

Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
Saint Paul, Minnesota 55155

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In the Matter of the review of the Watershed  
Management Plan for the Elm Creek Watershed  
Management Commission, pursuant to  
Minnesota Statutes Section 103B.231, Subdivision  
9.

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ORDER  
APPROVING  
A WATERSHED  
MANAGEMENT PLAN

**Whereas**, the Board of Commissioners of the Elm Creek Watershed Management Commission (Commission) submitted a Watershed Management Plan (Plan) on September 29, 2025, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

**Whereas**, the Board has completed its review of the Plan;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions and Order:

**FINDINGS OF FACT**

1. **Watershed Management Organization Establishment.** The Elm Creek Watershed Management Commission (Commission) was formed on February 1, 1973, through a Joint Powers Agreement (JPA) with all or part of the following seven communities: Champlin, Corcoran, Dayton, Maple Grove, Medina, Plymouth, and Rogers. The Commission adopted their first Watershed Plan in 1983.
2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current Commission watershed management plan was approved by Board Order on September 23, 2015. Subsequently, the Commission completed one minor amendment between 2015 and 2025.
3. **Nature of the Watershed.** The Commission is located exclusively in Hennepin County in the northwest portion of the Twin Cities Metropolitan Area. It is bound by the Mississippi and Crow Rivers to the north, on the east by the West Mississippi and Shingle Creek Watershed Management Commissions, on the south by Bassett Creek Watershed Management Commission and Minnehaha Creek Watershed District, and on the west by the Pioneer–Sarah Creek Watershed Management Commission. The Elm Creek watershed covers approximately 131 square miles. There are 22 lakes and four major streams in the Elm Creek watershed. The watershed predominantly drains directly to the Mississippi River with a small portion immediately tributary to the Crow River. The watershed continues to be influenced by agriculture with some high-density housing and commercial developments in the cities along the I-94 corridor.
4. **Plan Development and Review.** On March 29, 2024, the Commission sent notification of initiation of the planning process for the 2026-2035 Watershed Management Plan (Plan) to the plan review agencies and other parties as required by MR 8410, and solicited each agency's priority issues, summaries of relevant water management goals, and water resource information. An initial planning meeting was hosted by the Board of Commissioners on June 12, 2024. Regular meetings were held with the Technical Advisory Committee and

between April and May 2025 established commissions from each of the seven member cities were provided opportunity to meet with Commission staff and review and comment on the plan. A public input survey was also conducted.

The draft Plan was submitted to the Board, other state agencies, and local governments for the formal 60-day review on June 16, 2025, pursuant to Minnesota Statutes Section 103B.231 Subd. 7. The Commission prepared a written response to the 60-day comments, sent their responses to reviewers on August 27, 2025, and then held a public hearing on September 10, 2025. The Commission made revisions to the Plan to address the comments received and then approved the final draft Plan for final review by State Review Agencies and BWSR approval and submitted it to the Board on September 29, 2025. Comments received during the 90-day review period indicated that most reviewers did not have additional comments, however the Minnesota Department of Health recommended that additional comments be addressed, and the Minnesota Department of Natural Resources had two non-critical editorial comments.

5. **Local Review.** The Commission distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231 Subd. 7. Hennepin County provided comments that were addressed by the Commission, which included clarifying text and provided reference to resiliency planning tools.
6. **Metropolitan Council (Council) Review.** During the 60-day review, the Council commended the Commission for developing a watershed management plan that includes an inventory of its land and water resources, prioritization of issues, associated goals, and strategies to address its most important resources through a scientific approach, and applauded the Commission's Climate Resiliency and Sustainability Plan. They also acknowledged the Commission's commitment to addressing needs within the agricultural areas and dedicating Watershed Based Implementation Funding to implementation. The Council questioned how measurable progress and success will be defined for Priority 1, Goal 1. They also informed the Commission of the Council's technical memo on groundwater and suggested ensuring the plan is Americans with Disabilities Act compliant. The Council also attached an unofficial letter noting inconsistencies and typographical errors. During the 90-day review, the Council felt the updates made to the plan addressed concerns and did not have any additional comments.
7. **Department of Agriculture (MDA) Review.** The MDA did not provide formal comment.
8. **Department of Health (MDH) Review.** During the 60-day review, MDH commended the watershed for exceeding minimum water protection standards and noted appreciated that the plan was written in plain language and was well-organized and easy to understand and navigate. MDH commented that the plan should recognize that the watershed lies upstream of Minneapolis and St. Paul's drinking water intakes and recommends including more information about groundwater—addressing both quality and quantity—to fully meet requirements and protect drinking water sources. MDH also suggested encouraging local governments to manage potential contaminant sources continuously, especially in high-priority areas identified in updated Source Water Assessments. They stated that climate and resiliency planning should account for effects on both surface and groundwater. Lastly, MDH noted minor data errors and unclear language in the appendices, particularly in the Topography, Geology, and Infiltration sections. During the 90-day review, MDH noted that many of their comments had been addressed, but not all. They noted remaining incorrect geologic information in the Appendix, two 60-day comments that were not formally addressed, and they hoped to see groundwater incorporated more fully into the plan and with more consideration given to private wells in the context of climate change. They recommend addressing outstanding comments during a future plan amendment.
9. **Department of Natural Resources (DNR) Review.** During the 60-day review, the DNR provided suggestions and clarifications around public water basins, shoreland classifications and the Mississippi River Critical Corridor Area, DNR LakeFinder, work requiring a DNR Waters Permit, and 100-year flood events. During the 90-day review, DNR indicated that they felt the draft Plan satisfactorily addressed their comments. They did question if

climate change was missing from the numeric list of priority issues and suggested more description around the environmental justice area.

10. **Pollution Control Agency (PCA) Review.** During the 60-day review, several of the PCA comments revolved around measuring progress and setting quantifiable (numeric) goals to evaluate Plan success. Suggestions for a number of clarifications and additions were made for many of the waterbodies listed in the Plan and creating a table of actions was mentioned to track projects, pollutant reductions, and funding. Adding additional emphasis on engagement with underrepresented communities, adding agricultural outreach goals, and strengthening chloride reduction strategies were also stated. PCA applauded the resilience and adaptation summary but wondered if the two climate and resiliency sections—one under goals and actions and one under implementation—could be combined into one section and made into more clear actions. PCA also recommended that the Plan update provide an opportunity to include Tribal influence in the area and more demographic information. During the 90-day review, the PCA noted that they had no additional comments.
11. **Department of Transportation (DOT) Review.** The DOT did not provide formal comment.
12. **Board Review.** During the 60-day review, Board staff thanked the Commission for hosting various Plan development meetings, noted appreciation of the inclusion of priorities related to chloride pollution, climate resiliency and sustainability, agricultural best management practices, and education, and noted that the Plan was well written and utilized plain language. Board staff suggested updating the draft Plan date to 2026-2035 since the plan would likely go before the Board near the end of 2025. Staff also had comments on how priority issues were identified and prioritized, on goal measurability and progress evaluation, and a few other comments to help bring the plan into conformance with Minnesota Statutes Sections 103B.201 to 103B.251 and Minnesota Rules 8410. Staff also sent unofficial typographical, grammatical, and formatting comments. Staff felt the Plan was revised as necessary to provide required Plan content.
13. **Plan Summary.** The Commission has identified water quality, quantity, education, and changing land use/climate as its highest priorities. The Plan sets six watershed-wide and two resource-specific goals to address these priorities. The updated Plan will build on previous success through the continuation of several activities and introduction of new activities such as recently adopted updated Rules and Standards. Other programs include lake and stream monitoring, expanded education and outreach, funding for Best Management Practices and the Capital Improvement Program. The Plan also includes a four-phase climate resiliency and sustainability strategy.

#### **Fourth Generation Management Plan Priorities**

- Protect, maintain, and improve the water quality and ecological integrity of the water and natural resources within the watersheds and the downstream receiving waters.
  - Reduce stormwater runoff rates and volumes to limit flood risk, protect conveyance systems, protect surficial groundwater, and reduce or mitigate impacts that have already occurred.
  - Educate and engage all stakeholders in the watersheds on surface water issues and opportunities.
  - Anticipate and proactively work to withstand adverse impacts from changing land use/cover and environmental and climate conditions.
14. **Central Region Committee Meeting.** On December 8, 2025, the Board's Central Region Committee and staff met in St. Paul and online to review and discuss the final Plan. Those in attendance from the Board's committee Joe Collins (in-person), Jill Crafton (online), Jayne Hager Dee (in-person), Mark Zabel (online), Lori Cox (online), Joel Larson (online), Steve Robertson (in-person), Grant Wilson (online). Board staff in attendance were Marcey Westrick (Central Regional Manager, in-person), Jen Dullum (Board Conservationist, in-person). Others in attendance included Diane Spector (Stantec - Commission Staff, online) who provided highlights of the Plan and process and responded to comments. After presentation and discussion, the committee recommended approval of the Plan to the full Board.

## CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Elm Creek Watershed Management Commission (ECWMC) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.
3. The ECWMC Watershed Management Plan, attached to this Order, defines the water and water-related problems within the Commission's boundaries, possible solutions thereto, and an implementation program through 2035.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

## ORDER

The Board hereby approves the attached Elm Creek Watershed Management Commission Watershed Management Plan submitted on September 29, 2025.

Dated at Saint Paul, Minnesota this 18<sup>th</sup> day of December 2025.

## MINNESOTA BOARD OF WATER AND SOIL RESOURCES

  
Todd Holman, Chair  
Board of Water and Soil Resources

Date: 12/18/2025



December 18, 2025

Elm Creek Watershed Management Commission  
c/o Judie Anderson, Administrator  
3235 Fernbrook Lane  
Plymouth, MN 55447

Dear Chair and Commissioners:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Elm Creek Watershed Management Commission (ECWMC) Watershed Management Plan (Plan) at its regular meeting held on December 18, 2025. For your records I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the ECWMC must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

The commissioners, consultants, advisory committee members, and all others involved in the planning process are to be commended for their work on developing the Plan. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Board Conservationist, Jen Dullum at 651-308-6956, [jen.dullum@state.mn.us](mailto:jen.dullum@state.mn.us), or at the central office address for further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd Holman', written over a horizontal line.

Todd Holman  
Chair

Enclosure  
cc's on next page

cc: Reid Christianson, MDA (via email)  
Abby Shea, MDH (via email)  
Megan Moore, DNR (via email)  
Katie Kowalczyk, DOT (via email)  
Maureen Hoffman, Met Council (via email)  
Melinda Neville, MPCA (via email)  
Marcey Westrick, BWSR (via email)  
Jen Dillum, BWSR (via email)  
File Copy

Minnesota Board of Water and Soil Resources  
520 Lafayette Road North  
Saint Paul, Minnesota 55155

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In the Matter of the review of the Watershed  
Management Plan for the **Middle St. Croix  
Watershed Management Organization**, pursuant  
to Minnesota Statutes Section 103B.231,  
Subdivision 9.

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**ORDER  
APPROVING  
A WATERSHED  
MANAGEMENT PLAN**

**Whereas**, the Board of Managers of the Middle St. Croix Watershed Management Organization (MSCWMO) submitted a Watershed Management Plan (Plan) on September 24, 2025, to the Minnesota Board of Water and Soil Resources (Board) pursuant to Minnesota Statutes Section 103B.231, Subd. 9, and;

**Whereas**, the Board has completed its review of the Plan;

**Now Therefore**, the Board hereby makes the following Findings of Fact, Conclusions and Order:

**FINDINGS OF FACT**

1. **Watershed Management Organization Establishment.** The Middle St. Croix Watershed Management Organization (MSCWMO) was established by a Joint Powers Agreement (JPA) in 1984 between the following ten member communities: Afton, Bayport, Baytown Township, Lakeland, Lakeland Shores, Lake St. Croix Beach, Oak Park Heights, St. Mary's Point, Stillwater, and West Lakeland Township. The first Watershed Management Plan was approved by the Board in 1987.
2. **Authority of Plan.** The Metropolitan Surface Water Management Act requires the preparation of a watershed management plan for the subject watershed area which meets the requirements of Minnesota Statutes Sections 103B.201 to 103B.251. The current MSCWMO watershed management plan was approved by Board Order on September 23, 2015.
3. **Nature of the Watershed.** The MSCWMO watershed encompasses approximately 19.8 square miles and is located in the east-central part of Washington County. The WMO is bound by the St. Croix River on the east, the Valley Branch Watershed District on the west and south, and the Browns Creek Watershed District to the north. There are four primary waterbodies in the MSCWMO. The Middle St. Croix watershed has many small, parallel watersheds that all flow to the St. Croix, whereas the other watersheds in the County generally have one major drainage with a headwaters and an outlet. Land use in the watershed is evenly distributed between agricultural uses, rural residential and high-density residential/commercial land uses.
4. **Plan Development and Review.** On January 10, 2024, the MSCWMO sent notification of initiation of the planning process for the 2025-2035 Watershed Management Plan (Plan) to the plan review agencies and other parties as required by MR 8410, and solicited each agency's priority issues, summaries of relevant water management goals, and water resource information. An initial planning meeting was hosted by the Board of Managers on April 11, 2024. Periodic meetings were held with the

Technical Advisory Committee and between February 2024 and January 2025 additional input was gathered through community engagement and public meetings, including an open house, surveys, and electronic and direct outreach.

The draft Plan was submitted to the Board, other state agencies, and local governments for the formal 60-day review on February 28, 2025, pursuant to Minnesota Statutes Section 103B.231 Subd. 7. The MSCWMO prepared a written response to the 60-day comments, sent their responses to reviewers on August 4, 2025, and then held a public hearing on August 14, 2025. The MSCWMO made revisions to the Plan to address the comments received and then the approved the final draft Plan for final review by State Review Agencies and BWSR approval and submitted it to the Board on September 24, 2025. Comments received during the 90-day review period indicated that most reviewers did not have additional comments, however the Minnesota Department of Health recommended that additional comments be addressed.

5. **Local Review.** The MSCWMO distributed copies of the draft Plan to local units of government for their review pursuant to Minnesota Statutes Section 103B.231 Subd. 7. The City of Bayport provided comments around buffers, nonpoint sources of pollution, water quality monitoring and long-term budgeting which were addressed by the MSCWMO. Washington County also provided comments which were also addressed by the MSCWMO and included clarifying text, comments on modeling software, wetland types, and performance standards.
6. **Metropolitan Council (Council) Review.** During the 60-day review, the Council commended the MSCWMO for thoughtful overview of the watershed as well as a comprehensive list of issues, goals, policies, and strategies. They also applauded the incorporation of climate resilience and environmental justice as new issues to the plan. The Council asked for consideration to additional references and the Council's Imagine 2050 and Water Policy Plans and data and ensuring a comprehensive list of partners is included where appropriate. Clarity was also requested around terms and topics that may need additional context. Suggestions were also made to ensure the plan is Americans with Disabilities Act compliant and typographical errors were noted. During the 90-day review, the Council stated they felt that their comments had been addressed and did not have anything additional.
7. **Department of Agriculture (MDA) Review.** The MDA did not provide formal comment.
8. **Department of Health (MDH) Review.** During the 60-day review, MDH commended the MSCWMO for including groundwater and drinking water but recommend improving goals and strategies to better protect both groundwater and surface water. They commented that groundwater and surface water interactions should be addressed as one interconnected system and would like to see the MSCWMO integrate groundwater impacts more consistently, correct any technical inaccuracies, and align terms, citations, and figures with the Washington County Geologic Atlas and current agency standards. MDH noted areas where updated data, terminology, and rewording may be necessary and provided suggestions on handling sensitive information such as Emergency Response Areas. They requested clearer incorporation of the Lower St. Croix Watershed Partnership and commented on enhancing flood-related protections for wells, expanding education efforts around chloride, and incorporating MDH funding opportunities. During the 90-day review, MDH noted that many of their comments had been addressed, but not all. They note that many figures, credits, and sensitive data items still need to be addressed and recommend doing so during a future Plan amendment.
9. **Department of Natural Resources (DNR) Review.** The DNR did not provide formal comment.
10. **Pollution Control Agency (PCA) Review.** During the 60-day review, the PCA suggested additional context related to lake delisting successes. They also provided comments on identifying priority areas and implementation for those areas. PCA commented on setting quantifiable (numeric) goals to evaluate Plan success. Suggestions were made for adding additional clarity around supporting

environmental justice, strengthening chloride reduction strategies, expanding on climate change as it relates to flooding and infrastructure, and elaborating on older subsurface sewage treatment system programs. During the 90-day review, the PCA noted that they had no additional comments.

11. **Department of Transportation (DOT) Review.** The DOT did not provide formal comment.
12. **Board Review.** During the 60-day review, Board staff thanked the MSCWMO for hosting various Plan development meetings and consulting with staff during plan development. Board staff acknowledged inclusion of priorities related to chloride pollution, climate resiliency, and environmental justice and noted that the Plan was well written and utilized plain language. Board staff provided suggestions related to themes on prioritization, staff capacity, dataset updates and measurability of goals to help bring the plan into conformance with Minnesota Statutes Sections 103B.201 to 103B.251 and Minnesota Rules 8410. Staff also sent unofficial typographical, grammatical, and formatting comments. Staff feels the Plan was revised as necessary to provide required Plan content.
13. **Plan Summary.** The MSCWMO has identified thirteen distinct areas of concern which included groundwater, water quantity, water quality, water monitoring, and wetlands, to name a few. The Plan sets 12 goals to address these areas of concern and prioritized strategies and actions to help reach these goals. The Plan will build on previous success through the continuation of several activities and introduction of new activities such climate change and resiliency and environmental justice. The MSCWMO also developed the following purposes, in addition to those required in MN Statute 103B to guide their goals and policies:
  - Integrate environmental justice in all policies, programs, and activities;
  - Cooperatively manage water resources;
  - Inventory and assess the resources;
  - Monitor the water quality of lakes and streams;
  - Provide education on water related issues;
  - Review development plans for stormwater management, erosion and sediment control, and wetland and shoreland protection; and
  - Plan and implement capital improvement projects that enhance the water resources of the watershed.
14. **Central Region Committee Meeting.** On December 8, 2025, the Board's Central Region Committee and staff met in St. Paul and online to review and discuss the final Plan. Those in attendance from the Board's committee Joe Collins (in-person), Jill Crafton (online), Jayne Hager Dee (in-person), Mark Zabel (online), Lori Cox (online), Joel Larson (online), Steve Robertson (in-person), Grant Wilson (online). Board staff in attendance were Marcey Westrick (Central Regional Manager, in-person), Jen Dullum (Board Conservationist, in-person). Others in attendance included Matt Oldenburg-Downing and Rebecca Oldenburg-Downing (MSCWMO Staff, in-person) who provided highlights of the Plan and process and responded to comments. After presentation and discussion, the committee recommended approval of the Plan to the full Board.

## CONCLUSIONS

1. All relevant substantive and procedural requirements of law and rule have been fulfilled.
2. The Board has proper jurisdiction in the matter of approving the Watershed Management Plan for the Middle St. Croix Watershed Management Organization (MSCWMO) pursuant to Minnesota Statutes Section 103B.231, Subd. 9.

3. The MSCWMO Watershed Management Plan, attached to this Order, defines the water and water-related problems within the MSCWMO's boundaries, possible solutions thereto, and an implementation program through 2035.
4. The attached Plan is in conformance with the requirements of Minnesota Statutes Sections 103B.201 to 103B.251.

#### **ORDER**

The Board hereby approves the attached Middle St. Croix Watershed Management Organization Watershed Management Plan submitted on September 24, 2025.

Dated at Saint Paul, Minnesota this 18<sup>th</sup> day of December 2025.

#### **MINNESOTA BOARD OF WATER AND SOIL RESOURCES**



Todd Holman, Chair  
Board of Water and Soil Resources

Date: 12/18/2025



December 18, 2025

Middle St. Croix Watershed Management Organization  
c/o Matt Oldenburg-Downing, Administrator  
455 Hayward Ave  
Oakdale, MN 55128

Dear Chair and Managers:

I am pleased to inform you that the Minnesota Board of Water and Soil Resources (Board) has approved the Middle St. Croix Watershed Management Organization (MSCWMO) Watershed Management Plan (Plan) at its regular meeting held on December 18, 2025. For your records I have enclosed a copy of the signed Board Order that documents approval of the Plan. Please be advised that the MSCWMO must adopt and implement the Plan within 120 days of the date of the Order, in accordance with MN Statutes 103B.231, Subd. 10.

The managers, advisory committee members, and all others involved in the planning process are to be commended for their work on developing the Plan. With continued implementation of your Plan, the protection and management of the water resources within the watershed will be greatly enhanced to the benefit of the residents. The Board looks forward to working with you as you implement this Plan and document its outcomes.

Please contact Board Conservationist, Jen Dullum at 651-308-6956, [jen.dullum@state.mn.us](mailto:jen.dullum@state.mn.us), or at the central office address for further assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd Holman', written over a faint dotted line.

Todd Holman  
Chair

Enclosure  
cc's on next page

CC: Reid Christianson, MDA (via email)  
Abby Shea, MDH (via email)  
Megan Moore, DNR (via email)  
Katie Kowalczyk, DOT (via email)  
Maureen Hoffman, Met Council (via email)  
Melinda Neville, MPCA (via email)  
Marcey Westrick, BWSR (via email)  
Jen Dillum, BWSR (via email)  
File Copy

**BOARD ORDER****RIM Easement Alteration Request - Easement #87-02-10-07****PURPOSE**

Board decision on the easement alteration request to resolve a violation on RIM Easement #87-02-10-07 in Yellow Medicine County.

**RECITALS / FINDINGS OF FACT**

- A. The Board of Water and Soil Resources (BWSR) acquired Perpetual RIM Easement #87-02-10-07 on 43.6 acres in Yellow Medicine County on September 1, 2011, as part of the RIM Rock Outcrop Program.
- B. In 2025, a routine site inspection noted a shed and volleyball court had been built within the easement area, which are in violation of the conservation easement terms and conditions.
- C. Due to the permanent nature of the violation, the landowner, Brett Almich, is proposing an easement alteration, with 2:1 land replacement as a resolution.
- D. Mr. Almich is requesting to release 2.4 acres from the current easement, to remove the shed, volleyball court, and yard from the easement area.
- E. Mr. Almich is offering to add 4.8 acres to the RIM easement in exchange, to meet the requirements of the Board's Easement Alteration Policy.
- F. The replacement land consists of the same soil types as the original easement area, and lies adjacent to an existing DNR Prairie Bank Easement.
- G. This easement alteration would be of benefit to the State by increasing the acres under perpetual protection and closing a gap between the existing RIM easement and the DNR Prairie Bank Easement.
- H. The Yellow Medicine SWCD Board has submitted a letter in support of this alteration request to resolve the violation.
- I. The landowner has paid the required \$500 administrative fee for the alteration request.
- J. The RIM committee recommends approval of this request as voted on at their December 08, 2025 meeting.


**ORDER**

The Board hereby:

- 1. Approves the request to alter RIM Easement #87-02-10-07, as proposed, to release 2.4 acres and add 4.8 acres adjacent to the easement.

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

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**



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Todd Holman, Chair  
Board of Water and Soil Resources

Date: 12/18/2025

## BOARD ORDER

### RIM Easement Alteration Request - Easement #85-14-06-01

#### PURPOSE-

Board decision on the easement alteration request on RIM Easement #85-14-06-01 in Winona County to resolve easement violation.

#### RECITALS /FINDINGS OF FACT

- A. The Board of Water and Soil Resources (BWSR) acquired RIM Easement #85-14-06-01 on 14.1 acres in Winona County on July 11, 2007, as part of the CREP II program.
- B. In 2024, a routine site inspection noted a driveway, garage and basketball court were encroaching on the easement area, which are in violation of the conservation easement terms and conditions.
- C. Due to the permanent nature of the violation, the landowner, Keith Kroening, is proposing an easement alteration, with 4:1 land replacement as a resolution.
- D. Mr. Kroening is requesting to release 1.0 acres from the current easement, which includes the areas of encroachment as well as one other small, irregularly shaped easement area lying east of the driveway.
- E. Mr. Kroening is offering to add 4.0 acres of non-cropland to the RIM easement in exchange, to meet the requirements of the Board's Easement Alteration Policy.
- F. The violation is likely a result of the irregular and fragmented shape of the easement boundary that was never posted on the ground, creating confusion about the precise location.
- G. This easement alteration would be of benefit to the State as it results in a net gain of 3 acres of protected forestland to the easement, in an area surrounded by agriculture.
- H. The Winona SWCD Board has submitted a letter in support of this alteration request to resolve the violation.
- I. The landowner has paid the required \$500 administrative fee for the alteration request.
- J. The RIM committee recommends approval of this request as voted on at their December 08, 2025 meeting.

#### ORDER

The Board hereby:

- 1. Approves the request to alter RIM Easement #85-14-06-01, as proposed, to release 1.0 acres and add 4.0 acres to the easement.
- 2. Authorizes staff to work with Winona SWCD to officially amend the necessary RIM easement documents.

3. Further orders that Mr. Kroening shall be responsible for removing or correcting any objectionable title defects, liens, or encumbrances, as specified by BWSR, prior to amending this easement; and shall pay any necessary title insurance, recording fees and restoration costs within the replacement area.

**MINNESOTA BOARD OF WATER AND SOIL RESOURCES**

A handwritten signature in black ink, appearing to read 'T. Holman', is written over a horizontal line.

Todd Holman, Chair  
Board of Water and Soil Resources

Date: 12/18/2025