

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

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Justin Hanson, Rachel Mueller, Tom Gile, Travis Germundson, Marcey Westrick, Andrea Fish, Maggie Karschnia, Josh Norman, Donna Caughey, Dave Weirens, Jared House, Melissa Sjolund, Ara Gallo, Brad Wozney, Mandy Duong, Karli Swenson, Don Bajumpaa, Denise Lauerman, Renee Sutton, Sharon Doucette, Adam Beilke, Jenny Gieseke, Ed Lenz, Ryan Hughes, Shane Bugeja

OTHERS PRESENT:

Brian Martinson, AMC; LeAnn Buck, MASWCD; Sheila Vanney, MASWCD; Kevin Paap, Blue Earth County; Colby Schroeder, Renville SWCD; Annie Felix, MDH; Yellow Medicine Watershed, Amanda Bilek, Randy and Carrie Freiborg

Chair Todd Holman called the meeting to order at 9:00 AM

PLEDGE OF ALLEGIANCE

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26-01 **ADOPTION OF AGENDA - Moved by Mark Zabel, seconded by Ron Staples, to adopt the agenda as presented. *Motion passed on a roll call vote.***

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26-02 **MINUTES OF DECEMBER 18, 2025 BOARD MEETING – Moved by Joe Collins, seconded by Mike Runk, to approve the minutes of December 18, 2025, as amended. *Motion passed on a roll call vote.***

Lori Cox joined the meeting at 9:05 a.m.

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Marcey Westrick introduced Maggie Karschnia, Clean Water Coordinator and Josh Norman, Board Conservationist. Andrea Fish introduced Donna Caughey, Contracts Specialist.

Board Members welcomed new staff.

CONFLICT OF INTEREST DECLARATION

Chair Holman read the statement:

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

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman reported he attended the Audit and Oversight Committee and there is an item on the agenda today. He did not attend the EQB meeting last week.

Executive Director’s Report – Justin Hanson reported he appreciates the opportunity to attend the board meeting today. Reviewed the Day of Packet that included Snap Shots, the Campaign Finance Board notification, and Government Bonding Recommendations. Justin stated they met with the Local Water Roundtable to hear some of their priorities for the upcoming legislative session.

Audit and Oversight Committee – Joe Collins reported they met in January and have an item on the agenda.

Dispute Resolution and Compliance Report – Rich Sve reported they have one appeal pending and the Dispute Resolution Committee has not met. They will be having two hearings, 25-9 and 25-10 that are tentatively scheduled to be heard in April.

Grants Program & Policy Committee – Mark Zabel reported they met earlier this month and set their schedule for the year, the third Monday of the month. They have four items on the agenda for today.

RIM Reserve Committee – Jayne Hager Dee reported they have one item on the agenda for today.

Water Management & Strategic Planning Committee – Joe Collins reported they met in January. They had an early discussion to guide Soil and Water Conservation District Comprehensive Plans through the board approval process.

Wetland Conservation Committee – Jill Crafton reported they will be meeting February 17th.

Buffers, Soils & Drainage Committee – LeRoy Ose reported they met earlier in the month and have items on the agenda for today.

Drainage Work Group (DWG) – Neil Peterson reported they met in December, the same day as our Board meeting, and had a discussion on future work topics including some discussion on a level of interest for a summary of structure. Tom Gile reported they spent time discussing topics that they'll be preparing for the next drainage workgroup season that will start in June. The January meeting was canceled.

Lori Cox requested in the future that we try not to hold meetings at the same times as other Board meetings.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported the Governor and Mayor Frey received a letter from USDA freezing all their funds and grants, which is 13% of their budget. At the same time, staff were processing claims with the USDA and some are being paid. They are working through this with the congressional delegation on what it means. They released continuous living cover grants last week. Comments for the Ground Water Protection Rule is open until March 12th.

Mark Zabel asked if the USDA freeze includes contracts with farmers that have been signed. Commissioner Petersen stated it's not clear but think it's not for farm programs but grants that go to an agency.

Jill Crafton asked about the conservation titles in the farm bill and if they are frozen or if there is money for those items. Commissioner Petersen stated it isn't clear.

Jason Garms stated farmer payments are going through.

Katrina Kessler joined the meeting at 9:37 a.m.

Minnesota Department of Health – Steve Robertson reported a couple grant programs will be opening in the coming weeks. The Groundwater Restoration and Protection Strategies (GRAPS) are accelerated implementation grants and opens February 16th through March 27th, more information available here: <https://www.health.state.mn.us/communities/environment/water/groundwater/accimpgrant.html>. The Source Water Protection Grants are transient grants that open March 2026. The Implementation Grants open April 2026 and the Competitive Grants open May 2026, more information available here: <https://www.health.state.mn.us/communities/environment/water/swp/grants.html>. They have been

working closely with the Minnesota Rural Water Association; they have been leading efforts and developing promotional materials to help support soil health initiatives in the state.

Minnesota Department of Natural Resources – Jason Garms reported there was an Agriculture Summit in Fergus Falls last week organized by Representative Jeff Backer. The DNR is proposing a rule change for catching walleye, they are changing the limit from six to four and the comment period is currently open. They are going into the legislative session with light and uncontroversial policy changes.

Lori Cox asked who was invited to the Agriculture Summit. Jason stated agencies and legislature were the majority.

Jill Crafton asked if the front facing sonar is on their radar. Jason stated it is something they watch.

Rich Sve left the meeting at 9:50 a.m.

Minnesota Extension – Joel Larson reported they had their annual Soil Management Summit on January 14th and 15th in Fargo North Dakota and had a great attendance. They are having their annual Nutrient Management Conference on February 3rd in Mankato. February 3rd is the Women in Agriculture conference, and the Nitrogen Conference is on February 17th in St. Cloud. There is a series of Northern Soil Compaction Webinars that are being held on the four Tuesdays in February. Registrations are available on the University's Extension website.

Minnesota Pollution Control Agency – Katrina Kessler reported next week she will be participating in a Hypoxia Task Force for the entire Mississippi River that drains to the Gulf. EPA previewed that nationally they are seeing nitrogen trends meeting the interim goal of the hypoxia task force. Stated they are working on an update to the Feed Lot Rules that are 25 years old. The Climate Action Framework for the state is on the cusp of an update and they are hoping to announce it in the next couple weeks and have an event. She stated the Climate Smart Foods Systems Grants are going out the door.

Jill stated there are partnerships with NGOs and the DNR with people speaking of their concerns of muscle beds and things that are important for the river and cleaning it out. Jill asked if more research is being presented. Katrina stated that the Hypoxia Task Force is focused on phosphorus and nitrogen. There are regional efforts within states around the expanded lists of pollutants and can look into what regional group she could connect Jill with.

Joe Collins stated MPCA did a presentation on Area C in St. Paul and did a good job explaining the issues to citizens on a complicated piece of land.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported the Local Water Round Table met and continues to be a productive group. AMC hosted annual leadership meetings with environmental state agencies and had opportunities to talk about work they are collaborating on and protentional new efforts. Brian highlighted some of the topics they discussed with agencies. The Buffer Law Guidance is on the agenda today and they have been engaged and have had thorough discussions about the changes. The AMC Drainage conference is taking place today and tomorrow.

Neil Peterson stated AMC does a great job and he supports the Buffer Law on the agenda for today.

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

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck reported the conversations at the Local Water Round Table has helped meet the needs of technical and financial assistance to landowners and appreciates the work of that group. They are looking forward to working with the Clean Water Council as that provides predictability, especially for financial assistance when they're looking at One Watershed One Plan delivery. She stated it is a bonding year and will be looking at RIM Reserve, the SWCD asset preservation components, and their SWCDA. LeAnn thanked individuals and districts for taking the initiative in making soil health a major program.

Minnesota Association of Townships – Eunice Biel reported Township Officers are invited to join the Minnesota Association of Townships for Township Day at the Capitol on Monday, March 2nd in St. Paul. They will also hold one day in-person workshops called Spring Short Courses statewide . The annual meeting and elections will be held on March 10th. They will have their Township Tuesday Zoom calls for updates on the most recent Township information on the first and third Tuesday of each month at 10:00 a.m.

Minnesota Watersheds – No report was provided.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 10:21 a.m. and called the meeting back to order at 10:32 a.m.

Neil Peterson left the meeting at 10:30 a.m.

COMMITTEE RECOMMENDATIONS

Buffers Soils and Drainage Committee

Revised Buffer Program Procedures – Tom Gile presented the 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.

Jill Crafton asked if there is any place where we'd want to know the outcomes of what's in the ground. Tom stated there is nothing specific that speaks to the effectiveness from a water quality perspective that he's aware of. Their focus is largely on the enforcement and the effectiveness of whether or not individual parcels are compliant.

LeRoy Ose has observed over the years where the side of a ditch has been broken down and almost part way up the road in places.

Lori Cox asked about procedure 10 where BWSR staff will contact the local government unit in writing and asked if there is a timeframe within this. Tom stated there is not a timeframe and it can be situational.

Ron Staples commented with buffers being at 99% compliant, revoking the jurisdictions of a county or watershed district is not going to be very popular. Lori stated if they follow the process and procedures of the buffer law it shouldn't get there.

Tom Gile thanked those who participated in outreach opportunities for their time and efforts.

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26-03 Moved by Ted Winter, seconded by Kevin Wilson, to approve the amended Revised Buffer Program Procedures. ***Motion passed on a roll call vote.***

Soil Health Legislative Report – Jared House presented the 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.

Joe Collins commented that it's important to programs where we get money back.

Lori Cox asked if there was any determination in the funding that says this needs to be a sustained practice. Jared stated they are seeing some situations where a single year contract works best for some but are also seeing contracts that go up to December of 2028.

Mark Zabel stated there may be more accomplishments than we are taking credit for.

Grants Program and Policy Committee

Clean Water Legacy Partners Program FY27 Program Authorization – Ara Gallo and Melissa Sjolund presented the 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.

Lori Cox asked Commissioner Kessler if they anticipate any expansion of the environmental justice. Commissioner Kessler stated they are not proposing any changes to environmental justice statues.

Jill Crafton asked how this request is being advertised. Ara stated it goes out in grants quarterly, GovDelivery, it's on the BWSR's apply for grants webpage, and Ara and Melissa do outreach with current and former applicants, and NGO and tribal partners.

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26-04 Moved by Thom Petersen, seconded by Mike Runk, to approve the Clean Water Legacy Partners Program FY27 Program Authorization. ***Motion passed on a roll call vote.***

FY 2027 Clean Water Fund Projects and Practices Grants Program Recommendations – Brad Wozney presented the FY 2027 Clean Water Fund Projects and Practices Grants Program Recommendations.

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.

Jill Crafton asked if this is an outgrowth from 2010 when they were making biennial requests to find out what cities or larger districts wanted to do. Brad stated these are based on implementation plans. The more specific they can be with their plan citations, the more competitive they can be.

Joe Collins commented that he's glad to see they're putting money in to deal with nitrates. He believes they need to deal with environmental justice areas. He hasn't seen additional language before describing the outreach efforts to support the project beyond the standard and thinks it's a good idea.

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26-05 Moved by Thom Petersen, seconded by Joe Collins, to approve the FY 2027 Clean Water Fund Projects and Practices Grants Program Recommendations. ***Motion passed on a roll call vote.***

Red River Basin Commission FY26/27 Grant Approval – Justin Hanson presented the Red River Basin Commission FY26/27 Grant Approval.

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.

Jill Crafton stated the cooperation was good.

LeRoy Ose stated North Dakota does a lot with soil health.

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26-06 Moved by Jayne Hager Dee, seconded by Ron Staples, to approve the Red River Basin Commission FY26/27 Grant Approval. ***Motion passed on a roll call vote.***

Bridging Conservation Grant Program – Mandy Duong presented the Bridging Conservation Grant Program.

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.

Jayne Hager Dee asked about the word draft on the board order. Mandy stated it was listed as such in preparation for finalization.

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26-07 Moved by Thom Petersen, seconded by Joe Collins, to approve the Bridging Conservation Grant Program. ***Motion passed on a roll call vote.***

RIM Reserve Committee

Easement Alteration Request – RIM Easement #65-08-02-01 – Karli Swenson presented the Easement Alteration Request – RIM Easement #65-08-02-01.

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 re-placement 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.

Jason Garms commented they had other options of building on crop land.

Lori Cox stated she didn't see something that talks about hardship and agrees there were other options.

LeRoy Ose stated DNR recommended it and its increasing what the goal of RIM is at no cost.

Jayne Hager Dee commented that the DNR supported it vs. recommended it.

Jason stated the DNR approval is to look at it through wildlife habitat and possible water quality too.

Thom Petersen referenced the letter of recommendation from the Water District.

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26-08

Moved by LeRoy Ose, seconded by Thom Petersen, to approve the Easement Alteration Request – RIM Easement #65-08-02-01. **Motion passed on a roll call vote.**

Audit and Oversight Committee

2025 Performance Review and Assistance Program Legislative Report – Don Bajumpaa presented the 2025 Performance Review and Assistance Program Legislative Report

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, Sub-division 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.

Lori Cox asked about the 10% of no information was provided and if an example could be given. Don stated because of the way plans were structured or organized they didn't have a way to quantify progress, and it wasn't measurable.

Lori Cox asked if we're helping people by using standardized templates. Don stated it depends on the complexity of the plan, each one is unique.

Joe Collins commented that the work of the LGUs is the basis of everything we talked about today. Don has done a lot of work, and this report is solid.

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26-09

Moved by Joe Collins, seconded by Mark Zabel, to approve the 2025 Performance Review and Assistance Program Legislative Report. **Motion passed on a roll call vote.**

NEW BUSINESS

Vice Chair Nomination – Justin Hanson presented the 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.

Chair Holman thanked Rich Sve for serving as Vice Chair.

Chair Holman nominated Jayne Hager Dee.

There were no additional nominations and Chair Holman closed the nominations.

Moved by LeRoy Ose, seconded by Mike Runk, to close nominations for Vice Chair.

Mark Zabel stated in Roberts Rule, when only one nominee is put up and the bylaws do not require a ballot, the chair can take a voice vote, or can declare that the nominee is elected, thus effecting the election by unanimous consent or acclamation. The motion to close nominations should not be used as a means of moving the election of the candidate in such a case.

LeRoy Ose and Mike Runk rescinded their motion.

Chair Holman declared Jayne Hager Dee Vice Chair.

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.

Chair Holman adjourned the meeting at 12:17 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Todd Holman', is written over a light blue grid background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Todd Holman
Chair