technical assistance, implementation of approved alternative practices, and tracking progress towards compliance with the requirements provided ([subd. 6](#)).
3. Notify the county or watershed district with jurisdiction when it determines a landowner is not in compliance with the Buffer Law ([subd. 7](#)).
4. Notify the county or watershed district with jurisdiction and BWSR when it determines a landowner is out of compliance with the Buffer Law through the issuance of a Notice of Noncompliance (NON)([subd. 7](#)).

#### Responsibilities of Local Water Management Authority

1. When notified by an SWCD that a landowner is not in compliance with this section, the county or watershed district with jurisdiction must provide the landowner with a list of corrective actions needed to achieve compliance and a practical timeline to meet the requirements in this section.
2. The county or watershed district with jurisdiction must provide a copy of the Corrective Action Notice (CAN) to BWSR ([subd. 7\(a\)](#)).
3. If the landowner does not comply with the list of actions and timeline provided, the county or watershed district may enforce this section under the authority granted in section 103B.101, subdivision 12a, or by rule of the watershed district or ordinance or other official control of the county. ([subd. 7\(c\)](#)).

### Statutory References

- Water Resource protection requirements: M.S. [§103F.48, subd. 3](#)
- Local implementation and assistance: M.S. [§103F.48, subd. 6](#)
- Corrective Actions: M.S. [§103F.48, subd. 7](#)
- Withholding funding: M.S. [§103F.48, subd. 8](#)

## Procedure 10: Revoking Jurisdiction of County or Watershed District

If a county or WD exercising jurisdiction fails to implement actions consistent with M.S. §103F.48, its enforcement authority, or board adopted procedures, BWSR staff will contact the local government unit in writing to detail its concerns and outline the required corrective actions to take place. This procedure provides a predictable and definable process for potential board action associated with a staff recommendation to revoke the jurisdictional status of a county or WD if the adoption and implementation of rule, ordinance, or official controls are not in compliance with the requirements of this section or board-adopted procedures.

### Procedure:

If a county or WD fails to respond or take significant action towards implementation of the Buffer Law with an acceptable plan following communication and dialogue with BWSR staff, BWSR will formally notify the county or WD of its specific findings and that it will commence with proceedings where jurisdiction may be revoked.

1. The notice will request that the county or WD appear at a hearing before the board's Dispute Resolution Committee (DRC)<sup>7</sup> to discuss this matter. The hearing will be conducted in accordance with BWSR bylaws and as described below.
2. Within 30 days of BWSR's notice of findings that jurisdiction may be revoked, a county or WD must provide a written record of all actions it has taken with respect to the items identified in BWSR's findings as deficient.
3. The process for a hearing before the DRC<sup>8</sup> regarding Revocation of Jurisdiction is:
  - a. The DRC will establish a schedule for the hearing which may include filing written briefs
  - b. Set a date and time for when the matter will be heard
  - c. The DRC conducts a hearing
  - d. Any DRC recommendation to revoke jurisdiction will go to the BWSR board for final decision

---

<sup>7</sup> The DRC is a committee of the full BWSR board created to hear and resolve disputes, appeals, and interventions.

<sup>8</sup> Board order establishing this process and designates the DRC as the appropriate forum to hear and resolve these matters under the authority provided in Minn. Stat. [§103B.101](#), subds. 4 and 10, and 103F.48, subd. 1(j).

4. A county or WD may re-elect jurisdiction after no less than two years from the date jurisdiction was revoked by the board.
5. If a county or WD re-elects jurisdiction the board may consider past performance during its review to determine if the county or WD can again be with jurisdiction.

**Statutory References:**

- Definitions: M.S. [§103F.48, subd. 1](#)
- Hearings, Orders, and Rulemaking: M.S. [§103B.101, subd. 7](#)
- Committee for Dispute Resolution: M.S. [§103B.101, subd. 10](#)

## Procedure 11: Local Water Resources Riparian Protection ("Other Watercourse")

Soil and water conservation districts (SWCDs) may identify additional watercourses that are not included on the Buffer Protection Map to their local water management authority to be included in riparian buffer protection areas. This procedure is intended to provide assurance that the SWCD summary of other watercourses is developed in a systematic and rational manner, based on watershed data, water quality, and land use information. The local water management authority needs these assurances to sustain the credibility of their state-approved local water management plan when they seek state funds or pursue other endeavors that have a prerequisite of a state-approved local water management plan.

### Procedure:

Each SWCD should take the following steps to develop, adopt, and submit the other watercourses to the local water management authority:

1. Consult with the local water management authorities within its jurisdiction.
2. Consider watershed data, water quality, and land use information.
3. Assess the water quality benefits that buffers or alternative practices could provide to local water resources that were not included on the Buffer Protection Map.
4. Prepare a rationale for inclusion of waters that were not included on the Buffer Protection Map prior to local adoption of the summary of watercourses (or exclusion of some waters).
5. Adopt a resolution by the SWCD board establishing the summary of watercourses in map or list form and submit it to all local water management authorities within their jurisdiction.

### Statutory References:

- Local Water Resources; Riparian Protection: M.S. [§103F.48, subd. 4](#)
- Local implementation and assistance: M.S. [§103F.48, subd. 6](#)
- Comprehensive Watershed Management Planning Program (One Watershed One Plan): M.S. [§103B.801](#)
- Water plan review and approval elements: Minnesota Laws, Chapters [103B](#), [103D](#).

## **COMMITTEE RECOMMENDATIONS**

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

1. FY26 Soil Health Delivery Authorization– Jared House and Tom Gile – ***DECISION ITEM***
2. Manure Management and Groundwater Protection Grant – Justin Hanson – ***DECISION ITEM***
3. Funding Recommendations for the FY26 Water Quality and Storage Program Grants – Rita Weaver – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

|                                               |                                                                         |                                       |                                       |
|-----------------------------------------------|-------------------------------------------------------------------------|---------------------------------------|---------------------------------------|
| <b>AGENDA ITEM TITLE:</b>                     | <b>FY26 Soil Health Delivery Authorization</b>                          |                                       |                                       |
| <b>Meeting Date:</b>                          | <u>October 22, 2025</u>                                                 |                                       |                                       |
| <b>Agenda Category:</b>                       | <input checked="" type="checkbox"/> Committee Recommendation            | <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business |
| <b>Item Type:</b>                             | <input checked="" type="checkbox"/> Decision                            | <input type="checkbox"/> Discussion   | <input type="checkbox"/> Information  |
| <b>Keywords for Electronic Searchability:</b> | <u>Clean Water Fund, Soil Health, Non-Competitive, FY2026, Delivery</u> |                                       |                                       |
| <b>Section/Region:</b>                        | <u>Resource Conservation</u>                                            |                                       |                                       |
| <b>Contact:</b>                               | <u>Jared House</u>                                                      |                                       |                                       |
| <b>Prepared by:</b>                           | <u>Jared House</u>                                                      |                                       |                                       |
| <b>Reviewed by:</b>                           | <u>Grants Program &amp; Policy</u>                                      | Committee(s)                          |                                       |
| <b>Presented by:</b>                          | <u>Tom Gile / Jared House</u>                                           |                                       |                                       |
| <b>Time requested:</b>                        | <u>15 minutes</u>                                                       |                                       |                                       |

☒ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**    ☐ Resolution    ☒ Order    ☐ Map    ☐ Other Supporting Information

**Fiscal/Policy Impact**

- |                                                                                                                                                                              |                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> None<br><input type="checkbox"/> Amended Policy Requested<br><input type="checkbox"/> New Policy Requested<br><input type="checkbox"/> Other: _____ | <input type="checkbox"/> General Fund Budget<br><input type="checkbox"/> Capital Budget<br><input type="checkbox"/> Outdoor Heritage Fund Budget<br><input checked="" type="checkbox"/> Clean Water Fund Budget |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### ACTION REQUESTED

Authorize staff to develop a Request for Interest (RFI) for the FY26 Soil Health Delivery Program and make awards.

### LINKS TO ADDITIONAL INFORMATION

### SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

This board authorization represents the continuation of the work initiated on October 25, 2023, when the Board authorized staff to develop the FY 24-25 Soil Health Delivery Program. That initial program model, which delivers Soil Health funds to Soil and Water Conservation Districts across Minnesota via a formula-based, non-competitive grant structure, can be sustained through the \$3.56 million Clean Water Fund appropriation secured in the 2025 legislative session for FY 2026. The intent is to maintain continuity in program delivery.

**BOARD ORDER****Soil Health Practices Program: FY 26 Delivery Grants****PURPOSE**

**Authorizes staff to develop a Request for Interest (RFI) for the Soil Health Delivery Program and make awards.**

**FINDINGS OF FACT / RECITALS**

1. The Board of Water and Soil Resources (Board) received funding and authorization for soil health grants from the following clean water fund appropriations:
  - A. (Clean Water Fund) Laws of Minnesota 2025, Regular Session, Chapter 40, Article 2, Section 6, paragraph (o): *\$3,560,000 the first year and \$5,926,000 the second year are for financial and technical assistance to enhance adoption of cover crops and other soil health practices to achieve water quality or drinking water benefits. The board may use agreements with local governments, the United States Department of Agriculture, AgCentric at Minnesota State Center for Excellence, and other practitioners and partners to accomplish this work. Up to \$450,000 is for an agreement with the University of Minnesota Office for Soil Health for applied research and education on Minnesota's agroecosystems and soil health management systems. This appropriation may be extended to leverage available federal funds.*
2. "Soil Health" is defined in MN Statute Section 103C.101, Subd. 10a. "Soil Health" means the continued capacity of soil to function as a vital living system that sustains plants, animals, and humans. Indicators of soil health include water infiltration capacity; organic matter content; water holding capacity; biological capacity to break down plant residue and other substances and to maintain soil aggregation; nutrient sequestration and cycling capacity; carbon sequestration; and soil resistance.
3. The Board has authorities under Minnesota Statutes Section 103B.101 to award grants and contracts to accomplish water and related land resources management.
4. The Grants Program and Policy Committee, at their September 25, 2025, meeting, reviewed the proposed FY 26 Soil Health Delivery Grants process and maximum allocations amounts (Table 1) and recommended the board approve this order.

**ORDER**

The Board hereby:

- A. Authorizes the fiscal year 26 Soil Health Delivery Program and authorizes staff to develop an RFI to support implementation activities consistent with the appropriation language.
- B. Authorizes staff to award Soil Health Delivery Grants based on responses to the RFI up to the amounts listed in the attached table and enter into agreements for program implementation.

- C. Provide supplemental payments consistent with the RFI using remaining available funds from this appropriation.
- D. Directs staff to regularly report to the Board on the status of Soil Health Delivery Grants awarded.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_  
Rich Sve, Vice Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_

**Table 1. Soil Health Delivery Grant Maximum SWCD Allocation Amounts.**

| Recipient         | Amount         |
|-------------------|----------------|
| Ramsey            | Up to \$7,500  |
| Lake              | Up to \$7,500  |
| Koochiching       | Up to \$7,500  |
| South St. Louis   | Up to \$7,500  |
| North St. Louis   | Up to \$7,500  |
| Cook              | Up to \$7,500  |
| Washington        | Up to \$10,000 |
| Lake of the Woods | Up to \$10,000 |
| Itasca            | Up to \$10,000 |
| Crow Wing         | Up to \$10,000 |
| Carlton           | Up to \$10,000 |
| Aitkin            | Up to \$10,000 |
| Kanabec           | Up to \$10,000 |
| Anoka             | Up to \$10,000 |
| Hennepin          | Up to \$10,000 |
| Hubbard           | Up to \$10,000 |
| Wadena            | Up to \$20,000 |
| Chisago           | Up to \$20,000 |
| Sherburne         | Up to \$20,000 |
| Isanti            | Up to \$20,000 |
| Scott             | Up to \$20,000 |
| Carver            | Up to \$20,000 |
| Benton            | Up to \$20,000 |
| Root River        | Up to \$20,000 |
| Beltrami          | Up to \$20,000 |
| Cass              | Up to \$20,000 |
| Mille Lacs        | Up to \$20,000 |
| Clearwater        | Up to \$20,000 |
| Pine              | Up to \$20,000 |
| Mahnomen          | Up to \$30,000 |

|                 |                |
|-----------------|----------------|
| Dakota          | Up to \$30,000 |
| Winona          | Up to \$30,000 |
| Red Lake        | Up to \$30,000 |
| Le Sueur        | Up to \$30,000 |
| Wabasha         | Up to \$30,000 |
| Nicollet        | Up to \$30,000 |
| Rice            | Up to \$30,000 |
| Waseca          | Up to \$30,000 |
| Steele          | Up to \$30,000 |
| Big Stone       | Up to \$30,000 |
| Watonwan        | Up to \$30,000 |
| Wright          | Up to \$30,000 |
| Dodge           | Up to \$30,000 |
| Douglas         | Up to \$30,000 |
| McLeod          | Up to \$40,000 |
| East Polk       | Up to \$40,000 |
| Pipestone       | Up to \$40,000 |
| Grant           | Up to \$40,000 |
| East Otter Tail | Up to \$40,000 |
| Rock            | Up to \$40,000 |
| Todd            | Up to \$40,000 |
| Pennington      | Up to \$40,000 |
| Meeker          | Up to \$40,000 |
| Olmsted         | Up to \$40,000 |
| Stevens         | Up to \$40,000 |
| Lincoln         | Up to \$40,000 |
| Morrison        | Up to \$40,000 |
| Becker          | Up to \$40,000 |
| Chippewa        | Up to \$40,000 |
| Pope            | Up to \$40,000 |
| Sibley          | Up to \$40,000 |

|                 |                    |
|-----------------|--------------------|
| Brown           | Up to \$40,000     |
| Traverse        | Up to \$40,000     |
| Goodhue         | Up to \$40,000     |
| Cottonwood      | Up to \$50,000     |
| Blue Earth      | Up to \$50,000     |
| Kandiyohi       | Up to \$50,000     |
| Swift           | Up to \$50,000     |
| Lac Qui Parle   | Up to \$50,000     |
| Freeborn        | Up to \$50,000     |
| Jackson         | Up to \$50,000     |
| Lyon            | Up to \$50,000     |
| West Otter Tail | Up to \$50,000     |
| Roseau          | Up to \$50,000     |
| Murray          | Up to \$60,000     |
| Martin          | Up to \$60,000     |
| Fillmore        | Up to \$60,000     |
| Mower           | Up to \$60,000     |
| Faribault       | Up to \$60,000     |
| Nobles          | Up to \$60,000     |
| Yellow Medicine | Up to \$60,000     |
| Wilkin          | Up to \$60,000     |
| Kittson         | Up to \$60,000     |
| Norman          | Up to \$75,000     |
| Redwood         | Up to \$75,000     |
| Clay            | Up to \$75,000     |
| Renville        | Up to \$75,000     |
| Stearns         | Up to \$75,000     |
| Marshall        | Up to \$75,000     |
| West Polk       | Up to \$75,000     |
| <b>Total</b>    | <b>\$3,220,000</b> |

## BOARD MEETING AGENDA ITEM

|                                               |                                                           |                                       |                                          |
|-----------------------------------------------|-----------------------------------------------------------|---------------------------------------|------------------------------------------|
| <b>AGENDA ITEM TITLE:</b>                     | <b>Manure Management and Groundwater Protection Grant</b> |                                       |                                          |
| <b>Meeting Date:</b>                          | <u>October 22, 2025</u>                                   |                                       |                                          |
| <b>Agenda Category:</b>                       | <input type="checkbox"/> Committee Recommendation         | <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business    |
| <b>Item Type:</b>                             | <input checked="" type="checkbox"/> Decision              | <input type="checkbox"/> Discussion   | <input type="checkbox"/> Information     |
|                                               |                                                           |                                       | <input type="checkbox"/> Non-Public Data |
| <b>Keywords for Electronic Searchability:</b> | <u>Manure Management Groundwater Protection Grant</u>     |                                       |                                          |
| <b>Section/Region:</b>                        | <u>Regional Operations</u>                                |                                       |                                          |
| <b>Contact:</b>                               | <u>Justin Hanson</u>                                      |                                       |                                          |
| <b>Prepared by:</b>                           | <u>Justin Hanson</u>                                      |                                       |                                          |
| <b>Reviewed by:</b>                           | <u>Grants Program and Policy</u>                          | <u>Committee(s)</u>                   |                                          |
| <b>Presented by:</b>                          | <u>Justin Hanson</u>                                      |                                       |                                          |
| <b>Time requested:</b>                        | <u>15 minutes</u>                                         |                                       |                                          |

☒ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:**    ☐ Resolution    ☒ Order    ☐ Map    ☒ Other Supporting Information

### Fiscal/Policy Impact

- |                                                   |                                                         |
|---------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> None                     | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget                 |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget   |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget        |

### ACTION REQUESTED

Approve the Manure Management and Groundwater Protection program and authorize staff to develop a request for proposal, award grants, develop work plans and oversee the grant delivery process.

### LINKS TO ADDITIONAL INFORMATION

### SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

In 2024, the legislature appropriated funding to support a one-time program initiative. This was a result of elevated nitrate issues and the need for groundwater protection measures on the land. This program will provide funding to plan for and implement Manure management activities that reduce nitrates, enhance groundwater protection and reduce greenhouse gases associated with agriculture. Priority will be given to areas with high groundwater nitrate levels or geology conducive to groundwater pollution. This must be completed through activities that protect or enhance groundwater quality.

**BOARD ORDER****FY26 Manure Management Program****PURPOSE**

Authorize FY 26 Manure Management Program and delegate award decisions to staff

**RECITALS /FINDINGS OF FACT**

- A. The Laws of Minnesota 2024, Chapter 116, Article 1, Section 4, Subdivision 2, appropriated \$850,000 for manure management activities that reduce greenhouse gas emissions and protect groundwater. Of which, up to \$807,500 is available for grants.
- B. Priority for using these funds must be given to areas with high vulnerability to groundwater nitrate levels or geology conducive to groundwater pollution, such as those shown on the Department of Agriculture's vulnerable groundwater area map.
- C. The Board has authority under this appropriation and Minnesota Statutes §103B.101, subd. 9 to award grants and enter into agreements to carry out programs and other responsibilities prescribed or allowed by statute.
- D. The Grants Program and Policy Committee, at their October 13, 2025 meeting, reviewed the ranking criteria and draft board order and recommended approval of this Order to the Board.

**ORDER**

The Board hereby:

- 1. Authorizes staff to use the scoring criteria identified in Table 1 to develop and issue the FY26 Request for Proposal (RFP) and other program support documents for the FY26 Manure Management Program.
- 2. Delegates authority to staff to approve Manure Management awards from appropriated funds based on responses to the RFP and funds available.
- 3. Authorizes staff to complete all pre-agreement processes and enter into agreements for these purposes.
- 4. Authorizes staff to redistribute funds that are returned consistent with the provisions of the RFP.
- 5. Directs staff to report to the Board on the status of Manure Management awards

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_  
Rich Sve, Vice Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_

**TABLE 1**

| <b><i>Ranking Criteria for Manure Management</i></b>                                                                                                                                                                                                                  | <b><i>Maximum Points Possible</i></b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <u>Project Abstract</u> : Clearly describes the project and the expected project results.                                                                                                                                                                             | 5                                     |
| <u>Prioritization (Relationship to Plan)</u> : The proposal is based on priority groundwater protection actions listed in a water management plan and other related plans.                                                                                            | 10                                    |
| <u>Targeting</u> : The proposal is in an area with high groundwater nitrate levels or where the geology is conducive to groundwater pollution and in priority drinking water protection areas as described in the question.                                           | 30                                    |
| <u>Project Impact</u> : The proposed activities will enhance groundwater protection and/or reduce greenhouse gases associated with agriculture. The project will have a positive public outcome; improving access to healthy drinking water for all individuals.      | 35                                    |
| <u>Project Rationale and Readiness</u> : The proposal describes the need and readiness for the project and other approaches considered to meet the project purpose. It also has a set of specific activities that can be implemented soon after the grant is awarded. | 20                                    |
| <b><i>Total Points Available</i></b>                                                                                                                                                                                                                                  | <b><i>100</i></b>                     |

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Funding Recommendations for the FY26 Water Quality and  
Storage Program Grants

**Meeting Date:** October 22, 2025

**Agenda Category:** ☐ Committee Recommendation ☐ New Business ☐ Old Business

**Item Type:** ☒ Decision ☐ Discussion ☐ Information

**Keywords for Electronic  
Searchability:**

Storage, Grant Approvals

**Section/Region:** Engineering

**Contact:** Rita Weaver

**Prepared by:** Rita Weaver

**Reviewed by:** Grants Program and Policy Committee(s)

**Presented by:** Rita Weaver

**Time requested:** 20 minutes

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation**

**Attachments:** ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information

**Fiscal/Policy Impact**

- |                                                   |                                                       |
|---------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> None                     | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget      |

### ACTION REQUESTED

Adopt the ranking and scoring criteria, and to authorize staff to develop and issue the FY26 Round 2 RFP for the Water Quality and Storage Program, rank and score the applications, and enter into grant agreements for up to \$4.5 Million.

### LINKS TO ADDITIONAL INFORMATION

### SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Water Quality and Storage Grant program was passed into law by the MN Legislature in 2021. The intent of the program is to fund projects that will reduce runoff volume or peak flow rates by implementing storage practices. This will be our fifth request for proposals under this program.

BWSR staff are presenting the ranking and scoring criteria for board approval. Upon approval, we will open the Request for Proposals on October 30<sup>th</sup>, and close the application period on December 31<sup>st</sup> (approximately eight weeks). Applications will be scored and ranked by a team of BWSR staff, and staff will enter into grant agreements with the highest ranking applicants.

There is approximately \$10 Million available in the program, and we propose to have \$4.5 Million available for funding during for this RFP, which includes some funds that were returned due to an incomplete project. We will not release the entire \$10 Million so we will have some funds still available to be used as match in the case we are awarded federal funds. So there are no federal funds planned to be used for this program at the time of the October board meeting.

The staff recommendations were presented to the BWSR SMT September 9, 2025 and the Grants Program and Policy Committee on October 13, 2025. The funding recommendations included in the board order are a result of those meetings.

**BOARD ORDER****Fiscal Year 2026 Water Quality and Storage Program – Round 2****PURPOSE**

Authorize the FY26 Water Quality and Storage Program – Round 2.

**RECITALS /FINDINGS OF FACT**

1. Minn. Stat. 103F.05 provides the statutory authority for the Water Quality and Storage Program. The purpose of the Program is to control water volume and rates to protect infrastructure, improve water quality and related public benefits, and to mitigate climate change impacts. Statute establishes that the priority areas for the program are the Minnesota River basin and the lower Mississippi River basin in Minnesota.
2. Laws of Minnesota 2021, 1st Special Session, Chapter 6, Article 1, Sec. 4(l), appropriated \$2 million to a water quality and storage program. Due to returned funds, approximately \$500,000 of this grant is remaining.
3. Laws of Minnesota 2023, Regular Session, Chapter 60, Article 1, Sec. 4(p), appropriated \$17 million in Fiscal Years 24-25 to a water quality and storage program. Approximately \$10 Million of this grant is remaining.
4. The Grants Program and Policy Committee, at their October 13, 2025 meeting, reviewed the proposed Water Quality and Storage Program RFP and associated documents and recommend approval to the board.

**ORDER**

The Board hereby:

- A. Adopts the scoring and ranking criteria identified in Table 1.
- B. Authorizes staff to develop and issue the FY26 Request for Proposal – Round 2, score and rank the responses, and enter into grant agreements consistent with the RFP criteria in an amount up to \$4.5 Million.
- C. Authorizes staff to complete all pre-agreement processes and enter into agreements for these purposes.
- D. Authorizes staff to redistribute funds that are returned consistent with the provisions of the RFP.
- E. Directs staff to report to the Board on the status of Water Quality and Storage program awards

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_  
Rich Sve, Vice Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_

| Table 1. Water Quality and Storage Program – Final Design and Construction Grants                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Scoring and Ranking Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Maximum Points Possible |
| <u>Activity Eligibility</u> : The proposed grant-funded activities are eligible under this RFP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | YES                     |
| 1. <u>Project Description</u> : Applicant has clearly described the area of interest and the flooding concerns, water quality issues, or climate change vulnerabilities at this site. Additional points will be awarded if more than one issue is addressed with this project and if the applicant can describe how the issue has changed over time (i.e. increase in water quality concerns) OR how the issue varies under different flood events (i.e. 10-year vs. 50-year). Include a description of the location of nearest public drainage system.                                                                                                                                                                                                                                                                                                                                      | 20                      |
| 2. <u>Priority Location</u> : Projects located in the priority areas of the Minnesota River Basin and the Lower Mississippi River Basin in Minnesota (as stated in MN Statute 103F.05 Subd. 2 (b)) will be awarded the maximum points in this category. Projects outside of this priority area will receive zero points in this category.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 10                      |
| 3. <u>Prioritization</u> : The project or practice type (i.e. storage) is referenced within a watershed management plan locally adopted and approved by the State (include plan title, section and page number) or is a Tribal Government priority. Applicant describes how a comprehensive approach is being taken to water management and the placement of the practice will support that management.<br><br>Applicant includes other measures or actions are being taken in the watershed to reduce peak flooding or improve water quality, such as soil health practices or other structural practices and a variety of funding sources is being used to implement these practices.<br><br>Include any consideration given to how the proposed project may change the timing of peak runoff from the area of interest and if that will positively or negatively impact areas downstream. | 20                      |
| 4. <u>Measurable Outcomes</u> : Applicant provides calculated results for peak flow reduction, water quality improvements, or measurable climate impact improvements and the methodology used for these calculations. Applicant must provide the total storage volume provided by the projects and/or practices.<br><br>Applicant should consider the following questions when deciding what outcomes to report: What is the reduction in peak flow during different storm events? What is the estimated annual reduction in pollutant(s) being delivered to the water resource(s) of concern by this project? If there have been specific pollutant reduction goals set for the pollutant(s) and resource(s) of concern, please indicate the goals and the process used to set them.                                                                                                        | 20                      |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 5. <u>Project Readiness</u> : List all expected permits that will be required for this project and include where you are in the permitting process. Describe steps and actions that have been taken to ensure that project implementation can begin soon after grant award, such as partner coordination, preliminary identification of potential conservation practice/activity locations, coordination with landowners, archaeological and/or cultural resources review, and/or preliminary discussions with permitting and approval authorities, including the DNR Area Hydrologist and Minnesota Department of Health regarding effects on drinking water. Provide information on if the proposed project is in a Wellhead Protection Area (WHPA), Historical Source Water Assessment Area, or a groundwater or surface water Drinking Water Supply Management Area (DWSMA). If so, describe any potential impacts of the project on ground water aquifers or surface water drinking water resources. | 20         |
| 6. <u>Cost Effectiveness</u> : The application identifies a cost-effective solution to address the issue at the area of concern. Applicant should consider factors such as, but not limited to, BMP effectiveness, timing, site feasibility, practicality, property owner willingness, and public acceptance. The cost per acre-foot of storage is reasonable and the cost for the resulting flow reduction is reasonable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 10         |
| 7. List all easements that will be obtained or modified as part of this project. Include if the easement has already been acquired.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0          |
| 8. A portion of the available funds for this RFP must be spent by December 31, 2027. Please indicate if you can guarantee your project could be completed within that timeframe.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0          |
| <b>Total Points Available</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>100</b> |

## **COMMITTEE RECOMMENDATIONS**

### ***RIM Reserve Committee***

1. Conservation Easement Alteration Policy Revision – Karli Swenson – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:****Conservation Easement Alteration Policy Revision****Meeting Date:**

October 22, 2025

**Agenda Category:**☒ Committee Recommendation ☐ New Business ☐ Old Business  
☐ Decision ☐ Discussion ☐ Information ☐ Non-Public Data**Item Type:****Keywords for Electronic****Searchability:**

Easement Alteration Policy

**Section/Region:**

Statewide

**Contact:**

Sharon Doucette

**Prepared by:**

Karli Swenson

**Reviewed by:**

RIM Reserve

Committee(s)

**Presented by:**

Karli Swenson

**Time requested:**

20 mins

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation****Attachments:** ☐ Resolution ☒ Order ☐ Map ☒ Other Supporting Information**Fiscal/Policy Impact**☒ None ☐ General Fund Budget  
☐ Amended Policy Requested ☐ Capital Budget  
☐ New Policy Requested ☐ Outdoor Heritage Fund Budget  
☐ Other: ☐ Clean Water Fund Budget**ACTION REQUESTED**

Board adoption of revised Conservation Easement Alteration Policy with certain authorities delegated to the Executive Director and rescinding of prior policy.

**LINKS TO ADDITIONAL INFORMATION**

[Easement Alteration Policy](#) adopted by Board on December 20, 2017 to be rescinded (also attached).

**SUMMARY** *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

The Board of Water and Soil Resources first adopted a policy related to requests to modify existing Reinvest in Minnesota (RIM) conservation easements via board resolution on April 26, 1989. A year later, Minnesota Rule 8400.3610 established new requirements for submittal and BWSR consideration of easement alteration requests. In 2006, the board adopted a new policy "Easement Alteration Requests and Board Policy" that expanded on the rule language to provide consistency in consideration of requests coming to BWSR and requiring an administrative fee be submitted with each request. This policy established the criteria for land replacement ratios for private landowner requests and monetary compensation rates for public benefit projects. The latest revision of this policy was adopted by the Board in 2017.

MN Rule 8400.3610 was repealed in 2024, making language in the easement alteration policy obsolete. In addition to the outdated policy language, easement staff identified several other revisions needed to bring the policy up to date. The conditions and requirements for board consideration of an easement alteration request have been clarified in detail and modified to preserve easement integrity and reflect program goals. The administrative fees have been increased to help cover agency costs of processing, preparing and presenting easement alteration requests as well as SWCD costs (paid by BWSR) for amending the conservation easement and updating title insurance when a full amendment is needed.

Key changes to the policy include:

- New policy statement and purpose, removes repealed rule language.
- Updated applicability section to include additional conservation easement types and clarify when an easement alteration request is needed.
- Requests will only be considered when there is “no reasonable alternative” and easement impacts have been minimized to the extent reasonable.
- Up-front administrative fee increased from \$500 to \$1000 due at time of request. This will partially cover both BWSR and SWCD staff time preparing the request for consideration.
- Added requirement for entities and landowners proposing an alteration to attend committee and board meetings, when requested, to answer any specific questions members have about the proposal.
- Reduced compensation for partial releases of easement acres for public road/infrastructure projects when proposed by a government entity (proposed at 1x the current RIM rate).
- Reduced compensation due for partial releases of easement acres for installation of public wells on RIM Wellhead Protection/Drinking Water easements to the amount paid at time of easement acquisition.
- Added an administrative fee for board-approved requests needing a full easement amendment with updated title insurance for replacement lands. This covers the cost paid by BWSR to the SWCD for their work during the easement amendment process.
- Added language regarding the need for additional approvals outside of BWSR for easements with certain funding sources. This would include Federal ACUB easements, easements funded by LSOHC, LCCMR, and other partner programs, where BWSR approval alone is not sufficient to alter the easement.
- Removed requirement for Board approval of partial releases for public roads/infrastructure, utilities, and other public needs projects, which will be reviewed and approved or denied by the Executive Director and can be appealed to the Board. These requests may still require outside approval, depending on easement funding source.

### **Recommendation**

The RIM Reserve Committee Recommends approval and adoption of the revised Conservation Easement Alteration Policy, to be effective January 1, 2026, rescinding the Easement Alteration Policy dated December 20, 2017, and delegation of approval authority to the Executive Director for alterations for public infrastructure, utilities, and other public needs.

**BOARD ORDER****Conservation Easement Alteration Policy Revision****PURPOSE**

Board approval of revised Conservation Easement Alteration Policy and rescinding the Easement Alteration Policy adopted by Board Resolution #17-105.

**RECITALS /FINDINGS OF FACT**

- A. The Minnesota Board of Water and Soil Resources (BWSR) is authorized to acquire Conservation Easements on eligible lands according to Minn. Stat. §§103F.515, 84C.02, 103B.101, and other applicable law;
- B. Minnesota Statutes, section 84C.02 also states that a conservation easement can be released, modified or otherwise altered, in the same manner as other easements;
- C. In 1990, Minn. R. 8400.3610 was established and became the rule governing requests to modify or alter Reinvest in Minnesota (RIM) conservation easements;
- D. In 2006, the board adopted a policy for easement alteration requests, expanding on the Rule language, to clarify requirements and operational procedures for submittal and Board consideration of such requests;
- E. The Easement Alteration Policy was last revised in 2017 to expand on requirements and revise procedures for submittal;
- F. In 2024, Minn. R. 8400.3610 was repealed, thereby making the language and basis of the easement alteration policy outdated and obsolete;
- G. In addition to the outdated rule language, Easement staff identified a number of policy updates necessary to clarify the criteria for easement alteration request consideration; increase the administrative fees to reflect the current cost of processing an alteration request and associated easement amendment; reduce compensation required for certain public infrastructure projects; and better align with easement program goals;
- H. Further, the revised policy will allow common requests for public roads, infrastructure and utilities to be approved, conditioned or denied by the BWSR Executive Director, and be appealed to the RIM Reserve Committee and BWSR Board;
- I. This Order has been developed in consideration of, and is consistent with, Board Decision #24-59, Delegating Certain Authorities to the Executive Director;
- J. BWSR staff will develop specific instructions for submitting an easement alteration request and procedural elements relating to submittal will no longer be contained within the policy;
- K. The board voted at their September 22, 2025 meeting to send the draft policy back to the RIM Reserve Committee for further discussion related to the application of the policy to public infrastructure projects;
- L. The RIM Reserve committee met and is recommending approval of the attached policy.

## **ORDER**

The Board hereby:

1. Adopts the revised Conservation Easement Alteration Policy to be effective January 1, 2026;
2. Rescinds Easement Alteration Policy adopted on December 20, 2017 by Board Resolution #17-105;
3. Delegates Authority to the Executive Director for the approval, conditioning or denial of easement alteration requests submitted under Section D of the policy for public Infrastructure, utilities, and other public needs, which could be appealed to the Board.

## **MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

\_\_\_\_\_  
Rich Sve, Vice Chair  
Board of Water and Soil Resources

Date: \_\_\_\_\_

## **NEW BUSINESS**

1. 2026 BWSR Board Meeting Schedule – Dave Weirens – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:****2026 Proposed BWSR Board Meeting Schedule****Meeting Date:**October 22, 2025**Agenda Category:**☐ Committee Recommendation ☒ New Business ☐ Old Business**Item Type:**☒ Decision ☐ Discussion ☐ Information**Section/Region:****Contact:**Rachel Mueller**Prepared by:**Rachel Mueller**Reviewed by:**John Jaschke, Dave Weirens

Committee(s)

**Presented by:**Dave Weirens**Time requested:**5 minutes☐ **Audio/Visual Equipment Needed for Agenda Item Presentation****Attachments:**☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information**Fiscal/Policy Impact**

- |                                                   |                                                       |
|---------------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget      |
- 

**ACTION REQUESTED**

Approve the 2026 board meeting dates.

**LINKS TO ADDITIONAL INFORMATION****SUMMARY** *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*

Meeting dates are being proposed for board meetings in 2026. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2025 calendar.

**Board of Water and Soil Resources***Proposed 2026 meeting dates.*

January 28

February – no meeting

March 25

April 22

May 27

June 24

July – no meeting

August 26-27 (Wed-Thurs) – Tour and meeting

September 23

October 28

November – no meeting

December 17 (third Thursday)

---

Rich Sve, Vice Chair

Board of Water and Soil Resources

Date: \_\_\_\_\_