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December 16, 2025

Board of Managers  
Buffalo Creek Watershed District  
PO Box 55  
Glencoe, MN 55336

Re: Response to DNR Final Advisory Report  
Judicial Ditch No. 15, Branch M37 Improvement  
Buffalo Creek Watershed District  
Renville County, Minnesota  
BMI Project No.: 24X.136906.000

Dear Board of Managers:

The Department of Natural Resources (DNR) has submitted their Final Advisory Report for the Improvement of Judicial Ditch No. 15 Branch M37. In the Advisory Report, the DNR stated the following:

- The detailed survey report (FER) is complete, and the plan appears to conform to the general requirements of MN Statutes 103E.
- The detailed survey report is an acceptable plan to drain the property affected.
- The Commissioner does not approve or disapprove the plan. We do recommend that the Drainage Authority ensures the project is consistent with the South Fork Crow River Comprehensive Watershed Management Plan.
- The proposed drainage appears to be of public benefit or utility under the environmental, land use, and multipurpose water management criteria in section 103E.015, Subd. 1.
- The commissioner determines that a soil survey is not required for this project.

The DNR Advisory Report includes a couple of questions and requested clarification:

1. The Advisory Report stated that “no information was provided detailing what is to be done with the existing infrastructure”.
  - a. The decommissioning plan for the existing infrastructure is detailed in Exhibit 8 (Technical Specifications) of the Final Engineer’s Report. In the Agricultural Drain Tile section of the specifications on page 33 41 16.11-4, paragraph G specifies the decommissioning of the existing tile. Paragraph G states:  
  
“All existing laterals and private tile that are connected to the existing tile shall be reconnected to the new tile. Where the new tile alignment is substantially in the same location as the existing tile, the existing tile shall be removed from service by breaking the pipe at a minimum of 200-foot intervals. Where the new tile alignment deviates from the exiting tile, the existing tile shall be connected to the new tile on the

downstream end and plugged at the upstream end when the new alignment and existing alignment once again converge.

2. The Advisory Report discusses the alternative solution of wetland restoration. The DNR suggests that for future projects, consideration be given to wetland design elements that extend beyond 1 foot in depth and goes on to discuss the potential benefits. As noted in the report, wetland restoration is always considered when reviewing a watershed to provide some improvement in the functioning of the drainage system. Finding willing landowners to participate in the wetland restoration is critical when considering this option to be viable. The alternative measures were discussed with the landowners in this watershed and the alternative of wetland restoration was dismissed due to the lack of interest from the landowners.

Please review the information above and within the DNR Final Advisory Report and let us know if you have any questions.

Sincerely,  
**Bolton & Menk, Inc.**



**Bill L. Helget, P.E.**

cc: DNR Director, MN DNR (Digital copy)  
John Kolb, Rinke-Noonan (Digital copy)  
Seth Sparks, Renville County (Digital copy)  
Dean M. Zimmerli, Gislason & Hunter LLP, Petitioners Attorney (Digital copy)  
Petitioners: Melberg, Melberg, Novotny, Schmalz