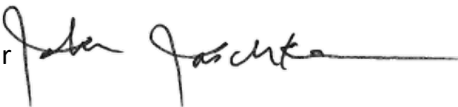




DATE: August 18, 2026

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – August 27, 2026

The Board of Water and Soil Resources (BWSR) will tour Becker, Clay, and Norman counties on Wednesday, August 26, 2026. *See attached itinerary.* The accommodations for the Board Tour will be at Holiday Inn at 1155 Highway 10 East, Detroit Lakes, Minnesota, 56501.

Sleeping rooms for board members who requested accommodations have been reserved at the Holiday Inn in Detroit Lakes, on Tuesday and Wednesday evenings, August 25 and 26. Rooms have been direct billed (BWSR Board members, with the exception of agency members, do not pay for the room). Please contact Rachel Mueller if you have any questions about accommodations at Rachel.L.Mueller@state.mn.us.

Wednesday, August 26th – BWSR Board Tour

Breakfast, starting at 6:00 a.m., will be provided at the Icehouse Restaurant. The tour will begin at 8:00 a.m. with check-in upon arrival.

The tour will consist of a few stops where we will be walking a short distance, wear your comfortable walking shoes, and casual attire. The tour will be held rain or shine, so please dress accordingly.

The coach bus will travel through Becker, Clay, and Norman counties, with stops at Buck's Mill Dam, the Stinking Lake Project, the Goose Prairie Wildlife Management Area, Perley Flood Control Levee and Grade Raise Project, the Heiberg Dam Restoration, and the Rice Lake Wetland Restoration. We will arrive in Twin Valley at 12:00 p.m. for lunch at the Twin Valley Community Center. The coach bus will arrive back at the Holiday Inn around 4:30 p.m. where dinner will be on your own.

Thursday, August 27th – BWSR Board Meeting

Breakfast starting at 7:30 a.m. will be available in the conference room at the Holiday Inn for guests staying at the Holiday Inn on Wednesday evening.

The Board of Water and Soil Resources (BWSR) will meet on Thursday, August 27, 2026, beginning at 9:00 a.m. The meeting will be held at the Holiday Inn at 1155 Highway 10 East, Detroit Lakes, and by Microsoft Teams. Individuals interested in attending the meeting through Teams should do so by either 1) logging into Teams through the provided [meeting link](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 204 685 425#.

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The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. **FY27 Soil Health Delivery Authorization** – request authorization of the FY27 Soil Health Delivery program. Will brief the Board on the status of past fiscal year Soil Health Delivery awards and request authorization for staff to develop a Request for Interest (RFI) for the current fiscal year and make awards. **DECISION ITEM**
2. **FY27 Buffer Implementation Grants** – Primary program Structure is the similar as prior years. Additional clarity on eligible activities will be provided as well as use of an RFI to ask recipients if they want the full amount of funding allocated to them. **DECISION ITEM**

Buffers Soils and Drainage Committee

1. **Buffer Procedures addition of Procedure #12** – Procedures #1-11 are unchanged. The MN DNR is undergoing a systematic update to the Public Waters Inventory which is likely to result in changes (additions or subtractions) to the buffer protection map. The proposed Procedure #12 lays out a basic framework for notifications of the new map to local SWCDs and allows 12 months to voluntarily come into compliance if a new water course is added to the Buffer Protection Map as a result of the process. This revision will provide a consistent expectation for timing when new features are added as a part of the current PWI Update the MN DNR is undertaking or any future revisions which add features to the Buffer Protection Map. **DECISION ITEM**

Northern Region Committee

1. **Red Lake River Comprehensive Watershed Management Plan Renewal Amendment** – The partnership initiated a plan renewal amendment on April 1, 2024, by sending notice of plan amendment and invitation to submit priority issues. A kick-off meeting for the amendment process was held on June 12, 2024. The partnership held a 60-day review process that ended on April 15, 2026, and the required public hearing on April 30, 2026. The draft Plan Renewal Amendment, a record of the public hearing, and copies of all written comments were submitted to the state review agencies on June 17, 2026. Final state review agency responses were submitted by July 30, 2026, and all agencies that submitted responses had no additional comments on the Plan Renewal Amendment. The Northern Region Committee reviewed the amendment at the August 5, 2026, meeting and recommends approval of the amendment by the Board. **DECISION ITEM**

Central Region Committee

1. **Brown's Creek Watershed District 2027-2036 Watershed Management Plan** – In their updated Watershed Management Plan (Plan), the Brown's Creek Watershed District (BCWD) organized the Plan into 15 issue categories. Many of the categories and sub-issue areas are the same as those identified in previous Plans, with Pollutants of Emerging Concern being a new addition. The rest of the categories are: Stormwater Runoff Management; Erosion Prevention and Sediment Control; Stream Management; Lake Management; Wetland Management; Floodplain and Flood Management; Groundwater Management; Ecological Health; Monitoring and Data Collection; Regulations; Recreation; Education, Outreach, and Stewardship; Land Conservation; and Funding. A primary goal is associated with each of the issue categories. Each issue category is further divided with sub-issues that have an overarching policy, goals to meet the policies, and implementation activities associated with each goal.

In preparing this Plan, BCWD evaluated its programs, policies, and projects through both climate change and equity lenses to ensure that future actions not only strengthen resilience in natural systems, people, and infrastructure, but also address historical gaps in equity. The overall health of the resources in the BCWD are improving since the last generation plan, evidenced by the fact that Plaisted Lake was delisted from the

impaired waters inventory. BCWD will continue to improve water quality, maintain and improve ecological health in the watershed, and target pollutants of emerging concern like PFAS and microplastics. BCWD is committed to continuing the successes achieved in their previous plan with this next generation plan.

DECISION ITEM

Wetlands Conservation Committee

1. **Wetland Conservation Act Rulemaking** – Staff are in the process of amending the Wetland Conservation Act (WCA) rules to conform them to statute changes that have occurred since the current rule was adopted. In addition, rule amendments are being considered that will help clarify implementation, improve mitigation outcomes, and remove outdated, confusing, and redundant language. Staff are seeking board approval to proceed with the next steps for rulemaking under the Minnesota Administrative Procedure Act (APA), which will include posting the draft rule in the State Register for a 60-day comment period and holding a public hearing. The board's Wetland Conservation Committee is meeting on 8/20/26 to consider a recommendation to the board, including a draft board order. ***DECISION ITEM***

NEW BUSINESS RECOMMENDATIONS

1. **Red Lake River Watershed Partnership Presentation** – The Red Lake River Comprehensive Watershed Management Plan Renewal Amendment is the first plan renewal amendment coming to the Board for approval. Representatives from the partnership will present an overview of Plan implementation, Plan assessment, and the Plan renewal amendment process. ***INFORMATION ITEM***
2. **Red River Watershed Management Board Update** – The Red River Watershed Management Board coordinates basin-wide water management and flood control in the Red River of the North watershed. It was created in 1976 by an act of the Minnesota legislature to provide a basin-wide perspective on managing the Red River Basin, which includes seven watershed districts such as the Joe River, Two Rivers, Roseau River, Middle-Snake-Tamarac Rivers, Red Lake, Wild Rice, and Bois de Sioux. Its mission is to institute, coordinate, and finance projects and programs to alleviate flooding and ensure the beneficial use of water in the watershed. Historically, flood control was the focus, but the board now also addresses water quality, habitat restoration, and sustainable land use. ***INFORMATION ITEM***

If you have any questions regarding the agenda, please feel free to contact me at 651-539-2587. We look forward to seeing you on August 27th.

Pocket Guide

MINNESOTA WATERSHEDS

2026
SUMMER
TOUR

**AUG.
24-26**





All events are taking place at the Holiday Inn, Lakefront in Detroit Lakes.

MONDAY, AUG 24

5-8 p.m. **NETWORKING EVENT & PONTOON RIDES**

TUESDAY, AUG 25

9 a.m.-12 p.m. **MINNESOTA ASSOCIATION OF WATERSHED ADMINISTRATORS (MAWA) MEETING**

**Lunch will be served for attendees*

1 p.m. **REGISTRATION & WELCOME**

LEARN FROM THE EXPERTS

1:15-3:15 p.m. **Don't Click on That! & Planning for Technology Disruption**

Christian Torkelson, League of Minnesota Cities

TUESDAY, AUG 25

3:30-4:30 p.m. **Game Changer: How Minnesota's Clean Water Fund has Transformed Waterwork in the State**
Jen Kader, Clean Water Council

5-7:30 p.m. **DINNER & WELCOME RECEPTION**
Tera Guetter Tribute, RRWMB 50th Anniversary Celebration & Bus Tour Overview

WEDNESDAY, AUG 26

8 a.m.- 4:30 p.m. **BUS TOUR**

12 p.m. **LUNCH — Sponsored by Bell Bank**
Twin Valley Community Center

Bell Bank
Family and Employee Owned

EVENT PARTNERS



COLLABORATIVE PROJECT HIGHLIGHTS

BUCKS MILL — As part of the Landmark Reconnect the Red Initiative and the Buck's Mill Dam Modification project, this WBIF-funded effort restored private streambank ecology and eliminated a major barrier, successfully restoring natural fish passage from Pelican Lake to Detroit Lake and bringing the watershed closer to full connectivity with the Red River.

- 27 Native Species Planted 6,500 sq ft
- Total Cost: \$4,345.88, Cost Share: \$3,694.00
- Funding Source: Clean Water Fund - Otter Tail WBIF
- Soil Savings: 1.49 Tons / Year Phosphorus Reduction: 1.43 lbs / Year

TOM BERGREN & JOHN AUSTINSON: RICEVILLE 5 & 6: 9 BASINS — This project utilized the road as an embankment structure, which allowed for the removal of the culvert. A riser was put in its place in order to minimize gully potential for years to come.

- Total Cost: \$153,953.09 / Cost Share: \$138,557.61
- Funding Source: Clean Water Fund
- Soil Savings: 387.80 Tons / Year
- Phosphorus Reduction: 445.97 lbs / Year
- 27.4 Ac-ft of Storage

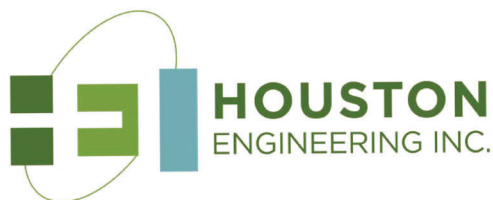
ERIC ZURN (AR VIII FAMILY FARM TRUST) SPRING CREEK 34 (8 BASINS)

— This project discharges its outflow directly into the Wild Rice River, entering the stream just before it meets Spring Creek, which inspired the name of the local township.

- Total Cost: \$265,460.18 / Cost Share: \$240,414.16
- Funding Source: Clean Water Fund / EQIP/ Wild Rice WD
- Soil Savings: 166.86 Tons / Year
- Phosphorus Reduction: 194.83 lbs / Year 80.0 Ac-ft of Storage

SPONSORS

THANK YOU TO OUR SPONSORS & PARTNERS
who made this tour possible.

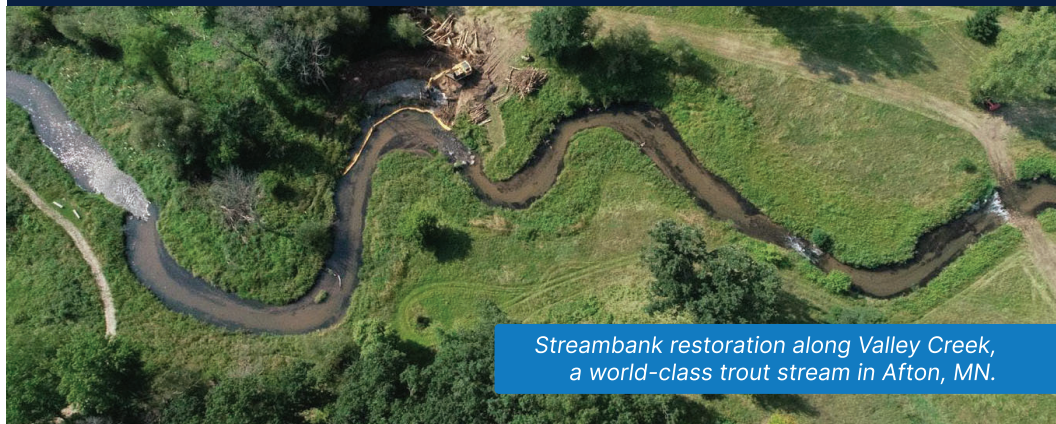


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Streambank restoration along Valley Creek,
a world-class trout stream in Afton, MN.

TOUR STOPS



Bus Stops



Drive-by

Locations are listed in the order of the planned tour. Eight locations include guided, on-site visits. The remaining locations are notable features that will be viewed and discussed from the bus as the tour travels between stops.



1. BUCK'S MILL DAM PROJECT

A natural modification to support species

A partnership between the PRWD, MN DNR, and Moore Engineering, modernizes the historic 1936 structure on the Pelican River. By adding a natural spillway and replacing the downstream culvert, the modification restores fish migration routes — supporting species like Lake Sturgeon — and improves river ecology.



2. THE STINKING LAKE PROJECT

Flood storage and a new water management system

Established in 1990 by the Buffalo Red River Watershed District, provides 5,159 acre-feet of vital flood storage for the Hay Creek Watershed. Building on this legacy, the Board officially established the Hay Creek Water Management District in 2023 to further manage and formalize the project's operations.



3. GOOSE PRAIRIE WILDLIFE MANAGEMENT AREA (WMA) *Enhancement Project to support water management and flood control*

A partnership between the Wild Rice Watershed District, the Minnesota DNR, and regional partners. The project provides 1,500 acre-feet of floodwater retention, significantly reducing downstream flooding while enhancing habitat, water quality, and recreation.

2026 SUMMER TOUR STOPS



MINNESOTA WATERSHEDS



SOUTH BRANCH WILD RICE RIVER RESTORATION (SBWRRR) SITE 1

This Clay County pilot project supports river stabilization degraded river reach. By installing rock arch rapids, the project reconnects the river to its floodplain, reducing flood damage, erosion, and sediment transport.



DALEN COULEE PROJECT

Reducing soil erosion and improving habitat

Located in Clay and Norman Counties, this project mitigates recurring agricultural flooding by restoring the natural drainage and storage capacity. By stabilizing the channel and establishing permanent vegetation, the project reduces erosion, improves water quality, and creates lasting habitat for fish and wildlife.



THE RURAL FARMSTEAD RING DIKE PROGRAM *Helping families in flood zones*

Supported by the Minnesota Legislature, the Red River Watershed Management Board, and local watershed districts — like the Wild Rice Watershed District — safeguards rural homes and agricultural infrastructure, helping families remain on their land while strengthening basin-wide flood resilience.



4. PERLEY FLOOD CONTROL LEVEE & GRADE RAISE PROJECT

Offers 100-year flood protection to 162 acres

This project provides the City of Perley with a permanent, reliable flood protection system following historic vulnerability to Red River flooding. By constructing a continuous earthen levee, internal drainage, and critical road grade raises.

[MORE STOPS >>](#)

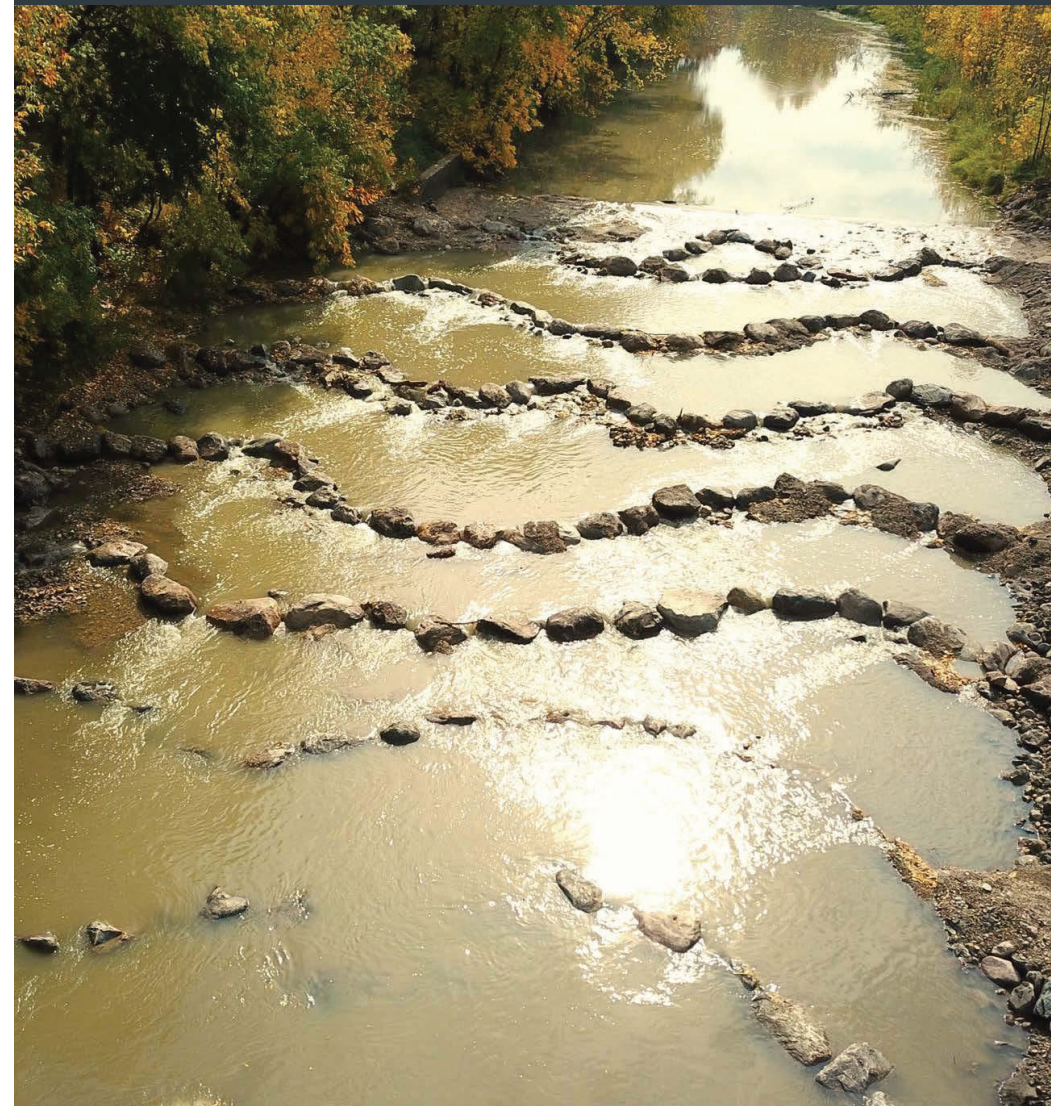
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CELEBRATE

50TH ANNIVERSARY RED RIVER WATERSHED MANAGEMENT BOARD



FUN FACTS & HIGHLIGHTS

- Created in 1976 by the MN legislature.
- Comprised currently of seven watershed districts via a joint powers board agreement.
- 21 counties within the Red River Basin of MN along with many cities.
- Taxation authority.
- Funding: The RRWMB has helped fund approximately 70 flood mitigation projects including:
 - Flood impoundments and city flood protection.
 - Flood-prone property acquisitions.
 - 300+ farmstead ring dikes.
 - 40 water quality projects and several hydrologic and hydraulic studies.
 - River Watch Program.



NELSON SLOUGH PROJECT

- A groundbreaking ceremony was held on June 30, 2026 by the Middle-Snake-Tamarac Rivers WD.

HAPPY ANNIVERSARY!



THE DWIGHT HEITMAN RING DIKE

Protecting farmsteads from flooding

Constructed in 1998 under a Minnesota state-led initiative and administered by the Wild Rice Watershed District and the Red River Watershed Management Board, this project protects Norman County farmsteads by sitting two feet above the 1997 flood's high-water mark.



THE LOWER WILD RICE CORRIDOR PROJECT

For ecological health and flood prevention

This long-term, voluntary initiative restoring a 23-mile river reach through landowner-supported conservation easements, using strategies like setting back levees and reconnecting oxbows to simultaneously reduce agricultural flood risks and improve ecological health.



THE LAKE IDA DETENTION UNIT

Native solutions for reduction of sediment

Located in an inter-beach area of the ancient glacial Lake Agassiz. The WMA is mainly wet prairie with a mixture of lowland grasses and sedges along a short ridge with lowland shrubs.

5. THE HEIBERG DAM RESTORATION



Enhanced ecological function and flood resilience

The project realigned the Wild Rice River to its historic course while maintaining the dam's vital role in ice management and infrastructure protection. By incorporating features like rock arch rapids and lowered dam sections, the project enhanced ecological function and public safety while balancing flood resilience.



LUNCH @ Twin Valley Community Center

Heiberg Dam rainfall destruction presentation by Daryl Richardson, meteorologist in the Red River Basin

Sponsored by





FRENCHMAN'S BLUFF

Support & fuel health in the native ecosystem

This majestic tallgrass prairie preserve overlooks the Red River Valley. Today, the site is managed in partnership with the Minnesota Department of Natural Resources and utilizes active conservation methods like prescribed burns to support scientific research and native ecosystem health.



WATER AND SEDIMENT CONTROL BASIN

Improving soil health & water quality w/ drainage flow

This engineered embankment system built across sloping cropland to trap sediment, manage runoff, and reduce gully erosion. Often installed in series as part of a comprehensive conservation plan, these structures improve soil health and water quality by controlling drainage flows.



ZURN WASCB

A familial effort to protect their farmland

By prioritizing soil health through reduced tillage and the installation of over 80 water and sediment control basins, the Zurn family achieved Minnesota Agricultural Water Quality Certification Program (MAWQCP). These efforts, supported by cost-share partnerships with the NRCS and SWCD, also included establishing grassed filter strips to further protect the water and land on their farm.



OGEMA BANK PROJECT

Working with natives to improve wetland & bank health

Selected in 2018 for the Local Government Road Wetland Replacement Program, this project restored 173 acres of agricultural land by disabling artificial drainage and seeding native vegetation. Completed in 2021, the restoration successfully created a diverse prairie and marsh ecosystem that supports over 60 native species and generates 88 wetland banking credits.

[MORE STOPS >>](#)

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SAVE THE DATE

MINNESOTA WATERSHEDS



2026 ANNUAL CONFERENCE & TRADE SHOW

DECEMBER 2-4
GRAND VIEW LODGE
NISSWA, MN



*Flood Control Levee
Improvement Project,
Perley MN*

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OKESON BEST MANAGEMENT PRACTICE

Funding impactful community improvements

Located in Detroit Lakes, the Becker Soil & Water Conservation District and the NRCS collaborated on complex sediment-reduction projects that significantly improved water quality and land productivity. By offering to cover up to 90% of project costs through diverse funding sources, they successfully encouraged local landowners to adopt impactful conservation practices.



CAMPBELL CREEK RESTORATION

Solutions for erosion control & water quality

In 2022, the District secured a 16-year grant from the Minnesota Pollution Control Agency to systematically reduce phosphorus and sediment pollution within the Campbell Creek subwatershed. This initiative is now collaborating with local landowners to implement targeted erosion control and best management practices to achieve long-term water quality improvements. Phase 1 will restore 4100 linear feet of streambank using a combination of boulder weirs, conifer revetments, and bank grading. The project will also include the replacement of a highway culvert that has been identified as a barrier to fish passage.



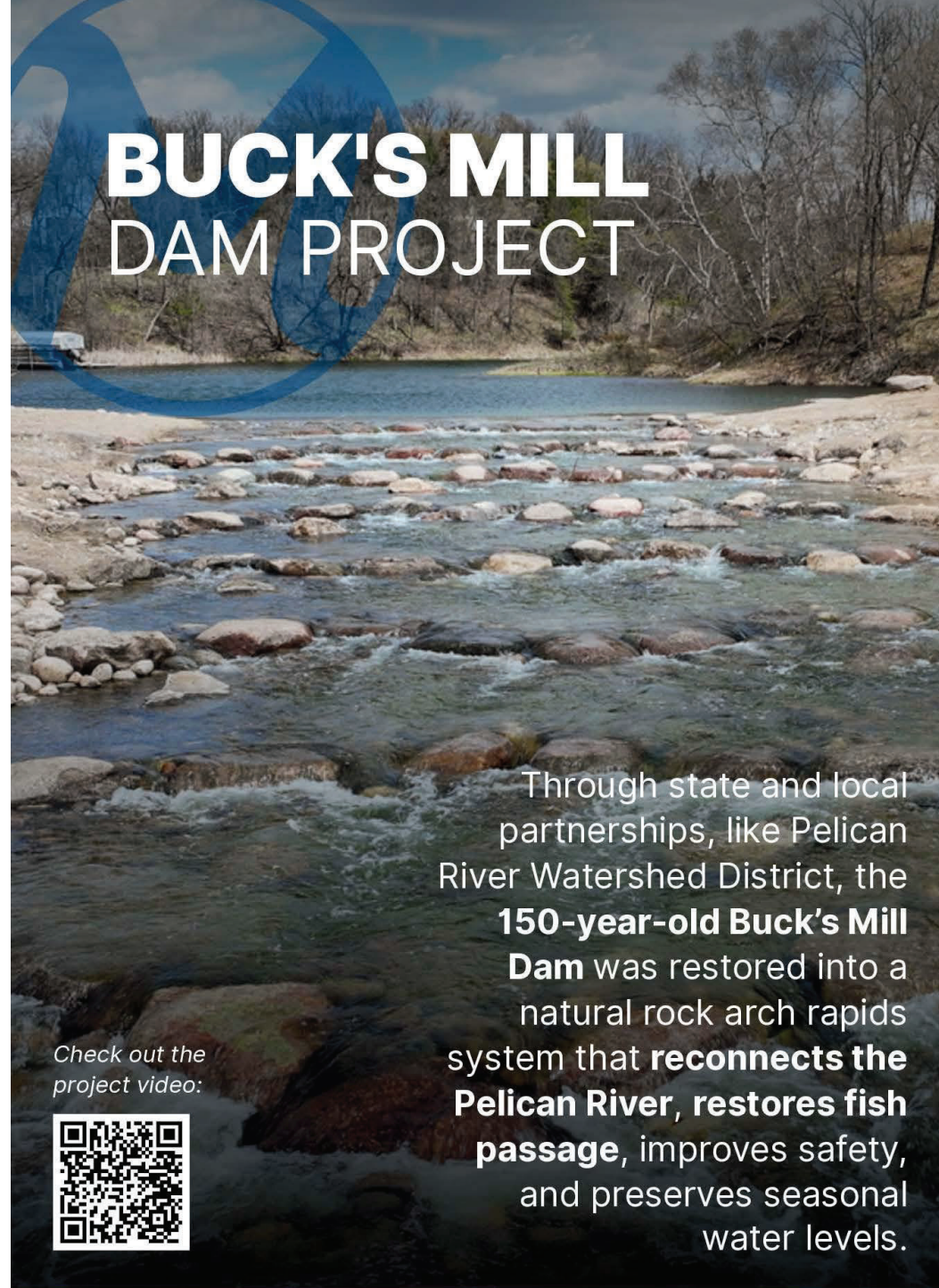
6. RICE LAKE WETLAND RESTORATION

Decrease pollution while improving native habitat

Targets a 280-acre area identified as a primary source of phosphorus loading for Big Detroit Lake. Supported by Clean Water Fund grants, the project uses a phased approach — including rock arch rapids — to raise water levels and improve retention. By restoring this ditched wetland, the project aims to significantly decrease downstream phosphorus pollution while enhancing vital habitat for waterfowl and pollinators.



TOUR END *Return back to Holiday Inn*



BUCK'S MILL DAM PROJECT

Through state and local partnerships, like Pelican River Watershed District, the **150-year-old Buck's Mill Dam** was restored into a natural rock arch rapids system that **reconnects the Pelican River, restores fish passage**, improves safety, and preserves seasonal water levels.

Check out the
project video:



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**BOARD OF WATER AND SOIL RESOURCES
1155 HIGHWAY 10 EAST
DETROIT LAKES, MN 56501
THURSDAY, AUGUST 27, 2026**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF JUNE 24, 2026 BOARD MEETING

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

INTRODUCTION OF NEW STAFF

- Moriya Rufer, Board Conservationist
- Shanae Fortson, North Region Grants Compliance 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
- Executive Director – John Jaschke
- Audit & Oversight Committee – Joe Collins
- Dispute Resolution and Compliance Report – Travis Germundson/Kevin Wilson
- 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 – Peder Kjeseth
- Minnesota Department of Health – Myra Kunas
- Minnesota Department of Natural Resources – Sarah Strommen
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Melissa Lewis

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

Grants Program and Policy Committee

1. FY 27 Soil Health Delivery Authorization – Jared House and Tom Gile – ***DECISION ITEM***
2. FY 27 Buffer implementation Grants – Tom Gile – ***DECISION ITEM***

Buffers Soils and Drainage Committee

1. Buffer Procedures addition of Procedure #12 – Tom Gile – ***DECISION ITEM***

Northern Region Committee

1. Red Lake River Comprehensive Watershed Management Plan Renewal Amendment – Ryan Hughes and Matt Fischer – ***DECISION ITEM***

Central Region Committee

1. Brown's Creek Watershed District 2027-2036 Watershed Management Plan – Josh Norman – ***DECISION ITEM***

Wetland Conservation Committee

1. Wetland Conservation Act Rulemaking – Les Lemm and Ken Powell – ***DECISION ITEM***

NEW BUSINESS

1. Red Lake River Watershed Partnership Presentation – Peter Nelson, Pennington SWCD – ***INFORMATION ITEM.***
2. Red River Watershed Management Board Update – Rob Sip – ***INFORMATION ITEM.***

UPCOMING MEETINGS

- BWSR Board meeting is scheduled for September 23rd at 9:00 a.m. in St. Paul and by MS Teams.

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, JUNE 24, 2026**

BOARD MEMBERS PRESENT:

Eunice Biel, Jayne Hager Dee, Jill Crafton, Joe Collins, Kevin Paap, Kevin Wilson, LeRoy Ose, Lori Cox, Mark Zabel, Mike Runk, Neil Peterson, Paul Fish, Ron Staples, Ted Winter, Todd Holman, Sarah Strommen, DNR; Joel Larson, University of Minnesota Extension; Melissa Lewis, MPCA; Steve Robertson, MDH; Brad Jordahl Redlin, MDA

BOARD MEMBERS ABSENT:

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Craig Engwall, Marcey Westrick, Gretchen Asuncion, Laruen Peterman, Josh Norman, Melanie Bomier, Mandy Duong, Denise Lauerman, Mike Nelson, Jenny Gieseke

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; Allison Kletscher, Brown County; Robert Santaella, Brown County; Greg Williams, Valley Branch Watershed District; John Hanson, Valley Branch Watershed District; Michael Miller, Steven Nyhus

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

PLEDGE OF ALLEGIANCE

26-29 **ADOPTION OF AGENDA - Moved by Mark Zabel, seconded by Joe Collins, to adopt the agenda as presented. *Motion passed on a roll call vote.***

26-30 **MINUTES OF MAY 27, 2026 BOARD MEETING – Moved by Kevin Paap, seconded by Ron Staples, to approve the minutes of May 27, 2026, as circulated. *Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Marcey Westrick introduced Gretchen Asuncion, OAS Senior. Jenny Gieseke introduced Lauren Peterman, OAS Senior.

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 Lori Cox was not reappointed to the BWSR Board and thanked her for her service; LeRoy Ose has been reappointed for another term. Chair Holman reported he attended the Environmental Quality Board meeting last week.

Executive Director's Report – John Jaschke reported the Clean Water Council, the Outdoor Heritage Council and the Legislative-Citizen Commission on Minnesota Resources are holding their public meetings to vet various ideas and proposals that will be submitted to the legislature for recommendations ahead. Local governments are also having area meetings over the summer to develop resolutions. Stated they will be putting together Regional Conservation Partnership Program (RCPP) proposals. Most Tribal Governments had their elections in the last couple months and will engage with new leadership if needed. Will be meeting with Boise Forte and Fond du Lac in the upcoming months.

Reviewed the Day of Packet that included a completed version of the Projects and Practices Grants Program Recommendations, the Drainage Work Group handouts, and Snapshot articles. Noted there will be committee updates sent out.

Jayne Hager Dee stated the Snapshot article on Classroom Conservation is from Two Rivers High School where they put in a bio retention pond. Since then, the same school district is now working on native and pollinator gardens. Jill Crafton stated students are doing this in other districts too.

Chair Holman asked if John could follow-up with information on the Regional Conservation Partnership Program (RCPP) if he learns anything more. John stated Colton Buckley is now in the NRCS Chief role and will follow up with information.

Lori Cox attached the following RCPP link in the chat: <https://www.nrcs.usda.gov/programs-initiatives/regional-conservation-partnership-program/news/usda-invests-up-to-310-million>.

Audit and Oversight Committee – Joe Collins reported they have not met.

Dispute Resolution and Compliance Report – Travis Germundson reported one new appeal has been filed bringing the total number of appeals to 13.

File 26-10 is an appeal of a restoration order for a property located in Morrison County. The restoration regards the unauthorized wetland impacts associated placement of fill adjacent to Platte Lake. The petitioner intends to conduct an onsite survey and investigation with a consultant. No decision has been made on the appeal.

Travis was notified that the decision made by the board last month regarding a WCA appeal for the property located in Morrison County has been appealed to the Court of Appeals for judicial review.

File 25-10 is an appeal of a WCA notice for a decision on a property located in Brown County that is up for a Board decision later in the agenda.

Grants Program & Policy Committee – Mark Zabel reported they have a couple items on the agenda for today. Stated they will meet again before the August board meeting.

RIM Reserve Committee – Jayne Hager Dee reported they have not met.

Water Management & Strategic Planning Committee – Joe Collins reported they met on June 1st to begin preliminary discussions regarding comprehensive plan requirements.

Wetland Conservation Committee – Jill Crafton reported they will be scheduling a meeting the first week of August.

Buffers, Soils & Drainage Committee – LeRoy Ose reported they have not met and will likely meet in August.

Drainage Work Group (DWG) – Neil Peterson reported they met June 11th but was unable to attend the meeting. Tom Gile reported they initiated a couple updates and overviews from the legislative session on a number of different topics. There is some work going on with the Plumbing Board that has the attention of some members of the work group and will stay up to date as things progress. Tom stated they worked through their prioritization list of topics for the year. It includes potentially exploring an abandonment process that is being brought forward with some concepts from St. Louis County and some of the northeastern counties.

Paul Fish asked if Tom could elaborate about St. Louis County. Tom stated they had a drainage repair project petitioned a few years ago and were missing some of the original construction plans and had to go through a little effort to document where the system was. They also needed to do a redetermination of benefits to ensure that people were paying into the system appropriately. As they worked through

that process, the cost to do the repair exceeded what was in the system for benefits. The drainage law ended up preventing them from being able to move forward with the repair that was proposed as the cost benefits exceeded the benefits of a project. St. Louis County is interested in exploring ways to navigate that sort of abandonment process.

AGENCY REPORTS

Minnesota Department of Agriculture – Brad Jordahl Redlin reported a press release was given on the Minnesota Ag Weather Network development. Applications for the Soil Health Financial Assistant Program will be opening in August.

Jill Crafton asked about electrical machinery available for farmers. Brad stated through the Climate Smart Food Systems, dollars from the EPA through the MPCA provide financial support for electrical farm equipment to management farming operations.

Mark Zabel asked when the Soil Health Financial Assistant program will start. Brad stated it will start August 1st.

Chair Holman stated if Brad or Commissioner Peterson have any information on RCPP it would be good to collaboratively know where everything is.

Minnesota Department of Health – Steve Robertson reported next week the Health Risk Assessment Group will be meeting to consider nominations for the development of new health based guidance information. New guidance on arsenic will be available in July.

There was a special meeting of the Plumbing Board to consider the revisions to Chapter 15. The planning board decided to pause rulemaking and will meet again in July. Steve stated the Health Department's role is to identify health risks but not to oppose any use of sources for water reuse. They strongly support stormwater reuse.

Joe Collins clarified that what was being proposed is that you cannot use stormwater as an alternative water source. Watershed Districts are concerned about not having the use of stormwater to irrigate land. Steve stated the subject of the considerations by the committee addresses multiple different kinds of alternative sources. Concern has been around.

Jill Crafton provided examples for stormwater reuse and hopes the Department of Health is open to good ideas and helps support in a reasonable approach. Steve stated the examples Jill provided are great examples of appropriate risk management and they would be supportive of those to manage the risk as they understand it.

Steve will be retiring in early August; this will be his last meeting. Board Members congratulated Steve and thanked him for his service.

Minnesota Department of Natural Resources – Sarah Strommen reported last week they had the Mississippi Headwaters and the Missouri Big Sioux Watersheds move into the drought warning phase; the rest of the state is in a drought watch phase. Earlier this month they rolled out their new electronic hunting and fishing licensing system.

Minnesota Extension – Joel Larson reported an Irrigation and Nutrient Management Field Day will be held at the Sand Plain Research Farm on July 9th. Field school for Ag Professionals will be at the St. Paul

campus July 29th and 30th. A Strip-Till Expo is being held at their Southwest Research and Outreach Center in Lamberton on September 9th. The Water Resource Conference will be October 13th and 14th at the Saint Paul RiverCenter.

Minnesota Pollution Control Agency – Melissa Lewis reported an EIS is not being required for West River Dairy, and their permit was issued yesterday. Melissa thanked Steve Robertson for the background information on the Plumbing Board and stated agencies don't have special influence over the Board. The *We are Water* exhibit has moved from Capitol Region Watershed District to Itasca State Park. Stated the MPCA has an app available to receive air quality alerts.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported they posted their District Meetings and were able to visit with District Members about what's important to them. They hosted a spring meeting for their Planning and Zoning Administrators. One of the hot topics at the meeting was Data Centers, particularly when talking about land use and local resources. CWC and legacy groups are looking at budgeting for the next biennium. DWG is an open group that is heard by all.

Paul Fish asked if counties are supportive of the Data Centers. Brian stated counties are asking questions about what they need to know and what they should be concerned about.

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

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

Minnesota Association of Townships – Eunice Biel reported they are getting election judges ready for the primary election. In August they will have 13 district meetings throughout the state to go over any concerns. They held two in-person sold out sessions on CTAS, which is the City and Town Accounting System. On October 5th they will hold a Town Hall Review Event that will focus on complex areas of township governance and operations.

Paul Fish asked if there will be training for the upcoming elections. Eunice stated they will have three hour long sessions along with sessions for the head judge.

Minnesota Watersheds – Jan Voit reported she shared her DWG notes with Tom Gile from last year's committee meetings due to some technical difficulties they had. Jan attended the Clean Water Council Public Input meeting. She also attended the Plumbing Board meeting. Registration is live for the summer tour, and they are finalizing the route.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 10:17 a.m. and reconvened at 10:28 a.m.

COMMITTEE RECOMMENDATIONS

Central Region Committee

Valley Branch Watershed District 2026-2035 Watershed Management Plan – Josh Norman presented the Valley Branch Watershed District 2026-2035 Watershed Management Plan.

Background

The Valley Branch Watershed District (VBWD) is located mostly within central Washington County with a small portion extending into Ramsey County in the eastern Twin Cities metropolitan area (metro). Its 70 square mile jurisdiction includes the entire drainage area of Valley Creek and covers portions of 15 cities and townships. VBWD is bounded by South Washington Watershed District to the south, Ramsey-Washington Metro Watershed District to the west, Rice Creek and Browns Creek Watershed Districts to the north, and the Middle St. Croix Watershed Management Organization and the St. Croix River to the east, the latter of which the entire VBWD drains to. Land use is developing steadily, with the majority (>25%) of the VBWD being classified as residential, and that number is expected to rise in the coming decades with anticipated population growth, putting increased pressure on the water resources within the watershed. With 11 DNR public waterbody-designated lakes, two trout streams, and public lands like the Lake Elmo Regional Park Reserve and a portion of Afton State Park boasting many recreational opportunities to residents and visitors, the VBWD is a uniquely positioned watershed in the metro.

Plan Process and Highlights

On March 3, 2023, the VBWD sent notification of initiation of the planning process for the development of 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 re-source information. An initial planning meeting/public kickoff event was hosted by the Board of Managers on December 12, 2023. The VBWD convened a Technical Advisory Committee that included the plan review authorities and other governmental units within the watershed that met on December 13, 2024, and June 25, 2025. VBWD continued to solicit input on the draft Plan from relevant stakeholders up to and during the release of the 60-day draft Plan in November of 2025.

VBWD organized goals and implementation activities into six broad prioritized resource-based issue categories (in order from highest to lowest priority):

1. Surface water quality
2. Water quantity, flood risk, and climate resiliency
3. Stormwater management
4. Groundwater
5. Wetlands
6. Uplands/natural areas

Each goal included associated district tools to address specific issues. The newest iteration of this Plan is largely shaped from past accomplishments and progress toward meeting continuing goals. Plan priorities are mostly similar to those in the 2015 Plan. Water quality across the watershed remains stable in many basins but are still degraded in others. There are many properties with elevated flood risks due to prolonged wet conditions, underscoring the need for climate resiliency efforts in the watershed. There are planned studies that are aimed at understanding emerging issues such as chloride and climate resiliency and to identify areas for improvement. Several proposed water quality and quantity projects, such as a restoration of the main stem of Valley Creek and a landlocked basin flood risk reduction (acquisition/floodproofing), could greatly move the needle toward meeting goals if funding becomes available. Continuation of monitoring, inter-agency coordination, small scale BMP cost-share, and regulation will continue the success the VBWD has consistently achieved over the years.

Mike Runk supports their plan.

Jill Crafton appreciated agency comments and inquiries.

John Hanson, Valley Branch Watershed District, appreciates the comments that the state agencies and various partners made throughout the process.

26-31 Moved by Joe Collins, seconded by Jill Crafton, to approve the Valley Branch Watershed District 2026-2035 Watershed Management Plan. ***Motion passed on a roll call vote.***

Grants Program and Policy Committee

FY26 and FY27 Lake Superior Basin Implementation Grants – Melanie Bomier presented the FY26 and FY27 Lake Superior Basin Implementation Grants.

The Clean Water Council (CWC) FY26-27 Clean Water Fund and Policy recommendations recommended funding to support SWCD capacity in Lake Superior Basin in order to seek out and implement matching Great Lakes Restoration Initiative (GLRI) funds and other federal funds in an amount of \$1 million to be formula distributed to North St. Louis SWCD, South St. Louis SWCD, Cook SWCD, Lake SWCD, and Carlton SWCD. The legislature appropriated \$500,000 in fiscal year 2026 and \$500,000 in fiscal year 2027. This agenda item is to allocate funds consistent with the Clean Water Council recommendations and Legislative appropriation.

Jill Crafton asked if we could add ecosystem based criteria for restoring water quality language someplace. Director Jaschke stated we could incorporate it into the grant agreement.

Ted Winter asked how many miles of lakeshore we have on Lake Superior Minnesota. Melanie stated she does not have that number but could look it up. Other Board Members thought it was 147 miles.

Paul Fish thinks it's a great step to keep moving forward with Lake Superior.

26-32 Moved by Paul Fish, seconded by Ted Winter, to approve the FY26 and FY27 Lake Superior Basin Implementation Grants. ***Motion passed on a roll call vote.***

FY 2027 Clean Water Fund Projects and Practices Grants Program Recommendations – Marcey Westrick presented the FY 2027 Clean Water Fund Projects and Practices Grants Program Recommendations.

On January 28, 2026 the Board adopted Board Order #26-05 which authorized staff to conduct a request for proposals from eligible local governments for the fiscal year 2027 Clean Water Fund Projects and Practices Grant Program. Applications for the FY2027 Clean Water Fund Competitive Grants were accepted from February 11 through March 25, 2026. Local governments submitted 34 eligible applications requesting \$11,621,782 in Clean Water Funds. BWSR staff conducted multiple processes to review and score applications and involved staff from other agencies to develop the proposed recommendations for grant awards per the attached board order.

26-33 Moved by Jill Crafton, seconded by Mike Runk, to approve FY 2027 Clean Water Fund Projects and Practices Grants Program Recommendations. Motion passed on a roll call vote.

Dispute Resolution Compliance Committee

WCA Appeal (File 25-10) of an Exemption and No-Loss Decision, Brown County – Kevin Wilson and Travis Germundson presented WCA Appeal (File 25-10) of an Exemption and No-Loss Decision, Brown County.

The appeal was filed with the Board of Water and Soil Resources (BWSR) on August 29, 2025, by the Appellant challenging a WCA Notice of Decision issued by the County regarding property known as Shirley's Park and Country Retreat. The appeal contests the County's August 1, 2025 decision denying the after-the fact exemption and no-loss application submitted following the issuance of a restoration order. The Appellant and the County had previously entered into a settlement agreement addressing earlier wetland impacts and wetlands located on the property. Subsequent alterations on the site resulted in issuance of a restoration order on April 23, 2025 and submission of an after-the-fact application. The record indicates that unauthorized wetland impacts occurred in connection with the development of the property.

In its August 1, 2025 decision, the County concluded that the Appellant's application did not qualify for an exemption/no-loss. The County found that the purpose of the project was the construction and operation of a commercial campground and that the wetland impacts were not the result of agricultural activities.

The Appellant argues that the County's decision was erroneous, and the actives qualify for an exemption. Specifically, the Appellant asserts eligibility for the agricultural activities exemption under Minn. Stat. 103G.2241 Subd. 1 (1) and Minn. Rule 8420.0420 Subp 2(A). The Appellant contends that the property meets the definition of agricultural land and that, to qualify for the exemption, wetland impacts need not be directly associated with agricultural activities or remain in agricultural use. The Appellant also requests authorization to supplement the record with additional evidence in the form of a wetland hydrology assessment.

The County argues that the principal use of the property is a campground for recreational vehicles and that the wetland impacts were directly related to the construction and operation of a commercial campground rather than agricultural activities. Accordingly, the County maintains that the wetland impacts do not qualify for the agricultural exemption. The County further argues that a wetland boundary cannot be challenged through an appeal of no-loss or exemption decision and instead must be addressed through a separate application process. Finally, the County contends that BWSR should not consider additional evidence that was not part of the record when the County rendered its decision.

The Dispute Resolution Committee (DRC) heard oral arguments from the parties during a public hearing held at the Central Office on May 8, 2026. After reviewing the record, written briefs, and oral arguments, the Committee unanimously voted to recommend affirming the Brown County's decision, thereby denying the appeal.

The DRC also denied the Appellant's request to supplement the record with additional evidence. The Committee determined that additional information was generated after the County issued its decision and that consideration of the information would require a separate application process.

Additional details and the rationale supporting the recommendation are provided in the Board Order. The DRC recommends that the BWSR Board approve the attached Order.

Mark Zabel asked if we could see this item again. Travis stated this could be brought forward through the Court of Appeals.

26-34 Moved by Kevin Wilson, seconded by Jayne Hager Dee, to approve the WCA Appeal (File 25-10) of an Exemption and No-Loss Decision, Brown County. ***Motion passed on a roll call vote.***

NEW BUSINESS

Bridging Conservation RFP Update – Mandy Duong presented the Bridging Conservation RFP Update.

The purpose of the Bridging Conservation program is to create new or expand existing outreach and education pro-grams to non-native English-speaking communities about conservation. Administered by the Board of Water and Soil Resources (BWSR), this program provides funding to partners in engaging with non-native English-speaking communities.

During this Request for Proposals (RFP) period, a total of eighteen applications were submitted by NGO/nonprofits, watershed management organizations, cities, counties, and soil and water conservation districts by the close of the RFP date of April 2, 2026. These requests totaled \$614,512, exceeding the available funding of \$135,000. This allowed three grants to be awarded and one grant to be partially awarded.

Jill Crafton asked where Lyndale neighborhood is located. Mandy stated it's in Minneapolis.

Steve Robertson asked if there has been any interest in this program in other parts of the state besides the metro area. Mandy stated there were applications from other parts of the state but primarily in the surrounding metro area.

Paul Fish asked with the presence of ice if people are hesitant to participate. Mandy hasn't heard much about the relationship between ice presence and participation in the program.

Lori Cox wanted to highlight that the good part of this program is to ensure that everyone has accessibility to these types of programs, regardless of where they live but that they understand what conservation is.

UPCOMING MEETINGS

- Next BWSR Meeting is scheduled for 9:00 AM, August 27, 2026, in Detroit Lakes and by MS Teams.

Todd Holman thanked Lori Cox for her service on the Board. Lori thanked Board Members.

Chair Holman adjourned the meeting at 11:24 AM.

Respectfully submitted,

Todd Holman
Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	Dispute Resolution/Compliance Report			
Meeting date:	August 27, 2026			
Agenda category:	☐ Committee Recommendation	☐ New Business	☐ Old Business	
Item type:	☐ Decision	☐ Discussion	☒ Information	☐ Non-Public Data
Keywords for electronic searchability:	Wetland Conservation Act Appeals/Buffer Compliance			
Section/Region:	Resource Conservation/Central			
Contact:	Travis Germundson			
Prepared by :	Travis Germundson			
Reviewed by :	Committee(s) Kevin Wilson, DRC Chair and Travis Germundson			
Time requested:	5 minutes			
Attachments:	☐ Resolution	☐ Order	☐ Map	☒ Other supporting information
Fiscal/Policy Impact:	☒ None ☐ Amended Policy Request ☐ New Policy Request ☐ General Fund Budget ☐ Capital Budget ☐ Outdoor Heritage Fund Budget ☐ Clean Water Fund Budget ☐ Other:			

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

August 10, 2026

By: Travis Germundson

Three new appeals have been filed since the previous report, the total number of pending appeals is currently at **15**.

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 26-13(August 7, 2026) This is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order concerns unauthorized wetland impacts within the shoreline overlay district of Lake Six that exceeded the scope of the shoreline alteration permit. The petition contends that the work completed resulted in a no-loss. The petitioner has also submitted an application to Otter Tail County for exemption/no-loss determination. Status: No decision has been made on the appeal.

File 26-12 (July 20, 2026) This is an appeal of a WCA Notice of Decision for a property located in Benton County. The appeal challenges the denial of a replacement plan submitted in conjunction with a pending restoration order for multiple wetland impacts. Status: No decision has been made on the appeal.

File 26-11 (June 29, 2026 This is an appeal of a WCA Notice of Decision for a property located in Pine County. The appeal challenges the approval of an exemption and no-loss decision for a housing development issued on remand from Appeal File 25-18. The decision is contrary to the recommendation of the Technical Evaluation Panel (TEP) and does not contain detailed reasons for rejecting or differing from the TEP 'findings. This involves the same property and wetland area associated with the pending appeal of a WCA Restoration Order (Appeal File 25-8) Status: The appeal was remanded to the County to develop an adequate record that considers a written Technical Evaluation Panel report.

File 26-10 (June 10, 2026) This is an appeal of a WCA Restoration Order for a property located in Morrison County. The Restoration Order regards the unauthorized wetland impacts associated with placement of fill in a wetland adjacent to Platt Lake. The petitioner intends to conduct an on- site survey and investigation and submit an after-the-fact wetland application. No decision has been made on the appeal.

File 26-9 (April 17, 2026) This is an appeal of a WCA Restoration Order for a property located in Wright County. The Restoration Order regards the unauthorized wetland impacts associated with the installation of additional drain tile. The petition contends that alterations qualify for the agricultural activities exemption associated with Natural Resources Conservation Services' Certified Wetland label of Prior Converted Cropland. Status: The appeal was placed in abeyance pending submission of a complete after-the-fact application and for the LGU to issue a final decision on the application.

File 26-6 (March 26, 2026) This is an appeal of a WCA Restoration Order for a property in Wright County. The Restoration Order regards the unauthorized impacts of 1.43 acres of wetland association with the installation of agricultural drain tile. The petition asserts that the area was not identified as wetland prior to the installation of drain tile. Status: The appeal was placed in abeyance pending submission of a complete after-the-fact application and for the LGU to issue a final decision on the application.

File 26-5 (February 6, 2026) This is an appeal of a WCA Replacement Order for a property located in Mille Lacs County. The Replacement Order regards the unauthorized impact of 36,390 sq. ft. of wetland impact. The petition contends that the area is not wetland, and any such activity is exempt. The petition indicates that an application for a no-loss has been submitted to the local unit of government (LGU) concurrently with the appeal. Status: The appeal was placed in abeyance pending LGU's decision on an after-the-fact no-loss application.

File 26-1 (January 8, 2026) This is an appeal of a WCA 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 impact 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 (LGU) concurrently with the appeal. *Status: The appeal was placed in abeyance pending submission of a complete after-the-fact application and for the LGU to issue a final decision on the application.*

File 25-17 (December 11, 2025) This is an appeal of a WCA 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: The appeal was placed in abeyance for the local unit of government to issue a final decision on the after-the-fact application.*

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 application for the development of a residential lot. According to the county the lot is subject to existing development restrictions. *Status: The appeal was placed in abeyance pending the local unit of government's (LGU) decision on a local building permit appeal. The LGU denied the building permit appeal and now that decision is being challenged in District Court.* The parties are actively participating in settlement discussions, a resolution is anticipated around July 13th

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: The appeal was placed in abeyance pending the local unit of government's (LGU) decision on the after-the-fact exemption and no-loss application submitted concurrently with the appeal. The LGU approved in part the no-loss application.* That decision was appealed, and on March 4, 2026, the petition was denied and the decision was affirmed. *(see appeal File 26-2). BWSR's decision has now been appealed to the Court of Appeals.*

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: The appeal was placed in abeyance pending the local unit of government's (LGU) decision on the after-the-fact exemption and no-loss application submitted concurrently with the appeal. The LGU denied the no-loss application.* That decision was appealed, and on March 4, 2026, the petition was denied and the decision was affirmed. *(see File 26-4). BWSR's decision has now been appealed to the Court of Appeals*

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: The appeal was placed in abeyance pending the local unit of government's (LGU) decision on the after-the-fact exemption and no-loss application submitted concurrently with the appeal. The LGU denied the no-loss application.* That decision was appealed, and on March 4, 2026, the petition was denied and the decision was affirmed. *(see appeal File 26-3). BWSR's decision has now been appealed to the Court of Appeals.*

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 final decision by the local unit of government (LGU). An application for an after-the-fact no-loss determination was denied by the LGU on November 18, 2025 and that decision was appealed and remanded back to the LGU (File 25-18). The County approved the no-loss application on June 1, 2026 under remand in opposition of the Technical Evaluation Panel recommendation of denial.

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 a 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 (LGU) concurrently with the appeal. *Status: The appeal was placed in abeyance pending LGU's final decision on the after-the-fact exemption and no-loss application. The LGU denied the application. That decision was appealed and then granted to be heard by the Dispute Resolution Committee (File 25-10).*

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2025	Total for Calendar Year 2026
Order in favor of appellant	1	
Order not in favor of appellant	5	4
Order Modified	1	
Order Remanded	1	1
Order Place Appeal in Abeyance	4	2
Negotiated Settlement		
Withdrawn/Dismissed	1	1

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 85 parcels from the 13 counties BWSR is responsible for enforcement. Currently there are 9 Corrective Action Notices (CAN), and 14 Administrative Penalty Orders (APO) issued by BWSR that are still active. Of the actions being tracked over 61 of those have been resolved.

Statewide 43 counties are fully compliant, and 44 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 375 NONs, 316 CANs, and 35 APOs actively in place. Of the actions being tracked over 4,020 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

Grants Program and Policy Committee

1. FY 27 Soil Health Delivery Authorization – Jared House and Tom Gile – ***DECISION ITEM***
2. FY 27 Buffer implementation Grants – Tom Gile – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:

FY 27 Soil Health Delivery Authorization

Meeting Date:

August 27, 2026

Agenda Category:

☒ Committee Recommendation ☐ New Business ☐ Old Business

Item Type:

☒ Decision ☐ Discussion ☐ Information

Keywords for Electronic

Searchability:

Clean Water Fund, Soil Health, Non-Competitive, FY 2027, Delivery

Section/Region:

Resource Conservation

Contact:

Jared House

Prepared by:

Jared House

Reviewed by:

Grants Program & Policy

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

- | | |
|---|---|
| ☐ None | ☐ General Fund Budget |
| ☐ Amended Policy Requested | ☐ Capital Budget |
| ☐ New Policy Requested | ☐ Outdoor Heritage Fund Budget |
| ☐ Other: | ☒ Clean Water Fund Budget |

ACTION REQUESTED

Authorize the FY 27 Soil Health Delivery Program and authorize staff to develop a Request for Interest (RFI) to support implementation activities consistent with the appropriation language.

LINKS TO ADDITIONAL INFORMATION

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

This board authorization represents the continuation of the work initiated on October 5, 2023, when the Board authorized staff to develop a Request for Interest (RFI) for the FY 24-25 Soil Health Delivery Program. That initial program model, – which delivers Soil Health funds to Soil and Water Conservation Districts across Minnesota via a formula-based, non-competitive grant structure – can be sustained through the \$5.93 million Clean Water Fund appropriation secured in the 2025 legislative session for FY 2027. The intent is to maintain continuity in program delivery.

BOARD ORDER**Soil Health Practices Program: FY 27 Delivery Grants****PURPOSE**

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

FINDINGS OF FACT / RECITALS

1. The Board of Water and Soil Resources (Board) received funding and authorization for soil health grants from the following appropriations:
 - A. (Clean Water Fund) Laws of Minnesota 2025, Regular Session, Chapter 36, Article 2, Section 6, paragraph (o): *\$3,560,000 the first year and \$5,926,000 the second year are for financial and technical assistance to enhance adoption of cover crops and other soil health practices to achieve water quality or drinking water benefits. The board may use agreements with local governments, the United States Department of Agriculture, AgCentric at Minnesota State Center for Excellence, and other practitioners and partners to accomplish this work. Up to \$450,000 is for an agreement with the University of Minnesota Office for Soil Health for applied research and education on Minnesota's agroecosystems and soil health management systems. This appropriation may be extended to leverage available federal funds.*
2. "Soil Health" is defined in Minnesota Statute Section 103C.101, Subd. 10a. "Soil Health" means the continued capacity of soil to function as a vital living system that sustains plants, animals, and humans. Indicators of soil health include water infiltration capacity; organic matter content; water holding capacity; biological capacity to break down plant residue and other substances and to maintain soil aggregation; nutrient sequestration and cycling capacity; carbon sequestration; and soil resistance.
3. The Board has authorities under Minnesota Statutes Section 103B.101 to award grants and contracts to accomplish water and related land resources management.
4. The Grants Program and Policy Committee, at their August 17, 2026, meeting, reviewed the proposed FY27 Soil Health Delivery Grants process and maximum allocations amounts (Table 1) and recommended the board approve this order.

ORDER

The Board hereby:

- A. Authorizes the FY 27 Soil Health Delivery Program and authorizes staff to develop a RFI to support implementation activities consistent with the appropriation language.
- B. Authorizes staff to award Soil health Delivery Grants based on RFI responses, up to individual allocations in the attached table with a maximum total distribution up to \$3,220,000, and to enter into agreements for program implementation.

- C. Authorizes staff to allocate uncommitted or returned funds for purposes consistent with the appropriation.
- D. Directs staff to report to the Board at a future date on the status of soil health program implementation.

Dated at Detroit Lakes, Minnesota, this August 27, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Board Chair
Board of Water and Soil Resources

Date: _____

See attached FY2027 Soil Health Delivery Grant Allocations

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

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

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

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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:**FY 27 Buffer implementation Grants****Meeting Date:**

August 27, 2026

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

Buffer, Buffers, Implementation, SWCD

Section/Region:

Resource Conservation

Contact:

Tom Gile

Prepared by:

Tom Gile

Reviewed by:

GP&P

Committee(s)

Presented by:

Tom Gile

Time requested:

10 minutes

☐ **Audio/Visual Equipment Needed for Agenda Item Presentation****Attachments:** ☐ Resolution ☒ Order ☐ Map ☐ Other Supporting Information**Fiscal/Policy Impact**

- | | |
|---|---|
| ☐ None | ☐ General Fund Budget |
| ☐ Amended Policy Requested | ☐ Capital Budget |
| ☐ New Policy Requested | ☐ Outdoor Heritage Fund Budget |
| ☐ Other: | ☒ Clean Water Fund Budget |

ACTION REQUESTED

Authorize the FY 27 Buffer Implementation Grants via an RFI to eligible SWCDs and Counties. Program and delegate award decisions to staff based on responses to RFI and to reallocate unrequested funds as appropriate.

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

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

BOARD ORDER**Fiscal Year (FY) 2027 SWCD Buffer Implementation Program****PURPOSE**

Provide Buffer Implementation Program funds to Soil and Water Conservation Districts to implement buffer program activities for FY 2027.

FINDINGS OF FACT / RECITALS

- A. The Board of Water and Soil Resources (Board) has the responsibility to oversee the provisions of Minnesota Statute 103F.48 (the Buffer Law).
- B. The Laws of Minnesota 2025, Regular Session, Chapter 36, Article 2, Section 6(e) appropriated FY 2026 and 2027 Buffer Implementation Program funds for soil and water conservation district (SWCD) responsibilities.
- C. The Board has authorities under Minnesota Statutes §103B.101 to award grants, contracts, and payments to accomplish water and related land resources management.
- D. The Grants Program and Policy Committee, at their August 17, 2026 meeting reviewed the relevant program requirements and recommended approval of the board order.

ORDER

The Board hereby:

- 1. Authorizes staff to develop a Request for Interest (RFI) and issue the FY27 Buffer Implementation Program awards based on eligible SWCD responses up to the amounts listed in the attached allocation table and totaling up to \$1,805,000.
- 2. Authorizes staff to enter into agreements with eligible SWCDs, and Hennepin and Ramsey Counties that are meeting statute, procedure and program requirements based on responses to the RFI.
- 3. Establishes that the Buffer Implementation Program awards pursuant to this order are to be used to fulfill the obligations of SWCDs under Minnesota Statute 103F.48 including but not limited to providing landowner technical, planning and implementation assistance and tracking progress towards compliance and riparian water quality improvements.
- 4. Authorizes staff to issue the Buffer Implementation Program awards pursuant to this order.
- 5. Provide supplemental payments consistent with the RFI using remaining available funds from this appropriation.

Dated at Detroit Lakes, Minnesota, this August 27, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Board Chair
Board of Water and Soil Resources

Date: _____

See attached FY2027 Buffer Implementation Program Grant Allocations

SWCD	Proposed FY 27 Allocation
COOK	2500
LAKE	2500
RAMSEY	2500
ST. LOUIS N	2500
ST. LOUIS S	2500
CARLTON	2500
ITASCA	2500
KOOCHICHING	2500
AITKIN	10000
CASS	10000
CROW WING	10000
ISANTI	10000
MILLE LACS	10000
WADENA	10000
HUBBARD	10000
KANABEC	10000
PINE	10000
ANOKA	10000
SCOTT	10000
SHERBURNE	10000
HENNEPIN COUNTY	10000
WASHINGTON	10000
CHISAGO	10000
LAKE OF THE WOODS	10000
CLEARWATER	20000
ROOT RIVER	20000
WABASHA	20000
WINONA	20000
DAKOTA	20000
BENTON	20000
TODD	20000
MAHNOMEN	20000
RICE	20000

CARVER	20000
NICOLLET	20000
BELTRAMI	20000
RED LAKE	20000
WRIGHT	20000
WASECA	20000
MC LEOD	20000
DOUGLAS	20000
DODGE	20000
OLMSTED	20000
MORRISON	20000
GOODHUE	20000
STEELE	20000
POPE	20000
LINCOLN	20000
MEEKER	20000
PIPESTONE	20000
ROCK	20000
SIBLEY	20000
OTTER TAIL E	20000
OTTER TAIL W	20000
BECKER	20000
LE SUEUR	20000
BIG STONE	20000
WATONWAN	20000
GRANT	20000
PENNINGTON	20000
POLK E	20000
FILLMORE	25000
SWIFT	25000
FARIBAULT	25000
JACKSON	25000
MOWER	25000
MURRAY	25000
BROWN	25000
LAC QUI PARLE	25000
FREEBORN	25000
CHIPPEWA	25000

COTTONWOOD	25000
BLUE EARTH	25000
STEVENS	25000
TRAVERSE	25000
LYON	25000
KANDIYOHI	25000
MARTIN	35000
STEARNS	35000
NOBLES	35000
ROSEAU	35000
KITTSOON	35000
WILKIN	35000
YELLOW MEDICINE	35000
CLAY	35000
NORMAN	35000
REDWOOD	35000
RENVILLE	45000
POLK W	45000
MARSHALL	45000
Total	\$1,805,000

COMMITTEE RECOMMENDATIONS

Buffers Soils and Drainage Committee

1. Buffer Procedures addition of Procedure #12 – Tom Gile – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:
Buffer Procedures addition of Procedure #12
Meeting Date:

August 27, 2026

Agenda Category:
☒ Committee Recommendation

 ☐ New Business

 ☐ Old Business

Item Type:
☐ Decision

 ☐ Discussion

 ☐ Information

Keywords for Electronic
Searchability:

Buffer, Buffers, Procedures

Section/Region:

Resource Conservation

Contact:

Tom Gile

Prepared by:

Tom Gile

Reviewed by:

Buffer Soils and Drainage

 Committee(s)

Presented by:

Tom Gile

Time requested:

15 minutes

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

 ☐ Resolution

 ☒ Order

 ☐ Map

 ☐ Other Supporting Information

Fiscal/Policy Impact

- | | |
|---|---|
| ☐ None | ☐ General Fund Budget |
| ☐ Amended Policy Requested | ☐ Capital Budget |
| ☐ New Policy Requested | ☐ Outdoor Heritage Fund Budget |
| ☐ Other: | ☐ Clean Water Fund Budget |

ACTION REQUESTED

Adopt an updated version of the Buffer Procedures including the addition of a NEW procedure #12, which establishes a 12 month voluntary compliance period when new features are added to the Buffer Protection Map.

LINKS TO ADDITIONAL INFORMATION

Current Buffer Procedures #1-11 can be found here [Procedures | MN Board of Water, Soil Resources](#)

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

Procedures #1-11 are unchanged. The MN DNR is undergoing a systematic update to the Public Waters Inventory, which is likely to result in changes (additions or subtractions) to the buffer protection map. The proposed Procedure #12 lays out a basic framework for notifications of the new map to local SWCDs and allows 12 months to voluntarily come into compliance if a new water course is added to the Buffer Protection Map as a result of the process. This revision will provide a consistent expectation for timing when new features are added as a part of the current PWI Update the MN DNR is undertaking or any future revisions which add features to the Buffer Protection Map.

BOARD ORDER**Buffer Procedures – Adoption of new Procedure #12****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 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 #26-03 adopted the existing Buffer Procedures.
- D. Minnesota Statutes Section 103G.201 provides the DNR with the authority to amend the Public Waters Inventory.
- E. Staff have been coordinating with MN DNR staff to better understand the anticipated process and transition from the revisions to the PWI and frequency of anticipated updates to the Buffer Protection Map that result.
- F. Procedures #1-11 are unchanged from the prior adopted.
- G. The Buffer Soils and Drainage Committee, at their August 6, 2026, meeting reviewed the draft Buffer Program Procedures and recommend the attached updates for approval.

ORDER

The Board hereby:

- 1. Rescinds Board Resolution #26-03.
- 2. Adopts the revised procedures as attached and authorizes staff to publish the revised procedures on the BWSR website.

Dated at Detroit Lakes, Minnesota, this August 27, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Board Chair
Board of Water and Soil Resources

Date: _____

Introduction

Purpose of Buffer Procedures

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

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

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

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

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

These procedures were adopted by the Board of Water and Soil Resources (BWSR) pursuant to Minnesota Statute [§103F.48](#) to determine compliance.

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Promoting Collaboration and Conservation

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

Procedure 1: Election of Jurisdiction

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

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

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

Procedure:

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

Counties

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

1. include all public waters within its boundary that require a minimum 50-foot average, 30-foot minimum width buffer, as identified on the Buffer Protection Map
2. include all public drainage ditches within its boundary that require a 16.5-foot width buffer, as identified on the [Buffer Protection Map](#) for which it is wholly or jointly the drainage authority¹.

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

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

¹ See Minnesota statute §103F.201 to 103F.227, and Chapter 103E.

Watershed Districts

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

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

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

Notification

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

Change in Previous Election

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

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

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

² see Chapter 103E

Statutory References:

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

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

A county or watershed district may elect to exercise its jurisdiction to enforce the water resources riparian protection requirements. Pursuant to Minnesota Statute §103F.48, subd. 1(j) and subd. 7(c), a county or watershed district must submit their rule, ordinance, or other official control³ to BWSR to comply with the legislative requirements.

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

Procedure:

County ordinances and watershed district rules, and other related official controls will be reviewed by BWSR as provided below.

1. BWSR staff will review the enforcement and appeals procedures of county and watershed district rules, ordinances, or other official controls to determine if they contain adequate provisions to ensure compliance and effective enforcement of the riparian buffer law.
 - a. If the county or watershed official controls propose using administrative penalty order (APO) authority⁴ as the enforcement mechanism, BWSR will also evaluate whether the county or watershed district APO plan is consistent with the plan adopted by BWSR.
 - b. The adequacy and/or consistency review of official controls will be completed within 60 days of receipt unless mutually extended.
 - c. BWSR will send the adequacy and/or consistency determination to the county or watershed district electronically.
2. Counties and watershed districts that elect to exercise their jurisdiction must submit the following information to BWSR at least 60 days prior to the effective date of the rule, ordinance, or other official control which includes:
 - i. The resolution or other formal decision of the county or watershed district governing body documenting adoption of the official control
 - ii. The official control adopted by the county or watershed district governing body
 - iii. A document that describes how the official control departs from the model ordinance or rule developed by BWSR (if applicable)

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

⁴ Minnesota Statute §103B.101, subdivision 12a

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

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

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

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

Local Government Implementation and Enforcement Options:

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

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

- Adopt BWSR's Model County Buffer Ordinance or Rule with no or only non-substantive changes
- Adopt BWSR's Model County Buffer Ordinance or Rule with revisions that allow for local priorities that are at least as restrictive as those in M.S. §103F.48
- Incorporate the water resources riparian protection requirements of M.S. §103F.48 into an existing local ordinance, rule, or other official control
- Use the APO authority⁵ and adopt a standalone local APO plan as an official control or with one of the above options
- Implement other options that are available to counties and watershed districts in statute

Compliance Determinations

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

⁵ granted in M.S. [§103B.101, subd. 12a](#)

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

Enforcement and Penalty Procedures for Noncompliance

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

Statutory References:

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

Procedure 3: SWCD Determination of Buffer Compliance Status

Landowners of parcels adjacent ⁶to a water body identified on the Department of Natural Resources' [Buffer Protection Map](#) are required to establish and maintain a perennially-vegetated buffer or an approved alternative practice. Having a consistent framework for compliance reviews of these requirements helps landowners understand the expectations of the buffer law. It also provides a consistent framework for SWCDs, counties, watershed districts, and BWSR for determining compliance on buffer application and alternative practices.

SWCDs must provide planning and technical assistance to landowners, implementation of approved alternative practices, and tracking progress.⁷

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

Procedure:

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

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

Statutory References:

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

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

⁷ Minn. Stat. [103F.48, subd. 6](#)

Procedure 4: SWCD Reporting and Compliance Monitoring

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

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

Procedure:

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

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

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

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

Statutory References

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

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

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

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

Procedure:

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

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

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

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

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

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

Statutory References:

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

Procedure 6: SWCD Alternative Practices Assessment and Determination

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

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

A landowner may meet Buffer Law requirements by adopting an alternative practice specified in the Buffer Law. SWCDs must evaluate the water quality benefits of an alternative practice(s) on a parcel-by-parcel basis and issue a determination on compliance⁸.

Procedure:

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

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

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

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

⁸ Minn. Stat. [§103F.48, subd. 3\(d\)](#)

BWSR-Approved Alternative Practices for Common Landscape Settings

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

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

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

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

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

Statutory References:

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

Procedure 7: Other Alternative Practices Approved by the Board

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

Procedure:

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

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

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

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

Statutory References:

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

Procedure 8: Implementation of Jurisdictional Responsibilities

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

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

Procedure:

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

1. Following receipt of a Notice of Noncompliance (NON) from a SWCD, the county or watershed district with jurisdiction over the noncompliant site must provide the landowner with a list of corrective actions to be taken to come into compliance and a practical timeline for doing so through the issuance of a Corrective Action Notice (CAN).
 - The CAN must be issued within 45 days from receipt of the NON.
 - The CAN must mandate compliance with conditions by a specific date that must be no later than 11 months from its issuance.

A copy of the CAN must be sent to BWSR as required by statute.

2. If the landowner does not comply with the conditions of the CAN, the county or watershed district must pursue compliance through enforcement mechanisms identified in its adopted ordinance or rule.
 - Enforcement must be pursued within 30 days following the landowner's failure to meet the deadline for compliance identified in the CAN through the issuance of the elected enforcement mechanism.
 - Within the compliance period specified in the CAN the enforcement entity may consider a written request from a landowner or authorized agent for an extension of up to 60 additional days for extenuating circumstances. The request must describe the reason the extension is needed and affirm the landowner's intent to achieve compliance by the

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

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

Statutory References:

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

Procedure 9: Withholding Funds for Failure to Implement

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

Procedure:

Responsibilities of SWCDs

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

Responsibilities of Local Water Management Authority

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

Statutory References

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

Procedure 10: Revoking Jurisdiction of County or Watershed District

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

Procedure:

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

1. The notice will request that the county or watershed district appear at a hearing before the board's Dispute Resolution Committee (DRC)⁹ to discuss this matter. The hearing will be conducted in accordance with BWSR bylaws and as described below.
2. Within 30 days of BWSR's notice of findings that jurisdiction may be revoked, a county or watershed district must provide a written record of all actions it has taken with respect to the items identified in BWSR's findings as deficient.
3. The hearing before the DRC¹⁰ regarding Revocation of Jurisdiction will occur not sooner than 60 days after the notice as provided in item 1.
 - a. ADRC recommendation to revoke jurisdiction will go to the BWSR board for final decision.
4. In the event jurisdiction is revoked, BWSR will notify any county, watershed district, and SWCD whose legal boundary overlaps the boundary of the entity whose jurisdiction was revoked.

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

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

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

Statutory References:

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

Procedure 11: Local Water Resources Riparian Protection (“Other Watercourse”)

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

Procedure:

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

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

Statutory References:

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

NEW Procedure 12: Compliance Timelines for Map Updates and Newly Identified Water Features

To establish a consistent approach when the Minnesota Department of Natural Resources (DNR) updates the statewide Buffer Protection Map. This procedure provides a 12-month voluntary compliance window for landowners whose properties have newly added water features on the DNR Buffer Protection Map, ensuring a fair and predictable path to meeting water quality requirements.

- **Step 1: Map Publication & Notification:** The timeline begins the day the DNR notifies BWSR it has published an updated Buffer Protection Map.
- **Step 2: BWSR Tracking update and notification.** BWSR will update buffer tracking system as soon as is practical after the DNR publishing of the updated Buffer Protection Map and will notify any affected SWCDs.
- **Step 3: Voluntary Window Activation:** A **12-month period** transition period is established for newly added features effective the date of official notification from DNR to BWSR of the revised Buffer Protection Map.
- **Step 4: Technical Collaboration:** SWCDs will work with landowners to evaluate parcels and determine whether additional steps are needed to bring them into compliance.
- **Step 5: Verification or Escalation:** The landowner must complete installation before the 12-month window expires. If a landowner fails to bring the parcel into compliance within the 12 month window, standard enforcement procedures will initiate upon a Notification of Non-compliance by the SWCD.

Statutory References:

- Local Water Resources; Riparian Protection: M.S. [§103F.48, subd. 3](#)

COMMITTEE RECOMMENDATIONS

Northern Region Committee

1. Red Lake River Comprehensive Watershed Management Plan Renewal Amendment – Ryan Hughes and Matt Fischer – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Red Lake River Comprehensive Watershed Management Plan Renewal Amendment

Meeting date: August 27, 2026

Agenda category: ☒ Committee Recommendation ☐ New Business ☐ Old Business

Item type: ☒ Decision ☐ Discussion ☐ Information ☐ Non-Public Data

Keywords for electronic searchability: Red Lake River

Section/Region: Regional Operations/Northern

Contact: Matt Fischer

Prepared by : Matt Fischer

Reviewed by : Northern Region Committee(s)

Presented by : Ryan Hughes, Matt Fischer

Time requested: 15 minutes

Attachments: ☐ Resolution ☒ Order ☐ Map ☐ Other supporting information

Fiscal/Policy Impact:

☒ None ☐ Capital Budget

☐ Amended Policy Request ☐ Outdoor Heritage Fund Budget

☐ New Policy Request ☐ Clean Water Fund Budget

☐ General Fund Budget ☐ Other:

ACTION REQUESTED

Approve the Red Lake River Comprehensive Watershed Management Plan Renewal Amendment

LINKS TO ADDITIONAL INFORMATION

https://www.penningtonswcd.org/files/ugd/6ca17f_fc2594ee514840d5a7429ee020ab18c0.pdf

[One Watershed, One Plan Participating Watersheds | MN Board of Water, Soil Resources](#)

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

The Red Lake River Comprehensive Watershed Management Plan (Plan) was approved by the Board on April 26, 2017 and an amendment to the Plan was approved by the Board on January 23, 2019. The partners include Pennington County, Pennington SWCD, Polk County, East Polk SWCD, West Polk SWCD, Red Lake County, Red Lake County SWCD, and Red Lake Watershed District.

The partnership initiated a plan renewal amendment on April 1, 2024 by sending notice of plan amendment and invitation to submit priority issues. A kick-off meeting for the amendment process was held on June 12, 2024.

The partnership held a 60-day review process that ended on April 15, 2026, and the required public hearing on April 30, 2026. The draft Plan Renewal Amendment, a record of the public hearing, and copies of all written comments were submitted to the state review agencies on June 17, 2026. Final state review agency responses were submitted by July 30, 2026, and all agencies that submitted responses had no additional comments on the Plan Renewal Amendment.

The Northern Regional Committee met on August 5, 2026, to review the content of the Plan Renewal Amendment, state agency comments on the Plan Renewal Amendment, and to make a recommendation. The Committee recommends approval of the submitted Plan Renewal Amendment by the full Board.

BOARD ORDER**Red Lake River Comprehensive Watershed Management Plan Renewal Amendment****PURPOSE**

Approve the Red Lake River Comprehensive Watershed Management Plan Renewal Amendment

FINDINGS OF FACT / RECITALS

- A. Minnesota Statutes, Sections 103B.801 established the Comprehensive Watershed Management Planning Program; also known as One Watershed, One Plan and the Board, has created and updated operating procedures and plan content requirements for comprehensive watershed management plans.
- B. The Board, via board order on April 26, 2017, approved the Red Lake River Comprehensive Watershed Management Plan (Plan) with an expiration date of April 26, 2027.
- C. The following local governments entered into an agreement to jointly implement the Plan: Pennington County, Pennington SWCD, Polk County, East Polk SWCD, West Polk SWCD, Red Lake County, Red Lake County SWCD, and Red Lake Watershed District.
- D. The implementation agreement's purposes include amending the Plan.
- E. The Board, via board order 19-03, approved an amendment to the Plan.
- F. On June 17, 2026, the Board received the proposed Red Lake River Plan Renewal Amendment (Amendment), a record of the public hearing, copies of all written comments pertaining to the Amendment, and a summary of changes incorporated as a result for final State review pursuant to Board Decision 23-50.
- G. State review agencies received the Amendment for review. The following state review comments were received during the comment period: Minnesota Department of Natural Resources, Minnesota Department of Health, Minnesota Pollution Control Agency, and Minnesota Department of Agriculture all responded that they did not identify any conflicts with their agency's priorities or responsibilities and were satisfied with how their input was incorporated into the Amendment.
- H. Minnesota Board of Water and Soil Resources (BWSR) regional staff worked closely with the Partnership in the development of the Amendment. Staff found that all steps in the One Watershed, One Plan Operating Procedures were followed and had no additional comments during the final review.
- I. The Northern Regional Committee of the Board reviewed the Amendment on August 5, 2026, and recommended Board approval.

ORDER

The Board hereby:

1. The Board hereby approves the attached Plan Renewal Amendment of the Red Lake River Comprehensive Watershed Management Plan. The Plan Renewal Amendment will be effective until August 27, 2036.

Dated at Detroit Lakes, Minnesota, this August 27, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Board Chair
Board of Water and Soil Resources

Date: _____

Attachments:

- Red Lake River Comprehensive Watershed Management Plan Renewal Amendment

August 27, 2026

Red Lake River Watershed Planning Partnership
c/o Peter Nelson, Pennington SWCD District Manager
201 Sherwood Avenue South
Thief River Falls, MN 56701

RE: Approval of the Red Lake River Comprehensive Watershed Management Plan Renewal Amendment

Dear Red Lake River Watershed Planning Partnership:

The Minnesota Board of Water and Soil Resources (BWSR) is pleased to inform you that the Red Lake River Comprehensive Watershed Management Plan (Plan) Renewal Amendment (Amendment) was approved at its regular meeting held on August 27, 2026. Attached is the signed Board Order that documents approval of the Amendment and indicates the Plan meets all relevant requirements of law, rule, and policy. This Plan Amendment is effective for a ten-year period until August 27, 2036.

The members of the partnership and participants in the plan amendment process are to be commended for a plan that clearly presents water management goals, actions, and priorities of the Partnership. The BWSR looks forward to working with you as you implement this Plan Amendment and document its outcomes.

Please contact Board Conservationist Matt Fischer of our staff at 218-766-6496 or matt.fischer@state.mn.us for further assistance in this matter.

Sincerely,

Todd Holman, Chair
Minnesota Board of Water and Soil Resources

Enclosure: BWSR Board Order

CC: Listed on next page.

CC: Reid Christianson, MDA (via email)
Carrie Raber, MDH (via email)
Dan Disrud, MDH (via email)
Stephanie Klamm, DNR (via email)
Nathan Kestner, DNR (via email)
Barbara Weisman, DNR (via email)
Zach Gutknecht, MPCA (via email)
Melinda Neville, MPCA (via email)
Catherine Neuschler, EQB (via email)
Ryan Hughes, BWSR (via email)
Matt Fischer, BWSR (via email)
Julie Westerlund, BWSR (via email)
Rachel Mueller, BWSR (file copy)

Equal Opportunity Employer

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. Brown's Creek Watershed District 2027-2036 Watershed Management Plan – Josh Norman –
DECISION ITEM

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	<u>Brown's Creek Watershed District 2027-2036 Watershed Management Plan</u>		
Meeting Date:	<u>August 27, 2026</u>		
Agenda Category:	☒ Committee Recommendation	☐ New Business	☐ Old Business
Item Type:	☒ Decision	☐ Discussion	☐ Information
Keywords for Electronic Searchability:	<u>Brown's Creek Watershed District Watershed Management Plan</u>		
Section/Region:	<u>Regional Operations/Central</u>		
Contact:	<u>Josh Norman</u>		
Prepared by:	<u>Josh Norman</u>		
Reviewed by:	<u>Central Region</u>	<u>Committee(s)</u>	
Presented by:	<u>Josh Norman</u>		
Time requested:	<u>10 minutes</u>		

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

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

Fiscal/Policy Impact

- | | |
|---|---|
| ☒ None | ☐ General Fund Budget |
| ☐ Amended Policy Requested | ☐ Capital Budget |
| ☐ New Policy Requested | ☐ Outdoor Heritage Fund Budget |
| ☐ Other: | ☐ Clean Water Fund Budget |
-

ACTION REQUESTED

Approval of the Brown's Creek Watershed District Watershed Management Plan as recommended by the Central Regional Committee.

LINKS TO ADDITIONAL INFORMATION

<https://bcwd.org/2027-2036-watershed-management-plan/>

https://bcwd.org/wp-content/uploads/2026/06/2026-06-11_Draft-BCWD-WMP_Show-Changes.pdf

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

Background

The Brown's Creek Watershed District (BCWD) is located entirely within central Washington County in the eastern Twin Cities metropolitan area (metro). Its 28 square mile jurisdiction includes portions of seven cities and townships, including parts of Stillwater, Hugo, and Lake Elmo. BCWD is the smallest watershed district by area in

the state, though it still contains a bounty of small lakes and wetlands. BCWD is bounded by Valley Branch Watershed District to the south, Rice Creek Watershed District to the west and north, Carnelian-Marine St. Croix Watershed District to the north and east, and the Middle St. Croix Watershed Management Organization and the St. Croix River to the east, the latter of which the entire BCWD drains to. Historically, BCWD's focus has been on alleviating flooding and protecting Brown's Creek (one of the few metro trout streams) from the impacts of development, necessary commitments considering nearly 37% of the land cover in the watershed is impervious surfaces.

Plan Process and Highlights

On December 14, 2023, the BCWD sent notification of initiation of the planning process for the development of the 2027-2036 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/public kickoff event with the convened Technical Advisory Committee (TAC), made up of plan review authorities and other governmental units within the watershed, was held on July 9, 2024. BCWD solicited input from their Citizen's Advisory Committee (CAC) on June 10, 2024, August 12, 2024, October 14, 2024, and December 9, 2024. The TAC met again on August 20, 2024, October 22, 2024, and February 25, 2025. BCWD met with the TAC and CAC in April of 2025 to prioritize issues facing the BCWD, prioritize capital improvement projects, and prioritize programs and projects. A memo detailing the results of these prioritization meetings was shared on May 28, 2025. Finally, the TAC and CAC met in October of 2025 to provide input on budget and implementation activities. BCWD continued to solicit input from the Board of Water and Soil Resources up to the release of the 60-day draft Plan in February of 2026.

The Plan has 15 issue categories. Many of the categories and sub-issue areas are the same as those identified in previous Plans, with Pollutants of Emerging Concern being a new addition. The rest of the categories are: Stormwater Runoff Management; Erosion Prevention and Sediment Control; Stream Management; Lake Management; Wetland Management; Floodplain and Flood Management; Groundwater Management; Ecological Health; Monitoring and Data Collection; Regulations; Recreation; Education, Outreach, and Stewardship; Land Conservation; and Funding. A primary goal is associated with each of the issue categories. Each issue category is further divided with sub-issues that have an overarching policy, goals to meet the policies, and implementation activities associated with each goal.

In preparing this Plan, BCWD evaluated its programs, policies, and projects through both climate change and equity lenses to ensure that future actions not only strengthen resilience in natural systems, people, and infrastructure, but also address historical gaps in equity. The overall health of the resources in the BCWD are improving since the last generation plan, evidenced by the fact that Plaisted Lake was delisted from the impaired waters inventory. BCWD will continue to improve water quality, maintain and improve ecological health in the watershed, and target pollutants of emerging concern like PFAS and microplastics. BCWD is committed to continuing the successes achieved in their previous plan with this next generation plan meeting goals if funding becomes available. Continuation of monitoring, inter-agency coordination, small scale BMP cost-share, and regulation will continue the success the VBWD has consistently achieved over the years.

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, Minnesota 55155

In the Matter of the review of the Watershed Management Plan for the **Brown's Creek Watershed District**, pursuant to Minnesota Statutes Section 103B.231, Subdivision 9.

**ORDER
APPROVING
A WATERSHED
MANAGEMENT PLAN**

Whereas, the Board of Managers of the Brown's Creek Watershed District submitted a Watershed Management Plan (Plan) on June 11, 2026, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

Whereas, the Board has completed its review of the Plan;

Now Therefore, the Board hereby makes the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. **Watershed District Establishment.** The Brown's Creek Watershed District (BCWD) was established in 1997 when the Brown's Creek Watershed Management Organization was unable to resolve flooding issues in Goggins Lake, Plaisted Lake, School Section Lake, and Kismet Basin. This chain of lakes had merged due to rising water levels to form one shallow, 440-acre basin. Nearby homes and septic systems flooded, resulting in property damage and threatened lake water quality. Since that time, BCWD's role has expanded to address all facets of water resources management, including protecting and restoring Brown's Creek and adopting stormwater management rules. The Brown's Creek Watershed Management Organization prepared its first-generation watershed management plan that the Board approved in 1990.
2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current BCWD watershed management plan was approved by Board Order on September 28, 2016. Subsequently, the BCWD completed two minor amendments in 2017 and 2019.
3. **Nature of the Watershed.** The BCWD is located entirely within central Washington County in the eastern Twin Cities metropolitan area (metro). Its 28 square mile jurisdiction includes portions of seven cities and townships, including parts of Stillwater, Hugo, and Lake Elmo. BCWD is the smallest watershed district by area in the state, though it still contains a bounty of small lakes and wetlands. BCWD is bounded by Valley Branch Watershed District to the south, Rice Creek Watershed District to the west and north, Carnelian-Marine St. Croix Watershed District to the north and east, and the Middle St. Croix Watershed Management Organization and the St. Croix River to the east, the latter of which the entire BCWD drains to. Historically, BCWD's focus has been on alleviating flooding and protecting Brown's Creek (one of the few metro trout streams) from the impacts of development, necessary commitments considering nearly 37% of the land cover in the watershed is impervious surfaces.
4. **Plan Development and Review.** On December 14, 2023, the BCWD sent notification of initiation of the planning process for the development of the 2027-2036 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/public kickoff event with the convened Technical Advisory Committee (TAC), made up of plan review authorities and other governmental units within the watershed, was held on July 9, 2024. BCWD solicited input from their Citizen's Advisory Committee (CAC) on June 10, 2024, August 12, 2024, October 14, 2024, and December 9, 2024. The TAC met again on August 20, 2024, October 22, 2024, and February 25, 2025. BCWD met with the TAC and CAC in April of 2025 to prioritize issues facing the BCWD, prioritize capital improvement projects, and prioritize programs and projects. A memo detailing the results of these prioritization meetings was shared on May 28, 2025. Finally, the TAC and CAC met in October of 2025 to provide input on budget and implementation activities. BCWD continued to solicit input from the Board of Water and Soil Resources up to the release of the 60-day draft Plan in February of 2026.

The draft Plan was submitted to Board of Water and Soil Resources (BWSR), other state and regional review agencies, and local governments for the formal 60-day review period on February 18, 2026, pursuant to Minnesota Statutes Section 103B.231 Subd. 7. The BCWD prepared a written response to the 60-day comments and sent responses to reviewers on May 14, 2026. A public hearing was held on June 10, 2026. The BCWD sent a final draft Plan to State and Regional Review Agencies on June 11, 2026. None of the state or regional review agencies had additional comments on the 90-day draft, stating that all of their previous responses were satisfactorily addressed in the latest draft. BWSR staff's final review of the Plan identified the needed elements of the plan content requirements have been met, although staff submitted to BCWD a list of minor clarifications and typos that will be addressed prior to plan adoption.

5. **Local Review.** The BCWD distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231 Subd. 7. Local written comments and edits were received from the City of Oak Park Heights, Rice Creek Watershed District, Valley Branch Watershed District, and Washington County. BCWD responded in writing to all comments.
6. **Metropolitan Council (Council) Review.** During the 60-day review, the Council commended the BCWD for developing a watershed management plan that includes a thoughtful overview of the composition of the watershed, as well as a discussion of what makes this watershed unique with a thorough and thoughtful listing of issues, associated goals, and actions. The Council also applauded the incorporation of climate change and equity considerations throughout the Plan, and thought that the inclusion of a "How to Read this Plan" section demonstrated a dedication to public accessibility to the data. Several comments were regarding inconsistencies in the plan or requesting additional clarity. The Council advised the BCWD to make a clearer connection between some implementation activities with funding streams and associated tables. During the 90-day review, the Council again congratulated the BCWD for their work on this Plan, and stated that all of their comments on the 60-day draft were incorporated.
7. **Department of Agriculture (MDA) Review.** MDA did not provide any comments on this Plan.
8. **Department of Health (MDH) Review.** During the 60-day review, MDH commended the BCWD for their high priority focus on groundwater and drinking water, for the inclusion of pollutants of emerging concern that affect groundwater, for climate change being considered for all issues, and much more. MDH mentioned several areas that had typos or that could benefit from clarification. MDH recommended that several water quality goals be re-worded to be more inclusive of the groundwater/surface water interaction, that there be more discussions of DWSMAs, and that some information in the land and water resource inventory be updated to more accurately reflect the current state of groundwater in the watershed. During the 90-day review, MDH stated that all of their comments on the 60-day draft were incorporated, that they had no further comments, and that they fully support the adoption of the Plan.
9. **Department of Natural Resources (DNR) Review.** During the 60-day review, the DNR commended the BCWD for including the "Score your Shore" assessment in an implementation activity, stating that it will provide valuable information about lake health and help identify opportunities for shoreline restoration. The DNR recommended that a discussion on how threatened and endangered species are regulated be included, that a discussion on

rare and natural communities be included, and that more benefits of using native plants be included. The DNR also listed a few typographical errors to be fixed. The DNR did not have any further comments on the 90-day draft.

10. **Pollution Control Agency (PCA) Review.** During the 60-day review period, the PCA commended the BCWD for creating a well-written plan that was concise and thorough. The PCA did not have any other comments. The PCA did not have any comments on the 90-day draft either.
11. **Department of Transportation (DOT) Review.** The DOT did not provide formal comment.
12. **Board Review.** During the 60-day review, Board staff thanked the BCWD for holding Technical Advisory Committee meetings during plan development to provide input on early drafts. Board staff commended the BCWD for evaluating implementation activities through the lenses of climate change and equity. Board staff found the plan to be incredibly comprehensive with remarkable attention to detail. Innovative strategies for resource conservation and water quality improvement were discussed, and emerging issues, such as data centers, were even referenced. Staff also had comments on goal measurability and other suggestions to help bring the plan into conformance with Minnesota Statutes Sections 103B.201 to 103B.251 and Minnesota Rules 8410. Staff also sent unofficial typographical, grammatical, and formatting comments. Staff felt the Plan was revised as necessary to provide required Plan content.
13. **Plan Summary.** The Plan has 15 issue categories. Many of the categories and sub-issue areas are the same as those identified in previous Plans, with Pollutants of Emerging Concern being a new addition. The rest of the categories are: Stormwater Runoff Management; Erosion Prevention and Sediment Control; Stream Management; Lake Management; Wetland Management; Floodplain and Flood Management; Groundwater Management; Ecological Health; Monitoring and Data Collection; Regulations; Recreation; Education, Outreach, and Stewardship; Land Conservation; and Funding. A primary goal is associated with each of the issue categories. Each issue category is further divided with sub-issues that have an overarching policy, goals to meet the policies, and implementation activities associated with each goal.

In preparing this Plan, BCWD evaluated its programs, policies, and projects through both climate change and equity lenses to ensure that future actions not only strengthen resilience in natural systems, people, and infrastructure, but also address historical gaps in equity. The overall health of the resources in the BCWD are improving since the last generation plan, evidenced by the fact that Plaisted Lake was delisted from the impaired waters inventory. BCWD will continue to improve water quality, maintain and improve ecological health in the watershed, and target pollutants of emerging concern like PFAS and microplastics.

14. **Central Region Committee Meeting.** On August 3, 2026, the Board's Central Region Committee and staff met in St. Paul and online to review and discuss the final Plan. Those in attendance from the Board's committee were Joe Collins, Jayne Hager-Dee, Jill Crafton, Mike Runk, Annie Felix, Mark Zabel, Heather Johnson, and Steven Nyhus. Others in attendance included Board staff Josh Norman, Gretchen Asuncion, and Marcey Westrick, and Karen Kill and Hannah Peterson from BCWD. After presentation and discussion, the committee unanimously recommended approval of the Plan to the full Board.

CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Brown's Creek Watershed District (BCWD) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The BCWD Watershed Management Plan, attached to this Order, defines the water and water-related problems within the BCWD's boundaries, possible solutions thereto, and an implementation program through 2036.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

ORDER

The Board hereby approves the attached Brown's Creek Watershed District's Watershed Management Plan submitted on June 11, 2026.

Dated at Detroit Lakes, Minnesota this 27th day of August 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

BY: Todd Holman, Chair



August 27, 2026

Brown's Creek Watershed District Board of Managers
c/o Karen Kill, District Administrator
455 Hayward Ave N
Oakdale, MN 55128

Dear Chair and Board Members:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Brown's Creek Watershed District (BCWD) Watershed Management Plan (Plan) at its regular meeting held on August 27, 2026. For your records I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the BCWD must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

The board, technical advisory committee members, consultants, and all others involved in the planning process are to be commended for their work on developing the Plan. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Board Conservationist Josh Norman at 651-757-2302, josh.norman@state.mn.us, or at the central office address for further assistance in this matter.

Sincerely,

Todd Holman
Chair

Enclosure

CC: Hannah Peterson, BCWD (via email)
Reid Christianson, MDA (via email)
Scott Hanson, MDH (via email)
Megan Moore, DNR (via email)
Katie Kowalczyk, DOT (via email)
Maureen Hoffman, Met Council (via email)
Melinda Neville, MPCA (via email)
Marcey Westrick, BWSR (via email)
Josh Norman, BWSR (via email)
File Copy

COMMITTEE RECOMMENDATIONS

Wetland Conservation Committee

1. Wetland Conservation Act Rulemaking – Les Lemm and Ken Powell – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	<u>Wetland Conservation Act Rulemaking</u>		
Meeting Date:	<u>August 27, 2026</u>		
Agenda Category:	☒ Committee Recommendation	☐ New Business	☐ Old Business
Item Type:	☒ Decision	☐ Discussion	☐ Information
Keywords for Electronic Searchability:	<u>WCA Wetlands Rules Rulemaking 8420</u>		
Section/Region:	<u>Wetlands Section</u>		
Contact:	<u>Les Lemm</u>		
Prepared by:	<u>Les Lemm</u>		
Reviewed by:	<u>Wetland Conservation Committee</u>	<u>Committee(s)</u>	
Presented by:	<u>Les Lemm, Ken Powell</u>		
Time requested:	<u>40 minutes</u>		

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

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

Fiscal/Policy Impact

- | | |
|---|---|
| ☒ None | ☐ General Fund Budget |
| ☐ Amended Policy Requested | ☐ Capital Budget |
| ☐ New Policy Requested | ☐ Outdoor Heritage Fund Budget |
| ☐ Other: | ☐ Clean Water Fund Budget |
-

ACTION REQUESTED

Authorize staff to publish the notice of intent to adopt amendments to the WCA rule in the State Register and to conduct the steps necessary for the Board to adopt a final rule under the Minnesota Administrative Procedure Act.

LINKS TO ADDITIONAL INFORMATION

The Revisor's Office Certified copy of the draft Wetland Conservation Act rule, the draft board order, and additional information relating to rulemaking, is available on the WCA Rulemaking page of the BWSR website: [Wetland Conservation Act Rulemaking | MN Board of Water, Soil Resources](#)

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

BWSR is responsible for the promulgation of the Wetland Conservation Act (WCA) rules (MN Rules Chapter 8420), and staff are in the process of amending the rules to conform them to statute changes have occurred since the current rule was adopted. In addition, rule amendments are being considered that will help clarify implementation, improve mitigation outcomes, and remove outdated, confusing, and redundant language.

Over the past several years, BWSR staff have held multiple wetlands rulemaking advisory committee meetings, met with local governments and stakeholder groups, consulted with Tribal governments, and developed three preliminary drafts of the rules for public review and comment. Those preliminary drafts formed the basis for the Minnesota Revisor's Office certified copy of the draft rule that will be used for the next steps in the rulemaking process under the Minnesota Administrative Procedure Act (APA), which must occur before the board can consider adoption of a final rule.

Staff are seeking approval to proceed with those next steps under the APA, which will include posting the draft rule in the State Register for a 60-day comment period and holding a public hearing.

BOARD ORDER**Minnesota Wetland Conservation Act, MN Rules Chapter 8420****PURPOSE**

To authorize staff to publish the notice of intent to adopt amendments to Minnesota Rules Chapter 8420 (WCA rule) in the State Register and to complete the steps necessary for the Board of Water and Soil Resources (Board) to adopt a final rule under the Administrative Procedure Act (APA).

RECITALS/FINDINGS OF FACT

- A. Minnesota Statutes § 103G.2242, Subd. 1 authorizes the Board to adopt rules implementing the Wetland Conservation Act (WCA).
- B. The current WCA rule has been in effect since August 3, 2009.
- C. Amendments to WCA statutes occurred in 2011, 2012, 2015, 2017, and 2024.
- D. Amending the WCA rule is necessary to make the rule consistent with statute and to improve the efficiency, effectiveness, and outcomes of the rule.
- E. The Board has engaged extensively with the public and stakeholders, including through the publishing of multiple requests for comments, preliminary draft versions of the rule, and the use of an advisory committee. Feedback received was used in the development of the proposed rule.
- F. The Board has consulted with Minnesota Tribal Governments pursuant to Minn. Stat. § 10.65 in the development of the proposed rule.
- G. The proposed rule has been certified to form by the Office of the Revisor of Statutes in accordance with Minn. Stat. § 14.07, Subd. 2.
- H. The APA provides the requirements and procedures for a state agency to adopt administrative rule, including the publication of a notice of intent to adopt in the State Register.
- I. The Board's Wetland Conservation Committee met on August 20, 2026, and recommends that the Board authorize staff to publish the notice of intent to adopt amendments to the WCA rule in the State Register and complete the steps necessary for the Board to adopt a final rule under the APA.

ORDER

The Board hereby:

- 1. Authorizes staff to publish the notice of intent to adopt amendments to the WCA rule in the State Register and to conduct the steps necessary for the Board to adopt a final rule under the APA.

Dated at Detroit Lakes, Minnesota, this August 27, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Board Chair
Board of Water and Soil Resources

Date: _____

NEW BUSINESS

1. Red Lake River Watershed Partnership Presentation – Peter Nelson, Pennington SWCD – ***INFORMATION ITEM.***
2. Red River Watershed Management Board Update – Rob Sip – ***INFORMATION ITEM.***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	<u>Red Lake River Watershed Partnership Presentation</u>		
Meeting Date:	<u>August 27, 2026</u>		
Agenda Category:	☐ Committee Recommendation	☒ New Business	☐ Old Business
Item Type:	☐ Decision	☐ Discussion	☒ Information ☐ Non-Public Data
Keywords for Electronic Searchability:	<u>Red Lake River</u>		
Section/Region:	<u>Regional Operations/Northern</u>		
Contact:	<u>Matt Fischer</u>		
Prepared by:	<u>Matt Fischer</u>		
Reviewed by:	<u>n/a</u>	Committee(s)	
Presented by:	<u>Peter Nelson, Pennington SWCD</u>		
Time requested:	<u>30 minutes</u>		

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

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

Fiscal/Policy Impact

- | | |
|---|---|
| ☒ None | ☐ General Fund Budget |
| ☐ Amended Policy Requested | ☐ Capital Budget |
| ☐ New Policy Requested | ☐ Outdoor Heritage Fund Budget |
| ☐ Other: | ☐ Clean Water Fund Budget |

ACTION REQUESTED

No action required, information only.

LINKS TO ADDITIONAL INFORMATION

[One Watershed, One Plan Participating Watersheds | MN Board of Water, Soil Resources](#)

Click the dropdown on the PLANS AND AMENDMENTS IN FINAL (90-DAY) REVIEW for access to the Red Lake River Comprehensive Watershed Management Plan – Plan Renewal Amendment information

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

In 2014, the Red Lake River watershed was selected as one of the five original One Watershed, One Plan pilot watersheds. An agreement was established between the partners for the purpose of writing a Comprehensive Watershed Management Plan (Plan). The Plan was approved by the Board on April 26, 2017, and was adopted by resolutions of the partners.

In 2017, the partners entered into a new agreement for the purpose of jointly implementing the Plan, which has been ongoing since that time. The Board approved a plan amendment on January 23, 2019, that added to Water Management Districts for the Red Lake Watershed District and incorporated new PTMApp information.

In 2023, the partnership was awarded a One Watershed, One Plan Mid-Point grant to conduct a plan assessment. The assessment was completed in 2024 and based on the outcomes, the partnership decided to initiate a plan renewal amendment.

The Red Lake River Comprehensive Watershed Management Plan Renewal Amendment is the first plan renewal amendment coming to the Board for approval. Representatives from the partnership will present an overview of Plan implementation, Plan assessment, and the Plan renewal amendment process.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	Red River Watershed Management Board Update			
Meeting date:	August 27, 2026			
Agenda category:	☐ Committee Recommendation	☒ New Business	☐ Old Business	
Item type:	☐ Decision	☐ Discussion	☒ Information	☐ Non-Public Data
Keywords for electronic searchability:	Red River Watershed Management Board, RRWMB			
Section/Region:	n/a			
Contact:				
Prepared by :	Rob Sip			
Reviewed by :	Committee(s)			
Presented by :	Rob Sip			
Time requested:	20 minutes			
Attachments:	☐ Resolution	☐ Order	☐ Map	☐ Other supporting information
Fiscal/Policy Impact:	☒ None ☐ Amended Policy Request ☐ New Policy Request ☐ General Fund Budget ☐ Capital Budget ☐ Outdoor Heritage Fund Budget ☐ Clean Water Fund Budget ☐ Other:			

ACTION REQUESTED

LINKS TO ADDITIONAL INFORMATION

<https://www.rrwmb.us/>

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

The Red River Watershed Management Board coordinates basin-wide water management and flood control in the Red River of the North watershed.

It was created in 1976 by an act of the Minnesota legislature to provide a basin-wide perspective on managing the Red River Basin, which includes seven watershed districts such as the Joe River, Two Rivers, Roseau River, Middle-Snake-Tamarac Rivers, Red Lake, Wild Rice, and Bois de Sioux. Its mission is to institute, coordinate, and finance projects and programs to alleviate flooding and ensure the beneficial use of water in the watershed. Historically, flood control was the focus, but the board now also addresses water quality, habitat restoration, and sustainable land use.