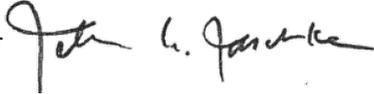




DATE: May 20, 2025

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

FROM: John Jaschke, Executive Director 

SUBJECT: BWSR Board Meeting Notice – May 28, 2025

The Board of Water and Soil Resources (BWSR) will meet on Wednesday, May 28, 2025, beginning at 9:00 a.m. The meeting will be held in the lower-level Board Room, at 520 Lafayette Road North, St. Paul and by Microsoft Teams. Individuals interested in attending the meeting through Teams should do so by either 1) logging into Teams by [clicking here to join the meeting](#) or 2) join by audio only conference call by calling telephone number: 651-395-7448 and entering the conference ID: 494 929 717#. The following information pertains to agenda items:

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 requirements, procedures, and other applicable laws and requirements. BWSR has developed the Grant Noncompliance Policy to categorize levels of noncompliance and establish procedures for addressing noncompliance issues. Recently, BWSR staff have been working to streamline the agency's delivery and structure of grant program requirements for FY2026. BWSR staff have identified minor revisions to the Grant Noncompliance Policy that are necessary to reflect changes from the grants streamlining work as well as to provide additional clarification to noncompliance procedures and updated references to Office of Grants Management Policy 08-13. Grants Program & Policy Committee reviewed the proposed changes on May 19, 2025, and recommend approval to the Board.

DECISION ITEM

2. **Funding Recommendations for the FY26 Water Quality and Storage Program Grants** – The purpose of this agenda item is to ask the Board for approval of the FY26 Water Quality and Storage Program funding recommendations. The RFP application period for this program closed on April 11th, and BWSR staff ranked and scored the sixteen eligible applications received. Staff are recommending funding seven projects, and keeping one additional project on the list in case funding becomes available. The BWSR Senior Management Team and the Grants Program and Policy Committee support this recommendation. **DECISION ITEM**

RIM Reserve Committee

1. **RIM Easement Alteration Request for Blue Earth County Road Improvements - Easement #07-20-99-01** – Board approval to release 3.5 acres from RIM easement #07-20-99-01 in Blue Earth County, in accordance with MN Statute 103F.535, for reconstruction of County State Aid Highway (CSAH) 10 and expansion of the associated right-of-way. Blue Earth County will pay \$68,390.92 for release of the easement acres in accordance with the Board's Easement Alteration Policy for public benefitted projects. **DECISION ITEM**

2. **RIM Easement Alteration Request – Easement 21-18-01-01-C Douglas County – Nathe** – Board decision to alter the boundary of RIM easement 21-18-01-01-C, in Douglas County, in accordance with MN Statute 103F.535 and BWSR’s Easement Alteration Policy. This request would release 1.5 easement acres adjacent to a township road and add 9 acres to the easement, enrolling the remainder of the landowner’s parcel.
DECISION ITEM
3. **ACUB Easement Alteration Request – Easement 49-01-12-04 Morrison County – Kroll** – Board decision on the easement alteration request on Army Compatible Use Buffer (ACUB) Easement #49-01-12-04 to release 0.5 acres for construction of a cellular communications tower. **DECISION ITEM**

Water Management and Strategic Planning Committee

1. **Update on BWSR’s Strategic Plan** – In 2024 the BWSR Board approved a new strategic plan for the agency. Jenny Gieseke provided an update to the Water Management and Strategic Planning Committee in March on the status of the plan, and will share that information with the full Board, along with plans for monitoring and evaluation moving forward. **INFORMATION ITEM**

Wetland Conservation Committee

1. **Wetland Conservation Act Rulemaking Update** – BWSR is responsible for promulgation of the Wetland Conservation Act (WCA) Rules (MN Rules Chapter 8420). The current WCA Rule was adopted in 2009, and multiple statute changes have occurred since adoption. Staff have been working on rule-related topics for several years, coordinating with other agencies and obtaining technical and policy input. Most recently, two preliminary drafts of the rule (dated November 12, 2014 and April 25, 2025) were posted on the BWSR website for the purpose of obtaining public input. The BWSR Wetland Conservation Committee has met several times to review rule topics and the preliminary draft rule language. The preliminary draft rules, comments received, and additional information is available on the WCA Rulemaking page of the BWSR website. The next step is to consider any additional feedback received and develop a final draft of the rule for consideration by the Wetland Conservation Committee and the full Board. After board adoption of a final draft rule, it will be posted in the State Register followed by additional opportunities for public review and input under the State Administrative Procedure Act. The purpose of this agenda item is to update the Board on the draft rule development process and provide an overview of the substantive changes currently contained in the preliminary draft rule. **INFORMATION ITEM**

If you have any questions regarding the agenda, please feel free to call me at 651-539-2587. We look forward to seeing you on May 28th.

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
WEDNESDAY, MAY 28, 2025**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF APRIL 23, 2025 BOARD MEETING

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

CONFLICT OF INTEREST DECLARATION

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

REPORTS

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

AGENCY REPORTS

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

ADVISORY COMMENTS

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

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Region Committee

1. Grant Noncompliance Policy Revision – Adam Beilke – ***DECISION ITEM***
2. Funding Recommendations for the FY26 Water Quality and Storage Program Grants – Rita Weaver – ***DECISION ITEM***

RIM Reserve Committee

1. RIM Easement Alteration Request for Blue Earth County Road Improvements - Easement #07-20-99-01 – Karli Swenson – ***DECISION ITEM***
2. RIM Easement Alteration Request-Easement 21-18-01-01-C Douglas County-Nathe – Karli Swenson – ***DECISION ITEM***
3. ACUB Easement Alteration Request – Easement 49-01-12-04 Morrison County - Kroll– Karli Swenson – ***DECISION ITEM***

Water Management and Strategic Planning Committee

1. Update on BWSR’s Strategic Plan – Jenny Gieseke – ***DECISION ITEM***

Wetland Conservation Committee

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

UPCOMING MEETINGS

- Central Region Committee is scheduled for June 2nd at 2:30 a.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for June 25th 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 23, 2025**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Neil Peterson

STAFF PRESENT:

John Jaschke, Rachel Mueller, Tom Gile, Travis Germundson, Sara Reagan, Sharon Doucette, Kristina Geiger, Julie Westerlund, Jenny Gieseke, Ara Gallo, Adam Beilke, Dusty Van Thuyne, Denise Lauerman, John Shea, David Weirens, Craig Engwall, Marcey Westrick, Suzanne Rhees

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; LeAnn Buck, MASWCD; Tannie Eshenaur, MDH; Frieda vonQualen, MDH

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

PLEDGE OF ALLEGIANCE

25-19 **ADOPTION OF AGENDA** - Moved by Mark Zabel, seconded by Joe Collins, to adopt the agenda as presented. ***Motion passed on a roll call vote.***

25-20 **MINUTES OF MARCH 26, 2025 BOARD MEETING** – Moved by LeRoy Ose, seconded by Mike Runk, to approve the minutes of March 26, 2025, as amended. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

Jill Crafton recognized the passing of conservationist Jeff Broberg.

INTRODUCTION OF NEW STAFF

Adam Bielke introduced Ara Gallo, NGO/Tribal Grants Specialist.

REPORTS

Chair & Administrative Advisory Committee – Chair Todd Holman reported the input survey results from Executive Director John Jaschke’s annual review is included in the day of packet. He will be attending the Tribal-State Relations Training in May at Black Bear Casino in Carlton.

Executive Director’s Report - John Jaschke reported a paper copy of his annual performance review will be sent to Board Members that are not in-person via U.S. Postal Service. Reviewed the day of packet that included Snapshot articles. Provided a legislative update. Agencies are working on a plan to return to the office per a Governor/MMB directive. Stated an Alliance project was approved with Climate-Smart dollars but still on a pause. Met with Red Lake Nation for a consultation in coordination with MMB and Met Council. Stated the Wetland Committee will be reviewing a draft of the Wetland Conservation Act Rule before it comes to the board for a briefing.

Joe Collins asked if the programs at a federal level will continue with less staff and money or will certain programs go away. John didn’t have an answer, stated there is still a lot of uncertainty.

Commissioner Petersen stated its good to see at least one Climate-Smart project move forward.

Mark Zabel stated USDA staff reductions for NRCS and FSA will have an impact. Commissioner Peterson stated it’s a concern that’s been overlooked.

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

Dispute Resolution and Compliance Report – Rich Sve reported they have not met. Travis Germundson reported there has been one new appeal submitted since the last report and there are currently three appeals pending.

There is an appeal of a WCA notice of decision for a property in St. Louis County. The appeal regards the denial of a wetland replacement plan application for the placement of fill for shoreline access. The initial staff decision was affirmed through the local appeal proceedings by the St. Louis County Board of Adjustment and now that decision is being appealed. No decision has been made on that appeal.

Travis provided a Buffer Compliance Status update.

Grants Program & Policy Committee – Mark Zabel reported they have not met. They will be meeting in May.

RIM Reserve Committee – Jayne Hager Dee reported they have two items on the agenda for today and are expecting future items.

Water Management & Strategic Planning Committee – Joe Collins reported they met April 7th and have an item on the agenda for today.

Wetland Conservation Committee – Jill Crafton reported they will be meeting on April 28th.

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

Drainage Work Group (DWG) – John Jaschke reported the committee has not met.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported they are working on federal items and working on getting through the legislative session.

Minnesota Department of Health – Steve Robertson reported there are uncertainties about activities at the federal level. About 1,300 test kits have been distributed for private well testing with a return rate of 30-40%. May 4-10 is the National Drinking Water Week. The formal release of the Drinking Water Action Plan will be on May 6th at the Shoreview Water Treatment Plant.

Mark Zabel asked if the nitrate testing was targeted to southeast Minnesota. Steve stated for right now it is.

Lori Cox asked if Department of Ag or any other agencies would be taking part in the Drinking Water Week. Commissioner Petersen stated they usually take part and collaborate on activities.

Minnesota Department of Natural Resources – Jason Garms reported they are in a good place at the legislature. There is some uncertainty at the federal level. Saturday is Free Park Day; anyone can enter a state park and the fee is waived. Fishing licenses are waved the weekend of May 10th for Mother's Day.

Todd Holman asked if the federal funding for wildlife management is at risk of being tampered with. Jason stated it is likely not at risk.

Joe Collins asked if federal funding is available for forest firefighters. Jason believes the funding was worked out.

Mike Runk thanked the DNR for their work on the new access to the St. Croix River.

Minnesota Extension – Joel Larson reported the University is keeping an eye on federal conservation and policies around Indirect Cost Recovery. The Minnesota Climate Adaption group is hosting an annual Adaptation Awards Ceremony on May 8th at the Bell Museum. More information is available online.

Minnesota Pollution Control Agency – Katrina Kessler reported yesterday was Earth Day and she attended an event announcing a new research effort to use winter camelina for sustainable aviation fuel

at the University of Minnesota St. Paul campus. MPCA will fund a \$75,000 grant for the university's Forever Green Initiative to study the winter crop. Stated they are fairly certain they'll be able to keep the \$200 million from federal EPA sources for the Climate Pollution Reduction Grant. Katrina provided a legislative update.

Jill Crafton asked if the testing for PFAS is still available. Commissioner Kessler stated they are moving through phase one. They don't know what's going to happen at the Federal level, they are focusing on working with the state legislatures and those who are interested in having more of this work occur.

Jill Crafton asked about using renewable energy for mining. Commissioner Kessler stated there is a proposal for Mesabi Metallics and they are working with DNR and others on it.

Ted Winter asked how much the grant was for Forever Green and how it's going to be distributed. Commissioner Kessler stated they are looking to get one million acres, and the study is around \$300,000. They will put the RFP out soon and hope to have the study done within a year.

ADVISORY COMMENTS

Association of Minnesota Counties – Brian Martinson reported they are focused on legislative actions and impacts from the budget bills.

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

Minnesota Association of Soil & Water Conservation Districts – LeAnn Buck thanked Brian Martinson, AMC for his work. LeAnn reported they had a retreat and field exercises in Le Sueur County looking at the water storage. A legislative update was given. They are continuing to work with the Clean Water Council and the Local Water Round Table on the trajectory for the Clean Water Funds. Traveled to Washington DC where they met with Congressional Members.

Minnesota Association of Townships – Eunice Biel reported they are following two bills. The first one is to exempt Minnesota Townships from the state's paid sick and safe time program. The second bill that they're supporting is the state's town bridge account, which provides vital funding assistance to townships for bridge replacement and repair.

Minnesota Watersheds – Jan Voit reported at their board meeting next week they will be talking about changes to their procedure manual based on the new process adopted from their legislative resolutions and platform. Stated the DNR is working on guidance documents regarding permitting. Summer tour is going to be in Roseau on June 24th and 25th.

Natural Resources Conservation Service – No report was provided.

Chair Holman called a recess at 10:23 a.m. and called the meeting back to order at 10:36 a.m.

COMMITTEE RECOMMENDATIONS

RIM Reserve Committee

RIM Drinking Water Program – Sara Reagan and Sharon Doucette presented RIM Drinking Water Program.

The RIM Wellhead Program has historically received minimal interest among landowners in Wellhead Protection Areas. Recent changes in RIM Statute and appropriation language allow for increased flexibility within the program that were not previously available. Staff have also completed research and outreach to determine appropriate rates in these specific and unique areas.

BWSR has also been operating a Pilot Wellhead Partners Protection Grant Program since 2019. Staff are requesting the Board to make this a permanent and integrated part of the RIM Drinking Water Program and authorize staff to implement.

Updates are needed for both the RIM Wellhead easement program and the Wellhead Protection Partners Grant Program. The updates are designed to increase landowner participation, allow adequate compensation, recognize the public health benefit of protecting the land that most directly contributes surface water to the drinking water source and provide financial assistance to LGUs for fee title acquisition of these vulnerable drinking water areas. The program is being renamed RIM Drinking Water Program to emphasize the resource protected and purpose of the program.

Mark Zabel asked that the Executive Director report when a RIM easement or a fee title has occurred and the amount. John stated it can be reported out and staff will work on a process to regularly report to the Board.

Jill Crafton asked when talking about the sensitivity areas, if geology is factored in. Sharon stated it must be in a designated area by the Department of Health, it must be vulnerable or highly vulnerable and it's specific for public water suppliers. Steve Robertson stated other considerations go into the size, shape, and orientation of those areas and include local geologic archaeological features, not just proximity.

Lori Cox stated she associated RIM with permanent and asked if this is limited water use. Sharon stated the RIM statute has the flexibility to have a less than permanent option. The state statutory minimum is 25 years. This program has a need to increase its flexibility to get these areas under protection for a minimum of 25 years. John Jaschke stated details about the payment rates of temporary versus permanent allowable practices or uses of the land are unique to this drinking water program.

Lori Cox asked about accountability. Sharon stated there is program guidance and details not reflected in the board order. They have been working with the Department of Health and Department of Ag to come up with specific guidelines for development of what is going to be their conservation plan.

Ted Winter asked if this also affects rural water. Sharon stated it does.

LeRoy Ose asked what they are recommending instead of corn and soybeans. Sara Reagan stated instead of the traditional corn, soybean annual rotation, perennial cropping systems will be allowed with specifics within it.

Mark Zable asked if the annual crop would be low nitrogen. Sara stated that no nitrogen is allowed on that annual crop except in one specific ammoniated phosphorus that has a nitrate limitation association with it.

Lori Cox asked if this is something we'd be checking to make sure it's being followed. Sara stated their crops will be planned out ahead of time in their plan. Any changes would have to be approved by the local SWCD and then by BWSR. Sharon stated SWCDs and partner agencies have volunteered to help with inspections specific to these sites where there's increased flexibility.

LeRoy asked if organic fertilizer would be allowable. Sara stated if it meets the nitrogen limitation that would be allowed.

Jill Crafton asked about the use of drones for inspections. Sharon stated for easements like would likely require some onsite aspects.

Jason Garms asked if the public benefits from public dollar matches. Sharon stated they do.

Todd Holman stated relationships are built with SWCDs to help ensure compliance with easement provisions.

**
25-21 Moved by Jayne Hager Dee, seconded by Joe Collins, to approve the RIM Drinking Water Program. ***Motion passed on a roll call vote.***

Reinvest in Minnesota (RIM) Easement Payment Rates – Sharon Doucette and Kristina Geiger presented Reinvest in Minnesota (RIM) Easement Payment Rates.

The Easements Section seeks to simplify available programs, distribute opportunities, maintain competitive payments in changing market conditions, incentivize enrollment of priority land, and provide important public benefits. Consolidating the authority for staff to set RIM conservation easement payment rates will promote clarity and efficiency and further the goals of the Program. This Order would authorize BWSR staff, with Executive Director approval, to establish market-based RIM easement payment rates that consider the unique aspects of individual RIM programs by using data from the MN Dept. of Revenue, local assessors, and other property valuation sources. Easement payment rates are also required to be reviewed, updated, and published regularly.

Lori Cox asked if there would be any overlay in the specific area that's being looked at, using MPCA data to talk about impairments in the area. John Jaschke stated it's a precursor to get to that point and is not part of the rate structure. Lori asked how we come up with the rates and what kind of considerations are there. John stated these rates are essentially a mass appraisal using data from the Department of Revenue with just the property being considered for the easement enrollment. Sharon stated the property in question is evaluated as part of the scoring, rating, and whether it makes a good easement property.

Rich Sve stated he likes the direction this goes, coming off assessed values on the property. In the order it states to review, update and publish easement payment rates on a regularly schedule and asked what a regular schedule is as assessed property rates go up annually. Sharon stated they are relying on annual data and tax information generated at the county level and passed to the Department of Revenue. By stating regular they generally mean annual. Didn't use the word annual as at times they need to react faster with changing market conditions.

Ted Winter asked if a report would come to the committee with the reasoning of rates. Sharon stated the plan is for an annual memo that can be shared for awareness and understanding on any significant changes being made in the payment rates.

**
25-22 Moved by Rich Sve, seconded by Ted Winter, to approve the Reinvest in Minnesota (RIM) Easement Payment Rates. ***Motion passed on a roll call vote.***

Water Management & Strategic Planning Committee

2025 Nonpoint Priority Funding Plan Approval – Julie Westerlund presented 2025 Nonpoint Priority Funding Plan.

BWSR adopted the original Nonpoint Priority Funding Plan (NPPF) in 2014 and subsequent updates in 2016 and 2018 as required by Minn. Stat. §114D.50. A 2019 statute revision allowed BWSR to develop alternative content and timelines for the NPPF. Board actions in 2020, 2021, and 2023 directed staff to establish a framework for revising the NPPF and to proceed with the revision. In 2024, staff drafted the 2025 NPPF with input from an interagency team and invited public comment on the draft. The 2025 NPPF incorporates changes since the original plan was written in 2014, including significant progress local watershed plan development and implementation.

Jill Crafton feels that we could be doing more.

Mark Zabel stated it's a continuous improvement process and an adaptive management approach.

Lori Cox asked what the outcomes of this will be. John Jaschke stated these versions are put in place to substitute for things that were not in place when the original legislation passed in 2014. Lori asked what MDAs role is. John stated they support the watershed approach along with others on the list. They have their own individual programs both regulatory and voluntary, along with other agencies.

Katrina stated its helpful to have a plan that we're all working from.

Thom Petersen stated there are positive things we are learning.

Steve Robertson stated focusing on outcomes is worthwhile.

Joe Collins stated its to build and support local capacity.

**
25-23 Moved by Joe Collins, seconded by Thom Petersen, to approve the 2025 Nonpoint Priority Funding Plan.
Motion passed on a roll call vote.

Update on BWSR's Strategic Plan was moved to the May board meeting.

Mark Zabel left the meeting at 12:00 p.m.

NEW BUSINESS

Minnesota Drinking Water Action Plan – Tannie Eshenaur and Frieda vonQualen from MN Dept. of Health presented the Minnesota Drinking Water Action Plan.

The Minnesota Drinking Water Action Plan (the Plan) is a 10-year action plan to ensure that everyone, everywhere in Minnesota has equitable access to safe and sufficient drinking water.

The Plan outlines goals, strategies, actions, and key measures to address drinking water issues that affect all Minnesotans. The Plan also contains summaries of key policies, opportunities, challenges, and threats that shape our drinking water systems in Minnesota.

Lori Cox asked if a copy of the presentation could be shared. Rachel Mueller will send a copy of the presentation to board members.

Joe Collins asked about the citizens that don't trust water and if that was statewide or a certain section of the state. Tannie stated it was a small subset of people.

Jill Crafton stated 75% is coming from groundwater and if the water cycle's not in place, we're not recharging our groundwater. John Jaschke stated outreach and informing people helps.

Katrina Kessler stated she was trouble by the 42% of wells showing lead and asked if people are being made aware. Tannie stated they will get their results. They will need to add in more lead outreach for private well owners. The results are from 523 people in those eight counties in southeast Minnesota who are part of the EPA response to nitrate contamination in those drinking water aquifers.

Joel Larson stated the outreach and engagement was a good thing this group did to be proactive.

Ted Winter asked what's next. Tannie stated the Clean Water Council as part of their strategic plan has asked MDH to have a 10-year plan to offer free well testing for every private well owner in the state. Part of their policy recommendation is that there be some kind of income-based funding for mitigation. They also have some ideas from grants about how they can build a systematic approach to protecting people who rely on private wells. Right now, they rely on Clean Water Fund appropriation.

Lori Cox questioned what MDA is doing when talking about sustainable funding and who's promoting what.

Commissioner Petersen stated they have been focusing on well drillers and getting their thoughts. They have an AgBMP loan program that includes well replacement where the counties decide what's the best use of it.

UPCOMING MEETINGS

- Wetland Committee is scheduled for April 28, 2025 at 9:30 a.m. in St. Paul and by MS Teams.
- Grants Program and Policy Committee is scheduled for May 19, 2025 at 9:00 a.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for May 28, 2025 at 9:00 a.m. in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 12:40 PM.

Respectfully submitted,

Todd Holman
Chair

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Dispute Resolution/Compliance Report

Meeting Date: May 28, 2025

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Wetland Conservation Act Appeals/Buffer Compliance

Section/Region: Resource Conservation/Central

Contact: Travis Germundson

Prepared by: Travis Germundson

Reviewed by: _____ Committee(s)
Rich Sve DRC Chair and Travis Germundson

Presented by: Germundson

Time requested: 5 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

None

LINKS TO ADDITIONAL INFORMATION

See attached report.

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

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

Dispute Resolution and Compliance Report

May 12, 2025, 2025

By: Travis Germundson

There have been **two** new appeals filed since the last report and there are currently **four** appeals pending.

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

~~Appeals that have been decided since last report to the Board.~~

File 25-6 (May 6, 2025) This is an appeal of WCA Restoration Order for a property located in Otter Tail County. The appeal regards the placement of fill in wetland for shoreline access. No decision has been made on the appeal.

File 25-5 (May 6, 2025) This is an appeal of a WCA notice of decision for a property in Waseca County. The appeal regards the denial of an exemption application for maintenance of a private ditch. The petition regards the eligibility of the agricultural activities exemption for wetland impacts from drainage maintenance on areas labeled on valid certified wetland determination by the Natural Resources Conservation Service (NRCS). No decision has been made on the appeal.

~~File 25-4 (4-15-25) This is an appeal of a WCA notice of decision for a property in St. Louis County. The appeal regards the denial of a replacement plan applications for the placement of 800 sq. ft. of fill in a wetland for shoreland access. The initial staff decision was affirmed under local appeal proceedings by the St. Louis County Board of Adjustment and now that decision is being appeal. The appeal has been denied.~~

File 24-9 (12-20-24) This is an appeal of a WCA notice of decision in Morrison County. The appeal regards the approval of an exemption and no-loss decision for an access road associated with a township cartway. Morrison SWCD Board of Supervisors affirmed a decision made by staff under a local appeal and now that decision is being appealed. Note this involves the same property and wetland area associated with previous appeals (Files 23-8 and 23-15) of a wetland boundary and type decision. *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 24-8 (9-13-24). This is an appeal of a WCA Restoration Order for a property located in Beltrami County. The appeal regards the placement of fill material in wetland to create berms. The petition claims that drainage was in place prior to 1991, and the area is considered an artificial wetland. *The appeal was placed in abeyance and the Restoration Order stayed to allow time for completion of a wetland assessment and plan to comply with EPA's requirements of restoration and conditions of the WCA Restoration Order.*

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2024	Total for Calendar Year 2025
Order in favor of appellant		3
Order not in favor of appellant	5	
Order Modified	1	1
Order Remanded	1	
Order Place Appeal in Abeyance	1	
Negotiated Settlement		
Withdrawn/Dismissed		

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 67 parcels from the 12 counties BWSR is responsible for enforcement. Currently this is one Corrective Action Notice (CAN), and seven Administrative Penalty Orders (APO) issued by BWSR that are still active. Of the actions being tracked over 59 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 267 NONs, 311 CANs, and 34 APOs actively in place. Of the actions being tracked over 3036 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 & Policy Committee

1. Grant Noncompliance Policy Revision – Adam Beilke – ***DECISION ITEM***
2. Funding Recommendations for the FY26 Water Quality and Storage Program Grants – Rita Weaver – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Grant Noncompliance Policy Revision

Meeting Date: May 28, 2025

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Grant; Noncompliance; Policy; Reconciliation; Monitoring

Section/Region: Regional Operations

Contact: Adam Beilke

Prepared by: Adam Beilke

Reviewed by: Grants Program & Policy Committee(s)

Presented by: Adam Beilke

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approve revisions to the Grant Noncompliance Policy.

LINKS TO ADDITIONAL INFORMATION

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

BWSR grant recipients are responsible for managing State grant funds in compliance with statutes, rules, grant agreements, BWSR requirements, procedures, and other applicable laws and requirements. BWSR has developed the Grant Noncompliance Policy to categorize levels of noncompliance and establish procedures for addressing noncompliance issues. The Board first approved a Grant Noncompliance Policy on June 24, 2015. The most recent version of the policy was approved on June 26, 2019.

Recently, BWSR staff have been working to streamline the agency's delivery and structure of grant program requirements for FY2026. This work includes the elimination of individual grant program policies, defining program requirements within the grant agreement, and reformatting the Grants Administration Manual to better distinguish procedures from guidance.

BWSR staff have identified minor revisions to the Grant Noncompliance Policy that are necessary to reflect changes from the grants streamlining work as well as to provide additional clarification to noncompliance procedures and updated references to Office of Grants Management Policy 08-13. Grants Program & Policy Committee reviewed the proposed changes on May 19, 2025, and recommend approval to the Board.

BOARD ORDER

Grant Noncompliance Policy Revision

PURPOSE

Adopt a revised Grant Noncompliance Policy.

RECITALS /FINDINGS OF FACT

- A. Minnesota Statutes §16B.97 provides that the Commissioner of Administration shall “create general grants management policies and procedures that are applicable to all executive agencies.” This includes the policy on Grant Closeout Evaluation (08-13) developed by the Office of Grants Management which informs the content of the Board’s Grant Noncompliance Policy. Policy 08-13 was most recently updated on April 1, 2024.
- B. Minnesota Statutes §103B.101, §103B.3369, and §103C.401 require that the Board ensure compliance with statewide programs and policies.
- C. The current Grant Noncompliance Policy was adopted by the Board on June 26, 2019.
- D. The proposed revised Grant Noncompliance Policy reflects updates to OGM Policy 08-13, provides additional clarity on noncompliance procedure, and meets the requirements of the Office of Grants Management.
- E. The Board’s Grants Program and Policy Committee reviewed the revised Grant Noncompliance Policy on May 19, 2025, and recommend approval to the Board.

ORDER

The Board hereby:

- 1. Adopts the revised Grant Noncompliance Policy dated May 28, 2025. This Policy will also apply retroactively to agency grant agreements.

Dated at St. Paul, Minnesota, this May 28, 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

Grant Noncompliance Policy

Version: ~~23.00~~
Effective Date: ~~6/26/2019~~5/28/2025
Approval: Board Decision #~~19-2625-~~

Policy Statement

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

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

~~Examples of Level 1 noncompliance may include, but are not limited to: lack of detail to justify an expense or payment, improperly completed forms or contracts, incorrect, insufficient, or late reporting, incomplete files, or deficient operation and maintenance plans. These instances are often addressed with training. Repeated instances of Level 1 noncompliance may be categorized as Level 2 noncompliance. Deviation from locally established~~ 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, ~~policy,~~ or grant agreement

~~Examples of Level 2 noncompliance may include, but are not limited to, missing signatures or dates on contracts, overpayment on contracts, lack of required technical assessment or sign-off by a technical representative, installation of practices that are not allowed or failure to address program purpose, lack of an operation and maintenance plan, projects occurring outside contract starting or completion dates, or expenditure of funds outside the term of the grant agreement or for ineligible activities.~~ Repeated instances of Level 1 noncompliance may also be categorized as Level 2 noncompliance.

Reason for this Policy

The purpose of this policy is to provide clear direction for grantees and document BWSR compliance with Minnesota Statutes ~~§ 103C.401 Subd. 1 (2018) and § 103B.3369 Subd. 6~~ which establishes BWSR's obligation to assure program compliance.

Requirements

When noncompliance is found, 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 or repeated Level 1~~, the communication will be addressed to the ~~chair of the board of 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 findings of noncompliance, BWSR has the authority to withhold payments on any or all grants or hold execution of future grants. This authority is provided under the Minnesota Department of Administration's Office of Grants Management Policy 08-13, Grant Closeout Evaluation, that requires state agencies to [evaluate and consider a grant applicant's past performance on prior grants](#) before awarding subsequent grants or making a new grant award ~~of over \$5,000 to them~~. Holds on grant payments and execution of future grants will be maintained until the grantee is considered back in compliance.

For substantial 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 require the repayment of grant funds. If repayment of grant funds is required, the grantee must either ~~pay the penalty~~ [repay the grant funds](#) directly or ~~may be allowed to apply the penalty as a reduction to the amount of a future grant~~ [agree to a payment arrangement](#). When repayment is required, BWSR may hold any or all grant payments and/or hold execution of future grants until repayment is received. [BWSR reserves the right to impose a penalty, if circumstances warrant.](#)

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

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~~ [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 and](#) penalties 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.

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: ~~Comparing a grantee's request for payment for a given period with supporting documentation for that request~~ Reconciling a grantee's reported expenditures for a given period with supporting documentation, such as purchase orders, receipts and payroll records. Reconciliation may occur before final payment is made or grant closeout.

Monitoring: ~~Reviewing and ensuring progress against the grant's goals, to address any problems or issues before the end of the grant period, and to build rapport between the state agency and the grantee.~~ 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 ~~policies~~ requirements, ~~local policies~~ procedures, and other applicable laws and requirements.

History

Description of revisions	Date
<u>Minor updates based on changes to GAM and OGM Policy 08-13.</u>	<u>7/1/2025</u>
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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Funding Recommendations for the FY26 Water Quality and Storage Program Grants

Meeting Date: _____

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Storage, Grant Approvals,

Section/Region: Engineering

Contact: Rita Weaver

Prepared by: Rita Weaver

Reviewed by: Grants Program and Policy Committee(s)

Presented by: Rita Weaver

Time requested: 20 Minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Approval of the funding recommendations for the FY26 Water Quality and Storage Program.

LINKS TO ADDITIONAL INFORMATION

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

The Water Quality and Storage Pilot Grant program was passed into law by the MN Legislature in 2021. The intent of the program is to fund projects that will reduce runoff volume or peak flow rates by implementing storage practices. This will be our fourth round of applications funded.

In January 2025, the Board adopted Board Order #25-03 which authorized staff to conduct a request for proposals for the FY26 Water Quality and Storage Program. An application period was open for approximately nine weeks. Applications were scored and ranked by a team of BWSR staff, and the scoring team recommends that seven projects be funded. In addition to the seven projects that are recommended for funding, the scoring team would like to keep one of the projects eligible for funding in case funds become available due to design or cost changes as work plans are finalized.

While federal funds have been received to support this program, the agreements are not finalized with the NRCS at this time. Therefore, federal funds are not being used towards these projects. These projects can be counted towards our required match with the federal grant however.

The staff recommendations were presented to the BWSR SMT May 13, 2025 and the Grants Program and Policy Committee on May 19, 2025. The funding recommendations included in the board order are a result of those meetings.

BOARD ORDER

Fiscal Year 2026 Water Quality and Storage Program Awards

PURPOSE

Authorize the FY26 grant awards for the Water Quality and Storage Program.

RECITALS /FINDINGS OF FACT

- A. Minnesota Statutes section 103F.05, subdivision 2, provides the statutory authority for the Water Quality and Storage Program, and includes the purposes of the Program that are “to control water volume and rates to protect infrastructure, improve water quality and related public benefits, and mitigate climate change impacts,” identifies eligible practices, and establishes that the priority areas for the program are the Minnesota River basin and the lower Mississippi River basin.
- B. Laws of Minnesota 2023, Regular Session, Chapter 60, Article 1, Sec. 4(p), appropriated \$17 million in Fiscal Years 24-25 to a water quality and storage program.
- C. Based on board order #25-03, staff issued a request for proposals in the amount of \$3 Million for the Water Quality and Storage Grant Program. The application period opened on February 11, 2025 and closed April 10, 2025.
- D. Eighteen (18) applications were received requesting \$6,852,881. Board Staff reviewed the applications for eligibility and determined that two (2) of the applications were ineligible. After ranking and scoring the remaining sixteen (16) applications, staff recommend that seven (7) projects be funded based on the final scores.
- E. Staff have completed or will be completing grant risk assessments, required by the Office of Grants Management policy #08-06, for the awards prior to authorization.
- F. The Grants Program and Policy Committee, at their May 19, 2025 meeting, reviewed the proposed grant awards and recommended approval to the Board.

ORDER

The Board hereby:

- 1. Approves the allocation of funds as listed in the FY2026 Water Quality and Storage Program Funding Recommendations table (Attachment A).
- 2. Authorizes staff to:
 - a) Enter into grant agreements with these funds, consistent with MN Statute 103F.05 and the legislative appropriation.
 - b) Fund up-to the amount listed in Attachment A after design approval, and adjust the awards based on final cost estimates.
 - c) Award funding to contingent project in Attachment A if funding becomes available.

Dated at St. Paul, Minnesota, May 28, 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

Attachment A: FY2026 Water Quality and Storage Grant Program Funding Recommendations

FY2026 Water Quality and Storage Program Funding Recommendations		
Organization	Up-to Amount	RFP Outcome
Yellow Medicine County	\$1,376,336	Award
Lyon County SWCD	\$1,153,579	Award
Lyon County SWCD	\$45,986	Award
Blue Earth County SWCD	\$270,738	Award
Faribault County	\$35,500	Award
Rice Creek Watershed District	\$50,000	Award
Area II Minnesota River Basin Projects	\$150,000	Award
Le Sueur County SWCD	\$563,379	Contingent on available funding

FY 26 Water Quality and Storage Program Funding Recommendations and Final Scores

Design and Construction Project Funding Recommendations					
<i>Grant ID</i>	<i>LGU</i>	<i>Project Title</i>	<i>Requested</i>	<i>Score</i>	<i>Recommendation</i>
C26-0021	Yellow Medicine County	Yellow Medicine CD 9 / Hazel Creek Water Quality and Storage	\$1,376,336	79.6	Recommend Funding
C26-0002	Lyon County SWCD	County Ditch No. 14 Water Quality & Storage	\$1,153,579	79	Recommend Funding
C26-0004	Lyon County SWCD	Anderson Farms - JD 12 LL, Off Channel Storage	\$45,986	77.2	Recommend Funding
C26-0012	Blue Earth County SWCD	Judicial Ditch 36 Wetland Restoration	\$270,738	76.6	Recommend Funding
C26-0018	Le Sueur County SWCD	Lower Minnesota River East - City of Montgomery Storage and Treatment Wetland	\$563,379	74	Pending Funding
C26-0007			\$287,835	66.8	
C26-0011			\$504,000	62	
C26-0006			\$585,000	60.6	
Recommended Final Design and Construction Projects Funded:			\$2,846,639		

Modeling and Conceptual Design Funding Recommendations					
<i>Grant ID</i>	<i>LGU</i>	<i>Project Title</i>	<i>Requested</i>	<i>Score</i>	<i>Recommendation</i>
C26-0009	Faribault County	Faribault CD46 Water Storage Plan	\$35,500	70.2	Recommend Funding
C26-0022	Rice Creek WD	Hardwood Creek/Judicial Ditch No. 2 Storage Facility Study	\$50,000	66.2	Recommend Funding
C26-0003	Area II Minnesota River Basin Projects	Lac qui Parle Floodways Conceptual Design	\$150,000	65	Recommend Funding
C26-0023			\$150,000	57.6	
C26-0005			\$90,000	56.2	
C26-0008			\$60,000	54.6	
C26-0014			\$50,000	50.8	
C26-0010			\$88,125	48.2	
Recommended Modeling and Conceptual Design Projects Funded:			\$235,500		

Total Recommended Funding: \$3,082,139

COMMITTEE RECOMMENDATIONS

RIM Reserve Committee

1. RIM Easement Alteration Request for Blue Earth County Road Improvements - Easement #07-20-99-01 – Karli Swenson – ***DECISION ITEM***
2. RIM Easement Alteration Request-Easement 21-18-01-01-C Douglas County-Nathe – Karli Swenson – ***DECISION ITEM***
3. ACUB Easement Alteration Request – Easement 49-01-12-04 Morrison County - Kroll– Karli Swenson – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: **RIM Easement Alteration Request for Blue Earth County
Road Improvements - Easement #07-20-99-01**

Meeting Date:	<u>May 28, 2025</u>		
Agenda Category:	<input checked="" type="checkbox"/> Committee Recommendation	<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Old Business
Item Type:	<input checked="" type="checkbox"/> Decision	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Section/Region:	<u>Conservation Easement Section</u>		
Contact:	<u>Sharon Doucette, Easement Section Manager</u>		
Prepared by:	<u>Karli Swenson, Conservation Easement Specialist</u>		
Reviewed by:	<u>RIM Reserve</u>	<u>Committee(s)</u>	
Presented by:	<u>Karli Swenson</u>		
Time requested:	<u>10 minutes</u>		

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Board approval to release 3.5 acres from RIM easement #07-20-99-01 in Blue Earth County, in accordance with MN Statute 103F.535, for reconstruction of County State Aid Highway (CSAH) 10 and expansion of the associated right-of-way. Blue Earth County will pay \$68,390.92 for release of the easement acres in accordance with the Board’s Easement Alteration Policy for public benefitted projects.

LINKS TO ADDITIONAL INFORMATION

[Easement Alteration Policy | MN Board of Water, Soil Resources \(state.mn.us\)](#)

Other supporting information attached:
Easement Alteration Map; Blue Earth County Request Letter; Project Drawings; SWCD Recommendation Letter

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

The Blue Earth County Highway Department is requesting release of 3.5 acres from RIM Easement 07-20-99-01 to accommodate relocation and reconstruction of CSAH 10, which currently runs adjacent to the southern boundary of the RIM Easement. This is a 61.1-acre CREP easement, acquired in 2001, and the associated CRP contract that has since expired.

CSAH 10 has been deemed significantly deteriorated with poor sight distances, unsafe vertical and horizontal curves and narrow shoulders, all posing a risk to the public. The purpose of the project is to correct these deficiencies and design a new, safer roadway that meets current MNDOT State Aid standards.

The project will include shifting the location of the roadway further north, onto what is currently RIM easement land. The road will be widened to include 12' driving lanes, 8' shoulders with flatter and safer in-slopes, new drainage pipes under the road, and new pavement. The county has acquired 3.5 acres of the RIM easement lands from the current landowner, for placement of the newly constructed roadway and associated right-of-way.

RIM Statute MN Statute 103F.535, Subd. 5 says the Board can alter an easement only if the board determines that the public interest and general welfare are served by the alteration. The reconstruction of CSAH 10 will provide significant safety improvements to the traveling public and adjacent landowners by providing wider driving lanes, wider shoulders with flatter ditch slopes and softer curves to improve sight distances and reaction time, reducing crash rates, risk and severity, and providing a safer place for stalled vehicles and maintenance vehicles and equipment to stop.

BWSR's Easement Alteration Policy for public benefitted projects allows for release of land from the easement if the public entity compensates BWSR for the released acres at two times the current RIM payment rate, reimburses the State any funds paid for conservation practices, plus a \$500 administrative fee. Blue Earth County has submitted the \$500 fee and has agreed to pay BWSR \$68,390.92 for release of the 3.5 acres as calculated below.

A. Compensation for Easement Release:

Release area = 3.5 acres in Ceresco Township, Blue Earth County (2.6 acres cropland and 0.9 acres non-cropland)

- a. Current Cropland Rate: \$10,604/ac
2x Cropland Rate: \$21,208/ac x 2.6 acres = **\$55,140.80**
- b. Current Non-cropland Rate: \$7069/ac
2x Non-Cropland Rate: \$14,138/ac x 0.9ac = **\$12,724.20**

Total compensation to release 3.5 acres = \$67,865.00
--

B. Conservation Practice Reimbursement: (based on paid cost-share vouchers in easement file)

- a. Practice Area 3: Release 0.5 ac RR8 (158.37/ac) = **\$79.18**
- b. Practice Area 4: Release 1 ac RR8 (158.37/ac) and RR2FB (98.73/ac) = **\$257.10**
- c. Practice Area 5: Release 1.6 ac RR2FB (98.73/ac) = **\$157.97**
- d. Practice Area 9: existing watercourse – no payment = \$0
- e. Practice Area 10: Release 0.2 ac existing trees – no payment = \$0
- f. Practice Area 16: Release 0.2 ac RR8 (158.37/ac) = **\$31.67**

Total Conservation Practice Reimbursement Payments for release area = \$525.92

*Total Due upon BWSR Board Approval (A + B) = **\$68,390.92***

Recommendation

The RIM Reserve Committee recommends approval of this request to release 3.5 acres from RIM easement 07-20-99-01 as the project will have a significant public safety benefit and the County Highway Department has agreed to compensation according to the Easement Alteration Policy. The Blue Earth SWCD Board has also submitted a letter in support of the alteration request.

BOARD ORDER

RIM Easement Alteration Request #07-20-99-01

PURPOSE

Board decision on easement alteration request on RIM easement #07-20-99-01 for Blue Earth County road reconstruction of County State Aid Highway (CSAH) 10.

RECITALS /FINDINGS OF FACT

- A. The Minnesota Board of Water and Soil Resources (BWSR) acquired the 61.1-acre RIM Easement adjacent to County State Aid Highway (CSAH) 10 in Ceresco Township, Blue Earth County, on March 15, 2001.
- B. The Blue Earth County Highway Department is proposing to relocate, reconstruct and widen a segment of CSAH 10 and its associated right-of-way which currently runs along the southern boundary of the RIM easement.
- C. CSAH 10 has become significantly deteriorated, and the highway department notes poor site distances, unsafe vertical and horizontal curves, and narrow shoulders all posing a risk to the public.
- D. The proposed project will shift the location of the roadway and associated right-of-way further north reducing sharp curves, widen driving lanes and shoulders, flatten adjacent slopes, install new drainage pipes beneath the road, and upgrade pavement.
- E. Blue Earth County has acquired 3.5 acres of RIM easement lands from the previous landowner and is requesting release of those 3.5 acres from the RIM easement to accomplish the project.
- F. MN Statute 103F.535 Subd. 5 states that the Board may alter or release an easement only if the Board determines that the public interests and general welfare are better served by the alteration.
- G. The public interest and general welfare will be better served by correcting current roadway deficiencies, resulting in significant public safety improvements including improved site distances, softer curves, wider driving lands and shoulders, and gentler slopes, which are predicted to reduce crash rates, risk and severity. The wider shoulders will also provide for a safer location for stalled vehicles and maintenance equipment.
- H. The BWSR Easement Alteration Policy for public benefitted projects allows for the release of easement lands when the public entity compensates BWSR at 2x the current RIM rate per acre released and reimburses the State any funds spent on conservation practices on the release area.
- I. Blue Earth County Highway Department has agreed to pay BWSR the amount of \$68,390.92, in accordance with the policy, for the release of the 3.5 acres, repayment of state conservation practice payments and has paid the \$500 application fee required for the Board to consider the alteration.
- J. The RIM Reserve Committee recommends approval of this easement alteration request as voted on at their meeting held May 14, 2025.

ORDER

The Board hereby:

1. Approves the request to alter RIM Easement #07-20-99-01, as proposed, to release the 3.5 acres identified for public road reconstruction purposes, upon receipt of \$68,390.92 to be paid by Blue Earth County.
2. Authorizes staff to work with Blue Earth SWCD to officially amend the necessary RIM easement documents.

Dated at St. Paul, Minnesota, this May 28, 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

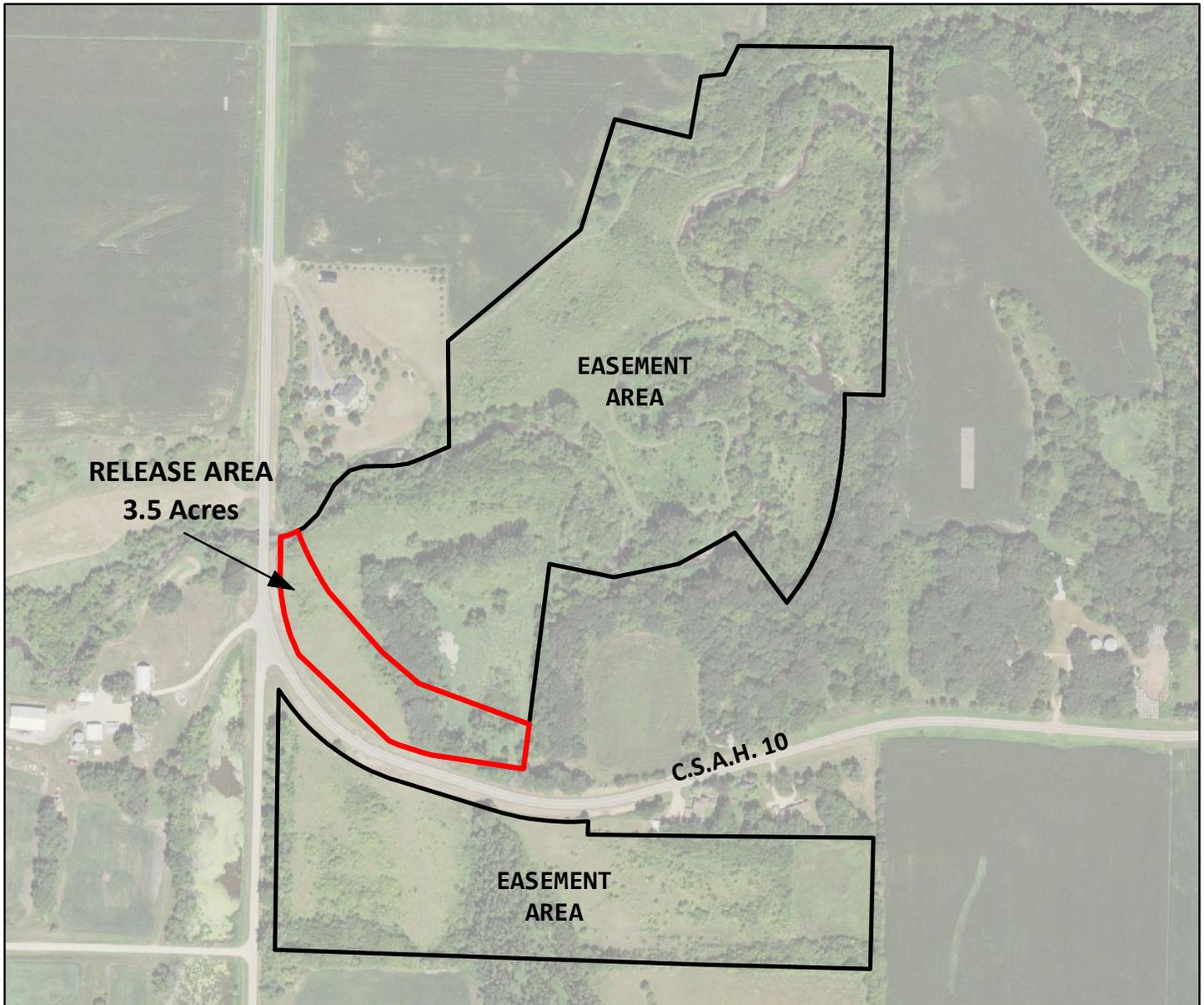


BWSR

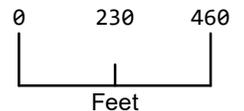
RIM Easement Alteration Request

Easement #07-20-99-01

Section: 20 , T. 106 N., R. 29 W., Blue Earth County



-  Easement Boundary
-  Release Area (3.5 Acres)



Dated:
May 02 2025

Prepared by:
Board of Water and Soil Resources



BLUE EARTH COUNTY

*Effectively and Efficiently
Delivering Essential Services*

www.blueearthcountymn.gov

COMMISSIONERS

- District 1 Patty O' Connor
- District 2 Vance Stuehrenberg
- District 3 Mark Piepho
- District 4 Kevin Paap
- District 5 Kip Bruender

Historic Courthouse

204 S. Fifth St.
PO Box 168
Mankato, MN 56002

Administration

TEL: 507-304-4150
FAX: 507-304-4344

Human Resources

TEL: 507-304-4150
FAX: 507-304-4344

Extension

TEL: 507-304-4325
FAX: 507-304-4059

Facilities Management

TEL: 507-304-4249

Government Center

410 S. Fifth St.
Mankato, MN 56001

Human Services

PO Box 3526
TEL: 507-304-4319
FAX: 507-304-4379

Property and Environmental Resources

PO Box 3566
TEL: 507-304-4251
FAX: 507-304-4431

License Center

PO Box 3524
TEL: 507-304-4340
FAX: 507-304-4396

Veterans Services

PO Box 168
TEL: 507-304-4246
FAX: 507-304-4225

Finance

PO Box 3524
TEL: 507-304-4182
FAX: 507-304-4077

Information Technology

PO Box 168
TEL: 507-304-4357
FAX: 507-304-4355

Public Works

35 Map Dr.
PO Box 3083
Mankato, MN 56002
TEL: 507-304-4025
FAX: 507-304-4049

Justice Center

401 Carver Road
Mankato, MN 56001

Sheriff's Office

PO Box 228
TEL: 507-304-4800
FAX: 507-304-4818

County Attorney

PO Box 3129
TEL: 507-304-4600
FAX: 507-304-4620

Probation

PO Box 3245
TEL: 507-304-4750
FAX: 507-304-4710

Library

100 E. Main St.
Mankato, MN 56001
TEL: 507-304-4001
FAX: 507-304-4009

www.beclibrary.org
TDD: 507-304-4399

April 7, 2025

Blue Earth County Soil & Water Conservation District
1160 South Victory Drive, Suite 5
Mankato, MN 56001

RE: Proposed RIM Land Release for Reconstruction of CSAH 10

Dear Committee:

Blue Earth County hereby requests approval for release of approximately 3.5 acres of RIM land that the County bought from K.W. Thurston Family Trust for CSAH 10 Highway Right of Way. CSAH 10 is significantly deteriorated with poor sight distances, steep vertical and horizontal curves, and very narrow road shoulders. The reconstruction of CSAH 10 provides the traveling public and adjacent landowners a significantly safer roadway with wider shoulders, flatter ditch slopes, and a longer lasting pavement.

Our design approach in this segment between the West County Line and CSAH 20 is to reconstruct the road to correct deficiencies and significant safety or maintenance problems. The reconstruction project is designed to meet all MNDOT State Aid geometric requirements. The road will be constructed as a 10 Ton per axle section with softer vertical and horizontal curves to improve sight distances and driver reaction time reducing crash rates and severity of crashes.

The road will be widened to include 12' driving lanes, 8' shoulders with flattened and safer inslopes, new drainage pipes under the road and approach driveways, pavement underdrains, and new bituminous pavement. The 8' shoulders will provide a safe spot for stalled vehicles as well as a safe location for equipment during routine maintenance activities. During preliminary design we have evaluated environmental, economic, social, and safety impacts.

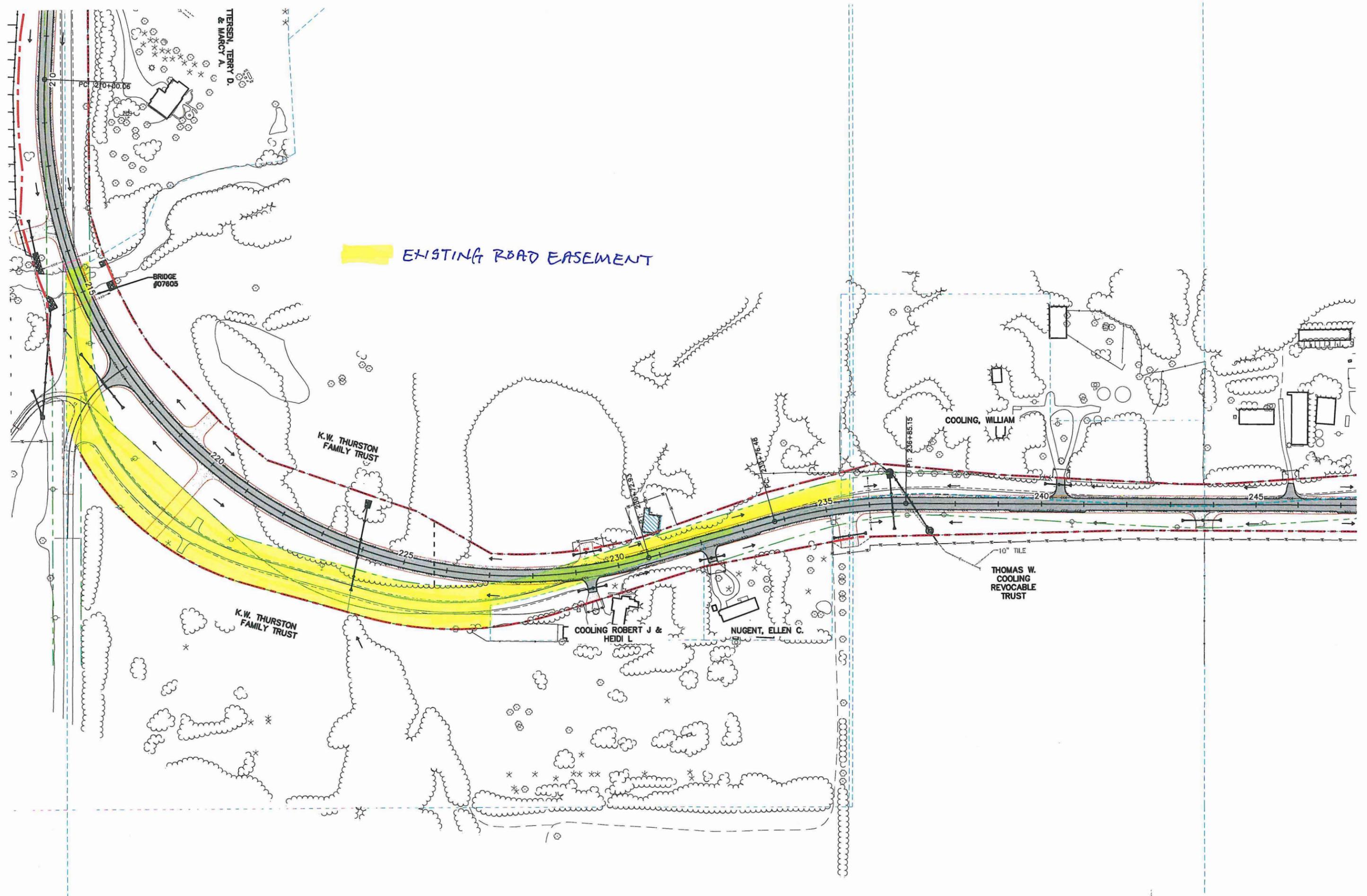
If you have questions or would like to discuss, please call me at 507-304-4025. We look forward to your response regarding this worthy project.

Sincerely,

Ryan Thilges, P.E.
Public Works Director / County Engineer
Blue Earth County Highway Department

Attachments: Location Map, Parcel Size, Construction Plan, Plat, Release Area, Refund

cf: Jack Hermer, Associate Engineer – Right of Way
Stefan Gantert, P.E. – Assistant County Engineer
Mike Krosch, Associate Engineer – Bridges & Environmental Permits



EXISTING ROAD EASEMENT

TERSEN, TERRY D.
& MARCY A.

BRIDGE
#07805

K.W. THURSTON
FAMILY TRUST

K.W. THURSTON
FAMILY TRUST

COOLING ROBERT J &
HEIDI L.

NUGENT, ELLEN C.

COOLING, WILLIAM

THOMAS W.
COOLING
REVOCABLE
TRUST

10" TILE

PC: 210+00.06

PT: 236+85.75

PC: 234+16.48

220

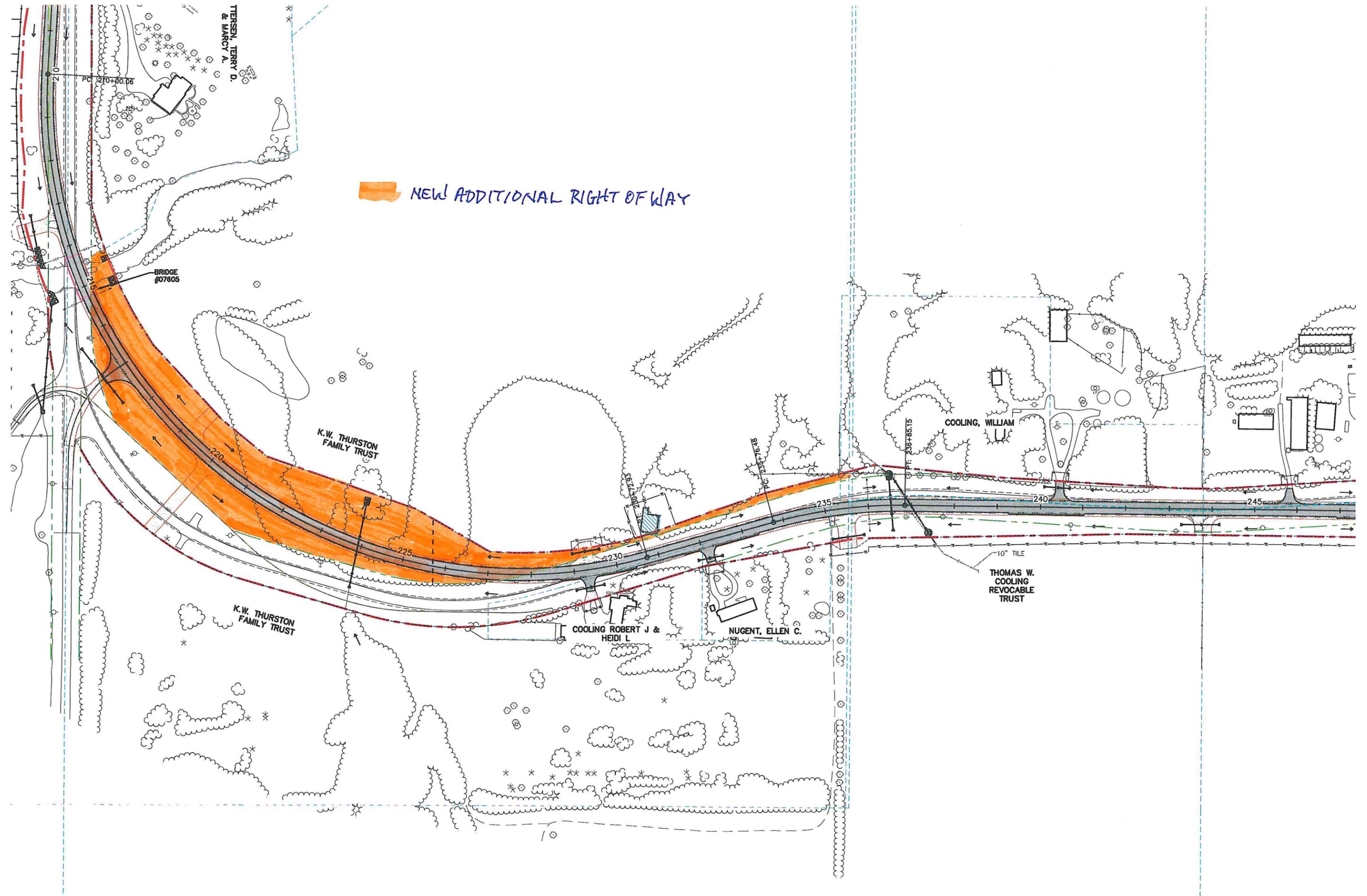
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245



NEW ADDITIONAL RIGHT OF WAY

TTERSEN, TERRY D.
& MARCY A.

BRIDGE
#07805

K.W. THURSTON
FAMILY TRUST

K.W. THURSTON
FAMILY TRUST

COOLING, WILLIAM

COOLING ROBERT J &
HEIDI L

NUGENT, ELLEN C.

THOMAS W.
COOLING
REVOCABLE
TRUST

10" TILE

PC 270+80.06

PT 235+76.87

PT 235+76.87

PT 236+85.15

220

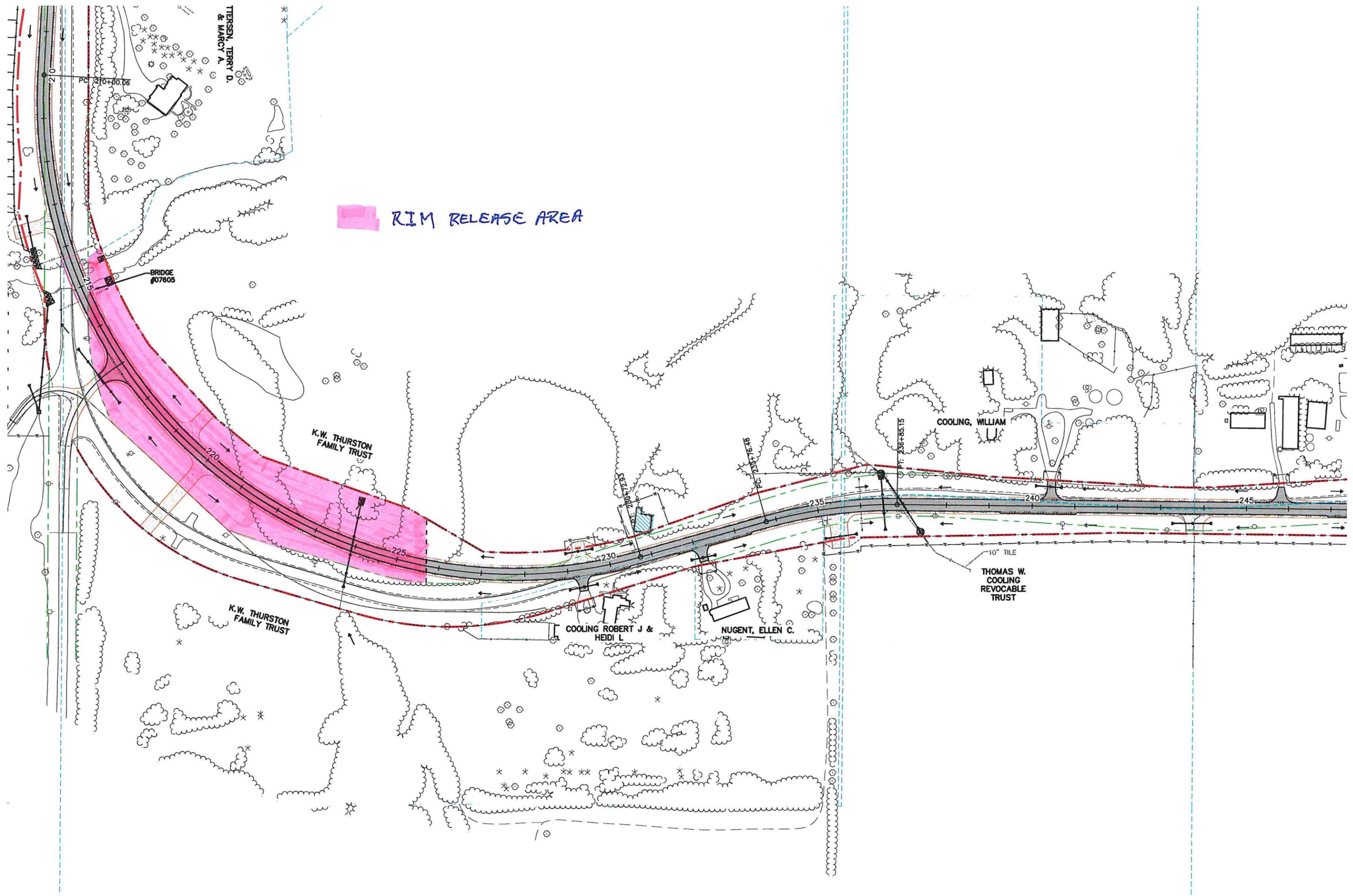
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TTERSEN, TERRY D.
& MARCY A.

RIM RELEASE AREA

BRIDGE
#07605

K.W. THURSTON
FAMILY TRUST

K.W. THURSTON
FAMILY TRUST

COOLING ROBERT J &
HEIDI L

NUGENT, ELLEN C.

COOLING, WILLIAM

THOMAS W.
COOLING
REVOCABLE
TRUST

PC 270+00.06

220

225

230

235

240

245

PI 238+85.15

PC 235+76.48

10" TILE



BLUE EARTH SOIL & WATER

1160 S. VICTORY DRIVE, STE #5
MANKATO, MN 56001
PHONE 507.345.4744
FAX 507.345.6036

April 10, 2025

Minnesota Board of Soil and Water Resources
520 Lafayette Rd
St Paul, MN 55155

To whom it may concern,

On April 10, 2025, during the Blue Earth Soil and Water District board meeting, the Thurston RIM Easement Alteration Request brought forth by the Blue Earth County Highway Department was approved for the release of 3.5 acres of the RIM easement.


Blue Earth SWCD Board Chair

4/10/25
Date

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: RIM Easement Alteration Request – Easement 21-18-01-01-C
Douglas County - Nathe

Meeting Date: May 28, 2025

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Section/Region: Conservation Easement Section

Contact: Sharon Doucette, Section Mgr.

Prepared by: Karli Swenson, Easement Specialist

Reviewed by: RIM Reserve Committee(s)

Presented by: Karli Swenson

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Board decision to alter the boundary of RIM easement 21-18-01-01-C, in Douglas County, in accordance with MN Statute 103F.535 and BWSR’s Easement Alteration Policy. This request would release 1.5 easement acres adjacent to a township road and add 9 acres to the easement, enrolling the remainder of the landowner’s parcel.

LINKS TO ADDITIONAL INFORMATION

Easement Alteration Policy: <https://bwsr.state.mn.us/easement-alteration-policy>

Easement Alteration Map and Supporting Documents (attached)

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

BWSR acquired easement 21-18-01-01 on June 14, 2002 as part of the CREP easement program. The original easement is 136.1 acres consisting of restored wetlands, native grass, forb and tree plantings. The easement area has since been split and sold to 4 different landowners. Mr. Nathe, who submitted this request, purchased a parcel containing 27.2 RIM easement acres in December of 2019, now known as 21-18-01-01-C.

There are 9 acres in the southeast corner of Mr. Nathe's parcel that were excluded from the original RIM easement. This area consists of existing wetlands, and approximately 1 acre of tillable upland where Mr. Nathe currently maintains a food plot and has constructed a shed for personal use. However, there was no access route left out of the easement for the landowner to access the excluded area, which has in-turn become landlocked by the RIM easement. This requires the landowner to drive through the easement area to access his shed and food plot on the excluded land.

Mr Nathe is requesting to release a 1.5-acre piece of the easement area, adjacent to the township road, to move the exclusion and his shed for easier access. He is offering to add the remaining 9 acres of the parcel to the RIM easement in exchange. This would be a 6:1 replacement ratio that exceeds BWSR's policy requirements.

Mr. Nathe has agreed to discontinue his food plot and would restore the upland areas being added to the easement, at his own cost, to trees and shrubs that would benefit pollinators. Moving the exclusion would also eliminate further disturbance to the easement (and non-easement) area from repeated vehicular access to the shed and food plot and would result in a net gain to the easement of 7.5 acres, providing permanent protection on the remainder of the parcel.

Since purchasing this land, Mr. Nathe has been very active in managing and improving vegetation on the site, by utilizing controlled burning to reduce smooth brome grass cover and invigorate native grasses and forbs. He has re-seeded over 3 acres to enhance and improve biodiversity and has replanted trees in areas where prior tree plantings have failed. Much of the enhancement work has been done at his own cost. Mr. Nathe has been an exceptional steward of the easement lands which he hopes to one day pass on to his children.

Mr. Nathe has submitted the \$500 processing fee for BWSR to consider his request and the Douglas SWCD and DNR Area Wildlife Supervisor have signed a letter in support of this request.

Recommendation

The RIM Reserve Committee recommends approval of this easement alteration request and believe that the public interest is better served by the alteration by adding a net 7.5 acres to the easement and eliminating disturbance to the existing easement area to access the landlocked exclusion. The request meets or exceeds all requirements of the Easement Alteration Policy.

BOARD ORDER

RIM Easement Alteration Request #21-18-01-01-C

PURPOSE-

Board decision on the easement alteration request on RIM Easement #21-18-01-01-C.

RECITALS /FINDINGS OF FACT

- A. The Board of Water and Soil Resources (BWSR) acquired Perpetual RIM Easement #21-18-01-01 on 136.1 acres in Douglas County on June 14, 2002.
- B. The original easement has since been split and sold to 4 separate landowners, one being Mr. Nathe, who purchased a parcel containing 27.2 easement acres in December of 2019. This is easement parcel 21-18-01-01-C.
- C. Nine acres in the southeast corner of the parcel were excluded from the original easement, but no access was left out of the easement to the excluded area, making the exclusion land locked by the RIM easement.
- D. Mr. Nathe currently has a food plot and shed on part of the excluded area, which he must cross the easement to access, causing repeated disturbance to the easement area.
- E. Mr. Nathe is requesting to release 1.5 acres from the current easement, adjacent to the township road, to shift the location of the exclusion and place his shed for better access.
- F. Mr. Nathe is offering to add 9 acres to the RIM easement in exchange, which is a 6:1 land replacement ratio, enrolling the remainder of his parcel into permanent protection.
- G. This request exceeds the land replacement requirements in BWSR's Easement Alteration Policy which requires 4:1 replacement when releasing prior cropland and adding non-cropland to the easement.
- H. Mr. Nathe has agreed to discontinue the food plot on the replacement area and restore that upland area with plantings that will benefit pollinators at his own cost.
- I. MN Statute 103F.535 Subd. 5 states that the board may alter a conservation easement only if the board determines that the public interest and general welfare are better served by the alteration.
- J. The State's natural resource interest would benefit from this easement alteration, as the wildlife habitat value and water quality protection benefits of the 9-acre replacement area exceed that of the release area, resulting in a net gain of 7.5 easement acres.
- K. The Douglas SWCD Board and DNR Area Wildlife Supervisor have both signed a letter in support of this request.
- L. The RIM committee recommends approval of this request as voted on at their May 14, 2025 meeting.

ORDER

The Board hereby:

- 1. Approves the request to alter RIM Easement #21-18-01-01-C, as proposed, to release 1.5 acres and replace with the remaining 9 acres of the parcel.

2. Authorizes staff to work with Douglas SWCD staff to officially amend the necessary RIM easement documents.
3. Further orders that Mr. Nathe shall be responsible for removing or correcting any objectionable title defects, liens, or encumbrances, as specified by BWSR, prior to amending this easement; and agrees to pay any necessary title insurance, recording fees and restoration costs within the replacement area.

Dated at St. Paul, Minnesota, this May 28, 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

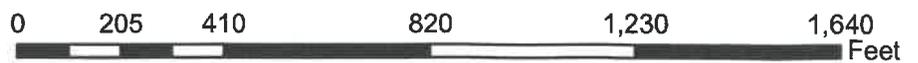
Date: _____

Easement 21-18-01-01-C 27.2 Acres

Landowner: Dave Nathe
Location: Millerville 10
11/7/2024



- RIM Easement 21-18-01-01-C
- Exclusion Area - 1.5 ac
- Additional Easement - 9.0 ac
- Townships
- Sections



David Nathe, owner since January 2020
Easement ID# 21-18-01-01-C Parcel # 39-0088-650
Request for easement alteration

My name is Dave Nathe and I own the parcel (39-0088-650) containing RIM easement 21-18-01-01-C. I am requesting an alteration of the existing RIM easement to release about 1.5 acres in the northwest corner of the easement and replace it with about 9.0 acres in the southeast corner of the parcel. It is with intentions to improve the land and habitat requesting a change to designated RIM and Non-Rim land on parcel owned. The change requested would increase the RIM from 27.2 acres to 34.7 acres and decrease non-RIM from 9 acres to 1.5 acres on the parcel.

There is about 9 acres in the southeast corner of the property that is not under the easement. I currently have a small shed on this area but there is no access through the easement to get to this area. Moving the non-RIM area would reduce travel and destruction of cover on the easement for access to my shed. It is my understanding that the previous owner intended to provide road access to a part of the land, but it never happened. Per the RIM handbook in reference to Access "Careful consideration must also be given to the need for landowners to access other lands not contained in the easement in the future. When delineating the easement boundaries make sure that an access exists to areas not under easement, such as fields, woodlots and potential building sites." By completing the easement alteration as requested, it would remove the need for access through the easement to the current non-RIM acres. It would also place the non-RIM area next to 2 roads, keeping the areas in RIM and habitat away for the ROW. If the easement alteration is approved, I would move my shed from its current location to the exclusion area, providing better access. At this time, I have no other intentions with this area. In the future I would like to pass this property down to my children.

Over the last 5 years under the direction and help of Andy Rice (District Technician - Douglas SWCD), many improvements have been completed to the property to protect soil and water quality, reduce erosion, restore native plants and enhance wildlife habitat.

Below is a list of the major improvements in which I have covered 100% of the cost are as follows:

- Planted over 1,600 trees and shrubs to enhance land and provide wildlife habitat in areas where the trees were originally planted but never established. Tree tubes were placed on some species to improve survival and growth.
- Worked on controlling smooth brome and other non-natives species on about 5 acres on western half of easement through prescribes burns. This has removed layer of thatch, set back the non-natives species and improve new growth of native grass, forbs and pollinators.
- Reseeded and established about 3 acres of native grasses and forbs in an area to upgrade cover that was completely overtaken by non-native species.
- Continue and reduce invasive species such as wild parsnip, thistle, reed canary grass and brome grass. Initial success with response of native species has been successful.

Over the last 5 years I have invested well over \$10,000 plus hundreds of hours to improve the land and habitat. The benefit of the improvements has increased bird nesting, butterfly species, snakes (never saw a snake till this last 2 summers), frogs, insects, spring and fall migration, pheasants, and deer along with native grasses and forbs.

Therefore, please consider the request for change knowing I am a great steward of the land and going forward can expect the same.

Best regards,

Dave Nathe





DOUGLAS SOIL AND WATER
CONSERVATION DISTRICT
900 Robert Street, Suite 102
Alexandria, Minnesota 56308
Telephone: (320) 763-3191 ext 3
Website: www.douglaswcd.com

11/12/2024

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

RE: RIM Easement 21-18-01-01-C Alteration - David Nathe
11387 Big Island Rd
Ashby, MN 56309

Parcel 39-0088-650, Part of S1/2 of Section 10 in Millerville Township

Dear Minnesota Board of Water and Soil Resources:

The Douglas SWCD Board recommends the approval for an alteration of RIM Easement 21-18-01-01-C. This alteration consists of adding about 9.0 acres in the SE corner to the easement and releasing about 1.5 acres in the NW corner of the easement.

Board Chair

11-12-24

Paul Barsness

Date

- Approval of proposed change
- Disapproval of proposed change

Nicholas Snavelly
Digitally signed by Nicholas Snavelly
Date: 2025.02.06 13:04:52 -06'00'

Nicholas Snavelly
Area Wildlife Supervisor
Minnesota Department of Natural Resources

Date

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: ACUB Easement Alteration Request – Easement 49-01-12-04
Morrison County - Kroll

Meeting Date: May 28, 2025

Agenda Category:

- Committee Recommendation
 New Business
 Old Business
 Decision
 Discussion
 Information

Item Type:

Section/Region: Conservation Easement Section

Contact: Sharon Doucette, Section Mgr.

Prepared by: Karli Swenson, Easement Specialist

Reviewed by: RIM Reserve

Committee(s)

Presented by: Karli Swenson

Time requested: 15 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments:
 Resolution
 Order
 Map
 Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Board decision on the easement alteration request on Army Compatible Use Buffer (ACUB) Easement #49-01-12-04 to release 0.5 acres for construction of a cellular communications tower.

LINKS TO ADDITIONAL INFORMATION

Easement Alteration Policy <https://bwsr.state.mn.us/easement-alteration-policy>

ACUB Easement Program Information (Morrison SWCD) <https://www.morrisonswcd.org/easement-programs>

Easement Alteration Map, Landowner Letter, Email from COL Fink (Garrison Commander), SWCD minutes - attached

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

BWSR acquired easement 49-01-12-04 in Morrison County on March 30, 2012 as part of the Army Compatible Use Buffer (ACUB) program, in partnership with the National Guard Bureau and Camp Ripley. The original easement is 29.4 acres, currently in row crop agriculture, which is an allowed use on federally funded ACUB easements. The current landowner of this parcel, Mr. Kroll, purchased the parcel containing the ACUB easement in January of 2016.

Mr. Kroll is requesting the release of 0.5 acre from the ACUB easement, to enter into a long-term lease with a third party who would like to construct a 5G cellular communications tower on land currently under easement. The landowner would also like to use the proposed tower to host a GPS transmitter that could be used in conjunction with tractor auto-steering equipment. He is offering to add 1.5 acres of the easement in exchange. Mr. Kroll has submitted the \$500 processing fee for BWSR to consider his request.

The purpose of the ACUB program in Minnesota is specifically to preserve open space and to minimize residential, industrial and commercial development within a priority buffer area around Camp Ripley. BWSR acquires easements, through an agreement with the National Guard Bureau, to limit any development or use of the property that would be incompatible with the mission of the installation at Camp Ripley, while preserving open space and habitat within the priority area.

BWSR staff contacted partners at Camp Ripley for input on whether such a change to the easement would present a land use conflict with military operations at Camp Ripley and therefore contradict the purpose of the easement program. The initial response from the Camp Ripley Airfield Manager was that they are in “absolute opposition” to a cell tower in this area. The proposed location falls within their Class D airspace. According to the airfield manager, a tower can be a vertical hazard for aircraft, and with the military training at lower altitudes, it is important to keep the airspace free of towers or hazards.

According to staff at Camp Ripley, even if BWSR were to approve the easement alteration request, a proposed communications tower would need FAA review and clearance. Camp Ripley staff have stated that they would express their opposition to the tower and the hazard it could present to the Army during FAA review.

The ACUB easement language states that: *“if Grantee (BWSR) fails to carry out its duties under this Easement, the United States shall have the same rights as the Grantee. Should Grantee, its successors or assigns allow the Property to be used for a purpose inconsistent with this Easement, its terms and conditions and in a manner inconsistent with the mission of Camp Ripley, the Secretary of the Army, through an authorized official, shall, at his discretion, in accordance with the requirements of 10 U.S.C. 2684a(d)(4) have the right to demand the transfer of this easement to the United States, or a third party nonprofit corporation organized and existing under the laws of Minnesota.”*

This means that if BWSR fails to enforce the ACUB easement or were to allow any use of the property that would be inconsistent with Camp Ripley operations, the easement rights could be transferred to the United States, or a Minnesota non-profit corporation. If BWSR were to approve this request, military approval of the easement boundary alteration and tower construction would be required for BWSR to amend the easement and for the landowner to complete the proposed action.

Recommendation

The RIM Reserve Committee recommends denial of this easement alteration request. The proposed land use would be inconsistent with military operations at Camp Ripley and therefore the purpose of the ACUB program. If BWSR were to allow this land use, it could be viewed as a failure of the State to carry out its duties under the ACUB partnership and the easement rights could be transferred to the United States or a third party.

BOARD ORDER

ACUB Easement Alteration Request - #49-01-12-04

PURPOSE

Board decision on the easement alteration request for ACUB easement #49-01-12-04 in Morrison County.

RECITALS /FINDINGS OF FACT

- A. The Minnesota Board of Water and Soil Resources (BWSR) acquired an Army Compatible Use Buffer (ACUB) Easement #49-01-12-04 in Morrison County, in partnership with the National Guard Bureau and Camp Ripley, on March 30, 2012.
- B. The current landowner, Mr. Kroll, purchased the property containing the ACUB easement in January 2016.
- C. The current land use on the easement is row crop agriculture, which is a permitted land use on federally funded ACUB easements.
- D. Mr. Kroll is requesting the release of 0.5 easement acres, to enter into a long-term lease for construction of a 5G cellular communications tower, which he would also like to use to support a GPS transmitter to use in conjunction with a tractor auto-steer device to assist with his farming operation.
- E. Mr. Kroll is proposing to add 1.5 acres of cropland to the easement in return and has submitted the \$500 administrative fee for the board to consider the request.
- F. The purpose of the ACUB program in Minnesota is to limit development or use of property that would be incompatible with the mission of military operations at Camp Ripley while preserving open space and habitat within a priority buffer area round Camp.
- G. Program partners at Camp Ripley are opposed to the easement alteration request and consider a communications tower within Camp Ripley's Class D airspace a vertical hazard for flight and training operations and therefore incompatible with their mission.
- H. The ACUB easement language states that if BWSR fails to enforce the easement or allows the easement property to be used for a purpose inconsistent with the mission of Camp Ripley, the Secretary of Army could take action to transfer the easement rights to the United States or a third-party non-profit corporation.
- I. The RIM Reserve Committee recommends the board deny this easement alteration request as voted on at their meeting held May 14, 2025.

ORDER

The Board hereby:

1. Denies the easement alteration request on ACUB easement 49-01-12-04.

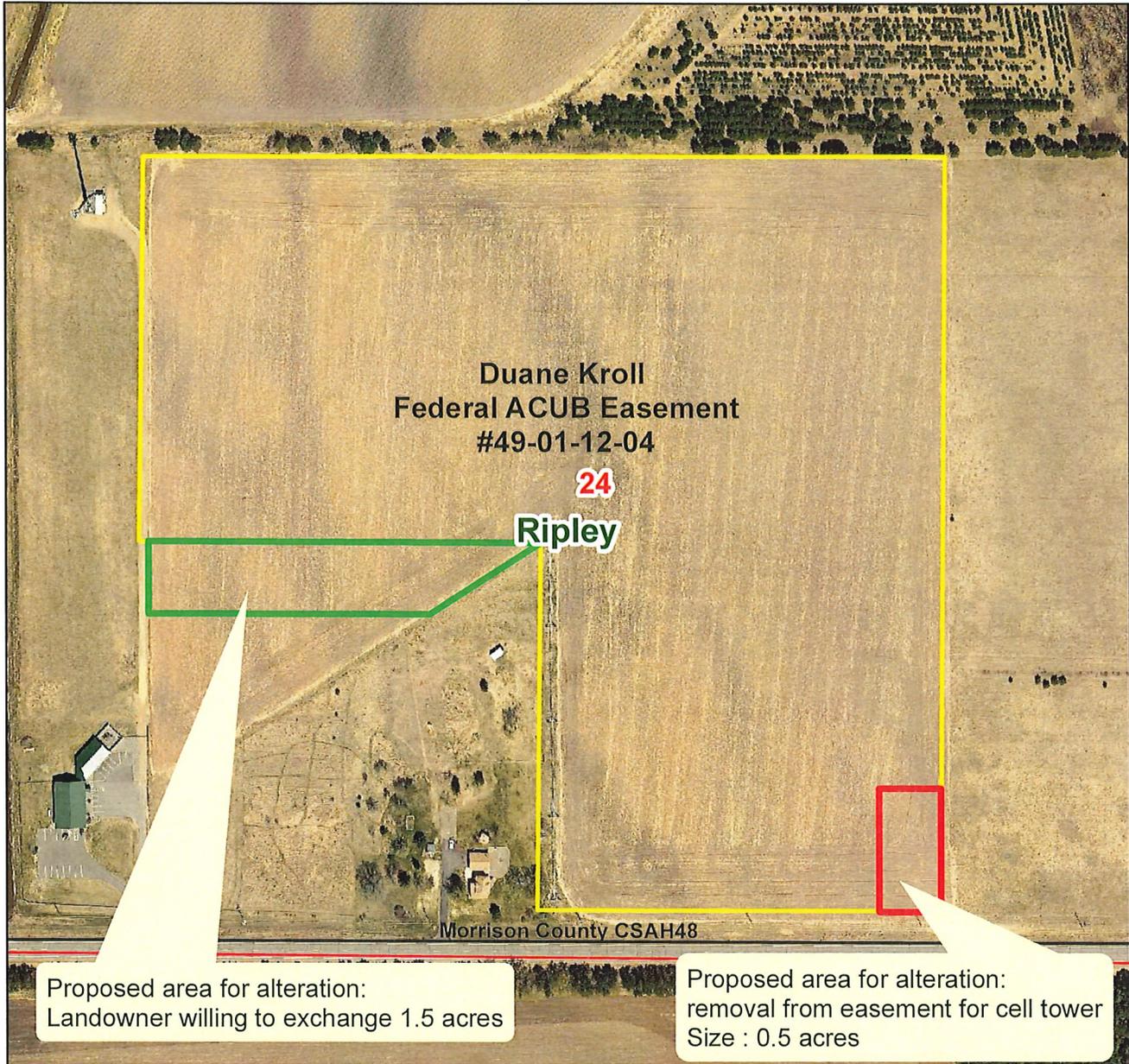
Dated at St. Paul, Minnesota, this May 28, 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

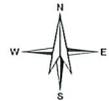
Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

Duane Kroll Easement Alteration Proposal Option 2



0 125 250 500 Feet



1 inch equals 250 feet



Existing ACUB Easement Boundary

Morrison County, MN
Ripley Township
Sec. 24 Twp. 42 Rge. 32

Maps are for graphical purposes only. They do not represent a legal survey.

Date: 4/28/2025

Duane Kroll
8618 200th Ave.
Royalton, MN 56373

January 22, 2025

Morrison County Soil and Water Conservation District
16776 Heron Rd
Little Falls, MN 56345

Subject: Conservation Easement Alteration Request

Dear Members of the Morrison Soil and Water Conservation District Board of Supervisors:

I am submitting this letter as required by the Minnesota Board of Water and Soil Resources to initiate the process of altering an ACUB conservation easement on my property located in Section 24 of Ripley Township, Parcel ID of 270404001.

In December 2024, I was approached by a company wishing to obtain a long-term lease of approximately 0.25 acres for the purpose of constructing a communications tower on the property. In addition to this, it can be assumed that an additional 0.25 (+ or -) acres would be needed to meet the potential setback from the road right-away and/or other access requirements. The site was identified as the most desirable and beneficial place to build the tower based on topography, relative distances to other towers, and other factors. The tower could also be used to host GPS transmitters to be used in conjunction with tractor auto-steer systems to provide necessary accuracy for planting and in-season operations.

In rural Minnesota, there is a significant and growing need for access to fast and reliable cell service for phone and internet connectivity. Improved coverage would enhance emergency response capabilities, support local businesses and farms that rely on mobile technology, and provide better access to remote work, education, and healthcare services. Additionally, modern precision agriculture depends on strong connectivity for GPS-based auto-steer systems, making this tower an asset for local farmers. Given these benefits, I am requesting approval to alter the conservation easement.

If any further information is required, please contact me by phone at 320-360-3800.

Sincerely,



Duane Kroll
Property Owner

From: [Doucette, Sharon \(BWSR\)](#)
To: [Swenson, Karli \(BWSR\)](#)
Subject: FW: ACUB Alteration
Date: Thursday, May 8, 2025 2:19:40 PM

From: Fink, Troy J COL USARMY NG MNARNG (USA) <troy.j.fink.mil@army.mil>
Sent: Thursday, May 8, 2025 11:02 AM
To: Doucette, Sharon (BWSR) <Sharon.Doucette@state.mn.us>
Subject: ACUB Alteration

You don't often get email from troy.j.fink.mil@army.mil. [Learn why this is important](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Ms Doucette,

I am the Garrison Commander of Camp Ripley, and it has been brought to my attention that a request to alter an ACUB easement to construct a cellular tower within the Class D Airspace of Camp Ripley has been proposed for consideration.

I am writing to inform you that I do not support an alteration of the said easement based on many reasons. First the Class D Airspace is specifically designed for specific military maneuvers that cannot be trained on in other airspace. Second the FAA will also need to be given a voice and in most instances follows the recommendations of the Army. The additional hazards it possesses by having a tower within the Class D Airspace is something I am not willing to accept risk for, especially with recent mishaps surrounding military aircraft. Third it undermines the intent of the ACUB program and its intended purposes for Army Installations. Fourth it would set a negative precedence for all our landowners enrolled in the program.

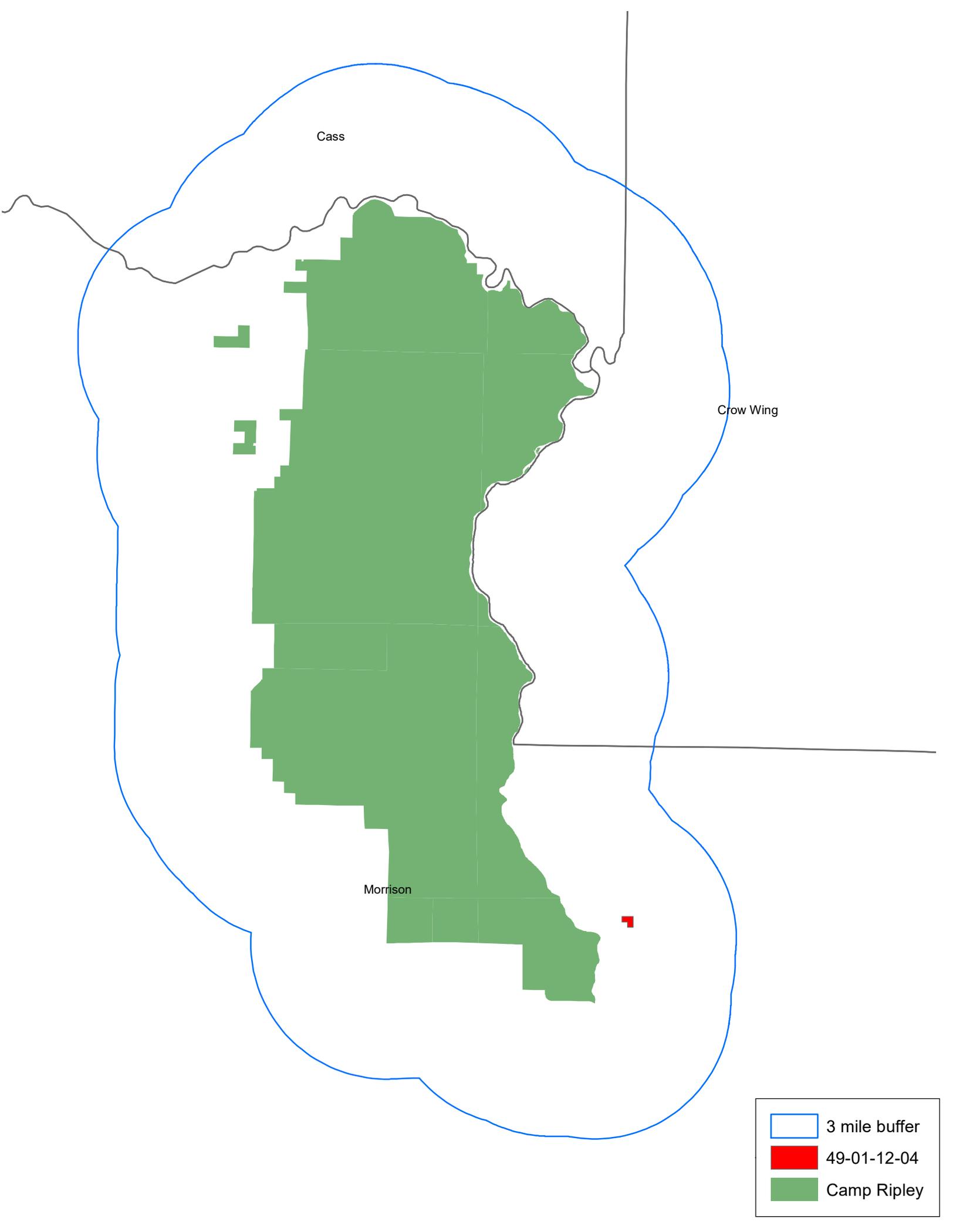
I can make myself available for any follow-up as you deem necessary.

Respectfully

COL Troy J Fink
Garrison Commander
Camp Ripley Training Center

Arden Hills Training Center

Office: 320-616-2700



Cass

Crow Wing

Morrison



MORRISON SWCD BOARD MEETING
Friday, January 24, 2025
Morrison County Government Center, Commissioners Board Room
8:00 a.m.

Attending In-Person: Supervisors: Brutscher, Hubner Faber, Saehr and Scholl. Commissioner: Winscher; SWCD Staff: Wettstein, Knopik and McDonald; NRCS Staff: Zapzalka; Landowner: Duane Kroll

2025 RE-ORGANIZATION – APPROVAL OF CONSENT AGENDA (Items 2-10) – Saehr/Faber to approve items 2-

10. Vote by role call. All unanimous.

1. Swearing in of New Board Members – Dave Hubner, Thomas Brutscher and William Faber.
2. Official Date, Time, Location: Fourth Friday of Each Month, 8:00 a.m. at USDA County Office or Morrison County Government Center in special circumstances
3. Official Per Diem and Mileage:
 - Per Diem - Full Board Meetings, Day Meetings, Committee Meetings, and/or Payroll Signature - \$125
 - Mileage – Increase from \$.67 at IRS Established Rate to \$.70 as of 1/1/2025
4. Official Publication: Morrison County Record
5. Official Posting Location: Morrison SWCD Website and USDA Service Center Building
6. Official Bank of Deposit: Pine Country Bank Checking and Minnesota Municipal Money Market Fund (4M Fund)
7. Resolution adopting the Morrison County Local Water Management Plan and adopting it as the District's Annual Plan.
8. Grant Agreements / Contracts Signature Approval: Morrison SWCD's District Manager, Shannon Wettstein, in the absence of SWCD Board Members, may sign grant agreements and/or contracts.
9. Minimum Fund Balance Approval: The minimum Fund Balance will be **3 months** of Operating Expenditures.
(ie: PL Operating Exp. + Personnel for FY, divided by 12 x 3 months = MFB)
10. Capital Assets Policy of Threshold Approval: Capital Assets Policy Report, \$5,000 and above will remain the level of threshold documented, for depreciation, for all purchases by Morrison SWCD.
11. Officers for 2025 – Wettstein asked for nominations three times. Faber made the nomination for Saehr to serve as Chair. Second by Brutscher. No additional nominations were received. The vote was unanimous by the board for Saehr to serve as Chair of the board in 2025.

Saehr called for nominations for Vice Chair three times. One nomination was received by Hubner for Brutscher to serve. Second by Faber. Motion passed unanimously for Brutscher to serve as chair.

MSC Faber/Hubner for the rest of the roles of the board to rotate one up so that Faber will serve as Secretary, Hubner as Treasurer and Scholl to serve as Public Relations. Motion passed unanimously.

MSC Faber/Brutscher for the committee assignments to stay the same with the addition of Saehr serving on the One Watershed One Plan along with Scholl, Faber and Brutscher. Motion passed unanimously.

The following is the new roles and responsibilities of the board members for 2025.

Roles	2024	2025
Chairman	Dale Scholl	Scott Saehr
Vice Chairman	Scott Saehr	Tom Brutscher
Secretary	Tom Brutscher	Bill Faber
Treasurer	Bill Faber	Dave Hubner
Public Relations	Dave Hubner	Dale Scholl
Committee Assignments	2024	2025
Finance Committee	Brutscher / Saehr	Brutscher / Saehr
Personnel Committee	Hubner / Faber	Hubner / Faber
Water Plan Representative	Brutscher	Brutscher
WCTSA	Faber / Hubner	Faber / Hubner
One Watershed One Plan	Scholl / Faber / Brutscher	Scholl / Faber / Brutscher / Saehr

The reorganization meeting ended and Saehr took control of the meeting as chair.

SECRETARY’S MINUTES – Scholl/Brutscher to accept the minutes as presented. Motion passes unanimously.

TREASURER’S REPORT– Wettstein shared the administrator of our 4M accounts is available to speak to the board in March. This will be timely as our certificates of deposits are set to expire at that time so meeting with him will be a chance to ask questions. There was discussion by the board about looking forward to his presenting. The two main questions they would like the 4M Administrator to answer is what they cannot do with the districts money when it comes to investments and if they could provide additional detail on the investment accounts. Hubner/Faber to accept the treasures report. Motion passes unanimously.

COMMISSIONER’S REPORT – Winscher shared that Land Services is working on the ordinance section pertaining to renewable energy as the county ordinance is lacking especially when it comes to battery storage and anerobic digesters. This spurred a discussion on ACUB easements and when renewable energy is allowed. McDonald was there to answer questions on the differences in programs with federally funded easements allowing solar and state funded easements not allowing solar. She also explained that applicants would need all the permit requirements met from local, state or federal offices.

STAFF REPORT – Zapzalka shared 36 of 83 EQIP applications are pre-approved. Of those 14 are cropland, one pit closure, one rotational grazing, four Certified Nutrient Management Plans (CNMP), four high tunnels, 12 forest management plans. In addition, there is \$607K for Conservation Stewardship Program (CSP).

BWSR REPORT - Absent

OLD BUSINESS

1. Rum River One Watershed One Plan Update – Scholl attended a meeting last night. They elected the same chair, Jake Janski and went over the budget. They are spending \$133K on administration and in 2025 they have \$700K budgeted for conservation practices. Scholl reminded Wettstein that money is available for projects. Wettstein shared she will remind staff and they are aware, if there is a landowner in that area who is interested to see if there is opportunity with these funds.
2. Long Prairie One Watershed One Plan Update – Faber shared their January meeting was rescheduled until March.
3. Mississippi River Brainerd One Watershed One Plan Update – Brutscher said they have not had a meeting since the last one he briefed the board on.
4. Mississippi River Sartell One Watershed One Plan Update - Wettstein shared they are close to holding a policy meeting but it has not happened yet.

5. Anniversary Year for Morrison SWCD – 65 years on May 6th, 1960 – MASWCD sent the district a congratulations message around the new year and it was a great reminder. Wettstein said if the board has any suggestions on how to celebrate this to let her know. The staff will plan something.
6. Tree Open House – This was held on January 3 all day and throughout the day we had a total of 250 orders. This was in line with last year when we held the open house and the online sale in conjunction with one another. A lot of tree varieties are sold out and so we are closing the sale.
7. PRAP Grant Awarded, up to \$10,000 – Update Employee Policy – BWSR contacted us with this news. After a grant work plan is put together this money will be available.
8. WCA Update – The appeal on the Kalahar-Grissom notice of decision which was made by Marvin Stroschein has been held in abeyance until the TEP review the decision and issue a report. We have until June 1, 2025. This will not require another board decision but Wettstein will brief the board on the TEP findings.
9. Split Rock Studios, Design 1 Schematic preview – The first phase of this design work was presented to the board. The concepts are still basic but the presentation shows the space divided into different sections, each with a different feature. The next phase of design will start developing the narrative of the scenes and the projections.

NEW BUSINESS

1. **ACUB Easement Petition for Alteration or Release** –Wettstein provided the board the background information for the appeal. This included what an appeal is, how the process works, and the uniqueness of the situation because of the easement type (ACUB Federal). The landowner is requesting the easement boundary be altered to allow for a communications tower in the SW corner of the easement. This portion of the easement is currently an unirrigated corner off a main road which connects to State Highway 371 in between Brainerd and Little Falls. The rest of the easement is farmed and has an irrigation pivot on it, Kroll is not the original owner of the easement. Saehr then asked technical staff for their recommendation. McDonald explained that she believes Kroll does have a case for providing a public benefit if the project moves forward but differed the final decision to the board. Kroll was then given time to explain the reasoning for his appeal to the board. Kroll has been approached by a communications company to build a cell phone tower as they want to construct this tower within 3,000 feet of a historic tower location, and that the property and location in question is the most desired location for the new tower. Tower height will be 200 feet or less, meaning no guide wires and a smaller (100' by 100') footprint for construction. Kroll also stated previous interest in constructing a Real Time Kinematic (RTK) station for his farming practice. This would be a similar tower for personal use that would be allowable under the easement as a structure that supports his operation. He states that the cell tower would allow him to use his RTK station. The board then asked Kroll various follow up questions and discussed each. The questions were about alternate locations for the project, the mechanics of the alteration process and Kroll's plans to address any exchange or payback, the scale of the project, permitting needs, FAA and airspace concerns with proximity to Camp Ripley, the size of the alteration, and the Board's role in the process. After much discussion MSC Scholl/Hubner to recommend approval for the alteration based on the following reasoning in the discussion: Kroll could build his own tower in this location for an RTK station in support of his agricultural practices. He could also utilize the proposed cell tower for this. Per the recommendation of technical staff, the approximate 0.5-acre alteration will be ample size to accommodate the project footprint to include access and the tower pad, while maintaining proper setbacks. Granting a slightly larger area than needed allows for future maintenance while minimizing the risk of boundary violation. The project will provide the public with access to a communications utility as it is located off of State Highway 371 and near the historic tower which will

be phased out. Kroll and the contractor would still be responsible for obtaining all permits and approvals to construct the project. The board also acknowledged that they are just one step in the alteration process, and that their decision was to be solely on whether or not they approve of the alteration from a local perspective. They understand it now moves to the BWSR board for negotiation and final decision. Motion passed unanimously.

2. Ringwelski Retirement – February 28th will be Ringwelski’s last day after nearly 37 years as the District Technician and Lead Technician. The board can recognize him at the next meeting and the office will host an open house this same day that afternoon.
3. Conservation Technician Job Posting – With Ringwelski retiring Wettstein would like to backfill his position. MSC Hubner/Brutscher to approve opening the application period. Wettstein asked the Personnel Committee to convene for interviews. Motion passed unanimously. The timeline would be to open this next week, have interviews before the next board meeting so that a recommendation could be given to the full board at the February meeting.
4. Soil Health Practices Grant – Request for Interest - \$180K – Brutscher/Faber to pursue this funding after Wettstein presented the opportunity. This is another RCPP that is being offered for the counties of the state that have over 30 percent of their area in agricultural production. Motion passed unanimously.
5. Final Audit – The board had approved the draft audit. No changes have been made since the draft audit was presented. Faber/Scholl to approve. Motion passed unanimously.
6. MASWCD FY2025 Annual Dues, \$7,431.37 – Brutscher/Hubner to approve payment. Motion passed unanimously. The board and Wettstein feel that the association is doing a good job lobbying for the districts.
7. Split Rock Studios, Design 2 Contract \$23,800 – Wettstein explained that this is the next phase of work for the design of the Camp Ripley Environmental Classroom. The original bidding process was done before they signed the first contract with Split Rock. Wettstein split up the contracts to ensure deliverables and to keep it the project on track with timelines and funding pools. MSC Brutscher/Hubner to approve the contract. Motion passed unanimously.
8. LCCMR Seeking Projects, Possible Oak Wilt Grant – Wettstein explained that this grant application period is open and she is working with Crow Wing SWCD to possibly combine work to submit one proposal on Forest Health activities, including oak wilt. Wettstein will bring more information next meeting. No action is required at this time.
9. Day at the Capitol, March 4-5 – Staff are working on lining up times to meet with our representatives. If any board members are interested in attending, March 4 is the briefing by MASWCD and a social hour and March 5 would be the day the appointments are being made.
10. Soil Health Video Series and Bus Tour, MOSH and NRCS – There is \$15,000 available to the district to do this work. Hansen will be the staff to coordinate these efforts. More information will be provided to the board on the video and tour at a later date.
11. Cost Share Contracts, Cancellations and Payments
 - a. State Cost Share Contracts – MSC Faber/Hubner to approve. Motion passed unanimously.

i. Travis Scott	\$2,794.43	Forest Stewardship Plan
ii. Mike Pohlkamp	\$1,853.25	Forest Stewardship Plan
iii. Jordan Geise	\$997.50	Forest Stewardship Plan
 - b. Soil Health Delivery Cost Share Contracts – MSC Faber/Hubner to approve. Motion passed unanimously.

i. Jay Brisk	\$1,280.39	Reforestation
ii. Doug Carlson	\$4,680.00	Reforestation
iii. Darin Przybilla	\$1,304.25	Reforestation

- ~~e. Mississippi River Brainerd WBIF Cost Share Contract Cancellation~~
 - ~~i. John Holtz #MRBRD24-03 \$19,250.00 Cover Crops~~
- d. Long Prairie WBIF Contract Payment – MSC Faber/Brutscher to approve payment. Motion passed unanimously.
 - i. Greg Boesel #M-LPWBF-23-04 \$427.50 Well Sealing

INFORMATIONAL

- Rum River Joint Powers Board Meeting, January 23
- MN Campaign Finance Reporting Requirement
- National Association of Conservation Districts Annual Convention, February 9-13
- Women in Ag Brunch, Bowlus Community Center, Saturday, February 15 from 9:00-12:00
- Winter Agronomy Meeting, Royalton Legion, February 27 from 9:00-12:00
- Contractor Meeting, Morrison County Government Center, March 6
- Day at the Capitol, March 4-5, Appointments with Legislators TBD
- Area 2 Meeting/WCTSA Board Meeting, March 19, Litchfield
- Tentative Tree Pick-up Date, April 25, Little Falls Exchange Arena

MSC Brutscher/Saehr at 10:58 to adjourn to the Awards Luncheon which starts at 11:30. Upon completion of the event at 1:30 the meeting of the board is adjourned.

ANNUAL AWARDS LUNCHEON TO FOLLOW THE MEETING RECOGNIZING THE FOLLOWING:

Attending In-Person: Supervisors: Brutscher, Hubner, Faber and Scholl. SWCD Staff: Wettstein, Knopik, Ringwelski, Becker and McDonald; NRCS Staff: Zapzalka, Hanson and Miller; Guests: Doug and Lind Ploof, Betty, Dave, Tyler, Joe and Scott Czech, Stan Musielewicz, Greg and Patricia Cox, Mike Seppelt, Peter Ratka, AJ Nelson and his wife, Moriya Rufer and Luke Herkenhoff.

Awards were presented in this order with Wettstein giving a brief summary of the award and the recipients followed by comments by the award receiver.

- Morrison County Wildlife Habitat Steward Award – Doug and Linda Ploof
- Forest Steward Award – Charlie Ehlen
- Outstanding Conservationists – Czech Family of Czech Dairy
- Special Recognition to the Precipitation Readers – AJ Nelson, Stanley and Geri Musielewicz, Dave Piasecki, Greg and Patricia Cox, Jennifer and Robert Knopik, Don Tschida, William Faber, Paul Oldakowski, Judy Zapzalka, Carrie and Brent Miller, Mike Seppelt, Mike and Joyce Weiss, Peter Ratka, Evelyn Dahmen, Robert Monnens, Pete Brutscher (Represented by Tom Brutscher)
- Morrison SWCD Super Partners – Moriya Rufer and Luke Herkenhoff

On behalf of the SWCD Board and staff a special thank you to all those above and the work that you have done to receive the recognition! The award luncheon presentation ended at 1:30. Pictures were taken of those in attendance.

Tom Brutscher, Secretary

COMMITTEE RECOMMENDATIONS

Water Management & Strategic Planning Committee

1. Update on BWSR's Strategic Plan – Jenny Gieseke – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Update on BWSR’s Strategic Plan

Meeting Date: May 28, 2025

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Strategic Plan

Section/Region: Organizational Effectiveness

Contact: Jenny Gieseke

Prepared by: Jenny Gieseke

Reviewed by: _____ Committee(s) WMSP

Presented by: Jenny Gieseke

Time requested: 20 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

Information only

LINKS TO ADDITIONAL INFORMATION

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

In 2024 the BWSR Board approved a new strategic plan for the agency. Jenny Gieseke provided an update to the Water Management and Strategic Planning Committee in March on the status of the plan, and will share that information with the full Board, along with plans for monitoring and evaluation moving forward.

BWSR Strategic Plan

Goal 1: BWSR's conservation efforts are sufficiently supported

Strategy 1.1: Ensure broad financial support for locally led conservation efforts

Strategy 1.2: Build local capacity to successfully implement BWSR programs

Goal 2: MN decision makers actively support conservation efforts statewide

Strategy 2.1/1.3: Ensure full support for BWSR programs, services and operations

Goal 3: Minnesota's land, water and soil resources are protected and restored

Strategy 3.1: Increase understanding of conservation benefits

Strategy 3.2: Increase implementation of conservation practices statewide

Strategy 3.3: Strengthen and sustain partnerships

Strategy 3.4: Advance conservation through voluntary and regulatory programs

Goal 4: BWSR is recognized as a great place to work

Strategy 4.1/3.5: Provide a high-performing, rewarding, and inclusive workplace

2025-2026 Work Plan

The following work plan identifies **new** initiatives that will begin between 2025-2026. These projects, along with the many existing initiatives already happening within the agency are part of BWSR's strategic plan for achieving our mission to work with partners to improve and protect Minnesota's land and water resources.

New Initiatives

Goal 1: BWSR's conservation efforts are sufficiently supported

Strategy 1.1: Ensure broad financial support for locally led conservation efforts

Action Item: Advocate for funding to cover legislative mandates

Project: Seek adequate and consistent funding for the Local Government Road Wetland Replacement Program

Intended Outcome: Adequate funding appropriated in the 2025 legislative session, split between base and the capital budget

Accountable SMT Member: Dave Weirens

Lead staff: Dave Weirens, Les Lemm, and Dennis Rodacker, John Jaschke, Andrea Fish, Mike Nelson

Activities: Work with stakeholder organizations and MnDOT to evaluate status and needs for LGRWRP, develop communications materials and develop legislative strategy

Timeline: Work is underway (as of Feb 6, 2025). Coordination of stakeholders is planned for during and after this legislative session.

Action Item: Increase broad financial support for locally led Conservation efforts

Project: Develop budget reports for managers and program coordinators

Intended Outcome: Managers and program coordinators will have up to date information and understanding of the budgets for their sections and programs

Accountable SMT Member: Amie Wunderlich

Lead Staff: Fiscal Staff, Managers, Program Coordinators

Activities:

1) Fiscal Staff will draft budget report format and seek feedback from managers

Timeline: February 2025-August 2026

Action Item: Seek Federal Funding for Key priorities

Project: Develop and implement a procedure for staff pursuing federal funding

Intended Outcome: All federal applications for grants and contribution agreements will have verification that state matching funds are available and designated for use with the project

Accountable SMT Member: Amie Wunderlich

Lead Staff: Managers, Federal program staff, fiscal staff

Activities:

- 1) Develop a draft procedure (fiscal staff)
- 2) Review/provide feedback on draft procedure (Managers, federal program staff)

Timeline: February 2025-August 2026

Strategy 1.2: Build local Capacity to successfully implement BWSR Programs

Action Item: Provide board training for partners such as SWCDs, WDs etc.

Project: Training and certification for Local Board members

Intended Outcome: By 2026 BWSR will pilot a training and certification program for WDs, SWCDs, County Commissioners participating in watershed partnership committees.

Accountable SMT Member: Justin Hanson

Lead Staff: Don Bajumpaa, Pete Waller, Brett Arne, Matt Fischer, Julie Westerlund, Annie Felix, (Other BC's? Jason Weirnerman), Local Water Round Table

Activities:

- 1) Compile existing training information
- 2) Assess curriculum requirements
- 3) Utilize the onboarding and training content that BC's and Julie Westerlund have been developing.
- 4) Develop criteria and content for introducing board members to their powers, authorities and purpose.
- 5) Develop a threshold for verifying completion of # number of courses.
- 6) Make the training consistent and recurring.
- 7) Formally recognize board member development

Timeline: Pilot year 2025, Rollout 2026

Goal 3: Minnesota's land, water, and soil resources are protected and restored

Strategy 3.1: Increase understanding of conservation benefits

Action Item: Evaluate performance against strategies and goals

Project: Develop program evaluation schedule, templates, and resources for program coordinators

Intended outcome: By the end of 2026, all program coordinators have the resources needed to conduct program evaluations, and are using the evaluation information to ensure program effectiveness

Lead Staff: Mandy Duong, small group of program coordinators

Accountable SMT Member: Jenny Gieseke

Activities: gather examples of program evaluations, get input from program coordinators, develop recommendations/guidance for how and when to conduct program evaluations, develop tools and templates.

Timeline: Begin work by August 2025, guidance, tools, templated complete by June 2026

Project: Design and implement an evaluation of the Buffer program (Draft)

Intended outcome: By the end of 2025, BWSR has a better understanding of how well the Buffer program is meeting the intentions of the Riparian Protection and Water Quality Practices statute 103F.48 and how BWSR can improve its support for, and implementation of statute.

Lead Staff: Tom Gile, Travis Germundson

Accountable SMT Member: David Weirens

Activities: Identify key questions, gather data/feedback, analyze data, develop recommendations, make changes to the program as needed.

Timeline: Begin work in May of 2025, complete evaluation by the end of December 2025.

Action Items: Use data to clearly connect implementation and outcomes, present information in local contexts, use plain language to describe work and results, share metrics publicly, communicate results effectively. Note: this project also supports Strategies 1.1 and 3.4.

Project: Telling our conservation story

Intended outcome: BWSR program coordinators and staff have access to, and regularly use data, infographics, images and plain language to convey how conservation is improving the land and water resources in Minnesota.

Lead staff: Communications staff, Measures and Outcomes Coordinator, Data Analyst, program coordinators/managers

Accountable SMT Members: Tom Gile, Marcey Westrick, Mike Nelson

Activities

- 1) Create a form that every program needs to fill out that identifies key audiences (who) and the what, why, when and how of outcomes from the work.
- 2) Do an analysis of all data BWSR currently has or has access to (coordination with other agencies) and identify any gaps.
- 3) Look at what already exists through other agencies and organizations.
- 4) Collect and obtain missing data
- 5) What tools are available to utilize data with emphasis on visualization.
- 6) Message in simple ways (have science in the back pocket only when needed. Should not necessarily be first mode of communication to general audiences)

Timeline: 6-12 months (June 2025-June 2026)

Strategy 3.3: Strengthen and sustain partnerships

Action Items: Establish Relationships with Tribal Entities (also support 1.1 and 3.4)

Project: Review and identify the appropriate process(es) for Tribal Government engagement at the start of development of new and modified agency initiatives and programs.

Intended outcomes: All staff will understand their roles in relation to BWSR's relationships to Tribal Governments and entities. Staff continually consider if agency matters have effects on Tribal interests, identify the appropriate level of Tribal engagement needed, and communicate this in a timely manner.

Lead Staff: Program/Project Coordinator, Staff Workgroup/Team, Manager/Supervisor, Tribal Liaison (as needed)

Accountable SMT Members: Melissa King & Craig Engwall

Activities: Part 1: Review and identify the appropriate process(es) for Tribal Government engagement at the start of development of new and modified agency initiatives and programs.

1. Coordinate a guiding core staff group to refine processes to identify and review agency programs/initiatives, clarify agency staff roles, and develop timeline and communication to agency staff.
2. Conduct program staff, agency workgroup & team, Tribal engagement training.
3. All coordinating staff/workgroups/teams develop a list of initiatives and programs & their current status.
4. Review each to determine if initiative/program may be of interest or would have substantial direct effects on one or more Tribal Governments.
5. Complete the Tribal Engagement topic/issue identification form. Identify the effected Tribal Nation(s) and the level of Tribal engagement needed and appropriate: information only, Tribal coordination (staff-to-staff), Tribal consultation (leadership-to-leadership). Describe the subject work, action(s) or issue(s) identified for Tribal engagement and the impact/potential impact to the Tribal Nation(s) or citizens of the Tribal Nation(s). Identify any deadlines/proposed timelines.

Timeline: May - December 2025

Strategy 3.4 Advance conservation through voluntary and regulatory programs

Action Items: Ensure programs are flexible & adaptable, deliver programs that evolve to meet changing needs

Project: Improve internal easement processes

Intended Outcome: Easement programs evolve to meet changing needs

Lead Staff: Program Coordinators, Lucy, Karli, Sharon, Pat, Kristina, Craig, Mike, Exec Team

Accountable SMT Member: Sharon Doucette

Activities: Review RIM easement program goals and operations to ensure that the program is meeting the needs of landowners and partners and is appropriately positioned to operate effectively and efficiently and provide flexibility for changes in the future.

Timeline: Work began in the fall of 2024 and is expected to be completed and implemented by the end of 2026. Evaluation of impact will happen along the way to determine if changes are needed.

Action Item: Continue to relate our programs to the Climate Action Framework

Project: Develop internal guidance for program coordinators

Intended Outcome: Guidance materials and templates providing program coordinators with tools to evaluate potential connections between BWSR programs and the Climate action framework

Lead Staff: Suzanne Rhees, Dan Shaw, Jennifer Hahn and other staff TBD

Accountable SMT Member: Dave Weirens

Actions: Develop Project plan, organize small work group to develop guidance followed by internal training

Timeline: Begin in FY26

Goal 4: BWSR is recognized as a great place to work

Strategy 4.1/3.5: Provide a high-performing, rewarding and inclusive workplace

Action Item: Develop and maintain stable operational procedures

Project: Create a procedures documentation template

Intended Outcome: By 7/1/2026, all agency programs and projects will have clear procedures that anyone can reference, and plans for annually reviewing and updating procedures.

Lead Staff: Andrea Fish

Accountable SMT Member: Andrea Fish

Activities:

- 1) By 4/1/2025: A first draft of a procedures documentation template will be shared with SMT for April meeting
- 2) May 2025: Necessary review and edits to procedures template
- 3) By 6/1/2025: Final procedures documentation template will be released
- 4) By 6/30/2025: 1. Gather a calendar of programs/projects that annually occur; 2. Gather list of standard (year-round) operations
- 5) 7/1/2025: Assign procedures to designated subject matter expert due by either program/project deadline, or by 6/30/2026

Timeline: Completed by July 1, 2026

Action Item: Minimize silos

Project: Set aside a clear budget for intentional gatherings

Intended outcome: By FY 2027, our agency will show improved employee satisfaction related to intra-agency and team connections, and reduced silos.

Lead Staff: Andrea Fish, Jenny Gieseke, fiscal staff, and possibly the Connect Team

Accountable SMT members: Andrea Fish & Jenny Gieseke

Activities:

- 1) Develop survey on agency connections and silos in February and March 2025.
- 2) April 2025: Release survey to all staff; survey to determine what is going well in terms of intra-agency connections, how connected people feel to other work areas and sections, where they would like to connect more
- 3) May 2025: Share results with SMT.
- 4) June 2025: results and feedback analysis
- 5) July 2025: Andrea and Jenny to develop next phase of plan (will be new SMART goal developed)

Timeline: Feb 2025-June 30, 2026

Action Items: continuous process to proactively identify and find solution to address agency workload/staffing capacity issues; avoid staff burnout; clarify roles and expectations to meet program needs; find ways for staff to feel like they are appreciated and best utilized in their roles; make time to more proactively think forward and anticipate issues; carve out time to focus on future planning.

Project: Improve access to support staff

Intended outcomes:

- 1) BWSR staff know which OAS staff to work with and can hand off tasks as needed
- 2) BWSR has adequate capacity within support staff positions to assist staff

Lead Staff: Justin Hanson, Ed Lenz, Tom Gile, Jenny Gieseke, John Jaschke

Accountable SMT members: Rita and John

Activities:

- 1) Continue work to identify how to best distribute existing support staff services and identify where additional support services are needed. Standing item on SMT agenda until this is resolved and acted on.
- 2) Fill open OAS positions and hire additional OAS staff as needed
- 3) Continue evaluate support capacity after changes are made
- 4) Managers will share relevant information from roles and expectations conversations at SMT meetings to help identify capacity issues and find solutions

Timeline:

- 1) Finalize plan for support staff capacity by June 2025
- 2) Continue conversations with staff during regular performance reviews to determine if they are requesting assistance from support staff for pertinent tasks and projects

Project: Clarification of roles and expectations

Intended outcome: All BWSR Staff, Managers and Supervisors are discussing roles, expectations and workload capacity during annual reviews

Lead Staff: Managers and supervisors

Accountable SMT members: Rita and John

Activities:

- 1) Managers will include conversations with staff about their roles and expectations as part of their regular annual reviews. Include consideration of what tasks could be carried out by support staff.
- 2) Managers will share relevant information at SMT meetings to help identify capacity issues and find solutions

Timeline:

- 1) Beginning March 2025, managers and supervisors are including roles and expectations conversations with staff during regular performance reviews

DRAFT



BWSR Strategic Plan



BWSR Strategic Plan



Vision

All of Minnesota benefits from lands and waters that are ecologically and economically sustainable

Mission

Work with partners to improve and protect Minnesota's land and water resources



Goals



Minnesota decision makers actively support conservation efforts statewide



BWSR's conservation efforts are sufficiently supported

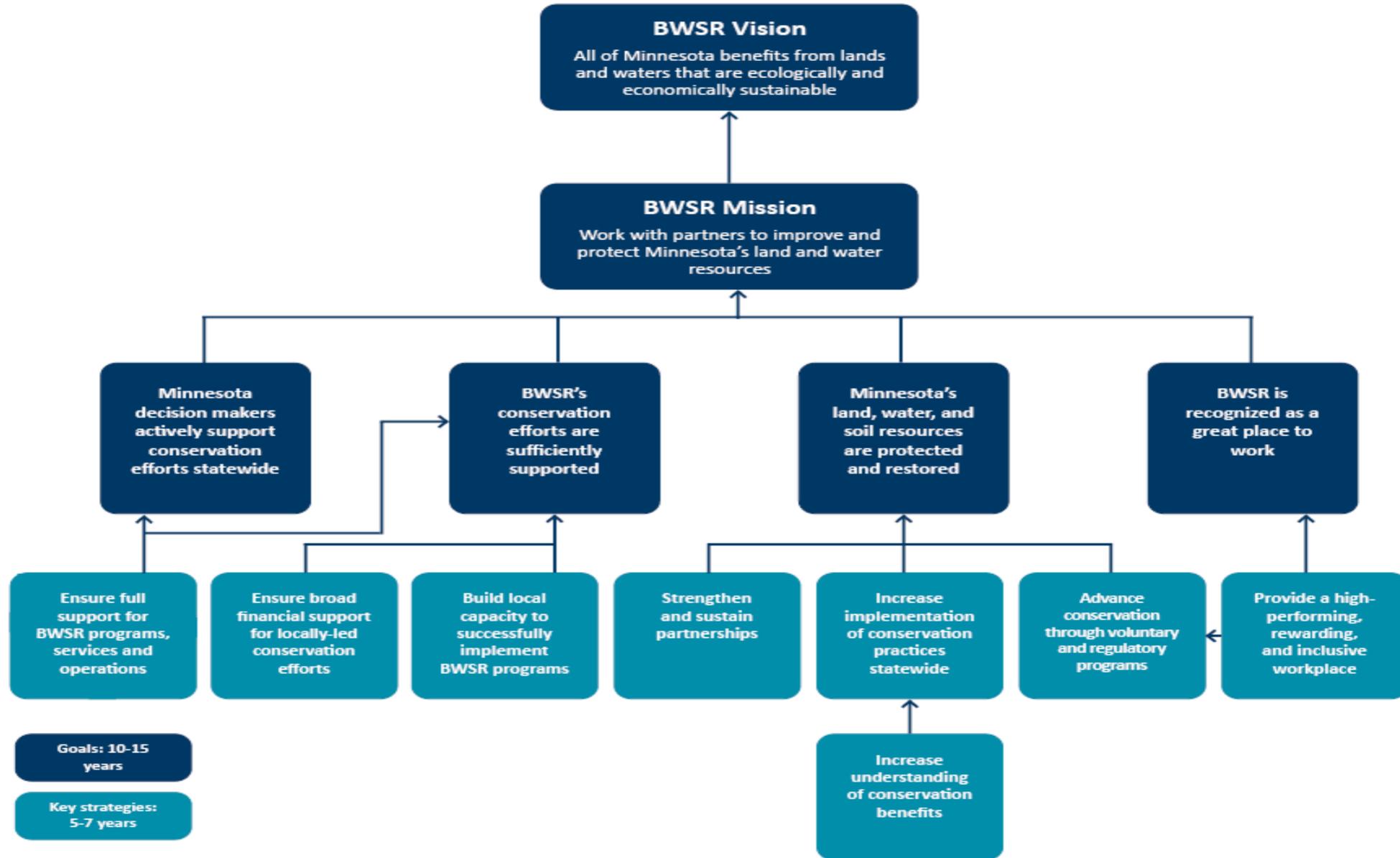


Minnesota's land, water, and soil resources are protected and restored

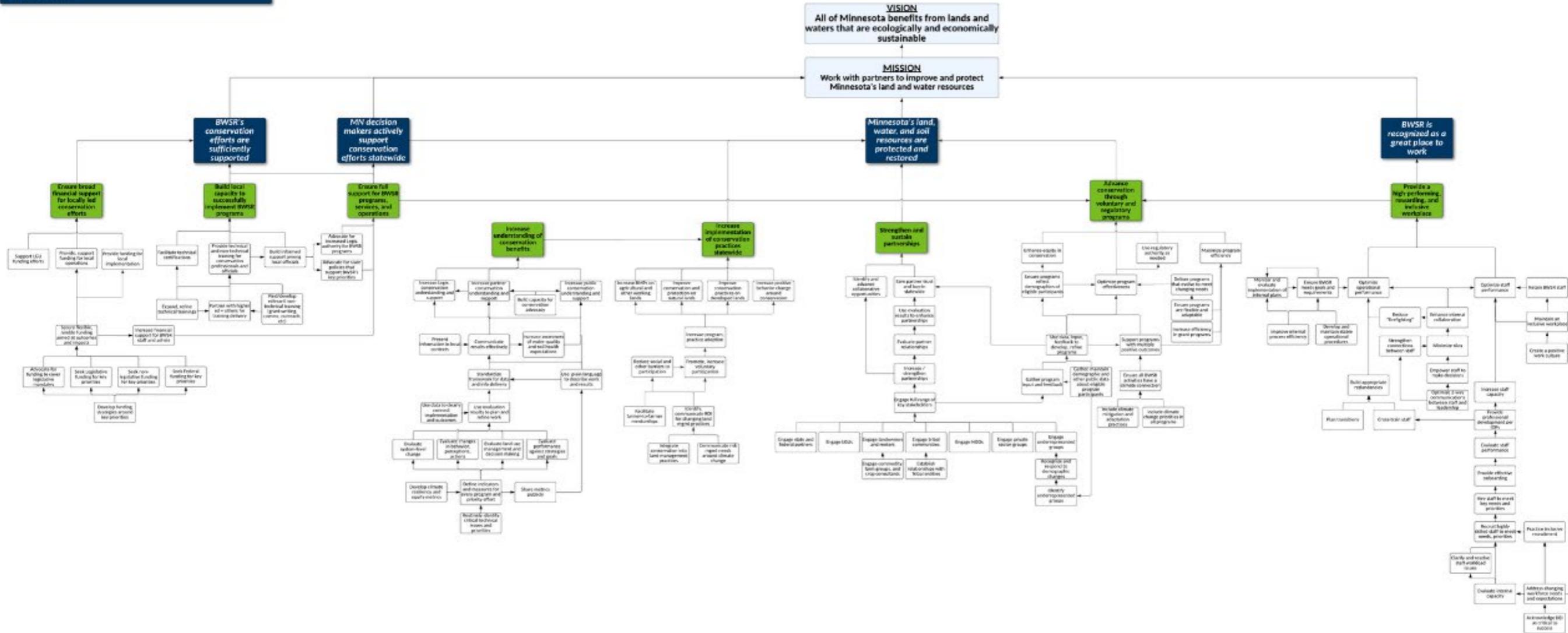


BWSR is recognized as a great place to work





Basemap





Two Year Work Plan



Identify high priorities for the next 2 years



Develop specific action steps



Identify key staff to lead new efforts



Staff Input

Goal 2: Decision makers actively support conservation efforts statewide

Strategy 2.1/1.3: Ensure full support for BWSR programs, services and operations

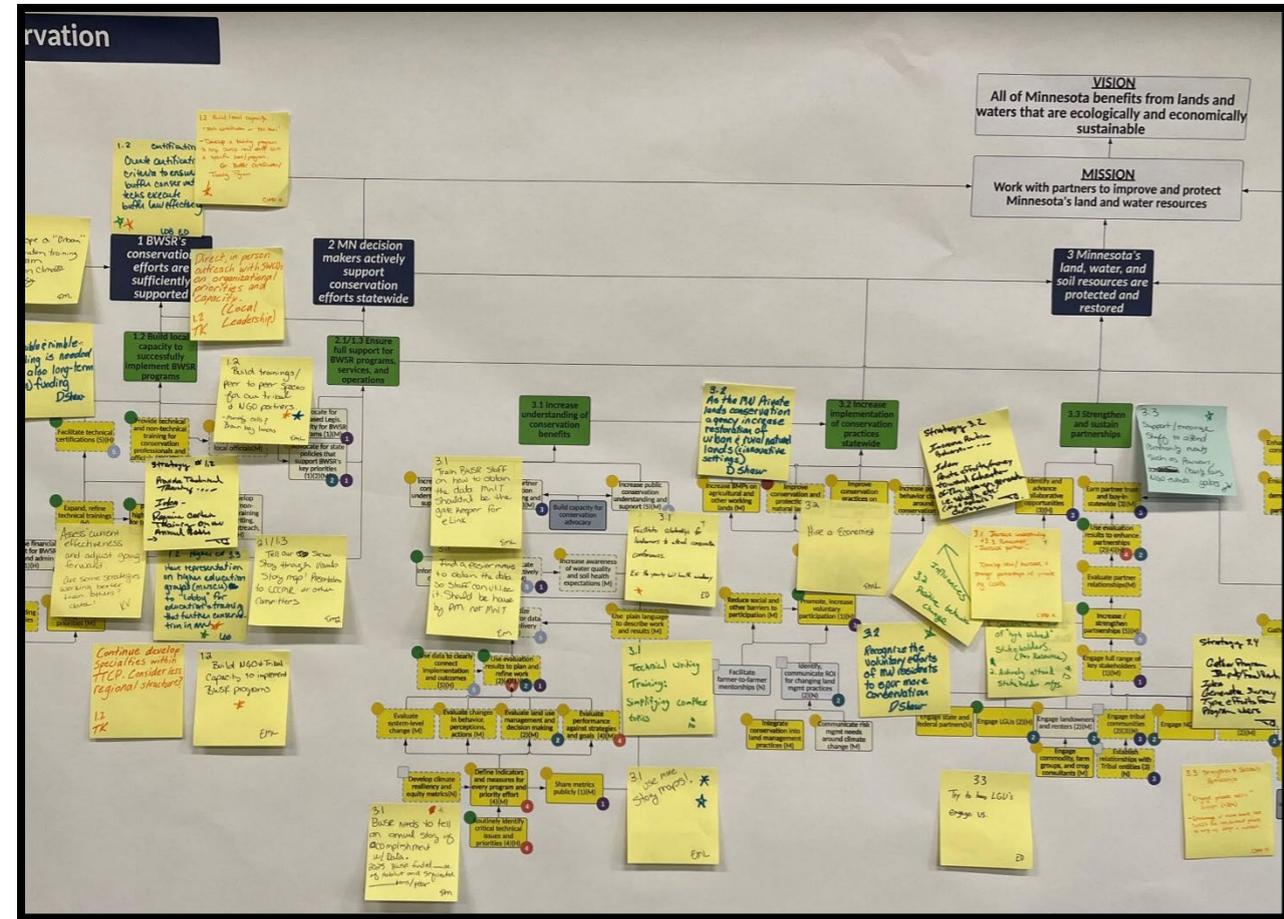
- 1) Advocate for state policies that support BWSR's key priorities
 - a. Communicate with LSOHC on how to consolidate RIM programs while receiving adequate funding similar to what we receive with several LSOHC funded programs. Trickle-down benefits to SWCDs and landowners.
 - b. Add more partner information that affects BWSR's work on external communications; example: PWI update DNR)
 - c. Build/enhance skills in advocacy through training
 - d. Tell our success story through visual story maps and present to LCCMR or other committees.
 - e. Raise legislator awareness of BWSR using existing tools like Gov Delivery
- 2) Not in a box:
 - a. Increase communication with partners to identify suggested policy changes
 - b. Help LGUS get legislators out in the field to see projects



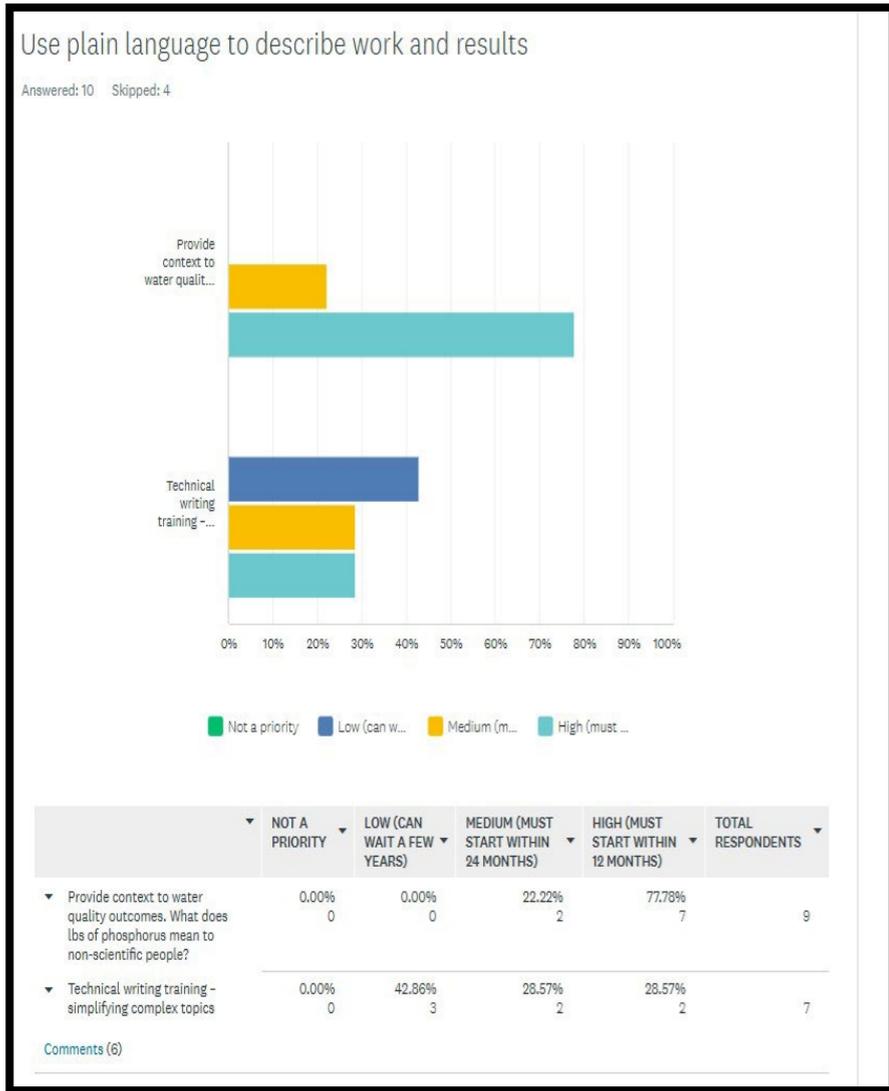
Goal 3: Minnesota's land, water, and soil resources are protected and restored

Strategy 3.1: Increase understanding of conservation benefits

- 1) Define indicators and measures for every program and priority effort
 - a. Need BWSR "goals" so practices/program are moving the needle fast enough
- 2) Increase legislative conservation understanding and support
 - a. Provide newsletters and status updates to local and state policy makers
 - b. Work with LSOHC, legislature and other state leaders to understand the benefits of permanent easements, long-term cost effectiveness of them, landscape benefits and the flexible common sense approach by BWSR/SWCDs for the landowners ability to continue to use the land outside of cropping/building
 - c.
- 3) Use data to clearly connect implementation and outcomes
 - a. Make GIS story map
 - b. BWSR needs to tell an annual story of accomplishment with data (i.e. "in 2025 BWSR funded XXXX acres of habitat and sequestered XXX tons/year)



SMT Prioritization: Step 1



Survey



BWSR Strategic Plan priorities

Goal 1: BWSR's conservation efforts are sufficiently supported

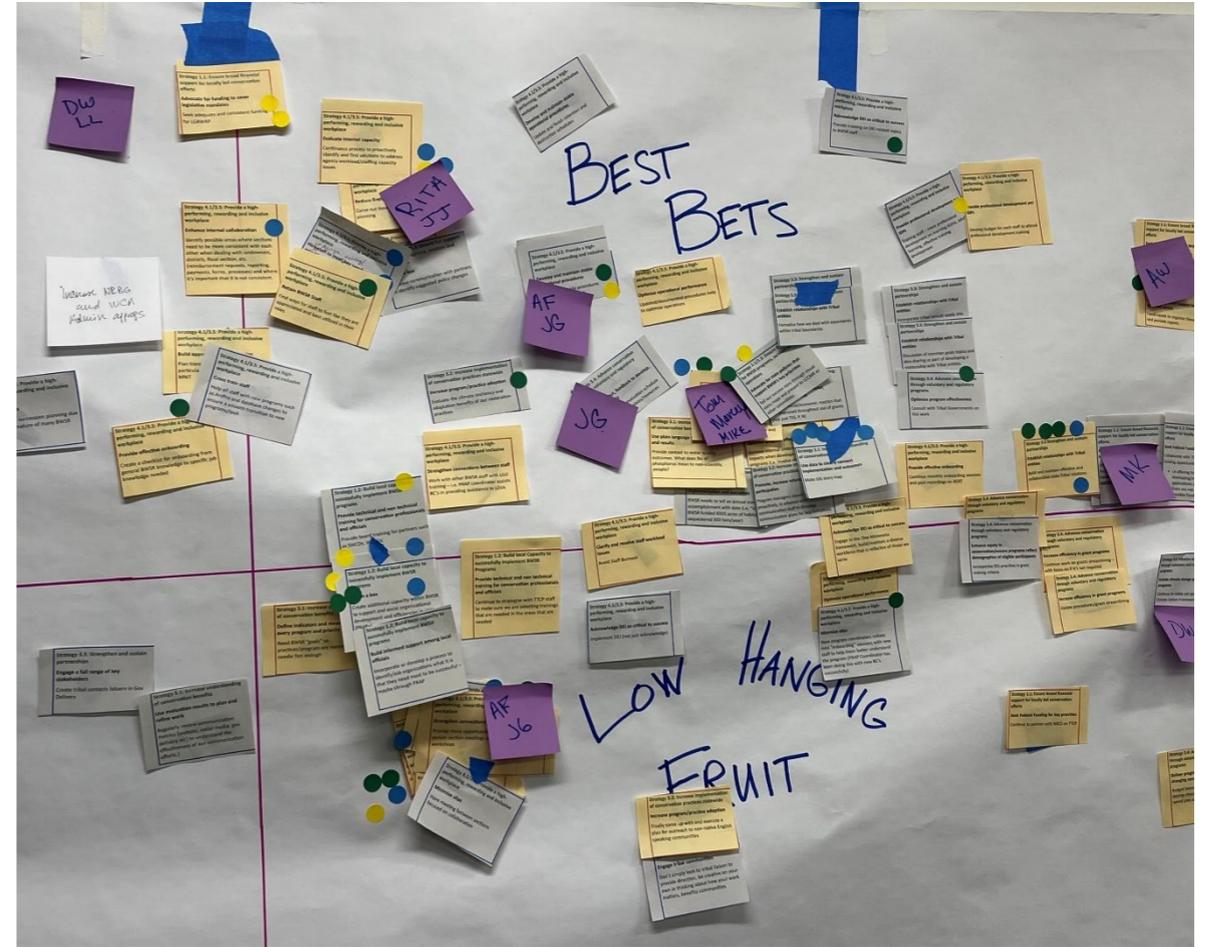
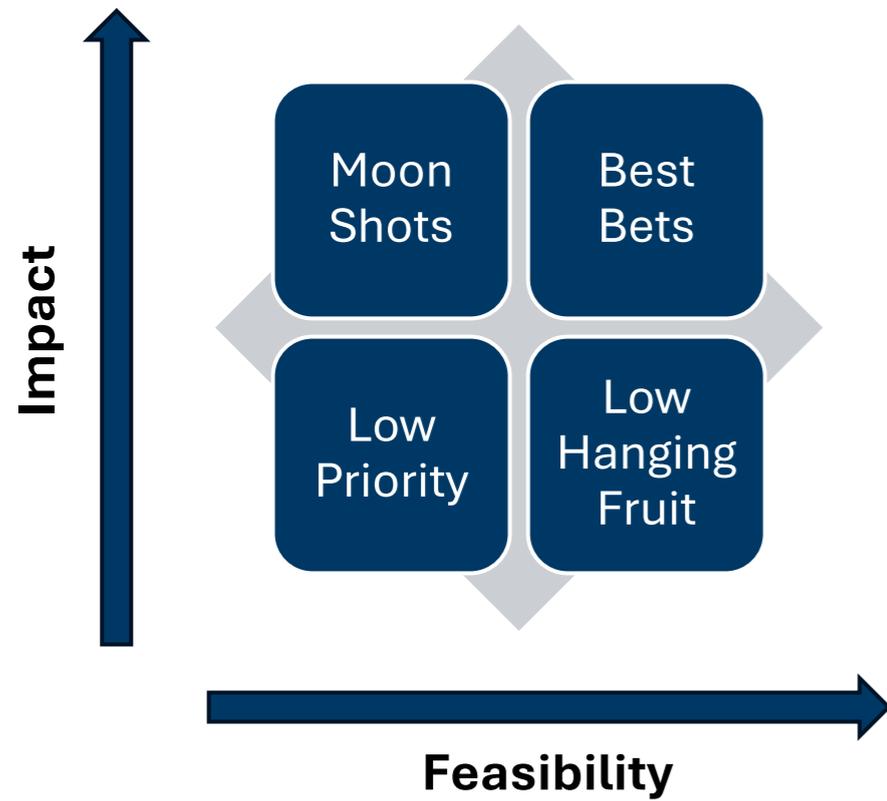
Strategy 1.1: Ensure broad financial support for locally led conservation efforts

- 1) **Advocate for funding to cover legislative mandates**
 - a. Gather environmental outcomes data that allows us to share the story and importance of work
 - b. When referring to "local" we need to include Tribal Governments Seek an increase in NRBG and WCA admin appropriations
 - c. Seek adequate and consistent funding for LGRWRP
- 2) **Seek Federal Funding for key priorities**
 - a. Consider partnering with FEMA to get funding for stream restorations/floodplain
 - b. Continue to partner with NRCS on TTCP
 - c. Consider opportunities beyond RCPP including a forestry CREP
 - d. Develop a process to ensure applications meet priorities and has enough to actually fund
 - e. Collaborate with Tribal Govs on federal funding opportunities
 - i. i.e offering to assist with developing/managing applications so Trib Govs and the State are not missing out on possible funding
 - f. look for additional opportunities to collaborate with Tribal Govs on federal funding outside of NRCS
 - g. Pursue NRCS grants for ag banking
 - h. Seek a WPDG to continue banking vege analysis
- 3) **Provide funding for local implementation**
 - a. Work with legislature, MASWCD (lobbyists) on additional local implementation funding for SWCDs to work on RIM
- 4) **Develop funding strategies around key priorities**
 - a. Create a structure within BWSR (and identify existing/future funding) to contract with technical services areas/shared capacity for SWCDs to do outreach about easement programs
 - b. Continue to meet with interest groups to talk about the need for storage to increase funding for the storage program.
 - c. Find additional funding sources for RIM/1W1R program for multi-benefit projects

Analysis



SMT Prioritization: Step 2



2025-2026 Strategic Work Plan

13 New Projects/Initiatives

2025-2026 Work Plan

The following work plan identifies new initiatives that will begin between 2025-2026. These projects, along with the many existing initiatives already happening within the agency are part of BWSR's strategic plan for achieving our mission to work with partners to improve and protect Minnesota's land and water resources.

New Initiatives

Goal 1: BWSR's conservation efforts are sufficiently supported

Strategy 1.1: Ensure broad financial support for locally led conservation efforts

Action Item: Advocate for funding to cover legislative mandates

Project: Seek adequate and consistent funding for the Local Government Road Wetland Replacement Program

Intended Outcome: \$19-\$26 million in funding appropriated in the 2025 legislative session, split between base and the capital budget

Accountable SMT Member: Dave Weirens

Lead staff: Dave Weirens, Les Lemm, and Dennis Rodacker, John Jaschke, Andrea Fish, Mike Nelson

Activities: Work with stakeholder organizations and MnDOT to evaluate status and needs for LGRWRP, develop communications materials and develop legislative strategy

Timeline: Work is underway (as of Feb 6, 2025). Coordination of stakeholders is planned for during and after this legislative session.

Action Item: Increase broad financial support for locally led Conservation efforts

Project: Develop budget reports for managers and program coordinators

Intended Outcome: Managers and program coordinators will have up to date information and understanding of the budgets for their sections and programs

Next Steps



Begin work on new projects/initiatives



Continued monitoring of progress on new initiatives and ongoing work



Evaluate progress at 1 year mark



Update Strategic Work Plan in 2026

COMMITTEE RECOMMENDATIONS

Wetland Conservation Committee

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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE: Wetland Conservation Act Rulemaking Update

Meeting Date: May 28, 2025

Agenda Category: Committee Recommendation New Business Old Business

Item Type: Decision Discussion Information

Keywords for Electronic Searchability: Wetland Conservation Act WCA Rulemaking

Section/Region: Wetlands

Contact: Les Lemm

Prepared by: Les Lemm

Reviewed by: _____ Committee(s)

Presented by: Les Lemm, Ken Powell

Time requested: 45 minutes

Audio/Visual Equipment Needed for Agenda Item Presentation

Attachments: Resolution Order Map Other Supporting Information

Fiscal/Policy Impact

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

ACTION REQUESTED

LINKS TO ADDITIONAL INFORMATION

[Wetland Conservation Act Rulemaking | MN Board of Water, Soil Resources](#)

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

The Minnesota Board of Water and Soil Resources (BWSR) is responsible for promulgation of the Wetland Conservation Act (WCA) Rules (MN Rules Chapter 8420). The current WCA Rule was adopted in 2009, and multiple statute changes have occurred since adoption. Staff have been working on rule-related topics for several years, coordinating with other agencies and obtaining technical and policy input. Most recently, two preliminary drafts of the rule (dated November 12, 2014 and April 25, 2025) were posted on the BWSR website for the purpose of obtaining public input. The BWSR Wetland Conservation Committee has met several times to review rule topics and the preliminary draft rule language. The preliminary draft rules, comments received, and additional

information is available on the WCA Rulemaking page of the BWSR website. The next step is to consider any additional feedback received and develop a final draft of the rule for consideration by the Wetland Conservation Committee and the full Board. After board adoption of a final draft rule, it will be posted in the State Register followed by additional opportunities for public review and input under the State Administrative Procedure Act. The purpose of this agenda item is to update the Board on the draft rule development process and provide an overview of the substantive changes currently contained in the preliminary draft rule.