

BOARD OF WATER AND SOIL RESOURCES

520 LAFAYETTE ROAD NORTH

LOWER-LEVEL BOARD ROOM

ST. PAUL, MN 55155

THURSDAY, DECEMBER 18, 2025

BOARD MEMBERS PRESENT:

Eunice Biel, Jayne Hager Dee, Jill Crafton, Joe Collins, Kevin Wilson, LeRoy Ose, Lori Cox, Mark Zabel, Neil Peterson, Rich Sve, Ted Winter, Todd Holman, Tom Schulz, Jason Garms, DNR; Joel Larson, University of Minnesota Extension; Glenn Skuta, MPCA; Steve Robertson, MDH; Thom Petersen, MDA

BOARD MEMBERS ABSENT:

Ron Staples, Mike Runk

STAFF PRESENT:

John Jaschke, Rachel Mueller, Travis Germundson, Jen Dullum, Karli Swenson, Denise Lauerman, Shane Bugeja, Jenny Gieseke, Dusty VanThuyne, Marcey Westrick

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; Mike Schultz, MACD, LeAnn Buck, MASWCD; Troy Daniell, NRCS; Leya Charles, MPCA; Kevin Paap, Blue Earth County; Mathew Oldenburg-Downing, Alex Trunnell

Chair Todd Holman called the meeting to order at 9:02 AM

PLEDGE OF ALLEGIANCE

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25-57

ADOPTION OF AGENDA - Moved by Thom Petersen, seconded by Ted Winter, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

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25-58

MINUTES OF OCTOBER 22, 2025 BOARD MEETING – Moved by Kevin Wilson, seconded by Jill Crafton, to approve the minutes of October 22, 2025, as amended. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman reported they have not met. Attended the Minnesota Association of Soil and Water Conservation District's (MASWCD) annual conference in Bloomington. Board Member Tom Schulz was recognized as the District Supervisor of the year from the Wadena SWCD. North St. Louis SWCD was recognized as the District of the Year. The annual National Association of Conservation District conference will be held in San Antonio Texas this year.

Executive Director's Report - John Jaschke reported he attended the annual conferences for MASWCD, Minnesota Watersheds, and AMC. The Federal shutdown came to an end. The Legislative session will be starting, and they will start looking at ways to manage the projected next biennium budget shortfall. BWSR's Facilities Lead (Mary Norton) is retiring and a gathering will be held after the board meeting today.

Steve Robertson asked if John could comment on the budget for the Clean Water Fund and what the forecast is. John stated he hasn't seen anything on it and will share information when available. Joel Larson stated on Monday at the Clean Water Council meeting they shared there's about \$7 million potentially available for this year and the Council is considering whether they'll recommend proposals to spend that down by possible reinstatements of some of the cuts they had in the last cycle.

Audit and Oversight Committee – Joe Collins reported they will be meeting in January.

Dispute Resolution and Compliance Report – Rich Sve reported they have not met. Travis Germundson reported there are seven new appeals that have been filed since the previous report, bringing the total number of pending appeals to 11. There were two additional appeals that were not included in the report, file 25-18 and 25-17.

File 25-18 is an appeal of no loss decision in Pine County. The appeal challenges Pine County's denial of a no loss decision, asserting that the wetland area in question is incidental. This involves the same property of wetland area associated with a pending appeal of a restoration order, file 25-8. No decision has been made on this appeal.

File 25-17 is an appeal of restoration order in Sherburne County. The restoration order regards the unauthorized impact of approximately 3.5 acres of wetland. The petition contends that the area is not wetland, and any excavation and drainage in and around the area qualifies for a no loss. The petitioner submitted an application for no loss to the LGU. No decision has been made on that appeal at this time.

File 25-16 is an appeal placed in abeyance, pending LGU's decision on a local building permit appeal.

File 25-15 is an appeal that was recently denied.

File 25-10 and 25-9 were appeals accepted to be heard. Prehearing conferences have taken place, and they were unable to seek settlement in both of those cases, therefore they are moving forward. Travis will reach out to committee members after the first of the year and they'll have potentially two hearings likely sometime in April associated with those.

Travis noted they haven't had this many appeals in a calendar year since 2012.

Grants Program & Policy Committee – Mark Zabel reported they don't have anything on the agenda for today. The committee will be meeting after the board meeting today.

RIM Reserve Committee – Jayne Hager Dee reported there are two items on the agenda for today. At the last meeting the policy was revised with a start date of January 1st. Since then, they have received a request for an amendment before the effective date of the new policy and will review this new request under the previous policy.

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've met two times and will meet again on January 7th and will have a recommendation at a future meeting. John Jaschke stated the board

authorized a publication of the draft procedure updates in the State Register and opened a comment period. They received five submissions and will be bringing them forward at the January 7th meeting.

Drainage Work Group (DWG) – Neil Peterson reported they are meeting in St. Cloud today and will have a report at the next meeting.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported they are in the process of scoring Soil Health Equipment Grants, they received more dollars than previously. They also received an Extreme Weather Grant to help farmers adapt. They are continuing to grow their weather network across the state.

Minnesota Department of Health – Steve Robertson reported they sponsored a new award for drinking water protection at MASWCD's annual meeting. The recipient this year was Rock County SWCD. Steve stated they are working on a new grant program that will help public water systems build more resiliency in their infrastructure to deal with extreme weather conditions.

Minnesota Department of Natural Resources – Jason Garms reported the Public Water Inventory project completed preliminary maps for the first four counties and they are available online. They are working in alphabetical order within DNR Regions and are starting on the next four counties. The DNR roundtable is coming up on January 9th in Brooklyn Center. The meeting is by invitation and there are also a number of seats held open for first come first serve and information is available online.

Lori Cox asked why the DNR Roundtable is so restrictive. Jason stated at some point it gets too big and stated there are other opportunities to engage with the agency.

Minnesota Extension – Joel Larson reported Dr. Bonnie Keeler will be starting on January 7th as the new Director of the Water Resources Center. The annual Soil Management Summit is January 14th and 15th in Fargo, North Dakota. The annual Women in Ag conference will be held February 3rd in Waite Park.

Minnesota Pollution Control Agency – Glenn Skuta reported the nutrient reduction strategy was on notice this fall and received a lot of comments. Response to comments on the feedlot rules are available online. They are planning to issue their scope of the rulemaking in January. There is an impaired waters presentation on the agenda for today.

Jill Crafton stated there was a good presentation on data centers from Minnesota Watersheds and asked if the agency is involved and if there were any updates. Glenn stated there are proposals for data centers all over and its multi-agency. Clean Water Council has been working on a Data Centers policy and are hoping to wrap it up soon.

Mark Zabel stated Minnesota treats its water as a common resource among all citizens. Has concerns about what the opportunity costs might be in allowing these large developments with large water use and what opportunity we've lost through that process.

ADVISORY COMMENTS

Association of Minnesota Counties – No report was provided.

Minnesota Association of Conservation District Employees – No report was provided. John Jaschke stated they awarded Holly Hatlewick from Renville SWCD at the MASWCD annual conference. Their annual meeting was held in October.

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck reported this was their 89th annual meeting and gave an overview of the meeting.

Minnesota Association of Townships – Eunice Biel reported she attended the MASWCD meeting and stated it was a great meeting. Filings for Township Offices will be taking place at the end of December into January. Their annual meetings and Township Days are in March. In February they will have Township Day at the Capitol.

Minnesota Watersheds – No report was provided. John stated we'll be holding our board tour in northwest Minnesota in conjunction with Minnesota Watersheds Summer Tour and the RRWMB 50th anniversary.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 9:57 a.m. and called the meeting back to order at 10:06 a.m.

Glenn Skuta joined the meeting at 10:05 a.m.

COMMITTEE RECOMMENDATIONS

Central Region Committee

Elm Creek Watershed Management Plan – Jen Dullum presented the Elm Creek Watershed Management Plan.

Background

In 1973, the Elm Creek Watershed Management Commission (ECWMC) was formed to protect and manage the Elm Creek Watershed and adjacent minor watersheds. The ECWMC covers approximately 131 square miles in northwest Hennepin County, in the Twin Cities Metropolitan Area. Included in the ECWMC are the Cities of Champlin, Corcoran, Dayton, Maple Grove, Medina, Plymouth, and Rogers. The ECWMC is bound by the Mississippi and Crow Rivers to the north, on the east by the West Mississippi and Shingle Creek Watershed Management Commissions, on the south by Bassett Creek Watershed Management Commission and Minnehaha Creek Watershed District, and on the west by the Pioneer-Sarah Creek Watershed Management Commission. Among the ECWMC's water resources are 22 lakes and four major streams. The watershed predominantly drains directly to the Mississippi River with a small portion immediately tributary to the Crow River. The watershed continues to be influenced by agriculture with some high-density housing and commercial developments in the cities along the I-94 corridor.

Plan Process and Highlights

On March 29, 2024, the Commission sent notification of initiation of the planning process for the 2026-2035 Watershed Management Plan (Plan) to the plan review agencies and other parties as required by MR 8410, and solicited each agency's priority issues, summaries of relevant water management goals, and water resource information. An initial planning meeting was hosted by the Board of Commissioners on June 12, 2024. Regular meetings were held with the Technical Advisory Committee and between April and May 2025 established commissions from each of the seven member cities were provided

opportunity to meet with Commission staff and review and comment on the plan. A public input survey was also conducted.

The Commission has identified water quality, quantity, education, and changing land use/climate as its highest priorities. The Plan sets six watershed-wide and two resource-specific goals to address these priorities. The updated Plan will build on previous success through the continuation of several activities and introduction of new activities such as recently adopted updated Rules and Standards. Other programs include lake and stream monitoring, expanded education and outreach, funding for Best Management Practices and the Capital Improvement Program. The Plan also includes a four-phase climate resiliency and sustainability strategy.

Fourth Generation Management Plan Priorities

- Protect, maintain, and improve the water quality and ecological integrity of the water and natural resources within the watersheds and the downstream receiving waters.
- Reduce stormwater runoff rates and volumes to limit flood risk, protect conveyance systems, protect surficial groundwater, and reduce or mitigate impacts that have already occurred.
- Educate and engage all stakeholders in the watersheds on surface water issues and opportunities.

Anticipate and proactively work to withstand adverse impacts from changing land use/cover and environmental and climate conditions.

Joe Collins stated it's a good program in the metro area.

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25-59

Moved by Jill Crafton, seconded by Joe Collins, to approve the Elm Creek Watershed Management Plan.
Motion passed on a roll call vote.

Middle St. Croix Watershed Management Plan – Jen Dullum presented the Middle St. Croix Watershed Management Plan.

Background

In 1984, the Middle St. Croix Watershed Management Organization (MSCWMO) was formed to cooperatively manage water resources within the Middle St. Croix watershed. The MSCWMO covers approximately 19.8 square miles in east-central Washington County, in the Twin Cities Metropolitan Area. Included in the MSCWMO are the communities of Afton, Bayport, Baytown Township, Lakeland, Lakeland Shores, Lake St. Croix Beach, Oak Park Heights, St. Mary's Point, Stillwater, and West Lakeland Township. The MSCWMO is bound by the St. Croix River on the east, the Valley Branch Watershed District on the west and south, and the Browns Creek Watershed District to the north. There are four primary waterbodies in the MSCWMO. The Middle St. Croix watershed has many small, parallel watersheds that all flow to the St. Croix, whereas the other watersheds in the County generally have one major drainage with a headwater and an outlet. Land use in the watershed is evenly distributed between agricultural uses, rural residential and high-density residential/commercial land uses.

Plan Process and Highlights

On January 10, 2024, the MSCWMO sent notification of initiation of the planning process for the 2025-2035 Watershed Management Plan (Plan) to the plan review agencies and other parties as required by MR 8410, and solicited each agency's priority issues, summaries of relevant water management goals, and water resource information. An initial planning meeting was hosted by the Board of Managers on

April 11, 2024. Periodic meetings were held with the Technical Advisory Committee and between February 2024 and January 2025 additional input was gathered through community engagement and public meetings, including an open house, surveys, and electronic and direct outreach.

The MSCWMO has identified thirteen distinct areas of concern which included groundwater, water quantity, water quality, water monitoring, and wetlands, to name a few. The Plan sets 12 goals to address these areas of concern and prioritized strategies and actions to help reach these goals. The Plan will build on previous success through the continuation of several activities and introduction of new activities such climate change and resiliency and environmental justice. The MSCWMO also developed the following purposes, in addition to those required in MN Statute 103B to guide their goals and policies:

- Integrate environmental justice in all policies, programs, and activities;
- Cooperatively manage water resources;
- Inventory and assess the resources;
- Monitor the water quality of lakes and streams;
- Provide education on water related issues;
- Review development plans for stormwater management, erosion and sediment control, and wetland and shoreland protection; and

Plan and implement capital improvement projects that enhance the water resources of the watershed.

Joe Collins stated they are recognizing environmental justice as something they need to do now. Thinks this plan is working to meet the needs of the membership.

Jill Crafton stated she was impressed with the plan.

Kevin Wilson stated this plan seems aggressive with 83 strategies. Joe Collins stated they have done well in securing funds to implement their programs.

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25-60 Moved by Jill Crafton, seconded by Joe Collins, to approve the Middle St. Croix Watershed Management Plan. ***Motion passed on a roll call vote.***

RIM Reserve Committee

RIM Easement Alteration Request – 87-02-10-07 Yellow Medicine County - Almich – Karli Swenson presented the RIM Easement Alteration Request – 87-02-10-07 Yellow Medicine County – Almich.

The Board of Water and Soil Resources (BWSR) acquired a Perpetual RIM Easement #87-02-10-07 on 43.6 acres in Yellow Medicine County on September 1, 2011, as part of the RIM Rock Outcrop Program. The original grantor of the easement, Mr. Almich, still owns and resides on the property today.

A routine site inspection in 2025 informed BWSR that a shed and volleyball court had been built within the easement area near the landowner's residence. A review of aerial photography determined the easement impacts occurred over 10 years ago, but BWSR was without knowledge of the violation until the 2025 inspection. According to the SWCD, the landowner did not think the area was part of the easement, and the easement boundary had never been posted to indicate its true location. The area of the violation is a small, irregularly shaped piece of land near the road and is not adjacent to the majority of the easement area.

The landowner, Mr. Almich, is proposing 2:1 land replacement to resolve the violation, to release 2.4 acres and replace with 4.8 acres, as shown on the attached map. The replacement acres lie between the current easement and an existing DNR Prairie Bank easement. This would create a more contiguous area of land protection, by expanding and connecting the current easement complex. The replacement acres are non-cropland, and the area proposed for release was also non-cropland when it went into the easement. This fulfills the required replacement ratios of BWSR's Easement Alteration Policy. The replacement acres have the same soil type as the area proposed for release and support the same vegetation. The net gain of 2.4 acres being added to the easement provides adequate compensation for the area lost due to the violation and is of benefit to the state from a natural resource perspective, as it will protect the rock outcrop habitat and prevent future disturbance.

The Yellow Medicine SWCD Board voted and submitted a letter in favor of the alteration to resolve the easement violation, and the landowner has submitted the \$500 application fee for the board to consider the request.

Recommendation

The RIM Reserve Committee recommends approval of this easement alteration request to resolve the easement violation on easement #87-02-10-07.

Lori Cox stated there was discussion in committee about documents and information that was reviewed with the landowners at the time of their enrollment and the outline. Would like us to take a closer look at this down the road if this comes up again.

Jill Crafton stated the boundaries need some inspections, need to improve this process, and review what's going on.

Jason Girms stated when you're enrolling an easement it would be hard to forget. He hopes these are the last we see coming through the alteration process.

Sharon stated they will be starting a boundary survey pilot process.

LeRoy Ose asked what we would like to see different. Mark Zabel stated the boundary survey is a positive development for this.

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25-61 Moved by Thom Petersen, seconded by Jayne Hager Dee, to approve the RIM Easement Alteration Request – 87-02-10-07 Yellow Medicine County – Almich. ***Motion passed on a roll call vote.***

Easement Alteration Request – RIM Easement #85-14-06-01 – Kroening – Karli Swenson presented the Easement Alteration Request – RIM Easement #85-14-06-01 – Kroening.

BWSR acquired this 14.1-acre RIM easement in Winona County on July 11, 2007 under the CREP II program. One of the original landowners who granted the easement, Keith Kroening, still owns the land and resides on the property today. The RIM easement boundary reflects what was enrolled in CRP at the time the easement was acquired, and contains two small, irregularly shaped pieces of land that are separate from the main easement area and also excluded an area for a future driveway.

Sometime around 2013, the landowner constructed a driveway and garage that encroached on the easement area. A basketball court was also constructed on one of the small irregular parcels. Due to the nature of this irregularly shaped easement boundary and the fact that the boundary location was never

posted on the ground, it seems there was a misunderstanding as to the exact location when the structures were built. The landowner has stated that they believed the easement area was only to the west and south of the driveway.

Winona SWCD informed BWSR of the potential easement violation after a routine site inspection in 2024. Easement staff worked with the SWCD and landowner to come up with a replacement plan.

The landowner is proposing to release 1 acre from the easement, which includes the areas of encroachment and the other small irregularly shaped parcel east of the driveway, to create a more manageable easement boundary. The landowner is proposing to add 4 acres of forestland to the easement in exchange, which is compliant with the required replacement ratios in our easement alteration policy. The landowner has stated they do not have any cropland to offer as replacement that is not under contract, so non-cropland is their only option. However, protecting the 4 acres of forestland adjacent to the easement will provide added value and protect the habitat for the duration of the easement.

The Winona SWCD board submitted a letter in support of the easement alteration request, and the landowner has submitted the \$500 administrative fee for the board to consider the request. The request meets all conditions of the easement alteration policy.

Recommendation

The RIM Reserve Committee recommends approval of this easement alteration request to resolve the violation on Easement #86-14-06-01.

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25-62 Moved by Jayne Hager Dee, seconded by Tom Schulz, to approve the Easement Alteration Request – RIM Easement #85-14-06-01 - Kroening. ***Motion passed on a roll call vote.***

NEW BUSINESS

Impaired Waters for Practitioners – Leya Charles, MPCA presented the Impaired Waters for Practitioners.

A body of water is considered “impaired” if it fails to meet one or more water quality standards. Minnesota water quality standards protect lakes, rivers, streams, and wetlands by defining how much of a pollutant can be in the water before it is no longer drinkable, swimmable, fishable, or useable in other, designated ways (called “beneficial uses”). It is important to note that a water impaired for one designated use does not mean it cannot be used for other designated uses.

Impairments include:

- Mercury levels that lead to limits on fish consumption
- Nutrients that grow algae
- Sediment that clouds water
- Bacteria that can make water unsafe for swimming
- Unhealthy conditions for fish and bugs
- PFOS found in fish tissue
- Sulfate impairments that may hinder the biological production of wild rice

The MPCA works with many partners to identify the sources of pollutants and stressors to aquatic life, and determine reductions in pollutants and other changes needed to restore waters to meet water quality standards.

As required by the federal Clean Water Act, the MPCA assesses all waters of the state and creates a list of impaired waters every two years. This list includes waters that fail to meet water quality standards and uphold that water body's designated use.

The listings are based on intensive water quality monitoring of major lakes and streams in Minnesota's 80 watersheds, along with data from partners. This list is used to set pollutant-reduction goals needed to restore impaired waters, called the total maximum daily load (TMDL).

Approved by U.S. EPA in April 2024, Minnesota's list includes the TMDL list (303(d) list); 2024 Inventory of all impaired waters; delisted waters; changes and corrections from the 2022 list; Appendix A of the Statewide mercury TMDL.

The guidance manual describes Minnesota's monitoring and assessment strategy, assessment tools, and the assessment process. This guidance defines the required data and information and lays out the criteria by which waterbodies are assessed to determine if beneficial uses are supported or impaired.

Board Members had a robust conversation and thanked Leya for her presentation.

UPCOMING MEETINGS

- Grants Program and Policy Committee is scheduled for January 14th at 9:00 a.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for January 28th at 9:00 a.m. in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 12:01 PM.

Respectfully submitted,



Todd Holman
Chair