

DATE: December 9, 2025

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

FROM: John Jaschke, Executive Director



SUBJECT: BWSR Board Meeting Notice – December 18, 2025

The Board of Water and Soil Resources (BWSR) will meet on Thursday, December 18, 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:

COMMITTEE RECOMMENDATIONS

Central Region Committee

1. **Elm Creek Watershed Management Plan** – The Elm Creek Watershed Management Commission (ECWMC) 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. Located in the northwestern part of Hennepin County, in the Twin Cities Metropolitan Area, the approximately 131 square mile ECWMC will use this Plan over the next 10 years to protect the water resources of the Elm Creek watershed. **DECISION ITEM**
2. **Middle St. Croix Watershed Management Plan** – The Middle St. Croix Watershed Management Organization (MSCWMO) identified thirteen distinct are-as of concern which included groundwater, water quantity, water quality, water monitoring, and wet-lands, 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. Located in the east-central part of Washington County, in the Twin Cities Metropolitan Area, the approximately 19.8 square mile MSCWMO will use this Plan over the next 10 years to protect the water resources of the Middle St. Croix watershed. **DECISION ITEM**

RIM Reserve Committee

1. **RIM Easement Alteration Request – 87-02-10-07 Yellow Medicine County - Almich** – Board decision on the easement alteration request on RIM easement #87-02-10-07 in Yellow Medicine County to resolve an easement violation. A shed and volleyball court were reported to be encroaching on the easement area and the landowner is proposing 2:1 replacement of similar land to resolve the violation. **DECISION ITEM**
2. **Easement Alteration Request – RIM Easement #85-14-06-01 - Kroening** – Board decision on the easement alteration request on RIM easement #85-14-06-01 to resolve an easement violation. A garage, driveway, and basketball court were reported to be encroaching on the easement area. The landowner is proposing a 4:1 to resolve the violation. **DECISION ITEM**

NEW BUSINESS

1. **Impaired Waters for Practitioners** – A body of water is considered “impaired” if it fails to meet one or more water quality standards. Minnesota water quality standards protect lakes, rivers, streams, and wetlands by defining how much of a pollutant can be in the water before it is no longer drinkable, swimmable, fishable, or useable in other, designated ways (called “beneficial uses”). It is important to note that a water impaired for one designated use does not mean it cannot be used for other designated uses.

The MPCA works with many partners to identify the sources of pollutants and stressors to aquatic life, and determine reductions in pollutants and other changes needed to restore waters to meet water quality standards.

As required by the federal Clean Water Act, the MPCA assesses all waters of the state and creates a list of impaired waters every two years. This list includes waters that fail to meet water quality standards and uphold that water body’s designated use.

The listings are based on intensive water quality monitoring of major lakes and streams in Minnesota’s 80 watersheds, along with data from partners. This list is used to set pollutant-reduction goals needed to restore impaired waters, called the total maximum daily load (TMDL).

Approved by U.S. EPA in April 2024, Minnesota's list includes the TMDL list (303(d) list); 2024 Inventory of all impaired waters; delisted waters; changes and corrections from the 2022 list; Appendix A of the Statewide mercury TMDL.

The guidance manual describes Minnesota's monitoring and assessment strategy, assessment tools, and the assessment process. This guidance defines the required data and information and lays out the criteria by which waterbodies are assessed to determine if beneficial uses are supported or impaired. **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 December 18th.

**BOARD OF WATER AND SOIL RESOURCES
520 LAFAYETTE ROAD NORTH
ST. PAUL, MN 55155
THURSDAY, DECEMBER 18, 2025**

PRELIMINARY AGENDA

9:00 AM CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MINUTES OF OCTOBER 22, 2025 BOARD MEETING

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

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

Central Region Committee

1. Elm Creek Watershed Management Plan – Jen Dullum – ***DECISION ITEM***
2. Middle St. Croix Watershed Management Plan – Jen Dullum – ***DECISION ITEM***

RIM Reserve Committee

1. RIM Easement Alteration Request – 87-02-10-07 Yellow Medicine County – Almich – Karli Swenson
– ***DECISION ITEM***
2. Easement Alteration Request – RIM Easement #85-14-06-01 – Kroening – Karli Swenson
– ***DECISION ITEM***

NEW BUSINESS

1. Impaired Waters for Practitioners– Leya Charles, MPCA – ***INFORMATION ITEM***

UPCOMING MEETINGS

- Grants Program and Policy Committee is scheduled for January 14th at 9:00 a.m. in St. Paul and by MS Teams.
- BWSR Board meeting is scheduled for January 28th 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 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.

Chari 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

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:
Dispute Resolution/Compliance Report
Meeting Date:

December 18, 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

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

December 2, 2025

By: Travis Germundson

Five new appeals have been filed since the previous report, bring the total number of pending appeals to **nine**.

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 25-16 (November 21, 2025) This is an appeal of a WCA Replacement Plan decision for a property located in Meeker County. The appeal contests the denial of the replacement and sequencing components of the application seeking approval to construct a large solar facility within an existing wetland. Status: No decision has been made on the appeal.

File 25-15 (November 21, 2025) This is an appeal of a WCA Replacement Plan decision for a property in Crow Wing County. The appeal challenges the denial of a replacement plan for development of a lot, that according to the county, is subject to existing development restrictions. Status: No decision has been made on the appeal.

~~File 25-14 (November 7, 2025) This is an appeal of a WCA Replacement Plan decision for a property located in Cass County. The appeal challenges the approved conditions that no further wetland impacts are allowed on site. The decision was noticed back in 2024 and is well beyond the statutory timeline to appeal. Status: Appeal has been withdrawn and the matter dismissed.~~

File 25-13 (October 23, 2025) This is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order regards the placement of 2,000 sq. ft. of fill in a wetland adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. Status: Appeal was placed in abeyance pending LGU's decision on the exemption and no-loss application submitted concurrently with the appeal.

File 25-12 (October 22, 2025) This is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order regards the placement of 3,400 sq. ft. of fill in a wetland associated with two areas adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. Status: Appeal was placed in abeyance pending LGU's decision on the exemption and no-loss application submitted concurrently with the appeal.

File 25-11 (September 25, 2025) This is an appeal of a WCA Restoration Order for a property located in Otter Tail County. The Restoration Order regards the placement of 4,000 sq. ft. of fill in wetland adjacent to Long Lake. The petition contends that the current landowners are not responsible for the alleged violation. Status: Appeal was placed in abeyance pending LGU's decision on the exemption and no-loss application submitted concurrently with the appeal.

File 25-10 (August 29, 2025) This is an appeal of a WCA notice of decision for a property located in Brown County. The appeal challenges the denial of an exemption and no-loss determination. The appeal contends that the local administrative process is flawed and disputes the conclusion that the property does not qualify for the agricultural activities' exemption. This appeal involves the same property and wetland area associated with a pending appeal of a Restoration Order (File 25-7). Status: A decision to grant and hear the appeal has been made. A pre-hearing conference took place on November 25, 2025 and a schedule of filing written briefs has been set. A DRC Hearing to follow (not yet scheduled).

File 25-9 (August 25, 2025) This is an appeal of a WCA no-loss decision for a property located in Morrison County. The appeal challenges the approval of a no loss decision that was made under remand (File 24-9) for a township cartway. The petition contends that the incidental wetland determination is being applied in error. *Status: A decision to grant and hear the appeal has been made. A pre-hearing conference is scheduled to occur on December 16, 2025.*

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

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

Summary Table for Appeals

Type of Decision	Total for Calendar Year 2024	Total for Calendar Year 2025
Order in favor of appellant		1
Order not in favor of appellant	5	4
Order Modified	2	1
Order Remanded	1	
Order Place Appeal in Abeyance	1	3
Negotiated Settlement		
Withdrawn/Dismissed		1

Buffer Compliance Status Update: BWSR has received Notifications of Noncompliance (NONs) on 83 parcels from the 13 counties BWSR is responsible for enforcement. Currently there are eight Corrective Action Notices (CAN), and six Administrative Penalty Orders (APO) issued by BWSR that are still active. Of the actions being tracked over 62 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 309 NONs, 306 CANs, and 29 APOs actively in place. Of the actions being tracked over 3,182 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

Central Region Committee

1. Elm Creek Watershed Management Plan – Jen Dullum – ***DECISION ITEM***
2. Middle St. Croix Watershed Management Plan – Jen Dullum – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:
Elm Creek Watershed Management Plan
Meeting Date:

December 18, 2025

Agenda Category:
☒ Committee Recommendation
 ☐ New Business
 ☐ Old Business

Item Type:
☒ Decision
 ☐ Discussion
 ☐ Information

Keywords for Electronic
Searchability:

Elm Creek Watershed Management Plan

Section/Region:

Regional Operations/Central

Contact:

Jen Dullum

Prepared by:

Jen Dullum

Reviewed by:

Central Region

Committee(s)

Presented by:

Jen Dullum

Time requested:

10 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

Approval of the Elm Creek Watershed Management Plan as recommended by the Central Regional Committee.

LINKS TO ADDITIONAL INFORMATION
[Elm Creek Watershed Management Commission](#)
SUMMARY *(Consider: history, reason for consideration now, alternatives evaluated, basis for recommendation)*
Background

In 1973, the Elm Creek Watershed Management Commission (ECWMC) was formed to protect and manage the Elm Creek Watershed and adjacent minor watersheds. The ECWMC covers approximately 131 square miles in northwest Hennepin County, in the Twin Cities Metropolitan Area. Included in the ECWMC are the Cities of Champlin, Corcoran, Dayton, Maple Grove, Medina, Plymouth, and Rogers. The ECWMC 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. Among the ECWMC's water resources are 22 lakes and four major streams. 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.

Plan Process and Highlights

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 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.

Minnesota Board of Water and Soil Resources

520 Lafayette Road North
Saint Paul, Minnesota 55155

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.

**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. The 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 Dillum (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 18th day of December 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____



December 19, 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.

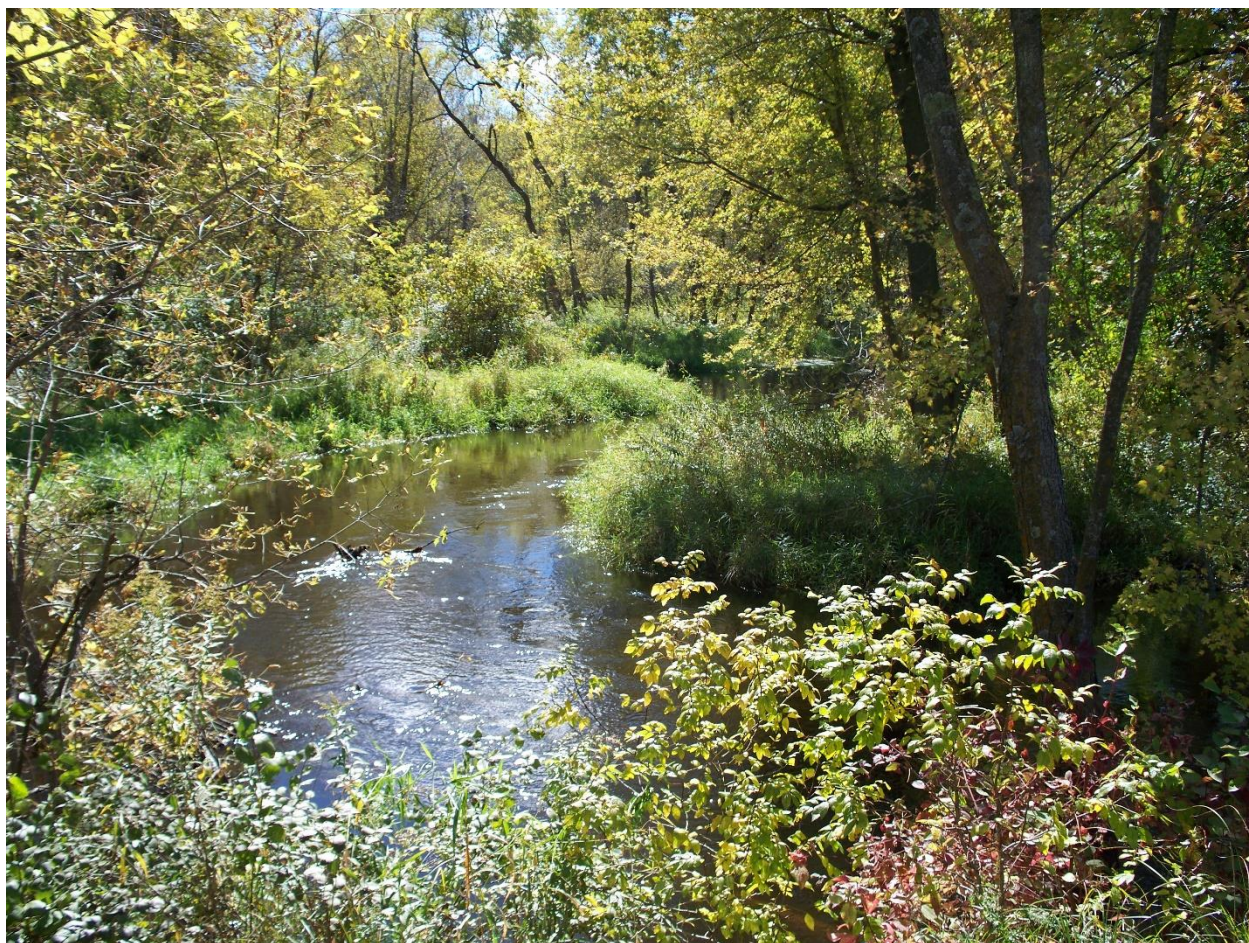
Please contact Board Conservationist, Jen Dullum at 651-308-6956, jen.dullum@state.mn.us, or at the central office address for further assistance in this matter.

Sincerely,

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



Elm Creek
Watershed Management Commission



Fourth Generation Watershed Management Plan
2026-2035

Final Review Draft
September 2025

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B	Land and Water Inventory
C	Rules and Standards
D	Monitoring Program
E	Implementation Program Descriptions
F	Self-Assessment
G	Public Input Process

Abbreviations

BMP	Best Management Practice
BWSR	Board of Water and Soil Resources
Chl-a	Chlorophyll-a
Commission	Elm Creek Watershed Management Commission
DNR	Department of Natural Resources
DO	Dissolved oxygen
EC WMC	Elm Creek Watershed Management Commission
EPA	Environmental Protection Agency
F-IBI	Index of Biotic Integrity for Fish
HCEED	Hennepin County Environment and Energy Department
IBI	Index of Biotic Integrity
JPA	Joint Powers Agreement
LGU	Local Government Unit
LWMP	Local Water Management Plan
MDH	Minnesota Department of Health
MDNR	Minnesota Department of Natural Resources
M-IBI	Index of Biotic Integrity for Macroinvertebrates
MPCA	Minnesota Pollution Control Agency
MS4	Municipal Separate Storm Sewer Systems
NPDES	National Pollutant Discharge Elimination System
NWI	National Wetland Inventory
NWS	National Weather Service
SWPPP	Storm Water Pollution Prevention Program
TMDL	Total Maximum Daily Load
TN	Total Nitrogen
TP	Total Phosphorus
TSS	Total Suspended Solids
µg/L	microgram per liter
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
WCA	Wetland Conservation Act
WHEP	Wetland Health Evaluation Program
WLA	Wasteload Allocation
WMWA	West Metro Water Alliance
WMC	Watershed Management Commission
WMO	Watershed Management Organization
WRAPS	Watershed Restoration and Protection Strategy

Executive Summary

This watershed management plan describes how the Elm Creek Watershed Management Commission (EC WMC) will manage activities in the watershed in the ten year period 2026-2035.

The Elm Creek Watershed Management Commission is a Watershed Management Organization (WMO) formed in 1973 using a Joint Powers Agreement (JPA) developed under authority conferred to the member communities by Minnesota Statutes Sections 471.59 and 103B.201 through 103B.251. The watershed is located in the northwest portion of the Minneapolis-St. Paul seven county Metropolitan Area and is comprised of all or part of the following cities in Hennepin County:

Cities	Area (sq mi)
Champlin	3.68
Corcoran	36.07
Dayton	25.08
Maple Grove	26.06
Medina	9.37
Plymouth	4.51
Rogers	26.20
Total	130.97

The WMO is governed by a Board of Commissioners that is comprised of one member appointed from each community by their respective City Councils. The Commission's purpose is set forth in the JPA and Minnesota Statutes 103B.210, Metropolitan Surface Water Planning, which codified the Metropolitan Surface Water Management Act of 1982:

- (1) protecting, preserving, and using natural surface and groundwater storage and retention systems.
- (2) minimizing public capital expenditures needed to correct flooding and water quality problems.
- (3) identifying and planning for means to effectively protect and improve surface and groundwater quality.
- (4) establishing more uniform local policies and official controls for surface and groundwater management.
- (5) preventing erosion of soil into surface water systems.
- (6) promoting groundwater recharge.
- (7) protecting and enhancing fish and wildlife habitat and water recreational facilities.
- (8) securing the other benefits associated with the proper management of surface and ground water.

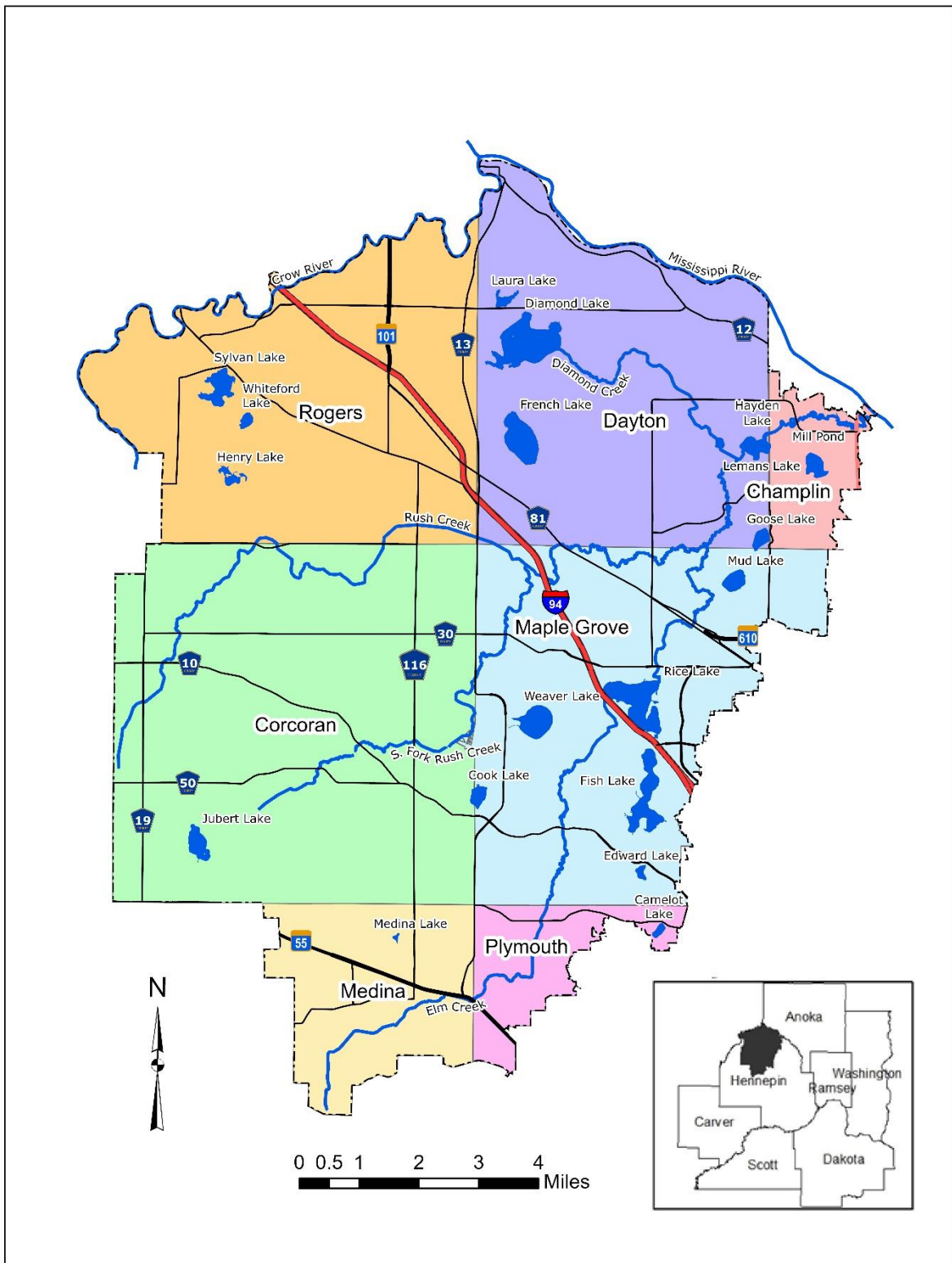


Figure E. 1. Cities in the Elm Creek watershed.
Source: Elm Creek Watershed Commission.

Fourth Generation Watershed Management Plan

The Elm Creek Watershed Management Commission initiated work on the Fourth Generation Plan in June 2024. The Plan includes information required in Minnesota Administrative Rules Chapter 8410, Local Water Management: an updated land and water resources inventory, goals and policies; an assessment of problems and identification of corrective actions; an implementation program; and a process for amending the Plan. This Plan also incorporates information and actions identified in the Elm Creek Watershed Total Maximum Daily Load study (TMDL) and Watershed Restoration and Protection Strategy study (WRAPS) completed between 2009 and 2015.

The Commission and Technical Advisory Committee identified priority problems and issues during the planning process:

1. Numerous impairments on the primary streams and several lakes with completed TMDLs.
2. New impairments have been identified, including chloride on Elm Creek and South Fork Rush Creek.
3. Land is transitioning from lightly developed and agriculture to more densely developed land uses at higher imperviousness.
4. Need to expand activities for education and outreach to increase knowledge about water resources issues and create behavioral change.
5. Need for a climate vulnerability assessment.

Management Plan Priorities and Goals

Through the identification of issues in the watershed, the ECWMC developed priorities and goals to guide water resources planning and management functions.

Priorities:

1. Protect, maintain, and improve the water quality and ecological integrity of the water and natural resources within the watersheds and the downstream receiving waters.
2. 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.
3. Educate and engage all stakeholders in the watersheds on surface water issues and opportunities.
4. Anticipate and proactively work to withstand adverse impacts from changing land use/cover and environmental and climate conditions.

Priority 1: Protect, maintain, and improve the water quality and ecological integrity of the water and natural resources within the watersheds and the downstream receiving waters.

Goals:

1. Reduce summer average TP concentration in Diamond Lake to 90 ug/L or better and improve TP, chl-a and clarity in Rice Lake by 10% from the 2013-2024 summer averages.
2. Achieve stable or improving water quality (TP, chl-a and clarity in lakes and TP and TSS in streams) where there is sufficient data available to determine a trend.

Strategies:

1. Administer rules and standards requiring new development and redevelopment to maintain or reduce the loading of pollutants from their sites.
2. Foster implementation of priority TMDL and other implementation projects by sharing in their cost and proactively seeking grant funds
3. Monitor lakes and streams to document measurable improvement in lake water clarity and in-stream nutrient and sediment concentrations in the Impaired Waters
4. Periodically review progress and revise the Implementation Plan as needed

Priority 2: Reduce stormwater runoff rates and volumes to limit flood risk, protect conveyance systems to limit erosion, protect surficial groundwater, and reduce or mitigate impacts that have already occurred.

Goals:

1. Maintain the current flood profile of Elm Creek and tributaries.
2. Achieve no net increase in runoff volume or rates of discharge from development and redevelopment to reduce potential for flooding, erosive velocities and streambank erosion.
3. Foster groundwater recharge.

Strategies:

1. Maintain rules and standards requiring new development and redevelopment to maintain or reduce the rates and volumes of runoff from their sites.
2. Require the post-development 2-year, 10-year, and 100-year peak rate of runoff to match or be less than pre-development level for the critical duration precipitation event.
3. Require abstraction of runoff where technically feasible to limit new annual runoff volumes.
4. Require compensatory floodplain storage below the established 100-year elevation.
5. Identify opportunities for additional storage and abstraction in the watershed.

Priority 3: Educate and engage all stakeholders in the watersheds on surface water issues and opportunities.

Goals:

1. Increase awareness of water resources in the watershed and create and support advocates willing to protect and preserve those resources.
2. Provide opportunities for youth, family and adult education and participation.

Strategies:

1. Operate a public education and outreach program that helps member cities meet their NPDES Phase II MS4 education requirements, with special emphasis on topics such as chloride, bacteria/pet waste, and nutrient management.
2. At least four times per year provide supplemental education and outreach engagement on TMDL and other topics of interest to various stakeholders, including ongoing outreach to lake associations and homeowners' associations
3. Continue to work cooperatively with other WMOs and agencies in the West Metro Water Alliance (WMWA) to provide joint education and outreach.
4. Work towards a WMWA full-time dedicated shared staff member.

Priority 4: Anticipate and proactively work to withstand adverse impacts from changing land use/cover and environmental and climate conditions.

Goals:

1. Assist member cities in understanding and implementing options for enhancing watershed resiliency.

Strategies:

1. Model and periodically re-assess the potential impacts of land use/cover change and a non-static climate on water resources with the best available predictive data.
2. Quantify and qualitatively assess risk and evaluate and implement responses for mitigation.
3. Collaborate with other agencies and organizations on joint efforts to manage impacts both locally and regionally.
4. Develop and implement strategies to appropriately manage future impacts.

Implementation

This Fourth Generation Watershed Management Plan continues activities that have been successful in the past.

<i>Rules and Standards</i>	In developing this Plan the Commission reviewed its Rules and Standards and made minor housekeeping changes.
<i>Monitoring Program</i>	The monitoring program continues with annual flow and water quality monitoring on Elm Creek, Rush Creek, and Diamond Creeks with other sites on a rotating or as-needed basis. Four lakes – Weaver, Fish, Rice, and Diamond Lakes – have been classified as “Sentinel Lakes,” and will be monitored every year. Other lakes will be monitored on a rotating basis. The Plan continues the partnership with the USGS for routine flow and water quality monitoring on Elm Creek in Elm Creek Park Reserve.
<i>Education and Outreach</i>	This Plan includes education and outreach goals and activities and continues collaborative partnerships such as the West Metro Water Alliance (WMWA) and Hennepin County.
<i>Implementation</i>	The Implementation Plan includes capital projects; funding to assist cities and private entities to undertake cost-share BMPs; subwatershed assessments, hydrologic and hydraulic modeling, feasibility studies, and periodic targeted special monitoring to assess progress toward the TMDLs.

Local and Watershed Plan Amendments

Cities are expected to update their Local Water Management Plan (LWMP) as part of their next Comprehensive Plan updates. These Local Plans must be consistent with this Watershed Plan and will be expected to include:

- Updated land use, hydrologic, and hydraulic data, and existing or potential water resource related problems that may have changed since the last LWMP.
- An explanation of how the member city will help to implement the goals, strategies, and actions set forth in the Commission’s Plan, including a focus on the Fourth Generation priorities.
- A detailed explanation of how the member city will take action to achieve the load reductions and other actions identified in and agreed to in TMDL Implementation Plans.
- An updated Implementation Plan identifying specific structural, nonstructural, and programmatic solutions to the problems and issues identified in the LWMP; their costs; and funding.
- An implementation program including a description of adoption or amendment of official controls and local policies necessary to implement the Rules and Standards; programs; policies; a capital improvement plan; and estimates of cost and funding mechanisms.

This Plan provides direction for EC WMC activities through the year 2035. The Commissioners intend the Plan to be a flexible framework and, as such, may initiate amendments to this plan at any time. The Commission will annually review the Capital Improvement Program and may adopt major or minor plan amendments adding or revising proposed capital improvement projects

Table 4.3. Fourth Generation Plan implementation plan.

IMPLEMENTATION PROGRAM	2025	2026	2027	2028	2029	2030	2031-2035
Watershed-wide Programs							
<i>City Cost Share Program</i>							
Commission Contribution-Capital Levy			100,000		100,000		300,000
Local Contribution			100,000		100,000		300,000
<i>Partnership Cost Share Program</i>							
Commission Contribution-Capital Levy			50,000		50,000		150,000
Local Contribution							
Rush Creek Subwatershed (Rush Creek, South Fork Rush Creek, Jubert Lake, Henry Lake)							
Capital Projects							
<i>Lake Internal Load Improvement</i>							
Commission Contribution-Capital Levy						100,000	
Local Contribution						0	
<i>Storage/Infiltration Project</i>							
Commission Contribution-Capital Levy							800,000
Local Contribution							0
<i>Rush Creek Hollow to Fernbrook Ln</i>							
Commission Contribution-Capital Levy	200,000						
Local Contribution	600,000						
<i>South Fork Rush, south of 101st</i>							
Commission Contribution-Capital Levy				750,000			
Local Contribution				2,250,000			
<i>Stream Project</i>							
Commission Contribution-Capital Levy							125,000
Local Contribution							375,000

IMPLEMENTATION PROGRAM	2025	2026	2027	2028	2029	2030	2031-2035
<i>Special Studies</i>							
<i>Subwatershed Storage and Infiltration SWA</i>							
Commission Contribution-Other				50,000			
Other				0			
Diamond Creek Subwatershed (Diamond Creek, Diamond Lake, French Lake)							
<i>Capital Projects</i>							
<i>Diamond Lake Internal Load Improvement</i>							
Commission Contribution-Capital Levy	660,000						
Local Contribution	0						
<i>Lake Internal Load Improvement Project-</i>							
Commission Contribution-Capital Levy					300,000		
Local Contribution					0		
<i>Stream Project</i>							
Commission Contribution-Capital Levy							125,000
Local Contribution							375,000
<i>Special Studies</i>							
<i>Diamond Lake Neighborhood BMPs</i>							
Commission Contribution-Other	108,000						
Local Contribution	12,000						
Elm Creek Subwatershed (Elm Creek, Weaver Lake, Rice Lake, Fish Lake, Hayden Lake, Mill Pond, Other Lakes)							
<i>Capital Projects</i>							
<i>Lake Internal Load Project</i>							
Commission Contribution-Capital Levy			300,000				300,000
Local Contribution			0				0
<i>Rice Lake Trail and Shoreline Restoration</i>							
Commission Contribution-Capital Levy					200,000		
Local Contribution					600,000		
<i>Storage/ Infiltration Project</i>							

IMPLEMENTATION PROGRAM	2025	2026	2027	2028	2029	2030	2031-2035
Commission Contribution-Capital Levy					400,000		
Local Contribution					0		
<i>Elm Creek Stream Project</i>							
Commission Contribution-Capital Levy							125,000
Local Contribution							375,000
<i>Reconstruct Bridge at Cartway and Elm Creek</i>							
Commission Contribution-Capital Levy		250,000					
Local Contribution		1,910,000					
<i>Brockton Ln WQ Improvements</i>							
Commission Contribution-Capital Levy						50,000	
Local Contribution						150,000	
<i>Special Studies</i>							
<i>Fish and Rice Lakes Carp Management</i>							
Commission Contribution-Other	50,000	100,000					
Other	0	0					
<i>Subwatershed Storage and Infiltration SWA</i>							
Commission Contribution-Other					50,000		
Other					0		
Crow River Subwatershed (Cowley Lake, Sylvan Lake, Lake Laura, Fox Creek)							
<i>Capital Projects</i>							
<i>New Project</i>							
Commission Contribution-Capital Levy							
Local Contribution							
<i>Special Studies</i>							
<i>Study</i>							
Commission Contribution-Other							
Local Contribution							

IMPLEMENTATION PROGRAM	2025	2026	2027	2028	2029	2030	2031-2035
Stormwater BMP Projects							
Capital Projects							
<i>Corcoran Street Sweeper</i>							
Commission Contribution-Capital Levy	100,000						
Local Contribution	300,000						
<i>Maple Grove Street Sweeper</i>							
Commission Contribution-Capital Levy		100,000					
Local Contribution		300,000					
Agricultural BMPs							
Commission Contribution-Capital Levy			150,000			150,000	200,000
Commission Contribution-Other	175,000						0
Local Contribution							
Other Watershed-Wide							
<i>Special Study-Flood Resiliency Modeling</i>							
Commission Contribution-Other			100,000				
Local Contribution							
<i>5th Generation Plan</i>							
Commission Contribution-Other		10,000	10,000	10,000	10,000	10,000	40,000
Local Contribution							
TOTAL IMPLEMENTATION PLAN	\$2,205,000	\$2,670,000	\$810,000	\$3,060,000	\$1,810,000	\$450,000	\$3,590,000
Commission Contribution-Capital Levy	960,000	350,000	600,000	750,000	1,050,000	200,000	2,125,000
Commission Contribution-Other	333,000	110,000	110,000	60,000	60,000	10,000	40,000
Local/Other Contribution	912,000	2,210,000	100,000	2,250,000	700,000	250,000	1,425,000

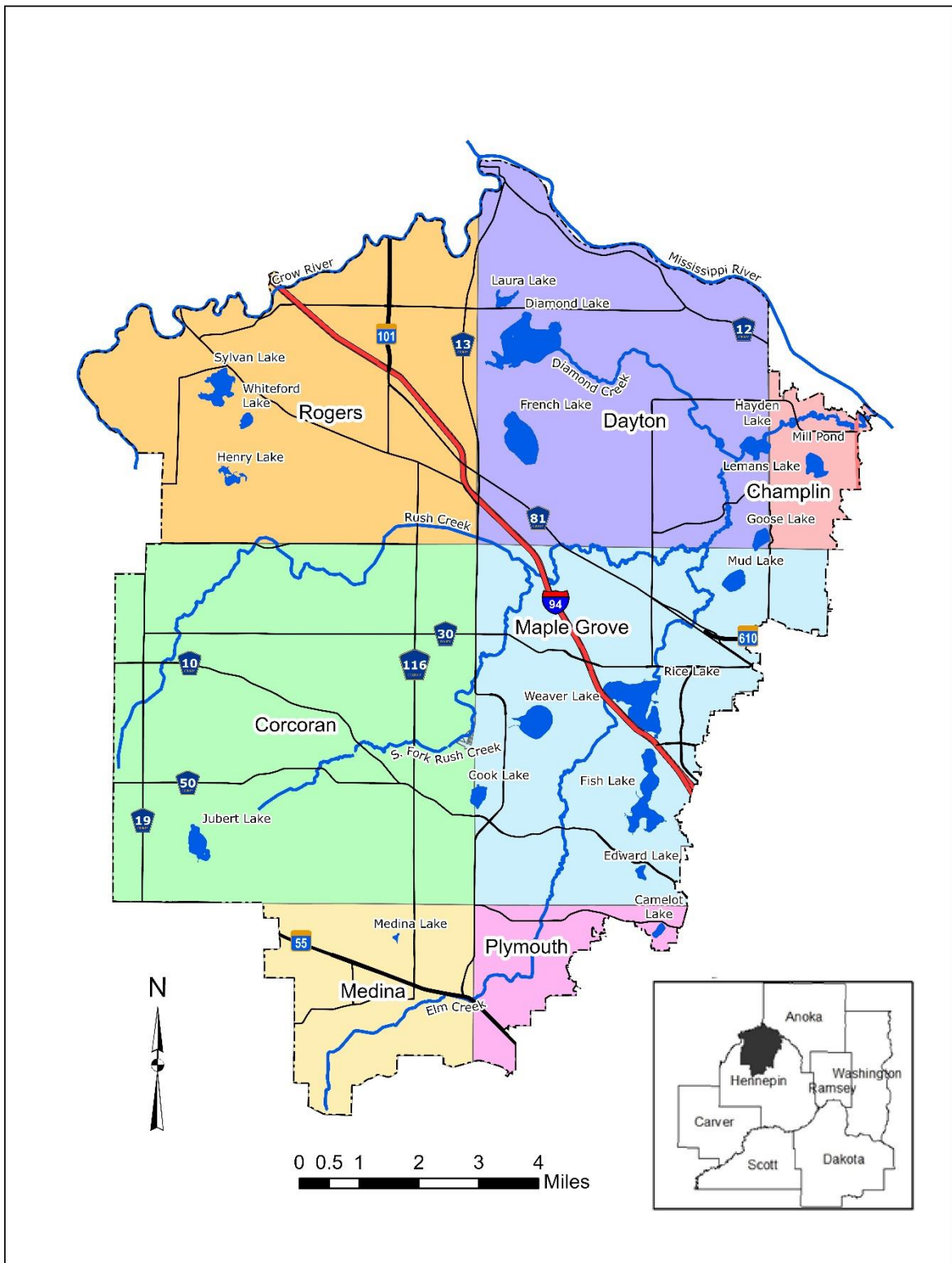


Figure E. 1. Cities in the Elm Creek watershed.

Source: Elm Creek Watershed Commission.

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	Middle St. Croix Watershed Management Plan		
Meeting Date:	<u>December 18, 2025</u>		
Agenda Category:	<input checked="" type="checkbox"/> Committee Recommendation	<input type="checkbox"/> New Business	<input type="checkbox"/> Old Business
Item Type:	<input checked="" type="checkbox"/> Decision	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Keywords for Electronic Searchability:	<u>Middle St. Croix Watershed Management Plan</u>		
Section/Region:	<u>Regional Operations/Central</u>		
Contact:	<u>Jen Dullum</u>		
Prepared by:	<u>Jen Dullum</u>		
Reviewed by:	<u>Central Region</u>	Committee(s)	
Presented by:	<u>Jen Dullum</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

Approval of the Middle St. Croix Watershed Management Plan as recommended by the Central Regional Committee.

LINKS TO ADDITIONAL INFORMATION

[MSCWMO Watershed Management Plan](#)

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

Background

In 1984, the Middle St. Croix Watershed Management Organization (MSCWMO) was formed to cooperatively manage water resources within the Middle St. Croix watershed. The MSCWMO covers approximately 19.8 square miles in east-central Washington County, in the Twin Cities Metropolitan Area. Included in the MSCWMO are the communities of Afton, Bayport, Baytown Township, Lakeland, Lakeland Shores, Lake St. Croix Beach, Oak Park Heights, St. Mary's Point, Stillwater, and West Lakeland Township. The MSCWMO 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 headwater and an outlet. Land use in the watershed is evenly distributed between agricultural uses, rural residential and high-density residential/commercial land uses.

Plan Process and Highlights

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 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.

Minnesota Board of Water and Soil Resources

520 Lafayette Road North
Saint Paul, Minnesota 55155

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.

**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 18th day of December 2025.

MINNESOTA BOARD OF WATER AND SOIL RESOURCES

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____



December 19, 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, or at the central office address for further assistance in this matter.

Sincerely,

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

MSCWMO WATERSHED MANAGEMENT PLAN

2025-2035



MIDDLE ST. CROIX
WATERSHED MANAGEMENT ORGANIZATION

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EXECUTIVE SUMMARY

The Middle St. Croix Watershed Management Organization (MSCWMO) is a Joint Powers Watershed Management Organization composed of ten St. Croix Valley communities that was established under State Statute 103B to cooperatively manage water resources within the watershed. The member municipalities and townships of the MSCWMO appoint members of the MSCWMO Board. The ten member communities of the MSCWMO are: Afton, Bayport, Baytown Township, Lakeland, Lakeland Shores, Lake St. Croix Beach, Oak Park Heights, St. Mary's Point, Stillwater, and West Lakeland Township (Figure 1.1).

The specific purposes of a watershed management organization according to the Minnesota Surface Water Management Act and Minnesota Statutes 103B.201 are to:

- Protect, preserve, and use natural surface water and groundwater storage and retention systems;
- Minimize public capital expenditures needed to correct flooding and water quality problems;
- Identify and plan for means to effectively protect and improve surface water and groundwater quality;
- Establish more uniform local policies and official controls for surface water and groundwater management;
- Prevent erosion of soil into surface water systems;
- Promote groundwater recharge;
- Protect and enhance fish and wildlife habitat and water recreational facilities; and
- Secure the other benefits associated with the proper management of surface water and groundwater.

The MSCWMO has developed the following additional purposes to help guide its 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.

The Middle St. Croix watershed encompasses approximately 19.8 square miles and is located in the east-central part of Washington County. The watershed is unique when compared to other watersheds in Washington County in that it lacks a major perennial stream channel and has a minimal number of surface water features: Lily Lake, McKusick Lake, Brick Pond, McKean's Pond, Perro Pond, and Perro Creek. Lake

St. Croix (the lower 25 miles of the St. Croix River) lies adjacent to the MSCWMO and receives drainage directly from many of the subwatersheds within the MSCWMO.

Water quality monitoring is performed by the MSCWMO in the major water bodies. A few of these water bodies have been or are considered “impaired” as they do not meet State water quality standards and are thus placed on the impaired waters list. Lily Lake, considered a deep lake, and McKusick Lake were added to the Impaired Waters List for excess nutrients in 2002 and 2006, respectively. Both lakes were subsequently removed in 2022 and 2012, respectively after improvements in the watersheds were installed and new monitoring data confirms the lake is now meeting water quality standards. Lily Lake was also treated with alum in 2022.

Brick Pond, a clear water, vegetation dominated wetland, is not considered impaired because its high phosphorus levels do not result in high amounts of algae. Perro Creek is on the State’s Impaired Waters List for high bacteria (*Escherichia coli*) levels. Perro Creek was added to the State’s Impaired Waters List in 2012 for high bacteria (*Escherichia coli*) levels.

Lake St. Croix, the lower 25 miles of the St. Croix River between Stillwater, MN and Prescott, WI, was designated as impaired in 2008 for excess phosphorus. The Lake St. Croix Nutrient TMDL was completed in 2012 by the MPCA and the Wisconsin Department of Natural Resources. The TMDL Implementation Plan was completed in February 2013 and continues today. In the past 10 years, the MSCWMO has implemented 72 practices within prioritized subcatchments with direct discharge to Lake St. Croix, resulting in an annual TP load reduction of approximately 249.85 lbs.

This Plan was developed with input from various stakeholder groups including the MSCWMO member communities, lake associations, citizens, technical agencies, and MSCWMO board members. A wide ranging list of issues for the management of the water and natural resources in the watershed was developed (Section 3.2). Major topic areas included administration, education and outreach, erosion and sediment control, best management practices (BMPs) and BMP maintenance, water quality and monitoring, groundwater, water quantity, development reviews, regulatory standards, environmental justice, climate resiliency, wetlands, and prioritization and tracking. Many of these issues are interconnected as they are impacted by development in the watershed. Section 3 provides specific issues statements and further discussion of the input process.

All existing local ordinances of the ten member communities, Washington County, and the rules of the adjoining watershed districts pertaining to stormwater management, erosion and/or sediment control, and wetlands were reviewed during the development of this plan. A summary of existing federal and state rules and authorities is located in Section 4 of this plan. There are varying degrees of local controls and ordinances among the member cities in the MSCWMO pertaining to stormwater management, erosion and/or sediment control, and wetlands. Member communities currently enforce State regulations in these areas while the MSCWMO reviews developments and projects for conformance with its watershed

management plan policies and performance standards. In order to address the issues identified by stakeholders, the following goals were developed (Section 5):

- Protect and improve groundwater and surface water quality in the Middle St. Croix watershed through the treatment and control of stormwater runoff, contributing at least 20 lbs. of load reduction to Lake St. Croix, and ensure priority waterbodies remain delisted and meeting state standards.
- Reduce existing and future potential damages to property, public safety, and water resources due to flood events through no net increase in 100-year flood rates and volume.
- Prevent erosion and subsequent sedimentation from surface runoff within the watershed on construction sites; agricultural lands; and along stream banks, lakeshores, and roadsides by ensuring 100% of permitted land disturbance projects meet erosion control standards, implementing at least two gully stabilization projects or annually conducting one bluffland landowner workshop.
- Collect monitoring data needed to understand the quality trends of all major water bodies, identify problems and determine appropriate practices and management practices, and ensure permit compliance.
- Manage the quantity, quality and biological diversity of wetlands, in conformance with the Minnesota Wetland Conservation Act (WCA) and Water Quality Standards Rules (Minnesota Rules 8420 and 7050).
- Collaborate to protect the quantity and quality of groundwater resources by annually selecting three actions from the 2025-2035 Washington County Groundwater Plan to prioritize.
- Increase native buffer acreage near lakeshores, streambanks and wetlands by 2.5 acres; enhance existing native buffers through implementation of 30 cost-share projects; and restore 20 acres of upland wildlife habitat by implementing protection or restoration measures that consider ecological functions as well as recreation, human health, safety, and welfare.
- Increase the knowledge and understanding of watershed residents, government officials and staff, consultants and developers to encourage actions which improve water quality, water quantity, wetlands and natural resource protection, through annually conducting at least 25 site visits, with at least 10 leading to project implementation, collaborating on three workshops for target audiences and meeting with each member community.
- MSCWMO is an efficient, well organized, and proactive organization that collaboratively prioritizes and manages water resources with member communities and other government jurisdictions as shown through on-time submittal of required reports, hosting annual meetings with member communities and reviewing processes biennially to identify areas for improvement.
- Preserve water quality with no long term increase in chlorides in MSCWMO waters.
- Facilitate increased resilience of MSCWMO resources and public infrastructure through development of information and strategies and implementation of accepted climate adaptation practices, including

partnering on one event or communication and five projects that incorporate resiliency, annually.

- To provide management of the natural resources in a manner that is sustainable, equitable, accessible, and inclusive of all populations.

A total of 83 strategies and 30 policies were developed to reach these goals. The strategies and policies are specific and measurable and include strategies the MSCWMO will take, along with policies that require actions by member communities (Section 5.0). These strategies were prioritized by the MSCWMO Board with the highest priority strategies being most aligned with the MSCWMO's goals. These high priority strategies include:

- Apply for grants to augment local funds to address the nutrient load reductions identified in the Lake St. Croix Total Maximum Daily Load (TMDL), and prioritized practices identified in the Lake St. Croix Direct Discharge, Perro Creek, Lake McKusick, Lily Lake and other prioritized subwatershed analyses (S1)
- Work with local governments and state agencies to implement Minimal Impact Design Standards (S5)
- Develop and adopt a simplified review process and guidance and application materials to meet performance standards for minor subdivisions (S6)
- Require that new development and redevelopment areas be limited to the predevelopment or existing rate of runoff or to a rate within the capacity of downstream conveyance systems (S12)
- Require that project applicants secure any flowage easements that would be required to accommodate the stormwater management facilities. These easements shall be granted up to the 100-yr flood level (S14)
- Require and inspect proper temporary and permanent erosion and sediment control throughout the watershed to prevent nuisance conditions, erosion in receiving channels or on down slope properties, and inundation of wetlands (S21)
- Require vegetated buffers for projects adjacent to water bodies (S22)
- Require buffers and prohibit construction on steep slopes and bluffs (S23)
- Require thorough consideration and documentation of alternatives presented to justify wetland impacts; all projects shall be designed with minimal wetland impact (S32)
- Require wetland buffers based on wetland categories in the MSCWMO Performance Standards (S37)
- Collaborate with member communities, Washington County and other agencies on the development and adoption of policies on the quantity of water used in areas where existing wells and/or groundwater dependent natural resources could be negatively impacted by overuse of groundwater (S43)
- Promote the protection and restoration of natural and native shoreland areas, including the preservation of lakeshore and stream bank vegetation, and the establishment and maintenance of buffers adjacent to priority water bodies (S49)

- Provide training and education to local land use councils and staff on how they can accommodate growth while protecting and improving local water resources (S55)
- Maintain efficient water management programs where existing local units of governments remain the primary regulators and refer projects to the MSCWMO for investigation, comments and recommendations based on the MSCWMO's performance standards of this Plan (S58)
- Biennially evaluate this Plan's implementation by the MSCWMO and member communities and present the implementation of strategies and policies in a report (S63)
- Keep member communities informed of water related contaminants (S72)
- Require use of up to date hydrologic data for meeting development and redevelopment standards (S75)
- Expand public participation by emphasizing community involvement, stakeholder communication and outreach, and community empowerment of diverse populations (S79)

The MSCWMO Implementation Program (Section 6.0) includes an information and education program, a data collection program for resource inventories and water quality, and a best management practices technical assistance and cost share program for encouraging water quality improvement and protection. Additionally, Section 6.0 provides information on MSCWMO and member community responsibilities, specifics of the MSCWMO review process, funding mechanisms (including grants), the process for amending this plan, if needed, and a description of this Plan's impact on member communities, and a list of past accomplishments.

The MSCWMO Performance Standards (outlined in Section 7.0) will apply to new and re development within the Middle St. Croix watershed and will focus on stormwater management, erosion and sediment control, and wetland protection. The standards will also apply whenever a variance, grading, or building permit is required. Each member community will be responsible for incorporating the performance standards of this plan into their existing processes, and will refer projects to the MSCWMO for full review when triggered by the activities listed below.

- Any project undertaking grading, filling, or other land alteration activities that involve movement of earth or removal of vegetation on greater than 10,000 square feet of land.
- Any project that creates or fully reconstructs 6,000 square feet or more of impervious surface.
- All major subdivisions. Major subdivisions are defined as subdivisions with four or more lots.
- Any project with wetland impacts and any project with grading within public waters, the wetland buffer as identified in the plan, or within 40-feet of the bluff line.
- Development projects that impact two or more of the member communities.
- New or redevelopment projects within the St. Croix Riverway that require a building permit that adds or reconstructs 500 square feet or more of additional impervious surface.

- Any project requiring a variance from the current local impervious surface zoning requirements for the property.

Table 6.4 Implementation Program

[illegible]

13	Maintain MSCWMO website for public access to documents and information (S64, S67, S74)	\$900	\$900	\$900	\$900	\$900	\$900	\$900	\$900	\$900	\$900	\$900	MSCWMO Member Dues
Administration													
14	Conduct annual financial audit (S60)	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500	\$5,500	MSCWMO Member Dues
15	Maintain MSCWMO operation (accounting, legal, insurance, clerical, supplies)	\$7,100	\$7,100	\$7,100	\$7,100	\$7,100	\$7,100	\$7,100	\$7,100	\$7,100	\$7,100	\$7,100	MSCWMO Member Dues
16	Perform general MSCWMO administration (Administrator) (S58 – S67, S73, S84)	\$33,000	\$33,000	\$33,000	\$33,000	\$33,000	\$33,000	\$33,000	\$33,000	\$33,000	\$33,000	\$33,000	MSCWMO Member Dues
17	Evaluate plan implementation (S64)	Included in general MSCWMO Administration											
18	Support the implementation of the Washington County Groundwater Plan (S38-S43)	Included in general MSCWMO Administration											
19	Collaborate to prevent spread of aquatic invasive species (S47)	Included in general MSCWMO Administration											
20	Water Monitoring Equipment Savings	\$750	\$750	\$750	\$750	\$750	\$750	\$750	\$750	\$750	\$750	\$750	MSCWMO Member Dues
21	Water Mgmt. Plan (develop and set aside for future plan)	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	MSCWMO Member Dues
Total MSCWMO Budget		\$148,250	\$148,250	\$148,250	\$155,663	\$155,663	\$155,663	\$155,663	\$160,332	\$160,332	\$160,332	\$160,332	
Total Grants Targets		\$30,748	\$0	\$43,447	\$10,000	\$45,979	\$0	\$100,000	\$0	\$45,000	\$175,000	\$147,000	
Total Potential Budget (in 2025 dollars)		\$178,998	\$148,250	\$191,697	\$165,663	\$201,642	\$155,663	\$255,663	\$160,332	\$205,332	\$335,332	\$307,332	

*Grant + local match dollars are provided through multiple sources including, but not limited to; the MSCWMO technical and financial assistance funds, member communities, private landowners, WBIF, and Washington County.

Table 6.5 Implementation Program Narrative

Project Review			
1	Conduct project reviews and inspections to ensure implementation of MSCWMO performance standards (S3, S4-S6, S11 – S19, S20 – S24, S45)	The MSCWMO provides technical reviews of projects that meet or exceed the triggers identified in Sections 6.1.4 and 7.1.1. All applicable Performance Standards apply to all projects that trigger the MSCWMO review process. Each community adopts the MSCWMO review comments into the community comments for each project.	Member Dues and Project Review Fees
2	Review projects to protect groundwater quality/quantity (S42, S45, S75-S76)		Member Dues
3	Promote habitat preservation when reviewing projects (S46)		Member Dues
4	Review WCA applications and projects for MSCWMO wetland requirements (S29 – S37, S68-S69)		Member Dues
Technical and Financial Assistance			
5	Provide technical assistance to member communities and landowners (S7 - S10, S46, S77-S78, S83)	The MSCWMO provides technical assistance member communities to achieve water quality goals such as assisting with construction inspections and providing technical recommendations and resources; to prioritize and target conservation practices, pursue grant application opportunities to install prioritized and targeted best management practices (BMPs); to promote voluntary water quality best management practices by providing on-site consultation, design assistance, and cost share; to support communities to implement MS4 requirements and track, inspect and maintain water quality improvement practices so they provide their designed benefits; promote habitat preservation and restoration within the watershed when reviewing projects or completing MSCWMO projects.	MSCWMO Member Dues
6	Identify, evaluate, prioritize, and seek funding stabilize gullies. (S1, S25)	From 2034-2035 the MSCWMO will coordinate partners and funding to design and install high priority gully stabilization projects to reduce sediment and phosphorous discharges to water resources (e.g. Greeley Gully Enhancement, Bungalow Gully Stabilization, and Quant Gully Stabilization).	Grants + Local Match*
7	Promote voluntary BMPs through cost share assistance (S8-S9, S17, S25, S44, S46, S49-S52)	Section 6.3 outlines the MSCWMO cost-share grants within the MSCWMO. The cost share program incentivizes the reduction in stormwater pollutants, restoration of native habitat and provides and education and outreach opportunity to demonstrate conservation practices on private lands.	MSCWMO Member Dues
8	Prioritize, target and install projects in Lily, McKusick and Perro Creek subwatersheds (S1)	In 2010, the MSCMWO completed the Lily Lake Subwatershed Assessment and the Lake McKusick Subwatershed Assessment. In 2013 the MSCWMO completed the Perro Creek Stormwater Retrofit Analysis. All three subwatersheds, included in Appendix C of this plan, ultimately discharge to Lake St. Croix. All three analyses mapped drainage area and modeled, prioritized and ranked potential best management practices. Several factors drive the temporal implementation of the subwatershed analyses. Partnerships, willing landowners, new/better data, external funding availability, priorities, and climatic events are some examples of the variables that influence implementation priorities. Section 2.2 describes the water quality, quantity and impaired waters in the MSCWMO. One of the priorities of the MSCWMO is to continue to implement practices to keep Lily Lake and McKusick Lake off the impaired water lists after being delisted. Additionally, designing and installing low cost/ high benefit practices reducing stormwater pollutants discharging to Perro Pond, Perro Creek and Lake McKusick address the goal of improving the quality of those water resources while reducing phosphorous discharges to Lake St. Croix. Table 6.4 and Table 6.6 identify the estimated implementation schedule.	MSCWMO Member Dues
			Grants + Local Match*
9	Inventory and evaluate outlets directly discharging to Lake St. Croix (S2)	In 2018 the Lake St. Croix Direct South Discharge Subwatershed Analysis occurred. The MSCWMO conducted a subwatershed analysis of Lake St. Croix encompassing a total of 885 acres of directly discharging urban land use in the southern half of the Middle St. Croix watershed (from southern Bayport through Lakeland, Lake St Croix Beach and St Mary’s Point). Through this process, the drainage areas directly discharging to Lake St. Croix were analyzed and modeled to determine pollutant loads (Table 6.3). Evaluating the outfalls to the St. Croix river with this new data will provide more precise information for high priority areas for meeting the Lake St. Croix TMDL.	MSCWMO Member Dues
			Grants + Local Match*
Water Monitoring			

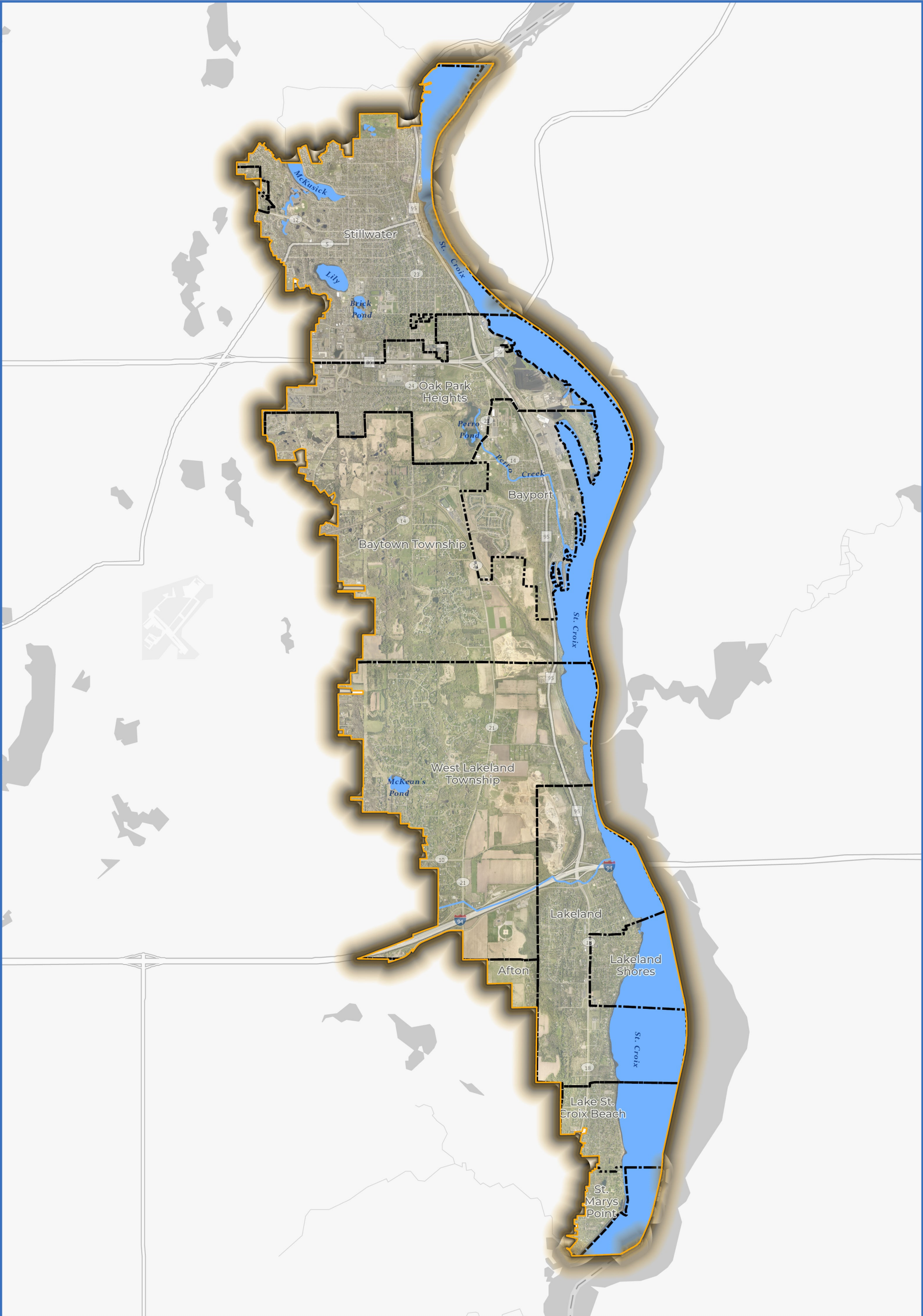
10	Monitor water quality and quantity in lakes and streams (S26, S27, S28, S72)	The MSCWMO conducts water quality monitoring in cooperation with municipalities, Washington County, and state agencies as appropriate to establish water quality goals, target the implementation of best management practices and improvement projects, and evaluate progress toward water quality goals. These monitoring efforts include working with the lake and stream volunteer monitoring program. Section 6.2 outlines the 10-year monitoring strategy and table 6.1 identifies the anticipated monitoring plan. The MSCWMO will continue annual condition monitoring of Lily Lake, Lake McKusick, and Perro Creek. Additionally, the MSCWMO will implement problem investigation monitoring to more effectively target and size best management practices. Problem investigation monitoring will be conducted on the following areas as funding is available: 1. Mulberry Ravine, 2. Stillwater Country Club Basin, 3. Lily Lake Basin, 4. McKusick Pond N Pond and Stillwater Junior High Pond, 5. Lake St. Croix Outfalls.	Member Dues
Education and Outreach			
11	Educate all sectors, provide training/ workshops, publish messages and articles through support of EMWREP (S44, S51 –S57, S79-S82)	The MSCWMO participates in the shared East Metro Water Resource Educator Program (EMWREP) to increase the knowledge and understanding of watershed residents, government officials and staff, consultants and developers to encourage actions that improve water quality, water quantity, wetlands and natural resource protection. (Section 5.8). Education efforts include groundwater quality and quantity, the use of native plants, raingardens and shoreline plantings to reduce runoff pollution and conserve groundwater resources; tailored outreach to commercial, residential, and rural landowners to facilitate project implementation in priority areas; technical workshops for staff from local units of government; training and education to local land use councils and staff; published water education related blogs, social media and newspaper articles; and educational messaging for public projects in public spaces.	Member Dues
12	Chloride reduction through smart salting (S70-S71)	Have community staff/contractors who snowplow and/or are in charge of winter maintenance (e.g. maintain walkways and/or parking lots) obtain the MPCA's Smart Salting certification. This training provides winter maintenance professionals the opportunity to learn best practices to reduce their salt use while maintaining safety and minimizing impacts on the environment and infrastructure.	Grants + Local Match*
13	Maintain MSCWMO website for public access to documents and information (S64, S67, S74)	The MSCWMO will continue to maintain a website that contains meeting agendas, minutes, the watershed management plan, annual reports, annual water quality monitoring reports, contact information of WMO staff, a list of the managers, cost share program information, notifications, plan amendments and time and location of MSCWMO public meetings.	Member Dues
Administration			
14	Conduct annual financial audit (S60)	The MSCWMO will continue to conduct and submit an audit report for the previous fiscal year within 180 days of the end of the MSCWMO fiscal year.	Member Dues
15	Maintain MSCWMO operation (accounting, legal, insurance, clerical, supplies)	Maintain MSCWMO base operational functions.	Member Dues
16	Perform general MSCWMO administration (Administrator) (S58 – S67, S73, S84)	The MSCWMO maintains efficient water management programs where existing local units of governments remain the primary regulators and refer projects to the MSCWMO for investigation, comments and recommendations based on the MSCWMO's performance standards of this Plan. Administration of the MSCWMO requires the following actions: regularly review and revise project review fees, application materials and guidance, meet or exceed the requirements of BSWR and the Metropolitan Surface Water Management Act regarding the management of a watershed management organizations. The MSCWMO also meets or exceeds the criteria of the Washington County Governance Study; biennially evaluate this Plan's implementation by the MSCWMO and member communities and present the implementation of strategies and policies in a report; maintain a website with MSCWMO meeting agendas, minutes, Watershed Management Plan, and focused articles on MSCWMO activities; represent the MSCWMO at state, county and city meetings, as requested, to maintain collaborative and efficient governance; and keep member communities informed of water related issues and programs.	Member Dues

17	Evaluate plan implementation (S64)	This plan includes high-level goals that address thirteen areas of water resource management. As stated at the beginning of Section 5.0, “goals” are desired outcomes to help realize the vision of the MSCWMO and the purpose of the Plan. Each goal has multiple measurable strategies and policies that will be implemented to help meet the stated goal. Evaluating the implementation of strategies and goals will be the measurement of progress toward meeting goals. On a biennial basis the MSCWMO will evaluate progress of meeting each of the strategies and policies listed for each goal. In addition to the reporting activities described above, the MSCWMO will biennially review member city compliance with the goals, policies and requirements established in the MSCWMO Plan.	Member Dues
18	Support the implementation of the Washington County Groundwater Plan (S38-S43)	The MSCWMO will continue to collaborate with Washington County to implement the actions of the 2025-2035 Groundwater Plan including considering well head protection areas and separation of infiltration areas during project reviews and enforcing State required setbacks; identifying, prioritizing and addressing failing septic systems; encouraging member communities to adopt well head protection programs; identifying and sealing abandoned wells; identifying and prohibiting activities during the review process that may negatively impact groundwater; developing and adopting policies on the quantity of water used in areas where existing wells and/or groundwater dependent natural resources could be negatively impacted by overuse of groundwater; educating citizens and public officials on the inter-relation of surface and groundwater quality and quantity, the value of and need to protect groundwater recharge areas and wetlands, and implementation of best management practices and low-impact development and redevelopment strategies to protect groundwater resources. In addition, the MSCWMO will require infiltration of stormwater per MSCWMO performance standards to promote low impact development that mimics natural hydrology and recharges groundwater.	Member Dues
19	Collaborate to prevent spread of aquatic invasive species (S47)	Collaborate with other entities (e.g., agencies, lake associations, cities, Washington County) to manage and prevent the spread of aquatic invasive species. MSCWMO services may include point-intercept surveys of aquatic vegetation, feasibility studies, technical analysis, and education, exploring funding options, and applying for grants. The MSCWMO will not manage increased growths of native aquatic vegetation resulting from improved water quality.	Member Dues
20	Water Monitoring Equipment Savings	Set aside funding to maintain or purchase water quality monitoring equipment when necessary.	Member Dues
21	Water Mgmt. Plan (set aside for future plan)	The MSCWMO will begin saving for the 2035 Watershed Management Plan update.	Member Dues

*Grant + local match dollars are provided through multiple sources including, but not limited to; the MSCWMO technical and financial assistance funds, member communities, private landowners, WBIF, and Washington County.

Table 6.6 Targeted Implementation Plan

Project/Activity/Task	Priority	Funding Source	Potential Partners	Estimated Capital Cost	Estimated Annual O&M Cost	Target Implementation Year	Measurable Outcomes	Notes
Project Feasibility and Engineering	NA	NA	WCD	NA	NA	NA	Capital projects are designed and constructed in compliance with the law by qualified professionals	Included in technical assistance to member communities and landowners
Amundson Drive SW Retrofits	1	75% Grant + 25% Local	City of Stillwater	\$ 30,748.00	\$ 360.00	2026	Volume retention, TSS and TP Load Removal	Retrofitting five raingardens along Amundson Drive (including sediment excavation, media replacement, and pretreatment structure replacement)
Lily Lake SW Retrofits	1	75% Grant + 25% Local	City of Stillwater	\$ 18,250.00	\$ 360.00	2028	Volume retention, TSS and TP Load Removal	Partial rehabilitation and addition of structural inlet pre-treatment for five raingardens
Eagle Ridge Drive SW Retrofits	1	75% Grant + 25% Local	City of Stillwater	\$ 24,947.00	\$ 360.00	2028	Volume retention, TSS and TP Load Removal	Addition of structural inlet pre-treatment for seven raingardens
Oak Park Heights SW Retrofits	1	75% Grant + 25% Local	City of Oak Park Heights	\$ 45,979.00	\$ 360.00	2030	Volume retention, TSS and TP Load Removal	Retrofitting eight raingardens in Oak Park Heights (including sediment excavation, replanting, and pretreatment structure replacement)
McKusick Road N Pond Dredging	2	75% Grant + 25% Local	City of Stillwater	\$ 50,000.00	NA	2032	TSS and TP Load Removal	Excavation of legacy sediment high in phosphorus content to restore nutrient retention capacity. Estimated excavation volume is approximately 555 cubic yards.
Stillwater Junior High Pond Dredging	2	50% Grant + 50% Local	Stillwater School District	\$ 50,000.00	NA	2032	TSS and TP Load Removal	Excavation of legacy sediment high in phosphorus content to restore nutrient retention capacity. Estimated excavation volume is approximately 700 cubic yards.
Greeley Gully Enhancement	2	75% Grant + 25% Local	Stillwater School District	\$ 30,000.00	\$ 750.00	2034	TSS and TP Load Removal, Acres of habitat enhancement	Restoration of upland forest and invasive species removal to prevent soil loss and facilitate maintenance. Assumed 2.5 acres woodland restoration.
Bungalow Gully Stabilization	3	75% Grant + 25% Local	Landowner	\$ 160,000.00	1500	2035	TSS and TP Load Removal	Stabilization of an eroding gully with direct discharge to the St. Croix to reduce sediment and nutrient loads and upland treatment.
Quant Gully Stabilization	3	75% Grant + 25% Local	Landowner	\$ 132,000.00	\$ 1,500.00	2035	TSS and TP Load Removal	Stabilization of an eroding gully with direct discharge to the St. Croix to reduce sediment and nutrient loads. Assumed 200 LF and 0.5 acres.



COMMITTEE RECOMMENDATIONS

RIM Reserve Committee

1. RIM Easement Alteration Request – 87-02-10-07 Yellow Medicine County – Almich – Karli Swenson – ***DECISION ITEM***
2. Easement Alteration Request – RIM Easement #85-14-06-01 – Kroening – Karli Swenson – ***DECISION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	RIM Easement Alteration Request – 87-02-10-07 Yellow Medicine County - Almich		
Meeting Date:	<u>December 18, 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, Section Mgr.</u>		
Prepared by:	<u>Karli Swenson, Easement Specialist</u>		
Reviewed by:	<u>RIM Reserve</u>	Committee(s)	
Presented by:	<u>Karli Swenson</u>		
Time requested:	<u>15 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 decision on the easement alteration request on RIM easement #87-02-10-07 in Yellow Medicine County to resolve an easement violation.

LINKS TO ADDITIONAL INFORMATION

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

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

The Board of Water and Soil Resources (BWSR) acquired a 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. The original grantor of the easement, Mr. Almich, still owns and resides on the property today.

A routine site inspection in 2025 informed BWSR that a shed and volleyball court had been built within the easement area near the landowner's residence. A review of aerial photography determined the easement impacts occurred over 10 years ago, but BWSR was without knowledge of the violation until the 2025 inspection. According to the SWCD, the landowner did not think the area was part of the easement, and the easement boundary had never been posted to indicate its true location. The area of the violation is a small, irregularly shaped piece of land near the road and is not adjacent to the majority of the easement area.

The landowner, Mr. Almich, is proposing 2:1 land replacement to resolve the violation, to release 2.4 acres and replace with 4.8 acres, as shown on the attached map. The replacement acres lie between the current easement and an existing DNR Prairie Bank easement. This would create a more contiguous area of land protection, by expanding and connecting the current easement complex. The replacement acres are non-cropland, and the area proposed for release was also non-cropland when it went into the easement. This fulfills the required replacement ratios of BWSR's Easement Alteration Policy. The replacement acres have the same soil type as the area proposed for release and support the same vegetation. The net gain of 2.4 acres being added to the easement provides adequate compensation for the area lost due to the violation and is of benefit to the state from a natural resource perspective, as it will protect the rock outcrop habitat and prevent future disturbance.

The Yellow Medicine SWCD Board voted and submitted a letter in favor of the alteration to resolve the easement violation, and the landowner has submitted the \$500 application fee for the board to consider the request.

Recommendation

The RIM Reserve Committee recommends approval of this easement alteration request to resolve the easement violation on easement #87-02-10-07.

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

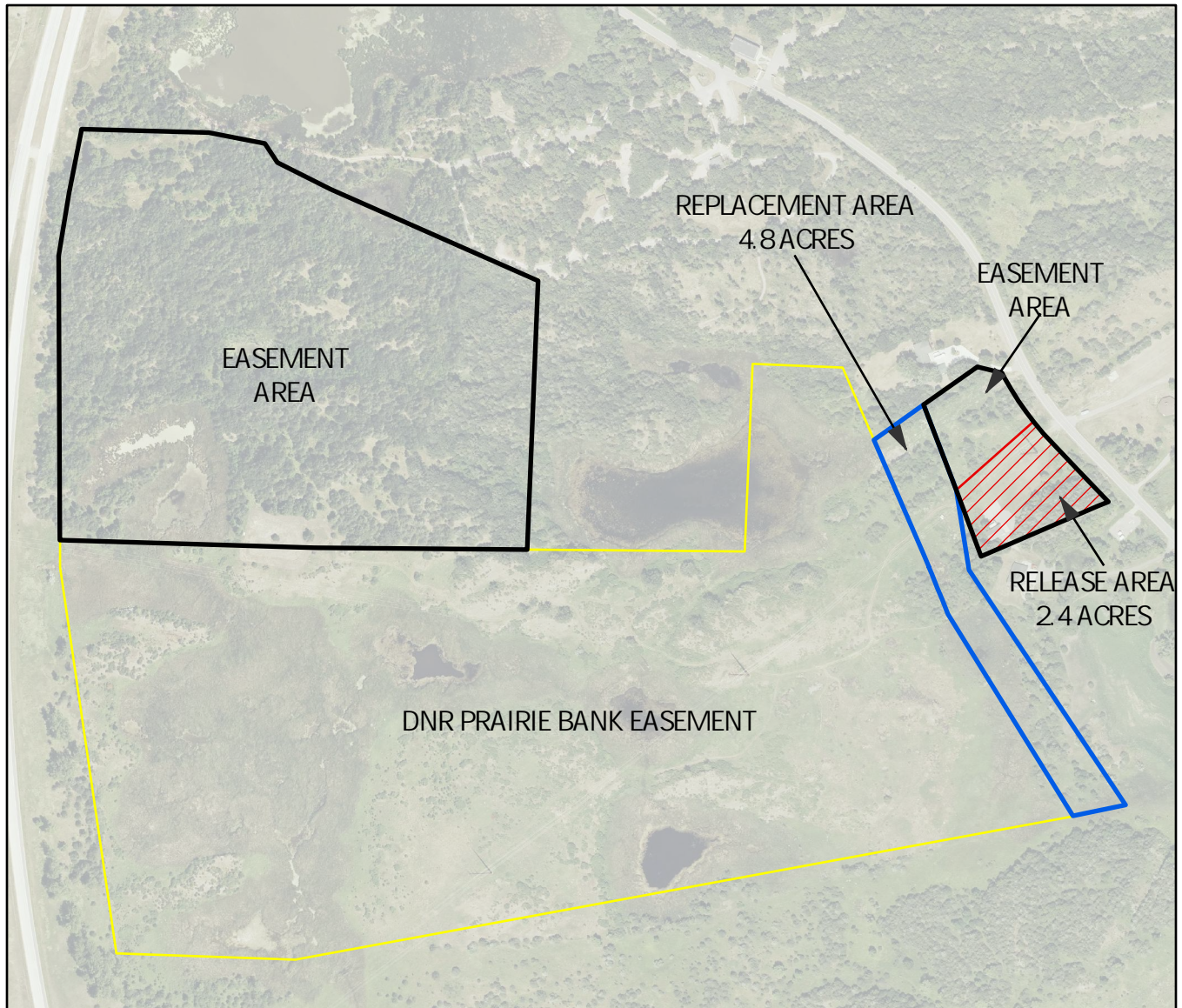
Todd Holman, Chair
Board of Water and Soil Resources





Date: _____

RIM Easement Alterat on Request

Easement #87-02-10-07

Section: 3, T. 115 N., R. 39 W., Yellow Medicine County



-  Existing Easement Boundary
-  Replacement Area (4.8 Acres)
-  Release Area (2.4 acres)
-  DNR Prairie Bank



Dated: 9/25/2025

Prepared by:
Board of Water and Soil Resources

To Whom it may concern,

I would like to alter my easement boundary by using the 2:1 ratio in a swap of land. Honestly over the years I completely forgot I also signed the river rock out crop easement up by the house. I thought I kept everything out in the main property. As it turns I did not do that, I would ask to pay the fee to have this altered to the map that Brayden has put together in previous email. I appreciate your willingness to do this under the circumstances.

Thanks, Brett Almich



YELLOW MEDICINE SOIL & WATER CONSERVATION DISTRICT

- Established 1950 -

(320) 669-4442 Ext.

YellowMedicineSWCD.org

PO Box 545
1000 10th AVE, STE 3
Clarkfield MN 56223

BWSR RIM Committee,

The Yellow Medicine SWCD board met on August 28th, 2025, to discuss the alteration request from Brett Almich. The board made a motion to approve the landowner's request to alter the easement and submit it to BWSR for their review.

- The reasonings behind the board's decision was that the soil type was the same 923D from the original easement and the altered area. It was immediately adjacent and had similar landscape and habitat.
- The easement has been inspected 3 times over the last 10 years since the original violation and has not been noted anywhere on record.
- It is up to the landowner to know the boundary of their easement they enrolled but it did not seem that the easement was properly staked so they understood how there could be some confusion.
- The new boundary connects the easement to an existing prairie bank easement and should make for a more simplified boundary in the future.

Thanks,

Brayden Anderson | Director

Yellow Medicine Soil and Water Conservation District (SWCD)

1000 10th Ave Suite 3; PO Box 545

Clarkfield, MN 56223

Office: (320) 669-4442 x3

Cell: (320) 979-0363

Email: brayden.anderson@co.ym.mn.gov

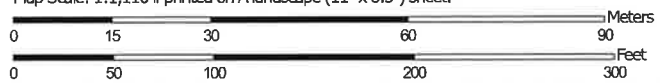
An Equal Opportunity Employer

Soil Map—Yellow Medicine County, Minnesota
(Brett Almich Removal from Easement)



Soil Map may not be valid at this scale.

Map Scale: 1:1,110 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

8/26/2025
Page 1 of 3








Soil Map—Yellow Medicine County, Minnesota
(Brett Almich updated easement boundary)



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
923D	Copaston-Rock outcrop complex, 2 to 25 percent slopes	2.4	100.0%
Totals for Area of Interest		2.4	100.0%

MAP LEGEND

	Area of Interest (AOI)		Spoil Area
	Area of Interest (AOI)		Stony Spot
	Soils		Very Stony Spot
	Soil Map Unit Polygons		Wet Spot
	Soil Map Unit Lines		Other
	Soil Map Unit Points		Special Line Features
	Special Point Features		Water Features
	Blowout		Streams and Canals
	Borrow Pit		Transportation
	Clay Spot		Rails
	Closed Depression		Interstate Highways
	Gravel Pit		US Routes
	Gravelly Spot		Major Roads
	Landfill		Local Roads
	Lava Flow		Background
	Marsh or swamp		Aerial Photography
	Mine or Quarry		
	Miscellaneous Water		
	Perennial Water		
	Rock Outcrop		
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Yellow Medicine County, Minnesota
Survey Area Data: Version 19, Sep 7, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 9, 2021—Sep 15, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
923D	Copaston-Rock outcrop complex, 2 to 25 percent slopes	6.5	100.0%
Totals for Area of Interest		6.5	100.0%

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	<u>Easement Alteration Request – RIM Easement #85-14-06-01 - Kroening</u>		
Meeting Date:	<u>December 18, 2022</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, Section Mgr.</u>		
Prepared by:	<u>Karli Swenson, Easement Specialist</u>		
Reviewed by:	<u>RIM Reserve</u>	Committee(s)	
Presented by:	<u>Karli Swenson</u>		
Time requested:	<u>15 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 decision on the easement alteration request on RIM easement #85-14-06-01 to resolve an easement violation.

LINKS TO ADDITIONAL INFORMATION

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

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

BWSR acquired this 14.1-acre RIM easement in Winona County on July 11, 2007 under the CREP II program. One of the original landowners who granted the easement, Keith Kroening, still owns the land and resides on the property today. The RIM easement boundary reflects what was enrolled in CRP at the time the easement was acquired, and contains two small, irregularly shaped pieces of land that are separate from the main easement area and also excluded an area for a future driveway.

Sometime around 2013, the landowner constructed a driveway and garage that encroached on the easement area. A basketball court was also constructed on one of the small irregular parcels. Due to the nature of this

irregularly shaped easement boundary and the fact that the boundary location was never posted on the ground, it seems there was a misunderstanding as to the exact location when the structures were built. The landowner has stated that they believed the easement area was only to the west and south of the driveway.

Winona SWCD informed BWSR of the potential easement violation after a routine site inspection in 2024. Easement staff worked with the SWCD and landowner to come up with a replacement plan.

The landowner is proposing to release 1 acre from the easement, which includes the areas of encroachment and the other small irregularly shaped parcel east of the driveway, to create a more manageable easement boundary. The landowner is proposing to add 4 acres of forestland to the easement in exchange, which is compliant with the required replacement ratios in our easement alteration policy. The landowner has stated they do not have any cropland to offer as replacement that is not under contract, so non-cropland is their only option. However, protecting the 4 acres of forestland adjacent to the easement will provide added value and protect the habitat for the duration of the easement.

The Winona SWCD board submitted a letter in support of the easement alteration request, and the landowner has submitted the \$500 administrative fee for the board to consider the request. The request meets all conditions of the easement alteration policy.

Recommendation

The RIM Reserve Committee recommends approval of this easement alteration request to resolve the violation on Easement #86-14-06-01.

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

Todd Holman, Chair
Board of Water and Soil Resources

Date: _____

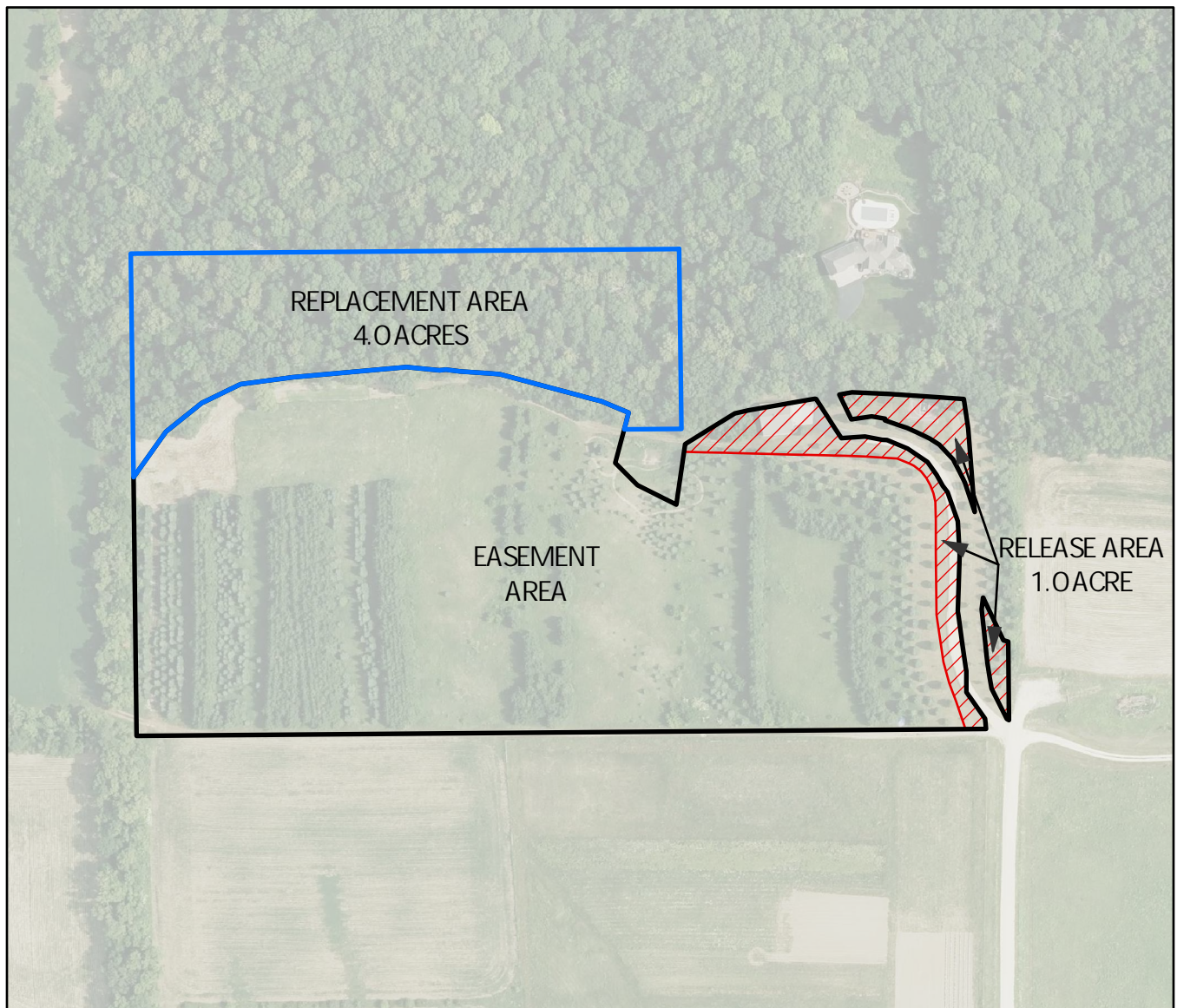





BWSR

RIM Easement Alteration Request

Easement #85-14-06-01

Section: 7, T.107N., R.10W., Winona County



-  Existing Easement Boundary
-  Release Area (1.0 Acre)
-  Replacement Area (4.0 Acres)



Dated: 11/20/2025

Prepared by:
Board of Water and Soil Resources

Winona County SWCD

Providing conservation assistance in Winona County since 1938.



Mission

Promote soil and water conservation through technical, educational and financial assistance.

Vision

Comprehensive use of our natural resources for all generations.

400 N Wilson St
Lewiston MN 55952
507-523-2171 - Ext 3
Monday-Friday 8:00-4:30
winonaswcd.org

11/5/2025

Dear BWSR Easement Board:

The Winona County Soil and Water Conservation District is writing in support of a proposed amendment to the CREP II easement held by Keith Kroening (85-14-06-01). After a site inspection was conducted in 2024, it was found that 1 acre of the total 14.1 acres under easement is not being maintained in accordance with easement requirements. Abbi Hoffman (Conservation Technician with the Winona County SWCD) has discussed this issue with Keith Kroening (landowner), Karli Swenson (BWSR) and Peter Jordet (BWSR). As a result, we are requesting the removal of approximately one (1) acre from the existing easement area and the addition of four (4) acres of new land to the easement as replacement.

This request arises due to the construction of a basketball court and a shed within the current easement boundaries, as well as an area along the driveway that has not been maintained in accordance with easement requirements. After reviewing the situation, the SWCD believes that modifying the easement boundaries is in the best interest of our shared natural resource conservation goals.

The landowner has been cooperative and proactive in working with us to address these issues and ensure that the integrity of the easement is maintained and improved. The proposed four (4) acres to be added are located within a forested area that provides substantially higher ecological value than the one (1) acre proposed for removal. The new acreage will enhance wildlife habitat, improve water quality benefits, improve soil health, and support long-term conservation objectives.

Given that the existing structures within the easement are permanent and cannot feasibly be removed, this boundary adjustment will ensure that the easement continues to meet its intended purpose while reflecting the realities on the ground. The SWCD supports this amendment as it will result in a net increase of protected acreage and will provide greater natural resource benefits for the State of Minnesota.

We appreciate the landowner's cooperation and commitment to conservation and recommend approval of this easement modification.

Sincerely,

Abbi Hoffman
Conservation Technician
Winona County Soil and Water Conservation District
400 N Wilson St, Lewiston, MN 55952
507-523-2171 x2040
abbi.hoffman@winonaswcd.com

Easement 85-14-06-01

Date: November 12, 2025

Recipient: SWCD Land Management Review Board

Sender: Keith & Brandee Kroening

17305 Calico Hill RD

Altura, MN 55910

507-261-9381

kkroeni@gmail.com

Subject: Easement 85-14-06-01 Land Alteration

Dear SWCD Members of the Land Management Review Board,

This letter serves as a formal proposal to initiate a land alteration, release, and exchange of specific parcels. We believe this action is vital for optimizing land use, improving resource management, and achieving a more coherent property boundary structure.

The Proposed Action and Justification

We are proposing this strategic land alteration primarily for two key reasons: environmental stewardship and operational efficiency.

1. **Operational Efficiency and Consolidation:** The current boundary configuration of our holdings in this area is fragmented, leading to significant logistical challenges in effective resource management, including timber harvesting/sustainable farming and maintenance of critical access roads. By consolidating our holdings through this exchange, we can establish contiguous boundaries that allow for more efficient, sustainable, and responsible long-term land management practices.
2. **Environmental Stewardship:** The acreage proposed for release is adjacent to a designated building site and roadway buffer. Releasing this land will allow the Board to integrate it more fully into existing public conservation efforts, ensuring its long-term protection under appropriate governance. The land we propose to acquire in exchange offers better utility for our operational goals without impacting sensitive ecological areas.
3. **Easement Violation:**

We are not sure what has changed because the permanent structure and basketball court has been in place since before 2013. Our understanding of the easement was

the land south of the driveway and the land north of the driveway was not in the easement. I can only assume the survey crews from last year drew new lines or this was just a miscommunication in the easement details.

Specific Acreage Details

To implement this proposal, we request the following specific land transactions:

Transaction Type	Description: Easement 85-14-06-01	Acreage
Land to be Released	Easement 85-14-06-01 Developed	1 Acres
Land to be Acquired (The "Exchange")	Easement 85-14-06-01 Forestry Currently	4 Acres

We are proposing to release 1 acre in the Easement 85-14-06-01 parcel. In exchange for this 4 acres from SECT-07 TWP-107 RANGE -010 30 acres tract. The greater acreage requested in the exchange is intended to compensate for the higher infrastructure and fair and equitable exchange for both parties.

Next Steps

We are prepared to submit the non-refundable application paperwork. We welcome the opportunity to meet with your staff or the Board at your earliest convenience to discuss the details of this exchange. I have also attached a map showing the proposed alteration of the easement.

Thank you for your time and consideration of this proposal, which we believe serves the best interests of both operational management and environmental conservation goals.

Sincerely,

Keith & Brandee Kroening

COMMITTEE RECOMMENDATIONS

NEW BUSINESS

1. Impaired Waters for Practitioners—Leya Charles, MPCA – ***INFORMATION ITEM***

BOARD MEETING AGENDA ITEM

AGENDA ITEM TITLE:	<u>Impaired Waters for Practitioners</u>		
Meeting Date:	<u>December 18, 2025</u>		
Agenda Category:	<input type="checkbox"/> Committee Recommendation	<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Old Business
Item Type:	<input type="checkbox"/> Decision	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Keywords for Electronic Searchability:	<u>Impaired Waters for Practitioners</u>		
Section/Region:	<u></u>		
Contact:	<u>Leya Charles</u>		
Prepared by:	<u>Leya Charles</u>		
Reviewed by:	<u>John Jaschke</u>	Committee(s)	
Presented by:	<u>Leya Charles</u>		
Time requested:	<u>40 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

LINKS TO ADDITIONAL INFORMATION

[Minnesota's 2024 Impaired Waters List](#)

[2024 guidance manual for assessing the quality of Minnesota surface waters](#)

[Impaired waters viewer \(IWAV\)](#)

[Responses to comments on the draft 2024 Impaired Waters List](#)

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

A body of water is considered “impaired” if it fails to meet one or more water quality standards. Minnesota water quality standards protect lakes, rivers, streams, and wetlands by defining how much of a pollutant can be in the water before it is no longer drinkable, swimmable, fishable, or useable in other, designated ways (called “beneficial uses”). It is important to note that a water impaired for one designated use does not mean it cannot be used for other designated uses.

Impairments include:

- Mercury levels that lead to limits on fish consumption
- Nutrients that grow algae
- Sediment that clouds water
- Bacteria that can make water unsafe for swimming
- Unhealthy conditions for fish and bugs
- PFOS found in fish tissue
- Sulfate impairments that may hinder the [biological production of wild rice](#)

The MPCA works with many partners to identify the sources of pollutants and stressors to aquatic life, and determine reductions in pollutants and other changes needed to restore waters to meet water quality standards.

As required by the federal Clean Water Act, the MPCA assesses all waters of the state and creates a list of impaired waters every two years. This list includes waters that fail to meet water quality standards and uphold that water body's designated use.

The listings are based on intensive water quality monitoring of major lakes and streams in Minnesota's 80 watersheds, along with data from partners. This list is used to set pollutant-reduction goals needed to restore impaired waters, called the [total maximum daily load \(TMDL\)](#).

Approved by U.S. EPA in April 2024, Minnesota's list includes the TMDL list (303(d) list); 2024 Inventory of all impaired waters; delisted waters; changes and corrections from the 2022 list; Appendix A of the [Statewide mercury TMDL](#).

The guidance manual describes Minnesota's monitoring and assessment strategy, assessment tools, and the assessment process. This guidance defines the required data and information and lays out the criteria by which waterbodies are assessed to determine if beneficial uses are supported or impaired.