

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

BOARD MEMBERS PRESENT:

Eunice Biel, Jill Crafton, Joe Collins, Kevin Wilson, LeRoy Ose, Lori Cox, Mark Zabel, Mike Runk, Ron Staples, Ted Winter, Todd Holman, Tom Schulz, Sarah Strommen, DNR; Joel Larson, University of Minnesota Extension; Katrina Kessler, MPCA; Steve Robertson, MDH; Thom Petersen, MDA

BOARD MEMBERS ABSENT:

Jayne Hager Dee, Rich Sve, Neil Peterson

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Amie Wunderlich, Song Vang, Terry Ragan, Brandon Ellickson, Dave Weirens, Marcey Westrick, Karli Swenson, Ara Gallo, Peter Jordet, Shane Bugeja, Denise Lauerman, Annie Gunness, Craig Engwall, Becca Reiss, Melissa Sjolund, Solimar Garcia Barger, Lucy Dahl, Ed Lenz

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; Amanda Bilek, MN Corn Growers; Graham Berg-Moberg, MN Townships

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

PLEDGE OF ALLEGIANCE

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25-43 **ADOPTION OF AGENDA** - Moved by Joe Collins, seconded by Tom Schulz, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

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25-44 **MINUTES OF AUGUST 28, 2025 BOARD MEETING** – Moved by Ron Staples, seconded by Joe Collins, to approve the minutes of August 28, 2025, as amended. ***Motion passed on a roll call vote.***

Chair Todd Homan introduced new Board Member Kevin Wilson from the City of Cokato as the non-metropolitan elected city official.

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Amie Wunderlich introduced Song Vang, Office and Administrative Specialist Sr. Terry Ragan introduced Brandon Ellickson, Civil Engineering Technician.

CONFLICT OF INTEREST DECLARATION

Chair Holman read the statement:

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

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman reported he appreciated the work that went into the annual BWSR Board Tour in August.

Executive Director’s Report - John Jaschke reported we are using new technology in the room. Committee rosters have been updated to include Kevin Wilson and replacements for Jeff Berg who retired from MDA. BWSR Academy will be taking place October 21st through 23rd. Attended the Climate Change Government-to-Government Tribal consultation in Mille Lacs last week. Agency leadership will also be meeting with the Fond du Lac Tribe for a consultation meeting. Will be having the Assistant Directors step in to conduct the administrative role for the Executive Director at upcoming board meetings over the next several months.

Jill Crafton stated she heard Fond du Lac was doing restoration with wetlands and there was a concern about a fence.

Lori Cox asked if it was possible to have representation from Tribes as a member to our board. John stated it would need to go through legislature to have a Tribal member added and will mention it to the Tribes when they meet for consultations.

Audit and Oversight Committee – Joe Collins reported they have not met and typically meet in January.

Dispute Resolution and Compliance Report – Travis Germundson reported the DRC will be meeting in the near future. Travis reviewed the following two appeals that were filed since the last report. They will be going to the DRC.

File 25-10 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). A decision on that appeal was made to grant an appeal and will entail going through their administrative appeal process.

File 25-9 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. A decision was made to grant and hear the appeal.

Travis will be offering a refresher workshop and to reach out to him if interested. Todd Holman stated he would be interested in a refresher and asked if the Attorney General's Council would be joining. Travis stated that it will be staff running the workshop.

Grants Program & Policy Committee – Mark Zabel reported they have items on the agenda for today.

RIM Reserve Committee – No report was provided. John stated there is an item on the agenda for today.

Water Management & Strategic Planning Committee – Joe Collins reported they have not met.

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

Buffers, Soils & Drainage Committee – LeRoy Ose reported they have not met. Will be meeting on October 10th. John Jaschke stated the Buffers program Procedures are being updated and being readied for a review and comment process.

Drainage Work Group (DWG) – Tom Gile reported they have not met. Will be meeting October 9th. They last met in September with a small subgroup that's been involved in some of the notification work.

Commissioner Katrina Kessler join the meeting at 9:33 a.m.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported Farm Aid took place last week and had a Farm Forum where Minnesota was featured. Stated they are concerned about the fall and where crops will be going. Its Farm Safety Week. They've seen a return of high path avian influenza in the last week and are working closely with other agencies. Stated they have reworked their BWSR committee staff assignments. They are continuing to build their weather station network.

Joe Collins asked if there is way for the agriculture states with soybeans to go to congress to reenact the USAID. Commissioner Petersen thinks they will eventually get back into some kind of program like that but not currently.

Eunice Biel asked how much soybeans goes to soy diesel. Thom stated he doesn't know the exact amount but it's not enough to build more biodiesel plants in the meantime.

Lori Cox asked if there is a way to look at what kind of conservation gains farmers are accomplishing or how to track it. Commissioner Petersen stated there is no longer a USDA National Agricultural Statistics Service (NASS) presence in Minnesota, and they have been reducing their reporting. Stated they are trying to figure out what kind of role they can play in tracking programs.

Ted Winter asked if there are other countries beside China that we can sell soybeans to. Commissioner Petersen stated there are some countries we sell to, but we need to see bigger purchases.

Minnesota Department of Health – Steve Robertson reported next week is National Source Water Protection week. They will be introducing a new award in December for drinking water protection. Stated they are providing financial assistance grants for source water protection; information is available on their website.

Minnesota Department of Natural Resources – Sarah Strommen reported their fall color map is available. They released the groundwater atlas for Isanti County. They will be hiring a new Executive Assistant in their Commissioner's Office.

Joe Collins asked about having a presentation on the data centers in terms of use of water. Commissioner Strommen stated they could have staff present at a future meeting what they understand about water availability across the state and how they approach large water users.

Commissioner Kessler stated the Environmental Quality Board is leading an interagency work group on how to be ready for early coordination around data centers.

Lori Cox stated DNR did a great presentation in the northwest corner of the state where they ran out of water, and it was a drought year. Lori would also appreciate a water supply presentation coming to the board.

Jill Crafton commented she is concerned with the disruption of the water cycle.

Minnesota Extension – Joel Larson reported the annual Minnesota Water Resources conference is October 14th and 15th. Stated they have a new program that focuses on private wells and groundwater. The annual Soil Management Summit is being held on January 14th and 15th in Fargo, ND. They will be partnering with North Dakota State University focusing on soil health practices.

Minnesota Pollution Control Agency – Katrina Kessler reported she has been meeting with the German Minister of the Environment from North Rhine-Westphalia Germany as part of a reciprocal learning commitment around climate, environment, transportation and energy. The States Nutrient Reduction Strategy has been updated and was put on public notice in July. The States Climate Action Framework is being updated and will be coming out on public notice.

Ted stated the emerald ash borer is a big part of the state and asked what we're going to do with the dead trees. Commissioner Kessler stated there are a lot of people that will need to be involved and its going to take some support from funders.

Ron Staples asked if Commissioner Kessler could speak about the petition that was filed on the agriculture draining and the process. Commissioner Kessler stated the petition was to establish a water quality permit system for ag tile drainage and work is underway to assess it and thus can't speak to the details. Jill Crafton stated she was on the farm tour where the farmer has drain tile and was catching it to reuse it. Commissioner Kessler stated other producers are also doing similar things.

John Jaschke introduced Kevin Wilson to Commissioner Kessler. John Jaschke reviewed the Day of Packet that included the Snapshot articles.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported they recently held their AMC Policy Conference that kicks off their policies for the new year. The Environmental Natural Resources Committee identified two priorities. The first revolves around solid waste and support through new policies and funding efforts that furthers their work in waste disposal reduction through their responsibilities under the State's Solid Waste Management Act. The other priority reiterates their commitment to environmental protections related to agricultural drainage, and emphasizes the need for fundamental changes to drainage law and drainage management to be done through actions or direction of the legislature.

Ted Winter asked if they could have information on what the county drainage inspectors think needs to be done. Brian stated its brainstorming ideas at this point.

Jill Crafton asked if counties are going after zero waste. Brian stated they support a zero waste effort and will be meeting in January to look at how to get a 90% reduction.

Lori Cox asked if they're thinking about cost benefit when the water moves and when it's discharged. Brian stated when talking about drainage law they're looking at their analysis of a particular project and how it costs benefits out. State statute does require the analysis of environmental impacts in determining if it's a viable project.

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

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

Minnesota Association of Townships – Eunice Biel reported on September 12th they had a legislative research committee meeting in Mankato on their priorities.

Minnesota Watersheds – Jan Voit reported she appreciates the monthly meetings she has with Justin Hanson and that they are beneficial for both organizations. Attended the Clean Water Council Tour. They are getting ready for their annual conference at Grand View Lodge December 3rd through 5th. Stated the Multipurpose Drainage Management for Minnesota's public drainage systems are essential infrastructure for our state to protect agriculture and safeguarding our communities.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 10:38 a.m. and called the meeting back to order at 10:48 a.m.

COMMITTEE RECOMMENDATIONS

RIM Reserve Committee

Conservation Easement Alteration Policy Revision – Karli Swenson presented the Conservation Easement Alteration Policy Revision.

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 for partial releases of easement acres for installation of public wells on RIM Wellhead Protection/Drinking Water easements to the amount paid at the 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 the 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.

Jill Crafton asked when looking at the no reasonable alternative will they be looking at the cause as well as listening to them. Karli stated that they will write a letter explaining what it is they're looking to do and part of it will include an explanation of why there is no reasonable alternative location.

Tom Schulz stated when looking at replacements on the public side it has gone down to 1:1 ratio and instead of 2:1. Tom stated he offered some suggested amendments at the committee meeting that didn't pass, and he will be voting no on this item.

Sarah Strommen asked about the government entities vs non-government entities input over concern. Stated private entities might put pressure on those government entities to assume or adopt the projects to get lower compensation rate and asked if there was any feedback from the community or government entities that might find themselves in that position. Asked if what we're talking about is our public road infrastructure projects and could we say that instead of leaving it open.

Board members discussed the language in the policy and made a motion to return it to the committee for further review.

Mark asked if the replacement considers the quality of easement as well as the area. Karli stated the ratios are determined by the land type when the land went into the easement. There is a built-in land value consideration when it comes to the ratios.

Lori Cox requested Director Jaschke attend at the RIM Committee meeting for this item.

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Moved by Joe Collins, seconded by Thom Petersen, to return the Conservation Easement Alteration Policy Revision to the RIM Committee. ***Motion passed on a roll call vote.***

Grants Program and Policy Committee

FY 26 & 27 Multipurpose Drainage Water Management (MDM) Grants – Tom Gile presented the FY 26 & 27 Multipurpose Drainage Water Management (MDM) Grants.

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.

Mark Zabel asked about incentivize gate management to hold back water during the dry periods of the year and release water during the wet periods. Would like it to be more of a priority to get those

systems implemented. Tom stated drainage water management in field and controlled subsurface drainage is an eligible practice under this program but isn't one that they've had a lot of applications come in for.

Lori Cox stated in Table 1, Priority Systems, where it states the proposed activities and the rationale for its selection including the water resource of concern and asked if that is the downstream water resource of concern and if we're monitoring ditches. Tom stated that we would need to defer to MPCA in terms of what is being monitored. Commissioner Kessler stated they are monitoring them. Lori asked if the water resource of concern is the receiver, discharge, or is it the ditch itself. Tom stated they are pointing to a water resource that is downstream of the receiving body from where the practices happen.

Lori Cox asked when providing an update on the awards to the board would it be before or after they are awarded. Tom stated it would be after they are awarded.

25-46 Moved by Mike Runk, seconded by Joe Collins, to approve the FY 26 & 27 Multipurpose Drainage Water Management (MDM) Grants. ***Motion passed on a roll call vote.***

Joel Larson left the meeting at 11:45 a.m.

FY 26 Buffer Implementation Grants – Tom Gile presented the FY 26 Buffer Implementation Grants.

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.

Ted Winter asked what kind of compliance there is in buffers across the state. Tom stated we are 99% compliance statewide.

Kevin Wilson asked if the appropriation has increased or decreased over the years. Tom stated the initial appropriation was larger, but it's been a total of \$4 million for a number of years now.

25-47 Moved by Thom Petersen, seconded by Ron Staples, to approve the FY 26 Buffer Implementation Grants. ***Motion passed on a roll call vote.***

Lower Minnesota River Management Grant – Marcey Westrick presented the 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 recreational navigation on the lower Minnesota River.

Lori Cox asked when it says it's for Minnesota River Channel Management, if it is for scooping out excess sediment. Marcey stated that is correct.

25-48 Moved by Ted Winter, seconded by Jill Crafton, to approve the Lower Minnesota River Management Grant. ***Motion passed on a roll call vote.***

Keep it Clean Pilot Grant Program – Ara Gallo presented the 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.”

Lori Cox asked when talking about one time, if we are anticipating that this would be a recurring request of funding and do these go to local water management areas. Ara stated it is a one time appropriation but is designed with the idea that it could be scaled up to meet potential additional funding.

Commissioner Kessler stated in their conversations during Tribal consultations, this program comes up as something they appreciate and recognize.

Ted Winter asked what the DNR does to coordinate their efforts. Commissioner Strommen stated they also heavily promote the Keep it Clean as an important statewide practice as well as supporting the local grassroots efforts and are a partner in this.

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25-49

Moved by Tom Schulz, seconded by Jill Crafton, to approve the Keep it Clean Pilot Grant Program.

Motion passed on a roll call vote.

UPCOMING MEETINGS

- Drainage Work Group meeting is scheduled for October 9, 2025.
- Next BWSR Meeting is scheduled for 9:00 AM, October 22, 2025, in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 12:07 PM.

Respectfully submitted,



Todd Holman
Chair