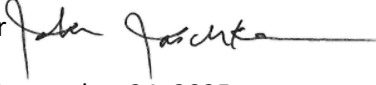


DATE: September 16, 2025

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – September 24, 2025

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, September 24, beginning at 9:00 a.m. The meeting will be held in the lower-level Board Room, at 520 Lafayette Road North, St. Paul and by Microsoft Teams. Individuals interested in attending the meeting through Teams should do so by either 1) logging into Teams by [clicking here to join the meeting](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 494 929 717#.

The following information pertains to agenda items:

#### **COMMITTEE RECOMMENDATIONS**

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

1. **Conservation Easement Alteration Policy Revision** – Recommendation for Board adoption of revised Conservation Easement Alteration Policy. The policy was last updated in 2017 and the MN Rule governing the previous policy was repealed in 2024. The revised policy removes repealed rule language and includes a number of additional changes and clarifications to streamline the process, reflect current costs, and align with easement program goals. **DECISION ITEM**

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

1. **FY26 and 27 Multipurpose Drainage Water Management (MDM) Grants** – Multipurpose Drainage Management is the use of various practices and designs to achieve multiple water management purposes and goals, including drainage. Minnesota's comprehensive local water planning laws and programs, including One Watershed, One Plan (1W1P), all aim to manage water for multiple purposes. These purposes include beneficial use, flood control, water quality, drainage, and wildlife habitat (aquatic and terrestrial). Multipurpose drainage management is vital in areas of Minnesota where there is substantial agricultural drainage, in order to achieve multipurpose water management goals, including protection and improvement of drainage systems that reduces future maintenance. Both rural and urban multipurpose water management can involve reducing runoff volume, peak flows, erosion, sedimentation, and nutrient transport, as well as increasing infiltration, evapotranspiration and wildlife habitat. This grant program is tailored to those areas of importance and is accomplished by an open RFP with quarterly batching periods to provide more flexibility to align funding with activities happening on the ground in a more efficient way. **DECISION ITEM**
2. **FY26 Buffer Implementation Grants** – These grants provide funding and assistance for buffer law implementation. Eligible activities include assistance to support drainage system mapping and map review, landowner outreach, landowner technical and financial assistance, equipment purchases, and other buffer law implementation activities. Grants for FY26 will be completed via an RFI process asking SWCDs if they would like All/Some/None of their FY26 allocation as proposed in the table attached to the board order. **DECISION ITEM**

3. **Lower Minnesota River Management Grant** – The Board was appropriated \$240,000 the first year and \$240,000 the second year for a grant to the Lower Minnesota River Watershed District to defray the annual cost to sustain the state, national, and international commercial and recreation-al navigation on the lower Minnesota River. **DECISION ITEM**
4. **Keep it Clean Pilot Grant Program** – BWSR received a legislative appropriation of \$200,000 in one-time funding to BWSR “to implement local programs to prevent water pollution due to garbage and human waste left on the ice of state waters during winter-use activities.” **DECISION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-539-2587. We look forward to seeing you on September 24th.

**BOARD OF WATER AND SOIL RESOURCES  
520 LAFAYETTE ROAD NORTH  
ST. PAUL, MN 55155  
WEDNESDAY, SEPTEMBER 24, 2025**

**PRELIMINARY AGENDA**

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

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**MINUTES OF AUGUST 28, 2025 BOARD MEETING**

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

**INTRODUCTION OF NEW STAFF**

- Song Vang, Office and Administrative Specialist Sr.
- Brandon Ellickson, Civil Engineering Technician

**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/Rich Sve
- Grants Program & Policy Committee – Mark Zabel
- RIM Reserve Committee – Jayne Hager Dee
- Water Management & Strategic Planning Committee – Joe Collins
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – LeRoy Ose
- Drainage Work Group – Neil Peterson/Tom Gile

**AGENCY REPORTS**

- Minnesota Department of Agriculture – Thom Petersen
- Minnesota Department of Health – Steve Robertson
- Minnesota Department of Natural Resources – Sarah Strommen
- Minnesota Extension – Joel Larson
- Minnesota Pollution Control Agency – Katrina Kessler

## **ADVISORY COMMENTS**

- Association of Minnesota Counties – Brian Martinson
- Minnesota Association of Conservation District Employees – Mike Schultz
- Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck
- Minnesota Association of Townships – Eunice Biel
- Minnesota Watersheds – Jan Voit
- Natural Resources Conservation Service – Troy Daniell

## **COMMITTEE RECOMMENDATIONS**

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

1. Conservation Easement Alteration Policy Revision – Karli Swenson – ***DECISION ITEM***

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

1. FY26 and 27 Multipurpose Drainage water Management (MDM) Grants – Tom Gile – ***DECISION ITEM***
2. FY26 Buffer implementation Grants – Tom Gile – ***DECISION ITEM***
3. Lower Minnesota River Management Grant – Marcey Westrick – ***DECISION ITEM***
4. Keep it Clean Pilot Grant Program – Ara Gallow – ***DECISION ITEM***

## **UPCOMING MEETINGS**

- BWSR Board meeting is scheduled for October 22, 2025 at 9:00 a.m. in St. Paul and by MS Teams.

## **ADJOURN**

**BOARD OF WATER AND SOIL RESOURCES  
39375 COUNTY HIGHWAY 24  
GRAND EAGLE 3 CONFERENCE ROOM  
MORTON, MN 56270  
THURSDAY, AUGUST 28, 2025**

**BOARD MEMBERS PRESENT:**

Eunice Biel, Jayne Hager Dee, Jill Crafton, Joe Collins, LeRoy Ose, Lori Cox, Mark Zabel, Mike Runk, Rich Sve, Ron Staples, Ted Winter, Todd Holman, Tom Schulz, Sarah Strommen, DNR; Joel Larson, University of Minnesota Extension; Glenn Skuta, MPCA; Steve Robertson, MDH; Brad Jordahl Redlin, MDA

**BOARD MEMBERS ABSENT:**

Neil Peterson

**STAFF PRESENT:**

John Jaschke, Rachel Mueller, Ed Lenz, Denise Lauerman, Mark Hiles, Julie Westerlund, Marcey Westrick, James Adkinson, Adam Beilke, Craig Engwall, Annie Gunness

**OTHERS PRESENT:**

Jan Voit, Minnesota Watersheds; LeAnn Buck, MASWCD; Sarah Boser

**Chair Todd Holman called the meeting to order at 9:01 AM**

## **PLEDGE OF ALLEGIANCE**

**\*\***  
**25-36** **ADOPTION OF AGENDA** - Moved by Jill Crafton, seconded by Joe Collins, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

**\*\***  
**25-37** **MINUTES OF JUNE 25, 2025 BOARD MEETING** – Moved by Ron Staples, seconded by Eunice Biel, to approve the minutes of June 25, 2025, as circulated. ***Motion passed on a roll call vote.***

## **PUBLIC ACCESS FORUM**

No members of the public provided comments to the board.

## **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 the BWSR Board Tour went well. Stated the Environmental Quality Board passed the Annual Groundwater Report that BWSR staff had a part in. Met with John Jaschke and Jake Rossow and looked at the Control Systems Assessment Worksheets. Thanked staff who were involved in the grant streamlining work. Stated a NRCS supported staff, a Resilience Specialist, worked with Camp Ripley Sentinel Landscape team and conducted a project to develop a climate resilience parcel scoring tool. They will be presenting the tool at the Land Trust Alliance Conference in Ohio next week.

**Executive Director’s Report** - John Jaschke reported the BWSR Board Tour took place yesterday with Renville and Redwood County Soil and Water Conservation Districts and thanked them and BWSR staff for their work. Also appreciated the Lower Sioux Community hosting our event. Stated annual meetings will be taking place with discussions of resolutions and policies. Dave Weirens will be attending the AMC Policy Meeting for BWSR and John will be attending a Government to Government meeting with the Tribal Nations.

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

**Dispute Resolution and Compliance Report** – Rich Sve reported the committee has not met. Rich stated he will not be seeking another term on the BWSR Board after his term expires.

Todd Holman thanked Rich Sve for his service.

**Grants Program & Policy Committee** – Mark Zabel reported there are multiple items on the agenda for today.

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

**Water Management & Strategic Planning Committee** – Joe Collins reported they have not met. Stated he attended the Tribal State Relations Training and found it very informative.

**Wetland Conservation Committee** – Jill Crafton reported they have not met.

**Buffers, Soils & Drainage Committee** – LeRoy Ose reported they have not met.

**Drainage Work Group (DWG)** – Ron Staples reported they received a Wetland Conservation Act rule making update from Les Lemm. They also received an update from the DNR on the Public Waters Inventory. Discussed recent federal changes that impact the wetlands section of the public drainage manual. Discussed housing the Technical Summit Communities Report on outlet adequacy on the BWSR website, separate from the Drainage Manual. No meeting scheduled in September.

Mark Zabel asked if any comments were being accepted on the report of outlet adequacy. Ron stated it is available to the public, but they are not taking comments.

Lori Cox asked if there is any movement on the portal. Ron does not know the status. John Jaschke stated it's on the list but does not have a majority of people wanting to do something with it at this time. John will have Tom Gile prepare a future summary to share with the Board on the portal.

## **AGENCY REPORTS**

**Minnesota Department of Agriculture** – Brad Jordahl Redlin reported the Soil Health Financial Assistant Program applications close on Friday for their Soil Health Equipment Grants.

**Minnesota Department of Health** – Steve Robertson reported uncertainty about federal funding continues. Stated the Department of Health sponsored a meeting of source water protection for managers from the other Region 5 states. Steve shared the link to the [Minnesota Drinking Water Action Plan](#).

Lori Cox asked if they're partnering with agencies through different funding for water protection. Steve stated they are partnering with other agencies.

**Minnesota Department of Natural Resources** – Sarah Strommen provided an update on the Public Waters Inventory. The application process for the Urban and Forestry Grants is open until October 28th. The Governor announced the 2026 fishing opener will be held in Stillwater on the St. Croix River.

Mike Runk thanked the Commissioner Strommen for her mention of the fishing opener. He is a member of the Convention Visitor Bureau in Stillwater, and they have been working diligently to get the invitation.

Jill Crafton asked if there is any information on the Mississippi River and the federal uncertainties. Commissioner Strommen stated she doesn't have anything specific, they are continuing to work with federal and state partners.

**Minnesota Extension** – Joel Larson reported he was happy to see the irrigation workshop article in Snapshots that they partnered in. Stated they are having a related workshop for Irrigators and Agriculture Professionals on November 18th and 19th in Sherburn County. The Minnesota Water Resources Conference being held October 14th through 15th in St. Paul. The Midwest Climate Resilience Conference is being held in Milwaukee October 20th through 22nd.

**Minnesota Pollution Control Agency** – Glenn Skuta thanked everyone involved in the tour. Reported they are generating a draft impaired waters list for next year. The Nutrient Reduction Strategy is on public notice until September 10th. Stated updated State and Federal Feedlot Permits for large agriculture facilities are being issued.

Jill Crafton asked about PFAS monitoring and if there is a report available. Glenn stated he will get back to Jill.

#### **ADVISORY COMMENTS**

**Association of Minnesota Counties** – No report was provided.

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

**Minnesota Association of Soil & Water Conservation Districts** – LeAnn Buck reported they are midway into their resolution process and thanked those that have been part of those conversations. Their MASWCD Leadership Institute in partnership with the University of Minnesota Extension Service had their graduation. Stated they are looking to schedule eight area meetings in the months of September and November. LeAnn provided an update on preliminary legislative items. Stated they are 16 years into the Clean Water Fund and have nine years to go.

**Minnesota Association of Townships** – Eunice Biel reported there were district meetings in August. Minnesota paid leaves take effect January 2026, there is no exception for elected officials and Townships must create a paid leave account. Townships may now apply for loans and grants for wastewater and stormwater projects. September 4th there will be a Clerk and Treasure Training for small cities and township to learn about paid leave. There is a Legislative and Research Committee meeting in Mankato on September 12th.

**Minnesota Watersheds** – Jan Voit reported they had their summer tour in Roseau. They had their resolutions meeting on Monday. Their annual conference is December 3rd through the 5th at Grandview Lodge in Nisswa. They will be having a joint tour in August 2026 with BWSR, the Red River Water Management Board, and the Red River Retention Authority.

**Natural Resources Conservation Service** – No report was provided.

Chair Holman called a recess at 10:15 a.m. and called the meeting back to order at 10:25 a.m.

#### **COMMITTEE RECOMMENDATIONS**

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

**FY26-27 Technical Service Area Grants** – Adam Beilke presented FY26-27 Technical Service Area Grants. Nonpoint Engineering Assistance (NPEA) - (General Fund). The Non-Point Engineering Assistance (NPEA) Grants are allocated annually to the NPEA (TSA) Joint Powers Boards for the purpose of providing technical assistance to landowners to apply conservation practices.

TSA Enhanced Technical Assistance - (Clean Water Fund). Enhanced Technical Services grants are used to invest in regional capacity across the state to efficiently accelerate projects and practices that improve or protect water resources. These grant funds are available only to Technical Service Areas.

Lori Cox asked if there is a cap per grant. Adam stated the amounts shown are the individual grants that go to each TSA. Lori asked if he could provide an example of the equipment. Adam stated it could be for survey equipment or vehicles for staff to access the sites.

Mark Zabel stated each of the TSAs is a joint organization of the SWCDs, they enhance and provide additional capacity in their technical service.

\*\*  
25-38 Moved by Ted Winter, seconded by Tom Schulz, to approve the FY26-27 Technical Service Area Grants. ***Motion passed on a roll call vote.***

**Natural Resources Block Grants** – Adam Beilke presented Natural Resources Block Grants (NRBG).

The NRBG is a composite of base grants available to local government units that help them implement programs designed to protect and improve water resources. The purpose of this agenda item is to authorize the Fiscal Years 2026 and 2027 NRBG programs. Appropriation language allows BWSR to authorize both years of the biennium.

\*\*  
25-39 Moved by Joe Collins, seconded by Jill Crafton, to approve the Natural Resources Block Grants. ***Motion passed on a roll call vote.***

**FY26-27 Soil and Water Conservation District Conservation Delivery and Conservation Contracts Grants** – Adam Beilke presented FY26-27 Soil and Water Conservation District Conservation Delivery and Conservation Contracts Grants.

Conservation Delivery Grants - Conservation Delivery Grants provide each Soil and Water Conservation District with funds for the general administration and operation of the district. These administrative and operational costs include paying for the costs of employing staff, office space, transportation, postage and utilities, and supervisors' compensation and expenses.

Conservation Contracts Grant Program - The purpose of this program is to provide grants to SWCDs so they can help local landowners or land occupiers offset the costs of installing conservation practices that protect and improve water quality by controlling soil erosion and reducing sedimentation.

Ted Winter asked if the funding source comes from the general fund. Adam stated they are general funds.

\*\*  
25-40 Moved by Eunice Biel, seconded by Jayne Hager Dee, to approve the FY26-27 Soil and Water Conservation District Conservation Delivery and Conservation Contracts Grants. ***Motion passed on a roll call vote.***

**Area II Floodplain Management Grants** – Adam Beilke presented Area II Floodplain Management Grants.

Area II, formed in 1978 as a non-profit joint powers entity, works to alleviate the recurrent flood problems in southwestern Minnesota. Member counties include:

- |                 |           |                   |
|-----------------|-----------|-------------------|
| • Brown         | • Lincoln | • Pipestone       |
| • Cottonwood    | • Lyon    | • Redwood         |
| • Lac qui Parle | • Murray  | • Yellow Medicine |

BWSR oversees the administrative services funding related to the efforts of Area II and requires BWSR approval before funds can be appropriated. The funding provided to the Area II Board in FY26 and FY27 via specific legislation is in the amount of \$140,000 each year.

\*\*  
25-41 Moved by Ted Winter, seconded by Mark Zabel, to approve the Area II Floodplain Management Grants. ***Motion passed on a roll call vote.***

**FY26-27 Watershed Based Implementation Funding** – Julie Westerlund presented FY26-27 Watershed Based Implementation Funding.

The legislature appropriated \$88.1M for FY26-27 Watershed Based Implementation Funding. Staff have prepared program requirements and calculated allocation amounts according to the previously established funding formula. The BWSR Grants Program and Policy Committee reviewed the program requirements and draft board order on August 18, 2025 and made a recommendation that the full board approve the attached board order.

Glenn Skuta asked if Julie could speak on how past allocations were spent. Julie provided an overview of past allocations.

Ted Winter asked what the funding is. Julie stated its Clean Water Funding.

John stated there is a Board-adopted formula that determines the grant amount available to each 1W1P area.

**\*\***  
**25-42** Moved by LeRoy Ose, seconded by Jill Crafton, to approve the FY26-27 Watershed Based Implementation Funding. ***Motion passed on a roll call vote.***

**BWSR Grants Streamlining** – James Adkinson presented BWSR Grants Streamlining.

BWSR grant staff have worked to streamline grant programs in efforts to improve efficiency and clarity for grantees. This 18-month initiative was completed in June 2025 and aims to reduce discrepancies in program requirements, define requirements more clearly, and improve the overall communication of grant program information. An overview was provided to the board.

Mark Zabel appreciated clearly showing the line of what's required and what's guidance.

John Jaschke stated we're trying to be as consistent as we can and thanked the team for the work they put into it.

#### **UPCOMING MEETINGS**

- RIM Reserve Committee is scheduled for September 5, 2025 at 2:00 p.m. in St. Paul and by MS Teams.
- Next BWSR Meeting is scheduled for 9:00 AM, September 24, 2025, in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 11:12 AM.

Respectfully submitted,

Todd Holman  
Chair

## BOARD MEETING AGENDA ITEM

**AGENDA ITEM TITLE:****Dispute Resolution/Compliance Report****Meeting Date:**September 24, 2025**Agenda Category:**☐ Committee Recommendation ☐ New Business ☐ Old Business**Item Type:**☐ Decision ☐ Discussion ☒ Information**Keywords for Electronic  
Searchability:**Wetland Conservation Act Appeals/Buffer Compliance**Section/Region:**Resource Conservation/Central**Contact:**Travis Germundson**Prepared by:**Travis Germundson**Reviewed by:**Rich Sve DRC Chair and Travis Committee(s)  
Germundson**Presented by:**Germundson**Time requested:**5 minutes☐ **Audio/Visual Equipment Needed for Agenda Item Presentation****Attachments:** ☐ Resolution ☐ Order ☐ Map ☒ Other Supporting Information**Fiscal/Policy Impact**

- |                                                   |                                                       |
|---------------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget      |
- 

**ACTION REQUESTED**

None

**LINKS TO ADDITIONAL INFORMATION**

See attached report.

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

The report provides a monthly update on the number of appeals filed with the Board of Water and Soil Resources and summary on buffer compliance/enforcement actions statewide.

## Dispute Resolution and Compliance Report

September 9, 2025

By: Travis Germundson

**Two** new appeals have been filed since the previous report, bring the total number of pending appeals to **four**.

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 25-10 (August 29, 2025) This is an appeal of a WCA exemption and no-loss determination for a property located in Brown County. The appeal challenges the decision to deny the application. The appeal contests the local administrative process and the decision that the property does not qualify as agricultural land. It pertains to the same property and wetland area associated with a pending appeal of a Restoration Order (File 25-7). Status: No decision has been made on the appeal.

File 25-9 (August 25, 2025) This is an appeal of a WCA no-loss decision for a property located in Morrison County. The appeal challenges the approval of a no loss decision that was made under remand (File 24-9). The petition contends that the incidental wetland determination is being applied in error. Status: No decision has been made on the appeal.

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: No decision has been made on the appeal.*

File 25-7 (June 6, 2025) This is an appeal of a WCA Restoration Order for a property located in Brown County. The Restoration Order regards the unauthorized placement of fill material in wetland associated with the expansion of a Campground/RV Park. The petition contends that the applicant still operates a farming operation that qualifies for an agricultural activities exemption. An application for exemption, and no-loss have been submitted to the local unit of government concurrently with the appeal. *Status: Appeal is in abeyance pending LGU's decision on the exemption and no-loss application. The LGU denied the exemption and no-loss application and now that decision has been applied (File 25-10).*

~~File 24-8 (9-13-24). This is an appeal of a WCA Restoration Order for a property located in Beltrami County. The appeal regards the placement of fill material in wetland to create berms. The petition claims that drainage was in place prior to 1991, and the area is considered an artificial wetland. Status: It was determined that the Restoration Order slightly overestimated the amount of wetland impacts and the Restoration Order was affirmed in part and modified in part.~~

Summary Table for Appeals

| Type of Decision                | Total for Calendar Year 2024 | Total for Calendar Year 2025 |
|---------------------------------|------------------------------|------------------------------|
| Order in favor of appellant     |                              | 1                            |
| Order not in favor of appellant | 5                            | 4                            |
| Order Modified                  | 2                            | 1                            |
| Order Remanded                  | 1                            |                              |
| Order Place Appeal in Abeyance  | 1                            |                              |
| Negotiated Settlement           |                              |                              |
| Withdrawn/Dismissed             |                              |                              |

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 83 parcels from the 13 counties BWSR is responsible for enforcement. Currently there are eight Corrective Action Notices (CAN), and six 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 254 NONs, 290 CANs, and 30 APOs actively in place. Of the actions being tracked over 3108 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**

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

1. Conservation Easement Alteration Policy Revision – Karli Swenson – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

|                                               |                                                              |                                       |                                       |                                          |
|-----------------------------------------------|--------------------------------------------------------------|---------------------------------------|---------------------------------------|------------------------------------------|
| <b>AGENDA ITEM TITLE:</b>                     | <b>Conservation Easement Alteration Policy Revision</b>      |                                       |                                       |                                          |
| <b>Meeting Date:</b>                          | <u>September 24, 2025</u>                                    |                                       |                                       |                                          |
| <b>Agenda Category:</b>                       | <input checked="" type="checkbox"/> Committee Recommendation | <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business |                                          |
| <b>Item Type:</b>                             | <input checked="" type="checkbox"/> Decision                 | <input type="checkbox"/> Discussion   | <input type="checkbox"/> Information  | <input type="checkbox"/> Non-Public Data |
| <b>Keywords for Electronic Searchability:</b> | <u>Easement Alteration Policy</u>                            |                                       |                                       |                                          |
| <b>Section/Region:</b>                        | <u>Statewide</u>                                             |                                       |                                       |                                          |
| <b>Contact:</b>                               | <u>Sharon Doucette</u>                                       |                                       |                                       |                                          |
| <b>Prepared by:</b>                           | <u>Karli Swenson</u>                                         |                                       |                                       |                                          |
| <b>Reviewed by:</b>                           | <u>RIM Reserve</u>                                           | <u>Committee(s)</u>                   |                                       |                                          |
| <b>Presented by:</b>                          | <u>Karli Swenson</u>                                         |                                       |                                       |                                          |
| <b>Time requested:</b>                        | <u>20 minutes</u>                                            |                                       |                                       |                                          |

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

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

**Fiscal/Policy Impact**

- |                                                   |                                                       |
|---------------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> None          | <input type="checkbox"/> General Fund Budget          |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget               |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget      |

### ACTION REQUESTED

Board adoption of revised Conservation Easement Alteration Policy with certain authorities delegated to the Executive Director and rescinding of prior policy.

### LINKS TO ADDITIONAL INFORMATION

[Easement Alteration Policy](#) adopted by Board on December 20, 2017 to be rescinded (also attached).

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

The Board of Water and Soil Resources first adopted a policy related to requests to modify existing Reinvest in Minnesota (RIM) conservation easements via board resolution on April 26, 1989. A year later, Minnesota Rule 8400.3610 established new requirements for submittal and BWSR consideration of easement alteration requests. In 2006, the board adopted a new policy "Easement Alteration Requests and Board Policy" that expanded on the rule language to provide consistency in consideration of requests coming to BWSR and requiring an administrative fee be submitted with each request. This policy established the criteria for land replacement ratios for private

landowner requests and monetary compensation rates for public benefit projects. The latest revision of this policy was adopted by the Board in 2017.

MN Rule 8400.3610 was repealed in 2024, making language in the easement alteration policy obsolete. In addition to the outdated policy language, easement staff identified several other revisions needed to bring the policy up to date. The conditions and requirements for board consideration of an easement alteration request have been clarified in detail and modified to preserve easement integrity and reflect program goals. The administrative fees have been increased to help cover agency costs of processing, preparing and presenting easement alteration requests as well as SWCD costs (paid by BWSR) for amending the conservation easement and updating title insurance when a full amendment is needed.

Key changes to the policy include:

- New policy statement and purpose, removes repealed rule language.
- Updated applicability section to include additional conservation easement types and clarify when an easement alteration request is needed.
- Requests will only be considered when there is “no reasonable alternative” and easement impacts have been minimized to the extent reasonable.
- Up-front administrative fee increased from \$500 to \$1000 due at time of request. This will partially cover both BWSR and SWCD staff time preparing the request for consideration.
- Added requirement for entities and landowners proposing an alteration to attend committee and board meetings, when requested, to answer any specific questions members have about the proposal.
- Reduced compensation for partial releases of easement acres for public road/infrastructure projects when proposed by a government entity (proposed at 1x the current RIM rate).
- Reduced compensation due for partial releases of easement acres for installation of public wells on RIM Wellhead Protection/Drinking Water easements to the amount paid at time of easement acquisition.
- Added an administrative fee for board-approved requests needing a full easement amendment with updated title insurance for replacement lands. This covers the cost paid by BWSR to the SWCD for their work during the easement amendment process.
- Added language regarding the need for additional approvals outside of BWSR for easements with certain funding sources. This would include Federal ACUB easements, easements funded by LSOHC, LCCMR, and other partner programs, where BWSR approval alone is not sufficient to alter the easement.
- Removed requirement for Board approval of partial releases for public roads/infrastructure, utilities, and other public needs projects, which will be reviewed and approved or denied by the Executive Director and can be appealed to the Board. These requests may still require outside approval, depending on easement funding source.

#### *Recommendation*

The RIM Reserve Committee Recommends approval and adoption of the revised Conservation Easement Alteration Policy, rescinding the Easement Alteration Policy dated 12/20/2017, and delegation of approval authority to the Executive Director for alterations for public infrastructure, utilities, and other public needs.

**BOARD ORDER****Conservation Easement Alteration Policy Revision****PURPOSE**

Board approval of revised Conservation Easement Alteration Policy and rescinding of the Easement Alteration Policy adopted by Board Resolution #17-105.

**RECITALS /FINDINGS OF FACT**

- A. The Minnesota Board of Water and Soil Resources (BWSR) is authorized to acquire Conservation Easements on eligible lands according to Minn. Stat. §§103F.515, 84C.02, 103B.101, and other applicable law;
- B. Minnesota Statutes, section 84C.02 also states that a conservation easement can be released, modified or otherwise altered, in the same manner as other easements;
- C. In 1990, Minn. R. 8400.3610 was established and became the rule governing requests to modify or alter Reinvest in Minnesota (RIM) conservation easements;
- D. In 2006, the board adopted a policy for easement alteration requests, expanding on the Rule language, to clarify requirements and operational procedures for submittal and Board consideration of such requests;
- E. The Easement Alteration Policy was last revised in 2017 to expand on requirements and revise procedures for submittal;
- F. In 2024, Minn. R. 8400.3610 was repealed, thereby making the language and basis of the easement alteration policy outdated and obsolete;
- G. In addition to the outdated rule language, Easement staff identified a number of policy updates necessary to clarify the criteria for easement alteration request consideration; increase the administrative fees to reflect the current cost of processing an alteration request and associated easement amendment; reduce compensation required for certain public infrastructure projects; and better align with easement program goals;
- H. Further, the revised policy will allow more common requests for public roads, infrastructure and utilities to be approved, conditioned or denied by the BWSR Executive Director, and be appealed to the RIM Reserve Committee and BWSR Board;
- I. This Order has been developed in consideration of, and is consistent with, Board Decision #24-59, Delegating Certain Authorities to the Executive Director.
- J. BWSR staff will develop specific instructions for submitting an easement alteration request and procedural elements relating to submittal will no longer be contained within the policy.

**ORDER**

The Board hereby:

- 1. Adopts the revised Conservation Easement Alteration Policy dated September 24, 2025;
- 2. Rescinds Easement Alteration Policy adopted on December 20, 2017 by Board Resolution #17-105;

3. Delegates Authority to the Executive Director for the approval, conditioning or denial of easement alteration requests submitted under Section D of the policy for public Infrastructure, utilities, and other public needs, which could be appealed to the Board.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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

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

## Conservation Easement Alteration Policy

**Version:** 4.0  
**Effective Date:** 09/24/2025  
**Approval:** Board Order 25-xx

### A. Policy Statement

The Minnesota Board of Water and Soil Resources (BWSR) occasionally receives requests to alter or modify an existing conservation easement when a proposed activity will impact the easement area or would not be consistent with easement terms and conditions. The easement alteration policy was created to establish the requirements and conditions necessary for BWSR to consider a request to alter an existing conservation easement.

The Board will only consider a proposed alteration to a conservation easement when the outcome will fulfill a public need, improve public health or safety, result in additional natural resource protection or further enhance the original purpose of the easement, and when easement impacts cannot be reasonably avoided.

### B. Policy Purpose

The purpose of this policy is to provide direction, clarity and consistency to BWSR staff, Soil and Water Conservation District (SWCD) staff, and entities wishing to request an easement alteration, by outlining the circumstances under which an easement alteration request will be considered by the board, and to ensure that public and natural resource benefits are not lost or diminished if an easement is altered. The policy also outlines the compensation, either monetary or through land exchange, and administrative fees due to the board by the proposing entity when an easement alteration is requested or approved.

## C. Applicability

This policy applies to requests to alter existing State Reinvest In Minnesota (RIM), Permanent Wetland Preserve (PWP), Conservation Reserve Enhancement Program (CREP) and Army Compatible Use Buffer (ACUB) easements and future similar BWSR Conservation Easement acquisitions. This policy does not apply to Wetland Bank easements.

An easement alteration request must be approved by the board before any proposed activity occurs within an existing easement boundary that would result in long-term impacts, such that the land would no longer meet easement terms and conditions or be able to be maintained according to the BWSR-approved conservation plan. **Easement alteration requests should only be made if there is no reasonable alternative location for the proposed activity, and in such cases, impacts to the easement should be minimized to the extent possible.**

Certain activities or modifications to land within the easement may be compatible with the terms and conditions of the easement and may not require an easement alteration if the impacts are temporary and the easement area can be restored and maintained according to the BWSR-approved conservation plan after the temporary disturbance. Certain easement land use changes may be allowed through an amendment to the easement's conservation plan.

This policy is not intended to resolve new or existing violations on conservation easements. A request to alter an easement must be approved **before** any activity occurs on the land that would otherwise be a violation of the conservation easement. Landowners or entities who violate a conservation easement may be liable for treble damages or other monetary penalties under MN Statute 103F.515 Subd. 9.

This policy does not apply to easement boundary corrections that are authorized, without compensation, by MN Statute 103.515 Subd. 8.

## D. Public Infrastructure, Utilities, and other Public Needs Requests

This section of the policy applies to partial releases proposed for public infrastructure, utilities, and projects that fulfill a public need, have a demonstrated health or safety benefit, and there is no reasonable alternative than to impact the conservation easement. Examples include public road safety improvements, municipal water and sanitation projects, energy facilities or transmission lines, and other projects that fulfill a compelling need to the general public and the State of Minnesota. The entity responsible for the project should submit the easement alteration request.

Public infrastructure, utilities, and other public needs alteration requests will be reviewed and authorized, conditioned or denied by the BWSR Executive Director. If the alteration request is denied

or conditioned, the alteration request may be appealed to the RIM Reserve Committee for a subsequent recommendation to the BWSR board for approval or denial.

**Easement alteration requests for public infrastructure, utilities, and other public needs projects to alter a conservation easement are subject to the following conditions for BWSR consideration:**

- 1) A non-refundable \$1,000 administrative fee is required at the time a request is submitted. The fee shall be paid by the entity proposing the easement alteration.
- 2) The entity must describe alternatives considered and why there is no reasonable alternative that would avoid impacting the conservation easement.
- 3) When there is no reasonable alternative, entities should minimize proposed impacts to the conservation easement to the extent feasible and practical.
- 4) Compensation due to the state for damages and loss of benefits to the conservation easement, upon BWSR approval of a request, will be as follows:
  - A. For alterations proposed by government entities, compensation to the board will be:
    - Payment at (1x) the current RIM payment rate for any easement acres released, and
    - Reimbursement of any state funds previously disbursed to establish conservation practices on the land being released.
  - B. For non-governmental infrastructure, utilities, and other public needs alteration requests, compensation to the Board will be:
    - Payment at twice (2x) the current RIM payment rate for easement acres released, and
    - Reimbursement of any state funds previously disbursed to establish conservation practices on the land being released.
  - C. For alterations proposed to install public wells and associated access roads on wellhead/drinking water protection easements:
    - Reimbursement of the per-acre easement payment at the time of easement acquisition, for acres released, and
    - Reimbursement of any state funds previously disbursed to establish conservation practices on the land being released.
- 5) If the proposing entity does not hold a fee title or easement interest in the property at the time of the request, the entity must have written permission from the landowner to request the alteration.
- 6) For utility projects regulated by the MN Public Utilities Commission (PUC), the Certificate of Need and PUC Route Permit must be submitted with the easement alteration request.
- 7) An easement's funding source or partnering agency may have additional requirements for easement alteration and **prior approval from other agencies/councils may be necessary** before BWSR can alter the easement, depending on the easement type.

## E. Other Easement Alteration Requests

This section applies to requests to alter a conservation easement that are not included in Section D for public infrastructure, utilities, and other public needs. Approval or denial of these alteration requests is at the discretion of the Board after a recommendation by the RIM Reserve Committee.

### **Other Easement Alteration Requests must meet the following conditions for BWSR consideration:**

- 1) A non-refundable \$1,000 administrative fee is required at the time a request is submitted.
- 2) Landowners must explain why there is no reasonable alternative location for the proposed activity that would avoid impacts to the conservation easement.
- 3) When there is no reasonable alternative, impacts to the conservation easement must be minimized to the extent feasible and practical.
- 4) Landowners (or their designee) may be required to attend the RIM Reserve Committee and/or BWSR Board meeting to address questions related to an easement alteration request. Failure to attend the meeting(s) may be grounds for denial of the easement alteration request.
- 5) The resource protection or habitat benefits for which the easement was originally acquired will be increased or enhanced by the proposed alteration.
- 6) The alteration will not result in restored wetland acres being drained or filled.
- 7) Compensation to the Board shall be replacement land at a minimum of a 2:1 ratio for any easement acres released. Acres released from the easement must be replaced by additional land, as follows:
  - To release acres enrolled at a cropland rate and replace with cropland: A minimum of 2:1 replacement. (Cropland proposed as replacement acres must meet RIM crop history requirements, being cropped at least 2 of last 5 years).
  - To release acres enrolled at the cropland rate and replace with non-cropland: A minimum of 4:1 replacement.
  - To release acres enrolled at a non-cropland rate and replace with cropland: a minimum of 1:1 replacement
  - To release acres enrolled at the non-cropland rate and replace with non-cropland: a minimum of 2:1 replacement

Replacement acres must be adjacent to or as near as possible to the existing easement and be owned in whole by the same landowner(s) of the existing easement lands.

- 8) The ratios above may be modified upon recommendation by the RIM Reserve Committee when the conservation benefits of the replacement acres significantly outweigh those of the land proposed for release. Alternatively, the Board may request additional replacement acres to compensate for natural resource values lost when proposing to release higher value easement acres.

- 9) **Landowners will be subject to an additional \$2,000 administrative fee, after Board approval,** to cover SWCD and BWSR staff time to coordinate title review and draft easement amendment documents. Amendment drafting will not begin until the fee is paid.
- 10) Landowners will be required to pay necessary title insurance and recording fees, and all costs associated with providing clear title on replacement lands. The replacement lands must not subject to any prior liens or encumbrances that are determined to be objectionable by the attorney general. If the landowner cannot provide title that is free of objectionable encumbrances, the alteration and amendment cannot occur until title issues are resolved.
- 11) Landowners will be required to cover the cost of establishment of conservation practices on replacement acres according to an amended, BWSR-approved conservation plan.
- 12) Landowners will be required to sign an amended conservation easement including the replacement lands that will be subject to all easement terms and conditions.
- 13) **An easement's funding source or partner agency may have additional requirements for easement alterations and prior approval from other agencies/councils may be necessary before BWSR can alter the easement.**

## History

| Version | Description                                                                                                                  | Date       |
|---------|------------------------------------------------------------------------------------------------------------------------------|------------|
| 1.0     | Policy for Requests to Modify Easements adopted by Board                                                                     | 4/26/1989  |
| 2.0     | Conservation Easement Alteration Requests and Board Policy developed by Easement Alteration Subcommittee and adopted by BWSR | 5/24/2006  |
| 3.0     | Conservation Easement Alteration Requests and Board Policy update adopted by board resolution 17-105                         | 12/20/2017 |
| 4.0     | Conservation Easement Alteration Policy adopted by board resolution 25-XX                                                    | 09/24/2025 |

## Contact

[karli.swenson@state.mn.us](mailto:karli.swenson@state.mn.us)

TO BE RESCINDED

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

December 20, 2017

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

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

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

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

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

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

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

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

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

#### **Public benefitted projects -**

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

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

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

Private landowner requests

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

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

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

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

## **COMMITTEE RECOMMENDATIONS**

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

1. FY26 and 27 Multipurpose Drainage Water Management (MDM) Grants – Tom Gile – ***DECISION ITEM***
2. FY26 Buffer Implementation Grants – Tom Gile – ***DECISION ITEM***
3. Lower Minnesota River Management Grant – Marcey Westrick – ***DECISION ITEM***
4. Keep it Clean Pilot Grant Program – Ara Gallow – ***DECISION ITEM***

## BOARD MEETING AGENDA ITEM

|                                               |                                                                           |                                       |                                       |
|-----------------------------------------------|---------------------------------------------------------------------------|---------------------------------------|---------------------------------------|
| <b>AGENDA ITEM TITLE:</b>                     | <b>FY 26 &amp; 27 Multipurpose Drainage Water Management (MDM) Grants</b> |                                       |                                       |
| <b>Meeting Date:</b>                          | <u>September 24, 2025</u>                                                 |                                       |                                       |
| <b>Agenda Category:</b>                       | <input checked="" type="checkbox"/> Committee Recommendation              | <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business |
| <b>Item Type:</b>                             | <input checked="" type="checkbox"/> Decision                              | <input type="checkbox"/> Discussion   | <input type="checkbox"/> Information  |
| <b>Keywords for Electronic Searchability:</b> | <u>MDM, Drainage, Multipurpose</u>                                        |                                       |                                       |
| <b>Section/Region:</b>                        | <u>Resource Conservation</u>                                              |                                       |                                       |
| <b>Contact:</b>                               | <u>Tom Gile</u>                                                           |                                       |                                       |
| <b>Prepared by:</b>                           | <u>Tom Gile</u>                                                           |                                       |                                       |
| <b>Reviewed by:</b>                           | <u>Grants Program and Policy</u>                                          | <u>Committee(s)</u>                   |                                       |
| <b>Presented by:</b>                          | <u>Tom Gile</u>                                                           |                                       |                                       |
| <b>Time requested:</b>                        | <u>10 minutes</u>                                                         |                                       |                                       |

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

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

**Fiscal/Policy Impact**

- |                                                   |                                                             |
|---------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> None                     | <input type="checkbox"/> General Fund Budget                |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget                     |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget       |
| <input type="checkbox"/> Other:                   | <input checked="" type="checkbox"/> Clean Water Fund Budget |

### ACTION REQUESTED

Authorize the FY 26-27 Multipurpose Drainage Management (MDM) Program and delegate award decisions to staff.

### LINKS TO ADDITIONAL INFORMATION

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

Program Structure is the same as prior years with open RFP as long as funding is available and quarterly batching periods of applications. New funding appropriated for FY26 and 27.

**BOARD ORDER****FY 26-27 Multipurpose Drainage Management Program****PURPOSE**

Authorize the FY 26-27 Multipurpose Drainage Management (MDM) Program and delegate award decisions to staff.

**FINDINGS OF FACT / RECITALS**

- A. The Clean Water Fund was established to implement part of Article XI, Section 15, of the Minnesota Constitution, with the purpose of protecting, enhancing, and restoring water quality in lakes, rivers, and streams and to protect groundwater and drinking water sources from degradation.
- B. The Laws of Minnesota 2025, Regular Session, Chapter 36, Article 2, Section 6(J) appropriated Clean Water funds to the Board of Water and Soil Resources (Board) for technical and financial assistance for the conservation drainage program, in consultation with the Drainage Work Group, coordinated under Minnesota Statutes, section 103B.101, subdivision 13, and including projects to improve multipurpose water management under Minnesota Statutes, section 103E.015.
- 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 Programs and Policy Committee, at their August 18, 2025 meeting, reviewed the MDM scoring and eligibility criteria, the board order and recommended approval to the Board.

**ORDER**

The Board hereby:

- 1. Authorizes staff to use the scoring and eligibility criteria identified in Table 1 to develop and issue the FY26-27 request for proposals (RFP) and other program support documents for the FY26-27 MDM Program with up to \$900,000 available in each of FY 26 & Fy 27.
- 2. Delegates the authority to the staff to approve MDM awards based on responses to the RFP and fund availability.
- 3. Authorizes staff to complete all pre-agreement processes and enter into agreements for these purposes.
- 4. Directs staff to regularly report to the Board or Committee on the status of MDM awards.

Dated at St. Paul, Minnesota, September 24, 2025.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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

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

**Table 1. Scoring and Eligibility Criteria**

| Multipurpose Drainage Management Grant Program                                                                                                                                                                                   |                                                                                                                                                                                                                           |                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Scoring Criteria                                                                                                                                                                                                                 | Minimum Eligibility Criteria<br>(if any one of these criteria is not met, the application will be considered ineligible )                                                                                                 | Maximum Points Possible |
| <u>Activity Eligibility</u> : The proposed grant-funded activities are eligible under this RFP.                                                                                                                                  | All requested activities are eligible                                                                                                                                                                                     | YES                     |
| <u>Project Map</u> : Map provided by the applicant clearly identifies the drainage system.                                                                                                                                       | Map included that shows the drainage system where activities are proposed                                                                                                                                                 | 5                       |
| <u>Operations and Maintenance (O&amp;M)</u> : Applicants have identified who will be responsible for holding the easement or responsible for operations and maintenance of the proposed grant funded activities.                 | The appropriate party(ies) is identified as the party responsible for O&M                                                                                                                                                 | 10                      |
| <u>Priority System</u> : Applicants have identified the priority 103E system for the proposed activities and the rationale for its selection including the water resource of concern.                                            | A single system is identified in a repair report or engineers preliminary survey report                                                                                                                                   | 25                      |
| <u>Partnering Efforts</u> : Clear description of efforts to coordinate with partnering organizations including reference to applicable agreements or resolutions supporting the proposal.                                        | Documentation of coordination from the respective organizations of intent to partner                                                                                                                                      | 5                       |
| <u>Landowner Coordination</u> : Clear description of efforts to coordinate with participating landowners.                                                                                                                        | Documentation of coordination with participating landowners                                                                                                                                                               | 5                       |
| <u>Water Quality Outcomes</u> : Clear demonstration of water quality outcomes proposed by the activity.                                                                                                                          | Outcomes provided                                                                                                                                                                                                         | 30                      |
| <u>Multipurpose Benefits</u> : Clear demonstration of the multipurpose benefits proposed by the activity.                                                                                                                        | Description of different benefits provided                                                                                                                                                                                | 20                      |
| <u>Cost Benefits</u> : If the activity is associated with a MS 103E.005 defined Drainage Project, a clear description of how the proposed activities are supplemental and not needed to ensure the Cost Benefits considerations. | The proposed activities are NOT associated with a 103E Drainage Project<br>OR<br>The applicant has documented that the 103E Drainage Project stands on its own merits and the proposed grant activities are supplemental. | YES                     |
| <u>Outlet Adequacy</u> : If the activity is associated with a MS 103E.005 defined Drainage Project, a clear description of how the proposed activities are not needed to ensure the proposed project outlet is adequate.         | The proposed activities are NOT associated with a 103E Drainage Project<br>OR<br>The applicant has documented that the 103E Drainage Project stands on its own merits and the proposed grant activities are supplemental. | YES                     |
| <u>Environmental or regulatory impacts</u> : The proposed grant funded activities are not being used to offset other environmental or regulatory impacts for this or another project.                                            | Written confirmation provided by the applicant.                                                                                                                                                                           | N/A                     |
|                                                                                                                                                                                                                                  | <b>TOTAL</b>                                                                                                                                                                                                              | <b>100</b>              |

## BOARD MEETING AGENDA ITEM

|                                               |                                                              |                                       |                                       |
|-----------------------------------------------|--------------------------------------------------------------|---------------------------------------|---------------------------------------|
| <b>AGENDA ITEM TITLE:</b>                     | <b>FY 26 Buffer Implementation Grants</b>                    |                                       |                                       |
| <b>Meeting Date:</b>                          | <u>September 24, 2025</u>                                    |                                       |                                       |
| <b>Agenda Category:</b>                       | <input checked="" type="checkbox"/> Committee Recommendation | <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business |
| <b>Item Type:</b>                             | <input checked="" type="checkbox"/> Decision                 | <input type="checkbox"/> Discussion   | <input type="checkbox"/> Information  |
| <b>Keywords for Electronic Searchability:</b> | <u>Buffer, Buffers, Implementation, SWCD</u>                 |                                       |                                       |
| <b>Section/Region:</b>                        | <u>Resource Conservation</u>                                 |                                       |                                       |
| <b>Contact:</b>                               | <u>Tom Gile</u>                                              |                                       |                                       |
| <b>Prepared by:</b>                           | <u>Tom Gile</u>                                              |                                       |                                       |
| <b>Reviewed by:</b>                           | <u>Grants Program and Policy</u>                             |                                       | <u>Committee(s)</u>                   |
| <b>Presented by:</b>                          | <u>Tom Gile</u>                                              |                                       |                                       |
| <b>Time requested:</b>                        | <u>10 minutes</u>                                            |                                       |                                       |

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

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

**Fiscal/Policy Impact**

- |                                                                                                                                                                              |                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> None<br><input type="checkbox"/> Amended Policy Requested<br><input type="checkbox"/> New Policy Requested<br><input type="checkbox"/> Other: _____ | <input type="checkbox"/> General Fund Budget<br><input type="checkbox"/> Capital Budget<br><input type="checkbox"/> Outdoor Heritage Fund Budget<br><input checked="" type="checkbox"/> Clean Water Fund Budget |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### ACTION REQUESTED

Authorize the FY 26 Buffer Implementation Grants via a 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) 2026 SWCD Buffer Implementation Program****PURPOSE**

Provide Buffer Implementation Program funds to Soil and Water Conservation Districts to implement buffer program activities for FY 2026.

**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 18, 2025 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 FY26 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.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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

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

## FY26 Buffer Implementation Program Grant Allocations

| SWCD                 | Proposed<br>FY 26<br>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<br>COUNTY   | 10000                           |
| WASHINGTON           | 10000                           |
| CHISAGO              | 10000                           |
| LAKE OF THE<br>WOODS | 10000                           |
| CLEARWATER           | 20000                           |
| ROOT RIVER           | 20000                           |
| WABASHA              | 20000                           |
| WINONA               | 20000                           |
| DAKOTA               | 20000                           |
| BENTON               | 20000                           |

| SWCD         | Proposed<br>FY 26<br>Allocation |
|--------------|---------------------------------|
| 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                           |

| SWCD               | Proposed<br>FY 26<br>Allocation |
|--------------------|---------------------------------|
| 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                           |
| KITSON             | 35000                           |
| WILKIN             | 35000                           |
| YELLOW<br>MEDICINE | 35000                           |
| CLAY               | 35000                           |
| NORMAN             | 35000                           |
| REDWOOD            | 35000                           |
| RENVILLE           | 45000                           |
| POLK W             | 45000                           |
| MARSHALL           | 45000                           |
| <b>Total</b>       | <b>1,805000</b>                 |

## BOARD MEETING AGENDA ITEM

|                                               |                                                                                 |                                       |                                       |
|-----------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------|---------------------------------------|
| <b>AGENDA ITEM TITLE:</b>                     | <u>Lower Minnesota River Management Grant</u>                                   |                                       |                                       |
| <b>Meeting Date:</b>                          | <u>September 24, 2025</u>                                                       |                                       |                                       |
| <b>Agenda Category:</b>                       | <input checked="" type="checkbox"/> Committee Recommendation                    | <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business |
| <b>Item Type:</b>                             | <input checked="" type="checkbox"/> Decision                                    | <input type="checkbox"/> Discussion   | <input type="checkbox"/> Information  |
| <b>Keywords for Electronic Searchability:</b> | <u>Lower Minnesota River, Lower Minnesota River Watershed District, channel</u> |                                       |                                       |
| <b>Section/Region:</b>                        | <u></u>                                                                         |                                       |                                       |
| <b>Contact:</b>                               | <u>Marcey Westrick</u>                                                          |                                       |                                       |
| <b>Prepared by:</b>                           | <u>Marcey Westrick</u>                                                          |                                       |                                       |
| <b>Reviewed by:</b>                           | <u>Grants Program and Policy Committee</u> Committee(s)                         |                                       |                                       |
| <b>Presented by:</b>                          | <u>Marcey Westrick</u>                                                          |                                       |                                       |
| <b>Time requested:</b>                        | <u>10 minutes</u>                                                               |                                       |                                       |

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

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

**Fiscal/Policy Impact**

- |                                                   |                                                         |
|---------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> None                     | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget                 |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget   |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget        |
- 

### ACTION REQUESTED

Recommend approval of the board order for the FY26-27 lower Minnesota River Management grants.

### LINKS TO ADDITIONAL INFORMATION

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

The Board was appropriated \$240,000 the first year and \$240,000 the second year for a grant to the Lower Minnesota River Watershed District to defray the annual cost to sustain the state, national, and international commercial and recreational navigation on the lower Minnesota River.

**DRAFT BOARD ORDER****Fiscal Year 2026 and 2027 Lower Minnesota River Management Grants Approval****PURPOSE**

Approval of the fiscal year 2026 and 2027 lower Minnesota River Management grants to Lower Minnesota River Watershed District.

**FINDINGS OF FACT / RECITALS**

- A. The Laws of Minnesota 2025, 1<sup>st</sup> Special Session, Chapter 1, Article 1, Section 4(f), appropriated \$240,000 for each fiscal year 2026 and 2027 for Minnesota River channel management.
- B. The Laws of Minnesota 2025, 1<sup>st</sup> Special Session, Chapter 1, Article 1, Section 4(l) states, "If an appropriation for grants in either year is insufficient, the appropriation in the other year is available for it."
- C. This grant is available for defraying the annual cost of sustaining the state, national, and international commercial and recreational navigation on the lower Minnesota River.
- D. The Lower Minnesota Watershed District will develop and submit a work plan to BWSR to cover activities for fiscal year 2026 and 2027.
- E. The Grants Program and Policy Committee, at their September 15, 2025 meeting, reviewed the lower Minnesota River Management grant allocation and recommended approval to the Board.

**ORDER**

The Board hereby:

- 1. Authorizes staff to enter into a grant agreement for the FY 2026 and 2027 lower Minnesota River Management Grants consistent with the provisions of the appropriation.
- 2. Authorizes staff to review and approve the work plan for 2026 and 2027 prior to payment of grant funds.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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

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

## BOARD MEETING AGENDA ITEM

|                                               |                                                              |                                       |                                       |  |
|-----------------------------------------------|--------------------------------------------------------------|---------------------------------------|---------------------------------------|--|
| <b>AGENDA ITEM TITLE:</b>                     | <u>Keep it Clean Pilot Grant Program</u>                     |                                       |                                       |  |
| <b>Meeting Date:</b>                          | <u>September 24, 2025</u>                                    |                                       |                                       |  |
| <b>Agenda Category:</b>                       | <input checked="" type="checkbox"/> Committee Recommendation | <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business |  |
| <b>Item Type:</b>                             | <input type="checkbox"/> Decision                            | <input type="checkbox"/> Discussion   | <input type="checkbox"/> Information  |  |
| <b>Keywords for Electronic Searchability:</b> | <u>Grants, Keep it Clean, Lakes</u>                          |                                       |                                       |  |
| <b>Section/Region:</b>                        | <u></u>                                                      |                                       |                                       |  |
| <b>Contact:</b>                               | <u>Ara Gallo and Jeff Hrubes</u>                             |                                       |                                       |  |
| <b>Prepared by:</b>                           | <u>Marcey Westrick</u>                                       |                                       |                                       |  |
| <b>Reviewed by:</b>                           | <u>Grants Program and Policy Committee</u> Committee(s)      |                                       |                                       |  |
| <b>Presented by:</b>                          | <u>Ara Gallow</u>                                            |                                       |                                       |  |
| <b>Time requested:</b>                        | <u>10 minutes</u>                                            |                                       |                                       |  |

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

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

**Fiscal/Policy Impact**

- |                                                   |                                                         |
|---------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> None                     | <input checked="" type="checkbox"/> General Fund Budget |
| <input type="checkbox"/> Amended Policy Requested | <input type="checkbox"/> Capital Budget                 |
| <input type="checkbox"/> New Policy Requested     | <input type="checkbox"/> Outdoor Heritage Fund Budget   |
| <input type="checkbox"/> Other:                   | <input type="checkbox"/> Clean Water Fund Budget        |
- 

### ACTION REQUESTED

Recommend approval of the board order for authorizing staff to develop the Keep it Clean Pilot Program.

### LINKS TO ADDITIONAL INFORMATION

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

BWSR received a legislative appropriation of \$200,000 in one-time funding to BWSR “to implement local programs to prevent water pollution due to garbage and human waste left on the ice of state waters during winter-use activities.”

**BOARD ORDER****Fiscal Year 2026 Keep it Clean Pilot Program****PURPOSE**

Authorize the FY26 Keep it Clean Pilot Program.

**FINDINGS OF FACT / RECITALS**

- A. The Minnesota Laws 2025, 1st Special Session, Chapter 1, Article 1, Section 4(i) appropriated \$200,000 in onetime funding to the Board to "to implement local programs to prevent water pollution due to garbage and human waste left on the ice of state waters during winter-use activities"
- B. The Board has authorities under Minnesota Statutes §103B.101 to award grants and contracts to accomplish water and related land resources management.
- C. The Grants Program and Policy Committee, at their September 15, 2025, meeting, reviewed the proposed Keep it Clean Program ranking criteria and draft board order and recommended approval to the Board.

**ORDER**

The Board hereby authorizes staff to:

- 1. Issue a Request for Proposals for the Keep it Clean Program:
  - a. totaling \$185,000, and
  - b. limiting grant requests to a maximum of \$40,000, and
  - c. consistent with the attached scoring criteria and appropriation.
- 2. Approve Keep it Clean grant awards based on responses to the RFP and funds available.
- 3. Enter into grant agreements to implement the program consistent with Minn. Stat. 103B.101.
- 4. Regularly report to the Board on the status of Keep it Clean Program awards.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

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

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

| <b><i>Keep it Clean Pilot Program Scoring Criteria</i></b>                                                                                               | <b><i>Maximum Points Possible</i></b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| A brief description of anticipated achievements and outcomes as well as the project area.                                                                | 5                                     |
| Activities will focus on water resource(s) that were specifically chosen.<br>Organization has worked with or is affiliated with Keep it Clean Minnesota. | 15                                    |
| Activities will prevent water pollution from garbage and human waste during winter months. Evidence of pollution and winter activity usage is provided.  | 40                                    |
| Activities can be implemented soon after grant award and supports efforts to combat water pollution.                                                     | 30                                    |
| Organization is addressing diversity, equity, and inclusion by performing activities in an MPCA defined environmental justice area.                      | 10                                    |
| <b><i>Total Points Available</i></b>                                                                                                                     | 100                                   |