




DATE: January 20, 2026

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – January 28, 2026

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, January 28, 2026, 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: 204 685 425#.

The following information pertains to agenda items:

## COMMITTEE RECOMMENDATIONS

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

1. **Revised Buffer Program Procedures Approval** – 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 nine 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.

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.

The revised procedures were posted in the State Register and on the BWSR website from October 27, 2025, through December 10, 2025.

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. **DECISION ITEM**

2. **Soil Health Legislative Report** – This report provides an account of how the 2023 General Fund appropriation of \$21.114 million was utilized for soil health initiatives. A draft of the report was shared with the Buffers, Soils, and Drainage Committee on December 3, 2025, and was transmitted to the legislature prior to the January 16 deadline, as prescribed by the state. **INFORMATION ITEM**

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

1. **Clean Water Legacy Partners Program FY27 program authorization** – The Clean Water Legacy Partners (CWLP) program was established to address gaps in Minnesota’s water management framework by advancing implementation of high-priority water quality projects through Tribal Nations and NGOs. Since FY23 CWLP has demonstrated strong alignment with state, local, and Tribal water management plans and delivered measurable water quality outcomes and expanded partnerships. In FY27 eligibility for CWLP is open to Tribes and NGOs with \$1,155,434 in funding available. Ranking Criteria has been developed by staff and recommended by the Grants Program and Policy Committee. **DECISION ITEM**
2. **FY 2027 Clean Water Fund Projects and Practices Grants Program Recommendations** – The board order authorizes the Fiscal Year 2027 Clean Water Fund Projects and Practices Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Program consists of 1) Projects and Practices Grants and 2) Projects and Practices – Drinking Water Grants. The Grants Program and Policy Committee reviewed these recommendations on December 18, 2025, and January 14, 2026, and recommends the attached order to the board. **DECISION ITEM**
3. **Red River Basin Commission Supplement Grant Funding** – In 2025, the Legislature appropriated funds to the Board for grants to the Red River Basin Commission (RRBC) for water quality and floodplain management, including administration of programs. The RRBC has received matching fund commitments from the Province of Manitoba and State of North Dakota. The Grants Program and Policy Committee (Committee) met January 14, 2026. The Committee recommends approval of the funding to the Red River Basin Commission by the full Board. **DECISION ITEM**
4. **Bridging Conservation Grant Program** – The Board of Water and Soil Resources Bridging Conservation Grants Program supports the creation or expansion of education and outreach activities to non-native English-speaking communities regarding conservation. This purpose of this agenda item is to authorize the fiscal year 2026 Bridging Conservation Grant Program. This proposed program has gone to the Grants Program and Policy Committee twice, in December and January. **DECISION ITEM**

### ***RIM Committee***

1. **Easement Alteration Request – RIM Easement #65-08-02-01** – Request for Board approval to alter the boundary of RIM easement #65-08-02-01 in Renville County, in accordance with BWSR’s Easement Alteration Policy (2017). The landowner is requesting to release 5.8 acres from the easement for the purpose of building a home. The landowner is proposing adding a separate 13.8-acre parcel as replacement. **DECISION ITEM**

### ***Audit and Oversight Committee***

1. **2025 Performance Review and Assistance Program Legislative Report** – This agenda request item is an annual request for the BWSR January meeting to approve and adopt the required PRAP report to be disseminated to the legislature during the current session. Minnesota statute 103B.102, Subdivision 3 describes BWSR’s responsibility to provide this activity summary each year. BWSR staff have prepared the report, presented it to the BWSR Audit and Oversight committee and are now presenting it to the board for their consideration. **DECISION ITEM**

## **NEW BUSINESS**

1. **Vice Chair Nomination** – According to bylaws, the Vice Chair will be elected to a two-year term by the members of the Board. Nominations will be made at the meeting. After the vote to close nominations if there is more than one nomination voting ballots will be mailed to board members along with a prepaid envelope to return their ballot by March 1, 2026. The Vice Chair will be announced by the March board meeting if a ballot is required. ***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 January 28th.

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
ST. PAUL, MN 55155  
WEDNESDAY, JANUARY 28, 2026**

**PRELIMINARY AGENDA**

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

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF DECEMBER 18, 2025 BOARD MEETING**

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

**INTRODUCTION OF NEW STAFF**

- Maggie Karschnia, Clean Water Coordinator
- Josh Norman, Board Conservationist
- Donna Caughey, Contracts Specialist

**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**

- Chair & Administrative Advisory Committee – Todd Holman
- Acting Executive Director – Justin Hanson
- 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. Revised Buffer Program Procedures Approval – Tom Gile and Dave Weirens – ***DECISION ITEM***
2. Soil Health Legislative Report – Jared House and Tom Gile – ***INFORMATION ITEM***

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

1. Clean Water Legacy Partners Program FY27 program authorization – Melissa Sjolund and Ara Gallo – ***DECISION ITEM***
2. FY 2027 Clean Water Fund Projects and Practices Grants Program recommendations – Barb Peichel and Brad Wozney – ***DECISION ITEM***
3. Red River Basin Commission FY26/27 Grant Approval – Henry Van Offelen – ***DECISION ITEM***
4. Bridging Conservation Grant Program – Mandy Duong – ***DECISION ITEM***

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

1. Easement Alteration Request – RIM Easement #65-08-02-01 – Karli Swenson – ***DECISION ITEM***

### ***Audit and Oversight Committee***

1. 2025 Performance Review and Assistance Program Legislative Report – Don Bajumpaa – ***DECISION ITEM***

## **NEW BUSINESS**

1. Vice Chair Election – Justin Hanson – ***DECISION ITEM***

## **UPCOMING MEETINGS**

- Wetland Conservation Committee is scheduled for February 17th at 1:00 p.m.
- BWSR Board meeting is scheduled for March 25th 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  
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 1<sup>st</sup>. 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 7<sup>th</sup> 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 7<sup>th</sup> 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 9<sup>th</sup> 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 7<sup>th</sup> as the new Director of the Water Resources Center. The annual Soil Management Summit is January 14<sup>th</sup> and 15<sup>th</sup> in Fargo, North Dakota. The annual Women in Ag conference will be held February 3<sup>rd</sup> 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 89<sup>th</sup> 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 50<sup>th</sup> 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 Garms 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 im-paired 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 im-paired 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 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

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Dispute Resolution/Compliance Report

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**Meeting Date:** January 28, 2026

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

**Item Type:**             Decision                                     Discussion             Information

**Keywords for Electronic Searchability:** Wetland Conservation Act Appeals/Buffer Compliance

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**Section/Region:** Resource Conservation/Central

**Contact:** Travis Germundson

**Prepared by:** Travis Germundson

**Reviewed by:** \_\_\_\_\_ Committee(s)

**Presented by:** Rich Sve DRC Chair

**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

January 12, 2026

By: Travis Germundson

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

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 26-1 (January 8, 2026) This is an appeal of a Replacement Order in Otter Tail County. The Replacement Order regards the unauthorized impact of 0.8 acres of wetland impact. The petition contends that the area is not wetland and if any impacts occurred in wetland, such activity is exempt. The petition indicates that an application for a no-loss has been submitted to the local unit of government concurrently with the appeal. Status: No decision has been made on the appeal.

File 25-18 (December 12, 2025) This is an appeal of a No-loss decision in Pine County . The appeal challenges Pine County's denial of a no-loss decision, asserting that the wetland areas in question are incidental. This involves the same property and wetland area associated with a pending appeal of a Restoration Order (Appeal File 25-8) *Status: The appeal was remanded back to the local unit of government to develop an adequate record that considers a written Technical Evaluation Panel report.*

File 25-17 (December 11, 2025) This is an appeal of a 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/drainage in or around the area qualifies for a no-loss. The petition also indicates that an application for a no-loss has been submitted to the local unit of government concurrently with the appeal. *Status: Appeal was placed in abeyance pending LGU's decision on a no-loss application submitted concurrently with the appeal.*

File 25-16 (November 21, 2025) This is an appeal of a WCA Replacement Plan decision for a property in Crow Wing County. The appeal challenges the denial of a replacement plan for development of a lot, that according to the county, is subject to existing development restrictions. *Status: The Appeal was placed in abeyance pending the LGU's decision on a local building permit appeal.*

File 25-13 (October 23, 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 2,000 sq. ft. of fill in a wetland adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. *Status: Appeal was placed in abeyance pending LGU's decision on the exemption and no-loss application submitted concurrently with the appeal.*

File 25-12 (October 22, 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 3,400 sq. ft. of fill in a wetland associated with two areas adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. *Status: Appeal was placed in abeyance pending LGU's decision on the exemption and no-loss application submitted concurrently with the appeal.*

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. *Status: Appeal was placed in abeyance pending LGU's decision on the exemption and no-loss application submitted concurrently with 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. A pre-hearing conference took place on November 25, 2025 and a schedule of filing written briefs has been set. A DRC Hearing to follow (not yet scheduled).*

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. A pre-hearing conference took place on December 16, 2025. A DRC Hearing to follow (not yet scheduled).*

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 by the LGU. An application for a no-loss was denied by the LGU on November 18, 2025. The appeal window for that decision remains open through December 18, 2025.*

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	1
Order Place Appeal in Abeyance	1	4
Negotiated Settlement		
Withdrawn/Dismissed		1

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 97 parcels from the 13 counties BWSR is responsible for enforcement. Currently there are 10 Corrective Action Notices (CAN), and six Administrative Penalty Orders (APO) issued by BWSR that are still active. Of the actions being tracked over 71 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 357 NONs, 283 CANs, and 28 APOs actively in place. Of the actions being tracked over 3,230 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. Revised Buffer Program Procedures Approval – Tom Gile and Dave Weirens – ***DECISION ITEM***
2. Soil Health Legislative Report – Jared House and Tom Gile – ***INFORMATION ITEM***

**BOARD MEETING AGENDA ITEM**

**AGENDA ITEM TITLE:** Revised Buffer Program Procedures Approval

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**Meeting Date:** January 28, 2026

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

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Buffer Program Procedures

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**Section/Region:** Resource Conservation

**Contact:** Tom Gile

**Prepared by:** Tom Gile

**Reviewed by:** Buffer Soils and Drainage    Committee(s)

**Presented by:** Tom Gile/Dave Weirens

**Time requested:** 20 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**

Adopt the revised buffer procedures as recommended by the Buffer Soils and Drainage Committee.

**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 nine 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.

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.

The revised procedures were posted in the State Register and on the BWSR website from October 27, 2025, through December 10, 2025.

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.

## 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: \_\_\_\_\_

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 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.

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<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](#)<sup>[OBJ:OBJ]2</sup>

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.

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<sup>2</sup> 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 control<sup>3</sup> 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) authority<sup>4</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)

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<sup>3</sup> Official control is a term as referenced in Minnesota Statute §103F.48, subdivision 1. (j)

<sup>4</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>5</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.

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<sup>5</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 <sup>6</sup>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>7</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](#)

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<sup>6</sup> 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)

<sup>7</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>8</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.

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<sup>8</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 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)<sup>9</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 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 DRC<sup>10</sup> 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.

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

<sup>10</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](#), subs. 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](#).

## 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 establish a set of standards provide a clear, standardized set of guidelines for local government units 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. ~~Statutes are subject to change, and if the language of this procedure differs from statute, we defer to statutory guidance.~~

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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 and local staff, 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 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.

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<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](#)<sup>[OBJ:OBJ]<sup>2</sup></sup>

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.

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

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<sup>2</sup> 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](#)

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## 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<sup>3</sup> 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 [buffer rules](#), [ordinances](#) 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) authority<sup>4</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)

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<sup>3</sup> Official control is a term as referenced in Minnesota Statute §103F.48, subdivision 1. (j)

<sup>4</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>5</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.

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<sup>5</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<sup>6</sup> 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>7</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](#)

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<sup>6</sup> 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)

<sup>7</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>8</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.

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<sup>8</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 watershed district ~~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.
  - 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 WD 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 WD must notify BWSR of its intended action and associated timelines.
  - The county or watershed district WD must periodically update BWSR on process and outcome.
4. If at any time following the receipt of a NON, the county or watershed district 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 [BWSR 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 watershed district ~~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 watershed district ~~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 watershed district ~~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 ~~cey~~ notify the county or watershed district ~~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 watershed district ~~WD~~ appear at a hearing before the board's Dispute Resolution Committee (DRC)<sup>9</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 watershed district ~~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>10</sup> regarding Revocation of Jurisdiction ~~is:~~ will occur not sooner than 60 days after the notice as provided in item of 1.
  - ~~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. a. The DRC conducts a hearing~~
  - ~~d. Any~~ DRC recommendation to revoke jurisdiction will go to the BWSR board for final decision.

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

<sup>10</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, subs. 4 and 10, and 103F.48, subd. 1(j).

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.
5. A county or watershed district ~~WD~~ 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 ~~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](#).



## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Soil Health Legislative Report

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**Meeting Date:** January 28, 2026

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

**Item Type:**                 Decision                                     Discussion                 Information

**Keywords for Electronic Searchability:** Soil Health, Legislative Report

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**Section/Region:** Resource Conservation

**Contact:** Jared House

**Prepared by:** Jared House

**Reviewed by:** BSD Committee(s)

**Presented by:** Jared House & Tom Gile

**Time requested:** 15 Minutes

**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**

None

**LINKS TO ADDITIONAL INFORMATION**

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

This report provides an account of how the 2023 General Fund appropriation of \$21.114 million was utilized for soil health initiatives. A draft of the report was shared with the Buffers, Soils, and Drainage Committee on December 3, 2025, and was transmitted to the legislature prior to the January 16 deadline, as prescribed by the state.

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# Soil Health Activities Report

2024-2025 Expenditure Report to the Legislature  
1/15/2026

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Minnesota Board of Water and Soil Resources  
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St. Paul, MN 55155  
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This document was prepared by Jared House, BWSR Soils Programming Coordinator.

This document was developed in accordance with the request Minnesota Laws 2024, Chapter 116, Article 4, Section 7. As requested by Minnesota Statute 3.197: This report cost approximately \$3,858 to prepare, including staff time, printing, and mailing expenses.

*This report is available at <https://bwsr.state.mn.us/legislative%20resources>. Upon request, this material will be made available in an alternative format such as large print, Braille, or audio recording. Printed on recycled paper.*

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# Legislative Report Overview

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This report has been prepared by the Minnesota Board of Water and Soil Resources (BWSR) in fulfillment of the requirements of Laws of Minnesota 2024, Regular Session, Chapter 116, Article 4, Section 7. This requires BWSR to “submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over environmental and natural resources on the expenditure of money appropriated for soil health activities under Laws of Minnesota 2023, Chapter 60, Article 1, Section 4, Paragraph (k).” This report outlines BWSR’s comprehensive strategy to implement the Fiscal Year (FY) 2023-2024 General Fund appropriations.

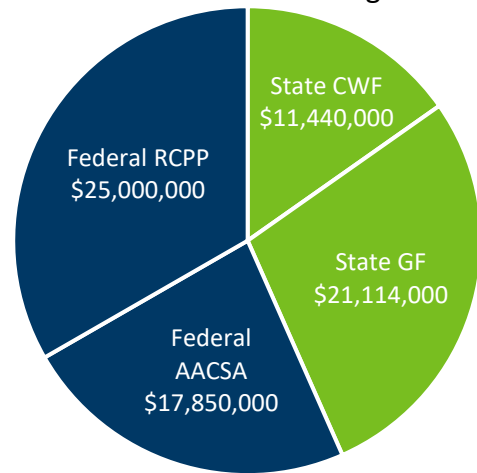
The Legislature appropriated \$21.114 million from the General Fund (Laws of Minnesota 2023, Chapter 60, Article 1, Section 4, Paragraph k) to BWSR for soil health activities to achieve water quality, soil productivity, climate change resiliency, or carbon sequestration benefits consistent with Minnesota Statutes, section 103F.06. This is a onetime appropriation and is available until June 30, 2027. The BWSR Board may use grants to local governments, including soil and water conservation districts (SWCDs), and agreements with the United States Department of Agriculture (USDA); the University of Minnesota, Office for Soil Health; AgCentric, Minnesota State Northern Center of Excellence; and other practitioners and partners to accomplish this work.

Activity	Funding Amount	Summary
Advancing Soil Health in Minnesota Agriculture Project	\$17,603,726	Increase trusted, on-the-ground soil health expertise needed to accelerate soil health and water quality improvements across Minnesota.
Virginia Tech Alliance to Advance Climate-Smart Agriculture	\$2,799,033	Financial incentive program providing producer payments to implement climate-smart practices that include soil health.
Minnesota Office for Soil Health	\$150,000	Statewide farmer survey to gather baseline data on producer knowledge, attitudes, and practice adoption.
Grant Administration & Regional Operations	\$561,241	Grant management and oversight.
<b>Total</b>	<b>\$21,114,000</b>	<b>Total General Fund appropriation.</b>

## Leveraging Federal Resources

BWSR has maximized state resources by using \$32.55 million in Clean Water Fund and General Funds to leverage \$42.85 million of federal support for statewide soil health initiatives. This leveraged funding comes from two major 2023 achievements: a \$25 million grant from the Natural Resource Conservation Service’s (NRCS) Regional Conservation Partnership Program (RCPP) and \$17.85 million secured by joining the multi-state Alliance to Advance Climate-Smart Agriculture (AACSA). Additional details on these programs can be found on pages 10 and 13 of this report, respectively.

Overview of Federal and State Soil Health Funding



## Healthy Soil: Minnesota’s Foundational Investment

Healthy soil is the cornerstone of agricultural livelihoods and is essential to making Minnesota landscapes resilient to our changing climate. More than just dirt, soil is a complex and dynamic living ecosystem — a delicate balance of minerals, air, water, and a vast array of organisms. The health of this ecosystem is directly linked to the productivity of our farms, the quality of our water, and the resilience of our communities in the face of climatic extremes.

### Defining Our Common Ground

Soil health is the continued capacity of soil to function as a vital, living ecosystem that sustains plants, animals, and humans. This functionality is reflected in the soil’s balanced biological, chemical, and physical properties, which are directly influenced by how the land is managed.

The [Minnesota Office for Soil Health \(MOSH\)](#) emphasizes a handful of key principles for building and maintaining this vital ecosystem: keeping the soil covered, minimizing physical and chemical disturbances, maintaining living roots in the ground year-round, diversifying crop rotations, and integrating livestock onto the land. Adhering to these principles protects our topsoil from wind and water erosion, while also feeding the intricate web of life beneath the surface. This subterranean activity, in turn, improves soil structure, allowing the land to better absorb precipitation — a critical function for mitigating both drought and flood risks across the state.

### Common Soil Health Management Practices

The local efforts detailed throughout this report focus on implementing a suite of practices that adhere to the five soil health core principles, including:

### Cover Crops

Planting crops (like cereal rye, clover, or oats) between cash crops to ensure the soil is covered and protected year-round, providing a continuous living root system.

(Photo Credit: Ann Wessel, BWSR)



### No-Till and Strip-Till

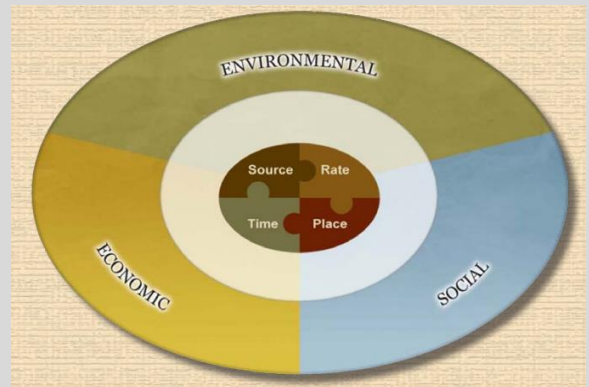
Conservation tillage methods that minimize mechanical disturbance of the soil to preserve structure, reduce erosion, and maintain organic matter.

(Photo Credit: Ann Wessel, BWSR)

### Nutrient Management

Applying the “4R” principles (Right Source, Right Rate, Right Time, and Right Place) to fertilizers and manure, which optimizes nutrient use by crops and minimizes losses to air and water resources.

(Visual Credit: NRCS)





### Rotational and Prescribed Grazing

Strategically adapting livestock grazing management to regulate vegetation use in a way that conserves soil health, water quality, and habitat integrity, and strengthens the vigor and productivity of forage resources by maximizing plant and root growth, encouraging plant diversity, and cycling nutrients back into the soil.

(Photo Credit: Fillmore SWCD)

## Telling the Story: Local Leadership in Action

Implementing soil health practices is not new; it is a farmer-led movement with a deep history in Minnesota, championed for years by dedicated farmers, farm groups, and local conservation partners. Crucially, private soil health entities and farmer-led groups are highly instrumental in advancing practice adoption by focusing on peer-to-peer education, customized technical guidance, and direct financial incentives. The Minnesota Soil Health Coalition, a key farmer-led organization, provides farmer-to-farmer mentoring and networking, allowing producers to share firsthand experience and practical, agronomic solutions for practices like cover crops and no-till. Similarly, groups like the Land Stewardship Project (LSP) provide leadership through initiatives such as the Soil Builders' Network, which actively organizes field days, workshops, and on-farm demonstrations to connect farmers and disseminate emerging research. Furthermore, national and private-sector partnerships, such as the Farmers for Soil Health initiative — backed by commodity groups — offer cover crop incentive payments and one-on-one “cover crop coaching” to overcome adoption barriers related to equipment and management. These diverse private efforts effectively complement public programs by providing accessible, experience-based support, and financial resources.

SWCDs are the indispensable local agents of change, ensuring soil health solutions are tailored to local conditions. The following examples demonstrate the leadership provided by SWCDs.

### Gathering and Sharing Knowledge

Mower SWCD and Olmsted County SWCD have been promoting soil health by gathering region-specific data on cover crops to help local farmers make informed decisions.

More Information: [Snapshot Story](#)







### **Bringing Farmers to the Table**

Faribault SWCD has brought farmers to the table by prioritizing a farmer-led approach for education and outreach, where local farmers and landowners request events and choose speakers and topics.

More Information: [Snapshot Story](#)

### **Providing Resources**

Clearwater SWCD rents out soil health equipment to producers that otherwise would not have access to equipment. They have a no-till drill that minimally disturbs the soil during planting and a soil aerator that helps reduce compaction in areas disturbed by heavy equipment.

More Information: [Snapshot Story](#)



### **Program Flexibility**

By leveraging over \$1.45 million in private funding, Wilkin SWCD established a flexible incentive program that allows producers to implement soil health practices using locally adapted standards.

More Information: [Snapshot Story](#)

## Targeting Critical Resource Concerns

SWCDs align soil health directly with public benefits. For example, the Goodhue SWCD used a competitive BWSR Clean Water Fund grant to incentivize conservation practices that reduce nitrate leaching into the municipal drinking water supply, demonstrating how upstream land use directly safeguards downstream public health.

More Information: [Snapshot Story](#)



## Program Innovation

Olmsted County SWCD is pioneering a streamlined model for soil health and ground water protection that minimizes administrative barriers. Their approach, which features a mobile-friendly platform for in-field enrollment and encourages flexible implementation, is currently being reviewed by the Minnesota Office for Soil Health. This initiative has prompted BWSR to evaluate the feasibility of adopting a statewide cover crop practice standard.

More Information: [Olmsted County Soil Health](#)

This long-standing, locally driven work is now strongly supported by the State of Minnesota through BWSR and Clean Water Fund investments, which provide technical capacity and large-scale implementation grants.

## Strengthening the Foundation: Equipment Financial Support

Complementing the “boots on the ground” leadership of SWCDs and farmer groups, the State of Minnesota provides financial infrastructure through the Minnesota Department of Agriculture (MDA). The Agricultural Best Management Practices (BMP) Loan Program offers low-interest financing to help producers manage the financial risks associated with adopting new systems, often funding the purchase of high-values conservation equipment like no-till drills.

To further address equipment barriers, the MDA’s Soil Health Financial Assistance Program (SHFAP) provides competitive grants



No-till drill used for seeding crops into minimally disturbed soils. Photo Credit: Ann Wessel, BWSR)

rather than loans. This program offers cost-share assistance for purchasing or retrofitting soil health machinery, significantly lowering the barrier to entry for both individual producers and local government units looking to expand access to these tools.

Together, these financial instruments ensure that local motivation is matched by physical capacity. This investment in on-farm infrastructure creates a solid foundation for the unified statewide strategy outlined in the Minnesota Soil Health Action Framework.

### **The Minnesota Soil Health Action Framework: Unifying Our Efforts**

Putting soil health principles into widespread practice demands a coordinated statewide strategy to overcome systemic hurdles in agronomics, markets, learning networks, and technology. This strategy is formalized in the [Minnesota Soil Health Action Framework](#), which represents a pivotal, collaborative effort facilitated by the MOSH and BWSR.

Developed in consultation with farmer organizations, food companies, co-ops, state and federal agencies, and environmental advocates, the Minnesota Soil Health Action Framework is intended to guide diverse interests in advancing soil health. It identifies key priorities that must be addressed to translate local success into statewide reality:

- **Invest in people, not just practices** by retaining and training the dedicated technical staff at the local level.
- **Support and increase farmer mentorship and peer-to-peer learning** to spread successful, site-specific knowledge.
- **Expand public-private partnerships** to leverage private capital and expertise alongside public funding.
- **Develop markets and supply chains** for emerging and soil-friendly crops to ensure profitability.
- **Increase funding flexibility** to better meet diverse farmer needs and encourage small-scale experimentation.

The Minnesota Soil Health Action Framework recognizes that lasting progress requires tackling these interdependent barriers simultaneously. It provides the essential blueprint for a unified, measurable path forward.

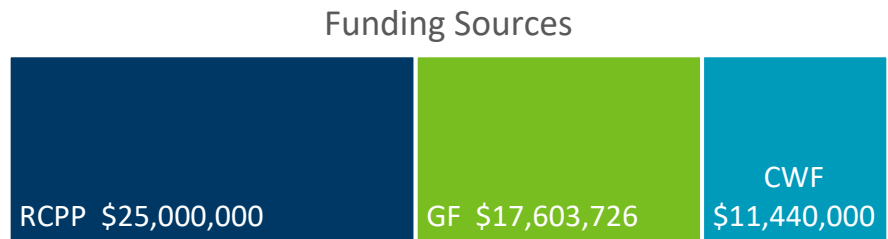
Minnesota stands at an inflection point. By continuing to strategically fund our local partners, we solidify the gains made, secure our natural resources for future generations, and demonstrate the powerful return on investment that coordinated, science-based conservation provides. This continued support is not merely maintenance; it is the crucial step required to translate the vision of the Minnesota Soil Health Action Framework into an enduring reality across the entire state.

## Advancing Soil Health in Minnesota Agriculture

In 2024, BWSR in partnership with the Natural Resources Conservation Service (NRCS) and local SWCDs, launched the Advancing Soil Health in Minnesota Agriculture project. This initiative is a direct and targeted response to the Minnesota Soil Health Action Framework, which identified a primary barrier to widespread soil health practice adoption: a lack of local, trusted expertise.

The project represents a \$54 million investment (combined state and federal funds) and a strategic shift to implement the framework’s top recommendation: “Invest in people, not just practices.” The project’s structure signals a deliberate move to fund farmer mentors and staff to accelerate progress on state goals by using its \$29 million state contribution for vital technical assistance, outreach, and project implementation. This allows the \$25 million in federally leveraged Regional Conservation Partnerships Program (RCPP) funding, awarded to BWSR in fall 2023, to be dedicated exclusively to implementing on-the-ground projects.

In May 2024, BWSR and NRCS executed a Programmatic Partnership Agreement (PPA-#3053), outlining project activities planned through 2028. The program will be delivered through an Alternative Funding Arrangement (AFA), allowing BWSR to work through its established network of SWCDs to provide financial assistance directly to producers. This model ensures a locally led process that is responsive to producers’ needs and is anticipated to fund hundreds of thousands of acres of conservation practices.



To systematically evaluate how these funds address the barriers identified in the Minnesota Soil Health Action Framework, BWSR will utilize its eLINK and SharePoint reporting systems to track the acres, locations, and types of practices installed. This approach directly addresses the framework’s call for better data to track progress, impacts, and support decision-making. The data will be used to generate pollution reduction estimates via the Minnesota Pollution Control Agency’s (MPCA) best management practice effects estimator tool (BEET).

The project is designed to achieve measurable outcomes that will:

- **Address the learning curve and transition time** for producers by providing reliable, ongoing technical support and investing in local staff and farmer mentors who can coach, facilitate peer-to-peer learning, and help ensure long-term success.
- **Directly address priority resource concerns** in Minnesota by reducing an estimate 6,000,000 pounds of nitrogen, 215,000 pounds of phosphorous, and 25,000 tons of sediment from entering our waters over the life of the project.
- **Build on local priorities** identified in state-approved watershed plans, a strategy recommended by the framework to ensure local relevance and flexibility.

- **Promote climate-smart agriculture** by implementing practices that align with Minnesota’s Climate Action Framework to increase soil carbon, build resilience, and reduce emissions.
- **Enhance farm sustainability and productivity** by focusing on a systems approach that advances the five key principles of soil health.

### Budgeted Activities

As of July 2025, the entirety of the grant programs supporting the Advancing Soil Health in Minnesota Agriculture project are fully operational. This project will continue through the end of calendar year 2028 or until all funds are expended. A review of the budgets submitted by participating SWCDs confirms that the financial focus is overwhelmingly dedicated to direct financial assistance for Minnesota farmers for practice adoption and capacity-building through SWCD staffing. This focus confirms the strategic intent of the funding: to remove the financial barriers for practice adoption and simultaneously build the human capacity needed to deliver soil health expertise.

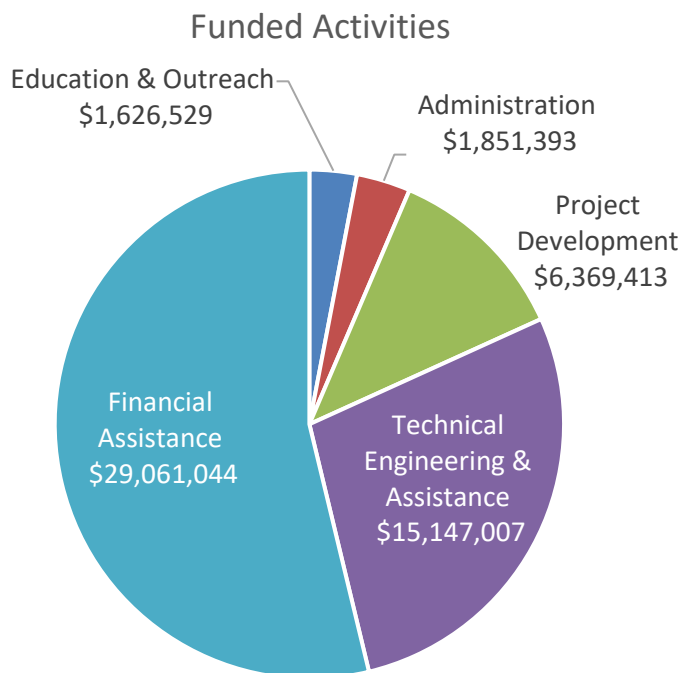
#### Financial Assistance (On-the-Ground Practices)

Financial assistance represents the largest investment, dedicated to facilitating direct, on-the-ground action, totaling \$29,061,044 or 54% of the project funds. This activity primarily utilizes federal funding to provide producers with the necessary cost share resources to implement transformative soil health practices. Participating SWCDs ensure local relevance by developing specific financial assistance policies tailored to local needs, comprehensive watershed management plans, and SWCD missions. These funds are instrumental in assisting producers with the incorporation of soil health systems into their existing farming operations.

#### Technical Engineering and Assistance

Technical engineering and assistance is a core activity, budgeted at \$15,147,007 or 28% of the project cost, focusing on the specialized expertise required for successful conservation practice implementation. This activity encompasses the full technical lifecycle of implementation, including site assessment, surveying, preliminary design work, final design work, oversight, and project completion and certification. For soil health, this represents the one-on-one technical work necessary to integrate conservation practices effectively into a producer’s farming operation.

This is a critical component of the conservation delivery system within the overall project, ensuring the high-quality technical support required to yield associated benefits to water quality, agricultural productivity, and sustainability.



Technical Service Area (TSA) 5, the Southwest Prairie Technical Service Area, made up of SWCDs in southwestern Minnesota, has successfully received project funds to enhance technical capacity by contracting with local farmers and agricultural consultants as mentors. This innovative approach aims to bridge the gap between technical staff and producers by utilizing individuals who possess firsthand, practical experience in implementing complex soil health practices like cover crops and no-till. As of November 2024, they have contracted with eleven farmers and eight professional agricultural consultants to mentor farmers across their 11-county region. These farmer mentors share personal knowledge, walk fields with producers to assess conditions, and provide tailored guidance on cover crop species selection and equipment calibration, with the objective of boosting the local adoption rate of effective soil health systems. Additional information on how the TSA is implementing their mentor program can be found in the [November 2024 BWSR Snapshot](#).

### **Project Development**

Project development represents the SWCDs' commitment to reaching individual producers and gathering pertinent farmer information. This activity's budget of \$6,369,413 or 12% of total project cost is primarily dedicated to the initial time spent engaging with farmers and landowners interested in soil health. This foundational activity is used for initial engagement and preliminary information collection to customize assistance.

Initial engagement includes documenting key details about the farming operation, determining the number of acres involved, and clarifying specific conservation goals to ensure targeted and effective conservation planning.

### **Education and Outreach**

The education and outreach activity is a targeted investment that represents 3% of the total project cost, funding critical awareness and outreach programs necessary to drive practice adoption within the agricultural community.

SWCDs plan to utilize these resources for high-impact activities such as organizing social media campaigns, local field days, creating promotional flyers and educational materials, and collaborating on farmer education workshops to share best practices and technical knowledge.

### **Project Administration**

The project administration component represents a minimal yet essential investment, equating to 3% of the total \$54 million investment. This critical element supports efficient project execution by funding local grant administration, essential reporting, and staff time for program oversight. The constrained dedication of resources in this category underscores the SWCD commitment to maximizing funding toward on-the-ground soil health practices.

### **Program Support and Outlook**

As the Advancing Soil Health in Minnesota Agriculture project continues its implementation through 2028, the operational success of this model has generated significant enthusiasm for its long-term viability. The soil health

structure outlined within the Soil Health Action Framework has resonated across the conservation landscape, fostering a unified desire among stakeholders to sustain this momentum.

Local farmers have demonstrated a clear demand for this support, actively utilizing financial assistance to incorporate soil health systems and relying on the coaching provided by trusted mentors to ensure success. Similarly, SWCDs have embraced the program's flexibility, developed locally tailored policies and dedicated most of their budgets to direct on-the-ground implementation and technical capacity.

Furthermore, the successful execution of the Programmatic Partnership Agreement with NRCS illustrates the power of leveraging state contributions to maximize federal funding. Given the proven effectiveness of this locally led delivery system, there is strong, concurrent interest from local farmers, SWCD offices, and federal partners in continuing this program or establishing similar initiatives. Sustaining the collaborative framework will be essential to meeting the long-term demand for soil health resources in Minnesota.

## **Alliance to Advance Climate-Smart Agriculture**

The Alliance to Advance Climate-Smart Agriculture program was developed by Rural Investment to Protect our Environment (RIPE) to pilot a new methodology (RIPE100) for computing producer payments for implementing conservation practices. Traditional conservation programs typically cover only a portion of implementation costs and do not account for broader natural resource benefits. Carbon markets capture some climate benefits but often exclude additional resource benefits and pay less than the cost of implementation.

The program tests a payment structure that provides producers with ecosystem service payments for implementing conservation practices based on the principle that conservation practices generating public benefits should be economically viable for producers. Participating farmers and ranchers are paid \$100 per acre or animal unit for adopting climate-smart practices such as cover crops, no-till, nutrient management, and prescribed grazing. Producer contracts are 12 months in length, offering a low-risk opportunity to implement new practices.

The Alliance to Advance Climate-Smart Agriculture is funded by the USDA's Advancing Markets for Producers Initiative and partner contributions. Four states — Arkansas, Minnesota, North Dakota, and Virginia — are participating in the four-year pilot program, led by the Virginia Tech College of Agriculture and Life Sciences.

In Minnesota, BWSR competitively offered the program to SWCDs in the winter of 2023, and eight districts were operating the program by June 2024. BWSR provides leadership, direction, and financial contributions to support the program. Participating Minnesota SWCDs include East Otter Tail (partnering with Wadena SWCD), Fillmore (partnering with the Root River SWCD, which serves Houston County), and Kandiyohi, Redwood, Renville, and Stevens.

The USDA is providing \$15.35 million in payments to Minnesota producers and nearly \$2.5 million collectively to districts to support the program offering outreach, sign-ups and technical support; to BWSR to provide leadership and overall project direction; and the Minnesota Association of Soil and Water Conservation Districts (MASWCD) to provide support and training. BWSR is contributing \$2 million in payments to Minnesota

producers, \$704,000 for SWCD support, and over \$95,000 in BWSR staff time. Minnesota is leveraging state funds to achieve a return of federal funds at more than five and one-half times the state contribution.

The alliance program emphasizes practices that provide climate-smart and soil health benefits. Applicants work with local SWCD staff to review current management, discuss program options, and develop a conservation plan. Producers submit applications along with Farm Service Agency (FSA) documents, and selections are made randomly according to established criteria designed to support historically underserved producers and maximize acres enrolled. All applicants must meet FSA eligibility requirements, and practices must conform to NRCS standards and specifications.

The alliance program plans to assess improvements in climate and natural resources across participating Minnesota acres as monitoring efforts are initiated. Greenhouse gas reductions will be estimated using the Carbon Management & Emissions Tools (COMET) once producer data is available. COMET-Planner will provide a streamlined method to estimate emissions, including carbon dioxide, methane, nitrous oxide, and total greenhouse gas equivalents per project and per acre. Producers may also choose COMET-Farm for a more detailed, operation-specific analysis. Future tracking of pollution reductions in nitrogen, phosphorus, and sediment will be conducted using the Pollutant Load Estimation Tool (PLET), providing a comprehensive view of both greenhouse gas and water-quality benefits across the state.

Minnesota has conducted three program sign-ups to date, generating extremely high interest. SWCDs report strong receptiveness to outreach efforts and widespread word-of-mouth engagement. The combination of logical practices, one-year contracts, and competitive payments has made the program attractive to many farmers, including those who have never participated in conservation programs. To date, over 1,100 producers have enrolled, covering nearly 140,000 acres or animal units and providing more than \$14 million in payments to Minnesota producers.

## **Farmer Survey: Minnesota Office for Soil Health**

Effective soil health programs depend on understanding the needs of Minnesota's farmers. To ensure state investments in research, outreach, and financial incentives are successful, it is critical to have clear data on the current knowledge, attitudes, and behaviors of producers across the state. MOSH is leading a comprehensive survey initiative to provide this foundational understanding and guide the future of soil health programming.

The purpose of the MOSH Farmer Survey is to provide robust, data-driven insights that will improve the design and delivery of state and local soil health efforts. The project has three primary objectives:

1. Establish a statewide baseline of current practice adoption, knowledge, and attitudes related to soil health, creating a benchmark to track trends over time.
2. Provide data interpretation to inform the strategic design of state incentive programs and local technical support, with analyses examining variations by geography and different types of farming operations.



3. Develop a targeted online survey for participants in BWSR’s Soil Health program to evaluate program effectiveness, understand barriers to enrollment, and assess the potential for long-term practice adoption.

This project is being implemented in a phased approach to ensure thorough data collection and analysis. The design of the survey questionnaire was completed in early 2024 in consultation with key agricultural partners and potential users of the results. The initial statewide mail survey was sent to approximately 8,000 farmers in the summer of 2024, representing producers from eight distinct agricultural regions of Minnesota.

Following the initial data collection, the project is proceeding on schedule. In September 2025, MOSH published the [Soil Management Perceptions and Experiences of Minnesota Farmers in 2024: A Statewide Assessment](#).

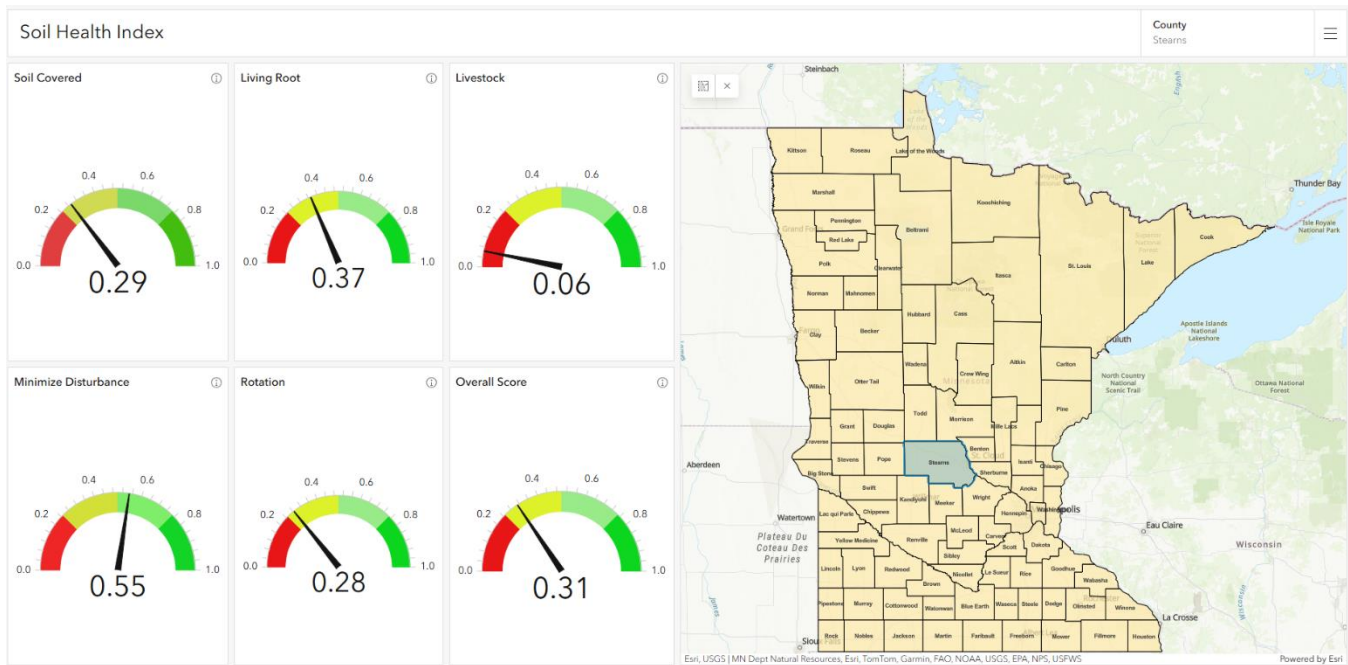
Collection of the online survey results are currently underway for the winter of 2025-2026. The findings from this comprehensive effort will provide an invaluable resource for refining Minnesota’s soil health strategies and ensuring that public funds are targeted effectively to support producers and achieve state conservation goals.

## Developing a Soil Health Measurement Framework

BWSR is developing a Soil Health Index to facilitate the tracking and assessment of soil health across the state. This initiative aims to produce a valuable, data-driven tool for policymakers and on-the-ground conservation staff to monitor the landscape changes and prioritize efforts.

### Soil Health Index Design and Function

The Soil Health Index is intended to be built for every county and major watershed within Minnesota. When reliable data is available, this index will be presented via an online Geographical Information System (GIS) dashboard.



This conceptual mockup displays the proposed Soil Health Index dashboard interface, utilizing provisional 2022 baseline data.

The tool is being designed to track annual and biannual progress toward implementing the five key principles of soil health: keeping the soil covered, minimizing physical and chemical disturbances, maintaining living roots in the ground year-round, diversifying crop rotations, and integrating livestock onto the land. Baseline soil health data from 2017 and 2022 are currently being compiled for integration into the dashboard.

BWSR further plans to incorporate information on the availability of technical staff, weather, and commodity prices into the dashboard, which are critical variables that significantly influence farmer and landowner decision-making and the feasibility of adopting soil health systems.

### Data Sources

Some of the reliable data for the Soil Health Index will be sourced from several key state and federal sources:

- [Tillage and Erosion Survey Project](#)
- USDA’s [National Land Cover Database](#)
- MPCA’s [Best Management Practice \(BMP\) tracking database](#)
- BWSR’s eLINK reporting system

### Challenges in Data Collection and Tracking

A significant difficulty in accurately assessing soil health progress is the challenge of finding reliable data on implementation efforts outside of report-driven conservation programs.

- **Voluntary Adoption is Undocumented:** Many farmers and landowners adopt soil health practices independently, without enrolling in government incentive programs. These voluntary, privately funded practices are often not reported to any state or federal database and can lead to an underestimation of the true adoption rate across the landscape.
- **Quantification Complexity:** Soil health is a complex biological, chemical, and physical concept. Indicators are highly sensitive to non-management variables like native soil type, topography, and climate. Interpreting indicators requires rigorous scientific frameworks to accurately distinguish changes due to intentional management from those due to inherent conditions, which adds complexity to standardized data collection.
- **Data Consistency and Comparability:** Integrating data from multiple sources (BWSR, USDA, MPCA) requires diligent management to ensure consistent reporting units, timeframes, and definitions. Differences in data collection methods across various programs can limit the comparability of information.
- **Lack of Universal Benchmarks:** While frameworks exist, there is an ongoing scientific challenge in establishing universally accepted and regionally relevant benchmarks for soil health that are accurate across Minnesota’s diverse land uses (row crops, perennial systems, forests).

## Conclusion: A Unified Path Forward

The successful implementation of the soil health initiatives outlined in this report demonstrates a pivotal shift in Minnesota’s approach to soil health systems, moving from isolated efforts toward a unified, locally led strategy grounded in the Minnesota Soil Health Action Framework. By strategically investing the \$21.114 million General Fund appropriation, the state has not only started to address critical resource concerns like nitrate leaching and soil erosion but has also successfully leveraged \$42.85 million in federal support, multiplying the impact of every state dollar. This progress is made possible by the indispensable leadership of Soil and Water Conservation Districts, which have acted as the primary agents of change by tailoring technical assistance and equipment access to the unique needs of their local landscapes.

The response from the agricultural community has been remarkably positive, with over 1,100 producers already enrolling in climate-smart programs and many more participating in innovative peer-to-peer mentorship networks that bridge the gap between technical theory and on-farm reality. This engagement aligns with the March 10, 2025, MOSH report, [The State of Minnesota’s Soil Health](#), which documents an upward trend in the adoption of soil health practices across the state. However, the report further indicated that while these practices are gaining momentum, they still represent a marginal fraction of Minnesota’s 21.5 million acres of cropland, with no-till and cover crop methods being utilized on only 5% and 2.82% of cropland, respectively. This highlights the significant gap that remains between current implementation and the state’s total agricultural capacity.

As BWSR continues to develop data driven tools like the Soil Health Index, the state is in a better position to monitor progress and ensure long-term transparency. This collaborative momentum – driven by a shared

commitment among state agencies, local districts, and dedicated producers – will help secure a resilient future for Minnesota’s soil, water, and agricultural economy.

## **COMMITTEE RECOMMENDATIONS**

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

1. Clean Water Legacy Partners Program FY27 Program Authorization – Melissa Sjolund and Ara Gallo – ***DECISION ITEM***
2. FY 2027 Clean Water Fund Projects and Practices Grants Program recommendations – Barb Peichel and Brad Wozney – ***DECISION ITEM***
3. Red River Basin Commission FY26/27 Grant Approval – Henry Van Offelen – ***DECISION ITEM***
4. Bridging Conservation Grant Program – Mandy Duong – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Clean Water Legacy Partners Program FY27 Program Authorization

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**Meeting Date:** January 28, 2026

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

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Clean water, legacy, partners, RFP

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**Section/Region:** Regional Operations, Central Region

**Contact:** Melissa Sjolund/Ara Gallo

**Prepared by:** Ara Gallo

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

**Presented by:** Melissa Sjolund/Ara Gallo

**Time requested:** 15 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 checked="" type="checkbox"/> Clean Water Fund Budget |

**ACTION REQUESTED**

Approval of FY27 Clean Water Legacy Partners Program, including Ranking Criteria and Board Order.

**LINKS TO ADDITIONAL INFORMATION**

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

The Clean Water Legacy Partners (CWLP) program was established to address gaps in Minnesota’s water management framework by advancing implementation of high-priority water quality projects through Tribal Nations and NGOs. Since FY23 CWLP has demonstrated strong alignment with state, local, and Tribal water management plans and delivered measurable water quality outcomes and expanded partnerships. In FY27 eligibility for CWLP is open to Tribes and NGOs with \$1,155,434 in funding available. Ranking Criteria has been developed by staff and recommended by the Grants Program and Policy Committee.

**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, 1<sup>st</sup> 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: \_\_\_\_\_

Clean Water Legacy Partners Ranking Criteria	Maximum Points Possible
<b>Abstract:</b> A concise proposal summary including the following: Project location, problem statement, goals and objectives, activities, and expected outcomes.	5
<b>Water Resource:</b> 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
<b>Activities:</b> Activities and budgets are feasible and demonstrate clear and direct water quality benefits.	15
<b>Organizational Readiness:</b> 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
<b>Plan Alignment:</b> 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
<b>Outcomes:</b> 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
<b>Environmental Justice:</b> Explains whether the project is located in or benefits an MPCA Environmental Justice Area.	5
<b>Public Benefit:</b> Defines communities in the project area and their water quality challenges. Engages communities as appropriate in project development, implementation, or stewardship.	10
<b>Partnerships and Collaborations:</b> Presents a diverse partnership structure, including nontraditional or community-based partners. Collaboration enhances project outcomes or builds community capacity.	15
<b>Total Points Available</b>	<b>100</b>



## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** FY 2027 Clean Water Fund Projects and Practices Grants Program Recommendations

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**Meeting Date:** January 28, 2026

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

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Clean Water Fund, competitive, projects and practices, drinking water, grant, FY 2027

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**Section/Region:** Regional Operations/Central

**Contact:** Barb Peichel/Brad Wozney

**Prepared by:** Barb Peichel/Brad Wozney

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

**Presented by:** Barb Peichel/Brad Wozney

**Time requested:** 15 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 checked="" type="checkbox"/> Clean Water Fund Budget |

**ACTION REQUESTED**

Authorize the FY 2027 Clean Water Fund Projects and Practices Grants Program (Projects and Practices grants, and Projects and Practices Drinking Water grants), including the associated RFP ranking criteria.

**LINKS TO ADDITIONAL INFORMATION**

Attached draft board order and RFP ranking criteria.

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

The board order authorizes the competitive FY 2027 Clean Water Fund Projects and Practices Grants Program and authorizes staff to finalize and issue a Request for Proposals. The Grants Program and Policy Committee reviewed program materials on December 18, 2025, and January 14, 2026, and recommends approval of the attached order to the board.

**DRAFT 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: \_\_\_\_\_

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

DRAFT

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

<b>Projects and Practices Ranking Criteria</b>	
<b>Ranking Criteria</b>	<b>Maximum Points Possible</b>
<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
<b>Total Points Available</b>	<b>100</b>



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
<b>Total Points Available</b>	<b>100</b>

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Red River Basin Commission FY26/27 Grant Approval

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**Meeting Date:** January 28, 2026

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

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Grant Approval

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**Section/Region:** Regional Operations/Northern

**Contact:** Ryan Hughes

**Prepared by:** Henry Van Offelen

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

**Presented by:** Henry Van Offelen

**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**

Board approval of the FY2026-2027 Red River Basin Commission Grant.

**LINKS TO ADDITIONAL INFORMATION**

[Home | Red River Basin Comm \(redriverbasincommission.org\)](http://redriverbasincommission.org)

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

In 2025 the Legislature appropriated funds to the Board for grants to the Red River Basin Commission (RRBC) for waters quality and floodplain management, including administration of programs. The RRBC has submitted an updated report of 2024 activities related to their Natural Resources Framework plan and has developed a work plan and budget for 2026 and 2027. The RRBC has secured matching fund commitments from the State of North Dakota and Province of Manitoba. BWSR staff have reviewed these materials and found that they are consistent with previous materials submitted to secure these funds.

The Grants Program and Policy Committee met January 14, 2026, reviewed the Board Order, and authorized the FY2026/27 grant to the Red River Basin Commission to the full Board. The Committee recommends approval by the full Board.





**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, 1<sup>st</sup> 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**

\_\_\_\_\_

Todd Holman, Chair  
Board of Water and Soil Resources

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



**BOARD MEETING AGENDA ITEM**

**AGENDA ITEM TITLE:** Bridging Conservation Grant Program

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**Meeting Date:** January 28, 2026

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

**Item Type:**  Decision     Discussion     Information

**Keywords for Electronic Searchability:** Bridging Conservation Non-native English-speaking Communities

**Section/Region:** Organizational Effectiveness

**Contact:** Mandy Duong

**Prepared by:** Mandy Duong

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

**Presented by:** Mandy Duong

**Time requested:** 15 minutes

**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**

Authorize the fiscal year 2026 Bridging Conservation Grant Program.

**LINKS TO ADDITIONAL INFORMATION**

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

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. The Bridging Conservation Grant Program supports education and outreach activities regarding conservation of land and water resources. 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.

**DRAFT 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**

\_\_\_\_\_  
Todd Holman, Chair  
Board of Water and Soil Resources

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

Attachments: FY 2026 Bridging Conservation Request for Proposal Ranking Criteria

<b>Bridging Conservation Ranking Criteria</b>	<b>Maximum Points Possible</b>
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
<b>Total Points Available</b>	<b>100</b>

**COMMITTEE RECOMMENDATIONS**

***RIM Reserve Committee***

1. Easement Alteration Request – RIM Easement #65-08-02-01 – Karli Swenson – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Easement Alteration Request – RIM Easement #65-08-02-01

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**Meeting Date:** January 28, 2026

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

**Item Type:**             Decision                                     Discussion             Information

**Section/Region:**      Conservation Easement Section

**Contact:**                Sharon Doucette, Section Mgr.

**Prepared by:**           Karli Swenson, Easement Specialist

**Reviewed by:**          RIM Reserve                              Committee(s)

**Presented by:**         Karli Swenson

**Time requested:**       15 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**

Board action to alter the boundary of RIM easement #65-08-02-01 in Renville County, in accordance with BWSR’s Easement Alteration Policy (2017). The landowner is requesting to release 5.8 acres from the easement for the purpose of building a home. The landowner is proposing adding a separate 13.8-acre parcel as replacement.

**LINKS TO ADDITIONAL INFORMATION**

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

BWSR acquired easement #65-08-02-01 in Renville County on October 31, 2002. This perpetual easement was acquired as part of the CREP program and consists of 21.9 acres of land extending from Chetomba Creek to the township road.

The current landowners, Mr. and Mrs. Freiborg, own and reside on the family farm located about a half mile south of the existing easement. With the farm being transferred to the Freiborgs’ son, Mr. and Mrs. Freiborg are planning to relocate and would like to build a new home nearby. Their preferred site to build the new home is on the existing RIM easement.

The landowner is requesting to release 5.8 acres adjacent to the township road from the existing RIM easement to build the new home. The area proposed for release consists of 3.5 acres of prior cropland that has been planted to native grasses, and 2.3 acres of mature cottonwood trees that were existing when the RIM easement was acquired (non-cropland). The proposed building site would lie approximately 2,000 feet from Chetomba Creek, with the remainder of the RIM easement buffering the land between the creek and the building site.

The landowner is proposing to add 13.8 acres to the easement as replacement. The replacement lands are approximately 0.4 miles south of the existing easement, on a separate parcel adjacent to the Freiborg's family farm. 11.1 acres of the proposed replacement lands are currently in a CRP contract that expires in 2033. The CRP land consists of restored grassland that the landowners have enhanced by planting a variety of native forbs to improve biodiversity at their own cost, to improve the habitat. The remainder of the replacement lands are non-cropland that has been planted to cedar trees to provide additional cover for wildlife. The replacement land lies approximately 1,500 feet from Chetomba Creek.

The proposal constitutes a 2.4:1 replacement ratio. This exceeds the required replacement ratios in the Easement Alteration Policy. CRP land is considered "land with crop history" according to RIM statute so the CRP acres would meet the 2:1 replacement requirement for cropland acres. This proposal would result in a net gain of 8 easement acres, on land that could otherwise be returned to production when the CRP contract expires in 2033.

When asked why the new home could not be built on other lands owned by the Freiborgs, the landowner noted an airstrip immediately adjacent to the other land in their ownership. The airstrip is operated by a local crop-dusting business. According to the landowner, the planes taking off and landing on the airstrip would make building a home on or near the replacement lands unsuitable. The landowners also see benefit from the mature cottonwood trees on the existing RIM easement providing a windbreak on the proposed new building site. Building a home on lands currently in crop production would not have similar wind protection.

The DNR area wildlife supervisor has submitted a letter in support of this easement alteration request citing that the location and habitat value of the replacement lands would provide better protection for local wildlife. The Renville SWCD board has also submitted a letter in support of this easement alteration request, noting that the replacement lands consist of similar habitat to the existing easement.

Because this request was received by BWSR prior to the effective date of the recently revised Easement Alteration Policy, this request must be considered by the board under the conditions of the previous version of the policy adopted in 2017. This request meets the requirements of the 2017 easement alteration policy.

*Land replacement ratios:*

To release 3.5 acres of land with crop history: required replacement 2:1 = 7 acres of land with crop history

To release 2.3 acres of land without crop history: required replacement 2:1 = 4.6 acres of land with or without crop history

Total required replacement land: 11.6 acres

CRP land offered as replacement 11.1 acres + non-cropland offered as replacement 2.7 acres = 13.8 acres

## 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: \_\_\_\_\_



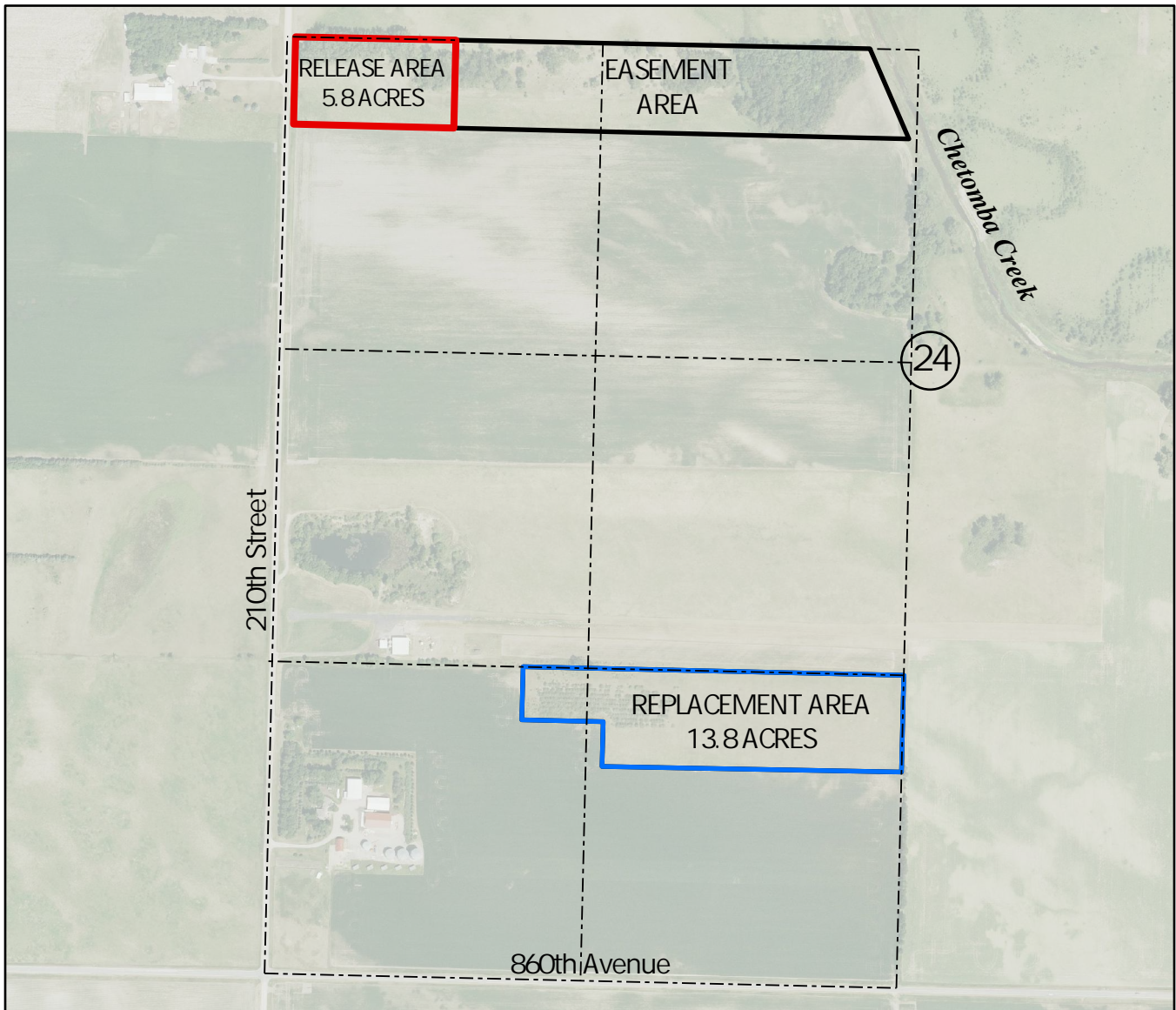





**BWSR**

# RIM Easement Alteration Request

Easement #65-08-02-01

Section: 24, T. 116N., R. 37W., Renville County



-  Existing Easement Boundary
-  Release Area (5.8 Acres)
-  Replacement Area (13.8 Acres)



Dated: 1/6/2026

Prepared by:  
Board of Water and Soil Resources

# Freiborg Agriculture

86104 210th Street  
Renville, MN  
(320)905-9441  
Randal.freiborg@gmail.com

November 13, 2025

Minnesota Board Of Water And Soil Resources

Dear Conservation Board,

The Freiborg family and Freiborg Ag. is requesting an alteration to a conservation easement located on a parcel in Erickson Township. The alteration involves the exchange of one parcel of land for a parcel that is in a conservation program. We will justify this change and identify how the public interest and general welfare will be better served.

Our first justification is the continuation of the family farm. It is time for the 4th generation of Freiborgs to reside at this property. This means that the 3rd generation needs a new location. Because of the love and appreciation for this land, instead of moving into town, we would prefer to build a quarter of a mile north from the farm site. This site, which is in a RIM program, is off our county road with mature trees for a wind break. The other site is adjacent to Mulder Air. Mulder Air is a busy crop dusting business. These planes are very loud and would literally rattle the windows of a house situated that close to their operation. In addition we would need to remove a hedge row to construct a very long drive way. Our reasons for not building on production land includes the lack of a grove and no mature trees. Planting a grove now would take years to establish and provide no wind break.

Our second justification for the alteration is continued family, and business, support by building close to the Freiborg farm site. Freiborg Ag. Supports the local businesses, and the family has supported the Renville community and school for 100 years.

Our third justification for switching parcels of land for the purpose of building the third generation of Freiborgs family home lies in the continued conservation and care of this land. From a natural resource aspect the piece of ground that we propose switching is a much better habitat for native animals small to large. In 2018 we planted the cedar trees that have matured

to form excellent cover from birds of prey and the elements. The other piece of ground has tall mature trees that provide great lookout stations for birds of prey. We have planted an abundant variety of native flowers and forbs on all the conservation land to increase pheasants to these areas. Water quality is improved as there will be more infiltration on RIM land. Beyond the house the very animals that pioneers relied on to establish this as a farming community will graze in controlled sections. They will not graze on RIM ground. Visitors and groups that once came to the farm will now visit this new location for education and information about these animals and RIM areas.

In conclusion, we request an alteration to a conservation easement. First, to continue a family legacy of farming. The second reason being closeness to the family business, and the continued support to our community. Lastly, the continued care of the land with a new purpose of lodging and continued education and information to the community regarding the RIM land and the animals that helped establish agriculture in Minnesota.

Sincerely,

Randy and Carrie Freiborg

Renville Soil & Water Conservation District  
1008 West Lincoln, Olivia MN 56277  
Phone: 320-523-1559  
<http://www.renvillewcd.com>



1/5/2025

To: Minnesota Board of Water Soil Resource Board of Directors

Re: Randy Freiborg Easement alteration request

The Renville County Soil and Water Conservation District (SWCD) has received a request for an easement alteration for easement 65-08-02-01. The proposed easement alteration request is to remove 5.8 acres on the west side of the easement and replace those acres with 13.8.

There have been onsite reviews of both parcels, because of the added habitat of native grasses and forbs on the proposed replacement acres this is a desirable alteration. The proposed acres to replace the current Reinvest In Minnesota (RIM) easement are in the middle of the section and not adjacent to any public roads, which creates a safer habitat for all wildlife. The tree cover on the proposed replacement acres consists of established cedar trees which will allow for better permanent habitat than cottonwood trees in the proposed removed acres.

Randy Freiborg proposes to swap the acres at 2.34-1 ratio. Because the site has similar habitat features and is in the same section, while meeting all other requirements. The Renville County SWCD Board of Supervisors approved this Easement alteration at their 12/11/25 Board Meeting because it is in the best interest of RIM.

On 1/5/25, based on BWSR review, the amended acres change was made: the proposed swapped acres went from 14.9 to 13.8. This is due to an incorrect boundary line on the North side of the swapped acres, which increased the proposed swapped acres. Pursuant to my delegated authority from the Renville County SWCD Board of Supervisors, this letter offers our continued support for the proposed alteration. We will seek retrospective approval of this letter at our 1/8/26, Renville County SWCD Board meeting.

Sincerely,

*Holly Hatlewick*

Holly Hatlewick  
Renville County SWCD District Administrator

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Retroactive Approval: Yea or Nay

*Phil D. Smith* 1-8-26  
Phil D Smith  
Renville County SWCD Chair

November 26, 2025

Renville County SWCD Board of Supervisors  
1008 W. Lincoln Ave.  
Olivia, MN 56277

Renville SWCD Board:

Regarding the proposed swap of the 5.8 acres of Reinvest in Minnesota (RIM) easement #65-08-02-01 for 13.8 acres in Ericson Township (T116N R37W) Section 24, I fully support this transaction.

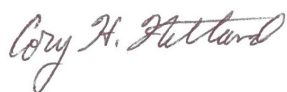
The land on the current easement (5.8 acres) is directly adjacent to an established building site on the west side of the township road, and adjacent to said township road. The acres to be swapped and enrolled in RIM are located toward the middle of the section, not next to developed land or roads. This is an improvement for wildlife production due to the reduction in disturbance on and adjacent to the wildlife habitat. The landowner is proposing a 2.4 to 1 swap in terms of acres. This exceeds the minimum requirement of 2 to 1.

The habitat features are similar between the two tracts of land, except for the type of trees present. A block planting of cedars is far more beneficial for wildlife than tall cottonwoods along a former gravel pit. The cottonwoods would become part of a building site, while the cedars would be protected through RIM. Cedars provide thermal covers for pheasants and deer, while the cottonwoods often harbor predators that reduce grassland bird abundance. Cottonwoods are utilized as a perch for raptors, and are common den trees for raccoons. These predators are hard on nesting and brood rearing success. I highly recommend cedars as the superior woody cover planting for wildlife purposes.

Neither parcel is in a riparian area. Based on scale, the 13.8 acres are going to provide more water quality benefits than the 5.8 acres.

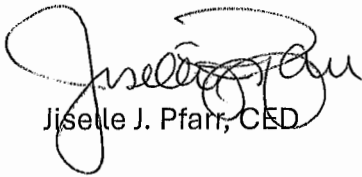
This proposed trade exceeds the 2:1 requirement for land swap and will provide greater wildlife habitat and production benefits long-term. I recommend SWCD and BWSR boards accept this trade as it is a win for wildlife and water quality.

Sincerely,

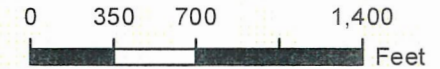
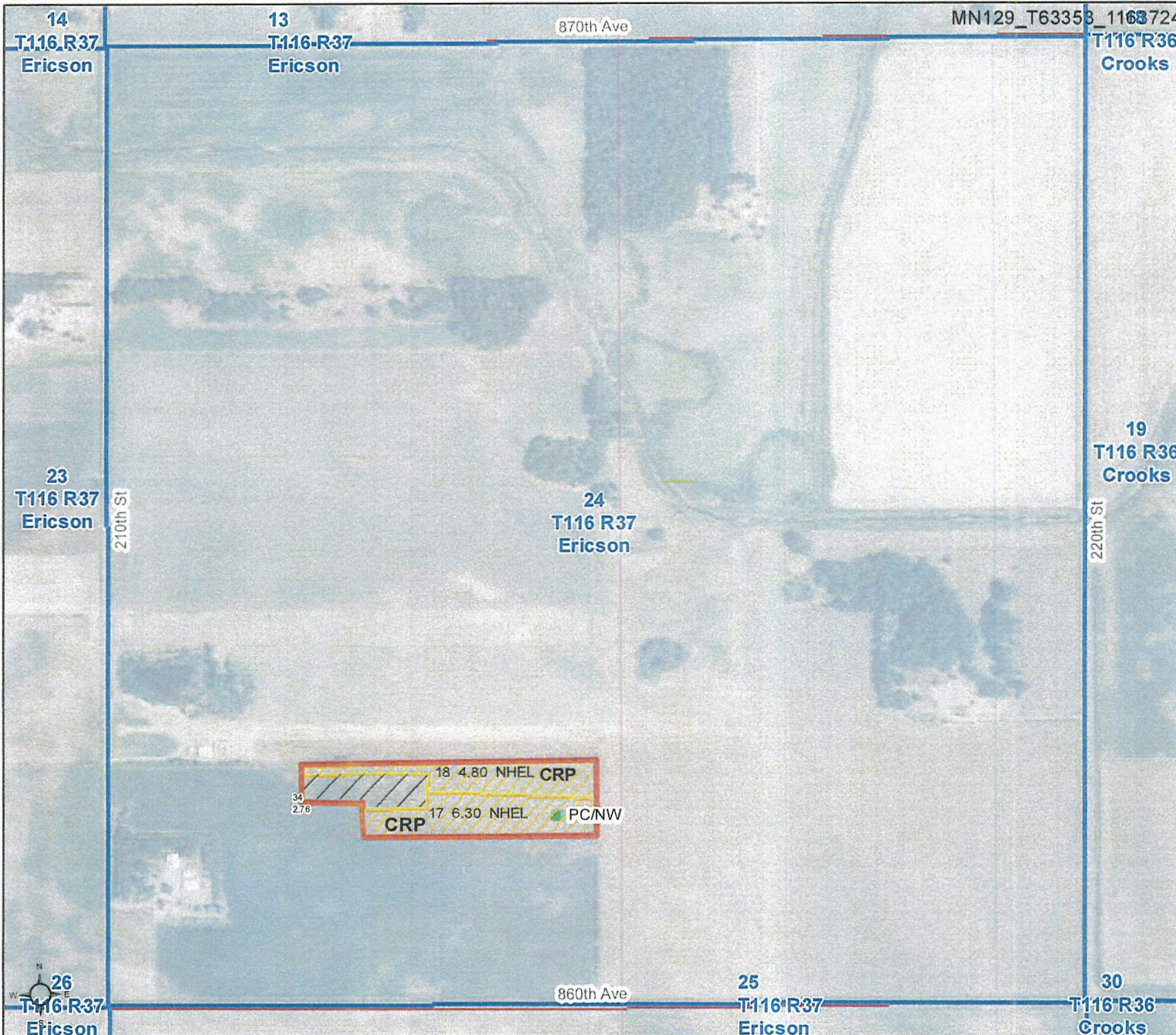


Cory H. Netland  
Area Wildlife Supervisor

The 11.10 acres enrolled under CRP contract #11640 in Section 24 of Ericson Township in Renville County shows a cropping history of CRP from 2002-2025.



Jiselle J. Pfarr, CED



- Unless otherwise noted:  
 Shares are 100% operator  
 Crops are non-irrigated  
 Corn = yellow for grain  
 Soybeans = common soybeans for grain  
 Wheat = HRS, HRW = Grain  
 Sunflower = Oil, Non-Oil = Grain  
 Oats and Barley = Spring for grain  
 Rye = for grain  
 Peas = process  
 Alfalfa, Mixed Forage AGM, GMA, IGS = for forage  
 Beans = Dry Edible  
 NAG = for GZ  
 Canola = Spring for seed

**Common Land Unit**

- Non-Cropland
- Cropland
- CRP
- Tract Boundary

**Wetland Determination Identifiers**

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

Tract Cropland Total: 11.10 acres

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). This map displays the 2021 NAIP imagery.

# ***Conservation Easement Alteration Requests and Board Policy***

December 20, 2017

## **RIM Reserve Rule Affecting Alteration Requests**

*MN Rule 8400.3610 - Alteration, Release or Termination of Conservation Easements*

The Board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The Board may alter, release, or terminate an easement only if the Board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The Board must be provided the following information at least 30 days prior to a Board meeting, before the Board will consider a request to alter, release, or terminate a conservation easement:

- A. a copy of the letter from the landowner to the district Board justifying the change and identifying how the public interest and general welfare will be better served;
- B. a letter from the district Board recommending either approval or disapproval of the proposed change;
- C. a letter from the Department of Natural Resources area wildlife manager recommending either approval or disapproval of the proposed change; and
- D. other supporting documents, including:
  - 1) an aerial photo identifying the requested change;
  - 2) a soil survey map of the area;
  - 3) cropping history information; and
  - 4) other pertinent documentation that will support the request.

The Board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The Board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the Board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

## **Policy Developed by RIM Committee and adopted by the BWSR on 12/20/2017**

This policy applies to all state RIM, PWP and CREP easements currently in place and all future state conservation easement acquisitions. The purpose of this policy is to provide a framework for the BWSR Board and staff on how to implement MN Rule 8400.3610 to ensure consistent and fair treatment of easement alteration requests, conservation benefits are not diminished, and ensure that rule requirements are met.

All easement alteration requests that come to BWSR will be accompanied by a \$500 processing fee per easement. Checks should be made payable to the BWSR. For alterations where actual costs to amend the easement exceed \$500 the Board reserves the right to charge the applicant the actual cost.

### **Public benefitted projects -**

Easement staff has the authority to tentatively approve of releases for public infrastructure projects. However, releases are not considered final until after the release request is presented to and approved by the Board and all fees have been paid.



In addition to the fee as outlined above, public entities must pay:

- 1) Two times the current RIM payment rate for acres released, and
- 2) An amount equal to all state funds dispersed as reimbursement for costs incurred to establish cover on the land being released.

Private landowner requests

All alteration requests that come to the BWSR must contain all the information items requested in Section 8400.3610 of RIM Reserve Rule (items A – D as listed above), plus the \$500 per easement processing fee in the form of a check made payable to the BWSR.

All requests must also meet the following conditions for BWSR approval:

- 1) The resource protection, conservation and habitat benefits for which the easement was originally acquired will remain the same or be enhanced by the proposed alteration. For example;
  - restored wetland acres will not be drained or filled by the proposal
  - riparian buffers will be preserved or enhanced
  - easement configuration will preserve or enhance wildlife benefits (larger blocks of habitat, not fractured puzzle-like boundaries).
- 2) Replacement acres will increase by a minimum factor as follows:
  - Released cropland acres replaced with cropland acres: A minimum of 2:1 (replacement acres to released acres)
  
  - Released cropland acres replaced with non-cropland acres: A minimum of 4:1 (replacement acres to released acres)
  
  - Released non-cropland acres to non-cropland acre: A minimum of 2:1 (replacement acres to released acres)
  
  - Released non-cropland acres to cropland acre: A minimum of 2:1 (replacement acres to released acres)
- 3) Replacement cropland acres proposed as replacement acres must meet crop history requirements, cropped 2 of last 5 years.
- 4) Replacement acres should be adjacent to or as near as possible to the existing easement.
- 5) The ratios above may, in rare circumstances, be altered based upon a best professional judgement recommendation by easement staff that the conservation benefits of the replacement acres significantly outweigh the conservation benefits being impacted.
- 6) Landowners will be required to pay necessary title insurance and recording fees, and all costs associated with establishment of conservation cover practices on replacement acres according to an approved conservation plan.

Meeting the criteria outlined above for private requests does not guarantee that the Board will approve of the request for release and alteration of a conservation easement.

## **COMMITTEE RECOMMENDATIONS**

### ***Audit and Oversight Committee***

1. 2025 Performance Review and Assistance Program Legislative Report – Don Bajumpaa –  
***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** 2025 Performance Review and Assistance Program Legislative Report

---

**Meeting Date:** January 28, 2026

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

**Item Type:**             Decision                                     Discussion             Information

**Keywords for Electronic Searchability:** PRAP, Legislative Report, Audit and Oversight, 2025 PRAP, Audit

---

**Section/Region:** Organizational Effectiveness

**Contact:** Jenny Gieseke

**Prepared by:** Don Bajumpaa

**Reviewed by:** Audit and Oversight Committee    Committee(s)

**Presented by:** Don Bajumpaa

**Time requested:** 15 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**

Approval

**LINKS TO ADDITIONAL INFORMATION**

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

The Board of Water and Soil Resources (BWSR) is required to provide a report annually to the legislature on Performance Review and Assistance Program activities as prescribed by Minnesota Statutes Chapter 103B.102, Subdivision 3, effective February 1, 2008. BWSR staff have prepared a report that describes the program activities for 2025, including summaries of the activities of BWSRs local government partners, and goals and objectives for future PRAP activities. The report was presented to and has a recommendation from the BWSR Audit and Oversight Committee for BWSR Board approval.

## 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: \_\_\_\_\_

# 2025 Performance Review and Assistance Program

Report to the Minnesota Legislature

January 28, 2026

**Minnesota Board of Water and Soil Resources**

520 Lafayette Road North

St. Paul, MN 55155

651-296-3767

[www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)

## 2025 PRAP Legislative Report

This report has been prepared for the Minnesota State Legislature by the Minnesota Board of Water and Soil Resources (BWSR) in partial fulfillment of Minnesota Statutes Chapter 103B.102, subdivision 3.

Prepared by Don Bajumpaa, PRAP Coordinator ([don.bajumpaa@state.mn.us](mailto:don.bajumpaa@state.mn.us))

The estimated cost of preparing this report (as required by Minn. Stat. 3.197) was:

Total staff time: \$3,500

BWSR is reducing printing and mailing costs by using the Internet to distribute reports and information to wider audiences. This report is available at [PRAP Legislative Reports | MN Board of Water, Soil Resources \(state.mn.us\)](#) and available in alternative formats upon request.

## MINNESOTA BOARD OF WATER AND SOIL RESOURCES Performance Review and Assistance Program (PRAP)

### Executive Summary

Since 2008, BWSR's Performance Review and Assistance Program has assessed the performance of the local units of government constituting Minnesota's delivery system for conservation of water and related land resources. These local units of government include 88 soil and water conservation districts (SWCDs), 87 counties, 45 watershed districts (WDs) and 18 watershed management organizations (WMOs). The program goal is to assist these local government partners to be the best they can be in their management of Minnesota's land and water resources.

#### **PRAP focuses on three aspects of Local Governmental Unit (LGU) performance:**

- 1) Plan Implementation—how well an LGU's accomplishments meet planned objectives.
- 2) Compliance with performance standards—meeting administrative mandates and following best practices.
- 3) Collaboration and communication—the quality of partner and stakeholder relationships.

BWSR's PRAP uses four levels of review to assess performance ranging from statewide oversight in the statewide summary, to a focus on individual LGU performance in the organizational assessment, review of comprehensive watershed management plan progress in the Watershed-based Assessment, and Special Assessment for organizations needing additional assistance.

#### **2025 Program Summary**

- Tracked 238 LGU's performance via statewide summary.
- Continued efforts to improve statewide summary performance review reporting of all LGUs through LGU cooperation and persistent follow-up by BWSR staff and increased compliance with audit requirements.
- Completed seven watershed-based performance reviews.
- Completed 22 organizational assessments.
- Continued to evaluate the PRAP program and developed changes to process materials based on findings.
- Updated annual calendar of work for organizational and watershed-based assessments.
- Emphasized the importance of measuring outcomes in PRAP reviews, ways of demonstrating resource outcomes resulting from plan implementation, and set specific expectations for reporting resource outcomes to LGUs.
- Surveyed LGUs from 2022 organizational assessment PRAP review to track LGU implementation of PRAP recommendations.
- Monitored and reviewed compliance with action items identified during organizational assessment reviews to measure progress toward the goal of 100% compliance within 18 months for required Action Items.
- Continued to promote PRAP assistance grants to enhance LGU organizational effectiveness.
- Provided PRAP assistance grants for nine LGUs.
- Integrated PRAP grant application process into eLINK to comply with Office of Grants Management requirements and to meet BWSR grant streamlining goals.
- Continued review of Wetland Conservation Act (WCA) program implementation as part of organizational assessments to measure local government unit compliance.
- Met with BWSR easement staff to discuss incorporating future assessments related to the Reinvest in Minnesota (RIM) Reserve program.

- Completed two PRAP onboarding trainings for new BWSR staff to help them prepare for future organizational assessments.
- Completed 33 PRAP onboarding trainings for watershed partnerships and organizations to help them prepare for 2026 watershed-based assessments.

## 2025 Results of Annual Tracking of 238 LGU Plans and Reports (PRAP Annual Statewide Summary)

In 2025, overall compliance with LGU plan revision and reporting requirements was 97%, an increase from 94% in 2024. In 2025, reminders were sent to improve compliance. Staff efforts will continue in 2026 to identify issues and improve overall LGU compliance.

### Long-range Plan Status:

The number of overdue plans in 2025 is one (same as 2024).

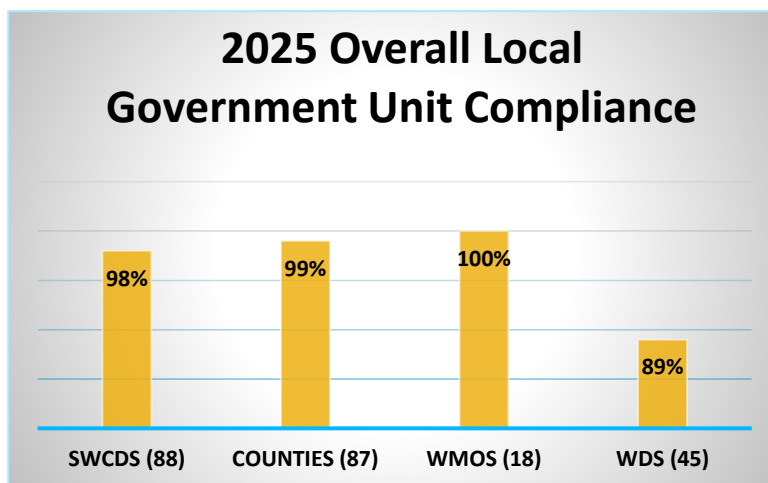
- Counties: No plans are overdue.
- Soil and Water Conservation Districts: No plans are overdue.
- Watershed Districts: One watershed plan is overdue (Two Rivers).

### (Plan Revision in Progress)

- Watershed Management Organizations: No watershed management plans are overdue.

### LGUs in Full Compliance with Level I Performance Standards: 97%.

- Soil and Water Conservation Districts: 98% compliance (86/88) up from 97% in 2024.
- County Water Management: 99% compliance (86/87), up from 95% in 2024.
- Watershed Districts: 89% compliance (39/45), up from 87% in 2024.
- Watershed Management Organizations: 100% compliance (18/18), the same as in 2024.



## Selected PRAP Program Objectives for 2026

- Track 238 LGUs' performance via statewide summary.
- Continue efforts to improve statewide summary performance review reporting of all LGUs through LGU cooperation and persistent follow-up by BWSR staff.
- Complete up to seven watershed-based reviews and 26 organizational reviews.
- Continue to evaluate the PRAP Program and make changes to processes and materials based on findings.
- Emphasize the importance of measuring outcomes in PRAP reviews, ways of demonstrating resource outcomes resulting from plan implementation, and set specific expectations for reporting resource outcomes by LGUs.



- Survey two watershed partnerships from 2023 organizational and watershed-based PRAP reviews to track LGU implementation of PRAP recommendations.
- Continue monitoring and reviewing compliance with action items identified during organizational and watershed-based assessments (One Watershed, One Plan) to measure progress toward the goal of 100% compliance within 18 months for required action items.
- Continue the promotion and use of PRAP assistance grants to enhance LGU organizational effectiveness.
- Explore opportunities to secure stable funding source for PRAP assistance grants.
- Explore opportunities to increase staff capacity to provide more assistance to organizations with organizational effectiveness needs.
- Continue to provide onboarding training opportunities for new organization administrators to help them understand how BWSR can help them with organizational needs.
- Continue to provide PRAP onboarding opportunities for watershed partnerships and organizations to help them prepare for 2027 watershed-based assessments.

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# What is the Performance Review & Assistance Program?

## Supporting Local Delivery of Conservation Services

PRAP is primarily a performance assessment activity conducted by the Minnesota Board of Water and Soil Resources (BWSR). The subjects of the assessments are the local governmental units (LGUs) that deliver BWSR's water and land conservation programs, and the process is designed to evaluate how well LGUs are implementing their long-range plans. The LGUs reviewed include soil and water conservation districts (SWCDs), watershed districts (WDs), watershed management organizations (WMOs), and the water management function of counties—a total of 238 distinct organizations. PRAP, authorized in 2007 (see Appendix A, page 16), is coordinated by one BWSR staff member, with assistance from BWSR's Board Conservationists, Clean Water Specialists, Wetland Specialists, and Regional Managers, who routinely work with these LGUs.

## Guiding Principles

PRAP is based on and uses the following principles adopted by the BWSR Board.

- Pre-emptive
- Systematic
- Constructive
- Includes consequences
- Provides recognition for high performance
- Transparent
- Retains local ownership and autonomy
- Maintains proportionate expectations
- Preserves the state/local partnership
- Results in effective on-the-ground conservation

The principles set parameters for the program's purpose of helping LGUs to be the best they can be in their operational effectiveness. Of note is the principle of proportionate expectations. This means that LGUs are rated on the accomplishment of their own plan's objectives. Moreover, BWSR rates operational performance using both basic and high-performance standards specific to each type of LGU. (For more detail see <https://bwsr.state.mn.us/prap>)

## Current Multi-level Structure

PRAP has three operational components:

- performance review
- assistance
- reporting

The **performance review** structure for 2025 includes an annual statewide summary and three types of assessment.

**Statewide Summary** review is an annual tabulation of required plans and reports for all 238 LGUs. The statewide summary review is conducted entirely by BWSR staff and does not require additional input from LGUs.

**Organizational Assessment** is a routine, interactive review intended to cover all LGUs at least once every 10 years. An organizational assessment evaluates progress on plan implementation, operational effectiveness, and partner relationships. This review includes assessing compliance with organization specific performance standards. Twenty-two organizational assessments were completed in 2025. Organizational progress on plan implementation was assessed through the watershed-based assessment process.

**Watershed-based Assessment** is a routine review conducted with partnerships of local governments working together to implement comprehensive watershed management plans (CWMPs) developed through the One Watershed, One Plan Program. This review occurs at roughly the five-year plan adoption point, evaluates progress on plan implementation and analyzes partners working relationships. Seven watershed-based assessments were completed in 2025.

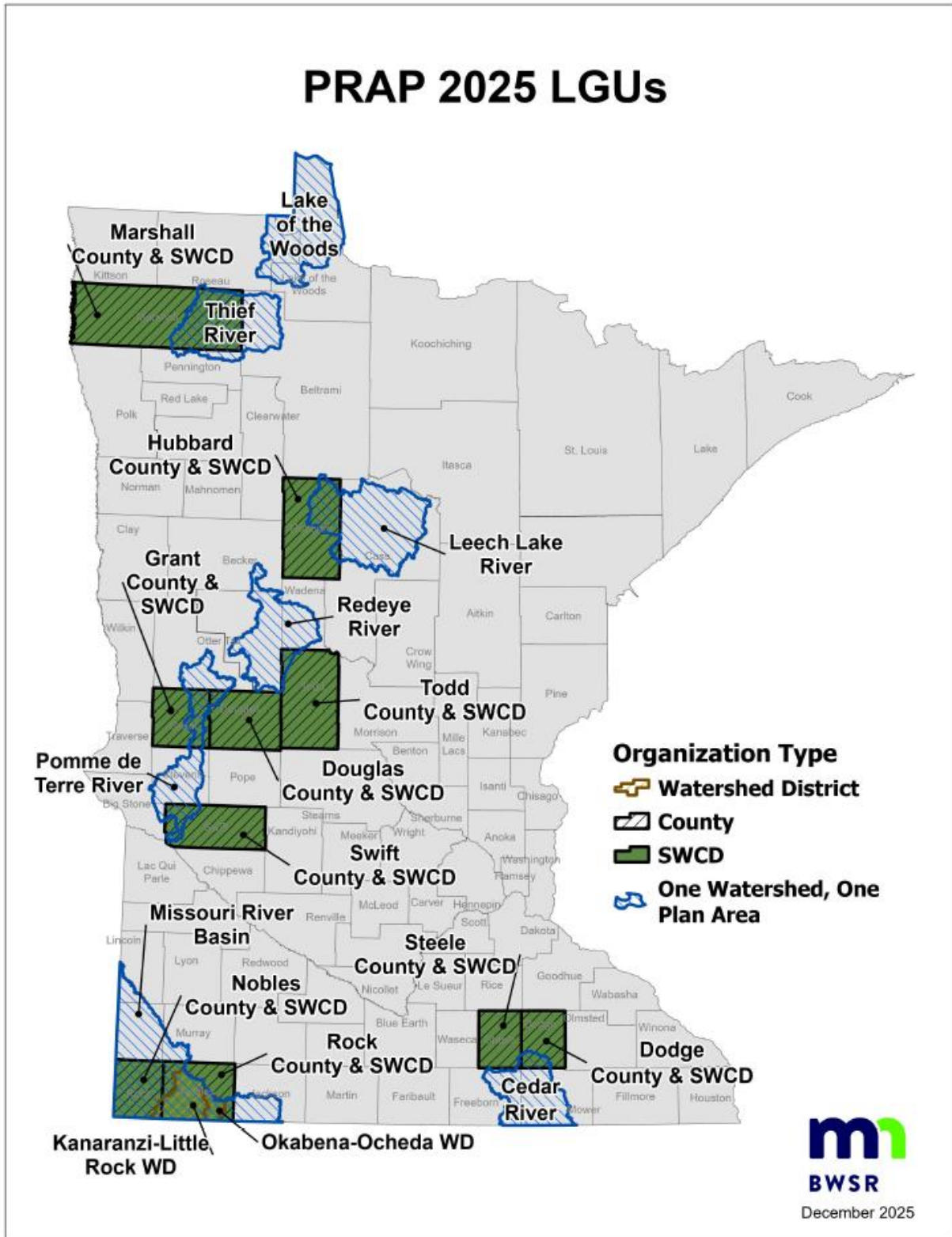
**Special Assessment** is an in-depth assessment of an LGU faced with performance challenges. A special assessment is initiated by BWSR or the LGU and usually involves targeted assistance to address specific performance needs. BWSR regularly monitors all LGUs for challenges that would necessitate a special assessment. No special assessments were completed in 2025.

**Assistance** (page 11). In 2012, BWSR began awarding PRAP assistance grants to assist LGUs in obtaining practical and financial assistance for organizational improvements or to address performance issues. The grants are typically used for consultant services for activities identified by the LGU or recommended by BWSR in a performance review. In 2025 BWSR awarded nine PRAP assistance grants to LGUs.

**Reporting** (page 12) makes information about LGU performance accessible to the LGUs' stakeholders and constituents. Reporting methods specific to PRAP include links to performance review summaries and this annual report to the legislature, which can be accessed via the PRAP page on BWSR's website <https://bwsr.state.mn.us/prap-legislative-reports>. In addition, the PRAP Coordinator presents results from organizational and watershed-based assessment performance reviews to LGU boards at the completion of the review, and to additional boards/committees upon request.

### **Accountability: From Measuring Effort to Tracking Results**

The administration of government programs necessitates a high degree of accountability. PRAP was developed, in part, to deliver on that demand by providing systematic local government performance review and then reporting results. In 2017, BWSR added review of LGUs' implementation of the WCA program.



# Report on PRAP Performance

## BWSR’s Accountability

BWSR continues to hold itself accountable for the objectives of the PRAP program. In consideration of that commitment, this section lists 2025 program activities with the corresponding objectives from the 2024 PRAP legislative report.

### PERFORMANCE REVIEW OBJECTIVES

What We Proposed	What We Did
Track 238 LGU performance via Statewide Summary	All LGUs were tracked for basic plan and reporting compliance. Overall, Organizational performance in 2025 was 97% compliance, an increase from 94% in 2024. Overdue long-range water management plans totaled one in 2025.
Continue efforts to improve reporting of all LGUs through cooperation and persistent follow up by BWSR staff.	WD compliance was 87% in 2025, the same as in 2024. In 2025, 100% of Watershed Management Organizations met reporting or auditing requirements, the same as 2024. SWCD compliance increased to 99% as compared to 97% in 2024, and Counties increased to 99% as compared to 95% in 2024.
Complete up to seven watershed-based and 22 organizational assessments.	Completed seven watershed-based and 22 organizational assessments.
Evaluate PRAP Program and make changes to processes and materials based on findings.	Updated annual calendar of work for conducting organizational and watershed-based assessments.
Survey 16 LGUs and one watershed-partnership from 2023 to track implementation of PRAP recommendations.	A total of four LGUs received a total of five action items in 2023, each of which was implemented within 18 months.
Continue monitoring and reviewing compliance with action items identified during organization or watershed-based reviews in 2024 to measure progress toward the goal of 100% compliance within 18 months for required action items.	All action items identified during the 2024 watershed-based and organizational assessments were assigned an 18-month timeline for completion.
Continue the promotion and use of PRAP Assistance Grants to enhance LGU organizational effectiveness.	Worked with nine organizations to secure PRAP Assistance Grants in 2025.
Explore opportunities to secure stable funding for PRAP assistance grants.	Worked with OE Section Manager and FAS CFO to secure funding for PRAP assistance grants. No stable funding source secured to date.

<p>Explore opportunities to increase staff capacity to provide more assistance to organizations with organizational effectiveness needs.</p>	<p>Worked with OE Section Manger to explore adding staff capacity. Ideas for additional capacity have been presented to the executive team.</p>
<p>Complete up to 12 PRAP onboarding training opportunities for new organizational administrators to help them prepare for future assessments.</p>	<p>Completed 22 onboarding session with administrators.</p>
<p>Complete up to six PRAP onboarding opportunities for watershed partnerships to help them prepare for 2026 watershed-based assessments.</p>	<p>Completed seven watershed-based onboarding sessions.</p>

### ASSISTANCE OBJECTIVES

<p><b>What We Proposed</b></p>	<p><b>What We Did</b></p>
<p>Continue the promotion and use of PRAP Assistance Grants to enhance LGU organizational effectiveness.</p>	<p>The PRAP assistance grant program was updated in 2021 to acknowledge the need for partnerships, newly formed or existing to access adequate assistance funding for their development. Beginning in 2021 partnerships are eligible for up to \$20,000 in assistance funds, while individual LGUs remain eligible for up to \$10,000. A total of nine LGUs received \$65,015 in funding in 2025. These included Becker SWCD - \$10,000 (update position descriptions, personnel policies and operational procedures), Benton SWCD - \$5,000 (update policies and operational procedures), Carlton SWCD - \$10,000 (strategic planning), Dodge SWCD - \$5,000 (Strategic Planning), Fillmore SWCD - \$3,600 (Wage and Benefit Survey), Koochiching SWCD - \$10,000 (Update position descriptions and classifications), Mille Lacs SWCD - \$5,000 (update policies and operational procedures), Morrison SWCD - \$6,415 (update policies and operational procedures), N St Louis SWCD - \$10,000 (Strategic Planning).</p>

### REPORTING OBJECTIVES

<p><b>What We Proposed</b></p>	<p><b>What We Did</b></p>
<p>Provide leadership in communicating the importance of measuring outcomes in watershed-based assessments (One Watershed One Plan) and organizational assessment performance reviews, ways of demonstrating resource outcomes resulting from plan implementation, and set specific</p>	<p>In 2025, seven watershed-based assessments were completed with watershed partners in the following One Watershed, One Plan areas: Cedar-Wapsipicon River, Lake of the Woods, Leaf-Wing-Redeye River, Leech Lake River, Missouri River, Pomme de Terre River and Thief River. These watershed-based assessments measured the watershed partners progress towards their plan goals and whether assurance measures for watershed-based implementation funding are being met. Monitoring plan</p>

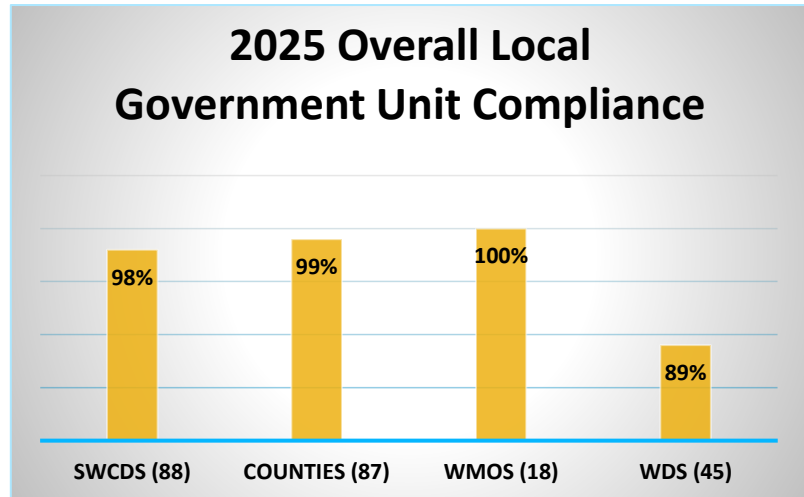
<p>expectations for reporting resource outcomes by LGUs.</p>	<p>progress and compliance with assurance measures will continue to be a requirement of the comprehensive watershed management plans developed via the One Watershed One Plan program.</p> <p>A total of 22 organizational assessments were also completed in 2025. These organizations include Dodge County/SWCD, Douglas County/SWCD, Grant County/SWCD, Hubbard County/SWCD, Kanaranzi-Little Rock Lake WD, Marshall County/SWCD, Nobles County/SWCD, Okabena-Ocheda WD, Rock County/SWCD, Steele County/SWCD, Swift County/SWCD, and Todd County/SWCD.</p> <p>The PRAP coordinator also completed onboarding (training) sessions for seven watershed-based partnerships and 26 organizations to help them prepare for PRAP assessments in 2026.</p>
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## 2025 LGU Performance Review Results

### Statewide Summary Results

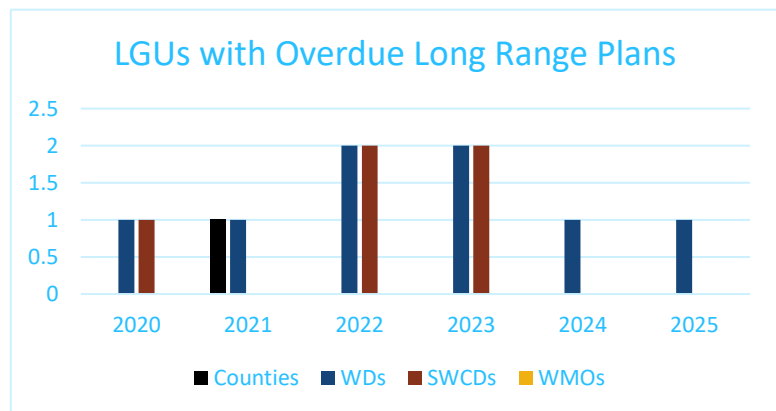
The annual statewide summary monitors and tabulates all 238 LGUs' long-range plan updates and their annual reporting of activities, ditch buffer reports, grants, and finances. BWSR tracks these performance measures each year to provide oversight of legal and policy mandates, but also to screen LGUs for indications of potential problems. Chronic lateness in financial or grant reporting, for example, may be a symptom of operational issues that require BWSR assistance.



**Overall, LGU compliance with Level I standards increased to 97% in 2025, as compared to 94% in 2024. BWSR began tightening Level I compliance tracking in 2013, and compliance percentages have remained high from 2018 - 2025, as seen above.**

### Long-range plans

BWSR's legislative mandate for PRAP includes a specific emphasis on evaluating progress in LGU plan implementation. Therefore, helping LGUs keep their plans current is basic to that review. The annual statewide summary tracks whether LGUs are meeting their plan revision due dates. For this review, LGUs that have been granted an extension for their plan revision are not considered to have an overdue plan.



Many local water management plans have transitioned to One Watershed, One Plans. The number of overdue plans in 2025 is one the same as in 2024. Just one watershed district water management plan is overdue at the end of 2025. No county local water plan and watershed management organization plans have expired as of December 31, 2025. LGUs without an approved water management plan are not eligible for Clean Water grant funds awarded by BWSR.

Appendix D (page 22) lists the LGUs whose plans are overdue for a plan revision.

### Annual activity and grant report

LGU annual reports are an important means of providing citizens and BWSR with information about LGU activities and grants expenditures. The annual statewide summary review tracks both missing and late reports.

On-time submittal of grant status reports via BWSR's on-line eLINK system is higher in 2025 with 99% of LGUs reporting on time compared with 97% in 2024, 99% in 2023, 2022, and 2021, and 98% in 2020.

Watershed district compliance with the annual activity report requirements was 95% in 2025, this compared to 87% in 2024, 84% in 2023, 89% in 2022, 91% in 2021, 89% in 2020, and 87% in 2019. Continued improvement in reporting will continue to be an objective of BWSR staff in 2025, with a goal of reaching 100% compliance.

Appendix E (page 23) contains more details about reporting.

### Annual financial reports and audits

Starting in 2020, all SWCDs were required to prepare annual audits of their financial record and submit audited financial statements to BWSR. In 2025, 99% of SWCDs completed financial reports and audits, compared to 100% in 2024. A reminder was sent out to SWCDs regarding the due date for audit report submissions to BWSR.

WDs and WMOs are also required to prepare annual audits. In, 2025, 97% of WDs met the audit performance standard, compared to 91% in 2024. In 2025, 100% of WMOs met this standard, the same as 2024. See Appendix F (page 24) for financial report and audit details.

BWSR does not track county audits because counties are accountable to the Office of the State Auditor.

### Organizational Reviews

Organizational reviews are designed to give both BWSR and the individual LGUs an overall assessment of the LGU's effectiveness in their delivery of conservation efforts. The review looks at the LGU's compliance with BWSR's operational performance standards and includes surveys of board members, staff, and partners to assess the LGU's effectiveness and existing relationships with other organizations. In 2025, LGU staff spent an average of about eight hours on Organizational Assessments while BWSR staff spent an average of about 40 hours for each assessment.



BWSR conducted organizational reviews for 22 LGUs in 2025: Dodge County/SWCD, Douglas County/SWCD, Grant County/SWCD, Hubbard County/SWCD, Kanaranzi-Little Rock WD, Marshall County/SWCD, Nobles County/SWCD, Okabena-Ocheda WD, Rock Co/SWCD, Steele County/SWCD, Swift County/SWCD, and Todd County/SWCD. Appendix G (pages 25-47) contain summaries of the 2025 organizational assessments reports. Full reports are available from BWSR by request.

### Common Organizational Assessment Recommendations in 2025

While none of the findings or conclusions from these reviews apply to all LGUs, there were general observations and commonly used recommendations to improve LGU performance worth noting.

1. **Communication:** work to maintain a consistent level of communication between partners to build upon working relationships.
2. **Tracking:** continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
3. **Reflecting:** spend time with your watershed-based partners to compare work activities completed versus activities that were planned.
4. **Sharing:** remember to communicate regularly to the public and stakeholders about accomplishments you're making toward watershed management work.
5. **Strategic planning:** consider completing a strategic planning session to review and/or define your organizational goals and objectives.
6. **Workload assessment:** consider completing a workload assessment to determine staff needs.
7. **Official controls:** look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

### **Watershed-based Performance (One Watershed One Plan) Review Results**

There have been significant changes in the way that Minnesota approaches water management since PRAP started in 2008. In particular, the transition to watershed-based management plans have changed the way water planning is occurring at a local level. In 2023, BWSR determined that an evaluation of the PRAP program was needed to review the effectiveness of the program and to identify any areas for improvement or efficiencies.

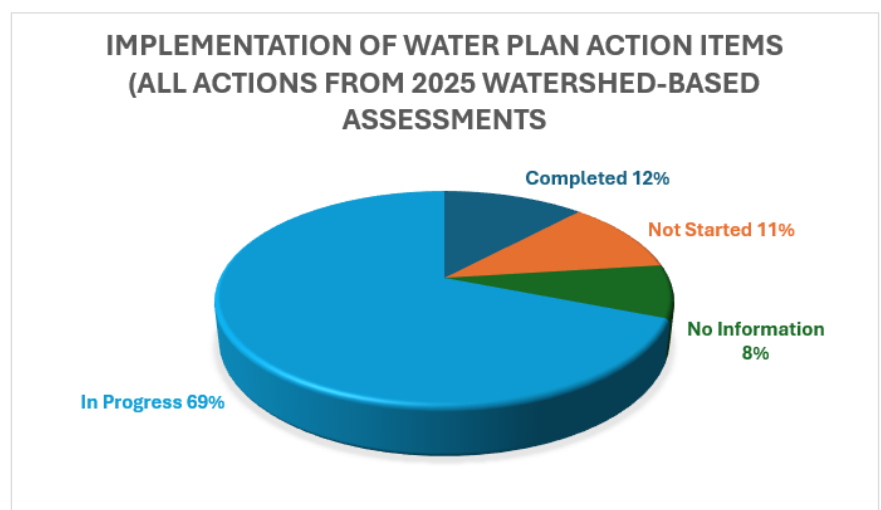
Program evaluation continued to occur after a new PRAP coordinator was hired in October of 2023. This work, in conjunction with necessary onboarding and training for a new coordinator resulted in three watershed-based reviews completed in 2024.

In 2025, BWSR conducted watershed-based PRAP assessments for seven comprehensive watershed management plans: Cedar-Wapsipinicon River, Lake of the Woods, Leaf-Wing-Redeye River, Leech Lake River, Missouri River, Pomme de Terre River and Thief River.

Appendix G (pages 25-47) contains summaries of the 2025 performance review reports. Full reports are available from BWSR by request.

### **Implementation of Water Plan Action Items**

Seven watershed-based assessments were completed in 2025 to review progress made towards One Watershed, One Plans. Those plans identified a combined 480 action items. Of those action items, 332 (69%) were in progress, 59 (12%) completed, 51 (11%) not started, and 38 (8%) no information was provided. Eighty-one percent of all actions were implemented to some extent (either completed or ongoing).



### Common Watershed-based Recommendations in 2025

While none of the findings or conclusions from these reviews apply to all LGUs, there were general observations and commonly used recommendations to improve LGU performance worth noting.

1. **Communication:** look for ways to strengthen communication between all partners.
2. **Progress tracking:** improve project tracking to account for all work that contributes toward plan goals.
3. **Sharing:** communicate regularly to the public and stakeholders about accomplishments you're making toward watershed management work.
4. **Outreach:** through targeted and focused approaches.
5. **Training and orientation:** for policy committee members and staff to ensure roles and responsibilities are clearly defined.
6. **Annual workplan:** develop an annual workplan that extends beyond WBIF to capture the broader efforts you are making through other grants, programs, or partnerships.

### Action Items

During Performance Review Assessments, an LGU's compliance with performance standards is reviewed. Action items are based on the LGU's lack of compliance with BWSR's basic practice performance standards. LGU's are given an Action Item in the PRAP Report to address lack of compliance with one or more basic standards.

All Action Items identified during the 2025 PRAP Assessment reviews will be verified within 18 months to ensure completion. A PRAP follow-up survey demonstrated that all action items assigned for 2023 LGUs were implemented within 18 months.

### Special Assessment Results

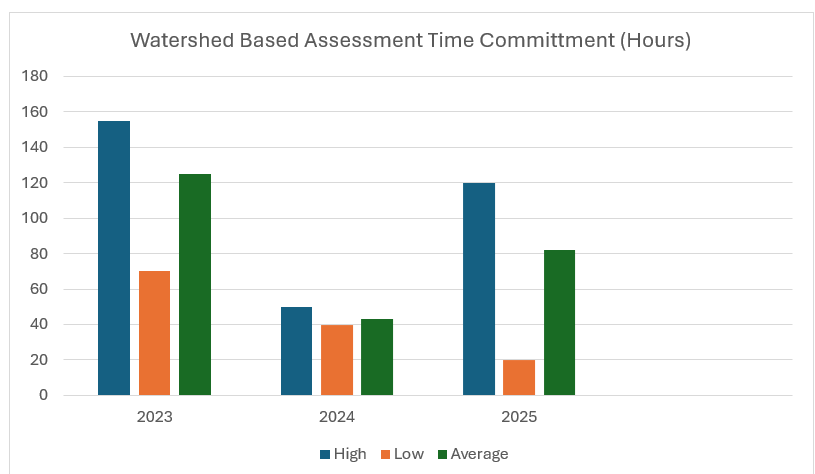
No special assessment reviews were completed in 2025 as there was no expressed desire by BCs or regional supervisors to conduct this level of review on any LGUs.

### Performance Review Time

BWSR tracks the time spent by LGUs in a performance review as a substitute for accounting their financial costs. Factors affecting an LGU's time include the number of action items in their long-range plan, the number of staff who help with data collection, and the ready availability of performance data.

In 2025, LGU staff within each partnership, spent an average of about 82 hours on their watershed-based assessment. This is higher than the 42-hour average in 2024. The

amount of LGU staff time to conduct the watershed-based assessment is trending higher than an organizational assessment because it includes time from several partners as compared to a single



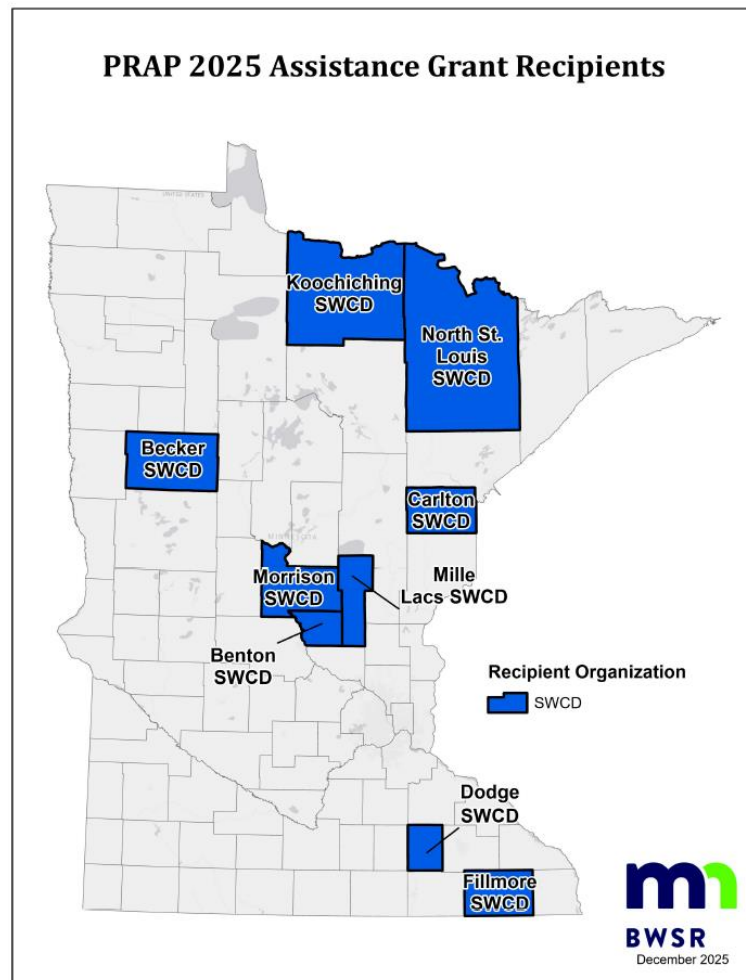
LGU. Not including overall performance review administration and process development, BWSR staff spent an average of 80 hours for each watershed-based assessment.

BWSR seeks to maintain a balance between getting good information and minimizing the LGU time required to provide it. Our goal is to gather as much pertinent information as needed to assess the performance of the LGU and offer realistic and useful recommendations for improving performance.

## Assistance Services to Local Governments

### PRAP Assistance Program

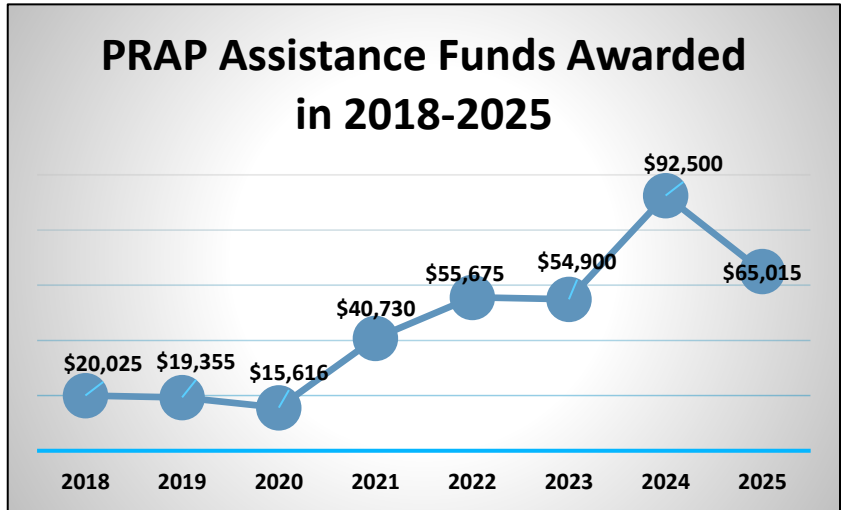
In 2012, BWSR developed the PRAP assistance program to provide financial assistance to LGUs for improving operating performance and executing planned goals and objectives. Since the program started, more than \$400,000 has been awarded to LGUs around Minnesota. Priority is given to applicants submitting projects related to eligible PRAP organizational assessment or special assessment recommendations, but other organizations are also eligible. The grants are made on a reimbursement basis with a cap of \$10,000 per single LGU or \$20,000 for partnerships applying as a group. The application process requires basic information about the need, the proposed use of funds, a timeline, and the source of match dollars (if any). BWSR staff assess the LGU need as part of the application review process, and grants are awarded on a first-come, first-serve basis if funds are available.



In 2015, the BWSR Board delegated authority to the Executive Director to award grants or contracts for the purpose of assisting LGUs in making organizational improvements (see resolution in Appendix B, page 17). The Executive Director regularly informs Board members of assistance grant status.

In calendar year 2025, nine PRAP assistance grants, totaling \$65,015 were awarded. Board Conservationists were encouraged to work with LGUs who could benefit from PRAP assistance grants. LGUs undergoing an

organizational assessment were also notified of PRAP assistance funding when recommendations were made for activities that would be eligible for PRAP funds.



**PRAP Assistance Grants Awarded in 2025**

LGU	Amount Awarded	Purpose
Becker SWCD	\$10,000	Update position descriptions, personnel policies and operational procedures.
Benton SWCD	\$5,000	Update policies and operating procedures.
Carlton SWCD	\$10,000	Strategic planning
Dodge SWCD	\$5,000	Strategic planning
Fillmore SWCD	\$3,600	Wage and benefit survey
Koochiching SWCD	\$10,000	Update position descriptions, personnel policies and operational procedures.
Mille Lacs SWCD	\$5,000	Update policies and operating procedures.
Morrison SWCD	\$6,415	Update policies and operating procedures.
North St Louis SWCD	\$10,000	Strategic planning

Potential applicants can find information on the BWSR website <http://www.bwsr.state.mn.us/PRAP/index.html>.

# Reporting

## Purpose of Reporting

BWSR reports on LGU performance to:

- meet the legislative mandate (M.S. 103B.102) to provide the public with information about the performance of their local water management entities, and
- provide information that will encourage LGUs to learn from one another about methods and programs that produce the most effective results.

## Information Sources

PRAP relies on different information sources to develop reports to achieve the purposes listed above.

## LGU-Generated

These include information posted on the LGU websites and the required or voluntary reports submitted to BWSR, other units of government, and the public about fiscal status, plans, programs, and activities. These all serve as a means of communicating what each LGU is achieving and allow stakeholders to make their own evaluations of LGU performance. PRAP tracks submittal of required, self-generated LGU reports in the Statewide Summary review process.

## BWSR Website

The BWSR website contains a webpage devoted to PRAP information. The site provides background information on the program including:

- Guiding principles for the program
- A description of the three types of assessments (organization, watershed-based and special assessment)
- Application information for PRAP grants
- Background on the PRAP legislative report
- Description of the annual statewide summary

For more information see: <https://bwsr.state.mn.us/prap>

The BWSR website also includes regularly updated maps of long-range plan status by LGU type. Visitors to the PRAP webpage can find general program information, tables of current performance standards by LGU type, summaries of organizational assessment performance review reports, and copies of annual legislative reports.

## Performance Review Reports

BWSR prepares a report containing findings, conclusions, and recommendations for each LGU subject of an organizational assessment performance review. The LGU lead staff and board, or water plan task force members receive a draft of the report to which they are invited to submit comments. BWSR then sends a final report to the LGU. A summary from each review is included in the annual legislative report (see Appendices G and H, pages 25-53).

## Annual Legislative Report

As required by statute (M.S. 103B.102, Subd. 3), BWSR prepares an annual report for the legislature containing the results of the previous year's program activities and a general assessment of the performance of the LGUs providing land and water conservation services and programs. These reports are reviewed and approved by the BWSR board and then sent to the chairpersons of the senate and house environmental policy committees, to statewide LGU associations and to the office of the legislative auditor.

**Recognition for Exemplary Performance**

The PRAP guiding principles include a provision for recognizing exemplary LGU performance. Each year this legislative report highlights those LGUs that are recognized by their peers or other organizations for their contribution to Minnesota's resource management and protection, as well as service to their local clientele. (See Appendix I, page 54).

For those LGUs that undergo an organizational or watershed-based assessment, their report lists "commendations" for compliance with each high-performance standard, demonstrating practices over and above basic requirements. The following are common commendations shared by LGUs in 2025:

- Active partner/participant in at least one 1W1P planning or implementation process.
- Received competitive clean water grants within the past two years.
- Water management ordinances are on county website.
- Annual report to water plan advisory committee on plan progress.
- Partnerships: cooperative projects/tasks with neighboring districts, counties, watershed district, non-government organizations.



## Program Conclusions and Future Direction

### Conclusions from 2025 Reviews

**All Action Items identified during 2025 watershed-based assessment PRAP were assigned an 18-month timeline for completion.** In 2024, BWSR completed follow up of all organizational assessment (previously Level II review) PRAPs for the year 2023.

**Action Items from previous organizational assessment PRAP are being implemented.** In 2023, four organizations received a total of five action items, each of which were implemented within 18 months.

**Common recommendations for watershed partners in 2025 was to:** annually conduct a work planning exercise; improve plan progress tracking; and consider articulating goals in a concrete/measurable fashion in future amendments.

**Reminders and incentives contribute significantly to on-time reporting by LGUs.** Overall LGU reporting performance and non-expired plans improved in 2025. Overall compliance was 97% in 2025, as compared to 94% in 2024.

### PRAP Program Continuous Improvement

To remain effective and forward-looking the PRAP Coordinator continued work with BWSR's 1W1P Program Coordinator, Wetland Specialists, Regional Managers, Board Conservationists and Chief Financial Officer in 2025 to reinforce the importance of utilizing existing reporting tools to track LGU level one reporting requirements and to implement internal process to conduct assessments more efficiently. This effort has led to an increase in overall compliance.

## PRAP Program Objectives for 2026

- Track 238 LGUs' performance via statewide summary.
- Continue efforts to improve statewide summary performance review reporting of all LGUs through LGU cooperation and persistent follow-up by BWSR staff.
- Complete up to seven watershed-based reviews and 26 organizational reviews.
- Continue to evaluate PRAP program and make changes to processes and materials based on findings.
- Emphasize the importance of measuring outcomes in PRAP reviews, ways of demonstrating resource outcomes resulting from plan implementation, and set specific expectations for reporting resource outcomes by LGUs.
- Survey LGUs and watershed partnerships from 2024 organizational and watershed-based PRAP reviews to track LGU implementation of PRAP recommendations.
- Continue monitoring and reviewing compliance with action items identified during organizational and watershed-based assessments to measure progress toward the goal of 100% compliance within 18 months for required action items.
- Continue the promotion and use of PRAP assistance grants to enhance LGU organizational effectiveness.
- Continue to explore opportunities to secure stable funding source for PRAP assistance grants.

- Continue to explore opportunities to increase staff capacity to provide more assistance to organizations with organizational effectiveness needs.
- Complete up to 12 PRAP onboarding training opportunities for new organization administrators to help them with organizational effectiveness needs.
- Complete up to six PRAP onboarding opportunities for watershed partnerships to help them prepare for 2027 watershed-based assessments.
- Complete up to 22 PRAP onboarding opportunities for organizations to help them prepare for 2027 organizational assessments.

# Appendix A

## PRAP Authorizing Legislation

### 103B.102, Minnesota Statutes 2013

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#### **103B.102 LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.**

##### **Subd. 1. Findings; improving accountability and oversight.**

The legislature finds that a process is needed to monitor the performance and activities of local water management entities. The process should be preemptive so that problems can be identified early and systematically. Underperforming entities should be provided assistance and direction for improving performance in a reasonable time frame.

##### **Subd. 2. Definitions.**

For the purposes of this section, "local water management entities" means watershed districts, soil and water conservation districts, metropolitan water management organizations, and counties operating separately or jointly in their role as local water management authorities under chapter 103B, 103C, 103D, or 103G and chapter 114D.

##### **Subd. 3. Evaluation and report.**

The Board of Water and Soil Resources shall evaluate performance, financial, and activity information for each local water management entity. The board shall evaluate the entities' progress in accomplishing their adopted plans on a regular basis as determined by the board based on budget and operations of the local water management entity, but not less than once every ten years. The board shall maintain a summary of local water management entity performance on the board's Web site. Beginning February 1, 2008, and annually thereafter, the board shall provide an analysis of local water management entity performance to the chairs of the house of representatives and senate committees having jurisdiction over environment and natural resources policy.

##### **Subd. 4. Corrective actions.**

(a) In addition to other authorities, the Board of Water and Soil Resources may, based on its evaluation in subdivision 3, reduce, withhold, or redirect grants and other funding if the local water management entity has not corrected deficiencies as prescribed in a notice from the board within one year from the date of the notice.

(b) The board may defer a decision on a termination petition filed under section 103B.221, 103C.225, or 103D.271 for up to one year to conduct or update the evaluation under subdivision 3 or to communicate the results of the evaluation to petitioners or to local and state government agencies.

##### **History:**

2007 c 57 art 1 s 104; 2013 c 143 art 4 s 1

# Appendix B

## Board Authorization of Delegation for PRAP Assistance Grants



BOARD DECISION # 21-22

### BOARD ORDER

#### Performance Review and Assistance Program (PRAP) Assistance Service Grants

##### PURPOSE

Authorize PRAP Assistance services and delegate approval of payment to the Executive Director.

##### FINDINGS OF FACT / RECITALS

1. The Board of Water and Soil Resources (Board) regularly monitors and evaluates the performance and activities of local water management entities and provides assistance in improving performance under the authorities and requirements of Minnesota Statutes §103B.102.
2. In December 2018, the Board through Resolution #18-71 "approved the allocation of designated or available funds to eligible local water management entities and reconfirmed the delegation of authority to the Executive Director to approve individual PRAP Assistance grants up to \$10,000 requires that program awards are reported to the Board at least once per year."
3. The Board continues to receive requests for PRAP assistance services to address operational or service delivery needs identified through a PRAP assessment or specialized assistance request noting an increase in requests from multiple entities or partnerships.
4. The Board has authorities under Minnesota Statutes §103B.3369 and 103B.101 to award grants and contracts to accomplish water and related land resources management.
5. The Grants Program and Policy Committee, at their August 11, 2021 meeting, reviewed this request and recommended the Board approve this order.

##### ORDER

The Board hereby:

1. Approves the allocation of designated or available funds, consistent with the appropriation of the designated or available funds, to eligible local government water management entities for fulfilling the provisions of Minnesota Statutes §103B.102.
2. Confirms the delegation of authority to the Executive Director to approve PRAP Assistance grants or contracts up to \$10,000 per contract for single entity requests and \$20,000 for projects that involve multiple entities or partnerships and requires that program awards are reported to the Board at least once per year.
3. Establishes that all PRAP Assistance awards be cost shared by the grantee at a percentage determined by the Executive Director.
4. Authorizes staff to enter into grant agreements or contracts for these purposes.
5. Establishes that this order replaces previous Board resolution #18-71.

Dated at Austin, Minnesota, this August 26, 2021.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES



Gerald Van Amburg, Chair  
Board of Water and Soil Resources

Date: August 26, 2021

## Appendix C

### PRAP Assistance Grant Application Information

The PRAP Assistance program provides financial assistance to LGUs to improve operating performance and execution of planned goals and objectives. Funding priority is given to activities recommended as part of an organizational assessment, watershed-based assessment or special assessment.

**Examples of eligible activities:** facilitation, mediation or consulting services related to organizational improvement such as reorganizations/mergers, strategic planning, organizational development, assessments for shared services, benchmarking, non-routine audits, and staff and board capacity assessments.

**Activities that are not eligible for grant funds, or to be used as LGU match:** Technology upgrades (computer equipment, software, smartphones, etc.), infrastructure improvements (vehicles, office remodel, furniture), staff performance incentives (bonuses, rewards program), basic staff training (BWSR Academy fees and expenses; Wetland Delineator Certification, subjects offered at BWSR Academy, training for promotion, basic computer training), water planning, conservation practices design or installation, publication or publicity materials, food & refreshments, (other than costs associated with meetings and conferences where the primary purpose is an approved, eligible grant activity) lodging, staff salaries, and regular board member per diems.

**Note:** Board member per diems and associated expenses outside of regular meetings, and associated with an approved, eligible activity are eligible for grant funds or can be used as match.

**Grant Limit:** \$10,000 for individual LGUs, \$20,000 for LGU partnerships.

**Who May Apply:** County water management/environmental services; SWCDs; watershed districts; watershed management organizations. In some cases, LGU joint powers associations or boards, or other types of LGU water management partnerships will be eligible for grants. Priority is given to applicants submitting projects related to eligible organizational assessment, watershed-based assessment, or special assessment recommendations.

**Terms:** BWSR pays its share of the LGU's eligible expenditures as reimbursement for expenses incurred by the LGU after the execution date of the grant agreement. Reporting and reimbursement requirements are also described in the agreement. Grant agreements are processed through BWSR's eLINK system.

**How to Apply:** Submit an email request to the PRAP Coordinator with the following information:

- 1) Description, purpose, and scope of work for the proposed activity (If the activity or services will be contracted, do you have a contracting procedure in by-laws or operating guidelines?)
- 2) Expected products or deliverables.
- 3) Desired outcome or result

- 4) Does this activity address any recommendations associated with a recent PRAP Assessment? If so, describe how.
- 5) How has your Board indicated support for this project? How will they be kept involved?
- 6) Duration of activity: proposed start and end dates
- 7) Itemized Project Budget including
  - a. Amount of request
  - b. Source of funds to be used for match (cannot be state money nor in-kind)
  - c. Total project budget
- 8) Have you submitted other funding requests for this activity? If yes, to whom and when?
- 9) Provide name and contact information for the person who will be managing the grant agreement and providing evidence of expenditures for reimbursement.

## **Appendix D**

### **Annual Statewide Summary: 2025 LGU Long-Range Plan Status as of December 31, 2025**

#### **Soil and Water Conservation Districts**

(Districts have a choice of option A or B)

**A. Current Resolution Adopting Local or Comprehensive Water Management Plan**

All resolutions are current.

**B. Current District Comprehensive Plan**

All plans are current.

#### **Counties**

**Local or Comprehensive Water Management Plan Overdue: Plan Revision in Progress**

- All plans are current.

#### **Watershed Districts**

**10-Year Watershed Management Plan Revision Overdue: Plan Revision in Progress**

- Two Rivers Watershed District (in-progress)

#### **Watershed Management Organizations**

- All plans are current

# Appendix E

## Annual Statewide Summary: Status of Annual Reports for 2024 as of December 31, 2025

### Soil and Water Conservation Districts

eLINK Status Reports of Grant Expenditures

Late Reports:

- West Polk SWCD

### Counties

eLINK Status Reports of Grant Expenditures

Late Reports:

- Dakota County

### Watershed Districts

Annual Activity Reports Not Submitted (or submitted late):

- Joe River
- Stockton Rollingstone

### Metro Joint Powers Watershed Management Organizations

Annual Activity Reports not submitted (or submitted late):

All reports submitted on time.



## Appendix F

### Annual Statewide Summary: Status of Financial Reports and Audits for 2024 as of December 31, 2025

#### Soil and Water Conservation Districts

##### Annual Audits

##### Annual Audits Not Submitted (or submitted late)

- Winona

#### Watershed Districts

##### Annual Audits Not Completed (or submitted late):

- Joe River
- Sauk River
- Lower Minnesota River

#### Metro Joint Powers Watershed Management Organizations

##### Annual Audits Not Submitted (or submitted late):

- All audits submitted

## Appendix G

### Watershed-based Assessment Performance Review Final Report Summaries

#### Cedar-Wapsipinicon Partnership (Watershed-based PRAP)

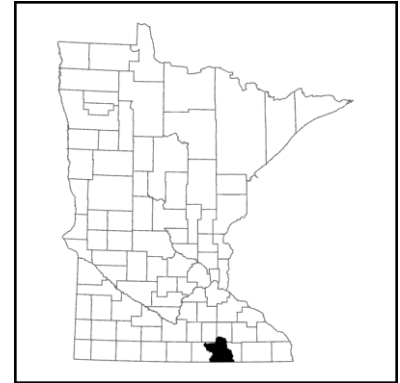
##### Key Findings and Conclusions

The Cedar-Wapsipinicon partnership is commended for their work in implementing activities identified within their comprehensive watershed plan. In general, policy and advisory committee members feel the partnership is strong and doing an effective job in implementing projects on the ground to meet plan priorities.

Increasing communication within the partnership will help improve conservation delivery in the watershed. Improving plan progress tracking to measure progress towards plan goals will also assist staff in determining and communicating progress toward plan goals.

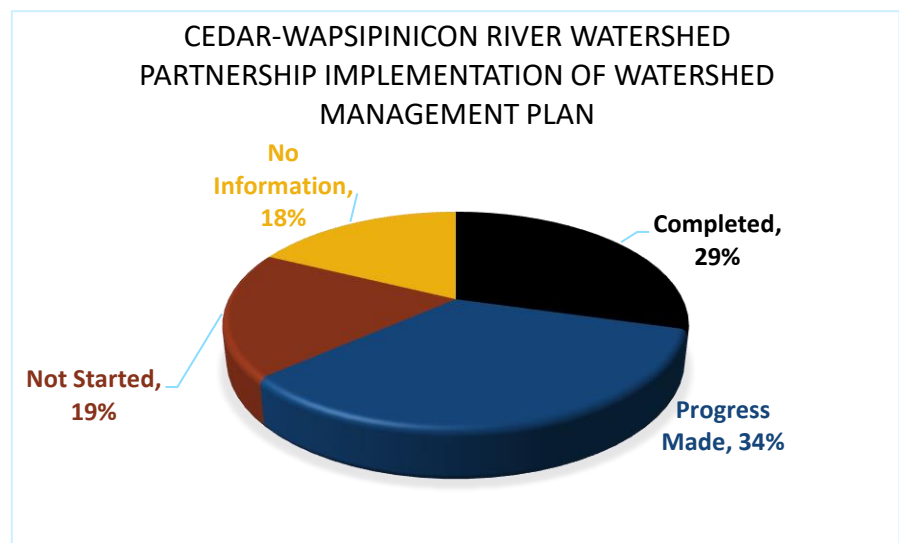
The partnership is commended for meeting 16 of 16 basic requirements and 10 of 11 applicable best standards/practices, including reviewing the committee membership and updating annually, having current operational guidelines for fiscal procedures, and updating agency partners on accomplishments regularly.

The partnership is also commended for meeting five of eight high priority performance standards, including utilizing shared services between partners, technical advisory committee reviews members, agency members provide regular updates, water quality trends for priority waters are tracked, and watershed partners have developed new partnerships outside of the watershed partnership.



##### Resource Outcomes

The Cedar-Wapsipinicon River Comprehensive Watershed Management Plan was approved in 2019 and runs through 2029. For planning and implementation purposes, the plan is divided into 15 planning areas. Each is a sub watershed located upstream of a targeted resource concern. Measurable goals were developed to address issues on a resource-by-resource basis and partners used the Prioritize, Target, and Measure Application (PTMapp) to define goals related to implementation of best management practices and to develop potential costs for various strategies. The plan contains 85 action items. Of those, 29 (34.1%) were identified as *In Progress/Ongoing*, 16 (18.8%) were identified as *Not Started*, 25 (29.4%) were identified as *Completed*, and the remaining 15 (17.7%) had *No information* provided to make a determination.



The Cedar-Wapsipinicon River Partnership is commended for making progress on over 34% of the action items/activities identified within the implementation section of the plan.

### Summary of Partnership Recommendations

Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the partnership. BWSR relies heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure recommendations provided are relevant, timely, and helpful for the partnership to implement and improve their operations.

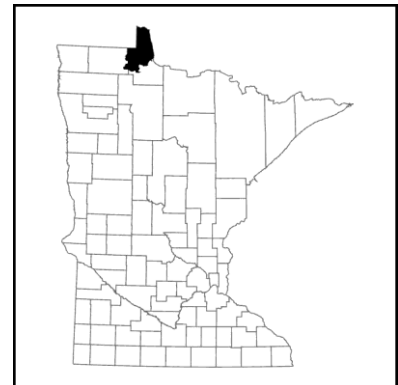
- **Recommendation 1:** Annually conduct a work planning exercise.
- **Recommendation 2:** Improve plan progress tracking.
- **Recommendation 3:** Increase communication between all partners.
- **Recommendation 4:** Project tracking system to track all work toward plan goals.
- **Recommendation 5:** Partnership annually review progress toward water quality goals.

### Lake of the Woods Partnership (Watershed-based PRAP)

#### Key Findings and Conclusions

The Lake of the Woods partnership is commended for their work in implementing activities identified within their comprehensive watershed management plan. Committee members agree that the partnership is doing an effective job in implementing projects on the ground to meet plan priorities.

Increasing communication within the partnership will help improve conservation delivery in the watershed. Tracking and reflecting on work done will continue to help the partnership as it evaluates progress towards plan goals. Regularly communicating progress to the public and stakeholders will help maintain public support for watershed work and generate local participation in conservation programs and events.

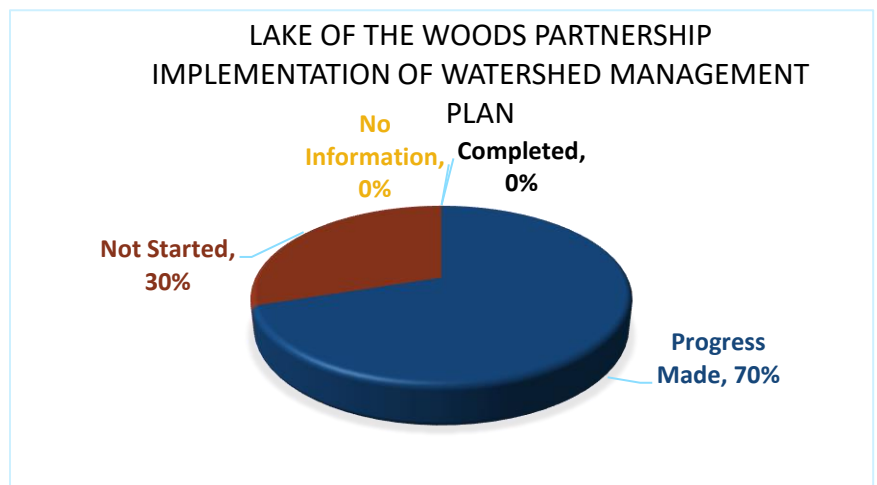


The Partnership is commended for meeting 16 of 16 basic requirements, nine of 11 applicable best standards/practices, and eight of eight high performance standards, which include project tracking system used to track all work contributing toward plan goals, shared services leveraged between partners, training efforts made to inform policy committee members, technical advisory committee members reviewed, agency members provide regular updates, water quality trends are tracked for priority waters, partners annually review progress toward plan goals, and watershed partnerships have developed partnerships outside of the watershed partnership.

#### Resource Outcomes:

The Lake of the Woods partnership includes six counties, six soil and water conservation districts, two watershed districts and a joint powers board. This partnership has been working together since 2016 to develop a comprehensive watershed management plan.

For planning and implementation purposes the partnership developed a list of priority concerns. These concerns are Level A (Highest Priority), Level B (Second Highest Priority) and Level C (Third Highest Priority).



The plan contains 21 short term goals, and 86 action items related to short-term/plan goals. Of those actions, 60 (70%), were identified as *In Progress/Ongoing*, and the remaining 26 actions *have not started*.

**Summary of Recommendations** Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the partnership. We rely heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure we provide recommendations that are relevant, timely, and helpful for the partnership to implement and improve their operations.

- **Recommendation (Tracking):** Continue to track and share data with each other about implementation efforts that contribute to plan goals.
- **Recommendation (Reflecting):** Incorporate an adaptive management step into annual or biennial planning sessions.
- **Recommendation (Evaluating):** Continue to compare the resource results associated with projects, practices, or programs to the stated resource goals/outcomes in the plan.
- **Recommendation (Sharing):** Communicate regularly to the public and stakeholders about watershed work.
- **Recommendation (Training):** Develop a formal training and orientation process for policy committee members and staff.
- **Recommendation (Communication):** Increase communication between all partners.
- **Recommendation (Capacity):** Consider workload assessments to evaluate staff capacity.

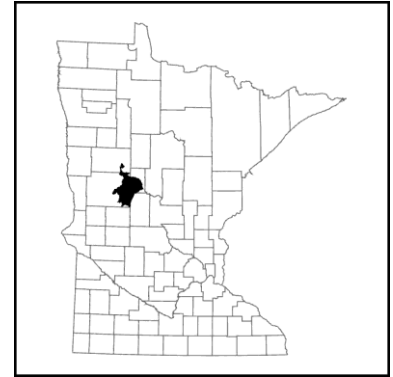
## Leaf-Wing-Redeye River Partnership (Watershed-based PRAP)

### Key Findings and Conclusions

The Leaf-Wing-Redeye River partnership is commended for their work in implementing activities identified within their comprehensive watershed management plan. The policy and advisory committee members agree the partnership is doing an effective job in implementing projects on the ground to meet plan priorities.

Maintaining a high level of communication between all partners will help sustain conservation delivery in the watershed. Continually tracking progress, reviewing results, evaluating actions, and sharing information will ensure the partnership remains successful in implementing plan priorities.

The partnership is commended for meeting 16 of 16 basic requirements, 10 of 11 applicable best standards/practices, and seven of eight high performance standards, including project tracking system in place to track all work contributing toward plan goals, shared services leveraged between partners, technical advisory committee members reviewed on a regular basis, agency members provide updates, water quality trends tracked for priority water bodies, partnership annually reviews progress toward water quality goals, and watershed partners have developed new partnerships with partners outside the planning partnership.



### Resource Outcomes

The Leaf-Wing-Redeye partnership includes three counties and four soil and water conservation districts. This partnership is working together through a Memorandum of Understanding. Their current plan was approved in 2020.

For planning purposes, the Leaf-Wing-Redeye Watershed is divided into four planning regions based sub-watershed (HUC10). Each watershed has a different makeup of land use, lake quality and risk and has an overall management focus assigned for it.

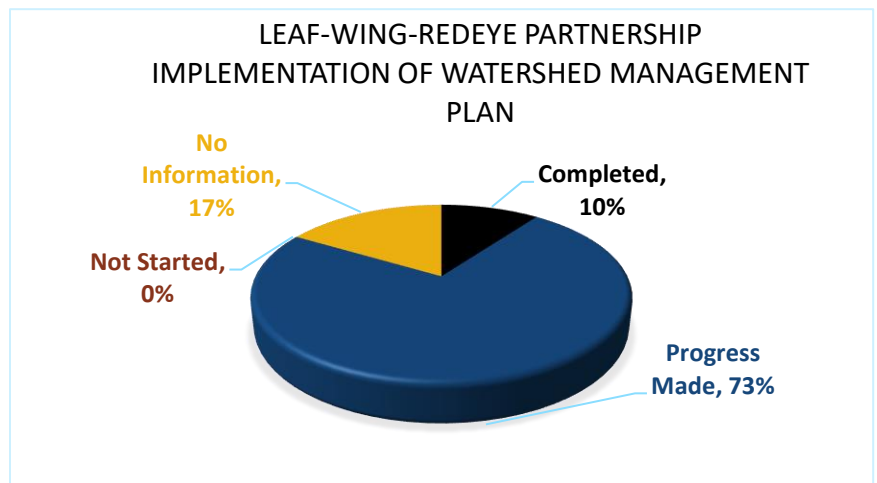
The comprehensive watershed management plan contains 43 short term goals and 79 planned actions or activities. Of those activities, 8 (10.1%) were identified as being completed, 58 (73.4%) as *In Progress/ Ongoing*, and the remaining 13 (16.5%) had no information provided to make a determination.

The Leaf-Wing-Redeye Partnership is commended for making progress on over 73% of the action items/activities identified within the implementation section of the plan.

### Summary of Recommendations

Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the partnership. We rely heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure we provide recommendations that are relevant, timely, and helpful for the partnership to implement and improve their operations.

- **Recommendation (Communication):** Continue to maintain a high level of communication.
- **Recommendation (Training):** Provide training opportunities to policy committee on watershed topics.



- **Recommendation (Annual Workplan):** Develop an annual workplan that extends beyond WBIF workplan.

### Leech Lake River Partnership (Watershed-based PRAP)

#### Key Findings and Conclusions

The Leech Lake River partnership is commended for their work in implementing activities identified within their comprehensive watershed management plan. The policy and advisory committee members agree the partnership is doing an effective job in implementing projects on the ground to meet plan priorities.

Maintaining a high level of communication between all partners will help sustain conservation delivery in the watershed. Continually tracking progress, reviewing results, evaluating actions, and sharing information will ensure the partnership remains successful in implementing plan priorities.

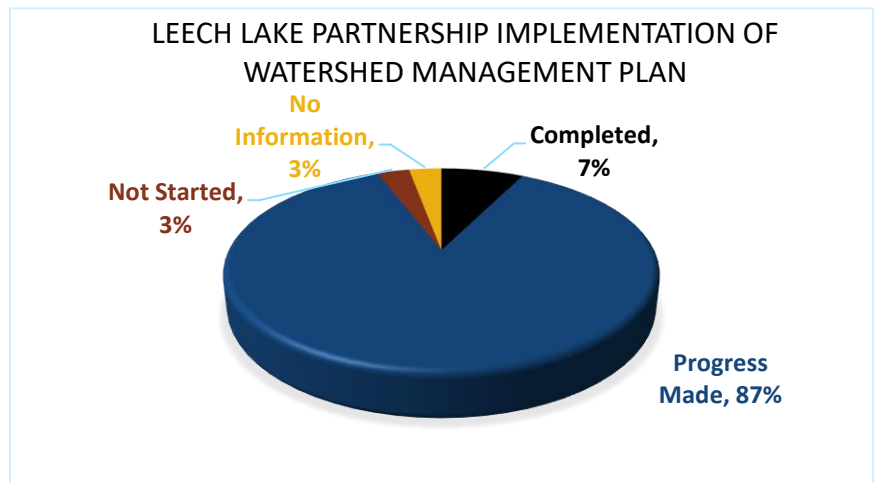
The partnership is commended for meeting 16 of 16 basic requirements, 10 of 11 applicable best standards/practices, and seven of eight high performance standards, including shared services leveraged between partners, training efforts made to inform policy committee on watershed topics, technical advisory committee members reviewed on a regular basis, agency members provide updates, water quality trends tracked for priority water bodies, partnership annually reviews progress toward water quality goals, and watershed partners have developed new partnerships with partners outside the planning partnership.



#### Resource Outcomes

The Leech Lake partnership includes two counties and two soil and water conservation districts. This partnership is working together through a Memorandum of Understanding. Their current plan was approved in 2019.

For planning purposes, the Leech Lake Watershed is divided into 11 priority sub watersheds. Each watershed has a different makeup of land use, lake quality and risk and has an overall management focus assigned for it.



The comprehensive watershed management plan contains 4 goal statements and 68 planned actions or activities. Of those activities, 5 (7.4%) were identified as being completed, 59 (86.8%) as *In Progress/ Ongoing*, two (2.9%) *have not been started*, and the remaining two (2.9%) had no information provided to make a determination.

The Leech Lake partnership is commended for making progress on over 86.8% of the action items/activities identified within the implementation section of the plan.

#### Summary of Recommendations

Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the partnership. We rely heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure we provide recommendations that are relevant, timely, and helpful for the partnership to implement and improve their operations.

- **Recommendation (Communication):** Continue to maintain a high level of communication.

- **Recommendation (Tracking):** Continue to track and share data with each other about implementation efforts that contribute to plan goals.
- **Recommendation (Adaptive Management Strategy):** Incorporate an adaptive management strategy into annual or biennial work planning.
- **Recommendation (Evaluating):** Compare the resource results associated with projects, practices, or programs to the stated goals in the plan.
- **Recommendation (Sharing):** Communicate regularly to the public and stakeholders about the watershed work done.

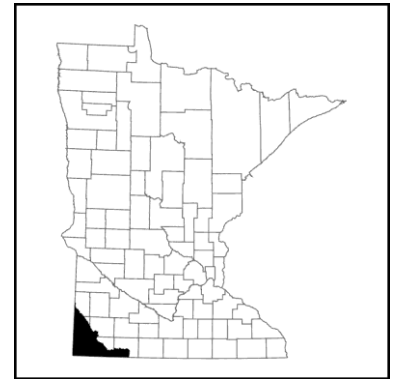
### Missouri River Partnership (Watershed-based PRAP)

#### Key Findings and Conclusions

The Missouri River partnership is commended for their work in implementing activities identified within their comprehensive watershed management plan. The policy and advisory committee members agree the partnership is doing an effective job in implementing projects on the ground to meet plan priorities.

Maintaining a consistent level of communication between all partners will help sustain conservation delivery in the watershed. Continually tracking progress, reviewing results, evaluating actions, and sharing information will ensure the partnership remains successful in implementing plan priorities.

The Partnership is commended for meeting 16 of 16 basic requirements, eight of 11 applicable best standards/practices, and seven of eight high performance standards, including project tracking system in place to track all work contributing toward plan goals, shared services leveraged between partners, training efforts made to inform policy committee on watershed topics, technical advisory committee members reviewed on a regular basis, water quality trends tracked for priority water bodies, partnership annually reviews progress toward water quality goals, and watershed partners have developed new partnerships with partners outside the planning partnership.



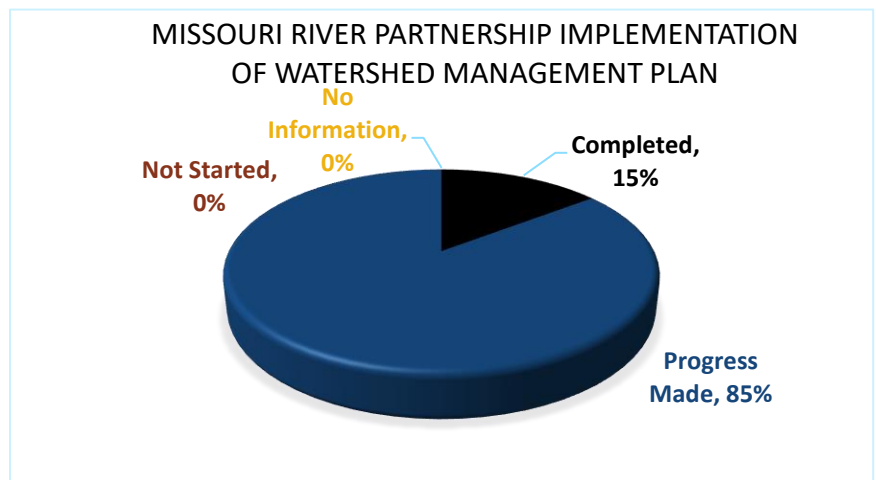
#### Resource Outcomes

The Missouri River partnership includes six counties, six soil and water conservation districts, and two watershed districts. This partnership is working together through a Memorandum of Understanding. Their current plan was approved in 2019.

For planning purposes, the Missouri River watershed is divided into three planning regions based sub-watershed (HUC10). Each watershed has a different makeup of land use, lake quality and risk and has an overall management focus assigned for it.

The comprehensive watershed management plan contains 10 short term goals and 48 planned actions or activities. Of those activities, (14.6%) were identified as being completed, and (85.4%) as *In Progress/ Ongoing*.

The Missouri River partnership is commended for making progress on over 85.4% of the action items/activities identified within the implementation section of the plan.



## Summary of Recommendations

Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the partnership. We rely heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure we provide recommendations that are relevant, timely, and helpful for the partnership to implement and improve their operations.

- **Recommendation (Communication):** Continue to maintain a high level of communication.
- **Recommendation (Tracking):** Continue to track and share data with each other about implementation efforts that contribute to plan goals.
- **Recommendation (Reflecting):** Incorporate an adaptive management step into annual or biennial work planning sessions.
- **Recommendation (Evaluating):** Continue to compare the resource results associated with projects, practices, or programs to the stated resource goals in the plan.
- **Recommendation (Sharing):** Communicate regularly to the public and stakeholders about your watershed management work.
- **Recommendation (Training):** Develop a formal training and orientation process for policy committee members and staff.

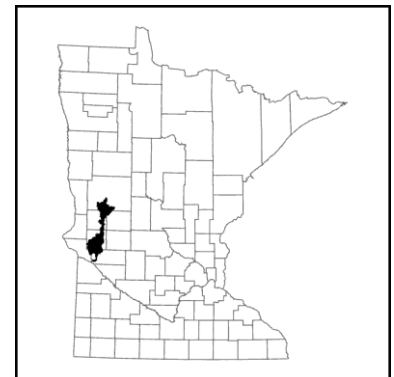
### Pomme de Terre River Partnership (Watershed-based PRAP)

#### Key Findings and Conclusions

The Pomme de Terre River partnership is commended for their work in implementing activities identified within their comprehensive watershed management plan. The policy and advisory committee members agree the partnership is doing an effective job in implementing projects on the ground to meet plan priorities.

Continually tracking progress, reviewing results, evaluating actions, and sharing information will ensure the partnership remains successful in implementing plan priorities. The organizations within the partnership may also benefit from a workload analysis since several partners are participating in multiple One Watershed, One Plan partnerships.

The partnership is commended for meeting 16 of 16 basic requirements, 9 of 11 applicable best standards/practices, and four of eight high performance standards, shared services leveraged between partners, technical advisory committee members reviewed on a regular basis, agency members provide updates, and watershed partners have developed new partnerships with partners outside the planning partnership.

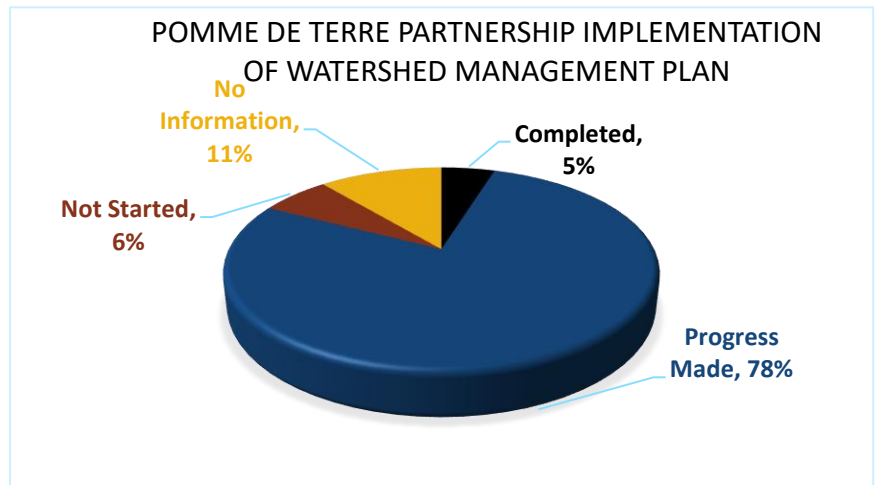




### Resource Outcomes

The Pomme de Terre partnership includes six counties and six soil and water conservation districts. This partnership is working together through a Memorandum of Understanding. Their current plan was approved in 2020.

For planning purposes, the Pomme de Terre Watershed is divided into five planning regions. Each watershed has a different makeup of land use, lake quality and risk and has an overall management focus assigned for it.



The comprehensive watershed management plan contains 18 short term goals and 63 planned actions or activities. Of those activities, three (4.8%) were identified as being completed, 49 (77.8%) as *In Progress/ Ongoing*, four (6.3%) *have not been started*, and the remaining seven (11.1%) had *no information* provided to make a determination.

The Pomme de Terre Partnership is commended for making progress on over 77% of the action items/activities identified within the implementation section of the plan.

### Summary of Recommendations

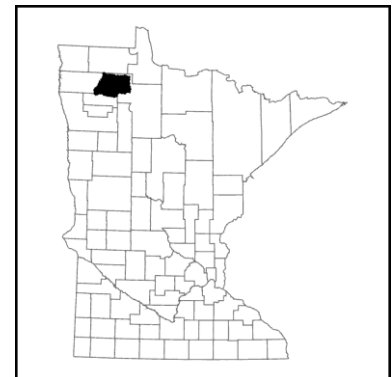
Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the Partnership. We rely heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure we provide recommendations that are relevant, timely, and helpful for the partnership to implement and improve their operations.

- **Recommendation (Tracking):** Continue to track and share data with each other about implementation efforts that contribute to plan goals.
- **Recommendation (Annual Workplan):** Develop an annual workplan that extends beyond WBIF workplan.
- **Recommendation (Adaptive Management Strategy):** Incorporate an adaptive management strategy into annual or biennial work planning sessions.
- **Recommendation (Training):** Develop a formal training session and orientation process for JPB, TAC, and staff.
- **Recommendation (Workload Analysis):** Organizations within the partnership should consider conducting a workload analysis.

### Thief River Partnership (Watershed-based PRAP)

**Key Findings and Conclusions** The Thief River partnership is commended for their work in implementing activities identified within their comprehensive watershed management plan. The policy and advisory committee members agree the partnership is doing an effective job in implementing projects on the ground to meet plan priorities.

Improving communication and coordination between all partners will help the partnership with its conservation delivery efforts in the watershed. Continually tracking progress, reviewing results, evaluating actions, and sharing information will ensure the partnership remains successful in implementing plan priorities. Evaluating future outreach efforts would also benefit the partnership.



The partnership is commended for meeting 16 of 16 basic requirements, 9 of 11 applicable best standards/practices, and four of eight high performance standards, including shared services leveraged between partners, training efforts made to inform policy committee members about watershed related topics, technical advisory committee members reviewed on a regular basis, water quality trends tracked for priority water bodies, and watershed partners have developed new partnerships with partners outside the planning partnership.

### Resource Outcomes

The Thief River partnership is comprised of a coalition of counties, SWCDs and watershed districts. These parties are working together through a Memorandum of Understanding.

For planning purposes, the Thief River Watershed is divided into eight planning regions. Each watershed has a different makeup of land use, lake quality and risk and has an overall management focus assigned for it.

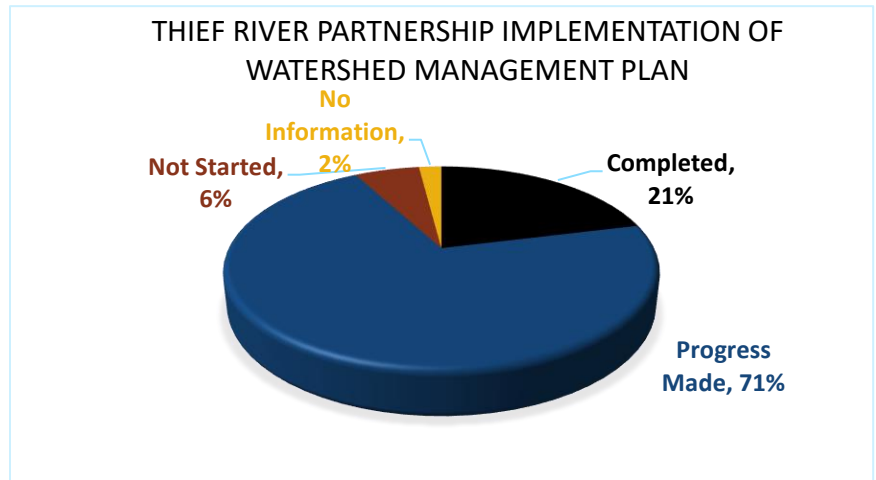
The comprehensive watershed management plan contains 13 short term goals and 51 planned actions or activities. Of those activities, 11 (21.6%) were identified as being completed, 36 (70.6%) as *In Progress/ Ongoing*, three (5.8%) activities *have not been started*, and the remaining one action (2.0%) had *no information* provided to make a determination.

The Thief River partnership is commended for making progress on over 70.6% of the action items/activities identified within the implementation section of the plan.

### Summary of Recommendations

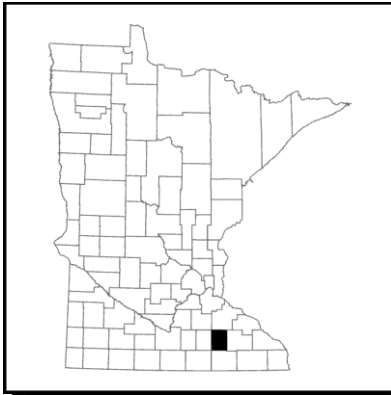
Based on an analysis of the information and data collected during this review, BWSR staff developed several recommendations for the partnership. We rely heavily on our relationships with staff as well as the input of partners, staff, and board members to make sure we provide recommendations that are relevant, timely, and helpful for the partnership to implement and improve their operations.

- **Recommendation (Communication):** Strengthen communication between all partners.
- **Recommendation (Tracking):** Improve plan progress tracking.
- **Recommendation (Training/Orientation):** On comprehensive watershed management plan.
- **Recommendation (Outreach):** Through targeted and focused approaches.



# Organizational Assessment Performance Review Final Summaries

## Dodge County and Dodge Soil and Water Conservation District



### Key Findings and Conclusions

Dodge County Environmental Services (ES) and Dodge Soil and Water Conservation District (SWCD) is commended for their work in implementing core programs, the Wetland Conservation Act (WCA), and planning and implementation efforts related to their comprehensive watershed management plans. Workload emphasis is targeted in the Cedar-Wapsipinicon, Greater Zumbro River, and Root River One Watershed, One Plans. The board and staff from the county are viewed favorably by their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans. Partners shared that there have been some challenges in working with the Dodge SWCD, primarily due to a lack of

communication.

Developing strong working relationships and improving communication with partners will help in weathering challenges and further assist in addressing local water management issues and improving conservation delivery in Dodge County.

Dodge County is commended for meeting seven of seven applicable basic performance standards, including completion of eLINK reporting on time, having current local water management plans, and for their efforts related to coordinating the WCA program. Additionally, the county met 14 of 14 applicable high-performance standards.

Dodge SWCD is commended for meeting 14 of 14 basic standards, including reviewing of personnel policy within the last five years, completion of annual reports on time, targeting state grant funds in high priority areas, and for maintaining a website with all required content elements. Additionally, the SWCD met 14 of 22 applicable high-performance standards.

### Commendations

*Dodge SWCD and County are commended for:*

- Active partner/participant in at least one 1W1P planning or implementation process.
- Prioritized, targeted, and measurable criteria used for goals, objectives and actions in comprehensive watershed management plan.
- Water quality data and trend information collected for planning and to measure progress towards plan goals.
- Water management ordinances on county website.
- Coordination with state watershed-based initiatives.
- Communication piece sent within the last 12 months.
- Annual report to water plan advisory committees on plan progress.
- Coordination with County Board by supervisors or staff.
- Job Approval Authority: reviewed and reported annually.
- Partnerships: cooperative projects/tasks with neighboring districts, counties, watershed districts, non-governmental organizations.

### Recommendations:

- **Joint Recommendation (Communication):** Work to maintain a consistent level of communication between partners to build upon and strengthen relationships.
- **Joint Recommendation (Training):** Continue to gather and compile data about implementation actions your organization is working on.

- **Joint Recommendation (Reflecting):** Spend time with your watershed partners to compare work activities completed versus activities that were planned.
- **Joint Recommendation (Sharing):** Remember to communicate regularly to the public and stakeholders about accomplishments you're making toward watershed management work.
- **Dodge ES Recommendation (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.
- **Dodge SWCD Recommendation (Strategic Planning):** Consider competing a strategic planning session to review and/or define your organizational goals and objectives.

#### **WCA Performance Standard Recommendations (Dodge County):**

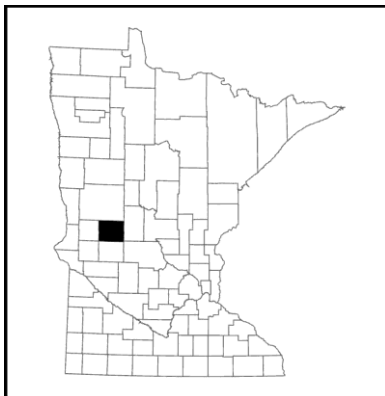
- The LGU should continue to attend regional wetland trainings.
- Consider reviewing internal processes in handling applications upon submittal. Applications should be tracked to ensure they do not exceed the 15.99 timeline.
- The LGU administrator should ensure all pertinent documents are filed with the appropriate project file.
- The LGU could consider setting monthly meeting date.

#### **WCA Performance Standard Recommendations (Dodge SWCD)**

- The new SWCD Technical Evaluation Panel (TEP) member would benefit from attending trainings to become familiar with the WCA and their role.
- The SWCD should continue to work with BWSR, DNR, and TEP on future WCA violations.

#### **Action Items (There are no action items for Dodge County or Dodge SWCD)**

## **Douglas County and Douglas Soil and Water Conservation District**



#### **Key Findings and Conclusions**

Douglas Soil and Water Conservation District (SWCD) and Douglas County Land and Resource Management (LRM) are commended for their work in implementing core programs, the Wetlands Conservation Act (WCA), and for participating in planning and implementation activities in four comprehensive watershed management plans. These include the Long Prairie River, Sauk River, Chippewa River, and Pomme de Terre comprehensive watershed management plans. The board and staff of both local governments are viewed favorably by their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans.

Douglas SWCD and LRM have developed strong working relationships with partners and assist in addressing local water management issues and improving conservation delivery in Douglas County.

Douglas LRM is commended for meeting four of four applicable basic performance standards, including completion of annual reports on time, posting BWSR grant reports on county website, having current comprehensive watershed management plans, and having up to date resolutions related to WCA. In addition, the Douglas LRM met nine of 13 high-performance standards.

Douglas SWCD is commended for meeting 16 of 17 basic standards, including completion of all annual reporting requirements, reviewing of personnel policy within the last five years, completion of eLINK reporting on time, participating in multiple comprehensive watershed management plans, targeting state grant funds in high priority areas, meeting all WCA performance standards, and for meeting all website requirements. In addition, the Douglas SWCD met 20 of 22 high-performance standards.

#### **Commendations**

*Douglas SWCD and Douglas LRM are commended for:*

- Public drainage records meet modernization guidelines.
- Prioritized, targeted, and measurable criteria used for goals, objectives, and actions.

- Communication piece sent within the last 12 months.
- Annual reports provided to local advisory committees.
- Progress tracked for information and education objectives.
- Coordination with state watershed-based initiatives.
- Water management ordinances on website.
- Job approval authorities reviewed annually.
- Staff and board training plans in place.
- Annual plans of work developed based on strategic plan priorities.
- Water quality data is collected and tracked for priority concerns and water bodies.
- Partnerships developed with other LGUs.

### Recommendations

- **Joint Recommendation (Communication):** Work to maintain a high level of communication between partner to build upon the strong working relations you have with them.
- **Joint Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
- **Joint Recommendation (Reflecting):** Spend time with your watershed-based partner to compare work activities completed verses activities that were planned.
- **Join Recommendation (Sharing):** Remember to communicate regularly to the public and stakeholders about accomplishments you're making toward watershed management work.
- **Joint Recommendation (Conduct a Workload Assessment):** Conduct a workload assessment to determine the need for additional staff.
- **Douglas SWCD Recommendation (Succession Planning):** Consider the development of a succession plan. Succession planning is a vital strategy for ensuring the long-term success and stability of your organization.
- **Douglas LRM Recommendation (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

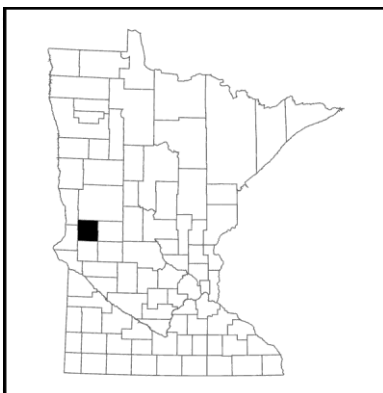
### WCA Performance Standard Recommendations

- Consider updating existing city delegation resolutions that are unreadable.
- Consider updating WCA delegation resolution from other cities within Douglas County.
- Consider bolstering files – ensure all pertinent information is in project files.
- Consider certifying all staff involve in WCA.

### Action Item (Douglas SWCD):

- Update and review data practices policy.

## Grant County and Grant Soil and Water Conservation District



### Key Findings and Conclusions

Grant County Environmental Services (ES) and Grant Soil and Water Conservation District (SWCD) are commended for their work in implementing core programs, the Wetlands Conservation Act, and for participating in planning and implementation activities in three comprehensive watershed management plans. These include the Mustinka/Bois de Sioux River, Pomme de Terre River, and Chippewa River. The board and staff of both local governments are viewed favorably by their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans.

Grant ES and Grant SWCD are viewed favorably by their partners, but there are concerns from some about the SWCD's ability to keep up with their workload. Each received praise for their

strong working relationships/communication with partners. Maintaining a high level of communication will build on the positive working relationships that exist and help these organizations weathering challenges and further assist in addressing local water management issues and improving conservation delivery in Grant County.

Grant ES is commended for meeting eight of eight applicable basic performance standards, including completion of all annual reports on time, having current local comprehensive watershed management plans, and meeting all WCA related standards. In addition, the Grant ES met eight of 16 high-performance standards.

Grant SWCD is commended for meeting 13 of 13 basic standards, including completion of all annual reports on time, current policies and operational guidelines in place, having current local comprehensive watershed management plans, meeting all WCA related standards, spending grant funds in high priority areas, and website contains all required content. In addition, the Grant SWCD met 11 of 20 high-performance standards.

### Commendations

*Grant SWCD and Grant ES are commended for:*

- Public drainage records meet modernization guidelines.
- Active in at least one 1W1P partnerships.
- Prioritized, targeted, and measurable criteria used for goals, objectives, and actions in LWMP.
- Certified wetland delineator on staff.
- Communication piece sent within last 12 months to targeted audience.
- Water management ordinances on county website.
- Obtained stakeholder input within last 12 months.
- Job approval authorities reviewed annually.
- Board and staff training plans in place.
- Coordination with state watershed-based initiatives.
- Partnerships exist with other LGUs.

### Recommendations

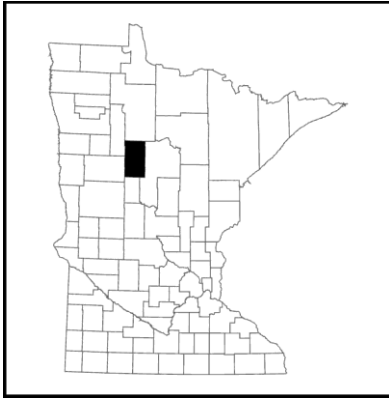
- **Joint Recommendation (Communication):** Work to maintain a consistent level of communication between partners to build upon the strong working relationships you have with them.
- **Joint Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
- **Joint Recommendation (Reflecting):** Spend time with your watershed partners to compare work activities completed versus activities that were planned.
- **Joint Recommendation (Sharing):** Remember to communicate regularly to the public and stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation Grant SWCD (Conduct a Workload Assessment):** Conduct a workload assessment to determine the need for additional staff.
- **Recommendation Grant ES (Succession Planning):** Consider the development of a succession plan. Succession planning is a vital strategy for ensuring the long-term success and stability of your organization.
- **Recommendation Grant ES (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

### WCA Performance Standard Recommendations:

- Clarify and document WCA decision authority with the County Board.
- Pursue consolidation of WCA administration throughout the county by offering the service to incorporate cities and obtain delegation resolutions if they agree to do so.
- Consider bolstering files – ensure all pertinent information is in project files.

**Action Items (There are no action items for Grant ES or Grant SWCD)**

## Hubbard County and Hubbard Soil and Water Conservation District



### Key Findings and Conclusions

Hubbard County Environmental Services (ES) and Hubbard Soil and Water Conservation District (SWCD) are commended for their work in implementing core programs, the Wetlands Conservation Act, and for participating in planning and implementation activities in three comprehensive watershed management plans. These include Crow Wing River, Mississippi River Headwaters, and Leech Lake River. The board and staff of both local governments are viewed favorably by their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans.

Maintaining a consistent level of communication between partners will help in weathering challenges and further assist in addressing local water management issues and improving conservation delivery in Hubbard County.

Hubbard County ES is commended for meeting four of four applicable basic performance standards, including completion of all required reports on time, posting BWSR grant reports on county website, and having current local water management plans. In addition, the ES met three of 12 high-performance standards.

Hubbard SWCD is commended for meeting 16 of 17 basic standards, including reviewing of personnel policy within the last five years, completion of eLINK reporting on time, and targeting state grant funds in high priority areas. In addition, the SWCD met 20 of 22 high-performance standards.

### Commendations

*Hubbard SWCD and Hubbard ES are commended for:*

- Active partner/participant in at least one 1W1P planning or implementation process.
- Prioritized, targeted, and measurable criteria used for goals, objectives and actions in LWMP.
- Water management ordinances on county website.
- Coordination with state watershed-based initiatives.
- Communication piece sent within the last 12 months.
- Coordination with County Board by supervisors or staff.
- Board and staff training plans in place.
- Partnerships: cooperative projects/tasks with neighboring districts, counties, watershed districts, non-governmental organizations.

### Recommendations

- **Joint Recommendation (Communication):** Work to maintain a consistent level of communication between partners to build upon the working relationships you have with them.
- **Joint Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward plan goals.
- **Joint Recommendation (Reflecting):** Spend time with your watershed-based partners to compare work activities completed verses activities that were planned.
- **Joint Recommendation (Sharing):** Remember to communicate regularly to the public and stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation Hubbard SWCD (Conduct a Workload Assessment):** Conduct a workload assessment to determine the need for additional staff.
- **Recommendation Hubbard SWCD (Operational Guidelines/Policies):** Continue to update and develop operational guidelines/policies so they remain current.
- **Recommendation Hubbard ES (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

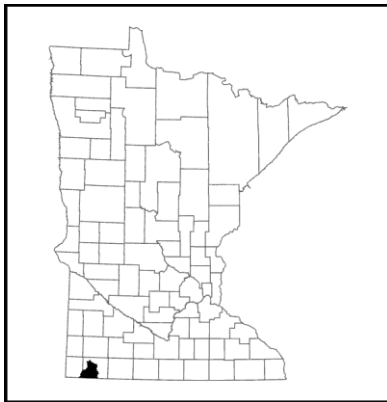
**The following recommendations are specific to the WCA review.**

- Staff should continue to attend WCA related training when offered.
- WCA staff should become certified under the MN Wetland Professional Certification Program.
- Staff should develop a tracking system to ensure MN Statute 15.99 requirements are met.
- SWCD staff should continue to work with BWSR, DNR, and the TEP to refine WCA enforcement procedures.

**Action Items**

- **WCA Required Action (Hubbard SWCD):** The LGU should execute a resolution delegating WCA decision-making authority to staff.

## Kanananzi-Little Rock Watershed District



**Key Findings and Conclusions**

The Kanananzi-Little Rock Watershed District (KLRWD) is commended for participating in the Missouri River Basin One Watershed, One Plan partnership and is doing an excellent job partnering with others to implement plan goals. The organization is getting important work done within the watershed district and is encouraged to look for more ways to share their success stories.

The KLRWD is commended for meeting nine of nine basic performance standards including having a current plan, completing all annual reports and financial audits on time, having up to date policies and procedures, having manager appointments current/reported, and meeting website requirements. They are also commended for meeting 10 of 15 high-performance standards.

**Commendations**

*KLRWD is commended for:*

- Participating in at least one One Watershed, One Plan partnership.
- Using a prioritized, targeted, and measurable approach to implement plan goals.
- Developing a strategic plan.
- Tracking water quality trends for key water resources.
- Obtaining stakeholder input within the last 12 months.
- Coordination with state watershed-based initiatives.
- Partnerships with other LGUs.

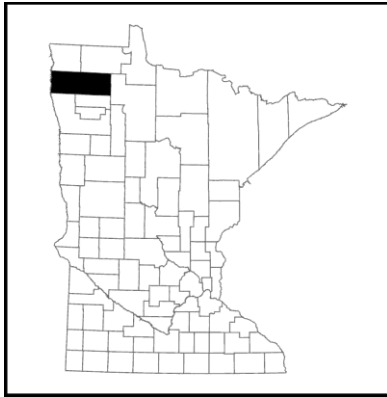
**Recommendations**

- **Recommendation (Communication):** Continue to maintain a high level of communication between partners to build upon the working relationships you have with them.
- **Recommendation (Tracking):** Continue to gather and compile data about implementation actions your organization is working on.
- **Recommendation (Reflecting):** Spend time to compare work plan activities completed verses activities that were planned.
- **Recommendation (Sharing):** Remember to communicate regularly to the public and to your stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into your watershed district's official controls as part of your rule making process.
- **Recommendation (Training):** Develop and maintain training plans for board managers and staff to enhance skills or technical expertise related to their service to the district.



**Action Items:** There are no actions items.

## Marshall County and Marshall Soil and Water Conservation District



### Key Findings and Conclusions

Marshall County Environmental Services (ES) and Marshall Soil and Water Conservation District (SWCD) are commended for their work in implementing core programs, the Wetlands Conservation Act (WCA), and for participating in planning and implementation activities in five comprehensive watershed management plans. These include Thief River, Middle-Snake-Tamarac River, Roseau River, Two Rivers Plus, and Red Lake River. The board and staff of both local governments are viewed favorably by their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans. There were some concerns expressed from partners of and staff from the Marshall SWCD about adequate staff capacity.

Developing strong working relationships/communication with partners will help in weathering challenges and further assist in addressing local water management issues and improving conservation delivery in Marshall County.

Marshall County ES is commended for meeting four of four applicable basic performance standards, including completion of eLINK reporting and buffer strip reporting on time, as well as having current local water management plans. In addition, Marshall County ES met 8 of 14 high-performance standards.

Marshall SWCD is commended for meeting 16 of 19 basic standards, completion of annual reports on time, having current plans, state grants spent in high priority areas, and meeting all WCA requirements. In addition, Marshall SWCD met 10 of 22 high-performance standards.

### Commendations

*Marshall SWCD and Marshall ES are commended for:*

- Active partner/participant in at least one 1W1P planning or implementation process.
- Prioritized, targeted, and measurable criteria used for goals, objectives and actions in LWMP.
- Water management ordinances on county website.
- Public drainage records meet modernization guidelines.
- Coordination with state watershed-based initiatives.
- Communication piece sent within the last 12 months.
- Coordination with County Board by supervisors or staff.
- Job Approval Authority: reviewed and reported annually.
- Partnerships: cooperative projects/tasks with neighboring districts, counties, watershed districts, non-governmental organizations.

### Recommendations

- **Joint Recommendation (Communication):** Work to maintain a consistent level of communications between partners to build upon the strong working relationships you have with them.
- **Joint Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
- **Joint Recommendation (Reflecting):** Spend time with your watershed-based partners to compare work activities completed versus activities that were planned.
- **Joint Recommendation (Sharing):** Remember to communicate regularly to the public and stakeholders about accomplishments you're making toward watershed management work.

- **Joint Recommendation (Workload Assessment):** Conduct a workload assessment to determine the need for additional staff.
- **Recommendation Marshall ES (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

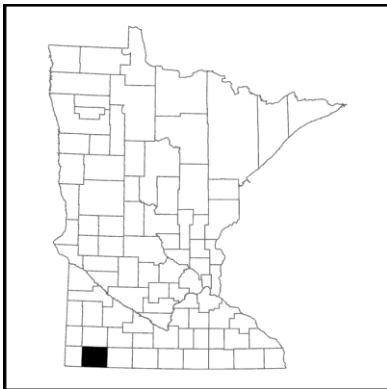
**The following recommendations are specific to the WCA review.**

- Marshall SWCD staff should become certified under the MN Wetland Professional Certification Program (MWPCP).
- LGU staff should attend MWPCP training.
- Consider developing a detailed tracking system for projects.
- Consider integrating WCA applications and enforcement cases into a filing system.
- Develop a system to file all information in one place.
- Use a formal process to document recommendations for site visits.
- Work with BWSR, DNR, and TEP on enforcement procedures.

**Action Items:**

- **Marshall SWCD:** Review and update personnel policies.
- **Marshall SWCD:** Resolution to delegate WCA decision making to staff.
- **Marshall SWCD:** Resolutions with cities to accept or delegate WCA.

## Nobles County and Nobles Soil and Water Conservation District



### Key Findings and Conclusions

Nobles County Environmental Services (ES) and Nobles Soil and Water Conservation District (SWCD) are commended for their work in implementing core programs, the Wetlands Conservation Act, and for participating in planning and implementation activities in two One Watershed, One Plans. These include Des Moines River and Missouri River. The board and staff of both local governments are viewed favorably by their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans.

Nobles County ES is commended for meeting three of four applicable basic performance standards, including completion of eLINK reporting and buffer

strip reporting on time, and for having current local water management plans. In addition, Nobles ES met four of eight high-performance standards.

Nobles SWCD is commended for meeting 16 of 17 basic standards, including completion of all required reports on time, targeting state grant funds in high priority areas, and meeting all website requirements. In addition, Nobles SWCD met 20 of 22 high-performance standards.

### Commendations

*Nobles SWCD and Nobles ES are commended for:*

- Active partner/participant in at least one 1W1P planning or implementation process.
- Prioritized, targeted, and measurable criteria used for goals, objectives and actions.
- Water management ordinances on county website.
- Coordination with state watershed-based initiatives.
- Communication piece sent within the last 12 months.
- Coordination with county board by supervisors or staff.
- Partnerships cooperating with neighboring LGUs on projects or tasks.

### Recommendations

- **Joint Recommendation (Communication):** Work to maintain a consistent level of communications between partners to build upon the strong working relationships you have with them.
- **Joint Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
- **Joint Recommendation (Reflecting):** Spend time with your watershed-based partners to compare work activities completed versus activities that were planned.
- **Joint Recommendation (Sharing):** Remember to communicate regularly to public and stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation Nobles SWCD (Workload Assessment):** Conduct a workload analysis to determine staffing needs.
- **Recommendation Nobles ES (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

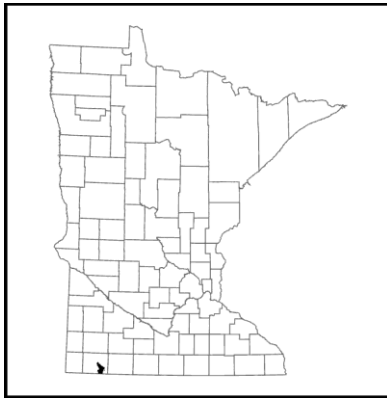
#### **WCA Performance Standard Recommendations:**

- Staff continue to attend training and complete professional training/certification when feasible.
- Coordinate discussions and provide outreach to the local road authorities and make them aware of this service.
- Develop tracking system to ensure MS 15.99 requirements are met.
- Utilize TEP findings form to document decisions.
- Consistently and fully complete WCA forms.

#### **Action Items:**

- Complete resolutions to formally delegate WCA implementation to the SWCD.

## **Okabena-Ocheda Watershed District**



#### **Key Findings and Conclusions**

The Okabena-Ocheda Watershed District (OOWD) is commended for participating in the Missouri River Basin One Watershed, One Plan partnership and is doing an excellent job partnering with others to implement plan goals. The organization is getting important work done within the watershed district.

The OOWD is commended for meeting nine of 11 basic performance standards including having a current plan, completing all annual reports and financial audits on time, having up to date policies and procedures, having manager appointments current/reported, and meeting website requirements. They are also commended for meeting 13 of 14 high-performance standards.

#### **Commendations**

*OOWD is commended for:*

- Board and staff training plans in place.
- Prioritized, target, and measurable criteria used in watershed district plan.
- Strategic plan identifies short-term activities and budgets based on state and local priorities.
- Water quality trends are tracked for key water bodies.
- Watershed hydrologic trends are monitored and reported.
- Obtain stakeholder input within the past 12 months.
- Coordination with watershed-based objectives.
- Track progress for information and education objectives in the plan.
- Coordination with local LGUs.
- Partnerships in place with neighboring LGUs.

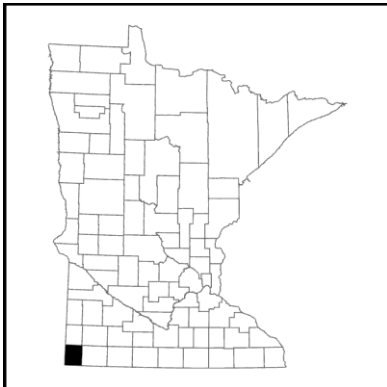
## Recommendations

- **Recommendation (Communication):** Continue to maintain a high level of communication between partners to build upon the working relationships you have with them.
- **Recommendation (Succession Planning):** Consider development of a succession plan to ensure long-term success and stability of the organization.
- **Recommendation (Tracking):** Continue to gather and compile data about implementation actions your organization is working on.
- **Recommendation (Reflecting):** Spend time to compare work plan activities completed verses activities that were planned.
- **Recommendation (Sharing):** Remember to communicate regularly to the public and to your stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into your watershed district's official controls as part of your rule making process.

## Action Items:

- Watershed district rules need to be updated.
- Data practice policy needs to be reviewed and updated.

## Rock Soil and Water Conservation District and Land Management



### Key Findings and Conclusions

Rock Soil and Water Conservation District and Land Management (RSWC DLM) are commended for their work in implementing core programs, the Wetlands Conservation Act, and for participating in planning and implementation activities in for the Missouri River comprehensive watershed management plan. The RSWC DLM is viewed favorably and looked to for their leadership by partners. Their ability to partner and work well with others aids in the planning and implementation of activities identified within their One Watershed, One Plans.

The RSWC DLM is commended for meeting all basic performance standards and all applicable high-performance standards.

## Commendations

*RSWC DLM is commended for:*

- Job approvals reviewed and reported annually.
- Operational guidelines and policies exist and are current.
- Orientation and continued education plans are current for all staff.
- Annual work plan is developed and based on watershed and strategic plan priorities.
- Certified wetland delineator on staff.
- Competitive clean water fund grants have been received in the past two years.
- Water quality data is collected to track progress toward priority resource concerns and for priority waters.
- Communication pieces have been sent to targeted audiences in the last 12 months.
- Obtained stakeholder input in the last 12 months.
- Multiple partnerships are in place with LGUs.
- Water management ordinances are on county website.

## Recommendations

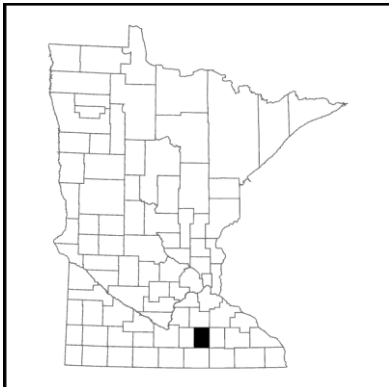
- **Recommendation (Communication):** Work to maintain a consistent level of communications between partners to build upon the strong working relationships you have with them.
- **Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
- **Recommendation (Reflecting):** Spend time with your watershed-based partners to compare work activities completed versus activities that were planned.
- **Recommendation (Sharing):** Remember to communicate regularly to public and stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.
- **Recommendation (Strategic Planning)** Consider updating your strategic plan to review and define your organizational goals and objectives.
- **Recommendation (Succession Planning)** Consider the development of a succession plan to ensure the long-term success and stability of your organization.

## WCA Performance Standard Recommendations:

- Pursue additional training to fully certify staff.
- Update resolution designating staff decision making authority.
- Work with cities and towns to update delegation resolutions.
- Remember to send decision notices as required.
- Update notification form to include appeals process.
- Use appropriate forms to document TEP findings and discussions.

**Action Items:** There are no required actions.

## Steele County and Steele Soil and Water Conservation District



### Key Findings and Conclusions

Steele County Environmental Services (ES) and Steele Soil and Water Conservation District (SWCD) are commended for their work in implementing core programs, the Wetlands Conservation Act, and for participating in planning and implementation activities in four One Watershed, One Plans. These include Cedar-Wapsipinicon River, Greater Zumbro River, Cannon River and Le Sueur River comprehensive watershed management plans. The board and staff of both local governments are viewed favorably by their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans.

Steele ES is commended for meeting five of five applicable basic performance standards, including completion of all required reports on time, and for having current water management plans. In addition, Steele ES met seven of 13 high-performance standards.

Steele SWCD is commended for meeting 17 of 17 basic standards, including completion of all required reports on time, having a current watershed management plan, targeting state grant funds in high priority areas, and meeting all website requirements. In addition, Steele SWCD met 20 of 22 high-performance standards.

### Commendations

*Steele SWCD and Steele ES are commended for:*

- Active partner/participant in at least one 1W1P planning or implementation process.
- Prioritized, targeted, and measurable criteria used for goals, objectives and actions.

- Water quality data and trend information collected for planning and measuring progress toward plan goals.
- Water management ordinances on county website.
- Coordination with state watershed-based initiatives.
- Communication piece sent within the last 12 months.
- Annual report presented to advisory committees on plan progress.
- Coordination with county board by supervisors or staff.
- Job approval authority reviewed and reported annually.
- Partnerships cooperating with neighboring LGUs on projects or tasks.

### Recommendations

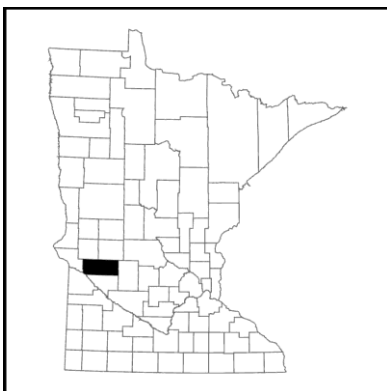
- **Joint Recommendation (Communication):** Work to maintain a consistent level of communications between partners to build upon the strong working relationships you have with them.
- **Joint Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
- **Joint Recommendation (Reflecting):** Spend time with your watershed-based partners to compare work activities completed versus activities that were planned.
- **Joint Recommendation (Sharing):** Remember to communicate regularly to public and stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation Steele SWCD (Workload Assessment):** Conduct a workload analysis to determine staffing needs.
- **Recommendation Steele ES (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

### WCA Performance Standard Recommendations:

- Staff continue to attend regional wetland training when feasible.
- SWCD should consider succession planning to maintain effective future implementation of the WCA program.
- Review internal processes to ensure MS 15.99 requirements are met.
- Expand the use of formal documentation related to findings and decision made by the LGU and TEP.
- Continue to work with BWSR, DNR, and TEP on future WCA violations.

**Action Items:** There are no required actions.

## Swift County and Swift Soil and Water Conservation District



### Key Findings and Conclusions

Swift County Environmental Services (ES) and Swift Soil and Water Conservation District (SWCD) are commended for their work in implementing core programs, the Wetlands Conservation Act, and for participating in planning and implementation activities in three One Watershed, One Plans. These include the Pomme de Terre River, Upper Minnesota River, and Chippewa River comprehensive watershed management plans. The board and staff of both local governments are viewed favorably by and working well with their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans.

Swift County ES is commended for meeting seven of eight applicable basic performance standards, including completion of buffer strip reporting on time, having current local water management plans, and meeting all basic WCA performance standards. In addition, Swift ES met four of eight high-performance standards.

Swift SWCD is commended for meeting 12 of 12 basic standards, including meeting all WCA basic standards, submitting all required reports on time, targeting state grant funds in high priority areas, and meeting all website requirements. In addition, Swift SWCD met 20 of 22 high-performance standards.

### Commendations

*Swift SWCD and Swift ES are commended for:*

- Active partner/participant in at least one 1W1P planning or implementation process.
- Prioritized, targeted, and measurable criteria used for goals, objectives and actions.
- Water management ordinances on county website.
- Coordination with state watershed-based initiatives.
- Communication piece sent within the last 12 months.
- Coordination with county board by supervisors or staff.
- Partnerships cooperating with neighboring LGUs on projects or tasks.

### Recommendations

- **Joint Recommendation (Communication):** Work to maintain a consistent level of communications between partners to build upon the strong working relationships you have with them.
- **Joint Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
- **Joint Recommendation (Reflecting):** Spend time with your watershed-based partners to compare work activities completed verses activities that were planned.
- **Joint Recommendation (Sharing):** Remember to communicate regularly to public and stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation Swift SWCD (Training Plans):** The district is encouraged to develop training plans for board and staff.
- **Recommendation Swift ES (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

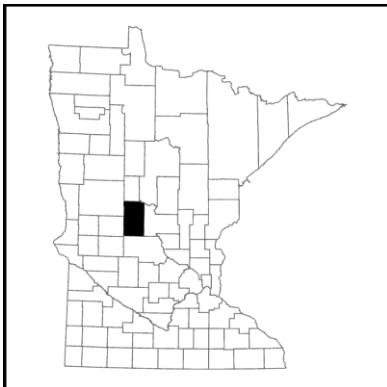
### WCA Performance Standard Recommendations:

- Consider updating delegation resolution so all current staff have decision making authority.
- Consider fully certifying all staff involved in WCA.
- Consider attending trainings when available.
- Consider utilizing a tracking system to ensure MS 15.99 requirements are met.
- Include more details in enforcement files.
- Continue to maintain good communication with SWCD on all enforcement cases.
- Include SWCD TEP members on more WCA site visits and reviews.

### Action Items:

- **Swift ES (eLINK Grant Reporting):** eLINK reports must be submitted on time as per grant agreement requirements.

## Todd County and Todd Soil and Water Conservation District



### Key Findings and Conclusions

Todd County Planning and Zoning (PZ) and Todd Soil and Water Conservation District (SWCD) are commended for their work in implementing core programs, the Wetlands Conservation Act, and for participating in planning and implementation activities in five One Watershed, One Plans. These include Long Prairie River, Sauk River, Mississippi River Brainerd, Leaf-Wing-Redeye River, and Crow Wing River comprehensive water management plans. The board and staff of both looked to as local leaders and both local governments are viewed favorably by their partners which aids in the planning and implementation of activities identified within their One Watershed, One Plans.

Todd County PZ is commended for meeting five of five applicable basic performance standards, including completion of all required reports on time, having current local water management plans, and meeting all applicable WCA standards. In addition, Todd PZ met 13 of 14 high-performance standards.

Todd SWCD is commended for meeting 17 of 17 basic standards, including completion of all required reports on time, having current local water management plans, targeting state grant funds in high priority areas, meeting all applicable WCA standards, and meeting all website requirements. In addition, Todd SWCD met 21 of 22 high-performance standards.

### Commendations

*Todd SWCD and Todd PZ are commended for:*

- Active partner/participant in at least one 1W1P planning or implementation process.
- Prioritized, targeted, and measurable criteria used for goals, objectives and actions.
- Water management ordinances on county website.
- Coordination with state watershed-based initiatives.
- Communication piece sent within the last 12 months.
- Coordination with county board by supervisors or staff.
- Partnerships cooperating with neighboring LGUs on projects or tasks.
- Staff training plans in place.
- Receiving competitive clean water fund grants within the past two years.
- Completed strategic plan or self-assessment within the past five years.
- Water quality data collected to track progress for priority concerns and priority water bodies.
- Coordination with state watershed-based initiatives.

### Recommendations

- **Joint Recommendation (Communication):** Work to maintain a consistent level of communications between partners to build upon the strong working relationships you have with them.
- **Joint Recommendation (Tracking):** Continue to gather and compile data about implementation efforts your organization is making toward comprehensive watershed management plans.
- **Joint Recommendation (Reflecting):** Spend time with your watershed-based partners to compare work activities completed versus activities that were planned.
- **Joint Recommendation (Sharing):** Remember to communicate regularly to public and stakeholders about accomplishments you're making toward watershed management work.
- **Recommendation Todd SWCD (Workload Assessment):** Conduct a workload analysis to determine staffing needs.
- **Recommendation Todd ES (Official Controls):** Look for ways to incorporate comprehensive watershed management plan priorities into land use planning efforts, ordinances, and decisions.

### WCA Performance Standard Recommendations:

- Consider updating delegation resolution to clearly layout who is the WCA LGU.
- Update delegation resolution so current staff have decision making authority.
- Consider obtaining WCA authority through resolutions for all cities in the county.
- Consider utilizing some form of timeline tracking system to ensure MS 15.99 deadlines are met.
- Consider updating delegation resolution to clearly lay out enforcement delegation.
- Consider bolstering future restoration order findings with relevant wetland indicators.

**Action Items:** There are no required action items.



# Appendix H

## Performance Standards Checklists used in Organizational Assessments

Organizational Assessment- PRAP

Performance Standards

2024

### COUNTY LOCAL WATER MANAGEMENT PERFORMANCE STANDARDS

LGU Name: \_\_\_\_\_

Performance Area	Performance Standard		Level of Review		Rating		
	<ul style="list-style-type: none"> <li>■ Basic practice or statutory requirement</li> <li>★ High Performance standard</li> </ul> (see instructions for explanation of standards)		I	II	Yes, No, or Value		
			Annual Compliance		BWSR Staff Review & Assessment (1/10 yrs.)		YES
<b>Administration</b>	■	eLINK Grant Report(s): submitted on time	I				
	■	County has resolution assuming WCA responsibilities and delegation resolutions (if needed).	II				
	■	County has knowledgeable and trained staff to manage WCA program or secured a qualified delegate.	II				
	■	WCA Annual Reporting requirements met (if WCA LGU)	II				
	■	Drainage authority buffer strip report submitted on time	I				
	★	Public drainage records: meet modernization guidelines	II				
<b>Planning</b>	■	Local water mgmt. plan: current	I				
	★	Metro counties: groundwater plan up-to-date	I				
	★	Prioritized, Targeted & Measurable criteria are used for Goals, Objectives and Actions in local water management plan	II				
	★	Water quality trend data used for short- and long-range plan priorities	II				
<b>Execution</b>	■	WCA decisions and determinations are made in conformance with WCA requirements.	II				
	■	WCA TEP reviews and recommendations are appropriately coordinated.	II				
	★	Certified wetland delineator on staff or retainer	II				
	★	WCA Communication and Coordination	II				
	★	Water quality data collected to track outcomes for each priority concern	II				
	★	Water quality trends tracked for priority water bodies and/or groundwater	II				
<b>Communication &amp; Coordination</b>	■	BWSR grant report(s) posted on county website	I				
	★	Communication piece sent within last 12 months: indicate target audience below	II				
	Communication Target Audience:						
	★	Obtain stakeholder input: within last 12 months	II				
	★	Partnerships: liaison with SWCDs/WDs and cooperative projects/tasks done (in addition to 1W1P)	II				
	★	Annual report to water plan advisory committee on plan progress	II				
	★	Track progress for I & E objectives in Plan	II				
	★	Coordination with state watershed-based initiatives	II				
	★	County local water plan on county website	II				
	★	Water management ordinances on county website	II				



**METRO WATERSHED DISTRICT and WMO PERFORMANCE STANDARDS**

LGU Name: \_\_\_\_\_

Performance Area	Performance Standard		Level of Review	Rating	
	★	High Performance standard	I Annual Compliance	Yes, No, or Value	
	■	Basic practice or statutory requirement (see instructions for explanation of standards)	II BWSR Staff Review & Assessment (1/10 yrs.)	YES	NO
<b>Administration</b>	■	Activity report: annual, on-time	I		
	■	Financial report & audit completed on time	I		
	■	Drainage authority buffer strip report submitted on time	I		
	■	eLINK Grant Report(s): submitted on time	I		
	■	Rules: date of last revision or review	II		mo./yr.
	■	<u>Personnel policy</u> : exists and reviewed/updated within last 5 years	II		
	■	Data practices <u>policy</u> : exists and reviewed/updated within last 5 years	II		
	■	Manager appointments: current and reported	II		
	■	Consultant RFP: within 2 yrs. for professional services	II		
	■	WD/WMO has resolution assuming WCA responsibilities and appropriate delegation resolutions as warranted (N/A if not LGU)	II		
	■	WD/WMO has knowledgeable & trained staff that manages WCA program or has secured qualified delegate. (N/A if not LGU)	II		
	★	Administrator on staff	II		
	★	Board training: orientation and continuing education plan, record for each board member	II		
	★	Staff training: orientation and continuing education plan and record for each staff	II		
	★	Operational guidelines for fiscal procedures and conflicts of interest exist and current	II		
★	Public drainage records: meet modernization guidelines	II			
<b>Planning</b>	■	Watershed management plan: <u>up-to-date</u>	I		
	■	City/twp. local water plans not yet approved	II		
	■	Capital Improvement Program: reviewed every 2 years	II		
	■	Maintains an active advisory committee during plan development	I		
	★	Strategic plan or self-assessment completed in last 5 years	II		
	★	Strategic plan identifies short-term priorities	II		
<b>Execution</b>	■	Engineer Reports: submitted for DNR & BWSR review	II		
	■	WCA decisions and determinations are made in conformance with all WCA requirements. (if delegated WCA LGU)	II		
	■	WCA TEP reviews & recommendations appropriately coordinated. (if delegated WCA LGU)	II		
	★	Certified wetland delineator on staff or retainer	II		
	■	Total expenditures per year (past 10 yrs.)	II		see below
	★	Water quality trends tracked for key water bodies	II		
<b>Communication &amp; Coordination</b>	★	Watershed hydrologic trends monitored / reported	II		
	■	Website: contains information as required by MR 8410.0150 Subpart 3a, i.e. as board meeting, contact information, water plan, etc.	II		
	★	Maintains a functioning advisory committee that meets a minimum of once per year	II		
	■	Communication piece: sent within last 12 months	II		
		<b>Communication Target Audience:</b>			
	★	Track progress for Information and Education objectives in Plan	II		
	★	Coordination with County Board, SWCD Board, City/Township officials	II		
★	Partnerships: cooperative projects/tasks with neighboring organizations, such as counties, SWCDs, WDs, tribal governments, Non-Government Organizations	II			
<b>Year</b>					
<b>Expenditures</b>					

**GREATER MN WATERSHED DISTRICT PERFORMANCE STANDARDS**

LGU Name: \_\_\_\_\_

Performance Area	Performance Standard	Level of Review	Rating	
			YES	NO
Administration	★ High Performance standard	I Annual Compliance	Yes, No, or Value	
	■ Basic practice or Statutory requirement <i>(see instructions for explanation of standards)</i>	II BWSR Staff Review & Assessment (1/10 yrs.)		
	■ Annual report: submitted on time	I		
	■ Financial audit: completed on time	I		
	■ Drainage authority buffer strip report submitted on time	I		
	■ eLINK Grant Report(s): submitted on time	I		
	■ Rules: date of last revision or review – Please enter month/year (i.e., 01/20)	II		
	■ Personnel policy: exists and reviewed/updated within last 5 years	II		
	■ Data practices policy: exists and reviewed/updated within last 5 years	II		
	■ Manager appointments: current and reported	II		
	■ WD has resolution assuming WCA responsibilities & appropriate delegation resolutions as warranted. <i>(N/A if not LGU)</i>	II		
	■ WD has knowledgeable & trained staff that manages WCA program or has secured a qualified delegate. <i>(N/A if not WCA LGU)</i>	II		
	★ Administrator on staff	II		
	★ Board training: orientation and continuing education plan and record for board members	II		
	★ Staff training: orientation and continuing education plan/record for each staff	II		
★ Operational guidelines exist and current	II			
★ Public drainage records: meet modernization guidelines	II			
Planning	■ Watershed management plan: up-to-date	I		
	★ Prioritized, Targeted, Measurable criteria used in WD Plan	II		
	★ Strategic plan identifies short-term activities & budgets based on state and local watershed priorities	II		
	★ Member of County Water Plan Advisory Committee(s)	II		
Execution	■ Engineer Reports: submitted for DNR & BWSR review	II		
	■ WCA decisions and determinations made in conformance with all WCA requirements. <i>(N/A if not LGU)</i>	II		
	■ WCA TEP reviews/recommendations coordinated <i>(N/A if not LGU)</i>	II		
	★ Certified wetland delineator on staff or retainer	II		
	■ Total expenditures per year for past 10 years	II		attach
	★ Water quality trends tracked for key water bodies	II		
	★ Watershed hydrologic trends monitored / reported	II		
Communication & Coordination	■ Functioning advisory committee: recommendations on projects, reports, maintains 2-way communication with Board	II		
	■ Communication piece sent within last 12 months	II		
	■ Website: contains annual report, financial statement, board members, contact info, grant report(s), watershed management plan, meeting notices, agendas & minutes, updated after each board meeting	II		
	★ Obtain stakeholder input: within last 12 months	II		
	★ Coordination with watershed based initiatives	II		
	★ Track progress for I & E objectives in Plan	II		
	★ Coordination with County Board, SWCD Board, City/Township officials	II		
	★ Partnerships: cooperative projects/tasks with neighboring districts, counties, soil and water districts, non-governmental organizations	II		
Year Expenditures				

**Watershed-Based Performance Standards**

Watershed Partnership Name: \_\_\_\_\_

Performance Area	Performance Standard	Level of Review	Rating		
			Yes, No, Unsure or N/A		
			YES	NO	Unsure or N/A
	<ul style="list-style-type: none"> <li>★ High Performance standard</li> <li>■ Best Standard/practice</li> <li>● Basic Requirement</li> </ul>	<ul style="list-style-type: none"> <li>I Annual Compliance</li> <li>II BWSR Staff Review &amp; Assessment</li> </ul>			
General Administration	● Each participating member has adopted the comprehensive watershed management plan	I			
	● Coordinator or lead staff person(s) identified for the partnership	II			
	■ Operational guidelines for fiscal procedures exist and are current	II			
	■ Financial Reports provided to Policy Committee on annual basis	II			
	● <del>Grant</del> Grant Report(s): submitted on <u>time</u> (annual or biannual if funds exceed \$500,000)	I			
	● Assurance Measure 1: Prioritized, targeted, and measurable work is making progress toward achieving clean water goals	II			
	● Assurance Measure 2: Programs, projects, and practices are being implemented in priority areas	II			
	● Assurance Measure 3: Grant work is on-schedule and on-budget	II			
	● Assurance Measure 4: Leverage of non-state funds	II			
	★ Project tracking system is used by watershed partnership to track all work that contributes to plan goals	II			
★ Shared service opportunities are leveraged between partners	II				
Policy Committee	● Conflict of Interest policy exists and is reviewed/signed by the JPE or fiscal agent	II			
	● The policy committee or board is involved in project funding discussions or decision making, as defined by an implementation agreement	II			
	● Committee membership is reviewed/updated annually	II			
	■ Training: Orientation on comprehensive watershed management plans is provided to new policy committee members	II			
	★ Training: efforts are made to inform on watershed related topics	II			
	■ Reviewed governing documents (bylaws, formal agreements) within the last 5 years (if applicable)	II			
Advisory Committee	● Technical advisory committee participates in plan development, implementation, and amendments	I			
	■ Advisory committee members meet at least once annually	II			
	■ Water quality, hydrologic, and monitoring trends are used to evaluate progress towards plan/resource goals	II			
	★ Technical advisory committee reviews members	II			
	★ Agency members provide updates on agency initiatives, projects, and other information related to the watershed	II			
	★ Water quality trends tracked for priority water bodies	II			
Steering Committee	● Steering committee meets at least four times a year and reviews plan goals and actions	II			
	● Staff has open (2-way) communication about comprehensive watershed management plan activities with policy committee and local boards/councils	II			
	● Steering committee coordinates a mid-plan review to evaluate progress toward plan goals	I			
	■ Watershed partners solicit stakeholder input within the last year	II			
	■ An annual work plan (outside of WBIF grant) is developed and implemented	II			
	■ Individual partner governing boards/councils are updated on annual workplan activities	II			

## PRAP Watershed-Based Assessment Part 2-Performance Standards

2024

	★	Partnership annually reviews progress towards water quality goals identified in the CWMP	II			
Communication & Coordination	●	Partnership website(s): contain board meeting information, partner contact information, committee membership, and annual <del>ELINK</del> reports – also prominently displays the Clean Water, Land, and Legacy Logo and a link to the Legislative Coordinating Commission website	I			
	●	Partnership website(s) host a current copy of the plan and is maintained and updated regularly	I			
	■	Communication pieces sent that highlights work and program opportunities	II			
	■	Public education materials are watershed focused and reinforce high priority issues and actions to address plan goals	II			
	★	Watershed partners have developed new partnerships with partners outside of the planning/implementation partnership	II			

# Appendix I

## 2025 Local Government Performance Awards and Recognition\*

(Awarding agency listed in parentheses.)

### **SWCD Administrator Award (SWCD) Employee**

(Board of Water and Soil Resources)

**Holly Kovarik, District Administrator Pope Soil and Water Conservation District**

### **SWCD Field Staff Award (SWCD) Employee**

(Natural Resource Conservation Service)

**Wes Drake, Becker SWCD and TSA NW Area 1**

### **SWCD Outstanding SWCD (Supervisor) Award**

(Minnesota Association of Soil and Water Conservation Districts)

**Tom Schulz, Wadena SWCD**

### **Soil and Water Conservation District of the Year**

(Minnesota Association of Soil and Water Conservation Districts)

**North St Louis Soil and Water Conservation District**

### **Outstanding Administrator of the Year**

(Minnesota Association of Watershed Administrators)

**Tina Carstens, Ramsey-Washington Metro Watershed District**

### **Outstanding Watershed District Employee**

(Board of Water and Soil Resources)

**Kendra Sommerfeld, Rice Creek Watershed District**

### **Watershed District of the Year Award**

(Department of Natural Resources)

**Middle Fork Crow River WD**

### **WD Project of the Year**

(Minnesota Watersheds)

**Minnehaha Creek and Arden Park Restoration, Minnehaha Creek WD**

**Watershed District Program of the Year:**

(Minnesota Watersheds)

**Homeowner Association Maintenance Support Program, Brown's Creek WD, Carnelian-Marie St. Croix, WD, Middle St Croix WMO, South Washington WD, Ransey-Washington Metro WD, and Valley Branch WD.**

**County Conservation Awards**

(Association of Minnesota Counties and Board of Water and Soil Resources)

**Renville SWCD and Renville County Drainage Systems, County Ditch 59**



## **COMMITTEE RECOMMENDATIONS**

### ***New Business***

1. Vice Chair Nomination – Justin Hanson – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:** Vice Chair Nomination

---

**Meeting Date:** January 28, 2026

**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 and Justin Hanson      Committee(s)

**Presented by:** Justin Hanson

**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**

Nominate Vice Chair for the Board of Water and Soil Resources.

**LINKS TO ADDITIONAL INFORMATION**

[Board of Water and Soil Resources Bylaws](#)

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

According to bylaws, the Vice Chair will be elected to a two-year term by the members of the Board. Nominations will be made at the meeting. After the vote to close nominations if there is more than one nomination voting ballots will be mailed to board members along with a prepaid envelope to return their ballot by March 1, 2026. The Vice Chair will be announced by the March board meeting if a ballot is required.