



BOARD ORDER

Buffer Procedures – Adoption of Revisions

PURPOSE

To adopt revised Buffer Procedures.

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 Section 103F.48.
- C. Board Resolution #17-62 adopted the existing Buffer Procedures.
- 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 developed a set of adjustments to the existing buffer procedures to ensure they align with current Minnesota Statutes Section 103F.48 and to update as needed to ensure soil and water conservation districts, counties, watershed districts and BWSR staff have sufficient clarity and direction to continue implementing and enforcing the law.
- F. At its October 22, 2025, meeting the Board authorized staff to publish a request for public comment on the revised draft procedures packet in the State Register.
- G. The revised procedures were posted in the State Register and on the BWSR website from October 27, 2025 through December 10, 2025.
- H. The Buffer Soils and Drainage Committee, at their January 7, 2026, meeting reviewed the draft Buffer Program Procedures along with proposed revisions resulting from comments and recommend the attached updates for approval.

ORDER

The Board hereby:

1. Rescinds Board Resolution #17-62.
2. Adopts the revised procedures as attached and authorizes staff to publish the revised procedures on the BWSR website.
3. Directs staff to make any necessary revisions to the model rule and ordinance templates and make them available for counties and watershed districts.
4. Directs staff to coordinate with appropriate local government associations and other organizations to support needed revisions upon completion of the revised model rules and ordinances.
5. Requires counties and watershed districts "with jurisdiction" to update their rules and ordinances within one year of staff posting of the revised official controls templates consistent with the revised procedures.
6. Directs BWSR staff to review the enforcement and appeals procedures of updated county ordinances and watershed district rules and other related official controls to determine if they contain adequate provisions to ensure compliance and effective enforcement of [Minn. Stat. §103F.48](#) as required to maintain "with jurisdiction" status.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date:

1/28/2026

Attachment: Revised 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 critical understanding of expectations and consistency. The procedures establish a set of standards for program implementation.

- **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 and connection 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.

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Promoting Collaboration and Conservation

The BWSR Board adopted Buffer Procedures to serve not just as a regulatory manual but also as 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 agency and local staff to have productive conversations with landowners by 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 authority¹.

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.

¹ 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](#)²²

and 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.

² see Chapter 103E

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 control³ 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 ordinances and watershed district rules, and other related 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) authority⁴ 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)

³ Official control is a term is as referenced in Minnesota Statute [§103F.48](#), subdivision 1. (j)

⁴ 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 authority⁵ 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.

⁵ 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 ⁶to 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.⁷

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](#)

⁶ For the purpose of these procedures, the term "adjacent" refers to any portion of a parcel that directly abuts where the buffer width is required for public waters and public drainage systems pursuant to Minn. Stat. 103F, subd.3(a)(1) and (2)

⁷ 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 compliance⁸.

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.

⁸ 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 SWCD, the county or watershed district 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 watershed district 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.
 - Within the compliance period specified in the CAN the enforcement entity may consider a written request from a landowner or authorized agent for an extension of up to 60 additional days for extenuating circumstances. The request must describe the reason the extension is needed and affirm the landowner's intent to achieve compliance by the

end of the extended period. The enforcement entity must provide approval or denial in writing.

- The county or watershed district must copy BWSR as required by statute on the enforcement documentation used to pursue compliance, along with any landowner extensions that are granted.

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 watershed district must notify BWSR of its intended action and associated timelines.
- The county or watershed district must periodically update BWSR on process and outcome.

4. If at any time following the receipt of a NON, the county or watershed district, 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 BWSR 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 watershed district 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 watershed district 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 watershed district 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 notice the county or watershed district 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 watershed district appear at a hearing before the board's Dispute Resolution Committee (DRC)⁹ 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 watershed district 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 hearing before the DRC¹⁰ regarding Revocation of Jurisdiction will occur not sooner than 60 days after the notice as provided in item 1.
 - a. ADRC recommendation to revoke jurisdiction will go to the BWSR board for final decision.
4. In the event jurisdiction is revoked, BWSR will notify any county, watershed district, and SWCD whose legal boundary overlaps the boundary of the entity whose jurisdiction was revoked.

⁹The DRC is a committee of the full BWSR board created to hear and resolve disputes, appeals, and interventions.

¹⁰ 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).

5. A county or watershed district may re-elect jurisdiction after no less than two years from the date jurisdiction was revoked by the board.
6. If a county or watershed district 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”)

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](#).

BOARD ORDER**Fiscal Year 2027 Clean Water Legacy Partners Grant Program****PURPOSE**

Authorize Fiscal Year (FY) 2027 Clean Water Legacy Partners Grants Program and adopt FY 2027 request for proposals ranking criteria.

FINDINGS OF FACT / RECITALS

- A. The Laws of Minnesota 2025, Chapter 36, Article 2, Section 6 (m) appropriated "\$500,000 the first year and \$500,000 the second year are for implementing a water legacy program to expand partnerships for clean water;"
- B. The Laws of Minnesota 2013, Chapter 137, Article 2, Section 7 (c) and the Laws of Minnesota 2015, 1st Special Session, Chapter 2, Article 2, sections 7 (c) and 7 (j) previously appropriated funds with a provision that returned grant funds are available until expended and shall be re-granted consistent with the purposes of Clean Water Fund appropriations to the Board of Water and Soil Resources.
- C. The Board has authorities under Minnesota Statute §103B.101 to award grants and contracts to accomplish water and related land resources management.
- D. The request for proposal criteria (RFP) are needed to provide expectations for applicants and subsequent implementation activities conducted with these funds.
- E. The Grants Program and Policy Committee, at their December 18, 2025, and January 14, 2026, meetings, reviewed the proposed RFP criteria, and recommended approval to the Board.

ORDER

The Board hereby:

1. Authorizes the FY 2027 Clean Water Legacy Partners Grants Program attached ranking criteria to be included in the RFP.
2. Authorizes staff to utilize unallocated funds from prior Clean Water Fund fiscal years for the FY 2027 Clean Water Legacy Partners Grants Program consistent with relevant provisions of prior Laws of Minnesota.
3. Authorizes staff to finalize and issue an RFP.
4. Authorizes staff to score and rank the responses to the RFP, complete pre-award risk assessments, and award the Clean Water Legacy Partners Grants.
5. Authorizes staff to approve work plans and enter into grant agreements for these funds consistent with the appropriations and the RFP.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 1/28/2026

Clean Water Legacy Partners Ranking Criteria	Maximum Points Possible
Abstract: A concise proposal summary including the following: Project location, problem statement, goals and objectives, activities, and expected outcomes.	5
Water Resource: Identifies a high-priority or impaired water resource and presents a clear rationale for why it is considered a priority for Clean Water Legacy Partners.	10
Activities: Activities and budgets are feasible and demonstrate clear and direct water quality benefits.	15
Organizational Readiness: Demonstrates organizational readiness to begin implementation soon after award. Identifies staff with expertise managing similar projects. Provides evidence of successful past performance and a plan for meeting the required 10% match and 10% reimbursement.	10
Plan Alignment: Clearly identifies and aligns with a specific local, state, or Tribal plans. Explains how the project will advance the plan's goals or outcomes.	15
Outcomes: Articulates specific and relevant metrics tied directly to the project's outcomes. Provides a realistic plan for sustaining proposal benefits after the grant funding period ends.	15
Environmental Justice: Explains whether the project is located in or benefits an MPCA Environmental Justice Area.	5
Public Benefit: Defines communities in the project area and their water quality challenges. Engages communities as appropriate in project development, implementation, or stewardship.	10
Partnerships and Collaborations: Presents a diverse partnership structure, including nontraditional or community-based partners. Collaboration enhances project outcomes or builds community capacity.	15
Total Points Available	100



BOARD ORDER

Fiscal Year 2027 Clean Water Fund Projects and Practices Grants Program

PURPOSE

Authorize the fiscal year 2027 Clean Water Fund Projects and Practices Grants Program.

FINDINGS OF FACT / RECITALS

- A. The Laws of Minnesota 2025, Chapter 36, Article 2, Section 6 (b) appropriated \$6,000,000 for the Clean Water Fund Projects and Practices Grants Program with up to 50 percent available for land-treatment projects and practices that benefit drinking water.
- B. The Laws of Minnesota 2013, Chapter 137, Article 2, section 7, paragraph (b) and the Laws of Minnesota 2015, Chapter 2, Article 2, section 7, paragraph (b) previously appropriated funds with a provision that returned grant funds are available until expended and shall be re-granted consistent with the purposes of Clean Water Fund appropriations to the Board of Water and Soil Resources.
- C. The Board has authorities under Minnesota Statute §103B.101 to award grants and contracts to accomplish water and related land resources management.
- D. The Board has authority under Minn. Stat. 103B.3369 to provide program-based grants to local governments who are responsible for implementing elements of applicable portions of watershed management plans, comprehensive plans, local water management plans, or comprehensive watershed management plans, developed or amended, adopted and approved, according to chapter 103B, 103C, or 103D.
- E. The Board has authority under the Clean Water Fund appropriations listed above to shift Clean Water Funds to address high-priority activities consistent with local water management plans.
- F. On December 18, 2025, and January 14, 2026, the Grants Program and Policy Committee reviewed the proposed fiscal year 2027 Clean Water Fund Projects and Practices Grants Request for Proposals board order and ranking criteria and recommended approval to the Board.

ORDER

The Board hereby:

1. Authorizes the fiscal year 2027 Clean Water Fund Projects and Practices Grants Program according to the attached ranking criteria for the FY 2027 Clean Water Fund Projects and Practices Grants Request for Proposal. The program consists of a.) Projects and Practices, and b.) Projects and Practices – Drinking Water.

2. Authorizes staff to utilize unallocated funds from prior Clean Water Fund fiscal years for the fiscal year 2027 Clean Water Fund Projects and Practices Grant Program consistent with relevant appropriation criteria.
3. Authorizes staff to finalize and issue program requirements and a Request for Proposals based on the amounts available (*current estimate is \$6,700,000 available for this grant program*).

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date:

1/28/2026

Attachments: FY 2027 Clean Water Fund Competitive Grants Request for Proposal Criteria

FY 2027 Clean Water Fund Projects and Practices Grants Request for Proposal Criteria

Projects and Practices Ranking Criteria		Maximum Points Possible
Ranking Criteria		
<u>Project Abstract:</u> The project abstract succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.		5
<u>Prioritization (Relationship to Plans):</u> The proposal is based on priority protection or restoration actions listed in or derived from a current state approved and locally adopted plan for the project area (see plans listed in the "Eligible Applicants" section of this RFP) and is linked to state priorities in the Nonpoint Priority Funding Plan.		17
<u>Targeting:</u> The proposal describes the methods used to select the proposed project, alternatives considered, why it a cost-effective solution to achieve water quality outcomes, and how it aligns with complementary work.		25
<u>Measurable Outcomes and Project Impact:</u> The proposed project has a quantifiable reduction in pollution for restoration projects or measurable water quality outputs for protection projects, directly addresses the water quality concern identified in the application and considers potential secondary benefits.		30
<u>Project Readiness:</u> The application has a set of specific activities that can be implemented soon after the grant is awarded and the budget provided has adequate detail.		18
<u>Public Benefit:</u> Proposal describes outreach efforts to support the proposed project beyond standard methods and how the proposed water quality project benefits communities in an environmental justice area.		5
Total Points Available		100

Drinking Water Projects and Practices Ranking Criteria

Ranking Criteria	Maximum Points Possible
<u>Project Abstract:</u> The project abstract succinctly describes what results the applicant is trying to achieve and how they intend to achieve those results.	5
<u>Prioritization:</u> The proposal is based on priority actions from a current state approved and locally adopted plan (see plans listed in the “Eligible Applicants” section of this RFP), or a state approved Minnesota Department of Health approved source water (drinking water) protection plan such as a wellhead protection plan, wellhead protection action plan or surface water intake plan.	20
<u>Targeting:</u> The proposed project addresses contaminant sources or risks directly impacting drinking water sources. The project is in an area designated as one of the following: a Drinking Water Supply Management Area, vulnerable to groundwater contamination, high groundwater sensitivity, or in an area with elevated levels of contamination that pose a risk to human health such as Level 1 or Level 2 areas identified by the Groundwater Protection Rule and/or townships showing high nitrate level through the Minnesota Department of Agriculture township testing and/or listed on the Minnesota’s Impaired Waters list for a contaminant that poses a risk to human health (e.g., nitrate). Project fits with complementary work and multiple strategies aimed at drinking water protection.	32
<u>Project Impact:</u> The proposed project reduces an identified contaminant source posing the greatest risk to drinking water sources. Project will have measurable outputs, justifiable costs, and may have secondary benefits.	30
<u>Project Readiness:</u> The application has a set of specific activities that can be implemented soon after the grant is awarded.	8
<u>Public Benefit:</u> Proposal describes outreach efforts to support the proposed project beyond standard methods and how the proposed drinking water project benefits communities in an environmental justice area.	5
Total Points Available	100



BOARD ORDER

Fiscal Year 2026 and 2027 Red River Basin Commission Grants Approval

PURPOSE

Approval of the fiscal year 2026 and 2027 legislatively allocated general fund grants to the Red River Basin Commission.

FINDINGS OF FACT/RECITALS

- A. The Laws of Minnesota 2025, 1st Special Session, Chapter 1, Article 1, Section 4(d) appropriated \$100,000 for each fiscal year 2026 and 2027 for grants to the Red River Basin Commission for water quality and floodplain management, including program administration. This appropriation must be matched by nonstate funds.
- B. The proposed allocations in this order were developed consistent with this appropriation.
- C. Match contributions have been committed to the Red River Basin Commission from the Province of Manitoba and the State of North Dakota.
- D. The Red River Basin Commission will develop and submit a work plan to BWSR to cover activities for fiscal year 2026 and 2027 grants.
- E. The Grants Program and Policy Committee, at their January 14, 2025 meeting, discussed and reviewed the grant allocation and recommended approval to the Board.
- F. A pre-award review has been conducted according to Office of Grants Management Policy 08-13 prior to Board approval.

ORDER

The Board hereby:

1. Authorizes staff to enter into grant agreements for the fiscal year 2026 and 2027 Red River Basin Commission Grants consistent with the provisions of the appropriation and this Board Order.
2. Authorizes staff to review and approve the work plan for fiscal year 2026 and 2027 grants prior to payment of grant funds.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

A handwritten signature in black ink, appearing to read 'Todd Holman'.

Todd Holman, Chair
Board of Water and Soil Resources

Date:

1/28/2026



BOARD DECISION #26-07

BOARD ORDER

Bridging Conservation Grant Program

PURPOSE

Authorize the fiscal year 2026 Bridging Conservation Grant Program

FINDINGS OF FACT / RECITALS

- A. The Laws of Minnesota 2023, Chapter 60, Article 1, Section 3, subd. 6 appropriated \$250,000 for BWSR to create new or expand existing outreach and education programs for non-native English-speaking communities.
- B. The Board has authorities under Minnesota Statute §103B.101 to award grants and contracts to accomplish water and related land resources management. The Bridging Conservation Grant Program supports education and outreach activities regarding conservation of land and water resources.
- C. On January 14, 2026, the Grants Program and Policy Committee reviewed the proposed Bridging Conservation Program draft board order and ranking criteria and recommended approval to the Board.

ORDER

The Board hereby authorizes staff to:

1. Issue a Request for Proposals for the Bridging Conservation Program consistent with the attached ranking criteria and related appropriation provisions.
2. Approve Bridging Conservation awards based on responses to the RFP and funds available.
3. Enter into agreements to implement the program as provided for in Minnesota Statute §103B.101.
4. Report to the Board of the status of the Bridging Conservation Awards.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

A handwritten signature in black ink, appearing to read 'Todd Holman'.

Todd Holman, Chair
Board of Water and Soil Resources

Date:

1/26/2026

Attachments: FY 2026 Bridging Conservation Request for Proposal Ranking Criteria

Bridging Conservation Ranking Criteria	Maximum Points Possible
1. Project Abstract: Clear description of anticipated achievements and outcomes of the proposed activities, and how the organization intends to achieve those results.	5
2. History, mission, and community engagement strategies aligns with the purpose of the Bridging Conservation Program in creating or expanding conservation outreach and education for non-native English-speaking communities.	5
3. Demonstrates extensive relevant experience, strong leadership, established partnerships, and capacity to deliver appropriate programming.	15
4. Describes the non-native English-speaking communities the project serves. Provides data or evidence of need; offers a thoughtful plan to address barriers.	15
5. Describes proposed activities that include education or outreach and connects the activities to anticipated outcomes (related to conservation awareness, education, and/or behavior changes in non-native English-speaking communities). Includes specific examples and methods of engagement.	30
6. Describes how proposed activities are linguistically and culturally accessible to non-native English-speaking communities.	15
7. Outlines sustainable approaches, leadership development, resource and information sharing strategies, or peer-education models ensuring long-term impact.	15
Total Points Available	100

BOARD ORDER**RIM Easement Alteration Request #65-08-02-01****PURPOSE-**

Board decision on the easement alteration request on RIM Easement #65-08-02-01 in Renville County.

RECITALS /FINDINGS OF FACT

- A. The Board of Water and Soil Resources (BWSR) acquired Perpetual RIM Easement #65-08-02-01 on 21.9 acres in Renville County on October 31, 2002 under the CREP program.
- B. The current landowner, Mr. and Mrs. Freiborg, will be relocating from the family farm and would like to build a new home nearby.
- C. The RIM easement is located approximately 0.4 miles north of the family farm.
- D. The landowner is proposing to release 5.8 acres from the RIM easement to build his new home.
- E. The acres proposed for release consist of 3.5 acres of restored grassland and 2.3 acres of mature cottonwood trees.
- F. The landowner is proposing to add 13.8 acres to the easement as replacement.
- G. The proposed replacement lands are on a separate parcel, adjacent to the family farm.
- H. The proposed replacement lands consist of 11.1 acres of grassland in an existing CRP contract, and 2.7 acres of non-cropland that has been planted to cedar trees.
- I. CRP land is considered "land with crop history" according to Reinvest in Minnesota Resources Law.
- J. The request constitutes a 2.4:1 replacement ratio, which exceeds the required 2:1 ratio in the easement alteration policy, and would result in a net gain of 8 easement acres.
- K. Mr. Freiborg feels that other land in their ownership would not be suitable to build the home due to an adjacent airstrip and/or lack of mature trees to provide a windbreak;
- L. The Easement Alteration Policy (2017) says the board may alter a conservation easement only if the board determines that the public interest and general welfare are better served by the alteration.
- M. The State's natural resource interest would benefit from this easement alteration, as the wildlife habitat value and water quality protection benefits of the 13.8-acre replacement area exceed that of the release area, resulting in a net gain of 8 easement acres.
- N. The Renville SWCD Board and DNR Area Wildlife Supervisor have each submitted a letter in support of this request.
- O. The RIM Committee recommends approval of this request as voted on at their January 13, 2026 meeting.

ORDER

The Board hereby:

1. Approves the request to alter RIM Easement #65-08-02-01, as proposed, to release 5.8 acres from the existing easement and replace with 13.8 acres.
2. Authorizes staff to work with Renville SWCD staff to officially amend the necessary RIM easement documents.

3. Further orders that the landowners shall be responsible for removing or correcting any objectionable title defects, liens, or encumbrances, as specified by BWSR, prior to amending this easement; and agrees to pay any necessary title insurance, recording fees and restoration costs within the replacement area.

Dated at St. Paul, Minnesota, this January 28, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 1/28/2026

BOARD ORDER**Performance Review and Assistance Program 2025 Report to the Minnesota Legislature****PURPOSE**
Adopt 2025 PRAP Legislative Report**FINDINGS OF FACT / RECITALS**

1. The 2007 Legislature directed the Board of Water and Soil Resources (Board) to develop and implement an ongoing program to evaluate and report on the performance of each local water management entity.
2. In 2007 the Board developed a set of guiding principles and directed staff to implement a program for reviewing performance, offering assistance, and reporting results, now called the Performance Review and Assistance Program (PRAP), in consultation with stakeholders and consistent with the guiding principles as published on the BWSR website.
3. According to Minnesota Statutes Chapter 103B.102, Subdivision 3, beginning February 1, 2008, and annually thereafter, the Board shall provide a report of local water management entity performance to the chairs of the House and Senate committees having jurisdiction over environment and natural resources policy.
4. The 2025 PRAP Report to the Minnesota Legislature contains the summaries of the local water management entity performance reviews conducted by BWSR staff in 2025 and a summary of findings describing the performance of local water management entities regarding compliance with plan status and basic reporting requirements.
5. The 2025 PRAP Report to the Minnesota Legislature was reviewed by the Board's Audit and Oversight committee on January 12, 2026 and was recommended for Board adoption by the committee.

ORDER

The Board hereby:

Adopts the 2025 Performance Review and Assistance Program Report and directs staff to submit the report to the Minnesota Legislature and publish it on the Board's website, with allowance for any minor editing modifications necessary for finalization.

Dated at St. Paul, Minnesota, this January 28, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Todd Holman, Chair
Board of Water and Soil Resources

Date: 1/28/2026