

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
LOWER-LEVEL SOUTH CONFERENCE ROOM
ST. PAUL, MN 55155
WEDNESDAY, OCTOBER 22, 2025**

BOARD MEMBERS PRESENT:

Eunice Biel, Jayne Hager Dee, Jill Crafton, Joe Collins, Kevin Wilson, LeRoy Ose, Lori Cox, Mark Zabel, Mike Runk, Neil Peterson, 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:

STAFF PRESENT:

Dave Weirens, Rachel Mueller, Tom Gile, Travis Germundson, Rita Weaver, Sharon Doucette, Denise Lauerman, Karli Swenson, Peter Jordet, Justin Hanson, Jared House, Dusty VanThuyne, Ed Lenz, Marcey Westrick, Lucy Dahl

OTHERS PRESENT:

Brian Martinson, AMC; Jan Voit, Minnesota Watersheds; Graham Berg-Moberg, Minnesota Townships; Alex Trunnell, Minnesota Corn; Sarah Boser

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

PLEDGE OF ALLEGIANCE

25-49 **ADOPTION OF AGENDA** - Moved by Joe Collins, seconded by Tom Schulz, to adopt the agenda as amended. ***Motion passed on a roll call vote.***

25-50 **MINUTES OF SEPTEMBER 24, 2025 BOARD MEETING** – Moved by Mike Runk, seconded by Joe Collins, to approve the minutes of September 24, 2025, as circulated. ***Motion passed on a roll call vote.***

PUBLIC ACCESS FORUM

No members of the public provided comments to the board.

INTRODUCTION OF NEW STAFF

Andrea Fish introduced Tracy Ohmann, Human Resources Director.

CONFLICT OF INTEREST DECLARATION

Chair Holman read the statement:

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

COMMITTEE RECOMMENDATIONS

Grants Program and Policy Committee – Part 1

Manure Management and Groundwater Protection Grant – Dave Weirens and Justin Hanson presented the Manure Management and Groundwater Protection Grant.

In 2024, the legislature appropriated funding to support a one-time initiative. This was a result of elevated nitrate and the need for groundwater protection measures in southeast Minnesota. This program will provide funding to plan for and implement manure management activities to reduce nitrates, enhance groundwater protection and reduce greenhouse gases associated with agriculture. Priority will be given to areas with high groundwater nitrate levels or geology conducive to groundwater pollution. This must be completed through activities that protect or enhance groundwater quality.

Jill Crafton asked if there was any discussion at the committee on how the funds are going to be used to mitigate nitrates in groundwater. Mark Zabel stated part of that is addressed within the criteria advertised in the RFP. He stated the \$807,500 that’s available couldn’t go to a single grantee, the funds would be distributed to several subgrants.

Lori Cox stated when looking at the ranking criteria it describes the project and expected results but doesn’t say where we’re going to measure after project implementation. Justin Hanson stated staff are expecting best management practices to come forward through the application process. The appropriation language left flexibility for a variety of different practices to be implemented. Lori asked if this is a joint venture with the Department of Agriculture. Justin stated they have had ongoing communication with all the agencies and there is a lot of coordination.

Commissioner Kessler stated they often hear from producers that they would like money for storage and is encouraged there is money that can be used for these types of projects.

Kevin Willson asked if producers need a permit for their storage or do they need to get their manure management plan reviewed by the MPCA. Commissioner Kessler stated all facilities that are subject to Minnesota Rules need a manure management plan if they are having animals that qualify, and those plans are reviewed by MPCA staff or delegated county feedlot officers.

**
25-51 Moved by LeRoy Ose, seconded by Thom Petersen, to approve the Manure Management and Groundwater Protection Grant. ***Motion passed on a roll call vote.***

REPORTS

Chair & Administrative Advisory Committee – Chair Holman reported the committee has not met. Justin Hanson attended the EQB meeting for Todd where information was presented to EQB on data centers. Bill Penning is retiring and there is a recognition event tonight at BWSR Academy. Todd thanked Dave Weirens for serving as acting Executive Director at today's meeting. Dave thanked them for the opportunity to step in to be prepared if the Executive Director is not able to attend a future meeting.

Executive Director's Report – Dave Weirens reported BWSR Academy is taking place this week. Federal shutdown is having some effects on BWSR's work with payments to producers. Annual meetings will be taking place, if any board members are interested in participating notify John Jaschke or Rachel Mueller.

Thom Petersen asked about NRCS staff coming back to work. Dave stated they haven't heard anything on their return.

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 one new appeal has been filed and there currently are five appeals pending.

File 25-11 is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order regards the placement of 4,000 sq. ft. of fill in a wetland adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. The appeal was placed in abeyance pending an outcome of an exemption and no loss application that was submitted.

Files 25-10 and 25-9 were granted to be heard. Records have been requested from local units of government, and they will be submitted by the end of this month. At which time they'll proceed with a prehearing conference, potentially scheduling a DRC hearing.

In a previous report, File 25-4 the board denied a petition for a wetland replacement plan for a property in St. Louis County, the decision was appealed to the Court of Appeals. That appeal has been dismissed with a settlement agreement between the parties.

Grants Program & Policy Committee – Mark Zabel reported they met and have items on the agenda for today. The Committee received information on Clean Water Fund competitive grants to move the timeline forward. There was also a discussion on Legacy Partners and Tribes and how it will play out in the future. They are planning to meet again in November.

Dave Weirens stated there is a report on the Clean Water Legacy Partners in the Day of Packet.

RIM Reserve Committee – Jayne Hager Dee reported there is an item on the agenda from the committee. Staff are finalizing two easement amendments that will be on a future Board agenda.

Water Management & Strategic Planning Committee – Joe Collins reported they have not met. The Central Region Committee is set to meet in December.

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

Buffers, Soils & Drainage Committee – LeRoy Ose reported they met on new procedures and there is an item on the agenda for today.

Drainage Work Group (DWG) – Neil Peterson reported they met in October. They had a presentation from the Minnesota Center of Environmental Advocacy (MCEA) on their petition to the MPCA for drainage permitting. Tom Gile reported they had a brief update from MCEA on their discussion to MPCA for the drainage proposal they put forward. MPCA will be responding to that petition before the end of the month. They started some conversations about potentially adding some practices to the multipurpose drainage management grant program in the future. They discussed updates and posting of information on the BWSR website. There will be a November meeting.

AGENCY REPORTS

Minnesota Department of Agriculture – Thom Petersen reported they are dealing with avian influenza mostly in commercial flocks and have requested help from the USDA. They now have almost 60 weather testing stations. Stated they released an RFP for green fertilizer.

Kevin Wilson asked about chicken ordinances and guidance on avian flu. Commissioner Petersen stated they have a stakeholder call on Friday and the University of Minnesota Extensions routinely puts on a talk about what to do with backyard flocks.

Joel Larson stated the U of M has resources on avian influenza available on their website.

Commissioner Strommen stepped out at 9:30 a.m. and Jason Garms stepped in.

Minnesota Department of Health – Steve Robertson reported MDA is beginning to observe some of the effects of the Federal Government shutdown. The public health lab is continuing to build their capabilities with merging contaminants. They are expanding their ability to work on PFAS issues, corrosion control, and chemical and illicit drugs. Private wells have new educational brochures and outreach materials regarding information for real estate professionals at the time of property transfers. They've also developed an owner's guide for private well owners. In southeast Minnesota 1,400 test kits have been analyzed and 226 reverse osmosis systems, with the help of the Dept. of Agriculture, have been installed at private residences where the results have been problematic. He stated they support the Minnesota Source Water Protection Collaborative, and it's a group that works to advance engagement in outreach around drinking water protection activities, particularly to protect sources of drinking water. This group will be using art as an engagement activity.

Minnesota Department of Natural Resources – Jason Garms reported a DNR news release was posted on their website today that relates to the flood hazard mitigation grants that awarded \$9 million to a variety of projects. He stated they will be getting the go ahead on some bonding capital projects.

Rich Sve stated the grants given to Silver Bay is a huge deal and is a great start.

Minnesota Extension – Joel Larson reported the extension has resources on avian influenza and backyard flocks. Provided the following links with information.

<https://extension.umn.edu/poultry-health/avian-influenza-basics-noncommercial-poultry-flock-owners>
<https://extension.umn.edu/animals-and-livestock-news/highly-pathogenic-avian-influenza-hpai-update>

He stated that Extension and the University has a relatively limited direct impact from the Federal Government shutdown. They are unable to collaborate on various research projects with Federal partners and that has had significant disruption. Dr. Bonnie Keeler has been selected as the next director of the Water Resources Center and will be starting in early January. They had a successful Water Resources Conference and had a record attendance. He stated they have a private wells education program that provides resources and information for private well users across the state. The 2025 Minnesota Irrigation program is November 18 and 19 in Becker.

Minnesota Pollution Control Agency – Katrina Kessler reported the Minnesota Center for Environmental Advocacy, and eight other organizations submitted a petition to the MPCA to begin a rulemaking process that would create a permanent framework for public drainage systems. They are alleging that the MPCA has a legal duty to regulate drainage systems as a source of water pollution under the state disposal system permitting requirements. She stated the Federal shutdown will start to complicate their work as items require approval or review from the EPA. She stated the Climate Sub Cabinet released the draft of the updated State's Climate Action Framework that was first put out in 2022. A draft of the Climate Action Framework update and a survey is available to provide feedback here: https://engage.eqb.state.mn.us/climate-action-framework-update?tool=survey_tool#tool_tab.

ADVISORY COMMENTS

Association of Minnesota Counties – No report was provided.

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

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

Minnesota Association of Townships – Eunice Biel reported there will be clerk training for townships in November. The annual conference for the Minnesota Association of Townships will be in St. Cloud December 11 – 13.

Minnesota Watersheds – Jan Voit reported they are preparing for their annual conference December 3-5 at the Grandview Lodge in Nisswa.

Natural Resources Conservation Service – No report was provided.

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

Lori Cox left the meeting at 10:15 a.m.

COMMITTEE RECOMMENDATIONS

Buffers Soils and Drainage Committee

Buffer Program Procedures Update Request for Public Comment – Travis Germundson and Tom Gile presented the Buffer Program Procedures Update Request for Public Comment.

The Board of Water and Soil Resources (Board) has the responsibility to oversee the provisions of Minnesota Statute 103F.48.

In 2017, via Board Resolution #17-62 BWSR adopted 9 buffer procedures.

Minnesota Statutes Section 103F.48, Subd 1(J) was revised in 2024 to expand the definition of “With Jurisdiction,” which means “a board determination that the county or watershed district has adopted and is implementing a rule, ordinance, or official controls providing procedures for the issuance of administrative penalty orders, enforcement, and appeals for purposes of this section and section 103B.101. This determination is revocable by board action if the adoption and implementation of rule, ordinance, or official controls are not in compliance with the requirements of this section or board adopted procedures.”

Staff have reviewed the existing buffer procedures to ensure they align with current Minnesota Statutes Section 103F.48 and to update as needed to ensure SWCDs, counties, watershed districts and BWSR staff have sufficient clarity and direction to continue implementing and enforcing the law. The current request is to post the draft procedures to solicit input on the revisions.

Neil Peterson asked if they’ll have to update or change anything on their ordinance to comply. Travis stated there will likely need to be some changes made.

Jill Crafton asked if there is any place to have a riparian protection discussion to have better enforcement on buffers, etc. Tom Gile stated the MS4 program does provide run off protection through the stormwater treatment systems that are done as part of the development systems. This law does not particularly address the issue, and they could have a discussion on it.

Dave Weirens stated changes in the procedures do not affect the existing buffer requirements.

Commissioner Strommen returned to the meeting at 10:36 a.m.

25-52 Moved by Mark Zabel, seconded by Joe Collins, to approve the Buffer Program Procedures Update Request for Public Comment. ***Motion passed on a roll call vote.***

Grants Program and Policy Committee – Part 2

FY26 Soil Health Delivery Authorization – Tom Gile and Jared House presented the FY26 Soil Health Delivery Authorization.

This board authorization represents the continuation of the work initiated on October 25, 2023, when the Board authorized staff to develop the FY 24-25 Soil Health Delivery Program. That initial program model, which delivers Soil Health funds to Soil and Water Conservation Districts across Minnesota via a formula-based, non-competitive grant structure, can be sustained through the \$3.56 million Clean Water Fund appropriation secured in the 2025 legislative session. The intent is to maintain continuity in program delivery.

Jill Crafton asked if this is giving flexibility to think outside the box and do things that are innovative and work well with farmers to have better results. Jared stated this is dedicated funding that would allow

SWCDs to experiment, reaching out to people that may not have participated in soil health programming in the past.

25-53 Moved by Jayne Hager Dee, seconded by Joe Collins, to approve the FY26 Soil Health Delivery Authorization. ***Motion passed on a roll call vote.***

Funding Recommendations for the FY26 Water Quality and Storage Program Grants – Rita Weaver presented the funding recommendations for the FY26 Water Quality and Storage Program Grants.

The Water Quality and Storage 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 fifth request for proposals under this program.

BWSR staff are presenting the ranking and scoring criteria for board approval. Upon approval, we will open the Request for Proposals on October 30th, and close the application period on December 31st (approximately eight weeks). Applications will be scored and ranked by a team of BWSR staff, and staff will enter into grant agreements with the highest ranking applicants.

There is approximately \$10 million available in the program, and we propose to have \$4.5 million available for funding during for this RFP, which includes some funds that were returned due to an incomplete project. We will not release the entire \$10 million so we will have some funds still available to be used as match in the case we are awarded federal funds. So, there are no federal funds planned to be used for this program at the time of the October board meeting.

The staff recommendations were presented to the BWSR SMT September 9, 2025 and the Grants Program and Policy Committee on October 13, 2025. The funding recommendations included in the board order are a result of those meetings.

25-54 Moved by Ted Winter, seconded by Mike Runk, to approve the Funding Recommendations for the FY26 Water Quality and Storage Program Grants. ***Motion passed on a roll call vote.***

RIM Reserve Committee

Conservation Easement Alteration Policy Revision – Sharon Doucette presented the Conservation Easement Alteration Policy Revision. Following the September Board meeting, staff developed two options that were presented to the RIM Committee. The first option defined public infrastructure for purposes of the 1:1 payment, and the second one narrowed the 1:1 payment to only public roads. Staff also recommended having an effective date of January 1, 2026 to allow 2 existing easement alterations to be completed under the existing policy. A third change is to move the word other in 4)B. for added clarity. The Committee is recommending Option 1 that is reflected in the Draft Policy that is in the Board day of packet and the January 1, 2026 effective date.

Sharon also reviewed the Board Order to identify the changes from the draft that was presented in September.

Kevin Willson asked what the discussion was around cost infrastructure with rural or smaller communities. Jayne Hager Dee stated they clarify who is government and who was nongovernment and if it's a public project one time, if its anything else its two times. Sharon stated current policy has a single rate for these public benefited projects and it is two times the current RIM rate. Most of the projects that come in under this section are road projects, so they fall into the one time category.

**
25-55 Moved by Jayne Hager Dee, seconded by LeRoy Ose, to approve the Conservation Easement Alteration Policy Revision. ***Motion passed on a roll call vote, with Tom Schulz voting against the motion.***

NEW BUSINESS

2026 Proposed BWSR Board Meeting Schedule – Dave Weirens presented the 2026 Proposed BWSR Board Meeting Schedule.

Meeting dates are being proposed for board meetings in 2026. Most meetings are the fourth Wednesday of the month, unless otherwise noted. The proposed calendar has meetings held in the same months as the 2025 calendar.

**
25-56 Moved by Mark Zabel, seconded by Tom Schulz, to approve the 2026 Proposed BWSR Board Meeting Schedule. ***Motion passed on a roll call vote.***

UPCOMING MEETINGS

- Central Region Committee is scheduled for December 8th at 2:00 p.m. in St. Paul and by MS Teams.
- Next BWSR Meeting is scheduled for 9:00 AM, December 18, 2025, in St. Paul and by MS Teams.

Chair Holman adjourned the meeting at 11:11 AM.

Respectfully submitted,



Todd Holman
Chair