


DATE: May 19, 2026
TO: Board of Water and Soil Resources' Members, Advisors, and Staff
FROM: John Jaschke, Executive Director 
SUBJECT: BWSR Board Meeting Notice – May 27, 2026

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 27, 2026, 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 through the provided [meeting link](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 204 685 425#.

The following information pertains to agenda items:

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. **Grant Noncompliance Policy Revision** – BWSR grant recipients are responsible for managing State grant funds in compliance with statutes, rules, grant agreements, BWSR grant management procedures and other applicable laws and requirements. BWSR has developed the Grant Noncompliance Policy to define levels of noncompliance and establish expectations for grantees and BWSR staff to address these concerns. The Board first approved a Grant Noncompliance Policy on June 24th, 2015. The current version of the policy was approved on May 28th, 2025. Recently, the Office of Grants Management (OGM) updated Policy 08-05 on Managing Fraud Risk and Reporting Responsibilities. Updates included further details on responsibilities for reporting, notifying, and responding to suspected fraud or misuse in grants or grant programs as well as steps agencies must take to effectively manage the risk of fraud or misuse in grant programs. BWSR staff have identified revisions to the Grant Noncompliance Policy that are necessary to ensure we are addressing fraud and misuse in compliance with OGM Policy 08-05. Proposed revisions also reflect the development of procedures for staff to carry out the policy. Grants Program & Policy Committee reviewed the proposed changes on May 18, 2026, and recommend approval to the Board. **DECISION ITEM**

Dispute Resolution Committee

1. **WCA Appeal (File 25-9) of a No-Loss Decision, Morrison County** – Committee recommendation. **DECISION ITEM**

NEW BUSINESS RECOMMENDATIONS

1. **eLINK Overview** – eLINK is BWSR's grant management system, used to track all grants from initial award through final closeout. The system supports the full grant lifecycle — distributing grant agreements, capturing applications and funding requests, and monitoring progress. BWSR also uses eLINK to track

pollution reduction benefits, cumulative funding over time, and project locations at the statewide, county, watershed, or individual-project level. Staff will provide the board with an overview of the system.

INFORMATION ITEM

2. **2026 Legislative Update** – Brief update on legislation passed this session that impacts BWSR’s work or funds projects into the coming fiscal years. ***INFORMATION ITEM***

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

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
WEDNESDAY, MAY 27, 2026**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF April 22, 2026 BOARD MEETING

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

REPORTS

- Chair & Administrative Advisory Committee – Todd Holman
- Acting Executive Director – Andrea Fish
- Audit & Oversight Committee – Joe Collins
- Dispute Resolution and Compliance Report – Travis Germundson/Kevin Wilson
- Grants Program & Policy Committee – Mark Zabel
- RIM Reserve Committee – Jayne Hager Dee
- Water Management & Strategic Planning Committee – Joe Collins
- Wetland Conservation Committee – Jill Crafton
- Buffers, Soils & Drainage Committee – LeRoy Ose
- Drainage Work Group – Neil Peterson/Tom Gile

AGENCY REPORTS

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

ADVISORY COMMENTS

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

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. Grant Noncompliance Policy Revision – Adam Beilke – ***DECISION ITEM***

Dispute Resolution Committee

1. WCA Appeal (File 25-9) of a No-Loss Decision, Morrison County – Kevin Wilson, Travis Germundson, and Craig Engwall – ***DECISION ITEM***

NEW BUSINESS

1. eLINK Overview – Adam Beilke and Marcey Westrick – ***INFORMATION ITEM***
2. 2026 Legislative Update – Andrea Fish and Mike Nelson – ***INFORMATION ITEM***

UPCOMING MEETINGS

- Water Management and Strategic Planning Committee is scheduled for June 1st at 12:30 p.m. in St. Paul and MS Teams.
- Drainage Work Group is scheduled for June 11th at 11:00 a.m. in St. Cloud.
- BWSR Board meeting is scheduled for June 24th at 9:00 a.m. in St. Paul and by MS Teams.

ADJOURN

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL BOARD ROOM
ST. PAUL, MN 55155
WEDNESDAY, APRIL 22, 2026**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Erin Loeffler, Anne Sawyer, Shane Bugeja, Luke Olson, Jared House, Jenny Gieseke, Andrea Fish, Suzanne Rhees, John Shea, Ryan Hughes, Dave Weirens, Ed Lenz, Mike Nelson, Craig Engwall, Marcey Westrick

OTHERS PRESENT:

Jan Voit, Minnesota Watersheds; Marcelle Lewandowski, U of M; Kelly Perrine, Dakota County; Dawn Tanner, VLAWMO; Travis Thiel, Dakota County; Phil Belfiori, VLAWMO; Keith Kloubec, NRCS; Rachel Olm, Houston Engineering; Holly Bushman Le Sueur County; Machenzie Bratsch, Nicollet SWCD; Curtis Thompson, City of Saint Peter; Will Lytle, LMRWD, Rich Sve, Lake County; Tom Schulz, Wadena SWCD

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

PLEDGE OF ALLEGIANCE

Chair Holman recognized Tom Schulz and Rich Sve for their service on the board. Tom and Rich thanked the board.

Chair Holman introduced new board members Paul Fish, South St. Louis SWCD and Kevin Paap, Blue Earth County Commissioner.

26-17 **ADOPTION OF AGENDA - Moved by Joe Collins, seconded by Eunice Biel, to adopt the agenda as presented. *Motion passed on a roll call vote.***

26-18 **MINUTES OF MARCH 25, 2026 BOARD MEETING – Moved by Ron Staples, seconded by Kevin Wilson, to approve the minutes of March 25, 2026, as circulated. *Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

Will Lytle administrator for the Lower Minnesota River Watershed District stated they are working on updating their watershed management plan and provided some history 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 he met with Vice Chair Jayne Hager Dee and Executive Director John Jaschke to conduct John’s annual performance review.

Executive Director’s Report – John Jaschke reported on the logistics of the board meeting for new board members. Reviewed the Day of Packet that include Snapshot articles and letters related to the Lower Minnesota River Watershed Districts. There is a soil health presentation on the agenda for today, there was a Minnesota Office for Soil Health forum earlier this month. Tribal State Relations Training is available to board members and will have Rachel send out a list of opportunities to attend that training. John stated they will start to provide a report to the Board on Tribal consultations. A copy of the Executive Director’s annual performance review will be mailed to board members through the U.S. Postal Service. Stated the legislative deadlines have passed. Announced Dave Weirens will be retiring May 1st. Dave Weirens thanked the board.

Lori Cox noted the board meeting is recorded so if new members need the recording to ask Rachel. In regard to the letter from Lower Minnesota River Watershed, Lori stated she spent six years on the Advisory Board. She did not hear a complaint during that time and feels that it is personal or political. Stated if BWSR has a convener role to play that they ask all parties to bring forward their actual desires.

Chair Holman thanked Dave Weirens for his work.

Jill Crafton stated in regard to the Lower Minnesota River Watershed, the coming together of all those entities and the visioning they are trying to do to make a difference might be helpful to bring into context. John stated they are going to wait and see if the Legislature takes any action.

Commissioner Katrina Kessler joined the meeting at 9:31 AM.

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

Dispute Resolution and Compliance Report – Travis Germundson reported there are four new appeals that have been filed since the previous report, bringing the total number of pending appeals to 16.

Three of these appeals are in Wright County and all of them involve restoration orders. The two that are not included in the report have come in the last week or so. They involve a restoration order, one is in Wright County, and the other is in Wabasha County. Both involve the installation of drain tile and alleged impacts to wetlands associated with draining. Both are claiming exemption under the NRCS certified determination label of prior converted cropland. No decision has been made on these appeals. Stated there are three appeals that were decided in May regarding fill placed down by the shoreline of Long Lake and Otter Tail County. They proceeded to deny those appeals. Those appeals have since been appealed to the Court of Appeals for further judicial review. They are in the process of working with the Attorney General's office on generating an index in compiling the record on those. There are two hearings coming up, one tomorrow and the other next Friday, May 8th.

Lori Cox asked if this is a new thread with drain tile. Travis stated that thread would be relevant in agricultural landscapes.

Grants Program & Policy Committee – Mark Zabel reported he was not at the last meeting but there is an item 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.

Wetland Conservation Committee – Jill Crafton reported there was statute changes for WCA and they met February 17th and then met again on April 1st to review.

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

Drainage Work Group (DWG) – Neil Peterson reported they have not met and will start having meetings in June.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported they finalized their irrigation RCPP that they're partnering with counties in water districts. Spongy moth is continuing to creep into Minnesota; there were cuts through the USDA but were able to fund the program this year. The Biofertilizer Incentive Program that the legislature created is growing in Minnesota. Commissioner Petersen encourages people to check out the Network Weather Expansion, it has gone well in Minnesota. The Sustainable Aviation Fuel Tax Credit is in the Senate tax bill.

Jill Crafton stated she was on a field day visiting a farm where they're able to pump water back up for irrigation and asked if there is anything like that going on here. Commissioner Petersen stated it's been around for awhile and will continue to see more investments in it.

Ted Winter asked for an update on paraquat. Commissioner Petersen stated the legislature is considering banning paraquats. There is no bill in the House, and the Senate stripped it out of their bill. Mark Zabel stated it's his understanding that the move to ban paraquat is based on a strong correlation to Parkinson's disease and if there are alternatives it would seem appropriate to move to an alternative.

Minnesota Department of Health – Steve Robertson reported the first week in May is National Safe Drinking Water Week. They will promote Source Water Protection award winners that week, the large system was awarded to the City of Baxter, and the small system was awarded to the City of Kimball. They currently have implementation grants for source water protection work open through May 21st and this is primarily for public water systems that have an approved state plan. Stated 90% of helium comes through the Strait of Hormuz and there are deposits of helium that were recently discovered in northeastern Minnesota. There has been some activity at the legislature this year about how we can appropriately manage the process of exploiting those deposits, some of which involve the health department in ways in which wells would be used to gain access and harness those resources.

Minnesota Department of Natural Resources – Jason Garms reported permits will need to be issued for helium and the process is moving slowly at the legislature. Red flag warnings have been issued for wildfire danger. Fishing opener is May 8th and will be on the St. Croix River. Jason provided a legislative update.

Mike Runk stated he's on the board to help coordinate the fishing opener and welcomes anyone interested in taking part in it.

Joe Collins stated helium is not only used for balloons but also for MRIs and computers.

Chair Holman stated last week at the Environmental Quality Board (EQB) they passed going forward with rulemaking in the gas exploration well and mandatory triggers. Stated there are two processes going on, one is the EQB rule making along with DNR's permit rules. Asked if there are any updates on that process in terms of whether they are parallel or if there are delays. Jason stated they will have coordination going on.

Paul Fish asked in regard to the northeastern drilling for helium, if the Commissioner has the authority to cancel those mineral leases. Jason stated we have a rigorous process in Minnesota and have state controls to permit mining.

Commissioner Kessler asked if he knows the status of cancellations. Jason stated he doesn't think there's been any cancellation on the state level.

Minnesota Extension – Joel Larson reported the Minnesota Office for Health is on the agenda today. The Minnesota Water Resources Conference is being held on October 13th at the St. Paul RiverCentre. They currently have opportunities to submit abstracts, special sessions, and award nominations for the conference. The Minnesota Master Naturalist Program, the Aquatic Invasive Species Detectors Program, and the Bell Museum are hosting a gathering of partners on May 15-17 at Gustavus Adolphus in St. Peter. They have upcoming opportunities to enroll and train in the Aquatic Invasive Species Detectors Program in person May 8th in Plymouth, online May 20th and 21st, and in-person June 5th in Cass Lake.

Minnesota Pollution Control Agency – Katrina Kessler reported today is Earth Day. A legislative update was given. Stated infectious waste is showing up at county and privately owned municipal waste transfer stations. Lithium batteries are causing problems with solid waste and can potentially start on fire. On April 28th there is a public meeting in Morris on the draft Environmental Assessment Worksheet and the draft NPDS Permit for the Riverview Dairy expansion. The comment period has been extended to May 9th. Commissioner Kessler will be speaking at the Minnesota Conservation Dinner tonight talking about accomplishments over the past five years.

Jill Crafton asked what we should do with lithium batteries. Commissioner Kessler stated a lot of them are ending up at household hazardous waste facilities and they are storing them; there are no good options right now. Jill asked about PFAS and Commissioner Kessler stated they are in the midst of implementing a complete ban on PFAS in consumer products in Minnesota.

Jayne Hager Dee asked where the dairy expansion is located. Commissioner Kessler stated it's near Morris. Ron Staples stated its Riverview West River Dairy expansion in Stevens County.

Ted Winter asked if people know there are lithium batteries in vaping and if there is any education on how to dispose of them properly. Commissioner Kessler stated it is being brought forward for awareness.

Chair Holman called a recess at 10:30 a.m. and called the meeting back to order at 10:41 a.m.

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 – No report was provided.

Minnesota Association of Townships – Eunice Biel reported they held spring short courses that were one day in-person workshops to give officers tools and knowledge they need for effective local government. The Township Transportation Funding is a key legislative priority for Minnesota Association of Townships.

Minnesota Watersheds – Jan Voit reported they have been having weekly legislative meetings with BWSR and the Local Government Water Roundtable. They are starting round two of their new process for resolutions. Resolutions are due June 1st and they will have a meeting in August to have the resolutions adopted. Summer Tour planning is underway, and the next meeting will be in May, a save the date will be sent to everyone soon.

Natural Resources Conservation Service – No report was provided.

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

Managing Invasives for a Resilient Landscape FY27 program authorization – Erin Loeffler presented Managing Invasives for a Resilient Landscape FY27 program authorization.

The Managing Invasives for a Resilient Landscape program has evolved from the Cooperative Weed Management program which has been implemented for a decade, to better align the program with the goals of the Living Landscape Initiative which supports at-risk wildlife species, establishes corridors, builds landscape resiliency while strengthening collaboration with conservation partners. Through this

alignment process, advisory committee and BWSR staff recommended updates to the program to include expanding eligibility to additional applicants and increase maximum grant award to take a broader, more strategic approach to terrestrial invasive species management and native plant community restoration. Ranking Criteria has been developed by staff and recommended by the Grants Program and Policy Committee.

**
26-19 Moved by Jill Crafton, seconded by Mike Runk, to approve the Managing Invasives for a Resilient Landscape FY27 program authorization. **Motion passed on a roll call vote.**

Central Region Committee

Vadnais Lake Area Watershed Management Plan – Anne Sawyer presented Vadnais Lake Area Watershed Management Plan.

Background

The Vadnais Lake Area Watershed Management Organization was established by a Joint Powers Agreement (JPA) in 1983 between the Cities of Gem Lake, Lino Lakes, North Oaks, Vadnais Heights, and White Bear Lake and the Township of White Bear. The first-generation Watershed Management Plan was approved by the Board in 1985. The VLAWMO watershed encompasses 24.2 square miles in Northern Ramsey County and a small portion of Anoka County. The watershed is bordered by the Rice Creek Watershed District on the north and the Ramsey-Washington Metro Watershed District on the south. VLAWMO is an urban watershed, but contains abundant surface water resources, including fifteen public water lakes, 47 public water wetlands, Lambert Creek, and several minor streams, ditches, and channels. There are also numerous parks and natural spaces, providing ecological and recreational benefits. Importantly, the watershed is home to East Vadnais Lake, which is the drinking water source for over 450,000 people – including the City of St. Paul. Further, nearly the entire watershed overlaps with one or more groundwater Drinking Water Supply Management Areas (DWSMAs), most of which have moderate vulnerability to contamination.

Plan Process and Highlights

On December 14, 2023, VLAWMO sent notification of planning process initiation for the 2027-2035 Watershed Management Plan to the plan review agencies and other parties as required by MR 8410.0045. The notification solicited each agency's priority issues and opportunities, water management goals, and water resource data, reports, and other relevant information. The Board of Directors hosted an initial planning meeting on April 4, 2024. Three workshops were held with state, regional, and local partners in collaboration with VLAWMO's Technical Commission between November 2024 and April 2025. Additional input was gathered through several virtual and in-person community meetings as well as via online and in-person surveys.

VLAWMO has identified seven priority resource issue categories: surface water quality management; groundwater management; data collection; outreach, education, and community engagement; flooding and water quality; policy and facilitation; and community and ecosystem health and resiliency. Each resource issue category has one to three priority issues, and the Plan sets several measurable goals to address these areas of concern. The Plan will build on previous success through the continuation of current activities, such as the Section 319 Program for small priority watersheds, cost-share programs, and education/outreach activities, and the introduction of new activities, such as those that address climate change and resiliency.

Phil Belfiori thanked BWSR staff for their work and are looking forward to implementing their plan.

Lori Cox stated outreach is important, not everyone is on social media.

**
26-20 Moved by Joe Collins, seconded by Jill Crafton, to approve the Vadnais Lake Area Watershed Management Plan. ***Motion passed on a roll call vote.***

Vermillion River Watershed Management Plan – Anne Sawyer presented Vermillion River Watershed Management Plan.

Background

The Vermillion River Watershed Joint Powers Organization was established by a Joint Powers Agreement (JPA) between Scott and Dakota Counties in 2002 following the dissolution of the previous JPA-WMO in 2000. The VRWJPO watershed encompasses approximately 335 square miles in Dakota and Scott Counties, with the majority in central Dakota County. The watershed is bordered by the Mississippi River on the northeast, the Cannon River Watershed on the east, the North Cannon River WMO on the south, the Scott County WMO on the west, and the Black Dog, Eagan-Inver Grove, and Lower Mississippi River WMOs on the northwest and north, respectively. The Vermillion River Watershed contains more than 50 miles of Minnesota Department of Natural Resources (DNR)-designated trout streams. The watershed also has several urban lakes and backwater lakes within the Mississippi River Valley. The watershed contains many areas with significant surface-groundwater interaction, including the Hastings Drinking Water Supply Management Area (DWSMA), which covers more than one-quarter of the watershed's area. Approximately 75% of the land within the watershed is agricultural, undeveloped, or preserved. While rapid growth over the next 20 years is projected to expand urban and industrial land use to nearly 40% of the watershed area, the dominant land use is anticipated to remain agricultural in nature.

Plan Process and Highlights

On April 3, 2023, the VRWJPO sent notification of planning process initiation for the 2026-2035 Watershed Management Plan to the plan review agencies and other parties as required by MR 8410.0045. Staff implemented a robust public engagement plan and convened a Technical Advisory Group that met several times between February 2024 and July 2025. The Community Advisory Committee and the Board met several times to prioritize issues identified during the public outreach phase, develop goals, and create an implementation strategy for the Plan.

The VRWJPO has identified six priority issue categories, including water quality, stormwater management, groundwater sustainability, climate resilience, natural environments, and community relationships. Each issue category has one or two issue statements, and the Plan sets 12 measurable goals to address these areas of concern along with prioritized objectives and project types (Topics of Importance) to help reach these goals.

The VRWJPO's work will build on accomplishments from the previous Plan, including targeted implementation activities identified in subwatershed assessments; continued partnerships with municipalities for stormwater retrofits and opportunities in new areas of development; working with the County and Dakota Soil & Water Conservation District on projects that benefit both surface and groundwater resources; and continuing their excellent monitoring and community engagement programs. New areas of focus in this plan are chloride reduction and climate resiliency, including the creation of a Climate Resiliency Plan which will identify, prioritize, and target projects that help mitigate the effects of climate change. Overall, this Plan continues to position the VRWJPO well for protecting and improving water resources through its staff and partners for the next ten years.

Mark Zabel stated there was a great deal of success in competitive grants and annual grants.

Jayne Hager Dee stated it's a very well run organization with talented staff.

Travis Thiel thanked Board Members for their consideration today.

**
26-21 Moved by Joe Collins, seconded by Jayne Hager Dee, to approve the Vermillion River Watershed Management Plan. ***Motion passed on a roll call vote.***

Eagan-Inver Grove Watershed Management Plan – Anne Sawyer presented Eagan-Inver Grove Watershed Management Plan.

Background

The Eagan-Inver Grove Heights Watershed Management Organization (E-IGHWMO) encompasses approximately 30 square miles in northwest Dakota County. The watershed is bordered by the Lower Mississippi River WMO to the north and east, the Lower Minnesota River Watershed District to the west, the Black Dog WMO on the southwest, and the Vermillion River Watershed to the south. E-IGHWMO is a suburban watershed, mostly within the City of Eagan, and a small amount (approximately 4%) within the City of Inver Grove Heights. The watershed is characterized by rolling glacial topography with 32 lakes and numerous wetlands. While there are no perennial streams within the watershed, many of the lakes and wetlands are connected to stormwater conveyance systems. The watershed features abundant parks and natural areas, including the nearly 2000-acre Lebanon Hills Regional Park, which is managed by Dakota County. The dominant land use in the watershed is single-family residential (43%), with most future development anticipated to be residential, commercial, and industrial land uses in existing developed corridors. Groundwater resources supply all drinking water in the watershed, and about half of the watershed falls into the Eagan Drinking Water Supply Management Area (DWSMA).

Plan Process and Highlights

On June 18, 2024, E-IGHWMO sent notification of planning process initiation for the 2026-2035 Watershed Management Plan to the plan review agencies and other parties as required by MR 8410.0045. The notification solicited each agency's priority issues and opportunities, water management goals, and water resource data, reports, and other relevant information. The Board of Directors hosted an initial planning meeting on February 18, 2025. Several Board workshops were held in collaboration with state and local partners in 2025. Additional input was gathered through city advisory commissions and a community survey.

The E-IGHWMO Board has identified three priority issue categories: nutrient pollution in surface water resources; chloride contamination to both surface and groundwater resources; and groundwater use and sustainability. Each resource issue category has at least one primary measurable goal and several supporting goals. The Plan will build on previous success through the continuation of a robust education and outreach program and collaborative project implementation with member cities and local partners.

Jill Crafton stated she was impressed by the community effort to build resilience within.

Mike Runk stated he was also impressed by this plan.

LeRoy Ose stated this is a good plan.

Lori Cox stated it's great to have outreach like this.

**
26-22 Moved by Joe Collins, seconded by Jill Crafton, to approve the Eagan-Inver Grove Watershed Management Plan. ***Motion passed on a roll call vote.***

Southern Region Committee

Minnesota River Mankato Comprehensive Watershed Management Plan – Ted Winter and Shane Bugeja presented Minnesota River Mankato Comprehensive Watershed Management Plan.

At 370,960 acres (approximately 580 square miles), the Minnesota River - Mankato is a small watershed in southern Minnesota, eventually draining into the Mississippi. Dominated by productive, tile drained row crops (68% of acres), the region nevertheless contains sizeable, developed areas (9% of acres) such as the city of Mankato. This area also hosts rare natural aspects such as calcareous fens and the endangered rusty patch bumblebee. Swan Lake is also present in the watershed, which is the largest prairie pothole lake in North America and a major waystation for waterfowl and other wildlife. Highlighting the need for pollution reduction, this watershed has significant zones of vulnerable drinking water sources, particularly near the city of Saint Peter.

The Minnesota River - Mankato Watershed Partnership (Partnership) established a memorandum of agreement between the planning partners for the purpose of writing a comprehensive watershed management plan on March 26, 2024. The membership of the Partnership includes: the Counties of Blue Earth, Le Sueur, Nicollet; the Soil and Water Conservation District (SWCD) of Blue Earth, Le Sueur, and Nicollet; and the Cities of North Mankato, Mankato, Lake Crystal, and Saint Peter.

Per BWSR Operating Procedures, if less than 10% of the jurisdictional land area of the local government is within the watershed planning boundary, participation by that local government is optional. The Counties of Brown, Sibley, Renville, Watonwan---as well as their respective SWCDs---opted out of the planning process. However, the district manager for Sibley SWCD, Joel Wurscher, participated in the Partnership's advisory committee.

On January 27, 2026, the Board received the Plan, a record of the public hearing, all partner resolutions, and comment responses. Pertaining to the Plan for final State review pursuant to Board decision #23-50, state agency representatives attended and provided input at advisory committee meetings during development of the Plan. No agency had additional comments and all recommended approval.

BWSR staff completed their review and subsequently found the Plan meets the requirements of Minnesota Statutes and BWSR Policy. BWSR staff recommended Plan approval.

On April 1, 2026, the Southern Regional Committee (Committee) met to review and discuss the Plan. The Committee's decision was to recommend approval of the Minnesota River - Mankato Comprehensive Watershed Management Plan to the full Board per the attached draft Order.

Lori Cox asked about the implementation table with education and outreach. Shane stated farmer mentors bring a lot of credibility and participation from perspective farmers and stakeholders. They will target with mailings and want to combine it with other efforts such as peer mentorship or peer learning.

Jill Crafton stated there was a survey done where farmers trust other farmers. They were more successful when there are people that they can trust.

Mackenzie Bratsch thanked the board for their work.

**
26-23 Moved by Ted Winter, seconded by Kevin Wilson, to approve the Minnesota River Mankato Comprehensive Watershed Management Plan. ***Motion passed on a roll call vote.***

Yellow Medicine River Comprehensive Watershed Management Plan Extension – Luke Olson presented Yellow Medicine River Comprehensive Watershed Management Plan Extension.

The Yellow Medicine River Comprehensive Watershed Management Plan was approved by the BWSR Board as a pilot plan December 14, 2016, and will expire December 31, 2026. The partnership, through individual participating board resolutions, intends to extend the plan expiration date to December 31, 2028. To align the watershed planning cycle with new data, specifically MPCA's WRAPS cycle 2 report/data, the extension is being proposed. MPCA offered a timeline for report/data to be available by June 2026. New data will inform the partnership as a plan renewal amendment is considered.

Michelle Overholser stated a lot of work goes into this and they don't want to rush it and to take a little extra time to make sure that what they're putting together is done really well.

Commissioner Kessler stated she is in support of this approach.

**
26-24 Moved by Ted Winter, seconded by Ron Staples, to approve the Yellow Medicine River Comprehensive Watershed Management Plan Extension. ***Motion passed on a roll call vote.***

Commissioner Kessler left the meeting at 11:39 a.m.

Commissioner Petersen left the meeting at 11:45 a.m.

NEW BUSINESS

BWSR and MOSH Soil Health Updates – Jared house and Marcelle Lewandowski presented BWSR and MOSH Soil Health Updates.

To provide a comprehensive update on BWSR's soil health programs – including supplemental staffing, delivery, and federally funded programs – alongside an update from the Minnesota Office for Soil Health (MOSH) on collaborative research and training initiatives.

Board members had a robust conversation and thanked Jared and Marcelle for their presentation.

UPCOMING MEETINGS

- Dispute Resolution Committee Hearing is scheduled for April 23rd at 10:00 a.m. in St. Paul.
- Dispute Resolution Committee Hearing is scheduled for May 8th at 10:00 a.m. in St. Paul.
- BWSR Board meeting is scheduled for May 27, 2026 at 9:00 a.m. in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 12:36 PM.

Respectfully submitted,

Todd Holman
Chair

Dispute Resolution and Compliance Report

May 12, 2026

By: Travis Germundson

No new appeals have been filed since the previous report, the total number of pending appeals remains at 16.

Format note: New appeals that have been filed since last report to the Board. ~~Appeals that have been decided since last report to the Board.~~

File 26-9 (April 17, 2026) This is an appeal of a WCA Restoration Order for a property located in Wright County. The Restoration Order regards the unauthorized wetland impacts associated with the installation of additional drain tile. The petition contends that alterations qualify for the agricultural activities exemption associated with Natural Resources Conservation Services' Certified Wetland label of Prior Converted Cropland. *Status: No decision has been made on the appeal.*

File 26-8 (April 13, 2026) This is an appeal of a WCA Restoration Order for a property located in Wabasha County. The Restoration Order regards the unauthorized wetland impacts associated with the installation drain tile. The petition contends that the activity qualifies for an agricultural activities exemption associated with Natural Resources Conservation Services' Certified Wetland label of Prior Converted Cropland. *Status: No decision has been made on the appeal.*

File 26-7 (March 26, 2026) This is an appeal of a WCA Restoration Order for a property located in Wright County. The Restoration Order regards the unauthorized impacts to 0.54 acres of wetland. The petition asserts that the county highway department's past alternations caused the area to become wetland. *Status: No decision has been made on the appeal.*

File 26-6 (March 26, 2026) This is an appeal of a WCA Restoration Order for a property in Wright County. The Restoration Order regards the unauthorized impacts of 1.43 acres or wetland association with the installation of agricultural drain tile. The petition asserts that the area was not identified as wetland prior to the installation of drain tile. *Status: No decision has been made on the appeal.*

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

File 26-1 (January 8, 2026) This is an appeal of a WCA Replacement Order in Otter Tail County. The Replacement Order regards the unauthorized impact of 0.8 acres of wetland impact. The petition contends that the area is not wetland and if any impact occurred in wetland, such activity is exempt. The petition indicates that an application for a no-loss has been submitted to the local unit of government (LGU) concurrently with the appeal. *Status: The appeal was placed in abeyance pending submission of a complete after-the-fact application and for the LGU to issue a final decision on the after-the-fact application.*

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

File 25-17 (December 11, 2025) This is an appeal of a WCA Restoration Order in Sherburne County. The Restoration Order regards the unauthorized impact of approximately 3.5 acres of wetland. The petition contends that the area is not wetland, and any excavation/drainage in or around the area qualifies for a no-loss. The petition also indicates that an application for a no-loss has been submitted to the local unit of government concurrently with the appeal. *Status: The appeal was placed in abeyance for the local unit of government to issue a final decision on the after-the-fact application.*

File 25-16 (November 21, 2025) This is an appeal of a WCA Replacement Plan decision for a property in Crow Wing County. The appeal challenges the denial of a replacement plan application for the development of a residential lot. According to the county the lot is subject to existing development restrictions. *Status: The appeal was placed in abeyance pending the local unit of government's (LGU) decision on a local building permit appeal. The LGU denied the building permit appeal and now that decision is being challenged in District Court.*

File 25-13 (October 23, 2025) This is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order regards the placement of 2,000 sq. ft. of fill in a wetland adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. *Status: The appeal was placed in abeyance pending the local unit of government's (LGU) decision on the after-the-fact exemption and no-loss application submitted concurrently with the appeal. The LGU approved in part the no-loss application. That decision was appealed and affirmed on March 4, 2026 (see appeal File 26-2). BWSR's decision has now been appealed to the Court of Appeals.*

File 25-12 (October 22, 2025) This is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order regards the placement of 3,400 sq. ft. of fill in a wetland associated with two areas adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. *Status: The appeal was placed in abeyance pending the local unit of government's (LGU) decision on the after-the-fact exemption and no-loss application submitted concurrently with the appeal. The LGU denied the no-loss application. That decision was appealed and affirmed on March 4, 2026 (see appeal File 26-4). BWSR's decision has now been appealed to the Court of Appeals*

File 25-11 (September 25, 2025) This is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order regards the placement of 4,000 sq. ft. of fill in wetland adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. *Status: The appeal was placed in abeyance pending the local unit of government's (LGU) decision on the after-the-fact exemption and no-loss application submitted concurrently with the appeal. The LGU denied the no-loss application. That decision was appealed and affirmed on March 4, 2026 (see appeal File 26-3). BWSR's decision has now been appealed to the Court of Appeals.*

File 25-10 (August 29, 2025) This is an appeal of a WCA Notice of Decision for a property located in Brown County. The appeal challenges the denial of an after-the-fact exemption and no-loss determination. The appeal contends that the local administrative process is flawed and disputes the conclusion that the property does not qualify for the agricultural activities' exemption. This appeal involves the same property and wetland area associated with a pending appeal of a WCA Restoration Order (File 25-7). *Status: A decision to grant and hear the appeal was made on September 22, 2025. A hearing before the Dispute Resolution Committee was held on May 8, 2026.*

File 25-9 (August 25, 2025) This is an appeal of a WCA no-loss decision for a property located in Morrison County. The appeal challenges the approval of a no loss decision that was made under remand (File 24-9) for a township cartway. The petition contends that the incidental wetland determination is being applied in error. *Status: A decision to grant and hear the appeal was made on September 17, 2025. A hearing before the Dispute Resolution Committee was held on April 23, 2023.*

File 25-8 (July 24, 2025) This is an appeal of a WCA Restoration Order for property located in Pine County. The Restoration Order regards the placement of 62,640 sq. ft. of fill in wetland associated with a housing development. *Status: The appeal has been placed in abeyance and the Restoration Order stayed for the submittal of a complete application and final decision by the local unit of government (LGU). An application for an after-the-fact no-loss determination was denied by the LGU on November 18, 2025 and that decision was appealed and remanded back to the LGU (File 25-18).*

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

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2025	Total for Calendar Year 2026
Order in favor of appellant	1	
Order not in favor of appellant	4	3
Order Modified	1	
Order Remanded	1	
Order Place Appeal in Abeyance	4	2
Negotiated Settlement		
Withdrawn/Dismissed	1	

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 98 parcels from the 13 counties BWSR is responsible for enforcement. Currently there are 13 Corrective Action Notices (CAN), and eight Administrative Penalty Orders (APO) issued by BWSR that are still active. Of the actions being tracked over 71 of those have been resolved.

Statewide 43 counties are fully compliant, and 44 counties have enforcement cases in progress. Of those counties (with enforcement cases in progress) there are currently 429 NONs, 277 CANs, and 28 APOs actively in place. Of the actions being tracked over 3,276 of those have been resolved.

**Disclaimer: These numbers are generated monthly from BWSR's Access database. The information is obtained through notifications from LGUs on actions taken to bring about compliance and may not reflect the current status of compliance numbers.*

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee

1. Grant Noncompliance Policy Revision – Adam Beilke – ***DECISION ITEM***

suspected fraud or misuse in grants or grant programs as well as steps agencies must take to effectively manage the risk of fraud or misuse in grant programs.

BWSR staff have identified revisions to the Grant Noncompliance Policy that are necessary to ensure we are addressing fraud and misuse in compliance with OGM Policy 08-05. Proposed revisions also reflect the development of procedures for staff to carry out the policy. Grants Program & Policy Committee reviewed the proposed changes on May 18, 2026, and recommend approval to the Board.

BOARD ORDER

Grant Noncompliance Policy Revision

PURPOSE

Adopt a revised Grant Noncompliance Policy.

FINDINGS OF FACT / RECITALS

- A. Minnesota Statutes §103B.101, §103B.3369, and §103C.401 require that the Board ensure compliance with statewide programs and policies.
- B. The current Grant Noncompliance Policy was adopted by the Board on May 28, 2025.
- C. The proposed revised Grant Noncompliance Policy reflects updates to Office of Grants Management Policy 08-05 on Managing Fraud Risk and Reporting Responsibilities, addresses fraud and misuse in BWSR grants, and ensures the requirements of the Office of Grants Management are met.
- D. The Board’s Grants Program and Policy Committee reviewed the revised Grant Noncompliance Policy on May 18, 2026, and recommend approval to the Board.

ORDER

The Board hereby:

- 1. Adopts the revised Grant Noncompliance Policy dated May 27, 2026. This Policy will also apply retroactively to agency grant agreements.
- 2. Authorizes Executive Director to make updates to the Grant Noncompliance Policy when necessary to comply with State requirements and agency operations and publish as part of the Grants Administration Manual.
- 3. Directs staff to develop related procedures to carry out the Grant Noncompliance Policy.

Dated at St. Paul, Minnesota, this May 27, 2026.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

Grant Noncompliance Policy

Version: 4.00
Effective Date: 5/27/2026
Approval: Board Decision #

Policy Statement

Grant recipients are responsible for managing State grant funds in compliance with statutes, rules, grant agreements, BWSR grant management procedures and other applicable laws and requirements. BWSR has developed the following policy to define levels of noncompliance and establish expectations for grantees and BWSR staff to address these concerns. BWSR staff has the discretion to consider factors not covered in this policy.

Levels of Noncompliance

Noncompliance is generally found through the review procedures of monitoring or financial reconciliation. Noncompliance can be:

Level 1: Failure to follow required administrative procedures

These instances are often addressed with training. Repeated instances of Level 1 noncompliance may be categorized as Level 2 noncompliance. Failure of grantee to follow its own established grant policies or procedures may also be noted as Level 1 noncompliance.

Level 2: Failure to follow grant agreement or other statutes or rules applicable to grant management

Level 3: Evidence of fraud or misuse

Requirements

Addressing Level 1 and 2 Noncompliance

When noncompliance is found, grantees will be notified and BWSR staff will follow agency procedure to address the noncompliance. Procedure will depend on the level of noncompliance involved. Often, mistakes in grants management result from simple misunderstandings and can be brought back into compliance. Grantees may be required to develop a corrective action plan or repay grant funds. During this time, grantees may temporarily have payments withheld. If a corrective action plan is required, BWSR must approve the plan and may require implementation of the plan for the grantee to be considered back in compliance.

For noncompliance or if work under the grant agreement is found by BWSR to be unsatisfactory or performed in violation of federal, state, or local law, BWSR has the authority to cancel payment or require repayment of grant

funds. If repayment of grant funds is required, the grantee must either repay the grant funds directly or agree to a payment arrangement.

BWSR has the authority to withhold payments on any or all grants or hold execution of pending grants. Minnesota Department of Administration's Office of Grants Management (OGM) Policies 08-08 and 08-09 require that grant payments not be made on grants with past due progress reports, unless the state agency has given the grantee a written extension. OGM Policy 08-13, Grant Closeout Evaluation, requires state agencies to evaluate and consider a grant applicant's performance on prior grants before awarding subsequent grants or making a new grant award to them. Holds on grant payments and execution of pending grants will be maintained until the grantee is considered back in compliance.

Alternatives may also be considered and used at the discretion of BWSR.

Addressing Level 3 Noncompliance (Fraud or Misuse)

When a concern is identified regarding grantee potential fraud or misuse, BWSR must protect the interests of the State, including the possibility of withholding payments according to Minnesota Statutes, Section 15.013.

BWSR will preliminarily investigate the potential fraud or misuse. If the initial review of the evidence indicates Level 3 noncompliance has occurred, payments on all grants will be held and pending grants will not be executed. BWSR will notify the appropriate agencies including but not limited to the Office of the Legislative Auditor (OLA), the Bureau of Criminal Apprehension (BCA), or the Department of Administration's Office of Grants Management (OGM), in accordance with OGM Policy 08-05, Managing Fraud Risk and Reporting Responsibilities.

In consultation with these agencies, BWSR may conduct or cooperate in additional investigation that may result in compliance actions, including termination of the grant agreement and repayment of grant funds.

Appeal

A grant recipient may appeal a finding of noncompliance. The appeal must be in writing, include all supporting evidence, and be sent to the BWSR Regional Manager within 30 days of receiving the noncompliance communication from BWSR. The Regional Manager and Assistant Director of Regional Operations will review the appeal and supporting evidence and render a decision on the merits of the appeal. The Assistant Director of Regional Operations may stay any required repayment of grant funds until the appeal is resolved.

If no resolution can be achieved between the grant recipient and the Assistant Director of Regional Operations, the grant recipient may request in writing to the Executive Director and chair of the Board for the appeal to be heard by the appropriate Board Committee. The Committee will make a recommendation to the Board to dismiss, amend, or uphold the appeal.

Level 3 noncompliance may follow an alternative appeal process. If applicable, this will be communicated to the grantee.

History

Description of revisions	Date
Revised to address fraud and misuse	7/1/2026
Minor updates based on changes to GAM and OGM Policy 08-13 (adopted May 28, 2025)	7/1/2025
Revised to replace previous Grant Noncompliance Policy (adopted June 24, 2015) with the newer Grant Noncompliance Policy (adopted June 26, 2019)	7/1/2019
Revised format; minor text changes from 7/1/15 version.	7/1/2017

Appendix A. Definitions and Resources

Corrective Action Plan: A formal, organized document that at a minimum describes specifically how noncompliance issues will be addressed, who will be responsible, and when the solutions will be implemented.

Financial Reconciliation: Reconciling a grantee's reported expenditures for a given period with supporting documentation, such as purchase orders, receipts and payroll records.

Fraud: Obtaining something of value through willful misrepresentation. Examples of grant fraud could include, but are not limited to:

- Submitting false or inaccurate information on grant applications, which can include fake documents, inflated budgets, inaccurate qualifications, or misrepresentation of one's identity or eligibility to get approve for a grant.
- Altering or fabricating invoices, receipts, payroll records or other supporting documentation to attempt to receive payment for expenses or activities that did not occur or services that were not actually provided.
- Spending grant money on personal expenses or other unallowable expenses and submitting altered documents to support the expenses.
- Falsifying or providing misleading or inaccurate information in reports or program beneficiary data or records to receive inflated or improper payment. (*Office of Grants Management, Policy 08-05*)

Misuse: The improper use of public records, funds, or programs for personal benefit, to the detriment of others, or in a manner inconsistent with their intended purpose, including waste and abuse. Examples of grant misuse could include, but are not limited to:

- Using public money or resources for a purpose other than which the money was appropriated or contractually obligated.
- Underestimating or overestimating costs beyond industry standards, leading to inefficient spending or unused funds.
- Unnecessary expenses such as purchasing materials that are never used, costs that are not an ordinary or necessary expense for the approved grant budget or assigning shared costs to the grant in a way that is inconsistent with how those same costs are treated in other parts of the organization.
- Paying inflated wages or making overpayments, including buying overpriced equipment or services when more cost-effective options are available.
- Awarding subcontracts or grants without proper oversight or competition, such as giving contracts to friends or relatives or funding ineffective programs.
- Applying for multiple grants for the same projects and misallocating funds, such as using grant funds to cover unrelated costs from another project. (*Office of Grants Management, Policy 08-05*)

Monitoring: A procedure of reviewing and documenting progress towards grant agreement implementation and compliance with grant agreement provisions.

Noncompliance: Failure to manage state grants in accordance with statutes, rules, grant agreements, BWSR requirements, procedures, and other applicable laws and requirements.

Legal Reference

- [Minnesota Statutes 15.013. Program Payments Withheld; Fraud](#)
- [Minnesota Statutes 16B.98, Subd. 4. Reporting Violations](#)
- [Minnesota Statutes 16B.98, Subd. 6. Grant Administration](#)
- [Minnesota Rules, part 1230.1150, subpart 2. Debarment Causes](#)

Further information on state grant-making requirements and practices can be found on the [Office of Grants Management website](#).

Grant Noncompliance Policy

Version: 4.00
Effective Date: 5/27/2026
Approval: Board Decision #

Policy Statement

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Requirements

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BWSR will preliminarily investigate the potential fraud or misuse. If the initial review of the evidence indicates Level 3 noncompliance has occurred, payments on all grants will be held and pending grants will not be executed. BWSR will notify the appropriate agencies including but not limited to the Office of the Legislative Auditor (OLA), the Bureau of Criminal Apprehension (BCA), or the Department of Administration's Office of Grants Management (OGM), in accordance with OGM Policy 08-05, Managing Fraud Risk and Reporting Responsibilities.

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If no resolution can be achieved between the grant recipient and the Assistant Director of Regional Operations, the grant recipient may request in writing to the Executive Director and chair of the Board for the appeal to be heard by the appropriate Board Committee. The Committee will make a recommendation to the Board to dismiss, amend, or uphold the appeal.

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- Submitting false or inaccurate information on grant applications, which can include fake documents, inflated budgets, inaccurate qualifications, or misrepresentation of one's identity or eligibility to get approve for a grant.
- Altering or fabricating invoices, receipts, payroll records or other supporting documentation to attempt to receive payment for expenses or activities that did not occur or services that were not actually provided.
- Spending grant money on personal expenses or other unallowable expenses and submitting altered documents to support the expenses.
- Falsifying or providing misleading or inaccurate information in reports or program beneficiary data or records to receive inflated or improper payment. (*Office of Grants Management, Policy 08-05*)

Misuse: The improper use of public records, funds, or programs for personal benefit, to the detriment of others, or in a manner inconsistent with their intended purpose, including waste and abuse. Examples of grant misuse could include, but are not limited to:

- Using public money or resources for a purpose other than which the money was appropriated or contractually obligated.
- Underestimating or overestimating costs beyond industry standards, leading to inefficient spending or unused funds.
- Unnecessary expenses such as purchasing materials that are never used, costs that are not an ordinary or necessary expense for the approved grant budget or assigning shared costs to the grant in a way that is inconsistent with how those same costs are treated in other parts of the organization.
- Paying inflated wages or making overpayments, including buying overpriced equipment or services when more cost-effective options are available.
- Awarding subcontracts or grants without proper oversight or competition, such as giving contracts to friends or relatives or funding ineffective programs.
- Applying for multiple grants for the same projects and misallocating funds, such as using grant funds to cover unrelated costs from another project. (*Office of Grants Management, Policy 08-05*)

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Grant Noncompliance Policy

Version: ~~33~~.00

Effective Date: ~~5/287/20256~~

Approval: Board Decision #~~25-26~~

Policy Statement

Grant recipients are responsible for managing State grant funds in compliance with statutes, rules, grant agreements, BWSR ~~requirements, grant management~~ procedures and other applicable laws and requirements. BWSR has developed the following policy to ~~categorize~~ define levels of noncompliance and establish ~~procedures for when errors are found~~ expectations for grantees and BWSR staff to address these concerns. BWSR staff has the discretion to consider factors not covered in this policy.

Levels of Noncompliance

~~Often, mistakes in grants management result from simple misunderstandings and the majority of incidences are resolved without requiring a formal corrective action plan. When corrective actions are considered, the first goal is always to bring the grant recipient back into compliance.~~ Noncompliance is generally found through the review procedures of monitoring or financial reconciliation. Noncompliance can be ~~minor (Level 1) or more substantial (Level 2).~~

Level 1: Failure to follow required administrative procedures

These instances are often addressed with training. Repeated instances of Level 1 noncompliance may be categorized as Level 2 noncompliance. Failure of grantee to follow its own established grant policies or procedures may also be noted as Level 1 noncompliance.

Level 2: Failure to follow ~~statute, rule, or grant agreement~~ or other statutes or rules applicable to grant management

~~Repeated instances of Level 1 noncompliance may also be categorized as Level 2 noncompliance.~~

Level 3: Evidence of fraud or misuse

Reason for this Policy

~~The purpose of this policy is to provide clear direction for grantees and document BWSR compliance with Minnesota Statutes which establish BWSR's obligation to assure program compliance.~~

Requirements

Addressing Level 1 and 2 Noncompliance

When noncompliance is found, ~~grantees will be notified and BWSR staff will follow agency procedure to address the noncompliance. Procedure will depend on the level of noncompliance involved. Often, mistakes in grants management result from simple misunderstandings and can be brought back into compliance. Grantees may be required to develop a corrective action plan or repay grant funds. During this time, grantees may temporarily have payments withheld. grant recipients will be notified they are out of compliance in a memo, letter, reconciliation checklist, or other means of communication. If the noncompliance is Level 2, the communication will be addressed to the grantee's leadership, and copied to the grantee's administrator or lead staff and potentially other partners. Communications will document the noncompliance and suggest corrective actions to bring the grantee back into compliance, which may include a requirement to develop a corrective action plan or a requirement for repayment. The grantee must respond to BWSR and explain how each corrective action will be met.~~ If a corrective action plan is required, BWSR must approve the plan and may require implementation of the plan for the grantee to be considered back in compliance.

~~For noncompliance or if work under the grant agreement is found by BWSR to be unsatisfactory or performed in violation of federal, state, or local law, BWSR has the authority to cancel payment or require repayment of grant funds. If repayment of grant funds is required, the grantee must either repay the grant funds directly or agree to a payment arrangement.~~

~~For findings of noncompliance,~~ BWSR has the authority to withhold payments on any or all grants or hold execution of ~~future-pending~~ grants. Minnesota Department of Administration's Office of Grants Management (OGM) Policies 08-08 and 08-09 require that grant payments not be made on grants with past due progress reports, unless the state agency has given the grantee a written extension. ~~This authority is provided under the Minnesota Department of Administration's Office of Grants Management OGM~~ Policy 08-13, Grant Closeout Evaluation, ~~that~~ requires state agencies to evaluate and consider a grant applicant's performance on prior grants before awarding subsequent grants or making a new grant award to them. Holds on grant payments and execution of ~~future-pending~~ grants will be maintained until the grantee is considered back in compliance.

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Alternatives may also be considered and used at the discretion of BWSR.

Addressing Level 3 Noncompliance (Fraud or Misuse)

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If no resolution can be achieved between the grant recipient and the Assistant Director of Regional Operations, the grant recipient may request in writing to the Executive Director and chair of the Board for the appeal to be heard by the appropriate Board Committee. The Committee will make a recommendation to the Board to dismiss, amend, or uphold the appeal.

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Definitions

~~**Corrective Action Plan:** A formal, organized document that at a minimum describes specifically how noncompliance issues will be addressed, who will be responsible, and when the solutions will be implemented.~~

~~**Financial Reconciliation:** Reconciling a grantee's reported expenditures for a given period with supporting documentation, such as purchase orders, receipts and payroll records.~~

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~~**Noncompliance:** Failure to manage state grants in accordance with statutes, rules, grant agreements, BWSR requirements, procedures, and other applicable laws and requirements.~~

History

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Corrective Action Plan: A formal, organized document that at a minimum describes specifically how noncompliance issues will be addressed, who will be responsible, and when the solutions will be implemented.

Financial Reconciliation: Reconciling a grantee's reported expenditures for a given period with supporting documentation, such as purchase orders, receipts and payroll records.

Fraud: Obtaining something of value through willful misrepresentation. Examples of grant fraud could include, but are not limited to:

- Submitting false or inaccurate information on grant applications, which can include fake documents, inflated budgets, inaccurate qualifications, or misrepresentation of one's identity or eligibility to get approve for a grant.
- Altering or fabricating invoices, receipts, payroll records or other supporting documentation to attempt to receive payment for expenses or activities that did not occur or services that were not actually provided.
- Spending grant money on personal expenses or other unallowable expenses and submitting altered documents to support the expenses.
- Falsifying or providing misleading or inaccurate information in reports or program beneficiary data or records to receive inflated or improper payment. (Office of Grants Management, Policy 08-05)

Misuse: The improper use of public records, funds, or programs for personal benefit, to the detriment of others, or in a manner inconsistent with their intended purpose, including waste and abuse. Examples of grant misuse could include, but are not limited to:

- Using public money or resources for a purpose other than which the money was appropriated or contractually obligated.
- Underestimating or overestimating costs beyond industry standards, leading to inefficient spending or unused funds.
- Unnecessary expenses such as purchasing materials that are never used, costs that are not an ordinary or necessary expense for the approved grant budget or assigning shared costs to the grant in a way that is inconsistent with how those same costs are treated in other parts of the organization.
- Paying inflated wages or making overpayments, including buying overpriced equipment or services when more cost-effective options are available.
- Awarding subcontracts or grants without proper oversight or competition, such as giving contracts to friends or relatives or funding ineffective programs.
- Applying for multiple grants for the same projects and misallocating funds, such as using grant funds to cover unrelated costs from another project. (Office of Grants Management, Policy 08-05)

Monitoring: A procedure of reviewing and documenting progress towards grant agreement implementation and compliance with grant agreement provisions.

Noncompliance: Failure to manage state grants in accordance with statutes, rules, grant agreements, BWSR requirements, procedures, and other applicable laws and requirements.

Legal Reference

- [Minnesota Statutes 15.013. Program Payments Withheld; Fraud](#)
- [Minnesota Statutes 16B.98, Subd. 4. Reporting Violations](#)
- [Minnesota Statutes 16B.98, Subd. 6. Grant Administration](#)
- [Minnesota Rules, part 1230.1150, subpart 2. Debarment Causes](#)

[Further information on state grant-making requirements and practices can be found on the Office of Grants Management website.](#)

COMMITTEE RECOMMENDATIONS

Dispute Resolution Committee

1. WCA Appeal (File 25-9) of a No-Loss Decision, Morrison County – Kevin Wilson, Travis Germundson, and Craig Engwall – **DECISION ITEM**

determination. This determination was based on findings that the wetlands were incidental in nature and had developed in areas that were previously non-wetland. In addition, the District determined that easterly portion of the road qualifies for a de minimus exemption. Darling Township established a cartway to provide the Applicant with legal access to a landlocked parcel.

The established cartway extends approximately 3,400 linear feet across the Appellant's property through wetland and is to be constructed within the footprint of a pre-existing roadbed. Based on recommendations from the Technical Evaluation Panel, the SWCD concluded that the pre-existing roadbed had reverted back to wetland by actions, the purpose of which was not create wetland. The existence and location of the pre-existing roadbed were documented through historical aerial imagery and on-site observations.

The Appellant argues that the establishment of a cartway does not grant the Applicant the ability to impact wetlands and further contends that the record lacks sufficient evidence that a historic roadbed was located in that area. Finally, the Appellant asserts that the SWCD improperly applied the exemption.

The Dispute Resolution Committee heard oral arguments from the parties to the appeal during a public hearing held at the Central Office on April 23, 2026. After reviewing the record, written briefs, and oral arguments, the Committee determined that the Morrison SWCD did not make an erroneous decision and unanimously voted to recommend affirming the Morrison SWCD's decision, thereby denying the appeal.

In addition, the DRC denied the appellant's request to supplement the record with additional evidence. The Committee determined that the existing Morrison SWCD record contains substantial evidence supporting the decision and that the appellant failed to provide adequate justification to warrant inclusion in the record of additional evidence.

Additional details and the basis for the recommendation are included in the Board Order.

Minnesota Board of Water and Soil Resources
Dispute Resolution Committee
 520 Lafayette Road North
 St. Paul, Minnesota 55155

In WCA Appeal of a Notice of Decision for a No-Loss Determination, Morrison County Soil and Water Conservation District

**FINDINGS OF FACT,
 CONCLUSIONS OF LAW, AND
 ORDER**

BWSR File No. 25-9

This matter came to the Board of Soil and Water Resources (BWSR) for a final order from an appeal concerning the Morrison County Soil and Water Conservation District's decision (Decision) on July 25, 2025, to approve an application for a no-loss determination. The appellant is Marvin Stroschein (Stroschein). The respondent is the Morrison County Soil and Water Conservation District (District). Applicant Ellen Kalahar-Grissom (applicant) filed an amicus brief in support of the Decision and the District's brief.

Stroschein timely appealed the District's no-loss determination to BWSR pursuant to Minn. R. 8420.0905. The BWSR's Executive Director made the decision to grant and hear the appeal. *See Id.* at subpart 4. The parties submitted briefs, and the matter was referred to BWSR's Dispute Resolution Committee (DRC) for hearing, which was held on April 23, 2026.

STATEMENT OF ISSUES AND RESOLUTION

1. Stroschein contends that the District did not have jurisdiction to make its decision on the application for a no-loss determination because the cartway granted by Darling Township to the applicant did not confer upon her the rights to impact wetlands.

Did the District have jurisdiction to make its determination on the no-loss application?

- a. The DRC voted 5-0 to recommend that the BWSR Board determine that the District had jurisdiction to make its no-loss determination.
 - b. The BWSR Board adopted the DRC's April 23, 2026, recommendation by roll call vote on May 27, 2026.
2. Stroschein contends that the District's no-loss determination was made in error because the area to be filled does not qualify as incidental wetlands and the decision was not supported by substantial evidence.

Should the District's no-loss determination on the application be affirmed?

- a. The DRC voted 5-0 to recommend that the BWSR Board affirm the District’s no-loss determination as it was not made in error and it was supported by substantial evidence.
 - b. The BWSR Board adopted the DRC’s April 23, 2026, recommendation by roll call vote on May 27, 2026.
3. After this appeal was filed, Stroschein proposed that the record be expanded to include materials that are new and were not part of the administrative record upon which the District based its decision.

Should the new materials Stroschein submitted in this appeal be admitted into the record?

- a. The DRC voted 5-0 to recommend that the BWSR Board deny Stroschein’s request to add the new materials into the record.
- b. The BWSR Board adopted the DRC’s April 23, 2026, recommendation by roll call vote on May 27, 2026.

FINDINGS OF FACT

1. Ellen Kalahar-Grissom (applicant) applied to the District for an exemption to create an access road/Township established Cartway across wetland in Section 12 of Darling Township in Morrison County. Record at 0001-0004 (R1-R4).

2. Applicant had earlier obtained a cartway over appellant’s property in May 2023, through a Darling Township Resolution (No. 2023-01). (R167-R190).

3. The District approved a no-loss and exemption decision on June 4, 2024. R1-R4; R56-R59.

4. The District found that a wetland existed in the area and that the established Cartway follows a pre-existing road through the wetland. R2. Further, the District found that a “site visit revealed that the most easterly 243 feet of the road through the wetland has reverted to a Type 2 wetland. Therefore, fill on that portion of the wetland will fall into the de minimus exemption of 4,860 square feet of fill.” *Id.*

5. The District concluded that the access road/Cartway did qualify for the de minimus exemption under Minn. R. 8420.0420 and, consequently, “[f]ill on top of the existing roadbed is determined to be a no-loss (8420.0415 No-Loss Criteria-A.) as the activity will not affect a wetland.” *Id.*

6. At the time of the Decision, the District did not notify Stroschein of its Decision. R45.

7. On October 15, 2024, BWSR sent Stroschein a letter informing him that the District should have notified him of the Decision and that BWSR requested that the District send him notice to trigger the 30-day appeal period. *Id.*

8. The District issued a notice of decision to Stroschein. R46. Stroschein appealed to the SWCD Board, which voted to support the Decision at its regular meeting on November 22, 2024. R56-R59. This triggered the 30-day appeal window to BWSR. *Id.* at 58.

9. Stroschein then filed a timely appeal with BWSR. R112.

10. By Order dated January 25, 2025, BWSR's Executive Director remanded the Decision and instructed the District to convene the Technical Evaluation Panel (TEP) to conduct a site review and produce a written report adequately addressing the no-loss and exemption decision, and to develop an adequate record. R125-R130.

11. On remand, the parties were permitted to submit additional evidence (R131) and the TEP conducted a site visit on May 7, 2025. R350.

12. The TEP issued its findings and recommendations on July 22, 2025. R350-R354. In its summary, the TEP stated that the wetlands on site "that have re-established in this manner are considered as incidental wetlands per MN Rules 8420.0105 D." *Id.* at R353.

13. The District Board held a public hearing on the appeal of the November 22, 2024 Decision on July 25, 2025, and issued its notice of the Decision on August 1, 2025. R447-R454.

14. Included in the Decision by the District were findings that:

- A. The applicant demonstrated avoidance and minimization requirements had been met as part of the township cartway process. R450.
- B. The access road was constructed through wetlands in the project area prior to the passage and effective date of WCA. *Id.*
- C. Certain "actions or lack of actions [over decades] have inadvertently resulted in the re-establishment of wetland in areas that were previously legally converted to upland." R451.

D. “The applicant proposes to re-establish the normal conditions (filled/impacted) on the existing roadbed and hence their proposal would qualify as a no-loss as incidental wetlands are not regulated by WCA. *Id.*”

15. The District adopted the analysis and reasoning of the TEP, approving “the placement of fill 20 feet in width within incidentally created wetlands per MN Rules 8420.0105 D. for the reconstruction/maintenance of an access road through wetlands identified in the TEP report” R452.

16. Stroschein timely appeal the Decision to BWSR.

CONCLUSIONS OF LAW

1. BWSR’s has jurisdiction to hear this appeal pursuant to Minn. Stat. § 103G.2242, subd. 9 and Minn. R. 8420.0905, subp. 4.

2. The District correctly applied the law to the facts when it determined that it had jurisdiction to make its decision on the application for a no-loss determination by Ellen Kalahar-Grissom concerning an access road in a wetland over a Cartway granted by Darling Township.

3. The District correctly applied the law to the facts when it determined that the access road/Cartway did qualify for the de minimus exemption under Minn. R. 8420.0420 and, consequently, “[f]ill on top of the existing roadbed is determined to be a no-loss (8420.0415 No-Loss Criteria-A.) as the activity will not affect a wetland.” R2. The District’s determination was not clearly erroneous as substantial evidence in the record (including the TEP findings and recommendations) supported the Decision.

4. The District correctly applied the law to the facts when it determined that the area to be filled as authorized by its Decision qualifies as incidental wetlands under Minn. R. 8420.0105, subp. 2.D. due to the substantial evidence in the record showing the existence of the old roadbed.

5. Stroschein has not shown that the additional evidence he proposes to submit on appeal that was not part of the administrative record “is material and that there were good reasons for failure to present it in the proceeding before the local government unit.” *See* Minn. R. 8420.0905, subp. 4.F. Consequently, the board will not add this evidence to the administrative record.

6. Any Finding of Fact more appropriately deemed a Conclusion of Law, or the reverse, should be deemed as such.

ORDER

The July 25, 2025, decision of the Morrison County Soil and Water Conservation District to approve an application for a no-loss determination is affirmed.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Dated: May 27, 2026

By: _____
Todd Holman, Chair

NEW BUSINESS

1. eLINK Overview – Adam Beilke and Marcey Westrick – ***INFORMATION ITEM***
2. 2026 Legislative Update – Andrea Fish and Mike Nelson – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: 2026 Legislative Update

Meeting date: May 27, 2026

Agenda category: Committee Recommendation New Business Old Business
 Item type: Decision Discussion Information Non-Public Data

Keywords for electronic searchability: _____

Section/Region: _____

Contact: _____

Prepared by : Andrea Fish

Reviewed by : Andrea Fish and Mike Nelson Committee(s)

Presented by : Andrea Fish and Mike Nelson

Time requested: 20 minutes

Attachments: Resolution Order Map Other supporting information

Fiscal/Policy Impact:
 None Capital Budget
 Amended Policy Request Outdoor Heritage Fund Budget
 New Policy Request Clean Water Fund Budget
 General Fund Budget Other:

ACTION REQUESTED

No action required, information only.

LINKS TO ADDITIONAL INFORMATION

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

Andrea Fish and Mike Nelson will give a brief update on legislation passed this session that impacts BWSR’s work or funds projects into the coming fiscal years.